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REPORT ON 19 NOVEMBER 2011 CONFERENCE

Caught in the (Education) Act: tackling Michael Gove's education revolution

ABSTRACT A number of significant campaigning organisations and education trades unions – the Anti-Academies Alliance, CASE, Comprehensive Future, Forum, ISCG and the Socialist Educational Association, along with ASCL, ATL, NASUWT and NUT – staged a conference in London on 19 November 2011, with the title 'Caught in the (Education) Act: tackling Michael Gove's education revolution'. This is an edited version of the Report of that conference.

Introduction

Concern about the current and future direction of government education policy led a number of significant campaigning organisations and education trades unions – the Anti-Academies Alliance, CASE, Comprehensive Future, Forum, ISCG and the Socialist Educational Association, along with ASCL, ATL, NASUWT and NUT – to stage a conference in London on 19 November 2011, with the eye-catching title 'Caught in the (Education) Act: tackling Michael Gove's education revolution'. This turned out to be a hugely successful event, both in terms of the number of people who attended, from all over the country (sadly, a large number of people had to be turned away on the day) and with regard to the quality of the main speeches and of the wide-ranging debate which these speeches inspired.

It was commonly accepted that the education system in England – and particularly at the secondary level – is now more divisive, more anarchic and more chaotic than at any time in our recent past. It was also clear to all the participants that the 1944 concept of 'a national system, locally administered' is being steadily undermined, as the introduction of new types of school makes educational planning at a local level virtually impossible. The break-up and disintegration of the state education system has also been the logical outcome of a total obsession with commodification and privatisation, whereby, increasingly, school functions and aspects of administration are 'outsourced' and schools and curriculum initiatives are privately sponsored. And all this has obviously meant a challenge to the notion of accountability because it is by no means clear to

whom parents can now turn if they feel genuinely dissatisfied with the education their child is experiencing. As a direct consequence of the 2011 Education Act, it now seems inevitable that the crucial role of local authorities will be taken over either by private organisations acting as intermediate structures between Whitehall and individual schools or by the Secretary of State for Education, making use of a remarkable increase in the scope of his/her powers.

This report will seek to make use of both the set speeches (by Stephen Ball, Melissa Benn, Christine Blower, Clyde Chitty, Sam Ellis, Martin Johnson, Patrick Roach and David Wolfe) and the discussions that then took place in the various afternoon workshops. It will be organised under four main headings:

1. The increasingly divided nature of the education system
2. The legal implications of the Gove Education Act
3. Privatisation and accountability
4. International perspectives

It will attempt to give some idea of the flavour of the day's discussions; but obviously it cannot hope to do justice to the full range of all the articulate and well-informed contributions from all the people who took part.

A Divided Education System
CLYDE CHITTY and MELISSA BENN

Both Clyde and Melissa dealt with this issue in their opening talks.

Clyde argued that the education system we have today is even more grotesque and unfair than was the post-war system, which divided children up into grammar, technical or secondary modern schools on the basis of an all-important test, the 11-plus, which was itself based on determinist theories about human intelligence and on the totally false idea that it was possible to predict, at the age of 11, what any child's future accomplishments were likely to be.

Already by 1997, there were around 15 types of secondary school in England, each with its own legal status and unique admissions procedures; but, instead of trying to clear up the mess, Education Secretary David Blunkett simply made matters worse by launching (City) Academies in March 2000. These new Schools were a New Labour version of the privately-sponsored City Technology Colleges, which the Party had, of course, been so keen to oppose when the project was first announced by Tory Education Secretary Kenneth Baker at the Conservative Party Conference in October 1986. Now in addition to hundreds of new Academies, we have 24 Free Schools, and Stephen Twigg's attitude towards them has been equivocal to say the least, which means that, henceforth, the education debate will be a damage limitation exercise, conducted on the Right's terms. The problem for Ed Miliband and his education team is, of course, that everything the Coalition Government is doing

in education can be represented as a logical extension of the 'reforms' initiated under Blair and Brown.

New Labour ministers have never made any secret of their hostility towards the comprehensive reform. Writing in the *Daily Mail* on 25 January 2007, Education Minister Lord Adonis – the effective architect of Blair's City Academies scheme – denounced the 'comprehensive revolution' of the 1960s, arguing that it had all been a huge mistake. He argued that the closure of grammar schools was 'a backward step' that had 'reinforced class divisions, rather than helping those less well off'. And writing in his recently-published autobiography, *A Journey*, Tony Blair made the astonishing claim that the way comprehensive schools were introduced and grammar schools simply abandoned came 'pretty close to an act of academic vandalism' (2010, p. 579).

We never hear talk of all the successful things that comprehensives have achieved and the problem we have is that no political party is on our side. We have to work hard to convince parents, governors and teachers that both the state system in general, and the comprehensive system in particular, are indeed worth saving.

Melissa followed up this initial talk by reiterating that the education system was in a complete mess and that decades of government interference, from the late 1980s onwards, had made an already intolerable situation worse. Parents found it impossible to work their way around the plethora of secondary schools: private, grammar, comprehensive (at least in name), community, voluntary aided, voluntary controlled, faith schools, CTCs, City Academies, and now Conversion Academies and Free Schools.

Decades of government interference have led us to the situation we're in today, so that it's actually amazing that so many good comprehensive schools and functioning local authorities remain. At the same time, class inequality is embedded in the English psyche and this is reflected in our deeply unfair English education system.

The Right remains silent on all this because they simply do not have a problem with inequality and privatisation; the Labour Party remains silent because it is frightened of offending deeply powerful vested interests. The Labour Party also knows that, where privatisation is concerned, it is itself deeply complicit. Yet we have to recognise that Gove's new legislation has a really frightening objective: to lure 'aspirational families' away from any commitment to a common educational project, at the risk of creating even greater social segregation.

Melissa felt that we had to get the Labour Party on board by framing the debate in terms that would gain the Party's (and Ed Miliband's) support. If necessary, we might have to avoid using the 'c' word, since it has become 'tainted' by years of media hostility and by the many counter-offensives of the Elite Right. It had to be pointed out that the best systems in the world are clear and simple: they do not divide their children, and the emphasis is on providing an excellent secondary school in every neighbourhood. The private sector cannot be relied upon to provide a fair, high-quality system; only government

has the power and foresight to get the basics of the system right. The situation in America has shown us what could happen if corporate interests prevailed.

In the debate that followed these opening talks, there was a heated discussion as to whether we could expect any positive developments from the Labour Opposition. If our attitude was totally cynical and defeatist, where could we look for any way out of the current impasse? We had to find a way of breaking the enduring uneasy consensus on education. We had to find a way of standing up against selection and privatisation and of persuading the Labour Party that support for the common school was not an 'old-fashioned' ideal – it was the battle-cry of the future.

Education and the Law
DAVID WOLFE

As a public law barrister, David deals with a range of cases involving human rights and related issues, often with a focus on education. Many of his individual cases concern those pupils threatened with exclusion and where special needs issues are involved.

In his talk, he highlighted a number of worrying issues which arise from Gove's new education legislation. For example: if it is decided that a new school is needed in a particular area, the presumption is that it will be an Academy, and the local authority will no longer have any role in the choice of a promoter. The Schools Adjudicator will no longer be able to make any modification to a school's admissions arrangements in response to a complaint or referral. The Secretary of State has considerable power when it comes to making land available for the siting of a Free School. Independent Appeal Panels are to be replaced with Review Panels which will be able to order the reinstatement of an excluded pupil only where it can be shown that the head teacher's original decision was clearly unlawful. Schools have new powers to search pupils for certain 'undesirable' items; and schools no longer have to give parents 24 hours' notice of detentions.

Two key questions were posed at the beginning of the afternoon workshop:

1. What changes had David seen in his own casework as a result of the increasing establishment of Academies, particularly as Convertor Academies; and
2. What could be done in due course to reverse in a 'progressive' fashion any changes in a school's structure and governance?

With regard to the first of these questions, David confirmed that his casework involved almost no complaints with regard to maintained schools, but at least one a week relating to Academies and to the way in which they operate. As to the second question, it seems clear that primary legislation would be required

for that to happen smoothly. A new government with progressive principles would find it easier to legislate to require all schools to abide by certain core principles on such issues as special educational needs or exclusions than to legislate to achieve a radical reversal of an academy's structure or governance.

It is important not to generalise about the law affecting Academies because the operation of Academies is governed to a large extent by their individual funding agreements. This means that most matters affecting Academies are 'school-specific'. For example, academy funding agreements do not include a requirement to apply the existing statutory Admissions Code. Funding agreements are, in principle, governed by contract law and consist of a contract between the school and the Secretary of State which can be amended only by agreement with the Secretary of State.

In answer to another question at the workshop, David pointed out that there are now almost no procedural hurdles to becoming an Academy and that the consultation requirements are minimal. The 2011 Education Act gives considerable powers to the Secretary of State to force 'struggling' schools to become Academies. It all amounts to a significant erosion of the maintained sector.

It may be possible to challenge the Free Schools if they seek to manipulate admissions by, for example, breaching sex or race discrimination laws or giving preference to the children of sponsors. We need to watch out for all cases of 'unjustified discrimination'.

And we need to keep a close eye on exclusions where Academies are concerned. Some of these schools are finding new ways to get round exclusions rules, such as sending pupils away to do 'community service' type placements; and some are doing things like sending pupils home with laptops to work through the curriculum on their own. We have to ensure that new exclusions practices do not have a disproportionate impact on black and working-class pupils. These are the pupils many Academies do not really want.

Privatisation, Edubusiness and Accountability
STEPHEN BALL and MARTIN JOHNSON

In his initial talk, Stephen emphasised the connectivity of all the different players in the privatisation/edubusiness arena. Active and effective responses to aspects of government policy need to be well informed; but actually getting well informed is increasingly difficult, as the state system is dismembered, new players get involved and new methods and practices are introduced. The problem of knowing what is happening is made still more difficult, as private providers, with commercial sensibilities and headquarters in other countries, take over huge chunks of education service provision. It is increasingly difficult to know who owns what! For example, John Bauer, the largest of the Free School companies in Sweden, which also has educational interests in Norway,

Spain, India and China and property development interests in Latin America and Indo-China, was bought in 2009 by Axcel, Denmark's largest private equity fund, which has its other main investments in housing, fashion and pet food.

There was much discussion in the afternoon workshop around the idea that privatisation – the private sponsorship of schools – meant the imposition of a specific educational pedagogy and of very reactionary views about curriculum content. It was felt that we had to examine the ARK Model, which was 'pure behaviourism'. It was worrying that the pedagogy used in KIPP (Knowledge is Power) American Charter Schools was proving popular as a teacher-dominated programme where the children are essentially told what to study and what to think. There was clearly an attempt to cut down on anything that might encourage questioning or dissent – and this meant the use of textbooks and materials approved of by the sponsoring agent.

Companies needed to make a profit by making savings in teacher salaries, and this also had an effect on pedagogy: it led to the excessive use of computer-based teaching and learning. Two popular growth areas in the USA were home schooling and the Virtual High School model. Here you just needed technological substitutes for real teachers. This meant that the whole idea of teacher education or training was becoming redundant: profits could be maximised by getting away from the idea of the traditional classroom and from the wasteful concept of teacher–pupil interaction. In this country, Pearson plc was now marketing 'complete solutions' for running schools and wished to be part of a 'fully privatised national strategy'. One participant gave an account of a visit to a Creationist school in Hull where the head (not a teacher) claimed that it simply was not necessary to staff his school wholly with qualified teachers.

It was pointed out by Stephen that the largest number of new schools created since 2000 have, in fact, been faith schools. This had very worrying implications for the provision of a balanced, evidence-based curriculum; and matters could get even worse with the spread of Free Schools. How could one be sure that pupils in science were being presented with the evidence from geology, astronomy and physics that refuted the claims of the Creationists? It was recalled that when concern was expressed in the House of Commons that Sir Peter Vardy's schools in the North-East were teaching that God intervened to prevent Hitler's invasion of England in 1940, Blair's extraordinary reply was that the schools had had excellent Ofsted evaluations.

Pastoral care was another important area where the introduction of Academies and other privately-funded schools was having profound and disturbing consequences. What we are seeing is the imposition of a particular view of children: as 'fundamentally dangerous beings', as 'feral beasts who have to be tamed'. Contributors argued that the Academy model of 'discipline' seemed to be one of the main reasons why Academies were popular with many parents. Yet this was being achieved at a tremendous cost: many new schools were turning into virtual 'boot-camps', where children were being suspended or expelled for all sorts of trivial reasons. We had to beware of the 'Troops to

Teachers' trend. It smacks of 'real men' being needed to control inner-city youngsters. It is the militarisation of schooling. The idea of tough 'super-heads' turning a school round and achieving miracles overnight is a popular one, but generally lacking in substance. In reality, some heads are imposing rigid rules of conduct which are poisoning the general atmosphere of the school. At the same time, there is often contempt for the idea of unionised labour.

The idea that we should endorse Academies with 'comprehensive' intakes and decent admissions policies was felt to be nonsense by at least one speaker. There was so much wrong with the way that Academies were being run that it mattered little whether or not they followed the Admissions Code.

It was emphasised by many participants that we are, of course, dealing with a global phenomenon. PFI (the Private Finance Initiative) has been a dominant feature of the English educational scene since it was introduced by John Major's Government in late 1992, and the model has since been exported to other countries. PFI has led to rapid growth for some construction firms. There is now a trend towards the amalgamation of private companies from different sectors so that eventually a single organisation can design, build and manage a school. And this model has now been exported to Romania and Poland.

International Perspectives
CHRISTINE BLOWER

In her morning talk, Christine emphasised that the National Union of Teachers does not believe that the introduction of Academies and Free Schools is about meeting the need for extra school places or improving educational attainment. It is about the Government's commitment to forcing schools to compete with one another by introducing competition and a crude market system into education. The NUT believes that schools have a key role within their communities, not just in educating children and young people, but also by being at the heart of their communities and providing a wide range of extended services.

Michael Gove's Free Schools and Academies are modelled on Swedish 'Free' Schools and American Charter Schools. But in the case of both types of schools, there are now serious concerns about declining educational standards and increasing social segregation.

The Organisation for Economic Cooperation and Development's 2009 Programme for International Student Assessment (PISA) report showed that Swedish students had dropped from 9th to 19th place out of 57 countries for Literacy, from 17th to 24th for Maths and from 16th to 28th in Science. Swedish 'Free' Schools have led to a general decrease in the numbers of qualified teachers since the early 1990s when they were first introduced. And the Swedish Teachers Union, Laraforbundet, claims that Kunskapsskolan, one of Sweden's largest Free School chains with 30 schools, makes its profits by:

- renting unsuitable premises and not being responsible for wear and tear;
- using disused offices and factories as schools;
- not providing sports facilities or proper dining areas;
- making no investment in special needs or language facilities;
- employing young and inexperienced staff and large numbers of unqualified teachers; and
- reducing funding for teachers' professional development.

Despite Michael Gove's enthusiasm for them, studies have also shown that American Charter Schools do not produce better outcomes for children and young people.

Parents have to be warned about the lack of international evidence to support the claims made for the Government's 'reforms'.

Conclusions

A participant in the afternoon workshop on Finance (which was combined with the one for International Perspectives) asked the question: 'Is the Coalition Government stupid in cutting school spending and then expecting better results; or have they a hidden agenda to reduce state schools to a second-rate status, by a programme of cuts, thereby abandoning any pretence to equality of provision?'

In his afternoon talk to the Conference, Patrick Roach argued that the 2011 Education Act and the Govian Revolution would mean 'fewer rights for parents and for pupils'; it would also mean 'fewer rights for teachers and for the workforce in schools'. He urged us to adopt 'creative approaches that unite the interests of teachers with the interests of parents and communities and which reclaim progressive values within our schools'.

There is, of course, a debate as to where we turn for leadership to get us out of the mess we are now in. A speaker at the workshop on Privatisation argued that 'it is utopian to think the Labour Party can ever change. … Its basic ideology is very similar to that of the other two main parties'. Another argued that 'as a parent and a Labour Party governor', he wanted 'a focus on persuading local councils to change their attitudes to the education policies which were coming from the Centre'. There was much support for the idea that we have to work hard to influence Labour thinking; but many were pessimistic about the future and felt that an incoming Labour administration would simply accept a large part of the Conservative programme while making little attempt to dismantle the new structures.

Clyde Chitty

Reference

Blair, Tony (2010) *A Journey*. London: Hutchinson.