



A Word From The President

Token Funding Of Pupil Disruption Provision

The Minister for Finance provided no extra funding to remedy pupil disruption in his budget speech on December 7. In her presentation of estimates for the Department of Education and Science some weeks ago, Ms Mary Hanafin TD Minister for Education had provided a mere two million euro for the implementation of the report of the Task Force on Student Behaviour. As there are 740 second level schools this provision is mere tokenism.

The union met senior officials of the Department of Education and Science and made strong representations for a major increase in the budgetary provision. Officials agreed to bring our concerns to the attention of the Minister. The education spokespersons of all the political parties were briefed and a press conference was also held. Many members responded to the union's call to lobby their local political representatives.

The President visited several schools in the Dublin area. Together with colleagues in further education, seeking the implementation of the McIver Report, a well attended lobby was held outside the Dáil on budget day seeking extra funding.

We await the speech of the Minister for Education and Science on the budget for full clarification of the government position on provision to remedy pupil disruption in the next financial year.

The Report of the Task Force on Student Behaviour is promised in the coming days. The Minister has stated her support for staffed support centres in schools. But the provision in the estimates is totally inadequate to finance such centres.

In accordance with the EU accounting system, the Minister for Finance has predicted that the out-turn for 2005 will again show a current budget surplus of approximately €7,000 million and he has budgeted for a similar outcome in 2006. There is no shortage of funds in government coffers.



In addition to the legal changes we are seeking, TUI is determined that schools will receive substantial resources to remedy pupil disruption without delay. Having consulted with the branches at a special conference in January, the executive committee will bring forward a vigorous well-planned campaign to achieve this.

Pupil Disruption - TUI's Demands

Pupil disruption is the single biggest concern of our second level members. Teachers report that the job of teaching is becoming increasingly difficult, hazardous, and in some cases impossible. TUI has been successful in placing this matter on the education agenda. It remains to be seen, however, if the imminent report of the government Task Force on Student Behaviour is going to lead to meaningful improvement for our members in the management of pupil disruption and in support for learning in our schools.

We worry that the report due in a few days time could be the third of three worthy but inconsequential efforts to grapple with disruption in Irish schools. We invited the Task Force to examine how many of the 40 recommendations of the Report of the Committee on Discipline in Schools (1985) and the 16 pages of recommendations in the Martin Report (1997) have actually been implemented. Recommendations without a strategy to implement and fund them, will not lead to the substantive

change we seek. We have asked the current Task Force, chaired also by Dr. Maeve Martin, NUI Maynooth, to set down an implementation plan to address pupil disruption and to support learning in our schools.

For our part, we have said that if the matter is not dealt with to our satisfaction, pupil disruption will be treated as a conditions of service issue by TUI. TUI asserts the right of every pupil to an education free of

disruption and the right of teachers to be allowed to provide it but teachers cannot wait interminably for interventions to address the near-insuperable problem of pupil disruption.

We have made comprehensive written and oral submissions to the Task Force. We have examined national and international structures, services, initiatives and projects. We have provided models on which the behaviour problem can be tackled. We have identified for the Task Force what must be done.

TUI has demanded:

1. A national strategy and implementation plan on pupil behaviour
2. Extra teaching hours to support learning and redress disruption, targeted at schools in areas of 'major social deprivation'
3. Support for pupils and parents
4. Support for teachers
5. Legislative change

It is not feasible to deal with each of these demands in this publication. In any event, we have made detailed representations to on these matters and look forward to specific recommendations¹ from the Task Force in each of the areas. Our focus in this special edition of TUI News, therefore, is confined to two of the key demands on which we made representations to the Task Force.

1. Support Units

TUI has asked the Task Force to identify practical interventions for schools. We have argued that schools need, inter alia:

1. Support with policy/code of behaviour formulation
2. A behaviour management strategy

3. Specialised training for teachers and principals
4. Access to a Behaviour Education Support Team and prompt access to external multi-disciplinary intervention for pupils
5. Widening of the basis for home tuition to include tuition for pupils with behavioural difficulties
6. In-school Support Units
7. Alternative educational programmes for severely disruptive pupils not suited to return to mainstream school. TUI considers that the highly successful Youthreach programme is an appropriate model for extension and development.

A 'referral-out' system for schools

The state has failed abjectly to provide to schools and managers of schools any credible alternative educational placement for the continual disruptor, whether short-term or long-term, within or without school. Subject classrooms are the right places for children. It is time to recognise, however, that subject classrooms are not the right places, *at all times, for all children*. This realisation does not serve to diminish the overall aim of dealing with disruptive pupils within their normal classroom setting. However, the absence of 'referral-out' systems for misbehaving pupils is a significant problem for Irish schools. Teachers must have access to an in-school, out-of-class support facility for continually disruptive pupils, for whom the application of standard classroom based strategies and provisions/sanctions in codes of behaviour has proven insufficient.

TUI believes that as an integral part of its whole school behaviour and attendance policy, schools should have a procedure to allow teachers to refer out pupils in instances of spontaneous significant unacceptable disruptive behaviour. TUI notes the endorsement in the recent Steer Report in Britain of the use of "withdrawal

rooms" and 'cooling off' systems in schools. Irish post-primary schools are not in a position to avail of these supports in the absence of a dedicated supplementary staffing allocation. TUI calls on the Task Force to acknowledge this need by recommending the provision of the appropriate resources to establish such 'referral-out' systems.

Support Units

However, in tandem with measures to cater for immediate, pressing incidents of significant disruption, TUI believes that all schools should have an in-school Learning Support Unit to which pupils who need help with their behaviour and their learning could be referred in a planned way for positive reasons. Support Units can provide the specialist early intervention and short-term help that continually disruptive pupils often need to get their learning back on course. TUI does not envisage that Support Units would cater for episodic or intermittent so called low-level disruption, which should be managed within class. The centres would not be places of punishment or 'sin bins', but school-based centres tailored to the needs of pupils with persistent behavioural difficulties who would otherwise continue, themselves, to fail to learn adequately. Support units have carefully considered entry and exit criteria.

The aim of Support Units is to keep pupils in school and working in short-term teaching and support programmes while their problems are addressed, with a view to re-integrating them into mainstream classes as quickly as possible. Programmes and the curriculum followed are tailored to the needs of the pupils and counselling and psychological intervention is offered with a view to addressing pupils' personal and social development. There are over 1500 Support Units in schools in England. They are a core strand of the *Excellence in Cities Programme and the Behaviour Improvement Programme*. The Department for Education and Skills (UK) has issued good practice guidelines for the establishment and management of Support Units, together

¹TUI's representatives on the Consultative Group to the Task Force are Assistant General Secretary Declan Glynn and Executive Committee member Bernie Ruane.

with an audit instrument. Inspection reports in Scotland confirmed the success of these bases in improving motivation, behaviour and attendance, reducing exclusions and decreasing the need for residential placements.

TUI notes the recent report of the indication from Ms. Mary Hanafin, Minister for Education and Science that the minister is prepared to back the establishment of such units. The Task Force does not need to break new ground in this matter; twenty years ago the Report of the Committee on Discipline in Schools (1985) recommended a withdrawal-within-school system:

“The Committee recommends that schools with a high concentration of disruptive pupils should receive sanction for the appointment of extra teachers to facilitate the provision of special tuition for pupils whose behaviour is so disruptive as to prevent ordinary classes from functioning normally”.

Paragraph 7.4.2

The 1985 Report also recommended the establishment of “day-care units” and “special residential units”. TUI does not favour the establishment of external Pupil Referral Units. TUI believes that units should be established *within* schools. For severely disruptive pupils unsuited to the ‘traditional setting’, or unsuited to return to conventional schooling, alternative education and training programmes should be available.

TUI considers that the highly successful Youthreach programme is an appropriate model for extension and development. Extension of residential placement for children is not sought by TUI as a response to the problem of pupil disruption in schools.

We believe that Support Units should be established in *all* post-primary schools. Support units would allow all schools to cater for the entire spectrum of pupils, including those with behavioural difficulties.

2. Legislative Change

TUI has argued for new education laws. TUI looks forward to a serious treatment of this matter by the Task Force.

Section 29

TUI has argued for specific changes to the Section 29 appeal procedures, acknowledged widely as tilted in favour of the misbehaved pupil. Section 29 (4) of the Education Act, 1998, allows the minister to prescribe the procedures for the hearing and determination of appeals. TUI sees no impediment to changing the procedures and calls on the Task Force to recommend significant changes to the process. By way of example, TUI advocates that appeal panels should include serving teachers; pupils should not be reinstated solely on technicalities or on procedural grounds; appeals panels should be required to have regard to the overall interests of other pupils and teachers in considering reinstatement and appeals panels should not normally recommend reinstatement of pupils in cases which involve violence or threats of violence against pupils or staff.

A ‘rights and responsibilities of pupils’ law

TUI has argued for the setting down in law of the responsibilities of pupils in their own learning, in a similar vein to education law in Spain and Canada. For instance, The School Act in Canada (2000) asserts in Section 8 (1) pupils’ right of access to education but also, in Section 12 (1), the obligation of students to comply with a student code of conduct, as follows:

“A student shall be obliged to conduct himself or herself so as to reasonably comply with the following code of conduct:

- (a) be diligent in pursuing the student’s studies;
- (b) attend school regularly and punctually;

- (c) co-operate fully with everyone authorized by the board to provide education programs and other services;
- (d) comply with the rules of the school;
- (e) account to the student’s teachers for the student’s conduct;
- (f) respect the rights of others”

Law such as this enunciates clearly the responsibilities of pupils in their own learning. TUI believes that such a law is necessary because our traditional reliance on common law and the *in loco parentis* doctrine as the sources of teachers’ authority is clearly inadequate and insufficient.

A ‘right to discipline’ law

We also need explicit rights-based legislation for teachers. TUI has argued for a new law to introduce a clear and unambiguous legal right for teachers to discipline pupils. We have argued that we need to legislate to strengthen the authority of teachers and schools, restore confidence to teachers and to schools in implementing their codes of behaviour, send a clear message to parents and pupils that they have responsibilities, assist in countering the ‘you can’t do anything to me’ culture, and redress the intensifying trend to challenge schools at law. TUI believes that such new law would also help to redress an emerging culture of false allegations against teachers who can end up in court for responding sensibly in difficult situations.

We note that as long ago as 1989 the Report of the Committee of Enquiry in Britain chaired by Lord Elton (*Discipline in Schools*) recommended “legislation to clarify the legal basis of teachers’ authority” and considered that “legislation could usefully establish that:

- 74.1 the teacher has general authority over pupils for the purpose of securing their education and well being and that of other pupils in the school and ensuring

that they abide by the rules of conduct set by the school;

74.2 this authority is not delegated by the parent, but derives from the teacher's position as a teacher. In matters relating to the school, this authority overrides that of the pupil's parent;

74.3 the teacher's authority includes the right to set homework and to impose punishments for conduct contrary to the school rules which should be made known to parents and pupils. Such punishments must be reasonable and proportionate to the breach. They may include extra academic work to be completed in or out of school, tasks to assist the school in any reasonable way (including repairing damage), a requirement to stay in school beyond normal school hours (detention), withdrawal of privileges or any other reasonable punishments consistent with the school's discipline policy and the law. This authority is not intended to override the provisions of the Education (No. 2) Act 1986 covering corporal punishment. Parents must be given adequate notice of any punishment which obliges a pupil to remain in school for longer than a few minutes outside normal hours, or to take part in an activity off school premises; and

74.4 the teacher's authority extends beyond the school to any off-site activity which is a continuation or extension

of schooling such as a field trip or a school journey. It also applies to other situations, such as bullying out of school, where pupils' conduct impinges on the school".

We note the endorsement of this approach in Britain in October 2005 in the report (*Learning Behaviour*) of the Practitioners' UK Group on School Behaviour and Discipline, led by Sir Alan Steer. Indeed, the Steer Group saw "an even stronger need than at the time of the Elton Report for a single new piece of legislation to clarify the overall basis of the authority to discipline pupils". TUI notes that the British government is bringing forward the legislation sought. TUI looks forward to a similar demand made on the Irish government by the Task Force.

Second Level Branch Chairpersons' Conference

TUI is proud to have initiated the current debate on behaviour in schools. Our stance has been reinforced by motions from you, the members, at Annual Congress, and also by our Special Consultative Conference on 4 December 2004.

Members' views and demands have informed our approach at all stages and we shall continue to consult with members on this issue. We expect the final report from the Task Force before the end of December. We ask Branches to discuss the report at specially convened Branch meetings in early January. We wish to hear the views of members in Branches and at

our Branch Chairpersons' Consultative Conference in the New Year. The views of our members will guide our Executive in our response to the Final Report.



TUI Wishes All Its Members A Happy Christmas and Peaceful 2006



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Produced by:
Newworld Image, 9 Greenmount Avenue, Harolds Cross, Dublin 6

Printed by:
Typecraft Ltd.