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# Bingham Centre

# Response to The Ad Hoc Select Committee on Citizenship and Civic Engagement Call for Evidence Friday 8<sup>th</sup> September 2017

#### Introduction

- 1. The Bingham Centre for the Rule of Law (the Bingham Centre) is an academic research institution dedicated to the study, promotion and enhancement of the rule of law worldwide.
- 2. From September 2014 to July 2015, the organisation conducted a pilot education initiative called 'The Rule of Law for Citizenship Education' that drew content and techniques from the fields of public legal education, education for democratic citizenship and human rights education. This programme for Key Stage 3 (KS3) students comprised:
  - Educational resources,
  - Capacity building training for teachers,
  - Direct delivery of lessons by Bingham Centre staff, and,
  - Dedicated advice to eight pilot schools.
- 3. The resources incorporated a range of pedagogical styles including peer teaching and open-ended instruction. The content of the lessons saw the eight component parts of Lord Bingham's definition of the rule of law filtered into digestible activities to help young people to understand their rights and obligations within a democratic society. We respond to this call to evidence with regard to our experiences in delivering education programmes.
- 4. This response was written by Michael Abiodun Olatokun FRSA. Michael leads the Bingham Centre's Rule of Law for Citizenship Education programme. For more information visit bit.ly/binghamschools.

#### **Executive Summary**

1. The UK government made substantial progress in encouraging the ability of young people to participate in public life through the addition of Citizenship Education to the National Curriculum in 2002. Fifteen years on, this subject faces multiple challenges that encumber its practical delivery. These challenges will be explored below, referencing both the academic literature in the area and the experiences of civil society organisations assisting schools in providing Citizenship Education.

2. This response proffers institutional investment from national government in particular aspects of the Citizenship framework, such as the Fundamental British Values agenda, to enhance and protect the achievements of Citizenship organisations. It makes the following International great comparative Law comparative La

- Recommendation 1- Introduce a Curriculum Guarantee for Citizenship in every primary and secondary school.
- Recommendation 2- Make Citizenship a priority subject in teacher training with bursaries.
- Recommendation 3- Establish 'Beacons of Excellence in Citizenship' which would link university Politics departments (experts in the content that would be delivered) with schools teaching Citizenship (using subject association bodies such as ACT as a point of liaison due to their expertise).
- Recommendation 4- Stimulate the production of high-quality teaching resources to meet gaps and support high-quality teaching.
- Recommendation 5- Benchmark best practice to highlight effective Citizenship Education with a special subject survey by Ofsted.
- Recommendation 6- Contribute to international evaluative frameworks such as the Council of Europe Reporting Tool and the International Civic and Citizenship Education Study.
- Recommendation 7- Consider allowing individual Department for Education (DfE) strategies to operate without shifts in focus or the announcement of new strategies so that sufficient time is available to monitor and evaluate their delivery.
- Recommendation 8- Produce new guidance for all schools, in consultation and development with leading rule of law organisations such as the Bingham Centre, on the requirements of teaching the rule of law within a democratic society.
- 3. This paper contains the following sections:
  - i. The Role of Education in Encouraging Active Citizenship
  - ii. Status Quo
  - iii. An Action Plan for Citizenship
  - iv. Issues in Teaching the Rule of Law
  - v. The Benefits of the Rule of Law
  - vi. About The Rule of Law for Citizenship Education

# I The Role of Education in Encouraging Active Citizenship

- 4. Academic literature considering issues in civic participation has consistently established a causal link between the provision of education on the one hand and increases in active Citizenship on the other. Education has been described as the "universal solvent" for creating citizens that are "attentive, knowledgeable and participatory". Thus institutional support for education that improves citizens' ability to engage with their democracy is crucial for the UK to overcome declining political participation and civic engagement.
- 5. This key concept of "education for democratic Citizenship" (EDC) is defined by the Council of Europe (CoE) as a process that equips learners "to exercise and defend their democratic rights and responsibilities in society, to value diversity and to play an active part in democratic life, with a view to the promotion and protection of democracy and the rule of law." EDC goes further than addressing the content of education about politics because it creates "self-conscious members of a self-governing sovereign people." EDC combines civic knowledge with a perception of self-efficacy to act upon those rights and obligations.

<sup>&</sup>lt;sup>1</sup> Converse, P. E. (1972), "Change in the American Electorate", in A. Campbell and P. E. Converse (eds.), *The Human Meaning of Social Change*, Russell Sage, New York, pp. 263-337.

<sup>&</sup>lt;sup>2</sup> All Together Now: Collaboration and Innovation for Youth Engagement, The Report of the Commission on Youth Voting and Civic Knowledge

<sup>&</sup>lt;sup>3</sup> A Framework for Teaching Democratic Citizenship: An International Project

6. EDC will be used interchangeably with the terms 'Citizenship Education' and 'Citizenship' in this paper. The devolved nature of education in the UK dictates that this response will focus upon the experiences and policy of England.

#### **II Status Quo**

- 7. The impetus for the current English EDC framework was provided by the Advisory Group on the Teaching of Citizenship and Democracy in Schools, which concluded that a statutory requirement on schools was necessary "to ensure that it is part of the entitlement of all pupils". Citizenship was subsequently introduced to the National Curriculum for Key Stage Three and Four (KS3/4) students in 2002. The subject has remained part of the curriculum since.
- 8. This was followed by a major development in 2010 as the UK became a signatory to the CoE Charter on Education for Democratic Citizenship and Human Rights Education.<sup>6</sup> This international agreement requires universality of the provision of EDC and HRE, commitments to training the educators that will deliver it and the building of mechanisms to evaluate its teaching.
- 9. Despite this new international obligation, existential fears about the continued prominence of the subject emerged soon after its adoption. A collaborative coalition of Citizenship organisations mounted a campaign in 2011 to preserve the subject's status following the announcement of a review by then Secretary of State for Education, Michael Gove. Educators were concerned that the subject would be removed from the National Curriculum in this process. The review saw the subject retained, with additional descriptors for its subject matter, and it remains a part of the National Curriculum.
- 10. Though the revised curriculum provides support for EDC at a political level, there is a prevailing sentiment that the coverage and quality of EDC teaching across England are diminishing.<sup>7</sup> This decline is reflected in a number of factors which will be considered below, including reduction in coverage and quality of provision, the decreasing capacity of educators to deliver Citizenship Education nationwide and the lack of a central evidence base.<sup>8</sup>

### III An Action Plan for Citizenship

11. The aforementioned factors led the Expert Subject Advisory Group for Citizenship (EAG) to devise a five-point action plan to ensure that Citizenship would be delivered systematically across England.<sup>9</sup> The Centre endorses the plan in its entirety as it aligns with our

https://www.teachingCitizenship.org.uk/sites/teachingCitizenship.org.uk/files/National%20Action%20Plan%20for%20Citizenship%205%20July%202017%20-%20final.pdf

<sup>&</sup>lt;sup>4</sup> Crick, B. (1998) The Advisory Group for Citizenship Report

<sup>&</sup>lt;sup>5</sup> Education Act 2002, s 76

<sup>&</sup>lt;sup>6</sup> Recommendation CM/Rec(2010)7 of the Committee of Ministers to member states on the Council of Europe Charter on Education for Democratic Citizenship and Human Rights Education (Adopted by the Committee of Ministers on 11 May 2010 at the 120<sup>th</sup> Session)

 $<sup>^7</sup>$  Ian Davies Eric K. M. Chong , (2016),"Current challenges for Citizenship Education in England", Asian Education and Development Studies, Vol. 5 Iss 1 pp. - 20-36

<sup>&</sup>lt;sup>8</sup> Imafidon, K., Jervier, T. and Zumu, B. (2017). 5 Steps Forward: The 5 Steps Needed to Make Voter Registration Easier, Convenient and Accessible. ClearView Research. Available at: http://bit.ly/2wD4og1. Accessed on 6/9/17

experience of delivering EDC, and we believe that the challenges it aims to tackle hinder the development of the subject.

- 12. The five objectives of the plan are summarised as follows:10
  - 1. Creation of a Curriculum Guarantee for Citizenship in every primary and secondary school and clear progression to further Citizenship education post 16 to support the National Curriculum for Citizenship,
  - 2. Making Citizenship a priority subject in teacher training with bursaries,
  - 3. Establishing 'Beacons of Excellence in Citizenship' linking University Politics departments and schools teaching Citizenship,
  - 4. Benchmarking best practice to highlight effective Citizenship education with a special subject survey by Ofsted, and,
  - **5.** Stimulate the production of high-quality teaching resources to meet gaps and support high-quality teaching.
- 13. These objectives are reactions to three categories of problem. Objectives 1. and 2. relate to the reduction in coverage and quality of provision of Citizenship Education (Issue 1). Objectives 3. and 5. relate to the capacity of educators to deliver Citizenship Education (Issue 2). Objective 4. relates to the need for an evidence base (Issue 3). A rationale and refinement for these objectives is discussed below, along with supplementary recommendations to aid their impact.

# Issue 1- Reduction in coverage and quality of provision

- 14. The resources allocated by schools to the teaching of Citizenship compare unfavourably with the provision seen at the start of the 2010 Coalition government. This is due in large part to the substantial change in characteristics that secondary schools in England have undergone over the past decade. Academisation has reduced the universality of Citizenship teaching, which has shifted from being a compulsory requirement to a voluntary commitment for many schools. This has resulted in many schools opting to end their Citizenship delivery or allocate non-specialist teachers to deliver the subject.
- 15. All local authority maintained schools must follow the National Curriculum, but a significant majority of secondary schools are no longer bound by this obligation. At the end of the 1997-2010 government, local authority maintained schools comprised the majority of secondary schools, with very few academies in operation. The 2010-2015 government oversaw a fundamental transformation of the legal status of secondary schools in England, which resulted in a 3150% increase in the number of academy schools from 203 in January 2010 to 6399 in 2017, with a concomitant decrease in the number of local authority maintained schools. <sup>12</sup>
- 16. As such, 2,220,088 pupils (as of January 2017) attend schools without compulsory Citizenship provision. Many schools continue to use the National Curriculum as a guide to help their students achieve the wider developmental benefits that a 'broad and balanced curriculum' would provide, but the Bingham Centre is increasingly told that Citizenship in

<sup>&</sup>lt;sup>10</sup> http://www.democraticlife.org.uk/2017/07/18/national-action-plan-Citizenship-for-all-launched/

<sup>&</sup>lt;sup>11</sup> Department for Education, Schools, pupils and their characteristics: January 2010- National Tables. Accessed 4th September 2010, <a href="https://www.gov.uk/government/statistics/schools-pupils-and-their-characteristics-january-2010">https://www.gov.uk/government/statistics/schools-pupils-and-their-characteristics-january-2010</a>

Department for Education, Schools, pupils and their characteristics: January 2010- National Tables. Available at: <a href="https://www.gov.uk/government/statistics/schools-pupils-and-their-characteristics-january-2017">https://www.gov.uk/government/statistics/schools-pupils-and-their-characteristics-january-2017</a> Accessed 4th September 2010

newly academised schools is a resource-dependent addendum to their main educational provision rather than a core educational subject.

- 17. The suggestion that academisation is detrimental to Citizenship teaching has not been robustly tested, but the coincidence of its decline and the emergent curriculum freedom that schools now enjoy points to a tentative correlation. Fifty-five percent of academies surveyed in 2014 by the DfE were reported to have changed their curriculum since academisation. This is married with a simultaneous reduction in the volume of new Citizenship educators entering the profession. In a written question to the Secretary of State for Education, Stephen Timms MP was informed that there had been a 77% reduction in the number of new Citizenship teachers qualifying each year, down from 243 in 2010/2011 to 54 in 2016/17.<sup>14</sup>
- 18. This is profoundly challenging for Citizenship delivery and the first two recommendations of the Action Plan are vital to ensure that schools adequately resource EDC and that there are enough trained educators to teach it.

# 19. Recommendations

- Recommendation 1- Introduce a Curriculum Guarantee for Citizenship in every primary and secondary school.
- Recommendation 2- Make Citizenship a priority subject in teacher training with bursaries.

# Issue 2- Capacity of educators to deliver Citizenship teaching

- 20. A connected consequence of the drastic decrease in new Citizenship educators is a reduction in the capability of schools to teach the full spectrum of topics within the Citizenship curriculum. EDC is a multifarious introduction to social science. The subject content for the KS3 and 4 Citizenship National Curriculum programmes of study extend to the fundamental aspects of law, (democratic) politics, economics and personal budgeting.
- 21. Citizenship is often delivered by teachers whose principal expertise lies in cognate subjects (Religious Education and English Literature teachers frequently lead our pilot programme). As such, it would be unreasonable to assume that all teachers tasked with Citizenship delivery will have intimate knowledge of all aspects of a curriculum so diverse. This is exacerbated by the ever-changing nature of contextual debates relevant to the curriculum. A key concern of Citizenship Education is informing learners of developing trends in world affairs to enable them to form their own opinions. The Bingham Centre has been repeatedly told that contemporary policy debates and political events can outpace the ability of individual teachers to keep up with political affairs whilst managing other educational and pastoral responsibilities.<sup>16</sup>

<sup>13</sup> https://www.gov.uk/government/uploads/system/uploads/attachment\_data/file/401455/RR366 - research\_report\_academy\_autonomy.pdf#page=18

<sup>&</sup>lt;sup>14</sup> http://www.parliament.uk/business/publications/written-questions-answers-statements/written-question/Commons/2017-01-26/61973

<sup>&</sup>lt;sup>15</sup> Citizenship for the 21st Century: An International Perspective on Education, John J. Cogan, Ray Derricott

<sup>&</sup>lt;sup>16</sup> Expert Subject Advisory Group, Proposed DfE Review of Citizenship

- 22. Knowledge gaps of this sort are most reasonably filled by high-quality educational materials that provide teachers with sufficient background in the principal areas of Citizenship teaching. By supporting civil society organisations and teachers' bodies in the production of EDC materials, policymakers can increase teachers' capability to deliver legal and political content. In the Bingham Centre's experience, this will lead to an improvement in students' ability across all areas covered by the Citizenship Curriculum.
- 23. The Association for Citizenship Teaching (ACT) is an example of an organisation with great expertise that has filled this capacity gap with resources funded by the DfE.<sup>17</sup> In an environment where the number of new Citizenship educators dwindles, additional government support for the production of teachers' resources is essential to achieve systematic universality of Citizenship coverage.
- 24. Aside from organisations with a proven track record of delivering high-quality, accessible Citizenship resources, academic departments could meaningfully improve in-school educators' ability to teach Citizenship. University Social Science departments contain a wealth of subject knowledge and pre-existing materials for teaching. If these institutions were matched with schools in their local areas to provide capacity building training and resources, burdensome teacher training requirements can be similarly overcome.

#### 25. Recommendations

- Recommendation 3- Establish 'Beacons of Excellence in Citizenship' which would link university Politics departments (experts in the content that would be delivered) with schools teaching Citizenship (using subject association bodies such as ACT as a point of liaison due to their expertise).
- Recommendation 4- Stimulate the production of high-quality teaching resources to meet gaps and support high-quality teaching.

## Issue 3- Building the evidence base and celebrating best practice

- 26. The National Foundation for Educational Research (NFER) was commissioned by the Department for Children, Schools and Families to conduct longitudinal research into the delivery of Citizenship Education in 2001. This monitored the outcomes delivered to the young people that comprised the first cohort of statutory Citizenship learners.<sup>18</sup> The research has produced findings that are of crucial value to all seeking to deliver the subject, including the landmark conclusions that extensive EDC can override or mitigate environmental factors that might suppress later political engagement (such as socioeconomic background).
- 27. There are few mechanisms for the dissemination of this evidence. If this information were widely shared there would be two benefits to the body of Citizenship educators. The first such benefit would be felt in terms of organisations' resources: access to this information could bolster requests of organisations in this space for funding (many civil society groups conducting Citizenship education are funded by grant-providing trusts), allowing them to continue to operate in economically tumultuous times. Secondly, such information provides

<sup>&</sup>lt;sup>17</sup> https://www.teachingCitizenship.org.uk/deliberative-classroom-topical-debating-resources-and-teacher-guidance

<sup>&</sup>lt;sup>18</sup> Citizenship education in England 2001-2010: young people's practices and prospects for the future: the eighth and final report from the Citizenship Education Longitudinal Study (CELS) Accessed: https://www.gov.uk/government/uploads/system/uploads/attachment\_data/file/181797/DFE-RR059.pdf

reflective lessons for organisations to improve their delivery. Without sharing and highlighting of best practice, organisations of scant resource are likely to take on the burden for testing and refining their education initiatives incrementally. This is onerous for individual organisations involved and inefficient for the Citizenship Education sector more generally. The Democratic Life coalition suggest that OFSTED would be an appropriate vehicle for quantitative research conducted with schools, and that ACT could host examples of best practice online.

- 28. Aside from case studies illustrating best practice, multiple evaluation frameworks exist across Europe that ambitiously map the most efficient and scalable models for the delivery of EDC. The CoE runs an evaluation tool that facilitates comparison between European nations. The United Kingdom did not participate in the 2016 iteration of this process. The benefit of standardised evaluation tools, as expressed above, is that the information can lead to positive results for educators in their delivery. There are even greater benefits to be reaped in European-wide tools because these are more likely to capture the range of potential problems and issues that educators across Britain will face. The UK is also a notable omission from the leading 'International Civic and Citizenship Education Study'. 19
- 29. Highlighting successful initiatives and sharing positive case studies produce multiple benefits to the Citizenship community. Notification of best practice allows educators and resource-producing organisations to efficiently deploy their resources, helps stakeholders to avoid detrimental approaches, fosters effective Citizenship practice and increases the confidence of teachers to continue delivering the subject.

### 30. Recommendations

- Recommendation 5- Benchmark best practice to highlight effective Citizenship Education with a special subject survey by Ofsted.
- Recommendation 6- Contribute to international evaluative frameworks such as the CoE Reporting Tool and the International Civic and Citizenship Education Study.

### IV Issues in Teaching the Rule of Law

- 31. DfE has promoted several initiatives in recent years to enable schools to discuss social and political issues. These initiatives have modified the attitudes and behaviours of Citizenship educators, as its malleable, diverse curriculum facilitates teaching these topics.<sup>20</sup>
- 32. These recent strategies have included:
  - Providing funds for initiatives that increase character and resilience training for learners,
  - A duty to have "due regard to the need to prevent people from being drawn into terrorism", and,
  - The 'Fundamental British Values' agenda.
- 33. Anecdotal evidence collected by the Bingham Centre in its outreach work with schools suggests that the announcement of successive strategies within short periods of time can cause confusion amongst teachers about how such strategies will be implemented. This can cause disruption for an already ill-understood subject.

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<sup>&</sup>lt;sup>19</sup> http://www.iea.nl/iccs

<sup>&</sup>lt;sup>20</sup> Professor Lee Jerome, The Bingham Centre, Fundamental British Values and The Rule of Law, Accessed 6/9/17 https://youtu.be/j5w2p7QPFZI

- 34. Though provision is patchy and inconsistent, there is a widespread understanding of the key political concepts underpinning the KS3 and 4 Citizenship curriculum. There is less understanding about the legal aspects of the curriculum. Legal knowledge is diffuse and sparse in comparison to knowledge about political institutions.<sup>21</sup> This can be reflected in a topic at the cross-section of law and politics, human rights. A recent teachers' poll saw 47.4% of respondents state that their students did not understand human rights (despite its presence on the National Curriculum for KS4).<sup>22</sup>
- 35. The same survey suggested that almost a third of teachers felt unequipped to teach their students about human rights. As this was a self-selecting group of teachers, the true average across England's schools is likely to be higher than this. The difficulty that Citizenship educators have in teaching about legal matters was reflected in editor's notes introducing an article written by the Bingham Centre for 'Teaching Citizenship' (the leading subject journal produced by ACT). The introduction stated that, "until we met colleagues from the Bingham Centre, we thought we understood what the phrase 'the rule of law' meant when it appeared in the government's statement of Fundamental British Values. In fact, as this article shows, the concept is more nuanced and more useful than we thought." This can be seen as a reflection of the lack of resources available to Citizenship educators in section III that cover the full spectrum of the curriculum, but it also undermines the extent to which educators understand a crucial concept that they are teaching, the rule of law, which is not defined in the DfE guidance.<sup>24</sup>
- 36. Comments gathered from participants in the Bingham Centre pilot study support this paucity of understanding around the rule of law. Qualitative responses to survey questions saw respondents comment that "existing Citizenship materials lacked information on law and justice", that they "did not contain materials that could engage students and develop the required skills" and that there is "a lack of resources for law as a KS3 and KS4 subject."
- 37.80% of surveyed teachers felt that the resources provided prepared them for delivering the lessons that they otherwise could not have conducted, emphasising the impact of rule of law-based resources in enhancing teachers' capabilities.<sup>25</sup>

#### V The Benefits of the Rule of Law

38. The revised curriculum for Citizenship in 2014 introduced international law as a discrete requirement for Citizenship subject content to be taught alongside the pre-existing human rights requirement. Despite the apprehension that some teachers have expressed to the

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https://www.gov.uk/government/uploads/system/uploads/attachment\_data/file/380595/SMSC\_Guidance\_Maintain ed Schools.pdf and

 $\frac{https://www.gov.uk/government/uploads/system/uploads/attachment\_data/file/268826/dept\_advice\_template\_sm\_scadvicenov13.pdf$ 

<sup>&</sup>lt;sup>21</sup> University College London. Faculty of Laws. (2015). English and Welsh Civil and Social Justice Panel Survey: Waves 1-2, 2010-2012. [data collection]. UK Data Service. SN: 7643, http://doi.org/10.5255/UKDA-SN-7643-1

<sup>&</sup>lt;sup>22</sup> https://www.tes.com/articles/magna-carta-how-well-do-pupils-know-their-own-human-rights

<sup>&</sup>lt;sup>23</sup> Xiao Hui Eng, The Association of Citizenship Teaching, Teaching Citizenship, May 2016, p40

<sup>&</sup>lt;sup>25</sup> Wilson, Citizenship and The Rule of Law, York Consulting, 2016. <a href="https://www.biicl.org/documents/1740">https://www.biicl.org/documents/1740</a> rpt-rule of law2015 v3.pdf?showdocument=1

Bingham Centre about teaching international law at KS4, it is our view that legal content provides an enriching and suitably challenging environment for all learners. This is supported by the continued engagement of Citizenship educators in our work and our independent evaluation report. The Fundamental British Value of the rule of law, though currently misunderstood, can empower teachers at any level, promoting a positive vision of Citizenship within a tolerant and cohesive society.

39. The University of Warwick conducted a pilot education initiative applying the Fundamental British Value of the rule of law to primary schools. They taught a number of human rights-based lessons using the Fundamental British Values as a framework, the second of which focused on that of the rule of law. Though legal and justice content was challenging for the students, reference to wider human rights values such as universality negated any potential for the Fundamental British Value guidance to be interpreted in a way that was subversive or intolerant. The findings of this model are inherently useful to educators that seek further clarity on Fundamental British Values and suggest that with improved guidance the teaching community can bring students together in promoting engaged Citizenship through the use of the rule of law and human rights education.

#### 40. Recommendations

- Recommendation 7- Consider allowing individual DfE strategies (such as Fundamental British Values) to operate without shifts in focus or the announcement of new strategies so that sufficient time is available to monitor and evaluate their delivery.
- Recommendation 8- Produce new guidance for all schools, in consultation and development with leading rule of law organisations, such as the Bingham Centre, on the requirements of teaching the rule of law within a democratic society.

# VI About The Rule of Law for Citizenship Education

- 41. The Rule of Law for Citizenship Education is the Bingham Centre's headline programme. The programme teaches students about the fundamental aspects of the justice system to enable them to become active citizens. In 2016, an independent evaluation exercise was conducted which saw 97% of students report an increased understanding of the justice system as a result of this intervention. <sup>26</sup> This evaluation report raised a number of practical challenges for our own intervention and the delivery of Citizenship education more generally, and these will be raised throughout this response.
- 42. Since this 2015 programme, the Centre has continued to support teachers in the delivery of Citizenship Education, focusing on the Fundamental British Value of the Rule of Law. In 2017 we launched a new textbook, 'The Rule of Law for Citizenship Education, International Law and Human Rights' that was awarded the Citizenship Foundation Quality Mark. Our Citizenship teaching programme is now present in over 250 schools and education providers across England (as of August 2017). The Centre draws upon a wealth of expertise in Citizenship Education from the delivery of highly successful programmes and constant reflective evaluation.

<sup>&</sup>lt;sup>26</sup> Wilson, Citizenship and The Rule of Law, York Consulting, 2016. <a href="https://www.biicl.org/documents/1740">https://www.biicl.org/documents/1740</a> rpt-rule of law2015 v3.pdf?showdocument=1