

regard, draws attention to the need to include in the consultation staff and union representatives.

Respect for your professional role as a teacher and your workload

Your school needs to ensure that your role in school discipline matters is consistent with your statutory and contractual terms and conditions of employment, including the School Teachers' Pay and Conditions Document.

Teachers' professionalism depends upon being valued and respected. It means that pupils should be ready to learn and that schools should act to address problems of low-level classroom indiscipline, and also prevent and respond to violent and abusive behaviour by pupils.

Staff should expect their professional judgement to be supported, including appropriate access to training and professional development.

Right to a safe working environment

There is a range of legislation to protect you against work-related harassment, malicious allegations and defamation. Governing bodies, as employers, are required to take reasonable steps to ensure, insofar as practicable, a safe working environment for staff. Teachers should expect reasonable steps be taken to prevent and tackle any bullying or harassment whether this occurs on or off the school premises or during term times.

Schools should act to prevent the misuse by pupils of the internet, mobile phones or other technology to ridicule or attack staff. School management now have access to DCSF guidance on tackling cyberbullying of teachers.

Any person causing a nuisance or disturbance on school premises may be removed and prosecuted. Local authorities and governing bodies have legal powers to prohibit access to school premises. Where a person threatens or assaults a member of staff that can be reported to the police.

Engagement of parents

There are a range of means for your school to engage parents and carers such as on-line reporting and – for parents who need support in managing their child's behaviour – parenting contracts, parenting orders and penalty notices. The penalty is £50 rising to £100 if not paid in 28 days, after which the parent will be prosecuted.

When a pupil has had a fixed-period exclusion, it is a legal requirement for the parent or carer to attend a reintegration interview.

Parents are legally responsible for ensuring that pupils attend school regularly and turn up on time.

Support from other schools

Almost all maintained secondary schools and Academies are now in local partnerships for improving behaviour and tackling persistent absence and this will soon be a legal requirement. Behaviour and Attendance Partnerships help share resources and expertise in managing the most challenging pupils, including arranging managed moves and referrals to alternative provision as appropriate. The partnerships are also being encouraged to develop links to primary schools.

Support from the police

Every school has now been given a nominated police contact. Many schools, or groups of schools, have their own allocated police officer regularly visiting or based in them under a Safer School Partnership (SSP). SSPs also facilitate support from other agencies such as youth offending teams and probation services. The government has made clear that SSPs should become the norm in schools.

Police can help, for example, with the screening or searching of pupils; tackling gang culture and other crime issues; and truancy sweeps.

Fuller advice is available on:

www.teachernet.gov.uk

School discipline

your powers and rights as a teacher

School discipline – your powers and rights as a teacher

Teachers and head teachers have more legal powers than ever before to discipline pupils. This leaflet highlights the main rights and powers now available to teachers, so as to support work in managing pupil behaviour.

Power to discipline

The Education and Inspections Act 2006 included, for the first time, a specific power for teachers to discipline pupils – for breaking a school rule, failure to follow instructions or other unacceptable behaviour. It applies at any time a pupil is in school or elsewhere under the charge of a teacher, including where a pupil is participating in an educational visit. The power also applies to other staff with responsibilities for controlling pupils, such as teaching assistants.

Power to discipline pupils for misbehaviour outside the school gate

Schools' discipline and behaviour policies may allow teachers to regulate the conduct of pupils when they are off school premises and not under the control of school staff. So, for example, the policy might provide that a teacher who encounters pupils behaving in an unacceptably rowdy manner on their journeys to and from school, may require them to stop behaving in this way. The teacher could then discipline those pupils, as appropriate, on their return to school.

Punishing poor behaviour

Teachers have powers both to encourage good and punish poor behaviour. Every school should have an agreed behaviour policy which should provide staff with a framework for managing pupil behaviour, including the use of rewards and sanctions. Reasonable punishments you might use include, for example:

- one-to-one admonishment
- removal from the group (in class)
- withdrawal from a particular lesson or peer group
- withdrawal of access to the school IT system
- withdrawal of participation in a school trip or sports event that is not an essential part of the curriculum

- withdrawal of break or lunch-time privileges
- carrying out a useful task in the school
- detention (see further below)
- confiscation (see further below)

Detention

Any pupil under 18 can be put in detention – assuming this is part of your school's behaviour policy. Parents need to be given 24 hours written notice if the detention is outside normal school hours, for safety reasons. They can let you know if this will cause the family a particular problem, but cannot over-rule your decision.

Confiscation

There is now a specific legal defence for confiscating an inappropriate item from a pupil where the item is confiscated lawfully. This includes a defence for confiscation, keeping hold of the item and disposing of it provided the actions taken are reasonable. It covers confiscation, keeping hold of, and disposing of any item where the school's discipline and behaviour policy allows this.

Exclusions

The head teacher has the power to exclude pupils if necessary. This can be for a fixed period or permanently. The government's guidance to independent appeals panels emphasises that appeals should not be overturned purely on technicalities, or where there has been violence or a threat of violence.

Searching pupils and their possessions

The head teacher can authorise a search of pupils or their possessions (including bags and lockers) without their consent if there are reasonable grounds for doing so. The conduct of pupil searches is a power available to head teachers, not a duty. Reasonable force may be used to execute the search.

At present this power only applies to searching for weapons but the law is being extended to cover also alcohol, controlled drugs and weapons.

Normally, the conduct of pupil searches is undertaken by staff other than teachers, including staff employed specifically for this purpose such as security staff. Teachers cannot be required to undertake searches of pupils.

Teachers can also instruct a pupil to turn out their pockets, and punish them if they refuse to do so. The police should be called where there is a potential danger or risk to personal safety of the teacher or the pupil.

Screening pupils for weapons

School staff or the police can screen pupils for weapons, using portable "wands" or weapons screening arches. Normally, the screening of pupils is undertaken by staff other than teachers, or by security staff. Teachers cannot be required to undertake screening of pupils for weapons.

Use of force to control or restrain a pupil

Teachers and head teachers can use reasonable force to control or restrain a pupil if this proves necessary to stop a pupil committing a criminal offence (or for younger pupils what would be a criminal offence), causing injury or damage to property, or prejudicing good order and discipline – for example if a pupil refuses to leave a classroom when ordered to do so.

New legislation will require all schools to record and report any 'significant' incidents where a member of staff has used force to control or restrain a pupil. The new legal requirements will help to protect teachers and other authorised staff on the use of force. Schools should adopt a policy on the use of force, the details of which should be communicated to permanent and temporary staff (including supply teachers).

Teachers cannot teach and pupils cannot learn where there is not good order in schools. Teachers have a right to expect appropriate support from governing bodies, school senior management, parents and from certain services outside the school. There is an expectation, too, that schools will back staff in their use of appropriate disciplinary powers.

Right to be consulted on the school behaviour policy

The governing body is legally required to consult staff – as well as parents and pupils – on the school behaviour policy. This should be done every time the school's policy is updated. DCSF guidance, to which governing bodies are required to have