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On the Faultline Between the Profession and the State: The Ambiguous Role of Teacher Professional Bodies

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Abstract:

The New Zealand Teachers Council was established in 2002 to enhance the professional status of teachers. Though its responsibility for teacher registration and discipline makes it a gatekeeper to the profession, its status is problematic. Self-regulation is key to the professional status of doctors, lawyers and engineers, but the powers of teaching councils internationally are limited. Governments, increasingly prescriptive about curriculum, assessment and achievement, are reluctant to surrender power over standards and accountability to a teacher dominated body. The article examines the challenges for teaching councils across four countries, as they grapple with complex issues of professionalism and accountability in the contested ground between teachers and the State.

The professional status of teachers has been contested for more than a century. Some writers query whether teaching is a profession at all, but rather a semi-profession whose members are mainly employees subject to government control. There has been considerable discussion of the nature of teacher professionalism (Hoyle & John, 1995; Gore & Morrison, 1999; Mahony & Hextall, 2000; Sachs, 2000; Horsley & Thomas; 2002) and the characteristics of a profession that teachers as a group need to fulfil. Much of the debate centres on the key issues of professional knowledge, altruistic care for clients, and the relations between professional accountability and autonomy. Most agree that self-regulation is a key element of professional status. Over the past thirty years there has been considerable interest within the

teaching profession in the concept of Education or Teaching Councils, which could give teachers a measure of independence from government bodies and allow for a degree of self-management of the profession. But as Grace (1987) reminds us, "ideologies of professionalism can be made to serve the interests of the state for control and containment of teachers or they can be effectively deployed by teachers to improve their terms and conditions of service and their enjoyment of social status and occupational autonomy" (p. 195). In the name of professionalism teachers may concentrate narrowly on classroom practice or feel constrained about criticism and contestation of government educational policies. The establishment of the New Zealand Teachers Council in 2002 as a professional standards body for teachers is the catalyst for this comparative review of the purpose and performance of Councils, and an identification of problematic issues that face them.

Why Establish Teaching Councils?

There are multiple reasons for the surge in interest in professional teaching councils. Supporters within the profession see the Councils as providing the possibility of raising the status of the profession through the setting of standards for entry and continuing membership, through the introduction of a code of ethics, and through accepting responsibility for disciplining members for breaches of professional conduct. They point to the perceived autonomy of other professional groups such as doctors, engineers and lawyers, which have long-established professional bodies fulfilling these functions. In New Zealand such assumptions underpinned the establishment of the voluntary body, the Teaching Council of Aotearoa in the mid 1990s. Ironically, the venture failed, at least in part, because of lack of support from teachers.

Sayer (2000) has documented in detail the efforts of many teachers in England to set up a professional body for the profession. He argued for "quite independent self-regulatory professional bodies governed by a majority of registered teachers elected or nominated by peers" (p. 3). However he noted that for a variety of reasons, including political leverage, it became apparent that such a body would need to be supported by working in partnership with parents, governors, teacher trainers, providers of schools and others vitally interested in education, if politicians of either major party were to be convinced of its value.

Education policy cannot be separated from wider social and economic policy. In many countries, including our own, student achievement is regarded as essential for national economic advantage. There is a worldwide emphasis on accountability processes and standards-setting external to professional peer review. Governments reluctant to surrender power over such issues may well be impressed by the potential of a Council to discipline breaches of a professional code, and protect the interests of clients (in this case students) and their caregivers. Agency theorists point to a number of mechanisms by which governments are enabled to "govern without governing" through the employment of agencies accountable to them for specific outcomes. School-based management is an example of this trend. Professional standards bodies could also be seen in this way.

It could be argued that there is already a range of professional organizations able to articulate professional messages and specify standards. Preston (2001) makes a valuable distinction between the roles of professional standards bodies and those of other professional educational organizations such as unions and subject associations. She suggests that these latter bodies exist to represent the interests of their members to government, the community and the media. They are responsible solely to their membership and are funded by them to provide services and lobbying. They often require complex structural and procedural arrangements to ensure these interests and views are developed democratically, and that all members have the opportunity to be involved in policy making. Professional standards bodies, on the other hand have the dual role of serving the interests of teachers and of other stakeholders. Their ultimate responsibility is to provide the community with assurance that quality standards of competency and performance are being met. While they are largely funded by the profession, they may also receive income from other bodies. While they are required to demonstrate that their policies have resulted from consultation with stakeholders, they are not required to ensure the participation of teachers in the policy debates.

Professional Standards Bodies for Teachers in Context

While there are now a number of professional standards bodies in Great Britain, Canada and Australia, as well as New Zealand, it is important to explore the context in which they were established, their composition and the legislative authority they carry.

Scotland

The General Teaching Council of Scotland, recommended by the Wheatley Report in 1963, was established by legislation in 1965 in a context of widespread concern over the employment of unqualified teachers, following a period of rapidly increasing school rolls. A widely representative and (some might suggest) an unwieldy body, it comprises 49 members, 25 of whom are elected teachers, and five of whom are teacher educators. All Scottish teachers are required to belong. The Council has from its inception "had an obsession with entrance standards" (Kirk, 2000, p. 239) which has been a key responsibility. It has enjoyed widespread support, though its powers are limited: for instance, it recommends standards for registration but does not set them. It also has a limited range of sanctions, for example it cannot deregister a teacher for incompetence. Kirk claims that over the years it has had a "dilutionary" effect on educational policy in Scotland, in particular delaying and preventing the introduction of new qualifications on the English or American models (p. 238). This council, because of its longevity and the respect it is accorded, is sometimes seen as a model for other groups seeking to establish professional teaching bodies. This was certainly true in New Zealand when meetings were held in the 1990s to explore the possibility of setting up a full professional council.

Queensland

Queensland established a Board of Teacher Education in the 1970s following the recommendations of a committee to review teacher education. As in Scotland there had been concerns about the employment of unqualified teachers, and one of its functions was to oversee a system of teacher registration. In 1988 a new body, The Queensland Board of Teacher Registration was established. It is responsible to the Minister for registration and teacher education, and comprises a relatively small board of 16 members, five of whom are teachers, with two drawn from higher education. To date its operation has perhaps followed most closely the model set by the Scottish council, though later legislative changes placed greater emphasis on protection of students from sexual misconduct (Samford, 1997). Its brief was to report to the Minister on its responsibility for registration and make ongoing recommendations. It was also charged with conferring and collaborating with employing authorities, teacher education

institutions, the teaching profession, teacher organizations and the general community in relation to standards of courses of teacher education, and advising the Minister accordingly. It has established a strong structure of sub-committees and developed a collegial and consultative style of operation.

Ontario

The climate of accountability in education, which developed internationally during the 1980s, underpinned legislation in a number of areas to establish bodies which would register those who had completed approved professional education programmes, and were judged fit to be teachers. The Ontario College of Teachers was founded in 1996 to license and regulate the practice of teaching *in the public interest* [italics added]. Its 31 members (17 of whom are elected and 14 appointed by the government) have an overriding brief quite different from the professional self-regulation supported by educational groups in England and New Zealand. The College was to accredit initial teacher education programmes, based on established standards of practice, and to conduct disciplinary hearings. Since 2001 it has also required ongoing professional learning for the maintenance of a licence to teach in public schools. Teachers must attend 14 courses in any five year period, though they are able to choose offerings from a wide range of approved providers. The council has also developed a succinct code of ethics. Unlike councils which restrict membership to those holding current practising certificates as teachers, the Ontario Council includes among its 170,000 members teachers, principals, superintendents, directors and university faculty.

England

The General Teaching Council for England, legislated for in 1998, began its work in 2000 at a time when teachers and teacher educators had experienced 20 years of attacks by politicians and others. Like the Scottish Council, it is a large body, comprising 64 members, 34 of whom are teachers. While a broad coalition of educational groups campaigned from the early 1980s to convince successive governments to establish a Council (Sayer, 2000), it has had a difficult task to establish its purpose and credibility. The demoralisation caused by key stage testing, compounded by the early strictures of the Teacher Training Authority (TTA) and the Office for Standards in Education (Ofsted), have made teachers and teacher educators both weary and

wary. Its powers are also limited and circumscribed. It is expected to take disciplinary action, after due process, for unacceptable professional conduct or serious professional incompetence. But while it has the responsibility of issuing a code "laying down standards of professional conduct and practice", it has no executive responsibility for initial teacher education and induction, which remains the province of the TTA. While it is charged with advising the Secretary of State on a range of matters and with establishing and maintaining a register of teachers, it must adopt the instructions of the Minister as to who is qualified to be accepted on the Register. It does not have the right to deny registration to those whose training many teachers would regard as inadequate. As a result the Council, in its first years of operation, determined to concentrate on advocating professional development and is still working out what its role should be.

New Zealand

The New Zealand Teachers Council is still in its establishment phase, as its first elected members were not in place until late in 2002. The Council grew out of the Teacher Registration Board (TRB), which was established in late 1989, governed by a Board of five members appointed directly by the Minister and with no direct accountability to the profession. It was not able to serve as a true professional body, though it did meet government policy objectives. The development of the TRB was hampered when after a change of government in 1990 teacher registration was made voluntary. Compulsory registration was reinstated in 1996. At the same time, teacher education programmes began to proliferate, and much of the energy of Board staff was centred on attempting to control these programmes and set standards. During the early 1990s there was considerable debate about the possibility of expanding the professional role of the Board to form a teachers council on the Scottish model. This debate grew from the initiative of the first Director of the Teacher Registration Board and some teacher union groups, which were attracted by the idea of true professional input into the Council. There was no support for the idea from the government of the day when the sponsors set up the Teaching Council of Aotearoa as a voluntary organization. It folded by 1998, since it had no official status or influence over registration, was perceived as too closely associated with union groups, and was also suspected by many teachers, who failed to see what benefits membership would bring. The government had no interest in establishing an electoral base for

the Teacher Registration Board. The times were not ripe and a number of stakeholders were unconvinced. The idea of a wider electoral base for a professional standards-setting body was revived in the Green Paper of 1997, endorsed by both major political parties, and after a period of consultation, legislated for in 2001. Though 6 of the 11 members of the Teachers Council are teachers, there is no provision for teacher educators to be represented, contrary to practice elsewhere. Its first two years have been difficult. A permanent Director was not appointed until August 2002, and the Minister removed the initial Chairperson of the Board after a short period in office. By November 2003, the first director and the second chair had both resigned. There were organisational problems related to under-resourcing and consequent understaffing.

The legislated responsibilities of the Teachers Council are registration, standards and discipline, and its goals as set out on its website are to provide professional leadership in teaching, to enhance the status of teachers in schools and early childhood education, to contribute to a safe and high quality teaching and learning environment for children and other learners. If experience elsewhere is a guide, it will have a complex job establishing a balance between enhancing professionalism and meeting government and community demands for demonstrated and measurable accountability.

Determining and Maintaining Professional Membership

A key role of a professional standards body or a professional council is to determine standards for entry to, and continuing membership of, the professional group, normally through a form of registration. Such standards include a requirement to demonstrate appropriate knowledge and skills, acquired through an extensive period of education and training and maintained through continuing professional learning. In addition, there may be requirements for demonstrating other forms of fitness to practice, such as being in good physical and mental health, or avoiding criminal convictions. The New Zealand Law Society, for example, claims to demand a higher standard of conduct from its members than would be expected of the general public. A professional standards body must also determine what forms of practice enable individuals to hold membership. The Medical Society of New Zealand includes among its registered members those engaged in clinical practice, but also medical teachers, writers, researchers and

medical managers. The General Teaching Council for England allows trainee teachers to join as provisional members, although they may not have developed yet the requisite skills and knowledge for practice. In Ontario, Council membership is open to teachers and administrators. In New Zealand, early childhood educators are included. For most teaching councils there will be ongoing debate about who must register. What is the status of adult educators, university or polytechnic staff, teacher educators, industry trainers? Is teaching to be defined as an activity that takes place only in schools, only in the compulsory sector or only in government schools? Does it depend on the age of those taught? What of those who manage the work of other teachers but are not currently working directly in classrooms?

As professional standards bodies act as gatekeepers to their profession they have a clear interest in the forms of knowledge, skills and experience needed by beginning members of the profession. Given the increasing diversity of schools and their students, these standards need ongoing scrutiny to ensure that they are not restricting entry in an unreasonably conservative fashion and excluding those who simply appear to be different from traditional professionals. The focus of many professional bodies is to ensure appropriate induction programmes for new members, and to maintain ongoing professional competence through continuing education and peer monitoring. In teaching, there has been an ongoing and major focus on initial professional preparation programmes, combined with an expectation that beginning teachers should be prepared to carry out the same tasks as experienced teachers with little supervision. In countries where educational standards and achievement have been subject to criticism, preparation programmes have been particularly controversial, regardless of the involvement of a professional body.

In Britain and the United States there have been two contrary movements. A wide body of academic and research based opinion (ACDE, 1998; Darling Hammond, Wise & Klein, 1999; Gore & Morrison, 1999; Apple, 2001) has continued to press for longer programmes of professional preparation, depth of subject specialist and teaching specialist knowledge, integration of theory and practice, and supervised practice with an emphasis on critical professional reflection. Other writers, not directly engaged with schools and teaching (Ballou & Podgursky, 2000), contend that short intensive courses, often entirely practice based, produce superior results. In Britain there has been an extended campaign by successive

governments to ensure that sustained practice in schools is the key focus of preparation programmes. There has also been intrusive monitoring of teacher education institutions by Ofsted. Some politicians and writers have advocated training outside tertiary institutions, which it is claimed are too theoretical. The General Council of Teaching for England has been unable to stop short school-based programmes being accepted for qualified teacher status.

Established professional bodies set great store on their roles of improving standards of practice through professional development of members, making available research findings, auditing practice, and also by addressing competence issues among members. Rarely, however, is this practical competence tested and measured, although there may be attestation by senior colleagues. Support for professional development, however, is common. Indeed, the Ontario College has made involvement in approved professional development programmes mandatory. Governments also have a major stake in professional development to implement changes in curriculum and assessment. However, their priorities may be subtly different from those of professional bodies. In England, the government's introduction of the literacy and numeracy strategies, as well as professional development in the use of information technology, have had sweeping effects on the practice of teachers and their professional development time. In New Zealand, since 1990, in spite of the increasing focus on local school responsibility for professional development, the Ministry of Education has increasingly used professional development funding to support its own curriculum objectives. The ostensible reason for these government initiatives in both countries has been to raise the standard of student achievement in key areas through increasing the professional capacity of teachers. Ironically, in some instances, the practice of expert teachers has been compromised through the prescribed nature of the interventions espoused by government.

A further responsibility of most professional bodies is to establish and maintain a code of ethics for the profession. For some this idea is an ancient one. New doctors who take the Hippocratic oath, for instance, are part of a long tradition dating back to the Greeks. Lawyers admitted to the bar are also fulfilling time-honoured rituals. While the Hippocratic oath has been criticised as irrelevant or hypocritical, its insistence on treating the sick to the best of one's ability, passing on knowledge, maintaining patient confidentiality and treating patients

as people, not cases, transcend national and cultural divides. Members of the Institution of Professional Engineers must respect a code, which requires them to protect life, care for sustainable environmental management, and promote societal wellbeing. Ethical codes lay down guidelines for professional practice to safeguard both members and those they serve. They are high level statements which recognise the positions of trust and confidence held by members, require them to respect the rights of others, exercise fairness and professionalism, respect confidentiality and promote knowledge. They are aspirational documents, but signal to members and the community the high standards of personal and professional conduct for which they are aiming. The Ontario College of Teachers produced a set of *Ethical Standards for the Teaching Profession* in June 2000. A key element is to "work with members of the College and others to create a professional environment that supports the social, physical, spiritual, cultural, moral and emotional development of students."

Codes of ethics bring into sharp focus the relationship between members of a professional group and the community with which they interact, or which they serve. They emphasise the fact that the professional body exists not to serve the interests of members, but to ensure that members of the profession serve the interests of the wider public, including, but not limited to, those with whom they have specific relationships, such as students. Teaching differs from most other professions in that its immediate relationships are with students who have no choice whether or not to make use of their services during the period of compulsory schooling (a period of up to 13 years in most developed countries). An ethic of care becomes a paramount responsibility. The diversity of schools brings further challenges. For teachers, there is also the question of the relationship between their profession and their government, which employs the largest numbers of them. A professional council has a duty to ensure that the interests of teachers and of their students are protected. Ethical problems occur because of the ambiguity of situations where rights of different groups appear to be in conflict. A Council may need to take strong and sometimes difficult decisions.

Problematic Issues for Professional Standards Bodies in Education

Professional teaching bodies in education face a series of dilemmas and challenges. Their position between teachers and the government is a source of both strength and weakness so that striking a balance will be difficult and full of tension. To some their advent is the culmination of a dream of professional autonomy for a profession that has often believed that others see it as second class. Others are more cynical and see it as unnecessary and intrusive, through its enforcing of accountability measures, or as ineffective in an era where governments are increasingly prescriptive about curriculum, assessment, and accountability. Councils face credibility issues and suffer from lack of resources. Teachers want to see demonstrated results, "runs on the board" (Adin, 2002) but resent the higher fees that result, especially as they also pay substantial union dues.

Because education is compulsory and funded by public money, governments have a natural interest in the control of schools, curricula, assessment and achievement standards and the qualification and practices of teachers. As early as 1987, Grace noted that "in the most recent literature of teacher-state relations in Britain there is general agreement that the mechanisms of state control over organised teachers have once again become as visible and explicit as they were at the beginning of the century" (p. 215). This trend makes the role of a professional standards body controlled by teachers increasingly problematic. In Britain, since the early 1980s successive governments have worked to exercise greater centralised control over all aspects of schooling – curriculum, assessment, pedagogy and achievement standards – while at the same time urging schools to respond to their communities. Initial teacher education has been radically transformed, prescribed and inspected under the aegis firstly of the Council for the Accreditation of Teacher Education, then of the Teacher Training Agency, supported by Ofsted. There will also continue to be tension between self-regulation and self-determination and the ongoing imposition of government priorities and community pressures. In some cases the roles of union nominees have been difficult to balance: teacher education providers in British Colombia, for instance, feel that the teacher unions may be influenced by industrial as well as professional concerns (personal communications). The changes that have been taking place in teaching have been widely explored in the literature (Hargreaves, 1994; Mahony & Hextall, 2000; Sachs, 2000;

Apple, 2001). They report a sense of disempowerment. Mahony and Hextall (2000) claim that "teaching as an activity has become much more tightly bounded, and this tighter bounding is externally defined and imposed" (p. 84). This restricts the scope and influence of teacher professional bodies.

Councils face ongoing tensions between supporting the profession, regulating practice and "raising standards". Teachers are understandably wary of yet another organisation, which purports to raise standards after the "teacher bashing" of the past two decades, particularly if that organization is a quasi-government agency. Although considerable criticism has been levelled at the medical and legal professions over the past twenty years, schools have suffered particularly in this period. Currently governments worldwide are identifying the "quality of teaching" as a key issue in raising the achievement levels of students. Unfortunately, this achievement is often measured solely in terms of results of national and international testing. The fact that New Zealand has a substantial gap between the achievement of the highest and lowest students on such tests is then taken as evidence of weakness in teaching performance and in teacher education. Councils should be resolute in refusing to buy into simplistic accountability solutions to these issues. They need to avoid what Thrupp & Willmott (2003) have labelled the decontextualisation of policy thinking and the trap of becoming apologists for post-welfarist managerialism.

A further requirement for most teachers councils is to provide advice and reports to government. The nature of this advice and reporting can also be problematic. In England the influence of the Teacher Training Agency, which has a statutory responsibility for advising the government on issues of quality and supply, makes it difficult for the General Teaching Council to establish an alternative sphere of influence. In New Zealand the government receives advice on standards of teaching and on qualifications from the Education Review Office (ERO) and the New Zealand Qualifications Authority (NZQA). A unit within the Ministry of Education (TeachNZ) advises on supply, though teacher education institutions have considerable freedom to determine their intake numbers. The Council could be expected to focus on issues of programme quality, length of initial teacher education programmes, professional development needs of teachers, the need for support for suitable programmes and New Zealand trends. It may take some years before it is ready to do so.

In providing advice to government that reflects the professional voice of teachers, a Council faces tension between self-regulation (such as that exercised by the legal profession), government priorities, community pressures, and conflicting expectations. It is important for Councils to have access to independent and robust data, to make an analysis of this data and to consult with members. Such consultation is itself a daunting task, particularly if comment is needed at short notice. A Council needs to ascertain whether political pressures about student achievement, both overall and in specific areas, are based on reliable and valid data or on anecdotal evidence. It needs to take into account social and cultural difference in student and school populations, and to adopt positions on student testing which are based solidly on research evidence and classroom experience. It could also play an important role in reassuring parents and communities on what is happening in schools, drawing on evidence produced by researchers, by other professional bodies, including unions and subject associations, and by crown agencies.

Conclusion

In developing advice and reports, a Council must insist on its independence and refuse to be captured either by political pressures or by the views of teacher unions or other pressure groups. This is a tough call and one that requires considerable fortitude and clear thinking. The Ontario Council is clear that its first duty is to the public interest and not to the profession. On the other hand, the General Teaching Council of England is such an unwieldy body that coming to consensus is likely to prove difficult.

Developing a clear and legitimate sphere of influence is a vital task. A Council that limits its role to a gate keeping one is unlikely to provide the professional leadership that is specified in the legislation establishing the New Zealand Teachers Council. Any professional body needs time to determine its sphere of influence, establish its credibility with the profession and with the public, and in the case of many groups, with the governments that fund the initial education of their members as well as the institutions in which they work. The Scottish Teaching Council, with forty years of operation behind it, and a widely representative governing body, appears to be widely accepted, as does the Queensland body. Whether the English and New Zealand bodies, sandwiched between a raft of government agencies and the teacher

unions, can develop independent and considered voices given weight to by policy makers is yet to be proved.

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