



Greenwich Academic Literature Archive (GALA) – the University of Greenwich open access repository <http://gala.gre.ac.uk>

Citation for published version:

Page, Damien (2013) The abolition of the General Teaching Council for England and the future of teacher discipline. *Journal of Education Policy*, 28 (2). pp. 231-246. ISSN 0268-0939

Publisher's version available at:

<http://dx.doi.org/10.1080/02680939.2012.711859>

Please note that where the full text version provided on GALA is not the final published version, the version made available will be the most up-to-date full-text (post-print) version as provided by the author(s). Where possible, or if citing, it is recommended that the publisher's (definitive) version be consulted to ensure any subsequent changes to the text are noted.

Citation for this version held on GALA:

Page, Damien (2013) The abolition of the General Teaching Council for England and the future of teacher discipline. London: Greenwich Academic Literature Archive.

Available at: <http://gala.gre.ac.uk/8837/>

Contact: gala@gre.ac.uk

The Abolition of the General Teaching Council for England and the Future of Teacher Discipline

Dr. Damien Page

**University of Greenwich, Avery Hill Campus, Mansion Site,
Bexley Road, Eltham, SE9 2PQ. D.page@gre.ac.uk**

This is an Author's Accepted Manuscript of an article published in The Journal of Education Policy (2012), copyright Taylor & Francis, available online at:

<http://www.tandfonline.com/doi/abs/10.1080/02680939.2012.711859>

The Abolition of the General Teaching Council for England and the Future of Teacher Discipline

Abstract

With the abolition of the General Teaching Council for England in the 2011 Education Act, this article considers the future of teacher discipline in England. It provides a critique of the changes to the regulation of teacher misconduct and incompetence that draws on a Foucauldian framework, especially concerning the issue of public displays of discipline and the concomitant movement to more hidden forms. In addition, the external context of accountability that accompanies the reforms to teacher discipline are considered including the perfection of the panoptic metaphor presented by the changes to Ofsted practices such as the introduction of zero-notice inspections. The article concludes that the reforms will further move teachers from being occupational professionals to being organizational professionals marking them apart from comparable professions in medicine and law.

Introduction

It is only through reforming education that we can allow every child the chance to take their full and equal share in citizenship, shaping their own destiny, and becoming masters of their own fate.

Michael Gove (Department for Education, 2010)

Since becoming elected in 2010, the Conservative-Liberal Democrat coalition government have positioned educational reform at the forefront of their actions. Accompanied by a discourse of social mobility and international competitiveness, the coalition began a major reform of the entire education sector from pre-school to higher education. In its approach to schools, the government has focused particularly on teaching beginning with the 2010 schools White Paper, 'The Importance of Teaching' in which the Secretary for Education set out his vision for reform. As well as announcing changes to curriculum, the New Schools system and funding, central to the document was the reform of teacher discipline and regulation: firstly, the disciplining of misconduct and incompetence was to be split with the new Teaching Agency considering cases of serious misconduct and the management of incompetence devolved to headteachers; secondly is the simplification of the procedures to tackle 'entrenched underperformance and unprofessional conduct' (Department for Education, 2010, p25) amongst teachers, enabling the headteachers to dismiss incompetent staff in a term; thirdly, the White Paper announced a review of the professional standards for teachers that governed conduct and practice; finally, the General Teaching for England (GTCE), the professional body for teachers that had policed the standards, was to be abolished by the 2011 Education Act. However, to balance the decentralisation of powers alluded to in the paper, there were also to be reforms to the systems of accountability: more information about providers being made public; revised performance tables; more community involvement in governance; and, most importantly, reform of Ofsted and the inspection process. As such, the White Paper and the 2011 Education Act herald an extensive reform to the way that teachers are regulated and disciplined that has significant implications for the status of teaching as a profession and for the wellbeing of teachers themselves.

This article adopts a Foucauldian perspective to examine the nature and implications of the reforms, considering teacher discipline as both a public spectacle and a panoptic means of producing ‘docile bodies’ (Foucault, 1991) through perpetual surveillance and the internalisation of discipline. It argues that, while the panoptic metaphor has been previously invoked in critiques of accountability in education, these contemporary reforms have produced more authentic panopticism than ever before. However, it begins with a discussion of the General Teaching Council for England, the independent professional body for the teaching profession that governed standards, conduct and discipline for just over a decade before its abolition.

The General Teaching Council for England

In 1997, the Labour Party issued a consultation paper, *Teaching: High Status, High Standards*, which set the foundations for the formation of the General Teaching Council for England (GTCE) whose aim was to give teachers ‘a clear professional voice, independent of government, but working with us to raise standards’ (DfEE, 1997). An aspiration of teachers for more than 150 years’ (Kirk, 2000), the GTCE was legislated for in the 1997 Teaching and Higher Education Bill. Beginning operation in 2000, the GTCE had three primary roles: firstly, it was responsible for awarding Qualified Teacher Status and holding a register of teachers; secondly, it advised government on policy matters pertaining to teachers; thirdly, it acted as the regulator for the teaching workforce by ‘setting out and maintaining standards for the teaching profession’ (GTCE, 2009b).

As the arbiter of professional standards in teaching, the GTCE was responsible for the discipline of teachers who had been accused (and usually dismissed by their employers or had left voluntarily) of misconduct or incompetence. Referrals to the council could come from the employing schools, from the police in cases of criminal charges and convictions, or from the public where it was deemed that ‘a teacher [had] behaved unacceptably or their teaching [was] seriously below standard’ (GTCE, 2009c). Once cases were referred, the GTCE conducted an investigation into the allegations and then, if the allegation was founded, they would convene a public hearing to review the evidence and to hear representations from the accused. These hearings were divided into two categories: firstly were competence hearings which largely concerned matters of poor pedagogical practice or administrative malpractice. Secondly were conduct hearings that considered forms of professional misbehaviour that breached the code of conduct established and policed by the GTCE.

If teachers were found guilty at these hearings, the council was empowered to issue four types of ‘disciplinary order’ depending upon the seriousness of the case. At the lesser end of the disciplinary spectrum were reprimands, official ticking-off that remained on a teachers’ registration record for two years. Next were conditional registration orders that imposed compulsory actions such as attending targeted training courses or counselling sessions. Penultimately were suspension orders that removed registration rights from teachers for up to two years. Finally, the most serious sanction of all was the prohibition order that removed a teacher’s eligibility to register from two years to an unlimited period. Once judgements were reached, the details of each case, including the charge, the name of the teacher and the school which had employed them, brief details of the case and the decision of the panel were published on the GTCE’s website for a period of three months. Publishing details was deemed to be in the ‘public interest’ (GTCE, 2009d), enshrining the right of parents to

know who been found guilty of misconduct. In addition, the records could be used by headteachers when recruiting new staff.

In its operation of disciplinary procedures, the GTCE was much like any other professional body such as the Nursing and Midwifery Council or the Solicitor's Regulation Authority, which also conduct public hearings and publish details of the cases on their websites. It is argued that the purpose is to provide transparency to the disciplinary process, to provide the public with evidence of the effectiveness of professional self-regulation. However, as well as maintaining public trust in professions, such public displays can be seen from a more critical perspective as a demonstration of power.

Foucault is often invoked in terms of panopticism, the metaphorical rendering of Bentham's late eighteenth century prison design where 'inspection functions ceaselessly' and power is 'continuous and anonymous' (Shore and Roberts, 1993, p5). In the Panopticon, inmates were retained in individualised cells that eliminated interaction – unable to be certain when the all-seeing guard tower was occupied, discipline became internalised with inmates acting as though they were being watched at all times. However, the publishing of teacher disciplinary cases recalls earlier stages of punishment discussed in 'Discipline and Punish' (1991), pre-penal strategies of discipline that relied on public floggings and executions. Here, then, in the public display of disciplined teachers is the spectre of the scaffold, the 'ceremony of punishment' that 'did not re-establish justice; [but] reactivated power' (Foucault, 1991, p 49), warning others teachers of the perils of incompetence or misconduct, 'arousing feelings of terror by the spectacle of power letting its anger fall upon the guilty person', (ibid, p58). In this regard, the GTCE provided a stark contrast to the panopticism embedded within the education system: classroom observations (Ball, 2003), performance management procedures (Avis, 2003), reflective practice (Clegg, 1999), self-evaluation (Wilkins and Wood, 2009), adherence to educational policy (Goldstein, 2004). In the GTCE era then, panoptic discipline was for those teachers who were 'good' and, under intense accountability and surveillance, had internalised discipline; for those who were 'bad', either bad teachers or bad public servants, the pre-penal metaphor of public displays of discipline was enacted. Public discipline was not for the 'docile bodies' to use Foucault's term, it was for the non-docile, the indolent, the incompetent, the teacher that crossed professional boundaries, who engaged in inappropriate relationships with students or who used school computers to access pornography.

But while public discipline for Foucault was a demonstration of the power of the monarch, the public discipline of teachers was not. As a purported independent body, the GTCE was not enforcing discipline on behalf of the state, its enforcement was on behalf of the profession, a disembodied notion of docility that served, above all, public trust through its power to execute punitive measures. From this perspective, rather than teacher misbehaviour being an attack against the body of the state, it was an attack against the professional body of teachers.

Foucault argues that in the eighteenth century, it was only when the public, the spectators at public discipline, began to object to the practice that exhibitional discipline began to be withdrawn. The case of teacher discipline is analogous. It was argued by the teaching unions that teachers had little support for the body with the

General Secretary of the NASUWT suggesting that ‘if the GTCE was abolished tomorrow, few would notice and even less would care’ (Shepherd, 2010). A statement from the National Union of Teachers (2010) went further:

Under the GTCE, teachers now feel over-scrutinised. Last year's 'code of conduct' was a worrying development, encompassing activities and behaviour outside of work. It sought to turn aspirations for best practice into rules. Any replacement for the GTCE needs to distance itself from the belief that a watchdog can also reserve the right to make intrusive judgments on teachers' personal lives.

The British Media also supported the abolition of the GTCE but for very different reasons: ‘What DOES it take to get a teacher fired?’ asked the Daily Mail (2011) while The Telegraph (Paton, 2011) bemoaned that only 17 teachers had been ‘struck off’ in the last decade. For certain sections of the press, the GTCE was not firm enough and far too many misbehaving or incompetent teachers were let off and allowed to remain on the register of teachers.

In the rhetoric accompanying the proposed changes to the regulation of teachers which accompanied the end of the GTCE, the government’s primary focus was on teacher incompetence rather than misbehaviour. Referrals to the GTCE had consistently included a far higher proportion of misconduct accusations than incompetence (671 as opposed to 23 in 2010-11 (GTCE, 2011a)) and rarely were incompetent teachers removed from the register. As such, the role of the GTCE in managing incompetence was seen to be limited and the government was certain that teacher incompetence was the most significant factor in pupil underachievement, citing a range of studies: the Sutton Trust (2011) who claimed that pupils advanced 40% in their learning when taught by a very effective teacher; Ofsted’s 2010-11 annual report (2011) that suggested that there was still too much satisfactory and too little outstanding teaching; the McKinsey Report (Barber and Mourshed, 2007) that claimed effective teachers were the single most important element of a child’s development; Slater et al. (2009) who also placed teacher effectiveness at the heart of pupil achievement. In addition, the government drew on international cases of ‘world class’ and ‘high performing’ systems of education in a mix-and-match comparison that was both tenuous and selective (Morris, 2012). The conclusion was that the GTCE had failed to sufficiently regulate the teaching profession and was no solution to the persistence of incompetence.

And so ended the GTCE in March 2012, in operation for just over a decade, formally abolished by the Education Act 2011. Whereas before both teacher misconduct and incompetence were regulated by the one body, post-GTCE regulation is to be split: cases of misconduct will be managed by the new Teaching Agency on behalf of the Secretary of State while the management of incompetence is to be fully devolved to individual schools without national-level regulation. However, there is an issue in making misconduct and incompetence two distinct categories with two distinct means of discipline. As Mortimer (2011) suggests of the GTCE’s work, ‘incompetence and misconduct were very hard to distinguish: there was often a chain or web of events involving a combination of personal, professional, health and other issues that led up to the referral’. [Name withheld for the purposes of anonymity] supports this view in his analysis of GTCE disciplinary orders where many of the hearings concerned cases

that involved accusations of misconduct and incompetence. The rest of this article will therefore consider the likely impact of these now separate strands.

Teacher Misconduct

Under the GTCE, teachers were regulated by two sets of standards: the Professional Standards that concerned competence and the Code of Conduct that concerned professional behaviours intended to ‘guide teachers’ everyday judgements and actions’ (GTCE, 2009). As such, rather than focusing on pedagogical effectiveness, the Code sought to regulate the professional and ethical dimensions of teaching including responsibilities and relationships with pupils and elements of organisational citizenship (see for example Bogler and Somech, 2004) as employees. The Code was articulated within eight principles:

Registered teachers:

1. Put the wellbeing, development and progress of children and young people first
2. Take responsibility for maintaining the quality of their teaching practice
3. Help children and young people to become confident and successful learners
4. Demonstrate respect for diversity and promote equality
5. Strive to establish productive partnerships with parents and carers
6. Work as part of a whole-school team
7. Co-operate with other professional colleagues
8. Demonstrate honesty and integrity and uphold public trust and confidence in the teaching profession (GTCE, 2009a, p5).

Given that the majority of cases referred to the GTCE concerned misconduct, the Code of Practice was the central document in the professional discipline of teachers. The Education Act 2011, however, abolished the Code and integrated the competence and conduct standards within a unified framework (Department for Education, 2011). In these new standards, the emphasis on competence is again clear with the section on ‘personal and professional conduct’ barely exceeding the summary of the GTCE’s Code of Conduct. Still present is the emphasis on professional boundaries, the safeguarding of pupils’ wellbeing and adherence to school policies and procedures. In addition, there is a new emphasis on ‘not undermining fundamental British values’ and ‘ensuring personal beliefs are not expressed in ways which exploit pupils’ vulnerability or might lead them to break the law’ (Department for Education, 2011, p12). Finally, far more explicit in the new regulation is the fact that teachers are held accountable to ethical and behavioural standards both inside and outside of school.

Where regulation of the professional standards was formally the preserve of the GTCE, an independent professional body, now teacher discipline will be managed by the Teaching Agency on behalf of the Secretary of State who is now both the maker of policy and the arbiter of disciplinary decisions. The proceedings of the conduct panel remain the same: the accused teacher is entitled to provide evidence to support their case, to be represented by a legal advisor and to call witnesses as required. The panel itself consists of both teachers and lay persons and is assisted by their own legal advisor and a ‘presenting officer’ from the Teaching Agency. However, there is one major difference: while the Teaching Agency has been situated within a context of ‘arm’s length body reform’ and the wish of the coalition government to devolve

power from centralised control, what is not highlighted is that the replacement for the GTCE now has less power than its predecessor. Formerly, judgements on accused teachers were made solely by the GTCE investigative panel, an occupational body – now the panel can only make recommendations to the Secretary of State for Education who makes the final decision as stated in The Teachers’ Disciplinary (England) Regulations 2012 (Department for Education, 2012a); teachers who are issued with a prohibition order can make an appeal to the High Court within 28 days. As such, under the reforms ‘teaching would cede responsibility for its fundamental principles, professional and ethical frameworks to the Secretary of State’ (GTCE, 2011b). Here, then, is where the 2011 Education Act moves teaching further from the conception of ‘pure’ professionalism (Noordegraaf, 2007), separating teaching from other professions such as medicine and law who retain the autonomy to regulate themselves. As such, the reforms to teacher regulation may be further evidence of the move from ‘idealistic’ interpretations of professionalism (Gewirtz et al., 2009) to a more contested discourse of power and control. Under the GTCE, regulation was founded and justified upon notions of public trust, a key element of the traditional view of professionalism: the GTCE was supposedly trusted by the public to uphold the professional standards of the workforce so that teachers themselves could be trusted. Here, to use Evetts (2009) term, teacher regulation was ensconced within an occupational professionalism of ‘collegial authority’ with controls ‘operationalized by practitioners themselves who are guided by codes of professional ethics which are monitored by professional institutes and associations’ (pp23-24). From this point of view, teaching was analogous with medicine and the law. Of course, such idealistic notions of professionalism have largely been replaced in the academic literature by plural conceptions of what it means to be professional (Evans 2008; Gewirtz et al, 2007)), especially those accounts that highlight the issues of power and control within the professionalism agenda such as Ozga (1995) who presents professionalism as a means of occupational control of teachers; Noordegraaf (2007) who highlights the move from professionalism as ‘controlled content’ to a focus on the ‘content of control’; Evetts (2003) and the dichotomy of normative and ideological control within notions of professionalism. As such, the reforms highlight the move for teaching from occupational professionalism to organizational professionalism (Evetts, 2009) that relies on externalized forms of regulation and accountability measures: the final judgement on cases of teacher misconduct rest with the Secretary of State with teachers on the conduct panel only offering their recommendations.

Of further concern is the removal of the GTCE’s range of disciplinary orders. The government has made it clear that the Teaching Agency will only hear cases of serious misconduct rather than accepting referrals for a continuum of misconduct cases. While the GTCE could issue orders ranging in severity from reprimands to prohibition, under the new reforms the Teaching Agency will have only one binary decision: to find referrals unfounded or to issue a prohibition order. Drawing on the Foucauldian metaphor, the public discipline of teachers will only be execution rather than flogging for offences that critically damage the public trust that teachers are bound to uphold. Furthermore, given the sole sanction of prohibition, the sections of the media that clamoured for toughness can be satisfied with the production of statistics that highlight the harshness of state regulation of teachers. After all, if only cases of serious misconduct are referred, the likelihood of acquitting teachers is unlikely. However, the question necessarily arises of what constitutes ‘serious’ misconduct and is exacerbated by a change regarding the responsibility of

headteachers. Under the previous regulations, headteachers were obliged to refer all cases of dismissed teachers to the GTCE: wherever a teacher was dismissed for misconduct or incompetence or resigned before such action could be taken, headteachers had to involve the professional body and the holder of the register of teachers. Under the new reforms, headteachers now have a ‘statutory duty to consider whether to refer the case to the Secretary of State’ (DfE, 2011; *italics added*). Here then, even before a public hearing, headteachers must decide whether the case is serious enough to warrant referral. Given the difficulty of managing teacher discipline internally (Yariv and Coleman, 2005) and the emotional demands of the process on all concerned, the likelihood of a headteacher being willing to further prolong the action is questionable. Schools heads will ‘find themselves caught between a rock and a hard place with their impartiality open to doubt, regardless of the action they take’ (Mortimer, 2011).

In an analysis of 300 disciplinary orders issued by the GTCE, [name withheld for anonymity] found that few of the cases constituted ‘serious misconduct’. At the most serious end (and the most common form of misconduct in the sample) were ‘inappropriate interactions with pupils’ which ranged from sexually-motivated communication to interacting with pupils via social networking websites. While the former is undoubtedly serious misconduct, what of the latter? Having pupils as your ‘Facebook friends’ crosses professional boundaries but is it serious enough to warrant a prohibition order? Then there were other cases of misconduct referred to the disciplinary panel whose referral was questionable: a teacher who failed to follow the staff absence recording procedures properly; a teacher who encouraged her pupils to produce ‘get well’ cards for a prisoner. The fact is that without an independent body for teachers, such interpretations are removed from the professional paradigm and become a function of state determination rather than professional judgement informed by experiential and contextual understanding – while the panel that considers cases includes teachers, the final decision is made by the Secretary of State. Furthermore, the GTCE retained a continuum of disciplinary orders to reflect the continuum of misconduct. The most serious cases attracted a prohibition order; the less serious cases could be given a reprimand. With only one binary decision – acquittal or prohibition – external, nationalised discipline becomes a blunt instrument to provide skewed statistics to evidence rigour and severity in an attempt to uphold public trust and promulgate the image of a government that is decisive in tackling problem teachers. Here, using the pre-penal metaphor of public discipline, we see the manipulation of the audience, the crowd at executions. As Foucault argues, the role of the crowd was ambiguous: sometimes criminals had to be protected from the baying crowd, while sometimes the crowd tried to free prisoners, especially when the punishment was considered either unjust or disproportionate. Under the reforms, with only the most serious cases of misconduct heard and punished publically, the extent to which the public (or other teachers) would object to prohibition orders is diminished.

What is difficult to predict is the reaction of headteachers to the reform of teacher misconduct hearings. With only acquittal or prohibition on offer, headteachers may be reluctant to refer cases to the new Teaching Agency, especially in cases at the less serious end of the spectrum. More likely, misconduct will become managed only internally, with teachers disciplined as employees rather than within a professional paradigm of independent regulation. As such, with discipline internalised, issues of organisational justice inevitably arise.

Teacher Incompetence

The end of the GTCE also marked the end of national regulation of teacher competence with the new Teaching Agency only investigating serious misconduct; from September 2012, the management of incompetence will be solely internal to employing schools (Department for Education, 2012b). Whereas previously incompetence hearings would be public affairs, the reforms give increased powers to heads to tackle 'weak' teachers: firstly, is the creation of 'simpler, less prescriptive appraisal regulations' (ibid); secondly, while previously heads were only allowed to observe teaching practice for three hours, now teachers will be subject to unlimited observations; thirdly, all teachers will be assessed yearly against the new teaching standards; fourthly, poorly performing teachers can be removed in a term rather than the previous process which could take a year or more; finally, the practice of providing satisfactory references for underperforming teachers in return for their resignation is to be ended with heads forced to provide details of incompetence to the next employing school.

Such reforms move teaching even further away from comparable professions. Other professional bodies, as part of self-regulation, hold public hearings for accusations of incompetence, especially in the medical profession; in these areas, serious incompetence can result in being struck off the register of professionals. Under the new reforms the performance of teachers is not a matter of occupational regulation – they are not held to account by an independent body of peers. Instead, within a paradigm of organizational rather than occupational professionalism (Evetts, 2009), teachers become only employees subject to the generic 'millstone' of performance management (Forrester, 2011). As such, teachers are equated with any other worker, one whose primary function is efficiency of production (Mather and Seifert, 2011). What is significant in the discourse of these reforms is that performance management is seen only as a means of weeding out the classroom incompetent, the teacher who does not measure up against the centrally designed teaching standards; the personal and professional development that should be at the heart of performance management is rarely mentioned which limits the potential for a movement from 'demanded' to 'enacted' professionalism (Evans, 2008). The yearly assessment of teachers against the standards is not presented as a means of identifying areas of professional development; rather they are presented punitively, a means of identifying the bad apples in the teaching barrel. The emphasis is not on supporting and developing struggling teachers but on removing them. Such a perspective further shapes the notion of teacher professionalism, focusing on what teachers do rather than the behavioural, attitudinal and intellectual aspects of teacher professionalism (Evans, 2011).

From a Foucauldian perspective, the elimination of public discipline for incompetence can be equated with the reforms of the eighteenth century with death sentences only for those convicted of murder; tortures that 'revolt humanity' were to be eliminated for lesser crimes (Foucault, 1991, p73). Serious misconduct will attract public displays of discipline; discipline for incompetence becomes hidden from the public gaze and enters the penal metaphor instead.

Yet managing incompetence internally is problematic with many heads reluctant to formally tackle poor performance (Wragg et al., 1999) and preferring to offer supportive rather than punitive measures (Yariv and Coleman, 2005). In Wragg et al.'s (1999) study, teachers who had been accused of incompetence cited issues of bullying and victimisation, racial discrimination, clashes of philosophy and the need to make staffing cuts as drivers of the accusations. Research for the GTCE itself (Morrell et al., 2010) identified a range of issues including inconsistencies in the ways schools and local authorities manage performance and a conflation of support and capability measures. Such concerns over the misuse of stricter capability procedures were also echoed by the National Union of Teachers, describing the reforms as a 'bully's charter' (Harrison, 2012). With internal management of competence, the potential for abuse is a serious concern, especially when the reforms offer no counterpoint in terms of performance management as a means of developing teachers. While incompetent teachers may be dismissed within a term, no guidance is proffered concerning how long struggling teachers will be given to improve. Under the GTCE, cases of incompetence rarely resulted in prohibition orders (a primary reason, perhaps, why it was abolished). Instead, judgements made by the professional hearing panel would impose conditions such as having to attend specific training programmes or development opportunities. As such, the connection between professionalism and professional development (Evans, 2011) was heightened. Under the reforms, there is no guarantee that such a bespoke approach to incompetence will be adopted.

The question of the interpretation of incompetence is also an issue. Wragg et al. (1999) found that both heads and teachers accused of incompetence cited a number of forms that, perhaps, are not incompetence at all. A 'low expectation of pupils' was found to be the most common indicator of incompetence by headteachers which is, perhaps, a straightforward example. However, what of indicators such as 'failure to adhere to school policies' or 'relationships with teacher colleagues' which were also cited? From a wider sociological point of view, these categorisations can perhaps be more appropriately considered organisational misbehaviour (Vardi and Weitz, 2004; Ackroyd and Thompson, 1999) and therefore more closely aligned to misconduct. From a more critical perspective, such behaviours could also be interpreted within the dialectic of control and resistance (Mumby, 2005): failure to follow policies could well be an example of routine resistance (Scott, 1985; Collinson, 1988; Prasad and Prasad, 1998; Fleming and Sewell, 2002) in a managerialist workplace. The point is that under the reforms such issues will be in the hands of headteachers rather than considered by an independent panel of peers. Issues of control and subordination would therefore be exacerbated by the hidden nature of the discipline. A further related issue is that the disciplining of incompetence could itself become a tool of subordination and the potential for incompetence discipline to be abused by managers within schools should not be underestimated.

There is, however, one further complicating factor in the incompetence reforms. Under the new procedures, 'incompetent' teachers can be sacked within a term as opposed to the previous procedure that often took well over a year. While this may be considered a 'bully's charter' by the unions and, as is argued above, may also be seen as a mechanism of subordination, a report commissioned by the Sutton Trust (Lewis and Pyle, 2010) suggests that teachers are supportive of sacking underperforming colleagues more easily. 52% of teachers (73% of school leaders) agreed or strongly agreed that 'there was not enough freedom for schools to dismiss poorly performing

teachers; less than 21% did not agree. From a critical perspective, such findings may be indicative of the colonisation of teachers' subjectivity (Knights and McCabe, 2000) in the production of 'corporate clones' (Covaleski et al., 1998). Alternatively, the findings may be further evidence of the panopticism embedded within the education sector whereby discipline becomes internalised. Finally, it may also be evidence of the individualising effect of performativity that has eroded any sense of solidarity (Ball, 2003) and potential for collective resistance. Even if we interpret such findings as the frustration of 'competent' teachers who have to work alongside their incompetent peers, it is perhaps disheartening that the blame is located in the body of the 'incompetent' rather than directed at management cultures that have failed in supporting struggling teachers.

External Accountability

Hoggett (1996) argues that the move to a post-bureaucratic form of organisation in the UK public services was accompanied by 'the creation of operationally decentralized units with a simultaneous attempt to increase centralised control over strategy and policy' (p9) – in other words, the more central government appear to devolve responsibility to organisations, the more they also attempt to exert other forms of control. Certainly, the 2011 Education Act gives more responsibility to schools in managing the (minor) misconduct and incompetence of teachers. But the processes of central control in a context of devolvement of power does not reside solely in the execution of formalised teacher discipline – the reforms to the discipline of teachers have also been accompanied by changes to the external accountability of schools that were not mandated for in the Act. Here, then, we find the centralising strategies that contain the devolution of discipline. Most importantly, we find changes to Ofsted, the body responsible for inspecting schools and the organisation that exerts unofficial discipline over the teaching profession.

According to Ofsted's new Chief Inspector, Sir Michael Wilshaw, 'we have tolerated mediocrity for too long – it has settled into the system' (Wilshaw, 2012): one in seven adults lack sufficient literacy skills; one in five young people under 24 are unemployed; 250,000 children do not achieve five A*-C grades at GCSE; the gap between educational outcomes for the richest and poorest children is not closing. Mediocrity in education, he argues, is the cause.

The solution for Ofsted begins semantically by 'doing away with the word 'satisfactory'' (ibid) to be replaced with the new judgement of 'requires improvement'. Such a measure, he argues, will drive up standards so that all schools become 'good' or better. If a school fails to become 'good' after two inspections, it will be placed in special measures. The semantics continue by re-defining the delineation of 'outstanding' – from now on, a school is unable to achieve this standard if it does not also achieve the top grade for teaching. However, the centralising reforms are not merely concerned with the definition of standards and semantic matters. At the heart is a refined approach to discipline.

In the first section of this article I argued that a pre-penal metaphor of public displays of discipline, the spectacle of the scaffold, could be used to examine the role of the GTCE and its replacement body, the Teaching Agency, in its role of trying teachers for serious misconduct. In the devolvement of incompetence discipline to schools, the post-public discipline metaphor equally functions and describes how discipline

becomes hidden. The culmination of discipline and punishment according to Foucault is the Panopticon, the process of surveillance and the internalisation of discipline. Although some scholars argue that the panoptic metaphor has been over-used (Ball and Wilson, 2000; Taylor and Bain, 2003; Thompson, 2003), it remains a useful concept to investigate processes of power and control in the education sector (e.g. Selwyn, 2000; Bushnell, 2003; Piro, 2008). Most often when panopticism is invoked within educational analyses, it is in response to inspections and the observation of teaching sessions and, as Her Majesty's inspectorate, Ofsted itself.

Perryman (2006) positions the school inspection at the centre of contemporary educational accountability with Ofsted 'an important part of the disciplinary regime in education' (p147). In this context, teachers work under the fear of inspection and surveillance which renders them docile as they internalise the panoptic gaze and become self-disciplining. But the extent of panopticism that can be attributed to previous Ofsted inspection regimes is debatable. True, they were the most visible means of official surveillance and their judgement can be seen as the most severe form of discipline. However, in the past Ofsted gave significant notice of when they would be inspecting. Schools would then have a specified period (at one time three months; later this was reduced) to prepare for their arrival, to collect vast libraries of data, assessment result evidence and case studies. Teachers could be prepared, lesson plans and schemes of work standardised according to the new version of best practice. But what schools were preparing was not necessarily an authentic version of their school – as Ball (2003) argues, what was produced was 'a spectacle, or game-playing, or cynical compliance' (p222). Some schools allegedly went even further, resorting to drafting in outstanding teachers from other schools for the duration of inspection; poorly performing teachers being told to call in sick; disruptive pupils sent on a trip to Alton Towers to avoid being observed by inspectors (Paton, 2012). For Foucault (1978, p95) 'where there is power, there is resistance' and here, in a culture of performativity, we see examples of resistance against the panoptic in education, examples of 'making out' (Noon and Blyton, 1997), finding loopholes and ways to manipulate official mechanisms of control; in short, the gaming strategies that accompany inspections (de Wolf and Janssens, 2007). As such, previous Ofsted inspections should perhaps be seen as an approximation of the panopticon, a strategy of surveillance and discipline that could be anticipated and managed. The concept of notice of inspection problematizes the extent to which Ofsted can be considered panoptic; after all, in Bentham's penal architecture prisoners were not given notice of when guards were likely to be in their central tower – panopticism relied on inmates not knowing when they were likely to be observed. However, the reforms to the inspection process that accompany the reforms of the discipline of teachers change this and fashion Ofsted more panoptically than ever before.

In his 'High expectations, no excuses' speech (Wilshaw, 2012), the Chief Inspector of Ofsted announced that from September 2012 inspections will be almost unannounced – schools will only receive notice the afternoon before Ofsted arrives; the aim is to 'see schools as they really are' (ibid). As a result, 'inspectors can move straight into the classroom, within moments of arriving at the school'. Such a strategy will, he argued, 'remove a great deal of anxiety from the system'. Almost zero-notice inspections, as anticipated by Perryman (2009), will mean that schools 'will need to be in a state of constant readiness' (p627). In short, teachers will need to perform, both in a dramaturgical and competence sense, constantly. There can be no such thing

as an ‘off day’, no room for things going wrong. To maintain this readiness, surveillance will be even more internalised (Perryman, 2009) and it is in this sense that these reforms can be seen as more authentically panoptic. It is also here where we may discover connections between the internalised management of incompetence and the reforms to the inspection process. The only way a head can ensure teachers are constantly ready for Ofsted is to mirror the process and ensure teachers are constantly ready for internal inspections as well. The reforms to teacher discipline, fortuitously, have removed the three hour observation limit that was placed upon headteachers who can now observe their staff as often as they like. With poorly performing teachers able to be sacked within a term, headteachers will also be able to remove any teachers they may be concerned about far more quickly in preparation for their next Ofsted inspection.

But the new panopticism does not just reside in Ofsted inspections and internal discipline. The reforms also include the involvement of parents in the surveillance of schools. ‘Parent View’ (<http://parentview.ofsted.gov.uk>) is an online survey facility launched by Ofsted in October 2011 which gives parents an opportunity to report their perceptions and observations of their child’s school. For each school, parents are presented with a Likert scale rating against 12 measures including ‘my child is happy at this school’, ‘my child is taught well at this school’ and ‘this school is well led and managed’. The results for any school that has received a sufficient number of ratings are then displayed on the site in table form. But the involvement of parents in the surveillance of schools may not end with the Parent View Ofsted website. In an interview with the Daily Mail in January 2012 (Chapman, 2012), the Education Secretary suggested that parents may also become involved in the observation of teaching. Citing the ‘Far East’ as an example, Gove suggested that the classroom could become an ‘open place’ with ‘sensible numbers’ of parents allowed in to watch how their child is being taught. Such an action would, again, strengthen the extent of panopticism within schools positioning teachers within a ‘glass cage’ with transparency, ‘the public’s right to know’ being ‘elevated to a supreme value’ (Gabriel, 2008, p312); in addition, in a culture of market competitiveness, teachers also become ‘part of the organizational brand on show’ (ibid. p313).

Here, then, we see the effect of simultaneous decentralisation and centralisation in the reform of teacher discipline: the management of incompetence is devolved to schools but the rigour of the panoptic is increased. Heads can manage incompetence but, in a simultaneous show of distrust, their effectiveness at this task can be inspected at any moment without hardly any notice. Rather than removing anxiety as Wilshaw claims, it is likely that such reforms will normalise anxiety.

Conclusion

To perpetuate the Foucauldian metaphor, teacher discipline is at the intersection of two primary forms, the public display and the panoptic. Following the example of the GTCE, those accused of serious misconduct will be subject to public hearings and the publication of the details of the case, including the pronouncement of a prohibition order banning them from the profession. At the other end of the continuum, the management of incompetence will now be hidden, managed solely internally beyond the gaze of the public. Both strands of discipline, however, are positioned within an increasingly authentic panopticon of semantic shifts away from tolerance of ‘satisfactory’ practice and the maintenance of perpetual preparedness enforced by

almost zero-notice inspections. The result, the individual internalisation of discipline, is anticipated by the government and Ofsted to drive up standards, to ensure no pupil receives anything less than 'good' or 'outstanding' teaching. However, the effect of the reform of teacher discipline is difficult to predict. Increased managerialism and increased stress and burnout of teachers seem inevitable with headteachers attempting to ensure a state of constant readiness and teachers similarly attempting to ensure every government-mandated policy, curriculum and pedagogical shift is demonstrable within their classrooms.

The result of the reforms will be to further move teachers from traditional notions of professionalism enjoyed by comparable areas such as medicine and the law which still retain an independent regulatory body. In terms of regulation and discipline at least, teachers have moved from occupational professionalism to organizational professionalism (Evetts, 2009), from a position of independent autonomy to one of external control: by the state in relation to misconduct and by the employing school in relation to incompetence. From this position, teachers are caught between the insubstantiality of prescribed professionalism and the enacted professionalism (Evans, 2008) of internal discipline containing the subordinating mechanisms of performativity and managerialism.

References

- Ackroyd, S. & Thompson, P. 1999. *Organizational Misbehaviour*. London: Sage
- Avis, J. 2003. Re-thinking trust in a performative culture: the case of education. *Journal of Education Policy* 18, no.3: 315-332
- Ball, S. 2003. The teacher's soul and the terrors of performativity. *Journal of Education Policy* 18, no. 2: 215-228
- Ball, K. and Wilson, D. C. 2000. Power, control and computer-based performance monitoring: repertoires, resistance and subjectivities. *Organization Studies* 21, no. 3: 539-565
- Barber M & Mourshed M. 2007. *How the world's best-performing school systems come out on top*. London: McKinsey & Company
- Bogler, R. and Somech, A. 2004. Influence of teacher empowerment on teachers' organizational commitment, professional commitment and organizational citizenship behavior in schools. *Teaching and Teacher Education* 20, no. 3: 277-289
- Bushnell, M. 2003. Teachers in the schoolhouse panopticon: complicity and resistance. *Education and Urban Society* 35, no. 3:251-272
- Chapman, J. 2012. Bad teachers should be sacked 'in weeks': Gove wants parents in classrooms to help drive up standards. *Daily Mail*. January 13th.
<http://www.dailymail.co.uk/news/article-2085941/Michael-Gove-wants-parents-classrooms-help-drive-standards.html>
- Clegg, S. 1999. Professional education, reflective practice and feminism. *International Journal of Inclusive Education* 3, no. 2: 167-179
- Collinson, D. 1988. Engineering humour: masculinity, joking and conflict in shop-floor relations. *Organization Studies* 9, no. 2: 181-199
- Covaleski, M. A., Dirsmith, M. W., Heian, J. B. and Samuel, S. 1998. The calculated and the avowed: techniques of discipline and struggles over identity in big six public accounting firms. *Administrative Science Quarterly* 43: 293-327
- Daily Mail 2011. What DOES it take to get a teacher fired? Part-time stripper and

- porn star is told he can return to the classroom. Daily Mail. September 1st.
<http://www.dailymail.co.uk/news/article-2032198/Benedict-Garrett-aka-porn-star-Johnny-Anglais-CAN-carry-teaching.html#ixzz1lyhuQ0vz>
- de Wolf, I. and Janssens, F. 2007. Effects and side effects of inspections and accountability in education: an overview of empirical studies. *Oxford Review of Education* 33, no. 3: 379-396
- Department for Education and Employment. 1997. Teaching: High Status, High Standards: General Teaching Council. Consultation document. London: DfE
- Department for Education. 2010. The Importance of Teaching. White Paper.
<https://www.education.gov.uk/publications/eOrderingDownload/CM-7980.pdf>
- Department for Education. 2011. *First report of the independent review of teachers' standards*.
<http://media.education.gov.uk/assets/files/pdf/r/first%20report%20-%2012%20july%202011.pdf>
- Department for Education. 2011. Proposed changes to the teacher disciplinary and induction regulations following the abolition of the General Teaching Council for England. Consultation paper, London: DfE
- Department for Education. 2012a. *The Teachers' Disciplinary (England) Regulations* 2012. Statutory Instruments No. 560. Available at:
<http://media.education.gov.uk/assets/files/pdf/t/the%20teachers%20disciplinary%20england%20regulations%202012.pdf>
- Department for Education. 2012b. Schools to get more freedom to manage teacher performance. DfE.
<http://www.education.gov.uk/inthenews/inthenews/a00202005/schools-get-more-freedom-to-manage-teacher-performance>
- Evans, L. 2008 Professionalism, professionalism and the development of education professionals, *British Journal of Educational Studies*, 56 (1): 20-38.
- Evans, L. 2011. The 'shape' of teacher professionalism in England: professional standards, performance management, professional development and the changes proposed in the 2010 White Paper. *British Educational Research Journal* 37, no. 5: 851-870
- Evetts, J. 2003. The sociological analysis of professionalism: occupational change in the modern world. *International Sociology* 18, no. 2: 395-415
- Evetts, J. 2009 The management of professionalism: a contemporary paradox. In Gewirtz, S., Mahoney, P., Hextall, I. and Cribb, A. (Eds) *Changing Teacher Professionalism: International Trends, Challenges and Ways Forward*, London: Routledge
- Fleming, P. and Sewell, G. 2002. Looking for the good soldier, Svejik: alternative modalities of resistance in the contemporary workplace. *Sociology* 36, no. 4: 857-873
- Forrester, G. 2011. Performance management in education: milestone or millstone? *Management in Education* 25, no. 5: 5-9
- Foucault, M. 1978. *The history of sexuality. Volume I. An introduction*. New York: Vintage Books
- Foucault, M. 1991. *Discipline and Punish - The Birth of the Prison*. London: Penguin
- Gabriel, Y. 2008. Spectacles of resistance and resistance of spectacles. *Management Communication Quarterly* 21, no. 3: 310-326
- General Teaching Council for England. 2009a. *Code of Conduct and Practice for Registered Teachers*.

- http://www.gtce.org.uk/documents/publicationpdfs/code_of_conduct_1009.pdf
- General Teaching Council for England. 2009b. What the GTC does.
http://www.gtce.org.uk/gtc/what_the_gtc_does
- General Teaching Council for England. 2009c. Regulation: how are cases dealt with?
http://www.gtce.org.uk/regulation/disciplinary_process
- General Teaching Council for England. 2009d. Regulation: why do we publicise cases? <http://www.gtce.org.uk/regulation/publicity>
- General Teaching Council for England. 2011a. Registration and Regulation of Teachers Annual report 2010-11.
http://www.gtce.org.uk/documents/publicationpdfs/reg_reg_rpt1011.pdf
- General Teaching Council for England. 2011b. Teacher regulation proposals put to the test.
http://www.gtce.org.uk/media/parliament/news_comment/edu_bill1102
- Gewirtz, S., Mahoney, P., Hextall, I. and Cribb, A. (2009) Changing Teacher Professionalism: International Trends, Challenges and Ways Forward, London: Routledge
- Goldstein, R. 2004. Who needs the government to police us when we can do it ourselves? The new panopticon in teaching. *Cultural Studies ↔ Critical Methodologies* 4 no. 3: 320-328
- Harrison, A. 2012. Poor teachers face tougher system under shake-up. BBC News.
<http://www.bbc.co.uk/news/education-16535191>
- Hoggett, P. 1996 New modes of control in the public service. *Public Administration* 74, no. 1: 9-32
- Knights, D. and McCabe, D. 2000. Ain't misbehavin? Opportunities for resistance under new forms of 'quality' management. *Sociology* 34, no. 3: 421-436
- Lewis, K. and Pyle, K. 2010. NFER Teacher Voice Omnibus November 2010 Survey: *The Government's education reforms*. The Sutton Trust.
<http://www.suttontrust.com/public/documents/the-government-s-education-reforms.pdf>
- Mather, K. and Seifert, R. 2011. Teacher, lecturer or labourer? Performance management issues in education. *Management in Education* 25, no. 1: 26-31
- Morrell, G., Tennant, R., O'Connor, W., Kotecha, M. and Newmark, T. (2010) Cases of alleged teacher incompetence: Referral and non-referral of cases to the General Teaching Council for England. Archived at Institute for Education:
<http://www.ioe.ac.uk/services/4389.html>
- Morris, P. 2012. Pick 'n' mix, select and project; policy borrowing and the quest for 'world class' schooling: an analysis of the 2010 schools White Paper. *Journal of Education Policy* 27, no. 1: 89-107
- Mortimer, G. 2011. A disciplined view. *Leader: the magazine for school and college leaders*. http://www.leadermagazine.co.uk/articles/a_disciplined_view
- Mumby, D.K. 2005. Theorizing resistance in organization studies: A dialectical approach, *Management Communication Quarterly* 19, no. 1: 19-44.
- National Union of Teachers. 2010. GTCE set to be abolished. NUT press release.
<http://www.teachers.org.uk/node/11621>
- Noon, M. & Blyton, P. 1997. *The Realities of Work*. Basingstoke: Macmillan
- Noordegraaf, M. (2007) From "Pure" to "Hybrid" Professionalism: Present-Day Professionalism in Ambiguous Public Domains, *Administration & Society* 39, no. 6: 761-785

- Ofsted. 2011. *The Annual Report of Her Majesty's Chief Inspector of Education, Children's Services and Skills 2010/11*. London: The Stationery Office
- Ozga, J. (1995) Deskillling a profession: professionalism, deprofessionalisation and the new managerialism. In H. BUSHER and R. SARAN (eds) *Managing Teachers as Professionals in Schools*, London: Kogan Page
- Paton, G. 2011. Just 17 'incompetent' teachers barred from the classroom. The Telegraph. December 29th.
<http://www.telegraph.co.uk/education/educationnews/8982966/Just-17-incompetent-teachers-barred-from-the-classroom.html>
- Paton, G. 2012. Schools 'bribing pupils' to cheat Ofsted inspections. The Telegraph. January 6th.
<http://www.telegraph.co.uk/education/educationnews/8995377/Schools-bribing-pupils-to-cheat-Ofsted-inspections.html>
- Perryman, J. 2006. Panoptic performativity and school inspection regimes: disciplinary mechanisms and life under special measures. *Journal of Education Policy* 21, no. 2: 147-161
- Perryman, J. 2009. Inspection and the fabrication of professional and performative processes. *Journal of Education Policy* 24, no. 5: 611-631
- Piro, J. 2008. Foucault and the architecture of surveillance: creating regimes of power in schools, shrines, and society. *Educational Studies* 44, no. 1: 30-46
- Prasad, A., and P. Prasad. 1998. Everyday struggles at the workplace: The nature and implications of routine resistance in contemporary organizations. *Research in the Sociology of Organizations* 15: 225-57.
- Rosenthal, M. 1997. Promise and reality: professional self-regulation and 'problem' Colleagues. In *Problem Doctors*, ed. P. Lens and G. van der Wal. Amsterdam: IOS Press
- Selwyn, N. 2000. The National Grid for Learning: panacea or panopticon? *British Journal of Sociology of Education* 21, no. 2: 243-255
- Shepherd, Jessica. (2010) Gove to abolish General Teaching Council for England. The Guardian. June 2nd
<http://www.guardian.co.uk/education/2010/jun/02/general-teachingcouncil-england-abolished>
- Shore, C. and Roberts, S. 1993. Higher education and the panopticon paradigm: quality assessment as 'disciplinary technology'. Paper presented at the Society for Research into Higher Education conference, Brighton, England, December 14-16
- Slater, H. and Davies, N. and Burgess, S. 2009. Do teachers matter? Measuring the variation in teacher effectiveness in England. London: The Centre for Market and Public Organisation, Working Paper No. 09/12
- Taylor, P. and Bain, P. 2003 "Subterranean worksick blues": humour as subversion in two call centres. *Organization Studies* 24, no. 9: 1487-1509
- The Sutton Trust. 2011. Improving the impact of teachers on pupil achievement in the UK – interim findings.
<http://www.suttontrust.com/public/documents/1teachers-impact-report-final.pdf>
- Thompson, P. 2003. Fantasy island: a labour process critique of the 'age of surveillance'. *Surveillance and Society* 1, no. 2: 138-151
- Vardi, Y. and Weitz, E. 2004. *Misbehaviour in Organizations*. New Jersey: Lawrence Erlbaum Associates
- Wilkins, C. and Wood, P. 2009. Initial teacher education in the panopticon.

- Journal of Education for Teaching: International Research and Pedagogy 35, no. 3: 283-297
- Wilshaw, M. 2012. High expectations, no excuses. A speech to the London Leadership Strategy's Good to Great conference, 9 February 2012, in London
- Wragg, E., Haynes, G., Wragg, C. and Chamberlin, R. 1999a. *Failing Teachers?* London: Routledge
- Yariv, E. and Coleman, M. 2005. Managing "challenging" teachers. *International Journal of Educational Management* 19, no. 4: 330-346