

Time to extend children's rights in the UK

According to UNICEF and the Children's Society, the UK's children are some of the unhappiest in the developed world: England comes bottom out of 21 countries for relationships and fifth from bottom for educational well-being. Despite our being one of the richest countries in the world, one third of our children live in poverty and government targets to reduce the number are not being met. Another test of how we treat our children is currently underway.

In 1991 the government – then Conservative – ratified the UN Convention on the Rights of the Child. This requires governments to do everything possible to ensure children enjoy a range of rights. The Committee on the Rights of the Child, made up of international children's rights experts, examines the way each government promotes and protects its children's rights. This has happened twice before for the UK – in 1995 and 2002 – and is happening again this year.

The government is required to write a full report explaining how it is implementing the Convention. NGOs and children also report to the Committee and did so in June. CASE is a signatory to the joint report submitted.

There have been some positive developments. Among those identified are the Equalities Act 2006, which requires all organisations, including schools, to have a policy and action plan to show how they promote equality and how they counter any discrimination on grounds of gender, race, age, disability, faith and sexual orientation. The government emphasises the right for children to be heard and taken seriously. The current proposals for a national play strategy (see

page 4) indicate the government's commitment to children's right to play. Additionally, child protection legislation has been strengthened and the Convention is mentioned in an annex to the Children's Plan.

However, the report explains that the UK still falls far short of the minimum standards required. Almost 30 Acts of Parliament breach the Convention, one in ten children have a mental health disorder, one in ten are hit or harmed by an adult, one in 20 feel unsafe at home, parents are punished rather than supported for their child's behaviour, children's right to privacy is frequently ignored, and treatment of children in custody is abusive, with periodic deaths. The UK is the only country to recruit 16-year-olds into the armed forces; half of these only have the literacy skills of an 11-year-old.

Moreover, the Convention is not part of UK law and the Children's Rights Commissioner has only limited powers. Asylum seekers, travellers and other vulnerable children need greater protection and support, not punishment. The use of ASBOs and "mosquitoes" should be reviewed and safe and exciting places for children to go provided. It should be illegal to hit children. Stress levels in schools need to be investigated and reduced.

The Committee will issue its next "concluding observations" in October after the government has given its evidence. In 2002 78 recommendations were made and the report was extremely critical of the UK government's progress. Can we expect better this time?

NEC membership

CASE would welcome new members to the National Executive Committee, which meets approximately every two months on Saturday mornings. Apart from the officers, NEC members do not undertake fixed roles but contribute according to what they can best offer. Typical tasks include monitoring and participating in public debate; writing articles for *CASE Notes*; writing briefings on current educational issues; and attending public meetings on behalf of CASE. Travel and other essential expenses are reimbursed.

Any interested member who would like to learn more is invited to attend and observe an NEC meeting. Please contact Melian Mansfield at CASE.

CASE annual conference and agm

Which future? Education beyond 2010

Saturday 15 November 2008, 10.30 a.m.
University of London Union, Malet Street, London WC1

Prof Stephen Ball and representatives of the main political parties have been invited to speak

For more information and details of how to register see next edition of *CASE Notes*

Hearing children

CASE has signed up to a briefing paper from Participation Works sent to the committee looking at the Education and Skills Bill in the House of Lords. The briefing contains a proposed amendment that would place a duty on schools to pay due regard to the opinions of pupils and to establish a school council or another form of collective mechanism for ascertaining the views of children.

Participation Works is trying to broker cross-party support for the amendment.

CASE believes in a fully comprehensive, locally accountable and democratic education system

Tory exclusions policy

The Conservative's working paper, *Giving Power Back to Teachers*, published in April, painted a bleak picture of school staff undermined by disruptive pupils. It claimed that headteachers are stymied by a legal system that offers no help because it has "swung too far against teachers". The party suggests the problem is worst in the poorest parts of the country, because there the rate of suspension is eight times higher than in other areas.

Among the proposals are plans to scrap the right of appeal to an independent panel against exclusions, which the Tories say undermines headteachers. There are also plans to end what it describes as "financial penalties" on schools that exclude pupils, meaning those funds that schools lose when they follow a child to a pupil referral unit.

However, it is far from clear what a Conservative government would do with excluded pupils. Shadow education secretary Michael Gove has muttered that solutions lie in the third sector. But services for excluded pupils are expensive, and the Tories have not identified any extra money for them. And if funding for excluded pupils is to remain with the school they are excluded from, that leaves even less money.

It is also uncertain whether abolishing appeal panels would make much difference to headteachers' authority. While the Tories point out that 25 per cent of exclusions go to appeal, DCSF figures show just 1.4 per cent of all exclusions are overturned. If, as the Tories claim, 350,000 children are excluded annually, these proposals will affect fewer than 5000 cases a year.

And an abolition of the appeals process is likely to be more costly and time-consuming for schools if it clears the way for parents to argue their cases in court – particularly those with the money to do so.

A sceptic might conclude that the Conservative policy on school discipline has more to do with shoring up David Cameron's "broken society" agenda than helping headteachers.

Campaign for State Education

98 Erlanger Road,
London SE14 5TH
Tel: 07932 149942

E-mail: contact@campaignforstateeducation.org.uk

www.campaignforstateeducation.org.uk

President: Joan Sallis, OBE
Chair: Melian Mansfield
Vice Chair: Judy Harrington
Treasurer: Alan Carter
Secretary: Keith Lichman

Membership

To join CASE send £15 (£5 unwaged) with your name, address and phone number to CASE (address above)

Views from the Op

Listening to the Shadows

In March and April CASE met with David Laws, Shadow spokesperson for Children, Schools and Families for the Liberal Democrats, and Nick Gibb, Conservative Shadow Minister for Schools. They were two very different meetings, although we did thank them both for their opposition to different parts of the Education and Skills Bill. Politics never fails to amaze! Although both gave us over the allotted time, as is always the way there did not seem to be enough time for everything on the agenda.

We met David Laws in his office. He explained that the party was having a review of its schools policy and invited us to send in our comments on their consultation document (see next page).

Much of the meeting was spent discussing academies. He was asked why, when party policy nationally was very critical of academies, many authorities controlled by the Lib Dems have become engaged in the academies programme. He said that will be one of the issues the review of schools policy will be addressing. His view is that some parts of the academy model are good and some bad (is that sitting on the fence?), but that the additional freedoms they have and the concentration on raising standards in deprived areas both seem to be good things. What he found of concern was the unlevel playing field for academies and the rest of the schools system.

We touched very briefly on faith schools and testing before our time ran out, though

he did say he would be interested in meeting again to hear our views on the consultation document.

Our meeting with Nick Gibb was in one of the tearooms at the House of Commons. It turned out to be more of a philosophical debate on education than a discussion of policy. He referred on several occasions to a book by the American academic E. D. Hirsch, *The Schools We Need: and why we don't have them*. Is Conservative policy to be formed around American thinking and experience (see below)? There was no doubting his desire to raise standards in schools, although he constantly compared state schools to private schools, with the latter as a goal for them to aspire to. When asked about grammar schools there was no hesitation that they would remain although their numbers would not increase.

Nick Gibb saw discipline as being rooted in the wearing of school uniform, strictly adhered to – no loose ties! And desks facing the front, not in groups.

In many ways his was a very old fashioned view of schools. Is it suitable for the 21st century? He also invited our views, asking us to look at the education policy on the Conservative Party website – so that is another meeting we will look forward to. In these politically uncertain times we think it is important to keep up a dialogue with all parties: especially at a time when they are formulating their policy.

Can we influence their thinking? Probably not, but let's give them another point of view to think about.

The background to Conservative thought?

E. D. Hirsch, *The Schools We Need: and why we don't have them*, Anchor Books, 1996

First published in 1996, this book develops a critique of the damage done to education in US schools by the progressive movement in education of the 1920s and the tradition of American Romanticism of which it was one expression. The author is concerned that although US political traditions and universities may be among the best in the world its schooling, characterised by "a low average level of educational achievement and a too exact correlation between social class and educational level", is "among the least effective in the developed world."

Hirsch argues that international comparisons show that nations which recognise the cumulative principle in education achieve the highest educational standards and that cumulateness can only be ensured by developing it throughout the educational system from infancy to leaving school. He favours "grade by grade monitoring" supported by "grade by grade accountability and incentives for everyone concerned with schooling".

The argument of the book is reminiscent of the Black Papers published in Britain between 1969 and 1976 and of Jim Callaghan's "great debate" on schooling and classroom practice, in which he argued the case for a core curriculum, monitoring education spending to maintain standards and using the inspectorate to ensure attention to standards in all schools. Since then in Britain, especially in England, central government has increasingly dictated what is to be learned in our schools and how it is to be taught.

Recently it has been argued that "the pendulum has swung too far" in our "accountability regime", but such arguments are all too readily dismissed by saying there will be no return to the "secret garden where parents did not know how well schools were doing".

I suspect that Warwick Mansell's *Education by Numbers: The tyranny of testing* (Politicos, 2007), from which these latter observations are taken, may be more relevant in Britain today than the book under review.

Peter George

Lib Dems pose some basic questions

The Liberal Democrats are currently reviewing their policy on schooling, and their Schools Policy Working Group has produced a consultation paper.

The remit of the working group was wide and ranged across issues such as funding for schools and pupils, social exclusion and under-performance, selection, the curriculum, school structures, the retention and recruitment of school staff, the physical learning environment and, on a very broad level, the purpose of education. So, no tinkering at the edges there, but a complete overhaul to “create a world class UK education system for the 21st century”!

The consultation is split into five sections: challenging educational inequality and disadvantage; the school curriculum, qualifications regime and testing; freedoms and accountability, leadership and structure; school workforce issues; creating safe, secure and green schools. There is an introduction to each section with a series of questions such as

- Which groups should be permitted to provide state-funded education and with what safeguards?
- What powers should schools have to select?

- What effect have school federations and specialist, academy, trust and foundation schools had?
- What should be their future?
- Does school choice raise standards or widen inequalities?
- What is the effect of grammar schools?

Many of the questions seem to have a resonance with articles that have appeared in *CASEnotes*, and indeed with questions that CASE has put to a number of Education Secretaries of State.

Although the formal external consultation closed on 30 May the working group will be inviting a “wide range of organisations and individuals” to give oral evidence up to the end of July. CASE has asked to be one of those organisations.

The consultation paper can be seen at www.consult.libdems.org.uk/schools/. The responses posted on the website are well worth reading as they give an indication of the views from the grass roots.

A formal consultative session will take place at the Lib Dems’ September 2008 conference and the working group aims to produce a policy paper and motion to be debated at the party’s conference in Spring 2009. Look out for future articles in *CASEnotes*.

A hollow consultation

A voluntary alliance of parents, governing bodies and headteachers has been mounting a co-ordinated campaign against an academy proposal from Lewisham council in south east London. This will close a failing primary school, Monson, take it out of local authority control and merge it with the successful and selective academy at Haberdasher Aske’s Hatcham College (HAHC). This follows years during which the local authority failed to address the problems at Monson itself.

So what is wrong with the proposal? The main premise for the takeover is to eliminate disadvantage – yet there are ten other primary schools nearer HAHC, many of which have equal or higher numbers of socially deprived children and two of which have worse levels of attainment. It will be like squeezing a balloon – high-mobility, socially deprived children will be forced out of the Monson catchment area to the other already challenged primary schools.

Added to this HAHC has no experience of primary education and no particular expertise in working with socially deprived children – its current pupil population has 20 percent fewer BME pupils than the borough average.

Despite the flaws in the proposal, the council seemed determined to railroad it through, ignoring the concerns of local primary headteachers. The consultation process was deeply flawed, with all opposition dismissed. It failed to consider the impact on the local community in terms of equality, despite the fact that the whole premise of the merger was to eliminate disadvantage. The council’s final report on the consultation was full of inaccuracies and lacking in evidence. The mayor nevertheless pressed ahead and gave his consent to the merger. Is this the government’s idea of community cohesion?

Against this intransigence, a group of local governors, parents and headteachers arranged a meeting with local MP Joan Ruddock. She was very supportive and helped organise a further meeting with the Secretary of State where a clear and concise analysis of the plan’s failings and the faults in the consultation process were put forward. Ed Balls has yet to respond to this meeting held two months ago.

The campaigners then sought legal advice as it was clear that stakeholders had not been consulted properly, that the flaws in the report rendered the decision improper, and that there had been a failure to consult on admissions policies, to follow the government’s own academy unit guidelines and to complete an equalities assessment.

A legal challenge was duly issued following the closure notice. This challenge continues. But Monson will become an academy this September if it fails, and the whole process will have been rushed through in less than a year.

Another example of an academy being forced through against the will of local people and the evidence!

Comment

The threat to close 638 failing schools and make them academies or trust schools if they do not improve is yet another underhand way of developing the academies and trust schools programme. And yet 26 of the “failing” schools are academies.

The damage done to these schools is incalculable. Naming and shaming does not improve them, and what the government needs to understand is that raw statistical measures are inadequate for judging the quality of education provided. Relationships and ethos are important and an ability to meet the needs of all those in the school. This costs money but instead huge sums have been put into academies and a third of them are now deemed to be failing.

If the recent report on the first Business Academy, in Bexley, is anything to go by the huge sums have not been well spent. Nine percent of the school’s annual budget goes on repairs and maintenance even though the building is only six years old. The ICT equipment was a complete failure and took three years to repair at a cost of £1.2 million. Other deficiencies include paintwork peeling from exterior columns, easily damaged plasterboard partitions, leaks from the flat roof and internal plumbing, high energy consump-

tion and changing rooms that are too small. And this is just one academy – each one is now costing up to £40 million to build. Is this value for money?

The effect on communities of closing schools is huge. But ministers do not listen to critics and use any method they can to overrule and impose. This is not the way to build an effective system of education for the 21st century. Students matter and their voices are not heard when academies are considered. Parents and governors are stakeholders and know their schools, but they are not heard either. Moreover, in academies the pay and conditions of staff are being undermined, while most education law and the Freedom of Information Act do not apply to them.

*Ed Balls has not been able to answer the six key questions we sent him three months ago. Instead at our meeting with him we had a tirade on the benefits of academies. At our annual meeting in November we will be exploring these issues, and others, in a debate on “Education beyond 2010”. Politicians from the major parties and Stephen Ball, author of *The Education Debate: Policy and politics in the 21st century*, have been invited to speak.*

Melian Mansfield

Old truths still apply

Tony Mitchell

The best book I know on how to evaluate a school is still one published in 1979, *15000 Hours: Secondary Schools and Their Effects on Children* by Michael Rutter *et al.* It looks at the “degree of academic emphasis, the roles and responsibilities of the children, the rewards and punishments used and the day-to-day contacts of teachers and pupils in the classroom”. Its examination ranges from “the size of the schools and the types of building in which they were housed, to the balance in the mix of the intake”. The result is one of the most detailed and vivid studies of contemporary schooling and of the variables that seem to bear on the results obtained by different schools. The crucial factors are head and staff + resources + intake/home support + the structure within which the school operates.

The book shows that comparing schools is a complex process, and that facile claims that take no consideration of context are worse than useless.

We should be talking about the education of all children. The private sector will not do this. I can give no support to a system which operates to benefit a small

minority and ignores the majority. Spending £50 million on an academy or £30k on each pupil at Eton is a vast irrelevance in this context, even if it produces a “best” school.

Since comprehensives got under way in the 1960s the range of pupils succeeding at O level/GCSE and A level has increased, the latter from 6 percent to 43 percent. The number of those going to university has risen from 16 percent to 45 percent.

Finland, whose system is wholly comprehensive, regularly tops the PISA international comparison tables.

There is no research evidence to justify selection. When like is compared with like, research has shown that able children in comprehensives do as well if not better than their peers in grammar schools, and go on to get better degrees.

The best education can only be achieved by catering for the needs of the whole community, together. That is most likely to happen in a proper state comprehensive system – which is best for all children, best for a rounded, complete education and best for social cohesion. We cannot continue to base our education on advantage for the advantaged.

School contemplates turning down £13.9 million

Tollbar Business and Enterprise College could become the first school in the country to turn down BSF funding worth £13.9 million – if it is forced to sign up to a particular IT system.

Under the terms of the government’s Building Schools for the Future scheme, North Lincolnshire schools will have to take part in a centrally managed IT system in order to qualify for a share in an estimated £107 million funding, which will be allocated to the council for rebuilding schools.

But Tollbar’s principal, David Hampson, has refused to subscribe to the scheme, because he and the school’s board of governors consider it inferior to the computer system already in place at the school. The new scheme could also involve the relocation of existing IT staff at Tollbar to a central base.

“Of course this money would be a fantastic boost to Tollbar, as it would be to many other schools in Grimsby,” said Mr Hampson. “However, our main priority has always been to improve standards for

our students and, if necessary, we will continue to do this in the existing buildings rather than sign up to an IT system which we consider would inhibit the progress of IT at Tollbar.”

“We have told the BSF project organisers that we are quite prepared to share our database and buy into their new internet connections, but we are not prepared to relinquish control of our existing IT system or lose our highly qualified staff to a central agency,” he added. “The proposed centrally managed system is, in our opinion, not comparable to what we already have in place and therefore would be a major step backwards for us.”

He also said, “We do not wish to be seen as the bad guy here, but protecting the interests of our pupils is our main priority and we will not take what we consider to be a major step backwards in educational provision, even if it means that inevitably we are forced to turn down this funding.”

North East Lincolnshire Council must create a detailed plan by 16 September for final approval of its BSF plans.

News in brief

Wisdom from across the Pond

This summary fits education here as well as in the USA if you substitute our governments since 1988 for Bush : Bush’s signature program for improving education revealed a similar disregard for our children and the health of the society. It concentrated on testing rather than education. The heart of any serious educational program is fostering the ability to inquire and create, as discussed by one of the founders of classical liberalism and of the modern university system, Wilhelm von Humboldt. Focus on testing does not advance, and probably harms, such objectives, for which quite different initiatives would be required. Noam Chomsky

Fair Play

The government has produced a strategy entitled “Fair Play” which proposes to make public space more child-friendly and produce play spaces that are safe but also exciting and stimulating. Parents and children will be able to get involved in the design of play spaces near where they live. This follows a commitment in the Children’s Plan and is supported by an investment of £225 million to be spent over the next three years on training and on creating new play spaces, including adventure playgrounds. This recognition of the importance of play to children’s health and well-being is extremely welcome. The consultation is now closed but the document is on the DCSF’s website.

Material girls and boys

The Government has also launched a consultation on the impact of the commercial world on children’s well-being; they particularly want parents and children to respond. The NUT has produced a charter on commercialisation *Growing up in the Material World* (which can be found in the education section of its website) in response to concerns expressed by its members. The charter sets out the key measures that need to be introduced in order to protect children from the damaging effects of marketing and advertising. Members are alarmed at the extent to which schools are targeted by companies to market their products — which are often unhealthy — and exploit schools, children and their families, rather than build an education partnership.

Academies exclude more

Academies expelled nearly 10,000 pupils for poor behaviour last year. Academies were responsible for 2 percent of all fixed-term exclusions and 3 percent of permanent ones, despite making up only 0.3 percent of state schools in England, according to official figures published in June.

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info@adamsonbooks.com

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right of all children to the
best in state education,
regardless of their race,
gender, home circum-
stance, ability or disability*