The Rule of Law and ‘British Values’ Teaching for Citizenship and SMSC

Event Report

Date: 24 November 2015

Venue: Bingham Centre for the Rule of Law, Charles Clore House, 17 Russell Square, London WC1B 5JP.

Speakers:
- Professor Hugh Starkey (Professor in Education, Institute of Education)
- Balbir Sohal (Council Member, Association for Citizenship Teaching)
- Xiao Hui Eng (Research Fellow, Bingham Centre)
- Professor Lee Jerome (Associate Professor of Education, Middlesex University)
- Darren Butler (Head of Citizenship, Simon Langton School)
- Chris Waller (Professional Officer, Association for Citizenship Teaching)

Chairs:
- Dr Lawrence McNamara (Deputy Director, Bingham Centre)
- Professor Lee Jerome (Associate Professor of Education, Middlesex University)
The Bingham Centre and Association for Citizenship Teaching (ACT) held a two-session CPD event on ‘The Rule of Law and ‘British Values’ Teaching for Citizenship and SMSC’. The event aimed to tackle some of the challenges that teachers face in addressing the Department for Education’s new requirement to teach and promote ‘British values’ in schools and to offer some much-needed guidance on content and methodology for teaching it.

The first session, chaired by Dr Lawrence McNamara (Bingham Centre) explored the backdrop against which rule of teaching comes into play, including the challenges of teaching the government’s ‘Fundamental British values’ in schools and how schools could respond to this challenge. The speakers for the session were Professor Hugh Starkey (Institute of Education) and Balbir Sohal (Association for Citizenship Teaching).

The second session, chaired by Professor Lee Jerome (Middlesex University), was a workshop led by teachers with experience of teaching the rule of law, who provided guidance on the content of the rule of law and worked examples of how to teach it. Speakers for the session were Xiao Hui Eng (Bingham Centre) and Darren Butler (Simon Langton School).

Chris Waller from the Association for Citizenship Teaching and Lawrence McNamara closed the event.

Professor Hugh Starkey - “Fundamental British Values or Fundamental Human Values?”
Professor Hugh Starkey argued that the definition of ‘Fundamental British Values’ (FBVs) developed by the UK Government contains nothing distinctive from other statements of principles for living together such as those found in the Universal Declaration of Human Rights (UDHR) or the 12 Core Socialist Values currently being promoted by Chinese President Xi Jinping. However, the government’s short list of FBVs seem inadequate when compared with other more comprehensively thought out value statements (such as the UDHR or Core Socialist Values) and appear to be selected without much thought.

The kinds of values that are encapsulated by FBVs currently exist within Citizenship education topics such as teaching about development of democratic government, human rights and international law and the nature of a multicultural society.

Professor Starkey put it to the audience that in a globalising world and in a multicultural society (such as the UK), education for national citizenship needs to be complemented by education for cosmopolitan citizenship based not just on Fundamental British Values but rather on the Fundamental Human Values that are captured in the UDHR.

Balbir Sohal- “The challenges of teaching British Values”

Balbir Sohal’s presentation looked at the political context in which ‘British values’ are set and how teachers can meet the challenge of teaching and promoting ‘British Values’. Since autumn 2014, schools have been required by the Department for Education to promote British values within schools as part of SMSC. The term ‘Fundamental British Values’, however, was initially coined in 2011 by the Home Office within a definition of extremism, which eventually set out the Prevent strategy. These values were also reiterated in the Department for Education’s Teacher Standards, which sets the minimum standards for teachers’ practice and conduct.

Balbir offered practical advice on how schools can promote British Values, as set out in the SMSC requirements, providing examples of steps schools can take and different ways schools have approached this requirement. For instance, some schools have uploaded videos on their websites to demonstrate areas in which FBVs are being promoted within their schools. She also provided an insight into what OFTSED inspectors will look for when assessing whether a school meets the SMSC requirements, such as a strong ethos that enables personal development and
a range of opportunities that support the development of students’ self-esteem. She advised
that schools should develop a planned, coherent whole-school approach to SMSC
development, link SMSC development to school ethos and values and understand that SMSC is
wider and deeper than ‘British values’.

Session 1 Question and Answers
Participants discussed the contested nature of ‘British values’ being termed as British. The panel
encouraged raising these sorts of debates while bearing in mind the context in which it has
arisen. The panel also noted that the promotion of “British-ness” can exclude certain sectors of
society, that aren’t perceived to be British by the wider community. Participants also asked for
further elaboration on how schools have responded to the introduction of these new policies
and what they are doing in practice to implement it. Balbir said that many teachers were
unaware of the specific requirements, particularly the understanding and knowledge expected
of pupils as a result of promoting FBVs, including an understanding of how citizens influence
decision making through the democratic process, an understanding that the freedom to choose
and hold others faiths and beliefs is protected in law and an appreciation that living under the
rule of law protects individual citizens. She also said that Management often saw it as a tick
box exercise, which they could fulfil through simply putting a video on their school website.
However, she noted that most schools were already meeting some of the requirements but
have just failed to highlight it effectively or are simply calling it something else.

Xiao Hui Eng: “Introduction to the Rule of law”

Despite being a teaching requirement in the Department for Education’s SMSC guidance, the
rule of law is a concept that can be difficult to grasp, by both teachers and legal professionals.
It can be described as a certain set of qualities that good justice systems should aspire to.

Xiao Hui Eng’s presentation gave participants an insight into the elements that make up the
rule of law and indicators of a good and fair justice system that serves all members of society.
Hallmarks of a justice system that comply with the rule of law include: equality before the law,
clarity and certainty of the law, exercise of power within the limits for which it was given and
access to justice and fair trial including independent judges. She noted, however, that even if a
justice system were to exhibit these largely procedural qualities it could still be qualitatively non-
compliant with the rule of law. The missing element is that the substance of the law must
respect individual rights and liberties.

Xiao Hui explained the purpose of rule of law teaching, which aims to dispel the idea that the
law is always right, that the rule of law simply requires us to obey the law and will only serve
certain sectors of society. It promotes understanding that justice is for everyone and that while
the justice system sometimes falls short of rule of law values of equality, fairness, liberty and
justice, we can effect change through equipping ourselves with the knowledge and tools to take
action through the right channels. Rule of law teaching encourages skills development and
does not just tell children what the law is, how the system functions and what they should think
or how they should behave. Instead it equips students to think independently and to evaluate
our law and justice system for themselves.

Professor Lee Jerome: “The contribution of citizenship education to ‘Fundamental British Values’
and Prevent”

Professor Lee Jerome’s presentation focused on the broader educational context in which the
Bingham Centre’s rule of law resources can be used and how schools can construct a response
to the Fundamental British Values teaching requirement. He noted that the curriculum is often
given as a solution to various socio-political, economic problems faced by society and the
challenge is then to find a way to construct an educational curriculum that gives children an
opportunity to explore these issues in a fruitful, beneficial way. He suggested that citizenship
was the appropriate educational vehicle for dealing with these issues.
Fundamental British Values forms part of the Prevent policy for schools and Professor Jerome argued that Citizenship educators need to distinguish carefully between the child protection agenda and the educational agenda within this policy. In searching for an educational response to FBV, he supported a 3-dimensional view of learning in Citizenship; a combination of factual knowledge, conceptual frameworks and epistemic rules (which the Centre’s Rule of Law resources provide). Applying this to teaching the rule of law, on a factual level, students may learn, for example, about how courts operate and about legislation and legal infrastructure. This is complemented by teaching on a conceptual level to introduce ideas such as equality before the law, justice, liberty and human rights. Finally, above all this, epistemic rules, such as reasoning from evidence and judging the relevance of information, enable students to identify how to establish rule of law knowledge and allow students to articulate and present their arguments rationally. Adopting this framework facilitates deeper learning that incorporates skills such as debate and critical analysis which they can utilise in different contexts. This deeper learning supports and enables the teaching of fundamental British values.

Darren Butler- “Approaches to British Values teaching”

Darren Butler’s session took participants through a worked example from the resource pack dealing with the principles of fair trial. In this activity, students are required to give advice to a judge to ensure a trial is conducted fairly and in accordance with international fair trial standards.

Darren also shared his experience of teaching the rule of law and engaging students with difficult concepts. Prior to using the resources, he recognised that his teaching of law and justice content within Citizenship was based on factual knowledge and was unchallenging for the students, mainly due to his lack of legal knowledge and expertise. After introducing the resources in his lessons, he found that it challenged both the students’ and his thinking and enabled the students to articulate their arguments outside the classroom in different contexts. He found that the resources were successful in making the issues relevant to young people through the use of examples and case studies, which allowed them to connect and engage with the issues.

Now in his second year of using the resources, Darren advised teachers to invest time and effort in the Bingham Centre’s rule of law resources, as it had the potential to provide the bedrock for quality teaching in citizenship for many years.

Session 2 Question and Answers:

The panel answered questions about the practicalities of delivering lessons from the resource pack, such as the response from students, the amount of preparation required for both teachers and students and how the example lesson could be further developed.

Closing note by Chris Waller and Dr Lawrence McNamara

Chris Waller made several observations about citizenship teaching practice in the FBV climate. Firstly, he stressed the importance of confidence and competence of teachers in understanding the complexity of the issues that were discussed. Secondly, he explained the need for high quality teaching and for resources that would generate evidence of the impact of citizenship teaching. He highlighted the worry amongst the Citizenship community that the new SMSC and FBV requirements would lead to a form of belligerent citizenship that was nationalistic and paternalistic and devoid of any real discussion and debate. Lastly, he noted that the current political context meant that these issues would remain controversial for a long period of time and advised citizenship teachers to use this opportunity to inspire students to think about the issues deeply and to become active citizens.
Dr Lawrence McNamara closed the event with a short summary of the core discussions that took place. He underlined the fact that the rule of law was a concept with concrete content and clear principles rather than being an abstract concept. It raises challenging questions in our lives such as whether we can challenge decisions made by the government for example those that might be made under the proposed bill on non-violent extremism which may permit banning orders being imposed on certain organisations, restricting people’s movement and closing down premises. If ‘British values’ are vague and contested as proposed by speakers in the event, then on rule of law grounds, it would be difficult to justify their mandatory promotion.