

The Development of the Revised Code

September 2009



1.0 Introduction

The revised Code of Conduct and Practice for Registered Teachers comes into use in October 2009, replacing the 2004 Code of Conduct and Practice for Registered Teachers and 2006 Statement of Professional Values and Practice for Teachers. The revised Code is based on evidence from consultation and engagement with teachers, parents, children and young people and other groups with an interest in teaching, about:

- Their expectations of teachers and a code for the profession (pre-drafting engagement)
- Their reactions to the draft Code

This paper summarises the pre-drafting engagement process very briefly before describing the process of consultation and engagement on the draft Code, its findings and the revisions to the draft that were made as a result.

The equalities impact assessment of the Code can be found at <https://www.gtce.org.uk/teachers/thecode/>.

2.0 The pre-drafting engagement process

The consultation draft of the Code was based on a programme of research and engagement. At a series of workshops in different parts of the country, different groups of people came together to discuss what they would expect the Code to say about the roles and responsibilities of teachers.

There are three reports, each on a different stage of the research. Together they provide the evidence on which the draft is based. All three reports can be found on the GTCE website, at: https://www.gtce.org.uk/research/commissioned_research/workforce/code_workshops/

The April 2008 report includes information about workshops with teachers, parents, school governors, young people, other children's professionals and head teachers.

The May 2008 report describes the views of 60 teachers on the future

of teaching.

The July 2008 report includes information about further workshops involving teachers, parents, children, school governors, others who work with teachers and in schools, and a further workshop at which 60 teachers advised on the drafting of the Code.

A conclusion from this process was that teachers and others shared a strong desire for a code that describes day to day professionalism of teachers and is not limited to or presented in the form of 'minimum standards'.

3.0 Consultation and engagement on the draft Code November 2008 – February 2009

There were a number of strands to this process. The relevant reports with further information about some of these strands can be found at <https://www.gtce.org.uk/teachers/thecode/>.

- Responses to the public consultation via online questionnaire (3670). (OPM¹) [see OPM's report: *Code of Conduct and Practice for Registered Teachers: Consultation and engagement on the revised draft*]
- Ten workshops with teachers, parents and governors. 110 participants. (OPM) [see OPM's report: *Code of Conduct and Practice for Registered Teachers: Consultation and engagement on the revised draft*]
- Face-to-face interviews with senior people from five major stakeholder organisations and six teacher unions, by a member of GTCE staff [see report: *Code Consultation: Organisation Responses*]
- Responses by 54 organisations to the GTCE about the Code, most of these in response to a GTCE invitation to contribute to the consultation [see report: *Code Consultation: Organisation Responses*]
- Approximately 600 letters received by the GTCE, objecting to Principle 4
- A small number of e-mails and letters on other issues to the GTCE and OPM, outside any of the consultation channels mentioned above
- Two facilitated discussions with GTCE Council Members

3.1 Consultation methods and sources of opinion

The consultation methods each have something different to offer. The face-to-face interviews and the written responses from organisations offer the possibility of considered reactions and insight into an

¹ These two strands – public consultation via online questionnaire and ten workshops with teachers, parents and governors – were carried out on behalf of the GTCE by a contractor.

organisation's interests and positioning. The workshops offer the results of in-depth discussion and deliberation by a cross-section of individuals from priority stakeholder groups and an insight into the reasons for people's opinions. The GTCE has considered the issues arising from the views of different stakeholder organisations alongside those of individuals from the stakeholder groups, put forward in the workshops.

Members of Council had the opportunity to participate in two structured and detailed discussions about the draft Code. The agenda for these discussions was similar to that for the other consultation strands.

The online consultation reached those individuals who are motivated to respond, in larger numbers than any other method. Although it is not possible to know the extent to which the respondents are representative of their stakeholder groups as a whole, their responses can be an important reality check of certain bodies of opinion. An important factor to be weighed in this is the impact of particular interest groups mobilising supporters to put their views forward in the online consultation and in writing to the GTCE.

3.2 Overview of findings

Organisations were more affirmative than negative in their responses, giving broad support to the approach the GTCE had taken to the draft Code. This support was qualified by comments on the detail and scope of the draft Code, reflecting each organisation's particular interests, but much of the comment and reaction is very positive. The responses also show that many organisations have given careful consideration to the purpose, detail and scope of the draft Code and valued the consultation process.

Some of the teacher unions' comments extended beyond the draft Code and the scope of the consultation to questioning the need for the GTCE and criticism of its remit.

From the individuals who took part in the workshops, reactions were generally positive. They also raised issues and questions, commented on the detail and suggested changes.

The response to the online consultation appears to be strongly influenced by media coverage (Principle 8) and a few Christian organisations (Principle 4). A large number of comments concerned only Principle 4 or 8.

There was evidence online of some hostility to the existence and remit of the GTCE, including apparent misunderstanding of or antagonism to its remit. A lack of awareness by some respondents of the existing Code also influenced reactions, e.g. questioning why a code is being introduced.

The other comments received online, i.e. not about Principle 4 or 8 or the remit of the GTCE, show close similarities to the generally positive views expressed in the workshops.

Council Members raised the same range of issues as other respondents and, like others, made detailed comments on specific sections and principles.

3.3 Summary of findings

The main themes are summarised here. Findings are grouped into three:

- Content of the draft Code
- Quality of the draft Code
- Issues

3.4 Content of the draft Code

3.4.1 *Introduction*

Some online respondents described the Introduction as clear and useful but it also received negative comments, which raised issues and uncertainty about the purpose of the Code, as described in the Introduction. Similarly mixed views were expressed in the organisation interviews. Council Members made a number of comments about how the Introduction could be clarified and improved.

3.4.2 *Values*

The majority of organisations saw the inclusion of the values as helpful and important. There was widespread agreement that the draft values are the right ones and many suggestions for specific changes. It was also suggested, including by Council Members, that the relationship between the values and the principles needs further explanation.

The workshops showed a wide range of opinions, from the positive to the ambivalent. A specific question in the online consultation on the usefulness of the values found that 45% found them useful, 32% not useful and 23% had no opinion.

3.4.3 *Principles*

The workshops produced very or largely positive reactions to the content of the principles. The responses to the closed questions online were less positive than the workshops, but these include the large numbers appearing to be motivated only or primarily by their objections to Principle 4 or 8. Nevertheless, a majority agreed that the 'principles capture the elements of teaching that are important to me'. Fewer (47%) agree that the 'principles cover all the relevant aspects of the teacher's role' and 35% disagree.

The majority of organisations agreed that the principles capture the aspects of teachers' role and responsibilities that they think important; only one disagreed. Several wondered if the principles set out too idealistic or unattainable a description of teachers' practice. One organisation was concerned about how the principles would be used in disciplinary cases; another objected to the GTCE putting forward principles at all, but was in broad agreement with their content.

After the media coverage of Principle 8, workshop participants were asked about this specifically but had no concerns or objections. The workshops took place before Christian organisations had raised concerns about Principle 4 so this was not tested in the same way. However, it was not raised spontaneously as an issue by any workshop participants.

Online, there was a large number of objections, in the responses to the open questions, to Principles 4 and 8. Views were expressed that these principles would require Christian teachers to promote beliefs and lifestyles at odds with their faith (4), and represented an intrusion into teachers' private lives (8). More than half of the comments received in the open questions online were objections to Principle 4. The timing of these responses and the phrases used suggest that these were prompted by calls from a couple of organisations to their members to respond to the consultation with objections to this principle.

From organisations there was some specific endorsement of Principle 4, while others were concerned to make sure it goes far enough in protecting minority groups. Three organisations expressed unease about Principle 4 and its perceived requirement for teachers to promote beliefs they do not hold.

Some organisations sought clarification or additions to Principle 8, in order to avoid intrusion into teachers' private lives and to ensure all necessary points are included.

From all sources, including from Council Members, we received many detailed comments and suggestions for amending and adding to the principles.

- 3.4.4 *Quotations from the pre-draft consultation ("supporting evidence")*
Amongst organisations there was widespread agreement that the inclusion of these quotations was unnecessary and unhelpful. Teachers might perceive them as patronising or offensive; quotations detract from the formality of the Code. Several organisations called for all quotations to be taken out; others suggested particular quotations as candidates for removal.

From the workshops and the online consultation, there was some support for the inclusion of the quotations but also some ambivalence and a view by some that they add little and may be confusing.

3.4.5 *Appendices*

Most comments were about Appendix 2, which is concerned with disciplinary cases and includes actual examples of professional misconduct and serious professional incompetence under each principle.

Online, 48% agreed that the examples of 'falling seriously short' were useful, 30% disagreed and 22% had no opinion. The following points were made by small numbers but are pertinent and therefore included here. Some objected to the examples because they appeared threatening or gave a negative impression of teachers, implying that they do not meet expected standards. Others commented that they were very useful. There were also comments about how serious offences have to be dealt with by the GTCE; this was variously seen as reassuring, i.e. no threat to the vast majority, or worrying, i.e. standards for intervention are too low.

Again in small numbers, some thought that more examples should be included. This view seems to come from those expecting the Code to provide guidelines or a checklist of specific 'offences' to be avoided and from others seeking reassurance that the GTCE is dealing with cases across the whole scope of the principles.

Most of the comments about Appendix 2 are about the structure of the document and the location of the examples, rather than the content per se. See below for *Structure*.

3.5 Quality of the draft Code

3.5.1 *Language and tone*

Organisations' comments were very largely positive on the language, tone and clarity of the writing.

There was also positive feedback from the workshops about the clarity of the language. Online, a majority of respondents agreed that the language is clear. However, online only 39% agreed that the tone of the language was appropriate, 39% disagreed. This is perhaps related to the view expressed in some comments that the Code itself is 'patronising', because it describes what teachers already do and is therefore unnecessary. Some teachers also read the principles as prescriptive ('should'), which they did not like.

In the workshops, parents had positive views about the clarity and accessibility of the text. Some organisations (but not organisations of parents) wondered if it would be difficult for lay people to read but this was a minority view.

3.5.2 *Length*

The length of the draft did not produce a significant amount of comment. Where it was commented on, the suggestion was to shorten the document. There was concern that not all intended readers would read the whole document at its present length.

3.5.3 *Structure*

Comments about the structure are concerned mainly with the visibility in the draft of information about what constitutes professional misconduct or serious professional incompetence. Some organisations, and some online respondents, commented that the examples in the Appendix could be easily overlooked. However, teachers in the early workshops, who worked on a draft that included the examples in the body of the document, strongly disliked this feature.

Another structural issue is the relationship between the values and principles, which is discussed above.

3.5.4 *Suitability for different audiences*

See also comments about language, above.

Different audiences had similar responses to the questions about the language, tone and clarity and there were no notable differences between them in comments on length and structure. A few parents had a small number of requests for clarification, e.g. about registration requirements, and about whether and how they could refer a teacher.

Most organisations agreed that the draft Code is successful in communicating the nature of teachers' role and responsibilities to people outside the profession. Online, a majority agreed that the Code helps people to understand the expertise that teachers bring to children's and young people's learning. But 49% agreed and 33% disagreed that the Code helps people to understand the role and responsibilities of teachers in contributing to the wellbeing of children and young people.

3.6 Issues

The following are issues that emerged across the consultation, concerned with the Code as a whole. None of these issues were raised by more than a small proportion of respondents.

3.6.1 *Conveying the purposes of the Code clearly*

Comments here reflect the challenge of communicating clearly both the expected 'norm of practice' and a description of what 'falls seriously short' of this and therefore comes within the scope of GTCE's regulatory function. Council Members are among those commenting on this issue. To some extent this is a structural issue (see above).

Some organisations indicate that they see an inherent tension in describing both what teachers do/should do and what they should not/must not do. One suggestion, put forward by some, was the inclusion of more examples of good practice as well as examples of unacceptable behaviour. The same suggestion came from some workshops and from some online responses. It was suggested that this would provide guidance and would also give a positive image of the teaching profession.

In two of the ten workshops, discussion included some uncertainty about the purpose of the Code – is the purpose disciplinary or ‘uplifting’?

In the online consultation, the relationship between the principles as ‘norms of practice’ and the examples of falling seriously short, set out in the Introduction, was not understood or absorbed by all. There were some calls to make the Introduction more explicit about this.

A majority online agreed that the Code ‘provides teachers with a clear indication of expected day to day conduct and practice’ but only 41% agreed the draft Code lays out clearly the sorts of behaviours that fall seriously short of expected standards. As we have seen, a large proportion of online respondents were preoccupied with a concern that teachers could be disciplined for not promoting beliefs or lifestyles with which they disagreed (Principle 4) or for minor instances of anti-social behaviour outside school or for lifestyles to which others objected (Principle 8). This was the main way in which any concern about possible changes to the threshold for disciplinary action manifested itself.

A few organisations expressed concern that the principles would be used by some head teachers for setting expectations; this was a minority view.

3.6.2 *Relationship to other documents*

In workshops, parents and teachers understood the purpose of and need for a Code of Conduct and Practice for Registered Teachers. A few teachers questioned the need for a code when teachers already have contracts of employment and work to Professional Standards, indicating perhaps a lack of understanding and/or a lack of acceptance of the role of a professional, regulatory body.

Several organisations also pointed to a need to clarify the relationship between the Code and Professional Standards, with some seeking assurance that the drafting of the Code had taken account of the content of other documents, to ensure consistency. Some teacher unions challenged the need for what they saw as an additional set of standards.

3.6.3 *Existence and remit of the GTCE*

Some respondents to the online consultation went beyond the scope of the consultation to express antagonism to the existence and remit of the GTCE. Criticisms of the GTCE included a lack of accountability and support for teachers and, where workshop participants made these comments, they seemed to be linked to a lack of awareness of the existing Code.

Two teacher unions in particular went beyond the scope of the consultation and challenged the remit of the GTCE.

3.6.4 *The necessity of revising*

Some unions questioned the need to revise the existing Code, as did two other organisations. Their view was that the existing Code is adequate and not out of date.

3.6.5 *Reciprocal responsibilities and the extent of teachers' responsibilities*

Some commentary and discussion emerged from the workshops and the online consultation about others' responsibilities. First, participants wondered if there should be recognition of parents and pupils also having responsibilities in relation to teachers. Secondly, there was anxiety about teachers being unable to fully enact all the principles in circumstances where parents or pupils obstruct their efforts or where their work context is not supportive. For these respondents, the principles imply that teachers are being held unreasonably to account for the entirety of children's and young people's progress or wellbeing, while others share this responsibility in practice.

3.7 Criteria for considering revision to the draft

In relation to this feedback, it was decided that criteria for revising the draft Code should include:

- Consensus between strands of evidence on an issue
- Consensus within a strand on an issue, particularly if that strand seems to be the most appropriate method for ascertaining views on that issue
- Strength of views, even if not expressed by a majority
- Sensitivity of an issue
- Need for correction to ensure accuracy
- Whether revision would be faithful to the Council's public interest remit
- The influence of organisations taking particular positions
- The risk of a 'lowest common denominator' outcome of redrafting
- Consistency with GTCE policy and principles, including strong messages from the pre-drafting engagement
- Where robust research findings refutes evidence from engagement, research should prevail

- Applicability to teachers working in different contexts
- Principles must be about behaviour of individuals, not institutional responsibilities

In addition, we recognised that changes to the document could be made across four dimensions:

- Context
- Structure
- Content
- Language

but that the need for changes across these dimensions should not be considered in isolation, e.g. if it were considered desirable to change the structure of the document by, for instance, omitting the quotations from the pre-drafting engagement phase, this would also affect the way in which the context of the Code was presented and this might need to be covered in another way, e.g. in the Introduction to the document.

Finding of consultation	Issue for decision
Intro to Code (page 3 of the consultation draft)	<ul style="list-style-type: none"> • To shorten and improve the Code's clarity of purpose in order to be absolutely clear about its regulatory role as well as its role in supporting expected norms of practice.
Values (page 3 of the consultation draft)	<ul style="list-style-type: none"> • To retain the values but review them to ensure they are all values (as opposed to attributes). • To make the relationship between the values and principles clearer. (Consider describing values in narrative rather than bullet points).
Principles (page 4 of the consultation draft)	<ul style="list-style-type: none"> • To make the intention of Principle 8 clear, i.e. that this is no change in intention from existing Code. • Principle 4 requires validation against legislation and to address concerns expressed in the consultation.
Quotations (page 4 of the consultation draft)	<ul style="list-style-type: none"> • Remove but make clear that the draft Code was based on a consultation process, as was the revision.
Appendix 2 (page 5 of the consultation draft)	<ul style="list-style-type: none"> • Move and rename this so that this isn't an 'appendix' and so that it is placed immediately behind the principles. • Change the first sentence under each principle to say 'GTCE <u>has</u> taken action' instead of 'GTCE may take action'; audit the clauses against the 2004 Code and recheck for relevance. • Ensure comprehensiveness by giving more

	examples.
Principles	<ul style="list-style-type: none"> • To validate the principles in terms of <ul style="list-style-type: none"> ○ Their relationship with the core values ○ Their fitness for purpose as expressions of a norm of practice ○ Their distinctiveness one from another.
Appendix 1	<ul style="list-style-type: none"> • To review the wording of current appendix 1 to achieve greater concision, and its placing in the document.
Appendix 3 – Values for Integrated Working	<ul style="list-style-type: none"> • In the interests of avoiding confusion over the relationship between values and principles, to remove this section but to clearly reference the relevance of the Values for Integrated Working in the Introduction.
Language and tone	<ul style="list-style-type: none"> • To check the language against specific comments made by consultees; check for any ambiguity and unnecessary adverbs and adjectives.
Length	<ul style="list-style-type: none"> • Avoid increasing the length of the document - decisions on other issues (e.g. Appendix 3) should produce a shorter document.
Structure	<ul style="list-style-type: none"> • Decisions on other issues should deal with concerns about structure.
Suitability for different audiences	<ul style="list-style-type: none"> • As above on 'language and tone'. • To check the document in terms of its relevance to different groups, including trainee teachers, overseas trained teachers, unqualified teachers, teachers not practising, teachers in the Independent Sector, teachers with strong religious faith or belief, parents and carers.
Conveying the purpose of the Code clearly	<ul style="list-style-type: none"> • To check the clarity with which the purpose and use of the document is expressed (see Introduction above). • To reconsider the proposal to provide resources/examples of good practice via link to website. • To consider producing separate guidance to employers on use of the Code.
Relationship to other documents, i.e. Professional Standards	<ul style="list-style-type: none"> • To clarify the relationship of the Code with the professional standards and cross check the values and principles against the core standards.
Existence and remit of the GTCE	<ul style="list-style-type: none"> • To explain the GTCE's remit more concisely and to set the revision in the context of previous versions.
Reciprocal responsibilities, e.g. of	<ul style="list-style-type: none"> • To audit the document to ensure that its contents fall within the scope of the

parents	professional responsibility of teachers, not institutions.
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4.0 The impact of the revision process

The redrafting process took the document through several iterations, leading to the final version that comes into use in October 2009. As a result of the changes, the new draft is shorter – slightly more than half of the word count of the consultation draft.

All the specific comments on the Code's wording were used to check the document's tone and language and to identify any unnecessary words, ambiguity or jargon. The wording of the new draft has also been checked by a lawyer who has confirmed that it is clear and robust.

Other immediately obvious changes are:

- There are no longer 'appendices'. The use of the Code in disciplinary work is not labelled as an appendix, has more status and cannot be overlooked.
- Quotations from the consultation have been removed, but the Introduction states that the Code is based on thorough and structured engagement and consultation, both in preparation for drafting and on the draft itself.
- The Statement of Values for Integrated Working, previously an appendix, has been removed. There is a reference to this in the Introduction of the revised Code.
- The separate section on values has been removed and partially incorporated into the Introduction.

4.1 Introduction and values

The purpose of the Code is clearer about both its role in regulation and the expectations of day-to-day standards. There is also less detail about the GTCE as an organisation and its functions.

It was decided to retain the opening statements about the importance of teaching, which were much appreciated by teachers and others. However, there is no longer a separate 'values' section in response to consultation feedback that:

- Not all were values
- Not all were specific to teaching
- As a list, their relationship with the principles was not clear

The values are now included in the narrative of the Introduction, which continues to emphasise the importance of the values of the teaching profession. Behaviours are value-based.

The Code also refers to the widely accepted Nolan Principles, which have legitimacy and credibility. It also includes the value that is specific to teachers – commitment to learning, for themselves and others.

4.2 Principles

Extensive changes have been made to the wording of the principles and sub principles. The revision process involved improving clarity, the addition of some points and removal of others, and the removal of duplication and overlap. As a result, there is greater distinction between the principles, especially Principles 1, 2 and 3.

The principles were checked against the Training and Development Agency's Professional Standards for Teachers, and reviewed to ensure that the principles are about the expectations of individual teachers and not the school's duties.

4.2.1 Principle 4

There were more comments about Principle 4 than the other principles, including significant objections from some quarters.

The main principle changed from 'value diversity' to 'demonstrate respect for diversity'. This is because a code should regulate against observable behaviours and not beliefs. 'To value' is not observable.

'Promote equality' is retained although there was concern from some that this required teachers to promote particular lifestyles with which they disagreed by reason of their own faith. However, there is legislative backing to this principle. Schools are required to have policies in this area with which teachers must comply.

Below are two specific changes to Principle 4:

- 2nd bullet point

BEFORE: Take responsibility for understanding and complying with school policies relating to equalities, inclusion and access and bullying

NOW: Take responsibility for understanding and complying with school policies relating to equality of opportunity, inclusion, access and bullying

We considered the legal advice that ‘equality’ is often described as having four components: equality of opportunity, process, worth and outcomes. The latter three are covered by subsequent bullet points. It is also helpful to have an explicit reference to ‘equality of opportunity’ without limiting the scope of the principle as a whole by introducing this term in the main principle itself.

- 3rd bullet point

BEFORE: Challenge unlawful discrimination

NOW: Address unlawful discrimination

‘Address’ implies that a number of actions can be taken to ensure the issue is dealt with. It also suggests that junior teachers, who may feel unable to challenge more senior staff directly, can use other appropriate routes to address the situation.

4.2.2 Principle 5

This principle was reworded to recognise that it is the teacher’s responsibility to try and establish a productive relationship with parents, but that such an outcome may not be within their control.

Principle 5 is another place where the Code refers to the need to work within school policies.

4.2.3 Principle 8

Principle 8 attracted considerable media attention, which raised the issue of intrusion into teachers’ private lives.

The final sub principle about behaviour has been changed to show why behaviour in public is important, and the reference to ‘standards of behaviour inside and outside school that are appropriate given their membership of an important and responsible profession’ has been removed as it was less clear and specific than the current wording.

Also, the Introduction to the Code now has a statement confirming that the Code does not limit a teacher’s right to a private life.

Together these changes should provide any necessary reassurance that the revised Code is not different in this respect from the current Code.

4.2.4 Use of the Code in disciplinary procedures

This part of the document is no longer an appendix. Having this section as part of the main document gives it the right status and responds to comments that an appendix might be overlooked.

There is now a briefer and clearer explanation of the GTCE and its disciplinary role and procedures. Under each principle, there are selected examples of where the GTCE has taken action in the past, as an indication of how the Code may be interpreted in future cases.