

Date: 25 November 2020

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By email: Alex.Allinson2@gov.im

Dear Alex

BEHAVIOUR OF PUPILS OUTSIDE SCHOOL

Thank you for your email of 16 November drawing my attention to recent developments in respect of the Justice Reform Bill currently before Tynwald.

As you note, the NASUWT has longstanding concerns about arrangements in place to address issues that arise when pupils engage in unacceptable behaviour beyond the school gate, particularly when such behaviour is directed towards school staff or other pupils. While the Union remains in dispute with the Department for Education, Sport and Culture (DESC) on this issue, we have sought to engage constructively with you, your predecessor and DESC officials on identifying and implementing steps to resolve these concerns. I recognise that you have a longstanding interest in the Justice Reform Bill and its potential to address the Union's concerns that predates your appointment as Minister for Education, Sport and Culture. You will recall that NASUWT representatives met with you to discuss these issues when you were a Member of the Department of Home Affairs.

I accept that current draft of the Bill contains provisions that may be helpful in this respect. Specifically, I note that enactment of Clauses 90-94 would create a new offence of behaviour that would put someone in fear of violence or cause them serious alarm or distress. These provisions would also allow for injunctions and restraining orders to be issued against persons who behave in this way.

I acknowledge that these provisions may offer some protection to those members of the school staff and pupils who are subjected to unacceptable behaviour beyond the school gate. To this extent, their inclusion in the Bill is welcome. However, their potential usefulness is dependent on the extent to which pupils and staff subject to such conduct will be able to access their legal rights and how effectively the proposed law might be enforced. I look forward to further engagement with you on these matters in due course.

However, while the new offences and remedies set out in the Bill are encouraging, they still fall short of the full range of actions necessary to make effective progress in this critical area. As you will be aware, the NASUWT has drawn attention to three critical steps that are required. First, the Union continues to call for amendments to the Education Bill currently before Tynwald to ensure that teachers and school leaders have the ability to discipline pupils for any instances of misconduct that occur away from school sites but that may have adverse impacts on sustaining positive behavioural climates in schools. As the NASUWT noted in its submission to DESC on the Bill, comparable provisions were introduced in England in 2006 and continue to be regarded as an important means by which schools can deter indiscipline and promote good behaviour.

Second, when pupils' behaviour outside school has implications for relationships within school, it is important that all agencies with responsibilities for their wellbeing work together to share information and develop strategies for addressing concerns. Similarly, information gained at school about pupils' behaviour can play a critical role in supporting efforts to resolve problems with their conduct in the wider community.

The focus of this work should be to bring together partners from the field of education, social care, health and youth justice. Partners should be supported to collaborate on the identification and prevention of concerns, information sharing and the development of strategies for intervention to secure the fundamental wellbeing, positive behaviour and regular school attendance of pupils, particularly those who are most at risk of experiencing difficulties in this respect. While the NASUWT notes that the current version of the Bill contains helpful provisions in this respect, more work would need to be undertaken to ensure that multi-agency working goes beyond words in statute and becomes an embedded feature of the ways in which children and young people's services in the Isle of Man engage with pupils with behaviour that challenges.

Third, it is not acceptable that there is no legal requirement on schools to implement behaviour policies. It is evident that such policies are fundamental to the maintenance of good order in schools. Therefore, the Education Bill should be amended to require schools to implement a behaviour policy and, through regulations and guidance, establish minimum expectations in respect of the content of such policies.

As you will understand, these matters are of profound importance to the NASUWT's members in the Isle of Man and should be of concern to all those with an interest in ensuring that the best possible standards of behaviour are established and maintained in all its schools. I look forward to further engagement with you on these critical issues.

Best wishes

Yours sincerely

A handwritten signature in black ink, appearing to read 'Patrick Roach', written in a cursive style.

Dr Patrick Roach
General Secretary