The Regulation of Teaching: Lessons from the National Schools Project

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REGULATING SCHOOLS

New Approaches to the Regulation of Work Practices

It is conceivable that the present generation of Australian teachers has grown up in an era of workplace reform over a longer period of time than any other occupational group. Teachers can receive a near-interminable list of changes to work practices initiated during the 70s and 80s which required revisions of content to be taught, changes in methods of instruction and the introduction of modified patterns of school organisation. Yet the more things change the more they appear the same. The salient features of schools of the 70s and 80s - classes of thirty of so students, standardised by age, and teachers isolated from colleagues while they teach. Teachers, except for a few, have been its insularity - in this respect it has functioned like most other professions - operating at arm's length from government in a culture of its own. Until recently, large state education bureaucracies have been able to buffer teachers from intrusions from outside the system. Senior officials in the central offices determined most of the parameters for school reform and set up the standard operating procedures for system and school management. The notion that teachers should regard themselves as 'public servants', alongside workers in hospitals or energy suppliers, is quite alien to them.

Another feature of the teaching profession has been its insularity - in this respect it has functioned like most other professions - operating at arm's length from government in a culture of its own. Until recently, large state education bureaucracies have been able to buffer teachers from intrusions from outside the system. Senior officials in the central offices determined most of the parameters for school reform and set up the standard operating procedures for system and school management. The notion that teachers should regard themselves as 'public servants', alongside workers in hospitals or energy suppliers, is quite alien to them.

Principally for these reasons teachers view the pronouncements of governments on industry-wide reform of work practices with a large measure of detachment or cynicism. Yet the basis of government reform attempts in the 90s, to which the school sector has co-opted as part of the education industry, is significantly different from past efforts. Not only is the regime of changes being developed and controlled from outside the profession but generic forms of industry restructuring are being promoted rather than industry-specific or job-specific ways of doing things. These changes are being reflected in new state and Commonwealth legislation which overrides existing regulatory frameworks.

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The National Schools Project was set up to answer that question. LEARNING FROM THE NATIONAL SCHOOLS PROJECT Using Action Research to Test the Regulatory Framework

The purpose of the National Schools Project was to find out whether the prevailing regulatory framework was limiting the quality of teaching and learning in schools, and if so, which elements should be changed. The initial plan was to invite 30 schools to form a pilot group through this number grew nearly 200 by the second year as the central idea took hold.

The pivotal construct in the National Schools Project was 'work organisation', a term used in the Project) and foreign to most teachers. The term came to mean the structure of the school day and the work environment of teachers. In the National Schools Project, 'work organisation' was juxtaposed with 'pedagogy', the actual act of teaching (or structuring of student learning). Presumably, work environments can support or inhibit particular forms teaching. For example, the structure of the school day and the organisation of students into groups assigned to particular teachers are factors of work organisation. When students work in self-contained classrooms at a particular grade level teaching tends to take on a generally recognisable form. Clearly, pedagogy and work organisation are related in practice although their relationship is not always clear.

The pilot school teachers were encouraged to identify impediments to student learning arising from current work organisation arrangements and to devise their own solutions to such problems from within the existing resources of their school. Although there were no prescribed solutions schools were expected to operate according to agreed principles stated in the Project rationale. Underpinning these principles is the notion of the 'systems work unit' (or self-managing team). The key features of the systems work unit are a commitment by members to adopt participative decision making, to work collaboratively to solve problems, to accept responsibility for the achievement of agreed outcomes, and to monitor their work in relation to the achievement of the outcomes.

Provisional Conclusions

The early feedback from the pilot schools indicated 'slow progress', leading employer members of the NSW school employers' association to propose that they should have jointly specified the detail of the work organisation trials instead of leaving the decisions to school staffs to make when they felt ready. This was the way of doing things, in which central authorities took little account of the individuality and nature of regulatory frameworks or award conditions featured prominently in the introduction to schools, which were intended to be incompatible with the intentions of the syllabus writers or the teacher's preferred approach to work. Thus, although there is little regulation directly governing the work practices (including teaching) of teachers, the identity and nature of regulatory frameworks is highly negotiated, often indirectly, and often unintentionally, as far as the framers of the regulations are concerned. Paradoxically, the way in which the organisation of teachers' work is structured by the plethora of rules and regulations or award conditions could be incompatible with the intentions of the syllabus writers or the teacher's preferred approach to teaching (Hammersley, 1990). The assessment procedures used by teachers are often structured in ways that correspond with the examination process or which lead to the compilation of state-wide standards of performance.

In summary, it is possible to derive the following propositions about the regulatory framework and its impact on teaching:

• there is a uniformity and consistency about the work practices (including teaching) of teachers that have endured previous reform attempts;

• the regulatory framework of school systems is massive though there are few specific regulations governing teaching;

• schools operate with little reference to the formal regulatory framework; and

• the identity and nature of regulatory impediments to the adoption of innovative forms of pedagogy are unknown.

Is it possible that the legal and industrial impediments that constrain the quality of teaching and student learning are of overstated importance?
mounted that would accord with their professional priorities. (p. 29)

However, from a broader perspective Connors comes to a different conclusion.

If we take the ‘regulatory framework’ in its wider sense, however, and include credentialling, teacher promotion arrangements and the prevailing culture of systems in terms of rewards and incentives for teachers and students alike, then it is no doubt that these factors have a profound influence on the way in which work in schools is organised. (p. 29)

It would seem that on the basis of the evaluations conducted so far the National Schools Project has promoted reflection and a spirit of reform. However, the original intentions, whether naive, fundamentally erroneous, or unduly ambitious, still wait to be fulfilled. It was expected that towards the end of its three-year term the industrial parties would gather to examine the experience of the pilot schools and negotiate major modifications to the regulatory framework so as to enable the main body of schools to follow in the footsteps of the pilot schools. Such a notion has been discarded. Why was this so?

CULTURE AND REGULATION

Boundaries and Horizons

Boesch (1989) observes that culture defines possibilities and conditions for action. Could it be that limits of work that the pilot schools set out to achieve, and finally achieved, were culturally determined? Further, as a corollary, could it be that the regulatory framework is of incidental importance in enabling, or constraining, reforms to teaching and learning given that it survived the National Schools Project wholly intact? There are several reasons why the pilot school staffs may have been satisfied with only minor adjustments to the status quo. Some of these reasons have less to do with the blinkered effects of school culture and more to do with the parameters of the Project.

One assertion that can be made about the National Schools Project is that the regulatory limits of what is both desirable and possible were never tested. Had the schools set wider horizons they would inevitably have been obliged to confront the regulatory system. For example, the time-frame of the National Schools Project may partly explain the modest demands placed on the regulatory system. Project school staff were encouraged to undertake an extensive reflective and planning phase. They were actively discouraged from seeking ‘quick fixes’. After two years of participation, many schools were just getting into the swing of things. It is possible that as the schools develop their plans they will look for broader and more fundamental changes to their operations. In particular, features of the regulatory environment which were taken for granted may seem unacceptably problematic. For example, it is common for high school teachers to complain of the strictures imposed by the Year 12 assessment and certification systems in their states. Yet none of the pilot school sought to change the rules governing certification or to challenge the power of secondary assessment bodies was expected too much from the Project. Had there been concerted pressure from a large number of the pilot schools to seek exemption from the legislation governing secondary school assessment it is possible that some concessions would have been made in some states though it is more likely that the schools submissions would have ended in some kind of stalemate leading the schools eventually to abandon their plans.

The lack of incentive to contest the rule system may have been another reason for its tacit acceptance by school staff. At an unofficial level state department executives believed that the Project would provide a vehicle for fundamental changes to work organisation in schools. The Project provided the pilot schools with opportunities to break out of the pattern of standard hours of instruction, class sizes and defined work expectations which had been enforced by the support staff. Some departmental officials initially expected the Project to enable the testing of more radical forms of work organisation, such as the application of communications technologies in lieu of face-to-face teaching and increased staffing flexibility through the employment of contract teachers. On the other side, union leaders associated with the Project were watchful of proposals that might establish precedents enabling governments to reduce working conditions that had been established through hard-fought campaigns over past decades. Though supportive of trials of teacher collaboration, and even the design of teacher duties by school staff, the union representatives drew the line on modifications to work organisation which threatened core tenets of teacher unionism, such as full employment of members. Because the National Schools Project was a political partnership between employer and union interests the disparate agendas of department and union officials were never publicly communicated to schools as to have done so would have provoked division in a project which was promoted as having achieved unprecedented harmony between the parties. The relationship was too fragile to allow such explicitness (Angus, 93). The compromise was to allow pilot schools to define their own horizons of what should be sought within the Project, guided only by relatively bland rhetoric.

A third reason for the apparent acceptance of the formal rules and the low levels of challenge to them is that observance of the rule would directly impede the adoption of the proposed course of action. Rules that indirectly governed practice such as staff selection seemed to fall outside the purview of the Project. Furthermore, the rules are not used to referring to formal rules since they are rarely investigated. Hence, the idea of restructurin the Project would have appeared foreign or even irrelevant.

Ironically, the structures of the Project mirrored the structures of the school systems with power centralised in the hands of senior departmental and union officials ‘safeguarding the interests of teachers’ which were not subject to formal rules. The steering groups were composed of union and departmental officials without representation from the pilot schools. The membership was justified on the grounds that as the business of the Project was to approve exemptions from the regulatory framework, and perhaps formal adjustments to the framework, this was the responsibility of the executive, not the rank and file. The constitution of the structures may well have been to reinforce the lines of authority and dependency of school staffs on central authority and to undermine the official intentions of the Project. If schools believed that the Project was not a means of redistribution or equalising the powers of the schools to make local variations then the incentive to significantly test the formal rule system would be seriously diminished. In effect, through its decisions and structures the Project reinforced the dependency of teachers on central departmental and union officials to authorise change and subtly led pilot school staff to submit proposals which would not challenge ‘head on’ the power of the centre. Hence, the constancy of work practices may be explained by the retention and display of general powers by school authorities which can override any specific regulatory adjustments, general powers which are directed to maintain the status quo.

It is a moot point as to whether the National Schools Project demonstrates the power of school cultures or the dominance of systemic norms of dependency, norms that reflect quite accurately the imbalance of power between school staffs and central authorities and which may have been ingrained quite unambiguously in the regulatory framework. Little pressure was exerted by the pilot schools to clarify the limits or live up to the rhetoric of the Project. Employers and unions were rock-solid in wanting to keep hold of the reins as they always had.

The Potency of the Informal Rule System

While on paper the formal rules may seem precise and powerful, in practice it may be the informal rules that count. Thus, allowing that the National Schools Project constituted a fair test of the formal regulatory environment, the results point to the potency of school cultures. There is no doubt that this may be so. First, the formal rules may appear to be irrelevant and so for practical purposes become so. Second, a formal regulation is only one of a plethora of rules, thereby providing staff with opportunities to comply with some and ignore others; a new regulation merely dilutes the corpus of formal and informal rules. Third, where the formal rules conflict with informal rules the consequences of failure to comply with the formal rules are less severe and immediate than failure to comply with the informal rules.

In the main, teachers have little awareness of the formal rule system. Most would be unable to describe the contents of acts, or the official bodies of regulations and awards. Although this state has much to do with the inaccessibility of the documentation, the bodies of rules are ignored principally because they appear to be irrelevant to the everyday life of teachers. In these circumstances why should teachers, under the aegis of the National Schools Project, have sought to obtain the formal rule books? Hence, another explanation of why the formal regulatory system remained unchallenged in the Project might be that formal rules constitute mostly background ‘noise’ in schools; what can be changed is determined largely by the informal rule system which consists of localised norms as well as those internalised, formal rules that have been perceived as relevant. In other words, until a formal rule or regulation has been absorbed into the school culture it has little effect excepting in
cases where the rule is externally invigilated. Thus, the informal rule system forms an invisible existing body of interwoven, informal rules, even of new forms of work organisation? Changes to if accepted in principle, may quickly dissipate. Ahs (1986, p.4) writes:

Old rules which have really been abolished persist on an informal basis because they were cornerstones of complicated, labour-demanding routines which people do not want to deal with. To understand which rules, among many which exist, are accepted as real, one must observe and which to ignore, and get what they want. Hence, it is possible to maintain a well-defined rule system which tolerates a considerable diversity of actions. The zone is so wide, and the consequential ‘slippage’ in the regulatory system so extensive that, in effect, there is seldom need to consult the rules. Even categorically stated rules, such as those that define the hours of instruction, can be interpreted in terms of their spirit (keep students on the school site for as long as they need to be there) rather than their literal meaning (they must be in class for 30 minutes per day).

Rules decay. Often rules are prescribed in order to solve a particular administrative problem, when circumstances change the utility of the rule may diminish. The containment of obsolescent rules in the corpus of rules weakens the authority of the regulatory framework, particularly when there are few effective sanctions that can be applied for non-compliance. For example, the time allowance of the lunch time break is often envihured by regulations or awards yet the rule is sacrificed when teachers engage in voluntary activities with students. With the decay of the rule, new norms begin to crystallise with regard to range of acceptable activities during official recreation. Eventually, but not necessarily, the intention of the rule though the members of the organisation are content to leave the obsolescent regulation unchallenged.

According to this line of argument, work organisation rules are unlikely to provide a literal compass on which to navigate and might provide actors with room to move in the regulatory framework. As Burns and Flan (1987) point out, human agents continually form and reform social rule systems. The regulatory framework may be more usefully construed as a screen than a straight-jacket.

TENTATIVE ANSWERS AND MORE QUESTIONS

The Interplay of Regulation and Culture

It is tempting to cast the National Schools Project as a demonstration of the power of culture and the importance of formal systems of rules in shaping work organisation and pedagogy in schools. But the relationship between regulation and culture is complex and does not support such a simplistic conclusion. It is true that practice is shaped by culture. But formal rules can shape culture directly or reinforce culturally acceptable practice. Once adopted and internalised by school staff, rules then anchor practice in the past so that the abolition of an rule does not necessarily abolish the practice. Nor does the change of a formal rule necessarily change practice. Culture mediates formal rules but does not always nullify their effect.

Hence, it would be a mistake to regard culture as some kind of constant, impenetrable barrier to change. As Bocsc (1989) points out, culture fosters both stability and change. Even when a culture tries to resist new rules and limits, opposing forces are unleashed to contest or remove the limits. Hence, the regulatory system is in a continuing state of flux. A better understanding of the interaction of culture and regulation and between formal and informal rule systems is essential to understanding why reforms succeed or fail.

Symbolic Power

Although there is a paucity of specific rules pertaining to pedagogy it does not follow that there must be few regulatory constraints on teaching. In other words, it would be premature to conclude that because teachers are relatively autonomous in the regulatory framework by schools in the National Schools Project that school systems will support unconventional or divergent approaches to teaching. Regulations that delegate power to school superordinates, vaguely specified power, provide enormous symbolic influence. Irrespective of whether the power is ever formally exercised by departmental or union officials, such regulations communicate to employees that locus of decision making is situated outside the school. Thus, a school system is vulnerable to a particular form of school organisation, or is a strong advocate for a particular approach to teaching, schools may follow suit without any explicit direction. In the National Schools Project the steering committees, unions, senior administration and departmental bureaucrats, hold such power. They were the judge and jury for pilot school proposals, holding the power to reject school ideas.

If the proponents of workplace reform in schools want fundamental changes then schools must be given power to effect such change and deal with the consequences. So far, unions and state departments have been unwilling to delegate such power, fearing that schools will exercise the power ‘unwissfully’. Although the enterprise bargaining rhetoric implies work site control of work practices, central education authorities, acting in a tradition more than a century old, believe they know best and reserve the right to intervene through general powers reflected in legislation and regulation.

The Remote Control of Teaching

Regulations, apparently unrelated to teaching, can have a powerful impact by limiting the options available to teachers. For example, regulations specify that job vacancies are to be filled, govern attendance and spending, and determine resource allocations and school size, such regulations promote uniformity and inhibit local variation. These regulations are often adopted in the interest of administrative efficiency and are regarded as unrelated to the process of teaching, understanding so while teaching is construed as an activity best undertaken privately in classrooms. But if teachers try to radically change their conception of teaching they will soon encounter the steel plating of work organisation rules. Filled on top of these constraints are the government requirements of all employees. These rules are promulgated in the name of workers’ interest with little sense of their institutional impact. Ironically, the penalty for non-compliance with these rules is usually much more severe than for failure to comply with rules more directly tied to teaching and learning the business of schools. For example, the uniform application of government financial regulations to all districts, or even prohibit, a school’s capacity to raise money and spend it on the school’s priorities. Yet, changing government financial regulations would seem out of the range of possible action by school staff and even senior education officials. The
An Oxymoron?

Many of the regulations were issued to protect the workplace in order to achieve greater productivity. Consistency and durability are no longer regarded as the hallmarks of effective work organisation. How do you regulate flexibility? One obvious way is to eliminate rules and produce a leaner regulatory framework. Another way is to frame the regulations in very general terms that require a discretionary interpretation. A third approach is to provide 'escape clauses' which provide exemptions from the rules. These options, however, need to take account of why the regulations were formulated in the first place. Many of the regulations were issued to protect the interests of employees during a time when productivity did not seem to be an issue. The orthodox way of protecting employee interests was to stipulate fixed working conditions and resolutely resist any erosion. Inflexibility on this issue was regarded as an union virtue. Thus, the regulatory system is a two-faced beast: it is expected simultaneously to protect working conditions yet enable innovative new practices. These functions are usually antithetical to each other, one associated with control, the other with initiative.

Regulating Enterprise - An Oxymoron?

The purpose of the current regulatory reform program is to promote flexibility and adaptiveness in the workplace in order to achieve greater productivity. Consistency and durability are no longer regarded as the hallmarks of effective work organisation. How do you regulate flexibility? One obvious way is to eliminate rules and produce a leaner regulatory framework. Another way is to frame the regulations in very general terms that require a discretionary interpretation. A third approach is to provide 'escape clauses' which provide exemptions from the rules. These options, however, need to take account of why the regulations were formulated in the first place. Many of the regulations were issued to protect the interests of employees during a time when productivity did not seem to be an issue. The orthodox way of protecting employee interests was to stipulate fixed working conditions and resolutely resist any erosion. Inflexibility on this issue was regarded as an union virtue. Thus, the regulatory system is a two-faced beast: it is expected simultaneously to protect working conditions yet enable innovative new practices. These functions are usually antithetical to each other, one associated with control, the other with initiative.

The dual functions of regulation produced a tension which dogged the National Schools Project from its beginning. Unions wanted to maintain the protection of current working conditions afforded by the regulatory system. Employers wanted variations of working conditions which the union leaders feared could lead to a diminution of the quality of the teaching and learning environment. Although the National Schools Project engendered a high level of trust between union and departmental officials engaged in the Project no employer was able to guarantee the government's position in the future. Hence, the variations in work organisation were vetted closely. The net effect of culture and tradition led to a more conservative trial of the regulatory system than might have been expected or hoped for. As a consequence the National Schools Project has been more successful at raising questions than resolving them. The Project, however, should stimulate a closer examination of how teaching is regulated.

**SOME IMPLICATIONS FOR TEACHER EDUCATION**

Historically, teacher education institutions have mirrored schools both culturally and organisationally. The correspondence was seen as a strength. Students educated in such institutions were thought to receive a more relevant preparation for their teaching careers than those educated in some other form of institution. Most of their lecturers were ex-teachers. When teachers colleges were reconstituted as universities they were, to a large extent, left organisationally uncathed though protected from future organisational restructuring by the university tradition of institutional autonomy. There are signs, however, that the schools of teacher education are a threatened species. They, too, must confront organisational restructuring or face closure or chronic attrition. The Ministerial statement 'Teaching Counts' (Beazley, 1993) is one clear signal. The tempo of reform in teacher education in England and the United States seems indicative of what is to overtake Australian teacher education institutions (see for example, Gilroy, 1993; Holmes Group, 1986).

Although the regulatory frameworks governing teacher education are less extensive than for schools, they are powerful none-the-less. Current practice is circumscribed by statutes, awards, and university policies. These formal rules are applied in conjunction with the informal rules of the organisation which dictate how 'things are done around here'. Efforts to restructure teacher education will collide with these rule systems. Teacher educators, especially those with reformed hearts and minds, would do well to examine closely the efforts of their school colleagues grappling with regulatory systems.

**REFERENCES**


