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Policy as Outcome: Inequities Generated from Unintended Policy Outcomes

Katina Pollock (OISE/UT)

Abstract

Intended and unintended outcomes of economic, political, and educational policy can create employment arrangements and work environments that limit opportunities for career advancement, professional development, and employment equity for certain groups of teachers. This paper, written from a critical lens, attempts to demonstrate how national and local policy outcomes in England have negatively impacted some educators who worked for Teacher Recruitment Agencies (TRAs) in the 1990s. In conclusion, the collective impact of policy outcomes for recruitment agency teachers has resulted in: a lack of control over workplace environment in schools that require extensive supports, financial arrangements that result in limited pay, no benefits, government legislation which results in poor union representation and limited legal recourse, and agency policies which discourage stability and commitment.

Résumé

Les résultats intentionnés ou non-intentionnés des politiques sur l'économie, la politique soi-même ou l'enseignement peuvent créer des arrangements d'emploi et des milieux de travail qui limitent les possibilités d'avancement pour certains groupes d'enseignant(e)s dans leurs carrières, de développement professionnel, et d'égalité dans leurs emplois. Cet article, écrit sous une optique critique, essaie de démontrer comment les résultats de la politique nationale et locale en Angleterre ont une influence négative sur quelques éducateurs and éducatrices qui travaillaient pour les agences de recrutement des enseignants (TRA) pendant les années 1990-1999. En conclusion, l'effet collectif des résultats de ces politiques des agents de recrutement des enseignants a contribué à: un manque de contrôle des milieux de travail dans les écoles qui exigent un soutien extensif, des arrangements financiers qui aboutissent aux salaires limités, sans bénéfice, une législation gouvernementale qui introduit une pauvre représentation syndicale et des limitations aux recours légaux, et enfin des politiques des agences qui encouragent ni stabilité, ni engagement.

Introduction

What is policy? Formally and informally, it would appear that everyone has an individually constructed concept of policy. Some argue that it is a structure for an organization; a reflection of values by certain members; an impetus for change by action, legislation, program initiatives; a solution; and, a discourse. Others suggest that policies regulate, constrain, and/or monitor, serve as a vehicle challenging the status quo and lastly, connect 'what is' to 'what ought to be'.

What *is* clear is that the field of policy research is complex and diverse. In an attempt to expand the notion of policy, a more fruitful question is: In what ways are policies perceived to be constructed? In this article, I argue that policy should be viewed in terms of its outcomes; specifically, its *un*-intended outcomes and their regulatory tendencies.

Unless policy is viewed in terms of outcomes, assessment of policy effectiveness is unknown. In addition, failing to recognize policy as outcomes also prevents discovery of unintended outcomes, particularly those that can have a negative impact. Frequently, an unintended policy outcome can lead to unintended regulatory features unaccounted for by policy-makers. For instance, regulation can occur where “policy interacts with other existing policies [in] creating unintended outcomes” (Hogwood, Brian, & Gunn, 1990). Analysis of policy as outcomes, intended and unintended, can only occur with some type of critique or analysis. Even then, specific types of critical analysis will only uncover particular unintended regulatory outcomes and overlook others. I believe the intended and unintended outcomes of economic, political, and educational policy can create employment arrangements and work environments that limit opportunities for career advancement, professional development, and employment equity for certain groups of teachers. While examples of this phenomenon have existed globally, such as enterprise bargaining in Australia and part-time casual teaching in Canada, I intend to demonstrate how National and local policy outcomes in England can negatively impact educators who worked for Teacher Recruitment Agencies (TRAs) in the 1990s. Teacher recruitment agencies are predominantly private organizations that hire teachers to provide a service (teaching) to clients (schools).

My critical analysis is derived from a critical feminist perspective, contextualized within a framework of both a feminized and flexible workforce. Using a feminist lens (Woodward, 1997), allows demonstration of both the “interlocking relation of economy and family and of class and gender” (Seidman, 1998, p. 259) and the belief that ‘woman’ is comprised of a multiplicity of identities, which allows identity to be “permanently open to contestation and to new social and political deployments” (p. 272). Deconstructing policy outcomes from a feminist lens, Apple (1986) demonstrates his conception of feminized education, juxtaposed with post-Fordist economic practices. This creates employment practices and work environments which benefit some teachers and disadvantage others based on class, gender, race and ethnicity.

I have chosen to focus on teachers who work through TRAs in England for a number of reasons. The English educational system had experienced massive reforms for an extended period of time, distinguishing itself as the leader in educational change. The policies enacted to create these reforms have not only provided the ideal employment practices that encourage and maintain a feminized work group, situated within the post-Fordist concept of flexible firm, but also accentuates Seidman’s (1989) above mentioned “interlocking relation of economy and family and of class and gender” (p. 259). In Addition, Tony Blair’s Throne Speech of 1997 clearly indicated at that time that the National government intended for its educational system to lead the nation into successful economic,

global competitiveness (as cited in Earl, Fullan, Leithwood, & Watson, 2000, p. 10), and has marketed its educational system as the most efficient globally. Within the global climate of expedient educational reform, the practice of “policy borrowing” (Blackmore, 2000; Dale & Robertson, 2002, Halpin & Troyna, 1995) has increased. Because of the possibility of this practice, an adoption of practices from England warrants a critique because of the differences in economical, cultural, and social systems. Secondly, the use of private recruitment agencies in England has resulted in raising a number of concerns, some of which will be addressed in this paper.

This paper begins with an explanation of Apple's (1986) concept of a feminized workforce and Atkinson's (2001) post-Fordist concept of ‘the flexible firm’. These descriptions lead into an explanation of how alternative employment practices, and teaching as technical labour, allow feminized education and the flexible firm to occur. Next, I focus specifically on TRAs as a product of feminized education and the flexible firm, by first providing a description of TRAs, and discussing who is affected by specific TRA work-related policy outcomes. The body of the paper contains examples of the impact of policy outcomes, including those that limit recruitment agency teachers’ career development, professional development, and equitable employment.

A feminized workforce

Michael Apple's (1989) conception of feminized education states that once an occupation is feminized, the work associated with the occupation changes. A feminized occupation is not merely considered feminized when more women are actively working in the profession. Rather, feminization occurs when the work, originally done by men, becomes conducted by women and in turn, becomes less autonomous, deskilled, provides reduced opportunity for upward mobility, lost wages, and greater pressure for rationalization (pp. 58, 64). In this paper, teachers’ work, perceived through alternative employment arrangements is considered mere technical labour (Bascia & Hargreaves, 2000) rather than of skills worthy of a professional status (Lortie, 1975).

The flexible firm

While a number of competing theories attempt to interpret post-Fordist perspectives, Atkinson's (1984) concept of the "flexible firm" best reflects labour practices in Westernized economies. The flexible firm consists of three constructs: 1) functional flexibility where employees are deployed quickly and easily over a number of activities and tasks; 2) numerical flexibility where employers can take on or discard workers as demand requires; and 3) financial flexibility where costs reflect the supply and demand inherent in the labour market and remuneration systems enhance the two previous flexibilities (Atkinson, 1984).

Because Atkinson's (1984) concept of the flexible firm best reflects most Westernized economies, it provides the paradigm for policy decision-making and development that can encourage alternative employment arrangements and the feminized workforce. The policy outcomes generated from this paradigm can limit

opportunities for a particular group of teachers because it can create organizational attitudes that in turn promote workplace structures that discourage career development, professional development and equitable employment.

The relationship between feminized work and the flexible firm

The flexible firm concept exists within education via policies that encourage: 1) alternative employment arrangements for teachers other than full-time, permanent work, such as teacher recruitment agencies; and 2) teaching as technical labour, both of which are necessary for sustaining a flexible firm. Alternative employment practices arise out of relaxed labour laws and decreased union power.

Harvey (2000) describes the general labour market structure emerging from the post-Fordist period as consisting of three groups. The core group consists of the traditional full-time, permanent workers who experience job security, promotion opportunity, professional development, pension, and benefits such as medical and dental insurance. The first of two periphery groups contains a full-time workforce whose employees are less skilled, have reduced access to career opportunities, and exhibit a higher turnover rate. The second periphery group is made up of “part-timers, casuals, and fixed term staff, temporaries, sub-contractors and public subsidy trainees, with even less job security than the first peripheral group” (p. 150).

While Harvey (2000) does not specifically focus on the teaching workforce, recent education employment practices and policies provide an interesting example of this model (Soucek, 1994). Soucek describes a three-tier, differentially-skilled, hierarchical workforce. More specifically, the three tiers include “highly skilled professional workers, specifically skilled peripheral full-time workers, and generically-skilled peripheral part time or casual workers.” The generically-skilled peripheral workers are categorized predominantly as teaching associated with enterprise bargaining, supply teaching, recruitment agency teaching, itinerant teaching, and part-time teaching. From a structural perspective, this sub-group of teachers provides the labour force needed for the flexible firm. This peripheral workforce is also generically-skilled in the sense that what they do is considered technical labour.

Technical labour can be associated with Apple’s (1986) description of a feminized educational workforce where the work done by this peripheral teacher workforce is considered technical. It is technical in the sense that teaching skills must be understood as easily transferable over a number of different work environments...[and] does not require ongoing professional learning and development but merely a job where required skills sets are relatively simple and can be acquired by anyone. (Bascia & Pollock, upcoming).

One example of how teaching has been regarded as technical labour is reflected in policies encouraging and supporting standardized curriculum such as the National Curriculum and standardized teaching and learning strategies such as the National Literacy and Numeracy Strategies (NLNS) in England. These policies were prescriptive with a specific curriculum to be delivered in a precise

manner. Teachers were not necessarily encouraged to use their professional judgment, but rather - merely deliver the curriculum as technicians.

Teacher Recruitment Agencies (TRAs)

As mentioned, TRAs present one example of a flexible employment arrangement. These predominantly private organizations hire teachers to provide a service (teaching) to clients (schools). The employment arrangement structure provides support for the flexible firm where teachers can be quickly hired, easily deployed over a number of teaching posts, and swiftly released when the supply demand has ceased. Because it is an unregulated private industry, recruitment agencies market teachers based on content knowledge rather than teaching skills; teaching skills are considered technical and secondary in nature.

Who is predominantly employed through teacher recruitment agencies?

Suspected composition

There has been a clear lack of data and research on TRAs. However, it is possible to predict and describe, with some level of confidence, the composition of the TRA workforce. Between 1995 – 2001, it is *estimated* that the number of teachers engaging in supply work rose from 12,200 to 19,000 (DfES, 2001). Recruitment agencies *estimated* that (there were) 40,000 “teachers working in supply roles during 2001” (Grimshaw et al. 2003, p. 270). Barlin and Hallgarten (2001) also *estimate* that approximately 10% of the teaching workforce is employed in either short-term or long-term supply roles.

While Barlin & Hallgarten (2001) point out that in England, working mothers are one of the primary beneficiaries of supply work, but there is no exact quantifiable data to substantiate this claim. I *suspect* that a majority of these recruitment agency teachers are in fact women. It is difficult to extrapolate an emerging trend when there is little documented research or evidence to suggest that it is even occurring. Barlin & Hallgarten (2001) concur and state,

Unfortunately, because the data on long-term supply staff is scarce, there is very little trend analysis that may be helpful in predicting the behavior of long-term supply staff (p. 4).

However, we do know the regular traditional teaching workforce predominantly consists of women (Galloway & Morrison, 1994; OECD, 2001). Combining this knowledge with the fact that flexible employment arrangements have increased participation of women and visible minorities (Harvey, 1989), I argue that a majority of the recruitment agency workforce consists of women and some visible minorities.

Overseas recruitment is also popular. Barlin & Hallgarten (2001) and Grimshaw and colleagues (2003) discuss how overseas teacher recruitment by TRAs has increased in an attempt to keep up with the supply and demand cycle for teachers in England. International recruitment is also occurring as agencies attempt to expand their service by marketing people of particular social, ethnic, and cultural backgrounds found within some English school populations.

How do policies affect recruitment agency teachers?

The remainder of this paper presents a range of implications, from national and local regulatory policies, for teachers who work for TRAs. From a National level, I demonstrate how the social and cultural context influences the lack of interest in topic research. In turn, I explore the outcomes associated with the government's 'hands-off' approach to policies associated with teacher immigrants. Next, I present policies, again from the national to the local level, which affect actual employment arrangements. From a feminist perspective, I focus on policies associated with pay inequity, work arrangement, and job security.

Decision to Ignore?

There is an underlying impression that what recruitment agency teachers do is of little interest to policy makers. I deduce this lack of interest as a result of limited consensus and limited academic research. Additionally, the research that is provided is only concerned about the economical perspective associated with school budgeting and meeting teacher supply and demand. Missing in the literature is teachers' accounts of their work experiences and how work arrangements encouraged through TRAs, limit their opportunity for professional development, career development, inequities with the workforce, and upward mobility in the teacher workforce hierarchy.

Limited consensus.

Barlin & Hallgarten (2001) state that "DfES data give no official definitions or estimates of supply teachers" (p. 4) and that "precise data on the levels of agency involvement do not exist" (p. 13). Therefore, it is difficult to quantitatively document trends associated with this teacher recruitment workforce. In England, difficulty in data collection is compounded because recruitment agencies are less likely to share the information due to the competitive nature of the market (Barlin & Hallgarten 2001, p. 3). In this particular case, this could be explained as a lack of interest on the part of national policy makers. They may well feel that the alternative or peripheral workforce does not warrant recognition as they are viewed as 'temporary'. Allocating funds to the permanent teacher workforce appears to be a more accepted practice.

I argue that there will be political ramifications to not recognizing the work and situation of recruitment agency teachers. Drawing attention to the increase in teacher supply in England would acknowledge that the simple theory of supply and demand does not meet the needs of the current teacher shortage (Gorard, & White, 2004; Ingersoll, 2001; Ingersoll, 2002; Johnson, 1990). It could be argued that the English government understands the role of teacher recruitment agencies as critical for sustaining their education system but will not publicly recognize or support it. TRAs could be interpreted by the public as an example of inefficient operation of the education system, and therefore have a detrimental impact on the governing political party platform.

Lack of academic interest.

There is very little written within the academic literature in the area of recruitment agency teaching. The existing academic research is either written from an economic perspective (Dolton, 1996) where the industry is evaluated on “ a simple economic measure of their [teacher recruitment agencies] capacity to meet demand” (Grimshaw, Earnshaw, & Hebson, 2003, p. 268), or in conjunction with the larger, more general area of supply teaching (Coulthard & Kyriacou, 2000; Morrison, 1999). Educational issues such as teaching quality, career commitment, and job satisfaction are non-existent in the literature. The teacher perspective has not been investigated, nor has there been an interest in investigating the impact of recruitment agency teaching on student performance.

Public Press.

Some non-academic literature focusing on TRAs does exist. These sources are largely generated from newspapers such as *The Guardian* (Batty, 2003; Crace, 2003; Goldring, 2001; Smithers & McGreal, 2001), *The Independent* (Garner, 2001), professional magazines such as the *Times Educational Supplement* (Clancy, 2002; Mansell, 2000; Shaw, 2002; Thomson, 2001), and independent research groups such as the Institute for Public Policy Research (IPPR) (Barlin & Hallgarten, 2001). News articles generally focus on the social inequities generated by teacher recruitment agencies such as pay inequities, overseas recruitment, and unfair labour practices, and all focus on the financial impact of recruitment agencies with regard to fiscal management of schools and LEA budgets.

As stated earlier, most of the available material on TRAs does not focus on the teachers themselves, but on the teacher recruitment industry at the macro level. Few studies have actually examined trends within teacher recruitment agencies at the micro level or looked at teachers from the perspective of their career aspirations, motivations, or teaching quality.

Exploitation of immigrants

This international recruitment trend presents situations where relocated educators (usually women) experience class discrimination, racism and language barriers once working within England (Crace, 2003; Shaw, 2002). Morrison (1999) describes how the ‘historical’ tendency for agencies to exploit and abuse labour has caused agencies to attempt to improve their image through promoting ‘professionalism’. Professionalism is constructed through voluntarily following The Code of Good Recruitment Practice from the Federation of Recruitment and Employment Services (FRES). Yet, these are codes of conduct for good economical recruitment agency practices, not for educational practices for teachers working for recruitment agencies or for the employers providing the educational service. Most importantly, “the DfEE does not approve or accredit employment agencies, nor keep a register of those who follow the advice on good practice set out in the guidelines notes [Guidance Notes for Teacher Employment Business and Agencies and on the Use of Supply Teachers] (DfEE, 1996, p.10).

In fact, it was not until the sensational case of the Canadian recruitment agency teacher, Amy Gehring, that public pressure forced government to attempt some regulation of the industry (BBC, 2002). Ms. Gehring was accused of having sex with two of her 15-year old students at a party and also admitted to sexual relations with students at her previous school. Key to this case was the legal question of who was responsible for overseeing Ms. Gehring's conduct: The agency that hired Ms. Gehring or the school at which she taught?

Further investigation into the unregulated teacher workforce also indicated, at the time, that recruitment agencies were administering their own work visas at a disproportionate rate creating a situation where many overseas teachers relocated to England to find that in fact there were no suitable work available. Many of these foreigners were women from under-developed countries, whose first language was not English. Consequently, many found themselves a part of the social security system in England with no means to return home (Crace, 2003; Shaw, 2002).

Financial inequity and its impact on work environment

Financial inequities in pay and benefits occur as a result of national employment policies and local agency contracts. The impact of these policies is felt both short-term and long-term for the agency teachers. Nationally, recruitment agency teachers do not receive the same terms and conditions as traditional school teachers as defined under the School Teachers' Pay and Conditions Act 1991 as they are not employed by the LEA or the school governors (Grimshaw et al., 2003). For this reason teachers who work for teacher recruitment agencies are not entitled to "join the teacher's pension scheme and nor can they currently claim parity in contractual terms and conditions with their directly employed colleagues" (Grimshaw et al., 2003, p. 280).

At the local level or industry level, recruitment agency teachers have limited power within their agencies because there are few regulations governing their work and work relationships. Therefore, these teachers are at the mercy of agencies determining their pay scale, so within the teacher recruitment work, teachers are subject to receiving variable daily rates (Mansell 2000; Clancy, 2002; Willis, 2001).

In practice, many schools in England have teachers holding similar work assignments, such as full-time permanent and long-term recruitment, yet receiving different salaries and benefits. This financial inequity promotes a working environment that can be less collegial, and in some cases, result in a more pronounced hierarchical labour force. This hierarchical workforce often consists of recruitment agency teachers at the bottom, who are less valued than full-time, subject-specific, permanent teachers considered at the top of the hierarchy. This labour hierarchy is reinforced with the increasing encouragement of a flexible workplace as discussed next.

Structural Limitations

The English government, along with other nations, promotes the post-Fordist concept of flexible accumulation via flexible employment arrangements such as teacher recruitment agencies. The English government along with other nations also argue that this is one strategy available to women and visible minorities to increase access into the labour market and increase economic opportunity. This campaign by nations and states that these work arrangements benefit the employee is challenged by Young, (1999) as she distinguishes between workforce and workplace.

A flexible *workforce* reflects employers' efforts to increase staffing flexibility and lower their fixed staffing costs as an organizational response to the pressures of financial restraint and escalating competitiveness. This is market-driven, "causal" employment in which employees have little influence on the conditions of their employment...

A flexible *workplace*, however, reflects greater societal acceptance that there should be opportunities for a range of optional employment arrangements that do not necessarily involve standard, full-time employment. Such arrangements afford individual employees more flexibility to tailor their paid work arrangements to complement other dimensions of their lives, because they have some control, or at least influence, over their lives, because they have some control. (p. 140)

While national level policy makers and teacher recruiters positively promote flexible work arrangements, Grimshaw and his colleagues (2003) indicate that

Pressures to maximize earnings means that many of the supply teachers we spoke with simply could not afford to take advantage of the potential flexibility offered by supply work. In particular, everyone we spoke with found the unpaid school holidays very difficult to manage and it was this rather than other rights such as pensions that was cited as the main negative aspect of supply teaching (p. 280)

It appears that flexible work policies benefit employers more than employees. While recruitment agency teachers may appear to have flexibility by not being bound to a traditional teaching contract, their 'flexibility' occurs only when deciding to accept or refuse work offered. For many, there are no other alternatives. In turn, recruitment agency teachers have little or no control over their working environments. In addition, substantial research has been conducted on women teachers and their prevalent 'existential identities' (Casey, 1992, p. 206) where their role as teacher, and care provider, extends beyond the classroom to areas of mothering, care providing for others, activism, etc. I would also argue that these existential identities also occur with men of minority groups and single parent fathers. In most of these existential roles, there is a financial obligation that dictates teachers willingness to work – a willingness that stems from a direct need

to meet their 'other' obligations. Therefore, most recruitment agency teachers do not benefit from the 'flexibility' provided from their work arrangement.

While there is emerging debate as to whether there really is a teacher shortage in England (Gorard & White, 2004) what is known is that regionally throughout England there are not sufficient numbers of active teachers to fill the teacher demand. These regional shortages tend to coincide with many schools that are considered in areas of low socio-economic status and in need of substantial support and reform (Grimshaw et al., 2003). Therefore, not only do these teachers have little control over their work environments, but also employment opportunities are far from ideal and require extensive support. Recruitment agency teachers are often not provided with the professional development and supports needed to teach effectively in demanding schools environments. These assignments are often taxing both emotionally and physically on individual teachers.

Discouragement of Employment Stability

The flexible firm cannot exist without a flexible workforce. Therefore, TRAs have developed contractual arrangements that encourage a consistent supply of teachers. Since teacher recruitment agencies predominantly focus on providing services for short-term, long-term and part-time teaching positions, it is in their best interest to discourage schools from permanently hiring recruitment agency teachers. Initially, teachers hired by schools on a permanent contract create a loss of income for the Agencies. Recruitment agency contracts have addressed this issue with clauses such as the following:

33.1 The Supply Teacher accepts on the understanding that he/she will work in that post through the Agency. If a Supply Teacher accepts any such post, or any part thereof, or any extension of that post through any another agency he/she will be liable to recompense the Agency immediately, upon demand, for any losses that the Agency may suffer as a consequence of this action.

33.2 The Supply Teacher shall immediately inform the Agency if he/she is offered a permanent or temporary appointment with any client as a result of being introduced to any client by the Agency. (Capita Teacher Contract, 2002)

From a business perspective, it is logical that recruitment agencies be compensated for any loss of income when one of their staff has been hired for a permanent teaching position. But, the repercussions of this type of contract imply that many schools will not consider a recruitment agency teacher for a full-time teaching position. This occurs for a number of reasons. Recruitment agency teachers tend to be unable to afford to compensate the agency for the lost income and are, in turn, trapped into staying with the agency. Many schools attempt to pay the agencies on behalf of the teacher but have found it financially unfeasible.

In attempting to pay off the recruitment agency, schools also become faced with having to pay teachers higher salaries because the teachers will now fall under the legislated School Teachers' Pay and Conditions Act 1991. Some schools have maintained an unofficial policy of not seeking recruitment agency teachers for permanent positions. Hence, a vicious cycle has existed of needing permanent teachers, but not being able to afford to hire them, thereby resulting in classrooms filled with recruitment agency teachers. The unofficial practice for a teacher interested in a permanent teacher contract is to leave the supply agency to seek employment independently. This is a risk that many agency supply teachers cannot afford to take.

Conclusion

Depending on the lens chosen, multiple interpretations exist for policy outcomes. My feminist perspective with its interest in the work and life experiences of women has directed me to examine the phenomenon of TRAs in England. This examination has illuminated that a particular group of teachers who work for TRAs experience policy outcomes which limit opportunities for career commitment, professional development and employment equity. This population of teachers consists mainly of women and many visible minorities. Women within this labour group consist predominantly of mothers – many of whom are single. In addition, many women who work for these TRAs are also visible minorities, usually immigrants, predominantly from low SES and for whom English is a second language.

The collective impact of policy outcomes for recruitment agency teachers result in: a lack of control over workplace environment in schools that require extensive supports, financial arrangements that result in limited pay, no benefits, government legislation which results in poor union representation and limited legal recourse, and agency policies which discourage stability and commitment. It is clear from the policy outcomes that employees run the risk of being marginalized within their own profession and are prevented from participating in opportunities that will encourage better work environments, increased external rewards, career development, and increased professionalism. It is obvious that this collection of policy outcomes regulates the opportunities of teachers working within TRAs. Essentially a 'glass ceiling' exists.

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