

# Maintaining World Class Schools





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## LIST OF ACRONYMS

CBI	Confederation for British Industry
CPD	Continuing Professional Development
CSE	Civic and Social Engagement
EBC	English Baccalaureate Certificate
EI	Education International
GCSE	General Certificate of Secondary Education
GDP	Gross Domestic Product
ILO	International Labour Organisation
ITE	Initial Teacher Education
NEA	National Education Association (USA)
OECD	Organisation for Economic Cooperation and Development
PIRLS	Progress in International Reading Literacy Study
PISA	Programme for International Student Assessment
TIMSS	Trends in Mathematics and Science Study
UN	United Nations
UNESCO	United Nations Educational, Scientific and Cultural Organisation
UNICEF	United Nations Children's Fund



## FOREWORD

The NASUWT is a trade union with a proud history and a tradition of making a difference. Our mission is to create the conditions that enable teachers to secure the best educational opportunities for all children and young people, something which we strive to achieve through our pragmatic approach.

Our mission is imprinted with values – equality, democracy, justice and solidarity; all of these are the hallmarks of an inclusive and progressive society and the key ingredients for quality public education which is the lifeblood of the economy and society.

This Report, adopted unanimously at the NASUWT Annual Conference in 2013, carries on the Union's tradition. Putting teachers at the heart of the debate on the future of our education system, we want others to engage with the teaching profession.

***Maintaining World Class Schools*** is an invitation to debate the future and to build upon our success as an education nation. It is all too easy to give in to the detractors – those who prefer to denigrate the quality of our teachers and to misrepresent the facts by characterising the UK's public education system as 'failing' and 'in decline'. However, the inconvenient truth is that the UK can boast being not only a global *economic* leader (one of the 'G20' group of 20 leading economic nations) but also a global *educational* leader (one of the 'E20' group of leading education nations).

This report makes the case for UK public education, why it remains vitally important and why future governments must commit to ensuring the centrality of public education in their plans to secure the future long-term health of our economy and our society.

A handwritten signature in cursive script that reads "Chris Keates".

**Chris Keates**  
General Secretary  
NASUWT – The Teachers' Union

May 2013

*“The top performers [internationally]...are Finland and South Korea. In some ways, it is hard to imagine two more different systems: the latter is frequently characterised as test-driven and rigid, with students putting in extraordinary work time; the Finnish system is much more relaxed and flexible. Closer examination, though, shows that both countries **develop high-quality teachers, value accountability and have a moral mission that underlies education efforts.**” (Pearson, 2012: 8) (our emphasis)*

## INTRODUCTION

- 1.1 Is there a formula for maintaining a world class system of schools in the UK?
- 1.2 The NASUWT is proud of the contribution made by our members and by all teachers in securing educational provision that is amongst the very best in the world. As the remarks by the education provider, Pearson, confirm, world class education depends, critically, upon developing high-quality teachers, whilst also valuing accountability in the context of pursuing a moral mission for education. The NASUWT believes that if we are to locate the keys to success, this is as good a place to start in the continued quest to secure the UK’s position as a provider of high-quality public education for all.
- 1.3 There are a number of important considerations explored in this Report:
  - What should be the moral mission for public education in the UK?
  - How can a high-quality teaching profession that is able to meet future demands and challenges for public education be maintained?
  - Is there a role for national and local government in maintaining high-quality public education?
  - What contribution should be expected from UK public education?
- 1.4 The NASUWT believes that there is an important and critical future for public education in the UK. Publicly funded schools are building the nation by educating the people of the UK. Public education is for everyone. Over 94% of children and young people in the UK, from all backgrounds, benefit from public education. The dominance of public education is not about to change any time soon. Why should it? Public education, together with other public institutions and public services, are, and should remain, the bedrock of our democratic society. Public education is nation building. It should be preserved and celebrated.
- 1.5 Yet, it is too often the case that the quality of our public education is misrepresented and that the efforts and achievements of publicly funded schools are denigrated. This can only serve to undermine public trust and confidence in public education. But, where public education is held in high esteem, parents will continue to choose public education for their children.
- 1.6 We know from research and survey evidence that the general public hold public education in high esteem. Indeed, whilst the general public has a high regard for state schools, satisfaction levels amongst parents of children aged 5-16 are substantially higher – with four in five parents rating the quality of state schools as ‘good’ or better (NASUWT and Unison, 2010). Opinion poll evidence suggests that high public esteem for public education is associated with having recent direct experience of state school provision. In the absence of such direct experience, public attitudes towards public education may be at the mercy of opinion formers who choose, for political or other purposes, to distort the truth and to denigrate public education. High-quality public education relies upon high esteem and we need to continue to sustain public support for public education.

- 1.7 In an age of economic austerity, there is heightened interest in all areas of public spending.
- 1.8 Annual UK public spending on education from central and local government stands at around £91 billion, or 14% of total UK public spending, a little over £1,500 per person. These are not insignificant sums for any government, and, of course, the leaders of all UK administrations will want to ensure that spending at such levels is making an impact. However, a fact that cannot be escaped is that the market in public education is also seen as a highly lucrative interest for a raft of businesses and other organisations.
- 1.9 But, how should such impact be measured, whose interests should be served by public education, and how should public education be paid for, run and held to account?
- 1.10 This Report argues in favour of public education as a basis for providing opportunity for all children and young people regardless of background. Indeed, high-quality public education is not secure unless it delivers high-quality and good outcomes for all children and young people. Equity must be the hallmark of education quality. The NASUWT also argues for a public education that provides opportunities for individuals to develop through life, whilst, at the same time, contributing to building the nation. The NASUWT believes that this twin mission cannot be left to the market and argues for a major role for government in securing high-quality public education for all as the basis for an inclusive, fair and democratic society.
- 1.11 This Report does not seek to provide a 'blueprint' for education reformers; that is a matter for government. But as this Report makes clear, how government goes about the job of developing the agenda for school reform is critically important because now, more than ever, there is a need for a genuine and open debate on the future of publicly funded education in the UK.

## HEADLINE PROPOSALS

### **A. The UK has a high-quality system of public education which is amongst the best in the world, and government should ensure that:**

- 2.1
  - i. the public service ethos and values which are the foundation of quality public education for all are secured for future generations;
  - ii. the facts about the success of UK public education are promoted widely;
  - iii. steps are taken to secure an informed public debate about the quality of public education in the UK;
  - iv. the success of public education is publicly acknowledged and celebrated;
  - v. international rankings of the performance of education systems are not used as the basis for driving developments in respect of national education policy.

### **B. Government needs to build on what has been successful in UK public education by:**

- 2.2
  - i. securing continued increased investment in schools;
  - ii. recognising that the workforce is fundamental to maintaining high-quality provision with conditions of service that enable effective working and recruit the best;
  - iii. improving the availability and quality of support for children, young people and families (including the provision of extended services in and around schools);
  - iv. securing excellence and genuine equality of opportunity for all learners;
  - v. substantially increasing support for teacher development;
  - vi. ensuring that teachers' professional practice is focused on teaching and leading and managing teaching and learning;
  - vii. establishing better support for teachers to secure a good behaviour climate in classrooms;
  - viii. taking party politics and market principles out of public education, ensuring that policy developments are evidence-based.

### **C. Securing high outcomes for all children and young people means that action is needed to:**

- 2.3
  - i. end poverty and disadvantage in society as a prerequisite to improving educational outcomes for all;
  - ii. address concentration of poverty and disadvantage in particular schools;
  - iii. change other areas of public policy outside education (e.g. housing policy) to secure a more balanced social mix across all schools;
  - iv. provide a broad, balanced and relevant curriculum experience fit for the 21st century;
  - v. ensure parity of esteem between academic and vocational pathways and the cognitive, emotional, cultural, creative, ethical and social dimensions of learning;
  - vi. require all publicly funded schools and colleges to work together to secure a comprehensive curriculum entitlement for all 14-19 year olds;
  - vii. equip children and young people to be research-driven problem solvers;
  - viii. extend entitlement for all children and young people to high-quality academic and vocational education, coupled with equality of access to high-quality, practical, hands-on, work-based learning opportunities;
  - ix. refocus the accountability system to reflect and support the expectation that all young people should remain in education and training until age 18;
  - x. establish coherent programmes to address the continuing equality challenge in public education as it impacts on pupils and the education workforce;
  - xi. restore teacher morale by tackling poor employment practices, securing professional entitlements and respect for teachers, and refocusing the efforts of teachers and headteachers as the leaders of teaching and learning;



- xii. insist that all teachers have met nationally relevant professional standards and expectations in order to work as qualified teachers;
- xiii. establish teaching as a Masters-level profession and raise the pay of teachers in recognition of the increased knowledge and skills they bring to the job;
- xiv. ensure access to high-quality professional development for all teachers throughout their careers;
- xv. ensure the operation of an appropriate regulatory body which commands the support of the teaching profession and which acts as the standard-bearer for teacher quality and excellence;
- xvi. require all headteachers and principals to continue to practise teaching in addition to being responsible for developing other teaching staff, participating and leading teachers' professional development, and collaborating, co-operating and working with agencies and bodies relevant to the educational needs of children and young people.

**D. Government should be clear about the wider purposes of public education by:**

- 2.4 i. rebalancing the important social purposes of public education, including the fostering of commitment to lifelong learning, alongside the economic and other intrinsic and extrinsic purposes;
- ii. ensuring that public education contributes to encouraging personal fulfilment and social responsibility, knowledge and cultural acquisition, and skills for life;
- iii. establishing as a priority within the frameworks for public education the importance of social and economic development, political participation, environmental responsibility and international solidarity.

**E. Our public education system should exist to meet the country's obligations and commitments to the universal rights of children and young people and government should:**

- 2.5 i. recognise public education as an entitlement for all children and young people, as founded in the universal obligations set out in international treaties, conventions and regulations;
- ii. evaluate and report regularly on how UK public education is contributing to meeting our international obligations, including:
  - a. Universal Declaration on Human Rights, 1948;
  - b. International Covenant on Economic, Social and Cultural Rights, 1966;
  - c. UN Convention on the Rights of the Child, 1989;
  - d. ILO Convention 87 on the Freedom of Association and Protection of the Right to Organise, 1948;
  - e. ILO Convention 98 on the Right to Organize and Collective Bargaining, 1949;
  - f. ILO Convention 111 on Discrimination (Employment and Occupation), 1958.
- iii. consult with trade unions and other civil society organisations to assess compliance and impact;
- iv. ensure a broad and balanced educational entitlement for all children and young people;
- v. restore to children and young people the joy of learning for life and throughout life;
- vi. aim to teach more and test less.

**F. Government, locally and nationally, must play a key role in securing public education for all by:**

- 2.6 i. ensuring that all providers of public education operate in the public interest and on behalf of all children and young people;
- ii. determining access to quality public education on the basis of inclusion rather than selection;
- iii. ensuring that institutional collaboration and co-operation across all publicly funded schools is non-negotiable, without qualification or restriction;
- iv. organising the allocation and distribution of school places;

- v. exercising due diligence and vetting any new providers accordingly to ensure that the public interest tests are satisfied;
- vi. ensuring that extremists and other unscrupulous individuals or organisations are prohibited from playing any role in the provision of public education (including as teachers, school governors or proprietors of publicly funded schools);
- vii. establishing limits to professional autonomy in order to maintain the integrity of the role and function of government with regard to matters relating to the priorities for public education;
- viii. promoting a 'co-operative revolution' in public education where all stakeholders are put in the driving seat of work to secure quality education for all children and young people;
- ix. having local elected champions for public education who should operate on a statutory basis at local level, with strategic responsibility for children, young people, families and the workforce in public education.

**G. We need to invest more, not less, in public education and government should:**

- 2.7
- i. confirm that additional investment is needed to support economic recovery in the short, medium and long term;
  - ii. commit to matching spending per head on pupils in state schools with the average funding levels in private schools;
  - iii. increase the overall financial quantum for education, in cash terms and in real terms, in order to meet the specific challenge of tackling socio-economic disadvantage;
  - iv. create the conditions in which financial investment by the private sector in public education is the norm;
  - v. reduce private sector trade and consumption of existing public spending on public education;
  - vi. ensure that public education is not for profit.

**H. Public education should deliver national entitlements for children and young people and government should ensure that:**

- 2.8
- i. all school providers (including sponsored academy chains) are held to account without fear or favour;
  - ii. no provider of public education should be regarded as beyond the reach of the appropriate accountable body and no provider should be considered too big to challenge;
  - iii. those who are holding others to account have the necessary knowledge, skills and training to do so;
  - iv. all pupils are taught by professional qualified and accredited teachers;
  - v. all pupils receive access to a broad and balanced education;
  - vi. access to education is not based upon ability to pay.

**I. We need greater public engagement in public education which government can help to secure by:**

- 2.9
- i. establishing effective social dialogue with teachers and education workforce trade unions;
  - ii. securing genuine participation and engagement by parents, employers and other stakeholders;
  - iii. revising accountability systems in order to secure greater parental and public engagement in and support for public education;
  - iv. using performance data and benchmarking evidence responsibly whilst ensuring that the end users of data on school performance and the quality of public education systems are properly informed and not misled;
  - v. moving away from league tables to a system of evaluating schools using more qualitative approaches and against a 'balanced scorecard' of performance measures;
  - vi. providing a coherent and balanced set of expectations which affirm the social and economic purposes of public education, balancing quality and equity.

## UK EDUCATION IN CRISIS?

- 3.1 In each of the four nations education policy is under the leadership of politicians representing radically different, if not opposing, political standpoints. However, education ministers in England, Northern Ireland, Scotland and Wales are united by a common political purpose: namely, a desire that their education system should be the best in the world. Regardless of what is said about whether competition between individual schools is good or bad for children, one thing is for sure: national competition is today the main political driver for the leaders of each of the UK's national education systems.
- 3.2 So, how does the UK rank in the global league table of education jurisdictions, and how do each of the four nations fare? Is there truth in the claim that our education systems have got worse over time? What are the characteristics of education systems that consistently rate highly in the international league tables and can we replicate these features across the UK system?
- 3.3 Taken as a whole, the UK education system is already world class.
- 3.4 Many other countries around the world rate the UK's education system highly, as do numerous independent international evaluations and assessments. For example, the Organisation for Economic Cooperation and Development (OECD) and Education International (EI) in 2011 and 2012 identified the UK as one of the 20 highest achieving and fastest improving education systems in the world (OECD, 2012a and 2011), while the outcomes of the 2011 Trends in International Mathematics and Science Study (TIMSS) and Progress in International Reading Literacy Study (PIRLS) studies identified the England and Northern Ireland education systems as particularly effective in relation to pupil achievement in reading, mathematics and science (Mullis et al., 2012a and 2012b; Martin, 2012). The work undertaken by Pearson (2012) in this area, which involved a cross-analysis of a range of international comparative studies, found that the UK rated sixth globally and second in Europe in terms of the overall effectiveness of its education system.
- 3.5 Research for the OECD (2012b: 1) has identified a number of strengths of public education in the UK, and finds that 'the UK does better than other countries in moving people up the social ladder'. Other studies have found that the UK does significantly better than other countries in tackling gender disadvantage in relation to outcomes for pupils. In relation to the progress and achievement of migrant pupils, the OECD has identified the UK as performing better than most other countries in narrowing attainment gaps between these pupils and those born within the country in which they are educated.
- 3.6 Yet, these findings appear against the grain of the dominant political discourse played out 'at home'. Despite the success of public education in securing high pupil attainment and social mobility, there remains a persistently negative view about what publicly funded schools are actually achieving in practice in this regard. We would do well to look at the facts and take steps to secure a more accurate public debate about the quality of public education in the UK. Government should do more to celebrate the success of public education.
- 3.7 Looking at what has been achieved in the UK system in the ten years ending 2009/10. For example, there has been an improved focus on teaching and learning whereby schools in England reduced substantially the proportion of 16 year olds leaving without any GCSE qualifications and halved the percentage of pupils who did not achieve 5+ GCSE passes at grade C or above.
- 3.8 The NASUWT believes that factors critical to these improvements were year on year increases in investment in schools (on which we comment elsewhere in this report), improved systems of support for children, young people and families (including the provision of extended services in and around schools), and substantially increased support for teacher development coupled with the introduction of measures to assist teachers' professional practice, including through the rubric of school workforce remodelling.

- 3.9 The particularly effective learning environments established and maintained within classrooms in the UK is one critical success factor emphasised in reviews of the international evidence. The evidence from Programme for International Student Assessment (PISA) suggests that public education in the UK is particularly effective due to teachers' practices which encourage high interest and positive engagement in learning amongst pupils. According to PISA, teachers, school leaders and pupils in the UK are also more likely to report the establishment and maintenance of a good behavioural climate within classrooms which is conducive to effective teaching and learning.
- 3.10 The NASUWT believes that there is no room for complacency and that more needs to be done to continue to improve education in the UK to secure better outcomes for all children and young people. Thus, while these areas of strength should be acknowledged and celebrated, it is also important to recognise features of the education system in the UK that international studies suggest have yet to reach acceptable levels of performance and equity.
- 3.11 In relation to equality of educational outcomes, PISA data indicate that 77% of difference in the performance between schools may be explained by the differences in the socio-economic background of pupil intakes. This may not be altogether surprising and highlights the importance of action on poverty and socio-economic inequality as a prerequisite to improving educational outcomes for all (Narey, 2009).
- 3.12 Hirsch (2007) has concluded that 'just 14 per cent of variation in individuals' performance is accounted for by school quality'. Furthermore, Hirsch's review of evidence for the Joseph Rowntree Foundation's Education and Poverty programme found that in the UK 'children growing up in poverty and disadvantage are less likely to do well at school' due to the correlation between low income and low attainment of pupils.
- 3.13 The OECD (2012b: 4) confirms that it is the 'concentration of disadvantage in schools' that contributes to low attainment and highlights the need for the UK to initiate 'changes in other areas of social policy besides education, such as housing policies [to] promote a more balanced social mix in schools'. This has implications for the continued operation of selective systems of education predicated upon choice by parents (such as in England) and by schools (as in the case of Northern Ireland).
- 3.14 In addition to the concentration of poverty within schools, educational disadvantage is associated with a number of interconnected pupil characteristics, including: socio-economic status, household income, parental background/level of education, and the quality of parental involvement in a child's education (Marshall, et al., 2007). It would be illogical to claim that schools alone can remove these barriers to learning or reverse their influence on educational outcomes. Public education policy needs to be clearly located within the broader context of public policy and reinforced by it, if it is to be effective in securing high outcomes for all children and young people.
- 3.15 Whilst the education systems in the UK generate outcomes in terms of gender equality that compare well with other countries, issues continue to persist in specific areas, most notably in the general disparities that exist in relation to the performance of girls in science and mathematics subjects compared with that of boys, and a persistent gender equality gap across our education systems overall (NASUWT, 2006).
- 3.16 Educational outcomes in the UK are also characterised by a relatively long tail of underachievement by some pupils in comparison with their peers, while the proportion of pupils in this country reaching the very highest levels of achievement in literacy, numeracy and science fall short of that evident in the very highest performing education systems.
- 3.17 In respect of other key indicators of educational equity, particularly post-16 participation rates, the UK has continued to lag behind levels seen in other education systems. In terms of the correlation between ethnicity and educational outcomes, evidence from the UK also

highlights a number of important concerns, with Traveller children achieving least amongst all ethnic groups. The NASUWT notes too the important challenges affecting schools in relation to the progress and achievement of white working-class boys and the disproportionate exclusion of black boys.

- 3.18 The NASUWT recognises, therefore, that whilst public education is securing a good deal for all children, further improvements are needed in respect of specific groups in order to narrow the gaps in educational achievement and participation.
- 3.19 The challenge of equity is not unique to the UK; securing equity in education systems is perhaps the greatest challenge for all OECD countries (OECD, 2012c). Indeed, Field, et al. (2007) have identified ten critical steps that are necessary to securing equity in education systems, as follows:
- i. 'Limit early tracking and streaming and postpone academic selection.
  - ii. Manage school choice so as to contain the risks to equity.
  - iii. In upper secondary education, provide attractive alternatives, remove dead ends and prevent dropout.
  - iv. Offer second chances to gain from education.
  - v. Identify and provide systematic help to those who fall behind at school and reduce year repetition.
  - vi. Strengthen the links between school and home to help disadvantaged parents help their children to learn.
  - vii. Respond to diversity and provide for the successful inclusion of migrants and minorities within mainstream education.
  - viii. Provide strong education for all, giving priority to early childhood provision and basic schooling.
  - ix. Direct resources to students and regions with the greatest needs.
  - x. Set concrete targets for more equity, particularly related to low school attainment and dropouts.' (2007: 9)
- 3.20 Access to qualified and experienced teachers has a major impact on children's educational outcomes. So, if government is serious about securing social mobility and excellence for all children, then it must begin by ensuring that all pupils are taught by qualified and experienced teachers. This means having appropriate levers in place to recruit and retain qualified teachers and to ensure the continuous development of teacher quality.
- 3.21 Additional targeted resources for children and young people from low income backgrounds is also vital, providing that these increased resources are used to benefit pupils from low income backgrounds. There is considerable evidence that where additional resources are not appropriately deployed or targeted, they will tend to benefit those children whose families are the most vocal and who have the capacity to 'navigate' the system for their children's benefit (Titmuss, 1968).
- 3.22 Investing in high-quality early education and childcare is also critically important in raising outcomes for all, especially for children from low income backgrounds. Despite the importance of early childhood education, this is often one of the first casualties when there are financial pressures on governments. For example, in England the closure of SureStart children's centres and the scaling back of early years provision is impacting most severely on children from the lowest income backgrounds whose families simply cannot afford to pay for alternative provision. Between 2010 and 2012, on average two SureStart children's centres were closed down every week. Investing in high-quality early interventions, including qualified teachers in early years education settings, could make a real difference in reducing the impact of household income on educational achievement and creating better outcomes for all children and young people (DfES, 2007; Sylva, et al., 2004).



## THE PURPOSES OF PUBLICLY FUNDED EDUCATION

4.1 Education exists for the benefit of the individual. But public education serves a wider social purpose: it exists for the good of all individuals and for the good of society. By public education we mean education that is funded, wholly or in part, by the taxpayer through the apparatus of government, locally, nationally and internationally.

4.2 In the watershed Report to UNESCO of the International Commission on Education for the Twenty-first Century, chaired by Jacques Delors, reported:

*“It is the view of the Commission that, while education is an ongoing process of improving knowledge and skills, it is also – perhaps primarily – an exceptional means of bringing about personal development and building relationships among individuals, groups and nations.”*  
(UNESCO, 1996: 12)

4.3 The NASUWT believes that education is a human right and a public good. This is not just our view; it is a principle enshrined in international law. The NASUWT’s view is that quality public education for all must be an unequivocal goal of government. That goal, in our view, can only be assured where government takes an active role in ensuring quality and equity, setting clear expectations of what the system should provide by way of entitlements for all learners.

4.4 In the competitive world of education, it is perhaps too easy to define these entitlements as ‘deliverables’ – for example, the percentage of pupils who should achieve a given number or level of qualifications at a particular age (e.g. 5 GCSEs A\*-C at age 16). But, such blanket measures will not be right for all pupils, all schools, or meet the needs of society. The debate about the English Baccalaureate Certificate (EBC) is a case in point. Few would object to seeing all pupils achieve the qualifications included within the basket of the EBC, but many have rightly and vehemently expressed concerns in defence of those subjects not included within the EBC and in support of a broad and balanced curriculum for all. The NASUWT is also concerned about the potentially adverse impact of the EBC on pupils’ motivation to learn and on discipline and behaviour in schools. This is an important consideration, as can be seen from experience in other countries where a narrowly prescribed curriculum has ignited public concerns about students’ commitment to learning and their confidence as learners in countries ranked in the top 5 of the international rankings.

4.5 For example, following publication of the 2011 TIMSS/PIRLS data in 2012, the *Japan Times* expressed concern that: ‘enthusiasm for studying science was below the global average among Japanese second-year junior high students. The fourth-graders’ interest in arithmetic was also below the world average.’

4.6 In Singapore, the journal *Today Online* said of the country’s high ranking in TIMSS/PIRLS that: ‘the study showed that the Republic still has to work on students’ confidence in approaching the subjects of math and science...their confidence levels were found to be lower compared to students in other education systems.’

4.7 In Hong Kong, *Mingpao* reported that: ‘Hong Kong students’ reading scores topped the world but their motivation to read ranked bottom...They also ranked low in reading interest and confidence.’

4.8 And, in Chinese Taipei (Taiwan), *World People News* reported: ‘Despite the outstanding achievement in TIMSS and PIRLS, the studies show that students have less positive attitudes to and low confidence in math, science, and reading.’ In Taipei this concern has been seized upon by the Ministry of Education which has ‘proposed the following strategies:...Reform the entire education system, lower academic pressure, break the

shackles of testing, and **give back students the joy of learning...**' (emphasis added). Further evidence emphasising these concerns in relation to some high performing countries has been provided in research for the Nuffield Foundation (Askew, et al., 2010).

- 4.9 If nothing else, the NASUWT would say that whilst qualifications and certification are important, these need to be balanced alongside other important purposes of public education, including the fostering of commitment to lifelong learning. There should be deep concern that children and young people in the UK enjoy a lower quality of life compared with their peers in other economically advanced countries according to their own assessments of personal 'happiness' and 'wellbeing' (UNICEF, 2007). The NASUWT believes that it is important to listen to and address the concerns raised by children and young people in the UK:

*"The message from them all was simple, clear and unanimous: their well-being centres on time with a happy, stable family, having good friends and plenty of things to do, especially outdoors...In the UK homes we found parents struggling to give children the time they clearly want to spend with them...Moreover by the time many British children had reached secondary school their participation in active and creative pursuits – pursuits that children said made them happy – had in fact dwindled, whilst this occurred less in other countries. It was also clear in the UK that children from less well-off families had less access to the stimulating outdoor activities which most children would like."* (Ipsos MORI, 2011: 1)

- 4.10 In the view of the NASUWT, public education is a cornerstone of democratic society; it is an essential element in the framework of social rights of children, young people and adults. Public education, in our view, must also be defined by its universality. Public education should encourage personal fulfilment, social responsibility, knowledge, cultural acquisition and skills for life. It should deliver for society's needs for social and economic development, political participation, environmental responsibility and international solidarity.

- 4.11 The NASUWT's aspirations for public education reflect the commitment of global educators:

*"Quality education nurtures human talent and creativity, thereby contributing to the personal and professional development of the individual person, as well as to social, cultural, economic, political and environmental development of society at large. It promotes peace, democracy, creativity, solidarity, inclusion, a commitment to a sustainable environment, and international and intercultural understanding. It provides people with the critical knowledge, abilities and skills that are needed to conceptualise, question and solve problems that occur both locally and globally."* (Education International, 2011: 2)

- 4.12 Public education also plays an important role in preparing children and young people as global citizens. Whilst the Union believes that governments should take seriously their international obligations on such matters as ending child poverty and in meeting the Education for All and Millennium Development Goals for education, the NASUWT also believes that commitment to internationalism starts at home. It is our view that schools should educate pupils on wider global issues (e.g. see Global Learning Charter at [www.think-global.org.uk](http://www.think-global.org.uk)).

- 4.13 Public education as an entitlement for all is grounded in the universal obligations set out in international treaties, conventions and regulations. These conventions and regulations should be a touchstone for UK policy makers and for those evaluating the contribution of public education in the UK.

- 4.14 It cannot be assumed that the UK is compliant with these conventions and regulations, or that there is not more to do in terms of meeting these obligations fully. At a time of public sector austerity, it may well be that the integrity of some obligations is no longer secure.

- 4.15 Since 2010, the public education sphere in the UK has experienced major industrial relations challenges.
- 4.16 In each of the four UK nations since 1 December 2011, teachers have been embroiled in national industrial action in defence of their jobs, pay, pensions and conditions of employment. Teachers are under threat from direct and indirect attacks on their trade unions, and, in some cases, teachers have been targeted and victimised in retaliation to their participation in lawful trade union industrial action.
- 4.17 Government has also demonstrated contempt for workers' rights by encouraging employers to derecognise trade unions. This is just one example of how international obligations are coming under pressure. The NASUWT does not believe that quality public education can remain secure whilst the rights of teachers and their representatives are undermined or threatened.
- 4.18 There are numerous examples of practices which might constitute a material breach of international human rights, including the right to freedom of association and the right to organise. These are examples from publicly funded schools.
- 4.19 High-quality public education respects and values teachers and the organisations that represent them and creates the conditions in which teachers and other education professionals are able to work together collectively on matters affecting them and their students. Public education is not only about education for democracy, but also operates democratically.
- 4.20 And, it is not just the assault on the workforce which has given cause for concern. The NASUWT is concerned about the impact on quality public education arising from the deregulation of the teaching profession and the removal of the requirement for qualified teacher status in England.
- 4.21 Furthermore, research by the NASUWT has found that other rights and entitlements of children and young people are also under threat. For example, there is strong evidence that the right to education for all children and young people has been compromised as a result of the extension of legal provisions to allow schools to charge pupils/parents for access to educational provision (described in the Education Act 2011 as 'optional extras') or to charge market rates for school lunches. Quality public education for all relies upon government ensuring that access to education is not determined on the basis of ability to pay.
- 4.22 The NASUWT is concerned, too, about the targeting of schools by extremist groups, and threats to the human and civil rights of teachers and pupils. The NASUWT's Civic Voices programme in Northern Ireland ([www.nasuwt.org.uk/CivicVoices](http://www.nasuwt.org.uk/CivicVoices)) has helped to confirm the importance of civil rights education in schools, enabling children and young people to live and work together in peace. The Union believes that government must make a priority the need for teachers and pupils to be treated with respect and dignity, free from all forms of violence, intimidation or the threat of violence:

*"Schools and colleges have a vital role to play in working for peace, by promoting inclusion, tolerance, transparency, cross-cultural understanding, sensitivity to culture and language, conflict resolution and enquiry-based history learning methods. It is not just about what is in the curriculum, but about creating an ethos... This means having fair whole-school policies, student democracy and participation by parents in decision-making, and transparency in staff appointments. It also means recruiting and retaining well qualified, capable teachers."* (Education International, 2009: 14)



- 4.23 The NASUWT believes that governments must commit without exception to the principles established within the international conventions and regulations relating to education, including:
- Universal Declaration on Human Rights, 1948
  - International Covenant on Economic, Social and Cultural Rights, 1966
  - UN Convention on the Rights of the Child, 1989
- The Union further believes that quality public education relies on the rights of teachers and education professionals being respected fully, reflecting the provisions contained in:
- ILO Convention 87 on the Freedom of Association and Protection of the Right to Organise, 1948; (Adopted by UK – 27 Jun 1949)
  - ILO Convention 98 on the Right to Organize and Collective Bargaining, 1949; (Adopted by UK – 30 Jun 1950)
  - ILO Convention 111 on Discrimination (Employment and Occupation), 1958; (Adopted by UK – 08 Jun 1999)
- 4.24 Further details of these Declarations and Conventions are included in Annex 1 to this Report.
- 4.25 Evaluating the UK's education systems within the framework and context of these conventions and regulations provides a useful starting point for a public debate about quality public education.
- 4.26 There is much that UK administrations have done and are continuing to achieve nationally and internationally. But, there are continuing concerns and areas for improvement to which government administrations need to respond.
- 4.27 Based upon recent Direct Requests and Reports issued by the International Labour Organization (ILO), the NASUWT notes the concerns of the Committee of Experts on the Application of Conventions and Recommendations with regard to matters of compliance by the UK government, with particular reference to equality, anti-discrimination and trade union rights (see Annex 2).
- 4.28 In addition, the Union also notes that in a number of cases the UK has failed to commit to a number of important and relevant international Conventions relating to the work of teachers and public education (see Annex 3). The NASUWT expects the UK Government and administrations to take seriously their commitments to these international Conventions which impact upon the quality of public education. All UK administrations should demonstrate and report regularly on how these obligations are being met in practice.
- 4.29 It is unclear whether and to what extent currently such proactive monitoring and review against each of these international obligations is secure. The NASUWT further argues that government must demonstrate a genuine commitment to meeting these international obligations and take steps, in consultation with trade unions and other civil society organisations, to assess compliance and impact.
- 4.30 Whilst education continues to be funded through the apparatus of the state, there should be an expectation that schools funded by the state should contribute to societal expectations and uphold the values of our society. As a society, we demand an educated citizenry; that children should develop to assume a purposive and useful role in adulthood within their families, communities and the wider society; that individuals should be bound by common values and national identity, whilst respecting individuality and cultural specificity reflective of ethnic, linguistic or religious heritages and backgrounds.

- 4.31 These societal expectations should have important implications for how schools funded by the public are organised and regulated. Where schools are required to collaborate and where the curriculum on offer is broad and inclusive, there can be more confidence that the national common purpose will be secured through public education. But, this cannot be left to chance. Schools will need to play their part, but government – nationally and locally – must take the lead.
- 4.32 The NASUWT recognises the important contribution schools should make in young people’s development and transition to the labour market. Schools have a vital role in helping to develop and equip young people with the knowledge, skills and qualifications they will need to enter the world of work. As the market for jobs continues to change rapidly and markedly, schools must also be supported in their efforts to respond to current trends and to meet future economic challenges. According to current forecasts, for example, the demand for unskilled jobs in the UK economy will shrink from 3.4 million to as few as 600,000 by 2020.
- 4.33 The UK needs to prepare young people for the new knowledge economy of the 21st century. This will not be achieved by narrowing the curriculum or by fixating on a handful of working-class children who might be lucky enough to gain a place at Oxbridge. That is a policy for the one per cent, an ideological obsession masquerading as policy which would be a recipe for economic failure and which would condemn the majority of children to failure.
- 4.34 Today, OECD countries are focusing on building a 21st century curriculum, enabling all young people, regardless of background, to be able to compete in the global economy. Whilst the NASUWT would not endorse a simple utilitarian purpose for public education, there remains a need to give all pupils a relevant curriculum experience fit for the knowledge and skills demands of the 21st century. This means extending entitlement not only to high-quality academic study, but also high-quality vocational education for all young people aged 14-19, underpinned by strong commitment from business and employers’ organisations and equality of access to high-quality, practical, hands-on, work-based learning opportunities (cf. Baker, 2013; Corrigan, 2013).
- 4.35 Countries like Finland, Canada, Singapore and China are focusing not on memorising facts and dates, but focusing on what students know, can do and are like. A 21st century curriculum should equip young people to be research-driven problem solvers – knowledge creators – who have the capacity to adapt as learners throughout their lives. The UK’s global economic competitors know the importance of creativity, project work and the need for multiple ways of assessing pupil progression and achievement. They are focusing on multiple literacies for the 21st century – aligned to living and working in a globalised world, with parity of esteem between academic and vocational pathways (Corrigan, 2013).
- “[I]n a fast-changing world, producing more of the same education will not suffice to address the challenges of the future...[R]outine cognitive skills, the skills that are easiest to teach and easiest to test, are also the skills that are easiest to digitize, automate and outsource. A generation ago, teachers could expect that what they taught would last for a lifetime of their students. Today, where individuals can access content on Google, where routine cognitive skills are being digitized or outsourced, and where jobs are changing rapidly, education systems need to place much greater emphasis on enabling individuals to become lifelong learners, to manage complex ways of thinking and complex ways of working that computers cannot take over easily. Students need to be capable not only of constantly adapting but also of constantly learning and growing, of positioning themselves and repositioning themselves in a fast changing world. These changes have profound implications for teachers, teaching and learning as well as for the leadership of schools and education systems.” (OECD, 2012a: 11)*
- 4.36 A 21st century curriculum entitlement is, in the view of the NASUWT, one of the most important contributions of public education in creating economic opportunity and upward social mobility for children and young people and securing sustainable development and economic growth in the longer term for society as a whole.

- 4.37 Those governments seeking to sustain excellence for 21st century learners recognise that:
- “In the past, the policy focus was on the provision of education, today it is on outcomes, shifting from looking upwards in the bureaucracy towards looking outwards to the next teacher, the next school. The past was about delivered wisdom, the challenge now is to foster user-generated wisdom among teachers in the frontline. In the past, teachers were often left alone in classrooms with significant prescription on what to teach. The most advanced education systems now set ambitious goals for students and are clear about what students should be able to do, and then prepare their teachers and provide them with the tools to establish what content and instruction they need to provide to their individual students. In the past, different students were taught in similar ways, today teachers are expected to embrace diversity with differentiated pedagogical practices. The goal of the past was standardization and conformity, today it is about being ingenious, about personalizing educational experiences; the past was curriculum-centered, the present is learner centered. Teachers are being asked to personalize learning experiences to ensure that every student has a chance to succeed and to deal with increasing cultural diversity in their classrooms and differences in learning styles, taking learning to the learner in ways that allow individuals to learn in the ways that are most conducive to their progress.”* (OECD, 2012a: 11)
- 4.38 Schools in their various ways should contribute to the process of societal development or nation-building in the round. But, how is this possible where pupils are divided on the basis of various socio-economic characteristics? Doesn't this defy our efforts to pursue the fundamental purposes of public education? The conditions must be created for a truly comprehensive education in terms not merely of school intake, but also in terms of access to a broad and balanced curriculum. This requires schools and colleges to work together for the benefit of all young people, particularly in the context of provision for 14-19 year olds.
- 4.39 Parents throughout the UK choose schools for a variety of reasons, be they to do with the school's proximity to home, or the school's reputation, or on other social, personal or emotional grounds. But, it is important to make clear that 'choice' for parents is inextricably tied to the variety of school types on offer. In the context of publicly funded schools, it is important to consider whether such diversity is appropriate and what society expects from these different types of schools.
- 4.40 The diversity of school provision – wherein children are divided according to religious affiliation, gender, as well as ability and aptitude - have been features of the UK school system for generations. However, the social divisions of schooling and the justification for the selection and/or segregation of children according to social or physiological characteristics is and will remain hotly contested, particularly where such divisions are given license through the apparatus of state funding.
- 4.41 It has been argued that such divisions are anachronistic, whilst counter-claims are made that these divisions contribute to improved educational outcomes for pupils (Foster, 2012). No doubt the presence of single-sex schools, faith schools, grammar schools and specialist schools will continue to fuel political and public debate, especially at a time when there are considerable constraints on public expenditure. However, such diversity within the system needs to be understood and located in the context of the framework of fundamental human rights and freedoms, including as set out in Article 26 (3) of the Universal Declaration of Human Rights, which affords that: *'parents have a prior right to choose the kind of education that shall be given to their children'*, and Article 18 which further confirms that *'everyone has the right to freedom of thought, conscience and religion; this right includes...freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance'*.

- 4.42 There is strong empirical evidence that demonstrates that those countries that operate selective systems of education, whether by design or by accident, perform less well overall and are characterised by a wider achievement gap between pupils from rich and poor backgrounds (Wilkinson and Pickett, 2009).
- 4.43 If the diversity of educational provision is to continue, then there should be an expectation that a corollary requirement of institutional collaboration across all schools must also be non-negotiable, without qualification or restriction.
- 4.44 The likely continuance of diversity of school provision forces another debate to be had – namely, about the limits to diversity of school provision. If children may be segregated for the purpose of schooling on the grounds of their sex or religion, then why not on the grounds of their family income or ethnic group?
- 4.45 It would perhaps seem improbable that a policy of ethnic or income segregation of children in schools would ever be a centrepiece of a mainstream political party’s manifesto for education. Yet, currently, it is the case that children’s schooling is divided along these lines, albeit without the imprimatur of government. For example, in the UK there are many inner city schools where there are no white ethnic group pupils on roll, and schools that admit only pupils from white ethnic backgrounds abound. Similarly, in a system where school admissions operates primarily on the basis of a child’s postcode, pupils from low-income households will be unlikely to be admitted to schools in more affluent areas.
- 4.46 This should be of serious concern to government and policy makers. A segregated society should not be a goal for public education, irrespective of the grounds of segregation. An inclusive, multicultural society, where diversity is respected and celebrated and where good relations exist between individuals and communities from different backgrounds depends on the sphere of public education actively to overcome these social divisions.
- 4.47 Government cannot and should not be disinterested or stand at a distance from the manner in which school places are organised and allocated. There must be a role not only for central government but also for local government in planning and organising school provision to ensure that social divisions and inequalities are not exacerbated over time, to control the overall costs of school place provision, and to ensure good social relations between different social groups.
- 4.48 Local government has an important role in bringing together the ‘family’ of local schools, enabling schools to work together and championing collaboration between schools. It has a role, too, in ensuring that unscrupulous individuals or organisations are prohibited from playing any role in the provision of public education, and in particular by prohibiting members of extremist organisations from becoming teachers, school governors or proprietors of publicly funded schools.
- 4.49 Local and central government must also be proactive in prioritising efforts to tackle segregation in the arena of public education. This should not be left to chance.
- 4.50 Consider the experience in the United States as reported by Brown (2013) in the *Washington Post*, which exposed how charter schools operate selective practices by the backdoor, with a 72:1 exclusion rate over other public schools. Requiring schools to work together, to collaborate, is one way of tackling segregation in public education, removing the perverse practices in relation to admissions and exclusions, and the expectations of such collaboration must contribute to securing the wider social purposes for public education in a diverse society. This means tackling the bias in the school admissions system and taking positive action to tackle social segregation in the sphere of public education.

- 4.51 Will this weaken the autonomy of schools? Schools in the UK already have the second highest degree of autonomy amongst OECD countries (OECD, 2012b). With government reforms since 2010, levels of institutional autonomy on matters such as admissions, curriculum and teachers' pay appear set to increase.
- 4.52 It is certainly not the view of the NASUWT that the professional autonomy of teachers and school leaders should be undermined or weakened with regard to those matters over which they should exercise a legitimate professional function – namely, with regard to teaching and leading and managing teaching and learning. There is a need to strike a more appropriate balance between professional autonomy and the continuing need for effective institutional and system-wide governance which should be in the public interest.
- 4.53 There is a pressing need to establish limits to professional autonomy which ensures that the role of government with regard to matters concerning public education are not affected adversely and which does not undermine public accountability of schools as public institutions. Appropriately defined levels of professional autonomy should ensure a stronger voice for government, locally and nationally, in the context of public education.

## ROLE OF GOVERNMENT IN EDUCATION

5.1 There is a multiplicity of interests to be addressed through public education; there is, too, a diversity of demands for public education, and the NASUWT recognises the tensions that may exist between what may be competing interests. The task for government – at the national and local level – is to find an appropriate equilibrium which balances the interests of the individual learner with wider social and economic imperatives for schools. Social dialogue between government and stakeholders is critical to this process.

5.2 Government should not delegate responsibility for public education. There is an important role for government, nationally and locally, in ensuring that the ethos, principles and values of public education are secured. As Education International has argued:

*“Democratically elected governments, whether at local, regional or national level, should be the guarantors and primary providers of education systems. Such public authorities have the key responsibility for ensuring that free, universally accessible education is well-resourced and constantly updated and developed.”* (Education International, 2011: 2)

5.3 The NASUWT endorses the view of the global teacher and educator community as expressed in the Education International Education Policy Paper (2011); thus, governments must demonstrate their commitment to public education in deed as well as in words, and by ensuring that public education:

- is publicly funded and publicly regulated;
- operates within a clear legal framework that respects international conventions on the rights of education employees to organise and bargain collectively and on the status of teachers and other education employees at all levels;
- provides every student with an entitlement to a broad and balanced curriculum in their schools.

5.4 How should government discharge its moral and legal duties in respect of public education? We do not believe that this can or should be done in isolation from the perspectives of teachers themselves. Similarly, the argument must extend that government must consider the views of all public education stakeholders with regard to the planning and organising of provision.

5.5 Many educationalists recognise the critical importance of ensuring that educational reform agendas are based upon strong consultation with teachers. The inaugural OECD and EI international Summit on the Teaching Profession emphasised the critical importance of social dialogue between government and the teaching profession and their unions to provide a basis for developing quality public education.

*“Learning outcomes at school are the result of what happens in classrooms, thus only reforms that are successfully implemented in classrooms can be expected to be effective. Teacher engagement in the development and implementation of educational reform is therefore crucial and school reform will not work unless it is supported from the bottom up. This requires those responsible for change to both communicate their aims well and involve the stakeholders who are affected. But it also requires teachers to contribute as the architects of change, not just its implementers. Some of the most successful reforms are those supported by strong unions rather than those that keep the union role weak.”* (OECD, 2011: 51)

5.6 The importance not only of teacher engagement but also the engagement of teacher unions was specifically highlighted by the ILO/UNESCO Committee of Experts on the Application of the Recommendations Concerning Teaching Personnel in 2003:



*“Social dialogue is the glue for successful educational reform. Without full involvement of teachers and their organizations – those most responsible for implementing reform – in key aspects of educational objectives and policies, education systems cannot hope to achieve quality education for all.*

*Teachers and teacher organizations are not generally consulted on key education reforms... Obstacles include the unwillingness of governments to exchange views with teachers’ organizations...” (2003: vi)*

- 5.7 In the UK, various attempts have emerged to establish structures that might be deemed analogous to ‘social dialogue’ – structures that engender a democratic and inclusive approach to education reform.
- 5.8 In England and Wales between January 2003 and May 2010, the School Workforce Social Partnership provided a mechanism for this form of social dialogue between government, unions and employers on the agenda of raising educational standards and tackling excessive workload.
- 5.9 In Northern Ireland, the Strategic Forum provides an example of how the ideal of partnership working between government and unions is being tried out.
- 5.10 Social partnership provides all stakeholders in the process with an equal stake and equal voice in policy making, builds consensus and promotes wider ownership of education policy developments, ensuring they are deliverable and sustainable in practice. More needs to be done to embed this way of working into practice across the four nations and at the local level, too.

- 5.11 The NASUWT knows how important social dialogue is for quality education. Where the teaching profession is not engaged and does not take ownership of policy development, education policy is more likely to fail in its implementation, a point noted by the ILO/UNESCO in their 2006 report:

*“The basic prerequisites for dialogue are a democratic culture, respect for rules and laws, and institutions or mechanisms that permit individuals to express their views individually or collectively through unions or associations on issues that affect their daily lives on both a personal and professional basis. ...Qualitative research [has] identified the sense of undervaluing, disempowerment and alienation that the average classroom teacher feels in many developing countries. The resulting reports...provided examples that teachers, including head teachers, do not feel that they have a voice in education decision-making beyond their immediate teaching or school environment. There is a strong sense of distance from regional and national-level decisions that are eventually communicated to teachers as immutable decisions, often divorced from their daily situation.*

*“Even where efforts are made with regard to education policy, they often remain in the realm of mere information sharing ... such forums should be broadened to permit more effective forms of social dialogue.... [E]ducational authorities and teacher unions should try to jointly analyse problems and find solutions. Participatory processes and consultations are not a panacea to resolve... difficulties, but they are virtually the only mechanisms for overcoming suspicion and establishing a positive climate for making and implementing education policy.” (ILO/UNESCO, 2006: vi) (our emphasis)*

- 5.12 The NASUWT is concerned that some years after the ILO/UNESCO reports, the situation of teacher alienation and disenfranchisement from education policy making remains as potent as it did in 2003. This is an issue which government administrations must take seriously if ongoing system improvement is to be secured. With rising industrial relations problems across all four UK nations, we believe that governments can no longer ignore the need for effective engagement with teacher unions through social dialogue.

5.13 Countries which have an established social dialogue with teachers and unions recognise and treat the profession as equal partners in the common endeavour of improving public education. Such dialogue takes place not only when changes are being planned or about to be implemented; social dialogue should be ongoing and it should be continuous.

5.14 A similar point is made by the OECD and EI:

*“...it is clear that strong cooperation between government and teachers’ organisations is essential to making progress...Trust is a key ingredient of successful education reform, but it cannot be legislated. It can be built only through constant consultation between all the stakeholders...constructive dialogue between education authorities and teachers’ organisations is essential to achieving reforms that work.” (2011: 23)*

5.15 Social dialogue with teachers’ unions should be the starting point for any government that has a genuine commitment to quality public education.

5.16 The NASUWT also argues that government should engage with other stakeholders, including parents, employers, universities and with children and young people. Giving parents information about the performance of individual schools is no substitute for genuine engagement and participation. The more parents are engaged in their children’s education, the more successful will be the outcomes for their children (CBI, 2012; DCSF, 2008). But, too often it is the case that parents’ views are regarded as of secondary importance.

5.17 For example, in England, the government is able to convert existing state schools into independent academies against the will of parents (Sahota, 2012). The ‘forced academisation’ of schools is fundamentally antithetical to the pursuit of quality public education for all. It is anti-democratic, contravenes the wishes of parents and other local stakeholders, may result in adverse consequences for children and young people, undermines the rights of the workforce in the schools affected, and further undermines public confidence in public education (Academies Commission, 2013). Furthermore, there is little or no evidence to support the contention that market competition in the provision of schooling leads to better educational outcomes for all. In the words of the OECD:

*“The highest performing education systems are those that combine equity with quality. They give all children opportunities for a good quality education.” (OECD, 2012c: 3)*

5.18 Local government has, traditionally, also played a key role in the local provision of education, and continues to do so in many parts of the UK. However, the relationship between local authorities and local schools has changed, particularly with the advent of local management of schools in the 1980s.

5.19 Across the UK, the role of local government in education is being questioned and, the NASUWT would argue, there is a greater political desire for greater central control in favour of what we would call genuine ‘localism’. This can be seen in evidence in England as a result of the government’s Academies Act 2010 and Education Act 2011, which provide the impetus for existing community schools to be re-established with independent status and free from local authority control. In Northern Ireland we are also witnessing the dilution of the role of the regional Education and Library Boards and their replacement with a central national body, the Education and Skills Authority which will be answerable to Ministers in the Northern Ireland Assembly. In Wales, the Education Minister is exploring the continued viability and relevance of 22 local education authorities with a view to moving either to a more regionalised or national structure. Scotland is perhaps the exception which proves the rule since, at the present time, there are no plans on this issue.



- 5.20 More central ministerial control of education may push education up the political agenda, but it also has the effect of undermining the democratic relationship that has traditionally served to underpin quality public education, especially at the local level.
- 5.21 In tandem with these changes is the push to greater financial devolution for schools, removing the strategic role of government to plan and organise the provision of public education. New inequalities and uncertainties have emerged for learners and for schools, and the supply of external support to address the additional needs of children and young people has been affected adversely as local authorities are no longer able to secure the resources they need for this purpose.
- 5.22 A consequence of extended financial autonomy for schools has been to pare to the bone the capacity of the local authorities, which are increasingly unable to provide effective or timely advice, early intervention or other support to assist school improvement. A further by-product has been to create a fissure in the local democratic process, dissecting the relationship between the public and local schools by the removal of the vital local authority link. School workforce trade unions have also seen their ability to engage in constructive negotiations and social dialogue as a result of the delegation of funding for trade union facilities. Industrial relations in schools have worsened as a result.
- 5.23 In England, in particular, the impact of these changes has been particularly rapid and severe. Many local authorities now appear reluctant to invest time or resources in support of schools. Schools are left to fend for themselves in a market of providers and predatory bodies seeking opportunities to expand their portfolio of schools through the business of mergers, acquisitions and takeovers. The effect has been to weaken the influence of local government in education, increase costs to the taxpayer, heighten the risk of service failure, and to put institutional commercial interests ahead of the public interest. These developments put at risk the right to quality education for all children and young people.
- 5.24 A commitment to public education means that government must be committed to strong and active local, democratically-constituted champions for public education which are empowered and fully resourced to act proactively, and intervene where necessary, in the interests of all children and young people in their areas.
- 5.25 There is already precedent for this, most recently in the area of policing. With the increased diversity of education providers (local authority, faith groups, private businesses, etc), it is necessary to establish a new relationship which promotes trust between the different agencies and enhances public commitment to, and engagement in, public education.
- 5.26 It should be clear that the NASUWT is not and has never been satisfied with the old-style public arrangements for the governance of public education. It was perhaps the best alternative at the time, but the Union has consistently argued for change. Consideration must be given to the future beyond the rubric of traditional corporate municipalities.
- 5.27 Local councils can and should continue to have a vital role in public education, but where relations or structures have broken down, alternatives will be needed that are democratically rooted. Any new strategic solutions must secure democratic engagement and representation in the provision of public education:

*“Choice and competition cannot deliver the sea-change that public services require any more than staying locked in the old top-down model can. Instead, we need to look at empowerment – giving citizens the tools they need to get the change they want. If we want services to better meet the needs of users, and be more accountable to those same people, respond better to changing circumstances, give vulnerable people back control over their own lives and operate at maximum efficiency within the context of limited resources, then taking power away from providers and sharing it with users offers a way forward.” (Reed, 2013: 9)*

5.28 In short, this is an argument for a 'co-operative revolution' in public education where all stakeholders are in the driving seat of securing quality education for all children and young people.

5.29 Local elected champions for public education should operate on a statutory basis at local level with responsibility to:

- be effective champions for children, young people, families and the workforce in public education;
- consult with and serve the local community, parents, education personnel, trade unions and young people on all matters affecting the quality of local education provision;
- set the local strategic priorities for the provision of services for children and young people;
- agree and publish the local strategic plan for education, including publication of the annual, medium-term and long-term priorities for education;
- publish an annual report on the quality of public education and progress in meeting local strategic priorities;
- scrutinise the quality of local education provision, trends and future demands on the system;
- ensure the provision of appropriate capacity and capability to secure effective outcomes across the local area;
- ensure effective collaboration and co-operation between schools and other agencies working for children and young people;
- review the quality of provision in all schools in the area and secure support for schools to improve;
- ensure the quality of staff working in education settings in accordance with national requirements and local priorities;
- provide support and challenge to local governing bodies and hold them to account for standards of leadership in schools;
- intervene in matters affecting the quality of educational provision;
- secure good industrial relations;
- work closely with the local authority and other relevant partners (including employers, colleges, universities) within the local area;
- commission education provision and manage the provision of school places in the area;
- intervene as necessary to ensure compliance with the local strategic plan for education;
- provide strategic liaison with relevant national agencies and co-operate with central government on matters affecting public education.

## THE FUNDING CHALLENGE FOR SECURING QUALITY PUBLIC EDUCATION FOR ALL

- 6.1 How much should we spend to secure quality public education? This is an especially important consideration at a time of austerity when there is political pressure to reign back public spending on public education. But, the NASUWT believes real-terms cuts to education spending are misguided and will be to the long-term detriment of our society and our economy.
- 6.2 Education International argues that ‘at least 6% of...Gross Domestic Product’ should be spent on education:
- “Such investment should ensure the balanced development of all education sectors from early childhood education through to higher education and life-long learning. Public authorities, in cooperation with teachers, should oversee and regulate the education sector and aim to constantly improve its quality, establishing and implementing a legislative framework that ensures a high quality service, professional standards, access for all and a representative governance system.”* (Education International, 2011: 2)
- 6.3 In terms of public spending on public education as a share of national income, the UK performs better than the OECD average (5.2% and 4.7% respectively); but, in terms of gross expenditure on education from all sources, the amount spent by the UK is below the OECD average (5.9% and 6.1% respectively) (see Bolton, 2012: 9). This suggests that there needs to be greater financial commitment from other sources – i.e. the private sector – if investment in public education seriously is to be boosted, as some of our global economic competitors (e.g. South Korea, USA) are doing.
- 6.4 The former Chancellor of the Exchequer, Rt Hon Gordon Brown MP, declared in his 2006 Budget Statement that:
- “Our long-term aim should be to ensure for 100% of our children the educational support now available to just 10%. So to improve pupil teacher ratios and the quality of our education, we should agree an objective for our country that stage by stage, adjusting for inflation, we raise average investment per pupil to today’s private school level.”* (Brown, 2006)
- 6.5 UK public spending on education stands at around £91 billion, or 14% of total UK public spending, a little over £1,500 per capita. These are not insignificant sums for any government. There is no doubt that spending on public education has increased over the last decade, as OECD data confirms. However, at the same time, there has also been increased expenditure on private school education, albeit at a slower rate.
- 6.6 According to Sibieta et al (2008), achieving the ambition of making public education the first choice for all parents by increasing spending to meet the former Chancellor’s pledge, in line with public spending plans at the time, would have taken until 2023. Since then, of course, the UK has been hit by the global financial crisis and the consequent policy of public sector austerity. Nevertheless, the NASUWT believes that the policy ambition to match spending per head on pupils in state schools to match the average funding levels in private schools remains a worthy ambition and one which should be considered positively by government.
- 6.7 The NASUWT notes that there has been a significant increase in the share of national wealth invested in education in the UK over the period of the last three decades, with the main surge in that investment coming in the 10-year period ending 2010-11. Thereafter, spending on education has fallen back to below the spending levels recommended by Education International.

## 6.8 Total public expenditure on education in the UK\*

Financial year	Education only		
	At cash prices £ billion	At 2011-12 prices** £ billion	Per cent of GDP***
1979-80	10.5	36.6	5.01
1983-84	15.8	38.2	5.04
1987-88	20.3	40.9	4.59
1992-93	32.0	48.6	5.05
1997-98	37.4	50.8	4.41
2001-02	49.7	63.4	4.83
2005-06	67.6	78.1	5.26
2006-07	70.6	79.4	5.23
2007-08	75.4	82.8	5.26
2008-09	79.6	85.1	5.60
2009-10	84.5	89.0	5.97
2010-11	88.8	90.9	6.01
2011-12	89.2	89.2	5.84

\* General Government Expenditure to 1982-83. Total Managed Expenditure to 1987-88, total expenditure on services thereafter.

\*\* Adjusted 2011-12 prices using HM Treasury GDP deflators from June 2012 and OBR March 2012 Economic and Fiscal Outlook forecasts thereafter.

\*\*\* Expenditure calculated on a resource basis. These figures may not be directly comparable with earlier years that were calculated on a cash basis.

Sources: HM Treasury, PESA 2012, and earlier editions

ONS – CSDB database

(Bolton, 2012: 10)

6.9 It is also worth noting the impact of this growth in education spending in the UK in the decade ending in 2010:

*“Expenditure on primary, secondary and post-secondary non-tertiary students by educational institutions increased by 50% between 2000 and 2009, even as student enrolments declined by 11% over the same period. As a result, expenditure per student increased by 68% between 2000 and 2009, the 8th highest increase among 29 countries with available data...In addition, expenditure on these levels of education as a percentage of GDP increased from 3.6% in 1995 to 4.5% in 2009 in the UK, higher than the OECD average of 4.0%...At the same time, however, results from PISA show no improvement in student learning outcomes.”* (OECD, 2012b: 8)

6.10 Nevertheless, maintaining high investment in public education, and a demonstrable commitment to increase spending in real terms over time, should be a key priority for government.

6.11 Hitherto, investment has helped to improve the recruitment and retention of a high-quality teacher workforce, increase the number of support staff in schools and improve school buildings and the quality of instructional tools and resources available to support teaching and learning. However, in comparison with the provision in the private fee-paying sector, class size has remained an area of acute disparity.

*“The average public primary school class has about 26 students, more than the OECD average of 21 students per class. But private institutions in the UK have significantly smaller*

*classes of around 12 students...At the lower secondary level, the average public school class in the UK has 21 students while the average class in private institutions has 15 students.” (OECD, 2012b: 10)*

- 6.12 There is a challenge for government of increasing spending for public education at a time of austerity. However, the NASUWT takes issue with the policy of austerity which ignores the alternatives and which is proven to be damaging to the economy (Figazzolo and Harris, 2011).
- 6.13 The NASUWT believes that investing in public education is not simply a responsibility for government. Elsewhere there has been a move to radically increase levels of investment in education from private sources, including changes to university tuition fees. However, the NASUWT does not see this as a solution for the provision of early years, primary and secondary/post primary education and, furthermore, has serious concerns about the impact of the fees regime on participation rates in higher education, particularly amongst young people from less affluent backgrounds.
- 6.14 The private sector has an important contribution to make to investment in public education, recognising the long-term benefits already derived to business from the provision of high-quality public education. This means that business must step up to the plate by investing in public education, as is the case in other areas of public service:
- “It is striking that there is generally little public funding for educational research. Private businesses do not seem to invest heavily in knowledge that can be applied to the formal education sector, and policy makers do not seem to have a clear strategy for stimulating business investment in education R&D. In 2008, the public R&D budget for education stood at 1.8%, on average, of the total public-research budget in the 26 countries for which this information was available. In contrast, the public R&D budget for health stood at 8.6% of the total public-research budget. On average, OECD countries allocated 15.5 times more of their public budgets to health research than to education research, but only 1.2 times more of their public expenditure to education than to health.” (OECD, 2012a: 47)*
- 6.15 This is the challenge for the private sector that, as in health, it should put its money where its mouth is as far as public education is concerned. Only by investing in quality public education will world class performance continue to be sustained. The NASUWT believes that government should create the conditions in which such investment becomes the norm. Government administrations need to be less interested in creating the conditions for the private sector to trade in public education and thereby to be consumers of existing public spending, and should instead look to the private sector to bring additional financial investment into public education.
- 6.16 And, there are clear arguments as to why the private sector should invest in public education (Hanushek and Wößmann, 2007), given the potential long-term benefits for business. The economic benefits of public education are widely cited, and this shall be taken seriously in any deliberations about maintaining a world class system, although caution is needed before advancing claims of a direct economic impact from spending on education (Kippin and Wolf, 2010: 8). Nevertheless, data from PISA suggests an important association between PISA scores and average increases in national wealth:

**PISA RESULTS AND GDP GROWTH PER HEAD  
SELECTED COUNTRIES**

	Grade 8 overall PISA, 2009	Average GDP growth per head, 2007-11 (%)
Hong Kong	545.57	3.0
Finland	543.49	0.5
Singapore	543.20	2.4
South Korea	541.16	3.1
Japan	529.43	0.1
Canada	526.58	0.1
New Zealand	524.06	0.3
Australia	518.84	0.8
Netherlands	518.82	0.6
Germany	510.16	1.3
Poland	501.12	4.2
United Kingdom	500.10	-0.5
France	496.88	-0.1
United States	496.41	-0.4
Sweden	495.60	0.7
Russia	468.50	3.0
Chile	439.30	2.6
Mexico	419.89	0.3
Brazil	400.99	3.1
Argentina	395.72	5.7

Note: The overall PISA score is an aggregate of the test scores in reading, mathematics and science literacy. It is calculated by the EIU, utilising OECD data.

Sources: Economist Intelligence Unit and OECD.

(Pearson, 2012: 19)

- 6.17 It would be wrong to claim that this proves that the stronger a country's performance in PISA, the stronger their economy will be (Hanushek and Wößmann, 2007). Nevertheless, whilst the NASUWT recognise that there is an association between PISA scores and GDP growth, it is important to note that the association is complex, variable and certainly not a causal relationship. Thus, take the PISA performance of the UK compared with its immediate PISA neighbour in the above table, Poland. How is the difference in GDP growth to be explained?
- 6.18 Nevertheless, there is considerable evidence that some countries outside the UK are investing heavily and increasingly in their education infrastructure, school provision and education development. This is having a beneficial impact for these countries. A standstill cash settlement for UK schools, and real-terms cuts in spending on public education, is unlikely to secure the gains that government expects from public education. Indeed, the evidence suggests that the UK is on a backwards trajectory from a position in which spending on public education overtook the OECD average (OECD, 2012b: 7-8) after sustained year-on-year increases in spending on schools over the decade ending in 2010.



## 6.19 Education and training expenditure in the UK, 2005-06 to 2011-12

	Cash prices			2011-12 prices*		
	Total £ billion	change £ billion	change percentage	Total £ billion	change £ billion	change percentage
2005-06	69.8	+6.8	+10.7	80.7	+6.2	+8.3
2006-07	73.0	+3.2	+4.6	82.1	+1.5	+1.8
2007-08	78.7	+5.7	+7.7	86.4	+4.2	+5.1
2008-09	83.0	+4.3	+5.5	88.7	+2.3	+2.7
2009-10	88.4	+5.4	+6.5	93.1	+4.4	+4.9
2010-11	91.8	+3.4	+3.9	94.0	+0.9	+1.0
2011-12	91.6	-0.1	-0.2	91.6	-2.3	-2.5

\* Adjusted using HMI Treasury GDP deflators as at June 2012

Sources: HM Treasury, PESA 2012, and earlier editions

(Bolton, 2012: 6)

- 6.20 The Institute for Fiscal Studies has observed that UK spending is under an assault the like of which has not been witnessed in over 70 years:

*“Going forwards, we estimate that public spending on education in the UK will fall by 3.5% per year in real terms between 2010-11 and 2014-15. This would represent the largest cut in education spending over any four-year period since at least the 1950s, and would return education spending as a share of national income back to 4.6% by 2014-15.”* (Chowdry and Sibieta, 2011: 1)

- 6.21 Indeed, the seriousness of the assault on public spending on public education should not be underestimated. The post-2010 austerity assault in the UK, which, on current plans, is set to extend beyond the next Comprehensive Spending Review period (IPPR, 2012), is of such magnitude that inevitably it will have profound consequences for the long-term future of UK public education.

- 6.22 The NASUWT does not believe that at a time of economic downturn or stagnation that it is economically or morally right to reduce investment in public education. Instead, the Union believes that government has to confirm that additional investment is needed. This is vital for economic recovery in the short, medium and long term.

- 6.23 It is also important that every pound of investment is used efficiently and effectively and that the impact on the educational outcomes of all children and young people is maximised.

- 6.24 In England, many schools are in receipt of a funding enhancement in the form of the ‘pupil premium’ which is designed to assist schools to meet the needs of children and young people from poorer households, as defined by eligibility to free school meals. However, the money allocated through this mechanism is not ring-fenced and there is increasing concern about whether this funding is being used for its intended purpose or is simply being used to subsidise other school activities and programmes.

- 6.25 *“Only one in 10 school leaders said that the Pupil Premium had significantly changed the way that they supported pupils from disadvantaged backgrounds...In some schools it was clear to inspectors that the spending was not all focused on the needs of the specific groups for whom it was intended.”* (Ofsted, 2012: 5)

- 6.26 The NASUWT believes that such investment must make a difference, building public support for public education as well as making a difference to the lives of children and young people with the greatest needs but without creating ‘a sense of “them” and “us”’ (Horton and Gregory, 2009: xx). Furthermore, the Union suggests that a pupil premium must deliver an overall increase in the financial quantum for education, in cash terms and in real terms. This is possible, provided there is a genuine commitment to excellence and equity in public education. For example, in Australia, the government-commissioned Gonski Review has recommended a \$5 billion a year injection of additional funding into schools with the premium going to public schools to address socio-economic disadvantage, worth about an extra 0.5% of GDP (see Gonski, et al 2011).
- 6.27 In its 2007 report on ‘School Funding’, the NASUWT noted that:
- “Throughout the UK, more and more is being achieved by schools and, at the same time, much more is being expected. The emergence of new strategies to tackle educational and social inequalities and to better engage with pupils and their families are in evidence in every part of the UK...These developments raise important questions about the purpose of school budgets and whether funding for schools is becoming stretched to support activities beyond teaching and learning.” (2007: 42-43)*
- 6.28 The Report concluded that there was a need for ‘a clear and transparent identification of education-specific funds to be used by schools.’ (2007: 43)
- 6.29 Much has changed since the publication of that Report, not least the demise of many local authority functions in the wake of cuts and austerity. As service provision beyond the school gates is affected by cuts to public spending, schools are being left to meet these needs themselves.
- 6.30 The use of the pupil premium may be one of the ways that some schools are seeking to compensate for the loss of support provision elsewhere. However, as argued elsewhere in this Report, the responsibility for ensuring quality public education for all children and young people, particularly the most vulnerable, is too important to be left to individual schools or providers.
- 6.31 The NASUWT believes that the delegation of funding to individual schools exacerbates the problem of uncertainty about what the role of schools is and what school budgets are intended for. As schools become more remote from local government, this uncertainty will increase and as it does the budgets of schools will be stretched ever further.



## PUBLIC EDUCATION AND THE PRIVATE SECTOR

- 7.1 There has been a diversity of education providers in our public education system for over a century: maintained community schools, voluntary controlled, voluntary aided, run by faith groups, comprehensives, grammars, special schools, alternative provision, grant maintained schools, specialist schools, trust schools and the pre-2010 academies. All these schools were funded by the state and all were bound by national frameworks for pupils' education. All were publicly accountable and required to cooperate with local authorities. All but academies were also bound by national frameworks governing teachers' terms and conditions of service.
- 7.2 The NASUWT recognises that there is nothing new about diversity within our system of public education. However, what matters is the extent to which the founding principles and values for public education (in particular, universality, equality, inclusion and democratic accountability) are compromised as a result of the involvement of new school providers.
- 7.3 The NASUWT has never opposed per se the involvement of the private or voluntary sectors in the education service. The Union's 2006 Report *The Private Sector and State Education*, provided a constructive statement about the need for political pragmatism in relation to the engagement of the private sector in the public sphere. Far from an ideologically driven view of 'public good, private bad', the NASUWT has made clear that the private sector could play a constructive and meaningful role, provided this does not compromise the public interest or the public service ethos in public education.
- 7.4 The Union advocates a number of key tests which government should apply to ensure that a framework of entitlement for children and young people is promoted and not undermined:
- ensuring that private sector involvement does not compromise in any way the national pay and conditions of school staff;
  - ensuring that private sector involvement advances equality of opportunity, is non-discriminatory and promotes social cohesion and good relations between different groups;
  - ensuring that private sector involvement does not undermine social dialogue and that it respects the rights of trade unions to represent their members individually and collectively;
  - ensuring that private sector involvement enhances democratic participation in the sphere of public education and contributes to strengthening of public accountability;
  - ensuring that private sector involvement provides good value for public money and reduces the burden on, and risks to, the public purse;
  - ensuring that private sector involvement ensures that public education is maintained as a universal service entitlement for all children and young people that is free to access and use;
  - ensuring that private sector involvement contributes to better standards of education;
  - ensuring that private sector involvement does not threaten the status of schools as public assets which are managed in trust for the public.
- 7.5 This is not an argument against private sector involvement or against diversity of provision. Indeed, in 2012, the NASUWT signed an historic agreement with the Schools Co-operative Society to promote the principles and values of public education in a context of increasing diversity of provision. The Union believes that, applying the framework of cooperation and the principles of mutualism, it is possible to secure diversity and a progressive educational ethos within schools without risk to the principles and values of public education.
- 7.6 The NASUWT does not claim that co-operative solutions represent the sole way to square the circle of allowing alternative providers of schools to operate without compromising the principles and values of public education. However, the Union does believe that government must apply public service values to its policies, especially where such policies would seek to extend the diversity of school providers within the arena of public education. Government must ensure that it exercises due diligence and vets any new providers accordingly to ensure that the public interest tests are satisfied.

- 7.7 Having said that, the NASUWT does not believe that structural change, in or of itself, will secure quality public education (Academies Commission, 2013). What matters is the quality of teaching, followed by the quality of leadership of schools (OECD, 2012a and 2011). Nevertheless, there are those who claim that the involvement of the private sector as providers of schools secures better educational outcomes for children and young people, claiming that the success of elite private schools is typical of all private schools when this is patently not the case.
- 7.8 Lord Adonis has argued consistently in favour of strengthening the relationship between fee-paying private schools and state schools, on the grounds that, he believes, the state sector lacks *‘the DNA of the successful private school: independence, excellence, innovation, social mission’*:
- “I want, if I may, to tackle two of the biggest challenges which face us in education today. The first challenge is not simply to reduce the number of underperforming comprehensives – where we have made reasonable progress in the last decade – but to eradicate them entirely, replacing them with successful all-ability academies. The second challenge is to forge a new settlement between state and private education in England. I put these two challenges together because they go together. It is my view, after 20 years of engagement with schools of all types, that England will never have a truly world class education system until state and private schools are part of a common national endeavour to develop the talents of all young people to the full and build a “one nation” society instead of the “them and us” of the past.”* (Adonis, 2011)
- 7.9 For Adonis, this means the creation of federations of existing fee-paying schools and state schools, with the private school partner ‘taking complete responsibility for the governance and leadership...and staking their reputation on their success as they currently do on the success of their fee-paying schools’. However, at least for now, Adonis would draw the line at allowing private companies to make a profit from running publicly funded schools and would expect such partnerships to be run philanthropically.
- 7.10 The NASUWT does not object to the goal to bring down the *‘Berlin Wall between the state and the private sectors’* in our education systems, but as history reminds us, there is a need for caution if we are to avoid creating new forms of social division and inequality some time into the future. Such a settlement cannot be pursued as if it were a zero-sum game.
- 7.11 The NASUWT is clear in objecting to claims that public education is broken (and by contrast that private education is universally successful) and that publicly funded schools cannot be improved without ceding control of them to private sector interests. It is important to draw on evidence which demonstrates the success and continued improvement of public education which has secured the UK’s position as one of the highest-performing education nations in the world.
- 7.12 At the same time, the NASUWT recognises the need to avoid becoming complacent, recognising the need to further improve the quality of education for all children and young people. But, it is right to draw the line at remitting the public responsibility for running public education to private interests, and it would be naïve to assume that existing private sector engagement in public education is philanthropic. Through their administration and procurement arrangements, private sponsors of academies already make a profit from running schools, and such business practices are set to become more overt as the Secretary of State for Education has made clear he has no ideological objection to private sponsors making a profit out of running state schools (Gove, 2012).
- 7.13 For the NASUWT, the issue is not whether the private sector is involved in the arena of public education, but that there is a clear understanding of the nature of that involvement, that the

limits of such involvement are clear and that there is proper and appropriate regulation of all providers to secure the public interest without fear or favour. Put simply, public education is too big to fail and government must be held to account for it.

- 7.14 The NASUWT shares the view of Education International, the global unions federation representing 30 million teachers in over 170 countries around the world:

*“The social values of education require public authorities to protect the education sector from the neo-liberal agenda of privatization and commercialisation. This negative agenda includes marketisation and trade in education and intellectual property, the casualisation of employment in the education sector, the application of private-sector management models on education institutions, the privatisation of provision, and the intrusion of for-profit motives or business interest in the governance of education institutions.”* (Education International, 2011: 2)

- 7.15 Indeed, the NASUWT underlines the contention that public education should operate on a ‘not-for-profit’ basis and that the commercialisation of education is contrary to the principles and values of public education.

- 7.16 The Union notes that Pearson (2012), drawing on research by Woessmann and West, argues that:

*“...the share of schools that are privately operated has an economically and statistically significant positive effect on student achievement in mathematics, science, and reading...If there is more choice for parents, and more non-governmental school operators so that schools are not managed by one big state monopoly, countries perform much better.”* (Pearson, 2012: 27)

- 7.17 However, the NASUWT does not share the view that the effects observed by Woessmann and West reflect the impact of ‘private interests’ in the provision of school places. Indeed, the school providers examined by Woessmann and West, if not wholly public bodies, must at least be defined as representing a ‘public’ or ‘community’ interest rather than a ‘private’ interest (Woessmann and West’s research focuses exclusively on the impact of Catholic school provision). Having said this, Woessmann and West’s analysis raises important questions about the relative importance of diversity of provision and school ethos as factors contributing to the overall performance of education systems and, it could be argued, makes a case for the moral purpose of public education.

- 7.18 The NASUWT believes that the moral mission of public education must be understood by reference to the fundamental ethos for public services – the guiding principles and values on which public services and the welfare state (social protections) exist.

- 7.19 The NASUWT has described the public service ethos in the following terms:

*“High-quality, fully funded public services are at the heart of a democratic and inclusive society. Public services exist to give expression to the needs and aspirations of individuals and communities and, in doing so, to deliver services which meet individual and wider community needs and aspirations. Public services are democratically accountable; they operate in the public interest, promote community cohesion and are valued and respected. They are owned by the public and are managed and delivered in trust to the public. Public services work to create a better society, by tackling inequalities and by delivering social and economic justice for all. The provision of state education is critical to the public service ethos and the creation of a democratic, just and inclusive society.”* (NASUWT, 2006: 7)

- 7.20 The Union recognises that there are competing views about the moral purpose of public education.

In a speech to the National College for School Leadership in 2011, the Secretary of State for Education, Rt Hon Michael Gove MP, described his school reforms as guided by a clear moral purpose:

*“[T]here is one area where the sense of moral purpose which guides us as leaders in education must impel us to do more. As a nation, we still do not do enough to extend the liberating power of a great education to the poorest. As Barack Obama has persuasively argued, education reform is the civil rights battle of our time...My moral purpose in Government is to break the lock which prevents children from our poorest families making it into our best universities and walking into the best jobs.”* (Gove, 2011) (our emphasis).

7.21 And, this will be achieved, according to the Secretary of State, by recruiting ‘*the best people...into the classroom*’, ensuring that teachers are ‘*liberated in schools set free from bureaucratic control, given structures which encourage collaboration and the sharing of the benefits innovation brings*’, holding teachers to account ‘*in an intelligent fashion*’ and by ensuring that teachers are ‘*led in a way which encourages us all to hold fast to the moral purpose of making opportunity more equal*’.

7.22 There is a debate to be had about whether the Secretary of State’s postulation constitutes a moral imperative. Whilst the goal to break through the bar on children from the poorest backgrounds gaining a place at the best universities or getting the best jobs may be laudable, it can only ever be an aspiration for a few and not for all. Like the American Dream, this is a vision in which everybody can aspire but where only very few will ever succeed. We should be concerned about what happens to the 99% who will not make it to the very top. This is a core challenge for those who are committed to public education.

7.23 The NASUWT’s view is that the moral purpose of public education is grounded in the public service ethos, social justice, equality for all and democracy.

Public education policy cannot be divorced from other important areas of public policy; it is bound up inextricably with decisions on jobs, taxation, social protections and the environment, which all impact on teaching and learning in our schools.

7.24 In his 4 July speech to the 2012 Representative Assembly of the National Education Association (NEA) in Washington DC, John Stocks, NEA’s Executive Director, opened up this broader debate on the moral purpose of public education; he called on teachers and educators, America’s ‘social justice patriots’, to mobilise, and he challenged the 2012 United States Presidential election candidates to demonstrate clear moral leadership on public education:

*“Our American DNA is embedded with a profound sense of possibility, an unshakeable belief in a better tomorrow, an abiding faith that the American Dream is not only real but a belief that there are many Americans who are willing to ensure that it’s truly accessible for everyone...But, just last week, Mitt Romney said he wants Americans to get the best education they can afford. Well, sisters and brothers, if we can afford wars that never end in faraway places, if we can afford enormous tax breaks for some of the richest corporations, if we can afford to finance the export of American jobs overseas, then we can afford to do whatever it takes, spend whatever it costs to ensure that every single one of our students receives a quality education. We can afford it. No excuses.”* (Stocks, 2012)

7.25 Stocks’s speech asserts that the moral imperative must be shared and led by government. Only by being pro-public sector is it possible, in our view, to be pro-public education. Government cannot be pro-public education if at the same time it is cutting public spending in other areas. Government must make the right choices not only on the specifics about education policy per se (e.g. allowing schools to charge pupils/parents for access to

education provision), but on wider public policy matters too, matters that impact directly and indirectly on quality public education – welfare policy, tax policy, employment and job creation, rights at work, housing policy, immigration, student finance, etc. These are what set the context for public education and how government chooses to resolve these public policy questions will impact on whether and how children and young people engage in learning, access higher education and training opportunities, and progress and achieve their full potential.

- 7.26 Government must also attend to the messages conveyed through other areas of public policy to children and young people and, in the current context, as the post-war social contract which engendered universal access to public services, including education and healthcare, is threatened.
- 7.27 As governments seek to restrict access to public services through means-testing, the message this sends is that public services (including public education) are for those who cannot, rather than those who can. As Richard Titmuss remarked, ‘services for the poor will always be poor services’, because those who can will buy their own education, or healthcare or other social protection, or top up what is provided by the state in order to secure the best for themselves and their families. On these terms, the ‘poor’ (indeed, the majority) cannot afford to compete. Such an approach to public service policy can only serve to reinforce, if not widen, the social divisions that already exist within our society. Furthermore, the impact on children’s aspirations and sense of self-worth would also be profound.
- 7.28 The NASUWT’s belief is that government must strive for the alternative, a vision in which public education meets the aspirations and needs of all, not just the poorest.



## TEACHERS AND QUALITY PUBLIC EDUCATION

8.1 Quality public education relies upon the quality of the workforce in schools and throughout the public services. Children and young people learn best when teachers are given the time, resources and scope to make the fullest possible use of their professional talents, knowledge and expertise. An education system that does not give practical effect to this core guiding principle cannot expect to provide children and young people with the full range of high-quality learning opportunities to which they are entitled. Respect for the professionalism of teachers is therefore a hallmark of an education system that is genuinely committed to raising standards and extending educational opportunities for all pupils (ILO/UNESCO, 1966). Governments need to demonstrate their commitment to teachers in words and in deeds, and by conferring professional rights on teachers which affirm the professional status of teachers and which are guaranteed across all public education settings.

8.2 The NASUWT recognises the OECD's view that in the 21st century public education *'requires teachers to be high-level knowledge workers who constantly advance their own professional knowledge as well as that of their profession'* but that the challenge for policy makers is to create the right conditions in schools to support teacher empowerment and professional agency to displace the current *'bureaucratic command-and-control environment' in schools'* (OECD, 2012a: 5). The NASUWT believes that it is time for government to put pedagogy in the driver's seat:

*"There is a choice and some countries have made it. Replace the juggernaut of wrong drivers with lead drivers that work...Jettison blatant merit pay, reduce excessive testing, don't depend on teacher appraisal as a driver, and don't treat world-class standards as a panacea. Instead, make the instruction-assessment nexus the core driver, and support this with a system that mobilises the masses to make the moral imperative a reality."* (Fullan, 2011).

8.3 Research shows that it is the teacher's contribution that matters most to pupils' learning. By putting teachers first, the NASUWT recognises fully that the effective engagement of teachers and school leaders is critical to securing the highest standards of educational provision which meets the needs of all children and young people. This means recognising teachers and headteachers and principals as co-leaders of teaching and learning, challenging of education hierarchies, and promoting professional collaboration and collegiality at all levels.

8.4 Schools need to be remodelled as learning organisations in which the development of quality education is recognised as needing to be driven through collegiate teacher praxis:

*"One of the key challenges for the teaching profession is to strengthen the "technical core" of its professional practices...This requires the development of educational ecosystems that support the creation, accumulation and diffusion of this professional knowledge. Turning teaching into an even more knowledge-intensive profession implies a re-consideration of how knowledge is generated and applied within education. An ecosystem conducive to innovation and constant improvement is based on the attitudes and prevailing culture of the various players in the sector, the development and transmission of knowledge, and initiative and calculated risk-taking. Such ecosystems need to draw on four sources: innovation and knowledge inspired by science (research and evaluation); innovation inspired by firms (entrepreneurial development of new products and services); innovation and knowledge inspired by practitioners (teachers, school heads); and innovation inspired by users (students, parents, communities)." (OECD, 2012a: 45)*

8.5 At the same time, in the context of public education, it is vital that the teaching profession is inclusive and representative at all levels.

- 8.6 The profile of the workforce in our schools sends an important message to children and young people about the kind of society we live in and about who society values most. A key challenge for public education is to address the serious under-representation of black and minority ethnic teachers at all levels, to tackle the different forms of gender inequality as they impact on women and men teachers, to ensure equality for disabled teachers, and to address the problem of age discrimination which relegates older and more experienced teachers (McNamara, et al., 2010a and 2010b; NASUWT, 2011 and 2010). Government needs a coherent programme to address the continuing equality challenge in education.
- 8.7 Teachers provide an important example to children and young people, and it is therefore important not only that the contributions of teachers are valued and respected but that the diversity of the profession should be celebrated.
- 8.8 Our public education system should demonstrate that it values the contribution of all teachers, not simply regardless of age, gender, ethnic background, disability, religion or sexual orientation, but by valuing positively the contribution that such professional diversity can make to children's learning and lives.
- 8.9 If there is serious concern to raise educational standards even further, then the situation in which the majority of teachers report that they do not feel respected or valued as professionals and where half of all teachers want to quit teaching for good must also be taken seriously (NASUWT, 2012).
- 8.10 Restoring teacher morale necessitates action nationally and within individual schools to tackle poor employment practices, securing professionalism and respect for teachers, and refocusing the efforts of teachers and headteachers as the leaders of teaching and learning.
- 8.11 In its report to the inaugural International Summit on the Teaching Profession, the OECD (2011: 5-6) suggests there are at least four areas that policy makers must attend to in the context of building a teaching profession to meet the challenges of the 21st century and maintain world class public education systems:
1. by *'making teaching an attractive profession...not just through pay, but by raising the status of teaching, offering real career prospects, and giving teachers responsibility as professionals and leaders of reform. This requires teacher education that helps teachers to become innovators and researchers in education, not just deliverers of the curriculum...'*
  2. by taking steps to assure for all teachers an entitlement and access to *'effective [professional] development...through longer programs that upgrade...qualifications or involve collaborative research into improving teaching effectiveness...'*
  3. by ensuring that *'appraisal and feedback is supportive in a way that is welcomed by teachers...lead[ing] to self-improvement and involve[ing] teachers in improving schools' with systems of teacher compensation that are 'fair, based on multiple measures, and transparently applied in ways that involve the teaching profession...'*
  4. by engaging *'teachers in the planning and implementation of reform...moving beyond consultation to involvement [and] transforming schools into learning organizations, with teaching professionals in the lead'.*
- 8.12 In short, government must commit to establishing a system which recognises and develops teachers as professionals. A world class school system cannot be sustained where there is no guarantee of quality professionals working in every school. A national framework of professional requirements and standards, underpinned by a framework of professional terms and conditions of service, is critical to ensuring quality for all children and young people.

- 8.13 Teacher agency and self-efficacy rely upon effective teacher development. The NASUWT believes that systems of initial teacher education (ITE), continuing professional development (CPD) and other closely associated processes, particularly appraisal and performance management, must operate in ways that support the ability of teachers throughout their careers to establish, apply and develop their professionalism to meet the needs of pupils.
- 8.14 Raising the status of teaching is about understanding and valuing teaching as an art, a science and as a craft (Pollard, 2010) – i.e. the ability to be creative and intuitive (art); using research and evidence to inform practice (science); and mastery of pedagogic techniques (craft). The importance of all these dimensions of teaching must be recognised in work to sustain a genuinely world class education system.
- 8.15 High standards of entry into the teaching profession must be recognised as a necessity in the context of meeting the increasingly challenging, complex and sophisticated demands being placed on all teachers in the context of meeting the challenges of teaching and learning in the 21st century. Moreover, a clear focus is needed on the quality, breadth and depth of initial teacher education curricula to ensure that these programmes support the development of teacher quality, transition and agency in the context of teaching and learning in 21st century schools (Menter et al., 2010).
- 8.16 This also raises a further consideration – namely, the need to address the content and level of teacher qualifications and their relationship to teacher effectiveness and teacher quality.
- 8.17 The NASUWT recognises that this is a contested and complex area. An over-simplistic or exclusive focus on levels of qualification, without addressing the question of the purpose and quality of teacher preparation programmes, is not only short-sighted, but may also undermine teacher self-efficacy.
- 8.18 The NASUWT believes it is important to insist that all teachers meet nationally relevant professional standards and expectations in order to work as qualified teachers, but that it should also be recognised that the requirements for entry to study to meet these professional standards should now be recalibrated in recognition of the advances made in respect of the levels of education undertaken by the population as a whole.
- 8.19 A Masters-level teaching profession should be the Government’s goal for all teachers working within public education, provided this is underpinned by guaranteed access and entitlement to high-quality initial teacher preparation, career-long continuing professional development (Sahlberg, 2012) and appropriate remuneration. Such recalibration would remove the unnecessary mandatory requirement for initial teacher training pre-qualification skills tests and meet the aspiration that only the most successful graduates could enter the profession. But, government would also need to commit to raising the pay of teachers in recognition of the increased knowledge and skills they would bring.
- 8.20 Recruiting highly qualified students into teaching cannot be the end of the matter; government must also focus attention on ensuring access to high-quality professional development for all teachers throughout their careers. From this perspective, policy on teacher development should ensure that:
- public education for the 21st century is led by a postgraduate teaching workforce that is educated and professionally accredited as teachers to nationally agreed standards;
  - teacher education equips all teachers to demonstrate deep theoretical and empirical knowledge and high cognitive and intellectual skills to meet the learning needs of children and young people;
  - programmes of initial teacher education provide teachers with the conceptual knowledge and capacity to be reflexive practitioners who will continue to develop, apply and evaluate subject knowledge, theory and teaching methods to meet the developing and differentiated needs and aspirations of pupils;



- new entrants to the teaching profession benefit from structured programmes of support which enable them to consolidate and extend the skills, knowledge and understanding acquired during initial teacher education in the context of their work as qualified practitioners;
- the leadership of teaching and learning in schools is undertaken by lead professionals who are qualified and accredited as teachers;
- teachers and school leaders can commit to participate in their own ongoing professional learning with an entitlement to regular, high-quality CPD that enables all teachers to develop their professional knowledge and expertise, including through their contribution to educational research and development;
- teacher collaboration and collegiate working practices are supported and encouraged within classrooms and faculties, and within and across schools.

- 8.21 In the absence of appropriate government regulation, and where professional autonomy is extended, there needs also to exist clear professionally derived codes of conduct to regulate professional behaviours and practice, overseen by an appropriate regulatory body such as a general teaching council or equivalent.
- 8.22 The NASUWT has argued consistently for such a body, citing equivalents in medicine and law. Such a body should be the standard-bearer for teacher quality and excellence and command the support of the teaching profession. It should be responsible for:
- oversight and accreditation of initial teacher education programmes;
  - quality assurance of CPD for teachers;
  - examination and accreditation of student teachers;
  - professional accreditation and revalidation where appropriate;
  - registration of qualified teachers;
  - supporting teacher-led research and development;
  - professional discipline and regulation;
  - advising government on matters related to teacher training and CPD;
  - securing public trust and confidence in the teaching profession.
- 8.23 The foundations for ‘a new teacher professionalism’ were laid by the 2003 National Agreement in England and Wales which asserted the need to: remove from teachers and headteachers tasks which do not require their professional skills and expertise; bring downward pressure on working hours; and build capacity to enable teachers and headteachers to focus on their core role of teaching and leading and managing teaching and learning, whilst at the same time enhancing their professional status.
- 8.24 Since the school’s core function is to teach and educate children and young people, we believe that it is right to make clear the need to enable headteachers to focus their responsibilities chiefly, if not exclusively, on teaching and learning. Headteachers and principals have a critically important role to play in leading teaching and learning. Indeed, the international evidence confirms this point and, moreover, makes clear that one of the chief characteristics of the highest performing education nations is the commitment of headteachers/principals to instructional leadership (OECD, 2012b). This is key to a high-status profession and for ensuring that the morale and motivation of other teachers remains secure.
- 8.25 Research on teachers’ morale and motivation in 2011 and 2012 has found that in a context in which headteacher autonomy is being extended, and where headteachers’ engagement within the classroom as leaders of instructional practice has diminished, classroom teachers say that they are valued and respected less and report significantly reduced levels of professional esteem, morale and job satisfaction (NASUWT, 2012).

- 8.26 Supporting teacher performance is therefore inextricably bound up with creating the conditions in which headteachers and principals act as lead practitioners who remain in touch with the classroom by continuing to practise pedagogy and who can demonstrate their teaching capability.
- 8.27 Professional standards for headteachers and other school leaders represent a vital part of the process of building professional commitment and confidence of those who are responsible for leading the practise of others. This necessitates better regulation of leadership in schools and the application of a national professional qualification for all headteachers and principals which confers status on those who have a proven record and ongoing commitment to pedagogic leadership.
- 8.28 This is a well-established principle in other professions. For example, in the field of accountancy, the most senior practitioners continue to practise and often take on the most prestigious or high-value clients. In law firms, senior solicitors will often take on the most challenging and complex cases whilst maintaining their continuing commitment to legal practice. The NASUWT believes the same principle should apply to teaching, with the expectation that headteachers and principals should continue to practise teaching as well as developing teaching staff, participating and leading teachers' professional development, and collaborating, co-operating and working with agencies and bodies relevant to the educational needs of children and young people.

## THE CURRICULUM FOR QUALITY PUBLIC EDUCATION

- 9.1 Public education is not simply about teaching, but also what is taught. In terms of both of these dimensions of provision, there should be a concern to ensure that all children, regardless of their background or circumstances, have access to a common entitlement or provision; for example, the right for all pupils to be taught by professionally qualified teachers. The content of public education (i.e. what is taught) must also be a central consideration.
- 9.2 In a speech to the National College for School Leadership in 2011, the Secretary of State for Education, Rt Hon Michael Gove MP, outlined his vision for the curriculum:
- “Introducing the next generation to the best that has been thought and written is a moral enterprise of which we can all be proud. Giving every child an equal share in the inheritance of achievement which great minds have passed on to us is a great progressive cause. Shakespeare’s dramas, Milton’s verse, Newton’s breakthroughs, Curie’s discoveries, Leibniz’s genius, Turing’s innovation, Beethoven’s music, Turner’s painting, Macmillan’s choreography, Zuckerberg’s brilliance – all the rich achievements of human ingenuity belong to every child – and it should be our enduring mission to spread that inheritance as widely as possible. Because it is only through learning – the acquisition of intellectual capital – that individuals have the power to shape their own lives. In a world which globalisation is flattening, in which unskilled jobs are disappearing from our shores, in which education determines income and good qualifications are the best form of unemployment insurance, we have to ensure every child has a stock of intellectual capital which enables them to flourish...”* (Gove, 2011)
- 9.3 Few may question the desire to see all young people given access to the riches of our culture, language and history, although we do see a disparity between what the Secretary of State says about the importance of music, art and dance and the impact on these subjects following his decision to introduce the English Baccalaureate performance measure and his proposals for an English Baccalaureate Certificate. Indeed, the NASUWT believes that a government that is serious about the arts, music, dance, drama and other subjects should ensure that these exist as part of a clear and protected national curriculum entitlement for all children and young people. However, teachers believe that the vision for the curriculum should and must extend further and deeper than the vision declared by Michael Gove.
- 9.4 The curriculum should give expression to the principles and values for public education and reflect a public consensus (not merely a ministerial view) about the contribution of public education in the lives of individual pupils and the wider society. Programmes of Learning that form part of the curriculum within all publicly funded schools (without exception) should reflect the national entitlement of all children and young people.
- 9.5 The curriculum should be rooted in children and young people, addressing their learning and developmental needs through life, and recognising the different stages of children’s physical, mental and social development. A national curriculum framework should be developed so that it is flexible enough to accommodate the different needs of children and young people and can be tailored to support the intellectual, social, emotional, physical, moral, spiritual and cultural development of each individual.
- 9.6 All pupils in receipt of public education should have an entitlement to a broad and balanced curriculum relevant to life in a globalised context. The curriculum should equip all learners to become confident and successful and enable them to make a positive contribution to society. The curriculum should recognise different forms of learning, including academic and practical learning, and offer rich, engaging and relevant experiences. It should promote progressive principles of democracy, equality, social justice and solidarity whilst equipping pupils with the knowledge, skills and resilience to challenge discrimination, prejudice, hatred and injustice.

- 9.7 Policy in respect of public education must also ensure that there is coherence and consistency between policies that relate to the curriculum and to other matters. Other education policies, including those relating to teachers' professional autonomy, teachers' professional development and school accountability, should support and promote the principles and values of public education as manifested in the curriculum. The broader education system must not undermine the aims and objectives of the curriculum.
- 9.8 Curriculum policy and practice should respect and promote teacher professionalism, enabling teachers, individually and collectively, to develop and apply strategies to meet the needs of the pupils they teach.
- 9.9 Leadership of the curriculum should build on the principle of collegiality, with teachers working together to design the curriculum. Policy for public education should create the conditions in which teachers are actively engaged in the design and development of both national and local curriculum frameworks, policies and practices. It is essential that reforms encourage schools to adopt approaches to leadership that engage all teachers, support collaboration and co-operative working and are supported by opportunities for all teachers to engage regularly in curriculum-related professional development and research and development.
- 9.10 The curriculum and qualifications system must also engender public trust and confidence. It should be of concern to policy makers that despite being the leaders in the international league tables in terms of spending on public examinations, and despite year-on-year improvements in standards achieved by students, the public esteem of public examinations has rarely seemed to be as low as it is today.
- 9.11 It should be a critical responsibility of government to ensure that it responds clearly and purposefully to public criticism about the qualifications system where such criticism is invalid or not supported by evidence, notwithstanding the legitimate role of government in continuing to assess the effectiveness of the qualifications system and, where appropriate, implementing reforms to sustain and enhance further its ability to fulfil that aims and objectives established for it. This invites reflection on continuing public debates across the UK about the rigour and fitness for purpose of the suite of 16-plus general qualifications made available to pupils.
- 9.12 In England, reforms to the qualifications systems referenced elsewhere in this report are predicated on the assertion that employers, parents, pupils and the higher education community have lost confidence in the GCSE qualification as an effective means of assessing and accrediting learning and of promoting the highest possible standards of educational achievement. The NASUWT believes that this hostile narrative about the qualifications system is highly irresponsible and is contrary to the international evidence which confirms the quality of the UK education system and qualifications. In this regard, GCSEs, rather than contributing to a decline in standards, have been associated with the development of an education system that can legitimately be regarded as world class, relevant to the needs of employers and contributing to increased participation in higher education and lifelong learning (UKCES 2010; Chowdry et al. 2010).
- 9.13 Indeed, it should be of concern that unlike the situation in the UK, it is difficult to find any other instance of a high-performing education system that has been subject to a deliberate attempt by its government to undermine legitimately held levels of public confidence in its effectiveness. The NASUWT believes that the role of government in a world class education system must be to celebrate the identifiable successes of its qualifications system, use evidence to locate and address shortcomings and create the circumstances within which future development of the system can be taken forward on an informed basis.

## ACCOUNTABILITY IN PUBLIC EDUCATION

- 10.1 The NASUWT's view is that whilst it is right for schools within the system to be held to account, they must be held accountable for the right things. There must be an accountability system that is fit for purpose, and which secures public trust and confidence in public education.
- 10.2 All teachers are committed to the best for pupils and want all pupils to achieve their full potential. But, whilst there is much that teachers can do to affect student attitudes, motivation, progress and achievement, there are also wider systemic issues which must be considered. After all, only a small proportion of a child's life is spent in school.
- 10.3 The Confederation of British Industry (CBI) has called for a more 'business-like' approach in schools, where strategic priorities are set and school leaders are given autonomy to meet these objectives whilst at the same time being held to account sharply for their performance:
- "We call for a much clearer and broader statement of intended achievement for our school systems. This should set out the core and enabling subjects young people are expected to master, but also the behaviours and attitudes our school systems should foster, which depend more on the wider ethos of the school. The statement should be long-term, stable and widely backed by stakeholders, including political parties...Once defined, these core goals for our education system should be handed to Ofsted, or its devolved equivalent, to assess schools. This implies far greater use of narrative reports and a move away from league tables as schools are judged on a more rounded basis. This will require significant investment in our school inspection system to make sure it is robust, some of which is already underway."* (CBI, 2012: 7)
- 10.4 The NASUWT supports much of what the CBI says here, not least the argument advanced in favour of a move away from league tables and for schools' performance to be evaluated in the round. Indeed, the Union also supports the argument advanced by Kenneth Baker that, in the context of raising the age of participation in education and training to 18, governments should place 'less emphasis on high-stakes testing and league tables at 16 in favour of cumulative performance over a four-year period.' (2013: 22)
- 10.5 The NASUWT's view is that in the arena of public education, there should be proper and appropriate regulation of all education providers to secure the public interest without fear or favour.
- 10.6 This has important implications for any continuation of the role of national or local bodies remitted to hold school providers to account (including sponsored academy chains). No provider of public education should be regarded as beyond the reach of the appropriate accountable body and no provider should be considered too big to challenge. At the same time, if accountability is to operate effectively, then we must be assured that those who are holding others to account must have the necessary acumen to do so. In a sector worth £91 billion, it is not acceptable to rely on the goodwill of untrained volunteers in ensuring effective and robust day-to-day accountability of publicly funded schools.
- 10.7 Kaplan and Norton have rightly argued that:
- "What you measure is what you get. Senior executives understand that their organisation's measurement system strongly affects the behaviour of managers and employees."* (1992: 71)
- 10.8 This is played out in our schools, as they scramble to make their ascent up the government's preferred performance tables and in so doing, make choices (some perverse, some counter-productive) in order to get their schools into a better position. This gaming of the system is unlikely to be in the interests of pupils. The NASUWT contends that quality public education is more than the collective sum of qualification certificates amassed by pupils and this needs to be reflected in the way in which government evaluates schools and public education.

- 10.9 The Union supports the contention that a more qualitative approach to evaluating schools is needed and that the metrics used to assess school performance need to be broadened to enable school performance to be evaluated against a 'balanced scorecard'.
- 10.10 *"Think of the balanced scorecard as the dials and indicators in an airplane cockpit. For the complex task of navigating and flying an airplane, pilots need detailed information about many aspects of the flight. They need information on fuel, air speed, altitude, bearing, destination, and other indicators that summarise the current and predicted environment. Reliance on one instrument can be fatal."* (Kaplan and Norton, 1992: 71)
- 10.11 Indeed, the NASUWT is concerned that there is a national obsession with quantification and metrification and quality measurement in public education. Yet, everyone knows that weighing the pig does not fatten it and that an excessive focus on granular data sets may mean there is an inability to see the proverbial wood for the trees. In the context of teaching and learning in the 21st century, we perhaps need more than ever an emphasis on holistic approaches to understanding and evaluating the quality of our education systems.
- 10.12 Today, of course, the measures widely used to assess the performance of schools throughout the UK tend to fixate on a handful of narrow measures – normally through the instruments of performance tables and school inspection. As governments seek to impose a bottom line below which no school should fall, schools will continue to be driven by a narrow performance measure rather than considering their performance and contribution to the purposes and values of public education in the round. The NASUWT does not believe that this is a good place for our schools to be.
- 10.13 In the current context of hard-edged school 'performativity', the accountability systems in use today serve the interests of policy makers, not educators, by deflecting attention from the impact that government policies have on children, young people and the workforce in schools and which militate against children's wellbeing and the achievement of educational excellence for all:
- "The true measure of a nation's standing is how well it attends to its children – their health and safety, their material security, their education and socialization, and their sense of being loved, valued, and included in the families and societies into which they are born."* (UNICEF, 2007: 1)
- 10.14 Throughout the UK, schools are being held to account for levels of pupil attainment in terminal examinations (whether at the end of primary education or secondary/post-primary education). Public accountability for public education cannot rely on a single measure such as attainment or qualifications. This may be a politically expedient tool, but there is much more to public education than examinations and qualifications (for example, civic participation, environmental responsibility and improving health) (see OECD, 2007). Government has to rebalance the debate on school accountability and, in doing so, recognise the wider social purposes of public education.
- 10.15 Securing a coherent and balanced policy focus on the social and economic outcomes of public education is an important challenge for government in the UK today:
- "In focusing so intensely on the value of the marginal pound spent on education to GDP, successive governments have underplayed the importance of other purposes of education across its stages. This focus has led to an education policy in the UK that is quite different from previous periods. And while other countries are also highly preoccupied with economic purposes, our system is distinctive in its overwhelming preoccupation with economic purposes to the virtual exclusion of all others. This is particularly relevant within the current economic climate, in which young people leaving university are being forced to face a shrunken jobs market, breaking a well-ingrained cognitive link between getting a degree and immediately*



*boosting one's earning potential. But if we are to promote social mobility through better and fairer access to education, the extent to which private and social returns are real – or to which education is primarily an exercise with its own intrinsic value (for example learning or citizenship) – becomes a crucial one. All of this matters greatly to the future funding and delivery of education. A coherent education policy should rest on a clear delineation of education's objectives.” (Kippin and Wolf, 2010: 8)*

- 10.16 The purpose of public education in terms of its wider social impact needs to be looked at again. Since public education operates within the public sphere, it is right that it should contribute to building a better society for the future, including a healthier population, greater environmental responsibility, reduced crime and disorder, and enhanced civic participation and democratic engagement. The OECD has made a similar argument, yet it is also a concern that too little attention is paid to these wider outcomes or on the relationship between metrics on, for example, voter participation and the outcomes of public education:

*“[W]hile education levels have been rising, many countries share a concern about declining levels of voter participation and about the state of civic participation generally. Policy makers have a direct hand in designing and overseeing education systems, so it is logical to look to schools as a means to enhance the Civil and Social Engagement (CSE) of young people.” (OECD, 2007: 13)*

- 10.17 So, how can this be done?

- 10.18 The OECD argues that it is the nature of the learning process that promotes or militates against future civic commitment and engagement. An emphasis on curriculum content, but also experiential pedagogies and assessment systems that focus on developing competencies and cultivating values, attitudes, beliefs and motivations that encourage civic and social engagement should be a key priority for government. If government is serious about tackling the problem of voter apathy and disenfranchisement (and they should be; in 2012, the election of new Police and Crime Commissioner elections averaged a turnout of a mere 15%!), this carries important implications for the future of our current test-biased, inspection-driven systems of education:

*“[I]t would be wrong to imply that more years in education automatically mean higher levels of civic and social engagement... Another important finding is that merely offering more schooling or more citizenship studies is a limited and partial response. More promising is to address the quality of learning experiences and approaches to learning both inside and outside formal school settings. The curriculum, school ethos, and pedagogy are key variables that shape civic and social engagement. Some forms of learning seem to work better than others in fostering civic and social engagement – **learning environments that stress responsibility, open dialogue, respect and application of theory and ideas in practical and group-orientated work** seem to work better than just “civics education” on its own.” (OECD, 2007: 13-14) (our emphasis)*

- 10.19 There should be an expectation that our accountability systems should secure greater parental and public engagement in and support for public education.

- 10.20 Thus, whilst we know the importance that parental support can have for a child's educational progress and achievement (DCSF, 2008), it should also be recognised that the focus of our accountability systems should extend beyond the provision of historical data to parents on a school's performance to securing greater parental participation and involvement in school life.

- 10.21 A similar point is made by Pearson:

*“Parents want their children to have a good education...Education systems should strive to keep parents informed and work with them.” (2012: 11)*

10.22 However, we should also be clear that data should not be used irresponsibly. Government administrations have a duty to use performance data with care, whilst also ensuring that the end users of data on school performance and the quality of public education systems are properly informed and not misled:

*“In some countries performance indicators are published to foster competition, while in others this information is not published to avoid further segregation and stigmatisation. Whatever the rules on publication, information may not be easy to access or to understand.”* (OECD, 2012c: 72)

10.23 In the UK, much emphasis has been placed on inspection reports, performance tables and other public accountability measures to enable parental choice of schools and to drive competition between schools in the belief that *‘giving parents, and through them students, the ability to choose better performing schools should lead to better outcomes.’* (Pearson, 2012: 26). Whilst there is a debate to be had about the purposes of school accountability in the context of a public education service, it remains a concern that these public accountability measures do not necessarily equate to or engender enhanced parental engagement in public education.

10.24 It is important to recognise and understand approaches to accountability in other countries. A key challenge for policy makers is to consider alternative approaches to accountability which support innovation and creativity and enhance parental engagement and democracy in public education. Whilst individual schools have in place their own arrangements for consulting and involving parents and pupils, this is not a substitute for parental engagement in the wider sphere of public education. The NASUWT believes that a debate is needed on what such engagement might mean and the role of national bodies representing parents, children and young people in this regard. Furthermore, the accountability systems should also contribute to securing greater engagement from business and other stakeholders in public education.

10.25 The NASUWT suggests that as a starting point in the process of opening up the public debate on quality public education, consideration should in the first instance be given to the fundamental purposes of education as established under the United Nations Declaration on Human Rights and the Convention on the Rights of the Child (see Annex 4).

10.26 Government should acknowledge that schools operate within systems, expectations, protocols, rules and resource limits that are imposed upon them. Yet, when the amount of time and money expended on tracking and quantifying pupils’ progress is considered (the UK is the world leader in spending per head on public examinations and tests – in excess of £600 million), and how much money is spent measuring and quantifying the quality of teachers’ practice in the classroom, there is a glimpse of the potential opportunities that could be created by addressing the issue of accountability from a different standpoint.

10.27 The NASUWT believes that government should aspire to teach more and test less.

10.28 At a system level – nationally and locally – there needs to be a greater interest in understanding the health of our system of public education in the context of how it secures society’s obligations to children and young people. This task cannot be reduced to quantifying the performance of individual schools, individual teachers or individual pupils. It is about examining the prospects of the system as a whole.

10.29 An alternative approach to accountability, as the NASUWT suggests, could free up substantial resources and professional time for teaching and supporting pupils’ learning. This would be a bold move for government, but it would be the right course.

- 10.30 Rebalancing the accountability system to evaluate public education rather than simply measuring the performance of individual schools would open up questions about the quality of system leadership in education, the quality of support to schools, the effectiveness of system planning and organisation of education provision, the extent to which all parts of the school system work together in the interests of all children and young people, and the quality, scale and impact of resources across the education system. It should enable the consideration of the quality of services for children, young people and families in the context of their contribution to removing barriers to learning and alleviating the impact of poverty on educational participation, aspiration, progress and achievement. A focus on accountability for public education would hold government accountable to citizens about how they ensure that the needs of children and young people are met.
- 10.31 The NASUWT believes that it is time to end the culture of blaming schools for the ills of a system of public education which is in the gift of politicians to change. The Union also believes that it is time to take party politics out of education; that education policy and strategic choices for our nation's children should be driven on educational, not political, grounds.
- 10.32 OECD and EI share the NASUWT's concern in this regard:
- "...clear distinctions need to be made between the evaluations of students, teachers, institutions, and education systems...Compensation should not be tied to evaluation because it is not fair to put the burden of a dysfunctional school system primarily on individual teachers and because such systems can have negative side effects."* (2011: 19) (our emphasis)
- 10.33 Public education must be considered in terms of the value that society places on schools. In a society where schools and teachers are subject to criticism and vilification, it will be hard to demonstrate that public education or those working in our schools have value. Government must start first by valuing and celebrating public education.
- 10.34 A similar point is made by Pearson, who cites that it is not only the moral mission which underpins the success of Finland and Korea in international rankings, but that political and public support for education matters too.
- 10.35 The two societies are highly supportive of both the school system itself and of education in general. Of course, other countries are also highly supportive of education, but what sets Finland and South Korea apart is that in both, ideas about education have also been shaped by a significant underlying, moral purpose. In South Korea *'learning is a moral duty to the family and society as well as a necessary means of individual advancement'*, whilst in Finland *'they wish to lift the learning of all people: it is about a moral purpose that comes from both a deeper cultural level and a commitment at a political-social level'* (Pearson, 2006: 43). For both countries, then, the moral mission is nation building. If the task of the teacher is understood from that perspective, the social value of teachers would necessarily increase and so too would the respect shown to teachers within society. This seems a far cry from the experience of teachers in the UK.
- 10.36 Loss of respect for teachers in the UK is a major concern for teachers, according to research for the NASUWT (NASUWT, 2012).
- 10.37 Teachers are confronted by an almost daily challenge to their competence and claims by Ministers and other national education bodies who claim schools are riddled with incompetent teachers. Teachers face a slur to their professional commitment by suggestions from some quarters that they are unwilling to go the extra mile for their students and cannot be relied upon to demonstrate professionalism unless there is something in it for them (usually more money).

10.38 Teachers have to live with the challenges to their intellectual authority by those who claim that teachers are not intelligent enough and that in future it will be made much tougher for people to qualify to be teachers (never mind that the requirement to hold qualified teacher status has been abolished in some UK jurisdictions). Teachers have to endure the daily abuse by those who see teaching as a ‘cushy’ job characterised by short working days and long holidays. And, in recent months, teachers have been told by government that they are overpaid compared to workers in other occupations. None of these attacks on teachers raises the professional esteem or status of teachers committed to public education. Indeed, it might be argued that that is the point: to denigrate teachers and in so doing to undermine public confidence in public education. Could one imagine, whether at times of conflict or in peacetime, such attacks being made on the ethos, professionalism, intellect, working practices and pay of our armed services personnel? Indeed, it is perhaps instructive that the esteem attached to women as public service workers rose considerably during the inter-war years, given their vital contribution to securing victory in the country’s war effort. Prior to that, women’s contribution to public education was tolerated as an adjunct to the real work of male ‘career teachers’. But, by the end of the war, the restrictions on women as teachers were finally to be lifted with the removal of the ‘marriage bar’ in 1944.

10.39 The quality of public education must be considered in its context, both in terms of the purposes of public service provision and in the context of the quality and availability of other public services. The 2011 Geneva Charter on Quality Public Services, adopted by the Council of Global Unions, recognises the interdependencies relating to public education and quality public services, and argues rightly that:

*“Quality public services available to all enhance the quality of people’s lives...are fundamental to the creation of societies that are equal, prosperous and democratic. By ‘public’ we mean serving the general interest rather than particular or individual interests. By ‘quality’ we mean a culture of service that responds effectively to the needs of people.*

*“These services must be universally available and of the highest quality. Access to them must be fair. These conditions enable public services to nourish and enrich our lives and to promote solidarity within our communities.*

*“Such an agenda requires...recognition that quality public services are required in developing, emerging and advanced economies for sustainable economic growth and for an equitable distribution of the benefits of growth; adoption of policies and strategies for human development that meet the fundamental needs of everyone for water, food, energy and housing; enable all to have access to education, health, communications, transport and a plurality of information; preserve cultural diversity and freedom; and ensure the right to decent conditions at work; [and] good administration that is transparent and free of corruption, in the service of a pluralist, open society.” (Council of Global Unions, 2011: 1)*

10.40 Public education does not exist and cannot be provided in isolation from other parts of the public sector. Quality public services, entitlements and social protections for children, young people and families are, in our view, central to meeting the challenge of quality public education. Government must attend to this challenge in the round by investing in quality public services. Savage attacks on the public sector, cuts to the welfare state, the removal of social protections and the privatisation of public services is likely to impact on public education because of its reliance on the wider public sector. So, the contention of the NASUWT is also that government must address the quality of public services through additional investment if it is to secure quality public education for the benefit of all children and young people.

## EPILOGUE – THE LIMITS OF INTERNATIONAL COMPARISONS

- 11.1 The main premise of this Report has been the imperative to sustain ‘world class’ education. The NASUWT has taken as its starting point the international benchmarks which are used to calibrate the quality of national education systems and which provide the basis of claims for world class education. However, the NASUWT makes clear its view on the limits of international benchmarking and cautions governments against the misuse of international comparative data.
- 11.2 It is clear that evidence about students’ performance in international assessments, including evidence from PISA, TIMSS/PIRLS and other comparative studies, can be very useful as an aid to policy development and evaluation. Such comparisons have intensified the pressure on national government administrations to be more concerned with the question of equity; a system cannot secure success in the context of such international benchmarking unless and until it addresses successfully the challenge of securing excellence for all pupils.
- 11.3 However, it is important to recognise the limitations of such analyses. For example, the fact that the principal international comparative studies used frequently by policy makers are focused to a substantial extent on literacy, maths and science means that such studies are unable to capture the progress and achievements of pupils in other areas of the curriculum or reflect the distinctive educational goals of each system. Indeed, in its report, *‘The Learning Curve’*, Pearson – one of the world’s leading education companies – in seeking to isolate the key factors that contribute to a country’s high standing in international surveys, warned that:
- “Educators might hope that this or other similar bodies of research would yield the ‘holy grail’: identification of the input, or set of inputs, that above all else leads to better educational results wherever it is applied. Alas, if this report makes nothing else clear, it is that no such magic bullets exist at an international level.”* (2012: 6)
- 11.4 Other limitations of crude international comparisons may also be suggested, including the limitations associated with the format of test instruments in use, potential cultural/national bias and the lack of methodological rigour in the way the tests are administered/conducted in each participating country.
- 11.5 It is also of note that students who frequently are asked to answer PISA-style questions will perform better than students who are not familiar with such tests. Teaching to the test would clearly improve a country’s ranking in PISA or other international league tables, although not without adverse consequences for pupils’ educational experience and outcomes.
- 11.6 The NASUWT believes that government should be cautious about its ambitions in relation to raising its ranking in international performance tables and avoid the use of arbitrary performance targets in this context. Governments should certainly avoid the temptation to use international comparisons as a basis for determining national education policy.
- 11.7 The NASUWT’s view is that being ranked first in an international league table of performance should not be the goal of public education. Indeed, when pupils, parents or teachers are asked about what they believe defines a good school system, they do not talk about international league table rankings as denoting success. This does not mean the use of international comparative data can or should be disregarded; but, as the data-crunchers themselves advise, it should be recognised that ‘solutions’ do not lie in the data. ‘Solutions’, if they are to be found, exist in the public space where informed public dialogue takes place with the teaching profession, parents, pupils and the public about what is good for our nation’s education.

- 11.8 It is also right that there is dialogue between national governments about how to secure and maintain a highly rated education system, as Pearson reports:

*“Increasingly what we see is a continuous dialogue among education ministers and top officials around the world about the evidence from international benchmarking and the implications for education reform.” (2012: 12)*

- 11.9 However, the NASUWT believes that whilst it is important that countries share their experiences, this should not be at the expense of in-country social dialogue. A mark of commitment to quality education for all is our commitment to supporting the work of EI and the OECD in promoting social dialogue between governments and trade unions, including participation at the International Summit on the Teaching Profession and our continued engagement in the work of the OECD Trade Union Advisory Committee and other international social dialogue forums.
- 11.10 Maintaining world class education for the UK necessitates an informed public debate and the brokering of a public consensus about public education. Currently, our public education system appears to be at the mercy of short-sighted interests within each of the four UK nations who are competing in a race to the top of the international rankings. The NASUWT believes that, instead of this, education policy must be driven by sound educational knowledge, understanding and evidence. It is, in the view of the NASUWT, time to take party politics and market principles out of public education.



## ANNEX 1

### **International Declarations and Conventions** **Universal Declaration on Human Rights, 1948**

#### *Preamble*

Whereas recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

Whereas disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind, and the advent of a world in which human beings shall enjoy freedom of speech and belief and freedom from fear and want has been proclaimed as the highest aspiration of the common people,

Whereas it is essential, if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected by the rule of law,

Whereas it is essential to promote the development of friendly relations between nations,

Whereas the peoples of the United Nations have in the Charter reaffirmed their faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women and have determined to promote social progress and better standards of life in larger freedom.

Whereas Member States have pledged themselves to achieve, in co-operation with the United Nations, the promotion of universal respect for and observance of human rights and fundamental freedoms,

Whereas a common understanding of these rights and freedoms is of the greatest importance for the full realization of this pledge,

Now, Therefore, the General Assembly proclaims this Universal Declaration of Human Rights as a common standard of achievement for all peoples and all nations, to the end that every individual and every organ of society, keeping this Declaration constantly in mind, shall strive by teaching and education to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance, both among the peoples of Member States themselves and among the peoples of territories under their jurisdiction.

#### *Article 1.*

All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.

#### *Article 2.*

Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty.

#### *Article 3.*

Everyone has the right to life, liberty and security of person.

#### *Article 4.*

No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms.

*Article 5.*

No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

*Article 6.*

Everyone has the right to recognition everywhere as a person before the law.

*Article 7.*

All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination.

*Article 8.*

Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law.

*Article 9.*

No one shall be subjected to arbitrary arrest, detention or exile.

*Article 10.*

Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him.

*Article 11.*

- (1) Everyone charged with a penal offence has the right to be presumed innocent until proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defence.
- (2) No one shall be held guilty of any penal offence on account of any act or omission which did not constitute a penal offence, under national or international law, at the time when it was committed Nor shall a heavier penalty be imposed than the one that was applicable at the time the penal offence was committed.

*Article 12.*

No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation Everyone has the right to the protection of the law against such interference or attacks.

*Article 13.*

- (1) Everyone has the right to freedom of movement and residence within the borders of each state.
- (2) Everyone has the right to leave any country, including his own, and to return to his country.

*Article 14.*

- (1) Everyone has the right to seek and to enjoy in other countries asylum from persecution.
- (2) This right may not be invoked in the case of prosecutions genuinely arising from non-political crimes or from acts contrary to the purposes and principles of the United Nations.

*Article 15.*

- (1) Everyone has the right to a nationality.
- (2) No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality.

*Article 16.*

- (1) Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family. They are entitled to equal rights as to marriage, during marriage and at its dissolution.

- (2) Marriage shall be entered into only with the free and full consent of the intending spouses.
- (3) The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.

*Article 17.*

- (1) Everyone has the right to own property alone as well as in association with others.
- (2) No one shall be arbitrarily deprived of his property.

*Article 18.*

Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.

*Article 19.*

Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

*Article 20.*

- (1) Everyone has the right to freedom of peaceful assembly and association.
- (2) No one may be compelled to belong to an association.

*Article 21.*

- (1) Everyone has the right to take part in the government of his country, directly or through freely chosen representatives.
- (2) Everyone has the right to equal access to public service in his country.
- (3) The will of the people shall be the basis of the authority of government; this shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.

*Article 22.*

Everyone, as a member of society, has the right to social security and is entitled to realization, through national effort and international co-operation and in accordance with the organization and resources of each State, of the economic, social and cultural rights indispensable for his dignity and the free development of his personality.

*Article 23.*

- (1) Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment.
- (2) Everyone, without any discrimination, has the right to equal pay for equal work.
- (3) Everyone who works has the right to just and favourable remuneration ensuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection.
- (4) Everyone has the right to form and to join trade unions for the protection of his interests.

*Article 24.*

Everyone has the right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay.

*Article 25.*

- (1) Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.

- (2) Motherhood and childhood are entitled to special care and assistance. All children, whether born in or out of wedlock, shall enjoy the same social protection.

*Article 26.*

- (1) Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit.
- (2) Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace.
- (3) Parents have a prior right to choose the kind of education that shall be given to their children.

*Article 27.*

- (1) Everyone has the right freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits.
- (2) Everyone has the right to the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author.

*Article 28.*

Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized.

*Article 29.*

- (1) Everyone has duties to the community in which alone the free and full development of his personality is possible.
- (2) In the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society.
- (3) These rights and freedoms may in no case be exercised contrary to the purposes and principles of the United Nations.

*Article 30.*

Nothing in this Declaration may be interpreted as implying for any State, group or person any right to engage in any activity or to perform any act aimed at the destruction of any of the rights and freedoms set forth herein.

**International Covenant on Economic, Social and Cultural Rights, 1966**

[...]

*PART I*

*Article 1*

1. All peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development...

*PART II*

*Article 2*

[...]

2. The States Parties to the present Covenant undertake to guarantee that the rights enunciated in the present Covenant will be exercised without discrimination of any kind as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

[...]

*Article 3*

The States Parties to the present Covenant undertake to ensure the equal right of men and women to the enjoyment of all economic, social and cultural rights set forth in the present Covenant.

*Article 4*

The States Parties to the present Covenant recognize that, in the enjoyment of those rights provided by the State in conformity with the present Covenant, the State may subject such rights only to such limitations as are determined by law only in so far as this may be compatible with the nature of these rights and solely for the purpose of promoting the general welfare in a democratic society.

[...]

*PART III*

*Article 6*

1. The States Parties to the present Covenant recognize the right to work, which includes the right of everyone to the opportunity to gain his living by work which he freely chooses or accepts, and will take appropriate steps to safeguard this right.
2. The steps to be taken by a State Party to the present Covenant to achieve the full realization of this right shall include technical and vocational guidance and training programmes, policies and techniques to achieve steady economic, social and cultural development and full and productive employment under conditions safeguarding fundamental political and economic freedoms to the individual.

*Article 7*

The States Parties to the present Covenant recognize the right of everyone to the enjoyment of just and favourable conditions of work which ensure, in particular:

- (a) Remuneration which provides all workers, as a minimum, with:
  - (i) Fair wages and equal remuneration for work of equal value without distinction of any kind, in particular women being guaranteed conditions of work not inferior to those enjoyed by men, with equal pay for equal work;
  - (ii) A decent living for themselves and their families in accordance with the provisions of the present Covenant;
- (b) Safe and healthy working conditions;
- (c) Equal opportunity for everyone to be promoted in his employment to an appropriate higher level, subject to no considerations other than those of seniority and competence;
- (d) Rest, leisure and reasonable limitation of working hours and periodic holidays with pay, as well as remuneration for public holidays

*Article 8*

1. The States Parties to the present Covenant undertake to ensure:

- (a) The right of everyone to form trade unions and join the trade union of his choice, subject only to the rules of the organization concerned, for the promotion and protection of his economic and social interests. No restrictions may be placed on the exercise of this right other than those prescribed by law and which are necessary in a democratic society in the interests of national security or public order or for the protection of the rights and freedoms of others;

- (b) The right of trade unions to establish national federations or confederations and the right of the latter to form or join international trade-union organizations;
  - (c) The right of trade unions to function freely subject to no limitations other than those prescribed by law and which are necessary in a democratic society in the interests of national security or public order or for the protection of the rights and freedoms of others;
  - (d) The right to strike, provided that it is exercised in conformity with the laws of the particular country.
2. This article shall not prevent the imposition of lawful restrictions on the exercise of these rights by members of the armed forces or of the police or of the administration of the State.

[...]

#### *Article 9*

The States Parties to the present Covenant recognize the right of everyone to social security, including social insurance.

#### *Article 10*

The States Parties to the present Covenant recognize that:

1. The widest possible protection and assistance should be accorded to the family, which is the natural and fundamental group unit of society, particularly for its establishment and while it is responsible for the care and education of dependent children. Marriage must be entered into with the free consent of the intending spouses.
2. Special protection should be accorded to mothers during a reasonable period before and after childbirth. During such period working mothers should be accorded paid leave or leave with adequate social security benefits.
3. Special measures of protection and assistance should be taken on behalf of all children and young persons without any discrimination for reasons of parentage or other conditions. Children and young persons should be protected from economic and social exploitation. Their employment in work harmful to their morals or health or dangerous to life or likely to hamper their normal development should be punishable by law. States should also set age limits below which the paid employment of child labour should be prohibited and punishable by law.

#### *Article 11*

1. The States Parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions. The States Parties will take appropriate steps to ensure the realization of this right, recognizing to this effect the essential importance of international co-operation based on free consent.

[...]

#### *Article 12*

1. The States Parties to the present Covenant recognize the right of everyone to the enjoyment of the highest attainable standard of physical and mental health.
2. The steps to be taken by the States Parties to the present Covenant to achieve the full realization of this right shall include those necessary for:
  - (a) The provision for the reduction of the stillbirth-rate and of infant mortality and for the healthy development of the child;



- (b) The improvement of all aspects of environmental and industrial hygiene;
- (c) The prevention, treatment and control of epidemic, endemic, occupational and other diseases;
- (d) The creation of conditions which would assure to all medical service and medical attention in the event of sickness.

#### *Article 13*

1. The States Parties to the present Covenant recognize the right of everyone to education. They agree that education shall be directed to the full development of the human personality and the sense of its dignity, and shall strengthen the respect for human rights and fundamental freedoms. They further agree that education shall enable all persons to participate effectively in a free society, promote understanding, tolerance and friendship among all nations and all racial, ethnic or religious groups, and further the activities of the United Nations for the maintenance of peace.
2. The States Parties to the present Covenant recognize that, with a view to achieving the full realization of this right:
  - (a) Primary education shall be compulsory and available free to all;
  - (b) Secondary education in its different forms, including technical and vocational secondary education, shall be made generally available and accessible to all by every appropriate means, and in particular by the progressive introduction of free education;
  - (c) Higher education shall be made equally accessible to all, on the basis of capacity, by every appropriate means, and in particular by the progressive introduction of free education;
  - (d) Fundamental education shall be encouraged or intensified as far as possible for those persons who have not received or completed the whole period of their primary education;
  - (e) The development of a system of schools at all levels shall be actively pursued, an adequate fellowship system shall be established, and the material conditions of teaching staff shall be continuously improved.
3. The States Parties to the present Covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians to choose for their children schools, other than those established by the public authorities, which conform to such minimum educational standards as may be laid down or approved by the State and to ensure the religious and moral education of their children in conformity with their own convictions.
4. No part of this article shall be construed so as to interfere with the liberty of individuals and bodies to establish and direct educational institutions, subject always to the observance of the principles set forth in paragraph 1 of this article and to the requirement that the education given in such institutions shall conform to such minimum standards as may be laid down by the State.

#### *Article 14*

Each State Party to the present Covenant which, at the time of becoming a Party, has not been able to secure in its metropolitan territory or other territories under its jurisdiction compulsory primary education, free of charge, undertakes, within two years, to work out and adopt a detailed plan of action for the progressive implementation, within a reasonable number of years, to be fixed in the plan, of the principle of compulsory education free of charge for all.

[...]

## **UN Convention on the Rights of the Child, 1989**

### *Preamble*

[...]

Recalling that, in the Universal Declaration of Human Rights, the United Nations has proclaimed that childhood is entitled to special care and assistance,

Convinced that the family, as the fundamental group of society and the natural environment for the growth and well-being of all its members and particularly children, should be afforded the necessary protection and assistance so that it can fully assume its responsibilities within the community,

[...]

Considering that the child should be fully prepared to live an individual life in society, and brought up in the spirit of the ideals proclaimed in the Charter of the United Nations, and in particular in the spirit of peace, dignity, tolerance, freedom, equality and solidarity,

[...]

### *PART I*

#### *Article 1*

For the purposes of the present Convention, a child means every human being below the age of eighteen years unless under the law applicable to the child, majority is attained earlier.

#### *Article 2*

1. States Parties shall respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.
2. States Parties shall take all appropriate measures to ensure that the child is protected against all forms of discrimination or punishment on the basis of the status, activities, expressed opinions, or beliefs of the child's parents, legal guardians, or family members.

#### *Article 3*

1. In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.
2. States Parties undertake to ensure the child such protection and care as is necessary for his or her well-being, taking into account the rights and duties of his or her parents, legal guardians, or other individuals legally responsible for him or her, and, to this end, shall take all appropriate legislative and administrative measures.
3. States Parties shall ensure that the institutions, services and facilities responsible for the care or protection of children shall conform with the standards established by competent authorities, particularly in the areas of safety, health, in the number and suitability of their staff, as well as competent supervision.

#### *Article 4*

States Parties shall undertake all appropriate legislative, administrative, and other measures for the implementation of the rights recognized in the present Convention. With regard to economic, social and cultural rights, States Parties shall undertake such measures to the maximum extent of their available resources and, where needed, within the framework of international co-operation.

*Article 5*

States Parties shall respect the responsibilities, rights and duties of parents or, where applicable, the members of the extended family or community as provided for by local custom, legal guardians or other persons legally responsible for the child, to provide, in a manner consistent with the evolving capacities of the child, appropriate direction and guidance in the exercise by the child of the rights recognized in the present Convention.

[...]

*Article 8*

1. States Parties undertake to respect the right of the child to preserve his or her identity, including nationality, name and family relations as recognized by law without unlawful interference.
2. Where a child is illegally deprived of some or all of the elements of his or her identity, States Parties shall provide appropriate assistance and protection, with a view to re-establishing speedily his or her identity.

[...]

*Article 12*

1. States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child.
2. For this purpose, the child shall in particular be provided the opportunity to be heard in any judicial and administrative proceedings affecting the child, either directly, or through a representative or an appropriate body, in a manner consistent with the procedural rules of national law.

*Article 13*

1. The child shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of the child's choice.
2. The exercise of this right may be subject to certain restrictions, but these shall only be such as are provided by law and are necessary:
  - (a) For respect of the rights or reputations of others; or
  - (b) For the protection of national security or of public order, or of public health or morals.

*Article 14*

1. States Parties shall respect the right of the child to freedom of thought, conscience and religion.
2. States Parties shall respect the rights and duties of the parents and, when applicable, legal guardians, to provide direction to the child in the exercise of his or her right in a manner consistent with the evolving capacities of the child.
3. Freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health or morals, or the fundamental rights and freedoms of others.

*Article 15*

1. States Parties recognize the rights of the child to freedom of association and to freedom of peaceful assembly.

2. No restrictions may be placed on the exercise of these rights other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order, the protection of public health or morals or the protection of the rights and freedoms of others.

[...]

#### *Article 17*

States Parties recognize the important function performed by the mass media and shall ensure that the child has access to information and material from a diversity of national and international sources, especially those aimed at the promotion of his or her social, spiritual and moral well-being and physical and mental health.

To this end, States Parties shall:

- (a) Encourage the mass media to disseminate information and material of social and cultural benefit to the child and in accordance with the spirit of article 29;
- (b) Encourage international co-operation in the production, exchange and dissemination of such information and material from a diversity of cultural, national and international sources;
- (c) Encourage the production and dissemination of children's books;
- (d) Encourage the mass media to have particular regard to the linguistic needs of the child who belongs to a minority group or who is indigenous;
- (e) Encourage the development of appropriate guidelines for the protection of the child from information and material injurious to his or her well-being, bearing in mind the provisions of articles 13 and 18.

#### *Article 18*

1. States Parties shall use their best efforts to ensure recognition of the principle that both parents have common responsibilities for the upbringing and development of the child. Parents or, as the case may be, legal guardians, have the primary responsibility for the upbringing and development of the child. The best interests of the child will be their basic concern.
2. For the purpose of guaranteeing and promoting the rights set forth in the present Convention, States Parties shall render appropriate assistance to parents and legal guardians in the performance of their child-rearing responsibilities and shall ensure the development of institutions, facilities and services for the care of children.
3. States Parties shall take all appropriate measures to ensure that children of working parents have the right to benefit from child-care services and facilities for which they are eligible.

#### *Article 19*

1. States Parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child.
2. Such protective measures should, as appropriate, include effective procedures for the establishment of social programmes to provide necessary support for the child and for those who have the care of the child, as well as for other forms of prevention and for identification, reporting, referral, investigation, treatment and follow-up of instances of child maltreatment described heretofore, and, as appropriate, for judicial involvement.

#### *Article 20*

1. A child temporarily or permanently deprived of his or her family environment, or in whose own best interests cannot be allowed to remain in that environment, shall be entitled to special protection and assistance provided by the State.
2. States Parties shall in accordance with their national laws ensure alternative care for such a child.
3. Such care could include, inter alia, foster placement, kafalah of Islamic law, adoption or if necessary placement in suitable institutions for the care of children. When considering solutions, due regard shall be paid to the desirability of continuity in a child's upbringing and to the child's ethnic, religious, cultural and linguistic background.

[...]

#### *Article 22*

1. States Parties shall take appropriate measures to ensure that a child who is seeking refugee status or who is considered a refugee in accordance with applicable international or domestic law and procedures shall, whether unaccompanied or accompanied by his or her parents or by any other person, receive appropriate protection and humanitarian assistance in the enjoyment of applicable rights set forth in the present Convention and in other international human rights or humanitarian instruments to which the said States are Parties.

[...]

#### *Article 23*

1. States Parties recognize that a mentally or physically disabled child should enjoy a full and decent life, in conditions which ensure dignity, promote self-reliance and facilitate the child's active participation in the community.
2. States Parties recognize the right of the disabled child to special care and shall encourage and ensure the extension, subject to available resources, to the eligible child and those responsible for his or her care, of assistance for which application is made and which is appropriate to the child's condition and to the circumstances of the parents or others caring for the child.
3. Recognizing the special needs of a disabled child, assistance extended in accordance with paragraph 2 of the present article shall be provided free of charge, whenever possible, taking into account the financial resources of the parents or others caring for the child, and shall be designed to ensure that the disabled child has effective access to and receives education, training, health care services, rehabilitation services, preparation for employment and recreation opportunities in a manner conducive to the child's achieving the fullest possible social integration and individual development, including his or her cultural and spiritual development.
4. States Parties shall promote, in the spirit of international cooperation, the exchange of appropriate information in the field of preventive health care and of medical, psychological and functional treatment of disabled children, including dissemination of and access to information concerning methods of rehabilitation, education and vocational services, with the aim of enabling States Parties to improve their capabilities and skills and to widen their experience in these areas. In this regard, particular account shall be taken of the needs of developing countries.

#### *Article 24*

1. States Parties recognize the right of the child to the enjoyment of the highest attainable standard of health and to facilities for the treatment of illness and rehabilitation of health. States Parties shall strive to ensure that no child is deprived of his or her right of access to such health care services.

2. States Parties shall pursue full implementation of this right and, in particular, shall take appropriate measures:

[...]

(b) To ensure the provision of necessary medical assistance and health care to all children with emphasis on the development of primary health care;

(c) To combat disease and malnutrition, including within the framework of primary health care, through, inter alia, the application of readily available technology and through the provision of adequate nutritious foods and clean drinking-water, taking into consideration the dangers and risks of environmental pollution;

[...]

(e) To ensure that all segments of society, in particular parents and children, are informed, have access to education and are supported in the use of basic knowledge of child health and nutrition, the advantages of breastfeeding, hygiene and environmental sanitation and the prevention of accidents;

(f) To develop preventive health care, guidance for parents and family planning education and services.

3. States Parties shall take all effective and appropriate measures with a view to abolishing traditional practices prejudicial to the health of children.

4. States Parties undertake to promote and encourage international co-operation with a view to achieving progressively the full realization of the right recognized in the present article. In this regard, particular account shall be taken of the needs of developing countries.

[...]

#### *Article 26*

1. States Parties shall recognize for every child the right to benefit from social security, including social insurance, and shall take the necessary measures to achieve the full realization of this right in accordance with their national law.

2. The benefits should, where appropriate, be granted, taking into account the resources and the circumstances of the child and persons having responsibility for the maintenance of the child, as well as any other consideration relevant to an application for benefits made by or on behalf of the child.

#### *Article 27*

1. States Parties recognize the right of every child to a standard of living adequate for the child's physical, mental, spiritual, moral and social development.

2. The parent(s) or others responsible for the child have the primary responsibility to secure, within their abilities and financial capacities, the conditions of living necessary for the child's development.

3. States Parties, in accordance with national conditions and within their means, shall take appropriate measures to assist parents and others responsible for the child to implement this right and shall in case of need provide material assistance and support programmes, particularly with regard to nutrition, clothing and housing.



[...]

*Article 28*

1. States Parties recognize the right of the child to education, and with a view to achieving this right progressively and on the basis of equal opportunity, they shall, in particular:
  - (a) Make primary education compulsory and available free to all;
  - (b) Encourage the development of different forms of secondary education, including general and vocational education, make them available and accessible to every child, and take appropriate measures such as the introduction of free education and offering financial assistance in case of need;
  - (c) Make higher education accessible to all on the basis of capacity by every appropriate means;
  - (d) Make educational and vocational information and guidance available and accessible to all children;
  - (e) Take measures to encourage regular attendance at schools and the reduction of drop-out rates.
2. States Parties shall take all appropriate measures to ensure that school discipline is administered in a manner consistent with the child's human dignity and in conformity with the present Convention.
3. States Parties shall promote and encourage international cooperation in matters relating to education, in particular with a view to contributing to the elimination of ignorance and illiteracy throughout the world and facilitating access to scientific and technical knowledge and modern teaching methods. In this regard, particular account shall be taken of the needs of developing countries.

*Article 29*

1. States Parties agree that the education of the child shall be directed to:
  - (a) The development of the child's personality, talents and mental and physical abilities to their fullest potential;
  - (b) The development of respect for human rights and fundamental freedoms, and for the principles enshrined in the Charter of the United Nations;
  - (c) The development of respect for the child's parents, his or her own cultural identity, language and values, for the national values of the country in which the child is living, the country from which he or she may originate, and for civilizations different from his or her own;
  - (d) The preparation of the child for responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of sexes, and friendship among all peoples, ethnic, national and religious groups and persons of indigenous origin;
  - (e) The development of respect for the natural environment.
2. No part of the present article or article 28 shall be construed so as to interfere with the liberty of individuals and bodies to establish and direct educational institutions, subject always to the

observance of the principle set forth in paragraph 1 of the present article and to the requirements that the education given in such institutions shall conform to such minimum standards as may be laid down by the State.

#### *Article 30*

In those States in which ethnic, religious or linguistic minorities or persons of indigenous origin exist, a child belonging to such a minority or who is indigenous shall not be denied the right, in community with other members of his or her group, to enjoy his or her own culture, to profess and practise his or her own religion, or to use his or her own language.

#### *Article 31*

1. States Parties recognize the right of the child to rest and leisure, to engage in play and recreational activities appropriate to the age of the child and to participate freely in cultural life and the arts.
2. States Parties shall respect and promote the right of the child to participate fully in cultural and artistic life and shall encourage the provision of appropriate and equal opportunities for cultural, artistic, recreational and leisure activity.

#### *Article 32*

1. States Parties recognize the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development.
2. States Parties shall take legislative, administrative, social and educational measures to ensure the implementation of the present article. To this end, and having regard to the relevant provisions of other international instruments, States Parties shall in particular:
  - (a) Provide for a minimum age or minimum ages for admission to employment;
  - (b) Provide for appropriate regulation of the hours and conditions of employment;
  - (c) Provide for appropriate penalties or other sanctions to ensure the effective enforcement of the present article.

[...]

#### *Article 34*

States Parties undertake to protect the child from all forms of sexual exploitation and sexual abuse. For these purposes, States Parties shall in particular take all appropriate national, bilateral and multilateral measures to prevent:

- (a) The inducement or coercion of a child to engage in any unlawful sexual activity;
- (b) The exploitative use of children in prostitution or other unlawful sexual practices;
- (c) The exploitative use of children in pornographic performances and materials.

#### *Article 35*

States Parties shall take all appropriate national, bilateral and multilateral measures to prevent the abduction of, the sale of or traffic in children for any purpose or in any form.

#### *Article 36*

States Parties shall protect the child against all other forms of exploitation prejudicial to any aspects of the child's welfare.

#### *Article 37*

States Parties shall ensure that:

- (a) No child shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment. Neither capital punishment nor life imprisonment without possibility of release shall be imposed for offences committed by persons below eighteen years of age;
- (b) No child shall be deprived of his or her liberty unlawfully or arbitrarily. The arrest, detention or imprisonment of a child shall be in conformity with the law and shall be used only as a measure of last resort and for the shortest appropriate period of time;
- (c) Every child deprived of liberty shall be treated with humanity and respect for the inherent dignity of the human person, and in a manner which takes into account the needs of persons of his or her age. In particular, every child deprived of liberty shall be separated from adults unless it is considered in the child's best interest not to do so and shall have the right to maintain contact with his or her family through correspondence and visits, save in exceptional circumstances;
- (d) Every child deprived of his or her liberty shall have the right to prompt access to legal and other appropriate assistance, as well as the right to challenge the legality of the deprivation of his or her liberty before a court or other competent, independent and impartial authority, and to a prompt decision on any such action.

[...]

*Article 39*

States Parties shall take all appropriate measures to promote physical and psychological recovery and social reintegration of a child victim of: any form of neglect, exploitation, or abuse; torture or any other form of cruel, inhuman or degrading treatment or punishment; or armed conflicts. Such recovery and reintegration shall take place in an environment which fosters the health, self-respect and dignity of the child.

[...]

*PART II*

*Article 42*

States Parties undertake to make the principles and provisions of the Convention widely known, by appropriate and active means, to adults and children alike.

*Article 43*

1. For the purpose of examining the progress made by States Parties in achieving the realization of the obligations undertaken in the present Convention, there shall be established a Committee on the Rights of the Child, which shall carry out the functions hereinafter provided.

[...]

*Article 44*

1. States Parties undertake to submit to the Committee, through the Secretary-General of the United Nations, reports on the measures they have adopted which give effect to the rights recognized herein and on the progress made on the enjoyment of those rights
  - (a) Within two years of the entry into force of the Convention for the State Party concerned;
  - (b) Thereafter every five years.
2. Reports made under the present article shall indicate factors and difficulties, if any, affecting the degree of fulfilment of the obligations under the present Convention. Reports shall also contain sufficient information to provide the Committee with a comprehensive understanding of the implementation of the Convention in the country concerned.

[...]

**ILO Convention 87 on the Freedom of Association and  
Protection of the Right to Organise, 1948**

[...]

*PART I. Freedom of Association*

[...]

*Article 2*

2. Workers and employers, without distinction whatsoever, shall have the right to establish and, subject only to the rules of the organisation concerned, to join organisations of their own choosing without previous authorisation.

*Article 3*

3. (1) Workers' and employers' organisations shall have the right to draw up their constitutions and rules, to elect their representatives in full freedom, to organise their administration and activities and to formulate their programmes.
3. (2) The public authorities shall refrain from any interference which would restrict this right or impede the lawful exercise thereof.

*Article 4*

4. Workers' and employers' organisations shall not be liable to be dissolved or suspended by administrative authority.

*Article 5*

5. Workers' and employers' organisations shall have the right to establish and join federations and confederations and any such organisation, federation or confederation shall have the right to affiliate with international organisations of workers and employers.

*Article 6*

6. The provisions of Articles 2, 3 and 4 hereof apply to federations and confederations of workers' and employers' organisations.

*Article 7*

7. The acquisition of legal personality by workers' and employers' organisations, federations and confederations shall not be made subject to conditions of such a character as to restrict the application of the provisions of Articles 2, 3 and 4 hereof.

*Article 8*

8. (1) In exercising the rights provided for in this Convention workers and employers and their respective organisations, like other persons or organised collectivities, shall respect the law of the land.
8. (2) The law of the land shall not be such as to impair, nor shall it be so applied as to impair, the guarantees provided for in this Convention.

*Article 9*

9. (1) The extent to which the guarantees provided for in this Convention shall apply to the armed forces and the police shall be determined by national laws or regulations.
9. (2) In accordance with the principle set forth in paragraph 8 of Article 19 of the Constitution of the International Labour Organisation the ratification of this Convention by any Member shall not be deemed to affect any existing law, award, custom or agreement in virtue of which members of the armed forces or the police enjoy any right guaranteed by this Convention.

*Article 10*

10. In this Convention the term organisation means any organisation of workers or of employers for furthering and defending the interests of workers or of employers.

*PART II. Protection of the Right to Organise*

*Article 11*

11. Each Member of the International Labour Organisation for which this Convention is in force undertakes to take all necessary and appropriate measures to ensure that workers and employers may exercise freely the right to organise.

[...]

**ILO Convention 98 on the Right to Organize and Collective Bargaining, 1949**

[...]

*Article 1*

1. Workers shall enjoy adequate protection against acts of anti-union discrimination in respect of their employment.
2. Such protection shall apply more particularly in respect of acts calculated to--
  - (a) make the employment of a worker subject to the condition that he shall not join a union or shall relinquish trade union membership;
  - (b) cause the dismissal of or otherwise prejudice a worker by reason of union membership or because of participation in union activities outside working hours or, with the consent of the employer, within working hours.

*Article 2*

1. Workers' and employers' organisations shall enjoy adequate protection against any acts of interference by each other or each other's agents or members in their establishment, functioning or administration.
2. In particular, acts which are designed to promote the establishment of workers' organisations under the domination of employers or employers' organisations, or to support workers' organisations by financial or other means, with the object of placing such organisations under the control of employers or employers' organisations, shall be deemed to constitute acts of interference within the meaning of this Article.

*Article 3*

Machinery appropriate to national conditions shall be established, where necessary, for the purpose of ensuring respect for the right to organise as defined in the preceding Articles.

*Article 4*

Measures appropriate to national conditions shall be taken, where necessary, to encourage and promote the full development and utilisation of machinery for voluntary negotiation between employers or employers' organisations and workers' organisations, with a view to the regulation of terms and conditions of employment by means of collective agreements.

*Article 5*

1. The extent to which the guarantees provided for in this Convention shall apply to the armed forces and the police shall be determined by national laws or regulations.
2. In accordance with the principle set forth in paragraph 8 of Article 19 of the Constitution of the International Labour Organisation the ratification of this Convention by any Member shall not be deemed to affect any existing law, award, custom or agreement in virtue of which members of the armed forces or the police enjoy any right guaranteed by this Convention.

#### *Article 6*

This Convention does not deal with the position of public servants engaged in the administration of the State, nor shall it be construed as prejudicing their rights or status in any way.

[...]

### **ILO Convention 111 on Discrimination (Employment and Occupation), 1958**

The Convention assigns to each State which ratified it the fundamental aim of promoting equality of opportunity and treatment by declaring and pursuing a national policy aimed at eliminating all forms of discrimination in respect of employment and occupation.

Discrimination is defined as any distinction, exclusion or preference based on race, color, sex, religion, political opinion, national extraction or social origin (or any other motive determined by the State Concerned) which has the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation. The scope of the Convention covers access to vocational training, access to employment and to particular occupations and terms and conditions of employment.

Member States who ratified this Convention undertake to repeal any statutory provisions and modify any administrative instructions or practices which are inconsistent with this policy, and to enact legislation and promote educational programmes which favor its acceptance and implementation in cooperation with employers' and workers' organizations. This policy shall be pursued and observed in respect of employment under direct control of a national authority, and of vocational guidance and training and placement services under the direction of such authority.

[...]

#### *Article 1*

1. For the purpose of this Convention the term "discrimination" includes—

- (a) any distinction, exclusion or preference made on the basis of race, colour, sex, religion, political opinion, national extraction or social origin, which has the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation;
  - (b) such other distinction, exclusion or preference which has the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation as may be determined by the Member concerned after consultation with representative employers' and workers' organisations, where such exist, and other appropriate bodies.
1. Any distinction, exclusion or preference in respect of a particular job based on the inherent requirements thereof shall not be deemed to be discrimination.
  2. For the purpose of this Convention the terms "employment" and "occupation" include access to vocational training, access to employment and to particular occupation, and terms and conditions of employment.

#### *Article 2*

Each Member for which this Convention is in force undertakes to declare and pursue a national policy designed to promote, by methods appropriate to national conditions and practice, equality of opportunity and treatment in respect of employment and occupation, with a view to eliminate any discrimination in respect thereof.

#### *Article 3*

Each Member for which this Convention is in force undertakes, by methods appropriate to national conditions and practice—



- (a) to seek the cooperation of employers' and workers' organisations and other appropriate bodies in promoting the acceptance and observance of this policy;
  - (b) to enact such legislation and to promote such educational programmes as may be calculated to secure the acceptance and observance of the policy;
  - (c) to repeal any statutory provisions and modify any administrative instructions or practices which are inconsistent with the policy;
  - (d) to pursue the policy in respect of employment under the direct control of a national authority;
  - (e) to ensure observance of the policy in the activities of vocational guidance, vocational training and placement services under the direction of a national authority;
  - (f) to indicate in its annual reports on the application of the Convention the action taken in pursuance of the policy and the results secured by such action.
- [...]

*Article 5*

1. Special measures of protection or assistance provided for in other Conventions or Recommendations adopted by the International Labour Conference shall not be deemed to be discrimination.
2. Any Member may, after consultation with representative of employers' and workers' organisations, where such exist, determine that the other special measures designed to meet particular requirements of persons who, for reasons such as sex, age, disablement, family responsibilities or social or cultural status, are generally recognised to require special protection or assistance, shall not be deemed to be discrimination.

## ANNEX 2

### **Matters arising from monitoring by the International Labour Organization (ILO) Committee of Experts on the Application of Conventions and Recommendations (CEACR) (2010-2012)**

#### **Direct Request (CEACR) – adopted 2011, published 101st ILC session (2012)**

Discrimination (Employment and Occupation) Convention, 1958 (No. 111) – United Kingdom (Ratification: 1999)

#### **Article 1(1)(a) of the Convention. Protection against discrimination based on social origin and political opinion.**

*Recalling the need to ensure effective protection against discrimination based on at least all the grounds enumerated in Article 1(1)(a) of the Convention, the Committee asks the Government to invoke section 9(5)(a) of the Equality Act so that caste based discrimination, which is a manifestation of discrimination based on social origin, is covered, and also to take steps to ensure effective protection against discrimination based on political opinion, and to provide information of steps taken in this respect. Please also provide information regarding how protection against discrimination in employment and occupation based on social origin and political opinion is provided in practice.*

#### **Discrimination based on race, colour or national extraction.**

*The Committee asks the Government to take measures to promote tolerance of and combat negative stereotypes related to, ethnic minorities, migrant workers, Roma and travellers, and to provide information on steps taken in this regard. It also requests the Government to provide information on steps taken to ensure protection against discrimination based on race, colour or national extraction in employment and occupation.*

#### **Sex discrimination. Sexual harassment.**

*The Committee asks the Government to provide information on the application of sections 26 and 40 of the Equality Act, with respect to sexual harassment in employment and occupation, including any interpretation of the limitations set out in section 26(4). Noting the absence of a reply from the Government, the Committee again requests information on the impact of the action plan on preventing sexual harassment...The Committee also requests information on any further measures taken to prevent and address sexual harassment in employment and occupation.*

#### **Discrimination on the basis of religion.**

*Noting the absence of a reply on this point, the Committee again asks the Government to provide information on measures taken to address stereotyped attitudes concerning religion in the workplace and to address the barriers to employment and education faced by Muslims.*

#### **Multiple discrimination.**

*The Committee asks the Government to confirm whether section 14 [marriage and civil partnership or pregnancy and maternity] is in force, or when it is due to come into force. The Committee also requests the Government to provide information on the practical application of the provisions relating to combined discrimination, including the number of cases filed, and the results thereof. The Committee also asks the Government to indicate whether consideration is being given to extending combined discrimination to cases of indirect discrimination, or to addressing the intersecting nature of various grounds of discrimination. The Committee would also welcome information on the rationale for excluding certain protected grounds from being raised as combined discrimination, as well as for limiting combined discrimination to only two grounds.*

**Article 1(1)(b). Age discrimination.**

*The Committee asks the Government to provide a copy of the amendments to the Employment Equality (Age) Regulations, 2006, or of any other regulations relating to age discrimination, and to provide information on the practical application of the laws and regulations in force in this context, including the number and outcome of age discrimination complaints. Please also provide information of the outcome of and follow-up to the review of the default retirement age.*

**Workers with disabilities.**

*The Committee notes also the Government's indication that the employment rate of disabled people in Great Britain has increased 9.7 per cent since 1998 to 47.5 per cent.... The Committee asks the Government to continue to provide information on the measures taken to promote equality of opportunity and treatment of workers with disabilities, and on the impact of such measures.*

**Article 2. Equality of opportunity and treatment between men and women.**

*The Committee asks the Government to provide information on the impact of the new single equality duty on promoting equality of opportunity and treatment between men and women in the public sector, including in Wales and Scotland, as well as on the adoption of gender equality schemes. Please also continue to provide information on the measures taken to improve equality of opportunity and treatment between men and women in the public and private sectors and the impact of such measures, including any follow-up to the measures taken by the Women and Work Commission.*

**Measures to support workers with family responsibilities.**

*The Committee asks the Government to continue to provide information on the measures taken to promote equality of opportunity and treatment for workers with family responsibilities, including with respect to the amendments to the Childcare Act 2006 on the availability of early childcare services and the implementation of the Work and Families Act, including the number of men and women requesting, and those undertaking, flexible working arrangements. Please also provide information on measures taken to extend the right to request flexible working and to promote a system of shared parental leave.*

**Equality of opportunity and treatment of ethnic minorities.**

*The Committee asks the Government to continue to provide information on the measures undertaken to promote equality of opportunity and treatment of ethnic minority groups, and requests the Government to indicate the concrete impact of these measures in reducing the ethnic minority employment gap, including for Pakistani and Bangladeshi women and men, in the public and private sectors. Please also provide information on the follow-up to the Glasgow Works partnership, which was due to end in 2010, as well as to the research sponsored by the DWP. The Committee requests the Government to clarify whether impact assessments on race inequality have been and will continue to be prepared by public bodies, and the effect of such assessments.*

**Article 3. Cooperation of employers' and workers' organizations.**

*The Committee asks the Government to provide information on the impact of the programme of exemplar initiatives by employers, and the Scottish Union Learning Fund on equality and non-discrimination in employment and occupation. Please also provide further information on any other measures taken in cooperation with employers' and workers' organizations to promote equality of opportunity and treatment in employment and occupation.*

**Article 4. National security.**

*The Committee asks the Government to provide information on the practical application of the national security exception to the Equality Act, including the number and nature of cases in which such an exception has been raised, and the impact of the exception on employment and occupation.*

**Article 5. Protective measures regarding women.**

*The Committee requests the Government to provide information on the specific restrictions on women's employment currently in force or envisaged, and the rationale for such restrictions.*

**Parts III and IV of the report form. Monitoring and enforcement.**

*The Committee requests the Government to continue providing information on the judicial and administrative decisions involving questions relating to the application of the Convention, and to provide specific information on any broader recommendations of the employment tribunals regarding discrimination in employment and occupation, and the impact of such recommendations on the wider workforce. Noting the concerns raised by the United Nations Committee on the Elimination of Racial Discrimination regarding proposed budget cuts to the Equality and Human Rights Commission (CERD/C/GBR/CO/18-20, 14 September 2011, paragraph 15), the Committee hopes that the Commission will be given the necessary means and resources, both human and financial, to fulfil its expanded mandate, and asks the Government to provide specific information in this regard.*

**Observation (CEACR) – adopted 2011, published 101st ILC session (2012)**

***Discrimination (Employment and Occupation) Convention, 1958 (No. 111) – United Kingdom (Ratification: 1999)***

*The Committee asks the Government to provide information on the implementation of the Equality Act 2010 as it relates to employment and occupation, including practical measures taken, the number and nature of cases brought and the results achieved. Please also provide information on the adoption of relevant regulations under the Act, including with respect to Wales and Scotland. The Committee also requests information on the application and impact of the public sector equality duty, including its application in the context of public procurement, as well as specific information on how the equality duty is monitored and enforced. The Committee also asks the Government to provide specific information on the role of the Government Equality Office, the Equality and Human Rights Commission and the Women and Work Commission in the implementation of the Act. Noting the Government's indication that it is considering how to implement the new equality duty in a way that is best for business, public bodies and the public, the Committee asks the Government to provide specific information on steps taken in this regard.*

***Review of Equality Act and austerity measures.***

*The Committee urges the Government to monitor carefully the impact of the austerity measures on the employment situation of groups particularly vulnerable to the impact of the economic crisis, so as to address effectively any direct and indirect discrimination that may occur in employment and occupation on the grounds set out in the Convention. The Committee further hopes that the Government will make every effort to ensure that the measures envisaged under the Equality Act and progress achieved through previous action taken to address discrimination and promote equality of opportunity and treatment will not be adversely affected by the austerity measures, and asks the Government to provide information in this regard.*

*The Committee again urges the Government to take steps to ensure that the applicable legislation no longer includes the exemption with regard to discrimination against schoolteachers [in Northern Ireland] on the ground of religious belief and asks the Government to provide information on any progress made in this regard, as well as information on the following:*

- (i) the follow-up given to the proposals for legislative reform of the Equality Commission for Northern Ireland, including improving protection against discrimination based on colour or nationality; and*
- (ii) the implementation of the Race Equality Strategy for Northern Ireland.*

**Direct Request (CEACR) - adopted 2010, published 100th ILC session (2011)**

***Discrimination (Employment and Occupation) Convention, 1958 (No. 111) – United Kingdom (Ratification: 1999)***

*The Committee notes from the WWC's report entitled "Shaping a Fairer Future. A review of the recommendations of the Women and Work Commission three years on" (2009) that .... [a]s tackling gender inequality in the education system is an important means to address occupational segregation, the WWC further recommends the adoption of a national strategy in this regard, with particular focus on children of 14 years and under. The Committee encourages the Government to continue its efforts to promote equality of opportunity and treatment in employment, and asks the Government to provide information on any follow-up given to the 2009 recommendations of the WWC, and their impact on reducing occupational gender segregation.*

***Sexual harassment.***

*The Committee asks the Government to provide information on the impact of the action plan on preventing sexual harassment...*

***Discrimination on the basis of religion.***

*The Committee recalls its previous comments in which it noted the barriers faced by people of Muslim faith to employment, including discrimination, lack of suitable training and educational underachievement. The Committee notes that the Employment Equality (Sexual Orientation, Religion or Belief) Regulations do not directly address the issue of display of religious symbols in employment, but that this is referenced in judicial decisions. The Committee further notes the decisions handed down by the employment tribunals concerning discrimination based on religion in employment and the activities carried out by the Government to provide guidance and awareness concerning the new legislation. The Committee welcomes this information and asks the Government to continue to supply copies of relevant cases concerning religious discrimination dealt with by the employment tribunals, as well as information on measures taken to address stereotyped attitudes concerning religion in the workplace and to address the barriers to employment and education faced by people of the Muslim faith.*

***Ethnic minorities.***

*The Committee requests the Government to indicate how these programmes [e.g. Ethnic Minority Employment Task Force, Job Centre Plus, National Skills Academies] have specifically helped to improve equality of opportunity and treatment of ethnic minorities, and in particular Pakistani and Bangladeshi men and women, and to reduce the ethnic minority employment gap.*

***Employment in the public sector.***

*The Committee asks the Government to step up its efforts to increase the percentage of women, Black and other ethnic minority people in the civil service, particularly in senior posts, and to continue to provide information, including statistics, on the results achieved in this regard. Please also provide information on the effect of the impact assessment on race-based inequality prepared by public bodies.*

***Northern Ireland.***

*The Committee urges the Government to take steps to ensure that the applicable legislation no longer includes the exemption with regard to discrimination against schoolteachers [in Northern Ireland] on the ground of religious belief and asks the Committee to provide information on any progress made in this regard. Please also provide information on the following:*

- (i) any steps taken to explore legislative options to include the ground of colour among the prohibited grounds of discrimination;*
- (ii) the implementation of the Race Equality Strategy for Northern Ireland; and*
- (iii) the status of the Equality Bill for Northern Ireland.*



**Direct Request (CEACR) – adopted 2010, published 100th ILC session (2011)**

***Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87) – United Kingdom (Ratification: 1949)***

***Article 3 of the Convention.***

*The Committee's previous direct request concerned comments made by the Trades Union Congress (TUC) to the effect that union representatives do not enjoy a general right of access to workplaces and, in particular, that a trade union has no right of access to speak to a worker it may be accompanying in a disciplinary or grievance hearing, and indeed the employer can deny the union the right of access to the workplace even in these circumstances.*

*The Committee requests the Government to continue providing information in relation to workplace access in its future reports.*

*The Committee reiterates that lawfully organized industrial action in support of workers dismissed for undertaking unofficial strike action should be considered as legitimate action for which the maintenance of the employment relationship is protected. The Committee therefore requests the Government to provide information on any measures taken or contemplated to amend section 223 of the TULRA with a view to ensuring the protection of official industrial action organized in conformity with the law, even if it is aimed at securing the reinstatement of workers dismissed for taking part in an unprotected strike.*

**Observation (CEACR) – adopted 2010, published 100th ILC session (2011)**

***Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87) – United Kingdom (Ratification: 1949)***

*The Committee...notes the detailed comments and information...which raised a number of issues on the application of the Convention in law and in practice that have been the subject of the Committee's comments for many years now. The Committee requests the Government to reply to these comments in its next report.*

***Right of workers' organizations to draw up their constitutions and rules without interference by the public authorities. Article 3 of the Convention.***

*The Committee's previous comments concerned the right of trade unions to draw up their rules and formulate their programmes without interference from the authorities, particularly as regards the exclusion or expulsion of individuals on account of membership in an extremist political party with principles and policies wholly repugnant to the trade union...*

*The Committee takes due note [that] the Government informs that section 19 of the Employment Act of 2008 has now amended section 174 of the 1992 Act and significantly extends the scope for trade unions to exclude and expel individuals on the grounds of their political party membership.*

*The Committee requests the Government to reply to the further concerns expressed by the TUC in its latest comments and to provide any available information on the practical application of the amendments to section 174 of the TULRA.*

***Immunities in respect of civil liability for strikes and other industrial action (sections 223 and 224 of the TULRA).***

*In its previous comments, the Committee had noted that according to the TUC, due to the decentralized nature of the industrial relations system, it was essential for workers to be able to take action against employers who are easily able to undermine union action by complex corporate structures, transferring work, or hiring off companies. The Committee generally raised*



*the need to protect the right of workers to take industrial action in relation to matters which affect them even though, in certain cases, the direct employer may not be party to the dispute, and to participate in sympathy strikes provided the initial strike they are supporting is itself lawful. The Committee takes note of the Government's reiteration that it has no plans to change the law in this area. The Committee emphasizes that the globalization of the economy and the delocalization of work centres may have a severe impact on the right of workers' organizations to organize their activities in a manner as to defend effectively their members' interests should lawful industrial action be too restrictively defined.*

*The Committee therefore recalls that workers should be able to participate in sympathy strikes, provided the initial strike they are supporting is lawful, and to take industrial action in relation to social and economic matters which affect them and requests the Government to review sections 223 and 224 of the TULRA, in full consultation with the social partners, and to provide further information in its next report on the progress made in ensuring respect for this principle.*

*The Committee therefore once again requests the Government to review the TULRA, in full consultation with the workers' and employers' organizations concerned, with a view to ensuring that the protection of the right of workers to exercise legitimate industrial action in practice is fully effective, and to indicate any further measures taken in this regard.*

***Reinstatement of workers having participated in lawful industrial action.***

*The Committee notes that the Government reiterates that those participating in lawfully organized, official industrial action are protected against dismissal for action which lasts 12 weeks or less. Dismissing a worker for taking industrial action during this period is considered to be automatically unfair. Virtually all industrial action in the United Kingdom lasts less than 12 weeks and therefore this protection extends to virtually all workers who stage official and lawfully organized strikes. In addition, regardless of the duration of the industrial action, an employer cannot dismiss a worker for taking industrial action if the employer has failed to take reasonable procedural steps to resolve the dispute with the trade union (i.e. agreed procedures for dispute resolution). The Government however maintains that it is not appropriate to support the view that an employer must never dismiss employees under any circumstances when they take protected industrial action....*

*While provisions that enable employers to dismiss workers during or at the conclusion of an industrial action on the grounds of illegitimate or unlawful action may be in conformity with the provisions of the Convention, it considers that restricting the right to maintain the employment relationship to industrial action of twelve weeks or less places an arbitrary limit on the effective protection of the right to strike in a manner contrary to the Convention.*

*The Committee therefore once again requests the Government to review the TULRA, in full consultation with workers' and employers' organizations concerned, with a view to strengthening the protection available to workers who stage official and lawfully organized industrial action and to provide information on the steps taken in this regard.*

***Notice requirements for industrial action.***

*In its previous comments, the Committee had taken note of comments made by the TUC to the effect that the notice requirements for an industrial action to be protected by immunity were unjustifiably burdensome. The Committee notes from the Government's report that it held discussions with the TUC about these issues during the reporting period, but that no agreement was reached. The Committee requests the Government to continue to provide information on developments in this regard, as well as any relevant statistics or reports on the practical application and effect of these requirements.*

**Observation (CEACR) – adopted 2010, published 100th ILC session (2011)**

*Right to Organise and Collective Bargaining Convention, 1949 (No. 98) – United Kingdom (Ratification: 1950)*

*Protection against anti-union discrimination and acts of interference. Articles 1, 2 and 3 of the Convention.*

*The Committee once again requests the Government to provide its observations thereon.*

*The Committee notes with satisfaction that, in order to try to combat the practice of some employers and employment agencies of using “blacklists”, the Employment Relations Act 1999 (Blacklists) Regulations 2010 were introduced by the Government and came into force on 2 March 2010. The Committee requests the Government to provide in its next report any relevant information on the application of the Regulations in practice.*

## ANNEX 3

### Relevant ILO Conventions not ratified by the UK Government

**C077 – Medical Examination of Young Persons (Industry) Convention, 1946 (No. 77)**

*Prohibits children and young persons under eighteen years of age from employment in an industrial capacity (e.g. industrial, agricultural, maritime, mining, construction, demolition, manufacturing, cleaning, transportation) unless they have been found fit for the work on which they are to be employed by a thorough medical examination*

**C078 – Medical Examination of Young Persons (Non-Industrial Occupations) Convention, 1946 (No. 78)**

*Prohibits children and young persons under eighteen years of age from employment in a non-industrial capacity (ie. excluding industrial, agricultural, maritime occupations) unless they have been found fit for the work on which they are to be employed by a thorough medical examination*

**C139 – Occupational Cancer Convention, 1974 (No. 139)**

*Requires Member States to make every effort to have carcinogenic substances and agents to be replaced by non-carcinogenic substances or agents or by less harmful substances or agents; to reduce the number of workers exposed to carcinogenic substances or agents and the duration and degree of such exposure to the minimum compatible with safety; to prescribe the measures to be taken to protect workers against the risks of exposure to carcinogenic substances or agents and to establish an appropriate system of records; to take steps so that workers who have been, are, or are likely to be exposed to carcinogenic substances or agents are provided with all the available information on the dangers involved and on the measures to be taken; to ensure that workers are provided with such medical examinations or biological or other tests or investigations during the period of employment and thereafter as are necessary to evaluate their exposure and supervise their state of health in relation to the occupational hazards.*

**C155 – Occupational Safety and Health Convention, 1981 (No. 155)**

*Requires countries to consult with the representative organisations of employers and workers to formulate, implement and periodically review a coherent national policy on occupational safety, occupational health and the working environment in order to prevent accidents and injury to health arising out of, linked with or occurring in the course of work, by minimising, so far as is reasonably practicable, the causes of hazards inherent in the working environment, including management of chemical, physical and biological substances and agents, work processes, working time, training, information and communications, monitoring, inspection, redress.*

**C161 – Occupational Health Services Convention, 1985 (No. 161)**

*Requires governments to establish, in consultation with employers and workers representatives, occupational health services for all workers in all branches of economic activity and all undertakings.*

**C162 – Asbestos Convention, 1986 (No. 162)**

*Requires governments to establish national laws or regulations to prevent or control exposure to asbestos including making work in which exposure to asbestos may occur subject to regulations prescribing adequate engineering controls and work practices, including workplace hygiene.*

**C143 – Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143)**

*Requires governments to respect the basic human rights of all migrant workers and to systematically seek to determine whether there are illegally employed migrant workers on its territory and to collaborate with other governments to suppress clandestine movements of migrants for employment and illegal employment of migrants.*

**C156 – Workers with Family Responsibilities Convention, 1981 (No. 156)**

*Requires that national policy should enable persons with family responsibilities who are engaged or wish to engage in employment to exercise their right to do so without being subject to discrimination and, to the extent possible, without conflict between their employment and family responsibilities.*

**C154 – Collective Bargaining Convention, 1981 (No. 154)**

*Requires governments to promote collective bargaining to all employers and workers' organisations.*

## ANNEX 4

### A Human Rights Framework for Evaluating Public Education

	National Assessment <i>(Impact of public education)</i>
<b>UN Universal Declaration on Human Rights</b>	
<i>Article 26</i>	
(1) Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit.	
(2) Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace.	
(3) Parents have a prior right to choose the kind of education that shall be given to their children.	
<b>UN Convention on the Rights of the Child</b>	
<i>Article 28</i>	
1. States Parties recognize the right of the child to education, and with a view to achieving this right progressively and on the basis of equal opportunity, they shall, in particular:	
(a) Make primary education compulsory and available free to all;	
(b) Encourage the development of different forms of secondary education, including general and vocational education, make them available and accessible to every child, and take appropriate measures such as the introduction of free education and offering financial assistance in case of need;	
(c) Make higher education accessible to all on the basis of capacity by every appropriate means;	
(d) Make educational and vocational information and guidance available and accessible to all children;	
(e) Take measures to encourage regular attendance at schools and the reduction of drop-out rates.	

<p>2. States Parties shall take all appropriate measures to ensure that school discipline is administered in a manner consistent with the child's human dignity and in conformity with the present Convention.</p>	
<p>3. States Parties shall promote and encourage international cooperation in matters relating to education, in particular with a view to contributing to the elimination of ignorance and illiteracy throughout the world and facilitating access to scientific and technical knowledge and modern teaching methods. In this regard, particular account shall be taken of the needs of developing countries.</p>	
<p><i>Article 29</i></p>	
<p>1. States Parties agree that the education of the child shall be directed to:</p>	
<p>(a) The development of the child's personality, talents and mental and physical abilities to their fullest potential;</p>	
<p>(b) The development of respect for human rights and fundamental freedoms, and for the principles enshrined in the Charter of the United Nations;</p>	
<p>(c) The development of respect for the child's parents, his or her own cultural identity, language and values, for the national values of the country in which the child is living, the country from which he or she may originate, and for civilizations different from his or her own;</p>	
<p>(d) The preparation of the child for responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of sexes, and friendship among all peoples, ethnic, national and religious groups and persons of indigenous origin;</p>	
<p>(e) The development of respect for the natural environment.</p>	
<p>2. No part of the present article or article 28 shall be construed so as to interfere with the liberty of individuals and bodies to establish and direct educational institutions, subject always to the observance of the principle set forth in paragraph 1 of the present article and to the requirements that the education given in such institutions shall conform to such minimum standards as may be laid down by the State.</p>	
<p><i>Article 30</i></p>	
<p>In those States in which ethnic, religious or linguistic minorities or persons of indigenous origin exist, a child belonging to such a minority or who is indigenous shall not be denied the right, in community with other members of his or her group, to enjoy his or her own culture, to profess and practise his or her own religion, or to use his or her own language.</p>	



<i>Article 31</i>	
1. States Parties recognize the right of the child to rest and leisure, to engage in play and recreational activities appropriate to the age of the child and to participate freely in cultural life and the arts.	
2. States Parties shall respect and promote the right of the child to participate fully in cultural and artistic life and shall encourage the provision of appropriate and equal opportunities for cultural, artistic, recreational and leisure activity.	
<i>Article 32</i>	
1. States Parties recognize the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development.	
2. States Parties shall take legislative, administrative, social and educational measures to ensure the implementation of the present article.	

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