****

**FEEDBACK FORM**

***Feedback to be emailed by close of business Friday 27 January 2012***

***To*** [***code@teachingcouncil.ie***](mailto:code@teachingcouncil.ie)

**CODE OF PROFSSIONAL CONDUCT FOR TEACHERS**

**Revised Draft for Consultation**

**SUBMITTED BY: NAME: BERNIE JUDGE**

**TITLE: EDUCATION AND RESEARCH OFFICER**

**DATE: 27th January 2012**

**ORGANISATION: TEACHERS’ UNION OF IRELAND**

**EMAIL ADDRESS**: [**bjudge@tui.ie**](mailto:bjudge@tui.ie)

**PHONE NUMBER: 01 4922588**

Please confirm if this submission is made in an individual capacity or on behalf of your organisation:

Individual Capacity \_\_\_\_\_\_\_ On behalf of organisation \_\_\_√\_\_\_\_\_\_

**General Points**

TUI recognises the importance of a code of practice in supporting and guiding the teaching profession and acknowledges the need for its regular review given the evolving nature of teaching. However, it questions the merit of reviewing the current code at this time. In fact, a review may be counterproductive for all stakeholders given that many emergent policies related to the teaching profession have yet to be finalised and appropriate implementation protocols and guidelines have to be agreed with the education partners.

Therefore, TUI considers a review of the current code should be delayed. At minimum should a new code emerge it must reflect the current context and not pre-empt common understanding of or consensus on the issues and concepts being addressed. Bearing this in mind TUI wishes to highlight a number of observations and serious concerns with regard to the sentiment, tone and possible implications of the wording of the revised draft code. In preparing this submission TUI is mindful that some members expressed considerable dissatisfaction and frustration about the online survey document. Feedback reflected some difficulties with access but more especially with the format, style and rigidity of the survey questions. TUI anticipates further feedback from teachers over the coming weeks and reserves the right to comment further and provide additional clarifications at a later point.

**Section 1. Introduction**

* TUI has significant concerns that the revised code makes strong reference to taking ‘cognisance of ……..it’s Policy on the Continuum of Teacher Education’. It cannot support this position. It is true that a baseline policy document for a continuum of teacher education was finalised by the Teaching Council in 2011. However, the key elements of the continuum have not undergone comprehensive discussion or consultation in relevant fora. Such fora include Industrial Relations forums and the Teachers’ Conciliation Council which is central to protecting teachers’ pay, conditions and contractual obligations. This issue relates to all three aspects of the continuum – initial teacher education, induction (probation) and continuous professional development.
* The draft code appears to be predicated on a notion that there is a common and agreed understanding of and position on each aspect of the continuum and how it will translate into practice. This is not the case. Extensive national discussions and consultation with key stakeholders leading to agreement on guidelines and protocols and resourcing to underpin implementation into the future is either only recently underway or has yet to commence. Any reference in a new Code to the continuum must be appropriately modified to reflect this.
* In the introduction reference to ‘required standards of professional conduct’ is of much concern. This emphasis is retained throughout the document and is of special significance in Section Three. TUI considers this to imply the emergence of a highly prescriptive, instrumentalist approach to the profession. Such an approach would fail to take account of the wide range of environmental and contextual issues that come to bear on the daily practice of teachers and principals in the vastly different settings in which they work.
* TUI notes that there are contradictory messages in the revised draft – on the one hand it purports to be supportive and promotional in nature ‘….. it supports teachers in upholding the honour and dignity of the teaching profession. It may also be used to by all of the education community and the wider public to inform their understanding and expectations of the teaching profession in Ireland today. ‘ However, the Code will have a legal standing and under Part 5 of the Teaching Council Act engaging in conduct which is contrary to the Code is defined as professional misconduct. Therefore, the use of terms such as ‘required’ is highly provocative, unsupportive and dangerous and could present very significant difficulty for individual teachers or principals.
* Such language embedded in a professional code could in reality undermine normal industrial relations agreements and processes and imply contractual changes for teachers. The language used suggests an inappropriate focus on compliance and enforcement as opposed to a focus on the promotion of and support for good practice. This is wholly unacceptable to TUI.
* In the introductory paragraph TUI recommends that the wording ‘required standards of professional conduct’ be replaced with ‘expected best practice in professional practice’.
* Throughout Section Three TUI recommends that the words ‘Teachers are required to’ be replaced with ‘Teachers are committed to….This would change the tone of the code considerably and promote greater engagement with the ideas therein.

**Section 2. Ethics of the Teaching Profession**

Four themes are identified - respect, care, trust, integrity. The wording associated with each could be taken to broadly constitute a very positive statement about teaching – the general position of and culture of teaching in society, its key role in supporting children and young people and the daily responsibilities that attach to it. In particular, TUI considers this section to have strengths in highlighting the value of strong public service to society and the key position of teachers in this regard.

However, some of the wording is quite general and abstract and therefore could be problematic for example, ‘uphold human dignity’… ‘promote equality, emotional wellness…… . In their professional practice teachers demonstrate respect for spiritual and cultural values …freedom….. ‘‘Teachers show this through positive influence, professional judgement and empathy….’

Serious questions arise as to how teachers will know what is expected of them? To what and whose understanding of the concepts put forward will they be working? How will they be measured? These questions have special significance given the mandatory tone of the revised draft and the threat of punitive measures?

While the intent of this section may be to support and confer status on the teaching profession unrealistic and unfair demands could also come to bear on teachers if further clarity is not provided as to actual meaning. In addition, there needs to be a greater recognition of the limitations under which schools and teachers operate. At minimum a reference needs to be included in the introduction to reflect that students’ lives are influenced by a wide number of home, community and societal factors. Schools and individual teachers cannot be expected to unduly compensate or ameliorate for factors well outside their control.

**Section 3. Standards of Professional Conduct.**

TUI has significance issues with the content of and language used throughout this section. As currently worded the code could:

* + - mandate all teachers and principals to engage in supervision and mentoring of student teachers and newly qualified teachers, assessing their own students, developing and evaluating programmes and curriculum at local and national level
    - mandate all teachers to participate in particular and on-going professional development activities
    - place unreasonable demands on teachers and principals in respect of sign off and ensuring accuracy in respect of financial matters, student assessment , safety and health issues
    - place some personal practices in direct conflict with the Code e.g. giving grinds has been cited as an area for consideration although not named in the draft code
    - create undue expectations in respect of teachers’ influence and impact on student performance and outcomes
    - require teachers to work extensively with a whole range of bodies and personnel outside their own school.

Considerable revision is essential if TUI is to endorse a revised code. To this end TUI recommends that throughout this section the use of ‘teachers are required’ be replaced with ‘teachers are committed ’. This will reduce the mandatory, punitive emphasis of the revised code and re-cast it as a supportive framework and positive reference point for teachers.

Further comments and recommendations for wording changes are set out below under a number of the sub-headings and specific points.

***3.1 Professional Values and Relationships***

3.1.4 - Reference to ‘others’ must be further clarified to make explicit who this refers to. TUI considers this should only refer to those agencies or bodies that attach to the school community but may not be internal to the school such as the National Educational Psychological Service, National Council for Special Educational Needs or local statutory bodies with a core educational remit. This could more reasonably read ‘others formally associated with the school community’. A list should be agreed as to which agencies or bodies are included.

***3.2 Professional Integrity***

3.2.1 - Reference to assessment and examinations must be accompanied with a footnote to indicate that teachers’ actions and responsibilities in this area will be supported by comprehensive guidelines and protocols agreed nationally by the stakeholders.

3.2.2 - As currently worded this does not pass the test of reasonableness and could place teachers and principals in impossible situations where a professional judgement call is the best that can be expected. This should be revised to read ‘ensure as far as possible ….. .’

3.2.4 - As currently worded this could be insensitive to the rights of gay and lesbians or other individuals. Further clarification is necessary and ‘…themselves….’ should be deleted.

3.2.5 - This could place unrealistic expectations on teachers as their work base may, from time-to-time merit the use of a different name than that on the Teaching Council Register e.g. a person may move to work in a Gael Scoil where the use of one’s name in Irish is appropriate but they may have registered their name in English. Some guidance on this and how issues would be addressed is required.

3.2.6 - While this has some merit it must be clear what it actually means and comprehends. Such expectation must be underpinned by agreed national guidelines. These must be agreed through consultation in advance of the code being finalised.

***3.3 Professional Conduct***

3.3.3 - Clarification is necessary as to what this will actually refer to. TUI accepts the necessity to work within legislation but reference to regulation must be amended to ensure it is statutory regulation that is intended. Should it be intended to embrace other regulations there must be a clear rationale as to why and what this would include. Such regulations must be agreed through appropriate national consultative processes.

3.3.4 - As with 3.3.3 much more clarification is necessary. The current wording does not make clear what is intended and embraced and is sufficiently ambiguous as to give rise to deep concern. Reference to local policies is of particular concern. Practice could emerge that would be in direct conflict with or fail to recognise normal, agreed national and local industrial relations processes. In the regard a future code could be open to local interpretation and/or abuse. With this comes a risk of the imposition of locally devised polices without reference to agreed national frameworks, protocols or guidelines. If local policies are to carry authority and be respected they must emanate from agreed national guidelines and best practice.

TUI suggests wording should change to read ‘comply with agreed national guidelines and local polices, procedures and guidelines that derive from these which aim to…….’

In addition, TUI seeks clarification as to what is actually understood by the term welfare. A footnote should be included to clarify that the system and schools will need adequate resourcing to include provision for appropriate advice and training for teachers.

3.3.5 - TUI seeks that this be changed to reflect that such responsibility relates to school life and activities only and expectations will be in accordance with agreed national procedures and guidelines.

3.3.6 - To bring clarity and reasonableness to this point TUI suggests that ‘in the school community’ be inserted after ‘others’ to read ‘…others in the school community….’ In addition, there must be national agreement as to who and which agencies/bodies are embraced by it.

3.3.7 - TUI notes that national guidelines must be agreed to underpin the practice addressed in this point.

3.3.8 and 3.3.9 - TUI believes there is no room for ambivalence of any kind when it comes to the issues addressed in these points and a revised code must reflect trust in and respect for individual teachers. To bring reasonableness and rationality to any possible interpretation the first part of both points should be revised to read ‘ensure they do not seek to deliberately access, download or have in their possession …….’ As with other points within the revised code agreed national guidelines must be in place to guide and support interpretation. In addition, adequate resourcing and systems must be in place to inform and support teachers.

3.3.10 - To qualify this point further TUI suggests that ‘to teach’ be added at the end.

***3.4 Professional Practice***

TUI seeks confirmation that there is no inference to be drawn from the points in this section that procedures agreed under other legislation and Industrial Relations processes with regard to professional competence and practice will be displaced.

TUI notes that this section in general does not take cognisance of resource deficits or cutbacks in education budgets. It considers some of the points aspirational, unrealistic and not logistically possible unless a specific and appropriate level of resources is agreed and provided. A footnote should be included in the final version of the code to qualify this.

3.4.1 - TUI questions whether it is valid to require teachers to meet standards that are unspecified?

3.4.2 - TUI sees this as patronising and ‘over loaded’. Firstly, the question arises as to how motivate and inspire will be understood? Likewise what and whose definition of effort and success will apply? What does celebrate in this context mean? Parents have different expectations for their children. External factors impact on and sometimes impede the engagement of young people in school and the educational experience. The current ‘points race’ and societal emphasis on examination results steer post-primary education in a particular direction although many students are may not be well served by this. This clause place very unrealistic and unfair demands on teachers. It may appear innocuous but in practice could be highly dangerous. TUI seeks clarification as to what it actually means how teachers’ practice would be critiqued or judged

3.4.5 - This must be qualified by adding ‘….in accordance with resources and supports available to them’.

3.4.6 - This is somewhat ambiguous and ambivalent and will not stand the test of reasonableness. For example, who or on what basis could this be evaluated in any effective or fair way. What is understood by active and fully autonomous, lifelong learners? TUI suggests a revised wording as follows ‘endeavour to create an environment where pupils/students become autonomous learners and develop skills that would support lifelong learning’.

3.4.7 -This wording is over prescriptive with regard to the general and daily practice of teachers. The point could be omitted as the intent is sufficiently encapsulated under 3.4.3 and 3.4.4. At minimum it should be reworded as follows ‘engage in differentiated teaching and learning and assessment strategies as appropriate and possible within resources available to them ‘- everything else should be deleted.

3. 4.8 - This is unnecessarily prescriptive. Furthermore, teacher engagement in this regard will need to be underpinned by agreed guidelines for continuous professional development (CPD) and support opportunities and in accordance with available time and resources. A footnote must be included to this effect. TUI suggests rewording as follows ‘maintain their capacity for professional judgement and practice’ - everything else to be deleted.

3.4.9 - National protocols must be in place to underpin this and TUI suggests a rewording to insert at the beginning ‘in accordance with nationally agreed guidelines and procedures be open…..’.

***3.5 Professional Development***

3.5.1 - The current point is too prescriptive in respect of what CPD should address. TUI is especially opposed to the use of the word ‘actively’ and the reference to ‘open-ended’ educational research as an area for CPD. These infer far too burdensome expectations of teachers’ effort and time. See next point fir idea on how to revise this point.

3.5.2 - The wording here incorrectly assumes a common understanding of critical evaluation and reflection on one’s professional practice. Insufficient discussion has taken place on what these terms actually mean or how evaluative, reflective practice could best be supported and conducted and to what end? Further questions arise as to how such activity would be judged and by whom?

Adequate consultation and discussion has not yet taken place in respect of a model and approach to CPD. Therefore TUI believes points 3.5.1 and 3.5.2 should be merged to read as follows: ‘maintain and improve their professional knowledge, understanding and practice to ensure it is current’ – everything else to be deleted.

A footnote should be included to read ‘In accordance with guidelines to be developed by the Teaching Council in agreement with the education partners and that takes cognisance of adequate resourcing.

3.5.3 - The footnote as above to apply here also.

* 1. ***Professional Collegiality and Collaboration***

As with earlier sections the points appear to be predicated on an assumption that common understandings and agreement exists on what terms actually mean. This is not the case. TUI accepts collegiality and collaborative work is critical to the teaching profession and promoting effective teaching and learning contexts. However, the wording in the revised code reflects an over prescriptive approach and anticipates agreement that all teachers should and could be ‘required’ to engage in certain activities far in excess of their current responsibilities or current demands on their time. TUI considers much more consultation and discussion is required with respect to the areas of work addressed in this section before a fair and reasonable code could be agreed. To address TUI concerns and arrive at a wording that recognises the importance of collegiality and collaboration a number of suggestions are set out below.

3.6.1 – This should be reworded to read ‘work collegially with teaching colleagues in the interests of developing and supporting best professional practice and maintaining the highest quality of educational experiences for their pupils/students’

3.6.2 - Clarification is required as to who ‘relevant professionals’ refers to; a list must be agreed with education partners as otherwise this could place unreasonable demands and expectations on teachers and principals. Likewise, TUI considers the reference to the ‘wider community’ is too vague and must be omitted or clarified and qualified.

3.6.3 - There must be absolute clarity on what is meant by ‘actively participate in professional learning communities’. As with other points the vagueness could lead to unrealistic expectations and demands being placed on teachers. TUI is opposed to the reference to ‘student teachers’ as national agreement and guidelines have yet to emerge to support a new model of initial teacher education and associated student placements. It is also concerned about the general reference to supporting colleagues in their professional development and contributing to the development of professional knowledge ‘within the classroom’ and ‘at other levels’.

This language in this point gives rise to serious concerns as to what it could in reality imply. In practice TUI sees contractual implications arising and the possible undermining of the normal industrial relation processes in place to agree work practice changes and guidelines to underpin them.

TUI suggests rewording as follows ‘participate in professional learning communities (with footnote to clarify), support colleagues in their professional development and contribute to the development of professional knowledge within the school’. This point should to be supported with a footnote that acknowledges that nationally agreed protocols and guidelines that have yet to emerge and be agreed.

3.6.4 - As with other points this appears to embrace areas of engagement and work for which national understandings, agreement and protocols have yet to emerge e.g. student placements, induction of newly qualified teachers, a new relationship with teacher educators. The wording could be inadvertently or deliberately construed or indeed misconstrued to circumvent the normal national approach to discussions leading to agreed protocols in respect of areas of significance to the teaching profession, the quality of teaching and learning and the education system as a whole. Again contractual implications, an area of high priority for TUI, arise and require further, detailed consideration in the relevant fora outside the Teaching Council.

Reference to ‘…other statutory and non-statutory…’ in also of concern. What is intended must be clarified and supported by an agreed national list.

This point must be supported with a footnote to indicate that expectations of teachers will be in accordance with national guidelines agreed by the education partners and agreed lists of bodies/agencies as relevant.

3.6.5 - Again the language is problematic. It pre-empts the outcomes of discussions, consultation and national agreement on how and by whom new curriculum initiatives and programmes will be designed and developed in the future. Furthermore, it infers all teachers will be expected to engage in the design, development, evaluation and critique of curriculum initiatives at national level and all this implies. TUI notes that curriculum design and development is highly specialised work quite separate from teaching. It should not be assumed all teachers would have the expertise to do this. In addition it is highly demanding and provision must be made for this where teachers are willing, equipped and supported to engage in this work.

Serious questions also arise as to what is actually meant by ‘…working as agents of change in collaboration with colleagues and other professionals’. For example one might expect that it refers to regular review of the curriculum to keep it relevant and accessible. This in turn begs the question as to who actually decides what is important and why? Further clarification and qualification is necessary in this regard.

TUI suggests rewording as follows ‘ contribute to the implementation and delivery of curriculum at school/centre level and as appropriate contribute to the evaluation of curriculum at school level in collaboration with colleagues and other appropriate professionals’.

Any reference to the design or development of curriculum will need to be accompanied by a footnote to read ‘in accordance with nationally agreed guidelines and in keeping with resources available’.

**In summary,** TUI believes that if implemented as currently worded the revised code will pose significant threats to individual teachers as it could:

* seriously undermine the normal industrial relations processes that underpin and protect teachers’ working conditions and rights
* mandate teachers to engage in activities such as *mentoring and supervision of student teachers and/or newly* qualified teachers
* require all teachers to undertake on-going continuous professional development to maintain registration status
* place some personal practices in direct conflict with the Code
* lead to a significant increase in unjustified investigations of and disciplinary action against individual teachers.

It requires considerable revision in consultation with the education partners before TUI support would be forthcoming. To this end TUI seeks as a matter of urgency a meeting with the relevant personnel in the Teaching Council.

**Ends.**