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# EDUCATION AND SOCIAL JUSTICE

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- the way it addresses its readers – is it written in a way that is friendly to all sections of the journal's readership? does it avoid unnecessary jargon and circumlocution?

We do not insist on any one style of presentation, in terms of, for example, referencing, but we ask contributors to adhere to one of the commonly accepted formats.

We ask reviewers to comment on these points – as well as others which they think are noteworthy. Reviewers are welcome to suggest amendments to articles. Final decisions about publication, though, remain with the editors.

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**Cover photograph:** *French teachers and parents demonstrate in le Gard, leading to the sacking of the education minister. See the article by Gilbert Estève (page 51).*

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# Ofsted and Summerhill: Encouraging Results?

*Zoe-Jane Playdon*

## **The agreement**

After three days of the Tribunal hearing, the DfEE dropped its case against Summerhill School and a written agreement was reached. Initially, there had been six complaints made about Summerhill by Ofsted, but two of these, relating to health and safety, were in process of being dealt with as part of the school's rolling maintenance programme, while one, relating to teaching and curriculum planning at Key Stage 2, was accepted and addressed by the school. Three issues, therefore, had been brought to court:

- the provision of segregated toilets;
- a requirement for compulsory assessment of pupils;
- a requirement that all pupils attend timetabled lessons or prescribed self-study programmes.

On the first day in court, Ofsted withdrew its complaint about the provision of segregated toilets and accepted that the existing arrangements – 30 WCs used by anyone, irrespective of age or sex – were perfectly satisfactory. Thus, the issues under debate became teaching and assessment.

Summerhill's position on these matters is clear: its pupils are free to attend lessons or not, as they please, and since assessment is a part of teaching, they are free to decide whether they wish to be assessed, just as they decide whether or not they wish to be taught. This is a real freedom, not a false one, and not one that can be undercut by attempts (Wright 1989, 33) 'to get children to do things . . . while pretending that the children were free to do otherwise'. That position was amplified by evidence provided by Ian Stronach from Manchester Metropolitan University, Alan Thomas from the Institute of Education at the University of London, former pupils at Summerhill and a full independent inspection led by Ian Cunningham from Middlesex University (Summerhill 2000; Cunningham et al 2000). To act otherwise would be in conflict with the philosophy of the school's founder, A. S. Neill, and thus in contravention

of the rights of parents and children who share those philosophical convictions.

Ofsted's position, described by the Chief Registrar of Independent Schools, Michael Phipps was that Summerhill should 'encourage' children to attend lessons by providing a 'stimulating environment', and that that did not conflict with Neill's philosophy. Under cross-examination by Geoffrey Robertson, QC, however, Mr Phipps was obliged to agree that, ultimately, in government's formulation, for the child who still did not want to attend lessons no matter how stimulating they might be, 'encourage' meant 'compel' (Readhead, 2000).

During the course of these proceedings, Summerhill's counsel was approached by DfEE with a request to make an agreement, rather than continuing with the Tribunal. As the popular press reported (Lightfoot, 24 March 2000), the court was cleared to allow the kids and staff of Summerhill to hold a school Meeting, to discuss the terms of the agreement and to vote on it, resulting in a formal agreement. DfEE recognised that the school could and should regulate itself according to the philosophy of A. S. Neill and that Summerhill would continue to provide a stimulating learning environment in which pupils would define and meet their personal objectives. It had emerged under cross-examination that Summerhill had been on a secret Ofsted 'To Be Watched' list, resulting in the stream of inspections over the last ten years, and it was agreed that this 'TBW' status should be removed from the school (IST/59).

## **The spin**

The Principal of Summerhill, Neill's daughter Zoe Readhead, was dismayed, therefore, to find that the DfEE's Press Release stated that (Morris 2000; Hegarty 2000):

- Summerhill will encourage pupils to attend lessons and will improve teaching and assessment across the curriculum.

- OFSTED will continue to inspect Summerhill to ensure that improvements are maintained.

The very ground on which the Tribunal hearing was held, the issue that formed the focus of evidence and cross-examination, and the basis for the formal agreement between Summerhill and the Secretary of State appears to be denied. To 'encourage' pupils to attend lessons – the process described by Wright (1989, 32-35) as 'nagging', in his analysis of White Lion School – was demonstrated in court as running directly counter to Neill's philosophy. Ofsted's complaint relating to teaching and assessment was annulled, while the improvements to Key Stage 2 formed no part of the Tribunal hearing and thus were no part of the agreement between the Secretary of State and Summerhill School. Finally, the formal removal of the school from the 'To Be Watched' list appears to be undercut by the statement that the inspection of Summerhill will continue, with the implication that this is necessary to police the school into honouring its agreement. For the DfEE to co-join these statements with the assertion, later in the Press Release, that 'we have always recognised that it has a right to its own philosophy' seems not just perplexing, but perverse.

### The questions

The results of the Tribunal seem, therefore, to raise more questions than they answer. Inevitably, Summerhill School must have very specific concerns about the probity of the Secretary of State, in the light of the disjuncture between his agreement and his Press Release. Attempts have been made by Summerhill and its supporters to gain answers, by writing directly to the DfEE and by requesting a Member of Parliament to write to the relevant Minister. They have been met, uniformly, with the same printed form letter, denying any incongruence between the agreement and the Press Release (Hegarty 2000; Morris 2000).

Nevertheless, because Summerhill is a *cause celebre*, because Neill's writings have for many years been a standard item on the reading lists of education students across the world, and because the school's current circumstances have attracted such detailed analysis by independent educationists, it may be considered as a case study for other schools under inspection. Some, at least, of the fundamental questions that seem to have been raised and not settled are:

- what, precisely, comprises adequate education in the UK, given that, as the independent inspection indicated, (Cunningham et al 2000, 21) 'the notion that the Secretary of State should define and impose so-called 'national expectations' on each and every school is unacceptable in a pluralistic, democratic society'?
- what does government mean the relationship between education and work to be, in view of the higher than average GCSE results achieved by Summerhill, the professional achievements of its former pupils, and government's own espousal of learning 'in informal self-directed and flexible ways' in its White Paper Learning to Succeed (DfEE 2000)?
- given the international nature of Summerhill, and the UK's status as a Member State of Europe, how relevant is the idea of 'national expectations' to the UK's developing society?
- Ofsted's famous invitation to Head Teachers to 'bin' inspection reports which they do not like appears, in practice, to translate into a protracted court case, costing Summerhill £150,000. To where would other schools, less capable than Summerhill of attracting donations from well-wishers, go to gain funds for such a Tribunal?
- how could such a report have been written in the first place – a report that was demonstrably invalid, that that did not seek full access to the knowledge and meaning of its context, and thus could not measure what it was supposed to measure?
- how could government 'spin' – the useful and legitimate publicising, to particular interest groups, of areas of particular relevance in complex government documents – have become so out of control as to contradict the very material it describes?

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## Appendix 1: The Agreement

### IN THE MATTER OF AN INDEPENDENT SCHOOLS TRIBUNAL AND IN THE MATTER OF SUMMERHILL SCHOOL

#### STATEMENT

The Tribunal had convened to determine the Appellant's appeal in respect of three specific complaints in the Notice of Complaint. Following the commencement of a hearing on 20th March 2000 of the Independent Schools Tribunal the parties have agreed that the Complaints 4 and 6 of the Notice of Complaint are annulled and therefore invite the Tribunal to refrain from deciding the issues arising from a Notice of Complaint served on Mrs Zoe Readhead ('the Appellant') by the Secretary of State ('the Respondent') in June 1999 and the Appeal do stand withdrawn.

Complaint 2, relating to toilet facilities and labelling was annulled by the Tribunal on 20th March 2000.

As to complaints 4 and 6, the Respondent produced evidence about the issues in the Notice of Complaint, and the 1999 OFSTED Report which led to the Notice of Complaint, including oral evidence to the Tribunal at the hearing, which was subjected to cross-examination. In essence, it was confirmed on behalf of the Respondent that there was not a desire on his part to have Summerhill struck off the Register, or to compel children there either to attend lessons or to engage in formal self-supported study, or to prevent the school from putting into effect the educational philosophy of its founder, AS Neill. These assurances, given on the Respondent's behalf under oath, have now been accepted by the Appellant.

The Respondent acknowledged that the evidence produced by the Appellant in the course of this appeal, including evidence supportive of Summerhill by the ex-pupils, parents and independent evaluation of experts demonstrates that there does not now exist a factual situation, which would entitle the Respondent to serve a Notice of Complaint.

In these circumstances, the Tribunal is now asked to annul Complaints 4 and 6 upon the parties having agreed the attached Statement of Intent.

#### Statement of Intent

1. The Respondent recognises that this independent school, based as it is on the writings and systems of AS Neill, has a right to its own philosophy. He also recognises that any inspection of Summerhill should take into account Summerhill's aims as an international free school.
2. This statement of intent is on the understanding that the Secretary of State cannot and does not fetter his own discretion nor that of Her Majesty's Inspectors of Schools to exercise their statutory functions in relation to schools.
3. The Appellant recognises that the school should continue to provide a stimulating learning environment, taking into account views expressed at the Meeting, both within and outside of timetable lessons, including amongst other things, suitable class based lessons and self-supported study programmes, thus continuing to provide opportunities for pupils to study a curriculum tailored to their individual needs aiming at standards of attainment consistent with the potential, expectations, desires and personal objectives of the pupils.
4. The Appellant will use her best endeavours to achieve the objective referred to in paragraphs 1 and 3 above, by amongst other things, maintaining and implementing the measures identified by her evidence in the appeal and particularly in the statement of Mr Warder. The Appellant will use her best endeavours to extend equivalent measures as appropriate throughout the range of subjects available at the school.
5. The Respondent will review the status of Summerhill as a school marked 'TBW' forthwith. It is intended that the usual programme for OFSTED inspections will now apply to the school. In the absence of exceptional circumstances, this means that the next full inspection will occur no earlier than 2004, or in such years as will conform with the normal cycle of full inspections, if that were later. OFSTED propose an inspection to monitor progress on the issues raised in this case in 2001 or 2002.
6. The parties agree that in order to facilitate the resolution of any issues which may from time to time arise between them and to assist the school, in particular in respect of any future inspections, each shall appoint an expert to liaise with the other with the assistance, if the school so wish, of a lay person.
7. The school shall be entitled to submit its own expert report to the Respondent at the same time as the OFSTED report of any inspection is submitted. The Respondent undertakes to take any report so submitted into account.
8. The Respondent and the Appellant agree the following:
  - a) The views of the school as expressed in the Meeting and submitted to the Inspectors at the

time of the inspection and the aims of the school will be taken fully into account on that inspection;

- b) The views expressed in the current reports of Professors Stronach, Thomas, Cunningham will be taken into account;
  - c) The pupils voice should be fully represented in any evaluation of the quality of education at Summerhill;
  - d) Learning is not confined to lessons and inspections must consider the full breadth of learning at Summerhill;
  - e) The freedom of children to attend classroom lessons or not in accordance with Neill's philosophy is acknowledged;
  - f) Levels of attendance at lessons should not form the only basis for judgements of the suitability and efficiency of instruction and education at Summerhill.
9. The Respondent will make a contribution to the costs of the Appeal respect of complaint number 2.

23 Mar 2000

**Appendix 2: The Press Release  
SUMMERHILL SCHOOL: OUTCOME OF  
INDEPENDENT SCHOOLS TRIBUNAL HEARING  
(23 MARCH 2000)**

**LINES TO TAKE**

The Secretary of State and Summerhill School have reached agreement that:

- Summerhill now has acceptable accommodation and health and safety provision, following the improvements made since the 1999 OFSTED report and the Notice of Complaint
- Summerhill will encourage pupils to attend lessons and will improve teaching and assessment across the curriculum
- OFSTED will continue to inspect Summerhill to ensure that the improvements are maintained.

We said all along that we were not trying to close Summerhill. We have always recognised that as an independent school it has a right to its own philosophy. We simply wanted it to meet the basic minimum standards of accommodation, health and safety, welfare and education that all independent schools must meet by law (Education Act 1996). Summerhill now accepts this.

The present Notice of Complaint, and Summerhill's appeal against it, have now been withdrawn.

■ **continued from page 38**

The German debate over the restructuring of education, over decentralisation and privatisation is unimaginable outside the concepts formulated in the last 20 years by the World Bank, the OECD and the EU. Whether the promises made in this period about autonomy and individual responsibility, about diversity and freedom of choice (which also determine the German debate) can withstand the experiences of increasing social inequality, exclusion and instability is, however, more than doubtful.

**Note**

- (1) Education International (1999) *EI, The WTO and the Millennium Round: What is at stake for public education?*, Brussels.

□ **Juergen Klausenitzer** was a teacher and a trade union representative in a comprehensive school in Frankfurt am Main from 1972 to 1987. He has worked since then as an education consultant in Africa and Asia, specialising in adult and basic education.

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