

Supporting teachers, tackling indiscipline

Report of the EIS Committee
on Pupil Indiscipline



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The Educational
Institute of Scotland

Introduction: Supporting teachers, tackling indiscipline

by **Sandy Fowler**, convener of the **EIS Committee on Pupil Indiscipline**

The issue of pupil indiscipline is seldom far below the surface of the educational debate in Scotland. Teachers continue to regard the matter of indiscipline and how to solve it as their number one priority.

Of course, there has never been a time when the behaviour of children and young people did not exercise the minds of teachers. So, is there anything different this time? Well yes, probably. Firstly, schools reflect changes in society and many of the children we teach have increasingly complex lives in which they often communicate their personal difficulties through challenging behaviour. Secondly, the Scottish Executive's policies of inclusion and the presumption of 'mainstreaming' have presented new and difficult challenges for teachers. These challenges certainly require teachers to be more reflective about their teaching and learning. But they also call into question the level of support that they receive from school management, from local authorities and indeed from the Scottish Executive.

It was in the hope of addressing these issues and in an attempt to provide strong, practical advice to classroom teachers based on a negotiated framework at local level that the EIS this year re-convened its ad hoc committee on pupil indiscipline.

This Report confirms the EIS belief in the fundamental principle that teachers have the right to teach and that young people have the right to learn in a safe and disciplined environment. It is the responsibility of the Scottish Executive and Local Authorities to meet these requirements.

It is for these reasons that we are calling on the Executive and on Local Authorities to ensure sufficient funding for Additional Support Needs and additional staffing for in-school behaviour bases and units. We further re-emphasise our strong commitment to the reduction in class sizes in all sectors as an important means of supporting better behaviour and improving pupil discipline

We are also seeking to respond to the growing concern of teachers that there are a number of pupils for whom a 'mainstream' placing is proving inappropriate or indeed impossible. The Scottish Executive should provide, as a matter of urgency, additional off-site behaviour facilities for children and young people displaying particularly challenging behaviour.

The Report again takes the opportunity to re-affirm our belief that Head Teachers should continue to have the right to exclude pupils where appropriate. We acknowledge the place of alternatives to exclusion and the work of the Scottish Executive in promoting and funding innovative solutions. However, the impact of such innovations may take many years to become real or apparent – of little comfort to the teacher who is facing daily disruption or physical assault.

Our advice, therefore, while acknowledging the place of innovative practice, attempts also

to deal with the problem as it currently exists. There are no simple solutions, no 'silver bullet' which will solve the problem of pupil indiscipline. Like so much in modern school life, success depends on a collegiate approach to the problem at a national, local and school level. Those schools which have had some success in tackling pupil indiscipline have been characterised by strong effective leadership but most importantly their policies on discipline/better behaviour have emerged after full consultation, have been clear and concise, featured good communication and have been consistently applied.

It is these principles we wish to see applied at local authority and school level and, combined with additional resources, we believe we can reach our common goal of achieving better behaviour in all of our schools.

Sandy Fowler, June 2006



1 General principles

The EIS strongly supports the fundamental principle that teachers have the right to teach and young people have the right to learn in a safe and disciplined environment.

The EIS calls on the Scottish Executive and local authorities to ensure sufficient funding for:

- additional support wherever this is needed
- additional staffing for in-school behaviour bases and units
- the provision of additional off-site behaviour facilities
- a reduction in class sizes in all sectors to support better behaviour and improved discipline in the classroom
- the development of enhanced provision of better behaviour/discipline strategies as part of initial teacher education
- the provision of local authority support, in matters relating to better behaviour/discipline strategies, for teachers in their induction year
- the provision of appropriate CPD relating to better behaviour/discipline strategies for teachers throughout their careers.

There is a growing recognition that the policy of inclusion is not working for many pupils who exhibit violent behaviour. Currently, however, there is a lack of suitable alternative provision. Therefore, the EIS will continue to call on both the Scottish Parliament and Local Authorities to put in place a range of provisions for pupils exhibiting violent behaviour.

The EIS will continue to call on the Scottish Executive and all local authorities to re-affirm the right of Head Teachers to use exclusion where appropriate.

“There is a growing recognition that the policy of inclusion is not working for many pupils who exhibit violent behaviour.”

2 Teacher entitlements and responsibilities

Unacceptable pupil behaviour, from persistent low level to extreme, is profoundly challenging for all staff and pupils who come in contact with such behaviour. It disrupts the continuity and consistency of teaching and learning.

Any pupil behaviour which disrupts or impacts on the learning of other pupils and the maintenance of health, safety and discipline within the school community is unacceptable. This includes low level disruptive behaviour, bullying and incidents of verbal abuse, physical violence or assault.

All teachers in schools are affected either directly or indirectly by unacceptable pupil behaviour. Teachers should not be made to feel they are failures as a result of poor behaviour in their classrooms. They should be able to seek support which should be available in a non-judgemental and non-threatening way.

Teachers should be entitled to:-

regular quality professional development on behaviour strategies

a clearly defined school better behaviour/discipline policy, consistent with local authority policy, which outlines the available disciplinary measures and sanctions, including exclusion

freedom within their school and working environment from verbal abuse and threats of or actual physical assault.

clear guidelines and professional development on:-

- what to do when facing a disciplinary crisis – including guidelines on intervention in fights and disputes involving pupils
- the use of physical restraint in particular circumstances
- harassment on the grounds of sex, race, sexual orientation or disability
- how to respond to unacceptable language
- the recording of violent or abusive behaviour.

full participation in the formulation of agreed better behaviour/discipline policies as they apply in their schools. All such policies should be linked to other school policies e.g. learning and teaching, health and safety, pupil support. Better behaviour/discipline policies which do not properly reflect the views of teaching staff are unlikely to succeed.

practical support in the form of:

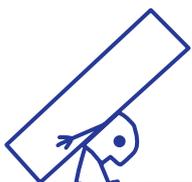
- strong leadership from Head Teachers and appropriate support from members of senior management and trained behaviour coordinators or similarly trained staff in each school
- teams of suitably trained and qualified teaching and support staff
- clear guidelines on the arrangements for the removal of disruptive pupils from class
- clear guidelines on the arrangements for the re-integration of pupils returning from placements in behaviour units or exclusion

- being informed of the arrangements in place to support staff working on their own or in other vulnerable situations.

Teachers should also be entitled to work in a safe environment, with effective health and safety policies which protect the health, safety and welfare of all those in the school community. These policies should include clear guidelines on the reporting of abusive and violent behaviour and appropriate support for staff affected by such behaviour. They should also ensure the development of appropriate and effective risk assessments of disruptive pupils and/or classes.

Teachers have a responsibility to:

- show respect for the children and young people they teach
- have high expectations of pupils' learning and achievements
- encourage good behaviour and respect for others
- be consistent in their application of school better behaviour/discipline policies
- seek advice and support as appropriate on how to promote positive behaviour
- undertake appropriate professional development in areas of behaviour management and strategies
- ensure the safety of the pupils they teach
- work as part of a team with other teachers and support staff
- keep parents informed of their pupils' educational and social progress, including issues relating to behaviour.



3 Resolutions from 2005 AGM

This report is in response to the following resolutions which arose from the EIS 2005 AGM:-

(i) Persistently Disruptive Pupils: EIS Advice and Guidance for Members:

“That this AGM instruct Council to issue advice and guidance for members who teach pupils who are persistently disruptive.”

(ii) Disruptive Pupils: Support from Education Authorities in Dealing with Serious Disciplinary Problems:

“That this AGM resolve to call on Education Authorities in Scotland to increase support for the teaching profession in dealing with serious

disciplinary problems from disruptive pupils which directly affect teaching and learning.”

(iii) Persistent Pupil Disruption: Effective Strategies

“That this AGM resolve to call upon SEED and Scottish Local Authorities to:

(a) develop and resource as a matter of urgency effective strategies to ensure that pupils and teachers enjoy the right to work in classrooms and schools which are not subject to persistent disruption.

(b) ensure that pupils with a record of persistent disruption are offered appropriate placements.

(c) ensure that any subsequent change of placement of such pupils is conditional upon the meeting of clear criteria.”

4 Historical perspective

From 1968-81 the basis of EIS policy on discipline in schools was "The Statement of Principles and Code of Practice", on Corporal Punishment, issued by the Liaison Committee on Educational Matters in 1968. The statement included a proposal for a gradual move towards the abolition of corporal punishment and was used to protect members from precipitate action by employers.

The Pack Report led to the formulation of a number of policies by the EIS in response to the report.

The Abolition of Corporal Punishment began with the publication of the final report of the COSLA Working Group on Corporal Punishment in 1981.

The 1982 and 1983 AGMs approved a number of resolutions designed to assist teachers in implementing classroom discipline.

The 1987 Report from the Ad-hoc Committee on Discipline in Schools made a number of recommendations.

In January 1994 statements made by the Scottish Office, regarding a package of measures designed to address the problem of teacher workload, mentioned "research into school discipline".

The Ad-hoc Committee on Discipline in Schools was established by the EIS in February 1994.

The Report of the Ad-hoc Committee on Discipline in Schools was published in 1995.

Exclusion and In-School Alternatives was published in 1997 by the then Scottish Office Education and Industry Department.

Circular 2/98 Guidance on Issues Concerning Exclusions from Schools was published in 1998 by the Scottish Office.

Promoting Positive Behaviour was published in 1999 by the Scottish Office.

5 Recent developments

The Discipline Task Group was formed in December 2000 by the then Minister for Education, Europe and External Affairs, Jack McConnell, MSP. This was in response to “concerns expressed over indiscipline in Scottish Schools”. The group was chaired by the Minister himself and included Alana Ross from the EIS.

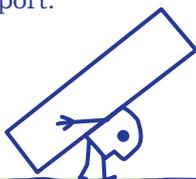
The remit of the group was to make recommendations on:-

- (i) the involvement of teachers in initiatives about discipline
- (ii) strategies to deal with instances of indiscipline and bad behaviour
- (iii) training for teachers and other staff in the management of bad behaviour in school
- (iv) the role of parents in motivating and supporting their children and fostering positive attitudes to education
- (v) the role of other agencies in improving discipline and behaviour.

The Report of the Task Group was published in June 2001 and contained 36 recommendations. (*Appendix 1*)

The Better Behaviour - Better Learning Joint Action Plan, based on the report of the Working Group, was published in December 2001.

- (i) The Action Plan was drawn up jointly by the Scottish Executive, COSLA, ADES and the Association of Directors of Social Work.
- (ii) The Action Plan included 20 action points; 13 for the Scottish Executive, 3 for local authorities and 4 for schools. (*Appendix 2*)
- (iii) In April 2002 HMIE initiated a two year review to monitor the implementation of the ‘*Better Behaviour - Better Learning*’ (BBBL) Report.



Better Behaviour – Better Learning Working Groups.-

Working Groups were established in September 2003 to take forward certain the recommendations of the Discipline Task Group.

Circular 8/03 Exclusion from School was published by the Scottish Executive in November 2003 and superseded guidance issued in Circular 2/98.

Connect: A Report on the Implementation of the Action Plan was produced in September 2004.

Better Behaviour – Better Learning Stakeholders Group.-

The Group first met in September 2004. Members of the group include Helen Connor and Sandy Fowler from the EIS. Its purpose was to discuss, progress and inform future direction of behaviour policy in schools. The Group supported the view that the ‘*Better Behaviour - Better Learning*’ Report remains the most appropriate policy framework to tackle pupil indiscipline. As part of its work the Group:-

- (i) considered the University of Edinburgh survey on pupil indiscipline, (September 2004). It agreed to future surveys on a three-year cycle and is currently involved in the first such survey published in June 2006
- (ii) arranged visits to schools in Scotland and England to examine innovative practice
- (iii) established a Regional Communication Team to promote BBBL (*Appendix 3*)

(iv) established in 2005 a Working Group on in-school behaviour units and off-site provision with Eric Baillie of the EIS as a member

(v) provided information and updates on current Executive initiatives to support schools and local authorities in tackling pupil indiscipline including:

- the roll-out of Staged Intervention/Framework for Intervention (FFI)
- the ‘Cool in School’ pilot in Fife
- the pilot of ‘Restorative Practices’ in Highland, Fife and North Lanarkshire council areas
- the piloting of the Motivated School and the Social Emotional Learning Framework (SELF) in Glasgow
- the pilot on ‘Solution-Oriented Schools’ in Moray
- the development of ‘Developing Empathy’ training for school staff in Edinburgh
- the development of a teacher resource for inclusion by East Renfrewshire Council which will be nationally disseminated.

A Climate for Learning, published by HMIE in February 2005, contained HMIE findings on the review of the Implementation in schools of the ‘Better Behaviour – Better Learning’ Report.

The Committee on Pupil Indiscipline was constituted in September 2005 by decision of the EIS Executive, in response to resolutions from the 2005 AGM.

The GTCS Discipline Working Group published its own report in December 2005.

6 Advice to local associations

At the present time there is an unprecedented level of activity on the part of the Scottish Executive, local authorities, the EIS and individual teachers in response to concerns relating to pupil indiscipline. The challenge for the EIS is to ensure that the strategies arising from this activity impact upon the work of the individual teacher in his or her own classroom, in a way which makes it possible to get on with the job of teaching. In this respect every EIS local association has an important role in taking forward the better behaviour/discipline agenda within each of the local authority areas, both through local negotiations and in supporting the work of teachers in schools.

Each local association should seek to reach agreement within its local authority through the LNCT or other appropriate negotiating or consultative forum on a local policy in relation to better behaviour/discipline. The locally agreed policy should be available in every school.

This local policy should consistently make clear the links between effective behaviour management and effective teaching and learning. The benefits of the well-judged use of curriculum flexibility, underpinned by appropriate consultation at school level, should also be emphasised.

The local policy should require every school in the local authority area to agree a better behaviour/discipline policy for the school. This agreed policy should include the following:-

- the application of curriculum flexibility and *A Curriculum for Excellence* to bring benefits to all pupils
- establishing clear links between effective teaching and learning and effective behaviour management

- ensuring that there is prompt and appropriate access to a carefully balanced range of specialist provision and support for schools. This should include specialist behaviour support staff, on-site support bases or units and sufficient, appropriate off-site provision
- an indication of the criteria for exclusion and re-affirmation of the right of Head Teachers to use exclusion where appropriate
- ensuring effective systems for the dissemination of good practice across other schools and agencies. Schools should be encouraged to celebrate success and to forward examples of good practice to the local authority
- making available high quality professional staff development on learning and teaching and behaviour management both to teaching and support staff. An annual menu of CPD provision on behaviour management should be made available to teachers. Such CPD should include opportunities for courses organised by colleagues in partner agencies.

The policy should include a clear local strategy aimed as a response to pupils who display very challenging behaviour. This is set out in detail in Section 8 of this report.

All aspects of the agreed policy should be evaluated regularly (at least once a year).

Each local association has an important task in supporting teachers in schools in the three areas described below, i.e. establishing principles within the school in relation to better behaviour/discipline, establishing school based policy and, thereafter, in developing good practice within the school.

Each local association should monitor arrangements locally and report on this from time to time to EIS headquarters.

“Each local association has an important task in supporting teachers in schools in the three areas described below, i.e. establishing principles within the school in relation to better behaviour/discipline, establishing school based policy and, thereafter, in developing good practice within the school.”



7 Advice for EIS members in schools

Every school and EIS members in schools will have an important role in taking forward the better behaviour/ discipline agenda. The following sections set out:

- the principles which should inform schools and members
- advice as to the policies which schools should seek to adopt, and
- the way in which the day-to-day work of the school should be informed through developing good practice in the school.

Principles

The following principles should be incorporated within the school based better behaviour/discipline policy, and should be agreed by teachers and other staff in the school.

If a consistently high quality of learning and teaching is to be achieved for all pupils, this should be based on a strong commitment by everyone working in the school at every level to the principles set out in Section 1 of this report and to the better behaviour/discipline agenda.

There should be effective leadership on the better behaviour/discipline agenda from Head Teachers and appropriate support at all times from senior management and behaviour coordinators or similarly trained staff.

Pupil achievement, including success in social and behavioural terms, should be fully recognised and disseminated within the school.

Procedures for reinforcing good behaviour and for dealing with indiscipline as and when it arises should be articulated clearly, implemented consistently and evaluated systematically.

Senior managers and others with additional responsibilities for better behaviour/discipline should take effective action to address any unusually high levels of problems associated with pupil indiscipline.

The EIS in the school should keep in close contact with the local association, both in seeking information on evolving policy and in informing the association of developments in the school.

Establishing a School Based Policy

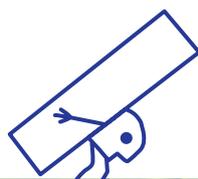
Each school should establish a mechanism to take forward the better behaviour/discipline agenda, e.g. a committee which should take the responsibility for developing a policy on addressing indiscipline at all levels, consistent with the policy agreed at local authority level. This policy should be subject to agreement with all staff in the school and should be regularly and systematically evaluated (at least on an annual basis).

As part of the policy, there should be a strategy for staged assessment and intervention consistent with the strategy agreed at local authority level. This is set out in detail in Section 8.

The following elements should also be included within a school better behaviour/discipline policy:-

- clear procedures to be employed in reinforcing good behaviour
- clear procedures for reporting, recording and addressing indiscipline at all levels
- clear procedures for regular monitoring and evaluation of the application of the procedures designed to address indiscipline
- clear procedures for addressing major incidents of indiscipline
- clear procedures for consulting and communicating with classroom teachers on the re-integration of pupils who have been excluded
- an identified member of the senior management team to be responsible for the implementation of these agreed procedures
- provision that changes to the procedures should only be through further discussion and agreement.

The policy should also indicate the criteria for exclusion and re-affirm the right of Head Teachers to use exclusion where appropriate.



The policy should ensure mechanisms to monitor the range of specialist and support provision in line with the local authority policy (paragraph 6.4).

The policy should ensure that teachers are able to access support which is provided in a non-judgemental and non-threatening way, e.g. through the appointment of behaviour coordinators or similarly trained staff in each school.

Adherence to local guidelines on the reporting of abusive and violent behaviour and appropriate support for staff affected by such behaviour should form part of the agreed policy.

The policy should also ensure the development of appropriate and effective risk assessments of disruptive pupils and/or classes. It is important that teachers are actively involved and consulted on such risk assessments and on arrangements to minimise risk.

Developing Good Practice in the School

Curriculum flexibility and developments associated with ‘*A Curriculum for Excellence*’ (ACE) should, based on full consultation with classroom teachers, be used effectively to avoid pupils becoming disengaged and disaffected whilst still challenging them educationally. This use should be accompanied by a clear focus on monitoring and evaluating the impact on attainment and achievement.

The interface between curriculum flexibility and ACE, their effect on attainment and achievement and the relevance to better behaviour/discipline should be clearly stated within the school’s development plan. This should be reviewed in line with the review of the development plan, with full involvement of teachers in the consultation process.

Classroom teachers should receive appropriate training and development in implementing appropriate techniques for promoting and maintaining positive behaviour. They should be supported quickly and effectively if major problems arise. This should be incorporated within discussions on the CPD entitlement of teaching staff.

There should be a clearly stated, quick and effective procedure for teachers to follow when confronted by incidents of major indiscipline.

Procedures should be agreed for informing teachers of the relevant needs of all pupils, and specifically those who are vulnerable. These procedures should be incorporated within the school action plan. There should be an annual review of these procedures. Relevant information on vulnerable pupils should be available to teachers, in order to address the pupils’ needs and to ensure that appropriate information is passed on throughout all stages of the education of such pupils.

All staff should be provided with the support and advice whenever and wherever needed, for example through the school’s behaviour coordinator.

“There should be a clearly stated, quick and effective procedure for teachers to follow when confronted by incidents of major indiscipline.”



8 Responding to pupils who display very challenging behaviour

Effective early intervention arrangements should be in place to ensure that the care and educational needs of pupils with SEBD are addressed at an early stage in nursery and primary schools.

At a local authority level, LNCTs, or other bodies set up for that purpose, should agree and publish details of such early intervention strategies.

Within each primary and nursery school, through an appropriate mechanism, e.g. school negotiating committee, details of how the early intervention strategies are to be employed within the school should be agreed and published.

For all schools an agreed system of staged assessment and intervention, that ensures additional support in classes for individual pupils presenting persistent behavioural problems should, where necessary, be enhanced by further additional support from outwith the mainstream class in a unit or base or in off-site provision.

LNCTs, or other bodies set up for the purpose, should agree and publish strategies on staged assessment and intervention.

Each school should agree and publish a set of procedures which sets out the implementation of the strategy within the establishment.

LNCTs, or other bodies set up for the purpose, should establish and maintain a list of unit, base and off-site provision for each establishment.

LNCTs, or other bodies set up for the purpose, should agree levels of staffing for these units, bases and off-site establishments which is appropriate in terms of numbers and level of staff training.

Within each school the list of additional provision for that establishment should be available to each teacher, with a clear procedure as to how this support can be accessed.

Support bases or units should be well resourced, and staffed with sufficient appropriately trained teaching and support personnel to allow them to function effectively. They should provide high quality input for pupils in terms of the curriculum and for their personal and social needs.

In-school units should be subject to the curricular social and behavioural objectives set by each school.

The curricular, social and behavioural targets for off-site units should be determined by the staff of the unit, in line with the policies of the relevant local authority.

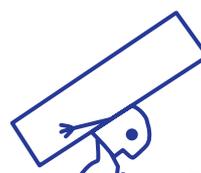
There should be agreed contributions from schools, families, and services providing family support, including home-school link workers.

Within each school there should be agreed procedures as to inter-agency working applicable to the establishment.

There should also be explicit recognition of the advice from the EIS through its Employment Relations Department.

This is as follows:-

- (i) The EIS recognises that violence against teachers is a major concern to EIS members.
- (ii) The EIS must be fully consulted, at establishment level, on decisions arising from violent incidents against teachers.
- (iii) LNCTs should seek agreement on the operation of local authority exclusion policies when acts of violence take place.
- (iv) LNCTs should agree policies on minimizing the risk of violence and on recording and reporting procedures locally.
- (v) Local association secretaries are advised to comply with national EIS advice on reporting, monitoring and recording of violent incidents when reaching local agreement on these matters.



- (vi) The EIS should lobby the Scottish Parliament and Local Authorities for increased dedicated resources and alternative provision for pupils who have committed violence against teachers.
- (vii) The measures for reporting, monitoring and recording as detailed in this policy, should be complied with by all Local Authorities. In addition, members are reminded that the Institute has a policy on physical restraint (*Appendix 5*).
- (viii) Violence to teachers should be monitored by both LNCT and Safety Committees at Authority level.
- (ix) A policy on minimizing the risk of violence and procedures for reporting, recording and monitoring should be agreed with the EIS through the LNCT and, if already agreed, its effectiveness should be reviewed.
- (x) The policy should include reporting all assaults to the police, conducting incident investigations and ensuring that risk assessments are carried out with consultation of EIS members as a necessary part of the process.
- The aim of this process is to prevent recurrence and reduce risks of further, similar incidents.
- (xi) Where pupils are involved in violent incidents against teachers, decisions regarding such pupils should be taken in consultation with the EIS at establishment level. It is untenable that teachers are involved in positive behaviour initiatives in a proactive, collegial manner but are effectively by-passed in management decisions when behaviour breaks down. Therefore, a key element of the EIS strategy should be that the EIS is fully consulted in decisions relating to pupils who commit acts of violence against teachers, taking account of national and local guidelines on exclusion.
- (xii) Another key element of the strategy is that LNCTs should seek meaningful consultation and agreement on the operation of Authorities' exclusion policies when acts of violence are committed by pupils against teachers.
- (xiii) The EIS should continue to lobby politically for provision for violent pupils to be permanently excluded from school.

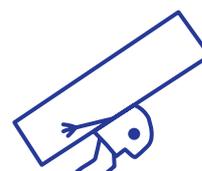
“Where pupils are involved in violent incidents against teachers, decisions regarding such pupils should be taken in consultation with the EIS at establishment level.”



Appendix 1

Recommendations from the Report of the Discipline Task Group, June 2001

Recommendation	Scottish Executive	Local Authorities	Schools
1 The Scottish Executive should provide guidance to all schools on the degree of curricular flexibility available within current guidelines to enable them to take account of local circumstances and meet individual pupil needs. (p17)	●		
2 Local authorities and schools should review existing policies and guidelines relating to learning and teaching, make explicit links with policies for promoting positive discipline. It is recommended that these should be integrated into a single framework of effective inclusive practice. (p19)		●	●
3 The additional resources already agreed and planned to support schools and education authorities through the implementation of <i>A Teaching Profession for the 21st Century</i> , and for the continuation of the classroom assistants and class size strands of the Excellence Fund should be prioritised to increase staffing (teaching and non-teaching) in order to support social inclusion and development of positive discipline strategies in all schools. (p19)	●	●	●
4 Schools should agree and share good practice on routine procedures for managing pupils in and around the school and within classrooms. These procedures should be applied consistently by all staff. (p22)			●
5 The Scottish Executive should endorse the principles of staged intervention. Funding should be made available to enable a number of pilot programmes on staged intervention to be established. The evaluation of such programmes should pay particular attention to the links between indiscipline, classroom management and effective learning and teaching. (p25)	●		
6 Schools should agree and adopt policies for the management of pupil care, welfare and discipline, including the promotion of positive behaviour. Particular attention should be paid to expectations, rules, rewards and sanctions. These policies should be applied consistently. (p28)			●
7 Local authorities should provide support and advice for all schools in the formulation of policies relating to pupil care, welfare and discipline. School policies and their implementation should be regularly reviewed and endorsed by the local authority and these arrangements should be evaluated by HM Inspectorate of Education through their inspections of education authorities. (p28)		●	●



Recommendation	Scottish Executive	Local Authorities	Schools
8 A national mechanism for identifying, evaluating and disseminating good practice at education authority and school levels should be established and funded. As part of this mechanism, national research focused on school discipline, behaviour management and school inclusion should be developed. (p28)	●		
9 In supporting the concept of creating a 'learning community', schools should consult with pupils, teachers and parents/carers in order to agree a dress code for children and young people. Local authorities should support schools in the implementation of their agreed dress codes. (p30)		●	●
10 In consultation with schools, the Scottish Executive and local authorities should consider how additional and existing funding might be used to provide auxiliary support to assist with the care and welfare of children and young people. Consideration should be given to appropriate training for these staff. (p30)	●	●	
11 Local authorities should provide guidance and advice to all staff regarding the levels of intervention they expect from them with respect to their handling of disciplinary matters in classrooms and public areas within the school. (p31)		●	
12 Schools should develop agreed systems for shared responsibility between staff at all levels for the conduct and behaviour of children and young people in corridors, playgrounds and public areas within the school. (p31)			●
13 Schools should ensure that there are formal mechanisms in place to allow all pupils to regularly share their views with teachers and other pupils, and to participate in decision-making on matters which affect them directly. These mechanisms should allow for consultation and active participation on a range of issues, including the setting of priorities for the school development plan. (p34)			●
14 Schools should ensure that opportunities are provided for senior pupils at both primary and secondary levels to take responsibility for 'buddying' and/or mentoring junior pupils. (p34)			●
15 Schools should review the mechanisms and approaches used to communicate with and involve parents/carers in the general life of the school and with their own child's education in particular. (p36)			●



Recommendation	Scottish Executive	Local Authorities	Schools
<p>16 A national development programme on parenting skills should be developed. (p36)</p>	●		
<p>17 The Scottish Executive and local authorities should prioritise funding from within the Excellence Fund to provide for a home-school links worker in secondary schools and primary clusters. (p37)</p>	●		
<p>18 A media campaign focusing on parents’/carers’ rights and responsibilities in the school system should be established. This should include an information leaflet for parents/carers highlighting these rights and responsibilities, and advising ways to support their child’s education. (p37)</p>	●		
<p>19 Schools should give consideration to integrating the work of learning support, behaviour support and guidance into a single overall framework of pupil support in order to achieve a more holistic approach to supporting the needs of all children and young people. (p39)</p>			●
<p>20 There should be a review of the criteria and formula for the allocation of learning support staffing to all schools to allow for appropriate levels of support for children and young people with special educational needs, including those with social, emotional and behavioural difficulties. (p39)</p>	●	●	
<p>21 There should be a comprehensive review of the nature and purpose of guidance, both at primary and secondary school levels, and of the training of guidance staff. (p40)</p>	●	●	
<p>22 Flexible support provision, including in-class support and facilities to educate children and young people outwith the normal classroom environment, should be established in secondary schools and designated primary schools. Best practice in operating such provision should be further researched and disseminated nationally. (p42)</p>	●	●	●
<p>23 In planning for new and refurbished school buildings, local authorities should seek to ensure that suitable and appropriate accommodation is made available for supporting the needs of children and young people who may need to be educated outwith the normal classroom environment. They should also consider how to adapt existing school buildings to allow this to happen. (p43)</p>		●	

Recommendation	Scottish Executive	Local Authorities	Schools
<p>24 The guidance contained within Circular 2/98 Guidance on Issues Concerning Exclusion from School should be reviewed in the light of the Standards in Scotland's Schools etc. Act 2000. Local authorities should ensure that all schools are aware of relevant guidance and legislation relating to exclusions from school. As part of their inspections of education authorities, HM Inspectorate of Education should review the procedures used to manage the process of exclusions from school. (p44)</p>	●	●	
<p>25 All schools should have a designated member of staff who is responsible for the care, welfare and tracking of progress of looked after children. There is a clear role for this member of staff in supporting colleagues in caring for the interests and welfare of looked after children. (p45)</p>			●
<p>26 There should be joint multidisciplinary decision-making relating to the care and welfare of children and young people experiencing social, emotional or behavioural difficulties. Clear mechanisms for ensuring effective multidisciplinary working, adapted to meet local needs and circumstances, should be established for all nursery, primary and secondary school clusters to provide holistic and responsive support for children, young people and their families as required. (p48)</p>		●	●
<p>27 Schools and local authorities should consider how to further enhance their investment in early intervention strategies aimed at pre-school and primary school children and their families. This should include a specific focus on supporting pupils with social, emotional and behavioural difficulties which encompasses local family support strategies. (p52)</p>		●	●
<p>28 Local education authorities and schools should review policies and procedures to ensure all educational transitions, including those between mainstream education and alternative provision, are proactively managed in the best interests of all children, young people and families. (p52)</p>		●	●
<p>29 The success strategies identified in the New Community Schools pilot should be rolled out to secondary schools and primary schools across Scotland. (p53)</p>	●		
<p>30 As trusted professionals, all teachers should have access to relevant background information on pupils, including personal and family details, which may affect the learning and teaching process. (p56)</p>			●



Recommendation	Scottish Executive	Local Authorities	Schools
<p>31 The current review of initial teacher education should include the extent to which student teachers are prepared to meet the challenges of supporting social inclusion through effective behaviour management, the promotion of positive discipline and classroom management skills. It should also include the development of opportunities for students following ITE courses to link with professionals in other fields and to develop an awareness of approaches to working with parents and carers. (p57)</p>	●		
<p>32 In partnership with teacher education institutions and faculties of education, a national continuing professional development programme relating to behaviour management, social inclusion, alternatives to exclusion and effective learning and teaching for probationers, serving teachers and senior managers should be developed. (p58)</p>	●	●	
<p>33 The continuing professional development programme should include opportunities for teaching staff to take part in multidisciplinary training with professionals in other fields and to develop an awareness of approaches to working with parents and carers. (p59)</p>	●	●	
<p>34 The Scottish Executive should develop a set of policy targets linked to the performance measures within the National Priorities, focused on school ethos and discipline. These should support education authorities and schools in maintaining a greater number of children and young people with social, emotional and behavioural difficulties within mainstream schools without adversely affecting the progress or welfare of other pupil or staff. Schools should receive appropriate funding to achieve such targets. (p61)</p>	●		
<p>35 The relevant strands of the Excellence Fund should be reviewed and focused on promoting effective learning and teaching, promoting positive discipline and alternatives to exclusion. (p61)</p>	●		
<p>36 There should be a national strategy development to manage the implementation of the recommendations offered by the Discipline Task Group. Local authorities and schools should also consider how they can best address the recommendations which apply directly to them. HM Inspectorate of Education should review the progress being made by local authorities and schools in this respect through routine inspections. (p62)</p>	●	●	●

Appendix 2

Action Points - Better Behaviour – Better Learning Joint Action Plan, December 2001 - based on the work of the Discipline Task Group, 2001

In summary

The Scottish Executive will:

- Support curricular flexibility
- Maintain agreed additional funding for classroom assistants and auxiliary staff
- Fund projects on staged intervention
- Review and introduce improved national networks for publication and sharing of relevant good practice
- Develop proposals on parenting support
- Fund support for home-school link workers
- Publish information on parents' and carers' rights and responsibilities in the school system
- Review, in consultation, the nature and purpose of guidance in schools
- Fund some quick start work of pupil support bases
- Roll out New Community Schools approach across Scotland
- Work towards a national framework for continuous professional development of teachers
- Ask local authorities to create their own action plans for implementing the DTG recommendations
- Review progress on the Action Plan.

Action by local authorities

- Create their own implementation plans, within Local Improvement Plans, for the actions ascribed to them and to schools
- Work with schools in reviewing/providing the frameworks and support for local action to implement this Action Plan, e.g.
 - * links between learning and teaching and positive behaviour (rec. 2)
 - * pupil care and welfare (rec. 7)
 - * managing transitions into primary, primary/secondary, into work etc. (rec 28)
- Provide details of implementation progress to the Executive within their Local Improvement Plans.

Action by Schools:

- In consultation with teachers, pupils, parents/carers and other relevant interests, build upon past achievements in positive discipline approaches through action on the Task Group's recommendations, e.g.
 - * managing pupils in class and elsewhere (rec. 4)
 - * agreeing a dress code (rec. 9)
 - * involving parents/carers (rec. 15)
- Place pupils at the centre of structures in school
- Promote positive behaviour and improving school ethos as priorities
- Report progress in School Development Plans.

“In consultation with teachers, pupils, parents/carers and other relevant interests, build upon past achievements in positive discipline approaches through action on the Task Group's recommendations.”



Appendix 3

Regional Communication Team

Team leader details:

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	SOUTH WEST	
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	WEST	
Argyle and Bute East Renfrewshire Inverclyde	Maureen Fairgrieve <i>maureenfairgrieve@hotmail.com</i> 07900 430286	Nurture Groups
	WEST CENTRAL	
Glasgow West Dunbartonshire Renfrewshire	Frank Reilly Cotton Street, Paisley <i>frank.reilly@renfrewshire.gov.uk</i> 0141 842 5650	The Motivated School
	CENTRAL	
Stirling Clackmannanshire Falkirk West Lothian	George Marcinkiewicz <i>George.marcinkiewicz@falkirk.gov.uk</i> 01324 628416	Staged Intervention
	LANARKSHIRE	
East Dunbartonshire North Lanarkshire South Lanarkshire	Lorraine Hunter Inclusion Support Base, Pentland Road, Chryston, G69 9DL <i>lorrainehunter@gmail.com</i> 0141 779 4891	Restorative Practice
	SOUTH EAST	
Edinburgh East Lothian Midlothian Borders	Yvonne Binks East Lothian Council, John Muir House, Haddington, East Lothian, EH41 3HA <i>ybinks@eastlothian.gov.uk</i> 01620 827252	Developing Empathy
	EAST	
Dundee Angus Fife Perth and Kinross	Derrick Bruce <i>derrickbruce@fiscali.co.uk</i> 01592 415602	Residential and Voluntary
	NORTH	
Aberdeen Aberdeen City Moray Highland	Douglas Wilson Beachbrae Education Centre, Duffus Road, Elgin, IV30 1BX. <i>douglas.wilson@moray.gov.uk</i> 01343 557925	Solution Oriented Schools

Appendix 4

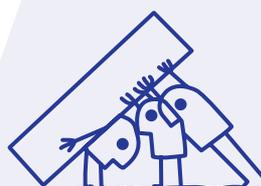
Examples Of Recent Initiatives

The following are examples of current initiatives under the Better Behaviour Better Learning programme.

- Restorative Practices
- Staged Intervention
- Effective Practice for Inclusion
- Being Cool in School
- Solution Oriented School Programme
- Developing Empathy
- Inclusive Education
- The Motivated School
- The Social Learning framework.

Detailed information on each of these initiatives is available on:-

www.betterbehavioursotland.gov.uk/initiatives



Appendix 5

EIS Policy Paper on Physical Restraint Techniques

1. Introduction

1.1 The following resolution was approved by Executive Council in November 2003:

“This Executive Council instructs the Salaries and Conditions Committee to review and update Institute advice to members on the use of physical restraint techniques.”

1.2 Extant Institute policy relates to Therapeutic Crisis Intervention techniques and was drawn up in 1995. Since then, TCI has been withdrawn in a number of councils while other techniques such as CALM (Crisis Aggression Limitation Management) and TEAM-TEACH have been introduced.

1.3 The legislative and social concerns have changed. The integration of more children with complex behavioural needs in mainstream schools has created a context in which many councils are producing policies on physical restraint. Regrettably all teachers face more challenging behaviour and may have to intervene to prevent or to stop physical violence, as a last resort.

1.4 Scottish Office Circular 5/97 defines Violence as “Any incident in which any employee of a school is seriously abused, is threatened or is assaulted by a pupil, parent, member of the public or any other persons in circumstances arising out of the course of his/her employer.”

1.5 The EIS challenges the assumption that teachers should be expected to tolerate or deal with violent behaviour from pupils in Scottish schools and challenges the assumption that the solution lies in physical restraint techniques. On the contrary the EIS demands schools free from violent behaviour where teachers can concentrate on the job of teaching.

1.6 It should be understood that it is not possible to give unambiguous advice on physical restraint. Any act of restraint brings the possibility of legal challenge to teachers and judgement made through a legal process rather than through a local authority’s policies.

2. The Legal Background

2.1 Section 48A(3) of the Education (Scotland) Act of 1980, as amended by the 1986 Act (which abolished corporal punishment in Scottish schools) states:

“A person is not to be taken for the purposes of this section as giving corporal punishment by virtue of anything done for reasons which include averting an immediate danger of personal injury to, or an immediate danger to the property of, any person (including the pupil concerned).”

2.2 The Education Scotland Act of 1995 also stated that schools do not have the general authority of Section 5 of the Act to do what is reasonable to safeguard the child’s health, discipline and welfare.

They must have this authority delegated by parents. The 1995 Act strengthens the rights of parents or guardians to challenge teachers who deploy restraint.

2.3 The sections above may allow teachers to restrain children but only in the context of a general duty of care. Members are reminded that any physical restraint brings a risk of criminal investigation and prosecution. The application of “reasonable force” is open to a variety of interpretations and teachers may be subject to challenge through legal process, an employer’s disciplinary procedures and GTC(S) disciplinary investigation.

2.4 The Health and Safety at Work etc Act 1974 requires Local Authorities to ensure, so far as is reasonably practicable, the health and safety of all their employees. The Management of Health and Safety at Work Regulations 1999 requires employers to complete suitable and sufficient risk assessments. The risks to teachers’ safety from assaults, violent and other unacceptable behaviours and from, where implemented, the use of physical restraint techniques should be assessed.

3. Guidance from Employers

3.1 The motion approved by Executive Council requires advice for individual members. However, the context in which members operate will be dependent on the policies of respective employers. Therefore, local association secretaries, branch secretaries in colleges and representatives in private schools, particularly EBD or CLD establishments, should be consulted on policies on physical restraint or physical intervention which may include guidance on physical restraint.

3.2 In any consultation the following principles should be underpinning the EIS negotiating approach:

- * a recognition that teachers cannot be required to be trained in physical restraint techniques but techniques to reduce threatening behaviour may be introduced in certain establishments.
- * EBD and CLD schools are the appropriate establishments for pupils whose behaviour is likely to lead to threatening behaviour
- * a recognition that all staff may have to respond to emergency situations
- * recording procedures when any physical restraint is deployed.

4. Advice to Members

4.1 Physical restraint techniques and training are more directly relevant to the duties of care workers and certain special needs auxiliaries than to teachers.

4.2 The Institute believes that employers should carry out risk assessments to identify potentially violent situations

and appropriate strategies to prevent violent incidents occurring, thus minimising the need for staff to employ physical restraint techniques.

4.3 The Institute believes that where young children exhibit violent behaviour or pose a threat of violence, identified through a risk assessment procedure, the most appropriate placement is an EBD school or unit.

4.4 There can be no requirement for Institute members to be trained in physical restraint techniques and the Institute will provide full support to any member pressured by an employer to be trained in physical restraint techniques. Such training should be voluntary and is most relevant for members deployed in EBD schools and units. However, the Institute accepts that members can be involved in training to minimise the risk of violence and to deal with issues of immediate danger e.g. training in de-escalation techniques.

4.5 The Institute recognises that where there is an immediate danger to other persons or the possibility of physical assault upon themselves members may intervene physically. Should any member physically intervene in these circumstances they must be aware that any physical contact brings the risk of disciplinary action from the employer or criminal investigation and prosecution.

4.6 Intervention should be the last resort and other than in exceptional circumstance should only be considered following other measures to defuse the situation, following, wherever possible, the summoning of assistance and, wherever possible, following a clear warning.

4.7 Any action should be the minimum required in the circumstances to prevent a young person harming herself/himself, others or the member.

4.8 Where physical contact has occurred the member should report the incident to the head of establishment and branch representatives who shall, when necessary, contact the local association secretary.

5. Recommendations

5.1 The Institute is opposed to any requirement for teachers to be required to be trained in physical restraint techniques.

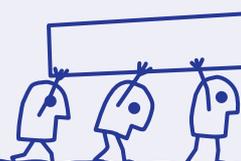
5.2 Physical restraint techniques are more appropriate for care workers and some special needs auxiliaries. The Institute is not competent to make comment on the effectiveness of various restraint techniques advocated by authorities.

5.3 Young people who present a consistent risk to teachers, other staff and other young people should be more properly placed in EBD/CLD schools or units.

5.4 The Institute will investigate further whether additional advice is necessary for our members who work in EBD Schools and Units.

5.5 Local association secretaries should seek to clarify policies within their employing authorities in accordance with the advice in Section 3 of this paper.

5.6 Advice to members, set out in Section 4 of this paper, should be issued to members in a leaflet.



Physical Restraint Techniques

Additional EIS Advice Relating to EBD and CLD Schools

1. Introduction

- 1.1 The 2004 AGM approved a policy paper on Physical Restraint Techniques.
- 1.2 In presenting the paper to the AGM the Convener of the Salaries and Conditions of Service Committee gave an assurance that additional advice would be provided to members working in EBD and CLD schools where there exists a team approach to physical restraint and an expectation that teachers would be involved in restraint as part of a team.
- 1.3 The 2004 policy paper remains overarching Institute policy on physical restraint and is appended to this paper.

2. Advice to Members in Emotional Behaviour Difficulty and Complex Learning Difficulty Schools and Units

- 2.1 The EIS cannot provide advice on the relative merits of various restraint techniques. This is a matter for the employer. However, the views of teachers should be considered and any approved written policy should be subject to annual review. Where there are a number of EBD/CLD schools or units across an authority advice should be sought from LA secretaries and the policy should be agreed by the LNCT.
- 2.2 Policy should at a minimum set out and emphasise de-escalation techniques, define the circumstances in which restraint may become necessary and define, as far as is practicable, the issue of “reasonable force”.

2.3 Policy should also provide for recording and reporting mechanisms.

2.4 Where members in EBD and CLD schools and units have agreed to undertake physical restraint appropriate initial and refresher training, on an annual basis, should be provided by the employer.

3. Conclusion

- 3.1 The additional advice set out above fulfils the commitment given at the 2004 AGM.

eis





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