

## Conference Catches Gove in the Act

Caught in the Act, a conference organised at the University of London Union by a coalition of educational pressure groups, attracted a huge attendance on 19 November, with many people having to be turned away. The conference analysed and condemned the destructive effect that the Education Act will have upon what remains of a coherent public education system.

### A sad history

The morning session was introduced by Professor Clyde Chitty and Melissa Benn. Both speakers placed the current destruction of state education within the historical context of the policies that have been pursued since the 1988 Education Reform Act. Clyde Chitty felt that the education system was now even less fair than the one which operated in the immediate post-war years. However, he counselled against despair because the inherent strains within the system would inevitably lead to its collapse. Basing her views upon the responses she had received to her book, *School Wars* (see page 2), Melissa Benn made a direct plea to Ed Miliband to develop a coherent set of education policies that would acknowledge the bewilderment, anxiety and dissatisfaction that parents increasingly feel as the system fragments.

David Wolfe, a barrister from Matrix Chambers who has developed great expertise in education law and has assisted many groups of parents and teachers to oppose conversion to academy status, gave a succinct account of the way in which the new Act changes education law so as to place enormous and unprecedented power in the hands of the Secretary of State.

### The reach of commerce

The conference then considered the growing part being played in state education by commercial companies. Martin Johnson, Deputy General Secretary of ATL, and Professor Stephen Ball gave a detailed account of the way in which private companies, many of them global in reach, are increasingly involved in "providing" not merely ancillary services but education itself, for which they receive large sums of taxpayers' money. A statement from one such company, Wey Education, was quoted by Martin:

"Wey is responding to the English market opportunity brought about by the transfer of state-run schools to independent charitable entities and the deconstruction of the education function within local authorities. Within the £53 billion English education system, the standards achieved by pupils and the rounded quality of the education they receive need to be significantly improved.

Additionally the evidential efficiencies that can be made in the operation of schools combine to make a clear opportunity to make a substantial return to investors and improve education in the UK."

Stephen Ball, who has researched extensively in this field, discussed the increasing difficulty of knowing precisely who owns and/or controls what in the world of semi-privatised education, because of the constant round of mergers and acquisitions. He gave many, very detailed examples of the way in which global companies, often with no expertise in education, are developing educational divisions in response to perceived opportunities in the privatisation programmes that are spreading across the world. These divisions constantly merge and re-form, with the result that democratic accountability to taxpayers is quite impossible. The kind of thing that happens as a result of this process can be seen in the case of Babcock International, a global engineering company which now advertises on its website that it is available to help schools in England achieve academy status!

Sam Ellis from ASCL followed with an extremely witty and amusing exposition of the problems of school finances and the way in which these can (and will) be adversely affected by the kind of funding changes caused, for example, by the setting-up of Free Schools.

### Choose your example

The morning session was closed by Christine Blower, General Secretary of the NUT, with an unflattering comparison of the kind of policies being pursued by Michael Gove with those that are followed by countries with the most successful education systems, as measured by the Programme of International Student Assessment. Christine pointed out that, where evidence contradicts or fails to support Gove's ideologically driven policies, he simply ignores it. For example, he has ceased referring to Sweden as the source of his Free Schools policy because evidence is increasingly emerging that the policy in Sweden has been a complete failure (see article on page 3).

All the speakers led afternoon workshops in which the issues raised in the morning were discussed in greater depth and detail before the conference closed with a rousing call to arms by Patrick Roach, Deputy General Secretary of NASUWT.

A detailed report of the conference will shortly be sent to all participants and posted on the CASE website. In addition, the joint committee of the organisations that held it will meet to plan how to build on what all had felt to be an extremely successful event.

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

# Creativity in the curriculum

Professor Theresa Cremin from the Open University spoke at the Primary Umbrella Group meeting in November of the need for “disciplined improvisation” in the primary curriculum.

She argued that the myth that only certain people are creative has to be dispelled – everyone can be creative. Creativity is to do with mindset and attitude and an ability to explore and ask open questions. It is not “the Arts”. She pointed out that creativity is more central to the curriculum in Scotland and Europe than England.

Creativity works best in education when children lead and teach each other and teachers facilitate. It is important for there to be relevance to the learner, who needs to own their learning. Teachers therefore need to know the interests of the children they teach and what they are learning at home. Accordingly, the curriculum should be constructed with both children and parents involved.

## The need to take risks

Using questions such as “What is?” “What might happen if?” “What can I do with?” “What do you think?” are more creative than questions that require specific answers. This requires risk-taking on the part of the teacher but develops children’s

curiosity. Teachers need to reflect on their values and their attitudes to children as well as finding out more about what the children do when not in school.

This was supported by the findings of a project *Building Communities: Researching literacy lives* conducted by the UK Literacy Association and the Open University. The project “sought to connect literacy practices beyond the school and widen conceptions of literacy in the 21st century”. It suggests that “teachers need support in order to challenge ‘taken for granted’ assumptions and perceptions about children and families and build new and meaningful relationships” and makes various recommendations for them:

- that they take responsibility for developing their understanding of children’s personal passions, ways of learning outside school, cultural interests and everyday literacy practices and experiences, and develop curricula which respond to these
- that they construct new, more equivalent relationships with parents, families and children
- that they make time and space to foster children’s autonomy and agency as learners.

# New book scourges policy failures

Melissa Benn, *School Wars*, Verso, 2011 £12.99

In *School Wars* Melissa Benn gives a passionate, thoroughly well-informed and extremely readable defence of universal public education. Starting from the point

of view of a parent who decided in the 1990s to make use of local schools, she describes the complexity and fragmentation that recent and current government policy has brought about.

She gives a historical account of the half-hearted and piecemeal way in which comprehensive schools were introduced from the 1960s onwards, a half-heartedness that made it easy for political opponents to begin to demolish the system even while it was still bedding down. Her account of the Blair government’s lack of belief in comprehensive schooling and its enthusiastic espousal of the disastrous 1988 Education Reform Act is – perhaps understandably – inclined to let Labour down lightly. While rightly pointing to Labour’s successful investment in educational resources, and although by no means uncritical of its failings, she does not reflect the sheer enormity of Labour’s betrayal.

The rest of the book offers both a thorough and unanswerable indictment of the effects of current policy – which is destructive of social coherence and wasteful of national talent – and some pointers to the future. It might be argued that the latter are more informed by idealism than by practical political ideas, but this is altogether a very fine book which is essential reading for anyone interested in modern educational issues.

**Michael Pyke**

# Building a better Bacc

“Why the E-Bacc?” was the topic discussed at the Secondary Umbrella Group meeting in November. The English Baccalaureate (EBacc) is a new certificate that will be awarded to any student who secures good GCSE or GCSE passes in English, maths, the sciences, a modern or ancient foreign language and a humanity subject such as history or geography. It is not a qualification.

The House of Commons Education Select Committee found no evidence to show that it would help the disadvantaged. Nevertheless, its introduction has seen many schools revise and reduce the number of subjects they offer.

David Peck from the Curriculum Foundation told the Group that the Foundation, Whole Education and a number of schools and other organisations such as the Association of School and College Leaders (ASCL), National Governors’ Association (NGA) and the Independent Academies Association are working together to design a Better Baccalaureate. This aims to offer:

- a range of rich, well rounded and coherent pathways of learning for young people
- elements of recognising skills for employability, civic participations and independent learning
- students to be more involved and engaged in their own learning
- flexibility to offer a challenge for all students
- balanced assessment
- multiple accreditation routes
- currency with employers and higher education institutions.

## A broad curriculum

The aim is that the Better Bacc will include both qualifications achieved by the student and other non-accredited experiences and that it will be awarded at age 18 or whenever the student leaves full-time education. Theoretical and practical learning would both receive due recognition. Young people would have a mentor with whom they would hold planning discussions on achievements and future plans. Schools would have the space to develop the curriculum which best met the needs of their students. The EBacc would not be ignored but may feature as an important component of it.

The Welsh Baccalaureate has been successfully used for some time. It works on the principles of independent learning, inclusion, innovation and collaboration and partnership between schools; work experience is included. Its keys to success are a flexible structure, a focus on transferrable skills, innovative ways of working, an emphasis on teaching and learning, and not on assessing everything. Employers are supportive and involved. Could our Secretary of State not learn something from this?

## Campaign for State Education

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

E-mail: [contact@campaignforstateeducation.org.uk](mailto:contact@campaignforstateeducation.org.uk)  
[www.campaignforstateeducation.org.uk](http://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 £18 (£6 unwaged) with your name, address and phone number to CASE (address above)

# The Act in a nutshell

The following list of key points from the Education Act 2011 was prepared by David Wolfe, a barrister from Matrix Chambers, for distribution at the November conference "Caught in the Act".

1. Schools will have more power to search pupils, including for "any other item which the school rules identify as an item for which a search may be made", and to examine and delete data on an electronic device (section 2).
2. Independent Appeal Panels are replaced with Review Panels which will only be able to order reinstatement of an excluded pupil where the headteacher's decision was unlawful (section 4).
3. Schools no longer need to give 24 hours' notice to parents of detentions (section 5).
4. The Schools Adjudicator will no longer be able to make a modification to a school's admission arrangements in response to a complaint or referral (section 34).
5. If a local authority considers a new school is needed, the presumption is (with limited exceptions) that it will be an academy and the authority will no longer have any role in deciding on the promoter (section 37 and schedule 11).
6. Maintained schools will only be obliged to have one staff governor and one governor appointed by the local authority (section 38).
7. Schools in federations can become academies without leaving the federation first (section 39).
8. The Secretary of State can now order the closure of (and thus the conversion into academies of) maintained schools "eligible for intervention", not just those in special measures (section 44). If the governing body does not then consult on conversion to an academy, the Secretary of State can put in someone else (section 56.3b).
9. Parents can no longer complain to the Local Government Ombudsman about maintained schools (section 45).
10. The Secretary of State can order local authorities to change their scheme of finance for maintained schools (section 46).
11. 16-19 and "alternative provision" academies can be established (section 53).
12. Academies no longer need to have a specialism (section 52).
13. Local authorities can still pay for/support a school (e.g. through PFI) after it has become an academy (section 58).
14. Local authorities can be required to pay the costs of board and lodging at boarding academies (section 61).
15. The Secretary of State can, by order, remove the protection for non-religious teachers in foundation or voluntary controlled schools which have become academies (section 62).
16. The Secretary of State has greater power to make land available for free schools (section 63 and schedule 14).
17. Adjudicators can consider objections to academy admission arrangements (section 64).
18. The Young People's Learning Agency is abolished (its powers transfer to the Secretary of State for Education)

# All Quiet on the Swedish Front

After a long period of extolling the merits of Sweden's Free Schools, Michael Gove has gone strangely quiet on the subject. Evidently, he has got round to reading some of the increasing volume of research showing that these schools, so far from raising Swedish educational standards during the last 15 years, have been something of a disaster. Since 1996, when the Free School experiment began, Sweden's standing in the PISA analyses (Programme of International Student Assessment) has declined in all areas: by 10 places in literacy, 7 in maths and 12 in science.

It is also clear that the system has greatly increased social and racial segregation. In a Guardian article of 10 September 10, Richard Orange reported on a visit he had made to two "free" sixth forms in Malmö :

*"One, ProCivitas, has some of the highest entry grades of any school in the city, and draws in some of the most ambitious teachers. There are only a few immigrant faces, teachers wear suits and the atmosphere in its bright, airy central lobby is like that of a trendy design company.*

*At Kunskaps gymnasiet, just five minutes' cycle ride away, the atmosphere could hardly be more different. Students lounge around in groups smoking and playing cards."*

## Widening the social divide

These differences, Richard Orange explains, are not caused by the way the schools are run but by the huge disparities in the socio-economic contexts of the two intakes. The operation of parental choice enables one school to have its pick of the best students (i.e. those with the highest grades at age 16), while the other is obliged to take the rest. As a result, well over 60 percent of the students at Kunskaps gymnasiet are from immigrant and refugee families.

There is evidence that Michael Gove intends to frustrate any attempts to subject his Free School policy to parliamentary scrutiny. In a recent email to a senior civil servant, Dominic Cummings, one of Gove's closest advisors, said that the New Schools Network (the body which advises groups interested in setting up a Free School) "is not giving out to you, the media or anybody else any figure on 'expressions of interest' [from people wishing to set up free schools] for PQs [parliamentary questions], FOIs [Freedom of Information requests] or anything else. Further, NSN has not, is not, and will never answer a single FOI request made to us concerning anything at all."

**Michael Pyke**

## Comment

Michael Gove appears to do exactly what he likes regardless of law, evidence or what anyone says. This includes his civil servants, many of whom have now left the Department.

The Education Act 2011 which received Royal Assent on 15 November with barely a comment from the Press has given him unprecedented powers. He offered schools which had been graded outstanding by Ofsted the opportunity to become academies without consultation and before the Bill was even introduced into Parliament; now he has decided that schools which are under-performing are to be forced to become academies without consulting anyone, even their governing bodies. He will also determine which sponsors they are to have.

The EBacc was introduced without any

consultation and before the review of the National Curriculum had been discussed or completed.

Huge sums of money are being spent on setting up academies and Free Schools. It was recently announced that £600m is to be set aside for 100 of the latter which will select their pupils.

No Secretary of State has behaved in this way before. Our November conference highlighted the many ways in which the education system is being privatised as a result of his policies, and the huge problems that are being created. Yet much of this is not getting into public view. CASE is therefore joining with several other organisations to campaign and spread information about what is being done to our education system.

**Melian Mansfield**

# Contempt in high places

Clyde Chitty

We have known for some time that Michael Gove has little regard for accepted rules of ministerial conduct; and his first eighteen months in charge of education have been marked by a remarkable degree of arrogant contempt for legal niceties and constitutional practice.

Right at the outset, he rushed through the Academies Bill at a pace normally reserved for anti-terrorist legislation, deliberately giving the education community little chance to have any real input. He then went on to make a highly misleading statement to Sarah Montague on the BBC Radio Four *Today* programme (19 July 2010) concerning a supposed precedent for what he had done, by claiming that Tony Blair's government had done exactly the same thing with its first major piece of education legislation back in 1997. (In fact, the very small Bill to which he was referring simply abolished the Conservatives' Assisted Places Scheme.)

## Secrets

At the end of this last summer, a front-page story in *The Guardian* entitled "Emails reveal hidden price of Free Schools" (30 August 2011) reported that 18 months ago

the New Schools Network (NSN) – a charity providing advice and guidance on the setting up of Free Schools – received a £500,000 grant, after civil servants received a confidential email urging that a way should be found to give it "cash without delay". The email came from Dominic Cummings, a Tory strategist and Gove's chief political aide, who also works for NSN on a freelance basis.

This same Dominic Cummings has just featured in a *Financial Times* story by its Education Correspondent Chris Cook (20 September 2011) alleging systematic use by Gove and his advisers of private emails in order to conceal sensitive information from the Education Department's own civil servants and the public. (See also "All Quiet on the Swedish Front" on page 3). It is against Section 77 of the 2000 Freedom of Information Act to conceal or destroy information concerning government business in order to prevent its disclosure.

In one particularly notable private email dated 24 February 2011, Cummings wrote: "I will not answer any further emails to my official DfE Account ... I will only answer things that come from gmail accounts from people when I know who they are ..."

I wonder what he is so anxious to hide.

# Academies beware

Helen Flynn

We often reflect on how academies enjoy more cash (at least in the short term) and other advantages than their LA-maintained neighbours. But there are inherent and real dangers in academy status, and systems are being put in place that could in extreme circumstances jeopardise their existence. Here is just one.

They all have a direct relationship with the DfE without any local body to protect their interests. Model pro forma financial statements, recently given out as guidance on financial management to academies by the audit firm RSM Tenon, note that the "principal risk and uncertainty" is "government funding", i.e. that each academy is ultimately publicly funded. As the document states, "There is no assurance that government policy or practice will remain the same or that public funding will con-

tinue at the same levels or on the same terms".

The company recommends that this risk is to be mitigated in one or more of three ways (my comments are in italics after each of the three points):

- by "ensuring funding is derived through a number of direct and indirect contractual arrangements" (*such as opportunities to engage in non-core – for each school and its pupils – educational activities in order to raise cash? Teaching schools are a prime example.*)
- by "ensuring the academy is rigorous in delivering high quality education and training" (*a clear incentive to raise standards by whatever means or face takeover or the chop. Note for the FE sector: beware of mentions of "training" – it looks as if schools will have to begin to encroach on classic FE territory in order to keep heads above the water.*)
- by putting "considerable focus and investment on maintaining key relationships with the YPLA" (*encouraging a "crony culture" with the funding agency as a way of getting preferential treatment.*)

What convertor academies have failed to realize in their race for the cash on offer and "independence" is that having a one-to-one with the DfE may not be as cosy, preferential or safe as was anticipated. It will be quite a hard existence – simply because academies are companies that can fail – and one that is bound to detract from the core mission of schools, which is education.

# News

## Inspection

The details of the new Ofsted framework, to operate from January 2012, have recently been published. Schools will be judged on a smaller number of core aspects than before, but they will be examined in greater depth. The changes will result in more streamlined inspections, with fewer judgements and grades, leading to sharper reports on the quality of education provided by schools and the most important aspects of their performance. The core areas under the inspectors' microscopes are leadership, quality of teaching, pupil achievement and behaviour and safeguarding.

## National Curriculum Review

The National Curriculum Review began with a consultation document in January 2011. Ministers have been considering the recommendations and early in 2012 the draft programmes of study for core subjects will be published in time for teaching in 2013. The programme for other subjects will be with ministers during autumn 2012 and there will be consultation early in 2013, before a launch in September 2014.

## Selling to schools

EdisonLearning is a private US education company which has been selling services to schools in England. It has now been designated by the DfE to project-manage and offer its services to academies and Free Schools. Its Director has said that if the opportunity arises it may consider managing schools, once guidance for running state schools for profit has been outlined.

## Marriage to the fore

Clause 28 of the funding agreement for new Free Schools and academies contains a new rule on what pupils must learn about sex and relationships. The emphasis is strongly on promoting marriage. Headteachers must ensure children are "protected from inappropriate teaching materials and learn the nature of marriage and its importance for family life and for bringing up children", while "inappropriate materials" will be banned.

## Faith schools convert

Nearly 800 Church of England and Catholic schools have registered an interest with the DfE about becoming an academy. Recently 34 applications from C of E and Catholic schools and 19 from other Christian denominations have been approved, as have seven from Jewish schools. Currently there are 14 Jewish academies and 139 Christian ones.

### CASEnotes Issue 45 © CASE 2011

Edited by Adamson Publishing Ltd,  
8 The Moorings, Norwich NR3 3AX

info@adamsonbooks.com

Printed in Great Britain

Contributions to CASEnotes are always  
welcome.

*The views expressed in this newsletter  
are not necessarily those of CASE.*