

Professional Exclusion: The Messy Reality of Teacher Misbehaviour

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This paper presents findings from a documentary analysis of a prohibition order of a teacher charged with misconduct and disciplined by the Teaching Agency, an executive agency within the Department for Education in England. As a public document, it provides evidence of the often clandestine phenomenon of teacher misbehaviour; as the discourse of professional exclusion, it provides evidence of the mechanisms of control exerted by professional regulation and decentralised measures of performativity. While the Teaching Agency position teacher misbehaviour as a purely deviant and individualistic act, the analysis of this case is facilitated by a model that considers the contextual factors such as the organisation, professional standards and public trust. The paper concludes by highlighting the messy reality of teacher misbehaviour that embraces notions of both organisational deviance and organisational resistance that is often ignored by the discourse of professional exclusion.

Introduction

Vardi and Weitz (2004) argue that organisational misbehaviour is universal, suggesting that ‘most, if not all, members of work organizations, throughout their employment, engage in some form of misbehaviour related to their jobs, albeit in varying degrees’ (p3): extra miles may be claimed on expenses accounts; stationery is taken home; Facebook statuses are updated during office hours. Organisational misbehaviour, therefore, is not only common, it often becomes a group norm. Yet there are also those examples that move beyond the everyday forms of employee misbehaviour, breaching both organisational and social norms. In most sectors such misbehaviour goes unreported; in certain jobs, however, organisational misbehaviour becomes public: we may think of politicians involved in expenses fiddling, athletes testing positive for banned substances or doctors improperly treating patients. We may also think of teachers whose misbehaviour often appears in the press with sensationalist stories of affairs with students, aggression in the classroom or unsavoury extracurricular activities. In England, such stories emerge from the publication of teacher disciplinary hearings held from 2000 to 2012 by the General Teaching Council for England (GTCE) and its replacement, The Teaching Agency. In these documents, freely available online, the misbehaving teacher and their employing school are named together with the details of the case and the findings of the panel which has the power to prohibit the guilty from teaching.

These documents contain the discourse of professional discipline and provide a valuable insight for the organisational researcher into the usually clandestine nature of teacher misbehaviour (TMB). Yet the findings of The Teaching Agency too often present TMB as decontextualised, a position that obfuscates the factors that would allow a greater

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understanding of the phenomenon. This paper attempts to move beyond the perspective of TMB as purely deviant acts disconnected from the context and the organisation by applying a model of TMB to an individual case published by The Teaching Agency. The analysis offers an alternative reading of TMB by highlighting the potential influence of contextual factors upon the misbehaviour including the professional standards for teachers, performativity, public trust and the organisation. Furthermore, by highlighting the mechanisms of power embedded within the discourse of professional exclusion, the use of the model allows us to identify the overlap between misbehaviour and worker resistance, the response to the exercise of control within institutions.

Conceptual Framework

The majority of studies of teacher misbehaviour focus on the classroom, the phenomenon being an issue of 'didactogeny' (Sava, 2001), the damage to students' learning. Kearney et al. (1991) first proposed a typology of TMB that identified three distinct categories: incompetence, offensiveness and indolence, behaviours arising directly from teacher-student interaction. This focus on teacher misbehaviour as a pedagogical issue continued in subsequent studies that discussed issues such as teacher credibility (Banfield et al., 2006), teacher non-immediacy and lack of clarity (Toale, 2001). However, what is presented in these studies is an image of teachers' working existence based only within the classroom – what is missing is the rest of teachers' organisational lives, the interdependencies and interactions outside of the classroom. Here, then, teacher misbehaviour can be understood within the wider framework of organisational misbehaviour (Vardi and Wiener, 1996, Ackroyd and Thompson, 1999), the 'dark side side' of the workplace (Griffin and O'Leary-Kelly, 2004) that contains 'antisocial behaviour' (Giacalone and Greenberg, 1997), 'workplace deviance' (Bennett and Robinson, 2003), 'dysfunctional workplace behaviour' (Van Fleet and Griffin, 2006) and 'workplace aggression' (Neuman and Baron, 1997).

In most conceptual models, organisational misbehaviour is seen as individualised acts set within an organisational context; what is missing in most accounts is the influence of power enacted by organisations or the wider society upon the individual and the positioning of employees within the dialectic of control and resistance (Mumby, 2005). In schools, power is exerted upon teachers from external sources such as government reforms (Kelchtermans, 2005), curriculum control (Wood, 2004), professional regulators (Page, 2013) and, perhaps most importantly, the mechanisms of performativity (Ball, 2003) that embrace benchmarking and league tables (Perryman et al., 2011) and Ofsted inspections (Perryman, 2009). Internally, teachers may be subjected to the organisational translation of external performativity in the form of managerialism (Hoyle and Wallace, 2005), surveillance (Bushnell, 2003) and performance management (Forrester, 2011). Little wonder, then, that teachers resist. The problem is that distinguishing resistance from misbehaviour is a difficult task. Taking a sick day when well may be an act of organisational misbehaviour; alternatively it may be an act of resistance, a means of re-appropriation (Paulson, 2011), of taking time back from the employer who demands ever greater work intensification (Ballet et al., 2006). As such, any understanding of teacher misbehaviour must recognise the overlap between worker resistance and misbehaviour (Ackroyd and Thompson, 1999).

Here, then, we find Page's (2012a and b) model of teacher misbehaviour that positions the phenomenon within the wider organisational and social contexts, embracing the overlapping paradigms of misbehaviour and resistance. Firstly, there are the five influencing factors: *public trust*, key to the functionalist perspective of professionalism (Kennedy, 2007) that holds teachers accountable to social norms and values and renders them accountable for their

behaviour inside and outside school; *legality* arising from the status of teaching as a notifiable profession, with the police reporting all crimes committed by teachers to their employer and their regulatory body; the *professional standards* that delineate the pedagogical and behavioural expectations of teachers; *performativity* that creates climates of heightened visibility that can create a proclivity to misbehave; *organisational factors* such as distrust, managerialism, poor communication and even abusive supervision. These five influencing factors are then considered within two dimensions of TMB – whether the acts were committed inside or outside of school, teachers being held accountable for their behaviour at work and in public. The final element of the model is the categorisation of misbehaviour, whether intrapersonal, interpersonal, political, production, property or criminal. Rather than considering teachers as generic employees, this model positions TMB within the organisational, social and policy contexts that teachers operate within and allows us to examine an individual case in this paper, to consider the contextual influences upon a teacher judged to have misbehaved and to consider the existence of resistance within misbehaviour.

The Data

This paper is based upon an alternative reading of a single case of teacher misbehaviour, one of the many that are published on the Teaching Agency's website. Each document includes the names of the teachers and schools involved, the charges against them and the paraphrasing of evidence given by witnesses, legal and union representatives and, less often, the accused teachers themselves. As such, these cases provide a unique insight into the often clandestine world of TMB, providing valuable contextualisation. This paper discusses one such case, a particularly lengthy and detailed account of the misbehaviour of an experienced teacher. Although the document as published on The Teaching Agency's website uses the real names of the participants, for the purposes of future anonymity this paper will use pseudonyms for both the individuals and the school.

Purposive sampling was used and this case was selected for several reasons: firstly, the accused teacher attended the hearing and so was able to give his account of the details of the case. Among the cases published so far, this is rare – since The Teaching Agency began disciplinary hearings in April 2012, few teachers have attended the hearings to defend themselves. Secondly, this case concerns multiple incidents of TMB that illustrate the messy reality of the phenomenon. Thirdly, the case attracted significant attention from the national press whose stories were also analysed to inform this article. While the case is framed by the Teaching Agency as organisational deviance, this paper provides an alternative reading and highlights other issues such as contested professionalism, others concern acts of resistance, and still others concern pedagogical issues. As such, this case provides an insight into how TMB can be understood within multiple paradigms. Once the case was selected, the Teaching Agency document was analysed according to the model of teacher misbehaviour presented above (Page, 2012a and b), identifying the keys features of the case in terms of the forms of TMB presented and the range of influencing factors that could be identified.

Context

The incidents described in the case occurred in the 2007-2008 academic year at Kidwell Junior School. According to Helena Mitchell, the Associate Headteacher, she began her work at the school at a time when it was 'vulnerable' and was being run by an Interim Executive Board. As part of a schools support programme, Ms Mitchell and Warren Henry, the Executive Headteacher (described by the document as a 'national leader of education'), were employed to raise standards and prepare the school for an impending Ofsted inspection. The accused teacher was Peter Steward, a music teacher with 30 years experience and

approaching retirement. Working at the school since 1999, Mr Steward was on a supply contract but, according to Mr Henry, always considered himself as a full member of staff, a perception perhaps encouraged by the fact that Mr Steward was, despite being on a supply contract, the subject leader for music. Mr Steward was, by Mr Henry's account, a skilled musician and the pupils were 'fortunate to have such expert instruction'. However, there was also a feeling that specialist teaching at Kidwell was unlikely to 'meet future requirements' and the Interim Executive Board were 'working towards not needing' Mr Steward.

Mr Steward was suspended by the school in May 2008 and, following an independent investigation, was subject to internal disciplinary procedures. Following an unsuccessful appeal, he was dismissed from the school in 2009. As headteachers are obliged to refer any sacked teacher to the regulator to assess the professional status of the teacher concerned, Mr Steward was accused by the Teaching Agency of TMB that fell into three categories. Firstly, he had disregarded or refused to follow management instructions from both Ms Mitchell and Mr Henry; secondly, he had demonstrated 'inappropriate' conduct towards Ms Mitchell; thirdly, he displayed inappropriate conduct towards pupils on various dates throughout 2007 and 2008. The next sections consider each charge in turn.

The Case of Mr Steward

Two of the charges against Mr Stewart concerned a failure to follow instructions. The first accusation in this category occurred when Helena Mitchell, the Associate Headteacher, had asked Mr Steward to align his lessons to the National Curriculum and to use the Qualifications and Curriculum Authority (QCA) schemes of work for his groups. This was felt to be particularly important at the time as Ms Mitchell was keen to 'demonstrate compliance and coverage' to Ofsted concerning the curriculum. Ms Mitchell met with Mr Steward to discuss planning for the music curriculum and provided examples of what was required in terms of the planning file. In a follow-up memo, she particularly highlighted the need to link the scheme of work to the National Curriculum, provide learning objectives, differentiated activities and assessment strategies referenced directly to the objectives. In response, Mr Steward told Ms Mitchell (and the disciplinary panel) that he was 'pleased to confirm that he will never use QCA materials in his teaching'. They were, he argued, 'primitive' in their methods of delivery and did not use 'natural mental instincts'. His own pedagogical approach was superior, he suggested, and was explicated within a series of memos he sent to Ms Mitchell. Mr Steward also explained the difficulties of teaching groups with mixed abilities.

The second charge of disregarding instructions concerned Mr Steward's actions during an Ofsted inspection. Given the vulnerable status of the school, the inspection was critical and so Ms Mitchell had met with Mr Steward and, fearing the impact he might have on inspectors, instructed him that he was 'not required to come into school during the Ofsted visit'. Mr Steward had been keen for the school orchestra to perform during the first day's assembly but Ms Mitchell decided against this as she was concerned that the orchestra could complicate the smooth running of the day. This instruction was later modified by Ms Mitchell who subsequently decided Mr Steward could attend the assembly and play the piano. However, ignoring the instruction, Mr Steward *did* arrange for the orchestra to play during the assembly and afterwards spent the entire day playing the piano in the hall, much to the 'surprise and concern' of Ms Mitchell who feared that Mr Steward's actions could adversely affect the perception of Ofsted. He suggested to the panel that this action was a result of his frustration that 'he had been asked not to teach during the Ofsted visit'. In his address to the panel, he

stated 'surely it is a function of Ofsted to identify bad teaching as well as good. They should not have the decision made by the school management for them'.

Mr Steward had also ignored instructions on another date in 2008. The day before the incident, Ms Mitchell had left a telephone message for Mr Steward stating that she needed to speak to him. Ms Mitchell claims that the message told him not to attend school. Mr Steward disputed this and the panel suggested that the message may not have contained an explicit instruction to stay away. As such, Mr Steward arrived at the school the next day and proceeded to photocopy a memo about the events of the previous day in which he had clashed with Ms Mitchell over his overly harsh reprimand of Pupil B (see below). Mr Steward told the panel that he had attended to speak to Ms Mitchell to ascertain the reason why she needed to speak to him. While he was photocopying the memo, Ms Mitchell saw Mr Steward and asked him to report to the headmaster's office; instead, Mr Steward continued photocopying. Mr Henry, the Executive Head was, by chance, at the school and interceded in the stand-off, handing Mr Steward a letter suspending him and asking him to leave the premises or they would call the police to have him removed. Mr Steward refused on the grounds that he was justified in not leaving as he was waiting for an explanation as to *why* he was being asked to leave. Ms Mitchell told him that there was a safeguarding issue which was why they could not discuss the matter but he had to leave. Again, he refused. Only after the police were called did Mr Steward leave of his own accord.

The next set of charges was categorised in the document as 'inappropriate conduct' towards Ms Mitchell, the Assistant Head at the time. The incident occurred in 2007 when Mr Steward was called to a meeting with Ms Mitchell which he recorded without asking her permission. When Ms Mitchell later discovered this, she requested a copy but Mr Steward refused. The Teaching Agency document implies that Mr Steward had drawn a comparison between the recording of his meeting with Ms Mitchell and the recording of the disciplinary hearing he was attending but the panel did not consider it 'comparable with the recording of formal proceedings' at The Teaching Agency.

The third set of charges related to inappropriate conduct towards pupils. Mr Steward was accused of reprimanding Pupil A in the foyer of the school, a public place, speaking to her with a 'very raised' voice and leaning over her with his 'head very close to hers'. Ms Mitchell came to the scene and found the child 'very upset and frightened' so she stood next to the pupil and instructed Mr Steward to return to the hall, even though she was 'intimidated, scared and quite shaky'. Mr Steward ignored the repeated request as he was 'oblivious' to anything else, his attention fully towards reprimanding the child. He told the panel that Ms Mitchell could have 'stood on her head and he would not have noticed'. The day after, Mr Steward was involved in another incident with a different student, Pupil B. Although the panel were unclear about the details of the incident, it appears that Mr Steward shouted loudly at the pupil, something 'he tried for effect'. He shouted louder when the child began 'giggling and smirking' which the panel suggested could as easily have been the nervous reaction of a child as defiance. During this incident, Mr Steward called the boy 'stupid' and this was not the only time that he had used inappropriate and derogatory terms for pupils: 'pests', 'idiots', 'fools', 'clowns' and 'buffoons' had all been used at various times during 2008. Worse still for the panel was the use of the term 'miscreant', considered so inappropriate that they provided a brief account of its definition and potential meanings. Finally, Mr Steward was 'unduly punitive' on one particular date when he gave detentions to children who, according to Mr Steward, were highly disruptive; according to Ms Mitchell, Mr Steward had written in the detention book that they had been fidgeting.

Given the evidence presented, the panel agreed that Mr Steward had ‘demonstrated misconduct of a serious nature which fell significantly short of the standard of behaviour expected of a teacher’. As a result, the panel issued a prohibition order that barred Mr Steward from teaching; in short, he was professionally excluded.

Discussion

The Teaching Agency disciplinary panels are primarily concerned with two issues: maintaining public trust in the teaching profession and regulating adherence to the professional standards for teachers. Here, then, their area of attention is with the first two influencing factors in the model of TMB explicated above: public trust and professional standards. Like the GTCE before it, The Teaching Agency works from the assumption that the general public trust teachers. Disciplining the ‘bad apples’ provides evidence to the public of the rigour of national-level regulation by weeding out those teachers who cannot conform. The analysis of the case of Mr Steward provides such an example. Here we find a teacher who had repeatedly behaved in a manner that would compromise public trust by acting aggressively towards pupils for what might be considered minor examples of disruption. Furthermore, public trust is at the heart of the second influencing factor in this model, that of professional standards. As far as the panel were concerned, Mr Steward displayed an inflexibility and inability to align with contemporary standards of teaching practice by his lack of differentiation and setting of appropriate learning outcomes as well as his lack of adherence to the QCA’s guidance on the National Curriculum. As internal behaviours, these particular charges may be interpreted as *interpersonal misbehaviour* in terms of inappropriate interaction with pupils and as *production misbehaviour* in terms of failing to align course planning with the QCA guidelines for effective curriculum delivery.

Yet, while The Teaching Agency appear to be concerned only with the first two influencing factors, the model of TMB employed in this paper attempts to extend our understanding of the phenomenon. The influencing factor of legality in this model primarily concerns teachers charged with criminal offences and, although the police were called in Mr Steward’s case, this factor is less relevant here. Of more relevance are the performativity and organisational factors that are at play.

The impact of performativity (and its impact upon organisational factors in this model) can be seen as a prime influencing factor in this case of TMB. Throughout the document, the presence of Ofsted looms large. Mr Steward was instructed to use the QCA’s planning materials to exhibit progress to Ofsted; his position as subject leader was in jeopardy because of concerns about specialist teaching in Ofsted inspections; Mr Steward was asked not to teach during the Ofsted inspection and instructed that the orchestra would not perform. Here, then, as well as the hearing providing evidence of TMB, we have evidence of the measures that schools will take to survive in a climate of performativity (Ball, 2003; Perryman, 2009). From this perspective, the actions of Mr Steward, rather than being seen as deviant, may be seen within a paradigm of resistance. If performativity is seen as de-professionalising the workforce via a process of proletarianisation (Osgood, 2006; Reid, 2003; Forrester, 2000), then some of the actions of Mr Steward may indeed be seen as resistance against this process. While refusing to use the QCA National Curriculum planning resources is interpreted by The Teaching Agency as intransigence, it can also be seen as a form of principled dissent (Graham, 1986), a means of reasserting professionalism in the face of the proletarianisation engendered by the imposition of a National Curriculum (Wood, 2004) and a reduction of professional autonomy in how to teach. This is not to suggest that Mr Steward is right and the

QCA are wrong; that analysis is beyond the scope of this paper. Instead, it is evidence that TMB may in fact be more akin to resistance, occupying the liminal position between the two paradigms (Ackroyd and Thompson, 1999).

A further example of the interplay between performativity and organisational influencing factors is found in the incident with the school orchestra. Initially instructed not to attend school then instructed not to teach during the Ofsted visit in an attempt to manipulate the inspection process, Mr Steward was, perhaps naturally, resentful – the instruction implied a question over his competence as a teacher. Again, perhaps as a means of resistance against the processes of performativity that were evident within the school, he arranged for the orchestra to play during assembly against orders and then played the piano in the hall all day. With The Teaching Agency acknowledging the confusion that may have been created by conflicting instructions from his line manager, Mr Steward's actions can be interpreted as 'making-out' (Goffman, 1971), the process of exploiting the loopholes within organisations (Noon and Blyton, 1997). As such, engaging the orchestra and playing the piano all day may be seen conservatively as 'subtle subversions' in Prasad and Prasad's (1998) categorisation of routine forms of resistance; at worst, they may be seen as acts of sabotage (Harris and Ogbonna, 2012) intended to embarrass his line manager in front of Ofsted as revenge (Jones, 2009) for perceived injustices. From this perspective, teacher misbehaviour may be seen as a product of the control-resistance dialectic (Mumby, 2005) rather than an act of deviance. Mr Steward's attempted recording of the meeting with Ms Mitchell may similarly be seen within the liminality of misbehaviour and resistance rather than a case of inappropriate conduct as suggested by The Teaching Agency and the senior managers at Kidwell School.

Of course, a more detailed understanding of the organisational context is impossible to accurately determine via documentary analysis of the Teaching Agency and press reports. Similarly, the summative nature of the evidence precludes a detailed examination of what motivated Mr Steward to misbehave. It does, however, present enough evidence to suggest alternative, more critical readings of the case: perhaps the fact that he was on a supply contract only while still acting as subject leader for music created feelings of resentment; perhaps the questioning of his use of detention suggested a lack of respect for his professional judgement that caused him to resist; perhaps the fact that the school were 'working towards not needing' him created a climate of mistrust and coloured the interaction between manager and employee to the level of perceived abusive supervision (Tepper et al., 2012); perhaps the use of safeguarding to explain Mr Steward's removal from the school premises without explanation was interpreted as manipulation – after all, The Teaching Agency document revealed that no safeguarding concerns were found in the subsequent investigation. From the limited nature of the document such issues must remain as possibilities yet, within this model of teacher misbehaviour, they also remain important considerations especially as organisational factors are argued to be a primary cause of misbehaviour (Litzky et al., 2006).

What must be emphasised is that the alternative reading of Mr Steward's case is not intended as a means of excusing misbehaviours. Shouting at young pupils and using derogatory terms is incompatible with contemporary standards of teaching and should attract disciplinary measures. Instead, this alternative reading provides a framework for examining teacher misbehaviour within its context, examining both internal and external influencing factors that impact upon the (mis)behaviour of individuals within organisations. Currently, national level regulation and disciplinary processes present TMB as the product of an individual only; contextual details are provided only as background to the incidents. Mr Steward testified that he was under stress and duress at the time of the incidents yet this was not considered

mitigation by the panel. Perhaps, given a consideration of the performative context revealed within the document, greater weight should have been placed upon the context of the misbehaviours rather than seeing them solely as decontextualised acts. As such, an alternative reading based on a model of TMB provides a means for those involved in the discipline of misbehaving teachers to de-personalise the situation and examine the contextual antecedents. It is also possible that the model has predictive value, allowing those working in schools to identify the contextual influences that can, in some cases, provide a proclivity to misbehave and/or resist.

Conclusion

If, as Vardi and Weitz (2004) argue, organisational misbehaviour is ‘unquestionably universal’, the misbehaviour of teachers should come as no surprise. Yet there is an expectation in society that teachers (and other professions such as doctors) should be somehow better, more trustworthy, more impeccably behaved than others. The majority of stories position teacher misbehaviour as individualised acts separated from the organisational, social and policy context. This paper, however, has sought to place teacher misbehaviour firmly within its context by using the example of a teacher disciplined by The Teaching Agency. It has highlighted the messy reality of TMB, behaviours that are influenced by a range of factors, in this case professionalism, public trust, performativity and the organisation. It has also highlighted the liminality of teacher misbehaviour, occupying the overlap between those actions that are misbehaviour and those that should more properly be seen as resistance. It is impossible to know for sure the precise intentions behind the misbehaviour of Mr Steward, even if he were to be interviewed. As Hammersley (2006) reminds us, intentions are not always clear even to actors as social action often operates the subconscious level. What is certain is that The Teaching Agency saw the case only in terms of individual (mis)behaviour and prohibited him from teaching. This paper does not seek to challenge that verdict; after all, the panel considered far more evidence than the summary provided. What it does do is provide an alternative reading that challenges the breadth of context that The Teaching Agency consider when making their verdict.

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