

Regulating conduct:

The impact on 'being' a teacher

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Presentation and workshop at Ontario College of Teachers conference in Toronto, Canada.

1st National Teaching Standards (DfEE), incl. professional conduct regulations.

1997

2000

2011

GTC operational



Incompetence
And
Misconduct

GTCE abolished

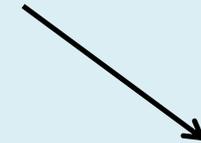
Incompetence
Misconduct



Serious Misconduct

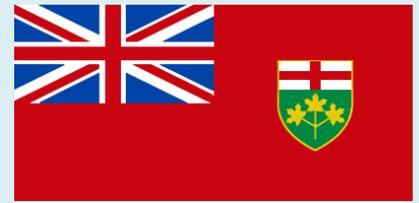


School leaders



NCTL

Likely
prohibition

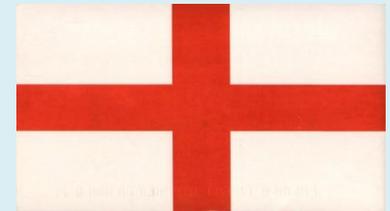


In Ontario:

“the College investigates and resolves complaints regarding professional misconduct, incompetence or incapacity of College members.”

“The College has 238,000 members. About 90 people on average face a public hearing in any given year.” (3-member panel as with NCTL) (.04% total)

“The penalty can range from a reprimand, and direction to receive counselling or take courses, to losing one’s licence to teach.”



In England:

90 people also annual average facing hearings with the NCTL 2012-13, but only for serious misconduct. 953,248 FTE teachers in England 2013. (.01% total)

To quantify this:

GTCE prohibitions relating to misconduct between 2001 and 2012: 214

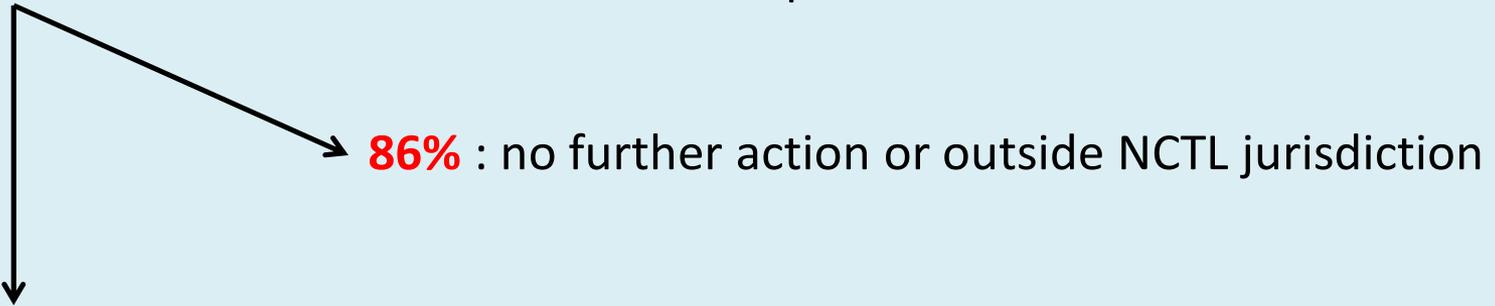
Of those 214, 15 (7%) applied to teach again with 8 of those application successful.

Only 4% of teachers prohibited by the GTCE for misconduct are now allowed to teach again.

DfE (*op cit*)

DfE (2013d) Response to Freedom of Information request,
reference number 2013/0068153, 20th November 2013.

1303 referrals for misconduct between April 1st 2012 to October 30th 2013.



**14% of cases
appropriate
referrals**
(Hearing stage)

11% / 143 cases led to prohibitions

Clarity and consistency?

At the level of professional sanction, what constitutes an abuse of position or 'departure from the personal and professional conduct elements of the Teachers' Standards' is ambiguous.

“at all times observing proper boundaries appropriate to a teacher’s professional position” (DfE, 2013, p10).

Teaching union response...

“often **so vague and exposed to value judgement** that it will be very difficult in some cases for teachers to know when they may be considered to have acted improperly” (NUT, 2009, point 6).

“riddled with vague statements that are **open to wide interpretation and abuse** and therefore **put(s) teachers at risk**” (NASUWT, 2009, np).

“**No consistently used criteria for making allegations**” (Saunders, Jennings, Singleton and Westcott, 2011, p1)

GTCE casework not considered representative of school practice (*Op cit*, p2).

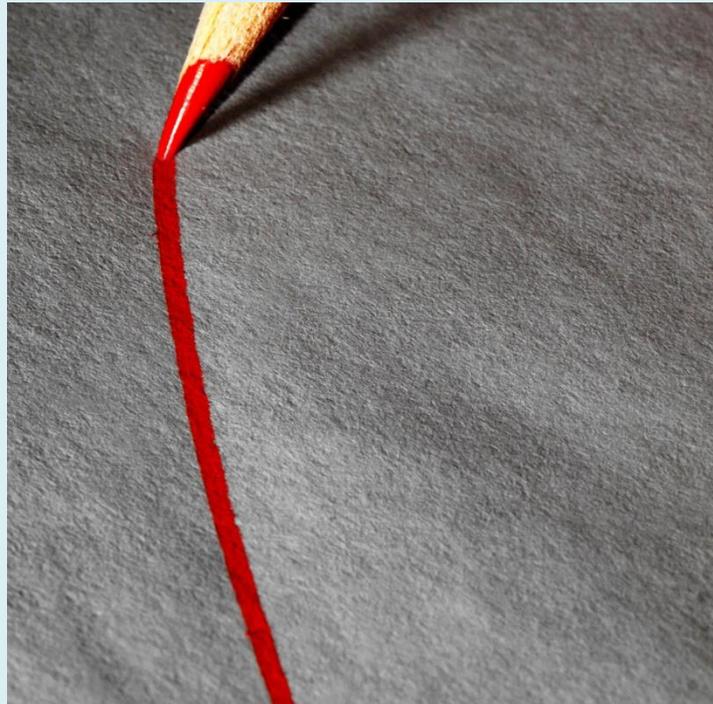
Analysis of 200 conduct panel records generated and made available online between May 1st 2012 and January 31st 2014:

56% of sanctions were prohibitions for misconduct that included ‘inappropriate teacher-student boundaries’.

Almost all of these (49% of total prohibitions) related to teacher-student relationships that were considered too close.

Maintenance of ‘appropriate boundaries’ between teachers and students is then a requirement that is both lacking in definition and results in a greater number of teacher prohibitions than any other area of teacher misconduct.

How would **you** define what constitutes
'appropriate professional boundaries'
between teacher and student?



Group definitions:

Limits within which educational progress, personal and emotional well being can be established safely without any exploitation of either person.

Being able to encourage and support learners without crossing over bounds of familiarity.

Mutual, safe, trust, respect, 'Not a child's friend'.

A safe, mutually respectful, supportive relationship defined within agreed conventions.

Always remembering that you are fundamentally the students' teacher rather than their friend.

Suitably distant and suitably close, this will vary for each pupil.

At the Head's request, Sam provides a student with Oxbridge tutoring support on a Sunday morning. The tutoring takes place in Sam's home.



SAM

Jo invites a 6th form student to the cinema over exeat to catch re-runs of a classic film they've talked about in class.

JO



Pat's teenage children (who are students at Pat's school) often bring school-friends home. When they stay over for the night, Pat joins them for a couple of beers in front of the t.v. before bed.



PAT

Chris coaches the U18 tennis squad, and often drives students back to their home, in a personal car, alone – with parental consent.

CHRIS



Mo bumps into one of last year's L6 leavers (J) in a pub. J is 18 and Mo is a good friend of J's brother. With the acceptance of J's family, Mo and J begin a physical, romantic relationship.



MO



Group on Sam	Group on Jo	Group on Pat	Group on Chris	Group on Mo
2	1	4	1	3
3	1	2	4	1
3	1	1	4	4
3	1	4	4	1
1	1	1	4	1
4	1	3	4	5
2.7	1.0	2.5	3.5	2.5

Definitely not PAB = 1

Not really PAB = 2

Undecided = 3

Somewhat PAB = 4

Totally PAB = 5

Inappropriate
(Cinema)

Appropriate
(Tennis - car)

(Individual variance from group ranking)

(Sam – home tutoring)

Cumulative variance per case - to show extent of variance regardless of direction

	Sam	Jo	Pat	Chris	Mo	Total
PINK	7	4	7	5	10	33
LILAC	10	0	3	3	0	16
PALE GREEN	6	0	5	4	3	18
DARK GREEN	6	0	3	5	5	19
YELLOW	0	0	2	0	0	2
GOLD	0	1	4	1	5	11
Total	29	5	24	18	23	

Much variance within each group – both positive and negative vs group agreed score.

Pat generated most **positive** variance vs. an undecided group ranking.

Mo generated most **negative** variance – from the same group avg. ranking as Pat.

“Well, I think that behaviour would be ok, there’s nothing wrong with it, but you’d leave yourself really open”

‘Appropriate interaction’: that which “neither party would be ashamed of/ embarrassed by if it was shown on the national news”

Training activity participants

Where policies are developed centrally or at the top of a chain of leadership and pushed down, “moving down the chain, the boundaries of what might or might not be done become more permeable” (Groundwater-Smith and Sachs, 2002, p342).

If the views across our communities about what ‘professional teacher conduct’ looks like are not aligned and understood, *any* teacher action is open to a range of interpretation (and misinterpretation) that leaves *all* teachers exposed or constraining their behaviour in efforts at self-protection that also constrain their pedagogy and students’ learning experiences (Sachs, 2004).

AMBIGUITY

PROSCRIPTION



Could we use this ambiguity positively?

What if it created a space to *generate* trust and engagement, supporting and developing active teacher professionalism?

Through building from an individual level within our distinct communities, we can develop context-responsive codes that still sit within the overall framework of the DfE Teachers' Standards.

CONTEXT:

“It is important to locate practices of trust within contexts themselves influenced by social geography.” (p343)

“While parents and the wider community may have a distrust of schools in general they have a higher regard for the school that their children attend and the teachers who work in these schools in particular.” (p344)

Groundwater-Smith, S. and Sachs, J. (2002) ‘The Activist Professional and the Reinstatement of Trust’, *Cambridge Journal of Education* 32(3): 341-358

UNESCO guidance: a code of conduct “should reflect the context of the place where it is applied” (Poisson, 2009, p32).

Universal rules may be considered necessary to ensure “a professional obligation” that is profession-wide (Carr, 2005, p258). However, what those universal rules *look* like when translated into practice in diverse settings *will* differ; and therein lies the risk.

We can take charge of our own direction by working with our communities to agree context-responsive clarifications within the framework of the profession-wide code.

Active Professionalism:

“a strategy to re-instate trust in the teaching profession by the community at large” (Sachs, 2003, p4).

Using Sachs’ approach to develop a context-responsive code would mean, “debating and negotiating a shared set of values, principles and strategies” (Sachs, 2003, p8) with full inclusion of our entire school communities in this ongoing process to support the necessary substantive engagement.

We need to build consensus (Sachs, 2003, p12) across all factions of the community for this approach to be successful. We need a community-agreed code, with documented and accessible debates demonstrating openness and transparency, to re-shape the function of *our* code.

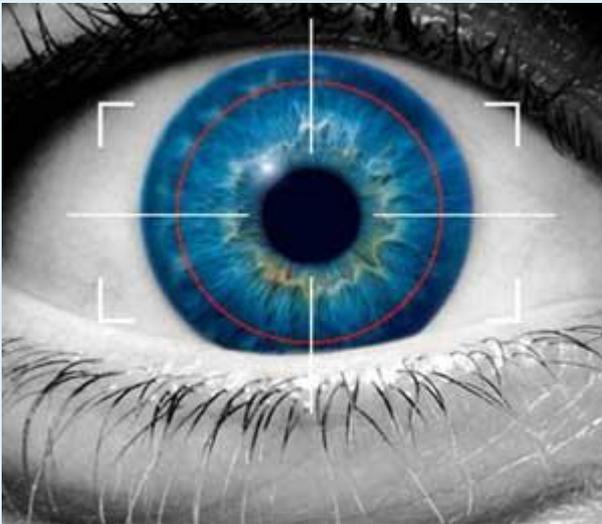
“It is clear that dimensions of context greatly impact on how schools understand and negotiate audit policy technologies and practices and, especially, the extent to which they must shift their beliefs and dynamics to fit with, or satisfy, the performative demands of these technologies and practices.” (p765)

Keddie, A. (2013) ‘Thriving amid the performative demands of the contemporary audit culture: a matter of school context’, *Journal of Education Policy* 28(6): 750-766



Guidance like ‘On Thin Ice’ illustrates the danger from which teachers’ unions feel the need to protect their members; likening professionals’ fearful school experience to traversing ice that might, at any moment, break.

Why is this fear so high if professionalism is *about* and *built on*



Surveillance 'allows' demonstration of 'trustworthy' behaviour?

BUT

Its presence undermines trust...



Impact on pedagogy and teacher identity:



DISTANCE

**“We are in danger of becoming transparent
but empty, unrecognisable to ourselves.”**

(p91)

Ball, S. and Olmedo, A. (2013) 'Care of the self, resistance and subjectivity under neoliberal governmentalities', *Critical Studies in Education* 54(1): 85-96

If “ambiguity is unavoidable, and what counts as appropriate and inappropriate can change according to sometimes unpredictable and variable circumstances” (Piper, Powell and Smith, 2006, p163), then for professionalism to be demonstrable and observable (O’Neill and Bourke, 2010) at all times, a teacher’s practice must be significantly and pervasively inhibited.

Teachers have to make pedagogical decisions weighing up the interests of their personal safety against the best interests of their students (Sachs, 2003; Sachs, 2004).



Teachers either have to deny many students the support and encouragement they need or take on the risk of accusations of grooming. Fears of such accusations keep “teachers stuck in the one-dimensional role of being academic teachers only, no longer willing to risk being an adviser or learn effective helping skills and left instead to maintain their social distance from the real needs of students and not able or expected to use their natural helping skills” (Fibkins, 2006, p29).

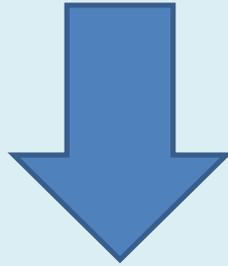
Caution:

The master narrative of abuse and exploitation embodies ‘worst-first thinking’ (Piper, Garratt and Taylor, 2012, p10) that introduces “suspicion into perfectly normal and healthy interactions between children and adults” (Gove, 2012).

Might it be that community discussion of risks inherent in teacher-student interaction is already ‘polluted’ by the fears of the master narrative, such that the discourse itself “actually pervert[s] what was previously pure, indeed in itself bringing about corruption” (Piper and Sikes, 2010, p138)?



Ethical self-constitution



TRUST (worthy)

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