



Accountability and the rights of EAL learners

Fiona Ranson discusses the lack of accountability for EAL learners

Anyone in England who is interested in learners with EAL will understand how the arrival of updates and guidance from Department for Education (DfE) and Office for Standards in Education, Children's Services and Skills (OFSTED) can be met with a sense of foreboding, and the almost certain prediction that the needs of EAL learners will go missing from governmental discourse once again. Anyone who opens these documents and undertakes a search for learners with EAL within them will understand the sense of disappointment while wading through the meals, reals, reallys and health on finding that EAL, even in its long hand 'English as an Additional Language' has once again been 'disappeared'.

Before we started work on the additional pamphlet *NALDIC's vision for an Inspection framework – through a Children's Rights lens* (included with this summer 2023 issue of the *EAL Journal*), which examines OFSTED's framework for inspection¹, we wanted to be sure that we had not overlooked any commitment to the pedagogy and pastoral needs of EAL learners, found within. So, we extended the search beyond the EAL acronym, to comprise additional words and acronyms, including: Language, English, minority, ethnic, BME, BAME, linguistic, bilingual, multilingual, refugee, asylum, additional,

interpreter, diversity, equality. Some of these searches yielded finds such as: 'English', which when contextualised within the document referred to progression across English as a curriculum subject. In another example, 'additional' referred to teachers' 'additional workload', 'additional funding' and 'additional resource provision'. A search for "ethnic" revealed that inspectors will look for:

*"use of a range of social skills in different contexts, for example working and socialising with **other pupils**, including those from **different** religious, **ethnic** and socio-economic backgrounds."*

Following this, inspectors will look for "things we share in common across cultural, religious, *ethnic* and socio-economic communities", and will look to see that there is respect and a "celebration of these things we share in common" (my emphasis). The inclusion of 'ethnic' then, can be read or misread in two ways: who are the 'other pupils' who are from 'different ethnic backgrounds'? And who are 'we'? Does this refer to all of us in England? Or is it measuring difference against a majority ethnic background - the White British 'we'? It would be easier to confidently agree that it's the former, if the search for 'linguistic' didn't yield zero findings.

Compounding this, within the

search for 'interpreter', OFSTED quite rightly remind their inspectors that they may need to check "whether a British Sign Language Interpreter will be provided by the school when inspectors are meeting pupils". However, there is no mention of needing an interpreter to speak to newly arrived pupils, who have a first language other than English. The search using the term 'equality' yielded nine hits, asking inspectors to be mindful of SEND, protected characteristics and ensuring that "school fulfils its statutory duty... under the Equality Act, 2010". There is no reference to 'race' except within a list of the Equality Act's protected characteristics, and no mention of racism.

Children come first

In a recent OFSTED blog, we are told "safeguarding children in schools is about fostering a culture where children come first"². However, who are these children? In our review of the OFSTED framework, we struggled to see a child who isn't imagined as a monolingual child, with English as their first language.

Recent governmental data³ shows that state-funded nurseries have 29.1% children who have a language "known or believed to be other than English" - nearly a third! For primaries the data is 21.2%, for secondaries 17.5% and for state-funded special schools this is 14.6%. The data shared averages out as 19.5% of learners in English schools who have a language "known or believed to be other than English". This equates to one fifth, almost 20% of our learners - a percentage going forward, which is set to increase. Of course, these learners all have their own story and are far from homogenous. We also know that official data often lacks

"There is no mention of needing an interpreter to speak to newly arrived pupils, who have a first language other than English."

robustness (often underrepresenting the true picture of multilingualism), but working with what we've got, every percentage suggests a potential learner who may be in the process of acquiring English, whether a complete beginner or at a more advanced stage of English language acquisition.

Wouldn't you think that such a learner, who is in the process of acquiring English, would at the very least secure a mention in the OFSTED Handbook? Wouldn't you think that the inspectors would make a determined effort to examine pedagogical and pastoral approaches used to support these learners? Wouldn't you think, in the true spirit of Article 12 of the UN Convention for the Rights of the Child (CRC)⁴, which states that 'children have the right to give their opinions freely on issues that affect them, adults should listen and take children seriously', that OFSTED would require use of interpreters so that they could capture everyone's voice?

Revisiting the UNCRC, surely OFSTED should be mindful of the following, as a bare minimum:

Article 3: When adults make decisions, they should think about how their decisions will affect children. (Read this as: OFSTED should consider how their current invisibilising of EAL learners may disadvantage them).

Article 29: Children's education should help them fully develop their personalities, talents and abilities. It should teach them to understand their own rights, and to respect other people's rights, cultures and differences. It should help them to live peacefully and protect the environment. (Read this as: OFSTED should stop invisibilising the linguistic needs of EAL learners).

“Wouldn't you think that the inspectors would make a determined effort to examine pedagogical and pastoral approaches used to support these learners?”

Article 30: Children have the right to use their own language, culture and religion - even if these are not shared by most people in the country where they live. (Read this as: Ofsted should be asking to see how EAL learners are supported to have their first language recognised, and how schools support its maintenance).

The disappearance of, or failure to mention learners of EAL from England's accountability framework, including EAL pedagogy, together with a recognition and response to racism, has the effect of removing them from educational discourse. Failure to recognise their strengths and needs and relegating EAL learners outside of OFSTED's approach to examining schools' teaching and learning, safeguarding and leadership and management, invisibilises them and sends a message that it is okay to invisibilise them.

Accountability measures

Whilst not endorsing the current framework or arguing that the OFSTED model is an acceptable model, it is the accountability model imposed on schools. England's Education Reform Act, (DES, 1988) identified a number of accountability measures to be introduced across education provision in England. In doing this, OFSTED became the driving force for accountability, together with national testing, published league tables, prioritising testing, and parental choice.

Together, these are key components of what has become known as the GERM - the Global Educational Reform Movement - an Anglo-American conception that has resulted in schools across the world suffering from the same symptoms. GERM's symptoms include: a narrowing of the curriculum

in schools; a focus on teaching to the test; a filtering and categorisation of children as successes and failures; and “making some schools reluctant to take on pupils who are likely to lower the school attainment figures” (NUT, 2015, p. 6)⁵.

Turning to Wales, Scotland and Northern Ireland, and their commensurate Inspectorates: Estyn, Education Scotland and the Education and Training Inspectorate, it is possible to identify some rejections of some of the most damaging aspects of GERM. Scotland, Wales and Northern Ireland for instance abolished league tables, although they later reintroduced them in a different, arguably 'less high stakes', way.

In Northern Ireland, an Inspection and Self Evaluation document (for Primary) (2017), also has no mention of EAL, as an acronym or in long form. However, under 'Quality of Provision', inspectors will:

“seek to establish that “the school has an agreed whole-school programme that addresses issues, such as, bullying, sectarianism, racism, and good relations, and is an integral part of learning and teaching and the school development plan;” (p.8).⁶

At least we have a recognition of racism here!

Furthermore, the Education Authority Northern Ireland, contains a “free of charge” Intercultural education service⁷ available to all schools across Northern Ireland⁸. This service provides “interpreting and translation, and advice and support to schools”, which includes:

- Welcoming new arrivals
- Promoting intercultural awareness in the school
- Communication with home
- Planning for the first few weeks
- Monitoring progress
- Curriculum access
- Overcoming specific language difficulties
- Exam preparation in post primary
- Toolkits for Preschool, Primary, Post Primary and Special Education
- On-line Courses

Wales, meanwhile, recently (2018)

conducted an Independent Review of Estyn⁹ and recommended that “the high stakes aspects of the current accountability arrangements are likely to undermine the government’s aims for a self-improving and learning culture and should be replaced by other approaches” (2018, p.69). The Welsh government accepted all of the recommendations contained within this Review. Turning to what they have to say about EAL learners, in Estyn’s Guidance for inspectors¹⁰, we learn that inspectors must produce a ‘background’ section, incorporating factual information about the learners, including: “the linguistic background of the pupils”(p. 2). Also,

“Inspectors might also evaluate the progress of pupils with English as an additional language (EAL)[...] and those from minority ethnic groups” (2022, p. 6).

Lastly, inspectors will consider how well:

“the school or PRU develops their curriculum to fully reflect the nature of their context, including designing learning activities that reflect the cultural, linguistic and diverse nature of Wales and the wider world, including how the provider plans for teaching pupils about the history and experiences of Black, Asian and Minority Ethnic communities and LGBT+ people” (2022, p. 9).

Such inclusions are commendable.

Turning to Scotland, there appears to be very little within Scottish Inspection documents, (How Good is Our School) beyond the identification of family learning as a key component of schools, noting that:

“Staff work with parents and carers to reduce potential barriers to engagement and are responsive to family circumstances such as[...]English as an additional language”.¹¹

However, the Scottish Government have recently (2020) produced Learning in 2(+) languages¹², a document for schools, from Learning and Teaching Scotland (take note DfE), which aims to identify good practice in supporting learners of EAL. This document covers bilingualism, partnerships with parents, supporting the development of EAL in the classroom, assessing progress and includes a section which reviews the rights of the child, in relation to education and multilingualism.

Writing this, as someone who is more familiar with the English system, I realise that I may have missed key details from Scotland, Wales and Northern Ireland, and I apologise in advance if this is the case. However, even with my limited understanding of three of the four nations’ approaches to EAL, it is clear that Northern Ireland is committed to building capacity and supporting provision across all schools. Scotland has sent a message from their government to their educators that EAL learners

matter. Meanwhile, Wales are reviewing the GERM they caught from England and are reflecting carefully on the problematic nature of high stakes accountability and its detrimental impact on education. In addition, they are asking their educators to think about the linguistic needs of their learners. This leaves England, who in comparison, is surely letting down EAL learners and their families with its systems?

Of course, the inclusion of EAL learners in OFSTED and DfE guidance would not in or of itself reform education provision. In a political environment where inequalities are actively and ideologically constructed by governments, it is unlikely that a truly inclusive education system can be conceived. In an environment where accountability results in fear, anxiety and competition and commensurate difficulties in teacher retention, and a narrowing of the curriculum, we are unlikely to find true inclusion. Instead, we need as educators to campaign for a system of school improvement which supports teachers to grow and develop. We need a system where collaboration is the underpinning plank of education improvement. Instead of accountability, we need to emphasise responsibility and trust in our teachers to seek out the knowledge, skills and expertise to develop an EAL pedagogy (Sahlberg, 2018). ■

Fiona Ranson is an associate lecturer at Northumbria University and a PhD candidate

Footnotes

¹<https://www.gov.uk/government/publications/school-inspection-handbook-eif/school-inspection-handbook>

²<https://educationinspection.blog.gov.uk/2017/01/18/keeping-children-safe-in-education-and-ofsted-role/>

³<https://explore-education-statistics.service.gov.uk/find-statistics/school-pupils-and-their-characteristics>

⁴<https://www.unicef.org/media/56661/file>

⁵<https://www.basw.co.uk/resources/exam-factories-impact-accountability-measures-children-and-young-people>

⁶<https://www.etini.gov.uk/sites/etini.gov.uk/files/publications/the-inspection-and-self-evaluation-framework-isef-effective-practice-and-self-evaluation-questions-for-primary-1.pdf>

⁷<https://www.eani.org.uk/school-management/intercultural-education-service-ies>

⁸<https://www.eani.org.uk/school-management/intercultural-education-service-ies/newcomers/newcomer-support>

⁹<https://www.estyn.gov.wales/system/files/2022-01/A%2520Learning%2520Inspectorate%2520-%2520en%2520-%2520June%25202018.pdf>

¹⁰https://www.estyn.gov.wales/system/files/2022-09/What%20we%20inspect%20-%202022_0.pdf

¹¹https://education.gov.scot/media/2swjmnbs/frwk2_hgios4.pdf

¹²https://education.gov.scot/media/y5jfn5gg/learning_in_two_languages.pdf

References

Sahlberg, P. (2018). Finnish Lessons 2.0: what can the world learn from Educational Change in Finland? Teachers College Press.