

**Teachers' Standards Review Group  
Draft Standards for Teachers  
10 June 2011**

1. The NASUWT welcomes the opportunity to comment on the Teachers' Standards Review Group (TSRG) draft standards for teachers
2. The NASUWT is the largest teachers' union in the UK representing teachers and school leaders.
3. The NASUWT's response sets out important overarching principles in relation to the development, scope and implementation of effective professional standards for teachers, relates these principles to the context within the TSRG has developed its proposals and gives the Union's views on the specific standards issued for consultation.

**GENERAL COMMENTS**

**Timescale for the consultation**

4. The NASUWT must express its profound disappointment at the TSRG's decision to limit the timescale for consultation to 18 working days. As a democratic and member-focused organisation, within which the development of policy is guided by the perspectives and experiences of practicing teachers, the NASUWT faces considerable difficulties in developing balanced and comprehensive submissions to consultations in

circumstances where consulting bodies allow for an unreasonably constrained period within which consultations remain active.

5. As this response makes clear, the issues falling within the remit of the Review are of critical importance to the working conditions and professional practice of teachers. It is, therefore, entirely unrealistic for the TSRG to expect that in such circumstances, the Union can engage with the consultation process in a way that reflects as fully as possible the experiences of its members. These difficulties have been compounded by the consultation period coinciding with the half-term vacation, restricting even further the NASUWT's ability to liaise and consult with members.
6. The NASUWT believes that the approach to standards for teachers adopted by the Coalition Government, reflected in the remit of the TSRG, is fundamentally flawed and gives rise to the serious concerns about the nature and content of the draft standards expressed elsewhere in this response. However, these concerns are exacerbated by the risk that the limited consultation period allowed for by the TSRG will prevent its work from being informed to the fullest possible extent by the views and expertise of the practitioners to whom it is intended that its draft standards will apply. As a result, levels of professional commitment to any standards that may result from the work of the TSRG would be compromised significantly.
7. It should also be noted that the credibility of the TSRG would be undermined considerably in such circumstances if it made any attempt to support its recommendations to Ministers on the basis that it had taken effective steps to seek the views of interested parties, given that this would clearly not have been the case.
8. It should be recognised that key aspects of the process of external engagement associated with the work of the TSRG to date contrasts unfavourably with that established during the period within which the

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current professional standards for teachers were developed. The Training and Development Agency for Schools (TDA), under the direction of the former Department for Children, Schools and Families (DCSF), instituted a wide ranging, transparent and extensive consultation process that allowed for a broad range of interested individuals and organisations, including the NASUWT and other school workforce trade unions, to contribute to shaping the content and scope of the standards. This approach assisted considerably in securing the levels of stakeholder participation and buy-in essential to give the standards sufficient credibility within the profession.

9. The NASUWT accepts that the timescale given to the TSRG to complete its work has been determined to a significant extent by its terms of reference. However, in light of the likelihood that this timescale will impede severely the effectiveness of the Review, the Union believes it is incumbent on the TSRG to make clear these concerns to the Secretary of State.

### **The purpose, scope and application of the draft standards**

10. The NASUWT notes that a key stated purpose of the Review is to produce a single set of standards that will replace the current professional standards for teachers and the *Code of Conduct and Practice for Registered Teachers* issued by the General Teaching Council for England (GTCE). The remit for the Review in this respect is justified by the Department for Education (DfE) on the basis that *'the proliferation of existing teacher standards means that expectations of teachers may appear unclear, and it can be hard to assess teacher performance and steer professional development.'*<sup>1</sup> The Union further notes that at this stage, the TSRG is limiting its consideration to the current Qualified Teacher Status (QTS) and Core standards, with the intention of examining the Threshold, Excellent Teacher (ET) and

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<sup>1</sup> Department for Education (DfE) (2010). *The Importance of Teaching*. TSO; London

Advanced Skills Teacher (AST) standards only after recommendations have been made for the QTS and Core Standards.

11. The Union is clear that these aspects of the TSRG's remit are profoundly misguided as they conflate inappropriately two fundamentally distinct sets of professional expectations made of teachers and, in the case of the professional standards for teachers, threaten to undermine the coherence of the current framework. These concerns and others described below relating to the lack of clarity about the intended applicability of the standards, cast serious doubt on the extent to which the TSRG will be able to develop standards that are fit for purpose and provide meaningful support to the work of teachers.
12. In relation to the current professional standards for teachers, the function of the full suite of standards is to provide a career-long framework for the professional progression and development of teachers. For this reason, the decision to examine the QTS and Core standards separate from standards applicable to other career stages is highly problematic and contrasts with the processes adopted in the development of the current professional standards for teachers, within which all sets of standards were developed concurrently, thereby ensuring their coherence. The disjointed approach to the review of professional standards established within the remit for the Review is therefore inconsistent with the important aim of ensuring that the standards are designed in such a way as to provide effective support for the career progression of teachers.
13. This professional progression and development aspect of the standards is reflected in the fact that they clarify the professional characteristics that teachers should be expected to maintain and provide a context within which they can broaden and deepen their professional skills, attributes, knowledge and understanding. The standards are also designed to support teachers in identifying their professional development needs and, in the context of performance management, provide a backdrop to discussions about how a teachers' performance

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should be viewed in relation to their current and future career stages. This is in contrast to approaches that regard statements of professional standards as a crude checklist against which individual teachers' performance and capability should be evaluated.

14. It should further be recognised that in terms of the broader practice of teachers, the professional standards for teachers reflect the ways in which schools can contribute to securing and improving children and young people's wellbeing in relation to the relationship, in this respect, between the school sector and other key children's services.
15. It is important for the TSRG to acknowledge that the supportive and development-focused basis upon which the professional standards for teachers were developed has contributed significantly to their growing acceptance within the teaching profession. This is confirmed by the findings of research on perceptions of the effectiveness of the standards among teachers and school leaders published by the DfE that highlights the growing awareness among teachers and school leaders of the value of the standards, particularly in relation to the support they provide for the induction process and as a backdrop to performance management and continuing professional development.<sup>2</sup>
16. In contrast with the aims of the professional standards for teachers, the *Code of Conduct and Practice for Registered Teachers* was developed with the stated intention of setting out expectations in relation to teachers' behaviour in the context of the GTCE's regulatory functions. The NASUWT's continuing concerns about the function, status and usefulness of the *Code* are set out in more detail elsewhere in this response. However, despite these concerns, it is also very clear that while the professional standards for teachers were developed and implemented with supportive intent, the function of the *Code* can most

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<sup>2</sup> Walker, M.; Jeffes, J.; Hart, R.; Lord, P. and Kinder, K. (2011). *Making the links between teachers' professional standards, induction, performance management and continuing professional development*. DfE; London

appropriately be regarded as disciplinary and potentially punitive in nature, given that it is used to establish circumstances within which teachers can be sanctioned or de-registered as teachers by the GTCE.

17. The NASUWT believes, therefore, that incorporation of a replacement body of standards for the *Code* within a standards framework that seeks also to fulfil the same function as the current professional standards for teachers would have the effect of undermining the distinctive purpose and value of the professional standards as it would locate them within a regulatory and disciplinary context rather than one focused exclusively professional support, development and career progression. The TSRG must draw a clear distinction between the purpose of the professional standards, focused on skills, knowledge and aptitude and the *Code*, which is centred on conduct and behaviour.

18. Moreover, given the need to draw clear distinctions between the purpose of the professional standards and that of the *Code*, incorporation of revised versions of both instruments within a single set of standards would serve to undermine clarity of understanding about their nature and purpose, in direct contrast to the stated aim of Ministers set out in the remit to the TSRG. Therefore, there is a clear case for the TSRG to recommend to Ministers that development of professional standards for teachers should be taken forward separately from that designed to establish replacement provisions for the *Code*.

19. Notwithstanding issues relating to the distinct purposes of the professional standards for teachers and the *Code*, the NASUWT is also concerned that the TSRG has been tasked with the development of a unified set of standards without any confirmation from the DfE of their precise intended legal or regulatory status, their association with key determinants of the terms and conditions of teachers, including the provisions of the School Teachers' Pay and Conditions Document (STPCD) or the ways in which they are expected to influence and direct policy and practice at school level.

20. With regard to the relationship between the STPCD and the professional standards for teachers, it is clear that the imposition of a revised set of standards would effectively ‘tear up’ the national pay and conditions framework by rendering key current provisions on which it is based invalid. This would represent a highly damaging, unilateral and entirely unwarranted attack on the terms and conditions of teachers.

21. In relation to the potential regulatory function of the standards, the NASUWT notes that while the Government has set out its intention to abolish the GTCE and transfer its regulatory functions to the Secretary of State in the Education Bill, the Bill has yet to complete its passage through Parliament. Furthermore, even if unamended passage of the relevant provisions of the Bill is assumed by the TSRG in its work to develop the standards, the exact nature of the post-GTCE regulatory landscape must still be regarded as unclear given an absence of any specific proposals in this respect from the DfE. Therefore, attempts to develop standards for the purposes of regulation in circumstances where the context within which they are likely to be used is uncertain cannot be taken forward on a sufficiently credible basis.

22. The Union further notes that the DfE is consulting currently on revisions to the regulations that relate to the performance management of teachers. Given the appropriate conceptualisation of professional standards as providing a backdrop to performance management, taking forward proposed revisions to both sets of provisions through entirely parallel processes is wholly unacceptable as this would not allow for sufficient account to be taken of the correct nature of the relationship between teachers’ performance management and standards in the development of both provisions.

23. In addition to the considerations set out above, it is also essential that the standards are developed on the basis of clarity in relation to the

settings within which they will apply and the members of the teaching workforce that will be fall within their scope.

24. In both respects, it is evident that the TSRG is taking forward its work in circumstances where no such clarity exists. In particular, it has yet to be established whether the standards will apply in full to staff working in academies and free schools or whether only those elements relating to professional conduct will apply in such circumstances, given that, at present, while all registered teachers are subject to the *Code*, the Core professional standards for teachers only apply in these settings with regard to arrangements for statutory induction. The freedom academies and free schools have been given by the Coalition Government to employ staff without QTS to undertake teaching also calls into question how individuals engaged on this basis could be subject to any aspect of the draft standards in light of the fact that they would not possess QTS and therefore would not, at present, be required to register with the GTCE.

25. The NASUWT is clear that in any state-funded provision, the professional standards must apply to all teachers and that there is no valid justification for exempting teachers in academies or free schools from this requirement. In this respect, the Union has particular concerns that a lack of universal application of the standards across the state-funded sector could lead to circumstances where a teacher working in an academy could seek employment in another state-funded school without any consistent basis for making judgements about a teacher's professional standing or qualities. Universal application of professional standards can therefore be regarded as critical to effective teacher mobility.

26. Concerns in respect of the potentially incomplete coverage of the standards extend to consideration of the extent to which the standards will apply to headteachers and school leaders. Currently, school leaders who are registered teachers are subject to the provisions of the *Code*

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but, in terms of the discharge of their leadership and management responsibilities, do not fall within the scope of the professional standards for teachers or of any other comparable set of standards. Given that the standards being developed by the TSRG are not only focused on teachers outside the leadership group but also aim to replace the *Code*, it is clear that there is a genuine risk that implementation of a set of standards on this basis could result in circumstances where teachers are subject to regulatory standards while school leaders are not. This outcome would be entirely unacceptable and emphasises the NASUWT's determined view that all teachers and school leaders should be subject to comparable sets of professional standards and common expectations in relation to behaviour and conduct, regardless of the type of setting within which they are employed. Critical issues in this regard are considered further below.

27. The considerations set out above in respect of the purpose, scope and application of the draft standards make clear that the circumstances within which the TSRG is operating mean that it is confronted by considerable barriers to any attempt it might be able to make to the development of an equitable, supportive and consistently applied framework of standards for the teaching profession. It is therefore legitimate that the TSRG should inform Ministers that this is the case and recommend that work on revising the standards should be postponed until the contextual issues set out in this response have been addressed satisfactorily.

28. However, notwithstanding these overarching concerns, the content of the draft standards put forward by the TSRG would raise significant issues were they to be implemented within any overall standards framework. Particularly significant considerations in relation to the professional practice of teachers and the regulation of their personal conduct are examined below.

29. The NASUWT notes with concern that the remit for the work of the TSRG takes insufficient account of the importance of leadership standards in shaping and informing the development of standards for classroom teachers and that the DfE has not set out any clear intention to develop standards for staff with leadership roles in schools.
30. The NASUWT maintains that given the central role of school leaders in leading the work of other teachers, pedagogic practice and leading and managing teaching and learning, it is essential that they are subject to standards commensurate in legal status, purpose and scope with those which apply to teachers but which also recognise their particular responsibilities as lead practitioners.
31. Leadership standards developed on a comparable basis to those currently in place for classroom teachers would ensure that school leaders benefit in a similar way from the existence of an effective standards framework through, for example, their use as a backdrop to performance management and in shaping their professional development experiences, including through the influence they would have on the content and form of the National Professional Qualification for Headship (NPQH). It should also be recognised that alongside the important role played by the professional standards for teachers in supporting career progression for classroom teachers, standards for school leaders would also facilitate more effective and coherent progression into school leadership and thereby contribute to system-wide work related to leadership succession planning.
32. The absence in the education system in England of a leadership standards framework comparable and integrated with that in place for classroom teachers contrasts starkly with arrangements in place in a significant number of comparable countries. Research conducted by the Organisation for Economic Co-operation and Development (OECD) has highlighted that many of the education systems within OECD member

states, including those identified by Ministers as particularly high-performing, have well established leadership standards frameworks in place.<sup>3</sup>

33. For these reasons, the TSRG should recommend to Ministers that further work to take forward development of standards for classroom teachers should incorporate effective standards for school leaders on the basis set out above. The NASUWT is clear that there can be no further development of teacher standards without a commitment to ensure that these will be accompanied by comparable leadership standards. In light of Ministers' stated view that leadership is critically important to securing high standards of teaching and learning, it is imperative that standards are in place to secure effective leadership in all state-funded settings.

## **SPECIFIC COMMENTS**

### **Draft standards relating to teaching**

34. The NASUWT notes that the draft standards seek to reflect many of the aspects of professional skills, knowledge and expertise set out in the QTS and Core professional standards for teachers. However, the TSRG proposes significant omissions, amendments and additions to the current standards that, if implemented, would serve to hinder the effectiveness of the standards to a considerable extent.

35. In particular, in seeking to respond to the Coalition Government's assertion that the current standards are inadequately focused on teaching and learning<sup>4</sup>, the TSRG through its draft standards has removed inappropriately provisions in the current QTS and Core standards that seek to place the work of teachers in its broader context and that thereby strengthen the ability of the standards to promote

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<sup>3</sup> Pont, B.; Nusche, D. and Moorman, H. (2008) *Improving School Leadership Volume 1: Policy and Practice*. Organisation for Economic Co-operation and Development (OECD); Paris.

<sup>4</sup> DfE (2010) *op. cit.*

approaches to professional development that work to support teachers in raising levels of pupils' educational progress and achievement.

36. The misguided condition in the terms of reference for the Review that the standards should be far narrower in scope than they are at present is also evident in the removal by the TSRG in the draft standards of any reflection of the importance of teachers' entitlement to support to maintain an up to date knowledge of their legal and professional rights and responsibilities and of the general statutory framework within which they work. This is inappropriate given the importance of the legal context within which teachers' teaching and learning-related activities are located, in relation to, for example, the health and safety of staff and pupils, the learning rights and entitlements of children and young people, behaviour management, special educational needs and the statutory basis underpinning teachers' terms and conditions of employment. Creation of an environment within which teachers can discharge their professional activities effectively and thereby help pupils to reach the levels of educational attainment of which they are capable depend critically on ensuring that all relevant legal provisions are respected and it is therefore necessary that these considerations are reflected in any framework of professional standards for teachers.

37. Similarly, the failure of the draft standards to focus adequately on the way in which pupils' wider wellbeing is promoted through effective arrangements for the collaboration of staff in schools with agencies and practitioners in the wider children's services sector reflects an insufficient appreciation of the role of these services in supporting children and young people's educational development and progress. It is essential that professional standards for teachers are framed in such a way as to encourage teachers, particularly those in training and those at the start of their careers, to take an appropriately broad perspective on the ways in which children's educational achievement depends critically on factors beyond the immediate and direct control and influence of schools.

38. This broader conceptualisation of the role of professional standards should be reflected in the overarching statement that the TSRG is seeking to develop in order to ensure that the standards are placed into an appropriate context. The Union notes that, at present the statement seeks to summarise the content of the draft standards but does so in a way that appears not to add any value to the standards. The NASUWT believes that a more helpful and purposeful approach would be achieved by using the overarching statement to place the standards into an appropriate context, including information on their intended use, status and their relationship with other contractual and statutory provisions. In addition, the statement should highlight how the standards help teachers to understand their role in relation to that of other services for children and young people. In this regard, the Union believes that the current overarching statements for the QTS and Core standards provide an effective model for the TSRG's work in terms of the potential breadth and depth of coverage of such statements and should therefore be considered seriously by the TSRG as a basis from which a meaningful overarching statement might be constructed.

39. The NASUWT maintains that a clear overarching statement of this nature would provide a framework within which purposeful professional standards could best be developed. For example, in the Union's view, the draft statements produced by the TSRG fail for this reason to distinguish sufficiently between professional standards and professional duties. This is evident in standards which refer to teachers '(setting) goals that stretch and challenge pupils' or to '(setting) homework and other out-of-class activities'. A lack of clarity in relation to the nature and purpose of professional standards is further evident in draft standards that set expectations that are outside the effective control of individual teachers acting on their own account, including a requirement that teachers 'establish a safe and stimulating environment for all pupils' and 'establish a framework for discipline with a range of strategies'.

40. With regard to the specific content of the draft standards, considerations set out in the standards in respect of teachers' professional development are properly regarded as critically important, given the central role played by the standards in shaping teachers' experiences in this regard. The Union is therefore concerned that the reference to professional development in the draft standards is articulated as a simplistic requirement on teachers to 'improve their teaching through appropriate professional development', replacing the more empowering references in the current standards to the need for professional development to be underpinned by a creative, reflective and constructively critical approach on the part of the teacher, more in keeping with an understanding of teaching as a complex and iterative professional activity.
41. This inadequate conceptualisation of the professional nature of teaching in the current standards is reflected further in the way in which they articulate the critical role played by subject knowledge in effective approaches to teaching and learning. In the current standards, while subject knowledge is rightly identified as important, it is also linked directly to pedagogy. The current standards thereby serve to emphasise that the professional application of sound subject knowledge to meet the learning needs and interests of learners, rather than subject knowledge in and of itself, is key to securing pupil progress and achievement. This critical consideration is underemphasised in the draft standards, given that they fail to reflect adequately the important relationship between subject knowledge and pedagogy.
42. In addition, specific references demanded in the DfE remit to requirements for primary teachers to demonstrate 'a clear understanding of systematic synthetic phonics (and) of strategies for teaching early mathematics' are inappropriate as they privilege just two of the wide range of equally important approaches that primary teachers would want to deploy in meeting the needs of pupils.

43. With particular regard to systematic synthetic phonics, the Union is particularly concerned by the specific reference contained within the draft standards given the stated intention of the Coalition Government to introduce a Year 1 phonics screening check and the clear expectation this will create that teachers and school leaders must adopt a narrow approach to the teaching of reading, even in circumstances where their professional assessments of the needs of individual pupils suggests strongly that contemplation of the use of alternative or complementary reading strategies is appropriate. This is entirely incompatible with an approach that seeks to respect and enhance teacher professionalism and it is therefore highly inappropriate that this policy should be reflected in the TSRG's draft professional standards for teachers.
44. The Union's concerns with regard to the Coalition Government's intentions in relation to systematic synthetic phonics were reflected in the outcomes of its survey of members on this issue undertaken during November and December 2010 and which generated 2,265 individual responses from practicing primary and early years teachers.
45. The survey found that 58% of respondents agreed that synthetic phonics had a key role to play in teaching and learning strategies. However, further investigation of the opinions of respondents holding this view made clear that the significant majority would not be prepared to abandon other teaching methods such as word recognition (81% of respondents), use of a combination of cues such as context, initial letter sounds and/or illustrations to make meaning from text (89%) or allowing children to access books containing some words that children cannot yet decode using phonic cues (87%).
46. It is therefore clear that inclusion of a specific reference to systematic synthetic phonics in the professional standards for teachers in the context of current Government policy would not reflect the majority of teachers' views on the teaching of early reading, even among teachers who regard synthetic phonics as a particularly effective reading strategy.

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47. In light of the importance of these issues, a copy of the NASUWT's submission to the DfE's consultation on its proposals to introduce a Year 1 phonics screening check is appended to this response.

48. In the context of subject knowledge, it is not clear why the TSRG has determined that the draft standards should contain no direct reference to the National Curriculum. The National Curriculum represents pupils' common learning entitlement, organised through subject-based programmes of study, and it is therefore reasonable to hold that the standards should secure for teachers the ability to secure professional development opportunities that sustain and develop their knowledge and understanding of the needs of pupils and the ways in which it can be used to plan for high quality learning experiences.

49. The draft standards also contain terms and phrases that are not defined with sufficient clarity. In particular, it is not clear what expectations the TSRG is seeking to establish through the inclusion in the draft standards of a requirement on teachers to 'promote the values of scholarship' in relation to their subject knowledge and understanding. This term is open to a wide range of interpretations and the extent to which it may have relevance in supporting the progress and achievement of pupils has not been set out satisfactorily by the TSRG. Similarly, requiring teachers to, for example, 'foster a love of learning', to understand the needs of 'high-ability' pupils or to 'use high-quality questions to elicit answers which recapitulate, consolidate and confirm understanding' are vague and have no place in a meaningful and constructive set of professional standards.

50. The TSRG correctly identifies the importance of ensuring that professional standards provide a means by which teachers can reflect on their behaviour management practice and where appropriate, gain access to professional development opportunities that allow them to consolidate and extend their skills and expertise in this area. However, the removal from the draft standards of any reference to the importance

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of whole school behaviour policies is misguided. It is important, particularly in relation to the training and induction of teachers, that the standards provide a context within which the legal requirement on all schools to have in place an effective behaviour policy and its importance in the promotion of a positive, whole-school behaviour climate can be incorporated into programmes of teacher formation and early professional development.

51. With regard to the ability of the standards to help shape effectively the reflective professional practice teachers, it is essential that they set out clearly the importance of ensuring that teachers can gain access to support to enable them to maintain and develop further their ability to take practical account of the diversity of school communities and to promote equality through their work with pupils and with their colleagues. The NASUWT is therefore extremely concerned that aside from a single reference to meeting the needs of pupils with special educational needs, the draft standards make no reference to these critical considerations. It is not acceptable for professional standards for teachers to omit any meaningful references to the equality and diversity dimensions of teachers' professional activities and it is incumbent on the TSRG to emphasise this in all aspects of its work.

52. In this context, the TSRG should resist any suggestion that an expectation in the standards that the needs of all children should be met as sufficient in this regard. Instead, the Union is clear that the current professional standards for teachers would provide a more effective starting point for the TSRG's consideration of the equality and diversity dimensions of the standards. These make clear the critical point that effective teaching seeks to take into account the social, cultural, ethnic, religious and linguistic circumstances and background of learners, thereby highlighting the fact that untailored approaches to teaching and learning can risk embedding and extending disadvantage and discrimination rather than tackling it. The current standards further emphasise that, beyond recognition of diversity, teachers should be

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supported to take practical account of the implications of and opportunities provided by diverse pupil populations, working with appropriate colleagues, both within and beyond their own setting, in order to do so.

53. The Union's concerns in this regard are focused particularly on the role played by the QTS and Core standards in shaping teachers' experiences of initial teacher training (ITT) and induction. Evidence from the TDA's annual survey of newly qualified teachers (NQTs) suggests that approximately 40% of new entrants to the teaching profession were unable to confirm that their training or induction had prepared them to meet the equality and diversity-related aspects of teaching and learning.<sup>5</sup> It is disturbing to note that NQTs continue to rate as inadequate or merely satisfactory their preparation for teaching pupils from minority ethnic groups (58%) and for working with pupils with English as an Additional Language (62%). This is one of the lowest preparedness ratings which has been evident for the last decade. This suggests strongly that ITT provision continues to fall short in terms of creating a culture within schools to advance the promotion of racial equality.

54. It is essential that the seriousness of these ongoing deficiencies in the current provision of ITT is recognised by the TSRG. However, the Union notes that NQT confidence levels in this respect have begun to increase since the introduction of the revised professional standards for teachers, suggesting that the standards have started to have a positive effect in this regard. While it is evident that other robust steps need to be taken to improve the confidence of teachers in training and NQTs in this regard, the Union is concerned that removal of equality and diversity provisions from the QTS and Core Standards could reverse this positive trend. A lack of reference to equality and diversity dimensions in the Core standards would further undermine the ability of teachers, once

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<sup>5</sup> Training and Development Agency for Schools (TDA) (2010). *Results of the Newly Qualified Teacher Survey 2010*. TDA; Manchester.

established in their careers, to access opportunities to continue to develop and extend their skills and expertise in this area.

## **Personal and professional conduct**

55. In addition to the concerns set out elsewhere in this response about the lack of clarity in respect of the intended regulatory implications of the standards being developed by the TSRG, the NASUWT has serious reservations about the specific content of the draft standards in this regard.

56. The NASUWT restates its view that teachers should exhibit the highest standards of professionalism in discharging their responsibilities and maintains that the vast majority of teachers act in this manner. However, the NASUWT is clear that the attempt, through the development and implementation by the GTCE of its *Code of Conduct and Practice for Registered Teachers*, to establish a framework within which the behaviour of teachers is regulated was inappropriate and unnecessary, given that it failed to take account of the existing capability, disciplinary and other statutory provisions and policies that define acceptable professional conduct.

57. The Union remains clear that the *Code* sets out vague and unrealistic expectations of teachers and has little effective and specific reference to professional conduct, limiting seriously its appropriateness as a regulatory code. The *Code* has led to a significant number of teachers being subject to unacceptable intrusions into their private and personal lives in respect of behaviour and conduct that has no bearing on their professional competence or suitability.

58. However, the draft standards developed by the TSRG that seek to replace the *Code* could, if implemented in their current form, exacerbate these concerns. The lack of clarity in relation to the way in which the proposed behaviour and conduct standards might be used in practice

emphasise the unacceptably wide degree of wide degree of variation of interpretation to which they would be open as a result of their use of terms which imprecisely defined, compounded by any reference in the draft standards in relation to the different expectations that should apply to teachers in relation to their professional and personal lives.

59. Particular concerns in this regard relate to the proposed requirement on teachers not to ‘undermine UK democratic values’. While the NASUWT recognises that this specific requirement was included by the DfE in the terms of reference for the Review, it is apparent that its incorporation into the standards by which teachers conduct is regulated is highly problematic given that it is by no means clear how this provision would be used in practice to distinguish between acceptable and non-acceptable behaviour.

60. In relation to the proposed transfer of regulatory functions to the Secretary of State, the NASUWT believes that there is a genuine risk that the definition of this term will be highly arbitrary and will vary according to the political opinions of successive Ministers. This situation would be intolerable as it could lead to circumstances where teachers would be subject to regulatory sanctions simply as a result of their legitimate, non-extremist political or social convictions being found to be unacceptable to the Secretary of State even in circumstances where it is clear that these beliefs would not undermine their ability to teach pupils in an appropriate manner. This provision therefore has no place in an effective body of professional standards for teachers.

61. The NASUWT is clear that alternative steps are available to the DfE to give effect to the Union’s longstanding campaign to prohibit members of racist or fascist organisations from working as teachers and that, in the context of the work of the TSRG, it should recommend clearly that the DfE should rescind its requirement that this term should be incorporated into any future regulatory framework for teachers.

62. The Union's is clear, however, that the work of the TSRG should be informed by an awareness of the urgent need for steps to be taken to ensure that members of racist and fascist organisations cannot enter the teaching profession, given that this issue has clear regulatory implications.

63. There can be no doubt that the membership of racist and fascist organisations on the part of teacher and headteachers is entirely unacceptable. Membership of bodies such as the BNP, National Front, Combat 18 and English Defence League is regarded widely as reflecting individual racist attitudes. This is confirmed by the feedback obtained by the NASUWT from teachers about the BNP and distaste for the values that the organisation represents. In 2009, a petition organised by the NASUWT to support the prohibition of BNP members from being employed as teachers or headteachers and from serving on school governing bodies, received over 21,200 signatures within a period of two months from teachers, head teachers and parents. The position of the NASUWT on this issue received wide cross-party political support, including from the current Secretary of State for Education who has given an undertaking to the NASUWT to take positive steps to address these issues.

64. The NASUWT maintains that joining the BNP or any of the other organisations mentioned above represents a deliberate action on the part of the individuals concerned. As such, joining any of these organisations constitutes a racist act. Moreover, it should be noted that in the case of the BNP, for example, its constitutional context has been and continues to be expressly racist, (exclusively operating in the interests of so-called "indigenous peoples"), "wholly opposed to any form of racial integration... reversing the tide of non-white immigration and to restoring .... The overwhelmingly white make up of the British population that existed in Britain prior to 1948". Legal opinion obtained by the NASUWT makes clear that even if there is no subsequent attempt by the teacher to propound his/her political views" is likely to cause "distress

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amongst pupils (or their parents)” simply by virtue of becoming a member of the BNP and thereby ascribing to the BNP’s constitution, values and aims. The pernicious and highly damaging impact of racist and fascist ideology in the school system has been highlighted consistently by the NASUWT, most recently in research it has commissioned on the impact of prejudice-related bullying in schools. A copy of the findings of this research is appended to this response.

65. Concerns about the role of regulatory frameworks in this regard are most effectively highlighted by consideration of the role of the GTCE in this area to date and that of the Code for which it is responsible. The GTCE has a statutory responsibility to regulate the profession in order to raise professional integrity and esteem. However, despite this, the GTCE’s Code of Conduct does not address explicitly the issue of teachers who hold or act on racist views. Teachers are required under the terms of the *Code* to provide impartial advice and guidance, to demonstrate respect for diversity, promote equality, and to address unlawful discrimination. However, the *Code* fails explicitly to exclude persons who act on racist beliefs by joining organisations like the BNP, National Front, Combat 18 and the English Defence League.

66. Neither is the GTCE able to deal effectively with persons who are members of racist and fascist organisations such as the BNP through its wider regulatory activity. In light of the silence of the *Code* on this particular issue, the GTCE is forced to rely on the provisions of the teachers’ contract. However, failure to incorporate such provisions within the contractual terms of teachers renders the GTCE powerless to act on this issue.

67. There is therefore an important role to be played by regulatory contractual frameworks within which teachers work. Issues in this regard were considered in depth in the NASUWT’s submission to the Review of the Provisions to Prevent the Promotion of Racism in Schools led by

Maurice Smith. To support the TSRG's work in this area, a copy of the NASUWT's submission is attached.

68. Through its engagement with the NASUWT to date, the Union is aware that the TSRG shares the concerns set out in this response about the implications of membership of racist and fascist organisations by teachers for staff and pupils across the education system. The Union would therefore welcome the opportunity to work further with the TSRG to consider these issues in greater depth and to examine ways in which its work might best contribute to tackling these critical concerns.

69. With further regard to lack of definitional clarity in the draft standards, the Union notes that they include provision for teachers to be required to 'observe professional boundaries' without any clear definition of the nature of such boundaries or the types of behaviour that might be regarded as inappropriate in this regard. The proposed requirement that teachers must 'maintain the highest standards of attendance and punctuality' is also problematic in this respect as it is not clear how it might be interpreted in practice in ways that take effective account of legitimate reasons for absence from work including family commitments, illness or teachers' disability status.

70. The NASUWT notes that the draft standards if implemented would require teachers to have 'proper and professional regard for the ethos, policies and practices of the (schools) within which (they) teach'. Notwithstanding the severe practical definitional issues with the precise nature of a school's ethos, the draft standards in this regard presuppose that in all circumstances, the policies and practices to which teachers would be required to adhere are in all circumstances legal, reasonable, the subject of meaningful consultation, legal or not capable of further improvement or refinement. This would have potentially serious implications for teachers in circumstances where they may wish to exercise their professional right to articulate a contrasting view of the relative merits of an established policy or practice within their school,

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either on an individual basis or collectively through the legitimate activities of their recognised trade union, as they could risk regulatory sanctions depending on the way in which the term ‘proper and professional regard’ is interpreted. In such a context, the valid and lawful trade union and professional rights of teachers could be restricted unacceptably.

Chris Keates

**General Secretary**

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