

EDUCATION BILL 2011: Response from CASE

Summary

CASE has great concerns about much that is in the Education Bill especially

- the abolition of five quangos and addition of many powers to the Secretary of State.
- the removal of young people's rights to privacy, appeal on an exclusion and removal of the requirement to give 24 hours notice of a detention to their parents
- the changes to the role and powers of the Schools Adjudicator and abolition of admissions forums
- the changes proposed in governance
- the removal of systems of local accountability and democracy.

Introduction

1. CASE, the Campaign for State Education, has been working for over forty years to achieve a more equitable system of education within the UK broadly and within England especially.

While welcoming some features of the Bill, CASE also has serious reservations about much of its contents.

2. **Part 1. Early years provision:** CASE welcomes the proposal to make free early years provision for children from disadvantaged backgrounds, though see comments below under Part 5: re charging for places in the early years.

3. **Part 2. School discipline:** CASE has serious reservations about the entire thrust of the Bill's provisions for improving school discipline. These provisions are based upon the belief that poor discipline in schools – where it exists – arises because the institution and its teachers have insufficient legal power to react effectively. Clearly, the lack of such power does not cause a problem for the great majority of schools in which discipline is judged by OFSTED to be good or better. CASE believes that the causes of poor discipline are inherent within (a) the profoundly inequitable provision of schooling in England and (b) the historical inadequacy of provisions for the selection, education and continuing professional development of the teaching force. CASE believes that the provisions in the Bill are, at best, irrelevant and, at worst, will only exacerbate the problem. Specifically:

- teachers are extremely unlikely to wish to use the proposed new powers to search pupils without consent. Furthermore, the kind of searches proposed may conflict with civil liberties, as asserted in the Human Rights Act. School staff being able to erase personal data on electronic devices without the permission of the child or parents seems to have more in common with dictatorial regimes than civilised democracy.
- it is, in our view, contrary to natural justice to remove the appeal system for exclusions; every young person should have the right to appeal against a decision which will severely affect their education and life chances. No one would suggest that a member of staff could not appeal against a dismissal.

- it is a serious mistake to allow schools to detain pupils without notice to parents; such a sanction is draconian and will impact most heavily upon families who struggle with poverty and its attendant problems;

4. **Part 3. School workforce:** CASE notes that the GCTE (General Council for Teaching in England) and the TDA (Teacher Development Agency) are to be abolished and their functions to be transferred to the Secretary of State. CASE views with considerable alarm the greatly increased power of the Secretary of State that the new arrangements will confer. Our alarm has been strengthened by the Secretary of State's clear preference for "on the job" teacher training. Research demonstrates that this is the least successful method of developing a teaching force. For example, retention rates for teachers trained "on the job" are significantly lower than those trained in HE institutions. CASE believes that the development of the best possible teaching force requires (a) effective selection of the right people for the job; (b) effective education and professional training; (c) effective continuing professional development. We believe that the policies likely to be introduced by the Secretary of State are retrograde and inimical to best practice.

The Secretary of State will become judge and jury for the teaching profession, detracting from perception amongst the public and development of teachers as a professional workforce, able to "police" their own profession in a similar way to lawyers and doctors. If the GCTE had faults in its modus operandi, the principle behind it was sound. To abolish it completely is akin to "throwing the baby out with the bathwater".

5. CASE welcomes the Bill's introduction of reporting restrictions in cases where teachers have been accused by pupils of criminal behaviour, but believes it a glaring omission that support staff are not included, as support staff are as vulnerable to allegations as teachers.

6. Similarly, the abolition of the SSNB is a retrograde step. School staff roles have changed immeasurably with a greater number of support staff taking on a wider range of more complex roles. The voluntary agreements that the Secretary of State proposes in its place offers no sound and fair statutory backing to a consistent and transparent pay and grading framework across schools in England.

7. **Part 4. Qualifications and the curriculum:** CASE has concerns about how meaningful or cost-effective a review of the National Curriculum can be, given that Academies can opt out of providing the National Curriculum. However we would like to see a review which looks at all phases from Early Years to post 16 and supports the policy of an early years curriculum continuing until at least the end of Key Stage 1 as in most other countries.

8. With regard to the use of schools for the purposes of international comparisons, 'like' has to be compared to 'like' to gain an accurate picture. What international studies (such as Pisa) often glaringly omit in tables of national outcomes is the very different sizes of population and character of populations (e.g. mono-cultural as opposed to multi-cultural), when making blanket pronouncements on results. Thus, the Secretary of State must ensure that any involvement in international comparisons is appropriate, properly measured (taking benchmarking into account), and that **all such activities are reported transparently**, rather than just a selection to justify policymaking.

9. Whether the Connexions service, provided by the LA was always efficient, may be an issue. But the requirement that all schools secure independent careers guidance is not sufficiently prescriptive, in delivering the type of careers guidance that children deserve. At the minimum a reference should be made to "qualified career professionals" to ensure the quality of service.

10. As in Part 3 above, CASE notes that the Secretary of State is taking on the functions of the QCDA, and considers in general that the extra powers being accreted to the Secretary of State through this Bill are too great and will have the effect of centralising government control, and undermining local strategic provision of education

11. **Part 5. Educational institutions and other provisions/academies and "free" schools:** CASE believes that the removal of schools and colleges in England from the list of relevant partners involved in the well-being of children and young people will cause severe problems in the joining up of (and therefore the more efficient) working practices between all statutory agencies. The principles behind Every Child Matters were sound in recognising the "whole child", but seem to have been completely lost in this and other pieces of legislation.

12. CASE believes that the proposed changes to admissions, e.g. abolition of local admission forums and weakening of the school adjudicator's powers, particularly when combined with a growth in academies which can have their own admission arrangements, will bring about unfairness and social division in the admissions process. In particular, CASE deplores, in the strongest possible terms, the weakening of the power of the Schools Adjudicator. The quasi-marketisation of secondary school provision, a policy followed by all governments since 1988, has led to huge pressure upon schools to try to secure for themselves the most favoured intake possible. The existing power of the Schools Adjudicator to oblige schools to change their admissions criteria in response to a complaint or a referral is, in our view, an essential safeguard of public equity. If anything, the powers of the Schools Adjudicator ought to be strengthened. Furthermore, we assert that the only equitable and effective way to provide fair admissions, is to perform this function at the local level with a strategic eye on the number of schools in the area and local demographic factors.

13. CASE welcomes the proposed cap upon the amount that can be charged for meals and other provisions in maintained schools.

14. CASE equally deplores the presumption, introduced in the Bill, that any new school introduced by a Local Authority will be an academy or "free" school. These institutions are based upon models from the USA and Sweden which have already been seen to fail in those countries. There is no reason to suppose that it will be any different in England. It is also unfair that the Local Authority is unable to include proposals for a new community school, until both the academy route and the foundation route have been tried and exhausted. If competition is to be encouraged, why not have competition between all potential providers, particularly as the funding for any of these schools comes wholly from the public purse? Local people may prefer the option of a local community school. To deny them this is not democratic and is also a departure from the Government goal of "parental choice".

15. There is abundant evidence that academies, in spite of the success of some individual cases, are, as a whole, a costly approach to raising overall standards in our schools and, unacceptably, a means of handing over publicly provided schooling to unaccountable private bodies. Evidence from Sweden shows that "free" schools tend to exacerbate social, religious and racial division without delivering overall improvement. During the 15 years since they were established in Sweden, overall educational standards have not improved but have, if anything, declined.

16. CASE does not support the reduction of the mandatory categories of governors, as it diminishes the democratic nature of governance, rides rough-shod over the stakeholder model, denies the central role of staff as governors and distances schools from the communities they serve.

17. CASE notes the cessation of the duty on schools to publish a school profile, and wonders what statutory requirement there is for schools to report to their own communities? Surely this should be a requirement for any large public organisation especially when it is spending public money?

18. CASE does not support the intention to exempt certain categories of school from routine inspection— how do we know when one of these exempt schools is failing without routine inspections? CASE has serious reservations about the value and effectiveness of OFSTED, as it presently operates, but believes that the proposed changes to the inspections framework can only intensify the hierarchical nature of educational provision.

19. CASE believes that the extension of the power of the Secretary of State to close all schools eligible for intervention (rather than, as at present, only those schools deemed by OFSTED to be in need of "special measures") is yet another example of a dangerous theme that runs right through the Bill: the centralising of power in the person of the Secretary of State. This runs contrary to government pronouncements about devolving power.

20. CASE believes that by repealing the clause from the ASCLA 2009 which grants the right to parents and pupils to complain about schools to the Local Government Ombudsman in England, and transferring this responsibility to the Secretary of State, too many powers are being assumed by the Secretary of State and community-based redress to complaints is being denied.

21. CASE is concerned that by opening up early years provision to a level of charging, fundamental questions are raised about the free education. Places in nursery schools could become subject to the ability to pay and could place those children that have most to benefit from quality early years' provision at a disadvantage.

22. CASE condemns in the strongest possible terms the increase in the Secretary of State's powers to make Local Authority land available to set up Free Schools. Why should Free Schools take precedence over strategically determined, sensible, local provision? In addition, in relation to the unknown implications of the change of property transfer schemes into transfer schemes that also cover staff, we have much concern.

23. **Part 7. Post-16 Education & Training.** The fact that the YPLA is to be abolished and its functions transferred to the Secretary of State is yet more evidence of yet more powers going to the Secretary of State. How is he to be accountable to the public in a meaningful and accessible way? And how is his department in Westminster - due to reduce by a third along with all other government Departments - going to actually function at a level of responsiveness currently offered by hundreds of Local Authorities to individual parents and pupils on a whole range of issues, large and small?

24. **Territorial Application Table.** CASE notes that most of the more changes limiting local accountability and centralising powers are limited to England. Wales can continue to maintain a properly democratic, locally accountable education system, centred on children, their families and their communities and these are the characteristics that CASE wishes to see maintained in England.