

# Assessment Task Cover Sheet



Unit Co-ord./Lecturer	David Moltow	<b>OFFICE USE ONLY</b> Assessment received:
Tutor:(if applicable)	Paul Cutler	
Student ID	078395	
Student Name	Emma Stubbs	
Unit Code	EMT602	
Unit Name	Ethics, Education and Professional Practice	
Assessment Task Title/Number	Assessment Task 2	
Word Count	2198 (Excluding references & Questions)	
<p>I declare that all material in this assessment task is my own work except where there is clear acknowledgement or reference to the work of others <b>and</b> I have complied and agreed to the University statement on Plagiarism and Academic Integrity on the University website at <a href="http://www.utas.edu.au/plagiarism">www.utas.edu.au/plagiarism</a> *</p> <p>Signed <u>        </u> E.Stubbs <span style="float: right;">Date: 06/06/2016 (Extension Granted)</span></p>		

\*By submitting this assessment task and cover sheet electronically, in whatever form, you are deemed to have made the declaration set out above.

Assessor's feedback:

**Assessor: *David Moltow & Paul Cutler***

## **Section A – Ethical Decision Making**

A number of assumptions of context must be made in order to be able to make a sound ethical decision. In this situation the student is a year eight student, 14 years of age, and I, as the teacher, have taught this student for the past two years. The student is part of my home group class. I therefore have a lot of contact with this student and I am aware in detail, of the family dynamic outside school.

An ethically engaged teacher must foster the virtues described by Plato of temperance, justice, wisdom and courage (Plato, 1955). On witnessing this event, the first thing that I have to do is to slow my thinking down and not react on impulse, as the best ethical decisions are made when we are temperate. Having taken this moment I need to appreciate that I am in a situation of ethical significance, where I need to make an ethical decision as to how I proceed, and that even to do nothing is a decision in itself. The problem is one of ethical significance; the theft of a piece of valuable equipment is against the school's code of conduct for students and against the law. Key stakeholders who are likely to be affected by the decision I will make in response to this situation are the student in question, myself as the teacher and also the witness, the school and the other students that have been deprived of the item of equipment. I must also consider how my decision may affect the future of the student that is responsible for the theft and therefore consider the 'future student' as a stakeholder in this ethical decision.

There are a number of possible pathways I could take in response to what I have witnessed, but to make my decision I need to take many things into account. On balance, my course of action will be to talk to the student individually and let him know that I have seen the theft. I will encourage the student to confide in me the reasons behind his actions and then for him to return the item that has been taken, assuming that it is still within the student's possession.

Once choosing this course of action I also need to appreciate that there will be an outcome. The outcome of this action may mean that the other students are without this valuable piece of equipment. However, I believe this is what I ought to do and is in accordance with the principles of my teacher code of ethics: dignity, respect, integrity, empathy and justice (Teaching Registration Board, 2006). I am in a unique position to this student, due to the positive relationship that I have built with him. While many teachers struggle with this student, he has always behaved well for me

and I can appreciate what a significant role I have in his development. Due to my close relationship with the student I am aware of the pressures and strains of his home life and also realise that I may have an opportunity to help the student to turn his life around. This approach is in accordance with Deontological Reasoning approach set forth by Emmanuel Kant. This form of reasoning respects the autonomy and dignity of the individual, and that the teacher will make decisions grounded in reason about one's duty and obligation.

In choosing an alternate course of action, such as going to the principal, I may expose the student to expulsion and may completely destroy any positive relationship he may have with education. I believe that as I have such a good relationship with the student, I have a responsibility to protect the student from himself and also protect his future self. In choosing another course of action, the harm to the student's future self is much greater than the original offence warrants. In comparison to the harm to the rest of the students due to the loss of the item, the possible harm to the individual student is of much greater significance.

As a teacher I have a professional code of ethics that I must apply to my practice. I believe that by choosing this course of action I am not only respecting the dignity of the student, but also being authentic to my own sensitivity for the needs of the student and of justice. As I am aware of the student's personal hardship, it would be unethical of myself, as his teacher, to ignore his situation and to treat him equally as I would any other student, rather than treat him with equity. As a teacher I have an ethical obligation to treat my students with fairness and instil a sense of social justice, and I believe I would be acting unethically and unauthentically if I failed to demonstrate these principles within a matter of ethical significance.

### **Section B – Duty of Care & Negligence**

To prove negligence has occurred four factors must be considered. These are duty, breach, harm and causation. For negligence to be found in John's case, three questions must be asked: Did John owe a duty of care; did John breach the duty of care; and did injury occur because of this breach? Negligence may be due to commission, actions of the teacher, or omission, that is, action not being taken (Churchill, 2011).

Duty: is referring to duty of care, and as teachers have a relationship with their students, duty of care is inherent (Churchill, 2011). The duty of care however, can be lessened by several factors. To determine whether there is a duty of care applicable

we need to take into account proximity and the age and capacity of the students in question. In this case, John does have a duty of care over the students involved as he is a responsible adult in a position of authority over the students as their teacher. The duty is also present due to the fact that the incident occurs on school property and within school hours.

Breach: To determine if a breach has occurred many factors must be taken into account. Most importantly, to establish if a breach has occurred we must apply the reasonable teacher test. What would a reasonable teacher have done in this situation? In a situation such as this, as soon as the scuffle broke out a reasonable teacher ought to have intervened to prevent the fight from escalating, as the yard duty role is for the protection and safety of the students. As John was reluctant to intervene alone this may not prove to be a breach of John's duty of care. There may be a reason John did not intervene, for example it may be a policy of the school that two teachers must be present to break up an altercation. Without seeing the teacher's handbook and code of conduct at this particular school, it may be difficult to establish whether the breach of the duty is John's or the schools. Another key consideration is whether the incident was foreseeable and preventable? In this situation the harm was foreseeable, maybe not from the beginning of the yard duty, but certainly from the moment John was aware of the scuffle beginning between the two boys. There may have also been indicators previously such as raised voices which may have highlighted a sense of foreseeability; however this is not made clear within this situation, so the focus will be limited from the moment the scuffle broke out.

We also need to consider the magnitude of risk and the gravity of the harm if the risk ensues. In this case it is high, as the two boys involved are in year six, physically developed and the incident is taking place within a concreted environment, so there is a much greater risk of the boys harming each other than two kindergarten children.

A breach of duty of care may be found to have occurred if supervision is not adequate. While it appears supervision is adequate with a number of teachers around the playground, John is obviously uncomfortable to intervene, whether this is due to him being a new teacher or unsure of the school's policies. This does show a breach in John performing the role of supervisory teacher however, as he took no preventative action and failed to intervene when the scuffle escalated.

John has established in his own mind that if a fight does occur serious harm may be caused.

Harm: For negligence to be proved harm must have occurred. In this case it is relatively simple to see that harm has occurred as a result of this incident as one student received a cracked skull, which has been confirmed by medical practitioners. It is only physical harm that has been established, however. Harm also needs to be considered as physical, psychological and moral harm, and the latter two are often overlooked in the presence of physical harm. In this case I believe that there is moral harm that is also present. Moral harm exists when a teacher is not meeting the expectations children have of responsible adults, so betraying reasonable expectations (Mill, 1869). In this case, I believe moral harm has occurred as the children involved have a right to be protected from harm by the teacher on duty and it should therefore not be overlooked in the presence of physical harm.

Causation: While harm has occurred, causation is often harder to establish.

As the students are in grade six, 12 years old, the likelihood of a scuffle resulting in physical harm is high, and it would not appear that a physical intervention by an adult teacher would risk more harm occurring. In this case the teacher in question failed to act, whether this was due to his inexperience or teacher codes of conduct at the school, John should have foreseen the likelihood of a fight escalating and intervened. Due to his inaction a child has been injured and this would prove negligence by omission on the part of the teacher. Further information would need to be sought to establish the negligence on the part of the school. For example, if John is acting in accordance with a school policy that states that two members of staff are required in a situation like this, John may have grounds for complaint against his employer for not having adequate supervision of the playground and exposing him to this potential negligence action.

### **Section C – Education Ethics & Values**

#### **Question 6 – How much say should parents be entitled to in relation to their children’s schooling? Up to what level should this ‘voice’ be granted? Why?**

Whether or not parents have a say in the education of their children is a question of ethical significance and is often a polarising debate.

I believe that parents should have some say in their child’s education, however the amount of ‘voice’ given to parents needs to be carefully monitored.

Arguments for increasing the amount of say a parent should have in their child's education are based on the natural right of the parent over the offspring. They include that parents are the best people to look after the interests of their own child. It is argued that parents, simply by virtue of the fact that they are parents, and the 'natural protectors', means that a child's development will best be looked after by the parents. Furthermore, parents have a natural right to raise their children in line with their own personal or family values. As the child, from a very young age, is dependent upon the parents for food, shelter and emotional support, so the process of developing autonomy ought to be a gradual process. The development of the child requires stability within the family norms of their immediate environment. The question is also posed, 'If not the parents, then who?'. Another argument for the rights of parental involvement is that the state should not be able to interfere in the way parents raise their children. A liberal perspective on education is that the state should promote respect and diversity within a society and that allowing parents to raise their children in a certain way fosters this liberal ideal.

All these arguments have merit. I would suggest however that the amount of say a parent has, and the level at which this say is granted, should be monitored closely. Parents already have a say in their children's education at the school level. They have a say in which school to send the child to and may choose to not send their child to a school that does not align with their own beliefs.

Parents, while naturally inclined to foster the child's best interest, are not always the people who know what that may entail. Parents may want their child to be exposed only to certain points of view within their schooling, however as teachers, we have an ethical obligation to develop autonomy within our students which means exposing them to varied points of view and developing them into critically questioning adults. While parents may be well-intentioned and seek to protect their children, this may result in limiting or even prohibiting the opportunity the child has to exposure to different points of view and culture. Schools provide the opportunities for new experiences which may not be afforded at home (Gereluk, 2014).

As an example a parent may try to voice an objection to the set-up of the classroom. A parent may come to a teacher and say that they do not want their child to sit with another child within the classroom. The parent's request may be well intentioned as the parent may consider that for some reason, sitting with this particular child may be detrimental to their own child's education. This is an example however,

of when a parent's voice should not be granted. It is an example of ethical egoism meeting the needs of their own interests, as the child is an extension of the parents own egoism. In this case a teacher's professional autonomy is being questioned by the parent. While the parent is focusing solely on their own child's interest, they give little consideration to the many other decisions behind the choice of seating arrangement. A qualified teacher has completed years of formal education and has a wider, less-biased view on how best to provide education for the whole class, not just one individual. The teacher is in the best position to make choices to provide the best education for everyone and to contribute to every child flourishing. Parents are often unable to make good unbiased decisions in regard to their children's education given the overriding emotion resulting from the natural connection.

While parents believe they have a natural right to raise their children and have a say in their child's education, I would suggest that this is in complete contradiction to the first argument that parents have their child's best interests at heart. Educational institutions have a moral obligation to expose children to a wide range of cultures, values, beliefs and perspectives in order to challenge assumptions and develop critically thinking individuals. If a child's experience at school is governed only by parents opinions and they are only exposed to experience congruent with their family upbringing, the students are missing out on seeing other ways of living. They will not develop the autonomy to be able to question and decide which way they wish to lead their own life, and this is surely not in the best interest of the child.

Given that parents have a choice in where they send their children to school, their voice in regard to the classroom operations, curriculum and policy should be limited. If a parent has a strong inclination to a certain type of education, then this voice should be exercised in the choice of a school in line with their own belief system.

A teacher's role is to educate, inspire and inform. This is often made difficult with parents wanting to have more say in their child's education. While I believe that the teacher and parents need to form a good relationship, that the teacher should listen to concerns of the parent, the parent should also respect the teacher and accept reasoning behind classroom decisions. As teachers we need to build good and trusting relationships through open communication with the parents of our students. In this way we build parents trust that as educators we are opening minds and opening doors of possibility for their child and that we have their best interest at heart.

## References

- Churchill, R., (2011). Professional, ethical and legal issues for teachers. Chapter 15.  
*In Teaching: Making a difference.* (pp 524-531). Wiley & Sons Australia Ltd.
- Gereluk, D. (2010). Should parents have a say in their children's schooling?. In R. Bailey (Ed). *The Philosophy of Education: An Introduction* (pp125-135). Bloomsbury Publishing.
- Mill, J. S. (1869). *On liberty*. Longmans, Green, Reader, and Dyer.
- Plato. (1955). *The Republic* (Penguin Classics). (D. Lee, Trans.). London, England: Putnam Books. (Original work written 360 BCE).
- Teaching Registration Board. (2006). Code of Professional Ethics for the Teaching Profession in Tasmania. Retrieved from:  
<http://www.trb.tas.gov.au/Documents/Code%20of%20Professional%20Ethics%20for%20the%20Teaching%20Professional%20in%20Tasmania.pdf>