

The Bad Apples? Teacher Misbehaviour and Discipline

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Paper presented at the 8th Annual Conference of the British Education Studies Association (BESA), 28 - 29 June 2012, University of Hull

While there is no shortage of research concerning misbehaviour in schools, few studies focus on the misbehaviour of teachers. Where it does exist, it focuses purely on pedagogical misbehaviour, issues of competence, interactional efficacy and motivation. But teachers are not just classroom practitioners, they are employees engaged in the whole range of organisational behaviours, processes and interrelationships. As such, this paper presents findings from an analysis of 300 cases of disciplinary orders issued against teachers by the General Teaching Council for England (GTCE). The analysis revealed a dichotomy between external misbehaviours, primarily criminal offences, and 21 types of internal misbehaviours. The paper then presents a proposed model of teacher misbehaviour that places the phenomenon with a social, professional and organisational context. Finally, with the abolition of the GTCE, the paper considers the future of teacher discipline.

Introduction

There is no shortage of research on misbehaviour within schools but little of it focuses on the misbehaviour of teachers. Instead, data on teacher misbehaviour (TMB) is more likely to be found within the media, especially at the more sensationalist end of the press continuum who regularly publish stories of teachers disciplined for sexual relationships with learners, possession of drugs or violence in the classroom. Yet such stories are not revealed through diligent investigative journalism; instead they are collected from public disciplinary hearings performed by the General Teaching Council for England (GTCE) until its abolition and its successor, the Teaching Agency. Here, the 'bad apples', teachers accused of professional misconduct or incompetence, are investigated and disciplined with the nature of their offences published on the internet as a demonstration of public trust in teacher regulation. As such, these accounts of teachers misbehaving provide an opportunity to investigate organisational misbehaviour within schools, an area that is difficult by other means of research. This paper presents findings from an analysis of 300 disciplinary orders issued by the GTCE and, drawing on the wider organisational misbehaviour literature, proposes a middle range theory of teacher misbehaviour that draws on the wider contextual issues of legality, public trust, performativity, professionalism and organisational factors. Finally, with the abolition of the GTCE, the paper examines the reforms to teacher regulation and discipline identifying the major changes and their implications.

Teacher (and Organisational) Misbehaviour

Where studies of teacher misbehaviour have been conducted, they focus primarily on teacher behaviours within the classroom that 'interfere with instruction and thus, learning' (Kearney et al., 1991, p310). In Kearney et al.'s research, students were asked to identify those behaviours by their teachers that they considered deviant and it resulted in the classification of TMB into three primary types: *incompetence* in terms of pedagogical effectiveness; *offensiveness* that encompassed interactional inappropriateness; and *indolence* that concerned behaviours such as lateness. This conception of TMB as pedagogical continued in other

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studies in the US, mainly in colleges rather than schools, and covers a range of factors: interactional non-immediacy (Thweatt and Croskey, 1996); teacher clarity (Toale, 2001); students' attribution of TMB (Kelsey et al., 2004); teacher credibility (Banfield et al, 2006); and learner demotivation as a result of TMB (Zhang, 2007). Lewis and Riley (2009) draw on these pedagogical studies for one half of their categorisation of teacher misbehaviour – the other half, which they do not focus on, is that defined in terms of criminality that concerns matters of 'physical and sexual misconduct, abuse and harassment, and theft or related law breaking' (ibid, p399). Affecting fewer learners than pedagogical misbehaviour, this second category is considered less important in research terms. It is, however, the primary focus of this study.

Pedagogical misbehaviour is, of course, an important area of focus but it is also one that limits our consideration of teachers to the classroom and ignores the fact that as well as being classroom practitioners, teachers are also employees engaged in the whole range of organisational practices, interactions, duties and responsibilities that this entails. Often spending as much time out of the classroom as in, misbehaviour is as likely to occur in corridors, staffrooms or on social networking sites as it is while teaching. Furthermore, as supposedly trusted public servants, teachers are not only accountable for their actions inside the school, they are also held to account for their behaviour in their private lives. As such, studies of the organisational behaviour and misbehaviour of teachers must take account of their plural status as educator, employee and public servant.

While studies of teacher misbehaviour have been narrowly defined, in organisational studies misbehaviour is highly contested with between 8 and 19 different forms proposed (Kidwell and Martin, 2005) encompassing terms as diverse as 'antisocial behaviour' (Giacalone and Greenberg, 1997), 'dysfunctional workplace behaviour' (Van Fleet and Griffin, 2006) and 'workplace deviance' (Bennett and Robinson, 2003). However, the majority of these definitions consider organisational misbehaviour (OMB) as dysfunctional and deviant, diverging from the preferred virtues and functionalism of organisational citizenship (see for example Organ, 1997). This is problematic for two reasons: firstly it marginalises OMB and downplays its pervasiveness in organisations; secondly, it concerns behaviours only within the organisation which limits its application to teachers who are accountable outside the school as well. As such, an alternative framework is provided by Vardi and Wiener (1996, p151) who define OMB as

any intentional action by member/s or organization/s which defies and violates (a) shared organizational norms and expectations, and/or (b) core societal values, mores and standards of proper conduct (p. 151).

Here organisational misbehaviour is not only a matter of the organisation as a separate construct, it is also located within a social context; as such, this perspective is more applicable for a consideration of teacher misbehaviour, capable of recognising the situatedness of schools within their communities and teachers within a context of public accountability.

The General Teaching Council for England

Operating from 2000 until its abolition in April 2012, the General Teaching Council for England (GTCE) was the independent professional body for teachers. 'An aspiration of teachers for more than 150 years' (Kirk, 2000, p235), the GTCE had three areas of responsibility: firstly, to keep a record of qualified teachers; secondly, to provide the

government with policy advice; thirdly, to define and maintain the standards for the teaching profession. As a disciplinary body, the GTCE would investigate cases of teacher incompetence and misconduct that had been referred to it by schools, the public or, in criminal cases, by the police. If the investigation suggested a breach of the professional standards, the GTCE would hold a disciplinary hearing which would review the evidence and hear from the accused teacher and any other witnesses as appropriate. If found guilty of 'professional misbehaviour' (Page, 2012), teachers were subject to four types of disciplinary action: a reprimand of two years; a conditional registration order that imposed defined criteria – such as counselling or training – to be met before returning to teaching; a suspension order of up to two years; finally, most seriously, a prohibition order that could last from two years to an unlimited time. Once the panel had made its judgement, the details of each case were published on the GTCE's website for three months. Each case would include the name of the teacher, the school which had employed them, the details of the case and the judgement of the panel. As the GTCE regulated the profession on behalf of the public, the rationale for publication was that the public had a right to know the names of misbehaving teachers.

The Data

While the rationale for publishing details of the cases of professional misbehaviour are debatable, such documentary evidence does provide a unique insight into the range of misbehaviours performed by teachers and forms the basis of this study. 300 disciplinary cases were collected from the GTCE and its website ranging from November 2009 to August 2011. The first stage of analysis was to code the cases in terms of sector and gender; secondly, each case was coded according to whether it was internal to the employing school or whether it concerned external (mainly criminal) cases. The final stage of analysis was to classify the cases into types of misbehaviour which was informed by the extant literature and by the wording of the documents themselves. Many cases reported included a number of different types of misbehaviour and so the statistics reported below indicate the number of times a particular form was reported rather than the number of individuals found guilty.

However, there are limitations to this study. Each case included only brief details of the misbehaviours and did not include any mitigating arguments from the teachers themselves. The second limitation is that this study only includes cases that were referred to the GTCE and are, therefore, at the more serious end of the misbehaviour continuum and is therefore not an accurate reflection of the extent of TMB within schools. More routine cases of organisational misbehaviour were likely to have been managed internally without reference to the professional body.

Teacher Misbehaviour by Sector and Gender

When considering the data by sector (Table 1 below), what becomes clear is that the majority of disciplinary cases prosecuted by the GTCE involved teachers in the secondary sector – 58.33% compared to 17.33% in primary and just 1.33% in special education. This is despite the fact that according to the GTCE's own statistics, there are only marginally more secondary teachers than primary, 220,242 as opposed to 209,186 (GTCE, 2010). What is also apparent is that the majority of referrals were made by the employing school – only 23% of cases, those denoted as N/A, were from the police in cases of prosecution.

SECTOR	WOMEN	%	MEN	%	TOTAL	% of TOTAL CASES
PRIMARY	23	44.23	29	55.77	52	17.33
SECONDARY	43	25.57	132	74.43	175	58.33
SPECIAL	1	25	3	75	4	1.33
N/A	25	36.76	44	63.24	69	23

While women represent the majority of teachers within all sectors (87.59% in primary, 62.46% in secondary (GTCE, 2010)), this was not reflected in the analysis of the GTCE cases. While representing only 37.54% of secondary teachers, men made up 74.43% of the disciplinary cases in this sector. This disproportion is also evident in the primary sector where, despite only making up 12.41% of the workforce, men represented 55.77% of the cases. The overrepresentation of men in cases of misbehaviour is in accord with the wider literature: Henle et al. (2005), Vardi and Weitz (2004) and Anwar et al. (2011) all found that men were more likely to engage in organisational misbehaviour than women.

External Misbehaviour

Of the 300 cases analysed, 69 concerned crimes and were referred to the GTCE by the police, the most common concerning driving offences, violence and drugs. Here, again, men were more highly represented as can be seen from Table 2 below. The data here are the numbers for the types of crime, not how often they were included in each case. For example, where multiple driving offences were detailed on an individual case, this would be regarded as one type of misbehaviour.

CRIME	M	F	TOTAL
DRIVING OFFENCES	13	7	20
VIOLENCE	13	5	18
DRUG RELATED	14	3	17
HARASSMENT	4	3	7
CRIMINAL DAMAGE	6		6
FRAUDULENCE	2	3	5
THEFT	2	1	3
CHILD NEGLECT		2	2
WEAPON POSSESSION	2		2
DRUNK AND DISORDERLY	2		2
SEXUAL OFFENCES	1		1
BIGAMY	1		1
INDECENCY	1		1
THREATENING BEHAVIOUR	1		1
FAILURE TO SURRENDER	1		1
INVADING A FOOTBALL PITCH	1		1

However, while most of the external forms of misbehaviour concerned crime, three cases concerned different types of outside activities. Firstly was the case of a male secondary teacher who ran and promoted a pornographic business; secondly was a female secondary teacher who worked as an escort providing sexual services via a website; finally was another male secondary teacher who worked as a stripper and had previously performed in adult films.

Internal Misbehaviour

The vast majority of cases considered by the GTCE concerned internal misbehaviours that were referred by the employing school and were categorised into 21 distinct types as detailed in Table 3². Many of the cases included more than one type of TMB and so the figures presented are for the number of times a type was identified. The figures are also broken down by gender and sector.

CATEGORY	PRIMARY		SECONDARY		SPECIAL		TOTAL
	M	F	M	F	M	F	
Inappropriate interaction with pupils	3		55	14			72
Technology misuse	8	1	29	3	1		42
Procedural breach	1	5	24	5			35
Pedagogical	2	5	18	4	1		30
Failure to disclose or withholding information	3		15	7			25
Aggression towards pupils	3	2	14	3			22
Health and safety/duty of care	1	4	10	2			17
Assessment fiddling	1	2	9	4			16
Deception		2	6	7			15
Falsifying information	3	4	3	3			13
Financial	5	1	1	2	1	1	11
Intoxication at work	1	3	2	4			10
Inappropriate interaction with colleagues		1	7	1	1		10
Inappropriate relationship with pupils			4	4			8
Absenteeism	1		5	1			7
Aggression towards staff	2		5				7
Confidentiality breach	2		3	2			7
Moonlighting while on sick leave	1	2					3
Refusal to follow instructions			1	1			2
Punctuality			2				2
Sexual activity at work	1						1

² See Page (2012) for a more detailed discussion of the individual types of TMB

The secondary sector accounts for the majority of types except financial misbehaviour where primary teachers outnumber those in secondary and special schools combined. Men outnumber women in the majority of types except *intoxication at work*, *deception*, *falsifying information* and *moonlighting*. However, it is in the four most common forms of TMB that the disparity between sectors and gender is most apparent with male secondary teachers responsible for 76.38% of cases of *inappropriate interactions with pupils*, 69.04% of *technology misuse*, 68% of *procedural breaches* and 60% of *pedagogical misbehaviour*.

These 21 forms of TMB can be articulated in terms of Vardi and Weitz's (2004) typology of organisational misbehaviour. Most common with 115 incidents are interpersonal forms which include inappropriate interactions and relationships with colleagues and pupils and aggression. Secondly, with 111 citations, is production misbehaviour which includes pedagogical misbehaviour, assessment fiddling, procedural breaches, health and safety, absenteeism, moonlighting and punctuality. Third, with 115 citations is political misbehaviour: deception, financial misbehaviour, falsifying and withholding information, confidentiality breaches and refusal to follow instructions. Next is property misbehaviour cited in 42 cases which includes the sole form of technological misbehaviour. Finally is intrapersonal misbehaviour with 12 citations embracing intoxication and solo sexual activity.

A Model of Teacher Misbehaviour

Vardi and Weitz (2004) argue that organisational misbehaviour is universal; as such, the range of TMB identified through the analysis of disciplinary orders should come as no surprise. However, the extent to which organisational misbehaviour frameworks are applicable to teachers is debatable. While to an extent they can be seen as generic employees, certain features mark teachers apart. Firstly, as the GTCE argued, teachers are (or should be) trusted by the public – regulation and public discipline are therefore necessary to maintain such trust. Their trusted status is also used as a justification for their continual accountability as they are held to account for their (mis)behaviour outside of work as well as inside – teachers engaged in unsuitable outside interests or observed inebriated by their pupils while out for the evening were subject to discipline. This factor, public trust and its expression, mark the limitations of considering TMB within a generic organisational misbehaviour framework. A key component of the functionalist perspective of professionalism (Kennedy, 2007), public trust in teachers has no counterpart in the private sector. Certainly there may be some trust between employees and customers but not to the same extent as between teachers and pupils and parents. Other parts of the public sector, especially in medicine, may also enjoy the trust of the public but the interactions between doctor or nurse and patient are rarely as sustained as they are between teacher and pupil. Public trust, then, is the first influencing factor in this middle range theory of teacher misbehaviour.

The fact that teachers are responsible for their actions outside of work as well as inside also figures in the second influencing factor, that of legality. In most work contexts, if an employee is convicted of driving without insurance, their job (unless employed as a driver) would rarely be affected. Even in more serious cases such as assault, rarely would it lead to dismissal for workers in the private sector. Not so with teachers. Teaching is considered a 'notifiable occupation' by the police who automatically informed the GTCE when a teacher was charged. Accountable inside and outside of work, criminal charges were considered a form of misbehaviour that required disciplinary action by the professional body. Legality, then, is another influencing factor in this theory of TMB.

Thirdly we have the professional standards that codify what it means to be a teacher. Embracing both behaviour and pedagogy, the professional standards of the GTCE were the criteria against which teacher misbehaviour was judged. This again marks teachers apart from generic misbehaviour frameworks in that teachers are held to account against both the competency and conduct framework of their schools as employees but also against the standards of teaching as a profession: they are thus equally subject to both organisational and occupational forms of professionalism (Evetts, 2009). Here the distinction between teachers and employees within the private sector is further differentiated.

The fourth influencing factor in this theory is that of performativity, ‘a technology, a culture and a mode of regulation that employs judgements, comparisons and displays as means of incentive, control, attrition and change’ (Ball, 2003, p216). As the GTCE disciplined both misconduct and incompetence cases, incompetence can be seen as a form of misbehaviour, pedagogical misbehaviour as framed in the extant TMB literature. Indeed, if we equate occupational professionalism as including ‘quality of practice’ (Sockett, 1996, p23), then incompetence can indeed be considered as a form of misbehaviour. However, the cases of pedagogical misbehaviour analysed in this study highlight the potential for performativity as an influencing factor. For example, several disciplinary cases concerned assessment fiddling where teachers had falsely inflated grades and even changed pupils’ work to improve results. If we consider TMB as a decontextualised and individual action then, indeed, this could be considered misbehaviour and deserving of discipline. However, when such behaviours are placed within a context of performativity with headteachers eager to exceed benchmarks and climb the league tables, perhaps assessment fiddling should be seen as the ‘professional foul’ or ‘sleight of hand’ as described by the former director of the Qualifications and Curriculum Authority. From this perspective, teachers feel pressured by headteachers to continually increase grades or face a ‘carpeting’ (BERA, 2011). Here, then, falsifying grades may be ‘organisationally initiated if not officially sanctioned’ (Page, 2012).

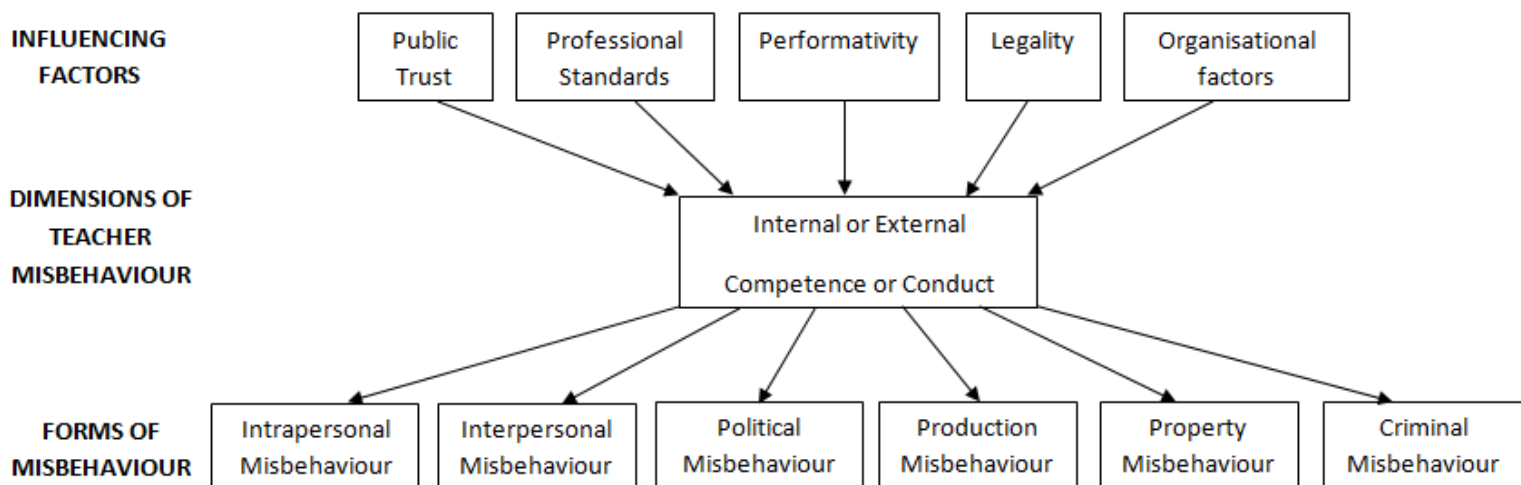


Figure 1: Model of Teacher Misbehaviour

The final influencing factor in this model of teacher misbehaviour is that of organisational factors which can be a primary cause of OMB (Litzky et al., 2006) with distrust, unfair treatment, inequitable reward structures and a lack of organisational justice all providing employees with a propensity to misbehave: teachers' procedural breaches may be a result of high levels of stress leading to cutting corners on administrative tasks; deception may result from working within a punitive managerialist culture; poor teaching may result from a lack of time to adequately prepare for lessons or, equally, the lack of supportive developmental structures; the criticism of senior managers on blogs may be a reaction to a lack of management openness and upward communication channels.

The five influencing factors are then considered in the two binary dimensions: whether the misbehaviour is internal or external and whether they concern competence or conduct. Finally are the forms of misbehaviour themselves which are articulated in terms of Vardi and Weitz's (2004) typology of forms of organisational misbehaviour plus the addition of criminal misbehaviour.

The aim of this model is not to provide an excuse for teachers who have been disciplined for sometimes genuinely deviant acts. Instead, it is intended to provide a framework within which to situate TMB, one that seeks to position the discipline of teachers within a wider social, professional and organisational context. This framework means that TMB can also be seen within the dialectic of control and resistance (Mumby, 2005) that operates within all organisations and problematises the notion of misbehaviour. Here, then, acts of TMB may in fact be interpreted as organisational resistance.

The Future of Teacher Regulation and Discipline

The 2010 Schools White Paper, 'The Importance of Teaching' set out a range of reforms to the regulation and discipline of teachers that became finalised in the 2011 Education Act. First was the abolition of the GTCE. Next, the regulation of incompetence and misconduct was to be split: incompetence was no longer to be overseen by an independent professional body; instead, poor performance was to be managed by schools only, without national level regulation. Teacher misconduct was to be managed by The Teaching Agency – however, only 'serious' cases are to be heard; minor cases of misconduct are also to be left in the hands of headteachers.

Whereas the GTCE was an independent professional body, the Teaching Agency has considerably less power than its predecessor. Despite being situated within a context of 'arm's length reform' and the coalition government's drive towards decentralisation, the Teaching Agency disciplinary panels cannot make judgements on the cases they hear; all they can do is to make recommendations to the Secretary of State for Education who makes the final decision, becoming both the maker of policy and the arbiter of discipline. In addition, while the GTCE could make a range of judgements from reprimands to prohibition, the Secretary of State has just a binary decision: to find no case proved or to prohibit teachers from practice. Here, then, teachers are moved further from the notion of 'pure' professionalism (Noordegraaf, 2007), separating teachers from comparable professions such as medicine and law which still retain an independent regulatory body. If the GTCE was evidence of public trust in teachers, its replacement by the Teaching Agency may be evidence of the active distrust by the coalition government that moves teachers further from the position of occupational professional to organizational professional (Evetts, 2009).

Yet other concerns arise from this paradigmatic shift: firstly, with only a binary decision between finding no case and prohibition, headteachers may be unlikely to refer teachers who they have already disciplined. This issue is further exacerbated by a shift in responsibility of heads – under the GTCE they were obliged to refer cases; under the reforms, headteachers now have a statutory duty to ‘*consider whether to refer the case to the Secretary of State*’ (Department for Education, 2011; italics added). Given the difficulties of managing teacher discipline internally (Wragg et al., 1999; Yariv and Coleman, 2005) it is unlikely that headteachers will wish to prolong the cases even further. Secondly, the question of how ‘serious’ misconduct will be defined is unresolved. Essential to this process is the interpretation of an independent body of teachers with contextual knowledge. Although the Teaching Agency includes teachers on its panel, the fact that the final decision is taken by the Secretary for State removes such interpretations from a professional paradigm. Thirdly, of further concern is the removal of incompetence from a national regulatory framework. Where once cases were heard in public, now the management of poorly performing teachers from September 2012 will be only internal and performed within ‘simpler, less prescriptive appraisal regulations’ (Department for Education, 2012). Accompanying this move is the removal of the three hour restriction on classroom observations – under the reforms headteachers can observe teachers as often and for as long as they decide. Finally, with the streamlining of competency processes, teachers can now be sacked within a term. Such measures further move teaching away from comparable professions that hold hearings for incompetence in public by a panel of peers. Instead, teachers become considered generic employees whose primary function is efficiency of production (Mather and Seifert, 2011). Furthermore, the discourse of the reforms is not provided within a context of development but is only concerned with weeding out the incompetent, the indolent and those who lack administrative proficiency. Such measures are, according to the unions, a ‘bully’s charter’ (Harrison, 2012) that raise the potential for managerialist abuse within performative workplaces.

Conclusion

With extant studies considering teacher misbehaviour only in terms of pedagogy and the organisational literature presenting frameworks that fail to capture teachers’ plural status as educator, employee and public servant, this paper has presented a model of teacher misbehaviour. Rather than considering misbehaviour only at the level of the individual teacher, this theory places TMB within its wider social, legal and organisational context. However, with the abolition of the GTCE, public accounts of TMB will be reduced: only those ‘serious’ cases will be disciplined in public – the regulation of incompetence will become hidden and conducted in internal disciplinary panels. But this research is a beginning point only and raises a number of areas for further research. After all, while schools inevitably contain bad apples, the extent to which they spoil the whole barrel is to be investigated.

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