



Department
for Education

Behaviour in schools

Advice for headteachers and school staff

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About this guidance

This publication provides advice and refers to the related legal duties, explains the powers of staff to respond to misbehaviour and their responsibilities to support pupils to behave well.

It is for individual schools to develop their own best practice for managing behaviour. The purpose of the document is to provide guidance to schools and multi-academy trusts to support them to improve and maintain high standards of behaviour. Creating a culture with high expectations of behaviour will benefit both teachers and pupils, establishing calm, orderly, safe and supportive environments conducive to learning.

The terms “must” and “should” are used throughout the guidance. Where the text uses the word “must”, the person in question is legally required to do something. Where the text uses the word “should”, the advice set out should be followed unless there is good reason not to.

Expiry or review date

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

Who is this publication for?

This guidance is for:

- school leaders, school staff and governing bodies in all maintained schools, academies and free schools and independent schools in England;
- local authorities;
- for the purposes of this advice, references to “maintained school” means a community, foundation or voluntary school, community or foundation special school. It also means Pupil Referral Units and non-maintained special schools; and
- for the purpose of this advice, references to “academy” means academy schools (including mainstream and special free schools) and Alternative Provision academies (including alternative provision free schools).

Introduction

Good behaviour in schools is central to a good education. Schools need to manage behaviour well so they can provide calm, orderly, safe and supportive environments in which children and young people want to attend and can learn and thrive. Being taught how to behave well is vital for children to succeed personally and for them to successfully navigate the communities they inhabit.

Many schools successfully create environments in which behaviour is good and pupils can learn and feel safe. Some schools need to improve their approach to behaviour and even successful schools need to be continually working to maintain high standards of behaviour.

Well-managed schools also create cultures where staff flourish in safety and dignity. Dealing with misbehaviour negatively affects the wellbeing of teachers and, for some, it is a reason why they leave the profession.

Where behaviour is poor, pupils and staff can suffer from issues as diverse as lost learning time, child-on-child abuse, anxiety, bullying, violence, and distress. It can cause some children to stay away from school, missing vital learning time. Parents and pupils recognise managing behaviour well as one of the top priorities for schools.

Pupils will not always behave perfectly. This guidance provides practical advice on how schools can create environments where positive behaviours are more likely, by proactively supporting pupils to behave appropriately and by addressing misbehaviour effectively.

School culture should make clear to all members of the community which behaviours are acceptable, encouraged or required and which are not. It is particularly important that headteachers lead the creation and reinforcement of this culture, ensuring it permeates through every aspect of school life.

Staff should be trained to make sure that they collectively embody this school culture, by consistently managing behaviour, upholding the schools' behaviour policy at all times, and responding to misbehaviour consistently and fairly.

Pupils should be taught explicitly what good behaviour looks like. Some pupils will need additional support to reach the expected standard of behaviour. Where possible this support should be identified and should be in place as soon as possible to avoid misbehaviour occurring in the first place.

When pupils do misbehave, schools should be able to respond promptly, predictably and with confidence to maintain a calm, safe learning environment and then consider how such behaviour can be prevented from re-occurring. To support schools to achieve this, this guidance outlines different responses to misbehaviour that schools can use, including sanctions and pastoral approaches. All school staff should respond in a

humane, consistent manner to misbehaviour. Inconsistency can teach pupils that boundaries are flexible which can encourage further misbehaviour.

In some cases, particularly when a pupil is persistently disruptive and support or sanctions are not deterring misbehaviour, further action may be needed. This guidance provides advice on interventions and approaches schools may wish to take to prevent the recurrence of misbehaviour. In serious instances, a pupil may need to be suspended or excluded and schools should read the Department's specific guidance on suspension and permanent exclusion to ensure that they use these interventions appropriately.

Creating and maintaining high standards of behaviour

1. Creating a culture that promotes excellent behaviour requires a clear vision of what good behaviour looks like. Schools' circumstances will vary but every culture should ensure pupils can learn in a calm, orderly, safe, and supportive environment and protect them from disruption. Schools should be clear about which behaviours are permitted and prohibited; the values, attitudes, and beliefs they promote and the social norms and routines that should be encouraged throughout the school community. The behaviour policy is the starting point for laying out this vision and is one of the important ways the school culture is communicated to pupils, staff, and parents and carers¹.

Developing a school behaviour policy

2. A school's culture and values are manifested through the behaviour of all its members. High standards and clear rules should reflect the values of the school and outline the expectations and consequences of behaviour for everyone. The policy should provide details on how staff will support pupils to meet these expectations.
3. The headteacher of a maintained school must² determine measures which aim to:
 - encourage good behaviour and respect for others;
 - secure an acceptable standard of behaviour of pupils;
 - promote, among pupils, self-discipline and proper regard for authority;
 - prevent all forms of bullying (including cyberbullying, prejudice-based and discriminatory bullying);
 - ensure that pupils complete any tasks reasonably assigned to them in connection with their education; and
 - otherwise regulate the conduct of pupils.³
4. The headteacher of a maintained school must act in accordance with the current statement of behaviour principles made by the governing body and have regard to

¹ Henceforth, any reference to the term "parent" is inclusive of "carers".

² We use the terms "must" and "should" throughout the guidance. We use the term "must" when the person in question is legally required to do something and "should" when the advice set out should be followed unless there is good reason not to.

³ Section 89(1) of the Education and Inspections Act 2006

any guidance provided by the governing body on promoting good behaviour at the school.⁴ This is a core responsibility of a headteacher. It cannot be delegated. Detailed advice for governors is available in [Behaviour and discipline in schools: Guidance for governing bodies](#).

5. The proprietor of an academy or independent school must ensure that a written policy to promote good behaviour among pupils is drawn up and effectively implemented. The behaviour policy must also set out the disciplinary sanctions.⁵ The proprietor must also ensure that an effective anti-bullying strategy is drawn up and implemented so that bullying is prevented insofar as reasonably practicable.⁶
6. For all schools, establishing and maintaining high standards of behaviour is not only vital in ensuring that teachers can deliver the curriculum, but also plays a critical role in ensuring that the school is a safe environment for all pupils. The behaviour policy should be aligned with the school's legal duties and standards relating to the welfare of children. All staff should be aware of the measures outlined in the school's behaviour policy and how they should implement these measures - this is one of the key systems in place in schools which supports safeguarding.⁷ It is essential that all staff are aware of their safeguarding responsibilities, as set out in statutory guidance Part 1 of [Keeping children safe in education](#).
7. A behaviour policy should include detail on the following:
 - **purpose** – including the underlying objectives of the policy, and how it creates a safe environment in which all pupils can learn and reach their full potential;
 - **leadership and management** – including the role of designated staff (in particular the importance of the policy being led by the headteacher), any systems, the resources allocated and engagement of governors/trustees;
 - **school systems and social norms** – including rules, routines, and consequence systems. The policy should make behavioural expectations clear, along with how the policy will be communicated and monitored and the consequences of failing to meet its standards;

⁴ Sections 88(2) and 89(2) of the Education and Inspections Act 2006

⁵ Education (Independent School Standards) (England) Regulations 2014, Schedule 1, paragraph 9

⁶ Education (Independent School Standards) (England) Regulations 2014, Schedule 1, paragraph 10

⁷ Other systems all staff should be aware of include the child protection policy, the staff behaviour policy, the safeguarding response to children who go missing from education and the role and identity of the designated safeguarding lead and any deputies.

- **relationships** – including communication within school and with the wider school community, home-school liaison, and liaison with other agencies;
 - **staff induction, development and support** – including regular training for staff on behaviour;
 - **pupil transition and development** – including induction and re-induction into behaviour systems, rules, routines and ensuring that all pupils are aware of the school systems and know how to meet standards;
 - **pupil support** – including the roles and responsibilities of designated staff and the support provided to pupils with additional needs where those needs might affect behaviour; and
 - **Child-on-child abuse** – including measures to prevent child-on-child abuse and the response to incidents of such abuse, including disciplinary action.
8. The school behaviour policy should adhere to the following principles:
- **accessible and easily understood:** the policy should be accessible, clear and easily understood by pupils, staff and parents;
 - **aligned and coherent:** the policy should be aligned to other key policy documents⁸;
 - **inclusive:** the policy should consider the needs of all pupils and staff, so all members of the school community can feel safe and that they belong⁹;
 - **consistent and detailed:** the policy should have sufficient detail to ensure meaningful and consistent implementation by all members; and
 - **supportive:** the policy should address how pupils will be supported to meet high standards of behaviour, as a preventative measure and to safeguard pupil welfare and promote their learning and wellbeing.

⁸ Key policy documents include, if applicable, special educational needs and disability policy, school uniform policy, the staff behaviour policy/code of conduct and safeguarding arrangements, in particular the child protection policy.

⁹ Headteachers should have regard to the [Mental Health and Behaviour Guidance](#) and must have regard to the [Special Educational Needs and Disability 0-25 years Code of Practice](#) so that appropriate support can be provided to pupils who have additional needs.

Communicating the behaviour policy

9. Communicating the school policy to all members of the community is an important way of building and maintaining the school's culture. It helps make behaviour expectations transparent to all pupils, parents and staff members and provides reassurance that expectations of behaviour and responses to misbehaviour are consistent, fair, and predictable.
10. For maintained schools, the headteacher must publicise the school behaviour policy in writing to parents, staff, and pupils at least once a year.¹⁰ The school's behaviour policy must also be published on the school website.¹¹ Where schools do not have a website, the governing body must make arrangements for the behaviour policy to be put on a website and to make the address and details (of the website) known to parents.
11. Academies and independent schools should publish details of the school's behaviour policy.¹²

The national minimum expectation of behaviour

12. All headteachers should take responsibility for implementing measures to secure acceptable standards of behaviour. They should ensure the school's approach to behaviour meets the following national minimum expectation:¹³
 - the school has high expectations of pupils' conduct and behaviour, which is commonly understood by staff and pupils and applied consistently and fairly, to help create a calm and safe environment;
 - school leaders visibly and consistently support all staff in managing pupil behaviour through following the behaviour policy and agreed routines;
 - measures are in place and both general and targeted interventions are used to improve pupils' behaviour and support is provided to all pupils to help them meet behaviour standards;

¹⁰ Section 89(6) of the Education and Inspections Act 2006

¹¹ School Information (England) Regulations 2008

¹² [The Education \(Independent School Standards\) Regulations 2014 \(legislation.gov.uk\)](https://www.legislation.gov.uk)

¹³ The national minimum expectation of behaviour is aligned with the Ofsted 'good' grade descriptor for assessing Behaviour and Attitudes. See [School inspection handbook for September 2021 - GOV.UK \(www.gov.uk\)](https://www.gov.uk)

- disruption is not tolerated, and pupil behaviour does not normally disrupt teaching and learning or school routines;
- all members of the school community create a positive, safe environment in which bullying, physical threats or abuse and intimidation are not tolerated, and everyone is treated respectfully; and
- any incidents of bullying, discrimination, aggression, and derogatory language (including name calling) are dealt with quickly and effectively.

A whole-school approach to behaviour

13. Schools should have rules with consequences for breaking them. Beyond this, schools should ensure that high standards and expectations of good behaviour pervade all aspects of school life including the culture, ethos and values of the school, how pupils are taught and encouraged to behave,¹⁴ the response to misbehaviour and the relationships between staff, pupils and parents. The school's approach to behaviour should be easily apparent to anyone joining or visiting the school from the actions and messages from all staff and pupils.
14. The consistent and fair implementation of the measures outlined in the behaviour policy is central to an effective whole-school approach to behaviour. Staff should also receive clear guidance about school expectations of their own conduct in the classroom and in all public areas. Everyone should treat one another with dignity, kindness and respect.
15. By having simple, clear and well communicated expectations of behaviour and providing staff with bespoke training on the needs of the pupils at the school, behaviour can be managed consistently so that both pupils and staff can thrive, achieve and build positive relationships between themselves.

The school behaviour curriculum

16. Good behaviour is established through creating an environment where good conduct is more likely and poor conduct less likely. Good behaviour also requires positive reinforcement through rewards but also sanctions where rules are broken. Rewards and sanctions are equally important and necessary to support the whole-school culture. This will help develop a positive culture where all pupils feel safe and able to learn and staff feel supported and able to teach.

¹⁴ Further guidance on this is provided in the sections below on the school behaviour curriculum (paragraphs 16-20) and preventing the recurrence of misbehaviour (paragraphs 96-100).

17. A behaviour curriculum defines the expected behaviours in school, rather than only a list of prohibited behaviour. It is centred on what successful behaviour looks like and defining it clearly for all parties. For example, 'pupils are expected to line up outside a classroom quietly'. A behaviour curriculum does not need to be exhaustive, but represent the key habits and routines required by the school.
18. Routines should be used to teach and reinforce the behaviours expected of all pupils. Repeated practices promote the values of the school, positive behavioural norms, and certainty on the consequences of unacceptable behaviour. Any aspect of behaviour expected from pupils should be made into a commonly understood routine, for example, entering class or clearing tables at lunchtime. These routines should be simple for everyone to understand and follow. School leaders and staff should be role models in practising these routines to show pupils expected behaviour. Establishing and rehearsing these routines helps to create a calm environment.
19. Appropriate adjustments can be made to routines for pupils with additional needs, where appropriate, to ensure all pupils can meet behavioural expectations. These adjustments may be temporary. Adjustments should be made proactively and by design where possible. For example, a pupil who has recently experienced a bereavement may need to be excused from certain routines or requirements. The adjustments needed for those pupils with SEND whose condition may at times affect their behaviour is set out in the section 'Behaviour expectations and pupils with Special Educational Needs and Disability (SEND)' below.
20. Consistent and clear language should be used when praising positive behaviour and addressing misbehaviour.

Rewards and Positive Recognition

21. Acknowledging good behaviour encourages repetition and communicates the school community's expectations and values to all pupils. Using rewards and positive recognition provides an opportunity for all staff to reinforce the school's culture and ethos. Rewards and positive reinforcements should be applied clearly and fairly to reinforce the routines, expectations, and norms of the school's behaviour culture. Examples of rewards may include:
 - verbal praise and positive reinforcement;
 - communicating praise to parents via phone call or written correspondence;
 - certificates, prize ceremonies or special assemblies;
 - positions of responsibility, such as prefect status or being entrusted with a particular decision or project; and

- whole-class or year group rewards, such as a popular activity.

The role of school leaders

22. Highly visible school leadership should be the norm, with leaders routinely engaging with pupils, parents and staff on setting and maintaining the behaviour culture and an environment where everyone feels safe and supported.
23. School leaders have a crucial role to play in making sure all staff understand the behavioural expectations and the importance of maintaining them. School leaders should make sure that all new staff are inducted clearly into the school's behaviour culture to ensure they understand its rules and routines and how best to support all pupils to participate in creating the culture of the school.
24. School leaders should consider any appropriate training which is required for staff to meet their duties and functions within the behaviour policy. Schools should consider aligning this training with the new Initial Teacher Training (ITT) Core Content Framework¹⁵ and the Early Career Framework (ECF)¹⁶ together with the reformed suite of National Professional Qualifications¹⁷.
25. The National Professional Qualification in Leading Behaviour and Culture (NPQLBC) is available for primary and secondary school teachers who have, or are aspiring to have, responsibilities for leading behaviour or supporting pupil wellbeing in their school. The NPQLBC provides essential knowledge, skills and concepts that underpin successful leadership of behaviour and culture. All teachers and school leaders in state-funded schools, as well as state-funded 16-19 organisations, are now eligible to undertake NPQs funded by the Department for Education.
26. Schools will also wish to ensure that their staff have adequate training on matters such as how certain special educational needs, disabilities, or mental health problems¹⁸ may at times affect a pupil's behaviour.

The role of teachers and staff

27. Staff have an important role in developing a calm, positive, structured and safe environment for pupils and establishing clear boundaries of acceptable pupil

¹⁵ [Initial teacher training \(ITT\): core content framework](#)

¹⁶ [Early career framework](#)

¹⁷ [National professional qualifications frameworks: from autumn 2021](#)

¹⁸ See the department's [Mental Health and Behaviour Guidance](#) for advice on supporting pupils whose mental health problems manifest themselves in behaviour.

behaviour. Staff should teach and model expected behaviour and positive relationships, so that pupils can see examples of good habits and are confident to ask for help and support when needed. They should also constantly challenge pupils to meet the school expectations and maintain the boundaries of acceptable conduct.

28. All staff should communicate the school norms, routines, values and standards both explicitly through teaching behaviour and in every interaction with pupils. Staff should consider the impact of their own behaviour on the school culture and how they can uphold the school rules and expectations.

The role of pupils

29. All pupils deserve to learn in an environment that is calm, safe, supportive and where they are treated with dignity. To achieve this, every pupil should be made aware of the school behaviour policies, standards, expectations, and consequence processes. Every pupil should be supported to achieve the behaviour standards, including a clear induction process that familiarises them with the school behaviour culture. Schools might wish to re-run this induction for all pupils at the start of each academic year. Schools should consider having a clear mechanism to allow pupils an opportunity to feedback on the behaviour culture.
30. Special provision should be made for all new pupils to ensure they understand the school's behaviour policy and wider culture. Where it is necessary, extra support and training should be provided for pupils who arrive at the school with characteristics or circumstances e.g., being looked After Children, pupils joining the school as a 'managed move', pupils excluded from other schools, pupils with SEND and other factors.

Parents

31. The role of parents is crucial in helping schools develop and maintain good behaviour. To support the school, parents should be encouraged to get to know the schools' behaviour policy and where possible, take part in the life of the school and its culture. Parents have an important role in supporting the school's policy and reinforcing it at home.
32. Schools should build and maintain positive relationships with parents, for example by making parents aware when their children are exceeding, meeting, or missing behavioural expectations. Where appropriate, parents should be included in any pastoral work following misbehaviour, including attending reviews of specific behaviour interventions in place.

Behaviour expectations and pupils with Special Educational Needs and Disability (SEND)

33. A school's culture should consistently promote high standards of behaviour and provide the necessary support to ensure all pupils can achieve and thrive both in and out of the classroom. Schools should consider how a whole-school approach can meet the needs of all pupils in the school, including pupils with SEN or a disability so that everyone can feel they belong in the school community and high expectations are maintained for all pupils. Schools with good behaviour cultures will create calm, orderly environments which will benefit pupils with SEND, enabling them to learn and to feel confident asking for help and support.
34. Some behaviours are more likely to arise from types of SEN or disabilities, such as a pupil with a specific learning difficulty such as dyslexia who may seek to distract from the fact that they find it difficult to access written material.
35. Schools need to manage pupils' behaviour effectively, whether or not the pupil has underlying needs. And they owe duties (for example, over safety) not just to the individual pupil, but also to the other pupils and to staff. These are imperatives.
36. The law also requires flexibility in how to meet those duties – how schools should act if a pupil has a SEN or a disability that at times affects their behaviour. In particular,
 - schools have duties under the Equality Act 2010 to make reasonable adjustments to policies, practice, and criteria for disabled pupils¹⁹;
 - under the Children and Families Act 2014, relevant settings have a duty to use their 'best endeavours' to meet the needs of those with SEN²⁰; and
 - if a pupil has an Education, Health and Care plan²¹ the provision set out in that plan must be secured and the school must co-operate²² with the local authority and other bodies over that.
37. As part of meeting any of these duties, where appropriate, schools should anticipate likely triggers of misbehaviour and put in place support to prevent these. Examples of preventative measures include (but are not limited to):

¹⁹ [Section 20 of the Equality Act 2010](#)

²⁰ Section 66 of the [Children and Families Act 2014](#) applies to certain settings, including mainstream schools, maintained nursery schools, academies, alternative provision academies and pupil referral units.

²¹ Section 42 of the [Children and Families Act 2014](#)

²² Section 29 of the [Children and Families Act 2014](#)

- short, planned movement breaks for a pupil whose SEN or disability means that they find it difficult to sit still for long;
- allowing the wearing of clip-on school ties for pupils whose SEN or disability makes them hyper-sensitive to a feeling of constriction;
- training for staff in understanding conditions such as autism and recognising potential triggers for 'meltdowns'; and
- text messages (outside school hours) to help a pupil with SEN or a disability remember the required equipment.

Responding to incidents of misbehaviour

38. When a member of school staff becomes aware of misbehaviour, they should respond in accordance with the school behaviour policy. Their priority should be to ensure the safety of the pupil, other pupils and staff and to restore a calm and orderly environment. It is important that staff across a school respond in a consistent manner so pupils know with certainty that misbehaviour will always be addressed, and that context will be taken into account. De-escalation techniques can be used to prevent further behaviour issues arising and recurring and schools may use pre-agreed scripts and phrases to help calmly restore order. Where necessary, sanctions should quickly follow the incident.
39. Schools should be clear that there are consequences for misbehaving and misbehaviour will not be ignored. The aims of any response to misbehaviour should be to:
 - restore a safe, orderly environment in which all pupils can learn and thrive;
 - attempt to prevent the recurrence of misbehaviour; and
 - maintain the culture of the school by reinforcing the need for safety, calm and dignity.
40. All members of staff should respond predictably, promptly and assertively to incidents of misbehaviour. Inconsistency teaches pupils that boundaries are flexible which can encourage further misbehaviour. This reduces the deterrent effect of sanctions, which in turn dilutes their effectiveness.
41. Where appropriate, staff should take account of any contributing factors that are identified after an incident of misbehaviour has occurred: for example, if the pupil has suffered bereavement, experienced abuse or neglect, has mental health problems²³, has been subject to bullying, has needs including SEN or a disability (including any not previously identified), has been subject to criminal exploitation, or is experiencing significant challenges at home.

Sanctions

42. Sanctions should be applied clearly and consistently to reinforce the routines, expectations and norms of the school's behaviour culture. Consequences such as

²³ [Mental Health and Behaviour Guidance](#)

sanctions should be administered as consistently as possible to maximise their predictability.

43. When appropriate, staff should make time for a pastoral discussion to ensure the pupil understands why they received the sanction and what they need to do in the future to improve their behaviour.

Acceptable forms of sanction

44. The behaviour policy should include a range of possible sanctions clearly communicated to and understood by pupils, staff and parents. Sanctions should not be considered in opposition to rewards, but rather as two complementary strands of intervention that reinforce a school's positive behaviour culture. Examples of sanctions may include:

- a verbal reprimand;
- the setting of written tasks such as writing an account of their poor behaviour;
- loss of privileges – for instance the loss of a prized responsibility;
- detention (see paragraphs 56 to 64);
- school based community service, such as tidying a classroom
- regular reporting including early morning reporting; scheduled uniform and other behaviour checks; or being placed “on report” for behaviour monitoring;
- suspension; and
- in the most serious of circumstances - permanent exclusion²⁴.

What the law allows

45. Teachers can sanction pupils whose conduct falls below the standard which could reasonably be expected of them. This means that if a pupil misbehaves, breaks a rule or fails to follow a reasonable instruction, the teacher can impose a sanction on that pupil.²⁵ This applies to all paid staff (unless the headteacher says otherwise), such as teaching assistants.

²⁴ Headteachers at all maintained schools (including special schools), pupil referral units (PRUs), academy schools and alternative provision academies in England must have regard to the Suspension and permanent exclusion guidance when considering either of these sanctions.

²⁵ Section 91(3) of the Education and Inspections Act 2006

46. Staff can sanction pupils at any time the pupil is in school or elsewhere under the charge of a member of staff, including on school visits. Staff can also discipline pupils in certain circumstances when a pupil's misbehaviour occurs outside of school (See paragraphs 92 to 95).
47. A sanction will be lawful if it satisfies the following three conditions:
 - a) The decision to sanction a pupil is made by a paid member of school staff (but not one who the headteacher has decided should not do so) or an unpaid member of staff authorised by the headteacher;
 - b) The decision to sanction the pupil and the sanction itself are made on the school premises or while the pupil is under the lawful charge of the member of staff; and
 - c) It does not breach any other legislation (for example in respect of equality, special educational needs and human rights) and it is reasonable in all the circumstances.²⁶
48. In considering whether a sanction is reasonable in all circumstances one must consider whether it is proportionate in the circumstances of the case and consider any special circumstances relevant to its imposition including the pupil's age, any special educational needs or disability they may have and any religious requirements affecting them.²⁷
49. The headteacher may limit the power to apply particular sanctions, or to sanction particular pupils or types of pupils, to certain staff and/or extend the power to discipline to adult volunteers, for example to parents who have volunteered to help on a school trip.
50. Corporal punishment by school staff is illegal in all circumstances.

Pupils with SEND: the use of sanctions

51. Schools should consistently and fairly promote high standards of behaviour for all pupils and provide additional support where needed to ensure all pupils can achieve and learn as well as possible. This approach should continue when using sanctions.
52. A school should not assume that because a pupil has SEN or a disability that this must have affected their behaviour on a particular occasion – this is a question of judgement for the school on the facts of the situation. Nor must there be any

²⁶ Section 91 of the [Education and Inspections Act 2006](#)

²⁷ Section 91(6)(b) of the [Education and Inspections Act 2006](#)

assumption that a pupil's SEND automatically requires behavioural support to be put in place – again, it depends on the pupil.

53. All schools should consider whether a pupil's SEN or disability has contributed to the misbehaviour and if so, whether it is appropriate and lawful to sanction the pupil. To do this schools should consider whether the pupil understood the rule or instruction and whether the pupil was unable to act differently as a result of their SEN or disability.
54. The school should also consider whether any reasonable adjustments need to be made to the sanction in response to any disability the pupil may have. It is also important for the schools to seek to try and understand the underlying causes of behaviour and whether additional support is needed.
55. In 2018 an Upper Tribunal judgment²⁸ found that if a child in education has a recognised condition that is more likely to result in a tendency to physical abuse, that can be a disability. As is explained above, this does not mean that a disabled child is exempt from sanction: rather it means that the decision about whether and, if so, how to sanction needs to be taken in a way that is consistent with the usual duties that the school has under the Equality Act 2010. At the same time, the school should consider ways in which other pupils are protected from further disruption and this may result in further support for the pupil.

Detentions

56. A detention is a commonly used sanction, often used as a deterrent to future misbehaviour. It is typically a short period where the pupil is required to remain under supervision of school staff when their peers have been allowed to go home or to break. When used, it should be done so consistently by staff, using clear guidelines about acceptable practice as outlined in the school behaviour policy. This should be well known to all pupils and staff.
57. At the end of the detention, where appropriate the pupil should receive further guidance about what they did wrong, the impact of their actions, how they can do better in the future and what will happen if their behaviour fails to improve. They could also be offered support where necessary or given the opportunity to inform the school of any perceived obstacles to their improvement, such as their home circumstances.

²⁸ [\[2019\] AACR 10 C & C v The Governing Body of a School, The Secretary of State for Education \(First Interested Party\) and The National Autistic Society \(Second Interested Party\) \(SEN\) \[2018\] UKUT 269\(AAC\)](#)

What the law allows:

58. Teachers have authority to issue detention to pupils, including same day detentions.
59. A school's behaviour policy should make clear that detention (including detention outside of school hours) can be used as a possible sanction.
60. A detention outside normal school hours will be lawful if it meets the following conditions:
- the conditions outlined in paragraph 64 below,
 - the pupil is under 18 (unless the detention is during lunch-break),
 - the headteacher has communicated to pupils and parents that detentions outside school session may be used, and
 - the detention is held in any of following times:
 - a) any school day where the pupil does not have permission to be absent;
 - b) weekends during term - except a weekend during, preceding or following the half term break; or
 - c) non-teaching days – usually referred to as 'training days', 'INSET days' or 'non-contact days', except if it falls on a public holiday, on a day which precedes the first day of term, during the half-term break, or after the last school day of the term.²⁹
61. The headteacher can decide which members of staff can put pupils in detention. For example, a headteacher could limit the power to heads of year or heads of department only or they could decide that all members of staff, including support staff, can impose detentions. This should be laid out clearly in the behaviour policy and communicated clearly to all pupils, parents and staff.

Matters schools should consider when imposing detentions

62. Parental consent is not required for detentions that satisfy the conditions mentioned in paragraphs 58 to 60 and 64.

²⁹ Education (Excluded Days of Detention) (England) Regulations 2007

63. With lunchtime detentions, staff should allow reasonable time for the pupil to eat, drink and use the toilet.
64. School staff should not issue a detention where there is any reasonable concern that doing so would compromise a pupil's safety. When ensuring that a detention outside school hours is reasonable, staff issuing the detention should consider the following points:
 - whether the detention is likely to put the pupil at increased risk;
 - whether the pupil has known caring responsibilities;
 - whether the detention timing conflicts with a significant mental or physical health appointment;
 - whether the parents ought to be informed of the detention. In many cases it will be necessary to do so, but this will depend on the circumstances. For instance, notice may not be necessary for a short after-school detention where the pupil can get home safely; and
 - whether suitable travel arrangements can reasonably be made by the parent for the pupil. It does not matter if making these arrangements is inconvenient for the parent

Power to use reasonable force

65. Detailed advice is available in [Use of Reasonable Force – advice for school leaders, staff and governing bodies](#). Headteachers and all school staff should read this guidance.
66. There are circumstances when it is appropriate for staff in schools to use reasonable force to safeguard children. The term 'reasonable force' covers the broad range of actions used by staff that involve a degree of physical contact to control or restrain children. 'Reasonable' in these circumstances means 'using no more force than is needed'.
67. Members of staff have the power to use reasonable force to prevent pupils committing an offence, injuring themselves or others, or damaging property and to maintain good order and discipline at the school or among pupils.
68. Headteachers and authorised school staff may also use such force as is reasonable given the circumstances when conducting a search without consent for knives or weapons, alcohol, illegal drugs, stolen items, tobacco, fireworks, pornographic images or articles that they reasonably suspect have been or are likely to be used to commit an offence or cause harm. Force may not be used to search for other items banned under the school rules (See paragraphs 70 – 73)

69. When considering using reasonable force staff should, in considering the risks, carefully recognise any specific vulnerabilities of the pupil, including SEN and disabilities, mental health or medical conditions.

Searching and confiscation

70. Detailed guidance for schools can be found in [Searching, screening and confiscation at school](#). Headteachers and school staff should read this guidance.
71. School staff can search a pupil for any item if the pupil agrees. Schools are not required to have formal written agreement from the pupil. For example, a teacher may ask a pupil to turn out their pockets or ask if they can look in their bag. If a pupil refuses to cooperate with such a search, the teacher can apply an appropriate sanction as set out in the school's behaviour policy.
72. If they have reasonable grounds for suspecting the pupil is in possession of a "prohibited item", headteachers and members of school staff authorised by the headteacher can search the pupil without their agreement.³⁰ The member of staff may not require the pupil being searched to remove clothing other than outer clothing. The teacher conducting the search must be of the same sex as the pupil being searched and there must be another member of staff present as a witness. The limited exception to this rule is that a staff member can search a pupil of the opposite sex and without a witness present only if the person carrying out the search reasonably believes there is risk that serious harm will be caused to a person if the search is not conducted immediately, and in the time available, it is not reasonably practicable to summon another member of staff.
73. The list of prohibited items is:
- knives and weapons;
 - alcohol;
 - illegal drugs;
 - stolen items;
 - tobacco;
 - fireworks;

³⁰ A 'prohibited item' is defined in subsection (3) of section.550ZA of the Education Act 1996

- pornographic images;
 - any article that the searcher reasonably suspects has been or is likely to be used to commit an offence, cause personal injury or damage to property; and
 - any item that the school rules³¹ identify as an item which may be searched for.
74. School staff can confiscate, retain or dispose of a pupil's property as a disciplinary penalty in the same circumstances as other disciplinary penalties. The law protects staff from liability in any proceedings brought against them for any loss or damage to items they have confiscated, provided they acted lawfully. Staff should consider whether the confiscation is proportionate and consider any special circumstances relevant to the case.³²
75. When a person conducting a search finds an electronic device the school rules allow pupils to be searched for, or that they reasonably suspect has been or is likely to be used to commit an offence or cause personal injury or damage to property, they may examine any data if they think there is a good reason to. The member of staff conducting the search must have regard to the guidance in section 15 of [Searching, screening and confiscation: Advice for headteachers, school staff and governing bodies](#). When an incident involves nudes or semi-nudes, the member of staff should refer the incident to the designated safeguarding lead (or deputy) as the most appropriate person to advise on the school's response. Handling such reports or concerns can be especially complicated and schools should follow the principles as set out in [Keeping children safe in education](#). The UK Council for Internet Safety also provides the following guidance to support school staff and designated safeguarding leads: [Sharing nudes and semi-nudes: advice for education settings working with children and young people](#).
76. In the event of discovering a weapon, schools should treat this with the utmost seriousness and it may be appropriate to consider exclusion as one possible response.

³¹ For maintained schools [Education and Inspections Act 2006, section 89](#). For academies [the School Behaviour \(Determination and Publicising of Measures in Academies\) Regulations 2012 \(legislation.gov.uk\)](#)

³² Section 94 of [Education and Inspections Act 2006](#)

Supporting pupils following a sanction

77. Following a sanction, in order to support pupils to meet the behaviour expectations of the school, strategies should be considered to help pupils to understand how to improve their behaviour. These might include:
- a targeted discussion with the pupil;
 - a phone call with parents, and the Virtual School Head for looked after children;
 - inquiries into the pupil's conduct with staff involved in teaching, supporting or supervising the pupil in school;
 - inquiries into circumstances outside of school, including at home, conducted by the Designated Safeguarding Lead or a deputy; or
 - considering whether the support for behaviour management being provided remains appropriate (see section below on initial intervention)
78. Designated staff should be appropriately trained to deliver these interventions. These interventions are often part of a wider approach that involves the wellbeing and mental health of the pupil.

Removal from classrooms

79. Removal is where a pupil, for disciplinary reasons, is required to spend a limited time out of the classroom at the instruction of a member of staff. The use of removal should allow for continuation of the pupil's education in a supervised setting.
80. Removal from the classroom should be considered a serious sanction and only used when necessary. Removal should be used once other behavioural strategies in the classroom have been attempted, unless the behaviour is so extreme as to warrant immediate removal. As with all disciplinary measures, schools must consider whether the sanction is proportionate and consider whether there are any special considerations relevant to its imposition (See paragraphs 47 and 51-55).
81. Removal can be used for the following reasons:
- a) To restore order and calm following an unreasonably high level of disruption
 - b) To enable disruptive pupils to be taken to a place where education can be continued in a managed environment.
82. Removal should be distinguished from the use of separation spaces (sometimes known as sensory or nurture rooms) for non-disciplinary reasons. For instance, where a pupil is taken out of the classroom to regulate his or her emotions because of identified sensory overload as part of a planned response.

Governance of removal

83. Headteachers should:
- a) make clear in the school behaviour policy that removal may be used as a response to misbehaviour;
 - b) maintain overall strategic oversight of the school's arrangements for any removals, as set out in the school's behaviour policy;
 - c) make sure the reasons that may lead to pupils being removed are transparent and known to all staff and pupils;
 - d) outline in the behaviour policy the principles governing the length of time that it is appropriate for a pupil to be in removal;
 - e) ensure that the removal location is in an appropriate area of the school, that the room is stocked with appropriate resources, is a suitable place to learn and is staffed by trained members of staff; and
 - f) design a clear process for the re-integration of any pupil in removal into the classroom when appropriate and safe to do so.
84. Schools should consider additional approaches to support pupils who are frequently removed from the classroom such as meeting with mentors and use of teaching assistants. Schools may wish to collect and monitor data to identify who is being removed from the classroom regularly and consider if they may benefit from these additional and alternative approaches. (See also the section on initial intervention below.)
85. Separately, schools should analyse the collected data to identify any patterns relating to pupils sharing any of the protected characteristics in order to ensure that the use of removal is fair and the removal policy is not having a disproportionate effect on pupils sharing particular protected characteristics. (See also the section on monitoring and evaluating school behaviour below.)
86. When dealing with individual removal cases, headteachers and teachers should:
- a) consider whether any assessment of underlying factors of disruptive behaviour is needed;
 - b) facilitate reflection by the pupil on the behaviour that led to their removal from the classroom and what they can do to avoid such behaviour in the future;
 - c) ensure that pupils are never locked in the room of their removal. There may be exceptional situations in which it is necessary to physically prevent a pupil from leaving a room in order to protect the safety of pupils and staff from immediate risk, but this would be a safety measure and not a disciplinary sanction and therefore is not covered by this section.

- d) ensure that the Children and Families Act 2014, the Equality Act 2010 and regulations under those Acts are being complied with;³³ and
 - e) if a pupil has a social worker, including if they have a Child in Need plan, a Child Protection plan or are looked-after, notify their social worker. If the pupil is looked-after, ensure their Personal Education Plan is appropriately reviewed and amended and notify their Virtual School Head.
87. Pupils should not be removed from classrooms for prolonged periods of time without the explicit agreement of the headteacher, and with extensive support to continue their studies and address their behaviour in order to be reintegrated within the mainstream school community. When removal is used, pupils should be given educational provision and support to reintegrate into mainstream lessons. Pupils who experience removal should be provided targeted pastoral support aimed to improve their behaviour to ensure they can succeed in the mainstream school community.
88. Staff supervising areas used for removal should be suitably trained to manage pupils with a variety of challenging behaviours and contexts. They should be appropriately trained in both the school behaviour policy and the interpersonal skills necessary to manage high-challenge pupils or pupils in distress.

Suspension and permanent exclusion

89. All pupils are entitled to an education where they are protected from disruption and can learn in a calm, orderly, safe and supportive environment. Headteachers can use suspension and permanent exclusion in response to serious incidents or in response to persistent poor behaviour which has not improved following in-school sanctions and interventions.
90. We are clear that we trust headteachers to use their own professional judgement based on individual circumstances when considering whether to exclude a pupil. The circumstances that may warrant a suspension or permanent exclusion to occur can be found within the section 'Reasons and recording exclusions' within the 'Suspension and Permanent Exclusion from maintained schools, academies and pupil referral units in England including pupil movement guidance'.

³³ Under the Equality Act 2010 (section 20) schools have a duty to make reasonable adjustments to policy, practice and criteria, if a child is disabled and would be at a substantial disadvantage without an adjustment.

Managed moves

91. A managed move should only be offered as a permanent transfer and only when the pupil has been attending the proposed new school under an off-site direction³⁴ and a review of the direction has established that the pupil has settled well into the school and should remain there on a permanent basis. Headteachers should follow the guidance on managed moves in the department's guidance document 'Suspension and Permanent Exclusion from maintained schools, academies and pupil referral units in England including pupil movement guidance'.

Behaviour outside of school premises and online

92. Teachers have the power to sanction pupils for misbehaving outside of the school premises to such an extent as is reasonable.
93. Maintained schools and academies' behaviour policies should set out what the school will do in response to non-criminal poor behaviour and bullying which occurs off the school premises or online and which is witnessed by a staff member or reported to the school, including the sanctions that will be imposed on pupils (See paragraphs 126 – 128 on suspected criminal behaviour).
94. Conduct outside the school premises and online conduct that teachers might sanction pupils for include misbehaviour:
 - when taking part in any school-organised or school-related activity;
 - when travelling to or from school;
 - when wearing school uniform;
 - when in some other way identifiable as a pupil at the school;
 - that could have repercussions for the orderly running of the school;
 - that poses a threat to another pupil; or
 - that could adversely affect the reputation of the school.

³⁴ Section 29A Education Act 2002.

95. The decision to sanction a pupil will be lawful if it is made on the school premises or elsewhere at a time when the pupil is under the control or charge of a member of staff of the school.³⁵

³⁵ Section 91 of the Education and Inspections Act 2006

Preventing recurrence of misbehaviour

Initial intervention following behavioural incidents

96. Schools should adopt a range of initial intervention strategies to help pupils manage their behaviour and to reduce the likelihood of suspension and permanent exclusion. This is achieved by helping pupils understand behavioural expectations and norms and by providing support for pupils who struggle to meet these norms. Some pupils will need more support than others and this should be provided as proactively as possible. It will often be necessary to deliver this support outside of the classroom, in small groups, or in one-to-one activities.
97. Schools should have a system in place to ensure relevant members of staff are aware of any pupil persistently misbehaving, whose behaviour is not improving following low-level sanctions, or whose misbehaviour is out of character and a sudden change from previous patterns of behaviour.
98. Interventions can be for targeted groups of pupils and examples schools can consider include:
 - frequent and open engagement with parents, including home visits if deemed necessary;
 - providing mentoring and coaching;
 - in-school behaviour units (see section below); and
 - engaging with local partners and agencies to address specific challenges such as poor anger management, a lack of resilience and difficulties with peer relationships and social skills.
99. Initial intervention to address underlying factors leading to misbehaviour should include an assessment of whether appropriate provision is in place to support any SEN or disability that a pupil may have. The 'graduated response' should be used to assess, plan, deliver and then review the needs of the pupil and the impact of the support being provided. If the pupil has an Education, Health and Care plan, early contact with the local authority about the behavioural issues would be appropriate and an emergency review of the plan might be needed.
100. Where a school has serious concerns about a pupil's behaviour, schools should consider whether a multi-agency assessment such as an early help assessment or statutory assessment that goes beyond the pupil's educational needs is required (see guidance [Working Together to Safeguard Children 2018](#)).

In-School behaviour units

101. In-school behaviour units are a planned intervention that takes place in small groups outside of normal lessons. The approach taken in such a unit should be aligned to the culture of the whole school and delivered in line with the school's behaviour policy. The purpose of an in-school behaviour unit will vary depending on the phase and overall need of the cohort, but the underlying ambition should be to improve behaviour, maintain learning and successfully re-integrate pupils into mainstream lessons.
102. Most in-school behaviour units are established solely to accommodate pupils from the school in which they are located, whilst some units, often termed AP units, are established to accommodate pupils from other schools as well. The placement of pupils from the local authority or a separate school into a unit is a form of alternative provision and those arranging and providing the placement must adhere to the duties set out in the [Alternative Provision Statutory Guidance](#). When a placement is commissioned by another school the pupils must be admitted in accordance with the 'host' school's published admissions arrangements and registered as a pupil at the 'host' school in accordance with the Education (Pupil Registration) (England) Regulations 2006. The pupil should remain dual-registered at the referring school.
103. All staff should ensure that the Children and Families Act 2014, the Equality Act 2010 and regulations under those Acts are being complied with.
104. Where a pupil has an Education, Health and Care (EHC) plan, the relevant statutory duties on the referring school and local authority will also continue to apply. The referring school should, where possible, contact the relevant authority at an early stage if it is contemplating a placement for a child with an EHC plan in an in-school behavioural unit that is in another school. If the referring school does place a child with a plan in an in-school unit that is in another school, the local authority will need to follow the statutory procedures³⁶ for amending the setting on the plan.
105. When developing an in-school behaviour unit policy, schools should consider:
- a) Referring pupils based on their needs, including sharing information on previous behaviour incidents with multi-agency partners if appropriate and consulting with parents on the in-school behaviour unit placement.

³⁶ The processes for amending a plan are set out in sections 37 and 44 of the Children and Families Act 2014 and regulations 22 and 28 of the Special Educational Needs and Disability Regulations 2014.

- b) Delivering a broad and balanced curriculum offer that aligns to the curriculum in mainstream lessons and supports reintegration and that satisfies any relevant legal requirements about the curriculum at the school. The curriculum can be personalised to address specific support needs individual pupils may have.
- c) Maintaining a visible presence from school leaders to make in-school behaviour units an integral part of the school.
- d) Deploying staff with the appropriate skills set to the in-school behaviour unit so pupils can be supported with their behaviour and learning needs to ensure effective impact and progress.
- e) Reviewing re-integration plans at regular intervals.
- f) Actively involving pupils and parents in re-integration discussions.

106. Home schools should actively monitor the progress of all pupils in in-school units, including those attending an in-school behaviour unit at a different school.

107. Home schools should consider the distance and transport to the host in-school unit, when a pupil is attending an in-school unit in a different school to the home school.

Re-integration

108. Schools should have a strategy for re-integrating pupils following removal from the classroom, time spent in an in-school unit, or suspension. This may involve re-integration meetings between pupils, parents and if relevant, other agencies. Schools should consider what support can help the pupil return to mainstream education and meet the expected standards of behaviour.

Monitoring and evaluating school behaviour

109. Schools are encouraged to have strong and effective systems for data capture and skilled staff who thoroughly monitor and objectively analyse data. Doing so assists with reporting on behaviour culture clearly and accurately. Schools are also encouraged to generate a holistic data set that captures all components of the behaviour culture and has a clear monitoring cycle with engagement from school leaders.

110. Administrators may wish to use existing structures to reduce workload and maximise the efficiency of school systems. Schools may want to consider collecting data from the following sources:

- behaviour incident data;
- attendance, permanent exclusion and suspension data;
- use of removal rooms, off-site directions and managed moves; and
- anonymous surveys for staff, pupils, governors, trustees and other stakeholders on their perceptions and experiences of the school behaviour culture.

111. When analysing data, school leaders and staff should use an objective lens. Data should be viewed from multiple perspectives at school level, group level and individual staff and pupil level. School leaders should pose questions to drill down further to identify root causes, system problems or failure to provide appropriate support. Analysing the data by protected characteristic and using those findings to inform policy and practice may help a school ensure that it is meeting its duties under the Equality Act 2010.

Guidance on specific behaviour issues

Child-on-child sexual violence and sexual harassment

112. Following any report of child-on-child sexual violence or sexual harassment offline or online, schools should follow the general safeguarding principles set out in [Keeping children safe in education \(KCSIE\) - especially Part 5](#). The designated safeguarding lead (or deputy) is the most appropriate person to advise on the school's initial response. Each incident should be considered on a case-by-case basis.
113. Schools should be clear in every aspect of their culture that sexual violence and sexual harassment are never acceptable and will not be tolerated. Schools should make clear to all staff the importance of challenging all inappropriate behaviour between pupils. It is especially important not to pass off any sexual violence or sexual harassment as acceptable or as 'banter' as this can lead to the normalisation of an unsafe environment for pupils. Schools should refer to the [Respectful School Communities toolkit](#) for advice on creating a culture in which sexual harassment of all kinds is seen as unacceptable.
114. Responding assertively to sexually inappropriate behaviour is an important intervention that helps prevent challenging, abusive and/or violent behaviour in the future. Part 5 of KCSIE provides guidance and links to external support for schools to access appropriate support for pupils exhibiting sexually inappropriate and/ or harmful sexual behaviour. Pupils whose behaviour falls below the behaviour expected of them can be sanctioned. Disciplinary action can be taken whilst other investigations by the police and or children's social care are ongoing (See paragraphs 126 to 128 for suspected criminal behaviour).
115. Schools should never normalise sexually abusive language or behaviour by treating it as an inevitable fact of life or an expected part of growing up. They should strenuously advocate for high standards of conduct between pupils and staff; they should demonstrate and model manners, courtesy and dignified/respectful relationships.
116. If a report of sexual abuse or harassment is shown to be deliberately invented or malicious, the school should consider whether any disciplinary action is appropriate against the individual who made it as per their own behaviour policy. As with all safeguarding matters it will be important that the Designated Safeguarding Lead is engaged and makes referrals into support services as appropriate.

Behaviour incidents online

117. The way in which pupils relate to one another online can have a significant impact on the environment at school. Negative interactions online can damage the school's culture and can lead to school feeling like an unsafe place. Schools should be clear that the same standards of behaviour are expected online as apply offline, including the importance of respect for others. Inappropriate online behaviour including bullying, the use of inappropriate language, the soliciting and sharing of nude or semi-nude images and videos³⁷ and sexual harassment should be addressed in accordance with the same principles as offline behaviour. Schools should refer to paragraphs 92 to 95⁹⁵ to consider their response to online misbehaviour which occurs outside the school premises.

Drugs and alcohol

118. A school's response to an incident involving drugs and/or alcohol should be consistent with the school's safeguarding policy. Guidance on searching for and confiscating alcohol and/or drugs is found in paragraphs 70 to 76.

Mobile phones

119. Headteachers should decide if mobile phones can be used during the school day. Many pupils, especially as they get older, will have one of their own.

120. Allowing access to mobiles in school introduces complexity and risks, including distraction, disruption, bullying and abuse. If headteachers do allow pupils to access them, they should be clear as to what mitigating measures they have put in place to minimise these risks, and how they will ensure that these are effective.

Safeguarding

121. Keeping Children Safe in Education is clear that all school staff have a responsibility to provide a safe environment in which pupils can learn. The school behaviour policy should be designed to bear this in mind. As part of taking a whole school approach to behaviour and safeguarding it will be important the respective policies complement one another.

³⁷ More information for schools can be found in [Sharing nudes and semi-nudes: advice for education settings working with children and young people.](#)

122. Where circumstances arise that endanger the safety of a pupil the school should act swiftly and decisively to remove the threat and reduce the likelihood of its reoccurrence.
123. Taking disciplinary action and providing appropriate support are not mutually exclusive actions. They can and should occur at the same time if necessary. The school should be very clear as to its approach. This may require balancing preventative or forward-looking action to safeguard the victim and/or the perpetrator(s), especially where there are concerns that a perpetrator themselves may have been a victim of abuse; and disciplinary action to punish a perpetrator for their past conduct. The school should be very clear on which category any action falls into and should ensure that the action complies with the law relating to each category.
124. Schools should consider whether the misbehaviour gives cause to suspect that a pupil is suffering, or is likely to suffer, harm. Where this may be the case as set out in Part 1 of Keeping children safe in education, school staff should follow the school's child protection policy and speak to the designated safeguarding lead (or deputy). They will consider if pastoral support, an early help intervention or a referral to children's social care is appropriate.
125. Alternative arrangements for sanctions can be considered for any pupil whose personal circumstances may impact their response to disciplinary measures. This may include vulnerable children such as those who have a social worker, including looked-after children and previously looked after children, those who have had adverse childhood experiences and those who are young carers. If a pupil in these circumstances has a disability or SEN that has affected their behaviour, the school will need to consider what SEND law requires (see section on sanctioning those with SEND, above).

Suspected criminal behaviour

126. In cases when a member of staff or headteacher suspects criminal behaviour, the school should make an initial assessment of whether an incident should be reported to the police only by gathering enough information to establish the facts of the case. These initial investigations should be fully documented, and schools should make every effort to preserve any relevant evidence. Once a decision is made to report the incident to police, schools should ensure any further action they take does not interfere with any police action taken. However, schools retain the discretion to continue investigations and enforce their own sanctions so long as it does not conflict with police action.

127. If the alleged perpetrator of the crime is less than ten, below the age of criminal responsibility, the police will take a welfare approach.³⁸ When making a report to the police, it will often be appropriate to make in tandem a report to local children's social care. As set out in [Keeping children safe in education](#), it would be expected in most cases that the Designated Safeguarding Lead (or deputy) would take the lead.

128. Reports of child-on-child sexual violence and abuse can be especially difficult to manage and Part 5 of [Keeping children safe in education](#) provides guidance.

³⁸ Further information can be found in [When to call the police \(NPCC GUIDANCE\)](#).



Department
for Education

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