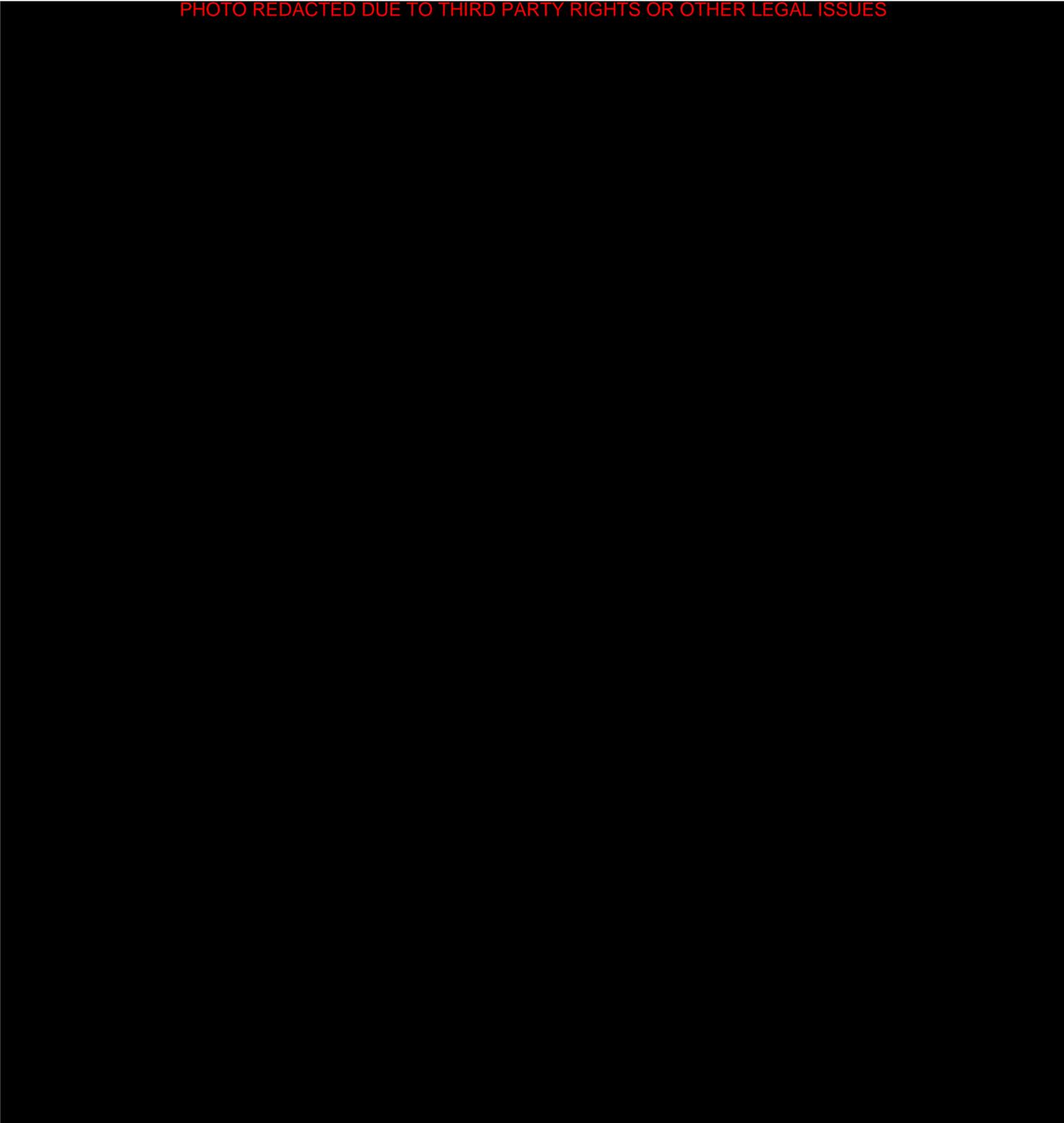


Behaviour and the role of Home-School Agreements

Sir Alan Steer

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Rt. Hon. Ed Balls MP
Secretary of State
Department for Children, Schools and Families
Sanctuary Buildings
Great Smith Street
London SW1P 3BT

15th March 2010

Dear Ed,

Behaviour Standards and Home-School Agreements.

I am pleased to submit my report which addresses the issues identified in your letter dated March 1st 2010. I have considered how schools can best meet the requirements arising from the Children, Schools and Families Bill and, as requested, I have made observations regarding the current standards of pupil behaviour in our schools.

Schools work very hard to establish good relations with their communities. This is highly valued by parents and is one of the reasons why the large majority are happy with the school their child attends.

There is always the possibility for improvement and my recommendations are intended to raise standards higher. Effective home-school agreements are important in making clear the expectations that exist for parents, pupils and the school and by doing so, promoting a positive working relationship. I know that you share my concern that schools are not distracted from teaching and learning by increased administration and my recommendations are intended to prevent that situation arising.

I am pleased to have had the opportunity to restate my opinion that the great majority of pupils are well behaved and that behaviour standards are high in the great majority of schools. The evidence from Ofsted clearly supports this position.

Alan Steer

Sir Alan Steer

Key findings and recommendations

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This report has been written at the request of the Secretary of State. It comments on the current behaviour standards in our schools and on actions taken by government to raise those standards higher in response to my earlier recommendations. The report offers advice on the actions needed to successfully implement the changes to the home-school agreement as specified in the Children, Schools and Families Bill.

Key findings

- The prime responsibility for bringing up children belongs to their parents. Schools are rarely responsible for causing problems among the young and are good at helping to ameliorate the problems of society. Schools do have a clear responsibility to work with and support parents in caring for their children.
- Behaviour standards in schools are high for the great majority of young people. The misconduct of a few represents a small percentage of the seven million pupils in the school system.
- Concern over behaviour standards among the young is often fuelled by the news of well publicised incidents. Invariably these are unrepresentative and rare. The number of delinquent young people is far exceeded by the number of those who work tirelessly as volunteers in their community, or who act as carers in their families.
- Schools have very much clearer, broader and better focused powers to discipline pupils than ever before. The range of legal powers that schools and teachers now have (including from September the wider powers to search pupils) is adequate and appropriate for their professional needs. I do not believe there is a need or desire among the profession for schools to be given wider legal powers on discipline.
- Home-school agreements have an important role in ensuring that schools and parents work together to maintain high standards. On rare occasions this partnership can break down so the current changes being made to the legislation underpinning home-school

agreements are an important step forward in providing Headteachers with the legal backstop of recourse to the courts if necessary. Without this legal framework an important aspect of HSAs would be undermined.

- Home-school agreements should not be seen as being solely concerned with issues of behaviour, or as solely a means of coercion when problems arise. When operated well, home-school agreements inform; promote pupil-parent-school engagement and bring together other school policies into a coherent whole. They cannot be seen as providing a simplistic and legalistic solution to problems. They will never fulfil that function.

Recommendations

1. Whether or not the parent signs the home-school agreement, this cannot be a criterion for admission to a school. A child cannot be penalised by the actions of his/her parents. Home-school agreements should only be returned to the admitting school after the admissions process has been completed.
2. Schools should link the annual review of the home-school agreement with the regular review of the school behaviour policy which is required by law.
3. The administration of home-school agreements must not be a burden for schools. If it becomes so, the likely result will be that schools ignore the requirements regarding annual reviews. In particular home-school agreements must enhance the work of the school on teaching and learning, rather than distract from this core reason for the school's existence.
4. Schools already have a number of times in the year when they engage with parents in reviewing a child's development. These include the issuing of school reports to parents on the progress of their children and the setting of targets for individual pupils. The annual review and issuing of the home-school agreement should be integrated into one of these existing processes, as determined by the school.
5. Schools should keep their parental engagement practices under constant review to ensure that they learn from experience and maintain the highest standards.
6. Schools should analyse parental engagement in order to identify those parents where contact levels are disappointing. An analysis may reveal which groups of parents are disengaged so the school can adjust its practices and offer more bespoke solutions.
7. Parent Support Advisers are highly valued by schools. They can help parents understand and participate in the home-school agreement. Creating greater capacity in schools for supporting children and parents in need has universal support and was central to the Children's Plan 2007. It is important in a difficult financial climate that central government and schools protect these important staff.

8. Schools value highly their relations with the parents of their pupils and make great efforts to engage with them in the interests of their children. They would find it helpful to have available examples of good practice in promoting school-parent engagement.

9. Schools should make it clear and explicit in their school behaviour policies that they have power to use physical force as necessary on pupils, power to put pupils in detention outside normal school hours and power to search pupils for certain types of inappropriate items.

10. In exercising their power to restrain or search a pupil, a school staff member must act proportionately and in accord with published guidance and the law.

11. When a pupil has been searched by a school staff member a written record should generally be kept in the same way in which schools will be required to record significant incidents of the use of force.. This protects the interests of both staff member and children and enables a full picture of that child's needs to exist. The record can be brief according to the circumstances, but would form the basis for subsequent feedback to the parent.

12. It is important that schools have the confidence of knowing that they operate within a legal system that supports their endeavours and that both parents and schools know that the use of a parenting order is a possibility. The issuing of parenting orders will be a rare event and an action taken only when all other strategies have failed. Threatening a parent at an early stage with issuing a parenting order would be likely to prevent them developing a better relationship with the school.

13. Learning, teaching and behaviour are closely interconnected. Engaging all staff, schools should draw up a learning and teaching policy which promotes consistent high standards in a school and supports teachers and school staff in their work. The best way to engage parents is by engaging their children.

14. In recent years schools have experienced a period of considerable change. Important and laudable initiatives have been launched which command widespread support. The focus should now move to supporting the implementation of those changes. It is in the interests of children that schools now enjoy a period of relative calm.

Behaviour standards in our schools

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Poor behaviour cannot be tolerated as it is a denial of the right of pupils to learn and teachers to teach. To enable learning to take place preventative action is most effective, but where this fails, schools must have clear, firm and intelligent strategies in place to help pupils manage their behaviour.

Core Belief: Learning Behaviour 2005

1. In my previous reports on the standard of behaviour in schools I have been confident in stating my belief that standards are high for the great majority of young people and in the great majority of schools and classrooms. This remains my view. Indeed it is my opinion that standards have risen over the last thirty years. There are seven million children in the state education system. The misconduct of the few represents a small percentage of the cohort of school children.
2. Ofsted's Annual Reports confirm that the number of schools inspected where behaviour is a significant concern have

fallen year by year. In November 2009 Her Majesty's Chief Inspector of Education reported that standards of behaviour were good, or outstanding in 95% of primary schools and 80% of secondary schools. In less than 1% of primary schools and in only 1% of secondary schools was behaviour judged to be inadequate. Even in February 2005 when he raised concerns over the degree of low level disruption the then Chief Inspector felt confident in saying that *'the great majority of pupils enjoy school, work hard and behave well.'*

3. Difficulties do exist in some areas and in some schools and these problems need to be dealt with in the interests of children, teachers and society. Bad behaviour should never be tolerated in schools, or in any other part of society. Parents and teachers need to have confidence in the importance of their roles and the confidence to set high expectations for children. This will never be an easy task as it is the nature of childhood that it is a time when mistakes are made.

Raising standards further

Maintaining and raising standards of behaviour in schools has been a Government priority. I have been pleased that the recommendations I have made in my series of reports have been accepted by the Secretary of State and acted upon.

4. Among the changes introduced following my initial report in 2005 and my subsequent review of behaviour standards the following are particularly significant.
5. The statutory power to discipline pupils and impose sanctions for breaches of school rules, or other unacceptable behaviour.
6. The backing which the law now provides to school staff who confiscate items such as mobile phones from pupils if they are being used inappropriately, or maliciously.
7. The statutory power to impose discipline beyond the school site.
8. The statutory power to search pupils for weapons. This power is being extended from September 2010 to cover other items.
9. The wider scope that the law now provides for schools to use the key sanction of pupil detention.
10. Requiring all secondary schools to work collaboratively in behaviour and attendance partnerships.
11. Developing closer working links with the police within Safer School Partnerships.

It is in the interests of children that schools now experience a period of calm so that they can successfully implement planned programmes for improvement.

12. Many of my recommendations relate to issues outside direct government control and these I hope will be implemented by schools. Professional practice in schools needs to be more consistent in quality with teachers being more mutually supportive. It is a matter of surprise and regret that some schools do not develop a learning and teaching policy which is observed by all staff as, where consistent good standards are maintained, the benefits are felt by all and the progress of pupils is enhanced.
13. I am anxious that the recommendations I have made, on improving practice in schools for pupils with special educational needs, are implemented in full by schools. The link between a failure to identify and respond to a special need in a child and that child's subsequent bad behaviour is strong. DCSF actions in supporting those recommendations are pleasing and indicate a strong commitment to vulnerable children.
14. Schools will continue to be supported and challenged to make further improvements. In September 2009 I welcomed the ambition of the Secretary of State that all schools would have, or be approaching, good, or outstanding standards of behaviour by 2012. We should be ambitious for our children and we should be determined to teach them the

skills to become fulfilled and responsible members of society.

15. The new behaviour strategy has been underway for less than six months, but there are already signs of progress. Some developments that I particularly welcome are:

- the further development of behaviour and attendance partnerships between secondary schools to ensure that in future they will operate in accord with the ten guiding principles I recommend in my report;
- the targeted work within individual local authorities with above average numbers of schools with only satisfactory standards of behaviour;
- the plans to develop Lead Behaviour Schools;
- the spreading of proven good practice in behaviour management as set out in the ‘What Works’ advice of the former Practitioners’ Group on Behaviour and Attendance, which I chaired; and
- the emphasis in the behaviour strategy on schools, teacher professional associations, parents and pupils all working together.

16. Establishing good standards of behaviour is not an issue just for mainstream schools. Special Schools, Pupil Referral Units (shortly to be known as Short Stay Schools) and other Alternative Provision providers have a very important role. In an earlier report I raised

concerns about the level of care given to some children educated in other than mainstream schools. I was also concerned that in some local authorities Alternative Provision was something of a Cinderella service. The reforms announced in the subsequent DCSF White Paper, *Back on Track* represent a historic change in ambitions for this sector. I am delighted by these changes and by the intention to establish national minimum standards for all pupils in Alternative Provision.

17. In making recommendations aimed at raising behaviour standards where problems exist, I have been fully aware that there are no simplistic solutions to those problems and that those who suggest otherwise are creating false expectations. Successfully bringing up the young requires the consistent application of a range of strategies within a moral framework that is based on helping children develop into fulfilled individuals and good citizens.

Legal powers and duties

18. I return to these issues with some regret as I do not believe that the debate on this subject is informed or helpful in promoting an intelligent behaviour strategy in our schools.

19. It is argued in some quarters that schools require new powers in order to maintain good standards of behaviour. I do not agree. Schools now have very much clearer, broader and better focused powers to discipline pupils than ever before. I believe that the range of legal powers that

schools and teachers now have (including from September the wider powers to search pupils) is adequate and appropriate for their professional needs. I do not believe there is a need or desire among the profession for schools to be given wider legal powers on discipline.

20. I am aware that it is argued that headteachers lack the powers to exclude disruptive children from their schools and that teachers are inhibited from searching, or restraining children by fear of possible legal consequences. Those who argue these positions wish to remove these perceived restrictions.

21. I have found no evidence to support the validity of these concerns; neither have I encountered any knowledgeable source who would confirm their merit. Schools and teachers command high respect from parents and the general public. This is based on a general perception of their moral integrity and a belief that they act fairly with children. It is my strong view that removing a parent's right to appeal against the exclusion of their child from a school would be wrong, undermining public confidence in schools and being an affront to accepted notions of just conduct. It should be noted that the proposal to remove the parent's right to an independent appeal when their child is excluded is strongly opposed by headteacher organisations.

22. I do not agree with the suggestion made by some that teachers should have complete freedom to restrain and

search children without regard to legal consequences. In my behaviour reports I have strongly supported the position that teachers should have the power to search pupils when necessary, and to restrain them when that is in their interests and in the interests of others. These are important powers to be used in a reasonable way when required. Staff that restrain, or search children need to be properly trained and to observe clear guidelines. This protects the rights of the child, the rights of the parent and the rights of the school member of staff.

23. In my view it is highly irresponsible to suggest that such powers could be exercised without restriction and without the possibility of legal consequences. Society does not give such powers to the police and parents would rightly lose confidence in a school where arbitrary abuse of power took place. Children learn good standards of behaviour by observing it being modelled by their parents, teachers and other adults. Were a school to behave improperly in an attempt to assert discipline, the effect would be to achieve the opposite result.

24. The current powers possessed by schools and teachers (including the wider power to search pupils that will come into force from this September) are correct and appropriate. I am concerned that knowledge of these powers is not sufficiently high among pupils, parents and schools, despite DCSF action. The changes to the law have been considerable and all parties need to understand the

powers that are available and their rights and responsibilities. I recommended in my review in 2009 that a dissemination strategy was needed and that DCSF should work with teacher professional organisations and groups representing parents and governors to raise the level of knowledge of the law and of accepted good practice. More work needs to take place if this objective is to be reached.

25. Home-school agreements can have an important and broad role in disseminating knowledge and mutual understanding of the rights and responsibilities of all parties. In doing so they can engage parents, pupils and teachers in a learning partnership. Home-School Agreements should not be seen as being solely concerned with issues of behaviour, or as solely a means of coercion when problems arise.

Home-School Agreements

Respect has to be given in order to be received. Parents and carers, pupils and teachers all need to operate in a culture of mutual regard;

Core belief: Learning Behaviour 2005

1. Since 1999 all schools have been required to have a home-school agreement. These are generally issued to parents when their children enter the school. The agreement aims to ensure that parents and teachers are informed of the expectations of each other and of their separate duties and responsibilities. Home-school agreements place a particular emphasis on pupil behaviour and the role of parents in working with the school and supporting the maintenance of good standards of discipline.

2. In recommendation 37 in Learning Behaviour: Lessons Learned (April 2009) I stressed the importance of information to parents, given at the time of school admission, clearly stating the legal powers possessed by schools. In signing and returning a copy of the agreement parents

are assumed to have indicated their support for school policies and practices and recognition of those powers.

3. Home-school agreements cannot be seen as providing a simplistic and legalistic solution to problems. They will never fulfil that function. When operated well what they can do is to inform; promote pupil-parent-school engagement and bring together other school policies into a coherent whole.

4. While home-school agreements are found in schools, their profile is low among many teachers and parents. The agreement is not always signed by parents and many parents and teachers profess ignorance of its existence. When this occurs the home-school agreement is ineffective in promoting engagement between them and does little to raise awareness of the rights and duties of both parents and the schools.

5. Changes to the requirements for schools regarding home-school agreements are proposed in the Children, Schools and Families Bill currently before

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parliament. The most significant of these changes will require that home-school agreements are issued each year and that they are personalised to the needs of children.

6. I support the Government's position that whether, or not, the parent signs the home-school agreement, this cannot be a criterion for admission to a school. A child cannot be penalised by the actions of his/her parents. It is my view that home-school agreements should only be returned to the admitting school after the admissions process has been completed.

7. While few would disagree with the need for home-school agreements to exist in a relevant and high profile form, there are very practical problems to overcome if schools are to successfully meet these new requirements. The administrative demands could be considerable if intelligent and sympathetic strategies are not adopted.

8. In Learning Behaviour: Lessons Learned I recommended that:
'In engagement with the professional associations, a review should be carried out by DCSF of the range of policy documents that schools are asked to produce. This review would aim to ensure that schools are required to only produce a limited and coherent set of policy documents in line with the expectations of the 21st Century School; to remove any unnecessary requirements; and to draw together remaining requirements within a simpler and more coherent overall framework.'

It is my view that the sentiments expressed in this recommendation must guide the introduction of the new home-school agreements and I am pleased to note the recognition of this need in the wording of the relevant clauses of the Bill.

9. Schools already have a number of times in the year when they engage with parents in reviewing a child's development. These include the issuing of school reports to parents on the progress of their children and target setting for individual pupils. I recommend that the annual review and issuing of the home-school agreement should be integrated into one of these existing processes, as determined by the school.

10. The greater part of the home-school agreement will be common to all pupils being a reiteration of the aims of the school and the rights and responsibilities of parents and school. The consistency of that message is important. What must happen in addition to make the home-school agreement meaningful is that, according to need, a personalised interaction takes place between the school and the parent. In the great majority of schools this already takes place. As recommended in an earlier report on behaviour all schools should keep their parent engagement practices under constant review to ensure that they learn from experience and maintain the highest standards.

11. A school report is a personalised document. Any report of worth to parents would already contain information on

behaviour or learning problems taking place and the actions being taken by the school to address them. By integrating the annual home-school agreement with the reporting system it would be personalised and the established structure for parent-teacher consultation would be available for further discussions to take place. This is one strategy schools may wish to consider.

12. It would also be desirable for schools to link the annual review of the home-school agreement with the regular review of the school behaviour policy (already required by law), again reducing bureaucracy. In both reviews it is essential that the views of parents and pupils are sought and that they feel engaged with the process.

13. By utilising existing systems to review the agreement each year, confusion with other important processes will be avoided. There are clear processes for reviewing pupils with S.E.N. and these are well known to parents. It would not be helpful to create an additional and parallel process.

14. The administration of home-school agreements must not be a burden for schools. If it becomes so, the likely result will be that schools ignore the requirements regarding annual reviews. In particular home school agreements must enhance the work of the school on teaching and learning, rather than distract from this core reason for the school's existence.

Parental engagement

15. I am of the firm conviction that the great majority of parents are fully engaged with the well being of their children and are anxious to support their development. Most parents are supportive of the school their child attends as shown in surveys and Ofsted studies. Schools value highly their relationship with their parents.

16. It is important to differentiate between a parent being engaged with their child's learning and the same parent being involved with the school. They are not the same. Schools often assess parents on their level of 'involvement', making judgements accordingly. The parent may be very engaged with their child's learning, but for cultural, or others reasons find it difficult to visit the school.

17. Parents can often be defined as being 'hard to reach.' This may be so, but it may be equally true that from the perspective of the parent that it is the school that is hard to reach as a result of the ethos and operating practices found there. Promoting engagement between parents and the school requires school leaders to master the difficult ability of seeing their organisation through the eyes of others.

18. The great majority of parents want to work with the school in teaching children to behave well. In a survey in 2009, parents placed good discipline standards as the most important feature that they wanted in schools. They believed that schools had a central role in teaching children to be

well behaved and to display good manners. (ipsos mori March 2009).

19. Bringing up the young is not an easy task and it requires parents and teachers to work in harmony and with mutual regard. It is on this basis that all subsequent success rests. The objective of engaging parents in working with the school to ensure the success of the children has universal support. The overwhelming importance of the impact of parenting on a child's development is well evidenced.

20. The prime responsibility for bringing up children belongs to their parents. This is a self evident truth. Schools are rarely responsible for causing bad behaviour among the young and are good at helping to ameliorate the problems of society. Exercising a privileged position in working with the young, schools do have a clear responsibility to work with and support parents in caring for their children.

Strategies for engagement

21. Good practice for promoting parental engagement exists in many schools illustrating the great efforts teachers make to work with parents. Unfortunately schools can vary and good practice is not universal. There is a need for training for school leaders and for disseminating examples of best practice.

22. Authoritative research on engaging parents does exist, but it is insufficiently known in schools and elsewhere. In 2007 the Specialist Schools and Academies Trust commissioned the report 'Engaging Parents in Raising Achievement: Do Parents

Know They Matter?' In the report the authors Professor Alma Harris and Dr. Janet Goodall identify a number of practical and key actions to promote engagement.

- *Parental engagement is a powerful lever for raising achievement in schools. Where parents and teachers work together to improve learning, the gains in achievement are significant.*
- *Parents have the greatest influence on the achievement of young people through supporting their learning in the home rather than supporting activities in the school. It is their support of learning within the home environment that makes the maximum difference to achievement.*
- *Many schools involve parents in school based, or school related activities. This constitutes parental involvement rather than parental engagement.*
- *Parental engagement is viewed as a 'good thing' by teachers, parents and students although interpretations of the term vary. Parents view parental engagement as offering support to students while teachers tend to view it as a means to improved behaviour. Students view parental engagement as being primarily about moral support and interest in their progress.*

- *Schools that successfully engage parents in learning, consistently reinforce the fact that 'parents matter'. They develop a two way relationship with parents based on mutual trust, respect and a commitment to improving learning outcomes.*
- *Parents who are viewed as 'hard to reach' often see the school as 'hard to reach'. Where schools have made concerted efforts to engage the 'hard to reach' parents, evidence shows that the effect on pupil learning and behaviour is positive. The research shows a consistent relationship between increasing parental engagement and improved attendance, behaviour and student achievement.*
- *In schools in more challenging areas, the engagement of parents was a central influence upon positive learning and behavioural outcomes.*

*Do Parents Know They Matter:
Harris and Goodall 2007*

23. Schools need to be aware of the aspects of parental behaviour that they wish to support and encourage.

24. Confident and authoritative parenting.

- The display of warmth, but the presence of boundaries.
- The presence of high expectations of education.

25. Schools already expect to involve parents at least once a year in a discussion about their child. When this does not happen, schools can vary as to how proactive they are in engaging with the 'missing' parents. The Children's Plan placed an emphasis on creating greater capacity in schools for such work to take place. The considerable increase in school staff who are not teachers and in particular, the appointment of Parent Support Advisers will make it easier for all parents to be contacted regularly.

26. Schools should also analyse parental engagement in order to identify those parents where contact levels are disappointing. Such an analysis may reveal that specific groups of parents are disengaged, helping the school to adjust its practices and possibly to offer more bespoke solutions.

27. Schools need to think imaginatively to break down barriers to parental engagement. Some schools are already using imaginative practices which have proved highly effective. For example:

- meetings with targeted groups of parents have been arranged in local religious centres where they have been supported by respected local community leaders;
- in some schools it has been recognised that few fathers were attending consultation events and efforts have been made to accommodate their needs;

- when scheduling meetings for parents schools need to be aware of the dates of local culture festivities and on occasions, the sporting calendar; and
- a primary school in Harrow has had great success in promoting ‘social capital’ by establishing choirs drawn from the Tamil, Somali and Arabic local communities. This imaginative initiative has helped to strengthen the confidence of parents in approaching the school.

Similar examples can be found in schools in many parts of the country.

28. A very significant development in recent years has been the use of new technology by schools to contact and inform parents. In earlier reports I have welcomed this and made recommendations aimed to support further progress.

29. A welcome development has been the opening up of most schools for use by the community. Opening the school in this manner helps to break down barriers with parents and make it easier for them to feel comfortable when visiting the school.

30. It is important that the home-school agreement is set in the context of this broader range of strategies for parental engagement. Simply sending a paper document to parents may be off putting. For some parents, in particular, it will be important that issue of the home-school agreement takes place alongside

a conversation between the school and parent about what it means in practical terms.

31. The impact of successfully engaging parents in their child’s learning was best expressed by a Year 7 pupil. He was quite clear who had the greatest impact on him in encouraging him to achieve well. ‘It is great when teachers are pleased with me, but my dad is my dad.’

Parent Support Advisers

32. Large numbers of schools now employ a Parent Support Adviser. Typically PSAs are drawn from the local community, are parents themselves and do not have a teaching background. Working to support parents, their impact has been profound and their role has become highly valued by schools. PSAs are particularly well placed to help parents understand and participate in the home-school agreement.

33. Creating greater capacity in schools for supporting children and parents in need has universal support and was central to the Children’s Plan 2007. It is a principle that receives universal support within education. It is important that in a difficult financial climate central government and schools protect this very important development.

Parental support for search and restraint powers

34. The clarification of the law regarding the right of a teacher, or other member of the school staff to search, or restrain a pupil has been an important action by DCSF and is one that I have welcomed. These are

powers that need to be used on relatively rare occasions, but when they are required, it is important that they are carried out properly and in the interests of the school community and the pupil concerned.

35. Many teachers have lacked knowledge of the powers they possess and as a result have lacked the confidence to act when that has been necessary. Lack of awareness of a teacher's power to search and restrain is also found in services outside education, such as the police and social services. On occasions this has resulted in a stressful situation for the teacher who had acted inside the law and appropriately.

36. Training school staff and raising awareness of these powers among all those who work with children must take place and be continued. Availability of clear and practical guidance to schools on the search and restraint powers is also important and I welcome the DCSF plans for this to happen.

37. If a child has needed to be searched, or restrained, the circumstances are likely to be emotive. Most parents will understand and accept the need for school staff to carry out these functions if they are fully informed of the circumstances and given confidence in the appropriateness of the conduct of the school.

38. It is at times of difficulty that the level of trust that has been built up between parent and school is most important. Regardless of the seriousness of the incident, the school needs to act in a measured manner and with an

understanding of the emotional impact on the parent. This does not prevent the school from acting decisively.

39. From September 2010 the law will require that all significant incidents of the use of restraint on a child are recorded and reported to the parent (or in certain circumstances the local authority). This seems to me an entirely sensible development. It makes it all the more important that information on the legal power of school staff to search and restrain should be provided to parents by the time their child begins school.

40. I recommend that schools make it clear and explicit in their school behaviour policies that they have power to use physical force as necessary on pupils, power to put pupils in detention outside normal school hours and power to search pupils for certain types of inappropriate items.

41. By spelling this out in the school behaviour policy, which the parent agrees to as part of the home-school agreement, the school can ensure that parents know that these powers exist and may be used on their child. When these powers are subsequently used the potential for misunderstandings and legal challenges will be reduced.

42. When it has been necessary to search a pupil a written record should generally be kept in the same way in which schools will be required to record significant incidents of the use of force. This protects the interests of both staff member and children

and enables a full picture of that child's needs to exist. The record can be brief according to the circumstances, but would form the basis for subsequent feedback to the parent.

Parenting contracts and orders

43. The Anti-Social Behaviour Act 2003 introduced new powers for local authorities and schools to enter into parenting contracts to help address children's behaviour and attendance at school. These are written agreements which must be signed by both parties at a face to face meeting.

44. Parenting contracts are voluntary arrangements and no party can be compelled to enter one. If a school, or local authority subsequently applies for a parenting order, refusal to enter into a parenting contract, or breaches of a contract must be taken into account by the court.

45. A parenting order is a civil court order which requires a parent to attend counselling, or guidance sessions (parenting education, or parenting support classes) and where appropriate can include other requirements.

46. Making sure children don't stay up late.

47. Making sure children don't have access to alcohol at home.

48. Parents attending meetings at school.

49. Making sure children attend school regularly, on time and in the correct uniform.

50. Parenting orders can last up to twelve months. When issuing parenting orders courts must appoint an officer (headteacher/local authority officer) to supervise and monitor the order. Breach of the order can lead to prosecution and a fine of £1,000.

51. Between September 2004 and August 2008:

- 55,107 parenting contracts were issued for truancy and poor attendance.
- 7,752 parenting contracts were issued for behaviour reasons.
- 2,048 parenting orders were issued for truancy and poor attendance.
- None were issued for behaviour reasons.

52. Since 2006 the number of parenting contracts and orders issued regarding attendance has risen significantly. The latest available data on parenting contracts for behaviour (2008-09) show a 40% increase over the previous year. To date no parenting order for behaviour has been issued.

53. Information from schools indicates a lack of understanding of the process involved in issuing a parenting order. Schools also feel that it is not always clear how the behaviour of the parent is impacting on the behaviour of the child.

54. Schools need to be better informed of the existence of parenting orders and be given examples of hypothetical situations where they might be used to advantage. Parents failing to respond to other intervention strategies need to know that the issuing of a parenting order is a possible action by the school.

55. It is important that both the school behaviour policy and the home-school agreement make clear the existence of parenting contracts and orders and the circumstances in which these may be used in relation to pupil behaviour.

56. If the parent refuses to sign the home-school agreement or, having signed it, departs from its terms, the school needs to explore the reasons for this with the parent. Parent Support Advisers can be particularly helpful in this circumstance. Engaging with the parent will help to find out the basis for their concern and to remove any misunderstandings that exist. In particular, the conversation with the parent needs to reinforce that they are full participants in the agreement and that the expectations it contains apply to all children, all parents and the school itself.

57. The ethos of a school is one of using persuasion rather than coercion in effecting change in children, or in adults. This is an approach that I endorse wholeheartedly regarding it as being central to intelligent behaviour management. In the vast majority of cases, patient and skilled perseverance is effective.

58. The issuing of parenting orders is always likely to be a rare event and an action taken only when all other strategies have failed. Threatening a parent at an early stage with issuing a parenting order is likely to prevent the development of a better relationship with the school. This does not indicate that parenting orders have no place. It is important that schools have the confidence in knowing that they operate within a legal system that supports their endeavours and that both parents and schools know that the use of a parenting order is a possibility.

Conclusion

Concern over behaviour standards among the young are often fuelled by the news of well publicised incidents. Invariably these are unrepresentative and rare. The number of delinquent young people is far exceeded by the number of those who work tirelessly as volunteers in their community, or who act as carers in their families.

- Teachers and schools command the confidence and trust of most parents. This reservoir of goodwill needs to be recognised and built upon. It is only by working together in mutual understanding and with mutual respect that children's interests will best be served.
- The overwhelming majority of parents act in a responsible manner and are totally committed to the best interests of their children. Parenting can be a challenge and difficulties will occur, the focus needs to be on providing support and encouragement to families who are the basis of our society.

- Problems in society do occur and they will occur in schools. Their presence is not always the significant fact as human beings have yet to master the art of perfection. What is significant is the commitment of responsible people to deal with those problems in an intelligent and civilised manner and I applaud the continued determination of the government to enhance social cohesion and to protect the vulnerable.

Sir Alan Steer, March 2010

Appendix 1: Children, Schools and Families Bill

Statutory guidance

- Existing legislation on HSAs requires schools to have regard to the Secretary of State's statutory guidance - this requirement will remain as part of the new legislation. The statutory guidance aims to provide clear and unambiguous advice for schools and local authorities and will set out, in detail, the requirements for HSAs in the legislation (i.e. the musts), together with issues that schools should consider when implementing the legislation.

The Government intends to make clear in the statutory guidance:

- Why the personalisation of home-school agreements is important to help ensure that all children have the support around them that they need and deserve, from their parents or carers and school working in partnership.
- How home-school agreements should make clear the ethos and expectations of the school as a whole alongside the particular expectations and needs of that child.
- How schools have flexibility to build on their existing processes for capturing the expectations of and support for each child and for working in partnership with parents when developing and reviewing HSAs so that new HSAs do not increase staff workload.
- How schools will have the flexibility to determine the process, timing and the elements that are personalised so that they are meaningful, not bureaucratic, for parents and schools and do not increase the time staff put into personalising learning and working with parents.
- How home school agreements should be managed to ensure that they do not discriminate against children or families because children have special educational needs or disabled children (SEND) are looked after by a local authority and how HSAs relate to existing personal plans for pupils including how they replace the need for some of them.

- How schools should manage home-school agreements for looked after children who already have plans and might have a range of adults (parents, carers and a social worker) who should be working with the school to support their learning and development.
- How home-school agreements support schools in managing behaviour and provide a clearer link for schools to enforcement mechanisms for behaviour.
- How home-school agreements are affected by the raising of the age of compulsory education from 2013.

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