Original Paper

Critical Reflection on the Maltese Legal Framework and the Policy Documents in Relation to the Role of the Educational Leader

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Abstract

In Malta, the core role of the educational leader is to be a curricular leader whilst attending to student matters, teaching personnel, home-school-community links, administration and finance. Research recommends that such expectation can be best fulfilled through the adoption of a distributed leadership style. However, when analyzing the Maltese legal contextual background laid out in the Laws of Malta - Education Act, the subsequent Government documents and the job description for the post of Head of School (HOS) to identify whether the theoretical stance and what is requested in practice align, the findings indicate that the suggested styles in the legal framework do not align clearly well with the policy documents and the practice thus possibly creating certain conflicts and confusion. The point being made is that notwithstanding being knowledgeable about what should be the core business of the school leader if the laws state otherwise, then the educational practitioners will end in a dilemma between the theory and the practice. Consequently, here, it will be emphasized that the legal documentation's expectations of the system guiding the work of the educational leaders should not only be adjourned but more importantly, should promote more the distributed leadership role more clearly and allow the school leaders to fulfill what they are expected to do by reducing, or better still, removing unnecessary administrative work that alienates them from their core business.

Keywords

Educational leadership, distributed leadership, legal framework, transformational leadership, dilemmas

1. Introduction

Teaching and learning is a complex and an ever-changing activity as it must continuously respond to the demands of the labour market whilst aiming to achieve social justice, equity and inclusivity

amongst the learners (Ministry for Education and Employment, 2014b). The Government of Malta has long acknowledged this as the then Minister for Finance had stressed that "education is the best tool for social mobility, for fighting poverty and for our children to have better opportunities" (Scicluna, 2014, p. 57). This statement shows Malta's commitments, as a European Union (EU) member state, to the EU 2030 targets to reach the sustainable goals set, one of which is purposely about quality education – the fourth one. Offering a quality education is also a right enshrined in both the United Nations Declaration of Human Rights (UDHR), (Assembly, 1949), and the United Conventions on the Rights of Children (UNCRC), (Nations, 1989). Consequently, school leaders do not only have the moral purpose but also the legal obligation, (Barber, 2005), to provide such experience to their students as described in their job description (Ministry For Education And Employment, 2020). The effect of the educators' work under the strategic leadership of an exceptional leader looks beyond the immediate impact as the current investment is expected to yield return in the students' adulthood (Ehren et al., 2013; Hargreaves & Shirley, 2012). Providing quality education stems from the quality of the teachers within a school because as Southworth (2011, p. 3) aptly argues "the quality of a school cannot exceed the quality of its teachers…" Furthermore, this author maintains that to foster and sustain quality, distributed leadership must be developed for professional learning communities, (Duke, 1990; Guskey, 1986; Guskey, 2002), in which teachers can debate about teaching and learning matters that will result in the improvement of the learning outcomes (Directorate for Education and Training Policy Division, 2008). In Malta, contemporary professional learning and development practices are still in an embryonic phase (Attard Tonna & Shanks, 2017). The recent Government-Malta Union of Teachers (MUT) sectoral agreement, (Ministry For Education and Employment, 2017, 2018), has initiated a revamp of the professional learning practices of teachers that school educational leaders should organise and coordinate. Such recommendation is very much welcomed when considering that Attard Tonna and Calleja (2018) highlighted that the level of the teachers' participation in professional learning activities is of concern. This is quite alarming when considering that the Maltese educational system is currently undergoing a major curricular and assessment reform as educators are moving away from a prescriptive syllabus to a learning outcomes (LO) based approach complemented by a combination of an ongoing continuous assessment and a final summative one at the end of the year (Bugeja, 2018a, 2018b; Cachia & Bugeja, 2020; Ministry for Education and Employment, 2015). A recent study by Calleja (2020) has indicated that there is a gap between the intended outcome of the LO as understood by the policymakers with that by the teachers. If the rationale is unclear, then the quality of the practice will be hugely affected. Consequently, in this scenario, the educational leadership must include aspects of transformational leadership in their endeavor to be the drivers of change at their school in the implementation of these innovations. Using different styles of leadership is a common occurrence in leadership as resorting to more than one way of knowing, Goleman (2017), assist in tackling these huge challenges, especially, when new mindsets are required within a cultural setting with a history of testing (Gipps, 1994).

2. Background Rationale - Legal Framework and Policy Documents

The New Education Act dedicates four articles - A9; A36 to 38 - to the duties, the functions of the school and the core role of the HOS (Government of Malta, 2019). Article 9 states that "it is the duty of school to accomplish the education strategy for Malta and the [aims stated in the National Curriculum Framework For All (NCF)" (Ministry of Education and Employment, 2012, p. A1588). In referring to the school, the Act is laying the responsibility onto the Senior Leadership Team (SLT) and their staff of educators to translate the aims and principles of the strategy and legal framework into action. The strategy, stemming from the NCF's aims of active citizenship, lifelong learning and quality inclusive education, consists of four broad goals – closing the achievement gap between gender, support the educational achievement of students who are at risk of poverty, increase the number of students in tertiary education, ensure lifelong learners (Ministry for Education and Employment, 2014a). Consequently, there is the legal obligation to reach these goals through achievement in educational performance.

Article 9 does not only state the duty but also defines the approach to be taken for this materialization – collaboration and collective responsibility, consultation, dialogue, cooperation and team culture – characteristics of both distributed and transformational leadership (Harris, 2004). Therefore, the article is indirectly stating which approach should be adopted.

Article 38 goes a step further than Article 9 as it not only affirms what the HOS should do but also prescribes the leadership style in which this must be done "provide high quality inclusive education for all through strategic and instructional leadership" (p. A1601). This is further strengthened in the recent policy for inclusive education, (Ministry For Education & Employment, 2019), which outlines specific themes – Inclusive and Strategic Leadership; Whole School Development; Teaching and Learning; and Continuous and Professional Development – through "collegial leadership" (p. 8), thus stressing again the distributed leadership that is being "encouraged" in the NCF (Ministry of Education and Employment, 2012, p. 44). Stating the leadership style requires caution as it not only straightjackets the educational leader's work but might create a professional conflict as the HOS should adopt the style that would suit most their school at that point in time of the journey, what in leadership is called as the contingency or situational theory of leadership (Cherry, 2020; Unknown, 2020). Paradoxically, while the Act is suggesting instructional leadership, Webb (2005) warns that this style of leadership "…is a variant of transactional leadership with its emphasis on establishing structures and systems" (p. 75). This reinforces further the external control still existent in the Maltese educational system and if the term "instruction" as a leadership adjective is being used because of its similarity with the word instruction in the teaching and learning, the approach would be erroneous as it would be an authoritarian role in a system which is trying to be decentralized. Webb acknowledges that this leadership might be conflicting with pedagogical leadership and using derivative terminology might add to the "considerable confusion in the area" (p. 70).

An extension of the legal framework is the current Government-MUT agreement which while concurring with the strategic aspect of leadership, it emphasizes that its operationalization should be through a team culture (Ministry of Education Youth and Employment, 2007, p. 52). The agreement, in defining the role of the HOS, highlights their dual – "educational and operational leadership role - in a climate of genuine collegiality and collaboration"; thus, acknowledging the complex task of having to balance things out between doing things right (manager) and doing the right thing (leader). According to the education legislation and the policy documents, the right thing is being a good curricular leader that would lead to the students', the school's and eventually, the country's educational improvement in both the local and international comparative assessments. A good curricular leader entails a well-versed leader about the latest developments on what contributes to effective teaching and learning as their influence in leading the school towards educational effectiveness is unquestionable (Fleming, 2017). With the ever-increasing demands on the HOS particularly administrative ones (Debono, 2014; Law et al., 2010), it might not always be humanely possible to keep with the expectations and also up-to-date with the recent research trends. So, the alternative could well be to recognize and celebrate the expertise within your staff to have that member upskill the rest of the team. Whilst this requires courage and a degree of humbleness on the part of the leader, especially in a culture where the top person in an organization is expected to know-it-all, it paves the way for the building of trust, strong relationship and ultimately, ownership of the curricular changes. Identifying and acknowledging the in-house expertise and interest empowers the educators, shows that you trust them and most importantly help them to believe in their efficacy that they can be change agents (Fullan, 1993, 2006; Fullan & Erskine-Cullen, 1995). Furthermore, the professional dialogue taking place in the curricular discussions aligns well with the philosophical underpinnings promoted in the NCF – social constructionism where there is no one absolute truth but knowledge emerging from the social element (Vygotsky, 1978).

3. The Complexity of Defining Leadership

Teaching and learning is a complex activity, (Grenda, 2006), and it becomes more compounded when trying to lead it without an agreed definition of leadership on which style is most suited for this end (Cuschieri, 2020). The impact of leadership is indisputable; (Fleming, 2017) and according to Grenda (2006), distributed leadership has been identified as the one with the most positive impact on the curriculum. Adopting this style or another depends on the priorities, values, aims and purpose of the leader highlighting the fact that a self-analysis of the situation at hand is imperative (Sudmann, 2016). Nonetheless, the curriculum and the always evolving nature of the methodology of instruction cannot be ignored which demands the continuous need to motivate the staff while pushing them to new heights, an endeavor falling under transformational leadership as Hauserman (2013) argues when cited in (Senthamil & Palanichamy, 2014). Hence, the continuous educational reforms are making it more difficult for the educational leader to adopt, and stick, to one leadership style because to influence educators, the leader needs to induce them to buy-in the reform which necessitates a democratic and

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transformational approach through distributed ways that enhance the educators' pedagogical standing. In fact, Dulewicz and Higgs (2005, p. 107) point out that "changes in context require changes in the way which leaders operate". Locally, Borg and Giordimaina (2012) have concluded that educators including leaders are under a reform-fatigue because they are being caught up in a rat-race system of continuous change (Vella, 2020). In a context where schools have always been at the receiving end of the curriculum as users rather than developers, something which Stenhouse (1975) argued against, educational leaders do not have much opportunity to be consulted and can find themselves unprepared. Distributed leadership can offer an alternative of adopting an inductive decentralized approach (Law et al., 2010).

Research suggests that creating and sustaining professional learning communities assists in the increase of social capital for a highly professional capital school (Hargreaves & Fullan, 2012). Such communities require distributed leadership where the strengths of each educator are capitalized and can offer lateral rather than top-down support. Having educators working together helps to develop and maintain a positive school climate (Zheng et al., 2018), boosts their self-confidence, encourages team spirit whilst facilitating their ownership of the decisions to be taken about their students (Law et al., 2010) – a major benefit of distributed leadership.

4. Distributed Leadership for High Quality Teaching and Learning

Distributed leadership lacks a widely accepted definition (Grenda, 2006). Although a definition provides a framework, what matters most is not what it is but how it is distributed (Spillane, 2003). Despite this dearth, it would be beneficial for educational leaders if they construct their own leadership definition as the leader's vision of leadership influences students indirectly (Leitwood, 2011). My simple working definition is based on the notion of togetherness and the saying that "together we are stronger and better". This sense of unity is congruent with Fullan's core aspects of pedagogical leadership – moral purpose, relationship building and knowledge creation – which in turn "fosters a distributed type of leadership" (p. 88). Moral purpose is due to the shared commitment embraced in the vision and mission of the school; relationship building because the team players must be trusted and relied upon whereas knowledge creation emanates from the social meanings that each team player will bring to the organization. The interdependency of teams where "…collaboration and collegiality are key to maximizing the human capacity of the staff…which can also contribute to school improvement…" (Harris, 2004, p. 14) creates cohesion between the staff whilst emphasizing that the leader is not delegating to shed away responsibility but to work with.

The skillful and competent leader needs to be, at least, knowledgeable as the teachers as otherwise they cannot foster a culture of professional inquiry where, ideally, they need to be one step ahead (Bezzina, 2002).

Selecting personnel to lead teams or to carry on a piece a work could start through a democratic process where the educators themselves identify their strengths, interests and their weaknesses so when

proposing professional community groups, "the … array of individuals…." will complement each other (Spillane, 2005, p. 143). A team culture supports the individuals to make more sense of where the school is heading and thus, it becomes easier to identify and share with the vision of the school leader (Timperley & Robertson, 2011). It is only after this sense-making exercise that the staff would be able to contribute (Coleman & Kottkamp, 2015). This good feeling factor allows the teachers to perform better with an ultimate better impact on the students' learning outcomes (Spillane, 2006; as cited in Timperley & Robertson, 2011). The ripple effect between the school climate, the human well-being, the job performance and the impact on student achievement need to be in alignment, similar to the constructive alignment suggested by Biggs (1996, 2003a, 2003b) for an effective and efficient organization system.

Teachers need to be involved to feel part of the process rather than being told what to do and once they have implemented what they have participated in and for, leaders need to celebrate what they do so not to stifle their creativity (Webb, 2005). Otherwise, sidelining the teachers would backfire as their craft knowledge would not be appreciated which as a corollary might become more resistant to change (Huang, 2010; Riel, 2017; Townsend, 2014). What we need is educators who believe in what they are doing to keep continue using the "new" suggested practices, otherwise if they do not share their worthiness, the new suggested practices will be ignored. Such shared appreciation can be attained when the groups are formed on Sergiovanni's (2000) social covenant characteristics being the shared aims and purpose of the task that the group was formed for. Such formation is an essential element for change in teaching and learning especially when needing to move away from traditional rooted practices (Thompson & Wiliam, 2007).

5. The Learning Culture Underpinning a Distributed Leadership Approach

Professional communities are powerful because they manage to bring together the collective assets of the staff's expertise; thus combining the individual and the collective efforts which in Fullan's (2011, p. 4) view "…are among the right drivers that can work directly on culture…". This partnership for learning, (Wenger, 1998), creates a safe and reassuring zone for inquiry on practice (Birenbaum et al., 2009), whilst providing the space that "…allows for trial and sometimes failure" (Smith, 2011, p. 56). Handling failure requires a culture that fosters growth mindset (Dweck, 1986, 2000, 2010) where it is fine to make mistakes as they are an opportunity for growth. If the educational leader manages to instill this kind of mindset, it can transcend into classrooms and students where then they would be able to focus more on the effort needed for the task rather than their ego which questions their capabilities. Indeed, the reculturing process is not an easy task but a work in progress (Shilling, 1992).

Despite the benefits of professional learning communities through distributed leadership in a conducive culture for learning, the effect of these measures on the student achievement is still an "…unchartered territory…" as other variables affecting achievement are involved (Harris & Spillane, 2008, p. 32).

6. Conclusion

This reflection piece has discussed the Malta legal framework in which the role of the educational leader is defined, and it has drawn on that expectation to identify the style of leadership being envisaged. It was argued that there is a mixed message across certain articles because one is indirectly advocating for a distributed leadership while another mentions instructional leadership. Apart from the fact that stating the leadership style is a form of control, it has been claimed that this mix might stir more confusion through a blurred vision between the legislation and the policy documents. There should not be a one-size-fits-all recipe as the situatedness of each school even within the same college cluster calls for different leadership styles at different points in time. Nonetheless, whatever the leader might be prioritizing, the central role of, and attention on by stakeholders, – parents, workforce, Department and the Ministry – the quality of teaching and learning cannot be ignored. The school leader is held accountable for the school's performance even though the leadership effect is second to the quality of instruction taking place in the classroom on the student achievement. Therefore, the school's success is mostly dependent on what happens inside the classroom meaning that teachers must be onboard and make sense of the school leader's destination. Investing in the staff's social capital through collaboration, cooperation and collegiality in a non-threatening environment can possibly ensure this success. These values and modus operandi can be facilitated by distributed leadership. The positive effect on pedagogy, the school culture, the educational quality, professional community time, the mitigation of hierarchies, the increase in the teacher's confidence levels, the increase in the teacher's professional knowledge outweigh the barriers of the leadership style advocated.

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