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## **PROJECT AGAINST CORRUPTION IN ALBANIA (PACA)**

### **TECHNICAL PAPER**

#### **COMMENTS AND RECOMMENDATIONS ON THE DRAFT TEACHERS' CODE OF ETHICS - APRIL 2012**

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**Annex 1: Revised Code of April 2012 with PACA recommended changes (in tracked changes mode)**

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## EXECUTIVE SUMMARY

This Technical Paper recognises that the latest draft of the Albanian Teachers' Code of Ethics represents a great improvement and has taken into account many of the previous recommendations made.

However this paper suggests that further consideration is given to:

- Shortening the Code further and in some areas, thereby reducing overlap and repetition. This is important if it is still the intention that the Code be used as the basis for further and more detailed guidance produced at school level (Annex 1 page 7)
- Introducing greater scope for teachers to use their own professional judgment, guided by principles set out in the Code
- Further emphasising the needs of the individual student to ensure that each reaches his or her full potential
- Providing greater emphasis on the protection of children and teacher/pupil professional boundaries
- Linking the Code to the UN Convention on the Rights of the Child
- Expressly including in the Code the matter of any criminal behaviour (both in and outside the professional context) which would be incompatible with being a teacher or working with children

## 1 INTRODUCTION AND BACKGROUND

### 1.1 Context for the Technical Paper

This Technical Paper should be read in conjunction with:

- Technical Paper ECD/34/2010: *Draft Teachers' Code of Conduct: Summary of discussions and recommendations for next steps*
- Technical paper of 13 September 2010 – ECD/33/2010
- Draft Teachers' Code of Conduct and Regulatory Mechanism of July 2008

The paper is written in the light of the author's visit to Tirana in September 2010, which afforded him considerable insight into many of the facets of the Albanian Educational system and attitudes towards the concept of teaching as a profession.

### 1.2 As has been the position from the outset, the author continues to be mindful of the following key tenets:

- PACA's core purpose in regard to 'petty corruption'
- the need to develop an ethical framework which allows the individual teacher a degree of professional judgment in dealing with everyday situations
- the important role teachers play in the protection of children

- the level of honesty and integrity which the public have every right to expect of teachers and their conduct, both in and outside the professional context

## 2 COMMENTS ON THE REVISED CODE OF APRIL 2012

- 2.1 In general terms, Annex 1 is an improvement on the previous version. It is more succinct and is couched in language which is much less negative than the 2008 draft. For example, 5 of the 9 sections in the 2008 Code were headed “a teacher is not allowed to”, which was followed by a long list of misdemeanours, with part 3 running to some 38 examples. The absence of the constant use of “Rule” gives a much more professional and positive ‘feel’ to the latest draft.
- 2.2 The Purpose and Scope of Action set the context of the Code very well. However care should be taken in regard to setting reasonable expectations. For example, some may say that the use of such words as “highest” and “greatest commitment possible” does set a standard which may not be universally attainable, realistic or reasonable.
- 2.3 The clear commitment to students and the profession is welcome as is the personal responsibility outlined at the bottom of page 2.
- 2.4 Page 3 is a substantial improvement on the 2008 version in as it sets out very clearly to whom the Code applies, thus dispensing with the need to narrate the various relationship permutations set out in parts 3 – 8 of the 2008 Code. However, for the sake of clarity, it is suggested the term ‘teacher’ should be given a wider, more generic definition in the code (see below at 4.2)
- 2.5 Although it is accepted that a certain amount of clarity may have been lost in translation, the final paragraph of page 3 (“the Code of Ethics ...”) does not ‘hold together’ well and this has been addressed in the tracked version in Annex 2.
- 2.6 In regard to page 4 (Part one [1] – Commitment to Students and Learning), this tends to move back into the long lists used in the 2008 version. There is a high degree of overlap, for example, bullet points 1 – 6 are very similar and could be better expressed in one or two high level overarching principles; bullet points 4 and 6 say virtually the same thing.
- 2.7 Save for bullet point 11 (no violence to children) there is no reference to child protection and the professional boundaries which are vital within the pupil/teacher relationship. Indeed the Code is quite sparse in the use of the term ‘child’ or ‘children’ throughout.
- 2.8 With reference to 2.3 and 2.6 (above), the revised Code omits some key references to honesty and integrity both in and outside the professional

context. The matter of criminal behaviour incompatible with being a teacher and/or being in a position of trust in relation to children is sadly lacking and should be included.

- 2.9 Part 1 [2] (page 5) tends to move again towards a list of overlapping ideas. For example bullet points 1 – 5 could be encapsulated in one or two overarching principles aimed to create and maintain a learning environment which enables all students to reach their full potential.
- 2.10 Part 2 [1] is too detailed and could be made much simpler and clearer. This could be achieved by dividing this into 2 categories (1) professional delivery of the curriculum based on the individual needs of each student and (2) the requirement that a teacher must be reflective and keep his/her own skills up to date.
- 2.11 Part 2 [2] effectively addresses the need to work in a collegiate way. It is supportive of the school as a sharing, learning community which recognises the strengths of working as a team and supporting each other as colleagues.
- 2.12 Part 2 [3] is strong and recognises the importance of mutual respect, the school's place in the community, and the importance of the home/school relationship within the context of diversity.

### **3 COMMENTARY TO SUGGESTED CHANGES TO THE REVISED CODE**

This section provides comments on suggested changes to the new revised Code. The paragraphs in brackets refer to the issues raised in section 3 (above).

- 3.1 (3.2) - words such as “appropriate” and “due commitment” are suggested as alternatives as well as the inclusion of “standard”.
- 3.2 (3.4) – there is provided a form of wording which defines the term ‘teacher’ as including all the relevant staff as listed under the Purpose and scope of the Code of Ethics. This is intended to bring about clarity and consistency throughout the document.
- 3.3 (3.5) – the suggestions provided aim to clarify some issues and engender an element of professional judgment for the individual teacher.
- 3.4 (3.6 – 3.8) – this makes the section much more succinct and now includes or emphasises key elements such as:
- motivation of students to reach their full potential
  - meeting the needs of individual students
  - fair and accurate recording of assessments
  - equality of treatment

- strengthening the rights of the child within the Code through inclusion of the UN Convention on the Rights of the Child
- honesty, integrity, anti-corruption, child protection and avoidance of criminal behaviour outside school, especially involving children

3.5 (3.9 – 3.12) – the minor suggestions made are intended to strengthen the language in regard to working with and supporting others, the quality of teaching and learning and the home/school relationship.

#### **4 OBSERVATIONS ON THE REVISED CODE IN THE LIGHT OF PREVIOUS PACA RECOMMENDATIONS**

4.1 The revised Code (Annex 1) has taken into account many of the suggestions made in PACA’s September 2010 opinion (Technical Paper) on an earlier draft of the Code of Conduct. In particular, the new draft

- is much shorter and is more positive in linguistic terms
- is clearer and more accessible
- has a better structure and much less detailed to the point of over-prescription
- more clearly defines purpose and scope
- discards the numerous permutations of professional relationships and the reference to dress code
- makes an greater attempt at creating a set of high level principles as opposed to a set of long prescriptive lists
- in general more pupil and learning focused

These changes are endorsed by the expert, and it is recommended to incorporate the suggested changes provided in Annex 2 to further enhance the revised Code.