

Consultation Response



Draft Code of Professionalism and Conduct for Teachers November 2007

Introduction

Children in Scotland welcomes the opportunity to comment on the draft *Code of Professionalism and Conduct for Teachers*. It is important for teachers to have clear principles and values and for pupils and parents to be aware of the standard of conduct that they should expect from teachers. However, we believe that if the code is to be successful it needs to be firmer and clearer on matters such as additional support needs, parental involvement and participation. The code should be reinforced with references to current and recent policies and legislation such as the Education (Additional Support for Learning) (Scotland) Act 2004 and the Scottish Schools (Parental Involvement) Act 2006 and should make clear to teachers when certain conduct is not only recommended but expected of them by law.

Children and young people's participation

The United Nations Convention on the Rights of the Child (UNCRC) says that children's views must be considered and taken into account in all matters affecting them.¹ We note that the code states that teachers must treat pupils with respect. However, we believe that the code should explicitly state that teachers must listen and take account of pupils' views. This would be in accordance with the Standards in Scotland's Schools Act 2000 which states that 'an education authority shall have due regards, so far as is reasonably practicable, to the views (if there is a wish to express them) of the child or young person in decisions that significantly affect' them. The Act also requires schools to consult and involve pupils in school development plans and everyday matters relating to the running of the school.²

Children and young people value involvement in decision-making, especially regarding matters that are of vital interest and importance to them. The code states that teachers should ensure that learning tasks are 'devised to build confidence in and promote self-worth' in all their pupils. Allowing opportunities for pupils to participate in decision-making about issues that affect their own learning and their school is one way that teachers should be encouraged to promote this confidence building. *Northern lights*³ explains the culture of participation that is embedded in most learning institutions in Norway, where the relationship between pupil and teacher is more informal and relaxed than in Scotland, and where staff are encouraged to ask pupils what they feel about things, to involve pupils in planning, decision making and assessing their work part and where pupils free to challenge the teachers' views. The code should explicitly encourage teachers to support this kind of participation and decision-making.

We would also encourage the General Teaching Council to consult with children and

¹ *United Nations Convention on the Rights of the Child* (UNCRC), 1989

² Standards in Scotland's Schools etc Act 2000

³ *Northern lights: Building better childhoods in Norway*, Children in Scotland 2007

young people themselves about the code. Particularly the section on professional responsibilities towards pupils will be relevant and of interest to them and their views will be invaluable to the consultation process. Pupils spend a great deal of their time in schools with teachers and are well placed to comment on how teachers should treat them in class and what should be expected of them in return.

Children with additional support needs

We welcome that the code outlines the need for teachers to respond to the needs of pupils with additional support needs. However, we are disappointed that the code refers to 'special educational needs' when the term was replaced with the term 'additional support needs' in 2004 by the Education (Additional Support for Learning) (Scotland) Act. The Act makes it a requirement by law for education authorities to ensure that they provide any extra support that pupils need to enable them to reach their full potential. The code must refer teachers to this Act and make it clear to teachers that it is their duty to ensure the needs of pupils with additional support needs are met. Enquire, the Scottish advice and information service for additional support for learning, can advise teachers on the additional support for learning framework and rights and responsibilities within it.⁴

The code should also make teachers aware of the Education (Disability Strategies and Pupils' Educational Records) (Scotland) Act 2002 which requires local authorities to produce an accessibility strategy every three years to improve access to education for pupils with disabilities. *Access all Areas* looks at inclusion and accessibility as experienced by pupils in the Scottish Borders and includes children's views on what makes a school accessible including what makes a good teacher.⁵

Given the very important roles and responsibilities that teachers have in relation to additional support needs, we believe that it is important that it is included in teacher training. It would be useful if the code referred to the compulsory inclusion of additional support for learning and additional support needs in initial education for teachers.

Parental involvement

We welcome the fact that this code states the importance of parental involvement in children's learning and that it encourages teachers to work with and respect parents and guardians. However, we think that the code should highlight to teachers that education authorities have a duty to promote the involvement of parents in school education, as set out in the Scottish Schools (Parental Involvement) Act 2006. The code should encourage teachers to involve parents at an early stage and during the early years before identified problems develop into significant issues. For example, parental involvement is particularly important during transition between nursery and primary, and primary and secondary.

The code should also encourage teachers to give particular attention to the involvement of parents of children with additional support needs. Their needs may be different from other parents, and teachers should bear this in mind when involving them. It would be useful if teachers were encouraged to engage in parental support mechanisms such as supporting parental facilitators and engaging positively in mediation processes.

⁴ For more information, see www.enquire.org.uk

⁵ *Access all Areas: what children and young people think about accessibility, inclusion and additional support needs*, Children in Scotland 2007

In relation to parental involvement, the code should refer teachers to the Gender Equality Duty which calls for greater equality in the delivery of public services, including education services. As outlined in *Making the Gender Equality Duty real for children, young people and their fathers*⁶, this has real implications to how schools involve parents. It means that unless there is a specific legal or child protection reason for excluding a parent, schools and teachers must ensure that both parents, mother and father, biological or non-biological and resident or non-resident, are treated equally with regards to parental involvement in their child's learning. The non-resident parent with parental rights and responsibilities often finds it difficult to be involved in their child's life. The code should make clear to teachers that they should actively encourage both parents to be involved in their child's learning as research has found the involvement of fathers can help children's educational attainment and well-being.

Equalities

Teachers have an important role in tackling gender inequalities. Teachers can help to tackle gender inequalities between pupils themselves and also in relation to parents and parental involvement. The code should make teachers aware of the important role they can play in improving gender equalities in their school. For more information on equalities and on the Gender Equality Duty see Issue 13 of the Children in Europe magazine and the Children in Scotland publication, *Making the Gender Equality Duty real for children, young people and their fathers*.

Joined-up working and early intervention

Joined-up working is crucial to early intervention. Children spend a large proportion of their time in schools and their teachers, especially pre-school and primary teachers, are well placed to recognise early development problems, or social, mental or health problems. It is not only important for pre-school teachers to work with primary school teachers and primary teachers to work with secondary teachers, but for education to work with health, social work and the voluntary sector. References to key policy initiatives such as *Getting It Right For Every Child*⁷ and the Additional Support for Learning Act 2004 would be welcome additions to the code.

According to *Getting it Right for Every Child* all those working with children and young people must work together to meet the needs of the whole child. We welcome that the draft code recognises the need for teachers to cooperate with members of other relevant professions. However, we believe that the code should more explicitly explain to teachers the importance of joined-up working, in accordance with Scottish Government policy. It should be clearer in making teachers aware of the need to work with others within the education sector and with other sectors and agencies. Clear confidentiality procedures need to be in place to enable joined up working and information sharing at a local level that benefits the child at the same time as respecting their rights. This is particularly relevant in relation to sensitive issues such as sexual health where the rights and responsibilities of child, parent and teacher may overlap.

Child protection

We understand that any code of conduct for teachers must be explicit about appropriate

⁶ Children in Scotland, 2007

⁷ *Getting It Right For Every Child*, Scottish Executive 2005

teacher/pupil relationships for the purpose of child protection reasons. However, we think that the code should not encourage teachers to act in a way that discourages pupils from approaching them for help. Teachers have the potential to be a positive influence on pupils and to be a source of support and guidance during difficult times. It is important for pupils to feel that they can approach a teacher if they need help or want to talk about a personal matter and this may involve a pupil approaching a teacher in a room alone. Codes for sharing information need to be clear and available to pupils, parents and teachers. The draft code for teachers should give more focus to the positive influence that a good teacher/pupil relationship can have on children's lives.

Information sharing is key aspect of child protection. For information sharing to be successful, joined-up working is crucial. We welcome the recognition in the draft code for teachers of the need to share information about children and that personal information about pupils should only be disclosed when required to do so by employer or law. In light of recent work on the Code of Practice on information sharing for child protection reasons, we recommend that the code for teachers be clearer in its information and advice to teachers on the importance of this issue.

Clear codes and procedures need to be in place for sharing information and these need to be thought out very carefully. To ensure that children and young people are not discouraged from talking to teachers about personal information, they need to feel confident that the information they disclose will not be shared with others unless in exceptional circumstances. Teachers need to explain 'confidentiality' to pupils and explain that there are some situations where it will be necessary, for the immediate safety of the pupil, to break that confidentiality. However, there needs to be a careful balance between the rights of the child and the rights of the parent. Thought should also be given to whether this should be different for pupils with additional support needs. Any information disclosed by the child is owned by the child and the child's role in making decisions about when and if to share the information must be recognised. Clear policies must also be available on secondary information.

Workforce development

Children in Scotland would like to take the opportunity in responding to this consultation to comment on workforce development issues. The children's workforce in Scotland is changing. There is expectancy on the workforce to integrate and work together and this has implications for the teaching profession. We believe that there should be a joined-up approach to workforce training and professional development. Training periods for professionals should include a significant period spent in developing core skills in working with and nurturing children and young people.

In Sweden, there is a closer integration between pre-school staff, teachers and school-based pedagogues. We believe that the development of a Scottish pedagogue qualification for staff working in pre-school and school age childcare settings, residential care and alongside teachers in schools would be beneficial to schools and to teachers. Pedagogues, specialising in the upbringing of the whole child, would be trained at graduate or equivalent level and assistants trained at level three, and would be able to assist the teachers in meeting the needs of the whole child. Teachers themselves would benefit from receiving common grounding in pedagogical theory and practice. The pedagogue model is discussed further in the Children in Scotland publication, *Working for*

*the future.*⁸

Children in Scotland is Scotland's national agency for organisations and professionals working with and for children, young people and their families. It exists to identify and promote the interests of children and their families and to ensure that policies, services and other provisions are of the highest possible quality and are able to meet the needs of a diverse society.

Children in Scotland represents over 400 members, including all major voluntary, statutory and private children's agencies, professional organisations, as well as many other smaller community groups and children's services. It is linked with similar agencies in other parts of the UK and the European Union.

The work of Children in Scotland encompasses extensive information, policy, research and practice development programmes. The agency works closely with MSPs, the Scottish Executive, local authorities and practitioners. It also services a number of groups such as: the Cross Party Parliamentary Group on Children and Young People; the National Children's Voluntary Forum; and the National Early Years Forum. Children in Scotland also hosts Enquire, the national advice service for additional support for learning.

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⁸ Working for the future: re-imagining the children's sector workforce, Children in Scotland 2005