

GIVING POWER BACK TO TEACHERS

I Will respect my teache
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I Will respect my teach



Conservatives

WORKING PAPER ON BEHAVIOUR AND SCHOOLS

APRIL 2008

We have serious and growing problems with violence and disruption that contribute to the low standards in hundreds of schools. The legal system has swung too far against teachers and this is not helping children – it is harming them. The poorest children suffer most and the gap between school standards in poorer and richer areas is widening.

We cannot continue to let a small minority of children cause chaos in schools and blight the education of the majority. We have recently announced plans to deal with failing schools. We will also do a number of things to help teachers take back control of the classroom and the school grounds so that children in the poorest parts of Britain can have the same safe, orderly schools enjoyed by the richest.

Executive Summary

What is the problem?

Violence and disruption in schools and on the streets. There were about 140,000 pupils suspended from secondary schools for violence or persistent disruption in 2005/6. There are over a quarter of a million persistent truants per year. There are nearly 100,000 custodial sentences for 10-17 year olds per year.

Violence and disruption hits the poorest hardest. The rate of suspension for physical assault in primary schools in the most deprived areas (defined by the number in receipt of free school meals) is about *twelve times higher* than for schools in the least deprived areas. The rate of suspension for physical assault in secondary schools in the most deprived areas (defined by the number in receipt of free school meals) is about *eight times higher* than for schools in the least deprived areas.

False allegations and assaults on teachers are at record levels. 59% of headteachers say that false allegations have been made against them or their staff within the last three years. Teacher surveys suggest that a third of teachers have been physically attacked and nearly one in five have been threatened with a weapon. The capacity of teachers to deal with violent pupils is constrained by a spreading culture of “no touch”, an approach that forbids teachers to touch pupils. A study by Manchester University (2008) found that over half of schools now have either an explicit or implicit “no touch” policy.

Schools and teachers do not have the powers they need to keep order. There are many legal and bureaucratic obstacles which prevent schools from excluding violent or disruptive pupils. There are many legal and bureaucratic obstacles which prevent teachers from maintaining order in schools. It is easy for children to undermine authority by making false allegations against teachers.

What is the result?

Serious educational failure. There are over 350,000 children per year (more than half) who do not get five GCSEs (A*-C) including English and Maths. 128,000 children do not get even a single GCSE at grade 'C' per year. 44,000 children are not even entered for English and Maths GCSEs. 28,000 children do not even get a single GCSE at grade 'G'. We have fallen down the main international league tables: from 7th to 17th for literacy, from 8th to 24th for maths, and from 4th to 14th for science. Educational failure is strongly concentrated in the poorest areas where parents cannot escape failing schools.

Millions are stuck with dependence on benefits. More than 2.2 million children (1 in 5) live in households dependent on state benefits. 1.24 million 16 - 25 year olds are neither in work nor education.

Teachers are leaving. Unsurprisingly, early retirement tripled between 1998 and 2006 and over 100,000 teachers have left the profession since 1997.

What will we do?

Exclusions...

1. We will end the right to appeal against exclusion to an independent appeals panel, which undermines headteachers' authority and signals that the school cannot cope with violence.
2. We will abolish the Government's new rules forcing good schools to take pupils expelled from bad ones ("one in, one out").
3. We will abolish the new Government requirement on schools to organise teaching for pupils they have excluded from the 6th day of exclusion, which (i) is creating an incentive either to suspend for less than six days or expel permanently and (ii) places a major extra burden on teachers.
4. We will abolish the rules which impose a financial penalty on schools that expel children.

Power to discipline...

5. We will change the law in various detailed ways to make it easier for teachers to deal with violent incidents, remove disruptive pupils, and physically restrain disruptive children without fear of legal action.
6. We will change the law (i) to give headteachers a general legal power to *ban any items* they think may cause violence or disruption, (ii) now teachers are under a legal obligation to prove that their search and confiscation is legal - we will reverse this so that there is a presumption that if the headteacher has banned the item, then it is legal to search for and confiscate it, and (iii) to abolish the current Guidance whereby the Government tells teachers not to search children who refuse to be searched.
7. We will abolish the legal requirement of 24 hours' *legal notice for detentions* so that bad behaviour can be punished with detention the same day.

Pay and protection of teachers...

8. We will give all headteachers the power to pay good teachers bonuses so they can reward staff who deal effectively with violence and disruption.
9. There will be new protections for teachers from false and malicious allegations, which inhibit teachers from taking certain actions. The presumption will be that teachers should not be suspended unless there is a clear *prima facie* case for disciplinary action or criminal charges. If no disciplinary action or criminal charges have been brought within a month, the case will be automatically dropped. Any disciplinary action will have to be completed within one month or abandoned. Teachers will have the right to anonymity during an investigation.

Long-term...

10. We set out in our Green Paper (November 2007) our plan to allow the creation of many more new schools and give parents real choice. Parents will have the power to take their child out of a failing school for any reason, including violence and disruption, and put them in a new school, a process that will drive up standards for all.

Further, we have surveyed the top 100 state schools and there is a clear pattern: they have uniforms, prefects, home school contracts, and children stay in school grounds during breaks. We will encourage this best practice by publishing details of OFSTED inspections of these various policies so that parents can see what the best schools do and whether their own child's school is doing the same.

Exclusions

There are two types of “exclusion”: (1) temporary (“fixed term”, “suspension”);¹ (2) permanent (“expulsion”).

The latest figures for England were published in June 2007. They cover 2005/6. There were *no figures published* in 2007 for primary school suspensions in 2005/6, which makes comparisons difficult.

- There were 970 expulsions from primaries.
- There were 7,990 expulsions from secondaries.
- The total number of expulsions (including special schools etc) was 9,330.
- There were 343,840 suspensions from secondaries (16% of the total secondary school population). There was no primary figure published for 2005/6. There were 43,720 suspensions from primaries in 2004/5.

There are various interesting trends.

- There were 1,600 expulsions from primaries and 10,600 from secondaries in 1997 (12,700 total including special schools etc). Expulsions have *fallen* since 1997.
- Figures for suspensions were collected for the first time in 2003/4. Between 2003/4 and 2005/6, secondary suspensions *rose* by 55,800.
- In 2005/6, 116,750 (61%) were suspended just once; 19% were suspended twice; 9% were suspended three times; more than 10,000 children were suspended five or more times.

	1997	2004/5	2005/6
Total permanent exclusions (primary and secondary)	12,700	9,570	9,330

	2003/4	2004/5	2005/6
Suspensions from secondary schools	288,040	329,680	343,840

Appeals

Exclusions appeals panels overrule headteachers on expulsions in a *quarter* of the cases they hear, and *half* of these pupils are then returned to the same school from which they were excluded.

The Times Educational Supplement has reported various cases of children excluded for carrying weapons, including knives, being sent back to the original school by the appeals panel (March 2008). There are legal cases in the courts now, including one child expelled for carrying a knife, in which lawyers are

¹ A pupil cannot have temporary exclusions totalling more than 45 days per year total in one year.

seeking to undermine headteachers' powers even further by imposing much tougher rules on evidence before a headteacher can exclude. The fact that exclusions are now subject to judicial review on ECHR grounds clearly creates an extra burden on schools.

Expulsions are not being used as they should because of the fear of being overturned on appeal. Instead, *headteachers are making more use of serial suspensions* so violent and disruptive pupils do not get the specialised teaching they need and schools continue to be plagued by bad behaviour.

Violence and disruption in school and on the streets

According to UNICEF (2007), British children ranked bottom of OECD countries in the category of violence and bullying.

There are about 150,000 children per year excluded for violence and disruption.

Of the 7,990 permanent exclusions from secondary school, 2,000 were for physical assaults and 2,370 were for "persistent disruption".

Of the 343,840 suspensions from secondary school, 70,910 were for physical assaults and 72,340 were for "persistent disruption".

According to Home Office figures, a quarter of young people (10-25 year olds) said they had committed a crime in the past year. The Government estimates that 2.8 million young people had committed at least one offence in the previous year, and 1.8 million had committed a violent crime. Seven percent were classed as frequent offenders. More than one in ten (13%) admitted to committing a serious crime (assault with injury, theft from a person, burglary, robbery, selling Class A drugs). There were 94,000 custodial sentences for 10-17 year olds in 2006. There were over a quarter of a million persistent truants in 2006/7.

Violence against teachers

A survey by the University of Lancaster (2007) found that two-thirds of teachers had been verbally or physically assaulted in the previous year, with nearly one in five having been threatened with a weapon.

A March 2008 survey from the ATL showed:

- Nearly a third of all teachers (29 per cent) have been punched, kicked or bitten by their pupils.
- Nearly one in ten teachers said they had been injured by an aggressive or violent pupil.
- Two-thirds of teachers have considered leaving the profession because of aggressive pupils, verbal abuse and threats of violence.

A 2008 dossier from the NASUWT gives many horrific examples of attacks on teachers.

- Attacks with knives and scissors.
- Attacks on pregnant teachers.
- Children pushing others in front of cars.

As Chris Keates, General Secretary of NASUWT, said (March 2008): “From a youngster's point of view, if you do something very serious and you are temporarily excluded, you are soon back in school with those teachers and other pupils. What is the message to the youngster and the other pupils? You can hit a teacher and verbally attack them and you get a few days off and then are back in school.”

Mary Bousted, General Secretary of ATL, said: “No teacher should have to tolerate these unacceptable levels of poor pupil behaviour and certainly no one should be attacked in school. Not only is poor behaviour driving teaching staff away at an alarming rate - 65 per cent have considered leaving the profession as a consequence - it is also damaging the chances of other pupils during lessons by causing major disruptions.” (March 2008)

Phillip Parkin, General Secretary of Voice (previously Professional Association of Teachers), said: “Schools need to be able to intervene quickly and effectively and they need to have more options for proactive response at their disposal including one-to-one mentoring for pupils with severe difficulties. Teachers need more opportunities to move kids out of classes. It is an universal truth that disruptive kids work against everything that education is trying to do.” (March 2008)

Violence and disruption hits the poorest hardest

The rate of suspension for physical assault in secondary schools in the most deprived areas (defined by the number in receipt of free school meals) is about *eight times higher* than for schools in the least deprived areas. The rate of expulsions shows a similar pattern.

The rate of suspension for physical assault in primary schools in the most deprived areas (defined by the number in receipt of free school meals) is about *twelve times higher* than for schools in the least deprived areas.

Particularly poor areas have seen sharp rises in the rate of suspension for violence.

Teacher protection...

The effect of thousands of pages of legislation, regulation, and Guidance is a legal morass that undermines the ability of teachers to keep order. Nobody can be really sure of the law because it is so complex and therefore liable to constant re-interpretation by officials, lawyers, police, unions and others. The legal system strongly encourages teachers to safeguard their own career by avoiding physical restraint and refraining from searching for banned items. Crucially, the ease with which children can make false allegations against teachers, and the disruption this causes as the case is investigated, severely undermines the authority of teachers

and discipline in the school. In some cases this leads to tragic consequences for the wrongly accused.

The Government does not take these issues seriously enough. Ministers have said for years that they will act but the problem has got worse.

According to a 2003/4 study, "Allegations Audit" for the Investigation and Referral Support Administrators (the most recent DCSF figures, according to the DCSF):²

- About 1,800 teachers (2,900 "education staff" in total) faced investigation for some sort of abuse.
- Few were dismissed immediately: 85% of the total involved further investigation.
- Delay: 22% of those that were referred to an LEA officer were not considered by the officer for at least 3 months.
- Further delay: of those that involved criminal investigation, in only 47% of cases was the decision on whether to have a criminal investigation made within 3 months.
- Little evidence in most cases: 2/3 of these investigations led to no charges from the police.
- Further delay: of those referred to the CPS, only 44% were dealt with within another 3 months.
- Wasted time: only a tiny fraction led to conviction.

The National Association of Head Teachers said in 2007 that "most teachers and heads have faced false allegations at some point in their careers," and that legal firms are exploiting the expense of fighting legal cases to pressure schools and LEAs to pay out to accusing parents without investigation, in order to save money.

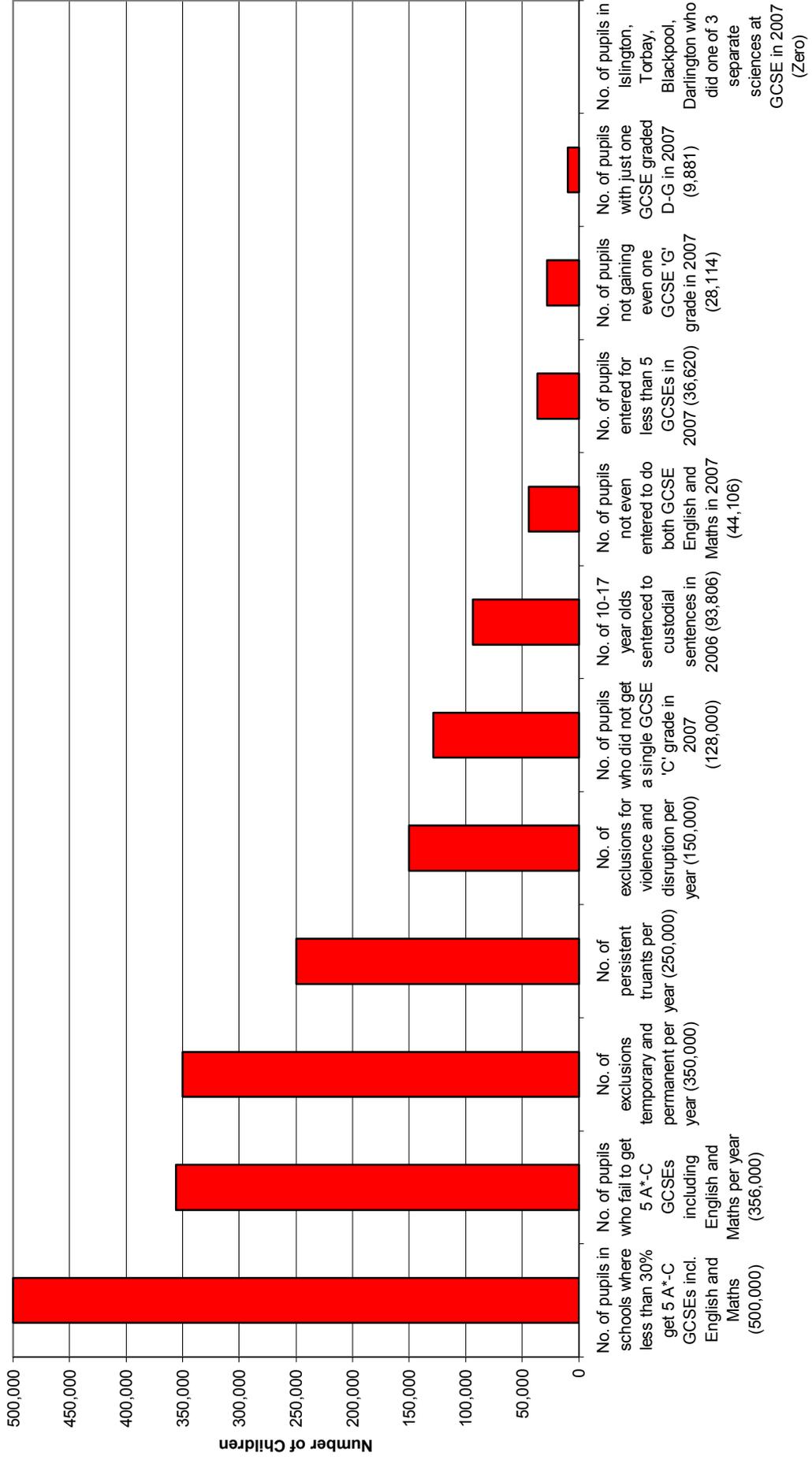
A survey by ICM / Guardian / Headspace in 2007 found that 59% of headteachers had suffered, or one of their staff had suffered, a false accusation in the past three years. Guardian (4/9/07): "The latest findings of the Headspace survey of primary and secondary headteachers, carried out by Education Guardian and EdComs, and administered by ICM, shows that the practice of making false allegations against members of school staff is now endemic in secondary schools. Of the 825 headteachers who replied to the questionnaire, 59% of secondary heads said that either they or at least one of their teachers had been on the wrong end of a false complaint relating to bullying, neglect or verbal or physical abuse over the past three years. Nor were these always one-off isolated incidents; more than half the schools had experienced this between two and five times."

A major consequence of these developments is that schools are adopting a "no touch" policy. *A study by Manchester University* (2008) found that over half of schools now have either an explicit or implicit "no touch" policy. This is being driven by the increasingly legalistic culture in which teachers find themselves either sued or prosecuted. It is unsurprising that schools do this; it is a parallel process to the "defensive medicine" in the NHS.

² http://www.teachernet.gov.uk/_doc/8286/Audit%20200304.pdf

Unsurprisingly, early retirement tripled between 1998 and 2006 and over 100,000 teachers have left the profession since 1997.

The Long Tail of Educational Failure



What Is To Be Done...?

It is impossible for any individual to master all the documents that theoretically apply to schools and it is entirely unreasonable for a legal system to force teachers to keep up with an endlessly changing bureaucratic burden. The principle behind all our legal changes in this area is to simplify the legal position, by both eliminating as many words and documents as possible and clarifying what remains.

EXCLUSIONS...

The end of exclusion appeals

We will end the right of appeal to a legal tribunal over exclusion, which undermines headteachers' authority. We will remove clause 67 of the School Standards and Framework Act (1998) that gives the right to appeal to an independent tribunal under the LEA. There will be a right of appeal to the Governors only and this must be completed within one month. There will be no further appeal possible.

It is crucial that schools are able to exclude people for serious offences without their authority being undermined by lawyers who manage to get exclusions overturned.

End of "one in, one out", the merry-go-round of excluded pupils being shipped from school to school

"Behaviour Partnerships" were introduced in 2005 to encourage schools to join a scheme whereby they share out excluded pupils ("one in, one out"). Ed Balls has said that he will introduce legislation to force all schools, including Academies, to do this "at the earliest opportunity" (26/3/08).

This clearly creates an incentive for schools not to risk getting an even worse pupil and therefore keep disruptive pupils in school. We will abolish the Behaviour Partnership scheme which Ed Balls has made even worse. Schools should not be forced to accept pupils excluded from other schools.

End of onerous requirements on schools regarding excluded pupils.

The Government has imposed a requirement on schools to provide education for excluded pupils after their sixth day of exclusion. This generates a serious bureaucratic disincentive to exclude disruptive pupils and an incentive to suspend them for less than 6 days instead.

Part 7, Chapter 1 of the Education Act 2006 deals with exclusions.

Section 100 makes it a duty to provide alternative education:

"Duty of governing body or proprietor where pupil excluded for fixed period:

(1) Except in prescribed cases, the governing body of a relevant school in England must make arrangements for the provision of suitable full-time education for pupils of compulsory school age who are excluded from the school for a fixed period on disciplinary grounds.

(2) The education referred to in subsection (1) must be provided from a day that, in relation to the pupil concerned, is determined in accordance with regulations.”³

The ‘regulations’ were set out in the latest guidance which came into force from 1 September 2007, as a result of the Education Act 2006. Para 35 states:

*“For a maintained school, but not for a PRU, the school's obligation to provide education continues and must be met during a fixed period exclusion. (See paragraph 50 for day 6 provisions relating to exclusions from PRUs). Parents are not responsible for making educational provision for their excluded child, but are expected to cooperate with schools in this regard. Where a pupil is given a fixed period exclusion of a duration of six school days or longer, **the school has a duty to arrange suitable full-time educational provision from and including the sixth school day of the exclusion...**”*

There is additional guidance which gives recommendations to schools about how they might provide full-time education to excluded pupils after the 6th day.⁴ This includes:

- On-site behaviour units.
- Partnerships with schools that might arrange separate education provision together.
- Staggered school days so that excluded pupils attend school but at different times to other pupils.

This is in line with section 100(3) of the Education Act 2006:

“The education must not be provided at the school unless it is provided there in pursuance of arrangements which—

(a) are made jointly with the governing body of at least one other relevant school, and

(b) make provision for the education of pupils excluded on disciplinary grounds from any of the schools that are parties to the arrangements.”

Therefore, the school partnerships create a dynamic that keeps violent and disruptive pupils in mainstream schools rather than in specialist institutions.

The Department’s view is that ordinarily suitable full-time education should equate with the number of hours of education the pupil would expect to receive in

³ http://www.opsi.gov.uk/Acts/acts2006/ukpga_20060040_en_10

⁴ PROVIDING FULL-TIME EDUCATION FROM THE SIXTH DAY OF ANY FIXED PERIOD EXCLUSION: Implementation and Good Practice Guidance for Schools, including PRUs: <http://www.teachernet.gov.uk/doc/11386/Day%20of%20guidance%20for%20schools%20250407.pdf>

school (from 21 to 25 hours depending on the pupil's age, as set out in DfES Circular 7/90: Management of the School Day).⁵

The guidance also states that the school must: "set work for the pupil to complete and for it to be marked, unless the school/LA has made arrangements, on a voluntary basis, for suitable full-time provision for the pupil to commence earlier than the sixth day." (Para 38)

We will abolish the obligation on schools to provide education for those excluded from the sixth day. Disruptive and disaffected pupils need to be educated in an environment tailored to their needs, not left to fail in mainstream schools. These young people require special support and the current system is failing them. We are developing new policies to build and improve on the current system of pupil referral units. We will make a future announcement about our plans to improve specialist institutions for dealing with excluded pupils.

End of the financial penalty on schools who exclude pupils.

The Government allows LEAs to impose financial penalties on schools that exclude pupils. All new Academy funding agreements from April 2008 will require Academies to make penalty payments to Local Authorities if they exclude a violent or disruptive pupil. This is not only another erosion of Academies' freedom but also creates a new disincentive to exclude violent and disruptive pupils.

We will abolish the extra financial penalty on schools and abolish Ed Balls' new restrictions on Academies.

NEW POWERS ON DISCIPLINE

In order to ensure a proper, ordered environment, teachers sometimes need to intervene to restrain violent and disruptive pupils, stop fights, and ensure children do not harm themselves or others. Current legislation creates a huge barrier to teachers exercising their good judgement and generates fear of litigation. The Appendix contains a sample of the vast number of laws and Guidance that apply in this area, creating a system that is impossible for any teacher to understand. We will change this.

Changes to make it easier to ensure good behaviour.

We will make some specific changes:

(1) The Education and Inspection Act 2006 S91(6) applies a test to all punishments: a penalty is only reasonable if it "constitutes a proportionate punishment in the circumstances of the case." The word "proportionality" recurs throughout the EIA. We will strike out all references to "proportionality" in the EIA 2006 (including section 91(6) and S93 dealing with force - see below). This word is a gold mine for lawyers and a nightmare for the public because it gives lawyers the chance to take any case to court and quibble over the precise boundary of what may be "proportional". There is already a requirement on teachers only to

⁵ http://www.teachernet.gov.uk/_doc/11386/Day%206%20guidance%20for%20schools%20250407.pdf Para 18.

use “reasonable” force in the circumstances and there is no need to complicate the law.

(2) S93 states that “reasonable force” can be used to stop a pupil (a) committing an offence; (b) causing “personal injury” or property damage; (c) “prejudicing the maintenance of good order and discipline at the school...” but this is subject to the “proportional” requirement of S91(6) and all the detailed Guidance. We will strike out the use of “proportional”.

(3) Guidance on physical restraint states:⁶

- The Department “strongly advises” teachers not to search children “where resistance is expected, but rather to call the police.” (This clearly operates to stop teachers searching children for dangerous / disruptive objects and therefore undermines teachers’ authority - see below).
- If a child “persistently refuses” to leave the classroom or “seriously disrupts a lesson” then force can be justified. (By implication, therefore, one has to be prepared to prove that bad behaviour was “persistent” and “serious” which again makes teachers fear legal issues.)
- Staff must “make it clear” to the pupil that force will cease when “it ceases to be necessary”.
- Detailed written records should be kept for 10 years after the incident. Parents should always be informed when a record has been taken.
- Annex B of *Use of Force* gives the categories for the form that should be used as a template for recording incidents involving force. (*If one had to fill in one of those 10 times per day, it would clearly be, in itself, an incentive to allow mayhem rather than use force.*)
- Physical restraint should be “the minimum needed” (often extremely hard to prove in any violent situation).
- Physical restraint “could not be justified to prevent trivial misbehaviour” (who defines “trivial?”).

We will abolish this *Guidance* and all of the above elements which confuse the situation and issue new Guidance.

- Teachers now regularly complain that they cannot enforce detentions and other punishments because pupils can simply leave the room and they are not allowed to stop them. We will change this. We will issue Guidance that explicitly states that teachers can physically remove disruptive children from class and prevent them from leaving a room in which they have been ordered to stay. This Guidance will make it clear to the police, courts, and others that (i) teachers should only be punished if they act clearly unreasonably and that (ii) there is a clear public interest in teachers being able to physically restrain violent and disruptive children without fear of being investigated over the precise boundary of what constitutes “reasonable” behaviour.
- We will remove the requirement to keep written records for ten years for every episode involving physical restraint. This clearly creates a huge bureaucratic disincentive to teachers keeping order.

⁶ “The Use of Force” Guidance.

New general power to search and confiscate.

There are currently tight constraints on what headteachers can search for and confiscate, and authorise staff to search for and confiscate.

The Violent Crime Reduction Act (2006) gives teachers the power to search for weapons in restricted circumstances (only certain weapons, can only search “outer clothing” etc).

The EIA 2006 gives a power of confiscation in certain circumstances. However, it also puts *a legal burden on the teacher* to prove that their search and confiscation is legal. S94 of the EIA 2006 states that a teacher is not liable for confiscation “if he proves that the seizure, retention or disposal ... was lawful”. The Guidance states: “It is for the staff member confiscating to show the legality of the confiscation since he or she has made the decision to interfere with the property.” The Guidance also warns that unlawful confiscation can be treated as a breach of the child’s human rights (Article 1).

Guidance also “strongly advises” teachers *not* to search children if they expect resistance, but to call the police, which clearly creates a culture in which children know that they can refuse to be searched and throw the system into chaos.

It is crucial to an effective school that teachers are able promptly to search pupils for forbidden items without fear of legal investigations.

We will change the law to:

- (1) give headteachers a general legal power to *ban any items* they think may cause violence or disruption, so that they or ordinary teachers can search for and confiscate anything so decreed by the headteacher;
- (2) strike out S94 of the EIA and accompanying Guidance (ie. the presumption will be that if the headteacher has banned the item, then it is legal to search for it and confiscate it);
- (3) replace the Guidance that “advises” teachers not to search pupils who resist being searched with Guidance that states that the assumption will be that a search is lawful notwithstanding the pupil’s objections.

New power for teachers to impose same day detentions.

We will change the rules so that bad behaviour can be punished with detention the same day.

(1) S92(3)(d) of the EIA 2006 states that after-school detention requires “at least 24 hours’ notice in writing” to the parents. We will allow after-school detentions to be held *the same day* as they are given by *removing the legal obligation on schools to give 24 hours’ notice* and therefore allowing schools to organise with a phone call to home/work/mobile during the day. (We will *not* mandate such a policy; we will change the law to allow it so that schools have the power to experiment.)

(2) We will *remove the right to legal challenges concerning detentions*. Written records concerning the background to each detention are now mandatory and are an obvious deterrent to teachers. Teachers should not have to keep detailed records of every detention in part because they are advised to for legal reasons. The only reason why the law should be involved in detention is if some other thing happened *which is illegal anyway*, such as a child getting mistreated in some illegal way (beaten, false imprisonment etc), so abolishing the right to appeal against detentions does not remove any protection of children.

PAY AND PROTECTION OF TEACHERS

Bonuses for good teachers

In other fields, leaders have the power to pay bonuses for good performance.

We will give all headteachers the power to pay good teachers bonuses, including for how they deal with violence and disruption.

Protecting teachers

We will make various changes to protect teachers.

- The presumption will be that teachers should not be suspended unless there is a clear *prima facie* case for disciplinary action or criminal charges.
- If no disciplinary action or criminal charges have been brought within a month, the case will be automatically dropped.
- Any disciplinary action will have to be completed within one month or abandoned.
- Teachers will have the right to anonymity during an investigation.

LONG-TERM

A power for every parent to change school.

We will give all parents the power to take their child out of a failing school and apply to a New Academy.

Now, richer parents can either go private or move house in order to get the school they want. Poorer parents can't do either. This means that failing schools with bad management in poorer areas just keep failing - there is no way for parents to do anything about it because their complaints can just be ignored.

We set out three steps which will change all that.

First, we will remove the huge amount of red tape which bureaucrats use to stop people setting up new schools, from planning laws to building regulations. We will change the law so that all sorts of organisations, including those which currently run independent schools, other charities, cooperatives and new education providers can set up new state Academies, independent of political control. These schools will receive the same government funding as other schools in their

community for every pupil they teach. All Academies will be free and non-selective.

Second, we will give parents control of the taxpayers' money that the government spends on each child – now over £5,000 per pupil. Parents will have the power to take their child out of a school they think is failing, apply to a new Academy, and automatically transfer the taxpayers' money being spent on their child from the failing school to the new Academy.

And, thirdly, we will give extra capital funding, on top of the annual per pupil funding, to help fund new Academies in the most deprived areas. This will mean at least 220,000 new good school places under a Conservative government. This is a minimum number; there is no upper ceiling on how far this dynamic can extend.

What will happen? We expect that the same will happen here as happened in Sweden. Hundreds of new schools have been started. Thousands of children have been saved from failing schools and given a chance in life. In particular, thousands of children from the poorest areas have been able to escape failing state schools. Standards have risen for everyone – the new schools are good but they also force the other schools to improve otherwise they lose their pupils and have to close.

Under our proposals schools would have to work harder to attract the funding some take for granted – because parents would be in control. Schools would be actively seeking out parents and pupils, leafleting their communities with prospectuses showing why they deserve your support.

And because the need to improve standards is most pressing in areas of economic disadvantage we would give parents from poorer backgrounds another additional advantage.

The amount the state would give to fund the education of every child from a disadvantaged background would be specifically increased. That means schools would work particularly hard to attract children from poorer backgrounds.

Why should the poorest be denied the choice that the rich manifestly enjoy? Working class parents care just as much about their children's future as anyone. But at the moment the system doesn't respect their voice, or give them a choice. We would change that.

Further detail on this policy is in our Green Paper (November 2007).⁷

⁷ http://www.conservatives.com/pdf/New%20opportunity_proof.pdf

APPENDIX

This is just a small sample of the various documents concerning behaviour and discipline.⁸

The Education and Inspections Act (2006) attempted to “clarify” and “strengthen” the position on discipline to reduce the likelihood of legal action against teachers. Guidance has been issued on this Act.

http://www.teachernet.gov.uk/_doc/11321/SCHOOL%20DISCIPLINE%20AND%20PUPIL%20BEHAVIOUR%20POLICIES%20GUIDANCE1.pdf

There is separate Guidance on “The Use of Force” (November 2007).

http://www.positive-options.com/news/downloads/Use_of_Force_to_Control_or_Restrain_Pupils_DfCSE_November_2007.pdf

There is additional Guidance on the use of force for SEN / learning difficulties etc.

<http://www.teachernet.gov.uk/wholeschool/sen/piguide/>

There is a joint MOJ/DCSF review of physical restraint in secure settings for young people (reporting in spring 2008).

“Guidance for Safe Working Practice for Parents for the Protection of Children and Staff in Education Settings” gives further guidance on appropriate physical contact.

There is also:

“Safeguarding Children and Safer Recruitment in Education”.

<http://publications.teachernet.gov.uk/eOrderingDownload/Final%206836-SafeGuard.Chd%20bkmk.pdf>

The “Behaviour and Attendance Strategy”.

<http://www.dfes.gov.uk/behaviourandattendance/>

The “Improving Behaviour in Schools” programme.

<http://www.dcsf.gov.uk/ibis/index.cfm>

Each of these also have links to dozens and dozens of laws, guidance etc.

A 2005 paper produced by the *National Network of Investigator and Referral Support Coordinators* (created by the DFES in 2001 and replaced by the *Allegations Management Advisers* in 2006) sets out various relevant documents for teachers concerning behaviour and discipline. It is 56 pages long and consists of hundreds of links to hundreds of documents many of them consisting of dozens or hundreds of pages.

⁸ The Education Act (1996) s. 548 banned corporal punishment (defined as anything that would constitute “battery” if it were not a legal punishment).

http://www.legislation.gov.uk/acts/acts1996/ukpga_19960056_en_1

http://www.teachernet.gov.uk/_doc/8722/June%20Info%20and%20Resource%20directory.doc

This is only a sample of all the relevant documents and does not include the vast case law.

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