Response to consultation on the draft education inspection framework from Ofsted

Quakers in Britain
April 2019

1   Summary

1.1 The Religious Society of Friends (Quakers) in Britain believes that the draft inspection framework sends an ambiguous message with the new judgement on behaviour and attitudes. By emphasising "behaviour", Ofsted may encourage unhelpful zero-tolerance policies that frustrate children's right to be heard. The framework should give more emphasis to that right, particularly in the context of responding to conflict.

2 About Quakers

2.1   This submission comes from Quakers in Britain[i]. Quakers in Britain is formally known as the Religious Society of Friends (Quakers). We are a faith community and a historic peace church. This submission reflects Friends' long held testimonies to peace and equality, as well as long standing experience in supporting and developing peace education[ii].

3   Questioning "Behaviour and Attitudes"

3.1   We welcome a separate judgment relating to the social wellbeing of the school, but we have concerns about how it is framed.

3.2   While it includes helpful language in the criteria, we fear that the frame of "Behaviour and attitudes" will signal schools that they should adopt an authoritarian, rather than a restorative approach. This will have a negative effect on children's rights, learnings and wellbeing in schools.

3.3   Identifying "Behaviour and Attitudes" as the criterion for judgement positions children and young people's behaviour as the outcome of a process done *to* them by the school. We suggest Ofsted is actually seeking *just* and *peaceful* schools.

3.4   We see this reflected in the language used in the draft framework. We welcome the inclusion of positive relationships and whole school culture in the framework, but because these are subordinated as part of "behaviour and attitudes", the question school leaders will feel pushed to ask first is "how do I make learners behave?" not "how do we build positive relationships?"

3.5   The reference to applying expectations "fairly and consistently" is also crucial. The systems and cultures of a school need to be just. Where learners see the

systems and culture they operate in to be unfair, the legitimacy will plummet, particularly among marginalised groups. But the framework again remains clear that the metric for fairness will be "learners' behaviour and conduct", subordinating the experience of justice to the visible outcome. A school leader seeking to decode and act on this guidance may similarly feel pushed towards a retrograde punitive approach to behaviour. We suggest that the wording to describe systems and cultures of the school, and the application of expectations should be 'coherent and just'.

3.6   To draw a crude analogy, the behaviour and conduct of citizens under a dictatorship may appear good, but that does not mean they are treated fairly, or that there is no distress or conflict ahead. We also know that top down control is short term whereas inclusive positive relationships build long term stability.

3.7   We are also pleased to see bullying and discrimination specifically identified. We note the UN Committee on the Rights of the Child asked that the UK intensify efforts to tackle bullying and violence in schools and implement conflict resolution. There has been an alarming rise in bullying based on race and religion in schools reported in recent years[1].

3.8   We understand from Ofsted's inclusion of relationships, fairness, and preventing bullying that it is seeking to value what we would describe as positive peace in schools. This concept, devised by Johan Galtung, frames "negative peace" as simply the absence of direct violence. "Positive peace" is the presence of justice, of the fairness, freedom from discrimination and good relationships of which Ofsted speaks[2]. Indirect violence, structural or cultural, needs to be addressed for a school to truly be peaceful.

3.9   Drawing on research by Ian Harris and Kathy Bickmore, Hilary Cremin and Terence Bevington's, *Positive Peace in Schools*, identify three approaches: peace-keeping, in which controls over or aggressive behaviour; peace-making, which responds to conflict that arises with processes such as mediation; and peace-building, which involves "longer term, more fundamental processes of redressing injustice, democratisation, and nurturing healthy social relationships."[3]

3.10   Cremin and Bevington argue that "attending to all three dimensions in schools in order to create a holistic culture of positive peace."[4] The framework as it stands provides some encouragement to utilise all three, but we nevertheless fear the emphasis on "behaviour" will lead to a disproportionate focus on peace-keeping. Ofsted risks unconsciously pressuring school leaders to implement quick-fix peacekeeping measures rather than long term peacebuilding and peacemaking-restorative approaches.

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[1] Childline sees spike in counselling sessions about race and faith-based bullying, https://www.nspcc.org.uk/what-we-do/news-opinion/childline-spike-counsellingsessions-race-faith-based-bullying/

[2] *Johan Galtung, Peace, Positive* and Negative. *(2011)*

[3] Bickmore, Kathy, 2011, *Location, Location, Location: Restorative (educative) practices in classrooms.*

[4] Cremin and Bevington, *Positive Peace in Schools:Tackling Conflict and creating a conflict of peace in the classroom*

4.   The effect of 'zero-tolerance'

4.1   We observe that an authoritarian culture already exists to be reinforced in schools. It is arguably the prevalent approach today. We know of schools where it is policy to sanction learners for looking out of the window, where students have been excluded from school for using a mobile phone once, where students are put in isolation for their haircut.

4.2   Such practices are informed by the persistent myth that sufficient deterrence or "zero-tolerance" policies create peace in schools[5]. In Cremin and Bevington's terms, this can be described as a "peacekeeping" response, in which power and authority in the school is exercised to control learners. But studies show "more school rules and higher perceived strictness predicts more, not less, disruptive behaviour"[6]; indeed that "there is little or no evidence of the efficacy of zero tolerance"[7].

4.3   In such a punitive environment social inequalities can be magnified; children on Free School Meals are three times more likely to be excluded than other students[7] and black Caribbean students are permanently excluded at three times the rate of white British students.[8]

4.4   Science also shows again and again that punishment does not change behaviour; it creates anger, resentment and deceit[9] [10].

4.5   The biases of those in power in the school, conscious or unconscious, are likewise be reflected in the meting out of punishment.

4.6   Teachers too are raising the alarm about the negative effects on children's rights and mental health of this deterrence-based approach[11], with a unanimous motion from the NUT opposing "the move towards ever more punitive behaviour policies in schools"[12].

4.7   Peace- keeping based primarily on punishment is harmful to children's rights and wellbeing in the moment, and injurious to peace and justice in a school long-term.

4.8   Ofsted must be mindful of its own power and the possibility of school leaders interpreting its framework in this narrow way. Perhaps Ofsted is seeking to remain neutral about the strategies schools choose, but by grading learners' "behaviour and attitudes" as the first metric, the inspectorate is nevertheless sending a signal which we fear will be detrimental to rights and wellbeing.

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[5] Sellman et al, Restorative approaches to Conflict in Schools (2013),

[6] Hay, Sandra M (2011) School Discipline and Disruptive Classroom Behavior: The Moderating Effects of Student Perceptions [7] Russell J. Skiba, Kimberly Knesting, Zero tolerance, zero evidence: An analysis of school disciplinary practice

[7] Teach first, Disadvantaged pupils 'more likely to be excluded than to achieve the EBacc' https://www.teachfirst.org.uk/pressrelease/disadvantaged-pupils-more-likely-be-excluded-achieve-ebacc

[8]   Pupil   exclusions   https://www.ethnicity-facts-figures.service.gov.uk/education-skills-and-training/absence-and-exclusions/pupilexclusions/latest

[9] Payne, Ruth; *Using rewards and sanctions in the classroom: pupils' perceptions of their own responses to current behaviour management strategies*, 2015

[10] Desautels,   Lori, *Aiming for Discipline Instead of Punishment,* 2018 https://www.edutopia.org/article/aiming-discipline-insteadpunishment

[11] The Telegraph, *Teachers warn zero tolerance discipline in schools is feeding mental health crisis*, 2018 https://www.telegraph.co.uk/news/2018/03/31/teachers-warn-zero-tolerance-discipline-schools-feeding-mental/

[12] TES, *Zero tolerance discipline in schools 'an abuse of children's rights'* https://www.tes.com/news/zero-tolerance-disciplineschools-abuse-childrens-rights

5.   The right to be heard

5.1   The United Kingdom is a signatory to the United Nations Convention on the Rights of the Child[13].

5.2   Article 12 of the Convention obliges the UK to "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"[14].

5.3   Young people have a right to be heard, and their "behaviour and attitudes" cannot be understood or supported where that right is not realised. This is not a mutable right and it is not contingent on the performance of correct "behaviour and conduct."

5.4   The right applies to macro issues like climate breakdown, to meso-levels like the systems a school uses, and to the micro-level as when a child is involved in conflict. It is an expression of democracy which is listed among "fundamental British Values". Indeed, the right to education cannot be truly realised without the right to be heard.

5.5   The United Nations notes that this right applies both to an individual child and to groups of children such as school community, a school class or other categories that might have concerns in common such as Muslim learners[15].

5.6   A deficit in the right to be heard will be felt acutely when learners are experiencing conflict or distress, but also affects the daily life of a school and the extent to which it feels fair or just. A provider's systems and culture for assuring this right are important, and should not be neglected in Ofsted's framework.

5.7   Under "Personal development", Ofsted's draft framework speaks of "active citizens"; this only has meaning if children are genuinely listened to and involved in decision-making.

5.8   Children's participation should not be token or "momentary", but woven into the culture. Roger Hart among others has done extensive work evaluating meaningful participation as well as problematising the manipulative or tokenistic forms of pseudo-listening[17].

5.9   *The UN also calls on parties to the convention to "Combat negative attitudes, which impede the full realization of the child's right to be heard"[18].* Ofsted may wish to take on board this advice when structuring its inspection framework.

5.10   Ofsted itself takes pains to elicit learner feedback in forming its judgments, so it seems odd if schools and other providers are not held to this standard. If a school relies too heavily on an authoritarian approach, it will violate this right.

5.11   In not making explicit reference to the right to be heard, Ofsted risks providers abrogating this responsibility. Positive language about "fairness" and "relationships" does not go far enough.

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[13] Convention on the Rights of the Child https://www.ohchr.org/en/professionalinterest/pages/crc.aspx

[14] Children & young people's Commissioner for Scotland, Article 12, UN convention on the Rights of the Child https://www.cypcs.org.uk/rights/uncrcarticles/article-12

[15] COMMITTEE ON THE RIGHTS OF THE CHILD GENERAL COMMENT No. 12 (2009) The right of the child to be heard (paras

6.   Enabling restorative approaches in schools

6.1   Both to uphold the right to be heard and to enable the visible behaviour and attitudes Ofsted is articulating, restorative approaches (sometimes called restorative practice) are needed.

6.2   Derived from the restorative justice field, restorative approaches in schools imply manifold approaches including restorative enquiry, conferencing, mediation, victim-offender mediation, peer mediation, problem-solving circles and so on[16][17][18]. Unlike a retributive, authoritarian approach, a restorative approach works *with* people in conflict to take responsibility for finding and enacting solutions. It is also distinct from a "permissive approach" in which harmful behaviour is indulged or accommodated.

6.3   Work worldwide and in UK has repeatedly shown the value of a restorative approach to conflict and relationships in a school.

6.4   "Restorative Justice is a way to move a child on. For years, we've just been containing-putting the lid back on- and eventually that just explodes in your face!" –Primary Deputy Head in Banbury, quoted by Belinda Hopkins[19].

6.5   97% of primary and secondary schools in a DFE survey (with 283 responses) said restorative approaches reduce bullying. Studies also show that teachers who use restorative approaches have better relationships with learners[20].

6.6   One restorative approach is peer mediation. Quakers provide extensive support to schools to develop this work, working in recent years to develop best-practice standards in partnership with the College of Mediators. In the same DFE study, Peer mediation was found to be the most effective peer-led strategy[21].

6.7   Peer mediation is conflict resolution for young people by young people[22]. Trained in the same process used in industrial disputes, international relations and family breakdown, students mediate problems to find win-win solutions. They develop excellent life skills including active listening, cooperation and problem-solving.

6.8   Peer mediation well-executed and supported is an excellent example of young people's participation, but it cannot be tokenistic and it should be reflective of a whole school restorative culture.

6.9   Ofsted has attached value to positive relationships in school, so should note the positive impact of restorative approaches educators experience.
"As a headteacher, I have seen the difference that restorative practice made in my school, putting relationships at the very heart of everything we do."[23]

6.10   Ofsted's reports are themselves littered with praise for peer mediators:
   • *"Pupils say that the school councillors, peer mediators and adults sort out any problems."*

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[16] ,   13) https://www2.ohchr.org/english/bodies/crc/docs/AdvanceVersions/CRC-C-GC-12.pdf

[17] Hart, Roger; Children's Participation: From tokenism to citizenship (1992) https://www.unicefirc.org/publications/pdf/childrens_participation.pdf

[17] General Comment No. 12, ibid, *Para 49*

[18] Hopkins, Belinda; *Just Schools, A whole school approach to restorative justice (2004)*

[19] ibid

[20] Gregory et al, The Promise of Restorative Practices to Transform Teacher-Student Relationships and Achieve Equity in School Discipline, http://www.antoniocasella.eu/restorative/Gregory_RJ_2015.pdf

[21] Thompson, Fran and Peter K. Smith (DfE); *The Use and Effectiveness of AntiBullying Strategies in Schools* https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/182421/DFE-RR098.pdf

[22] Peer Mediation Network, 2019 www.peermediationnetwork.org.uk

[23] Hunter Lorraine, Headteacher Lawmuir School, Lanarkshire, quoted in Restorative approaches to Conflict in Schools (2013), edited by Ed Sellman.

- Ofsted report on St James Primary[24]

- *"Pupils say peer mediation is helpful in preventing playground problems."*

-Ofsted report on Christ The King Catholic Primary School[25]

- *"the sixth form* peer mediation *service has made a real difference within the academy and in the local community."*

-Ofsted Report on Bacon College' Southwark[26]

6.11 We would also highlight the excellent work of organisations like Peacemakers, also called the West Midlands Quaker Peace Education Project, which has developed whole school restorative approaches in multiple schools and begun leading work to challenge knife and gang violence.[27]

6.12 The draft framework does not explicitly preclude restorative approaches, but neither does it provide particular encouragement. We feel that silence facilitates the existing bias toward authoritarian approaches noted above. It is constructive that the framework attaches value to relationships that "reflect a positive and respectful culture", but this leaves ambiguous whether Ofsted would be satisfied with "negative peace" in which learners are visibly respectful but structurally silenced.

6.13 While Ofsted may choose not to endorse a specific discourse such as restorative approaches, we feel it must recognise the need for providers to address conflict constructively.

6.14 It is harder to express this better than the still-relevant words of Sue Bowers and Tom Leimdorfer, two Quakers with experience in schools writing in 1990:

Conflict is a part of life, a necessary result of the varying needs, aims and perspectives of individuals and communities. It is part of our daily experience, both directly and through television and other news media. The ethos of the home, school or workplace will provide some rules (spoken and unspoken) for handling conflict situations. However, these often contradict each other and the pressures from friends and peer groups can work against the 'official' ways of handling conflict. Society educates young people at best haphazardly and at worst quite destructively as far as conflict is concerned. From an early age, people are led to think that conflicts should be settled by someone in authority: the parent, the teacher, the headteacher, the gangleader, the policeman, the judge, the boss, the president. If there is nobody to arbitrate, then the 'strongest' will 'win' and the 'weaker' will 'lose'. Traditionally, little encouragement has been given to young people to take responsibility for resolving conflicts, to look for 'win-win' solutions. Yet the way in which young people learn to respond to conflict will have a pervasive effect both on the quality of their personal lives and on the prospects for society as a whole. Affirming the personal value of each individual, encouraging mutual respect and consciously developing the skills and attitudes involved in creative conflict resolution must be regarded as an important educational priority.[28]

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[24] Ofsted report on St James Primary School https://files.api.ofsted.gov.uk/v1/file/2210067

[25] Ofsted report on Christ The King Catholic Primary School, https://files.api.ofsted.gov.uk/v1/file/890145

[26] Ofsted Report on Bacon College' Southwark
https://files.api.ofsted.gov.uk/v1/file/970001

[27] The West Midlands Quaker Peace Education Project, peacemakers.org.uk (2019)

[28] Quaker Faith and Practice Fifth Edition, 24:54 (1990) https://qfp.quaker.org.uk/chapter/24/

6.15 Within the inspection framework, learners' ability to respond to conflict could also be framed as part of their "personal development", although we note that this depends on the culture and systems available and responsibility should not be put solely on the shoulders of individuals. To the extent it is a whole-school concern, it could also be usefully addressed under "Leadership and management".

7. Recommendations

7.1 Replace the heading "Behaviour and Attitudes" to focus more on the providers' responsibilities, not simply the visible behaviour, perhaps adopting one of the following terms:

- • "Peace and Justice"
- • "Positive peace in school"
- • "Relationships and Justice"

7.2 We also recommend including the following: "The Provider supports learners and staff to respond to conflict, upholding the right of children to be heard in issues that affect them."

8. Contact

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