

## ASSOCIATION OF TEACHERS AND LECTURERS

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***Consultation on the GTCE Draft Code of Conduct and Practice  
Response from the Association of Teachers and Lecturers  
February 2009***

ATL, as a leading education union, recognises the link between education policy and our members' conditions of employment. Our evidence-based policy making enables us to campaign and negotiate from a position of strength. We champion good practice and achieve better working lives for our members.

We help our members, as their careers develop, through first-rate research, advice, information and legal support. Our 160,000 members – teachers, lecturers, headteachers and support staff – are empowered to get active locally and nationally. We are affiliated to the TUC, and work with government and employers by lobbying and through social partnership.

### **ATL Policy**

ATL's education policy is underpinned by the professionalism of teachers. Teachers should be recognised for their knowledge, expertise and judgement, at the level of the individual pupil and in articulating the role of education in promoting social justice. Development of the education system should take place at a local level: the curriculum should be developed in partnership with local stakeholders and assessment should be carried out through local professional networks. Schools should work collaboratively to provide excellent teaching and learning with a broad and balanced curriculum, and to support pupils' well-being, across a local area. This means that mechanisms must be developed that ensure a proper balance of accountability to national government and the local community, and which supports collaboration rather than competition.

### **ATL response**

ATL has long campaigned for a wider recognition of teachers' professionalism and a better balance between professional autonomy, responsibility and accountability. As parents, carers and the wider community become increasingly involved in children and young people's education, we believe that the profession has a responsibility to demystify professional work and to develop relationships of trust with all concerned. ATL believes that building on teachers' knowledge, skills and expertise, the profession has a responsibility to further debate about policy and practice and to speak with

authority on the role of education in society (and often in relation to social justice), with the support of local and national communities.

In this context, we have always been supportive of the GTCE's role in its championing of excellence in the profession, through its research and campaigns as well its regulatory role. The importance of having our own regulatory body, run by the profession, cannot be over-emphasised nor its strength in providing teachers at hearings with the opportunity to present their cases, with representation.

We welcome the opportunity to respond to this Consultation on the GTCE's draft Code of Conduct and Practice, and to represent the views of our members. We note GTCE's intention to "continue a dialogue with teachers and stakeholders about how to promote awareness of the Code". However, we urge that this process of dialogue is central to the continuing development of the Code before its finalisation as our members have expressed serious concern about some of its current aspects.

In particular, we believe that the current draft represents an inappropriate attempt to address two distinct issues in a single document:

- on the one hand, a welcome but essentially aspirational statement of excellence in teaching and professional practice and
- on the other, a statement of the minimum expected standards of competence, practice and conduct against which employers or the GTCE itself may take action (such as internal disciplinary procedures or de-regulation) where teachers fail to meet them.

We consider that these two issues should be addressed in separate documents and are concerned with statements within the draft which conflate them – such as that the Code sets out "the expected norms" of practice and conduct. Accordingly, we welcome the aspirations contained within the document but we do not consider it acceptable in its current form as a Code of Conduct and Practice.

### ***The document in detail***

#### *Principle 1*

Principle 1 states the expectation that teachers "place the wellbeing, development and progress of children and young people at the heart of their professional practice". Very few of our members would argue with this broad principle, although it's important that there is recognition that the systems in which teachers work may make this difficult. ATL, alongside the GTCE, has long campaigned against the current system of national curriculum testing, based on evidence of it narrowing curriculum, undermining the Every Child Matters agenda and leaving many children turned off from learning. If this principle can be used to influence for change in the testing system, then it is welcome but it causes us concern if it is to be a tool against which to measure an individual teacher's performance.

In the bullet points under the first principle, our members have raised a question on bullet point 4; that teachers should "demonstrate self-awareness and take responsibility for accessing help and support where this is needed". We know that mental health issues, including stress, affect many within the profession at different times, and that a significant proportion of those affected are afraid to tell their school colleagues and managers for fear of the possible consequences, including bullying. To put this responsibility on

individual members without a corresponding emphasis on expectations of support is unfortunate, particularly as this section within the consultation document includes a quote from a teacher at a consultation event, stating the need for teachers to be “psychologically healthy”. The responsibility is one which should be recognised at school level with the need for particular policies and systems in place to support staff. Some members interpreted this bullet point differently as relating to pupils’ mental health rather than teachers; this lack of clarity and openness to interpretation is problematic in a document of this type.

Bullet point 5 is also worryingly open to interpretation, stating that teachers should “use appropriate channels to raise concerns about the practice of other teachers or professionals if this risks impacting negatively on children and young people”. Who is to judge the ‘risks’ here? What if there is a professional disagreement between teacher colleagues over teaching styles etc. – one colleague might conclude that the use of a particular teaching style risks impacting negatively on pupils? As this calls for no evidence, and just cites ‘risks’, this is a particularly problematic statement. Furthermore, there needs to be careful consideration of how such “raising of concerns” is managed within school, the investigation of “risks”, managing relationships between the colleagues concerned and protection for the whistle-blowing colleague, particularly if they have challenged a senior member of staff.

### *Principle 2*

ATL members endorse Principle 2, that teachers “reflect on their own teaching to ensure that it meets the high professional standards required to help children and young people achieve their full potential”, particularly if it can be used to push for a more meaningful model of CPD for individual teachers in schools, one which is based more on individual professional need rather than a model which is mainly reactive to edicts from the National Strategies. However, again, the devil is in the detail, in this case the bullet points below the main principle.

The second bullet point states that teachers should “base their practice on up to date knowledge and evidence from their subject area/s and about effective teaching and learning”. ATL, through our own policy on teacher professionalism, our union learning rep network and the extensive professional development programme we offer our members strongly endorses the need for teachers to have the opportunity to share practice and to learn and evaluate new ideas and theories to enhance their teaching, where applicable. However, this bullet point demands that teachers base their practice on up-to-date knowledge, failing to recognise that this knowledge is often at different stages of development and that not all new ideas stand the test of time. We believe that the GTCE needs to recognise that teachers have the skills, knowledge, understanding and professionalism to decide between different intellectual ideas and theories, balancing them with the needs of their pupils and their own experience and strengths. It would be wiser to state that teachers should ‘be aware of’ up-to-date knowledge and evidence without any stipulation that they should immediately base their classroom practice upon it.

The fourth bullet point, “make use of appropriate assessment techniques to determine the individual learning needs and progress of children and young people” does not acknowledge the current reality that there are high levels of prescription around the assessment of pupils, for example, the overwhelming

use of targets and the emphasis on national testing, which undermine any use of Assessment for Learning (AfL) techniques by classroom teachers.

The fifth bullet point includes the word “proven” in relation to teaching methodologies. This seems to indicate a lack of trust in the judgement of teachers to use effective and appropriate teaching methodologies and is also stifling of innovation. The sixth bullet point, which requires teachers to “make use of research and feedback from colleagues” to help recognise their own development needs is problematic in terms of its failure to recognise that the use of colleague feedback in this way is currently driven by management colleagues and often strongly influenced by school needs rather than individual professional needs. The emphasis on the use of research doesn’t recognise the workload pressure this adds to individual teachers.

The final bullet point, to “keep up to date with important changes in society, the economy and in technology” highlights one of the biggest concerns that our members have with this Code document; that it has devolved school collective responsibility down to the level of individual teachers, creating unrealistic professional and workload demands, and has made laudable aspirations into ambiguous ‘rules’ for the profession. This is an overall criticism of this document, of which more later, but this bullet point is deeply problematic in its lack of quantifiability, its vagueness and its breadth.

### *Principle 3*

We welcome the emphasis on “passion for learning” and on lifelong learning in this broad principle statement. However, again there are a number of issues within the bullet points. We agree with the first part of the second bullet point, which states that teachers should “listen to children and young people, consider their views and preferences”, but we strongly contest the inclusion of the second part of the statement regarding the establishing of “rapport” as the achievement of this latter element lies beyond their control; the establishment of a rapport between two individuals or between an individual and a group lies beyond the complete control of one individual. It is therefore inappropriate that this is included in this kind of document. Our members would agree to ‘the establishing of rapport’ as an aim, but it is unrealistic and unreasonable as an injunction to teachers.

Our members have particularly strong views of the final bullet point under this principle; that teachers “demonstrate awareness of their role as a significant figure in the lives of children and young people, lead by example, and model the characteristics they are trying to inspire in young people.” If GTCE are to continue with this principle area, then they need more definition and specificity around what they are asking teachers to do in order to demonstrate awareness of their role. They also need to be clear on what areas are teachers to “lead by example” and which characteristics are they meant to inspire in young people.

### *Principle 4*

As the education union, with a strong history of promoting social justice, we welcome the principle of promoting equality and valuing diversity. However, the bullet point that states that teachers should “proactively challenge discrimination, stereotyping and bullying, no matter who is the victim or the perpetrator” is not without difficulty, particularly, for example, where a new member of staff may need to challenge school practices or the behaviour of a senior member of staff. Is the individual teacher to be held accountable if

he/she deems the Headteacher/SMT to be discriminatory but doesn't challenge it? Again, this document is heavy on the responsibility but light on the support that teachers would require to deliver on some of its demands.

The fifth bullet point would benefit from some qualification also. It asks that children and young people are helped "to understand and appreciate different views, perspectives". Bearing in mind that some of those views could be racist, sexist, homophobic, prejudiced against those with a disability, it would be more realistic to ask teachers to help their pupils "to understand and appreciate that there are many different views and perspectives". Teachers should not be asked to help children and young people appreciate views that are hateful or prejudiced.

#### *Principles 5, 6 and 7*

ATL supports the broad principle (Principle 5) of greater involvement of parents and carers with their children's education. However, much of the responsibility within this broad principle, and in the bullet points it contains, should again be at whole-school level rather than that of the individual teacher. For example, the employment of a "range of communication styles and approaches to meet the different needs of different families" would be more realistically delivered across a school team than by one teacher alone. The same principle applied to the Code's Principles 6 and 7, around the whole-school team and also at multi-agency working – the duties it includes should be aimed at school rather than individual level with a clear delineation of where the core responsibility for each action/expectation should lie. And we particularly welcome the last bullet point under Principle 7 which acknowledges the limits of shared responsibility stating that teachers "in sharing responsibility for outcomes [...] should always act within their own competence and responsibilities."

#### *Principle 8*

This principle states that teachers should "demonstrate high standards of honesty and integrity and uphold public trust and confidence in the teaching profession". It is leading to the most problematic area of all; of teachers' lives outside work and putting the responsibility of public trust and confidence in the hands of individual teachers. Our members are very clear that this principle should far more clearly recognise the difference between their private and public, professional and non-professional lives. In the principle itself, it is surely more relevant that teachers should demonstrate "high standards of *professional* honesty and integrity...".

The first bullet point is particularly contentious with its statement that teachers should "uphold the law and maintain standards of behaviour both inside and outside school that are appropriate given their membership of an important and responsible profession". There is a vagueness and subjectivity about these standards of behaviour to which teachers are to be held accountable. This is a strong contrast to the other bullet points which are clearer, more focused and based in the teaching, assessing and learning responsibilities of teachers. Furthermore, our members find it unacceptable that teachers' lives outside work are to be put under the spotlight in this way. In this regard, care must be taken to recognise that teachers have certain rights under the Human Rights Act to 'respect for their private and family life'.

### *Appendix Two*

Whilst the list of examples set out under each Principle in Appendix Two is quite helpful in understanding how members of the GTCE's disciplinary committees might interpret the principles in the Code, it makes clear that this is not an exhaustive list and is only meant to be seen as indicative. Indeed, in a recent BBC interview (19 December 2008) with GTCE's Head of Professional Regulation, a different scenario was given under principle 8 from any on the given list, showing that these Principles are very open to interpretation. Given that many of the bullet points under the principles are ambiguous and the list of examples are only a partial indication of the kinds of practice which will be challenged under each principle, this draft document is unsatisfactory as a tool of accountability, creating unhelpful uncertainty and confusion in the profession.

### **Conclusion**

ATL is fully supportive of high professional standards for the teaching workforce and have been strong advocates in the development of the Professional Standards which lay out the knowledge, understanding, skills and attitudes required to be a teacher.

The GTCE has set out this Code of Conduct and Practice to be a 'touchstone' to help teachers understand what is expected of them and while we may applaud this intention, our members are clear that significant changes need to be made and further questions need to be asked in order for this aim to be realised.

If the Code were a document of aspiration, informed by a vision of education and teachers' role within that, then we would be largely in agreement with it. However, its purpose is a very different one, and as a Code of Conduct and Practice for the teaching profession, it is deeply flawed. It does not contain the detail required for a document on which teachers' continuing registration will be decided, suffering from vagueness and lack of clarity.

Many of the responsibilities which the Code levies on individual teachers would be better placed at school-level; it does not recognise that teachers work in particular professional contexts and within national systems of curriculum, assessment and accountability. Indeed, many of these duties are already placed at school level, appropriately. Nor does it recognise the current workload reality for many of its (and our) members, completely failing to address how this might affect the ability/opportunity of many to meet their 'responsibilities' under its aegis.

The GTCE needs to decide what they want/need from their Code. If it is to be a document of aspiration, drawing a map for future policy work by the GTC and other policy organisations, around the future in education and of teachers' places within that, then little/less detail is required. However, if it is to become a Code against which teachers will be judged, either at the school or national GTCE level, it needs major revision. We see a danger of commendable professional aspirations becoming set down as the required yardstick of minimum acceptable standards. Furthermore, there needs to be a clear recognition that many of duties can only be achieved at institutional, rather than individual, level. We look forward to a continuing and deeper engagement of teachers' opinions on the document.