View metadata, citation and similar papers at core.ac.uk

brought to you by CORE

provided by Canterbury Research and Theses Environment

Canterbury Research and Theses Environment

Canterbury Christ Church University's repository of research outputs

http://create.canterbury.ac.uk

Copyright © and Moral Rights for this thesis are retained by the author and/or other copyright owners. A copy can be downloaded for personal non-commercial research or study, without prior permission or charge. This thesis cannot be reproduced or quoted extensively from without first obtaining permission in writing from the copyright holder/s. The content must not be changed in any way or sold commercially in any format or medium without the formal permission of the copyright holders.

When referring to this work, full bibliographic details including the author, title, awarding institution and date of the thesis must be given e.g. Robson, Jennifer van Krieken (2012) Understanding practitioners' responses to inequality and breaches of human rights. Ph.D. thesis, Canterbury Christ Church University.

Contact: create.library@canterbury.ac.uk

Canterbury Christ Church University

UNDERSTANDING PRACTITIONERS' RESPONSES

TO

INEQUALITY AND BREACHES OF HUMAN RIGHTS

by

Jennifer van Krieken Robson

(ROB00842801)

Thesis submitted to Canterbury Christ Church University

for the degree of Doctor of Philosophy.

2012

This page is intentionally blank.

CONTENTS

Page		
2	Contents	
4	Abstract	
5	Acknowledgements	
6	List of Acronyms	
7	Chapter 1	Where did this thesis begin?
15	Chapter 2	My Research Pathway
43	Chapter 3	Concepts of Equality, Inequality and Human Rights
92	Chapter 4	Understanding the ‘messiness’ of work
102	Chapter 5	My Journey as a practitioner
117	Chapter 6	Welcome to the Roma?
153	Chapter 7	Terminal Care
190	Chapter 8	Are we protecting or persecuting Muslims?
225	Chapter 9	Where does this thesis end?

253 Bibliography

274 Appendix 1 Data Log – Welcome to the Roma

277 Appendix 2 Data Log – Terminal Care

280 Appendix 3 Data Log – Are we persecuting or protecting Muslims?

282 Appendix 4 Participants' Information Sheet

List of Tables

18 Table 1: Research Timeline

35 Table 2: Data Collection Strategy

45 Table 3: A first attempt at a map of equality and human rights concepts

84 Table 4: Ten Dimensions of Equality

List of Figures

40 Figure 1: Map of interconnected data for the case studies

189 Figure 2: Christmas card received by researcher by e-mail in December 2009

Total: 110,700 words. (Excluding Bibliography and Appendices)

ABSTRACT

My thesis arose from a sense of frustration that the inequality and breaches of human rights experienced by children and young people were unaddressed within the education settings in which I work.

Using Mills' (1959) notion of connecting the *'personal troubles of the milieu'* and the *'public issues of the social structure'* I explore my own, and other's practice, to achieve a range of alternative responses to inequality and breaches of human rights. Exploration of theoretical perspectives shows that different conceptual positions (e.g. equality of condition, Baker et al 2004; capability equality, Sen, 1999; social justice Gewirtz, 1998 and Gerwirtz and Cribb, 2002) can be used to reduce inequality and promote human rights. Human rights can be viewed as '*complex problems'* (Freeman, 2002) in the way they relate to human needs; they are seen as entitlements or obligations and viewing rights as universal is conditional on the nature of an acceptable ethic (Sen, 1999) or a person's moral nature (Donnelly, 2003). Human rights can be realised through the social relations and struggles to overcome oppression (Landmann, 2006). Such conceptualisations support practitioners in understanding the operation of human rights.

Using qualitative research methodology I conduct a series of case studies that emerged from the dilemmas within my own practice. As an 'insider researcher' (Costley, Elliott and Gibbs, 2010) I use interview and participant observation as tools to collect data revealing multiple narratives and perspectives on each case (Holliday, 2007). Through a journal I explore the tensions in the relationship between researcher and practitioner; I analyse experiences by considering them as '*problematic, routine or ritual like'* (Denzin, 1989) and this brings new perspectives on my struggles to address injustice.

My findings suggest that practitioners display a sense of 'moral ambiguity' (Bauman, 1993) or 'moral stasis' (Mills, 1959). I argue discourse obscures and validates (at an institutional level) inequality and breaches of human rights. Some practitioners resisted the dominant negative discourses and presented alternative responses; others retreated into their personal space where they protected the familiar and struggled to challenge a negative discourse. They positioned the unfamiliar as the 'other', the 'stranger' or the 'vagabond' (Bauman 1993, 1997).

Alternative responses could be formed through opportunities for debate and discussion by moving from the 'mass' to the 'public' (Mills, 1956). Practitioners' engagement in narratives of injustice (Osler and Zhu, 2011) enables greater understanding of injustice, inequality and rights. As a result practitioners problematize issues and identify actions realisable within their own realm of practice (Gewirtz and Cribb, 2002 and Sen, 2009).

ACKNOWLEDGEMENTS

The opportunity to do research has been a lifelong dream and I thank all the people who have made this journey possible. My parents for enabling me to have the education they never had. I thank my family for their patience, support and encouragement. I thank my colleagues for engaging and participating in this research.

I would like to thank Professor Tony Booth for his creative and collaborative supervision.

LIST OF ACRONYMS

BBC	British Broadcasting Corporation
CPAG	Child Poverty Action Group
DCSF	Department for Children, Schools and Families
ECHR	European Convention of Human Rights
EHRC	Equality and Human Rights Commission
NSPCC	National Society for the Prevention of Cruelty to Children
UDHR	Universal Declaration of Human Rights
UNCRC	United Nations Convention on the Rights of the Child
UNComRC	United Nations Committee for the Rights of the Child
OHCHR	Office of the High Commissioner of Human Rights
UK	United Kingdom
UKBA	United Kingdom Border Agency (formerly the Border and Immigration Agency)

CHAPTER 1.

WHERE DID THIS THESIS BEGIN?

INTRODUCING MY DILEMMAS AS A PRACTITIONER

The origin of this thesis is within the unresolved dilemmas in my own practice over a twenty four year period. I have worked as an education practitioner in a range of settings including local authorities, schools, Children's Centres and Higher Education Institutions. The consistent focus of my work has been promoting equality and realising human rights for children, young people and their families.

Dilemmas occur when practitioners and their institutions respond to incidents where children experience inequality and breaches of human rights. I relate dilemmas to Mills' (1959) description of the *'personal troubles of the milieu'* (p.6), where issues arise in the self and the local environment, and the *'public issues of the social structure'* (p.6) where issues arise with values and in the life of institutions or in the public realm. In my journal I explored this further:

> *'I worked in a primary school as a teacher with a specific remit to manage the transition from a separate and segregated education provision for Gypsy Traveller children to an inclusive provision in the school. On arriving in the school in April I observed the Gypsy Traveller children were physically separated; they had a mobile classroom positioned in the playground, they had separate playtimes and they remained with their teacher during the lunch period. In starting the dialogue with the staff in the school I explained my job role and asked the staff for their views on the current arrangements. Responses from the teachers included statements such as 'it works well as the Gypsy children do not want to mix, they want to stick together', 'we will never be able to have them in the class because of the attitudes of the other children', 'this will be your job (meaning me) to make this happen', 'their parents (meaning the Gypsy Traveller parents) only sent them to school because they knew all the children would be together and they liked this', 'they don't attend now and they will never attend because they won't like it'. On reflection I was ill-prepared for this discussion as I had mistakenly assumed that the teachers would recognise the discrimination and denial of rights inherent within the current arrangements. It also raised questions as to whether the teachers understood or were even aware of the connections between the experience of Gypsy Traveller children in their own school and the discrimination experienced by Gypsy Travellers as a whole within society more widely.'* (Journal, April 1989[1])

Incidents such as this continued throughout my practice in education almost on a weekly basis. I held a sense of frustration at practitioners' apparent lack of understanding of equality and human rights within the scope of their work. I wondered how practitioners related to the structures of their institutions and society more widely. Mills (1959) describes a process of connecting the *'personal troubles*

[1] Journal, April 1989 – entry in my journal following my first staff meeting in the primary school.

of the milieu' and the *'public issues of the social structure'* (p.6) and he goes on to say:

> '*the individual can understand his own experience and gauge his own fate only by locating himself within his period, that he can know his own changes in life only by becoming aware of those of all individuals in his circumstances.'* (p.5)

He suggests an outcome of such a process would be a position of greater understanding:

> *'The sociological imagination enables its possessor to understand the larger historical scene in terms of its meaning for the inner life and the external career of a variety of individuals.... By such means the personal uneasiness of individuals is focused upon explicit troubles and the indifference of publics is transformed into involvement with public issues.'* (p.5)

Exploration of the dynamic of the *'personal troubles of the milieu'* and the *'public issues of the social structure'* is central to this research.

My frustration was deepened when institutional policies included empowering statements guaranteeing equality or human rights that appeared to have no influence on practice. It is as if people use a language of equality but without any theoretical understanding or practical comprehension of equality as a concept that could have implications for action. MacIntyre (1984) describes a process whereby the language of morality has become the '*fragments of a conceptual scheme'* (p.2):

> *'…the language and appearances of morality persist even though the integral substance of morality has to a large degree been fragmented and then in part destroyed.'* (p.5)

Just as MacIntyre suggests that people use a language of morality but without a deep understanding of morality, I argue that practitioners and institutions use a language of equality and human rights but with a fragmented understanding of the meanings of such concepts.

My movement as a practitioner between roles, institutions, projects and priorities provides a rich experience and diversity of practice. I started this journey as a practitioner in 1986 and continued it as practitioner and researcher between 2007 and 2012. I was aware of an evolving local, national and global context. This was manifested through global events, (for example, the war in Afghanistan), new legislation (for example, the Equality Act 2010) or changes in national policy (for example, new asylum regulations). There were no fixed points although I observed the way in which colleagues appeared to lock or fix their personal space in order to maintain a certainty and sense of security. I discuss this in my journal:

> *'We were discussing why the family (who were newly arrived to the UK) had not sought a school place for one of their children. The response of the practitioner was that the family had made no effort to do this when the other*

children had been admitted into the school six months previously. She felt that prosecution of the parents was an appropriate way forward. When I asked the practitioner why she thought the family had taken this course of action, she responded that she did not know but was aware that the other children had never let on that they had a brother. I explained that the child had a learning disability and that the family had kept the child hidden because they were frightened that the local authority would remove the child from their care. The practitioner replied that she could not understand this. I reflected that the practitioner could not place herself in the same space as the family and that the family's fear of persecution was beyond her experience. In her world the fixed point was that the family were at fault and the only strategy available was punishment. She could not comprehend that there may be features of the school or our community that did not give the family and their child confidence in coming forward or that the family believed they were acting in the interests of the child. There was a further question of how the right to education would be realised and whether our understanding of the barriers to realise this right recognised the complexity of the issues for the family.' (Journal, October 2010[2])

I recognise the challenges of occupying this transitory and mobile space as a practitioner. Bauman (1993), complementing Mills, describes this as a crisis that manifests itself in a state of uncertainty where nothing is fixed but where boundaries and certainty are sought:

'*The truth in question is that the "messiness" will stay whatever we do or know, that the little orders and "systems" we carry out in the world are brittle, until further notice, and as arbitrary and in the end contingent as their alternatives.'* (pp.32-33)

Mills (1959) describes this state as a 'moral stasis':

'..men often sense that older ways of feeling and thinking have collapsed and that the newer beginnings are ambiguous to the point of moral stasis .... in defence of selfhood they become morally insensible, trying to remain altogether private men ....' (p.4)

I argue practitioners' interaction and engagement with uncertainty informs their response to issues of equality, inequality and human rights. Bauman (1993) describes this state of uncertainty as a '*moral crisis'*:

'Ours are the times of strongly felt moral ambiguity. The times offer us freedom of choice never before enjoyed, but also cast us into a state of uncertainty never before so agonizing. We yearn for guidance we can trust and rely upon, so that some of the haunting responsibility for our choices could be lifted from our shoulders. But the authorities we may entrust are all contested, and none seems to be powerful enough to give us the degree of reassurance we seek. In the end, we trust no authority, at least we trust none fully, and none for long: we cannot help being suspicious about any claim to infallibility. This is the most acute and prominent practical aspect of what is justly described as the "post-modern moral crisis".' (p.21)

[2] Journal, October 2010 – entry in my journal following discussion in a school about a child who had Down's Syndrome who was newly arrived in England. The focus of the discussion was ways forward for the child and family to access education.

My research navigates and explores this space of moral ambiguity.

RESEARCH QUESTIONS

My broad aim is to further understanding of concepts of equality and human rights. I explore how different conceptual positions have the capacity to promote or obscure equality and human rights and how they can affect practice. I consider what influences practitioners' responses in situations where there are perceptions of inequality, injustice and breaches of human rights.

My experience as practitioner and researcher is central to this study; it provides a space for me to connect the *'personal troubles of the milieu'* and the *'public issues of the social structure'* (Mills, 1959 p.6) in order to arrive at a set of new and fresh understandings on the dilemmas within my practice.

My research questions are:

- How do practitioners respond in situations where I (or other people in the research setting) perceive inequality or breaches of human rights?
- What enables or inhibits practitioners' responses to inequality or breaches of human rights?
- What might inform or shape an alternative range of responses that would reduce inequality and promote human rights?

Why is this important?

Within the lifetime of this research there have been significant developments in the presentation and management of equalities and human rights at a national level. In 2006-7 the government commissioned an Equalities Review[3] to inform the future policy, strategy and legislation on equalities in Great Britain. October 2007 saw the establishment of the Equality and Human Rights Commission (EHRC) replacing three separate national commissions focused on promoting race, disability and gender equality. The EHRC's stated purpose in 2007 was '*to reduce inequality, eliminate discrimination, strengthen good relations between people and*

[3] The Equalities Review was tasked to 1) Investigate the social, economic, cultural and other factors that limit or deny people the opportunity to make the best of their abilities. 2) Provide an understanding of the long term and underlying causes of disadvantage that need to be addressed by public policy. 3) Make practical recommendations on key policy priorities for: the Government and public sector; employers and trade unions; civic society and the voluntary sector. 4) Inform both the modernisation of equality legislation, towards a Single Equality Act and 5) the development of the new Commission for Equality and Human Rights. (http://webarchive.nationalarchives.gov.uk/20100807034701/http://archive.cabinetoffice.gov.uk/equalitiesreview/publications.html. Last accessed on 27th March 2012).

protect human rights'[4]. Linking the '*reduction of inequality'* and '*protection of human rights'* is an emerging area of policy. Understanding this relationship is central to this research.

Within the broad agenda of 'equalities in education' attention in research has been centred on issues of equal access and participation within formal education for different groups of children (Lynch and Baker, 2005, p.131). Research has primarily focused on effective practice in education institutions; including leadership and management, curriculum, community engagement and pedagogy (typical examples of the extensive research in this area include Blair and Bourne, 1998; Bhopal et al, 2000). Research has also explored or described the experience of significantly disadvantaged groups[5] and made suggestions for improvements in education provision (typical examples of the extensive research in this area include Parsons et al, 2004; Derrington and Kendall, 2004 and Tippett et al, 2010). Within the agenda of human rights studies in education the predominant focus has been on educating children and practitioners on human rights (for example, Starkey, 1991; Hart et al, 2001; Unicef, 2010 and Osler and Starkey, 2010).

My research contributes to this area of scholarship in two ways: firstly, I explore the relationship between equality and human rights at a conceptual level and how this relates to practice; and secondly, I explore the range of practitioner responses that reduce inequality and promote human rights, including the conditions needed to enable such responses.

RESEARCH STRATEGY

My research strategy responds to the research setting (my workplace) and the duality of my role as researcher and practitioner.

> *'Qualitative research is a situated activity that locates the observer in the world. It consists of a set of interpretive practices that make the world visible. These practices transform the world.'* (Denzin and Lincoln, 2005a, p3.)

Qualitative research as a paradigm positions the researcher as an integral part of the research setting (Holliday, 2007, p.16). This provides a role for me in enabling the complexities of the research setting to become visible to a wider audience (Denzin and Lincoln, 2005a. p.4). Qualitative research allows the research strategy to engage with the complexity of the research setting:

---

[4] http://www.equalityhumanrights.com/ (Accessed on 14th February 2007). This purpose has subsequently been changed to reflect the Equality Act 2010 and the remit of the Equality and Human Rights Commission is described as '*We have a statutory remit to promote and monitor human rights; and to protect, enforce and promote equality across the nine "protected" grounds - age, disability, gender, race, religion and belief, pregnancy and maternity, marriage and civil partnership, sexual orientation and gender reassignment.'* http://www.equalityhumanrights.com/about-us/. (Accessed on 21st March 2012).

[5] For example, children who are Gypsies, Travellers, Refugees, Lesbian, Gay, disabled or of minority ethnic background.

> *'..qualitative researchers deploy a range of interconnected interpretive practices, hoping always to get a better understanding of the subject matter at hand. It is understood, however, that each practice makes the world visible in a different way.'* (Denzin and Lincoln, 2005a, p.4)

Denzin and Lincoln (2005a) use the metaphor of 'quilt maker' or 'jazz improviser' to describe the researcher as they engage with multiple methods. They recognise the high level of personal involvement of the researcher in the research setting:

> *'The qualitative researcher who uses montage is like a quilt maker or a jazz improviser. The quilter stitches, edits, and puts slices of reality together. This process creates and brings psychological and emotional unity - a pattern - to an interpretive experience.'* (Denzin and Lincoln, 2005a, p.5)

I have three elements to my research strategy: firstly, a review of the theoretical perspectives on equalities and human rights; secondly, a reflection on my own practice as practitioner and researcher, recognising my own experience is integral to the research process; thirdly, through case studies an exploration of a number of experiences from my own practice. I integrate the three strategies throughout the thesis.

Practitioners in this study

Throughout this thesis I use the term 'practitioner' to describe people working within the research setting (including myself). Costley, Elliot and Gibbs (2010) in their exploration of work based research suggest:

> *'The term 'practitioner' has developed as a kind of quasi-professional concept, suggesting a mode of working that is characterised by thoughtful and reflexive action.'* (p.116)

I recognise their reservation that 'practitioner' is used as a generic term and may well not reflect different or specialist occupational job roles. Their notion of practitioners' *'thoughtful and reflexive action'* is helpful in shaping my research because it suggests that practitioners are pro-active and responsive. My engagement with practitioners respects that they are *'thoughtful and reflexive'* and I recognise that their '*reflexive action'* may be shaped by different interests, biographies, priorities and orientations (Costley et al, 2010, p.117). But I also use the term 'practitioner' as a strategy to provide anonymity for participants. I am aware that this may mask the hierarchy of operation within the research setting. This generic term may also obscure the diversity and complexity of participants' roles and relationships in the research setting and impact on the depth of description.[6] I manage this in two ways, firstly, when using the term 'practitioner' in my journal I describe the context and purpose of the role, but without using their

[6] Practitioners in the research setting have a diversity of roles. They include teachers, teaching assistants, administrators, school governors, social care workers, advisors, voluntary sector workers, advisory teachers, headteachers, local authority managers, managers in Higher Education, family liaison officers, children's centre managers and directors of services in local authorities.

job title. I use the broad terms of ‘School practitioner’, ‘Local authority practitioner’ or ‘Specialist practitioner’. Secondly, with each case study I describe the range of roles and responsibilities of people I interviewed but anonymise the data to ‘Practitioner A’ or ‘Practitioner B’.

STRUCTURE

In **chapter two** I discuss the formation of my **research pathway**. I explore the process of doing research at work by considering my presence as a researcher and the impact of the workplace culture. I develop a strategy for the review of the literature that responds to my concerns as a researcher, the research questions and research settings. I consider how I develop the use of my journal to discuss and reflect on my experiences as both researcher and practitioner. I introduce case study as an appropriate strategy to gather and analyse the complexity of data arising in the research settings. I analyse the ethical issues that emerged at the start of this research project and discuss how my research strategy engages with such issues to ensure transparency, confidentiality and clarity for participants. I form strategies for data collection, data analysis and writing this thesis supported by theoretical perspectives about conducting qualitative research.

In **chapters three and four** I review the **literature** in two parts. In **chapter three** I review theoretical perspectives on human rights, equality, inequality and justice. I found this helpful in developing my own understanding of how different conceptual positions are related and how they may or may not reduce inequality and human rights. In **chapter four** I explore literature that supports an understanding of workplace cultures that enable or inhibit practitioners’ engagement with issues of inequality, equality, and rights.

In **chapter five** I reflect on **my journey as a practitioner** through an analysis of the issues and dilemmas emerging in my practice. I describe inequality as it impacts directly on children and their families. I present my practitioner journey as a series of experiences. This is a process of accepting the messiness and unresolved nature of my work and bringing to the fore my inadequacies as a practitioner. Through this chapter I connect my ‘*personal troubles of the milieu’* with the *'public issues of the social structure'* (Mills, 1959, p.6). I reflect how my understandings of practice have changed through engagement with a wider space of theoretical perspectives and research. Within this analysis I explore the multiple discourses I encounter on equality and human rights in the workplace. This chapter concludes with a critical reflection on how I could respond differently with the benefit of new knowledge and perspectives.

Chapters six, seven and eight are case studies where I explore the dilemmas raised for practitioners, and their responses, when they encounter the experience

of inequality and breaches of human rights for children. In each case study I consider the contextual factors that enable or inhibit practitioners' responses.

Chapter six is the **case study 'Welcome to the Roma'**. This case is about the dilemmas experienced by practitioners as they work with schools in two towns, in my local authority, to overcome resistance to including Roma children. I analyse how practitioners describe, understand and respond to the prevalent negative discourse on Roma children. I position this case within the literature about the experience of Roma children in the United Kingdom (UK) and in the wider European context.

Chapter seven is the **case study 'Terminal Care'**. This case is centred on the responses of practitioners to the inequality and breaches of human rights experienced by children and their families in the asylum system. I explore practitioners' engagement with a government project aimed at providing an alternative to detaining families prior to their deportation from the UK. In setting the scene for this case I review literature describing the experience of inequality of children in the asylum system.

Chapter eight is the **case study 'Are we persecuting or protecting Muslims?'** This case is about practitioners' responses to the inequality and breaches of human rights experienced by Muslims in the UK after the events of September 2001 in New York and the July 2005 bombings in London. I analyse practitioners' engagement with government strategy focused on the prevention of violent extremism. I reflect, as practitioner and researcher, on incidents where there have been perceptions of inequality and breaches of human rights for Muslim children and adults.

Chapter nine, 'Where does this thesis end?' concludes the thesis with a discussion and reflection on my research findings**.** Firstly, I discuss the learning (both anticipated and unexpected) in relation to each of the research questions. As part of this process I interviewed practitioners and invited them to challenge my research findings from the perspective of their knowledge and experience. I consider the alternative perspectives on my research findings provided through these interviews. Secondly, I reflect on the evolution and development of my research strategy and the learning from this process. I consider alternative ways I could have managed the research process. Thirdly (and finally) the chapter and thesis concludes with a consideration of the possibilities for future research.

CHAPTER 2.

MY RESEARCH PATHWAY

MY RESEARCH STRATEGY

Throughout this chapter I discuss the pathway for my research and its relationship to the research questions and settings. I set out when and where I conducted the research over a five year period. Through an analysis of the three elements of my research strategy (personal reflection on practice and research, literature review and case study) I describe how I managed my presence as both researcher and practitioner. This chapter concludes with a discussion about my research procedures including data collection, data analysis and writing. In the discussion of the research strategy and procedures I embed a reflection on the ethical issues that emerged at the beginning and throughout the research process.

Getting started

This project began as research questions emerged from the unresolved moral dilemmas in my own practice, relating to the inequality and breaches of human rights that I (and others) perceived to be experienced by children and their families. I can relate my experience to Miller's (1997) notion that narrating our own life leads to the formation of research questions and the search for a wider view:

> '..*beginning with the story of (my) own interest in the question (I am) asking and planning to research into. From that initial story, (I) may move towards the mapping of (my) developing sense of the question's interest for (me) onto the history of more public kinds of attention to it.'* (Miller, 1997, p.4)

I had written about my practice through a journal since 1986; in revisiting my journal I recognised that dilemmas were multi-layered, complex and my understanding of them was fragmented. Denzin and Lincoln (2005a) suggest that qualitative researchers study phenomena in their natural settings and interpret multiple meanings. I recognised my research questions provoked opportunities for closer engagement with the complexity and multiplicity of perspectives in the research settings and that this may lead to alternative understandings. Denzin and Lincoln (2005a) argue that qualitative research, within an interpretivist paradigm, accepts the reality and messiness of the research environment:

> *'There are no objective observations, only observations socially situated in the worlds of the observer and the observed. Subjects or individuals are seldom able to give full accounts of their actions or intentions; all they can offer are accounts, or stories, about what they did and why.'* (p.21)

I proposed my research questions as a means of exploring dilemmas that are 'socially situated' within my practice and that of others. Cresswell's (2009) notion of

research as interpretative inquiry supports an understanding of how I as a researcher engaged with the research questions:

> *'Qualitative research is a form of interpretive inquiry in which researchers make an interpretation of what they see, hear and understand. Their interpretations cannot be separated from their own backgrounds, history, context and understanding. After the research is issued, the readers make an interpretation as well as the participants, offering yet other interpretations of the study. With the readers, the participants, and the researchers all making interpretations, it is apparent how multiple views of the problem can emerge.' (*p.176)

I anticipated that new interpretations will continue to emerge as the readers engage with the research questions and outcomes from the perspective of their own *'backgrounds, history, context and understanding '* (Cresswell, 2009).

Merrill and West's (2009) description of research conducted from a postmodern perspective challenged me to engage with the research questions by exploring and accepting the complexity in the context of my practice:

> *'There is a respect for the plurality of perspectives, rather than a single truth from a privileged perspective, while emphasis is given to local, contextual studies rather than grand narrative and methods that can homogenise or sanitise complex features.'* (p.192)

As researcher I engaged with the '*plurality of perspectives'* as they emerged in the research settings and the literature.

At the beginning of this research process I related my position as a researcher to what Holliday (2007, p.16) and Cresswell (2007, p.38 and 2009 pp.175-176) describe as the qualitative research paradigm. My research questions emerged from the dilemmas I encountered on a daily basis in my practice. In drafting the research questions I recognised the opportunities to '*problematize, reveal hidden realities and initiate discussions'* (Holliday 2007, p16). I anticipated there would be close exploration of the complexity of issues through multiple sources of data (Cresswell, 2009, p.176). I was convinced that important issues would emerge and they would change my understanding of practitioners' engagement with notions of equality and rights. I wanted to be '*self-critical and engage in a creative dialogue with participants'* (Holliday 2007, p16). I was an integral part of the research setting and managing my presence as researcher formed a critical element of my strategy (Holliday, 2007).

WHERE AND WHEN I CONDUCTED THIS RESEARCH PROJECT.

The decision to embark on research was made during 2006; my proposal was accepted by Canterbury Christ Church University in October 2007 and this thesis concluded in July 2012. During this five year period the site for my research project was the local authority where I practised as a manager of education

services to children and their families. The services for which I was responsible developed the capacity of schools, early year's settings, children's centres and colleges so that they could more effectively include children from a range of different backgrounds or circumstances (e.g. Gypsy Roma children or children seeking asylum). I was not new to the research setting as I had practiced in the local authority since 1989 and prior to that in similar roles in other local authorities. At the outset I recognised that my work positioned me as a manager in the research setting and I had a career history of engagement with issues of equality and inequality; both factors led to potential tensions in the research process (Costley et al, 2010) and this is discussed further below. I understood that the research strategy needed to enable me, as researcher, to approach the research questions and setting as a stranger so that the familiar became unfamiliar and strange (Holliday, 2007).

Timeline for research

My research strategy was emergent; it responded to the research questions, participants and complexity of the research settings (Cresswell, 2009, p.176). I revisited the different elements of my strategy as my engagement with the research setting evolved during the project. This was a process of continually challenging my understanding as researcher; for example, my engagement with the literature was throughout the entire project as I revisited theoretical perspectives in the light of new understandings from analysis of data in the research setting. I had starting points for different phases and elements of the research but they did not conclude until the thesis was formed; this process is presented visually as Table 1. I discovered that research as a process *'was not linear more a wavy line with loops'*, (Journal, January 2008[7]).

[7] Journal, January 2009 – my notes about how I understand the research process.

Table 1: Research timeline

<table>
<tr><td>2007</td><td>2008</td><td>2009</td><td>2010</td><td>2011</td><td>2012</td></tr>
<tr><td>Research proposal accepted</td><td colspan="5"></td></tr>
<tr><td colspan="6">Formation and continuous review of research strategy and procedures</td></tr>
<tr><td colspan="6">Engagement with the literature</td></tr>
<tr><td colspan="6">Research and practice journal (including reflection and analysis of my practice journal in the period 1986 to 2007)</td></tr>
<tr><td></td><td>Research Ethics approval</td><td colspan="4"></td></tr>
<tr><td colspan="2"></td><td colspan="4">Case study: Welcome to the Roma(including reflection and analysis of my practice journal in the period 1997 to 2009)</td></tr>
<tr><td colspan="2"></td><td colspan="4">Case Study: Terminal Care (including reflection and analysis of my practice journal in the period 2007 to 2008)</td></tr>
<tr><td colspan="2"></td><td colspan="4">Case Study: Are we persecuting or protecting Muslims? (including reflection and analysis of my practice journal in the period 2001 to 2009)</td></tr>
<tr><td colspan="5"></td><td>Ending this thesis: Conclusion</td></tr>
</table>

MY ROLE AS PRACTITIONER AND RESEARCHER AT WORK

In this section I discuss the experience of doing research at work. My work and research were inextricably linked for 5 years; exploring this relationship and the impact on the research setting, particularly the ethical issues arising from my position as a manager in my local authority, formed my research strategy.

Mills (1959) in a reflection on scholarship suggests:

> *'…the most admirable thinkers within the scholarly community ... do not split their work from their lives. They seem to take both too seriously to allow such dissociation, and they want to use each for the enrichment of the other.'* (Mills, 1959, p.195)

Recognising this reciprocity and the potential for enrichment of both the researcher and practitioner was central to my research process. Many studies acknowledge

the strengths of work-based research. Sikes and Potts (2008) refrain from definitions but recognise that such research is described in a number of ways including '*researching from within', 'insider research' or 'member research'* (p.3). Costley, Elliot and Gibbs (2010, p.3) in their discussion of approaches to *'insider research'* argue that work settings have ambiguity and paradox. They suggest this is best explored through 'insider research' because of access to data and the insight of the researchers. Smyth and Holian (2008) suggest further strengths:

> *'We believe that research conducted from within is worthwhile and special because it can help solve practical problems. It forces us to ground our work in everyday issues as those experience them, it confronts us and others with our assumptions, perceptions and their consequences, it enables us to learn, reflect and act and it insists we engage with what and who we are curious about.*' (p.34)

Reed and Procter (1995, p.195) identify positive criteria that characterises practitioner based research in health settings including, for example; the ability to identify and explore political and historical factors affecting practice, the ability to enquire and discuss value issues, the ability to integrate personal and professional learning and the potential to collect views from a range of participants.

Costley et al (2010, p.5) suggest that the practitioner as researcher is instrumental in bringing about change in the work setting as they occupy a space over which they have some control. For me, the significant aim was to capture learning as part of a critical and theoretical reflection, followed by a consideration of what could be changed and how this might move beyond the constraints of current policy and practice. My research was instrumental in the sense that my aim was to generate and capture learning.

As a practitioner setting out on research I recognised the strengths of being an ‘insider researcher’ and the relevance of this approach to my research questions. Such an approach enabled engagement with the moral ambiguity (Bauman, 1993) I observed in the research setting and gave visibility to alternative responses that would reduce inequality and breaches of human rights. I had a responsibility of ensuring my response to the research questions was as much about my own practice as others. I felt the challenge of giving visibility to my own practice and explaining my presence as both researcher and practitioner in the research setting. Holliday (2007) suggests that researchers show the workings of their research so that it is clear to the reader how the research has been conducted. I applied this principle by also making clear how I worked as a practitioner and sharing my reflection on personal practice recognising (and welcoming) that readers may have a different interpretation of my own actions.

Reflexivity

Managing my physical presence within the setting formed an element of my research strategy. I recognised the significance of my contribution to the research setting in that I was as involved in '*culture making'* as much as any other person (Holliday, 2007). Culture can be described as:

> *'..a dynamic, on-going group process which operates in changing circumstances to enable group members to make sense of and operate meaningfully within those circumstances.*' (Holliday, 2007, p.12)

Recognising my presence, I wrote in the first person ensuring that my voice was distinct amongst all people within the research setting; this gave my view as researcher appropriate space and definition whilst also providing space for other perspectives.

Holliday (2007) pursues the theme of the personal position of the researcher. He argues that researchers should be clear and write about this presence throughout the research process. Holliday suggests a way of understanding this presence is through the principle of reflexivity:

> *'It* [reflexivity] *relates to both how researchers think and act, and to social phenomena themselves. I see it most helpfully as the way in which researchers come to terms with and indeed capitalise on the complexities of their presence within the research setting, in a methodical way.*' (p.138)

Cohen et al (2000) provide a further perspective on the principle of reflexivity:

> *'Reflexivity suggests that researchers should acknowledge and disclose their own selves in the research;..... Highly reflexive researchers will be acutely aware of the ways in which their selectivity, perception, inductive processes and paradigms shape the research.'* (p.141)

I found both perspectives helpful in shaping my research strategy. Giving visibility to the complexities of my presence in the research setting also provided opportunities to problematize and reflect on my presence.

Challenges and tensions of being an 'insider researcher'

As an 'insider researcher' I also recognised the tensions of conducting research at work. Costley et al (2010) identify the challenges of such an approach and these resonated with my own fears at the start of the project. They suggest that practitioners who become 'insider researchers' may face barriers in gaining access to the site as a research setting. They argue that 'insider researchers' may challenge value systems in organisations and there may be issues of power that the researcher needs to manage in the research process.

I found Holliday's (2007, p.151) way of looking at the relationships between the *'researcher culture'* and the *'research settings culture'* helpful in addressing these tensions of conducting research at work. I reflected on the culture I brought to the setting and how this impacted on my research strategy because of the complexity of my dual roles of practitioner and researcher:

> *'My role of practitioner is the familiar territory but the role of researcher is new and challenging and I feel the novice.'* (Journal, January 2008[8])

I explained to people in the research setting that I was a novice learning to do research. I was open about being a post-graduate research student. This strategy was consistent with my wider approach as a practitioner of always acknowledging if I did not know about a particular topic or subject. People at work appeared to welcome this openness of approach about my acquired role as a researcher (Journal, April 2008[9]) but I recognised that there were a range of views about my research:

> *'When I first talked to my manager about doing the research her initial and immediate response was 'Well you had better not tell anyone you are doing this.' I reflected on what was meant by this. Was it that research activity held no currency in the workplace and was not valid? Was it that she was concerned that people would not wish to engage or would consider this to be an intrusion? When we discussed further she said her concern was that it would impact upon my effectiveness in my job role as colleagues would refuse access and close their engagement with me on the basis that they did not want to be a subject of the research project and this would affect my work. I reflected on the implications of this statement and felt that my manager viewed my engagement in the research as an inhibitor rather than an activity that may lead to learning for me and eventually enhance my effectiveness in the job role. I explained that the research could only be undertaken through negotiation and consent. She said that people would anticipate what I might discover and that this would prevent them from taking part because it would be considered a risk to them personally. Exploring this theme with another colleague their response was that "doing research won't help you work here - it will make it worse", we discussed what was meant by the remark and they said they felt that equality was a lost cause and that any attempt by me to bring about discussion would be halted because it would challenge the status quo. My colleague felt that the research risked bringing further retrenchment in the organisation.' (Journal, October 2007[10])*

This conversation remained with me throughout the research process and I regularly revisited this entry in my journal. I understood that my presence as a researcher was perceived by some people as a threat and a challenge to the organisation. I anticipated that people at work may have a range of views about the research project and that this may impact on their engagement with me as researcher.

---

[8] Journal, January 2008 – my notes about starting research.

[9] Journal, April 2008 – my notes about introducing research into my workplace.

[10] Journal, October 2007 – my reflection following a meeting with my manager and initial discussions with colleagues about doing research at work.

Theoretically I had open access to the research settings (Costley et al, 2010, p.3) because my job gave me a mandate for opening discussions with practitioners about equality, inequality and human rights. I recognised that the level of legitimacy arising from my position as a manager with this mandate could remain unquestioned in the research setting. However, I did not feel that my position guaranteed me access; I always had to find a way to commence work and this required negotiation and dialogue in order to secure engagement and overcome resistance or refusal. I often felt rejected and did not appreciate the underlying reasons for people's resistance. I learnt through reflection that this was part of the process of establishing relations with people in the workplace. I had come to understand it as a phase where the new or alternative perspectives are formed through dialogue. I brought an experience embodying resilience and persistence to the research setting but I anticipated that negotiating access as a researcher would be different (Journal, September 2007). Holliday (2007, p.147) describes the situation of the researcher who as '*insider*' may feel an '*outsider*' in the research setting. I recognised the need to continually explain my presence in the research setting to participants and allow opportunities for people to question or challenge me.

Writing about the process of entering and understanding the research setting became a critical part of my research process. Holliday (2007) describes the ways in which the researcher and people in the research setting relate to each other as a *'culture of dealing'* (p.151).

> *'When entering the setting, the researcher is also bringing her own cultural baggage and discourse. The setting thus becomes a culture of dealing between this and the culture of the people there. It is a dangerous place where misconceptions of the foreign can easily arise.'* (Holliday, 2007, p.163)

I developed strategies to manage my own behaviour and presence in the research setting and treated this as data (Holliday, 2007; Stake, 1995). As a practitioner I was already engaged with the research setting as a working environment; this presented dilemmas and these were explored in my journal:

> *'In my job role I am presented with 'problems' and am always under pressure to seek a resolution, improve performance and 'sort it out' - even in circumstances where it is clear to a number of practitioners that there is no quick solution and that whatever could be put in place in the short term could be a partial solution or mask the issues. An example of this is responding to situations where there are perceptions of racial incidents and practitioners have been asked to take action to prevent the escalation of complaints or to prevent parents going to the press. I observe a willingness to deal with the immediate issues and my measure of this is the pace of response by practitioners to e-mails, telephone calls or to engage in meetings, however, taking the longer view of what needs to be done to address and prevent*

racisms is a harder discussion and not seen as part of the resolution.' (Journal, July 2009[11])

I recognised the ideology of the workplace and how this impacted on my role as a researcher. For example; there was a risk I may transfer the ideology of the workplace by looking for a singular and narrow outcome from my inquiry. At work I was under pressure to operate within policy and political boundaries. I was often required to present one option rather than multiple options in response to an issue or challenge. For example, I was asked to manage a reduction in provision in the local authority due to a reduction in a central government grant, the Ethnic Minority Achievement Grant. I was required by management to put forward a proposal as to how the local authority could manage with less funding rather than exploring alternative funding that would have maintained or increased the level of provision. As a way of reflecting on the pressure to adopt a linear approach I explored literature that provided theoretical perspectives (for example, Furedi, 2005) on how ideologies operated within the workplace.

In my initial exploration of the relationship between the roles of researcher and practitioner I considered whether I transferred, if sub-consciously, not only the ideology in the workplace but also practices from my job into the role of researcher. I continued to explore this relationship throughout the research project, I asked: 'What do I do at work and how does this relate to the research?'

> *'I realise that my work and the research could be inextricably linked through common tasks, including for example: observing, listening, talking with people, questioning, gathering information, undertaking analysis, providing alternative perspectives and working with people to find alternative ways forward. I see research as including these tasks but informed and challenged by the processes of engaging with the research questions, a review and analysis of the literatures and the writing of the research. I began to see that the research would bring new interpretations, understandings and perspectives which may be beyond or outside what I already knew about the issues I encountered at work. Above all, the research process provided distance from the work - so although I was there physically as practitioner the function of doing research provided space for reflection.' (Journal, September 2010[12])*

I began to acknowledge and experience the value of doing research at work and how the research strategy enabled me to engage with the research questions as a researcher instead of a practitioner. Research as an activity provided distance from the work and this enabled space for reflection.

My exploration of my *'researcher culture'* revealed the complexity of issues and tensions that arose from the duality of roles of practitioner and researcher. I questioned whether the discourse of my workplace would have the same impact as

[11] Journal, July 2009 – my reflection about the struggle of understanding how to do research at work.
[12] Journal, September 2010 – reflection on how I understood the relationship between my work and research.

Holliday's (2007, p.151) notion of the *'technologised discourse'* of research where the researcher alienates the people in the setting through the technical presentation of their research. My concern was that people in the research settings would view our conversations as ones about work and that my relations with participants would be restricted by the discourse of the workplace. Holliday (2007, p.163) argues that the researcher needs to move on from the discourse they bring to the setting in order to establish relations with people as a researcher. As a result I reflected on the discussions I had at work; they were often informed by an externally set agenda arising from government policy including the level of performance of different services. In contrast as researcher my discussions were informed by the research questions; they were an exploration of the research setting and responded to the participants.

A further tension related to my position as both a *manager* and *practitioner* in the workplace. Sike and Potts (2008) suggest there are issues of power where the manager is a researcher:

> *'Power and authority issues can become especially significant in this case. It is sometimes difficult for co-workers or staff or the researcher to distinguish between the roles, which may arise if data gained from acting out of one role has negative or risky implications for the other one.'* (p.39)
>
> *'Researchers need to be aware of the influence of their organisational role on coercion, compliance and access to privileged information.'* (p.39)

I was not a manager in all the research settings; however, I was known as a manager in the organisation. I made the decision to give visibility to any managerial role I held as a practitioner in the research setting. I recognised people may have a view of me as a manager or a leader that I had not considered or anticipated. For example, I aimed to operate a mode of management which, I hoped, recognised and valued everyone's contribution. I tried to promote an environment where everyone could raise questions, concerns and put forward suggestions. However, I needed to be aware that the practitioners I worked with may have a view of the research or question my motivation for conducting research (Journal, April 2008[13]). Sikes and Potts (2008) argue that researchers need to anticipate changes in relationships in the research setting and be aware that *'aspects of their own insidership will, in themselves, come under scrutiny'* (p.3). Costley et al (2010, p.39) suggest that researchers must be aware of their motivation for conducting research and make this visible to participants. I made clear that my research was about my own practice as well as our collective practice working as a community of practitioners.

My familiarity with settings was also a tension in the research process. How did I know what I already knew and how could this change during the research process?

[13] Journal, April 2008 – my notes about introducing research into my workplace.

I found this question challenging and explored it further by considering each research setting, for example:

> *'I wondered how I can step outside my current thinking on the issue of asylum seeking families - because I may only see what I already knew, or thought I knew about this issue. So my first step is to write down an unedited narrative of what I had done and how I have been involved to date. In reflecting on this monologue I questioned the negativity of my perceptions of practitioners and realised that through the research process I needed to allow the space for their voices to explain their positions. I recognised that I was never negative to people in the physical space of the setting but I used the journal as a space to place these feelings and responses in a way that enabled some reflection.' (Journal, October 2008[14])*

Through a process of reflection in my journal I realised that as a practitioner I had been negative and judgemental about my colleagues. I recognised that my past history of engagement may be a barrier to me as a researcher in the way that I interacted with the participants and enabled them to have a voice. I believed the research process provided fresh opportunities for engagement with the dilemmas that my fellow practitioners faced and research on methodology validated this view (Holliday, 2007; Costley et al, 2010). Schutz's (1970) notion of the stranger approaching a new culture is a way of thinking for the researcher and I embedded this notion in my research procedures through continuous questioning and scrutiny of my actions as researcher.

Ethical considerations

As an 'insider researcher' I reflected on, and considered, the issues of power in the research setting. This was significant as for the participants I was a colleague, practitioner and for some I also held a managerial role. Pring (2004) in an exploration of the philosophy of educational research argues for a process of deliberation where ethical considerations emerge from the research setting rather than from a pre-determined list:

> *'...moral judgements or decision require a great deal of deliberation in the light of the many factors that have to be taken into account. There is rarely a clear cut, and context free, set of rules or principles which can be applied without deliberation and judgement.'* (p.130)

In preparing my submission to the Faculty of Education Research Ethics Committee I reflected on a number of ethical issues emerging from the research setting and informed by studies on research methods (Yin, 1994, 2003 and Stake, 1995):

[14] Journal, October 2008 – reflection on how the dominant voice/presence of the researcher in the case study 'Terminal Care'

- Institutions and individuals may be identified because of the convergence of particular events or issues or because the case had a national standing. In this situation the anonymity of participants was a concern.

- Participants needed to be aware that their accounts will be subjected to analysis and interpretation. Communicating this became part of the process of establishing transparency in the relationship between me (as researcher) and participants.

- Intrusion by a researcher, who was already part of the research setting as a practitioner and/or manager. I recognised people may feel an obligation to participate because of their existing relationship with me, I recognised that this relationship may be informed by my actions as a manager, practitioner or researcher. I was aware that the invitation to participate in the research may be welcome or unwelcome by participants and that I needed to be open to the possibility that people may not want to participate.

- Ensuring the privacy of participants when I was an observer in both the structured and unstructured contexts. I was concerned that all participants were aware of the research project and that the workplace was the research setting.

- Ensuring compliance with the Data Protection Act by keeping information obtained about participants confidential.

I identified a number of strategies to address the ethical issues based on the principles suggested by Pring (2004)[15] for ethical relationships between the researcher and participants:

- In writing about each research setting I ensured anonymity and confidentiality by not disclosing the identity of the individual or institution to other participants or readers through contextual or other description. I considered the options of combining case studies, transposing the case to an alternative area of the country or another institutional context. I was aware any approaches to anonymity needed to be subject to a robust process of review in order that the integrity of the data and perspectives of participants was not lost. This is relevant given the view of Stake (1995, p.8) that case study research is about particularisation and not generalisation.

[15] Pring's (2004, pp.151-2) principles are 1) to set out to participants the types of knowledge being explored, 2) to ensure anonymity and opportunities for participants to check the data, 3) to provide opportunities for participants to *'cross examine'* the researcher, 4) to be open to criticism and alternative interpretations of the research findings and 5) to consider the ways in which the research findings will be used.

- I challenged my findings by being pro-active in seeking critique and alternative interpretations on my research findings through further interviews with practitioners.

- I ensured transparency within my work place by writing to my manager outlining the study, methodology and seeking consent. This ensured that my employer was clear about the research activities.

- I ensured participants had information about the purposes for which data was collected. I wrote to each participant with an information sheet (see Appendix 4). Interviewees were asked for written consent.

- Within my workplace I discussed my research with the aim of communicating my motivation as researcher, the research questions and the nature of the case studies. I talked about my role as a participant and researcher in the research setting.

In the discussion on research procedures I reflect on the ethical issues that emerged as I applied the procedures through the fieldwork.

MY RESEARCH STRATEGY

In this section I outline the elements of my research strategy and how they responded to the research questions and settings.

Research strategy: practice and research journals

I reflected on my own practice through a journal for over 20 years. This started as a confidential and private space in which to explore situations and dilemmas that emerged day to day in my practice. I frequently returned to earlier entries and made notes about what I might have done differently in the light of new experiences. I used the space to formulate new ideas before taking them into a public forum for wider debate and discussion. It told the story of my own engagement with agendas of equality, inequality and human rights at work; how these were linked with, and influenced by, my life history.

Theoretical perspectives on autobiographical writing in research helped me consider how I might use my practice journal in this research project. At the outset I recognised the data in my journal was a resource for problematizing my own experience as it related to the research questions. At each stage in the research process I tracked and analysed my prior history of engagement with the issues and events as they emerged in the research setting. Boud (2001) argues that journal writing is a deliberate and conscious process. This perspective gave me a sense of legitimacy about my journal that previously had little status or space:

> *'Reflection-in-action describes the process of working with, noticing and intervening to interpret events and the effects of one's interventions.....it is through exposing these decisions to scrutiny that the assumptions behind them can be identified and a conscious decision taken to act from a new perspective.* (Boud, 2001, p.12)

Merrill and West (2009) argue that autobiographical writing involves our construction of the lives of people we encounter and that in our biographical writing about others our lives are also reflected:

> '*The implication is that we cannot write stories about ourselves without making reference to and hence constructing others' lives and selves, and these constructions we make of others in writing their life histories contain and reflect our own histories and social and cultural locations as well as psychologies.'* (Merril and West, 2009, p.31).

This raised ethical issues as I considered the ways in which I represented the actions and voices of others in my journal. I reflected on the power of the researcher revealing this narrative to a wider audience through the thesis and the problem of giving voice to practitioners in situations where I was the narrator. There was also the struggle of revealing myself and my own journey as a practitioner when this had previously been contained in a private space. For these reasons I questioned the legitimacy of using my journal. I clarified my intentions as a researcher I used my journal, as a data source, I analysed how I constructed realities in my practice and my engagement with the discourses on equality, inequality and human rights. The purpose of using my journal became clearer, it became a forum for discussing my own practice and how I understood the practice of others.

Theoretical perspectives on personal narratives and biographical research further clarified the position of my journal as an element in my research strategy. Richardson and Adams St Pierre (2005) explore the value of personal narratives as a means of '*evok*[ing] *new questions about the self and the subjective'* (p.965):

> *'They offer critical reflexivity about the writing self in different contexts as a valuable creative analytical practice. They evoke new questions about the self and the subject; remind us that our work is grounded, contextual and rhizomatic; and demystify the research/writing process and help others to do the same. They can evoke deeper parts of the self, heal wounds, enhance the sense of self - or even alter one's sense of identity.'* (p.965)

I found it helpful to consider my journal as a strategy for grounding my thesis in the reality of my practice. I used Denzin's (1989) perspectives on biographical research as a method for the exploration of experience:

> *'Persons as selves have experiences, experience referring here to the individuals meeting, confronting, passing through and making sense of events in their lives… Experiences may be problematic, routine or ritual like.'* (p.33)

Experiences recorded within my journal included those that were 'problematic' (in the sense that they troubled me or were unresolved), 'routine' (the things that I did regularly) and 'ritual like' (in the sense that if I had a troubled day I always wrote about it before I did anything else). Denzin (1989) argues for the importance of studying problematic and lived experiences:

> '*The use and value of the biographical method lies in its user's ability to capture, probe, and render understandable problematic experiences.' (p.69)*

In Chapter Five, I discuss a number of experiences from my journal that affected my practice and understandings of equality, inequality and human rights. They were markers because I returned to them repeatedly as unexplored issues. Through this process I took my experience into a wider space where as researcher I subjected each situation to analysis and scrutiny. This gave structure and visibility to reflective practice.

From October 2007 I extended my journal to include a focus on research. This was a conscious decision to provide a space for reflection and scrutiny of my involvement in the research process. In this way I explored ethical issues as they emerged in the research setting and I challenged my actions as researcher. For example; I repeatedly questioned how I gave visibility to my presence as researcher in the research setting when I was also a practitioner. I recall the various strategies I used including announcing at the start of meetings, or taking people aside to remind them individually or telling people at what stage the research project had reached (Journal, October 2009). Schostak (2002) describes the research journal as:

> '*…a focus for thinking about what is being seen and experienced. It is the basis for thinking about the project and the ways in which it is framed by the purposes of the researcher.'* (p.11)

Mills (1959) suggests *'intellectual craftmanship'* is a process of shaping the '*self*' and implies that a research journal might be valuable in this task:

> *'…capture what you experience and sort it out; only in this way can you hope to use it to guide and test your reflection, and in the process shape yourself as an intellectual craftsman.' (*p.196)

The journal was a method for presenting my own voice and a vehicle to analyse my activity in each research setting. It was also a forum for critical self-reflection on my own actions, interventions and struggles to gain insight into the research questions. I hoped the journal would contribute to the validity of the research process (Maxwell, 2005, pp.12-13).

During the five years of research I refined the use of the journal in the light of theoretical perspectives. Richardson (2003, p.529) suggests structuring the writing about research into observation notes, methodological notes, theoretical notes and

personal notes. She argues this enables the researcher to refine and develop their *'critical epistemological stance'*. By using this structure I was clearer about what I saw and heard in the research setting, my own actions as a researcher and the source of my knowledge. By integrating my own reflections on practice with theoretical perspectives (Maxwell, 2005, p.43), I asked 'how do I know what I know?' and this brought fresh understanding to my initial and often raw observations. Finally, through a structure of personal notes I sustained the inquiry into myself as practitioner but with the added dimension as self as researcher.

Research strategy: exploring the literatures

In this section I describe my strategy for reviewing the literature. This approach developed throughout the research project; I explain this journey in greater depth within Chapter 3.

I drew on theoretical perspectives to deepen interpretation and meanings:

> *'Theory is a spotlight. A useful theory illuminates what you see. It draws your attention to particular events or phenomena, and sheds light on relationships that might otherwise go unnoticed or misunderstood.'* (Maxwell, 2005, p.43)

Theory became a tool to support the analysis of data and to illustrate the meanings and complexities emerging from within the local research setting. I used theory to explore the diversity of perspectives rather than beginning with a theoretical narrative, to which the data responded.

In the context of my practice I primarily engaged with literature produced by government about practice or policy. I observed that such texts held a high currency in my workplace. There was an expectation of implementing new government guidance without questioning the ideology, practice or content. I remained a passive consumer and I felt a sense of frustration at the absence of opportunity to debate or discuss this literature (Journal, April 2008[16]). As a researcher I recognise the need to develop my skills in critically reviewing literature in order to move from this expectation of passive practitioner to active researcher. My relationship with the literature grew as I became more confident in critique and analysis and I describe this process below.

Baker et al (2004, p.15) point out some common features of theoretical texts within the broad genre of equality studies:

- Exploration of the relationship between equality and other concepts or values (for example: freedom, rights, community or diversity)
- Defining the egalitarian ideal

[16] Journal, April 2008 – my notes about introducing research into my workplace.

- Setting out a conception of equality (so for example, making the case for equality or articulating what equality means either broadly or within a specific concept)

I read texts that defined the ‘egalitarian ideal’. As researcher I struggled to engage with theoretical perspectives where there was an omission of discussion about how different positions would either advance equality or perpetuate inequality for people. This was often the case and considerably limited the sense that I, and I suspect others, might derive from the text. I asked 'what would this conceptual position mean in practice for people?' My strategy was to relate different conceptual positions to real examples from my journal. This had a dual benefit of furthering my understanding of both theory and practice. Throughout the literature review I built a relationship between theoretical perspectives and practice and I sustained this approach as I became more confident in critiquing theory and reflecting on my practice from a theoretical perspective. Schostak (2002, p.26) describes the need to allow the review of the literature to grow in response to the emerging needs of the project.

Scoping of the literature identified a broad genre relevant to the research questions and this included:

- Theoretical texts about different conceptual positions on equality, inequality and human rights.

- Research about equality, inequality and human rights.

- Research about the experiences of different groups of people (e.g. disabled people, Lesbian people, men and women) in respect of equality, inequality and human rights. Research in this context is often from a particular standpoint, for example, feminism or through the application of 'queer theory'.

- Theoretical texts that provided greater insight into the 'cultures' of the work place.

- Local and national government guidance and policy texts.

- Reports in the media on incidents or issues of equality, inequality and human rights.

- Campaign texts produced by advocacy or challenge groups focused on issues of equality, inequality and human rights or the experience of different groups of people.

Firstly, I conducted a systematic review of theoretical texts to explore different conceptual positions on equality, inequality and human rights; this approach is

explained further in Chapter Three. This task enabled me to clarify and strengthen my understanding as researcher of the range of conceptual positions that may provide alternative understandings of the research questions.

Secondly, within each case study, I reviewed national policy and strategy for equality, inequality and human rights. I explored the discourses they promoted about equality, inequality and human rights in a social context. Discourse is described as:

> *' .... systems of thought that are contingent upon as well as informing material practices, and that not only linguistically, but also practically through power techniques.... produce particular forms of subjectivity.'* (Alvesson, 2002, p.49)

Alvesson (2002) and Alvesson and Skoldberg (2009) argue that discourse shapes practice within an institution and for the individual. It is:

> *'.....language use anchored in an institutional context, expressing a fairly structured understanding or a line of reasoning with active, productive effects on the phenomenon it claims to understand "neutrally".'* (Alvesson, 2002, p.48)

> *'As discourses structure the world they at the same time structure the person's subjectivity, providing him or her with a particular social identity and way of being in the world.'* (Alvesson, 2002, p.49)

> *'Discourse is thus seen more as a framework and a logic of reasoning that, through its penetration of social practice, systematically forms its objects,..'* (Alvesson and Skoldberg, 2009, p.250)

Alvesson (2002) draws on Foucault's perspectives on the inter-relationship between power and discourse. Foucault describes this relationship:

> *'.. in any society; there are manifold relations of power which permeate, characterise and constitute the social body, and these relations of power cannot themselves be established, consolidated or implemented without the production, accumulation, circulation or functioning of a discourse. There can be no possible exercise of power without a certain economy of discourses of truth which operates through and on the basis of association. We are subjected to the production of truth through power and we cannot exercise power except through the production of truth.'* (Foucault, 1980, p.93)

I explored the meaning of such discourse by considering how it is produced, cumulated and operated within the texts. I considered ways in which discourse operates to exercise power and the way powerful individuals or institutions shape such discourse. I replicated this process in each Case Study as part of the analysis of data from interviews and observations recorded in my journal.

Research strategy: using case study

I considered case study a relevant research strategy because my research questions focused on equality and human rights, not as abstract concepts, but real phenomena within the daily lives of people. Each case study emerged from a number of *'problematic, routine or ritual like*' experiences (Denzin, 1989, p.33), where I or other practitioners' perceived children experienced inequality and breaches of their human rights. Yin (2003, p.4) suggests case study is appropriate when the phenomenon under study is not separable from the context and where there are multiple sources of evidence. In this way case study, as a strategy, met the challenge of enabling my research questions to be explored in the context (and not away from) practice. My aim was for the scope and depth of description, in each case study, to respond to the multiple perspectives of participants, the research questions and the literature specific to that case (Yin, 2003, p23).

Within my work context there were potentially a range of sites for research. My plan was for a series of case studies. Cresswell (2007, p.76) argues that the study of more than one case can reduce the depth of the overall analysis but Yin (2003, p.5-6) suggests multiple case studies within the one research project enable researchers to gain further insight into the research questions. I planned to use Stake's (1995, p.3) notion of the collective case study, where the same research questions can be studied in different settings. By adopting this approach I explored the complexity of the research setting in each case. As researcher I aimed to problematize each case:

> *'Qualitative case research tries to preserve the multiple realities, the different and even contradictory views of what is happening.'* (Stake, 1995, p.12)

Case study as a method enabled me to focus on, and learn from, the specific issues in the research settings, Stake (1995) describes this as a process of '*particularisation*':

> *'The real business of case study is particularisation, not generalisation. We take a particular case and come to know it well, not primarily as to how it is different from others but what it is, what it does.'* (p.8)

I ensured that the people and the 'particulars' of each case were given separate space within the research; each setting is considered in a distinct way but through the umbrella of the research questions and the particular questions relevant to that setting. Stake (1995) argues that case studies are instrumental as they enable insight into the research questions and the researcher to tell the 'particular' story. I argue that there is also the opportunity for the researcher to seek the 'particular' stories that participants had about their involvement in any setting; recognising that this is then interpreted and told by the researcher. I considered that learning from the 'particulars' of each case could bring greater understanding of other 'particular'

situations. This is not generalisation but a process of bringing new and different perspectives to each situation as a result of learning in different contexts.

Cresswell (2007, p.75) and Denscombe (2010, pp.62-63) point out the challenges of conducting case studies. They argue that determining the boundaries of the case is a complex process as many cases do not have clear beginning or ending points. This is highly relevant to my research as the dilemmas within each case are on-going within my practice. My strategy was to structure the case studies around real events with a particular timeframe or context.

Stake (1995, p.4) suggests a number of criteria for selecting cases, including for example, maximising learning, accessibility, uniqueness and context. I questioned 'uniqueness' as an appropriate criterion in the context of my research as all case studies have their unique features. Holliday (2007) provides an alternative and broader view of criteria for selecting research settings:

> *'The setting must have a sense of bounded-ness...*
>
> *The setting should provide a variety of relevant, interconnected data...*
>
> *There should be sufficient richness....*
>
> *The setting should be sufficiently small...*
>
> *There should be access.'* (Holiday, 2007, p.34)

I used Holliday's criteria with the additional consideration that the case should maximise learning in relation to the research questions. Within the introduction to each case study I explain the significance of the case in relation to the research questions.

MY RESEARCH PROCEDURES

Research procedure: strategy for gathering data

Case study as a '*bounded social setting* ' provides a method to explore the research setting through a web of interconnected data (Holliday, 2007, p.35). Maxwell (2005, p.110) suggests that 'rich' data is detailed and varied enough to provide a picture of what is happening in the research setting. Yin (2003, p.4) states that case studies provide a richness of context in which to consider data. He argues that the researcher needs a robust data collection strategy that embraces the multiple sources of data and perspectives on the case. Using Holliday's (2007, p.60) concept of data as *'bodies of experience'* and Yin's (1994, p.79) notion of data as *'sources of evidence*'; I considered the breadth of data available in each case. Data emerged continually through the research process including data previously invisible to me as practitioner.

Informed by Holliday's (2007 p.60) notion of data as a 'body of experience' I developed a framework for data collection (Table 1). This responded to each research setting and the research questions with the aim of capturing the breadth of data for each case.

Table 2: Data Collection Strategy

Collected by	Type of data within the research setting
Research and Practice Journal - observing as an 'insider'	Researchers' (and practitioners') descriptions of behaviours, relations, meetings, buildings, rooms, processes, research process, interactions in the research setting.
Interview	Participants' accounts of behaviours, events, relations, meetings, buildings, rooms, documents.
Literatures review	Texts particular to the research setting and the research questions (as set out in the description of the literatures review above).
Documents review	Unpublished texts that relate to the research setting (e.g. practice documents, informal evaluations, training materials, memorandums, meeting notes). Stake (1995) suggests that documents serve as substitutes for records of activity that the researcher could not observe. I suggest they also provide alternative views of the research setting to that held by the researcher.

Informed by Yin's (1994, p.79) suggestion of maintaining a catalogue or database of evidence I kept a record of the raw data gathered during the research process and used this to inform the analysis of data. I attach a log of data included in each Case Study as Appendices 1, 2 and 3. Entries into the log are anonymised to ensure confidentiality for participants.

Research procedure: interviews

In this section I discuss my strategy for conducting interviews; this was a challenging stage in the fieldwork for the case studies as I was aware of the ethical issues arising from my relationship with the participants as either a colleague or in a managerial role. In the case study 'Terminal Care' I reflected on the process of conducting interviews and the steps I had carefully rehearsed to engage participants in a way that enabled them to opt out of the process:

> *'As researcher I negotiated the interviews carefully. Following an initial discussion I e-mailed people to see if they were interested and if they were happy to receive more information. I then e-mailed the 'Information for participants' text with the consent form and following on from that point agreed a place and time to meet. Practitioners consistently asked to meet away from their workplace. Interviews were conducted after the closure of the project in October 2008, so practitioners no longer had any direct involvement. The interviews took much longer than I had planned and perhaps that was an indication that I had under-estimated the amount that practitioners wanted to say about their involvement. A further reflection was that it took a long time into the interview before we got to the detail of practitioners' involvement, my journal records how we moved from what could seem like a cautious narrative to practitioners clearly stating their concerns and what they saw. Several practitioners commented that they had not discussed these issues outside of the interview and they welcomed the opportunity to do so. It was also an added dimension for me because the discussions I had with practitioners as 'researcher' created new perspectives, views and information that had not been part of previous discussions in my role as 'practitioner'.' (Journal, October 2009[17]).*

Stake (1995, pp.64-65) suggests that interviews are a relevant data collection instrument in case study research because they are a mechanism for people to set out their different accounts of the case and provide the researcher with a multiplicity of views. I also suggest they provide an opportunity to explore the ambiguity and complexity in response to the research questions. I anticipated interviewing as a complex process, particularly in establishing the relationship between the interviewer and the interviewee. I recognised the reality constructed by the interviewee as informed and influenced by me as interviewer and so my own actions needed to be subject to scrutiny (Holliday, 2007, p.20). The interviews may be constrained by the local context and influenced by dominant discourses in the research setting (Alvesson, 2002, p.126).

Fontana and Frey (2003, p.126) observe that concerns about informed consent, the right to privacy and ensuring protection from harm are major ethical issues in research interviews. They also suggest that ethical issues arise from the researcher's degree of involvement in the research setting and the impact this has on the practitioners' voice. This was highly relevant to my research strategy; my relationship with the practitioners (as colleague and for a few, also manager) meant a careful process in negotiating interviews. Fontana and Frey (2003, p.90) argue that a way of reframing interviews is to consider them as a *'negotiated accomplishments*' shaped by the research setting:

> *'Interviewers are increasingly seen as active participants in interactions with respondents, and interviews are seen as negotiated accomplishments of both interviewers and respondents that are shaped by the contexts and situations in which they take place.'* (pp.90-1)

[17] Journal, October 2009 – my reflection on setting up the interviews in the case study 'Terminal Care'.

Kvale (2006) provides an alternative perspective on the interview. He challenges the notion of interviews as *'warm, caring and empowering dialogues'* (p.490*)* where there is little consideration of power relationships.

> *'... a fantasy of democratic relations masks the basic issue of who gains materially and symbolically from the research and where the claims of participation disguise the exertion of power.'* (p.482*)*

> *'The neglect of domination in interviews may be supported by empathetic dialogical conceptions of the research interview as a conflict- and power-free zone.'* (p.483)

Kvale (2006) suggests that the interviewer should actively seek contrasting and different perspectives within the interview as a way of counteracting the impact of their own position.

Using Fontana and Frey's (2003, p.90) notion of the interview as '*a negotiated accomplishment'* I planned specific strategies at each stage of the interview process[18] to promote the participation of the interviewee and counter my position as interviewer. By using case study as a research method I positioned interviews within, and not outside, the context of the research settings and this was made clear to participants through the information provided in advance of the interviews (Appendix 4). In each of the case studies I discuss any particular issues relating to the process of initiating interviews such anonymity and confidentiality and the action I took to minimise any risk.

My strategy was to enable the interviewee to tell the story of their involvement in the case (Stake, 1995). I wanted to be clear with participants that I was aware of issues of access and power in negotiating the interviews (Kvale, 2006, p.497). In my journal I recorded some dilemmas:

> *'I was extremely anxious about the interviews and not imposing my interpretation of events to the interviewee. I was aware that although I believed there to be inequality and breaches of human rights for children that not everyone in the research setting may share this view and I needed to be open to a new interpretation or view of the events.' (Journal, July 2008[19])*

As a way of beginning the interview I drafted a series of open questions and hoped this would enable practitioners to tell their story, what they said, what they saw, how they responded and the factors that influenced their response. I piloted this structure with two practitioners (who were not involved in the research settings). I revised the questions based on their feedback so they became more open ended. On the basis of the feedback from my pilot interviews I made the decision to talk less in the interview and make it clear from the outset that I was there to listen to the practitioner (Journal, July 2008). My plan was to develop the interview as a

[18] I discussed and sought the views of the participant on access, venue and place and time for interviews. I asked them to check and confirm the transcript.
[19] Journal, July 2008 – my notes about conducting interviews.

discussion and follow the story set out by the interviewee. A particular strategy I adopted was to discuss the structure of the interview giving the participant the opportunity to introduce or move on to other topics.

Stake (1995, p.66) argues that a good interviewer can reconstruct the account of the interview and submit this to interviewees for them to check for accuracy. I asked the interviewees if I could record the interview for two reasons: firstly, I wanted to include their account, phrases and words within the case study and this was one strategy for giving visibility to the participants voice; secondly, I could not rely on my accuracy in remembering the interview. I recognised that for some participants the recording of the interview may be a barrier and discussed this in advance with the interviewees.

Research procedure: observation as insider researcher

As an 'insider researcher' (Costley et al, 2010) I also collected data through observation as a participant in order to record and reflect on activity in the research setting. I was careful to record in my journal the context of the observation (Cohen et al, 2000, p.313) so that the reader had information about my role, the setting, the participants and the occasion. Costley et al (2010, p.95) suggest that researchers need to pay particular attention in writing up observation to ensure confidentiality for people and for the organisation. I considered this as part of my responsibility to maintain ethical relations with the participants. I found Denscombe's (2010) description of participant observation helpful because it relates to the researcher's experience:

> '*Participant observation discloses things through the researcher's experience of participating in the culture or the event.'* (p.207)

I was aware that although I was primarily focusing on my experience I was also recording the actions of other people in the research setting. This posed a dilemma as although I talked about my research in the workplace, I constantly questioned whether some people in the research setting were fully aware of my research and my status as participant and observer. Griffiths (1998) discusses this risk:

> *'..to the extent that researchers are insiders, you are drawing on the normal ground rules of reciprocity and trust that pertain for social interactions in the community. To the extent that being a researcher means using these ground rules for research purposes, there is a risk of exploitation and betrayal.'* (pp.40-41)

Denscombe (2010, p.214) suggests that the researcher risks deception in the absence of consent from the participants. I minimised this risk by regularly reminding people about my research and reviewing progress with my manager. I undertook observation in situations where people were already aware of the

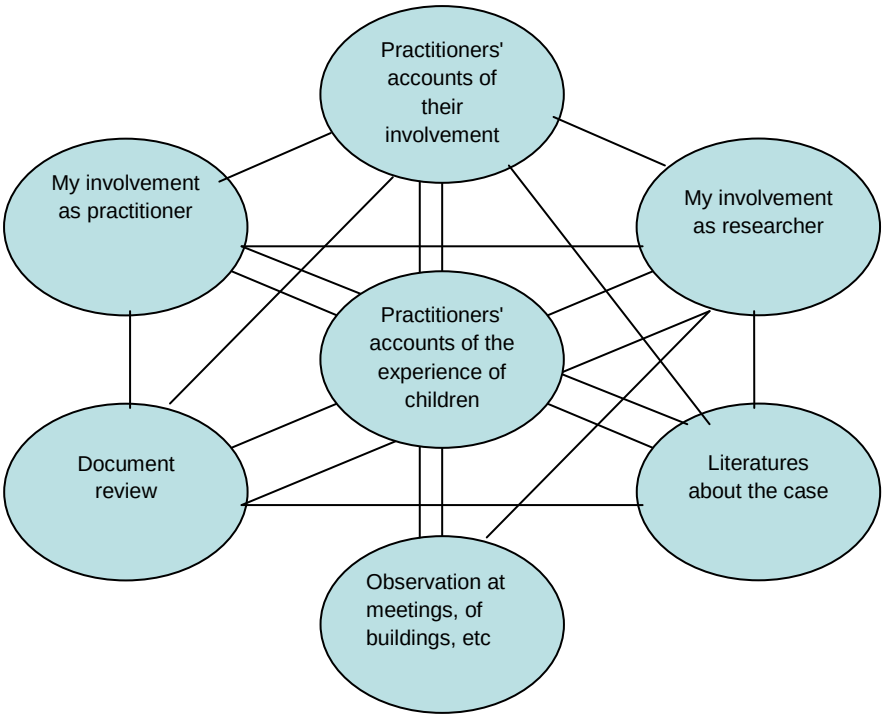
research project. There were three[20] occasions where I continued with the observation when I was unclear whether people understood the nature of my research project. In this situation I subsequently shared the record of my observation with people and asked for their comments. Mitchell (1993) (also quoted by Cohen et al, 2000, p.314) justifies covert observation on the basis that failure to take such action restricts access to areas of legitimate concern (for example, in the context of my research, breaches of children's rights). He also suggests that failure to pursue data collection risks collusion with powerful individuals or organisations who seek to silence discussion on a specific agenda (in this study obscure issues of inequality and breaches of human rights for children).

Research procedure: strategy for analysis of data

I collected data from a diverse range of sources and as I began analysis I built a visual map illustrating the ways in which the raw data may be connected; this was inspired by Holliday's visual representation of connected data about a headteacher (2007, p.74). I used this tool (Figure 1) to challenge and support my process of data analysis and it became a constant point of reference. As my analysis progressed I noticed more (and previously unrecognised to me) ways in which the data connected and inter-related. For example, I was increasingly aware of my involvement as researcher particularly in the interview process and the way I related practitioners' accounts of the experience of children. The map of interconnected data served to remind me of the way I as researcher was intrinsically involved in every aspect of data collection and analysis.

[20] This was in the case study 'Terminal Care'.

Figure 1: Map of interconnected data for the case studies:



In conducting the data analysis I acted on the principles set out by Holliday (2007):

> *'While it is understood that the post-modern researcher is still the arch designer of data collection, she must submit herself to emerging patterns of data and be free to engage strategically and creatively with the complexities of realities that go beyond her initial design.'* (p.93)

My plan was to embody the principles of '*emergence'* and '*submission'* in the analysis of the data. When I began the analysis I was aware of the physical enormity of the data. As researcher I wanted to remain connected to (and not distant from) the raw data and recognised that the process of analysis may take me further from the research setting. I adopted a strategy of connecting to the raw data at each stage of analysis. For example, I began by transcribing the interview recordings myself, this meant I listened to the interviewees voices repeatedly, I then cross checked my transcript to ensure that I had not missed anything that had been said. I asked the participants to check the transcripts and confirm that they were happy for them to be taken forward for analysis. I conducted this discussion through e-mail by agreement with the participants. I read the transcripts repeatedly and at the same time listened to the recordings. A further example of connecting to the raw data is my repeated reading of the journal; I considered the context in which I was writing and the factors that may have impacted on the way I had written. I structured my analysis using Holliday's (2007, pp.93-96) method of searching for natural divisions in the data. Through the reading and listening I identified divisions in the data that responded to the research questions. For example, I looked and listened for the range of responses made by practitioners

and the factors that inhibited or enabled such responses. I repeated this process for each case study, maintaining the integrity or particularity (Stake, 1995) of the data to that case. I kept the raw data with me throughout the analysis and after each session I re-read and listened constantly checking that the analysis remained connected to the data. From the natural divisions in the data I tentatively identified emerging themes to support further analysis. This was a process of working through the data both challenging and confirming whether the themes emerged from the data and how they related to the research questions.

I recognised that analysis involves subjective processes and I used theoretical perspectives to challenge and inform initial themes emerging from the data. Cresswell (2009, p.190) describes this as a process of theory triangulation where data is considered from a range of alternative theoretical viewpoints. Yin (1994, p.29) suggests that theoretical positions support an analysis of 'how' or 'why'. Stake (2005, p.133) and Yin (1994, p.115) argue for the importance of the researcher being proactive in seeking evidence that contradicts their assertion. Yin (1994) describes this as considering *'rival explanations'* (p.112) and Stake argues that researchers should undertake:

> *'Continuous analysis, rethinking, triangulating by multiple methods and the deliberate search for disconfirming evidence.'* (Stake, 1995, p.154)

Using Stake's and Holliday's models of analysis I explored what emerged from alternative methods of data collection (e.g. literature review, interviews and document review) and alternative sources of data (e.g. different people in the research setting). Following this process I again revisited the raw data; this challenged my analysis and ensured that the themes which emerged remained rooted to the raw data. I used theoretical perspectives in the analysis to illuminate and provide greater understanding of the themes as they emerged from the analysis (Maxwell, 2005).

As a further strategy I invited practitioners (who had not previously been interviewed) to challenge and suggest alternative perspectives on my findings. This process required me as a researcher to consider alternative and multiple perspectives on the research setting rather promoting or confirming a singular understanding (Flick, 1992). I adopted the same strategy in the analysis of the interviews; I listened to the recordings, made the transcripts myself and identified themes as they emerged from the data. I gave distinct space to this analysis in the conclusion to the thesis as part of my reflection on the research findings.

By ensuring visibility of the data throughout the thesis my aim is to invite the reader to engage with the data and research questions knowing that this may lead to alternative perspectives (Richardson and Adams St Pierre, 2005, p.961).

Research procedure - writing up the research project

I approached the writing of this thesis as an extension of the analysis and a further opportunity for exploring understandings of the data. Richardson (2003) argues that qualitative researchers should see writing as a method of inquiry:

> *'Writing is also a way of "knowing" - a method of discovery and analysis. By writing in different ways, we discover new aspects of our topic and our relationship to it. Form and content are inseparable.'* (p.499)

By approaching writing in this way I considered the thesis as a development of earlier writing in my journal. This was a process of gathering up learning in response to the research questions.

Holliday (2007) provides a strategy for conveying the argument in writing research:

> *'Thick description comprises 1) the network of interconnected data plus 2) the argument and discussion which demonstrates the way in which the data interconnects.'* (p.113)

In writing each case study and my concluding chapter I focused on describing relationships between people in the research setting: the themes that emerged through interconnecting different data sources and meanings arising from the analysis of the totality of the data. I gave prominence to the data from my journal and the interviews. This strategy maintained a strong link to the reality of inequality and breaches of rights for children. In this way the writing remained connected to the participants and the issues of the research setting. It was also a strategy for giving visibility to the diversity of voices in the research settings. From this on-going analysis emerged partial and local knowledge (Richardson, 2003, p.508) of how practitioners responded to incidents of inequality and breaches of human rights and the range of factors that influenced or determined such responses.

CHAPTER 3.

EXPLORING CONCEPTS OF EQUALITY, INEQUALITY AND HUMAN RIGHTS

OPENING REMARKS

In this chapter I look beyond rhetorical positions by considering the meanings of human rights, inequality and equality and their inter-relationship. Tawney (1931, 1964 edition) describes equality of opportunity as a lightning conductor. He argues that all pay homage to it but resist all attempts to apply it; equality remains rhetoric, it is allowed to reign and not to rule:

> *'Most social systems need a lightning-conductor. The formula which supplies it to our own is equality of opportunity. The conception is one to which homage is paid today by all, including those who resist most strenuously attempts to apply it. But the rhetorical tribute which it receives appears sometimes to be paid on the understanding that it shall be content with ceremonial honours. It retains its throne, on condition that it refrains from meddling with the profitable business of the factory and market-place. Its credit is good, as long as it does not venture to cash its cheques. Like other respectable principles, it is encouraged to reign, provided that it does not attempt to rule.'* (Tawney, 1931, 1964 edition, p.103)

I begin by exploring how we might promote rights, reduce inequality or obscure both tasks through an analysis of the presentation of such concepts in the texts. I review the debate on the measurement of inequality and explore relationships between different conceptual positions; for example, between equality of opportunity and meritocracy or between equality, human rights and justice. I conclude this chapter by formulating a theoretical perspective on equality and human rights to inform the analysis of data within this thesis (Yin, 1994, pp.29-30).

My understanding of equality and human rights has been distorted by a career in public service increasingly steered by a nationally determined and highly prescriptive policy framework. From an initial review of my journal emerged a series of questions; they became a tool to engage with the literatures and gave confidence to me as the novice researcher (Journal, October 2008[21]):

- How are concepts of equality or human rights presented in texts?
- To what extent do different conceptual positions advance or obscure equality and/or human rights? Are there limits to inequality? How are limits to inequality discussed?

[21] Journal, October 2008 – notes arising from reviewing earlier journal entries. I wrote a series of questions about concepts of equality and human rights.

- How are concepts of equality and human rights connected within the literatures and for what purposes? How is equality related to other concepts such as 'rights' and ‘justice’?

Through this analysis I enhance my critical understanding of different conceptual positions, how they shape discourse and approaches to equality and human rights at an institutional and practitioner level.

One of the challenges I faced in conducting this review was that theoretical, policy and practice texts focus on either equality or human rights and very few (e.g. Baker et al, 2004) discuss the relationship between both concepts from either a theoretical or practice perspective. Literatures focused on equality in education have historically looked in depth at issues of equality from the perspective of the identity of a particular group or within or between groups; for example, disabled people, people of different ethnic backgrounds, men or women. Within this thesis I include (where relevant) texts concerned with particular groups in the mini literature review for each case study.

I observed that texts on both equality and human rights are generally abstract and theoretical works not closely linked to practice. Whilst respecting the integrity (and the space for such works) this presented a challenge as my research was embedded within the context of practice. I adopted a strategy of illustrating theoretical perspectives with examples from my own practice so that both I and the reader can consider what a theoretical position would mean in practice for children and their families or for a practitioner. I see this as congruent with what Mills (1959) describes as:

> *'The Sociological Imagination, I remind you, in considerable part consists of the capacity to shift from one perspective to another, and in the process to build up an adequate view of a total society and its components.'* (p.211)

My struggle as a researcher, to realise an understanding of theory and apply this in practice, is reflected in the analysis throughout this review.

I observed that practitioners used diverse terminology in referring to a range of concepts of equality or human rights (Journal, July 2011[22]). This diversity of presentation was also visible in my initial scanning of the literatures. I mapped the breadth of conceptual positions on equality and rights encountered within the texts. They are presented below in Table 2, as a non-hierarchical list of terms and concepts, accepting all and not imposing (as researcher) groupings beyond identifying where their usage was linked primarily to either notions of equality, human rights or 'other related concepts'.

[22] Journal, July 2011 – reflection following further review of journal.

Table 3: A first attempt at a map of equality and human rights concepts

Equality	Human Rights	Other related concepts
Equality	Human rights	Justice
Inequality	Basic human rights	Social justice
Discrimination	Minimum human rights	Inclusion
Formal equality	Fundamental human rights	Exclusion
Substantive equality	Distribution of rights	Diversity
Equal Opportunities	Equal rights	Difference
Equality of process	Freedoms	Respect
Equality of worth		Multi-culturalism
Equality of outcome		Mono-culturalism
Equal treatment		Integration
Basic equality		Assimilation
Liberal equality		Identity
Equality of condition		Nationalism
Equity		Sectarianism
Practical equality		Solidarity
Distribution of social goods		Fairness
		Meritocracy
Distribution of material goods		Social cohesion
Distribution of wealth		
Distribution of resources		
Protected characteristics		

I observed that concepts used within practice and literatures were often qualified or limited; they were not always clearly defined by the user, neither were they used consistently. This had the potential impact of obscuring inequality or the opportunities to promote equality. An example from my practice relates to a discussion about a local authority strategy document and how the concept of diversity was presented:

> *'The local authority overarching 5 year plan had been circulated to a range of practitioners prior to formal consultation or publication. People were invited to present comments. There was considerable debate about the concept of diversity and how the local authority responded to difference (either in terms of staff or the wider community). The stated vision was that the local authority would promote toleration of diversity and difference. The author felt that this was a positive statement in that there was recognition of diversity and was surprised at the range of responses. Comments on this issue indicated that practitioners felt that a culture of toleration was indicative of a powerful majority tolerating a minority and that it fell short of recognising the opportunities to celebrate and respect difference. There was a strong view that toleration would lead to inequality because it failed to recognise the implicit unequal relationship between the majority who tolerated a minority.' (Journal, October 2010[23])*

In this context diversity was mentioned as a key part of the 5 year plan, however, it was limited through qualification by being '*tolerated*'. There was a conflict between the way the local authority (as an institution) wanted to articulate its intention to respond to diversity (to tolerate it) and the aspiration and beliefs of practitioners working in the organisation (who wanted to celebrate and respect it).

A further perspective on the presentation of concepts of equality in texts is offered by Gillies (2008). She analysed thirteen education policy texts published in the United Kingdom between 1997 and 2006. She argues that the discourse of 'quality management' and 'egalitarianism' is conflated with the result that educational inequality is obscured:

> *'The ubiquity of the language of quality within public sector discourse, and state education in particular, means that the phenomenon of discursive conflation results in quality tending to absorb or subsume equality. 'Masking' occurs because the dominance of quality language has the effect of obscuring the fact that the sense of equality that is discernible is not that of egalitarianism... but that of equal opportunity. The discourse appears to be replete with egalitarian terminology but in fact the sense of equality promoted is quite limited.'* (Gillies, 2008, p.691)

Gillies suggests this discourse of quality leads to a focus on standards and the consistency of provision whilst the wider impact of socio-economic inequalities on educational outcomes remains unexplored. She argues it inhibits any discussion about the need for 'unequal education provision' to address socio-economic inequalities.

Archer (2007), in a similar study, discusses the rhetoric of 'diversity' in Higher Education policies on widening participation. She argues that constructions of 'diversity' in terms of institutions and students are deployed in ways that limit discussion about *'student funding policies, continued inequalities in access routes, the hierarchy of institutions, and the academic culture of higher education'* (p.648).

[23] Journal, October 2010 – analysis of incident of at work following the circulation of a draft of the 5 year local authority plan.

Archer suggests such constructions of diversity have a *'symbolic power'* from their association with notions of *'democratisation', 'equality'* and '*fairness'* (p.648). She argues this forms a moral discourse that silences alternative accounts about *'how economic concerns and marketisation may invalidate or compromise the egalitarian potential within Widening Participation policy and practice, rendering Widening Participation more a tool for social control than social justice*.' (p.637)

I found these two studies inspirational in shaping my own analysis of the presentation of concepts of equality and human rights within theoretical texts.

EXPLORATION OF THEORETICAL PERSPECTIVES ON EQUALITY, INEQUALITY AND HUMAN RIGHTS

Exploration of equality as an ideal and the link between equality and other concepts (e.g. freedom, rights, community or diversity) is a consistent theme within the literatures (Baker et al, 2004, p.3). Sen(2009) suggests egalitarian theories, whilst contested, do have a commonality:

> '*… all theories argue for equality in some space, and insisting on egalitarian priority there, while disputing – explicitly or by implication – the conflicting demands of equality in other (and in their view, less relevant) spaces.'* (p.295)

He suggests the different perspectives on equality all advocate for equality in some dimension; for example, opportunity, outcome, process or worth. Sen (1996) proposes that theoretical discussions about equality should focus on the following questions:

> '*The really engaging questions about the "status of equality" concern (a) the choice of the space and the form in which equality is to be sought ("equality of what"), and (b) addressing conflicts between the claims of any particular type of equality and other considerations, including other types of equality ("what relative significance to attach?"). The status of equality is a substantive rather than a formal issue.'* (p.399)

I find the notion of equality as a 'substantive' issue is helpful because it links abstract theory to substantive issues for people. In raising such questions, Sen also draws attention to the relevance of issues such as equality or inequality in the distribution of income and wealth. Lynch and Baker (2005, p.132) suggest that equality as an idea applies to individuals and to groups; it relates to different dimensions of people's lives and refers to different relationships (for example, between people or between people and institutions).

What is understood by the terms ‘equal’, ‘unequal’, ‘equality’ or ‘inequality’?

People may be equal or unequal or experience equality or inequality in many ways. Within my own workplace the terms 'equal' or 'equality' are used interchangeably by practitioners; so for example, equal pay between men and women means that men and women are paid the same and that they have equality in their pay for work that is of equal value. Myers (2010, pp. 34-35), in his review of egalitarian political philosophy, identifies two ways in which we are equal or unequal or experience equality or inequality. Firstly, in the physical capacity of the individual person (such as height, weight or strength) although he recognises there are challenges in determining a way of measurement that would not obscure inequality:

> *'.. are the differences we register on the various scales innate elements of our individual biological nature, the products of environment, upbringing, cultural adaptation, and opportunity, or some combination of these?'.* (Myers, 2010, p.35)

I suggest this attention to particular physical differences itself raises questions about attitudes to the physical appearance and capacity of the body.

Secondly, Myers argues the importance of considering distribution, possession of and access to goods in the broadest sense:

> '*Material resources may jump to mind first, but we should also include in this category legal rights, political rights, and various forms of status, recognition, or respect.'* (Myers, 2010, p.35)

Myers states that it is relatively easy to identify equality or inequality in the distribution of material goods. I observe this would include for example, access to housing, distribution of income, access to healthcare or access to education. However, Myers also points out some goods such as status, recognition and respect are challenging to identify except in subjective terms. In practice I suggest this means an individual could experience a lack of respect but this may not be acknowledged, recognised or accepted by other people or institutions. Myers suggests it is important to consider how people are equal or unequal in relation to access and possession of the broadest range of goods; otherwise the discussion can be narrowed to one aspect and inequality may be obscured. For example, any discussion about possession of legal rights could not be separated from a consideration about how the distribution of wealth impacts on peoples' access to legal rights when access to legal representation of high quality and influence in order to realise those rights is dependent upon income.

In his analysis Myers identifies two ways in which different conceptual positions may advocate equality:

> *'Equality can be considered for its own inherent value or, alternatively, for its instrumental value - for its ability to support or promote other values.'* (Myers, 2010, p.35)

He argues that the first focuses on particular rights or resources, and the second has a focus on the relative differences between people or groups of people in society across a broad spectrum of rights or resources. Myers suggests that those opposed to equality often obscure differences and inequality by a narrow focus on a particular issue or by a refusal to acknowledge that difference in the distribution of resources is an issue. Myers suggests liberal egalitarians consider the redistribution of wealth as unjust because people would be forced to share income for the collective good when they may individually choose not to:

> *'Equality, in other words, could be had only through the use of unjust, coercive means, and only at the cost of individual freedom.'* (Myers, 2010 p.43)

Myers argues that for liberal egalitarians freedom from external influence (for example, placing limits on individual wealth) is a fundamental principle and there is an acceptance of material inequality between people. Myers suggests an alternative perspective:

> '*..social egalitarianism is concerned with the instrumental value of material equality. The distribution of resources matters because it directly affects the real capacities and possibilities people will enjoy in their lives.* (Myers, 2010, p.70)

This echoes Sen's approach to capability equality (see below). I find Myers' analysis helpful in illustrating two tensions within different approaches to equality. Firstly, whether the issue of material equality is important and secondly, whether it is justifiable to limit the freedom of the individual in order to bring about a redistribution of resources to achieve greater equality.

How are 'formal equality' and 'substantive equality' presented within the literatures?

Pojman and Westmoreland (1997) divide egalitarian theories into two types:

> *'Formal equality states a formula or a policy but includes no specific content. Substantive equality identifies a concrete criterion or metric by which distribution policies are to be assessed.'* (1997, p2)

They argue formal equality policies are vague and rhetorical because they do not enable the reader to identify substantive changes that would happen as a result of the stated position. An example of this from within my research journal is my encounter with the National Health Service 'Choose and Book Scheme':

> *'My General Practitioner stated that one of my children needed to see the Paediatrician for a consultation and that I would be able choose the*

arrangements for the consultation. The General Practitioner stated that I would have a choice as a result of this scheme but neither she nor the literature stated what this choice would be. When I accessed the website to book my daughter's appointment all the parameters for choice were set by institutional boundaries (hospital, consultant, times for appointments) so there was in effect no personal choices for my family but fixed options. I reflected that the National Health Service use of the concept 'Choice' was rhetorical and not one that brought about greater choice or opportunity for my child to access the treatment she needed.' (Journal, July 2011[24])

In contrast Pojman and Westmoreland (1997, p.12) argue that substantive equality policies promote equal opportunities and equal outcomes because they are clear about the difference such a policy position would make. An example I suggest, would be a policy that sought to promote equal opportunities for children who had been excluded from school. Such a policy would include explicit commitments that the child would be given equal access to a school place within a specific time span. It would also acknowledge the barriers a child may face in accessing a school place and the steps needed by institution or practitioner to remove these.

Are there limits to 'inequality'?

Rousseau (1750), preceding Myers (2010), states that there were two kinds of inequality: firstly, the natural or physical and secondly, the moral or political. Rousseau describes the later:

'…. it depends on a kind of convention and is established, or at least authorised by the consent of men. This later type of inequality consists in the different privileges enjoyed by some at the expense of others, such as being richer, more honoured, more powerful than they, or even causing themselves to be obeyed by them.' (Rousseau, 1750, p.32)

'.... inequality is practically non-existent in the state of nature, it derives its forces and growth from the development of our faculties and the progress of the human mind, and eventually becomes stable and legitimate through the establishment of property and laws.' (Rousseau, 1775, p.45)

Rousseau explains that inequality is created by the actions of people and when benefits are not applied equally. Rousseau extends this idea in three dimensions: firstly, that natural inequality in humans increases through the actions of people; secondly, that such actions are legitimised by institutions and thirdly, that inequality is further established through laws and the allocation of property. Rousseau (1762) argues there are limits to inequality:

'by equality, we should understand, not that the degrees of power and riches are absolutely identical for everybody; but that power shall never be great enough for violence, and shall always be exercised by virtue of rank and law; and that, in respect of riches, no citizen shall ever be wealthy enough to buy another, and none poor enough to be forced to sell himself.' (p.223)

[24] Journal, July 2011 – reflection on the use of the term 'Choice' and how I encountered this in my own life.

Rousseau implies a minimum and maximum level of wealth as part of the realisation of the right to freedom for individuals. This means that no person's wealth would reduce below a level that would compromise their liberty and force them into slavery. The balancing position is that no person's wealth would be so great that they can buy the freedom of another person and bring them into slavery. Using Rousseau's notion of the 'limit to inequality' I reflect on the debate at work about the government's focus on poverty. The government describes living in '*persistent poverty*' as '*living on an income 60% below the average income*'[25] (Great Britain, Department for Education, 2011). I observed an unquestioning acceptance of this definition amongst practitioners. I asked colleagues whether any of us really understood what it was like to live on an income 60% below that of the average person. I asked this question when I was attending a seminar to formulate a poverty strategy for the local authority. The stated aim of the event was to arrive at a series of actions to reduce the number of families living in poverty. However, the debate omitted any consideration of issues such as the redistribution of wealth and instead focused on the changes within families, for example, employment, behaviour, and attitudes to work or access to training. I observed the responsibility for addressing inequality was positioned with the individual and not the institutional structures. I found a lack of clarity about the notion of limits to inequality amongst practitioners and the definition of 'persistent poverty' was accepted without question (Journal, October 2010[26]).

What is understood by 'equality of opportunity'?

Tawney (1931, pp.103-105) criticises the concept of equality of opportunity. He argues that it can only exist as a reality where people have an equal chance to use their ability and are not constrained by a social environment which favours some and not others. Tawney (1931, pp.105-106) considers equality of opportunity as a figment of society's imagination and he illustrates this point through the metaphor of the Tadpole Philosophy. Opportunities for progression (or to change from tadpole to a frog) cannot be equalized when circumstances and impediments are so unequal. Tawney argues that equality of opportunity takes no account of the differences in economic and social conditions of individuals and this is its major flaw. He suggests that there should be limits to inequality linked to levels of economic resources or social standing below which no man should exist.

Just as I observe that people speak of equality without a deep understanding, Tawney argues that people miss the point of equality of opportunity:

---

[25] In the government's Child Poverty Strategy (A New Approach to Child Poverty: Tackling the Causes of Disadvantage and Transforming Families' Lives, Department for Education, April 2011) '*Persistent Poverty*' is defined as '*proportion of children living in a household where is income is less than 60% of the median household income for the financial year in at least three out of the previous four years.'* p.69. https://www.education.gov.uk/publications/eOrderingDownload/CM-8061.pdf Last accessed 5th March 2012.

[26] Journal, October 2010 – my notes from the seminar on the Poverty Strategy.

> *'It has been interpreted rather as freedom from restraints than as the possession of powers. Thus conceived it has at once the grandeur and unreality of a majestic phantom. The language in which it is applauded by the powers of this world sometimes leaves it uncertain which would horrify them most, the denial of the principle or the attempt to understand it.'* (p.104)

Tawney suggests that equality of opportunity is given credibility (by others) as a principle because it is passive or inactive; he implies that the concept remains acceptable to all provided it does not become a reality.

In contrast Tawney describes practical equality as a state of social well-being; he argues such a position cannot be achieved by focusing exclusively on opportunities for upward and downward social mobility or by the absence of legal constraints or barriers.

> '*And individual happiness does not only require that men should be free to rise to new positions of comfort and distinction; it also requires that they should be able to lead a life of dignity and culture, whether they rise or not, and that, whatever their position on the economic scale may be, it shall be such as is fit to be occupied by men.'* (p.108)

He argues that a focus on equality of opportunity leads to an emphasis on individual advancement.

Tawney (1931, p.228) analyses the relationship between equality and economic freedom or liberty. He observes that government actions to address inequality are criticised as an infringement of freedom or liberty. Asking the question 'Freedom for whom?' he suggests that freedom is often seen as limited to the few people, who wish to protect and retain that freedom for themselves. Tawney defines freedom as the power to make a real choice between alternatives; he argues that it is only when all people exercise freedoms or liberties in a proactive way that equality becomes a reality.

What is 'capability equality'?

Sen (1979, 1999) explains the concept of capability equality or substantive freedom as responding to the needs, interests or priorities of people or groups of people. He suggests capability equalities or substantive freedoms have a relative importance depending upon the circumstances of the individual or within a specific cultural context. He described capabilities as enabling people '*to lead the kind of lives they value and have reason to value'* (Sen, 1999, p18/19); they can be considered as the functionings a person is able to achieve and may include being healthy, being safe, eating and the freedom of expression. Sen (1999) highlights that capability equalities and substantive freedoms are important in addressing inequality because:

> *'Having greater freedom to do the things one has reason to value is, firstly, significant in itself for the person's overall freedom, and secondly, important in fostering the person's opportunity to have valuable outcomes.' (p.18)*

I recognise the ways in which capabilities or freedoms can develop and enable human agency. An example from my practice would be substantive freedoms that enable Gypsy families to lead a nomadic life without fear of discrimination. They would have access to an education system that responded to, and valued, the nomadic life. Sen (1999, p.297) argues that capabilities are limited by lack of personal resources and by social and institutional factors that impact differently on people. He asserts that the state and society have a role in ensuring a set of 'social arrangements' that realise capabilities and freedoms:

> '*the capabilities that a person does actually have (and not merely theoretically enjoys) depend on the nature of social arrangements, which can be crucial for individual freedoms. And there the state and society cannot escape responsibility.'* (Sen, 1999, p.288)

Burchardt (2006, pp.14-15) interprets Sen's framework of capability equalities and substantive freedoms as the things people *'are able to do or be in their lives',* e.g. avoiding premature mortality or access to free education. She argues 'capability equality' overcomes the limitations associated with equality of opportunity because it focuses on the real choices people have in their lives and the ways in which social, economic and legal frameworks shape such choices (pp.14-15). She also suggests that the capability approach accommodates variations in need and people's values and preferences. I question whether there is a risk of differences in outcomes being explained by differences in values or preferences when they are the result of structural or systemic factors. For example, people's preferences may be formed on the basis of their existing (low level of resources); if resources were more equitably distributed people's preferences may change.

However, I argue Sen's concept of capability equality provides a pragmatic framework for problematizing inequalities. This is illustrated through Sen's (1999) exploration of poverty from the perspective of capability equality, he states:

> *'Poverty must be seen as the deprivation of basic capabilities rather than merely as lowness of incomes, which is the standard criterion of identification of poverty.'* (Sen, 1999, p.87)

Sen argues low income is instrumental in causing poverty. He suggests an understanding of poverty focused on income risks obscuring the variable impact of low income across different communities, families and individuals. He argues such an approach minimises the disadvantage experienced by, for example, children, women or older people who may need access to different levels of resource. I suggest Sen's capability equality approach to poverty enables a focus on the needs, interests and priorities of different groups. It recognises the instrumental

significance of low income but also the intrinsic importance of factors such as security, freedom from abuse and access to education.

What is the principle of 'equal worth'?

Parekh (2000) argues that all individuals are of equal worth and have equal claims to opportunities.

> *'All individuals have equal worth irrespective of their colour, gender, ethnicity, religion, age or sexual orientation, and have equal claims to the opportunities they need to realise their potential and contribute to collective well-being. The principle of equal moral worth cannot take root and flourish within a structure of deep economic or social inequalities.'* (p.viii)

Parekh suggests the principles of equal worth and equal opportunity enable people to realise their 'potential'. I argue that any concept of 'potential' undermines the principle of equality. I ask the question: who determines potential? Is it the individual or is it set externally with the result that it may be capped or limited in some way? In my practice I observed how the concept of 'potential' can lead to complacency. In my local authority the majority of children from minority ethnic backgrounds achieved relatively higher (in assessments at the end of primary school) than the whole population of children. Government advisers considered this to be a positive outcome; children were declared as achieving their 'potential' because their mean assessments exceeded the mean for children as a whole. This closed the discussion as to the barriers or disadvantages children from minority ethnic backgrounds may experience in terms of their experiences at school or in other aspects of their lives (Journal, October 2009[27]).

Parekh acknowledges that the principle of equal worth cannot take effect where there are social or economic inequalities; so an approach based on a principle of equal worth also requires the reduction of material inequalities.

How are equality, social justice and equity linked?

Westburnham (2010) suggests equality, equity and social justice are linked:

> *'Equality: every human being has an absolute and equal right to common dignity and parity of esteem and entitlement to access the benefits of society on equal terms.*
>
> *Equity: every human being has a right to benefit from the outcomes of society on the basis of fairness and according to need.*
>
> *Social justice: justice requires deliberate and specific intervention to secure equality and equity.'* (Westburnham, 2010)

[27] Journal, October 2009 – my notes from the annual 'Standards Meeting' (between the DfE and the Local Authority).

Westburnham argues that social justice exists where the principle of equality is realised in the experience of people and demonstrated through equity in outcomes. The strength of Westburnham's argument lies in the recognition of the limitations of approaches based exclusively on equality of access and esteem. Such approaches do not address the inequitable distribution of outcomes or necessarily prompt the action needed to achieve a more equitable distribution. However, I suggest there are two challenges with this theoretical model. Firstly, Westburnham does not provide examples of what 'outcomes' would be in practice or how they would be determined. An example from my own practice would suggest that an 'outcome' could be a social good, such as education or wealth or access to democratic rights. Secondly, Westburnham's model omits any discussion about the impact of exclusion, discrimination, inequality in power relationships and breaches of human rights on the realisation of equality, justice or equity. So for example, a Gypsy child may have the an entitlement to access education on equal terms but does not experience equality of outcomes (in terms of levels of attainment or experience) due to the low expectations of teachers and racism in the school (Derrington and Kendall, 2004). However, Westburnham's model recognises that social justice for Gypsy children would only be realised through specific actions and interventions to address the impact of inequality in power relationships and issues of discrimination.

Concepts of 'basic equality', 'liberal egalitarianism' and 'equality of condition'

Baker et al (2004, p.43) present a theoretical framework for thinking about equality. They consider how positions of '*basic equality'*, '*liberal egalitarianism'* and '*equality of condition'* further equality amongst people. They argue that it is possible for equality policies or strategies to move along this continuum and realise greater equality for people. By exploring broad concepts of equality, I suggest they move beyond an approach focused on disability, race or gender equality. They draw on Sen's capability framework by posing the questions 'Equality of what?', and 'Equality between whom?' In the following section I review their descriptions and analysis of the three positions.

<u>'Basic equality'</u> is a position in which all human beings have equal worth and importance; and by implication are equally worthy of respect. Baker et al suggest that 'basic equality' as a policy position is restricted to meeting basic needs (protection against violence or inhumane treatment) and ensuring enough resources to meet subsistence needs. They argue that basic equality is limited because it does not challenge or address inequality in opportunities, conditions or rights. However, an alternative perspective would be to consider that if people are of equal worth then each life is of equal importance and should have equality of opportunity to different positions of status or wealth.

‘Liberal egalitarianism’ encompasses basic equality but is extended to consider equality in terms of individuals’ well-being. They argue there are two fundamental issues with this approach: firstly, who determines what is meant by 'well-being' and secondly, the tension between individual and collective responsibility. I suggest the latter is illustrated by the example of inequality in pay between men and women. Is it the responsibility of the individual for addressing the issue or do people within and outside organisations takes collective responsibility? Baker et al (2004) suggest that 'liberal egalitarians' have managed such tensions through a focus on creating the conditions that enable the person to pursue their own aims for well-being.

Baker et al (2004) argue that liberal egalitarianism is limited in advancing equality because it accepts the inevitability of major inequalities and relies on two approaches to achieve or obscure fairness (they are: equality of opportunity and by setting a clear minimum standard).

> *'Liberal equality is about fairness in the competition for advantage. It implies that there will be winners and losers, people who do well and people who do badly. An 'opportunity' in this context is the right to compete, not the right to choose among alternatives of equal worth.'* (Baker et al, 2004, p.32)

Liberal egalitarians are primarily concerned with regulating and not eliminating equality.

> *'A key assumption in the views we describe as liberal egalitarian is that there will always be major inequalities between people in their status, resources, work and power. The role of the idea of equality is to provide a fair basis for managing these inequalities, by strengthening the minimum to which everyone is entitled and by using equality of opportunity to regulate the competitions for advantage.'* (Baker et al, p.25)

In their argument Baker et al (2004) align 'basic equality' and 'liberal egalitarianism' with the Universal Declaration of Human Rights (UDHR):

> '*In relation to our spectrum of egalitarian views, the human rights agenda clearly encompasses basic equality. It is also closely connected to liberal egalitarians because it is primarily concerned with the setting of minimum standards and promoting key principles of non-discrimination.'* (p.32)

However, the UDHR does not include this concept of minimum rights; I suggest that any notion of minimum rights leads to inequality because it implies that some individuals or groups will have greater access to rights than others. For example, if the right to life is inalienable then it cannot be minimised in any way, this would mean that the each life has an equal value and each person has the right to a life of equal worth. The complexity of human rights can be explored further by considering how rights are in tension with each other (Freeman, 2002). For example, the tension between Article 5 of the UNCRC to *‘respect the responsibilities, rights and duties of parents’* and Article 12 which refers to the

child's right to *'express those views freely in all matters affecting the child'.* Implementation of Article 5 and Article 12 could be more effective by considering the rights in parallel and how they may or may not be in tension with each other in any situation.

'Equality of condition' eliminates major inequalities through a systemic approach:

> *'The idea of equality of condition sets out a much more ambitious aim: to eliminate major inequalities altogether or at least massively to reduce the current scale of inequality. The key to this much more ambitious agenda is to recognize that inequality is rooted in changing and changeable social structures, and particularly in structures of domination and oppression. The structures create, and continually reproduce, the inequalities that liberal egalitarians see as inevitable. But since social structures have changed in the past, it is at least conceivable that they could be deliberately changed in the future.'* (Baker et al, 2004, p.33)

Baker et al (2004) suggest the focus on structural issues (such as the economy) is a major difference between a position of equality of condition and liberal egalitarianism:

> *'In contrast to the tendency of liberal egalitarians to focus on the rights and advantages of individuals, equality of condition also pays attention to the rights and advantages of groups. In contrast to liberal egalitarians' tendency to concentrate on how things are distributed, equality of condition pays more attention to how people are related, particularly through power relations.' (p33)*

They argue that equality of condition addresses the factors that minimise or influence people's choices. They suggest (within this position) people have the right to choose among alternatives of equal worth, recognising that this may not lead to the same outcome for each person.

Baker et al (2004, p.33) and Lynch and Baker (2005, p.132) argue that equality of condition addresses inequality in people's lives. So for example; there is movement from toleration of difference to an appreciation or celebration of diversity in a non-hierarchical way. By recognising that social structures oppress certain groups they focus on the realisation of group related rights as well as individual rights. I interpret this to mean that groups of people can challenge inequality of opportunity. For example, within planning regulations Gypsies and Travellers have to provide evidence that they are a Gypsy or a Traveller in order to submit a planning application for a site for their family whereas other groups of people are not required to provide evidence of their heritage as part of a planning application. Within a state of equality of condition, as I interpret it, Gypsy Travellers would be able to access power structures (individually or as a group) to challenge and change this practice.

I found the exploration of different conceptual positions on equality helpful in deepening my understanding of their meanings. I learnt that some positions engage with the complexity of issues that lead to inequality, they relate equality to the real experiences in people's lives and the actions needed to realise equality and reduce inequality. Consequently, at this stage in the review, I suggest equality of condition (Baker et al, 2004 and Lynch and Baker, 2005) and capability equality (Sen, 1999 and 2009) have greater capacity to reduce inequality.

APPROACHING HUMAN RIGHTS

The absence of practitioners' awareness of, and reference to, human rights is a consistent theme in my journal. For example, I analysed the deliberations between practitioners at an 'In Year Fair Access Panel' within my work context. The panel's purpose is to ensure that children who are 'hard to place' are allocated a school place. This includes children excluded from school or who move into the area but arrive with a history of exclusion or challenging behaviour. The case histories of children are brought before the panel by a practitioner. It is the role of the panel to determine an appropriate placement in a school or other education setting. By the end of the panel meeting all children should be placed in an education provision that meets their needs.

> *'I first joined the panel in September 2010 and my role was to represent the Local Authority and ensure that the panel works to secure the statutory entitlement to education for children. It was my first meeting and I was struck how the concept of fairness in the meeting title did not relate to a consideration of the children but to the schools as organisations. I observed that the priority was to ensure equal shares of challenging children (as they were described by the members of the group) between schools and there was a chart that was completed by the chair, setting out how many children had been admitted to each school. I observed that the response of the panel of head teachers was influenced by their perception of the behaviour of the child - so they appeared to me to be less flexible and responsive towards children, whose behaviour was, in their view, extremely challenging. 'Last chance' was a phrase repeatedly used in the meeting and there was no acknowledgement of the views of the child. Children were given a particular school and this was non-negotiable. On my second meeting I asked if we could consider what would work best for the child so that we were building in from the outset a sense of success. I suggested the meeting may wish to consider the needs and wishes of the child and look beyond the behaviour. I was concerned that the rights of the child to education were not respected. Power was the significant dynamic and the child, unrepresented in the meeting, diminished to a statistic on a tally sheet. However, at the end of the meeting the targets had been met, no child was left without a school place and the school practitioners left satisfied.'* (Journal, October 2010[28])

[28] Journal, October 2010 – reflection following attendance at two meetings of the panel to place children in school.

I was left with the question as to whether the practitioners understood or included within their frame of reference any concept of the rights of the children they were discussing. On reflection my awareness of human rights at a theoretical level was eroded by the narratives in policy frameworks and practice that I used in my work. Such narratives distorted the clarity of the concept by justifying the limitation, minimisation or violation of children's rights. I explore this theme further in the case studies. It is only by engaging with the theoretical perspectives on human rights and then applying new understandings in practice that clarity over rights can be achieved (Journal, May 2011[29]).

What are 'human rights'?

Literature reveals a range of understandings of the conceptual basis and justification for human rights. I structure this analysis by considering how theorists conceptualise human rights and the operation of human rights. This is followed by a discussion about the Universal Declaration of Human Rights (UDHR) and the United Nations Convention on the Rights of the Child.

I was challenged by the way in which Donnelly (2003), Freeman (2002) and Landmann (2006) problematized the presentation of human rights. Exploration of the '*competing claims of universality, particularity and relativity of rights'* (Donnelly, 2003, p.1) had initially seemed a departure from the principles of human rights enshrined within the UDHR[30]. Freeman (2002, p.70) suggests that the human rights discourse is reluctant to recognise dilemmas and he finds that human rights are presented in simplistic terms and not as '*complex problems'.* He provides a further perspective through an observation that there is a lack of integration between human rights activism and theory:

> *'For activists, the pressure of rescuing fellow human-beings from actual and imminent injustice relegates theoretical questions to a low priority. Those who look to philosophers and political theorists for assistance may be disappointed, for the theoretical disputation is inconclusive. Thus, there is a gap between human rights activism and theory.'* (Freeman, 1994, p.491).

When I began this analysis I struggled to interpret my practice through a theoretical perspective of human rights. I identified with Rorty's (1993) position that the human rights cause needs courage and commitment and not a theoretical debate.

---

[29] Journal, May 2011 – notes on my developing understanding of human rights.

[30] The human rights principles within the UDHR are described by Unicef: *'Human rights are inherent; we are simply born with them and they belong to each of us as a result of our common humanity. Human rights are not owned by select people or given as a gift. They are inalienable; individuals cannot give them up and they cannot be taken away — even if governments do not recognize or protect them. They are universal; they are held by all people, everywhere – regardless of age, sex, race, religion, nationality, income level or any other status or condition in life. Human rights belong to each and every one of us equally. All rights are equal and no right is superior to any other; there are no 'small' rights. Human rights are indivisible and interrelated, with a focus on the individual and the community as a whole.'* (Unicef, 2011, http://www.unicef.org/crc/index_framework.html accessed 22nd May 2011)

The study of human rights has predominantly focused on the legal framework for the protection of human rights (Freeman, 2002 and Landmann, 2006). Freeman (2002, p.10) suggests there is risk in such an approach as people may hold the view that the only rights are those that are legally enforceable. Landmann and Carvalho (2009, p.2) acknowledge the unresolved debates about the philosophical foundations for human rights but also advocate that the existing international law of human rights provides a starting point for *'what constitutes the basic guarantees for the realisation of human dignity'.'*[31] Donnelly (2003), Freeman (2002) and Landmann (2006) offer a further perspective; they consider how our understanding of human rights may be advanced through the disciplines of political science and sociology. They suggest that analysis of human rights practice can take place in the absence of consensus on the philosophical foundations of human rights. Landmann (2006) specifically argues that rights can be advanced through a focus on the:

> *'social, economic and political conditions within which the promotion and protection of human rights is made possible and over which significant struggles for human rights are fought.'* (Landmann, 2005, p.1)

In this way understandings of human rights can be developed through analysis of the observable violations of human rights in a way that is both pragmatic and sociological.

> *'This orientation is pragmatic since it sidesteps the on-going philosophical debates on human rights and sees their protection as an important means to obtaining the fundamental human ends of freedom, autonomy and dignity. It is sociological since it is grounded in the idea that we now speak about human rights precisely because over the centuries, as human communities have struggled against all forms of oppression, they have increasingly framed those struggles using the discourse of rights.'* (Landmann, 2006, p.140)

Such an approach provides insight into my research questions as I interpret the social phenomena of human rights within my work through an analysis of both the context and operation of social relations.

My analysis reveals the tensions and complexities within any philosophical argument for human rights. Freeman (1994, pp.511-512) observes that such philosophical debates about human rights focus on issues such as contingency, construction, relativity and morality and I explore these further below.

Interpretations of human rights

Debates about rights and how they relate to people are not new. Locke (1689) describes how people have three natural rights; they are the right to life, liberty and property. Within a state of nature Locke asserts there is a law of nature and equilibrium:

[31] In referring to the international law of human rights Landmann and Carvalho (2009) mean the UDHR and the underpinning conventions of human rights.

> *'The State of Nature has a law of Nature to govern it, which obliges everyone, and reason, which is that law, teaches all mankind who will consult it, that being all equal and independent, no one ought to harm another in his life, health, liberty or possessions.'* (p.4)

Locke's theory is that all people are equal within nature and they are obliged to preserve their lives, liberty and possessions and to assist others in doing the same. I argue that Locke's notion of rights establishes a principle that the operation of rights is concerned with relations between people. Locke's work is helpful in providing an understanding of how a social contract may operate between government and people with the intention of a greater protection of rights:

> *'But though men when they enter into society give up the equality, liberty, and executive power they had in the state of Nature in the hands of a good society, to be so far disposed of by the legislative as the good of the society shall require, yet it bring only with an intention in every one the better to preserve himself, his liberty and property (for no rational creature can be supposed to change his condition with an intention to be worse), the power of the society or legislative constituted by them can never be supposed to extend farther than the common good,….'* (p.78)

Within Locke's theory people can partially and voluntarily transfer rights to government in order to gain greater protection of their rights where the law of nature is inadequate. Locke establishes the principle that people can challenge the government if it violates or fails to protect their rights. Within this conception of the social contract rights are used to limit the power of government.

Paine (1791) provides a further conceptualisation of rights. He asserts that people are born with rights and that this is a 'divine principle'.

> *'The illuminating and divine principle of the equal rights of man (for it has its origins from the maker of man) relates, not only to living individuals, but to generations of men succeeding each other. Every generation is equal in rights to generations which preceded it, by the same rule that every individual is born equal in rights with his contemporary.'* (p.66)

Rights are given to people and they are held equally. Paine (1791) distinguishes between natural rights and civil rights:

> *'Natural rights are those which appertain to man in right of his existence. Of this kind are all the intellectual rights, or rights of the mind, and also all those rights of acting as an individual for his own comfort and happiness, which are not injurious to the natural rights of others. Every civil right has for its foundation some natural right pre-existing in the individual, but to the enjoyment of which his individual power is not, in all cases, sufficiently competent. Of this kind are all those which relate to security and protection.'* (p.68)

Paine suggests that some natural rights cannot be given up by people; as far as the '*right of the mind is concerned he never surrenders it..'* (p.68). He establishes a relationship between natural and civil rights by asserting that people can exchange a natural right for a civil right; people would do this in circumstances where the right *'becomes defective in the individual in point of power, and answers not his purpose but when collected to a focus becomes competent to the purpose*

of everyone.' (p.69). However, Paine (like Locke) suggests there needs to be a principle that *'the power produced from the aggregate of natural rights cannot be applied to invade the natural rights which are retained in the individual, and in which the power to execute is as perfect as the right itself.'* (p.69). If this principle is enacted the state cannot abuse natural rights.

In a more recent analysis of human rights theory Donnelly (2003) argues that rights are attached to all people and that is what makes them universal human rights. He claims that human rights are held equally:

> *'Human rights are equal rights: one either is or is not a human being and therefore has the same human rights as everyone else (or none at all). They are also inalienable rights: one cannot stop being human, no matter how badly one behaves nor how barbarously one is treated. And they are universal rights, in the sense that today we consider all members of the species homo sapiens "human beings" and thus holders of human rights."* (Donnelly, 2003, p.10)

Freeman (2002, p.5) problematizes this view in three ways. Firstly, he acknowledges the challenge that realising one right may require the violation of another or that rights may be in conflict with each other. Secondly, he states that the UDHR actually allows some limitation of rights in order to secure the rights of others.[32] Thirdly, he suggests that human beings do not have rights simply because they are humans:

> *'Human rights may not be rights one has simply because one is a human being, but they are rights of exceptional importance, designed to protect morally valid and fundamental human interests, in particular against the abuse of political power.'* (Freeman, 2002, p.61)

This statement affirms the moral purpose of rights but also give them the function of resisting the abuse of power.

Donnelly (2003) refines his argument that rights are attached to people; he suggests that human needs and human nature are too obscure to be sources of human rights and provides an alternative view by claiming that human rights relate to man's moral nature:

> '*The moral nature that grounds human rights says that beneath this we must not permit ourselves to fall…… Human rights are "needed" not for a life but a life of dignity.'* (p.14)

Donnelly rejects the notion that human rights relate to human needs on the basis that it is challenging to define a list of needs that can be easily (and justifiably) translated into a set of rights. Freeman (2002 p.65) critiques Donnelly's argument from two perspectives; firstly, he suggests that the relationship between human needs and human rights or human dignity and human rights is problematic.

---

[32] UDHR, Article 29, paragraph 2 states that rights can be limited: *'In the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society.'* http://www.un.org/Overview/rights.html Downloaded: 8th January 2009

Freeman illustrates this complexity, for example, the right to the security of a person may be based on human dignity or human need or both. Alternatively a person may have a need for something to which they do not have a right and this need may place an obligation on another person or violate their rights. Secondly, Freeman (1994, p.502) claims that Donnelly struggles to find a philosophical justification for a link between human moral nature and human rights. Donnelly (2003, p.14) suggests that:

> *'Based on a moral vision of human nature, human rights set the limits and requirements of social (especially state) action. But the state and society, guided by human rights, play a major role in realizing that nature. When human rights claims bring legal and political practice into line with their demands, they create the type of person posited in that moral vision.'*

I suggest that such a claim assumes that people have an inclination for a positive morality, from which they may derive a set of human rights. Freeman (1994, p.504) argues that in Donnelly's work:

> *'The ground of human rights is a conception of human nature which postulates that dignity is inherent in the human person. This postulation is a social choice. It is a particular substantive account of the minimum requirements of a life of dignity.'*

Donnelly's approach is open to criticism because it relies on the existence of a positive morality and people making a choice, individually or collectively to adopt that morality.

Landmann (2006, p.9) provides a further perspective on the relationship between rights and people, he argues that people are bearers of rights and rights are formed through social relations.

> *'Rights are "made" through social, political and economic actions and choices, which in turn are mediated through different cultural understandings and structural contexts.'* (Landmann, 2006, p.140)

This interpretation contextualises the formation and understandings of rights within a specific place or time. It creates the possibility that understandings of rights will be enhanced through the struggles to address injustice and realise rights. However, Donnelly (2003, p.1) considers any conception of human rights as *'historically specific and contingent'.* He suggests that conceptions of human dignity, of the people and what may cause a threat to human dignity all change because they are contingent to a particular time or place. Freeman questions the notion of contingency:

> *'Human rights beliefs and values may be contingent historical facts but this is true of all beliefs and values. Asserting human rights as contingent historical facts does nothing to justify democracy or human rights. "Humanity" may be an idea to be constructed but this principle cannot distinguish better from worse constructions.'* (Freeman, 1994, p.497)

This critique is valuable because it highlights the risks of justifying human rights as '*historically specific and contingent'* (Donnelly, 2003, p.1)*;* such a justification may

be used as a rationale to explain (or possibly justify) past abuses of rights. I suggest there is also a question of who makes claims of contingency and whether this would be influenced by structures of power.

Freeman (2002, p.74), complimenting Landmann's view that rights are made through social and political actions, describes how social relations generate human rights:

> *'Rights derive from rules governing the relations among human beings. In this sense, rights are essentially social. This is consistent with the idea that rights empower rights-holders, by rules that protect the rights of others. The empowerment of rights-holders is, however, the distinctive feature of human rights as a concept. To emphasize human rights rather than human duties is to emphasize the moral worth of the rights-holder without denying that the moral status of human individuals also entails duties to others. The concept of human rights demands respect for human individuals as moral agents and concern for them as vulnerable creatures.'*

Such an interpretation is relevant in the context of my research questions as I explore practitioner's understanding of human rights; whether rights are interpreted as entitlements and whether right holders are seen as moral agents.

Donnelly (2003, p.1) claims the '*moral universality of human rights'*; he argues that human rights are moral rights but they are also '*ideal standards'*. He justifies the claim to universality by citing the high proportion of states committed to the international rights covenants within the United Nations framework of human rights[33]. He claims this demonstrates the *'international normative universality of rights.'* Freeman (2002, p.64 and 1994, p.491) qualifies this view from two perspectives. Firstly, he suggests that Donnelly relies too heavily on the notion of consensus as a justification for rights because it assumes a shared moral obligation between states. He claims Donnelly's approach is flawed because consensus is factual, not moral. This undermines any claim of the moral universality of human rights. Secondly, Freeman (1994, p.492) suggests that Donnelly's theory lacks rigour when confronted with claims that not all cultures have the same conception of human beings or attach a similar moral significance to it. Such claims are described by Freeman and Donnelly as '*cultural relativism'*. Freeman suggests that Donnelly's notion of 'moral universality' is also undermined because he implies that the moral beliefs of large majorities are binding on dissenting minorities and this view is inconsistent with any notion of consensus. An example of such tensions would include the debate about female genital mutilation and whether claims of '*cultural relativism'* would limit the rights of women.

---

[33] The instruments of the international human rights framework are the Universal Declaration of Human Rights and the seven core human rights treaties: the International Covenant on Civil and Political Rights; the International Covenant on Economic, Social and Cultural Rights; the Convention on the Rights of the Child; the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment; the International Convention on the Elimination of All Forms of Racial Discrimination; the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of Disabled People. http://www.unicef.org/crc/index_framework.html. Accessed 22nd May 2011.

Landmann (2006, pp.8-9) claims that three categories of rights have emerged from the United Nations framework for rights and that they provide a structure for talking about human rights. The categories are '*civil and political rights'*, '*economic, social and cultural rights'* and '*solidarity rights'*. For example, Landmann describes civil and political rights:

> *'Civil rights guarantee one's personhood and freedom from state sanctioned interference…. Political rights thus guarantee individual rights to involvement in public affairs and the affairs of the state.' (*Landmann, 2006, p.9)

Landmann suggests such rights are often presented as 'fundamental rights' because of the duty and responsibility of all states to uphold the rights. Social, economic and cultural rights are '*often seen as aspirational and programmatic sets of rights that national governments ought to strive to achieve through progressive implementation'* (Landmann, 2006, p.9). If this interpretation of rights is accepted then their realisation will depend on the resources and political will of governments. Solidarity rights:

> *'….seek to guarantee that all individuals and groups have the right to share in the benefits of the earth's natural resources, as well as those goods and products made through processes of economic growth, expansion and innovation.'* (Landmann, 2006, p.9)

Landmann observes that such rights are emerging from debates about globalisation. I argue that this also supports the notion that our understanding of rights is influenced by the changing environmental and economic context.

I question whether this categorisation of rights is helpful in supporting an understanding of rights beyond being convenient shorthand for talking about rights. Landmann (2006) argues that any categorisation of rights challenges the principle of the 'indivisibility' of human rights described in the UN framework of rights. He concurs with Donnelly's view (2003, p.27) that rights can be mutually reinforcing and that it is impossible to talk about rights in isolation as the protection or realisation of one right is contingent on another. Landmann illustrates this principle through a discussion of the right to vote:

> *'full protection of the right to vote is largely meaningless in societies that do not have adequate health, education and social welfare provision, since high rates of illiteracy and poverty may mean the de facto disenfranchisement of large sectors of the population.'* (Landmann, 2006, p.10)

Landmann explains the categorisation of rights emerged through the struggles to shape UN framework for human rights as expressed through the separate conventions. He suggests that the categorisation of rights (and therefore the notion that rights are divisible) is sustained by the unresolved debates about the philosophical basis of rights and their measurement.

A further way in which rights are categorised or expressed is whether they are considered to be 'negative' or 'positive rights'. Landmann (2006, pp.10-11) argues that civil and political rights are often presented as negative rights as they require

the absence of actions that violate such rights. In contrast economic and social rights are presented as positive rights because their realisation requires states (and others, for example, global companies) to take action. Landmann suggests an understanding of human rights is enhanced by viewing all rights as having '*positive and negative dimensions'* (p.10).

> '*Positive dimensions include those actions that states can take to provide resources and policies for improving the protection of human rights while negative dimensions are those actions that states do (or do not do) that deliberately violate (or protect) human rights.'* (Landmann, 2006, p11)

This is illustrated by considering the positive and negative aspects of economic, social and cultural rights. The positive aspect would be the steps that governments (and individuals) take to ensure the progressive realisations of economic, social and cultural rights. For example, governments or individuals need to recognise the systemic barriers to economic rights and take action to minimise or remove such barriers. The negative aspect is refraining from actions or practices that could lead to discrimination in the realisation of rights to health and education. I suggest that problematizing rights in this way may provide an understanding of the different actions that people and institutions need to take to realise rights.

Landmann et al (2009, p.24) have more recently revisited the conceptualisation of rights. Their starting point is the existing international framework for human rights (UDHR and underpinning conventions[34]). Landmann et al suggest thinking about the framework as a series of standards (rights in principle) to protect the dignity of people and define the limits of state behaviour towards people. The standards are underpinned by four organising principles about the implementation of rights (rights in policy). They are '*availability, accessibility, acceptability and adaptability'* (p.24). I suggest such principles may be helpful in considering issues such as the availability of resources, the accessibility of rights to people and the ways in which rights can be realised in different contexts. Finally, the three dimensions of '*respect, protect and fulfil'* (p.24) promote an understanding of the ways in which human rights are implemented (rights in practice). I argue that this conceptualisation of 'rights in practice' may support practitioners in understanding their roles in respecting rights, protecting rights and fulfilling their duties as right-bearers. Practitioners understanding that they have an obligation to a right-holder leads to an exploration of the operation of rights in practice.

How do rights work?

[34] The instruments of the international human rights framework are the Universal Declaration of Human Rights and the seven core human rights treaties: the International Covenant on Civil and Political Rights; the International Covenant on Economic, Social and Cultural Rights; the Convention on the Rights of the Child; the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment; the International Convention on the Elimination of All Forms of Racial Discrimination; the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of Disabled People. http://www.unicef.org/crc/index_framework.html. Accessed 22nd May 2011.

Debates about human rights include a discussion about the operation of human rights. Donnelly (2003) expands on his notion that rights are held by people; he claims that rights are also controlled by people:

> *'They are under the control of the right holder; a person may claim a right and this may have an implication for another person; who has an obligation to act.'* (Donnelly, 2003, pp.7-8)

This conceptualisation of rights, whilst helpful in suggesting that people are active and not passive holders of rights, is potentially limited through omission of the systemic barriers that may prevent a right holder from 'controlling' their rights. However, recognition that rights may place an obligation on other people to act (to enable the realisation of rights) is central to my research questions. Right holders do not exist in isolation and the realisation of rights may be dependent on the operation of social relations in any context.

Donnelly (2003, p.9) conceptualises three forms of social interaction involving human rights; they are '*assertive exercise', 'active respect'* and *'objective enjoyment'.* In this model there is an assumption of '*right holders'* and *'duty bearers'* and I have a concern that this may undermine any principle that people may simultaneously hold rights and have duties towards others in respect of their rights. Donnelly suggests that where there is an '*assertive exercise'* of rights the right holder makes a claim to the duty bearer who will respond by either respecting or violating the right. Where there is an *'active respect'* of rights the duty bearer takes account of the rights; the right is respected and enjoyed and does not need be to asserted or claimed. I suggest that this position assumes that the 'duty bearer' is constantly aware of rights and the actions needed to realise a right. Where there is an *'objective enjoyment'* of rights Donnelly argues that *'rights never enter the transaction'.* In this state *'right holders'* and *'duty bearers'* do not actively recognise rights yet rights are enjoyed by default. I suggest such a position implies that rights are passive, possibly dormant and that the enjoyment of rights does not depend on an active approach to the realisation of rights. A further risk is that rights are invisible and may remain unexplored.

Freeman (2002, pp.60-61) presents an alternative view; he conceptualises rights as *'rightful entitlements'* and suggests that this position moves beyond Donnelly's view that holding a right is being the beneficiary of someone else's obligation. By framing rights as entitlements Freeman suggests that there is the right to press a claim if the enjoyment of a right is threatened or denied. In this way Freeman (2002, p.74) argues that the realisation of rights arises from relations amongst human beings and that rights empower holders of rights to make claims. Similarly human rights are understood as strong '*ethical claims'* with a universal application; they address concerns relating to humanity (security, family, life) (Osler and Zhu, 2011, p.225).

Human rights can take the form of human rights statutes (for example, the European Convention for Human Rights or the Human Rights Act 1998). Donnelly (2003, p.12) suggests that people appeal to human rights statutes when they have asserted their claim to a right and this has failed; however, he also claims that *'rights are a sort of last resort; they are only usually claimed when things are not going well'.* He clarifies that rights are only important enough to talk about when they are *'questioned, threatened or denied'* (Donnelly, 2003, p.8). I have observed that rights are sometimes claimed as an entitlement; this reinforces the view of some practitioners that children and young people (or their families) are over concerned with their rights (Journal, October 2010[35]). An alternative perspective is that claims for rights often seek to challenge existing practice:

> '*Human rights claims express not merely aspirations, suggestions, requests or laudable ideas, but rights based demands for change.'* (Donnelly, 2003, p.12)

This implies that rights are realised through social relations. Freeman's interpretation (2002, p.62) is that *'a principal justification of the rights discourse is that it legitimates challenges to the social order when that order is unjust.'* An issue for my research is whether the legitimacy of a rights discourse is recognised or understood.

The Universal Declaration of Human Rights and the United Nations Convention on the Rights of the Child

Freeman (2002, p.22 and p.35) argues that current understandings of human rights, as presented in the UDHR, have reformulated Locke's idea by adopting the principle that there is an obligation on everyone to respect the rights of others. He suggests that the philosophical justification for the UDHR is unclear although he finds that the concept of human rights '*revives the concept of natural rights in modern dress'* (p.42). In his analysis of the origin of the UDHR, Freeman (2002, p.35), states that it is important to recognise the declaration as a response to the atrocities committed against humans during the Second World War. He suggests that the focus on 'human rights' as opposed to 'natural rights' may have been to eliminate any controversial philosophical debate about grounding rights in nature. In this sense, I understand the UDHR as a pragmatic response to achieve agreement on a strategy to prevent atrocities in the future. Rights can be '*ethical claims'* (Osler and Zhu, 2011) or '*rightful entitlements'* (Freeman, 2002); they are formalised in the Universal Declaration of Human Rights and the seven underpinning human right treaties[36]. Freeman (2002, p.35) suggests that the

---

[35] Journal, October 2010. I analysed human rights entries in my journal. I asked the question 'when are human rights referred to?'

[36] The instruments of the international human rights framework are the Universal Declaration of Human Rights and the seven core human rights treaties: the International Covenant on Civil and Political Rights; the International Covenant on Economic, Social and Cultural Rights; the Convention on the Rights of the Child; the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment; the International Convention on the Elimination of All Forms of Racial Discrimination; the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of Disabled People. http://www.unicef.org/crc/index_framework.html. Accessed 22nd May 2011.

UDHR was a way of seeking agreement on norms but without agreement on values or beliefs; he further argues that:

> *'The UN conception of human rights, as expressed in the Universal Declaration, gives rise to a dilemma. If this conception of human rights has a philosophical justification, this will almost certainly be controversial, since all philosophical theories of rights are controversial. However, if the concept of human rights has no philosophical justification, then its claim to have moral force is unfounded. The declaration itself evades this dilemma, implying the concept of human rights is above philosophical controversies.'* (Freeman, 2002, p.42)

Landmann (2006), like Freeman, acknowledges the controversy surrounding the philosophical justification for the UDHR. However, he claims that the UDHR and the underpinning conventions[37] offer a *'language of commitment'* (p.4) about human rights that can be used to advocate for the promotion and protection of human rights. Landmann (2006, p.4) suggests a focus for rights is to consider:

> *' … human rights practices delineated by reference to the extant international law of human rights, which is itself a product of the history of the struggle for human rights.'*

This statement suggests that any declaration or treaty emerging from the history of the struggle for human rights has a level of legitimacy. Landmann (2006) develops an understanding of the purpose of the declaration as a means of constraining and facilitating human behaviour. His pragmatic approach is that the UDHR (and conventions) are practical tools for guaranteeing and levering human rights practices. In this research I explore when and how practitioners make the connection between their practice, peoples' struggles for human rights and the international framework for human rights (Osler and Zhu, 2011).

In establishing an understanding of human rights for children my point of reference is the United Nations Convention on the Rights of the Child (UNCRC). As one of the seven human rights treaties[38] the United Nations intend it to be used as a framework for applying human rights. The principles and rights within the treaty become legal obligations in the countries that ratify them[39]. Where the convention is adopted there are responsibilities for governments, groups and individuals to uphold and protect the rights of the child. The UK ratified the UNCRC in 1991 and at the time of commencing my research project in 2007 the UK had been party to the UNCRC for 16 years.

Using Landmann's (2006) pragmatic approach, I suggest that the UNCRC provides a framework for children, families, policy makers and practitioners to understand

---

[37] See footnote 36.

[38] See footnote 36.

[39] In ratifying the Convention, a State accepts an obligation to respect, protect, promote and fulfil the rights—including by adopting or changing laws and policies that implement the provisions of the Convention. http://www.unicef.org/crc/index_using.html. Accessed 22nd May 2011.

and apply human rights for children. The UNCRC is a tool that enables practitioners to consider whether children's rights are realised, breached, obscured or recognised. The United Nations framework describes rights:

> *'Human rights are those rights which are essential to live as human beings – basic standards without which people cannot survive and develop in dignity. They are inherent to the human person,* inalienable and universal. (Unicef, 2011, http://www.unicef.org/crc/index_framework.html accessed 22nd May 2011)

Although Unicef, in this introduction to the UNCRC, describes rights as '*basic standards'* I can find no reference to the concept of 'basic' within the UDHR. The nature of rights is described as:

> *'Human rights are inherent; we are simply born with them and they belong to each of us as a result of our common humanity. Human rights are not owned by select people or given as a gift. They are inalienable; individuals cannot give them up and they cannot be taken away — even if governments do not recognize or protect them. They are universal; they are held by all people, everywhere – regardless of age, sex, race, religion, nationality, income level or any other status or condition in life. Human rights belong to each and every one of us equally. All rights are equal and no right is superior to any other; there are no 'small' rights. Human rights are indivisible and interrelated, with a focus on the individual and the community as a whole.'* (Unicef, 2011, http://www.unicef.org/crc/index_framework.html accessed 22nd May 2011)

This description of rights illustrates, but does not explore, the tensions within any conceptualisation of rights as identified by Freeman, Donnelly and Landmann. For example, Donnelly (2003) concurs with the view in the UNCRC that we have human rights simply on the basis that we are human. Alternatively, Freeman suggests this is too simplistic a view and we also need to consider the relationship between human rights and human needs.

The UNCRC has been both applauded for the opportunities it provides to further children's rights and criticised for its limitations. Veerman (1992, p.184) claims the UNCRC is:

> *'..an important and easily understood advocacy tool – one that promotes children's welfare as an issue of justice rather than one of charity.'*

This suggests that the UNCRC is about both advocacy and achieving justice for children. Freeman (1996, 2000) celebrates the UNCRC as an international legal instrument on children's rights, for its focus on the child's autonomy (as holding views distinct from adults) and the way it empowers children through a rights approach. Verhellen (2001, p.179) suggests a strength of the UNCRC is that children are bearers of rights; this means that children carry rights regardless of their situation or circumstances.

Debates about the limitations of the UNCRC have focused on a range of issues. Freeman (2000, p.277) critiques the UNCRC as an *'imperfect instrument'* because

it does not enable a focus on children whose rights are often neglected; Freeman specifically refers to disabled children, gay children, girls and street children. He argues that the condition of children remains a concern both internationally and within the UK and that this should lead to a greater focus on the implementation process and a re-thinking about rights (Freeman, 2000, p.277). For example, Freeman questions whether Article 40(3)[40] of the UNCRC provides adequate protection of children's rights in the criminal justice system because it allows states to establish minimum ages below which children are presumed not to have the capacity to commit crimes. If Article 40(3) specified an age, Freeman suggests that this may be higher than the current minimum age of 10 in England. A further example, Freeman suggests, is our understanding of Article 19[41] which protects children from *'all forms of physical or mental violence, injury or abuse.'* Freeman argues that the failure of the UK to outlaw physical punishment reflects a failure to problematize the implications of allowing smacking of children. I further suggest that 'smacking' is often not discussed in terms of children's rights.

Of relevance to my research questions is Freeman's analysis of the way in which children's rights may be dismissed or resisted. Freeman (2000) responds to the views of Goldstein (1996) that children's rights undermine families and the ability of parents to make decisions. He argues that such claims do not problematize issues (or tensions) such as freedom, dignity and autonomy for children (or their parents and carers). Rights in this sense are potentially *'a resource in structuring and constraining relationships'* (Freeman, 2000, p.281). Freeman identifies that any discourse on children's rights may mask the underlying issues of economic inequality and oppressive structures. I suggest that this may be the case if rights are used in a rhetorical rather than substantive way.

A further criticism of the UNCRC relates to the way in which it enables children's views to be acted upon. Freeman (2000) argues that a fundamental weakness of the UNCRC is that it was not formulated by children. Lundy (2007) has extensively critiqued the way in which Article 12[42] is presented in policy and used in practice. Her concern is that Article 12 is rarely cited in its entirety and as a result there is a limited awareness of the provision itself (Lundy, 2007, p.930). She argues that Article 12 is often hidden (and I suggest obscured) by claims that policies and practices have enabled '*pupil voice'* and children's participation. Such claims do

---

[40] Article 40(3) of the UNCRC states that '*State Parties shall seek to promote the establishment of laws, procedures, authorities and institutions specifically applicable to children alleged as, accursed o, or recognizes as having infringed the penal law, and, in particular: a) The establishment of a minimum age below which children shall be presumed not to have the capacity to infringe the penal law;'*

[41] Article 19 of the UNCRC states that *'State Parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child.'*

[42] Article 12 of the UNCRC states that '*1.State Parties shall 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. 2. For this purpose, the child shall in particular be provided the opportunity to be heard in any judicial and administrative proceedings affecting the child, either directly, or through a representative or an appropriate body, in a manner consistent with the procedural rules of national law.'*

not reflect the full legal obligations of Article 12, for example, allowing children *'the right to express those views freely in all matters affecting the child'* or by specifically asking children what are the matters that affect them. Lundy further argues that the actions adults need to take to realise Article 12 are often perceived as optional:

> *'One of the inherent difficulties with this is that the initial goodwill can dissipate when the rhetoric needs to be put into practice, especially when the effect of this is to challenge dominant thinking, generate controversy or cost money. The fact that adults can find compelling reasons for not giving children's view due weight strengthens the case for the discourse on pupil voice to be firmly located within the framework of children's rights.'* (Lundy, 2007, p.931)

She suggests that understandings of Article 12 need to be developed with a focus on children's right to express a view and their right to have their views given due weight. Lundy argues this focus moves beyond tokenistic notions of voice and participation. She suggests that the implementation of Article 12 may be enhanced by a consideration of four separate factors; they are the space given to children to express a view; the voice of children in that children may need facilitation to express a voice; the audience must be prepared to listen and that children must be given influence and their views acted upon (Lundy, 2007, pp. 932-933). I suggest that such a framework may lead to practitioners identifying actions they need to take to implement Article 12 and to realise children's rights.

Lundy (2007, p.933) further argues that Article 12 is often presented in isolation and without full consideration of its relationship to other rights. For example, Lundy (2007, p.934) explains that Article 2[43] requires states party to the UNCRC to ensure that Article 12 is secured *'to each child within their jurisdiction without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.'* This emphasises the principle that rights are held equally and that states need to take specific action to ensure equal access to rights.

Sen (1999, p.246) argues for the importance of human rights and I found his perspectives are helpful in understanding the UNCRC. Firstly, he suggests rights have an intrinsic importance (for example, the right to life). Secondly, rights have a consequential role (for example, by respecting rights we create an environment where there is security and economic wellbeing). Thirdly, rights have a constructive role in generating values (for example, the right to family life supports the construction of values of respect and of care for each other). For example, Article 28 of the UNCRC states that *'State Parties must recognise the right of the*

[43] Article 2 of the UNCRC states *'1. States Parties shall respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethic or social origin, property, disability, birth or other status.'*

child to education, and with a view to achieving this right progressively and on the basis of equality of opportunity.' This right has an intrinsic importance in terms of every child having a right to education; a consequential role in promoting economic well-being together with spiritual, moral and social development and a constructive role in generating values of respect for diversity and inclusion. A further example would be Article 30 of the UNCRC, this states that *'In those States in which ethnic, religious or linguistic minorities or persons of indigenous origin exist, a child belonging to such a minority or who is indigenous shall not be denied the right, in community with other members of his or her group, to enjoy his or her own culture, to profess and practice his or her own religion, or to use his or her own language'.* This right has an intrinsic importance in terms of freedom of expression and non-discrimination; a consequential role in promoting self-esteem together with spiritual and moral development and a constructive role in generating values of respect and inclusion. Reflecting on rights in this way could support practitioners in understanding the benefits of rights to children.

Sen (1999, p.227) suggests that critiques of human rights are concerned about issues of *'legitimacy', 'coherence'* and *'culture'* ; I argue that these notions are helpful in exploring practitioners' understandings of, or resistance to notions of children's rights. Firstly, Sen argues that the *'legitimacy critique'* implies that human rights do not have any status except through a legal framework of entitlements sanctioned through the state. If one accepted this critique, one would rely exclusively on the judicial process to realise rights. The UNCRC was ratified by the UK government in 1991 with reservations but it has not been incorporated into UK law in the same way as the European Convention of Human Rights[44]. In the case studies I explore the 'legitimacy critique' by considering whether the absence of a specific legal framework (beyond the UNCRC) for children's rights is given by practitioners as a reason for a lack of response. Secondly, Sen discusses that within the *'coherence critique'* rights cannot be realised without duties being placed on other people or agencies to provide entitlements. He argues that in this context '*claims are best seen not so much as rights, but as lumps in the throat '* (p.227) because the expectation to deliver services is dependent on the provision of resources or action to realise rights. In this research, I consider if the absence of resources (or other imperatives) is given as a reason for lack of engagement in children's rights. Thirdly, Sen argues that the *'cultural critique'* suggests the moral authority of human rights is conditional on the nature of acceptable ethics. He poses the question as to whether such ethics are universally shared or held. Like Freeman, I argue that ethics may not be shared or universally held across the diversity of cultural and national contexts, but this does not prevent people (including children) making a claim within the framework of the

[44] The European Convention of Human Rights (Council of Europe, 1950) was ratified by Great Britain in 1950 and incorporated into domestic law by the Human Rights Act 1998 but it does not focus specifically on children's rights.

UDHR or UNCRC. Osler and Zhu (2011, p.226) suggest people's desire for self-determination and participation are illustrations of ethical claims with universal application. Within my research I argue children can make an ethical claim and this claim is legitimised through the UK government's ratification of the UNCRC. The question my research addresses is whether such ethical claims to human rights are recognised by practitioners.

Implementation of human rights in the United Kingdom – how are we doing?

The implementation of the UNCRC within the UK is subject to scrutiny[45] and criticism. Such criticisms offer substantial insight into how human rights are viewed and understood in terms of policy and practice for children. In 2008 the United Nations Committee for the Rights of the Child (UNComRC) made a series of observations on the progress of implementing the UNCRC. The UNComRC observations (OHCRC, 2008) include numerous areas of concern for children's rights in the UK; for example, the high incarceration rate of children, the use of restraint, discrimination against children on the grounds of age and disability, treatment of asylum seeking children, discrimination against children in education, child poverty and the criminalisation of children. Discrimination against children in education is cited as a particular concern. This is evidenced through issues of access to education, participation, management of complaints, bullying and exclusions.

UNICEF (2007a) in a report assessing the wellbeing of children and young people in twenty one countries ranks the UK as bottom. The well-being of children was assessed in terms of educational achievement, health, safety, poverty, behaviour and relationships. A parallel assessment conducted by the Child Poverty Action Group (CPAG) (2009) focuses on child well-being and poverty in twenty nine European countries, in this assessment the UK was ranked 24th. The assessments provide evidence of the lack of focus on the implementation of human rights for children. I suggest the UNICEF and CPAG reports are an indication that children's rights are not given priority in policy development in the UK.

---

[45] States that have ratified the UNCRC are obliged to submit regular reports to the United Nations Committee on the Rights of the Child (UNComRC) on how the rights are being implemented. States must report every five years. The UNComRC examines each report and addresses its concerns and recommendations to the state in the form of "concluding observations". The last concluding observations on the United Kingdom were made in 2008. http://www2.ohchr.org/english/bodies/crc/. Accessed 22nd May 2011.

The Great Britain House of Lords and House of Commons Joint Committee on Human Rights [46] focused on Children's Rights during its 2008-9 sessions. My analysis of the evidence, transcript of proceedings and subsequent report provides an insight into the barriers for implementing children's rights in the UK. The Joint Committee commented that the Government's 'Children's Plan' (published in 2007) made no reference to human rights beyond promoting an understanding of human rights as part of a child's education. I observe this omission as supporting evidence that rights are seen as peripheral and not central to policy or priorities. Lansdown (2001, p.39) provides another perspective by observing a mismatch between the rhetoric in government policy and the level of action to realise children's rights. This is confirmed by the evidence submitted by the Children's Minister in 2008 to the Joint Committee:

> *'What matters most is giving children that good experience of childhood and having a Government who progressively want to go further to promote the well-being of children, rather than confirming by referring to the Convention in every single piece of legislation or going through the arduous process of incorporating it all together in one big piece of legislation, which would frankly be a fruitless task;'* (Joint Committee, 2009, 25th Session p.11)

From this view rights are seen as a legalistic and technical process. There is no acknowledgement that embedding human rights within statute would enhance the protection of children's rights. It is unclear from the Minister's response what would constitute a 'good' experience of childhood and I found no reference to this being a realisation of rights. In 2003 the Joint Committee criticised government for framing the provisions with the UNCRC as aspirational (Great Britain: Joint Committee, 2003); I suggest an alternative view would have been to represent an urgent commitment to their implementation.

Children's England, the NSPCC and British Irish Rights Watch, in their submission of evidence to the Joint Committee (Great Britain, Joint Committee, 2009, p.11), suggest the government build a culture of respect for children's rights by embedding the principles of children's rights in policy making and promoting a common understanding of children's rights. If such a suggestion were implemented I believe this would bring an end to the incarceration of children either through the asylum or criminal justice system, raise the age of criminal responsibility in England and prohibit all corporal punishment, such as smacking of children.

Children's Rights Alliance for England (2009) surveyed 140 local authorities to establish the extent of the implementation of the UNCRC at a local level. The findings of the survey are highly relevant to this research because they provide an insight into the action taken to realise children's rights at a local level. The survey found that:

[46] From this point onward referred to as the 'Joint Committee'.

> *'It is clear that local authorities do not always perceive issues affecting children as children's rights issues, and as such miss opportunities to promote children's rights. Even where they do make this link, the UNCRC is rarely used as the framework for this. This may be as a result of lack of understanding of the UNCRC, or simply a lack of confidence in applying human rights principles and specific provisions to day-today service delivery.'* (p.17)

Local authorities were asked to identify the barriers to the full realisation of children's rights. Four main local barriers were identified; they were lack of funding, lack of knowledge of rights, difficulty in achieving meaningful participation and negative public attitudes towards children's rights. The survey found effective examples of local mechanisms for involving all children and young people and targeted approaches for involving children in care and disabled young people. Overall, the Children's Rights Alliance for England (2009) concludes that more action is needed through professional development to support an understanding of children's rights and the relevance of rights to children's lives.

The Equality and Human Rights Commission conducted a Human Rights Review in 2012. This reviewed the implementation of the European Convention of Human Rights (ECRC) and the Human Rights Act 1998. The Human Rights Review (2012, p.5) suggests that both these instruments have the potential to influence how public authorities deliver services in ways that respect rights. Although the implementation of the UNCRC was outside its terms of reference the review explored the realisation of children's rights. They found three areas where legislation, institutions, policy and services are not realising rights for children. Firstly, the criminal justice system does not treat children as children and this is reflected in the age of criminal responsibility for a child. Secondly, the rights of some groups of people are overlooked, for example, there is evidence that public policy does not take account of the accommodation needs of Gypsy and Traveller families. Thirdly, the review draws attention to the fact that children are still detained pending deportation as part of the immigration procedures despite the government's agreement to end the detention of children.

Overall, within the literature I found limited evidence of the implementation or realisation of children's rights in the UK and this confirms my analysis of journal entries about human rights. I observe that government policy often uses an argument of conflicting rights to limit the rights of children. An example of this is the incarceration of children within detention centres when their families' asylum application failed and they have lost the legal right to remain the United Kingdom. Another example is limiting access to education for children who have been excluded from school because their challenging behaviour infringes the rights of other children. I observe that the practice of limiting children's rights within policy often goes unnoticed and unchallenged by practitioners within my own working environment. This brings into question practitioners' understanding of the human

rights framework and their interest in implementing it within their own work environment (Journal, October 2010[47]). A further reflection is that one person's rights can be perceived to conflict with another by practitioners. For example, a school practitioner contacted me to discuss the issue of a parent who applied for a place for their child at his school. The parent lived opposite the school following a move from another part of the town. The practitioner was aware that the child had been close to permanent exclusion at their previous school and he had discussed this with his staff. He was also aware that children and parents were talking in the school about this child. The practitioner stated that he felt it was a legitimate action on his part not to admit the child because other children in the school were frightened of him (Journal, April 2011[48]). A further example related to a school practitioner who was concerned at offering a place to a child in the school because the parents had openly acknowledged their (i.e. child's parents) high levels of alcohol consumption. The practitioner was concerned that the child's behaviour would impact significantly on the learning opportunities of other children in the class (Journal, October 2011[49]). In both of these situations the rights of the children remain unexplored and invisible.

THE RELATIONSHIP BETWEEN 'EQUALITY', 'INEQUALITY', 'HUMAN RIGHTS' AND 'JUSTICE'?

The relationship between human rights and equality is an area of debate in the literatures. My earlier discussion showed the limitations of equality of opportunity as a single strategy in addressing inequality. Not all people start from the same position and therefore from the outset their ability to take up the opportunity is limited relative to others (Tawney, 1931, p.105). So although proponents of equality of opportunity may claim to provide equality for people irrespective of, for example, gender, class, ethnicity, age, sexual orientation or disability they do not necessarily address the diversity of circumstances and barriers for individuals.

This raises the question of how different notions of equality or equal opportunities enable the realisation or limitation of human rights. As rights are held equally any circumstances where there is inequality impedes the realisation of rights. An illustration of this is my earlier example where practitioners held a perception of equality (equal shares of challenging children between schools). Practitioners believed they were upholding rights (this was the legal right to education) but the children's views were not heard or given due weight in the meeting on the issues that affected them (the school placement). Using Lundy's (2007) analysis I suggest this example of where practitioners have a very narrow understanding or awareness of the implications of Article 12 of the UNCRC for the practice. I argue

[47] Journal, October 2010 – reflection following two meetings of the panel to place children in school.
[48] Journal, April 2011 – analysis of an incident where a school did not want to offer a child a place.
[49] Journal, October 2011 – analysis of an incident where a school did not want to offer a child a place.

the inequality in power between practitioners and children led to a limitation of children's rights.

A further question is whether some inequalities are acceptable and whether limits should be placed on inequality where an outcome would be an infringement of human rights. For Beetham (1999) the question is whether economic inequality is compatible with the principle of equal citizenship and whether it impedes an individual in exercising democratic rights. He states:

> *'Human rights seek to guarantee the minimum necessary for pursuing a distinctively human life.'* (Beetham, 1999, p.90)

The notion of human rights ensuring the '*minimum'* level of economic resources for the individual is central to Beetham's argument. I suggest that the concept of a minimum level of resources perpetuates and extends inequalities and leads to a limitation of the realisation of other rights. Determining a minimum level of economic resources for people leads to a disparity in income or wealth; although I acknowledge that Beetham is concerned with the distribution of economic wealth. The gap between those with the minimum level and those with the highest level of economic resources could be large. Issues of power therefore arise. Further questions arise about who determines the minimum level of resources, an individual or the government. I argue that determining and implementing a minimum level of resources could become a justification for resistance to the extension of economic rights. As rights are universal and held equally then the realisation of rights, within Beetham's model, would be perceived to have been achieved (by those who support his position) when people were provided with a minimum level of resources.

Rawls (1971a, 1971b) in his discussion of the principles of justice explores the relationship between the distribution of rights and equality. His theory of social justice suggests a way in which institutions might distribute rights and divide the advantages that arise from people's social co-operation. This raises a question as to whether the 'distribution' of rights is compatible with the UDHR. I suggest any mechanism of 'distribution' would lead to an unequal distribution of rights and this would compromise any notion that rights are universal and held equally.

Central to Rawls' theory is an acknowledgement that not all people are equal in terms of opportunity because of the differences in their political, economic and social circumstances. Rawls sets out two principles of justice that provide an initial position of equality within any social co-operation; he describes this as the original position:

> *'First principle: Each person is to have an equal right to the most extensive total system of equal basic liberties compatible with a similar system of liberty for all.*

Second principle: Social and economic inequalities are to be arranged so that they are both:

a) to the greatest benefit of the least advantaged, consistent with the just savings principles and

b) attached to offices and position to all under condition of equality of opportunity.' (Rawls, 1971b, p.144)

For Rawls liberties[50] should be distributed equally unless an unequal distribution would address the position of those most disadvantaged by their political, economic and social circumstances. Rawls prioritises liberty over other social goods. This means no one could sell or have their liberty removed in exchange for social goods such as income or wealth. In this theory of social justice, liberties could not be reduced in exchange for social or economic gain and this is consistent with the United Nations framework for rights where rights are indivisible. Whilst Rawls states that some people may need a greater share of liberties, his second principle accepts, but limits the existence and continuation of both social and economic inequalities. He calls this the difference principle:

> *'We see then that the difference principle represents, in effect, an agreement to regard the distribution of natural talents as a common asset and to share in the benefits of distribution whatever it turns out to be. Those who have been favoured by nature, whoever they are, may gain from their good fortune only on terms that improve the situation of those who have lost out.'* (Rawls, 1971b, p.140)

Sen (1979, p.173; 2009, pp.400-401), in his analysis of Rawls' theory, argues the difference principle is an inadequate strategy to address inequality. Giving disabled people as an example; Sen (1979, p.173) argues that the difference principle does not address the systemic barriers to a disabled person's lack of access or the realisation of primary social goods. His analysis is that the primary social goods approach does not recognise the diversity of human beings:

> *'in fact, people seem to have very different needs varying with health, longevity, climatic conditions, location, work conditions, temperament, and even body size... so what is involved is not merely ignoring a few hard cases, but overlooking very widespread and real differences. Judging advantage purely in terms of primary goods leads to a partially blind morality.'* (Sen, 1979, p.173)

For Sen the critical issue is the relationship between primary social goods and the person and his/her priorities, needs and interests. However, I argue that Rawls' theory is helpful in challenging inequality because it establishes a framework for considering the limits of inequality, although this framework is not inclusive of the diversity in needs or circumstance of the individual or the systemic factors that may perpetuate inequality.

[50] In Rawls' (1971) theory of justice 'liberty' is a social good together with income and wealth.

Sen (2009) more recently argues for capability equality to be an element within an overarching approach to justice. He suggests a reliance on capabilities does not reduce inequality because it fails to consider:

> '*..the fairness or equity of the processes involved, or about the freedom of citizens to invoke and utilise procedures that are equitable.' (*Sen, 2009, p.296)
>
> *'The subject of a fair process and a fair deal goes beyond individuals' overall advantages into other – especially procedural - concerns, and these concerns cannot be adequately addressed through concentrating only on capabilities.'* (Sen, 2009, p.297)

He advocates an approach to justice that incorporates a consideration of issues of power, exploitation and any other issues that limit capabilities and freedoms. He suggests such an approach explores the interconnectedness between instrumental freedoms including for example: economic opportunities, political freedoms and security. Sen conceptualises justice in this way:

> *'A theory of justice … has to be alive to both the fairness of the processes involved and to the equity and efficiency of the substantive opportunities that people can enjoy.'* (Sen, 2009, p.296)

He suggests it is important to assess how individuals experience justice or injustice, at a procedural level as well as in terms of capabilities. This approach enables a focus on the action needed to enable greater justice in any given context. I argue the strength of this approach is that it enables practitioners to connect with the unequal experience of people and the action they as practitioners need to take. It can also be applied (and understood) within the local or global context (Osler and Zhu, 2011, p.225). Sen's 'idea of justice' differs from Rawls 'theory of justice' because it moves beyond the abstract principles to a focus on the real experiences of people. Sen suggests that our notions of a just society may be incomplete or subject to debate:

> '*…an approach to justice can be both entirely acceptable in theory and eminently useable in practice, even without its being able to identify the demands of perfectly just societies (or the exact nature of just institutions).'* (Sen, 2009, p.401)

Sen (2009) suggests action to address injustice should not be inhibited by an incomplete theory or definition or understanding of justice. Earlier Sen (1999) argued that a recognition of *'injustice may be dependent in practice on open discussion of issues and feasibilities.'*(p.287) and in practice inequalities may be perpetuated because there is not the opportunity to formulate alternative strategies. In such circumstances he suggests there is a risk of a view that there is no alternative but to live with the injustice.

Similarly, Gewirtz (1998) in a paper conceptualising social justice in education also suggests a focus on procedural and participatory considerations. Like Sen, she critiques Rawls' 'theory of justice' by suggesting it is limited by its focus on the distributional aspects of justice. She argues this led to an understanding that '*distributional justice is … synonymous with social justice.*'(p.470)*. Gewirtz* suggests that strategies for social justice need to focus on both the 'distributional' and the 'relational' dimensions. In considering the later she proposes:

> *'Relational justice might include procedural justice, but it is about more than this. It is about the nature and ordering of social relations, the formal and informal rules which govern how members of society treat each other both on a macro level and at a micro interpersonal level. Thus it refers to the practices and procedures which govern the organization of political systems, economic and social institutions, families and one to one social relationships.'* (Gewirtz, 1998, p.471)

Gewirtz and Cribb (2002) further refine this theory by splitting 'relational justice' into 'cultural' and 'associational dimensions'. They define cultural justice as an absence of *'cultural domination'* and *'non-recognition'* (p.502) and associational justice as a set of arrangements that enable people to participate fully in decision making that affects their lives (p.503). Gewirtz and Cribb (2002) argue that plural conceptions of justice enable the tensions and relationships between different perspectives on justice to be explored. I suggest such an approach also enables them to be problematized rather than simplified or obscured. In their paper Gewirtz and Cribb (2002) illustrate this issue through a discussion about approaches to ethnic monitoring. This is similar to an example from my own practice:

> '*The admission meeting at the school turned to the collection of data and the school practitioner explained to the parent (a Gypsy) that the school was concerned to ensure that all the aspects of the school community had equality. The school practitioner was clear with the parent that this meant looking at what the school did and therefore they needed to understand the experience of all children, whatever their background. The school practitioner showed the parent the data collection form and indicated that there would be an opportunity to give information to the school on the ethnicity of the family. The parent explained he did not want to be counted or anyone to have a record of him or his son as a Gypsy because in the past people had been counted, rounded up and taken away and who was to say that this would not happen again. The school practitioner asked the parent if it would be possible to talk about that again when the family knew the school better and the parent replied that would be fine. When the parent left the school practitioner asked me why the parent had taken that position. I explained my interpretation was the parent had made the connection between his own situation and that of other Gypsies in Europe during the Holocaust. The school practitioner became upset and said she could not conceive what it must be like to live with that level of fear.' (Journal, October 2004*[51]*)*

[51] Journal, October 2004 – my analysis of a meeting in a school with a Gypsy parent to discuss admission to school.

Gewirtz and Cribb (2002), in their discussion of ethnic monitoring, suggest that '*from the perspective of distributive justice, ethnic monitoring can be viewed as having a vital role to play in providing the information needed to combat discrimination on the basis of race'* (p.503). I suggest the practitioner in the school approached ethnic monitoring from this perspective. However, Gewirtz and Cribb (2002) propose that an alternative perspective would be to consider ethnic monitoring from a cultural justice perspective. The recording of ethnic background, although a means of recognition, is a form of classification from a bureaucratic perspective. My interpretation is that the parent, in my example, understood ethnic monitoring as a form of cultural injustice.

Sen (2009) and Gewirtz et al (2002) approach the notion of justice from similar perspectives. Sen (2009, p.401) argues any idea of justice must operate at a theoretical level, but also assess individuals' experience of justice or injustice and consider how justice will be realised in practice. Gewirtz and Cribb (2002) argue:

> *'If we are all responsible for promoting social justice, then we cannot evade engaging in a constructive way with the practical dilemmas faced by those struggling for social justice in and around education sites…….. It is not enough simply to identify tensions or dilemmas that are embedded within the work of practitioners or contextual factors that shape or constrain what they do or not do to document processes of social and cultural reproduction. If we take plural conceptions of justice seriously, then we need to try and ensure that our work is of practical help to those struggling to do their best to advance the cause of social justice in challenging circumstances.'* (p.504)

They suggest that '*social justice needs to be understood concretely and managed concretely*' (p.506). Just as I have observed how policy on equality and human rights is abstract and theoretical, Girwirtz and Cribb (2002) argue that analysis of social justice from a sociological perspective is at a distance from practice and risks being described as '*sociology from above'* (p.500).

MEASURING EQUALITY, INEQUALITY AND HUMAN RIGHTS

Theoretical frameworks for measuring inequality or equality and access to rights are not of direct relevance to my research questions. My concern is how equality or inequality are understood and whether frameworks for measuring inequality and equality inform practitioners' responses.

Within my journal I reflect on two different responses to the measurement of inequality. Firstly, practitioners may be uninterested in, and dismissive of, data that measures inequality. Secondly, practitioners may be obsessive about measurement but do not take action. I argue that the measurement of inequality may in these ways become a distraction from taking action. These two positions are illustrated through a discussion in a meeting about achievement of minority

ethnic children. I presented data demonstrating that Gypsy, Roma and Traveller children's mean attainment at the end of primary school was lower than the mean attainment for all children. My aim was to initiate a discussion on this issue and identify ways forward. One group of practitioners refused to engage in a discussion because they believed the data was invalid on the basis that the number of Gypsy, Roma and Traveller children was too small. Another group of practitioners suggested that we could not plan any action because we needed more data and measurement of other factors such as attendance or exclusion from school. The outcome was no action even though there was clear evidence of unequal outcomes (Journal, October 2007[52]).

Some of the literature about capability equality focuses on the measurement of equality and the establishment of a list of capabilities. Sen's contribution to this debate is highly relevant to my research questions; he states:

> *'The problem is not with listing important capabilities, <u>but with insisting on one predetermined canonical list of capabilities</u>, chosen by social theorists without any general social discussion or public reasoning. To have such a fixed list, emanating entirely from pure theory, is to deny the possibility of fruitful public participation on what should be included and why.' (*Sen, 2004a p.77 also quoted in Vizard and Burchardt, 2007 p.30, my underlining for emphasis*)*

Nussbaum (2000, pp.78-80) presents an alternative view by advocating for a specific capability list; she suggests a list of '*central human functional capabilities'* can be derived from a theoretical perspective and not through approaches that rely on deliberation or participation. She advocates that such a list should be supported at an institutional level. An example of Nassbaum's ten *'central human functional* capabilities' is *'bodily integrity*'. She suggests this implies freedom of movement as well as safety and security from physical assault. For Sen describing capabilities is not an abstract or theoretical task. Capabilities are not prescriptive because the needs and interests of people, alongside the barriers they face, may differ in each context. I suggest they may also change over time. For these reasons, Sen (2004b) argues capabilities should be subject to on-going public deliberation. I observe that this emphasis on public deliberation connects capabilities to a particular context or space and to the needs, interests and priorities of people. However, there is a risk of debate about the feasibility of issues such as freedom from violence where there is a universal right.

Vizard and Burchardht (2007) identify the UDHR as a point of reference for specifying and justifying human freedoms:

> '*A "human rights based capability list" can be defined as a capability list where the selection and justification of central and basic capabilities makes*

[52] Journal, October 2007 – my notes from a meeting to discuss how we might improve achievement of children of minority ethnic background.

> *reference to a background theory of human rights. Although the background theory of human rights does not necessarily refer to the international human rights framework, the international human rights framework can be invoked as a pragmatic tool for the development of a capability list of this type. Human rights based capability lists are suitable for human rights advocacy purposes - when a minimal list of central and basic capabilities with universal validity is required. ..... They could usefully be viewed, for example, as providing the 'minimal irreducible core' of other (acceptable-comprehensive) capability-lists...'* (Vizard and Burchardt, 2007, p.36)

My concern with this approach (which views human rights as a minimum position) is that it will lead to a departure from the principles set out in the United Nations framework for human rights. For example, a capability list could potentially select or focus on a few rights when the realisation of rights is dependent on fulfilment of all rights, as rights cannot be considered in isolation or fragmented (Donnelly, 2003).

The Equalities Review adopted the methodology proposed by Vizard and Burchardt's (2007) research and proposed an 'Equality Scorecard'. This was determined through a process of selecting rights from the UDHR and a process of public consultation. The ten dimensions of equality in the proposed Equality Scorecard (advocated by the Equalities Review) are set out in Table 3:

Table 4: Ten Dimensions of equality[53]

- Longevity
- Physical security
- Health
- Education
- Standard of living
- Productive and valued activities
- Individual, family and social life
- Participation, influence and voice
- Identity, expression and self-respect
- Legal security

[53] This list was included in Equalities Review (2007)' *Fairness and Freedom: The Final Report of the Equalities Review* .' p.18

The ‘dimensions’ are not expressed or defined as rights or freedoms or commitments. In this sense they are not consistent with the universal rights included within the UNCRC or the UDHR. This reflects my concern that the dimensions of equality are not 'human rights based' and not comprehensive in their coverage. I suggest there are omissions, for example, an absence or consideration of the environment, privacy, property, wealth or income. Omissions may lead to narrow conceptions of equality and rights that exclude consideration of freedom of movement, the right to privacy or the right to justice. I argue the Equality Scorecard risks promoting a discourse that stresses the measurement of outputs and outcomes for people rather than addressing the root causes of inequality.

Given the depth and complexities of inequalities documented in research literature I question whether this quantitative approach is adequate or whether the measurement of inequality is an end in itself. Would an alternative approach be to focus on preventing inequality by investigating and addressing systemic barriers (e.g. opportunity, access, discrimination, prejudice, distribution of wealth and resources) and create a scorecard on the success of these measures? The low level of achievement of Gypsy Traveller children is well documented in recent research (Derrington and Kendall, 2004; Bhopal et al, 2000). I observe that action remains focused on measuring the attainment of Gypsy Traveller children generating a discourse that presents Gypsies and Travellers as a problem rather than addressing the systemic issues that perpetuate the inequality (Journal October, 2009[54]).

WHAT HAVE I LEARNT FROM THIS REVIEW?

In this section I discuss what I have learnt from the review of theoretical perspectives on equality, inequality and human rights and how this provides a framework for analysis within this thesis.

Concepts of equality, inequality and human rights

I found an extensive range of conceptual positions on equality; all with a different emphasis (e.g. equal worth, equal respect, equality of opportunity or equality of condition) and none comprehensive. Concepts of equality are consistently used without definition or explanation. I suggest that they are a mirage: they have the appearance of advancing equality but without the substance to articulate what this position would mean in practice. I observe no common language of equality and this potentially prohibits the development of a common understanding (Furedi, 2005, p.152).

[54] Journal, October 2009 – I reflected on the annual ‘Standards’ meeting between the Department for Education and the local authority.

I found that the concept of equal opportunities is limited in its capacity to advance equality. As a position it needs strategies and measures in place to take account of, and respond to, the inequality in starting points for people as a result of social, economic or environmental circumstances. Tawney (1931) argues 'equal opportunity' is used rhetorically; he observes institutions are happy to own a policy of equal opportunities provided they do not have to implement or enact it. I suggest that his remarks are as relevant now as they were in the 1930s. Policy positions of equality (e.g. equality of opportunity, equal worth, equal respect or equal dignity) are often presented alongside ideologies such as a meritocracy. This diminishes their capacity to advance equality; so for example, believing and operating in a meritocracy means that opportunities, esteem, respect and dignity are conditional on effort or achievement. Narrow views of equality (e.g. an exclusive focus on equal opportunity, equality of worth or equal dignity) are limited in their capacity to reduce inequality because they do not take account of the impact of inequalities in the distribution of social and economic goods. So, for example, a child is offered a place at a local primary school but to achieve equal opportunity in access to the curriculum, equality of worth and equal dignity amongst peers they require a level of social and economic resource to purchase the school uniform, the school bag, the PE kit and the school lunch. Here the school also needs structures in place to overcome and remove the barriers.

I observe ‘inequality’ is associated with characteristics of the individual (or their status) and not systemic or institutional barriers that are outside of the individual's control. Writing in the 18th century Rousseau (1750, 1775) is an exception. He provides a theoretical perspective on the origins of inequality as initially created by people, whose actions are legitimised by institutions and then further established through laws and the allocation of property (i.e. wealth). In the analysis of each of my case studies I consider how inequality is authorised and legitimised by practitioners, institutions or the law.

I suggest a number of conceptual positions have the capacity to advance equality. They are capability equality (Sen, 1999), equality of condition (Baker et al, 2004, Lynch and Baker, 2005), equity (Westburnham, 2010) and justice (Sen, 2009 and Gewirtz, 1998, Gewirtz and Cribb, 2002). All four positions respond to the needs and priorities of people acknowledging that there will be a different and relative importance placed on capabilities or outcomes depending on the individual and context. Sen (1999,) suggests that ‘capabilities’ (‘*needs, interests and priorities of people’)* are limited by resources but also social and institutional factors. Baker et al (2004) argue ‘equality of condition’ can address or eliminate major inequalities and a strength of this approach is the acknowledgement that structures of oppression and domination lead to inequality. Within this position, I found optimism that institutions and systems can be changed and can change themselves to address inequality. Westburnham (2010) argues that equality of

access and esteem and equity (defined as '*benefiting from outcomes of society in accordance with need*') are secured by deliberate and specific interventions (justice) on the part of institutions. Such conceptual positions promote a discourse on equality that recognises and responds to individual needs but also addresses inequality through the specific actions of institutions including governments and multi-national companies. They include an explicit consideration of issues of power and the distribution of social and economic resources.

Sen (2009) and Gewirtz (1998) conceptualise justice in a way that incorporates capability equality alongside an understanding of the ways in which procedural factors (e.g. economic opportunities, political freedoms and security) lead to injustice or justice. Gewirtz and Cribb (2002) argue for plural conceptions of justice; they suggest that an exploration of the 'distributional', 'relational' and 'cultural' aspects of justice will lead to greater understanding of the complexities of injustice. Sen (2009) and Gewirtz and Cribb (2002) suggest ideas of justice need to be understood and realised in practice through engagement with the experiences and struggles of individual people. I argue that such a position would enable practitioners to achieve a greater understanding of the actions needed to address injustice because it contextualises theory. Within each case study I evaluate how practitioners recognise and understand the different conceptual positions on equality and justice they encounter in policy or practice.

I found the debates about the philosophical foundations for human rights can be explored as *'complex problems'* (Freeman, 2002). Learning from such debates is important in developing an understanding of human rights but also in informing the pragmatic actions that may lead to a greater realisation of rights. The relationship between people and rights is described in a number of ways; people can be *'bearers of rights'* (Landmann, 2006), or *'right holders'* (Donnelly, 2003) or they can have *'rightful entitlements'* (Freeman, 2002). Such approaches have the potential to enhance practitioners' understanding of how different conceptual positions can lead to a realisation of rights. For example, Landmann's (2006) three ways of looking at rights as *'rights in principle', 'rights in policy'* and *'rights in practice'* provides a potential model for practitioners (or policy makers) to move from policy or theory to human rights practice. Landmann (2006) and Donnelly (2003) argue that rights can be mutually reinforcing; this supports the notion of the indivisibility of rights and challenges the practitioner not to consider rights in isolation from one another; as one right may be contingent on another. Landmann (2006) argues that social relations and the struggles to realise rights are '*rights based demands for change'*. I suggest this is in contrast to other conceptualisations of the operation of rights where rights are passive and dormant and their enjoyment does not depend on an active approach to the realisation of rights. For example, Donnelly's (2003) claims there is a condition of *'objective enjoyment*' of rights where rights are realised with no action from the right holder or right bearer.

Critiques of human rights provide a helpful framework for analysing any resistance to human rights either as a concept or to their implementation in practice. Donnelly (2003) finds that debates about human rights focus on claims about the *'universality, particularity and relativity of rights'.* Freeman (2002) provides an alternative perspective, he suggests the contested issues are ones of *'contingency, construction and relativity'.* I found that the claim to the universality of rights (Donnelly, 2003) is subject to criticism as any consensus (as demonstrated through states' commitment to international treatises) may be considered as factual and not moral. Any claim to the universality of human rights based on an understanding of human moral nature is also dependent on an inclination on the part of the individual to a positive morality (Freeman, 2002). Donnelly (2003) considers any conception of human rights as *'historically specific and contingent';* he argues any understanding of human dignity and what may cause a threat to human dignity may change over a time. Freeman (2002) problematizes this issue and suggests this makes the concept of human rights vulnerable to criticism because it reduces the story of human rights to a series of historical facts. I suggest that the notion of '*contingency'* may also be used to explain (or justify and excuse) past abuses of human rights. Sen(1999) in his analysis of critiques of human rights identifies the issues as ones of *'legitimacy', 'coherence'* or *'culture'.* If the *'legitimacy'* critique is accepted then rights do not have any status except through a legal framework. If the *'coherence'* critique is accepted then the realisation of rights is dependent on others fulfilling a set of obligations (Donnelly, 2003). In this situation Sen (1999, p.227) suggests there is a risk that *'claims are best seen not so much as rights, but as lumps in the throat'.* If the *'cultural'* critique is accepted then human rights are conditional on the nature of an acceptable ethics. Freeman and Donnelly describe this critique as *'cultural relativism'*. Freeman (2002) argues that Donnelly's claims of the moral universality of rights comes under attack when confronted with claims that not all cultures have the same conception of human beings or attach the same significance to being human. Tensions relating to the moral universality of rights need to be explored through in the context of reality of adults and children's lives (Sen, 1999). Ethics may not be shared or universally held across the diversity of cultural and national contexts but this does not prevent adults and children making an ethical claim (Osler and Zhu, 2011) within the framework of the UDHR or the UNCRC.

The extant international law of human rights provides a reference point for human rights practices that is pragmatic and has emerged from the struggles to realise rights. Analysis of human rights practice can take place in the absence of philosophical consensus about the foundations of human rights (Landmann, 2006). I suggest such analysis needs to acknowledge the vulnerabilities as well as the strengths of any framework for human rights (e.g. the UNCRC). Landmann (2006) further argues that understandings of human rights can be developed through analysis of the observable violations of human rights.

The UNCRC has been criticised as an imperfect instrument (Freeman, 2000) because it does not enable a focus on the issues for children whose rights are often neglected (e.g. disabled children or gay children). Criticisms of the UNCRC are illustrated by Lundy's (2007) analysis of Article 12; her concern is that the wording of the article is rarely cited in its entirety and is frequently considered in isolation from other rights. She suggests that this leads to an incomplete understanding on the part of adults as to what actions are required to enable children to express a view and to have their views given due weight in matters that concern them. Lundy's approach problematizes the implementation of Article 12 and as a result new understandings emerge about the ways in which children need to be enabled through *'space', 'voice', 'audience'* and *'influence'.* I suggest practitioners could learn from reflecting on Lundy's approach in order to gain a greater understanding of the actions needed to realise children's rights.

I found the UNCRC is celebrated as a tool for advocacy (Vermann, 1992), for its focus on the autonomy of children (as holding distinct views from adults) and its potential for empowering children through a rights approach (Freeman, 2000). Landmann (2006) argues the UDHR and the UNCRC provide a language of commitment and reflect the struggles to realise human rights. Sen's (1999) perspectives are helpful in promoting an understanding of the significance of the UNCRC to children. Sen (1999) suggests that rights can be considered for their intrinsic importance, their consequential role and in their constructive role in generating values. I suggest that this could be applied to promote an understanding of the UNCRC. For example, Article 28 of the UNCRC states that *'State Parties must recognise the right of the child to education, and with a view to achieving this right progressively and on the basis of equality opportunity.'* This right has an intrinsic importance in terms of every child having a right to education; a consequential role in promoting economic well-being together with spiritual, moral and social development and a constructive role in generating values of respect for diversity and inclusion.

Recent studies on the implementation of human rights conclude that issues for children are not seen as children's rights issues by policy makers or practitioners (Children's Rights Alliance for England, 2009). Voluntary organisations[55] suggest embedding principles of children's rights in policy making and promoting a common understanding of children's rights, including the relevance of rights in children's lives. I found the presentation of human rights in national policy and strategy promotes rights as a legal almost technical process. Breaches and limitations of children's rights on the basis of conflicting rights (e.g. incarceration of children, smacking of children, age of criminal responsibility) are legitimised and validated through legislation.

[55] Children's Rights Alliance for England, Children's England, British Irish Rights Watch, NSPCC in their presentation to the Great Britain, Joint Committee on Human Rights.

Within each case study I explore the conceptual presentation of children's rights and practitioners' understandings of rights.

How are equality and human rights connected within the literatures?

Texts exploring limits to inequality and the implications for rights consider the relationship between equality and human rights. Rousseau (1762) states there should be limits to inequality in that no person's wealth should reduce below a level that would compromise their liberty and force them into slavery. By applying this concept to human rights more broadly I argue there are limits to inequality; no level of inequality should be so great as to infringe human rights. Beetham (1999) asks the question whether economic inequality is compatible with the principle of equal citizenship and whether it impedes the individual in exercising democratic rights. In my analysis of Beetham's work I raise a concern that the concept of a minimum level of resources may perpetuate and extend inequalities and the realisation of rights.

Rawls (1971a and 1971b) explores the relationships between the distribution of rights and equality. He sets out two principles of justice which he argues provide an ‘initial position’ of equality. The first principle suggests an equal right to equal liberties for all people. The second sets limits to economic inequality in that ‘inequalities’ have to benefit the least advantaged and arise from positions that were secured by people under conditions of equality of opportunity. Rawls clarifies the ‘initial position’ of equality through his 'difference principle'. He suggests social goods (liberties, opportunity, income and wealth) should be distributed equally unless an unequal distribution would address the position of those most disadvantaged. Within this principle Rawls’ prioritises liberty as a social good. He implies that no one should be in a position of ‘inequality’ where they could sell or have their liberty removed; this notion upholds the human rights principle that rights are inalienable.

Within each case I evaluate the relationships between inequality and human rights, particularly whether practitioners understand that inequality can lead to breaches of human rights.

A further way in which concepts of equality and human rights are connected is in the measurement of inequality. Sen (1999, p.xi, p.18-19) argues that ‘capabilities’ or ‘freedoms’ are consistent with the human rights framework and include, for example, freedom to lead normal spans of life, freedom to read and write and freedom to be well nourished. For Sen (2004b and 2009), the important issue is that capabilities and issues of injustice should be considered through a process of public participation and deliberation. I suggest this aligns with Wright Mill's (1956) theoretical perspective of the 'public' as the giver and shaper of opinion. Sen (2004a) argues capability lists are reduced in effectiveness if they are pre-

determined from a theoretical and policy perspective in the way that Nussbaum (2000) suggests. Vizard and Burchardt (2007) advocate a human rights capability list and this sets 'minimal' and 'basic' capabilities with 'universal validity'. I suggest such a presentation of capabilities departs from the principles of the human rights framework through a notion of minimal rights. Vizard and Burchardt (2007) omit to discuss how inequalities could impact on rights or whether there are any limits to inequality. So for example, inequalities in the distribution of food could lead to limitation of the right to the *'best possible health'* (UNCRC, Article 24[56]) unless there is a discussion about whether there are limits of inequality in this dimension.

Within each case I explore whether the measurement of inequality influences practitioners' responses and whether notions of equality and human rights are subject to public deliberation.

[56] Article 24 of the UNCRC states *'Every child and young person has the right to the best possible health and health services.'*

CHAPTER 4.

UNDERSTANDING THE 'MESSINESS OF WORK'.

In this chapter I consider theoretical perspectives about the context in which I work. This is to seek greater understanding of the ambiguity, lack of certainty and insecurity that I observe amongst practitioners within my reflections on practice. Acting on my analysis of some incidents within my own practice I also explore literatures about the impact of managerial and performance management cultures within the workplace.

WHAT MAKES IT FEEL 'MESSY' AT WORK?

Mills (1959) states:

> *'men often sense that older ways of feeling and thinking have collapsed and that newer beginnings are ambiguous to the point of moral stasis.... in defence of selfhood they become morally insensible, trying to remain altogether private men...'.* (p.4)

I found practitioners sometimes resisted including new children within their setting to whom they felt they might need to adapt. They focused on perceived differences (e.g. language, appearance, behaviour) and adopted a strategy of assimilating children within their existing provision. There was an absence of discussion about how the whole provision may need to develop in order to accommodate new and different needs (Journal, July 2010[57]). Bauman (1997) describes this environment as a moral crisis; he states:

> *'..in our post-modern times..... the boundaries which tend to be simultaneously most strongly desired and most acutely missed are those of a rightful and secure position in society, of a space unquestionably one's own, where one can plan one's life with the minimum of interference, play one's role in a game where the rules do not change overnight and without notice....'*(p.26)

Practitioners retreated into their individual space, to a context and agenda that they controlled and understood without the threat of external influences or challenge (Journal, October 2011[58]).

Retrenchment is a response to challenge or external scrutiny where the environment of distrust leads to disengagement. Bauman (1993) states:

> '*There is little reason to trust the assurances of the expropriating/usurping agencies that the fate of morality is safe with them; there is little evidence that this has been the case thus far, and little encouragement can be derived*

[57] Journal, July 2010 – my notes on repeated themes in my journal.
[58] Journal, October 2011 – analysis of incident where school did not want to offer a place to a child.

from the scrutiny of their present work for the hope that this will be the case in the future.' (p.248)

My work environment became a place of unresolved moral dilemmas. I observed that individuals were left holding such dilemmas; some were unable to engage with research outcomes or alternative narratives because they did not trust the authority of the institution or person. For example, I observed practitioners failure to recognise that children had a well-founded reason and right to seek asylum. They questioned whether children were victims of persecution in their country of origin even though this issue was the subject of authoritative research or when it was heard first hand from the child. I wrote on one occasion how a practitioner told me how they found it hard to accept the narrative of a child who had been the victim of torture, even when this child had scars on their body (Journal, July 2007[59]).

Extending my analysis of the work environment I note Bauman's description of people maintaining and protecting the known order as a strategy to avoid change. Bauman (1997) describes this as the dream of purity:

> *'Each order has its own disorders; each model of purity has its own dirt that needs to be swept away. But in a durable, lasting order which pre-empts the future and also involves, among other prerequisites, the prohibition of change, even the cleaning and sweeping pursuits are parts of order. They belong to the daily routine, and like everything routine they tend to be repeated monotonously, in a thoroughly habitualized fashion that renders reflection redundant.'* (p.11)

Maintaining purity as an activity engages the individual and the institution in a systematic approach by actively removing any threat that would lead to change. Bauman (1997) argues there is no questioning of the purpose of the routine because its sole purpose is to maintain the purity. He suggests that views of purity are never constant and new models of purity are always being established

> *'All in all, the state of "perpetual beginning" generates ever new, "improved" targets of purity, …..each new target cuts out new categories of "dirt" ... in which even ordinary, boringly familiar things may turn into dirt at short notice or without notice...'.* (Bauman 1997, p.11)

This continual re-shaping of the pure leads to a redefinition of what Bauman refers to as the 'dirt'; this can be internal or external and is a self-perpetuating process as definitions of the 'dirt' and the 'pure' are inter-linked. Bauman's conceptualisation of the 'dirt' or the 'other' or the 'stranger' is central to my research. It explains how practitioners may respond when they encounter the unfamiliar person, or the familiar person in an unfamiliar context or the unfamiliar in their own self.

Bauman (1997) argues that 'strangers' or the 'other' are an essential and often manufactured element of the post modern world. Central to my case studies are

[59] Journal, July 2007 – my notes from a discussion in a secondary school about admission of a child who was an unaccompanied asylum seeker and looked after by the local authority.

children whose 'differences' are defined or formalised through legislation, government policy or collective action in society. Bauman describes them as the post-modern strangers:

> *'What makes people strangers and therefore vexing, unnerving, off putting and otherwise a problem is - let us repeat - their tendency to befog and eclipse boundary lines which ought to be clearly seen.'* (Bauman, 1997, p.25)

He explains how ‘strangers’ can become ‘vagabonds’ and both are integral features of the post modern world. The 'vagabond' is the alter ego of the tourist; the tourist is different, she is welcome and fits within the vision of the pure whereas to be a 'vagabond':

> '*means to serve as a rubbish bin into which all the ineffable premonitions, unspoken fears, secret self-deprecations and guilt too awesome to be thought of are dumped; to be an alter ego means to serve as a public exposition of the innermost private, as an inner demon to be publicly exorcized, an effigy in which all that cannot be suppressed may be burnt. The alter ego is the dark and sinister backcloth against which the purified ego may shine.* (Bauman 1997, p.93)

So the stranger or the vagabond becomes a focus for legitimised negativity and their creation is a strategy for maintaining what Bauman described as the dream of purity.

PERFORMANCE MANAGEMENT AND MARKET CULTURES

Within the context of my practice I experienced an ever increasing culture of accountability, visible through the constant focus on targets and outcomes in policy and strategy. Bhavanni (2001, p.4, pp.109-110) argues that the application of performance management to race equality strategies leads to an absence of discussion about the processes needed to improve outcomes. She observes that although professionals are under increased scrutiny the focus is not on measures to reduce inequality. The public policy framework manages inequalities but does not challenge or seek to eliminate them.

Clarke and Newman (1997, p.148), in their discussion of social care and welfare reforms, describe the managerial discourse as a linear process concerned with goals, plans and actions without any reflection on the complexity of inequalities. They argue this leads to a lack of consideration about issues of class, gender, race and/or disability and a focus on problems (such as homelessness) that need to be managed. Bhavanni (2001, p.110) concurs with this view but adds that performance management processes lead to a focus on the excluded as the problem. Kynaston (2001) in a history of the financial structures of the City of

London discusses *'City cultural supremacy'* and the dominance and prevalence of this culture across British society:

> '*..in all sorts of ways (short term performance, shareholder values, league tables) and in all sorts of areas (education, the NHS, the BBC, to name but three), bottom line City imperatives have been transplanted wholesale into British society.'* (p.791)

I question whether practitioners are aware of the origin, function, purpose and extent of performance management processes within their workplace. This is an area of exploration within the case studies.

The impact of managerial cultures on practitioners

Clarke et al (2000) define 'managerialism':

> *'We see managerialism both as a general ideology that legitimises and seeks to extend the right to manage and as composed of overlapping, and sometimes competing, discourses that present distinctive versions of how to manage…….. Within organisations, managerialization has tended to subordinate other forms of power, and other forms of knowledge, to managerial authority.'* (p.9)

Ferguson (2000) suggests managerialism masks the main agendas for education practitioners through its focus on standards and a lack of emphasis on structural issues (e.g. distribution of resources and impact of poverty). He argues:

> *'Notions of empowerment of leaders, the pursuit of individualism, systems of extrinsic reward and penalty, chains of command and lines of responsibility, are so much of stock-in-trade of managerialism as to make alternative understandings difficult.'* (p.217)

Feguson found that managerial processes inhibit practitioners from applying knowledge or forming alternative understandings in the context of their practice. However, some research suggests that practitioners do resist managerialism. Shain and Gleeson (1999), in a study of further education, found practitioners complied with the requirements of managerialism, but resisted actions that they considered were in conflict with their professional views. This resistance was implicit in the way practitioners prioritised areas of work they considered important by redirecting funding. Flynn (1999) argues that healthcare practitioners' knowledge and skills can lead them to override the priorities set through the managerial process:

> *'Ultimately, professionals assert their expertise over managerial cultures and claim disinterested integrity. Their ability to sustain these claims rests on the indeterminacy of the knowledge and skills they possess, and the necessarily discretionary content of their work. Their knowledge and skills may be codified and systematised but they cannot be completely programmed; outcomes of intervention are to varying degrees uncertain; and the*

particularity of individual cases and clients requires professional discretion.' (p.34)

However, Flynn's argument omits any discussion of the struggles for practitioners when their opinion is in conflict with the managerial process; I suggest this may minimise the complexity of issues in practice.

Literatures predominantly focus on the challenges practitioners face in a work context dominated by 'performance management'. In my journal I discussed my experience of working within this linear process and the emphasis on targets and plans:

> *'We (Heads of Service) were all asked to ensure that there were SMART (Specific, Measurable, Achievable, Realistic, Time-limited) targets in our plans and that this approach was to be cascaded into all activities with staff. We discussed whether this was appropriate as it seemed that there was no analysis of what the needs of children or young people were or what the organisation or team needed to do as a whole. We discussed that you could submit any target and as long as it appeared SMART it would be fine. It would give no sense of how the work was to be done and at the end of the day the Head of Service would be deemed to be successful if they had met their SMART targets even if the major barriers relating to children's achievement and inclusion had not been addressed. There was a vacuum, absolutely no discussion about what activities people needed to work on together. My own frustration was that the real issue that needed to be addressed was the racism experienced by unaccompanied asylum seeking young people in secondary schools but the targets I was asked to put forward related to how many children were in school and their achievement as a result of my team's work. There was no opportunity to raise the complexity of the barriers related to this group.'* (Journal, June 2007[60])

I argue that 'smart targets' were not owned by practitioners working in the organisation. They were embedded in culture, practice and policies in a way that obscured contradictions or complexities and did not promote notions of participation of practitioners in organisational development. In this context I found practitioners sustained a dominant discourse within the organisation that presented a specific view of performance. Only areas of performance agreed by management were discussed and I suggest this obscures inequality (Journal, June 2007[61]).

Gewirtz et al (1995) use case study to explore the impact of market and performance cultures on school admission processes. They conclude that schools recruit pupils who enhance their position in league tables. The found that practitioners operate within discourses that construct different groups of children as either 'desirable' or 'undesirable' consumers where families of the former category are viewed as 'assets' that the school needs to attract (pp.138-139). They also report that practitioners simultaneously operated two contradictory discourses; a

[60] Journal, June 2007 – reflection on the target setting process for the business plan for 2007 to 2008.
[61] Journal, June 2007 – as above.

more empathetic discourse based on understanding of needs of children and a discourse that viewed children as commodities (p.142). They describe the impact of market and performance cultures on practitioners in school:

> *'Many teachers and school managers now find themselves caught in value and ethical dilemmas, between personal principles and institutional survival at any cost. The personal and institutional struggles to which these dilemmas give rise often result in values contortion and a process of values drift.'* (p.187)

Gewirtz et al (1995) describe a process of 'values drift' where practitioners struggle to operate within a dominant discourse driven by notions of parental choice and competition between schools. Examples of such 'drift' include movement from an '*emphasis on student need'* to *'emphasis on student performance'* or *'led by agenda of social and educational concerns'* to *'led by agenda of image and budgetary concerns'* (p.150).

The role of the 'professional'

Furedi (2005) discusses how the concept of 'professionalism' devalues the intellect in higher education. He states:

> *'Professionalism promotes values and forms of behaviour that may well be inconsistent with those of the intellectual. Activities such as offering a critique of the status quo, acting as the conscience of society, or pursuing the truth regardless of the consequences are not what the job of a professional* [in Higher Education] *is all about.'* (p.39)

This resonates with my observation that practitioners do not question or challenge institutional policy (Journal, June 2010[62]). An alternative perspective is offered by Clarke et al (2000) in their discussion of '*professionalization*' and '*professionalism*':

> *'These terms refer to processes by which an occupational group claims to be the possessor of a distinctive – and valuable – sort of expertise, and use that expertise as the basis for acquiring organisational and social power.'* (p.8)

This perspective is also relevant to my research as it provides a framework for considering how practitioners apply specialist skills and knowledge in addressing inequality.

Furedi (2005, pp.38-39) describes how institutions place a set of expectations on the role of the professional; he suggests this means working within accepted paradigms and being uncontroversial (Said, 1994, also quoted in Furedi, 2005, p.39). Furedi (2005, p.41) argues authority is no longer based on the quality of ideas but is awarded through processes of external recognition and affirmation of expertise that conforms to the institutional paradigm. Institutional policies are informed by a culture of managerialism and they promote particular models of

[62] Journal, June 2010 – my notes about repeated themes in my journal.

practice, transparency and accountability. He suggests that auditing is a form of control:

> '*The auditing ethos forces individuals to submit to a regime that seeks to quantify and inspect their efforts, promoting bite sized, easily standardised effort that can be easily measured, weighed and served to an infantalized public.'* (p.107)

Furedi (2005) builds a picture of the impact of institutional strategies; in such contexts the individual is dis-empowered, does not have the opportunity for independent thought and is unable to challenge or present alternative paradigms.

ENCOUNTERING THE IDEOLOGIES

Furedi (2005) debates the absence of definition and discussion of key concepts in society. He suggests the term 'social inclusion' is used repeatedly without definition. Institutional policies claim to be socially inclusive yet there is no evidence of debate or discussion or challenge to the status quo. Furedi argues the absence of a common language is an inhibitor:

> *'The absence of culturally affirmed standards deprives people of a common language through which they can make judgements of value and gain coherence as a public.'* (p.152)

This is relevant to my research as I observe people use terms such as 'equality' without a 'common' understanding of meaning or the limits of their understanding. Practitioners encounter policies or practices or rhetoric that promote ideologies such as nationalism, sectarianism or meritocracy but do not recognise them or assess how they may impact of their own practice (Journal, October 2010[63]).

Furedi (2005) also utilises Mills (1956) notions of the 'public' and the 'mass' in his discussion about the absence of debate in society. The 'public' is a product of intellectual and cultural debate which is autonomous and independent of official institutions. In the 'mass' people do not express their opinion and communications do not encourage debate. Furedi quotes Mills' perspective on how institutions control the mass:

> *'..the mass has no autonomy from institutions, on the contrary, agents of authorised institutions penetrate this mass, reducing any autonomy it may have in the formation of opinion by discussion.*' (Mills, 1956, p.304 also quoted in Furedi, 2005, p.153).

In my own exploration of Mills work I find his analysis of the differences between the 'public' and the 'mass' helpful in developing my understanding of the conditions within the work place that may encourage debate about issues of equality and

[63] Journal, October 2010 – my notes about repeated themes in my journal.

human rights. Mills (1956, pp.303-304) describes the differences across four dimensions:

- The extent to which opinion is given and received by the people, for example, in a mass there is a shift in the ratio of givers of opinions to receivers of opinion to the extent that in the mass the authoritative institutions are the only givers of opinions.

- The extent to which decisions are shaped by the people in a mass '*opinion is ineffective in the shaping of decisions of powerful consequence'.* (Mills,1956, p.303)

- The extent of autonomy: *'The degree to which institutional authority, with its sanctions and controls, penetrates the public. Here the problem is the degree to which the public has genuine autonomy from instituted authority.'* (Mills,1956, p.303)

- The extent of the freedom from retribution: '*Possibility of answering back an opinion without internal or external reprisals being taken.'* (Mills,1956, p.304)

I understand that if practitioners are able to debate concepts of equality and human rights they need freedom from retribution, autonomy from instituted authority, the ability to use their opinions to shape policy or practice and be able to operate in an environment where the balance between the 'giving' and 'receiving' of opinion is equitable.

Mills' (1956) concepts of the 'mass' and the 'public' provide a framework for analysis in this thesis. I observe how practitioners do not always discuss, form opinions or take action in response to inequality even though my perception is that they occupy spaces (in terms of power and influence) that enable them to do so (Journal, June 2011[64]).

PRACTISING WITHIN AN IDEOLOGY OF A MERITOCRACY

I observed instances where the concept of merit (the notion of being rewarded as a result of effort or achievement) was a factor in influencing responses to incidents of inequality. For example:

> *'We (the local politician, school governor and I) were discussing the basis on which decisions were made as to whether families were granted asylum and given permission to remain in the country. I asked how he (the politician)*

[64] Journal, June 2011 – my notes about repeated themes in my journal.

> *understood the process. He replied that where parents had held jobs and proved themselves to be hard working (in fact more hard working than English families) then they should be allowed to remain in this country because they had earned that right. In his view families who did not work should be forced to return to their country of origin. When I explained that many people had been refused permission to work and that the right to asylum was linked to issues of safety, the politician said he thought this was not relevant and he could not understand why we would be forcing good workers to leave England. I observed that the politician's notion was that the right to asylum was to be earned by contribution.* (Journal, April1995)

I can relate this experience to Giddens' (1998) suggestion that equality of opportunity is often seen as the only model of equality and is understood as synonymous with the notion of a meritocracy. He critiques the ideology of a meritocracy:

> *'....a radically meritocratic society would create deep inequalities of outcome, that would threaten social cohesion.'* (p.101)

An alternative view would be to consider how a meritocratic society legitimises inequality of outcome. He argues that any marginal difference in talents leads to huge variations in income, for example:

> '.....*individuals perceived to make this marginal difference are rewarded disproportionately....'* (p.101)

I suggest an example might be the large salaries awarded to footballers on the basis of their popularity or the number of goals scored. Giddens also argues that a meritocracy becomes self-contradictory when those attaining advantage or privilege through merit can confer advantage to the next generation.

Within each case study I explore the extent to which practitioners recognise or operate the notion of a meritocracy and the limitations of this ideology.

WHAT HAVE I LEARNT?

Bauman (1993) provides a framework for understanding my work context. He describes a 'moral crisis' where there are no fixed points or trusted authorities but an acute desire on the part of people to have a secure and individual space without the threat of change. Within this research I identify the 'unresolved moral dilemmas' that practitioners encounter at work.

Bauman (1993) describes how people maintain and protect the 'order' or 'models of purity' in a systematised way in order to resist change and maintain a secure place. He argues this is a process of continually defining, redefining the 'pure' and 'secure' state and such activities are normalised by inclusion in a daily routine. Within each case I explore the ways in which practitioners shape their working environment and

the spaces they occupy within practice. Bauman's (1997) conceptualisation of the 'other', the 'stranger', the ‘vagabond’ and the 'dirt' provide a framework for exploring how practitioners encounter and respond to the unfamiliar or the familiar person.

Through Mills' (1956) concepts of the 'mass' and the 'public' I understand how institutions may control or limit debate and dialogue in order to prevent the formation of opinions through the ‘public’. Using this framework I explore how practitioners inform or shape institutional policy together with an analysis of the factors that inhibit or enable their actions or form the source of their moral dilemmas. Sen (1999) suggests recognition of injustice is dependent upon discussion of *'issues and feasibilities*' (p.287). Extending this theme I use the perspectives of Furedi (2005), Clarke et al (1997) and Clarke et al (2000) on the impact of 'professional' and managerial discourses on practitioners. In the analysis of data I explore whether practitioners have the space to challenge and resist such discourse and present alternative responses. I consider whether, in contrast, practitioners operate within accepted, received, official and hegemonic paradigms of equality and human rights. I consider the impact of targets, goals, action planning and other managerial structures on practitioners’ responses to equality and human rights.

CHAPTER 5.

MY JOURNEY AS A PRACTITIONER

‘CONFRONTING AND PASSING THROUGH EVENTS’

In this chapter I reflect on my journey as a practitioner through an analysis of the dilemmas emerging within my own practice. Each dilemma represents a stage in my journey towards this thesis; they are typical of experiences that occur on a daily and routine basis in my work. By framing 'experiences' in this way I do not detract from, nor am I unaffected by, the inequality and breaches of rights experienced by children, young people and their families.

Denzin (1989, p.47) suggests writing about ‘experience’ as a process of *‘confronting and passing through events’* within the biographical method. Initially, I wrote about my dilemmas in a reflective journal; I maintained this discipline before and during this research project. In re-living such experiences I confront my practice and connect this with my life history in the expectation that new learning will emerge.

In narrating each experience I recognise the reader may have different interpretations:

> *‘Stories then, like the lives they tell about, are always open-ended, inconclusive and ambiguous, subject to multiple interpretations.’* (Denzin, 1989, p.81)

I am open to this diversity of interpretation. I suggest it is only by engaging in dialogue, including with the self, that we reach new understandings. Using Richardson's (2003, p.499) suggestion of *'writing as a way of knowing’ this* chapter becomes a tool for knowing myself and how I could change.

I never gave myself the option to be inactive or passive in my response to inequality or breaches of rights; for me the choice was always how to respond. Practitioner colleagues would often say to me that they thought I had a '*strong sense of justice'* (Journal, October 2008[65]). I observed that sometimes this was used in an affirmative way; conversely it has also been a criticism. People commented that I would not *'let things go'* or say *'that's how it is then and we can't do anything about it'* (Journal, October 2008). Until I began this research I did not pause to consider what it meant to have '*a strong sense of justice’ or* whether I agreed with this statement. Gewirtz and Cribb (2002) in their exploration of theoretical perspectives on social justice suggest:

[65] Journal, October 2008 – reflection on discussions about ‘justice’.

> *'A concern with social justice is a concern with the principles and norms of social organisations and relationships necessary to achieve and act upon, equal consideration of all people in their commonalities and differences.'* (p.502)

This resonates with my experience in that I am 'concerned', as practitioner and researcher, in how *'social organisations'* and '*relationships*' can work to achieve *'equal consideration of all people'.* Gewirtz and Cribb (2002) suggest that a position of '*equal consideration'* enables social justice to be responsive to the realities and situations of people's lives. I can relate this notion of social justice to my practice; it focuses on the need to connect with the injustice in the world but also to work through 'organisations' and 'relationships' in order to address injustice.

This chapter concludes with a reflection on how I could have responded differently. The three experiences reflect the inadequacies of my initial response when working in a framework unconnected with theory and research. I regard each experience as illustrative of my engagement with the struggles of injustice and breaches of human rights (Osler and Starkey, 2010, p.102); by re-framing them in this way they become a personal resource for achieving greater understanding.

GYPSY GIRLS ENJOY CLEANING

This was the first time a Gypsy woman contacted me by telephone, the parent was one of the first I knew to have a mobile telephone. Previously access to a telephone as a means of communication relied upon living in one place. There was a moment of excitement as I considered how this new technology would create opportunities for parents to raise issues and initiate discussions. In this family the two young women were the first (within their generation) to progress beyond primary education.

> *'In 2002 a Gypsy woman approached me because she was concerned and puzzled as to why her two daughters (aged 12 and 13) had been asked to undertake cleaning by the practitioner in the special school they attended. The woman felt there had been a mistake and perhaps her daughters had not been able to describe the situation accurately. I tried to facilitate a meeting at the school between the practitioner and the parent. I observed that the practitioner was really reluctant to meet with the parent and I had several attempts to fix up a meeting time. The practitioner tried every possible way of not having the meeting with the parent.'*(Journal, February 2002[66])

I persevered in my communication with the practitioner to ensure that a meeting took place. I can remember the messages I received that listed reasons why we could not meet. I felt the parent had the right to have her concerns heard and have

[66] Journal, February 2002 – notes and analysis of incident involving two Gypsy young women in a school.

a face to face meeting in the school. In the end I left a message with the school to say that the parent and I were coming on a particular day and time.

> *'During the meeting the practitioner explained that her daughters had given a correct account of the situation. They had been allocated cleaning duties in the school as part of the routine to clean the school hall after lunch; he clarified this involved wiping the tables and sweeping the floor. The Gypsy woman said she was shocked and angry at this situation and asked the practitioner to explain why this had been the case. The parent complained that it was not her expectation that children came to school to clean and that she regarded it as taking advantage of their good will and not treating them on a par with other children.*
>
> *The practitioner expressed surprise at the parent's objection and attempted to justify his position. He explained that he felt the school needed to raise the self-esteem of the young women. He stated it was his understanding that cleaning was a high status task amongst Gypsy women and that the two young women were very good at it, he felt working with the midday supervisors presented an opportunity to be praised and to gain a sense of achievement. He clarified that no other children in the school were asked to undertake cleaning duties and that the two young women had not objected when he had explained to them what was expected. His expectation was that they would see it as a privileged task.' (Journal, February 2002)*

My initial analysis was that the practitioner had a false understanding of Gypsy culture and this influenced his response. The Gypsy woman confirmed cleaning was a high status task amongst women; this was about service to the family and earning respect as a result of having a home that sustained cultural mores. She explained that to undertake cleaning for Gorgios[67] was considered a low status task and to be asked to do this was an insult. She added that the way her daughters had been expected to clean in the school contravened cultural mores and this had been a source of anxiety. She said her daughters had seen cleaning in the school as a punishment. The practitioner was visibly moved by this information; he said he was aware of the level of offence caused. The practitioner accepted that the school had not upheld the children's right to dignity or respected their cultural mores and this resulted in inequality in esteem for the two young women.

A further dimension of inequality emerged when the practitioner stated that he would generally involve the parent in any discussion about strategies to raise self-esteem. On this occasion he had made the decision not to consult the Gypsy woman but did not explain to her why that was the case. The Gypsy woman later told me she felt the practitioner did not value her as a parent. The practitioner explained to me that he had never met a Gypsy before and he was unsure if the parent would welcome contact with him or perceive it negatively. My own concern was that the practitioner did not relate to the woman as any other parent. I remember considering 'when the practitioner looks at this woman who does he

[67] Anyone who is not a Gypsy.

see, is the person a Gypsy or a parent?' My dilemma was could the practitioner recognise and understand the perspective of the Gypsy woman?

Reflecting now, I suggest the practitioner may not have appreciated the impact of his status. He expressed surprise that the two young women were so compliant with his request. I observed that he found it challenging to empathise with their sense of powerlessness to advocate for their own position. His assessment was that they were generally *'not backward in coming forward with their own views'.* He said that if they had been uncomfortable about his request they should have said so. I felt this positioned the responsibility for the inequality with the young women.

The Gypsy young women reported racist abuse. I argue that their peers made a link between the low status cleaning tasks and stereotypical views of Gypsies. I perceived there was racism; therefore, I had a responsibility to question. I challenged the practitioner. He was resistant to addressing the racist behaviour, he explained there were so few people with any understanding of Gypsy culture and it was inevitable that misunderstandings would occur. Reflecting now, I suggest the practitioner had not considered whether the values and policies of the school were robust enough to protect and value all children regardless of their cultural or ethnic background.

Practitioners in the school said they felt very uncomfortable about the situation but they did not advocate for the young women or provide any alternative way forward. Reflecting now, I perceive them as worried 'spectators' or 'on-lookers'. In other contexts I observed the practitioners were very vocal in their advocacy for young people. The same practitioners, even when they were aware of discrimination, appeared powerless to challenge authority.

At this point the discussion with the practitioner became circular and repetitive and I was stuck as to how to take this forward. Ignorance of Gypsy culture was used as an excuse and justification for the lack of action in addressing the racist behaviour of children in the school. The practitioner justified this position on the basis that 'misunderstandings' about culture were the root cause of this issue. My dilemma was how to address the position *'The reason I did this was I didn't know about Gypsy culture....'*. The question I asked was *'how do I engage with people who present a rationale for their racist and discriminatory practice?'* (Journal, February 2002).

This resonated with my own experience as a new mother. I was in hospital the day after giving birth. The practitioner said there were a group of Gypsies looking for me in the hospital; she suggested that I keep the curtains closed around the bed and she would ask them to leave if they came into the ward. I explained I was happy to see the Gypsy families; they had come to see me and my baby. The practitioner was surprised; she explained that the hospital practitioners found the

Gypsy families threatening because they were always in such big groups. We talked about this for some time and I explained that Gypsy families found hospitals intimidating places and they drew support from being together. I said it was also a mark of respect that the whole family came together to visit a relative or a friend. The practitioner ignored my views and proceeded to ask the families to leave (Journal, September 1995[68]).

How do I understand this experience now?

I use newly acquired knowledge of concepts of equality, inequality and human rights to reflect on this experience. I now understand the way in which the practitioner positioned the Gypsy parent and her daughters as the '*other*' and the *'stranger'* (Bauman, 1997). The practitioner said he intended to raise the self-esteem of the young women through a public recognition of their worth. The strategy of 'equal worth' failed because it cannot take effect within a structure of social inequalities (Parekh, 2000). I argue that the practitioner's notion of equality did not take account of the Gypsy family's needs, interests and priorities. By maintaining this approach he is unlikely to realise *'capability equality'* or *'substantive equality'* (Sen 1979, 1999) or reduce the inequality experienced by the young women.

I now understand that the hospital practitioner did not respond when I resisted the dominant discourse about Gypsy families visiting the hospital. She sustained the negative discourse through her practice. I found it helpful to consider her actions in the light of Bauman's perspectives on the '*stranger*'; the health practitioner feared the Gypsy families and she positioned them as the '*stranger'* and the '*dirt'* to be swept aside. Asking the Gypsy families to leave became a routine act that was unchallenged amongst the staff group.

TOO MANY GYPSIES

In 2003 I participated in a conference about schools' duty to promote race equality. Participants were Chairs of Governors and Headteachers of denominational primary schools. The conference was in four parts: a presentation about race equality in schools; discussion groups in which participants discussed values, challenges, opportunities and practice; a presentation on the experience of a Headteacher and Chair of Governors of a Church of England Primary School and a plenary. My role was to facilitate one of the discussion groups. In my journal I recorded the dilemma that arose:

[68] Journal, September 1995 – analysis of incident in the maternity ward of the hospital.

'In the discussion group a practitioner identified one of the challenges presented to the school was that applications for places from Gypsy families living at a local authority site were up. His view was this could result in ' too many Gypsies in the school'. He was questioning the school's approach of proactively giving out the applications forms to Gypsy families. He also questioned whether outreach to the families should be given a lower priority. When asked by the facilitator (me) to clarify what was meant by 'too many Gypsies' the practitioner explained that having too many Gypsies would change the school, Gypsies had learning needs and would take a great deal of the resource available to support learning. When I challenged the practitioner he acknowledged that this action may be perceived as discriminatory. He asserted that increasing the number of Gypsy children in the school would have a negative impact and that other families may not want to enrol their children as a result.

He further explained (to our discussion group) that the primary school had recently relocated to a new building on the fringe of a growing village and this moved it closer to the local authority site for Gypsy families. I added that access to education was a relatively new experience amongst the Gypsy families. They had first sought education for their children following engagement with an outreach service (managed by me). No parents had any personal experience of formal education.

When further challenged (this time by another member of the group) to reflect upon his statement the practitioner identified that an ethnic group, (i.e. Gypsies) could potentially be treated less favourably than other groups in the admission arrangements to the school. However, this did not change the practitioners' response to the situation.' (Journal, July 2003[69])

This experience raised a number of dilemmas for me. I can remember thinking that to leave such remarks unexplored, in a public discussion, would lead to a belief that the practice of limiting the number of Gypsies, or any other group of children, coming into a school was acceptable. I found this a challenging discussion to manage; the practitioner came across as very secure and confident in his views. They were not dilemmas to him, they were facts. My strategy of asking questions with a view to understanding the practitioner's position allowed him the space to construct, expand and justify his argument. I invited other members of the group to contribute and they asked questions which suggested they were puzzled at his statement. Reflecting now, I question whether I should have closed this discussion and subsequently contacted the practitioner with a view to challenging his views in a more private space. In the end I confronted him publicly by stating that if any school adopted a strategy of limiting the number of Gypsy children this would be challenged by the local authority. I can still remember the silence in the group after I made this statement. My concern was I had closed the debate and there was no longer the space for dialogue. In the plenary I asked the practitioner to feedback to the main conference and he agreed to do this. He repeated the sequence of our discussion and stated very clearly that I had challenged his views although he did not accept or understand my position (Journal, July 2003).

[69] Journal, July 2003 – notes and analysis of incident in a conference for schools.

Later that evening I remember analysing the argument constructed by the practitioner. He attempted to justify his concerns on the basis of pragmatism; it was a relationship of cause and effect, '*too many Gypsies could change the school'*, therefore, his response was to restrict the number of Gypsies in the school. He perceived that Gypsy culture would change the school in a way that he and others would feel was unwelcome. Such a response constructed a dominant 'other than Gypsy culture' in the village; this had a higher status than Gypsy culture and conveyed a greater entitlement to attend the local primary school. The presumption that Gypsy children had higher level needs was used as a justification for this approach. Resource to enable learning was not understood as being available to support the needs of all children in the school (Journal, July 2003).

Over the following weeks I debated this experience in my journal. I questioned whether the practitioner's position was a result of a lack of awareness of Gypsy culture and his failure to consider difference as a positive factor that would enrich the experience of the school community. Difference was presented as a negative factor and a challenge to the status quo. The community was constructed as a homogeneous group without recognition of cultural or other differences between families. The practitioner appeared unaware of, or uninfluenced by, the history of injustice and exclusion faced by Gypsy families. The question I asked was 'how do I enable this practitioner to connect with this wider picture of injustice?' He appeared trapped in the immediacy of his view of seeing Gypsies as a threat.

As practitioner I was left holding this experience for some time. There was only one school in the village. There were approximately thirty Gypsy children living in the village. I recognised the implications of this practitioner's views, as a community leader, he was modelling racist behaviour. The Governing body of a school have a key role in determining and monitoring school policies, hearing appeals from parents (and carers) seeking school places and in investigating complaints; in exercising these functions they would be expected to promote race equality.

How do I understand this experience now?

I found the practitioner sought to restrict equality of opportunity by limiting the number of Gypsy children admitted to the primary school. The school's equal opportunities policy, within this context, was a *'figment of society's imagination'* (Tawney, 1931, p.104). The practitioner sought to justify the inequality by considering the needs of the 'majority'. This view does not align with Rawls' (1971) theory of social justice. Rawls' first principle is that there is an equal right to the most extensive system of basic liberties (in this case to attend the local school) and, his second principle is that if inequalities are arranged so that they benefit the least advantaged. In this situation the 'inequality' did not benefit the least advantaged neither was there an equal right to attend the local school.

At the time of the conference I was puzzled by the way in which the school practitioner polarised the school community as the Gypsy children and the 'other than Gypsy children'. This experience connects with my own life history. A fellow practitioner was standing looking at my desk and said to me:

> '..*you have become like them and I won't be able to tell the difference soon between you and the Gypsies. Your children even look like Gypsies, they have dark eyes, dark skins. The mug you have on your desk, with that pattern on it, all suggests to me that you have become like them.'* (Journal, July 1997[70])

At the time I asked my colleague whether she thought that being a Gypsy or being believed to be a Gypsy or being linked to the Gypsies was a problem. Reflecting now I understand that my colleague practitioner constructed the world into two polarised groups of 'Gypsies' and 'other people' based on visible markers of identity. I question whether she looked constantly for signs that people may or may not be Gypsies in order to position them into carefully defined categories. I understand it now as a strategy of maintaining the order and the status quo by giving everyone their allotted place in a situation where there maybe ambiguity (Bauman, 1993, p.21).

INTERNET CENSORSHIP

I have included this experience because it illustrates my engagement with practitioners who interpret and implement institutional policy in situations where they know it may be discriminatory. The context for this incident is a university.

> *'Young people complained to me that they could not gain access to websites whose purpose was to provide informal networks and information for Gay and Lesbian people in the locality. Access to the websites was blocked by the institutional system. When young people had asked for the sites to be unblocked they had been told this was not possible because the websites were primarily social and not appropriate ones to be accessed using the institution's computing system.*
>
> *The young people complained because the criteria for blocking sites were not available and they felt humiliated by the process of having to request (by e-mail or in person) (and present a reason for needing) access to the websites. The young people raised a concern that access to heterosexual dating and friendship sites was not blocked and that the institution was discriminating against Lesbian and Gay people.*
>
> *I subsequently questioned this practice with the team responsible and they explained they subscribed to a 'free black list' of websites provided by a European institution. Any website that was on the list was blocked by the institution's internet access system and young people could make a request*

[70] Journal, July 1997 – reflection on a comment from a colleague about the artefacts and pictures on my desk.

for a site to be unblocked but they would need to provide a justification. A practitioner would then make a decision as to whether the justification was strong enough to unblock the site. Practitioners were not aware of the criteria operated by the European institution for including sites on their list. There was no formal policy or procedure for unblocking sites instead it was operated as an informal practice often at an individual level. There was no acknowledgement by practitioners that the process was humiliating for Gay and Lesbian people. This practice had never been questioned or challenged in the institution except by young people. Practitioners stated they were implementing an informal policy determined and agreed by management and it was not to be questioned.' (Journal, March 2006[71])

My strategy was to bring this issue into a public space where I believed it could not be ignored. As I started this process I knew this was a wrong choice because knowing about an issue of discrimination does not necessarily mean people take action. I presented information about the issue in a number of forums and this elicited a range of unanticipated responses. I raised it with management; they responded by saying that they were unaware of this 'informal' practice. They said they could not be held responsible nor accountable for a practice that they had not determined and it was the result of people 'in junior posts' making decisions. The management team did, however, accept that now they were aware of this practice it could not continue because it led to inequality and infringement of rights for Lesbian and Gay young people.

I subsequently raised the issue in a number of other forums. One practitioner responded that the institution had to prevent access to pornographic sites because the word 'Gay' in the title of a website would mean a higher risk of the site including pornographic material. At the time I reflected on the conflation of 'Gay' and 'Pornographic'. I questioned whether this implied that Gay and Lesbian people were more likely to engage in pornography than others. I discussed the 'informal practice' in a working group tasked with reviewing policy and practice relating to preventing discrimination on the basis of sexual orientation. The members of this group, the majority of whom was Lesbian or Gay, claimed this practice was indicative of an underlying tolerance of homophobic behaviour and institutional homophobia. My final discussion was with the team of practitioners responsible for implementing this 'informal policy'. They suggested the practice was acceptable because it impacted on a very small number of people. Complaints were not passed 'up the management structure' on the basis that they were few in number. Practitioners appeared not to take action because of their adherence to a principle of proportionality; they suggested that if more people had been negatively affected by the policy then they would have taken action.

At the time I reflected on the dilemmas emerging from this experience. Firstly, the diversity of response within the institution and secondly, the absence of debate that resulted in different perspectives on the issue remaining unconnected. So why

[71] Journal, March 2006 – notes and analysis of a complaint relating to internet censorship.

was there this diversity of response? The Equal Opportunities Policy stated very clearly that the institution *'will not discriminate on the basis of sexual orientation'*. I found the management did not perceive the practice of blocking access to websites for Lesbian and Gay people as a breach of this policy. In my journal I debated whether management understood themselves as corporately responsible for actions of all members of staff. Yet the practitioners responsible for the 'informal practice' believed they had the mandate of management to operate this unwritten and unspoken policy position.

Practitioners operated in an environment where they were actively discouraged from questioning institutional practice. This restricted opportunities for debate. As a result practitioners did not connect their own actions with notions of homophobia or the legacy of injustice experienced by lesbian and gay people.

My own actions brought the information relating to the 'inequality' into the public domain but did not provide opportunities for practitioners to debate in ways that enabled solidarity of response. In this situation my 'choice' of action led to repetitive, circular and frustrating discussions.

How do I understand this experience now?

The institution's Equal Opportunities Policy stated very clearly it *'will not discriminate on the basis of sexual orientation'.* I suggest equality of opportunity is a *'majestic phantom'* (Tawney, 1931, p.103); it is accepted as a principle as long as it remains passive or inactive. I understand that practitioners did not relate to the Equal Opportunities Policy and it remained distant from their work. If we apply Sen's (1979, 1999) theory of capability or substantive equality then the needs, interests and priorities of Lesbian or Gay people (in this case access to social network sites) had been ignored and denied. Addressing the needs, interests and priorities of all people within the institution, through a process of equal consideration, would lead to a greater understanding of injustice and the actions needed to remove it (Gewirtz and Cribb, 2002).

NO PROBLEM BEFORE NATHAN ARRIVED

A practitioner (i) in a secondary school contacted me to discuss a complaint he had received from a parent about the management of a racial incident. He was

concerned at the level of distress of the parent and was questioning the appropriateness of the school's response:

> *'The practitioner (i) explained that a parent had complained that her son had reported an incident to practitioner (ii) and that this had not been treated as a racial incident. Nathan (in Year 7) had walked past a group of older students who had commented loudly 'All the niggers are taking over here.' The parent had alleged that her son had previously been called a 'nigger' and this was always in informal time and involved older students in the school. The parent had seen the practitioner(ii) in the school who claimed to have no record of a racial incident and no previous records of other incidents. The parent felt that no assurance had been given that racial incidents would be investigated or that there was any policy in the school to protect her son.*
>
> *I asked the practitioner(i) what information he had gathered and he explained:*
>
> *a) Practitioner's (ii) perception was that there were no issues of name calling until Nathan joined the school, other students did not know what the word 'nigger' meant, that she was surprised that this had happened to Nathan because he was a good student and that he was popular.*
>
> *b) Practitioner (ii) had investigated and could verify that incidents had taken place and that the other students had agreed this was true but she felt that no malice had been intended because they said they liked Nathan and did not see this as a racial incident and had not recorded it as an incident.*
>
> *c) Practitioner (ii) had met with the parent and explained all the above and advised that Nathan would be supported in addressing name calling.*
>
> *d) There was no record of any racial incidents being recorded in the school ever, although the school had a racial incidents reporting policy.*
>
> *The practitioner(i) went on to discuss that he felt practitioner(ii) had acted in accordance with the expectations of the school and that he felt that the fact that there were no racial incidents recorded was a positive indicator that there was no problem in the school.'* (Journal, April 2009[72])

In our discussion the practitioner(i) and I considered the issues this incident raised. My dilemma was how to expand the understanding of the practitioner(i) about this incident so that he could take effective action to address it. I made a conscious decision to draw on the learning from my research project and use this in our discussions. This 'experience' marked a change in my practice as I became aware of the possibilities of applying theoretical perspectives to practice. The practitioner(i) seemed to welcome it as a way forward.

He explained the level of distress of the parent had a huge personal impact; he questioned his own response and was uncertain how to move the situation forward. We agreed that I would contact the parent to let her know that the

[72] Journal, April 2009 – notes and analysis relating to a racial incident in a secondary school.

incident and her complaint would be revisited by the Chair of Governors. Her immediate response to me was:

> *'They just don't get it! I don't know how you get it across to them what it means to be called a Nigger.'* (Nathan's Parent, 2009[73])

In my journal I discussed how a victim of a racist incident was burdened with the responsibility of arguing and resolving their case. My analysis was that the school had transferred the responsibility for the incident to the victim. The parent explained the family was left holding the unresolved issue. I felt the injustice for Nathan and his family.

The practitioner(i) and I began by discussing whether he (or anyone in the school) had an understanding of racial incidents. I was aware that no one (other than Nathan and his parent) believed that a racial incident had occurred. Practitioner(ii) did not consider it a racist incident because she had found no malice. The other students did not accept it was a racial incident because they did not know what 'nigger' meant. Practitioner (i) and I discussed the definition of a racist incident in The Stephen Lawrence Inquiry Report (MacPherson, 1999):

> *'any incident which is perceived to be racist by the victim or any other person.'* (Chapter 47, point 12).

Although this definition was included in the school's racial incidents reporting policy it was unexplored, inactive and not understood. We discussed the implication of this statement: if Nathan and his parent believed that a racist incident had taken place, no matter what the 'explanation' it needed to be treated as a 'racist incident'.

The next strand of our discussion related to the degree of understanding of the school's racial incidents reporting policy. We discussed whether the leadership and management in the school understood their responsibilities within the context of this policy. I suggested that practitioner(i) consider research undertaken by Blair and Bourne (1998) about the impact of effective leadership and management in the school. The practitioner(i) appeared to relate to this suggestion because it was about familiar issues: responsibilities, curriculum and the implementation of policies.

We explored whether practitioners in the school were resistant to acknowledging racism (Richardson and Miles, 2008). I suggested that the initial response from the school may have been inhibited by the lack of awareness of the origin of the word 'nigger' and how this had become a term of racist abuse. An alternative perspective was that practitioners may not see the reporting of racial incidents as a positive opportunity to address and challenge inappropriate behaviours in the school. I explained there may be resistance to acknowledging racial hostility

[73] From my journal, April 2009.

because practitioners may not have examined their own assumptions and preconceptions. The school's response implied racial abuse was surprising in circumstances where children were considered to be 'good students'; as if 'bad students' would deserve this abuse. I suggested that there may be a perception that race issues are not easy to manage and easy to ignore because inaction will not be challenged by the management of the school (Gaine, 1995, p.11).

At the end of our discussion practitioner (i) identified three actions to take forward. The first was to contact Nathan's parent and agree that the school had not responded in the way that it should have done. The second was to revisit the racial incidents reporting policy with the school's management team with a view that this should be reviewed by the school and the governing body. The third was to reinvestigate the racial incident and take appropriate action.

How do I understand this experience now?

I suggest the school failed to recognise the inequality experienced by Nathan and without this recognition Nathan would have no access to justice. Westburnham (2010) in his discussion of the relationship between 'equality', 'social justice' and 'equity' argues that people have the right to benefit from the outcomes of society on the basis of fairness and according to need. He suggests this can only be achieved through a model of social justice where there are specific actions to address inequality. In Nathan's situation inequality (in terms of lack of dignity, esteem and entitlement) will not be addressed without the school first acknowledging racism and then taking specific action to prevent racism.

SHAPING ALTERNATIVE RESPONSES

I conclude this chapter by reflecting on how I could have responded differently to the three incidents. Such responses have the benefit of distance (in terms of time) and engagement with literature relating to equality, inequality and human rights.

In each incident I could have made the rights of the children and young people more visible. By framing my own questions and suggestions from the perspectives of rights I could have enabled others to form new understandings of issues for children. The advantage of this approach would be relating rights to real situations rather than talking in abstract or theoretical terms. In 'Too Many Gypsies', I could have asked questions of Gypsy families' views on the process of admission to school and their right to choose a school. I could have focused on the universality of rights and the nature of rights as absolute, inalienable, irreducible, irremovable and unconditional. Through this approach I would have illustrated the negative consequences for children of policy or practice that minimised or restricted rights.

I could have engaged practitioners in the narrative about the struggle for rights. Osler and Zhu (2011) and Osler and Starkey (2010) argue that it is only by engaging in the struggle for human rights that we achieve an understanding of rights and see it as an agenda for action. I recognise that practitioners were moved by the struggles of parents to realise the rights for their children. Osler and Zhu (2011) argue that human rights narratives extend practitioners' understandings of the struggles for justice. By adopting this approach I could have enabled practitioners to make connections between the inequality and breaches of human rights in their midst with the wider legacy of injustice and inequality for different groups. For example, the practitioners who were restricting access to social networking websites for Lesbian and Gay people were oblivious to the connections between their own actions and the legacy of homophobia within society.

In my efforts to understand the different positions adopted by practitioners on equality or inequality I missed opportunities to explore alternative positions that reduce inequality or prevent breaches of human rights. My actions led to a closure and not debate. I could have explored the experiences from the perspective of Sen's (1979, 1999) capability equality by encouraging practitioners to consider people's needs, interests and priorities. In 'Too Many Gypsies' this may have led to the school considering the views of Gypsy parents and children. Alternatively, I could have explored the incidents from the perspective of equality of condition (Baker et al, 2004) and discussed how structures reproduce or extend inequalities. In 'No problem before Nathan arrived' this approach would have led to a review of the racial incidents reporting policy and the way the policy was implemented in the school.

In this chapter I began to connect *'personal troubles of the milieu'* and the *'public issues of the social structure'* (Mills, 1959, p.6). Through a review of my own history and struggles as a practitioner I recognise how my practice is enhanced through engagement with theory, research and the struggles of individuals seeking justice. I feel less isolated; I have left the position of drawing exclusively on my personal space and moved to a place where I feel the strength of theory as a lived experience in my practice. I take theorists to work every day; I rehearse this in my journal and take them, virtually, into the reality of my practice. So in one discussion I had recently which was debating how institutional policy can authorize and formalize inequality I was no longer alone but had Rousseau (1750, 1775) in my mind.

CHAPTER 6.

WELCOME TO THE ROMA?

*'"**Lessons learned" on race attacks***

The police have said they did not know enough about the concerns of Romanian families who fled from their south Belfast homes after a spate of attacks.

Most of the 100 people involved - members of the ethnic Roma group - are to return to Romania. Twenty-five have already left, 75 are planning to go.

Assistant Chief Constable Alistair Finlay said lessons had been learned.

A 19-year-old man arrested over the intimidation of Romanians has been released on bail pending inquiries.

Assistant Chief Constable Finlay said: "We didn't, probably, know enough about the Romanian community.

"We didn't have the ability to, perhaps, reach in and understand what was going on in their lives and what their fears and apprehensions were, and perhaps we came to that slightly late".'

http://news.bbc.co.uk/1/hi/northern_ireland/8116102.stm 29th June 2009 (British Broadcasting Corporation, 2009b) (Last accessed: 28th March 2011)

SETTING THE SCENE

This case study explores practitioners' responses to the inequalities experienced by Roma families as they attempt to access education when they first arrive in the UK from Eastern Europe. The case arose from the dilemmas experienced by a group of practitioners working with schools to promote inclusion of Roma children. Working with Roma children has formed a core part of my practice for over a decade and from the outset I recognise my closeness to the issues raised by this case but also the opportunity it provides for critical reflection.

As I planned this case study reports emerged through the media of the sustained racist violence towards Roma in Northern Ireland. Roma families were removed from their homes by the Northern Ireland police for their safety and they returned to Romania, the country they had left to go to Northern Ireland. As I listened to the news[74] I reflected on the way in which events were reported as if they were commonplace and inevitable. McVeigh (2009, pp.10-12) suggests that the narrative within the media was uncontested and consistent; there had been an escalation of the attacks on the Roma and they returned to Romania. What differed, in his view, was that sometimes the families were referred to as 'Romanians' and sometimes 'Roma'. McVeigh (2009) claims that whilst most of the

[74] 17th June 2009 (British Broadcasting Corporation, 2009a) and 9th July 2009 (British Broadcasting Corporation, 2009c)

media reports presented the families as victims they failed to mention the ethnic identity of the group as Roma:

> '*This normalised absence/pathologized presence is very specific to the case of Roma. As soon as there is any perceived problem with the Roma presence, the ethnicity immediately kicks in - both formally and informally Gypsies or Roma identity serves to define the situation and the negativity of the presence.'* (McVeigh, 2009, p.11)

McVeigh's point about the visibility of the Roma identity is significant to this case. He suggests the 'Roma' remain invisible when the 'Romanians' are treated as victims and yet problems are publicly attributed in the media to the visible 'Roma'. He suggests there is also an inconsistency between the rhetoric that condemned the attacks and the response from the police to the incidents as they did not address the alleged perpetrators. I argue that removing the families from their homes on the basis that they would not be safe was inappropriate as it did not acknowledge the families as victims of racism.

Although geographical remote from my work, the response to the attacks on Roma in Northern Ireland resonated with my observations that practitioners are reluctant to take action to address racism against the Roma. There is a perception that the 'problem' never occurred before the Roma arrived, as if the Roma families were the problem (Journal, August 2009[75]).

In this case study I argue that specialist practitioners recognise the ways in which schools discriminate against Roma children leading to inequality and breaches of their human rights. Specialist practitioners describe this as resistance or reluctance by schools to engage with Roma children. They recognise fragments of a prevailing negative discourse about Roma children which is a denial of their rights. Specialist practitioners' responses relied on two main strategies: the provision of information about the background of the Roma and facilitating contact with Roma families. Such strategies are limited in their impact. Firstly, they do not engage schools in reflection or dialogue on their perceptions of Roma children. Secondly, they do not address the major structural causes of inequality for the Roma. Specialist practitioners' responses to inequality and breaches of human rights are constrained by a context of inspections, performance targets and their own status as 'specialist practitioners'. Some specialist practitioners did challenge the inequality and breaches of human rights. They achieved this by modelling alternative strategies, developing more responsive services and enabling practitioners to connect their own actions with the wider experience of injustice for Roma. Specialist practitioners changed their own practice, and that of schools, by engaging with alternative perspectives, beyond their immediate environment, thus

[75] Journal, August 2009 – notes about media coverage of Northern Ireland and the connection with my research.

enabling a new view of Roma children based on notions of realising rights and addressing inequality.

Particular questions

The ‘particular’ questions (Stake, 1995) for this case study are:

- What understanding does the literature provide about the education of Roma children?
- What are the prevalent discourses about Roma children that practitioners describe in their work?
- What dilemmas arise for practitioners in working with the Roma?
- How do practitioners respond to issues of inequality and breaches of human rights?
- What enables or inhibits their response?

Chapter outline

I begin by considering how my research strategy responds to this case and then reflect on my past experience of working with Roma. Through the literature I explore the contextual factors that impact on Roma children and the responses of education practitioners. I explore the data by discussing the emerging discourse on Roma children, the dilemmas experienced by practitioners and their subsequent responses. Finally, I reflect on what I have learnt in relation to the research questions particular to this case.

COLLECTING THE DATA IN THIS CASE STUDY

Thinking about terminology and identity

I refer to 'Roma' children and their families as people who moved throughout Europe (including to the United Kingdom) following the collapse of the communist regimes in countries such as the Czech Republic, Romania, Slovakia and Lithuania. Initially families came as asylum seekers and then as migrants following the enlargement of the European Union in 2004 and 2007 (European Dialogue, 2009, p.7).

In the United Kingdom the term ‘Gypsy, Roma and Traveller’ is regularly used in academic research and in policy to describe all Gypsy and Traveller groups, as well as Roma from Eastern Europe (Wilkin, Derrington and Foster, 2009a, p.1). I observe how 'Gypsy, Roma and Traveller' is often abbreviated by practitioners to 'GRT' so that audiences are unaware of its meaning. Use of 'GRT' communicates

an impression of homogeneity instead of emphasising the diversity and complexity of background, origins and experience (Journal, October 2010[76]). Belton (2010) in his research about identity rejects the notion of externally defined categories. He argues that the process of constantly fixing identity leads to discrimination and a determination of who is 'in' and who is 'out'. He suggests we risk the notion of a '*permanent and unchanging Gypsy'* (p.42) and proposes an alternative perspective:

> *'...whatever you might conceive or believe Gypsy identity to be, the only one sure thing that can be said about it is, like everything else, it is ever-changing as ideas and people themselves adapt to, develop and incorporate their environment.'* (Belton, 2010, p.42)

I am aware that the term 'Roma' refers to a diverse and changing people. As researcher I challenge my assumptions about Roma identity and my knowledge of the discourse that impacts on the construction of 'Roma'.

Conducting research with Roma is a contested area within the academy. Le Bas and Acton (2010) discuss the emergence within academia of *'Gypsy/Roma/Traveller intellectuals'* (p.4). They argue that Roma people must give an account of their own experiences and through this process new understandings will emerge on the issue of identity. Bhopal and Myer's (2008) research on Gypsy, Roma and Traveller children's experience of education presents an alternative view. They suggest that academics and professionals perpetuate an unchallenged approach to working with Gypsy communities by acting as gatekeepers and in the views they hold on the appropriateness or suitability of researchers:

> *'In effect, the academic community constructs boundaries of ownership and knowledge over which only certain members can cross in order to join the group… It is this membership that becomes privileged; these academics become the 'select few' who advocate the legitimacy of their academic 'knowledge' and professional discourse. Outside the community they study, they preserve an insider status with professionals in the field.'* (Bhopal and Myers, 2004, pp.50-51)

I conduct this research from the perspective of a person who is not a Gypsy, Roma or Traveller. I do not represent the views of Roma but consider how practitioners reflect on and respond to the issues that Roma children, their families and others identify as inequality.

Practitioners in this case

Practitioners in this case include those with specific responsibilities in local authority and in schools to promote the inclusion of Roma children. In conducting the fieldwork and analysis I became aware of the distinct experiences and perspectives held by practitioners depending upon their role and context of work. In order to give visibility to this diversity I describe practitioners as either 'specialist

[76] Journal, October 2010 – reflection on the use of 'GRT' in national and local training events.

practitioners' or 'school practitioners'. I use such terms with caution as there is a risk of constructing two divided and polarised groups. 'Specialist practitioners' are practitioners who work for the local authority and have a specific responsibility to work with schools to promote the inclusion of Roma children. They include advisory teachers, local authority officers responsible for admissions, Education Welfare Officers and specialist family liaison officers. 'School practitioners work in schools and they include teachers, teaching assistants, headteachers, deputy headteachers, administrators and family liaison officers.

MY PAST EXPERIENCE AS A PRACTITIONER

I analyse my practice in working with the Roma by reflecting on a number of experiences.

Experience One

The first experience relates to my work in a coastal town in my local authority in 1997. A number of Roma families arrived in the town and made applications for asylum. In my journal I reflected on reports in the media:

> *'Headlines in the media are stating that applications for asylum made by Roma families are false and that their motives for coming to this country are to seek access to benefits and to healthcare. Going around the town I went past local newsagents with bill boards outside with the words 'benefits scroungers' in bold letters. Visiting a primary school today I was greeted by the school secretary whose first statement was that she did not understand why people who were in the country illegally were able to get places in local schools for their families. I asked her why she thought Roma families were here illegally and her response was that she had read it in the paper and that simply moving for a better life did not give people the right to be here. When I explained that seeking asylum was a right and that asylum seekers were not here illegally she responded that she did not believe that families were leaving their country because they had been treated badly. We discussed the newspaper reporting and I explained that the facts were not accurate but she did not wish to engage with a dialogue. On meeting the practitioner I relayed this discussion and explained that I was concerned. The practitioner considered that the response of his colleague was one that reflected the debate in the school and felt it was a reasonable debate - he did not understand why the families had come to the United Kingdom and there were not enough school places for local children, so it was a problem. He did not anticipate that families would stay very long and that I would have a challenge on my hands in working with the local headteachers.'* (Journal, November 1997[77])

At the time I did not anticipate how the school practitioner would condone and validate the debate about families' eligibility to remain in England. My initial response was to assemble facts about Roma. I delivered briefings to schools about the asylum system and the situation of Roma in countries across Europe. My

[77] Journal, November 1997 - Account of meeting in a school with a School Practitioner to discuss admission of newly arrived Roma families in the town

strategy was based on a belief that if people had the facts they would be open to discussion about how Roma children could be included in the school. I persisted with this strategy ensuring that all my materials were referenced to research, national or international bodies. I noted:

> *'I did a briefing in a school today; it is now the sixth one. I used the same slides, 'Seeking Asylum, Facts and figures about asylum in the UK, Roma in Europe and Including asylum seekers in your school'. The questions and statements were always the same 'how did I know that families had been persecuted?', 'why had families come?', 'why hadn't they gone to France or other European countries?', 'other families would not like it if asylum seekers were admitted to the school ' and 'were asylum seekers entitled to benefits?'. When I went back to the schools I could see that nothing had changed - there was still the same resistance to admitting the children to schools and disbelief that Roma could be considered asylum seekers. Increasingly I am encountering a fear in schools about the response from the wider community.' (Journal, November 1997[78])*

Reflecting 13 years later I am aware of the failure of this approach. By giving facts, I did not enable debate or discussion about the implications for schools. I understand that people chose to disregard the content of my presentations. Questions and comments were about school practitioners' personal views on whether families had the right to asylum. Discussion was never about the children it was always about processes linked to migration, it was a deflection away from the needs of children. I colluded with schools by creating a space for articulating discriminatory views which remained unexplored and uncontested.

I provided briefings for specialist practitioners responsible for school admissions and included information about the resistance of schools to admitting Roma children. I observed a sense of powerlessness on their part; although they acknowledged the issues, they remained passive recipients of information. I asked the question 'why do they choose to take no action?' At one point I believed they did not know what to do. One specialist practitioner said she understood the main challenge for schools to be lack of available resources and that as the local authority could not provide any more resources she would not be taking any further action. This formed a conclusion to our discussion, a reason for stepping aside from the issues and the responsibility for addressing the inequality experienced by Roma children[79]. Reflecting now I understand the specialist practitioner formalised and reinforced a view that to take no action in respect of Roma injustice was acceptable.

In my journal I described how schools insisted they meet parents and children before agreeing to offer a school place.

---

[78] Journal, November 1997 - Reflection on my presentation at meeting for schools

[79] Journal, November 1997 – Reflection on why colleagues did not take action to challenge discrimination.

> *'Today I went to a secondary school and whilst I was waiting with the parent the school practitioner responsible for admissions asked if he could speak with me alone. He explained that although he had places for the children he wanted to meet with the parents first before confirming the place. He said he wanted to ask the parents about why they had come to England and what it was like for them in Slovakia. He asked me whether I thought this was alright. I responded by asking if he always met with parents before offering a place and whether he asked parents why they had moved to this town. The response was no, but that he understood that the family were asylum seekers and that he was curious to know what had caused the family to leave Slovakia.'* (Journal, December 1997[80])

The school practitioner was visibly moved at the description given by the family of their children being stoned by gangs in Slovakia and the children were admitted to the school without further discussion. The Roma parent was unaware that the school practitioner did not require such detailed information to enable admission to school. I criticised myself because I had not addressed the inappropriateness of the questions or explained to the Roma parents that they did not have to respond (Journal, December 1997). Reflecting now I have two possible interpretations of this event. Firstly, the school practitioner did not understand the circumstances of the family and secondly, it was a test for the family. I question what the outcome of the meeting would have been had the family's narration of their situation in Slovakia met with the expectation of the school practitioner.

Experience Two

The second experience relates to my work in a town where schools had included children of minority ethnic background for a number of years. In my journal I described the dialogue with practitioners at a team meeting:

> *'At the local team meeting the specialist practitioners reported their conversations in schools. Roma children had started to enrol at some schools and schools were expressing concerns and frustrations about their attendance, lateness into school and the low levels of attainment. One specialist practitioner explained that this did not meet the expectations of schools and that Roma parents were not responding to any requests for meetings or if they did attend meetings there appeared no impact on the areas of concern. The general discussion at the meeting was that schools had started to complain about the Roma, this had progressed into resistance, in terms of admitting children, and there was a conversation gaining ground that the Roma children would impact negatively on the schools' performance. There were two strands of thought: one centred on working with the Roma to prepare them for school and the second around the work needed to educate schools about the Roma. There was*

[80] Journal, December 1997 - Account of meeting in a school about the Admission of Roma Children.

disagreement between specialist practitioners as to which was the most appropriate and effective strategy.' (Journal, June 2007[81])

'At the meeting for schools we had an agenda item about 'Including Roma children in your school'. The general response from school practitioners was their amazement that children were so ill prepared for school and a sense that this was not the responsibility of the schools to address. A further dimension to the debate was a sense from schools that their existing strategies for teaching children whose first language was not English were not effective with Roma children. When we explored this perception further I realised that school practitioners were not aware that children may not have had the opportunity to acquire literacy in their first or second language and school practitioners had no knowledge of the impact of the education system in Slovakia on Roma children. School practitioners argued that including a Roma child in their school was an impossible task - that they did not have the resources, the knowledge to respond to their needs and that they felt that families already in the school would remove their children because of the arrival of the Roma.' (Journal, June 2007[82])

Initially I adopted a strategy of working with the specialist practitioners to educate schools on the situation of the Roma in Slovakia. I held an expectation that this would lead to greater empathy and a commitment to redressing the legacy of discrimination and system exclusion experienced by the Roma. Although I observed schools became more aware of the challenges that Roma families faced, their resistance to engaging Roma children did not lessen. I interpreted this as schools not wishing to be associated with or take responsibility for any of the negative outcomes experienced by the children. School practitioners talked about Roma children and all other children in their schools as if they were two clearly defined groups. The Roma children presented all the problems to the school whilst the 'other' children uniformly had no challenges or difficulties. I observed how children and families were never referred to by name, always as Roma, this had a dehumanising effect (Journal, June 2007). Reflecting now, I argue this was a further, if unarticulated, strategy by which school practitioners distanced themselves from the discrimination and the disadvantage experienced by Roma children.

Working with specialist practitioners I explored different strategies with schools to enable inclusion of Roma children. They felt schools were resistant to any collaborative work. Specialist practitioners described how schools wanted to be told what to do so that they could position the blame for failure on a third party of perceived 'experts' rather than accepting responsibility as an organisation. This tension had not been experienced when the specialist practitioners had worked with the same schools to ensure inclusion for other groups of children. Together we identified a way forward, which was to work in each school with a practitioner

[81] Journal, June 2007 - Analysis of issues emerging in a meeting about specialist practitioners work with schools to include Roma children

[82] Journal, June 2007 - Account of issues for schools in including Roma children and ways in which schools describe Roma children

who was willing to collaborate and influence school practice as an internal advocate. Such advocates identified themselves through what were described to me as 'quiet discussions' where they indicated their concern for Roma and the wish to become more involved.

In my journal I wrote about the initial success of this approach. Specialist practitioners described effective work with the 'internal advocates' to influence pedagogy in schools. New teaching strategies were developed and the 'internal advocates' shared their practice in the school. Gradually this brought about greater inclusion of Roma children in the curriculum but there remained resistance to offering children places in schools and continued reference to Roma children as the 'problem'. In one meeting a school practitioner argued her school was placed in 'special measures' by Ofsted because of Roma children's low levels of attendance and attainment (Journal, January 2004[83]). Reflecting now, I question the appropriateness of working through the 'internal advocates'. My strategy did not provide opportunities for all school practitioners to debate and fully understand their roles and responsibilities towards Roma children. As a result attitudes and beliefs remained unexplored and unchallenged. My strategy was unsustainable because it did not receive the prioritisation needed to bring about the changes for children within the school. In one school I noted that it divided practitioners: one group were actively engaged in the process of Roma inclusion and another group had set themselves aside from this task because it was not given priority by the leadership of the school. I realised that I had framed school practitioners and specialist practitioners as two separate groups when actually they are one group of practitioners. I constructed them as 'enlightened' and 'unenlightened' when the feedback I received was that what was needed was dialogue and debate. I had not anticipated this as an outcome of my approach (Journal, October 2010[84]).

I felt isolated as specialist practitioners in a position to challenge and influence schools did not engage in a proactive way. I observed they only responded if presented with absolute evidence that a school had refused to admit a Roma child. Their response was a formal direction to the school to admit the child with no debate about the issues. I perceived this to be a punitive response that was more about *'covering of backs'* (Journal, October 2007[85]) in the event of being found to be condoning schools who were potentially in breach of their race equality policies but also the Race Relations (Amendment) Act 2000. Reflecting now, I note a lack of dialogue between schools and the local authority about the reasons why it was so challenging to find school places for Roma children. Each case was perceived as an isolated incident rather than a persistant set of issues with common strands.

---

[83] Journal, January 2004 – notes of a meeting with the senior leadership in a school to discuss the outcome of an inspection.
[84] Journal, October 2010 – reflection on my decision to use the term 'practitioner'.
[85] Journal, October 2007 – my initial analysis as to why Local Authority officers did not take action to address the experience of discrimination in school admission.

Refusal to admit Roma children to school became the normal response. I argue that most practitioners became immune to the inequality.

Experience Three

The third experience relates to a debate within the team of specialist practitioners whose work I co-ordinated. Historically there were distinctive posts for practitioners focused on improving achievement of Gypsy, Traveller and Roma children. Other specialist practitioners focused on Refugee children or more generally on children from minority ethnic background. This distinction arose as a result of funding requirements and not through policy or local needs. In 2008 the funding arrangements changed and this provided an opportunity to review the situation. As part of this review I proposed all specialist practitioners should work with schools to ensure equality for Gypsy, Roma and Traveller children and this would be part of broader remit to promote equality for all minority ethnic children. In my journal I recorded the discussion amongst specialist practitioners:

> *'We had a meeting to discuss the proposed new arrangements for all specialist practitioners to include Gypsy, Roma and Traveller children within the scope of their roles. It was interesting that some people felt distinctly uncomfortable with this; they were very experienced practitioners but they felt they did not have the skills to enable other teachers to work with Gypsy, Roma and Traveller children and the biggest issue was the political dimension to the work. The need to challenge racism was perceived as a core part of the work. Some explained that they wished to remain in the zone of advising on teaching English as an additional language and that it would change the dynamic of their relationship with schools because it was about challenging attitudes and beliefs. Specialist practitioners already working with the Gypsy, Roma and Traveller children presented the view that their role was very specialised and needed particular training and that if they were going to broaden their remit to a wider group of children this would not only mean they would need to acquire new skills, but also that the support provided for Gypsy, Roma and Traveller children would be spread very thinly; as people doing a generic role would not have the time needed to move the provision on in schools.'* (Journal, November 2008[86])

I had not anticipated their concerns as my intention was to give a message that all practitioners had the skills to engage with schools on systemic work promoting inclusion. For the specialist practitioners already working with Gypsy, Roma and Traveller children I observed a resistance to sharing this work because it was seen as specialist and gave a strong professional identity and status. I observed this group consistently portrayed Gypsy, Roma and Traveller children as a hard community to work with, beyond the reach of other practitioners and this was believed to be true within the workplace. For other specialist practitioners the work with Gypsy, Roma and Traveller families was perceived as political and requiring a high level of challenge which was not incorporated within their existing roles.

[86] Journal, November 2008 - analysis of issues emerging in the meeting about Specialist Practitioners working with Roma children

Reflecting now, I understand an unanticipated consequence of this historic division of work was to 'other' Gypsy, Roma and Traveller children (Bhopal and Myers, 2008) by positioning their needs as outside of the capability of most practitioners. I argue this perception served to reinforce the views of school practitioners who felt they did not have the knowledge, capacity and skills needed to include Gypsy, Roma and Traveller children.

Reflecting on the three experiences

By reflecting on the three experiences I discovered new understandings about my own practice and why the strategies I deployed had limited impact in challenging inequality.

I encountered a discourse about Roma families that promoted a perception of their status as 'failed asylum seekers' rather than fellow European citizens with a right to travel. This deflected from any consideration about their experiences of inequality and the denial of their rights. Within this discourse Roma culture was presented as problematic and positioned Roma children as the 'other' or the stranger (Bauman, 1997, pp.18-19). I observed a discourse that produced and circulated a cumulative message (Foucault, 1980) that the Roma children's needs were beyond the remit of the school.

Reflecting on my attempts to resist this discourse I am aware of the limitations of my approach. I sought to 'educate' schools about the legacy of persecution and discrimination experienced by the Roma; however, this failed to engage schools in a discussion about the implications of such knowledge for their own practice. I did not address the absence of discussion of children's rights, challenge the dominant discourse of Roma as 'failed asylum seekers' or engage schools in formulating an alternative response. I understand that schools became 'stuck' in their response. My approach of working through internal advocates had a negative impact because their effective practice was not part of a larger scheme but fragmented across provision. This was a weakness as I did not challenge the discourse shaping the power relationships in the setting (Foucault, 1980); in this way the power relationship sustained a negative message about Roma families.

I now understand the failure to act on the part of practitioners as an institutional validation and verification of the schools' discriminatory responses to Roma children. I missed the opportunity to engage these colleagues in a consideration of the implications of taking no action.

LITERATURE

In this section I review literature about the situation of Roma in the UK and education practitioners' responses to Roma children.

Roma children's experience of education in the UK

Literatures about the experience of Roma children in the UK are relatively recent, reflecting the arrival of Roma people in the UK from 1995 onwards. There is wide acceptance that a common reason for Roma migration is to escape racism and discrimination (European Union Agency for Fundamental Rights, 2009; European Dialogue, 2009, p.8). Research in the UK has primarily been conducted by voluntary sector organisations either as surveys to establish the circumstances of Roma (for example, European Dialogue, 2009) or as advocacy projects to ensure that children's and young people's voices are heard. Such research has a stated purpose of developing policy and provision as well as raising wider public awareness (Ureche et al, 2005 and Children's Society, 2009b).

Research into the situation of Romanian Roma in London describes the extent of discrimination experienced by children as both Roma and asylum seekers and the degree to which prejudice is increased by negative media coverage (Ureche et al, 2005). This study found that families explain the lack of educational opportunities in Romania as a primary reason for seeking asylum, although they often resist engagement in education in the UK. This reflects the tension within families between the need to earn enough money to live on and the importance of education (Ureche et al, 2005).

Research identifies the invisibility of the Roma communities to public services as a key issue for practitioners. One survey found that Roma families remain invisible to service providers for two reasons: firstly, although families access services they may choose not to declare their ethnic background and secondly, families have little or no contact with any services (European Dialogue 2009, p.9).

English government policy identifies Roma as part of the wider group of English Gypsy, Roma and Irish Travellers. I argue this reinforces the view that Roma are a homogenous people. Gypsy, Roma and Traveller pupils are consistently reported as the lowest attaining minority ethnic group in England (Ofsted, 1999 and 2003a; Great Britain DfES, 2003). The rights and protection offered to Gypsy, Roma and Travellers of Irish heritage through equalities legislation is emphasised in guidance on the educational inclusion of Gypsy, Roma and Traveller children and young people (Great Britain DCSF, 2008c).

> *'Gypsy, Roma and Traveller communities frequently experience social exclusion and discrimination which can be intentionally or is unintentionally racist in character on account of the lack of knowledge by the perpetrator(s) of their legal minority ethnic status.'* (Great Britain, DCSF, 2008c, p.10)

Although I find this statement helpful in acknowledging the discrimination experienced by communities, I question the lack of discussion about the issue of the level of awareness of the perpetrator about the status of the victim. A lack of

knowledge of the legal status of Roma could be interpreted as a valid reason and position for a perpetrator of racist discrimination.

I observe a consistent response from practitioners that they are unaware of their responsibilities towards Roma. This is sometimes given as an acceptable explanation for less favourable treatment. I suggest this could be interpreted as a denial of personal responsibility towards children. I have not encountered the same response in relation to Health and Safety or Child Protection where I observe it is an unacceptable position to take 'no action' on the basis of lack of knowledge of responsibilities (Journal, January 2011[87]).

Addressing the inequality and disadvantage of Roma is a high priority within Europe. The Council of Europe[88] has an extensive programme of work centred on addressing racism and intolerance, promoting human rights and addressing social exclusion. The European Monitoring Centre on Racism and Xenophobia[89] (and its successor organisation the European Union Fundamental Rights Agency) has a significant volume of programmes and policy reviews focused on Roma inclusion including a specific stream of work on public education. I reflect that the majority of practitioners appear unaware of and unconnected to developments in working with Roma children across Europe (Journal, May 2010[90]).

In a review of European research Wilkin et al (2009a) report little empirical evidence on the education of Roma children that was directly related to the UK. However, they note similarities between the situation of Gypsy, Roma and Travellers in the UK and across the European Union (p.55). Themes include the high proportion of children identified with special educational needs and placed in special schools, the high drop out rate as children progress through education, the experiences of racism and bullying in school and the impact of economic disadvantage. The impact of poverty on access to education for the Roma is identified as an area insufficiently explored both in the UK and more widely across Europe (Unicef, 2007b).

Within the wider European context there is agreement amongst researchers and commentators on the range of factors that influence the inequality in education of Roma children (Liegois, 1998; European Commission, 2004a and 2004b; Save the Children, 2001; European Union Monitoring Centre 2006 and European Union Fundamental Rights Agency, 2009). Such studies find that access to education and attainment is affected by direct and systemic discrimination and exclusion. Discrimination is compounded by poverty, poor access to services and

---

[87] Journal, January 2011 - Analysis of practitioners' understandings of their responsibilities towards Roma and how they position this within their wider responsibilities to all children.
[88] http://www.coe.int/t/dg3/romatravellers/source/documents/defendingRomarights_en.pdf (Accessed: 9th March 2012)
89 http://fra.europa.eu/fraWebsite/roma/roma_en.htm (Accessed: 9th March 2011)
[90] Journal, May 2010 - Notes about how we make links or not to the position of Roma in Europe

marginalisation that influence Roma children's ability to participate in education. The exclusion and discrimination is characterised by, for example, invisibility in the curriculum, forms of school or classroom segregation, difficulties in enrolment and maintaining attendance, physical segregation of living accommodation and unaddressed racism (European Union Monitoring Centre, 2006, pp. 63-67).

Within the wider European context discussion about addressing the inequality experienced by Roma is considered within a framework of human rights. Action is presented as defending rights within a wider strategy of achieving gender equality, challenging discrimination, measures to poverty and social exclusion (European Commission, 2010). Discrimination is identified by evidence of the violation of rights. The factors impacting on access to education and contributing to poor educational outcomes are presented as barriers to the realisation of the right to access education (European Union Fundamental Rights Agency, 2009).

The majority of studies do not consider the experience of Roma in the UK from a human rights perspective. Reviewing research about the inequalities experienced by Gypsies and Travellers, Cemlyn et al (2009, p.108) suggest that discrimination and lack of equality are a reflection of the lack of recognition for human rights. This review cites research evidence of the non-implementation of the right to education for Gypsies and Travellers when they transfer to secondary school (Derrington and Kendall, 2004). The United Nations Committee on the Rights of the Child (UNComRC, 2002) observes the lack of realisation of rights for Gypsies and Travellers in the United Kingdom. An issue of particular concern is the gap between the aspirations set out by legislation and the reality of service delivery experienced by children.

What do the literatures say about practitioners' responses to the Roma?

Within a UK context I found relatively little literature about practitioners' engagement with Roma families. This is surprising given the inequality experienced by Roma families but may be as a result of the absence of reliable data and the invisibility of Roma communities (Journal, January 2011[91]). Practitioners are unaware of Roma communities and in some local authority areas there was little or no provision available (EU Dialogue, 2009, p.9 and p.19). The lack of awareness of Roma communities is amplified by a lack of knowledge of the background, heritage, family structures and aspirations of the Roma. The Children's Society commissioned a qualitative study of the experience of Roma children, which found that practitioners responded negatively to issues that were considered as normal by the group; examples include a history of non-engagement with school, early marriages and language background (Ureche et al, 2005).

[91] Journal, January 2011 - Analysis of practitioners' understandings of their responsibilities towards Roma and how they position this within their wider responsibilities to all children.

Parents' low expectations of education and lack of understanding of the system in the UK is interpreted by practitioners as a lack of parental commitment rather than the result of parents' lack of knowledge of what was expected or what was on offer in terms of education (EU Dialogue, 2009, p.14). The absence of positive relationships between education practitioners and Roma families is an area of concern and impacts on the quality of communication between the home and the school (Ureche et al, 2005).

Within the wider European context I found literature about practitioners' responses to Roma families, however, within an education context this focuses on teacher responses rather than a wider group of practitioners. A review of European programmes to promote Roma inclusion observes that many countries implement separate projects, supported by short term funding, rather than adopting a strategy of long term plans (European Commission, June 2010, p.5). I suggest this may communicate a message to practitioners, within universal services, that the responsibility for Roma lies with a specialist service and reinforces the marginalisation of Roma communities. I identify two potential outcomes of this approach. Firstly, practitioners' engagement is short-term and limited in terms of the capacity to build sustainable relationships with families. Secondly, practitioners perceive working with Roma as a marginal activity that remains the province of a few specialists.

There is a tension between strategies that target Roma communities and ensuring such strategies are embedded within mainstream services. In 2009 the European Commision[92] set out ten Common Basic Principles for Roma inclusion; the ten principles include an approach of '*mainstreaming within policy and service provision*' and an approach of '*explicit but not exclusive targeting'*. Yet in countries with the largest Roma populations targeted and short term programmes are normal practice (European Commission, June 2010, p.5).

A review of European education projects to promote Roma inclusion found that practitioners demonstrated a strong moral commitment to addressing the issues and a deep understanding of Roma exclusion. Characteristics of effective projects include practitioner engagement with the Roma families, reflection within practice on the barriers to inclusion and a realisation that practitioners have the power to take action to promote Roma inclusion (European Commission, June 2010, pp.8-9). Significantly, this is one of the few positive comments about education practitioners found within the review of literatures.

[92] http://fra.europa.eu/fraWebsite/roma/roma_en.htm (Accessed: 9th March 2012). Principles are: 1. Constructive, pragmatic and non-discriminatory policies, 2 Explicit but not exclusive targeting, 3 Inter-cultural approach, 4 Aiming for the mainstream, 5 Awareness of the gender dimension, 6 Transfer of evidence-based policies, 7 Use of European Union instruments, 8 Involvement of regional and local authorities, 9 Involvement of civil society and 10 Active participation of the Roma.

I found a less positive picture in accounts of the impact of teachers on the education of Roma children, three main themes emerge from the literature. Firstly, a European review of research found evidence that teachers' tolerance of the harassment of Roma by peers and other teachers is widespread within schools (European Union Monitoring Centre 2006, p.65). Secondly, the same review found teachers are not able to identify the underlying causes of Roma children's behaviour and low achievement; this hinders their ability to form an appropriate response or strategy. The study found that the inadequacy of teacher training is a key issue. Thirdly, Liegois (1998, p.270) found low teacher expectations indirectly devalue Roma children and have a negative impact on their attainment and attendance.

What could we learn from research focused on practitioners' responses to English Gypsies, Scottish Travellers and Irish Travellers?

I also reviewed literatures about practitioners' responses to English Gypsies, Scottish Travellers and Irish Travellers with a view to identifying learning relevant to this case.

Influence of schools' policies and practices

Bhopal (2011) considers how schools' policies and practices impact on teachers' responses in a qualitative study in two London schools:

> *'Even when some schools use measures of 'good practice' for inclusion, this may itself have little impact on the individual attitudes and practices of some teachers'.* (p.469)

She argues that schools' inclusive principles and practice may not be shared or understood by all practitioners. Bhopal found that the actions schools took to be inclusive of Gypsy and Traveller children were interpreted by practitioners as 'special treatment' and reinforced their status as outsiders (p.480). Similarly, Wilkin et al (2009b) found that schools can create constructive conditions (including the implementation of school policies) that can impact positively on Gypsy, Roma and Traveller children's achievement.

Low expectations and attitudes

The impact of teachers' low expectations and attitudes on English Gypsies and Irish Travellers is a repeated theme (Ofsted 1996, 1999; Kiddle, 1999; and Bhopal et al 2000). Jordan (2001), in a study of Scotland, describes how low expectations manifest themselves in teachers' responses. She discusses how teachers prioritise social issues instead of academic achievement and in doing so present Gypsy and Traveller cultures as problematic. Significantly Ofsted finds that schools rarely have strategies in place to address teachers' low expectations

(Ofsted 1996, 1999). I question whether this omission is because schools are unaware of what action to take or whether low expectations are the norm and reinforced by a view that whatever action is taken it will be ineffective (Journal, July 2010). Government guidance provides advice to education practitioners on how to improve attendance and achievement (Great Britain DfES, 2003; Great Britain DCSF 2008c, 2009a and 2009b). Such guidance sends a cumulative message to practitioners about the need to value diversity and build self confidence in children through the curriculum; to challenge racism and promote equality; to develop effective partnerships with parents, carers, families and communities and to implement strategies for learning and teaching that maximise the achievement (DCSF 2009a, 2009b). Although this guidance makes substantial reference to equalities legislation it does not position the experience of Gypsies and Travellers within a framework of human rights.

Responses to children's behaviour

Many of the research studies focus on teachers' responses to behaviour issues in the schools. Lloyd et al (1999) found that teachers' observations about children's behaviour are informed by teachers' perceptions of culture, for example, Traveller boys are seen as more problematic than girls. They found that any disciplinary sanction is more a response by the teacher to the culture than the behaviour. For example, I observe that schools discipline older children for intervening in disputes that involve their siblings. They appear unaware that there may be a cultural expectation that older siblings are responsible for their younger brothers and sisters in school. In this way schools' disciplinary processes do not engage in a positive way with the culture. A longitudinal study of children, in transition from primary to secondary school, found some evidence that teachers' stereotypical views are informed by an assumption that Gypsies and Travellers are inherently disadvantaged because of their cultural background (Derrington and Kendall, 2004, pp.63-64).

Responses to racist bullying

A number of research studies identify teachers' responses to racist bullying as inadequate. Lloyd et al (1999) and Jordan (2001) found that teachers do not make the link between name calling, bullying and racist behaviour. Similarly institutions do not make the connection between racism in the community and the racism in the school. Derrington and Kendall (2004, pp.124-126) found that where Traveller children fight back as a response to racist name calling this is interpreted by teachers as a cultural response. In the same study they found individual teachers' awareness of racism varies. Cemlyn et al (2009) claim that qualitative research suggests:

> *'Teachers might perceive Gypsies and Travellers as excessively concerned with their rights in a way that did not acknowledge the fundamental social injustices they experienced.'* (p.97)

Recognition of cultural background and diversity

Teachers' awareness of the cultural background and diversity of Gypsies and Travellers is a focus for several studies. Cultural differences can be overlooked or misinterpreted by school staff (Kiddle, 1999, pp.34-48). Where schools continue to give limited recognition or deny cultural differences there is a risk of individual teachers being unable to respond appropriately (Lloyd and McCluskey, 2008, pp.339-341). An understanding and respect for Gypsy and Traveller culture by education practitioners is essential to enable children's participation (Kiddle, 1999, p.95). Cemlyn et al (2009) suggest:

> *'The dominant sedentary culture of schools can be perceived as a threat, a means of assimilation, in which children's cultural identity will be undermined...'* (p.98)

Overall I found the majority of studies focused on teachers' responses to English Gypsies, Scottish Travellers and Irish Travellers rather than the broader group of practitioners included within this case. I observe that teachers were often found to contribute to inequality and breaches of human rights.

Practitioners' actions to address inequality and breaches of human rights

A common theme within the literature is the need for practitioners to take action and be pro-active in addressing the inequalities experienced by Gypsy and Traveller children. Bhopal et al (2000, p.56) suggest that practitioners should have an advocacy role for Gypsy and Traveller children in school. Flexibility in responding to cultural issues is an appropriate strategy even when this might be outside the ordinary range of responses made by a school (Save the Children, 2001). Practitioner engagement in home school liaison, in a way that recognises the challenges parents may face, is suggested as important by Bhopal (2004, p.62) and Derrington (2005). Bhopal argues for the importance of education practitioners engaging in dialogue with parents in order to understand the fears they hold and their views about education:

> *'There is a clear window of opportunity for Gypsy Travellers, schools and policy makers to engage with each other on areas of newly emergent common ground. If this does not happen then new, harder and more complex challenges will need to be faced in future.'* (Bhopal, 2004, p.62.)

There is widespread discussion of the importance of specialist practitioner roles in terms of outreach, advocacy, facilitation of access, home-school liaison and training (Great Britain DfES, 2003; Great Britain DCSF, 2008c). Bhopal et al

(2000, p.70) suggests that specialist practitioners need to work in a way that does not remove responsibility from schools.

Bhopal and Myers (2008) apply Bauman's theory of ‘the stranger’ and ‘the other’ to explain how schools position Gypsy culture outside of the mainstream school culture. Their study raises interesting questions for my research about how specialist practitioners understand their role in promoting equality for Gypsies. Bhopal and Myers (2008) suggest that some practitioners already working with Gypsies operate in the roles of expert and/or gatekeeper. They claim that *'professionals and academics'* allow or block access to communities by new researchers or professionals seeking to include Gypsies within the scope of their work. Bhopal and Myers (2008) state:

> *“The gatekeeper is not only endowed with ‘expertise’ about the community, therefore, he or she is also in a powerful position regarding the interaction between the Gypsy and Non-Gypsy community.’* (p.47)

They suggest that new researchers or professionals are treated with suspicion and in some circumstances are considered as working against the Gypsy community. They find that new professionals and institutions relinquish their responsibility to Gypsies because of a perception that they are impossible to engage and are beyond their reach. This resonates with issues raised in my practice; I observe how practitioners perceive that they do not have the skills or knowledge to engage with Roma families.

Bhopal and Myers (2008) argue that existing academic networks and professionals are sustaining an unchallenged approach to work with Gypsy communities. They suggest an outcome of this approach is that Gypsy culture remains outside mainstream thinking. Bhopal and Myers understand that:

> *'One effect of this is that new interpretations of Gypsy culture, engagements by the culture in new circumstances, or new approaches by the culture towards society are liable to be overlooked or ignored.'* (p.43)

This research is significant to my study; Bhopal and Myers move beyond earlier studies by considering how practitioners operate restrictive paradigms in their practice. In this case study I explore whether the practitioners responses to inequality and breaches of human rights are restricted by their views of Roma children.

GATHERING PRACTITIONERS' VIEWS

In this section I begin the analysis of specialist practitioners'[93] accounts of their engagement with Roma children. I identify themes as they emerge from the data and relate them to the framework of questions particular to this case:

- What are the prevalent discourses on Roma children that practitioners describe in their work?
- What dilemmas arise for practitioners in working with the Roma?
- How do practitioners respond to issues of inequality and breaches of human rights?
- What enables or inhibits their responses?

Specialist practitioners interviewed had a critical role in promoting Roma inclusion in schools but also present unexplored paradigms within their practice (Bhopal and Myers, 2008). They worked in two towns where there had been a significant growth in the community as a result of migration across Europe. I chose to interview 'specialist practitioners' because of the themes emerging from my personal reflection and the analysis of the literature.

I invited specialist practitioners to contribute to the research in the knowledge that as a manager in this area of work I needed to negotiate the interviews carefully. I respected practitioners' right to decline and wanted to respond to any issues they may raise. The interviews took place between November 2010 and March 2011. I had previously made a presentation on my research at a 'Research into Practice' seminar. This was an initiative I developed as part of my professional leadership for this area of work. At each session a practitioner (including myself) would volunteer to either present a piece of their own research or a piece of research done by others to the group, and we would reflect on the implications for our work. Within this forum I had already shared Bhopal and Myer's (2008) research, on teachers' positioning of Gypsy, Roma and Traveller children as 'outsiders'. I discussed how this research had challenged my thinking about whether I was communicating a particular message about working with Roma children.

I approached six specialist practitioners with a request for an interview. All six people worked directly with schools with a remit to promote the inclusion of Roma children as one dimension of their work. I provided information on the research project and the interview process (Appendix 4). All six practitioners agreed to be interviewed.

[93] Specialist practitioners interviewed were Advisers, Advisory Teachers and Family Liaison Officers who only worked with Roma families.

Analysis of the interview data

Specialist practitioners revealed a prevailing negative discourse on Roma children and their families. I pieced together the structure of this discourse from the fragments as they emerged from the interviews; the fragments reflected how the discourse established, consolidated and implemented power relationships in the research setting (Foucault, 1980, p.93).

Denial of Roma identity

They described how the discourse that denies and fails to engage with Roma children's identity was produced; one specialist practitioner said:

> *'A lot of practitioners thought they were Romanian, other people just considered that they were Slovakians in the sense that they were not Gypsies and everyone else in Slovakia was like these people. So there was a lack of understanding about their history. So they were just perceived as people finding work.'* (Practitioner D interview)

Specialist practitioners suggested that the denial of identity is informed by an absence of knowledge about the needs or history of Roma. They observed a sense of resentment at the presence of Roma:

> '*Depending on their view of Roma - practitioners often felt that Roma were being obstructive and not willing to engage rather than seeing them as having been a victim of prejudice and not having the confidence to engage.'* (Practitioner C interview)
>
> *'Practitioners showed a lack of understanding or they responded by asking 'what am I going to do' or 'why are they here?' Roma were viewed by practitioners as an additional burden and there were lots of discussions about the number of children and questions about the resources. So accepting the children in to the class often became a discussion about the resources.'* (Practitioner C interview)
>
> *'Resentment! Teachers say that the Roma children take up a lot of their time, they set up a support system and the child does not turn up. The teachers say they are not attending. The children tend to move a lot. There is a lot of resentment at the wasted time.'* (Practitioner B interview)
>
> *'It is a whole picture - it is to do with the media. There are negative images about the Roma. It also mirrors what they hear from other services (e.g. benefit frauds). A lot of people believe that Roma are living off their taxes - it starts as a personal view and now it is across the whole service.'* (Practitioner B interview)

Consideration of admission to school did not involve a discussion about the needs of children but about the lack of resources and I suggest this discourse obscures inequality. Specialist practitioners recognised that the narratives about the Roma promote a version of the 'truth' (i.e. 'living off taxes'); in this way I suggest that

specialist practitioners were aware how relationships of power constituted and permeated the social body (Foucault, 1980).

Roma children as the 'other'

My analysis revealed how negative discourse about Roma cumulated in the setting. Specialist practitioners encountered a discourse in schools that positioned Roma children as the 'other':

> *'People did not have the information. If we go back to the boy peeing in the corner in the playground - that can be a foul disgusting piece of behaviour or it can be that he has not been used to using a toilet and then it is not a foul disgusting piece of behaviour. It is something that the child needs help with.'* (Practitioner D interview)

> *'The teacher thinks a child is disruptive but when we give training on the background they are much more compassionate and they realise that some of the children have had no schooling and sometimes the mums don't want their youngest child to go to school because of their own isolation.'* (Practitioner F interview*)*

They found a lack of recognition of Roma children's needs and I suggest an alternative interpretation would be to consider this response as a denial of children's needs. This raises a question as to whether responses to Roma children (either the child urinating in the playground or the disruptive child in the classroom) are dependent upon practitioners having information about that child's background in order to make their response more 'compassionate'.

Resistance to meeting needs

Specialist practitioners described a discourse that validates a position of 'no response', 'slow response' or a 'resistant response' to the needs of Roma children on the basis of a belief that families would be in the locality for a short time. This was a further example of how a negative discourse about Roma cumulated in the research setting:

> *'People don't want to change they don't want to address these needs because they say in a few years' time they will be gone - they would have moved on. That is not going to happen - this is their home.'* (Practitioner E interview)

Maintaining the status quo from the intrusion of the unwelcome visitors became a focus for activity. Specialist practitioners described different responses in schools. Firstly, they identified the juxtaposition of schools complaining about the presence of Roma but then not engaging in opportunities for change:

> *'We organised the Roma day last week and one issue was that only one school leader attended - though recently all the schools were saying why do we have to have those families? I just thought they need to realise why families are coming to the UK - how bad it is for them. All the issues about*

> *employment, why they don't engage in bureaucracy….. School practitioners think it is somebody else's problem and that someone else will deal with it rather than take responsibility.'* (Practitioner E interview)

Secondly, they found some school leaders challenged the status quo:

> *'Roma are seen as one group. It is racist. It is really up to the school leader to inform the ethos in the school to get rid of racism and to understand the barriers in the school. When they do there is so much difference.'* (Practitioner F interview)

Specialist practitioners observed how people adopt different positions toward Roma children. I suggest they recognised how discourse impacts on the opportunities open to individual Roma children. This is an illustration of how the relationships of power in the settings were linked to specific discourse about Roma (Foucault, 1980).

Dilemmas for specialist practitioners

Specialist practitioners described a range of dilemmas in their work. A number of themes emerged through my analysis of interviews and they are: working within the inspection and targets culture; the mis-match between policies and needs; absence of responsibility; working with or challenging schools and the 'funded' approach to work.

Inspections and targets

Specialist practitioners identified inspections and targets in relation to attendance and attainment as a dilemma for schools. They perceived this in a number of ways:

> *'All the schools are being judged on their attendance figures and that is all they are worried about. I have spoken to the practitioner responsible for attendance and asked if there is a way that we can work in schools to look at how we get 99% attendance or whatever, that is never going to happen but it is better than it was before. They might have 89%.'* (Practitioner E interview)

> *'The target driven culture has a huge impact. It causes resentment and pressure on teachers who have classes with many issues in socially deprived areas and those teachers are still being expected to get those children to those targets. That is not to say that those practitioners should not have high aspirations because that does impact on standards and attainment but I do think the pressure does not help.'* (Practitioner A interview)

Specialist practitioners described the challenge of working with schools in an environment dominated by this target setting agenda. Within my own journal I record how school practitioners prioritise resources for children who could reach the government targets so that they could demonstrate the effective use of

resources (Journal, January 2011[94]). I argue that the inspection and targets regime presents schools with dilemmas; school practitioners frequently gave this as a reason for not admitting Roma children.

Mismatch between policies and needs

Specialist practitioners identified a mis-match between policies and the needs of Roma families. They recognised the policy and practice framework is incompatible with the needs of Roma families. For example, secondary school admission policies are not responsive to children who arrived in the area in the middle of the year.

> *'The Roma families do not know the systems here and these families who arrive mid-term they do not know how to access the services. A lot of children slip through the net - the schools tend not to support the families particularly primary and secondary transfer. The literature they send home is in English.'* (Practitioner B Interview)

This specialist practitioner recognised the inequality of access to secondary school for the child because the policy and practice framework does not respond to the particular needs of the family.

Another specialist practitioner pointed out that the admission process to primary school often results in children within the same family being split across schools:

> *'Sometimes we have had cases where the families have been offered two or three different schools for their children. One case we heard of recently was for children in the same family to go to school in two different towns. Absolutely ludicrous when you start to think about the families who culturally do not feel it is appropriate for children to travel very far away from them anyway and they have not got the money to send their children on buses to school and the actual practicalities of getting three children into three different schools.'* (Practitioner A Interview)

This specialist practitioner recognised that the policy of splitting families between schools did not promote equality of opportunity in access to education. The family did not have the economic or other resources to be able to realise the opportunity of the school place that had been offered to them. This would include paying for bus fares and being able to take children to different schools so that they arrived on time. In my journal I describe a discussion with the specialist practitioners responsible for admissions in the local authority.

> *'We discussed that the local authority's statutory responsibility to provide a school place. One of the practitioners stated that provided a school place had been offered to a child then the local authority had fulfilled its responsibility and that it did not matter whether the children were split across schools. We had a discussion about this point, as I explained that from the*

[94] Journal, January 2011 – analysis of practitioners' understandings of their responsibilities towards Roma and how they positioned this within their wider responsibilities to all children.

child and family's point of view it did matter and if we wanted the placement to work for the child then we needed to take a wider view. We discussed this for some time but the opinion was divided - two people said they could see my point but they did not see how the practice could be changed and the reason given was that the local authority had to focus on its statutory responsibilities.' (Journal, October 2009)

So in this situation the specialist practitioners responsible for the admissions policy could see the inbuilt inequality in the practices and processes of implementing statutory responsibilities. They did not appear to consider that it was within their power to change this practice.

Specialist practitioners gave another example of the mis-match between policy and the needs of Roma Families. This relates to the use of fixed penalty fines for non-attendance at school:

'Attendance policies and practices do not allow for mitigating circumstances - for a Roma family achieving 80% attendance is brilliant. Government targets mean that attendance cannot be viewed flexibly by the school or the EWO [Education Welfare Officer] *and that is an important issue. To issue a £50 penalty notice is not helpful. The work that schools have completed to improve attendance is not recognised in the legal framework for managing attendance.'* (Practitioner C Interview)

In this situation, the specialist practitioner recognised that a deterrent to non-attendance penalises families who have made substantial improvements in the attendance of their children. My journal records the discussion of specialist practitioners about Roma families removing their children and themselves from the school as a response to this punitive system (Journal, October 2009[95]).

Specialist practitioners commented on the lack of responsiveness and flexibility in the curriculum:

'I can fully sympathise with the families - in terms of what they want for their child and actually does every child need to be able to write an essay on Henry V at GCSES level to be a good person. But as a teacher we want to offer the best chances to these children so that they can move on to better employment - so we do want them to be able to read and write and so you cannot underestimate the family's choice. But at the same time not forcing them through a GCSE where it is constantly telling them they are not achieving. Let us offer them qualifications and accreditation for what they can do..... Schools are very reluctant - they are not willing to look at adapting the curriculum that they offer and they are very rigid. (Practitioner E interview)

I suggest this specialist practitioner argues the curriculum does not enable the child to achieve. They recognised an approach of equal treatment (everyone studying for 5 GCSEs) does not respond to the needs, interests or priorities (Sen, 1979,

[95] Journal, October 2009 - Reflection on practice and analysis of issues in the meeting in relation to local authority policy of splitting children in the same family across schools and statutory process to manage attendance

1999) of Roma children. The simplified approach of ‘one size fits all’ neither problematizes nor engages in the complexity of children’s needs.

Issues of responsibility and challenge

Schools’ failure to take responsibility for Roma children was raised repeatedly as a dilemma and this led to significant barriers for specialist practitioners in working with or challenging schools. One specialist practitioner described the way in which schools 'refer' families to her:

> *'They think that those parents are not their responsibility. They flag them up to our service to refer them to us. They are not treated equally.'* (Practitioner B interview)

She suggested schools pass over responsibility for children to her in a way that they would not for other families. My journal recorded discussions where specialist practitioners describe a concern that schools do not consider themselves as part of the resolution of the child’s issue (Journal, October 2009).

Specialist practitioners were concerned when children are at the centre of a conflict about policy or practice.

> *'It has taken a lot of time to work with schools who have said that they have had enough of the issues with 'these children'. They are very happy to take Asian or Chinese children because they will do ok but not willing to take in the Roma children and I have had to get very hard with some schools. .... You can fight for a child to go into a school but if the school does not want them they will be negative - put them in a school that really want them and this will give the child and the family a better chance. It is difficult.'* (Practitioner E interview).

In this situation the specialist practitioner recognised the racism in the schools' admission practice and articulates a moral responsibility towards the child. She understands that the identity of the child is the issue for the school and that the child is not seen as a ‘child’. The specialist practitioner understands the discourse that operates in relation to different groups of children and the potential for collusion with this practice if it remains unchallenged.

Funding

Specialist practitioners discussed the dilemmas arising from a 'funded' approach to work with Roma. This is illustrated by the way new provision, targeted at Roma children, is established and funded for schools.

> *'The schools that I have focused on, I have talked to them and suggested strategies and the extra funding helps. For example at a school I am working in we are having a group called 'parents as partners’ and it is mainly for the Roma and now ten Roma families attending. Already I am seeing the*

> *difference in the understanding of the school system. There is an interpreter and a creche.'* (Practitioner F Interview)

After the interview had finished my journal records how the specialist practitioner described her concerns about the sustainability of the group. She questioned what would happen when the targeted funding ended. She was aware that schools may not embrace the specific actions needed in order to promote equality of opportunity for Roma families.

Responses of practitioners to issues of inequality and breaches of human rights

In this section I analyse how specialist practitioners respond to the dilemmas relating to inequality and breaches of human rights of Roma children. I found specialist practitioners did not use the terms such as 'equality', 'inequality' or 'human rights', however, they were very clear about the inequality of opportunity in access to school. Through my analysis of interview data, using Holliday's (2007) strategy of the researcher '*emerging and submitting'* to the data I found broad themes of 'focusing on the facts', 'facilitating contact', 'being the specialist', 'targeting of service', 'focusing on the universal', 'practice development' and 'dialogue and debate'.

Focusing on the facts

Some specialist practitioners adopted an approach of 'focusing in the facts' with a goal of educating the schools on the legacy of disadvantage and discrimination faced by the Roma.

> *'I am training the teachers as they don't understand the background.'* (Practitioner F Interview)

> *'I talked to practitioners and attempted to bust the myths about the Roma put about by the media. I focused on the facts and how the Roma have adapted and moved on.'* (Practitioner C Interview)

> *'I set about looking at who these people were, finding out myself and through research I found out exactly where they had come from in Eastern Slovakia and why they were all leaving. They were coming to (my town) because there appeared to be opportunities for work and cheap accommodation. I did feel there was massive ignorance and people were very misinformed about this group. I was concerned to get the correct information together. The local officer was keen to get local agencies together including health, district council, social services but the point was that everyone should have the information and understand what the needs of the group were.'* (Practitioner D interview)

Specialist practitioners believed that giving schools information on the background of Roma would promote a positive response. In my journal I observed a reliance on this approach in specialist practitioners' initial engagement with schools. Although

this strategy enabled schools to understand the needs of Roma children, I did not find evidence of specialist practitioners reflecting or evaluating the effectiveness of such an approach (Journal, October 2009[96]).

Facilitating contact with Roma families

Specialist practitioners described an approach of enabling schools to have contact with Roma families as a way of addressing discriminatory attitudes:

> *'Some schools I think have moved on because they get one child or one family who do well, they attend and they succeed and they think ok.'* (Practitioner E interview)

> *'We say 'you do need to be positive' and to build up that trust with the families and that face to face communication with the Roma families is key because they need to build up the trust in you.'* (Practitioner E interview)

> *'People did get beyond the media and this was helped by practitioners meeting Roma.'* (Practitioner C interview)

> *'I think role models help - when people leave the stereotypical position that the media places them in. I think prejudice is a fear and people not really accepting and appreciating the unknown and if they are coming to terms with that then there is not anything to fear.'* (Practitioner A interview)

I observed a reliance on the use of 'contact' with Roma children in order to challenge discriminatory and racist attitudes but without any robust evaluation (Journal, December 2009[97]).

Specialist services and targeting

Specialist practitioners described how they were 'being the specialist' and in this role 'targeting the service'**;** for example,

> '*I encouraged schools to work with the Roma community and not against them. I encouraged teachers to see the child as a resource. I walked the talk and demonstrated in my own practice that you can work with the Roma but that you have to be realistic and understand that it will take a long time.'* (Practitioner C interview)

In my journal I observed specialist practitioners modelling practice or demonstrating alternative strategies in order to show that it was possible to work with Roma families. In this way they indirectly challenged discriminatory practice. For example I observed a specialist practitioner modelling teaching that was inclusive of Roma children in the classroom. The practitioner utilised the oral skills

[96] Journal, October 2009 - Reflection on practice and analysis of issues in the meeting about the local authority policy of splitting children in the same family across schools and statutory process to manage attendance, after the meeting I reflected on our reliance on achieving change by giving schools information.

[97] Journal , December 2009 - Reflection on practice of using 'contact' with Roma families as a way of challenging racism/discrimination.

in the group to introduce and explore concepts; this was followed by opportunities for children to digitally record their responses (Journal, January 2010[98]).

Specialist practitioners described an alternative approach of working with schools to establish targeted services for Roma children and their families. One specialist practitioner discussed her dual strategy of advising and challenging a school member of staff to set up a group for Roma families:

> *'We try to change their views by saying that the families need time. We change their viewpoint on how to deal with specific families by giving more cultural awareness and updating them on what is going on in the area. It has changed some schools ways of thinking. There is less frustration but it is not phased out completely. They tend to treat the Roma in a different way. For example, a school wants their practitioner to set up a coffee morning for the Roma parents because their attendance is low. She said 'I cannot do that I need to work with the whole school'. I said we are starting this group. She said 'the other parents don't see it like that. How can I isolate the group?' I said we have to focus on this and we can get the other parents to proactively work alongside the Roma parents. We could get them to support our group. She was very resentful and did not budge her views. Her argument is that in the past no one had turned up. I said you need to communicate; you need to telephone the families. I put a lot of strategies across. It is changing views. We have another date and she is not happy with it.'* (Practitioner B Interview)

My interpretation of this situation is that the specialist practitioner challenged the school practitioner about the way in which she sees her work. The specialist practitioner explored the tension between working with all families and offering a targeted service to the Roma families. A way of analysing this further would be to consider whether the school practitioner believed her role was about 'equal treatment' or whether she understood the perspective of the specialist practitioner that to achieve 'equality' there needs to be 'unequal treatment'. I suggest that the specialist practitioner and school practitioner did not understand their differing perspectives on what would constitute 'equality' in provision.

In my journal I record that the specialist practitioner adopted an approach of *'overwhelming momentum and enthusiasm'* in order to overcome resistance to change. In other situations I observe the limitation of such an approach is that it does not address the root cause of the practitioners' resistance. Until this is explored and resolved the work is dependent upon the *'momentum and enthusiasm'* of the specialist practitioner (Journal, January 2010[99]).

Responding to universal needs

Specialist practitioners also focused on the universal needs of children.

---

[98] Journal, January 2010 - Analysis of teaching strategies during a teaching observations focused on use of oral strategies

[99] Journal, January 2010 - Reflection of the strategies that specialist practitioners use in order to overcome resistance in schools.

> *'We keep trying to make leaders in the school or the staff actually realise that these families have the same needs and they want the best for their children. It may be the same as what the teacher wants. If the family do not think the child is going to be safe in the school then they won't send them to school so the teacher needs to think why isn't the child coming to school'.* (Practitioner E interview)

The specialist practitioner engaged in a humanitarian dialogue with the school and introduced an alternative discourse on Roma families; such a discourse positions Roma children alongside all other children.

Developing practice

Specialist practitioners focused on practice development within schools as a way of engaging school practitioners in alternative approaches.

> *'We have contacted the school and discussed the induction procedures and I have been working with the school practitioner and she has been working within our team discussing the school's induction procedures. My view is that if we get the induction right and sorted out first of all this will impact on families overall impression of the school which is really important. It is important that the school learn to engage with the families and discuss and understand where the families are coming from - their cultural beliefs and understanding.'* (Practitioner A interview)

In this example the specialist practitioner focused on induction procedures as a 'neutral' agenda and this provided an opportunity to discuss the school's perceptions of cultural beliefs. In my journal I discussed how specialist practitioners challenge inequality by beginning the discussion in a different place and then moving towards to the issue. For example, I observed how a specialist practitioner worked with a school to review induction arrangements for all children and found that the existing processes excluded Roma families because they were not responsive to the families' migratory habits and did not address the legacy of discrimination and exclusion (Journal, May 2009[100]).

Some specialist practitioners addressed inequality more directly:

> *'They* [schools] *see attendance and the low levels. They have low expectations. I try to get someone from the Roma community to speak to them. I don't have to keep on saying the same things and schools are taking on inclusive education much more. It is small steps. But in new schools you would need to go through the racism and the training.'* (Practitioner F Interview)

They adopted an initial approach of addressing racism in the school by exploring racist attitudes toward the Roma. In this situation the school engaged with the issues through the perspective of a Roma parent. In this way I observed schools

[100] Journal, May 2009 - Account of meeting in a school to discuss induction arrangements for Roma children. I was observing a Specialist Practitioner.

began to consider the discourses about Roma families circulating within the community (Journal, December 2009[101]).

Not all specialist practitioners demonstrated the same level of confidence or commitment in addressing racism. One specialist practitioner discussed her '*empathy*' with the racist views in the school:

> *'It is very challenging - when I worked with the Nepalese it was very easy to get them engaged but the Roma have been more challenging. The younger Roma they want it to change. A lot of schools say attendance is bad. I have needed to get schools to understand that the whole family stays away to look after sick children. I have a lot of empathy with the racism. They* [the Roma] *will group together and they won't integrate.'* (Practitioner F interview)

She explained the school's racism as a response to the challenge of working with Roma families. In my journal I observe how practitioners colluded with inequality and breaches of human rights by demonstrating that they 'understand' rather than 'explore' the issues for the school. They made excuses for the school's racist response in a way that I observe they would not do for other groups. An example of this was where a specialist practitioner did not challenge the negative discourse about the 'gang culture' of Roma children in secondary schools. He sought to understand the issues the children presented in school rather than explore the underlying reasons why the children remained together as a group (Journal, September 2009[102]).

Initiating dialogue and debate

Specialist practitioners initiated 'dialogue and debate' by introducing discussion on wider issues in order to challenge negative discourse.

> *'I am the Chair, it was quite a big group - each agency will talk about their viewpoint and it is a good thing that we can work together rather than everyone do their own thing. The challenges of education do get discussed, also health and housing. I might not have realised the big picture....'.* (Practitioner F Interview)

> *'People's personal views get in the way of their professionalism. Sometimes they are racist - it is improving. They don't realise it - they are just ignorant. It is their attitude they cannot see the bigger picture and how they can help the families.'* (Practitioner F Interview)

> *'I think it is breaking barriers. I think teaching is about your belief system and your values system. Unless you are challenging that and you are getting people to question their own belief system, you are getting them to question prejudice and discrimination and to really look and unpeel the layers then*

[101] Journal, December 2009 - Reflection on practice of using 'contact' with Roma families as a way of challenging racism/discrimination

[102] Journal, September 2009 - Account of meeting in a school to discuss the issues of 'gangs' of Roma children, observation of the work of a specialist practitioner

you are not going to get a workforce that is embracing the children fully for the inclusion agenda.' (Practitioner A Interview)

Some specialist practitioners used the phrase the 'bigger picture' and I asked what they meant by this. The consistent response was that it was about looking beyond the immediate context. I observe in my journal how practitioners (Journal, October 2009) were skilled at introducing discussion about the 'bigger picture'. They would ask questions that promoted new perspectives. I observed a discussion in a school about children attending a funeral. The school's dilemma was that the children had all returned with their families to Slovakia for a funeral. This involved thirty children. The school was concerned about the impact on their attendance. The school's concern was that a drop in the attendance figures would 'trigger' an inspection and that this would not be welcomed by the staff. The specialist practitioner raised the question with the school practitioner that if we could set the concern aside about the attendance figures what would be the school's response to the children's absence. I observed how this question lifted the school practitioner into a different space. Their response focused on engagement with the children on their return, how the school would talk to the families about the funeral and how they could work together in the future to minimise absence. Within this scenario the school practitioner recognised the right of the family to attend the funeral.

LEARNING FROM THIS CASE

In this section I consider the learning from this case and I structure my discussion using the framework of research questions particular to this case including a consideration of what inhibits or enables an effective response.

I found that Roma children experienced inequality and breaches of their human rights. I found that practitioners did not understand issues for Roma children as issues of children's rights and this concurs with the finding of an earlier survey by the Children's Rights Alliance for England (CRAE, 2009). Most practitioners appeared unaware of children's rights, in this sense they did not conceptualise children as either *'bearers of rights'* (Landmann, 2006) or *'right holders*' (Donnelly, 2003) or to have '*rightful entitlements'* (Freeman, 2002). Practitioners' responses to Roma children could potentially be constructed and better understood as 'obligations' to children as holders of rights (Donnelly, 2003). Practitioners may have been able to provide alternative responses had they explored issues for children from the perspective on children's rights using Landmann's (2006) notion that rights have both positive and negative dimensions in requiring people to take action or refrain from an activity in order to realise rights. I found that practice failed to engage with or respond to cultural mores (e.g. splitting families of Roma children across schools or asking children to clean) and as a result children did not

'enjoy their own culture' (Article 30[103], UNCRC, OHCHR). Practitioners appeared unaware of the obligations placed on them by Article 12 (Article 12[104], UNCRC, OHCHR) in that children were denied the right to express and have their views given due weight on matters that affect them. This is consistent with Lundy's (2007) findings on the implementation of Article 12; she argues that there is limited awareness of the provisions in the article and this leads practitioners to be unaware of their legal obligations. Practitioners may have been able to better engage with children's rights by acting on Lundy's suggestion that practitioners (or policy makers) should ask children about the matters that affect them. The inequality experienced by Roma children manifested itself in several ways. School practitioners' denial of the legacy of discrimination and social exclusion experienced by the Roma led to inequality of opportunity; as they did not take account of the different starting points of Roma children. Roma culture was presented as problematic and this led to further inequality as racism remained unchallenged as the 'Roma' become the problem. School practitioners' low expectations of Roma children (particularly in terms of their attendance at school) led to inequality in value or worth. Schools and specialist practitioners did not understand the complex inequality experienced by Roma.

Within the literature I found a description of the discrimination and prejudice experienced by Roma in the UK. Government policy (Great Britain. DCSF, 2008c) promotes a discourse that suggests the invisibility of the Roma. Roma, as a relatively new phenomenon in the UK, are not identified as a group in government guidance. In contrast there is a high level of visibility of Roma issues in the literature about the wider European context. Literature argues that inequality is manifested by invisibility in the curriculum, forms of segregation within the learning environment and unaddressed racism. Discrimination and exclusion is compounded by poor access to services, poverty and the marginalisation of Roma (EU Monitoring Centre, 2006). In the literature about Gypsy, Roma and Traveller families in the UK there is an absence of recognition and discussion of rights (Cemlyn et al, 2009). In contrast the literature about the wider European context frames the inequality of Roma within a rights agenda and it is recognised that the inequality in circumstances leads to breaches of rights (European Commission, 2010).

Literatures explore the responses of education practitioners to the inequality and breaches of human rights of Roma children. Recent research about Roma in the

---

[103] Article 30 of the UNCRC states '*a child belonging to such a minority or who is indigenous shall not be denied the right, in community with other members of his or her group, to enjoy his or her own culture…'*

[104] Article 12 of the UNCRC states that '*1.State Parties shall 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. 2. For this purpose, the child shall in particular be provided the opportunity to be heard in any judicial and administrative proceedings affecting the child, either directly, or through a representative or an appropriate body, in a manner consistent with the procedural rules of national law.'*

UK (European Dialogue, 2009) points out the lack of awareness and knowledge on the part of practitioners about the needs of Roma. European Dialogue (2009) argues this is a significant issue and leads to a lack of response or inappropriate responses to children and their families. Within the wider literature about Roma in Europe this issue is explored more fully and this provides significant learning in relation to this case. Literatures suggest that effective practitioners hold a strong moral commitment to address the inequality of Roma children. Within European research I identify three themes that raise concerns about teacher responses to Roma children. Firstly, that teachers' tolerance of harassment of Roma children is widespread (EU Monitoring Centre, 2006); secondly, the causes of inequality of Roma are not understood (EU Monitoring Centre, 2006) and thirdly, teachers have low expectations of Roma (Leigois, 1998). Literatures on education practitioners' responses to Gypsies and Irish Travellers in the UK raise a similar range of concerns including low teacher expectations (Jordan, 2001) and the absence of consideration of cultural differences (Kiddle, 1999).

In terms of developing practitioners' responses to the Roma my exploration of the literature identified a range of strategies but also a range of dilemmas.

Government guidance (Great Britain. DfES, 2003; Great Britain. DCSF 2008c, 2009a and 2009b) suggests practitioners should value diversity, challenge racism and respond to children's needs. However, research has moved beyond these themes to consider a wider set of strategies and I suggest this requires practitioners to adopt a more pro-active and reflective position. Practitioners need to be advocates (Bhopal, 2000) for children and I consider this could be interpreted as advocacy for children's rights. Practitioners need to look for flexible solutions (Save the Children, 2001) outside the established practices within their institutions. Practitioners need to initiate dialogue with families in a way that recognises and engages with the challenges that families may face in order to arrive at new shared understandings (Bhopal, 2004; Derrington, 2005). Bhopal (2004) and Bhopal and Meyers (2008) extend this notion further by suggesting that education practitioners need to reflect on their own practice and responses to Gypsy, Roma and Traveller to consider the implications of any restrictive paradigms that may prevent new approaches being overlooked or ignored.

Literatures within the wider European arena explore the potentially negative consequences of working with Roma through a structure of separate projects and short term funding (European Commission, 2010). This illuminates a tension between targeting services and adopting an approach of including Roma within the remit of mainstream services. Bhopal (2004) suggest that specialist practitioners need to reflect on their practice to ensure that they do not work in a way that removes responsibility for Gypsy, Roma and Traveller children from schools.

Within this case I found a prevailing discourse that does not embrace notions of reducing inequality or promoting human rights for Roma. The discourse conflates Roma families with notions of 'failed asylum seekers'. Children are dehumanised through a constant reference to their immigration status and failure to identify them by name as individuals (only ever as the Roma). I observe such discourse positions a Roma child as the 'other' or the 'stranger' (Bauman, 1997) and as a phenomenon that is unwelcome and to be feared.

Although literature identifies the 'invisibility' of the Roma (EU Dialogue, 2009) I found the Roma are visible people in this case study. My analysis of practitioner responses confirms the findings in the literatures (EU Dialogue, 2009; EU Monitoring Centre, 2006) that practitioners' lack of knowledge about the Roma families leads to inappropriate (or no) responses. This suggests that practitioners' responses to children are conditional on information and knowledge about their backgrounds. I argue 'lack of knowledge' becomes a persistent excuse for breach of rights or perpetuating situations of inequality or failure to take responsibility for families.

I found dilemmas for school practitioners and specialist practitioners either enabled or inhibited their responses to inequality and breaches of rights. School practitioners' focus on inspection and performance targets was an inhibitor. They repeatedly used the attendance of Roma children as an issue that would impact negatively on school performance and inspection outcomes. Specialist practitioners described how this became a barrier to engaging schools who placed the blame for 'poor performance' on Roma children. I can relate this to Sen's (1999) analysis of the reasons for resistance to human rights; he describes this as the *'coherence critique'.* In this context the realisation of the right to education (by schools taking action to promote attendance of Roma children) can be seen '*not so much as rights, but as lumps in the throat'.* I observed that schools were resistance to engage in any dialogue about the actions they needed to take to promote improved attendance for Roma children. The focus on performance led to an absence of discussion about the issues underlying Roma children's 'unequal attendance'. The management of performance does not address the inequality and obscures any discussion of the root causes of the inequality (Bhavanni, 2001).

The mismatch between policies (service delivery or access to provision) and the needs of Roma families is a further inhibitor. I argue that practitioners were working in a situation where policies extend inequalities for Roma families. The rigid and inflexible application of school admission policies within the local authority is a concern. I observe that practitioners feel compelled to work within these policies rather than trying to explore alternative solutions outside the established range of responses (Save the Children, 2001).

Practitioners interviewed within this case study all had a specialist role of working with schools to address issues of inequality. A key issue for this group is reluctance of schools to take responsibility for Roma families. This manifests itself in several ways within the case. Firstly, schools adopt a position that they could not meet the needs of Roma without additional resources and secondly, they pass responsibility to a perceived 'specialist'. I argue Roma children become the 'other' through a cumulative discourse that suggests their needs are too complex to be met by the school. I suggest this discourse is compounded by a structure of short term and unsustainable provision. This sustains a belief that specialist and additional resources are needed to meet the needs of Roma and that when this is not available then their needs cannot be met. It establishes relationships of power in the setting that characterises Roma as a problematic group (Foucault, 1980). For 'specialist' practitioners working in this context the very notion of a 'specialist' role disenfranchises and disengages school staff practitioners who may consider the work is beyond their remit (Bhopal, 2004 and Bhopal and Myers, 2008). If the 'specialist' is resistant to exploring new paradigms in relation to their work with Roma there is a risk that this will perpetuate working practices that are unresponsive to changing needs (Bhopal, 2004 and Bhopal and Myers, 2008).

Specialist practitioners did engage with these dilemmas in their work with schools. They use their specialist skills and knowledge by either modelling effective or establishing targeted services to challenge inequality and breaches of rights. They were aware of factors that inhibited the effectiveness of their roles, for example, the unsustainability of the provision when their specialist input was withdrawn. They find opportunities to engage schools in dialogue and debate in order to formulate a way forward. I observe an emphasis on exploring the issues rather than seeking to understand why the school held discriminatory views. For example, one specialist practitioner reframed the needs of Roma within an understanding of the universal needs for all children and their families. Specialist practitioners described how they engage or connect schools (and themselves) with the 'bigger picture' and that this led to new understandings. By engaging in this work I suggest that practitioners enable a link (within their own practice and in schools) between the '*personal troubles of the milieu'* and the '*public issues of the social structure'* (Mills, 1959).

I observed that specialist practitioners did not refer to (or draw on) policy, legislation or guidance relating to equality or human rights agendas. There was a reliance on providing information and facts about the legacy of inequality and breach of rights experienced by the Roma. Practitioners remained unconnected to the UDHR and the UNCRC; this meant that the struggles of the Roma were not interpreted as struggles for human rights. I suggest that had practitioners understood and used the UNCRC as an advocacy tool (Veerman, 1992) they may have moved beyond the provision of information to provide advocacy for Roma

children's rights. There was a clear goal of educating schools and countering negative discourses. Although specialist practitioners observed that this strategy enabled greater understanding of the issues in schools; there were still concerns about racism, manifesting itself in subtle ways including school practitioners' reluctance and resistance to engage in debate about the issues. I suggest the emphasis on the provision of information left the issue of racism unaddressed. In some situations it leads to an emphasis on understanding schools' racist approaches rather than exploring how positions can be challenged or changed. I argue that the provision of information without the opportunity for reflection or evaluation provides a situation where schools remain stuck in positions that perpetuate inequality for Roma children. I relate this to Mills (1959) notion of the '*personal troubles of the milieu'* when the school does not engage in wider or alternative perspectives that challenge the existing paradigm.

Similarly, I argue that where practitioners created opportunities for schools to have 'contact' with Roma families this approach relied on whether a child or family fulfilled or challenged the expectations of the school on that first encounter. In this situation the realisation of rights or actions to address inequality are conditional on practitioners having information or the schools' response to the family.

CHAPTER 7.

'TERMINAL CARE'

'One parent actually said 'what's the point, we are going home soon, what is the point of getting excited about anything or doing anything when we are not going to be around for very long' There was this air of depression which was for us really hard because we needed the children out of that environment.' (Practitioner G Interview - Alternative to Detention Project)

SETTING THE SCENE

This case study explores practitioners' engagement with families whose asylum applications had failed and were facing removal from the United Kingdom. I consider how practitioners respond to the inequality and breaches of human rights experienced by children in this context.

In setting the scene for this case I begin with Reacroft's (2008) research about the experience of children and their families in the asylum process. Parents' voices have prominence:

> *'It has been so difficult for all of these years to imagine that we could be sent home to die.'*
>
> *'When my son hears a bang at the door he runs screaming from the room… Even at home sometimes when you are upstairs and he is downstairs, he will bring something upstairs. You ask him why he can't stay downstairs and he says he's scared.'* (Reacroft, 2008, p.8)

Reacroft (2008, p.12/13) argues that the institutionalised movement of families and the process of removal has a negative impact on children. Save the Children Fund (2005) argue that the practice of placing families in detention centres, prior to their enforced removal, violates the human rights of children including the right to family life.

This case study took place within a specific legislative and policy context during 2007 and 2008. Firstly, the government agency responsible for asylum, the United Kingdom Border Agency (UKBA) was not (in 2007) subject to Section 10 and 11 of the Children Act 2004 (Great Britain, House of Lords and House of Commons) which placed a statutory duty on a listed public authority to safeguard and promote the welfare of children.[105] I suggest that the exclusion of one government agency from this statutory duty formalises and validates an approach that omits

[105] Children Act 2004. Section 11(2) (Great Britain, House of Lords and House of Commons) is the duty to safeguard and promote the welfare of children and Section 10 is the duty to co-operate between partners to improve the well-being of children. The UKBA was not listed as a relevant partner in this Act. http://www.legislation.gov.uk/ukpga/2004/31/contents. Accessed: 19th March 2011. It was not until 2009 that the UKBA issued statutory guidance to the its staff on making arrangements to safeguard and promote the welfare of children (UKBA, 2009a).

consideration of the welfare of children seeking asylum. Secondly, the UK government ratified the UNCRC in 1991 but reserved the right not to apply Article 22 of the UNCRC[106]. I suggest this reservation led to an absence of consideration of children's rights within the asylum process. This reservation was subsequently removed by the UK government in September 2008.

I argue that government policy in relation to children seeking asylum breaches their human rights. I found the discourse within government communications dehumanises and degrades people to 'products' within a service delivery culture driven by notions of productivity and without recognition of or respect for children's rights. Practitioners described a range of dilemmas when they encountered the inequality experienced by children in the asylum system. Practitioners appeared constrained by their sense of powerlessness in the presence of national asylum policy and the dominant discourse on asylum seekers. In this context I found practitioners focused on the '*personal troubles of the milieu'* (Mills, 1959, p.6). Yet some practitioners did use wider knowledge and understanding to challenge the dominant negative discourse on asylum. They acted as advocates for children's rights; they provided space for the child's voice and challenged the discriminatory attitudes of colleagues.

The case began in August 2007 when the Home Office (Border and Immigration Agency[107]) informed my local authority that they were establishing a residential facility for families whose applications for asylum had failed. The UKBA said the residential facility would host a pilot project intended to be an 'Alternative to Detention' for families who would otherwise be detained. In 2007 families were forcibly detained (if they had not left the UK voluntarily) at a UKBA detention centre prior to their deportation from the country.

The government's policy and practice of detaining children was subject to extensive scrutiny and criticism. The House of Lords and House of Commons Joint Committee on Human Rights (2006-7 session) states that:

> '*The detention of children for the purpose of immigration control is incompatible with children's right to liberty and is a breach of UK's international human rights obligations..... Asylum seeking children should not be detained... such things should not happen in a civilised society .... alternatives should be developed for ensuring compliance with immigration controls where this is considered necessary.'* (Great Britain, House of Lords and House of Commons, 2007, para. 259)

---

[106] Article 22 of the United Nation Convention on the Rights of the child states that ' a child who is seeking refugee status or who is considered a refugee in accordance with applicable international or domestic law and procedures shall, whether unaccompanied or accompanied by his or her parents or by any other person, receive appropriate protection and humanitarian assistance in the enjoyment of applicable rights set forth in the present Convention and in other international human rights or humanitarian instruments to which the said States are Parties. '. http://www2.ohchr.org/english/law/pdf/crc.pdf. Accessed 20th December 2011

[107] In 2008 the Border and Immigration Agency became the United Kingdom Border Agency and in this case study I will refer to the agency by this name.

I suggest the reservation on Article 22 of the UNCRC effectively formalises, institutionalises and establishes the loss of liberty, other rights and the resultant inequality for children. Rousseau (1750, 1775) argues that inequality is created through the actions of people and legitimised through law. Rawls (1971a) states that liberty (together with opportunity, income and wealth) is a social good and should be prioritised over all other social goods. Landmann (2006) and Donnelly (2003) argue that rights are mutually reinforcing and the principle of the indivisibility of rights (as set out in the UDHR and the UNCRC) needs to be upheld otherwise this will impact upon the realisation of all rights. In this sense the UK reservation on Article 22 potentially undermines the realisation of other rights within the UNCRC. Rights can also be in tension with one another, for example, Article 37 of the UNCRC allows for the detention of children yet this can be in tension Article 28 (the right to education). Article 37 qualifies the circumstances in which the detention of children is allowed:

> *'No child shall be deprived of his or her liberty unlawfully or arbitrarily. The arrest, detention or imprisonment of a child shall be in conformity with the law and shall be used only as a measure of last resort and for the shortest appropriate period of time.'* (UNCRC, OHCHR, 1989)

Criticism of the detention of children in the UK is based on evidence that such practice does not conform to the conditions described in Article 37 or other provisions within the UNCRC. Voluntary sector agencies and the Children's Commissioner for England have provided evidence that detention of children is a matter of routine; it is for extended periods of time and that decision making processes are not subject to judicial review (Children's Society 2009a, Bail for Immigration of Detainees 2009, Children's Commissioner for England 2009, 2010 and Save the Children Fund, 2005).

Within this context, Liam Byrne (government minister), announced in 2007 that the government would look at 'alternatives to detention' for families and the first national project was established in the local authority where I worked. The residential facility operated between August 2007 and October 2008; it became a focus for a wide range of practitioners who worked with the families and the UKBA. I led the response of the local authority between August 2007 and October 2008, so my access to this case is as practitioner and researcher.

This case is central to developing an understanding of the research questions because it explores how practitioners respond to the inequality and breaches of human rights that children experience on the basis of their immigration status.

Particular questions

The ‘particular’ questions (Stake, 1995) for this case study are:

- What is the discourse on children asylum seeking promoted within the government strategy?
- How do the literatures increase our understanding of the experience of children seeking asylum?
- What did practitioners' observe about the setting for this case?
- What dilemmas does the case raise for practitioners?
- How did practitioners respond to issues of inequality and breaches of human rights raised by the case?
- What enables or inhibits that response?

Chapter outline

I begin by exploring how my research strategy responds to the research setting including a reflection on issues of confidentiality. I review literatures about children seeking asylum together with an analysis of the discourse on asylum within contemporary strategy and policy documents. I discuss recent developments in government policy on the detention of children. This is followed by an analysis of the views of practitioners about their involvement, the dilemmas they faced and their responses. Finally I reflect on the learning from this case study in relation to the 'particular' research questions.

COLLECTING THE DATA

In this section I consider the particular challenges arising in the collection of data and how I responded to these issues. I reviewed documentation already in the public domain but as practitioner I also had access to confidential documents. I used my journal as a space to reflect on the issues raised within these confidential texts and how they impacted on this case study. By adopting this strategy I have not revealed the content or authors of the documents. I collected data between August 2007 and October 2008 with two exceptions. Firstly, interviews were conducted after the project closed. Secondly, I reviewed evaluative reports published in 2009; these are included as data because they are highly relevant to the research questions.

Access to the research setting was through my role as practitioner with responsibility for leading the local authority's response to the UKBA project. In this context I could be perceived to hold a position of power in terms of negotiating access. However, I did not feel this. As practitioner I found it hard to engage people to come to meetings, respond to e-mails or any other communication. I found practitioners were reluctant to engage with a project imposed by an external

agency; as one practitioner described it - '*being parachuted in to my locality by the Home Office - can't you just tell them to go away and put it somewhere else - do we have to have this here?'(*Journal, September 2007[108]). My journal records the initial stages of engagement as practitioner and researcher:

> *'I began to wonder whether practitioners had adopted the strategy of 'safety in numbers' because the first meeting I convened and invited 10 people to had between 20 and 30 people in attendance. Not only did practitioners attend but they also brought a colleague or their manager or co-ordinator. I felt this might be a reflection of the seriousness of the issues being discussed but practitioners later said to me that they felt out of their comfort zone and wanted the support of colleagues. The numbers of people at the meeting also impacted (I observed) on the types of discussions that were held; the conversation was reserved, it included long silences and there were very few questions. My observation was that we reached a topic that people did not feel comfortable to discuss. How do we engage with the issue of detention of children or the alternatives to that process? I was also aware that the meeting was so large that not everyone knew each other. There was an hour that was spent after the formal meeting in small groups discussing concerns - either in cars, outside the school where we had met or in the staff room of the school. All of these discussions were the issues that should have been the focus of the main business of the meeting.'*(Journal, September 2007[109])

> *'I was wondering how to introduce myself as researcher into this setting. I made the decision to do this on an individual basis through discussion so that people had the opportunity to ask me questions and we could discuss whether they would be willing to be interviewed or not. I met with all the practitioners within a week and this had been agreed at our 'big meeting'. Their response to the research proposal appeared to be one of relief. I carefully explained that the research would be an opportunity to consider the dilemmas that this project raised for practitioners and how they approached the issues (as they saw them) for the children. My first impression was that our conversations created a space for practitioners to discuss their concerns about their involvement in the project. By the end of the week I was receiving e-mails from people asking if we were going to meet about the 'research' because they had heard that these meetings were taking place.... What I found was we talked about the research and the practice, they were integrated and one led to the other.'* (Journal, September 2007[110])

As my research focuses on practitioners' responses to inequality and breaches of human rights I was concerned this may detract from the experiences of children and their families. I had practitioners' accounts of the experiences of children and families in the project. I also had my observations of the experiences of children and their families together. The Children's Society said they would be interviewing the families to inform their own evaluation of the project. Reacroft (2008) in his study focuses on the experience of children and their families in the asylum system. I prioritised practitioner views for this data gathering exercise but my

---

[108] Journal, September 2007 - Analysis of issues raised by other practitioners – about why they would or would not be attending and who they were bring with them.
[109] Journal, September 2007 - Analysis of the first meeting with practitioners to discuss the project.
[110] Journal, September 2007 – Reflection on conducting research in this setting.

intention was not to exclude the views of children and their families. The negative experience of families seeking asylum was already evidenced by existing studies and was not contested.

Practitioners in this case

Practitioners in this case include those in the local authority, the United Kingdom Border Agency, a voluntary sector agency and schools. They include advisers, advisory teachers, local authority officers responsible for admissions, case workers, administrators, Children's Centre Managers, headteachers, educational psychologists and family liaison officers.

Confidentiality

I was aware of the political activity surrounding the detention of children. Bail for Immigration Detainees, Barnardo's, Children's Society and Save the Children Fund collaborated as part of two national campaigns[111] to end the detention of children as part of the asylum process. I had originally intended to transpose this case to another context and location in order to maintain anonymity and confidentiality. However, during the period of my research the project was subject to significant media coverage. This followed the publication of an evaluation of the 'Alternative to Detention Project' by the Children's Society in June 2009. This report gave full details of the project's location, structure, and practices. It also named the voluntary sector agency who managed the project on behalf of the UKBA; following this disclosure I had no justification for transposing the case study to another context; however, there remained a need to ensure confidentiality and anonymity of practitioners as participants. This is achieved by not referring to the location of the project, the individual agency, the team titles or job titles for individual practitioners in the extracts from my journal or in the data from the interviews.

REVIEW OF THE LITERATURE ABOUT CHILDREN SEEKING ASYLUM

This section is structured in four parts. Firstly, I analyse contemporary texts (e.g. press releases, government reports) as a way of understanding the discourse they promote on asylum seeking children. Secondly, I review the literature on the experiences of children seeking asylum and particularly their access to public services. Thirdly, I explore the literature about the impact of detaining children. Fourthly, I review the literature about the education of children seeking asylum with a particular focus on practitioners' engagement in this process.

[111] There were two campaigns 'No place for a child' and 'Outcry' sustained for the duration of this case.

Discourse on asylum in the United Kingdom

Understanding the construction of asylum policy was critical given my engagement as practitioner and researcher. Malloch and Stanley (2005, p.54) argue that public and policy responses to people seeking asylum are underpinned by distinctions between 'deserving' and 'undeserving people'. They state:

> *'The depiction of asylum seekers in terms of liabilities, a risky group that needs to be prevented, contained and, preferably, repatriated is one that permeates liberal democracies. It has underpinned the move to introduce and consolidate practices of surveillance, monitoring of applicants and containment…'* (Malloch and Stanley, 2004, p.56)

I reviewed government policy statements on asylum and I wrote:

> *'The tracking of government statements on asylum has led me to consider my growing immunity as a practitioner to the implications of a discourse that is a denial of rights, humanity and a validation of xenophobic views. It is the collective impact of government public statements that leads to realisation that we are being given fragments of information that do not reflect the reality of peoples' lives or the truth in relation to their rights and status.' (Journal, November 2007)*

Until this point my engagement with asylum policy had been fragmented. I had reviewed specific elements of policy to inform pieces of work but I had not reflected on the messages within the totality of asylum policy.

At the time of the Alternative to Detention Pilot (August 2007 to September 2008) there were a number of ministerial statements and press releases about the direction of policy on asylum and immigration in the UK. I discovered that texts focus on the efficiency of the asylum system, as if it was a machine, in providing effective national security and preventing people from entering the UK. I found a discourse that produced a specific understanding of the relationship between people and the asylum process; it emphasised the perceived abuse of the asylum system rather than a focus on the right to claim asylum. In this way the discourse established power relationships in the research setting (Foucault, 1980). This is illustrated by a ministerial speech:

> *'Let me begin with the most recent developments. We have secured our borders as never before, stopping nearly 180,000 people boarding planes to the UK in the last 5 years – that's around 2 jumbo jets a week. In the last 12 months we oversaw removal of over 16,000 illegal immigrants who tried to abuse the asylum system – that's one every half hour. As a result of both measures we saw asylum applications fall to their lowest levels not just since 1997, but since 1993. ……. These challenges require changes – new policies and new systems to govern economic migration just as new policies and new systems were required to tackle asylum abuse.'* (Byrne, 2007,

Minister of State for Borders and Immigration in his speech to UKBA Staff, 16th October 2007)[112]

I argue this discourse omits any reference to people; it celebrates the productivity in the process of deporting human beings in a way that suggests they are commodities or products to be disposed of. I argue this discourse denies the existence of rights through their omission.

I found the texts promoted a discourse that linked asylum seekers and illegal activity:

> *Border and Immigration Minister Liam Byrne, said:*
>
> *"Stronger border controls are delivering falls in asylum claims - they're now at the lowest level for 14 years. And we are dealing with those cases faster than ever before. Overall today's figures prove that last year we deported someone every eight minutes - and we got our priorities straight. We deported the highest ever number of foreign lawbreakers, up by a huge 80 per cent, and we attacked illegal working much harder because it undercuts British wages, with 40 per cent more illegal working operations. That helped us boost removals of non-asylum seekers to almost 50,000 - that's nine per cent up on the year before. On top of this, we are dealing with cases faster than ever before - more than 40 per cent of asylum claims are dealt with from beginning to end in under six months. The Border and Immigration Agency conducted 40 per cent more illegal working operations in 2007 than the previous year and removed a record 4,200 foreign criminals, surpassing the Prime Minister's target for 2007. Between October and December 1,125 foreign national prisoners were removed - the seventh consecutive quarterly increase. We beat the Prime Minister's target and the rate at which foreign national prisoners are being deported has almost doubled."* (Byrne, 2008a: 26th February 2008[113])

Foucault (1980) argues that discourse is cumulated and circulated for a specific function. This discourse aligns asylum policy with the preservation of 'national interests' and threats to security. It conflates two distinct policy debates: 'asylum' and 'criminal justice'. It omits any reference to rights or the context in which we are living either locally or globally. It implies an environment of fear but without specifying what there is to be afraid of (Bauman, 1993, 1997); only that 'asylum seeker' is the person to be feared. Removal of people who are asylum seekers is presented as beyond question or debate.

> *'The purpose is clear. To secure our border and control migration for the benefit of our country. That means we will protect our borders and our national interests. ……. This is nothing more or less than what the public is demanding of us today. If you ask the public what is foremost in their mind at the moment, and depending on what month you ask the question, they will say either crime or immigration. And when we ask those who were concerned about migration what action they want to see from the Government then amongst the top two or three things that you will hear is strong border security. I believe that the public has got it right; I believe that pressure on our borders in the years to come will grow unless we take*

[112] http://webarchive.nationalarchives.gov.uk/20080806121433/http://www.ukba.homeoffice.gov.uk/newsandmedia/news?page=8&requestType=link. Accessed 19th March 2012

[113] http://webarchive.nationalarchives.gov.uk/20080806121433/http://www.ukba.homeoffice.gov.uk/newsandmedia/news?page=5&requestType=link Accessed 19th March 2012

concerted action today….'(Byrne, 2008b, Minister of State for Borders and Immigration in his speech to UK Border Agency Staff 3 April 2008)[114]

This discourse suggests the 'public' holds one view on asylum. I argue this contradicts Mills' (1956) notion of the 'public' where there is a balance between the receivers and givers of opinion and where debate leads to the formation of opinion.

I found one press release in the UKBA archive for 2007 and 2008 that refers to children who are seeking asylum. It suggests a policy position that focuses on 'compassion and humane measures' for children but such terms are used without exploration, definition or clarification.

'A compassionate immigration system for children

A host of new measures will ensure that children in the immigration system are dealt with humanely and compassionately, Immigration Minister Liam Byrne announced today. Earlier this month the Minister outlined plans for the biggest ever shake-up of Britain's border security system. Today he pledges that these sweeping changes will be complemented by new measures to safeguard children within the immigration system. To guarantee fair treatment, the Border and Immigration Agency (BIA) is consulting on a new Code of Practice for its staff, and consulting on lifting the UK reservation on the UN convention on the Rights of the Child.' (Byrne, 2008c, Home Office Press Statement, 31st January 2008)[115]

But I argue the discourse of productivity dominated government policy on asylum in 2008. People (although never referred to as people) become units to be processed and disposed of. The discourse constructed and communicated an environment of fear and insecurity. It presented people who are asylum seekers as a threat but with no stated justification or explanation (Bauman, 1993 and 1997). People are not considered as *'bearers of rights' (Landmann, 2006)* or *'right holders'* (Donnelly, 2003) or as having *'rightful entitlements'* (Freeman, 2002). I argue such a discourse went beyond obscuring children's rights to excluding them from public view.

The experience of children seeking asylum

Reacroft (2008) argues that government policy and guidance focuses on the integration of refugees[116] rather than the experience of people during the asylum process or when their asylum applications have failed. Children of asylum seekers receive very little attention within government policy in the UK (Reacroft, 2009, p.13). O'Connell-Davidson (2011, p.454) observes a lack of attention to the way that migrant children suffer as a result of immigration policy or the enforcement of

[114] http://webarchive.nationalarchives.gov.uk/20080806121433/http://www.ukba.homeoffice.gov.uk/newsandmedia/news?page=4&requestType=link. Last accessed 19th March 2012

[115] http://webarchive.nationalarchives.gov.uk/20080806121433/http://www.ukba.homeoffice.gov.uk/newsandmedia/news?page=5&requestType=link. Last accessed 19th March 2012

[116] Reacroft, 2008 refers to refugees as people with full refugee status or exceptional leave to remain.

immigration policy. I observe this gap in policy review and research is addressed by voluntary sector charities. Such studies have a strong focus on advocacy and protection of the rights of children within asylum seeking families (Save the Children, 2005, Reacroft, 2008).

Literature suggests that government policy discriminates against children within asylum seeking families (Reacroft, 2008; Children's Commissioner, 2009; Save the Children, 2005). Policy reviews give evidence that government policy restricts families' access to support during the asylum process and when their applications are refused (Save the Children Fund, 2005 and Reacroft, 2008). I suggest this discriminatory approach is illustrated by denial of children's entitlement to the full range of benefits available in England; for example, Child Benefit, Education Maintenance Allowance, Disability Living Allowance and the Disabled Child Premium (Reacroft, 2008, pp.9-10 and pp.18-19). Reacroft (2008, p.6 and p.61) claims that government policy deliberately excludes children of asylum seeking families and he provides an example of this practice in a discussion about the Child Poverty Strategy. Public Service Agreement (Delivery Agreement) is the mechanism by which government delivers their priorities, commitments and publicly stated targets. The 'delivery agreement' for reducing child poverty excludes children within asylum seeking families:

> *'In line with the definition used in the national statistical collection, the Family Resources Survey, this Delivery Agreement is focussed on children under the age of 16(or under 18 in formal education or training) and therefore does not include those aged 16 and over who are not in full time education, employment or training and does not specifically cover the children of asylum seekers'* (H M Government 2007, PSA Delivery Agreement 9: halve the number of children in poverty by 2010-11, on the way to eradicating child poverty by 2020. Cited by Reacroft, 2009, p.6 an p.61)

All Local Authorities have Public Service Agreements (Delivery Agreements); these documents are available for public scrutiny, however, they are embedded within the detail of bureaucratic arrangements. I argue this places children seeking asylum outside the scope of the major policy agenda to reduce childhood poverty, and I argue the Delivery Agreement becomes a formal mechanism for obscuring inequality and breach of rights.

The detention of children

The detention of children is a focus for policy review and research. An understanding of these issues is central to this case as the UKBA proposed the project as an alternative to detaining children.

Reacroft (2008), Save the Children (2005) and the Children's Commissioner (2009) criticise government asylum policy because it does not ensure that children are treated as children first and as asylum seekers second; they argue this leads to children being detained. Research studies suggest that the asylum system could

better meet the needs of children (Reacroft, 2008). For example, a reduction in institutional movement means that families would not be moved from one temporary accommodation to another or placed in detention. For children this would mean less disrupted access to education and other statutory services.

The Children's Commissioner has the power of entry to any public institution providing services to children in England; this is provided for by the Children Act 2004 (Great Britain, House of Lords and House of Commons). He visited Yarl's Wood Detention Centre in 2008. The subsequent report (Children's Commissioner, 2009) evidences the negative and dehumanising consequences of detention for children. The Children's Commissioner found children were transported to the detention centre in caged vans (p.24); he observed a lack of consideration for children's needs at the point of their arrest and throughout the period of their detention (p.27). The report describes the burden of responsibility placed on children in detention as they frequently act as conduits of information between officials and their families because of their competence in English (p.28).

An earlier policy review (Bercow et al, 2006) concluded that children's needs were invisible in the decision to detain. This review found policy and practice prioritised immigration controls over the welfare of children. I argue that the 'invisibility' of children within government policy on asylum obscures the need for debate and consideration of children's rights.

Literatures about the education of children who are asylum seekers

Research studies focus on the identification of children's needs and strategies to meet their needs in schools and other education settings (for example, Rutter, 2001). A consistent finding is the negative impact of the asylum process on children's education; for example, families often have limited choice of schools; they may hide their immigration status for fear that people do not understand the reasons for seeking asylum and they are subject to institutional triggered movements leading to disrupted education (Rutter, 2001, pp.73-74; Doyle et al., 2008, p.32 and pp.38-39).

Research studies and government guidance describe the complexity of children's educational, social and psychological needs and suggest these should be met through multi-agency approaches, home-school links and community-school links (Ofsted, 2003; DfES, 2004; Rutter, 2001; Doyle et al, 2008; Arnot et al, 2005). Studies suggest that barriers to educational inclusion include children's immigration status, psychological trauma, lack of economic resources and language skills (Great Britain. DfES, 2004; Doyle et al 2008, pp.27-43). There appear two parallel and unconnected discourses in government documents; the needs of children seeking asylum are visible within education policy and strategy yet invisible within asylum policy and strategy.

Research studies and government guidance argue that addressing racial harassment through robust policies is of high importance given the negative media reporting of asylum seekers in the UK. They suggest that the curriculum should promote greater understanding of the reasons for seeking asylum and humanitarian values (Great Britain. DfES, 2004, p.13; Arnot et al. 2005, p.57).

DfES (2004) and Ofsted (2003) guidance for schools and local authorities makes reference to the asylum process and the methods of support for asylum seeking families but omits any assessment, analysis or evaluation of the impact of the asylum process on children. I found Ofsted (2003), in its evaluation of the impact of the arrival of children from asylum seeking families in localities, makes only two recommendations to government:

> '*Improve the co-ordination and accuracy of the information about the asylum-seeker pupils and families before it is passed to LEAs and schools*
>
> *Consider more carefully the education impact of decisions about the allocation of housing in the dispersal areas.'* (Ofsted, 2003 p.8)

I suggest such recommendations are limited in the face of the research evidence (cited above) about the complexity of needs and negative experiences of children seeking asylum. I question the emphasis placed by Ofsted on the negative impact on schools in receiving children seeking asylum without an equal consideration of their right to education and the complexity of their needs.

Within this body of literature I found an absence of discussion about the way in which practitioners engage with national policy on asylum and its impact on children. Achieving a better understanding of this area is central to this case.

MY INITIAL INVOLVEMENT IN THIS CASE

In this section I include a detailed account of my initial involvement as a practitioner in this case study. I reflect on my response to the UKBA's request that children seeking asylum should be educated within the residential centre and not attend local schools. I begin by describing how this dilemma unfolds.

In August 2007 the UKBA approached me with a request to discuss a pilot project described as a 'Family Alternative to Detention'. The information given to the Local Authority on the project was brief:

> *'Description of pilot scheme*
>
> *This pilot scheme has been commissioned by the Home Office Minister to evaluate the option of supported accommodation to facilitate the voluntary*

return of families to their country of origin. Families taking up this option will avoid the prospect of enforced removal through detention.

The rationale and key drives for the scheme are:

- *to assist families to contemplate and plan for return*
- *to provide information to support voluntary return*
- *to ensure, as far as possible, a dignified removal process through co-operation*
- *to reduce the number of children experiencing a stay in a detention centre*

Independent workers from [the] *voluntary organisation will facilitate return through the provision of a coaching service to users on their status and rights together with discreet encouragement for their return.*

The scheme is targeted at families who are known, have a history of compliance and no history of criminality.

Families may be from anywhere in the country……

Families where a child is within 6 months of GCSE, AS or A level examination will be excluded

An assessment will be made after the first 2 weeks as to whether voluntary return is achievable. Where this is the case, the average length of stay is expected to be for 8 weeks. Where it is assessed that there is little or no prospect of voluntary return, the family will be moved from the scheme.

Basic health services will be provided on site.' (Hand-out provided to the researcher by UKBA at a meeting in August 2007)

I met with the UKBA practitioner to discuss this brief and I raised a number of questions about the proposal:

'I was unclear what the aims of the project were: the number of voluntary returns or reduction of children in detention centres? There was no apparent reference to the wellbeing of children and their families or consideration about how the project enabled children access to their statutory rights. This was reflected in that it was only children who were within 6 months of taking public examinations that would be excluded from scheme – it implied that for other children who were within 8 or 12 or 18 months of public examinations that there would be no detriment for them. I was concerned at the contradiction of allegedly independent workers coaching families with the goal of promoting voluntary return. There was no recognition of the fears or concerns that families may have about the implications or realities of a return to their country of origin. The use of the word compliant or that families could be constructed into two groups 'compliant' and 'non-compliant' gave me a sense of the powerlessness of families and the powerful position of the United Kingdom Border Agency who could determine the basis on which families would be considered compliant. When I asked the Project Manager what compliant meant he explained that it meant the family had co-operated and acted on everything that the UKBA has asked them to do. I felt there was no acknowledgement or recognition of the power relationship between

> *the UKBA and families or the implications of this for the project. A further concern was my understanding that families who exercise their right to challenge were considered as 'non-compliant'.* (Journal, August 2007[117])

I had previously visited Yarl's Wood Detention Centre in Bedfordshire and was aware of the implications of detention, in terms of loss of liberty and denial of other rights (e.g. privacy and right to family life). My concern was that the UKBA were suggesting the project would be an 'alternative to detention' but it could effectively be the same as detention. I questioned whether the facility would be a form of detention but in a different physical location.

My starting point was to initiate debate and discussion about the project. My strategy was to give visibility to these issues and to find a mechanism for exploring their impact on children and young people. I recognised that to have a debate I needed openness to this approach from the UKBA practitioners. The UKBA did not want me to communicate the existence or purpose of the project to a wider audience. I can explain this now as an imbalance between the 'receivers' and 'givers' of opinions (Mills, 1956). I explored strategies for initiating a debate within the private space of the journal and this was a precursor to taking them elsewhere (Journal, August 2007[118]).

Opportunity for debate arose when the UKBA requested the Local Authority provide 'education' for the children of families within the residential centre. My strategy (carefully rehearsed within the journal) was to respond by explaining such a proposal contradicted the statutory framework for the provision of education for all children. Information on this policy position was set out on the Department for Children, Schools and Families public website:

> *'It is Government policy that the children of asylum seekers and refugees are given the same opportunity to access education as all other children.*
>
> *Local Authorities have a legal duty to ensure that education is available for all children of compulsory school age, appropriate to age, ability, aptitudes and any special educational needs they may have. This duty applies irrespective of a child's immigration status or rights of residence in a particular area.'* (Great Britain, DCSF, 2007)

I responded to the UKBA with a clear message that the Local Authority could not meet their request because it was not allowed to determine the education provision for children on the basis of their immigration status. At the most basic level this would not have provided equality of opportunity to education provision or respected the right to education. As practitioner I asked 'how can two government departments have different understandings of their own government's policy position?' I told the UKBA that there was a primary school (including a nursery), a Children's Centre and a secondary school all within a ten minute walk from the

[117] Journal, August 2007 - Analysis of the issues in the meeting with the UKBA practitioner.
[118] Journal, August 2007 - Reflection on the issues raised for my own practice by this project.

residential centre so logistics would not be an issue if that was their concern (Journal, September 2007[119]).

The debate with the UKBA about access to education then commenced. My journal (Journal, September 2007[120]) describes the reasons provided by the UKBA practitioner as to why education at the residential centre was the preferred position. He argued that the inclusion of children in schools *'would be disruptive for teachers and disturbing for other children who may become upset when children had to leave*'. He suggested that there would be a potential threat too as local families *'may be resentful of asylum seekers and perceive them as utilising resources that were intended for the local community'.* Finally he explained that including children in school would potentially undermine the project as *'children would make friends and links with other families who may then start campaigns to ensure that they had exceptional leave to remain in the UK'.* These are not reasons associated with promoting the children's rights. I reflected on the contradictory argument presented by the UKBA that constructed a local community simultaneously 'upset' by the issues, 'resentful' at the perceived intruders and 'campaigning' for justice. They promoted a discourse where members of the school community became victims by the presence of asylum seekers.

Further into our debate the UKBA practitioner clarified the nature of his concern. He believed that access to education at the residential centre provided a clear message to the families that they were not going to settle in the area and that the centre was about planning for departure. I argue that the denial of the right to access education on an equal basis to all other children was seen by the UKBA as part of a package of coercive measures to remove families from the UK. I suggest that the UKBA positioned children of asylum seekers as the problem and the potential barrier to families leaving the United Kingdom *(*Journal, September 2007[121]).

At no time did the UKBA acknowledge that their initial proposal sat outside national policy in relation to the education of children. I found no visible evidence of dialogue between the UKBA and the Department for Children, Schools and Families (DCSF) about the conflict in their policy positions. I suggest the absence of debate about this fundamental issue reflected the dominance and primacy of asylum policy over the interests of children. In this sense I observe that the UKBA wished to be the giver of the opinion and their expectation was that within the locality people would be within a 'mass' accepting of this position without question (Mills, 1956). An alternative approach is to consider the implication of the absence

[119] Journal, September 2007 - my telephone discussions to clarify the statutory position for access to education for children seeking asylum.
[120] Journal, September 2007 – analysis of the issues raised in my telephone discussions to clarify the statutory position for access to education for children seeking asylum.
[121] Journal, September 2007 – analysis of policy positions emerging from my initial engagement in the project.

of discussion between the DCSF and UKBA from the perspective of human rights. Freeman (2002) argues that rights are best explored as complex problems; this approach enables the tensions between rights and the inter-relationship between rights to be explored. An open dialogue between the UKBA and DCSF would have given visibility to the relationship between children's rights including for example, Article 2 (state parties to respect and ensure rights within the UNCRC without discrimination) and Article 28 (the right of the child to education).

It was the refusal of the Local Authority to deny children their legal right to access education that led to the UKBA's acceptance that children would attend school (Journal, October 2007[122]). The Local Authority was concerned that the provision of segregated education for children of failed asylum seekers was in breach of Article 2 of the UNCRC.[123] My role from this point was to work with the voluntary agency contracted to provide the Alternative to Detention Project and other practitioners to ensure that the children had access to education in local schools. The discussions within the confidential space of my journal provided a 'rehearsal' for the exploration of dilemmas that followed with my fellow practitioners in this case.

GATHERING PRACTITIONERS' VIEWS

In this section I begin the analysis of accounts of practitioners'[124] engagement with the 'alternative to detention' project. I invited six practitioners to participate in the research through interview and all six agreed. In approaching the practitioners I was concerned that the issues of confidentiality and anonymity for individuals were assured; the participants all worked within a clearly defined geographical area and I considered this posed a greater risk to identifying individuals. In using extracts from the data I ensured that I did not include contextual detail (such as names or description of buildings) that may lead to the identification of individuals. I also made a decision to talk to people about ensuring anonymity prior to the interview.

In this analysis I identify emerging themes as they relate to the framework of questions specific to this case:

- What did practitioners' observe about the setting for the case?
- What dilemmas did the case raise for practitioners?

---

[122] Journal, October 2007 – analysis of meeting between senior local authority practitioners and the UKBA relating to the project.

[123] Article 2 of the UNCRC states that '*State Parties shall respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any kind, irrespective of the child's or his her parent's or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.'*

[124] I interviewed 6 practitioners: an Adviser, Advisory Teacher, manager in a voluntary sector agency, a local authority manager, a family liaison officer and a Children's Centre Manager.

- How did practitioners respond to issues of inequality and breaches of human rights?

Practitioners' observations about the setting

Physical environment of the residential centre

Practitioners suggested that the physical environment of the residential centre made them feel uncomfortable and concerned for the families. One practitioner commented with surprise at the absence of furniture and facilities:

> '*Another thing was the physical layout, it reminded me of a place I stayed in France and it was dire and this place did not look far off it. It just seemed very bare – the bare minimum and not even that. There didn't seem to be many facilities for the children and we went into a room that was a conservatory built out into a quadrangle and there was somebody in there who was trying to do their best with a range of ages from early years to Key stage 4. There were toys in there mainly suitable for the young age group.'* (Practitioner I interview)

My journal notes the comments made by a number of practitioners about the lack of privacy and personal space for children. They gave examples of ways in which families were living in a culture of having to ask for everything at the centre including for example; nappies, food or to make drinks for young children (Journal, May 2008). One practitioner described how all the staff at the residential centre had keys for locking and unlocking doors. She wondered what the families thought of this and how it made them feel when all you could hear was *'jangling'.* She was shocked to find families all slept in one room. Another practitioner was concerned that the bathrooms were shared and families had no privacy (Journal, December 2007[125]).

The UKBA had indicated that families would be free to come and go as they pleased. Practitioners reported that families needed to return to the Centre by a particular time; this was described by one participant as a '*curfew*'.

> *'They were restricted as they had curfews so it was agreed that their co-ordinator would bring them to the Children's Centre initially and then they could come to things on their own and they had to make sure that they were back by a certain time.*' (Practitioner G Interview)

I found practitioners described the loss of liberty and freedom for the families and children but without using those terms.

[125] Journal, December 2007 – concerns and issues raised by education practitioners at a meeting with me to discuss their involvement in the project.

Absence of facilities

Practitioners reflected on the impact of the absence of facilities and resources to effectively meet the needs of children. One practitioner described secondary school age children wearing second hand uniform and having clothes washed by the residential centre and not by their families.

> *'There were certain barriers in terms of funding so for example young people going into secondary school relied on second hand uniform and they were not helped by the situation that they were going in clothing that was not appropriate and there were things that really made the difference to young people. I will always remember this – there was one young person and she was in year 10 and it was the smell of her clothes. She said 'When I am at home my clothes smell of me now my clothes smell so different I don't smell like me'. So those are the things that really hit you so you take the clothes home and you find out that she used 'Comfort' and I washed the clothes in that for her.'* (Practitioner K Interview)

This practitioner discussed the invisibility of the children within the overall scheme of the project. She found no evidence of children's views being taken into account when making decisions for example, whether a family can do their own washing.

One practitioner described the Christmas party and that the children were *'desperate for activity':*

> *'We went and one of the first activities we did was a Christmas party – he* [worker in the residential centre] *wanted us to help out so we went and ran some activities for the children. Some really nice fun stuff and I thought that we were just contributing to what was there but actually we were delivering everything and these children were just so desperate for activity. We had painting and drawing activity and actually these children had not seen paint and were just so excited to paint on every piece of paper they could get their hands on.'* (Practitioner G Interview)

It was also a concern for practitioners that the residential centre team did not see the children as within their remit. One practitioner commented that it almost seemed '*optional*' and that in her view people would *'pick and choose'* when to engage with the children (Journal, November 2007[126]). A practitioner observed how a room that should have been available for children was not always accessible:

> *'I would say our concerns were around the children and the limited access they had to play provision and what we wanted to offer was someone to go in and open up their playroom it was almost like offering a sweetshop that was never open – there was a playroom there but it depended on who was on duty as to whether it opened or not.'* (Practitioner G interview)

[126] Journal, November 2007 - concerns and experiences raised by practitioners in meeting about their involvement in the project.

The dehumanising impact of the project, the erosion of dignity and the right to family life were continuous themes within the interviews and discussions with practitioners.

Institutional movement of children

Practitioners described the negative impact of the institutional movement of children and the lack of consideration of children's needs:

> *'I think the school age children had that wrench of leaving an area where they been living for some time and this was a trauma, given the experience their parents were going through and the tension they were picking up on. The schools.... the learning environment was the key to getting that sorted out'.* (Practitioner J interview)

Practitioners commented on the role schools played in supporting children through the provision of a stable learning environment. I suggest this became a focus for action. My journal reflects on a meeting where practitioners said they felt powerless to influence the structures and the 'regime' of the residential centre. Therefore, they focused their attention on the school environment with an aim of getting it right for the children so that they had a positive experience of education (Journal, November 2007[127]).

Practitioners described how their discussions with school practitioners focused on meeting the needs of children. School practitioners were concerned at their own lack of understanding of the asylum process and how to work with their classes to manage transitions. One school practitioner asked '*how do I introduce these issues to the class'.* Practitioners set up meetings to discuss these issues. They became valued opportunities to debate issues, consider understandings and plan the work needed in schools to include children who are asylum seekers (Journal, February 2008[128]).

Practitioners observed that the UKBA did not connect with the needs and issues of the children.

> *'UKBA did not know what that meant that is absolutely clear, it had not been thought about and it was a huge omission. For example how are the children going to leave will have a long term effect on their emotional wellbeing which will go on for many years for generations; when children are forcibly moved from one part of the world to another without adequate planning and preparation when they are living with parents and carers who are suffering from the impact.'* (Practitioner H Interview)

In my journal I record practitioners' frustration at these issues. They expressed anger at the lack of acknowledgement or opportunity for discussion with the UKBA

[127] Journal, November 2007 - concerns and experiences raised by practitioners in meeting about their involvement in the project.
[128] Journal, February 2008 - concerns and experiences raised by practitioners in meeting about their involvement in the project.

or the voluntary agency managing the project. They were concerned at the impact of institutional movement on children. Practitioners put a system in place where they contacted the previous school to gain information on the child's needs. Schools could be in Birmingham, Coventry, and London or anywhere in the country. In one meeting a practitioner reported she had telephoned the schools and they had no idea what had happened to the children and they were concerned for the children's welfare.

Practitioners were aware of the impact on the whole school community when children disappeared without notice, explanation or preparation.

> *'What schools told us was whether they were being returned abroad or to another location they wanted to have closure with other young people before they left – so they had done all the groundwork with the school community and the young people and then they weren't there. Schools were concerned about the impact on young people in the host schools who were making friends with children and suddenly had no links.'* (Practitioner I interview)

I reflected on the challenges for practitioners of not knowing what happened to families when they disappeared from the residential centre. Practitioners reported how they would often arrive at the centre to visit a family and be told that the family had left. The voluntary agency would then provide an explanation that the family were now missing because they had absconded or they been had been returned to the town or city where they had been living prior to being sent to this centre. As a group of practitioners we reflected on the impact on children of leaving their home, possessions, school, friends, moving to our locality and then being moved again (Journal, May 2008[129]).

Relationships with schools and the community

Practitioners discussed the interaction between the project, schools and the community:

> '*One school was concerned about the local perception particularly because the location of the centre which had historically been an old people's home (as the locals called it) that had closed down. There was already a feeling in the locality that there had been a lot of people displaced from this – the centre had also been used for single young people in the past and there was a view in the locality and the professionals that this caused difficulties and people were concerned about the new use. There was the way information was shared or not with the community – there was a situation where something was written in the local paper about the centre and no one got their free paper that week so there was a conspiracy theory – this did not help the situation. There were also illogical reasons when planning information was not shared and in the absence of that information people were making their own minds up about what the centre was for and who was*

[129] Journal, May 2008 - concerns and experiences raised by practitioners in meeting about their involvement in the project.

there. So schools were fearful about a backlash from parents.' (Practitioner K Interview)

Practitioners perceived that the absence of information was a deliberate strategy on the part of the UKBA:

> *'It had to be secret and this was quite surprising and I don't really see why it needed to be that way but obviously there was a perception from the people organising it that it would cause trouble in the community.'* (Practitioner K interview)

Practitioners were aware that the UKBA did not want information about the project in the public domain. They reported that this impacted on the initial response from schools because discussions were conducted with incomplete information. This meant that schools could not engage with all the issues for children (Journal, October 2007[130]).

My own engagement with schools revealed they held diverse understandings about the Alternative to Detention Project and the rights of families. I was aware that schools limited their own responsibilities and the rights of the families because they held incomplete knowledge about the rights of families seeking asylum. For example, school practitioners initially resisted the notion that they would admit children into school for short periods of time and the reasons given were complex:

> *'How long would the children be with us? We could have a turnover of children and this would mean an increased amount of work for our staff and we are not resourced to do this. If the children are not on roll in January then we will not receive funding for them - that can't be right. If we redirect resources in the school to the children then there will be complaints and questions from other parents on the basis that this is not fair. Can't we share the children out amongst the schools?'* (Journal, November 2007[131])

My response was to work through these issues with schools and return to first principles in relation to rights and responsibilities. I started with the universal context and talked about responsibilities to all children. School practitioners visited the residential centre; they encountered the environment and the issues that the families faced for themselves. After this visit the questions initially raised by the school practitioners were not revisited and the focus shifted to how 'we meet the needs of the children' (Journal, November 2007[132]).

My journal records an incident that illustrates the lack of concern for children's welfare and rights within the practice of the UKBA. A school practitioner contacted me to say that he could not understand why children (who were part of the

---

[130] Journal, October 2007 - concerns and experiences raised by practitioners in meeting about their involvement in the project.
[131] Journal, November 2007 - Analysis of issues and concerns raised in meeting with a school practitioner about admission of children to school.
[132] Journal, November 2007 - Analysis of issues and concerns raised in a meeting with a school practitioner.

Alternative to Detention Project) were absent from school for one morning each week. The concern of the school was articulated in two contradictory ways. Firstly, a concern for the children because they appeared so upset and frightened when they returned to school and secondly, a concern for the school as the children's absence impacted negatively on the school's attendance figures.

I contacted the voluntary agency to ask if they knew the reason for the children's absence. They explained that all the families (including the children) had to travel to a UKBA reporting centre each week. They clarified that the families needed to go to this place and at a specific time because the UKBA had facilities to arrest and detain the families. The voluntary agency practitioner explained they had not challenged this practice because it was a UKBA procedure. I discussed this issue with the UKBA and explained that it was unacceptable to place children in a situation of fear of losing their liberty. I questioned why the UKBA were insisting on this practice when the families were clearly visible to the voluntary agency. The response indicated that it was part of the process to remind families that they could be arrested and detained at any point. I explained that the information about this practice would become visible to everyone working with the families and that the schools would need to cite this as a reason for children's absence. Schools agreed they would collectively use the mechanisms for managing children's absence in order to challenge this practice. The UKBA subsequently removed the requirement for weekly reporting by the families (Journal, December 2007[133]).

Dilemmas for practitioners

In this section I explore the dilemmas that arose for practitioners as a result of their involvement with the project. I group the dilemmas into thematic headings that emerged from analysis of interviews and observations made in my journal: 'invisibility of people', 'target driven culture', 'doing someone else's dirty work', 'responding to discrimination' and 'equality of opportunity'.

Invisibility of people

One of my first observations was that practitioners and government communications consistently referred to asylum seekers and omitted any reference to people, families, young people or children.

> *'I was sitting in my office preparing for a meeting and one of my colleagues asked me if I had met with the 'asylum seekers' today. I reflected that practitioners refer to families seeking asylum almost in a way that gives the immigration status the predominant marker of identity. I challenged my practitioner colleague on this point and they responded that they were not aware they were doing this. They said they were following the example of more experienced colleagues. Some colleagues suggested that 'asylum*

[133] Journal, December 2007 – my chronology of events and notes exploring the issues raised by children's absence as a result of weekly reporting to UKBA.

> *seeker' was a valid description given that it was the reason why practitioners were engaged with the children. Practitioners argued that as 'asylum seeker' was a term used in training and government documents then it was ok to use it in practice.'* (Journal, January 2008[134])

I observed how the same group of practitioners did not apply this practice to other children, young people or people with whom they worked; children were referred to by name or as a child within a particular school or location. I observed practitioners were unaware they were accepting an institutional label and denying people their personal identity (Journal, October 2007[135]).

Target driven culture

Practitioners discussed the impact of a performance management culture and how this influenced the direction of their work:

> *'Well the dominant target was about voluntary returns and that in very subtle negotiations with us there was the message that if you want to keep the contract you have got to start getting people to go through voluntary return. ……There were other targets how people should come in – their enforcement team had targets to enforce removals and of course there was the potential for cases that could have gone to enforcement and contributing to their targets were coming into our system and there was potential for conflict between our targets and their targets – you have competition and this needed to be sorted out clearly it wasn't going to work. You could end up having an enforced removal from the pilot and clearly if you did that you would ruin the whole thing. For me the targets should have been around case resolution.'* (Practitioner J interview)

In this context I argue that targets were used as a threat to practitioners to secure their engagement. The discussion was not about the relevance of the targets but that the targets on voluntary returns must be met. It promoted a discourse in which families became anonymous 'cases' so their needs and issues remained invisible. I suggest that the practitioner who is focused on achieving targets has less capacity to engage with other agendas such as human rights.

In my journal (May 2008[136]) I reflected on a conversation with one practitioner in the residential centre team; he described the major advantage for families was not being handcuffed on the aeroplane when they were removed from the UK. When I asked whether this information was shared with the families; he responded *'yes and it helps the discussion along because no parent wants their child to see them handcuffed'.* This practitioner described his view that the voluntary organisation needed to be tougher with families about the consequences of not planning a

---

[134] Journal, January 2008 – description and reflection on an event relating to the terms used to describe families who are asylum seekers.

[135] Journal, October 2007 – my observation in a meeting with practitioners to discuss their involvement in the project.

[136] Journal, May 2008 – discussion at the reception desk of the residential centre with members of the team.

voluntary return and that this would help with the achievement of targets. In this context I suggest targets are used to justify and legitimise behaviour that breaches rights.

Doing someone else's 'dirty work'

Practitioners' described how they or their organisation became instruments of policy:

> *'We took on the work knowing that the potential for it to be controversial was pretty high. On the one hand you have risked the headlines and the other hand you have to balance that against challenges from other voluntary sector agencies who could happily say to you that you are doing the dirty work of the government. You have tried to remove people.'* (Practitioner J Interview)

In this situation the dilemma was the risk to the voluntary organisation in terms of loss of reputation. Debate did take place amongst the practitioner group in the voluntary agency and this focused on the tension between keeping the contract (with the focus on voluntary returns) and upholding the voluntary organisation's commitment to the provision of independent advice to all migrants. On practitioner described how staff and Trustees left the organisation because of this issue:

> *'I can give you my perspective and I attended a few staff meetings for a number of reasons to get a view from the staff as to how it was running during set up and when it was up and running because there were all sorts of things that came up and I suppose the dilemmas that staff had were well are we here to help voluntary return? Is that what you are expecting us to do? Or are we here to provide independent advice? We know what the targets are, we know that the longevity of the pilot is a year, but we also know that if it was longer we can be seen to make a success of voluntary return. All this would help us, as an organisation, sustain ourselves for charitable good but on the other hand do we want to be doing it this way? This was real kind heartfelt stuff – so we did lose a couple of members of staff over this. I would say that we probably lost a trustee over it as well so you could see that passions run high.'* (Practitioner J Interview)

One practitioner was shocked that this work with families seeking asylum had a commercial dimension. They questioned whether practitioners working in this context really understood the issues for the children:

> *'One of the things was just my knowledge - I had no idea how something like that was run in terms of there being a company in there. A company! I kept thinking well is it like a business? Do the people that work in the company understand?'* (Practitioner I interview)

I discovered that practitioners had debated their own involvement and association with the project. They questioned whether this fitted with their framework of values.

'we had a talk with our lead .....who was initially quite against being part of the project for the reason that he didn't agree with it. He did not agree with the deportation of these children.' (Practitioner I interview)

'and some anger, anger about systems I would say that they felt didn't support the families and the children really. I think it was quite hard for people to accept that there was nothing they could do to influence the situation. I think people were used to thinking about strategies, what could we do to help? I think people felt very frustrated that they couldn't change the situation of the families and that they were going to leave. That was a strong emotion.' (Practitioner I interview)

Although practitioners articulated anger I observed a sense of powerlessness, and fear of challenging, the UKBA. In other contexts I observed the same group of practitioners articulated a very powerful agenda for children, I heard practitioners' level of discomfort and disbelief there was nothing they could do to change the situation for the children (Journal, March 2008[137]).

Negative attitudes and discriminatory responses

The majority of time in the interviews was spent discussing the dilemmas practitioners faced in responding to negative attitudes and discriminatory responses from other practitioners. The following extracts from the interviews illustrate the range of concerns that practitioners had:

'You had people's professional views on how they might fit in or do not with the process but you also had people's personal views on asylum as a whole and I think that influenced decisions.' (Practitioner I interview)

'There were negative responses from some people – among people who have their own opinions and sometimes those personal opinions impacted upon their reaction to the project, families and children.' (Practitioner I Interview)

'It did raise a lot of questions. One of the difficult things for me was that it raised questions within my own close professional group…. I work with colleagues who are very proactive and supportive of groups that they worked with in the past and have different views about other groups of people. That challenge had to be addressed ……different people had different bits of information so there was lots of speculation about what we didn't know and that did not create the best climate to sort out issues quickly.' (Practitioner I interview)

This practitioner recognised the challenge of working with colleagues whose personal views were a barrier to engaging with the issues for children. She recognised the value of discussions amongst practitioners as opportunities to share preconceptions and questions.

[137] Journal, March 2008 - analysis of concerns and experiences raised by practitioners in a meeting about their involvement in the project.

'Some of it was in informal discussions about asylum seeker and refugee young people and that there was an additional element because it was the Home Office. There had to be something that people did not know about. So what was the real picture? There were preconceptions and questions. Well who were these people really? Was this just people who were inevitably going to be returned but a way of making easier or was it something else? Anyone who had that direct contact with the centre or those young people changed their views very quickly.' (Practitioner L Interview)

This practitioner observed how their colleagues' views changed as a result of their direct contact with families seeking asylum and this was reflected in the pro-active way in which they engaged with families in securing the resources needed to meet their needs.

'I can think of one particular colleague who felt that there were different groups of asylum seekers some who were worthy, some who were not and would make use of what the system might offer. They quickly became involved and worked over and above to get additional resources for the children and trying to support colleagues in doing that. It was quite a shift actually.' (Practitioner I Interview)

'Well I think some people had the point of view where they could assume the families were illegal immigrants. What were they doing here? If I can talk as frankly as this they said. What were they doing here in the first place? Well they shouldn't have been here, they are being deported and that is good. [They were] *not really interested in trying to make it a more pleasant experience.'* (Practitioner L Interview)

'They said "Why should money be spent on these people who should not be here in the first place? I do feel sorry for the children but you know they should never have brought them here they are only really getting what they deserve?" Quite racist. Other people would say, "Well I will do my best because of the children. I don't actually agree with other things. This is the situation we are confronted with. As professionals we must do our very best for these children who have an entitlement". Teachers were positive but it was difficult with other people in the school and in the office.' (Practitioner I Interview)

This practitioner described the negative views of their colleagues about asylum seeking families and the gap between their personal views/values and the implementation of professional responsibilities. Practitioners commented on the detachment and lack of responsibility or care for families in the residential centre:

'When I first went to visit they could not tell me how many families they had there, how many children there were and we asked three different people and no one could answer that question. They said, 'we had some more arrive today'. For me this raised concerns for all sorts of reasons. Who was looking after these people? How are you looking after them if you do not know who and how many you have got in? And how are you managing this safely if you do not know who and how many you have got in? What happens if the place goes up in flames and you do not know who you have got in the building?' (Practitioner G Interview)

Practitioners discussed how they had worked together before in order to promote equality for children. They appeared surprised that some of their colleagues' practice was influenced by their personal views about asylum seekers (Journal, February 2008[138]). Practitioners were aware of the significant task in responding to these negative and discriminatory comments. They described how they felt insecure in challenging colleagues and this is discussed further in the section on practitioner responses to inequality in this case study.

Equality of access to services

A related theme is practitioners' engagement with issues of inequality of opportunity for the families in terms of access to services.

> *'My role was to ensure that young people and their families had the same access to education as anyone else living in that locality. We had initial meetings with schools and local education providers and agencies to look at how that might be managed. We did not have a particularly great system for entry to school for new arrivals in that locality at the time. It was also a difficult time for some people to look at this situation as the new system of managing new arrivals to an area was already causing a bit of tension. There was concern from a lot of people that this would be seen as an additional burden on schools. People were keen that this was seen as a system that would circumnavigate the existing systems and might give fuel to some of those views that a particular group of people were benefiting. That was the view of a lot people within the group.'* (Practitioner K Interview)

I observed that practitioners did not all understand that families and children would need specific services and processes to realise equal access. The focus of 'treating people the same' would not achieve equality (Journal, February 2008[139]). A further perception amongst some practitioners was that the immigration status of the families provided a legitimate reason for limiting the choice of schools. The rationale for this was that children would be in the area for a short period of time. This was challenged in group discussions on the basis that it was outside of the policy framework for admission to school in the local authority (Journal, May 2008[140]).

---

[138] Journal, February 2008 - analysis of concerns and experiences raised by practitioners in a meeting about their involvement in the project.

[139] Journal, February 2008 - analysis of concerns and experiences raised by practitioners in a meeting about their involvement in the project.

[140] Journal, May 2008 - analysis of concerns and experiences raised by practitioners in a meeting about their involvement in the project.

Practitioners' responses to issues of inequality and breaches of human rights

In this section I describe how practitioners responded to the dilemmas relating to inequality and breaches of human rights for children. I group the responses into broad themes of 'focusing on rights', 'I am joining in because it will happen any way', 'powerlessness', 'getting my bit right' and 'upholding your values and acting a role model'.

Rights based approach

I found some practitioners adopted a 'rights based approach'. They addressed breaches of human rights by providing comparators of what would be expected for all children living in the locality. Practitioners appealed to the moral universality of human rights (Donnelly, 2003); this was based on the assumption that their colleagues would have an inclination for a positive morality. Practitioners in this context demonstrated awareness (through actions but not through explicit statements) of Article 12 of the UNCRC. This can be conceptualised using Lundy's (2007) framework of considering 'space', 'voice', 'audience' and 'influence'. For example, one practitioner challenged a specific issue relating to choice of schools. She described a concerted effort by some practitioners to limit the choice of schools based on a view of the 'appropriateness' or 'inappropriateness' of the school for that child.

> *'We were discussing the secondary provision in the area. The centre backs on to a local secondary school that has availability in most year groups. There was a view that this was not going to be an appropriate school because of the difficulties that school already had. I was clear that those families* [and children] *had a right to choose the school of their choice whatever the local authority might have wished. That was the information I presented to parents – some parents did not want support from us and were independently seeking a school place and did that successfully.'* (Practitioner K interview)

This practitioner challenged the view that this process was about fulfilling a legal entitlement or obligation and the issue was understood to be resolved through the allocation of a school place. She argued that children and families needed to be given a 'space' facilitated by the information in order to arrive at and express a view (i.e. to have 'voice') about the choice of school (Lundy, 2007). I argue some practitioners believed the status of 'asylum seeker' automatically limited choices and the rights of the children to express a view. This practitioner had to challenge the values and assumptions held within another practitioner group.

Justified their involvement

I found some practitioners justified their involvement in the project on the basis that it was going to go ahead regardless of their views. They believed their engagement as practitioners would make *'it better for the children and families'*.

> *'For us we took the decision to pursue Alternative to Detention on the basis that it was going to happen anyway. Whether we did it or whether* [a commercial organisation specialising in security] *did it. We are no strangers to working with government funding; we have worked with it for years and faced similar criticisms when we took on the work for running initial accommodation for asylum seekers. We always think that it is better to be there and to be influencing with the experience of actually directly delivering those services. You can achieve much more that way.'* (Practitioner J Interview)

> *'So the way the organisation struggled with it is that once we had made the decision, we had made it, and we had to make it work. The feeling from the staff meetings that I attended were really about the practical things; some members of staff really wanted to do the voluntary return aspect and some who were saying that I really want to make sure that we are giving the right service.'* (Practitioner J Interview)

> *'but then when we explained that they would probably be deported anyway but this was going to be a better way for it to happen. We could influence that. We agreed to help and so we put on two days of training in December where we invited teachers from the schools.'* (Practitioner I Interview)

I suggest practitioners set aside their dilemmas and focused on what I describe as a strategy of *'influencing from the inside'* (Journal, October 2008[141]). I found no evidence to suggest that practitioners evaluated the impact of this strategy. The dominant performance culture of the UKBA meant practitioners were being driven by targets rather than being responsive to the needs of children and families. Practitioners expressed the view that deportation was fine as long as it was handled well. In this context I suggest the rights of the child were invisible.

Getting it right for the child

I found practitioners expressed a sense of 'powerlessness' in the presence of the UKBA; they focused on the area over which they had some element of control with a view of 'getting my bit right for the child':

> *'All of the participants seemed to be genuinely aggrieved and wished to sway the situation as much as they could for the children and make their last few weeks as positive and happy as possible in the school. So quite a few of the questions revolved around pastoral care and certainly the practitioner was able to input significantly. He did exercises with us in order for us to*

[141] Journal, October 2008- my notes about strategies I observed practitioners use in the project.

consider different scenarios and our responses to them.' (Practitioner I interview)

'I thought all of us felt terribly sorry for the children and you have to go through the process of being angry with the system, realising there wasn't anything you could do at that time, in that set up, those families had been assessed to be leaving. You had to work through that and in the end let's do our best, let's try and be as positive as possible towards the children. Let's think that if it works as well as it can it will be better for them to be in [this project] *and have the support once they get to their parents country of origin than if they were locked up in a detention centre. You kind of had to force yourself to do it because it wasn't the best scenario and I think we all had to. It bonded us together – I felt a great bond with everybody working on it with the teachers.'* (Practitioner I interview)

In this context practitioners focused on action that mitigated the impact of the project. I observed a sense of powerlessness because they felt unable to challenge or change the system for the families. The justification for involvement in the project was to improve the situation for the children. Some practitioners said that this project would offer a better outcome for families than if they had been detained although no one referred to any evidence to support this claim. This assumption and assertion was repeated by practitioners as a justification for their involvement (Journal, June 2008[142]).

Upholding values and acting as a role model

Practitioners focused on 'upholding values and acting as a role model' particularly to address the discriminatory and negative attitudes they encountered in their colleagues:

'.. there is deep seated prejudice in the community we work in. I learnt quite soon that our role is to win hearts and minds but it is a long, slow process but it just makes you feel that you have to do it all the more because if you don't, if you sit back and do nothing what difference would there be. You need catalysts to move things along. It is important to remain steadfast in what you believe; the education of people, the moving them along you have to keep on with that.' (Practitioner I Interview)

'…it has taught me that we need to work in this centre and all our Centres on diversity and attitudes. We are doing a project around that now – if we are making our Children's Centre more inclusive how do we make people more accepting of others.' (Practitioner G Interview)

'What I was trying to offer was that we could send a worker out to open up the playroom, do some activities to engage with the families and then bring them out. But that wasn't received very well [by the project manager] *and they did not take up that offer. It was frustrating because those children needed to be stimulated and they needed to get out of that depressing environment.' (*Practitioner G Interview*)*

[142] Journal, June 2008 - Analysis of concerns and experiences raised by practitioners in a meeting about their involvement in the project.

Practitioners demonstrating such an approach required persistence and resilience because of the personal engagement with their colleague practitioners. A discussion amongst practitioners identified that the residential centre team resisted attempts from practitioners to engage directly with the families (Journal, April 2008[143]). Practitioners described how they advocated for the right of the family to be representing themselves. The voluntary agency wanted to act on behalf of the families. Practitioners felt this was obstructive and a denial of the families' rights. They challenged this practice by modelling alternatives and not compromising on their position. Practitioners demonstrated the effective sharing of information and the ways in which to speak about the families and children. They shared information that reflected the reality of the asylum process. In this way I observed practitioners presented an alternative discourse about the experience of being an asylum seeker.

WHAT HAPPENED AFTER THE ALTERNATIVE TO DETENTION PROJECT CLOSED?

Following the closure of the Alternative to Detention Project in October 2008 a number of evaluative reports were published about the project. The UKBA commissioned the Tribal Group to *'determine the viability of the project' (*Tribal Group, 2009, p.5). This report describes the poor performance of the project in achieving voluntary return. I found it omits any consideration of whether the project provided an effective alternative to detaining families. The one family member who was interviewed by the consultant stated that '*he would rather die than be forced to return to their country of origin.'* (Tribal Group, 2009, p.14).

The Tribal Group (2009) argue that processes for identifying and managing families within the project were ineffective and as a result only one family made a voluntary return. The experience of children is invisible in the report; the emphasis is on the challenging environment for workers:

> *'..it should be borne in mind that some of these families may have endured great hardship, danger and privation to arrive within the UK. Against this background, UKBA often has to deal with traumatised and vulnerable people and the Alternative to Detention project was a credible attempt at dealing with such people with tact and sensitivity.'* (p.6)

I found no consideration of the welfare or safeguarding of children; this is illustrated by presentation of families 'absconding' as a barrier to the success of the project rather than an issue of concern for the welfare of children. The focus is on the performance of the asylum system and this is reflected in Tribal Group's (2009) recommendation that in future arrangements '*it is considered essential that suitable performance measurement metrics are developed to incentivise the use of such*

[143] Journal, April 2008 - Analysis of concerns and experiences raised by practitioners in a meeting about their involvement in the project.

schemes by UKBA caseworkers' (p.6). I argue that the Tribal Group evaluation report promotes a discourse that dehumanises families, presents them as the problem and obscures any discussion of the rights or experiences of children within the asylum process. It adopts and embraces the UKBA discourse that managing asylum is about productivity and performance management.

The Children's Society (2009a) criticised the Tribal Consulting evaluation report because it did not take account of the experiences of children and their families in the project. As a result they published a parallel evaluative report with the intention of providing an alternative perspective on the project; this included examples of the negative impact of the environment on families:

> *'The family was in a very emotional state after their experience in detention and this prevented any relationship of trust developing between the mother and staff at* [the project]. *The family's experience of detention was known to others at the pilot and appeared to contribute to the climate of fear within the centre.'* (p.3)
>
> *'The threat of destitution for those who did not agree to move to* [the project] *meant the families who went there did so under duress. They told us they felt coerced and frightened.'* (p.3)
>
> *'It appears to have been very difficult for the families to complain about their treatment while at* [the centre] *because they were afraid that if they did so they would be forcibly removed.'* (p.4)

They argue that the project failed to take account of the most fundamental aspects of the welfare of children, including for example the absence of guidance on using shared bathrooms and the arrangements for meals not taking account of the needs of children. This finding confirms the perspectives of practitioners interviewed within this case study.

The Children's Society (2009a) suggests that alternatives to detention need to embrace the learning from international schemes established to work with families refused asylum. The Hotham Mission in Australia established a model for working with families seeking asylum in the community (Bercow et al, 2006 and Children's Society, 2009a). The Hotham Mission states that promoting human rights is its first principle[144]. The Children's Society suggests any alternative to detention must make a presumption of freedom for children. I argue that any consideration of alternatives to detention must begin with a discussion about human rights to determine ethical principles that seek to protect children and realise their rights.

The Great Britain House of Lords and House of Commons Joint Committee on Human Rights in its 2008-9 session (March 2009) criticised the government's

[144] http://hothammission.org.au/wp-content/uploads/2011/10/Hotham-ASP-Report-Australias-Hidden-Homelessness.pdf The Hothman Mission report on homelessness focuses on presenting a new model of provision of accommodation for children and families seeking asylum that respects their human rights. Accessed 12th December 2012.

alternative to detention of children on the basis it had not been *'properly set up, tested or evaluated'* (p.58) . Evidence submitted to this committee by voluntary organisations argued that there have been no substantive changes in the treatment of children as a result of the government removing its reservation on Article 22 of the UNCRC. The Refugee Children's Consortium, in their submission to the Committee, quotes the Minister for Immigration as confirming that as a result of the removal of the reservation:

> *'…. no additional changes to legislation, guidance or practice are currently envisaged*.' (Hansard 24th November 2008 cited: Great Britain House of Lords/House of Commons Joint Committee on Human Rights, 2009, Evidence 155)

Organisations that advocate for children's rights[145] conclude, in their evidence to this committee, that there has been insufficient progress on ending the detention of children. They claim that children are treated not as children first; that the data on the detention of children is not in the public domain and therefore not subject to scrutiny.

LEARNING FROM THIS CASE

In this section I consider the learning from this case and I structure my discussion using the framework of research questions particular to this case including a consideration of what inhibits or enables an effective response.

I found children experienced inequality and breaches of their human rights as a result of their immigration status. I found that practitioners did not approach issues for children seeking asylum as issues of children's rights and this concurs with the finding of an earlier survey of the Children's Rights Alliance for England (CRAE, 2009). Most practitioners appeared unaware of children's rights, in this sense they did not conceptualise children as either *'bearers of rights'* (Landmann, 2006) or *'right* holders' (Donnelly, 2003) or to have '*rightful entitlements'* (Freeman, 2002). Practitioners were unaware that their responses to children could be constructed and better understood as 'obligations' to children as holders of rights (Donnelly, 2003). Practitioners may have been able to provide alternative responses had they explored issues for children from the perspective of children's rights using Landmann's (2006) notion that rights have both positive and negative dimensions in requiring people to take action or refrain from an activity in order to realise rights. I found the residential provision impacted negatively on children's rights; for

[145] Children's Commissioner for England, NSPCC, Refugee Children's Consortia, Children's Society, Bail for Immigration Detainees all submitted evidence to this Joint Committee.

example, in the lack of privacy (Article 16[146], UNCRC, OHCHR) arising from the use of communal bathrooms or where teenage children shared the same bedroom as their parents. The UKBA's engagement with families promoted a culture of fear and abuse (Article 19[147], UNCRC, OHCHR). For example, practitioners observed children's fear at going to the UKBA reporting centre where there was the prospect they may be detained. Practitioners appeared unaware of the obligations placed on them by Article 12 (Article 12[148], UNCRC, OHCHR) in that children were denied the right to express and have their views given due weight on matters that affect them for example, in the ways schools were 'allocated' rather than being chosen by the family and in the enforced movement of children around the country. This is consistent with Lundy's (2007) findings on the implementation of Article 12: she argues that there is limited awareness of the provisions in the Article and this leads practitioners to be unaware of their legal obligations. Practitioners may have been able to better engage with children's rights by acting on Lundy's suggestion that practitioners (or policy makers) should ask children about the matters that affect them. The inequality experienced by children manifested itself in several ways. Practitioners did not recognise that children needed 'different treatment' in order to be able to access education; for example, in the provision of uniform or transport.

I found a polarised discourse about children and families within the literature. This is an example of the function of discourse in establishing and implementing the dominance of government policy on asylum over other considerations such as children's rights. Relationships of power are consolidated by the circulation of such discourse (Foucault, 1980). I suggest there were two parallel but unconnected worlds in the research setting, one based on the visibility and realisation of children's rights and the second based on a persistent denial of children's rights. I found, within government strategy, a discourse that dehumanises people and makes children invisible in the asylum process. The focus on performance management and the efficiency of the system degrades people into 'units' to be processed. Within this context breaches of children's rights were invisible amongst statistics and masked by the term 'asylum seeker'. Government communications make an implicit link between asylum seekers and criminal activity. I suggest such a discourse can also be understood using Bauman's (1993, 1997) theoretical perspectives on the 'stranger', 'other' and the 'vagabond'.

---

[146] Article 16 of the UNCRC states that *'No child shall be subjected to arbitrary or unlawful interference with his or her privacy, family, home or correspondence, nor to unlawful attacks on his or her honour or reputation.'*

[147] Article 19 of the UNCRC states that children should be protected from '*all forms fo physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abus, while in the care of parents), legal guardian(s) or any other person who has the care of the child.'*

[148] Article 12 of the UNCRC states that '*1.State Parties shall 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. 2. For this purpose, the child shall in particular be provided the opportunity to be heard in any judicial and administrative proceedings affecting the child, either directly, or through a representative or an appropriate body, in a manner consistent with the procedural rules of national law.'*

Government discourse positions people who are seeking asylum as the 'other', 'the stranger' or the 'vagabond'; they are to be feared and yet their presence is necessary to justify the policy and practices on asylum. I argue this negative discourse is formalised and legitimised through the institutional and legislative framework (Rousseau 1750, 1775)

Research studies, on the other hand, give visibility to the negative experience of children in the asylum system. Studies point out the practice of systemically excluding children seeking asylum from accessing universal benefits and services (Reacroft, 2008). Such inequalities are within the public domain but are hidden or obscured because they are embedded within the small print of agreements designed to limit the scope of universal services and policy commitments.

I suggest such inequalities and breaches of rights were visible to practitioners in this case study. Practitioners recognised and understood the inequality in a number of ways; for example, in the loss of rights, freedoms, personal space and possessions for children. Practitioners described the negative experience of children and their families. In some situations I observed that practitioners felt uncomfortable and concerned yet they were unable to articulate why this was the case. Practitioners do not refer explicitly to rights or inequalities. They always referred to them as they appeared in a material sense and not as abstract or theoretical positions. It is as if they knew that something was wrong in the treatment of the child but they could not frame this in a way that can be explained to others.

I found that this case raised a number of dilemmas for practitioners; these include the invisibility of children within the asylum agenda, the impact of the target driven culture, the process of being an agent in terms of 'doing someone else's dirty work', how to respond to discrimination and how to address inequality of opportunity. I suggest practitioners had little opportunity to explore or debate these dilemmas in a way that connects them together, engages with research or enables reflections from the perspective of theoretical frameworks. For example, practitioners' were concerned at how they challenge the discriminatory views amongst some of their colleagues. If practitioners had engaged in a much wider debate about the nature of rights then they may have formed alternative responses grounded in notions of rights. I suggest that practitioners may have been supported in analysing their work by considering Landmann's (2006) view that social relations and the struggles to realise rights become *'rights based demands for change.'*

I found some practitioners were able to challenge inequality and breaches of human rights. They advocated for children's voices to be heard directly, they promoted a rights based approach and they challenged the discriminatory practice through modelling alternative approaches. I found elements of this practice echoed the framework, for realising Article 12 of the UNCRC, advocated by Lundy

(2006). She suggests that practitioners need to enable children to express their view by giving consideration to concepts of ‘space’, ‘voice’, ‘audience’ and ‘influence’. I argue this focuses practitioners on the actions they need to take to realise Article 12 for children. In this context, I observed practitioners were determined to uphold their values and act as a role model to other practitioners.

I found some practitioners struggled to resist the dominant discourse on asylum. They were resigned to the existence of the project and joined in. This position was justified on the basis of a belief that change could be achieved from the inside. I observed practitioners' sense of powerlessness to inform the bigger picture and as a result they focused on getting their own contribution to the project 'right'.

My analysis identifies a range of factors that enables or inhibits practitioners' responses. Very few practitioners made any references to institutional policy or practice as a way of verifying or giving authority to their response. The exception was the practitioner who argued for equality of opportunity in choice of schools for families who were seeking asylum. A parallel and related observation was practitioners’ lack of reference to, or use of, the human rights framework to influence others and realise rights for the children.

The environment of secrecy that surrounded the project was identified by practitioners as unhelpful. They observed this prohibited full information being circulated about the project. I argue practitioners engaged in the project and the wider community were denied opportunities to debate the issues and form opinions as a 'public' (Mills, 1956).

Practising within the culture of UKBA targets inhibited practitioners’ consideration of children's rights and obscured breaches of children's rights. The focus was on the delivery of the targets and this prevented debate about the central issues for children. I found practitioners did not articulate a shared view of the purpose of the project. Some suggested that it was about *'voluntary returns'* others that it was about the *'keeping children out of detention*' (Journal, January 2008[149]). On reflection I observed discussion and collaboration were inhibited amongst the group of practitioners by the absence of commonly understood principles, shared conceptual understanding and a common language (Furedi, 2005).

I suggest a major inhibitor was practitioners' perceptions of their own powerlessness in influencing the policy and practice of the UKBA. Practitioners did not move beyond their personal space that they could control and influence. As researcher I found this puzzling as in other contexts I identified how practitioners are powerful advocates for children. My observation, as researcher, was that the practitioners talked about the UKBA as if it was an agency to be feared. I suggest the aggressive discourse of the UKBA may have silenced practitioners. An

[149] Journal, January 2008 - reflection on the different ways people perceived and described the project.

example would be the e-Christmas card I received in December 2009 which was the mission and purpose of the UKBA in the shape of a Christmas tree. This is included as below as Figure 2. I found the message within the card is aggressive, negative and threatening. It portrays the UKBA as an agency to be feared (Journal, December 2009[150]).

Figure 2: Christmas Card received by the researcher by e-mail from the UKBA (UKBA, 2009b) I ((e

[150] Journal, December 2009 – my immediate response to the e-greeting from UKBA.

CHAPTER 8.

ARE WE 'PROTECTING' OR 'PERSECUTING' MUSLIMS?

SETTING THE SCENE

The origin of this case study is in the days after the 11th September 2001 when aeroplanes crashed into the World Trade Centre in New York and many people lost their lives. In my journal I wrote:

> *'I drafted a message for my Director to send to all schools in my local authority reminding them of their responsibilities towards all children and their families during what I knew would be a time of global grief and distress. This message highlighted the need for schools to be pro-active in ensuring that no children or their families (including Muslims) felt targeted or received negative comments or treatment because of any collective blame. However, what arrived over the next week were not messages from schools but specific contacts from staff. A practitioner in the team telephoned me to say that she had been spat at in the street and called a terrorist as she walked from the school gate to go and visit a family in their home. The woman wears a headscarf and she explained to me that she believed the two men who committed this offence believed she was a Muslim. (However, she is not a Muslim). Another practitioner e-mailed me to complain that he was walking across a school playground and had been called 'Bin Laden'. We subsequently found that the children had been playing a game called 'Catch Bin Laden'. They took it in turns to be 'Bin Laden' or to target people who walked across the playground. He was wearing a turban and he believed this had caught the attention of one of the children playing the game. Another practitioner had telephoned to say that during a visit to a family she had been asked 'are any of your relatives terrorists?'. She felt this had been a genuine, if completely inappropriate, question. Her assessment of the situation was that if she had said 'yes' the family would have sympathised. '*
> (Journal, September 2001[151])

Reflecting now I understand the significance of the three incidents. I suggest the 'perpetrators' made assumptions about the identity of the three people based on their appearance. I suggest they were influenced by messages in the media placing collective blame with Muslims for the events of September 2001. This day changed the way in which the three practitioners were perceived in the community; they said they had never before been the victim of any negative or discriminatory comments. They were positioned as the 'other' and the 'stranger' (Bauman, 1993, 1997).

This case study considers the responses of education practitioners to the inequality and breaches of human rights experienced by Muslims (or perceived Muslims) following the events of September 2001 and July 2005 bombings in London. This case explores the research questions in two ways; firstly, through analysis of

[151] Journal, September 2001 - reflection on the e-mail I drafted and the subsequent response following 9/11.

practitioners' engagement with the government's 'prevention of violent extremism' strategy (Prevent Strategy). Secondly, through an analysis of practitioners' responses to incidents involving Muslim people where there is a perception of inequality and breaches of human rights.

I argue there is a pervasive national discourse about Muslims that positions them as the 'other' through a conflation of notions of 'Muslim', 'failure of multi-culturalism', 'lack of Muslim integration', 'asylum seeker' and 'terrorist'. I found some practitioners resisted this discourse; they were able to identify the discriminatory nature of its message by applying knowledge from the wider context of their practice. I suggest this discourse remained largely unexplored and unchallenged by most practitioners. I found that institutional cultures of performance management and inspection inhibited practitioners' attempts to realise human rights. Some practitioners were locked in their own sphere of work and adopted a strategy of securing their own space or position. In such contexts practitioners confirmed, extended and formalised the dominant negative discourse about Muslims. Practitioners were not engaged in debate or discussion that enabled the formation of alternative responses to address the breaches of human rights and inequality experienced by young people.

Particular questions

The 'particular' questions (Stake, 1995) for this case study are:

- How does the literature support an understanding of the context of inequality and breaches of human rights for Muslims in Britain?
- What are the prevalent discourses on Muslims that practitioners describe in their work?
- What are the prevalent discourses on Muslims in the 'Prevent' strategy?
- What dilemmas arise for practitioners in their engagement with the 'Prevent Strategy' and in responding to incidents of breaches of human rights to Muslims?
- How did practitioners respond in these situations?
- What enables or inhibits their response?

Practitioners in this case

Practitioners in this case all work in the local authority or in schools. They include advisory teachers, local authority officers responsible for admissions, case workers, administrators, headteachers, deputy headteachers, local authority officers responsible for community safety and social care workers. In the

interviews I refer to the practitioners as ‘Practitioner A’, ‘Practitioner B’ etc. in order to ensure anonymity and confidentiality. When drawing on data from my journal I refer to people as practitioners but make clear the context of their work; this ensures anonymity but also provides contextual information to enable the reader to position the analysis of the incident or experience.

Chapter outline

I begin with a review of literature about the context of inequality and breaches of human rights for Muslims in the Britain. I explore how hostility to Muslims is conceptualised as Islamophobia and positioned within theoretical perspectives about multi-culturalism. I analyse the discourse about Muslims promoted by the government's 'Prevent Strategy'. I consider the ways in which practitioners engage with this strategy. Reflecting on my own practice, I discuss the learning from three incidents where I perceived inequality and breaches of human rights for Muslims. Finally I reflect on what I have learnt from the case in relation to the research questions.

UNDERSTANDING THE CONTEXT OF INEQUALITY AND BREACHES OF HUMAN RIGHTS FOR MUSLIMS IN BRITAIN

This section is in two parts, firstly, I review literature about the experience of Muslims in Britain and, secondly, I review literature about education practitioners' understanding of the inequality and breaches of human rights experienced by Muslim children.

Experience of Muslims

I found the literature explores the experience of Muslims through a conceptual analysis of Islamophobia and its relationship to racism (Richardson, 2004a, p.8 and 2008, p.11; van Driel, 2004) or through a critique of multi-culturalism (Modood, 2010 and Malik, 2010).

The Commission on British Muslims and Islamophobia met initially from 1996 to1997 and then reconvened from 1999 to 2002[152]. Richardson (2004a, pp.7-9), in his summative report for the Commission, argues that anti-Muslim hostility in Britain had been evident for centuries but had increased in intensity following the events of September 2001 and the wars in Iraq and Afghanistan. He claims the Commission for Race Equality were indifferent to prejudice, hate and discrimination based on religion (Richardson 2004a, p.13). An alternative perspective on this issue is to the consider that the Commission for Race Equality did not embrace an

[152] Dr Richard Stone (2004, pp.vii-viii) (in his role as the Chair of the Commission) said that the commission had reconvened in 1999 because there was still substantial progress to be made in implementing many of the recommendations of the first sitting. The focus of the commission was to engage public services in a discussion about Islamophobia and to review their practices as a result.

understanding that racism is also constructed on the basis of faith or a perceived affiliation to a faith.

Richardson (2004a, p.8) and Pearce (2005, p.8) suggest three contextual factors exacerbate hostility towards Muslims in Britain. Firstly, a high proportion of refugees and those seeking asylum are Muslim; therefore, negative stereotypical views of asylum seekers are conflated with negative views of Muslims. Secondly, debates and disagreements about religion do not take place on a level playing field. Richardson argues that Muslims do not have the resources and access to public platforms to respond to negative or malicious media coverage. Thirdly, he observes that foreign policy is often perceived as a war on Islam. He argues that this leads to an implicit connection between 'Muslims, terrorist and asylum seeker'.

The hostile response to Muslims is explored through theoretical perspectives, including Islamophobia and multi-culturalism. Descriptions of Muslims or Islam are also compared to expressions of racism:

> *'For example, there is the stereotype that "they're all the same" - no recognition of debate, disagreement and variety amongst those who are targeted. There is the imagery, also of "them" being totally different from "us" and them being interdependent and mutually influencing. Indeed, they are so different that they are evil, wicked, cruel, irrational, disloyal, devious and uncivilised. In short, they do not belong here and should be removed. These strong negative views of the other are accompanied by totally positive views of the self. "We" are everything that "they are not - good, wise kind, reasonable, loyal, honest and civilised.' (*Richardson, 2004a, p.11)

Richardson (2004a, p.13) and Modood (2005, p.1) claim our understandings of racism, are not inclusive of discrimination on the basis of religious affiliation, community background, xenophobia or other forms of intolerance. Richardson (2004a, p.13) suggests this is a barrier for public services in preventing discrimination against Muslims.

Modood (2005, p.2) provides an alternative perspective; he identifies that people have an expectation that Muslims receive less legal protection from discrimination than other identities (e.g. women, gay people) because being a Muslim is perceived as a 'chosen' identity. Modood refutes the notion of a ‘chosen’ identity on the basis that it is used as a justification for discrimination. He asserts that the notion of a 'chosen identity' is irrelevant as children do not choose whether they are born into a Muslim family. He argues there is an expectation that Muslim identity remains invisible and he observes a resistance to recognise any claims presented by Muslims, as individuals or groups.

Parekh (2008) (also cited in Richardson, 2008) provides a further perspective; he conceptualises hostility to Muslims as a set of anxieties:

> *'Thanks to the widespread distrust of Muslims and the belief that they do not wish to, and cannot, integrate, there is today an extensive moral panic. This has led to a growing spirit of intolerance and a nationalist backlash in almost every European country.'* (Parekh, 2008, p.104)

Parekh (2008) claims anxieties about Muslims are shaped by reports in the media and misunderstandings about Islam. He argues that national identity is articulated as synonymous with cultural identity. He suggests this is illustrated by a national 'anxiety' that Muslims cannot integrate because of their perceived loyalty to Islam and not to Britain.

Richardson (2008) suggests that debate should take place, in education settings, to identify measures that reduce anxiety about Islam. He argues:

> *'Ethical responsibility of opinion leaders, including teachers, lies in seeking to acknowledge and understand anxiety but in not pandering to it, and not inflaming it into panic.'* (Richardson, 2008, p.14)

Such a strategy provides opportunities for practitioners to engage individually and collectively in considering perceptions, misperceptions and alternative perspectives. This approach starts with the complex issues for practitioners rather than theoretical perspectives.

van Driel (2004) argues that intolerant attitudes towards Muslims are specific and can be understood as Islamophobia:

> '*an irrational distrust, fear or rejection of the Muslim religion and those who are (perceived as) Muslims' p.x*

However, van Driel does not address the question of the appropriateness or wider understanding of the term 'Islamophobia'. In debating the appropriateness of this concept Richardson (2004a, p.9, 2008, p.12) suggests that the term 'phobia' implies a mental illness that may affect a minority of people, although Islamophobia is not a mental illness. I argue that framing Islamophobia as an illness implies that the individual does not have control over their fear or dislike of Muslims. Richardson (2008) also argues that if Islamophobia is understood as *'hostility to a faith'* this excludes discussion of other forms of hostility (for example, on the basis of physical appearance or culture or nationality) or the complexity of issues arising from military conflict or global economic competition.

Despite such limitations Richardson (2008, p.12) claims that the term is helpful because it has a degree of familiarity achieved through comparisons to homophobia and xenophobia. I question this assertion; within the context of my own practice I have not encountered Islamophobia as a concept used by

practitioners. Similarly I never hear practitioners refer to homophobia or xenophobia (Journal, June 2010[153]).

Allen and Nielsen (2002) conducted research, via a survey, into the phenomena of Islamophobia in the European Union after September 2001. They found evidence of increased hostility towards Muslims and specifically increased verbal abuse and harassment. Allen and Nielsen (2002) suggest that Islamophobia is not a new phenomenon but increased through a perception that Muslims are an enemy within. They found the primary factor in predicting who would be a victim of an Islamophobic attack (physical or verbal) is the person having a visual indicator of being a Muslim. They found women wearing headscarves are more likely to be attacked regardless of whether they were Muslims. Allen and Neilsen (2002) found an increase in Islamophobic content in the media; they argue that although interest in Islamic culture increased it has not led to a greater understanding or acceptance of Islam or Muslims.

Richardson (2008) discusses this theme further; he observes that intolerance to Muslims is perpetrated on the basis of a perceived affiliation:

> *'Muslim identity is not necessarily or universally to do with holding distinctive beliefs or engaging in specific practices - it is primarily to do with a sense of belonging, and/or being perceived to belong to a broad cultural tradition.'*(p.13)

I suggest this raises a question as to whether practitioners assign perceived (and maybe false) characteristics to people.

Richardson extends his discussion of Islamophobia by drawing parallels between institutional racism (as defined in The Stephen Lawrence Inquiry Report[154]) and institutional Islamophobia:

> *'The collective failure of an organisation to provide an appropriate and professional service to Muslims because of their religion. It can be seen or detected in processes, attitudes and behaviour which amount to discrimination through unwitting prejudice, ignorance, thoughtlessness and stereotyping which disadvantage Muslims. '* (Richardson, 2004a, p.14)

He suggests that institutional islamophobia produces similar inequalities:

---

[153] Journal, June 2010 – reflection on whether practitioners use terms such as homophobia or islamophobia.

[154] The Stephen Lawrence Inquiry Report (Macpherson, 1999) defines institutional racism as *'The collective failure of an organisation to provide an appropriate and professional service to people because of their colour, culture, or ethnic origin. It can be seen or detected in processes, attitudes and behaviour which amount to discrimination through unwitting prejudice, ignorance, thoughtlessness and racist stereotyping which disadvantage minority ethnic people.*' (paragraph 6.34) http://www.archive.official-documents.co.uk/document/cm42/4262/sli-06.htm#6.34 (Accessed: 15th March 2012)

> *'Institutional Islamophobia may be defined as those established laws, customs and practices which systematically reflect and produce inequalities in society between Muslims and non-Muslims. If such inequalities accrue to institutional laws, customs or practices, an institution is Islamophobic whether or not the individuals maintaining those practices have Islamophobic intentions.* (Richardson, 2004a, p.14)

Whilst the notion of 'institutional islamophobia' has not been the subject of extensive research I suggest this case study needs to consider whether practices, that lead to inequality for Muslims, are formalised through institutional processes.

Modood (2010, pp.7-8) suggests that responses to Muslims, following the events of September 2001 and July 2005, need to be reconsidered in the context of understandings of multi-culturalism. This became a significant issue as public debates about the effectiveness (or ineffectiveness) of multi-culturalism as a strategy were linked with discussions about the perceived failure of Muslims to integrate. The Council of Europe (2011) reported on issues of diversity and freedom in Europe; they found a *'crisis of leadership'* (p.31) and criticized political leaders for following public opinion rather than leading it. This report identified a view in public opinion that remained unchallenged by political leaders that '*Islam per se is radical, militant and incompatible with European values, and that Muslim immigrants and their descendants therefore cannot be integrated into European societies in the way that earlier waves of migrants have been'* (p.16). The report argues that the position of European Muslims has been undermined through the failure to address discrimination and the way in which measures to address terrorism have impacted on freedom of expression.

Within the literature I found diverse understandings of multi-culturalism and I argue that their usefulness in a consideration of how to reduce inequality or promote human rights differs substantially. Exploring different conceptual positions of multi-culturalism supports an understanding of the ways in which Muslims (or those believed to be Muslims) may be perceived by practitioners. Modood (2010) describes three different interpretations of multi-culturalism: firstly, as a policy position that acknowledges the presence of different ethnic groups; secondly, as a political response to such diversity in terms of policies of assimilation or integration and thirdly, as multi-cultural integration or citizenship. He argues that the later position provides opportunities for promoting equality and challenging discrimination:

> *'based not just on the equal dignity of individuals but also on the political accommodation of group identities as a means of challenging exclusion, racisms and practices and fostering respect and inclusion for demeaned groups.*' (Modood, 2010, p.6)

I consider the first policy position to be descriptive and rhetorical; it potentially ignores the diverse experiences of groups or individuals. The second policy

position is more complex. Policies of assimilation and integration suggest a dominant and powerful agenda that does not necessarily accommodate individual or group identities. For example, in an education setting this may mean that a policy on school uniform fails to take account of the rights and cultural mores for different groups (e.g. Muslim young women wearing the hijab[155]). The third policy position is more pro-active as it suggests accommodating differences in the public domain together with the realisation of political rights.

Malik (2010, pp.12-15), in a review of policy in Britain, considers multi-culturalism is a response to increased migration. She suggests that multi-culturalism is used in a descriptive way (e.g. to describe the outcome of increased immigration) and in a normative way to identify the state's response to diversity through recognition and the accommodation of difference. Malik argues that multi-culturalism is one of three responses to increased diversity; others include assimilation and toleration of difference in the private sphere. She identifies a number of factors as influencing approaches to multi-culturalism, for example, the global context (e.g. wars in Iraq, Afghanistan) and the increasing confidence of minorities in seeking recognition. She observes that within any model of multi-culturalism the degree of public accommodation of difference is influenced by the social and political power of the group seeking accommodation, the relationship between domestic and international domains and economic wealth. Her findings imply that multi-culturalism is shaped by the dominant discourse within any context. I argue, in this situation, that the advocacy of multi-culturalism would not address inequality and breaches of rights but may perpetuate existing inequalities in wealth or other social goods.

Silj (2010), in a review of policy in the wider European context, presents an alternative view suggesting that 'multi-culturalism' and 'assimilation' are two different policy responses to an overall aim of integration.

> *'We have assimilation when the immigrant renounces his or her claim to a distinct national, ethnic, cultural or religious identity and blends into the identity of the host country. We have multi-culturalism when diversity is recognised and perceived as being positive and desirable, and the Other is not perceived as a threat to the identity, values and culture of host society.'* (Silj, 2010, p.2)

This view of multi-culturalism risks presenting the 'host society' as a homogenous group and insufficiently explores how increased diversity (whilst *'positive and desirable*') is accommodated. Modood (2010) and Malik (2010) argue that debates in the media (following September 2001 and July 2005) presents the emergence of 'terrorists' as an outcome of failed policies of multi-culturalism. Modood emphasises the destructiveness of this argument and points out this

[155] The hijab is the headscarf worn by Muslim women; it covers the head and neck but leaves the face clear.

debate took place without reference to theoretical perspectives on multi-culturalism:

> *'The simplistic linkage between home-grown terrorism and the multi-cultural project is unfair because it ends up blaming not just national policies but specific communities for particular outcomes. In this case, Muslims as a whole are blamed for terrorism, for not standing up to extremism and for not integrating. This is not only unfair but also divisive, and so not likely to achieve the much sought after integration.'* (Modood, 2010, p.112)

> *'Since the 7th July bombs the rhetoric of migrants becoming segregated .... has been a recurring feature of the contemporary critque of British multi-culturalism.'* (Malik, 2010, p.57)

Modood and Malik contest the dominant discourse linking Muslims and radicalisation of young Muslims with the failure of multi-culturalism.

> *'One of the most significant challenges that is faced by the British model of minority integration is whether it has the resources to intervene in this process that is bringing together cultural racism, social economic exclusion and the discourse about terrorism to construct British Muslims in opposition to, and sometimes as a threat to, the British nation.'* (Malik, 2010, p.57)

They challenge the way in which a specific discourse about Muslim people establishes a relationship of power (Foucault, 1980) that constitutes Muslims as a threat. They found an absence of engagement with alternative discourse, for example, that foreign policy on Iraq and Afghanistan is a factor in radicalisation of young people or that cultural and religious differences are exaggerated and presented as ideological differences. Malik (2010, p.57) uses the niqab[156] as an example; she found that an item of women's clothing was presented in the media as a symbol of a segregated and separate community.

Malik (2010) and Modood (2010) propose a strategy of *'progressive multi-culturalism'*. A feature of this model is the public accommodation of cultural differences through a process of recognition together with a redistribution of social, economic and political power to socially excluded groups.

> *'it begins with a concept of negative difference and seeks the goal of positive difference and the means to achieve it, which crucially involve the appreciation of the fact of multiplicity and groupness, the building of group pride amongst those marked by negative difference, and political engagement with the sources of negativity and racism. This suggests that neither separation nor assimilation but an accommodative form of integration which would allow group-based racialized, ethnic, cultural and religious identities and practices to be recognized and supported in the public space, rather than require them to be privatized. This is justified by an extended concept of equality, not just equal dignity but also equal respect. While the focus is not on anything so narrow as normally understood by culture, and multi-cultural equality cannot be achieved without other forms of equality,*

[156] The niqab is a veil for the face that leaves the area around the eyes clear. However, it may be worn with a separate eye veil. It is worn with a headscarf.

> *such as those relating to socio-economic opportunities, its distinctive feature is about the inclusion into and the making of a shared public space in terms of equality of respect as well as equal dignity.'* (Modood, 2007 pp.61-62) (also cited in Malik, 2010 p.21)

This position may reduce inequalities and prevent breaches of human rights. It aligns with the reality of minority groups (Malik, 2010) and focuses on the needs, interests and priorities for people (Sen, 1999). In this way multi-culturalism is able to address barriers to minority group integration by considering political, social and economic inequality in parallel with cultural inequality (Malik, 2010, pp.21-26). In practice, this involves problematizing, rather than obscuring, the tensions and conflicts that emerge in considering the claims of minority groups. An example of such an approach would be a fresh consideration of the application of penalty notices for extended absence from school for religious observance or extended trips to visit family members in other countries. If the issues emerging from this situation are problematized there would be a debate about the issues of schools' performance on attendance alongside the needs of the families (and their children) for absence from school for religious observance (Journal, October 2011[157]).

Practitioner responses to the inequality and breaches of human rights experienced by Muslims

Studies explored teachers' engagement with, and construction of, Muslim children's identity. Pearce (2005), as an insider researcher in a primary school, considered how the 'white' identity of teachers impacted on their role and relationships with children. This study is of relevance to my case because 80% of the children in the research setting were Muslim. Pearce found a 'silence' amongst both teachers and children on the subject of race and cultural difference (p.9). She claims this leads to racism and prejudice remaining unexplored and unchallenged. She found the school had no framework for enabling children or teachers to form alternative understandings about ethnic, cultural and religious difference. Pearce suggests that teachers' perceived the national curriculum as *'synonymous with teaching'.* She found this was used as a justification for the lack of focus on children's personal and cultural development. She observed that the research process provided opportunities for engagement and debate with colleagues and this became a catalyst for change:

> *'Talking to the teachers at greater length was like opening a window. I found many colleagues who shared my fears and inhibitions, others who had struggled with the same dilemmas and found a way through them, and a third group who were just beginning to try to grapple with the situation they found themselves in.'* (Pearce, 2005, p.81)

Pearce concludes that teachers need opportunities for personal reflection in order to develop critical and more open approaches to their work.

[157] Journal, October 2011 - my notes exploring what 'problematising' issues of equality and rights means in practice

Similarly, Richardson (2004b) argues that practitioners have a role in challenging institutional Islamophobia in education by creating an environment that has 'open' as opposed to 'closed' views of Islam. Richardson (2004b) sets out the distinctions between 'open' and 'closed' views:

> *'whether Islam is seen as an aggressive enemy to be feared, opposed and defeated, or as a co-operative partner with whom to work on shared problems, locally, nationally and internationally.....whether anti-Muslim comments, stereotypes and discourse are seen as neutral and "common sense", or as problematic and to be challenged..... whether double standards are applied in descriptions and criticisms of Islam and the so-called West, or whether criticisms are even handed.'* (p.27)

This analysis simplifies the understandings held by practitioners about the complex discourse on Muslims. I have observed how practitioners swing between the use of both positive and negative descriptions of people they know or perceive to be Muslim (Journal, September 2009[158]). Richardson (2004b) suggests the way to achieve more 'open' views of Islam is for leaders to encourage more debate:

> *'One of the tasks is to encourage and enable colleagues to wrestle with issues of the moment and meaning - not by providing answers but by enabling them to cope with controversy and complexity; not by a finished product but by a focused process.' (*Richardson, 2004b, p.31*)*

Such an approach assumes practitioners are working in an environment where discussion about ambiguities and uncertainties is encouraged.

The studies explored practitioner responses to boys and girls known or perceived to be Muslim. Studies found that teacher responses to Muslim boys are stereotypical and based on negative assumptions about cultural differences. For example, one study concluded that teachers believe boys lack respect for women and this view was informed by teachers' perception of the low status of women and girls within Muslim communities (Bhatti, 1999). Research into teacher responses to Muslim girls reveals a similar pattern, Basit (1997) found that teachers believe Muslim girls are submissive to their families and lack ambition; she points out that this is contrary to the ambitions for careers and qualifications held by the girls interviewed within the same research project. Shain (2003) suggests that teacher responses to Muslim girls are informed by negative stereotypes that are validated through the media.

With the exception of Pearce's (2005) and Richardson's (2004b) research I found little consideration of how education practitioners' can challenge, or form alternative responses, to the dominant negative discourse about Muslims. This idea is a focus for the analysis of data in the case study.

---

[158] Journal, September 2009 - Reflection on my attendance at the workshop for the Prevent strategy and my observation of the ways in which people described Muslims people.

MY INVOLVEMENT WITH THE PREVENT STRATEGY

In this section I consider how practitioners engage with the government's strategy to prevent violent extremism. 'Prevent'[159] was announced in May 2008 as a three year programme with a goal of: '*stopping people becoming or supporting terrorists or violent extremists'* (Great Britain. DCSF, 2008a, p6).

In May 2009 I became aware of the controversial and complex negotiations in my workplace about the implementation of this programme:

> *'The practitioner with responsibility for implementing the Prevent Strategy in the local authority made contact with me. His concern was that the Prevent Steering Board had stated that the implementation of the Prevent Strategy in the local authority was at risk because there had been no engagement with schools or the children's workforce more widely. He explained that the Police led on the implementation of the programme and their performance rating through inspection would be lowered if the work in schools was not undertaken. National Indicator 35 (building resilience to violent extremism) was subject to a self-assessment by all Local authorities and our local authority would have a low score. He explained that the local Prevent Steering Board expected a government toolkit for schools (focused on preventing violent extremism) to be implemented and that this had to be done. He also shared his own concerns about the Prevent Strategy with me. He was worried about the exclusive focus on young Muslims and the potential damage to community relations. He said that the Prevent Steering Board was insisting that the local authority engage schools in delivering the programme. They believed this would lead to a high inspection outcome for the Local Authority and the Police.*
>
> *Our discussion concerned his dilemma about the focus on Muslims but also the assumption that had been made by the Prevent Steering Board that the programme would be implemented in all the schools without any further debate or discussion He asked if we could meet to discuss how this might be taken forward.'* (Journal, May 2009[160])

Within this context the practitioner and I discussed the need for a debate about the Prevent Strategy as a response to his main concern about the invisibility and secrecy surrounding the 'Prevent Strategy' (Journal, June 2009). My own role, as a practitioner, was to respond from the perspective of how the 'Prevent Strategy' impacted on asylum seeking young people.

[159] 'The Prevent Strategy: A Guide for Local Partners in England' was first published in 2008 https://www.education.gov.uk/publications/standard/publicationDetail/Page1/288324 and this was subsequently updated in August 2009 as 'Delivering the Prevent Strategy an updated guide for Local Partners' http://tna.europarchive.org/20100419081706/http:/security.homeoffice.gov.uk/news-publications/publication-search/prevent/prevent-guide-partners?view=Binary. I refer to the 2008 publication as this was the one used by practitioners within the context of this case.

[160] Journal, May 2009 – account of meeting with the practitioner responsible for the Prevent Strategy

The dominant discourse on Muslims

In this section I analyse two government texts[161] about the implementation of the Prevent Strategy. I chose the two texts because they were constantly referred to by practitioners as a source of concern and this is illustrated by their reluctance (and in some situations refusal) to circulate the material to a wider audience. I interpreted this as an act of resistance (Journal, July 2009[162]).

The Prevent Strategy forms one part of a suite of four government strategies implemented within an overarching response to terrorism called 'Contest'. The four strategies are:

> '*Pursue – to stop terrorist attacks;*
>
> *Prepare – where we cannot stop an attack, to mitigate its impact*
>
> *Protect – to strengthen our overall protection against terrorist attacks*
>
> *Prevent – to stop people becoming terrorists or supporting violent extremists'* (Great Britain, DCSF, 2008a, p.5)

I suggest such a discourse presents this work as a form of combat or resistance to attack. The use of the term 'threat', either as a threat to individuals or communities, is persistent. The source of the 'threat' is described but the nature of the 'threat' is never clearly defined:

> '*The most significant terrorist threat to the UK is currently from Al Qaida and associated groups. Al Qaida uses a distorted interpretation of Islam, history and contemporary politics to justify attacks against civilians in this country and overseas.'* (Great Britain, DCSF, 2008a, p.4)

I found a further example of the use of the term 'threat' in the toolkit for schools:

> *'While violent extremism influenced by Al Qaida poses the greatest threat to life, other forms of extremism and prejudice are also affecting individuals and communities across the country and can be a catalyst for alienation and disaffection and potentially lead to violence.'* (Great Britain, DCSF, 2008b, p.3)

This is further developed:

> '*In addition to the severe threat posed by Al Qaida-influenced groups, dissident Irish Republican terrorist groups who oppose the Northern Ireland peace process still pose a threat to British interests. Other UK-based extremist groups including racist and fascist organisations and far right extremist groups also pose a threat to public order and the British multi-cultural way of life.'* (Great Britain. DCSF, 2008b, p.12)

---

[161] The two texts are 'The Prevent Strategy: A Guide for Local Partners in England' 2008 https://www.education.gov.uk/publications/standard/publicationDetail/Page1/288324 and 'Learning together to be safe: a toolkit to help schools contribute to the prevention of violent extremism' London: DCSF published in 2008.

[162] Journal, July 2009 - My observations on how practitioners were resisting implementing the Prevent Strategy.

The message of 'threat' is then repeated in a public letter from the Secretary of State to Directors of Children's Services:

> *'The toolkit provides information relevant to the particular threat from violent extremism associated with Al Qaida, which presents the most significant current threat, but sets this in the wider context of other forms of extremism and prejudice or hate driven behaviours. It suggests positive strategies* <u>*all schools*</u> *can follow to address these issues and help all young people grow up with a shared sense of belonging and respect for others.,* (8th October 2008, public letter from Balls, Secretary of State, to Directors of Children's Services. Emphasis as in the report.)

Although the Prevent Strategy acknowledges that other groups may pose a 'threat' the dominant focus is on 'Al Qaida' and 'British Muslims'. The emphasis on a 'threat' generates a culture of fear but the structure of the texts promotes a discourse that conflates 'threat', 'Al Qaida' and 'Muslim'. I found the language to be aggressive and hostile. Muslims are the focus of this strategy and the discourse promotes an implicit link between Muslims and violent extremism. I argue that the government strategy promotes a particular discourse on Muslims that cumulates, circulates and functions in order to consolidate power relationships between government and people (Foucault, 1980).

The absence of definition of terms such as '*terrorist', 'violent-extremist', 'Al Qaida', 'violent extremism', 'counter terrorism', 'radicalisation'* or '*de-radicalisation'* and *'extremist narratives'* is a challenge for practitioners. Use of such terms generates a technical and highly specialist discourse that distances the discussion from humanity or any concern for the vulnerability of children and their families. Such a discourse re-positions Muslims as the *'other', 'the stranger'* and someone to be feared (Bauman, 1993, 1997). Practitioners expressed concern at the use of such terms without qualification or definition and in this way they demonstrated a resistance to a discourse constituting a specific relationship between Muslims and others in the social body (Foucault, 1980). I observed how practitioners entered a parallel, yet totally separate world, in their work with families (Journal July, 2009[163]).

I found ambiguities and contradictions in the two texts. For example, the evidence for 'extremist' activity is low, although the threat is presented as high and the response urgent. Practitioners said the strategy was disproportionate in its attention to Muslims (Journal, July 2009[164]). A further ambiguity is the focus on the well-being and safeguarding of young people whilst at the same time referring to the criminality of young people engaged in violent extremism. This reflects my experience within the Local Authority. I found the vulnerability of young people to terrorist activity was not considered by practitioners as an issue of safety. The

[163] Journal, July 2009 - my observations on how practitioners were resisting implementing the Prevent Strategy.
[164] Journal, July 2009 - analysis of my first reading of the Prevent Strategy texts and the comments I had received from practitioners.

Prevent Steering Board was placed outside the governance arrangements for safeguarding children (Children's Safeguarding Board) and positioned within the governance of the Crime and Disorder Reduction Partnerships. This arrangement did not emphasise the need for a consideration of the safety and well-being of children. The strategy did not respect the rights of children (e.g. privacy, freedom of expression) and such concerns remained unexplored because of the local governance arrangements (Journal, July 2009[165]).

I found an emphasis on the achievement of externally set performance targets within the two texts. This led to a focus on processes, procedures or disseminating government produced information about 'violent extremism' that obscures rights and discriminatory practice. An example is the exemplar action plan which included a requirement for *'all Mosques and Madrasahs to register with Education*'. This action had been included (without discussion) in our local authority Prevent action plan. There was a system of rating performance against the action plan as either 'Red, Amber or Green'. This action was rated 'Red'. I wrote in my journal about this action:

> *'I asked the question 'why would we want to ask Mosques and Madrasahs to register with Education?' I explained that we did not require any other faith group to register with us. The response from the Police practitioner was that we needed to know where the Mosques and Madrasahs were in order to send then information about counter terrorism but also to go and talk to them about the risks of radicalisation and how they could refer young people they were concerned about. His belief was that I had access to information and contacts and that this would be a helpful starting point. I then asked whether it had been considered that the local Muslim communities may be concerned at such an approach because the agenda seemed very negative and a potential attempt to limit their rights?'* (Journal, July 2009[166])

The pressure to achieve high inspection rating led to the implementation of handed down actions without debate or discussion.

The discourse, promoting Muslims as the greatest threat in terms of violent extremism, remained largely unchallenged within my local authority. The two localities chosen by the Prevent Steering Board for piloting the 'Prevent Toolkit for Schools' included growing Muslim communities despite evidence of the British National Party campaigning in other localities (Journal, January 2010[167]).

The Great Britain House of Commons Communities and Local Government Committee (from this point referred to as 'the Committee') expressed concerns

---

[165] Journal, July 2009 - analysis of my first reading of the Prevent Strategy texts and the comments I had received from practitioners.

[166] Journal, July 2009 – my account of the meeting to discuss the local authority action plan for the Prevent Strategy.

[167] Journal, January 2010 - my discussion of e-mails about the location for the Prevent pilot projects

about the Prevent Strategy. Firstly, they considered the focus on Muslims was inappropriate:

> *'The fact that Prevent forms part of the UK's counter-terrorism strategy has not been welcomed in many quarters. Despite significant efforts by Government to clarify that Prevent focuses on Al Qaeda inspired terrorism (as opposed to Muslims per se), Muslim communities have felt unfairly targeted and branded as potential terrorists. The strategy has contributed to a sense of frustration and alienation amongst Muslims ..... and may increase the risk of making some individuals more vulnerable to radicalisation'.* (Great Britain. House of Commons Communities and Local Government Committee, 2010, p.11, paragraph 21)

Secondly, the Committee was concerned that the strategy did not address the underlying socio-economic conditions leading to radicalisation. They argued that the focus on Islam and issues of national security obscured any debate about the impact of, for example, foreign policy, issues of deprivation or the impact of hate crime. Thirdly, the Committee found practitioners working with young people were reluctant to engage them in discussions about terrorism.

GATHERING PRACTIONERS' VIEWS ON THE PREVENT STRATEGY

I interviewed practitioners who had a specific responsibility for the implementation of the Prevent Strategy.[168] In this case study three practitioners indicated to me that they wanted to be interviewed in order to tell the story of their involvement with the Prevent Strategy. In setting up the interviews I was careful to follow the same procedure for people who had initially volunteered to be interviewed and those I was inviting. I discussed with people the issues of anonymity and confidentiality as part of the process of negotiating the interview. I was aware that a team of people had worked on the implementation of the Prevent Strategy and there was a risk that they may be identified. As part of the analysis of data I was careful not to include contextual information about buildings or meetings that would make it possible for people to be identified.

In the first part of the interview I asked practitioners to tell me about the nature of their involvement and they described this as broadly delivering and cascading information to a wider audience as well as:

> *'engagement with Muslim communities was a bit of a desert'* (Practitioner M interview)
>
> *'cascading the broader information about Prevent… by tabling it at the Partnership Board'* (Practitioner Q interview)

[168] Practitioners included local authority officers responsible for community safety, Advisers and local authority officers responsible for partnership working with schools and other agencies in a locality.

I cross referenced this to the local authority action plan and found these tasks were all visible in this text.

Dilemmas for practitioners

I found practitioners recognised the 'Prevent Strategy' as discriminatory in its treatment of Muslims.

> *'I felt that initially when it came out it was too obviously targeted at the Muslim community and that actually that could marginalise communities if that was the sole focus.'* (Practitioner Q interview)

> *'There was a national agenda through the Office of National Terrorism (I think that is what it is called, I cannot remember the title). They wanted to interfere and drive things on, for example, by giving us posters to put up that had a photograph of an Asian person in a hoody and they were obviously a criminal walking down the street. That to me was totally unacceptable, basically asking us to put them up in Children's Centres etc. So there was a bit of an argument.'* (Practitioner M interview)

> *'I think the expectation was that the vast majority of young people, particularly Muslim males who were in* [this area]*, particularly those new to* [this area] *that they were here and were vulnerable to being influenced in their attitudes and behaviours and they were likely to become terrorists in the future unless we did something about it.'* (Practitioner O interview)

I found practitioners explored and resisted the dominant discourse about Muslims within the Prevent Strategy. They offered alternative perspectives and refused to engage in tasks that they considered discriminatory. Practitioners assessed the materials (e.g. the poster) as inappropriate because of the negative and stereotypical images. In contesting the discourse they were also resisting the relationships of power constituted a specific social body of Muslims (Foucault, 1980).

Implementation of the Prevent Strategy was inevitable

I found an acceptance on the part of some practitioners that the implementation of the Prevent Strategy was inevitable. One practitioner described a multi-agency training:

> *'There are bits of the briefings we do that are about "Fairway" a town shopping centre where there are two scenarios ; one of which is where people do their job, notice things and report things and one in which people think oh that is not a problem. One there is an explosion and one there is not. They have been very successful in getting the message across to front line workers in District councils and other public sector agencies. It is about half an hour exercise and it is just about raising people's awareness of what is going on....'* (Practitioner N interview)

When I asked 'what message is conveyed in the briefing'? The practitioner responded that it was about identifying potential terrorists and the implications of

not doing so. I suggest the practitioner conveyed the message of the 'threat' of terrorism embodied within the Prevent Strategy through the training session. One practitioner described how this work led to a conflict between public and personal views:

> *'For some people it* [person and public views] *would provide a conflict but the assumption was I suppose that because we are public servants we just carry out public policy and it our job to implement it and we just set personal values to one side as we do with so many other things.'* (Practitioner P Interview)

This practitioner argues there is an assumption within the workplace that the practitioners implement strategies regardless of their personal concerns or values and this is part of the contract of employment. However, I found practitioners resisted and opposed what they considered to be the most discriminatory aspects of the Prevent Strategy (Journal, October 2009[169]).

Secrecy

For some practitioners the secrecy surrounding the Prevent Strategy was a source of concern**:**

> *'There were counter terrorism local profiles produced by Special Branch that were shared verbally by the police with the Chief Officers but not with anyone else which made it very difficult ... locally* [for practitioners] *who quite regularly share important information between us and other colleagues and they were not allowed to see this information so there was an issue with trust across the partnership.'* (Practitioner F Interview)

Here, the issue of concern is that information was not being shared between practitioners. The secrecy justified the view that the government was right to encourage fear of threats.

Prevent is about Muslims

A similar concern related to logistics where a practitioner commented that small numbers of Muslims within a geographical area led to a difficulty in implementing the strategy:

> *'It is very much about Muslim young people and making sure that they don't get their heads turned to terrorism and this is where I think it has proven very difficult particularly here in ... where we don't necessarily have the community numbers and so the identity isn't as obvious as you have in the West Midlands or the London area.'* (Practitioner O Interview)

When I probed on this point the practitioner clarified it was impossible to get other practitioners interested in discussing the Prevent Strategy because there were so

[169] Journal, October 2009 – my observations about how practitioners actively resisted the Prevent Strategy.

few Muslims living in the area. Clearly, the message this gave was that practitioners believed the programme was about 'Muslims'.

Some practitioners expressed concern that the Prevent Strategy made simplistic assumptions about how children learn and about practitioners' compliance in reporting their suspicions of radicalisation to the police:

> *'I think some of it was around the identification of issues, for example, if they were in a school, and one of the things they* [the practitioners] *were saying was "in IT I saw a child looking at certain website". One of the things we were saying was that because a child was experimenting and listening that it does not mean that they are going to go the next step, it might have been just out of curiosity - it does not mean to say that they are going to be radicalised by doing that. … I think a lot of the training* [about the Prevent Strategy] *was on the process of who to contact with a concern.'* (Practitioner R interview)

I observed a tension between practitioners about the issue of identifying and reporting young Muslim people. There were accusations by some that others were failing to report young people at risk of radicalisation because of the very low numbers of referrals (Journal, September 2009[170]).

Practitioners talked about 'Muslims' as if they were one cohesive or uniform group and this practice was unquestioned. Muslims were always distant, never referred to by name or as people living within a specific place and this mirrors the national discourse.

Practitioners' responses

Practitioners presented alternative approaches to the Prevent Strategy often through negotiation:

> *'It needed to be diluted in a way that included other extremists and not just the Muslim fundamentalist faction - so I was quite grateful that I had the opportunity to voice my opinion as did a number of other people'.* (Practitioner R interview)

> *'there were some spin offs in that we felt that we needed to raise positively communities within our area rather than perceive the negative angle. It wasn't looking at the positives of communities so we ran a festival, a festival of light and it was just fantastic.* (Practitioner Q interview)

> '*As we started to roll out in the local authority we quickly found that the more right wing organisation, the British National Party for example, were more of a threat than the Muslim community in any shape or form so it started to broaden out and it started to look at radicalisation right across the piste, animal rights and everything.'* (Practitioner M interview)

[170] Journal, September 2009 - Reflection on my attendance at the workshop for the Prevent strategy.

I observed how practitioners attempted to shift the agenda so there was a focus on all groups considered vulnerable to radicalisation.

Adapting or diverting the strategy

Some practitioners adopted a pro-active approach by adapting the Prevent strategy to make it acceptable to schools. They emphasised the relevance of the school curriculum in equipping young people with the skills needed to resist radicalisation:

> *'Monitoring and observing behaviours at mosques, which I feel is extremely intrusive seemed to be the main route for this strategy as far as they* [the government] *were concerned. On the other hand I felt let's ensure that all young people, regardless of their religious background, ethnicity... that they are all equipped with the skills ... to be discerning, to be selective in their behaviours, they do not all follow like sheep and are able to make their minds up over most things including political understanding and they can do that from the curriculum.'* (Practitioner P interview)

> *'My contribution was frequently challenging and when you are in a meeting and you are the only educationalist surrounded by 10 or 12 other people mainly from a police background. It was difficult at times but I persevered so what I did was present documents which I felt showed the way and showed that through the existing strategies, initiatives and the curriculum there were opportunities for addressing these issues with all young people and not just a few, rather than target suspected individuals everybody should be given an opportunity to be provided with high quality citizenship, high quality political understanding, high quality literacy skills so that they would all develop the necessary skills ... to develop as decent human beings or members of society.'* (Practitioner O interview)

> *'One of the things in the Board's plan was that a set of DVDs 'Watch over Me' should be provided to all schools and I took one look at it and said no way it was not appropriate - it would just be sat on a school shelf gathering dust. I did not think it was appropriate at all and that was accepted but only when I came up with alternative strategies through the audit documents and activities and showed that this would be more acceptable to schools which I hope it is.'* (Practitioner O interview)

Practitioners persevered until their alternative proposals were accepted. Practitioners created a safe zone, an area over which the values and skills promoted by the curriculum held dominance. I suggest such action is a demonstration of their resilience and resistance in questioning the implementation of the Prevent strategy.

Setting conditions on their engagement

This resistance of practitioners was also apparent in ways of working. Practitioners asserted they would implement the strategy but set conditions on their engagement:

> *'the practitioner who was working on the project realised that if he was going to get anywhere he needed to follow this agenda because otherwise he was not going to get anywhere and doors were going to be shut and once he started to realise that and not follow quite so much the pressure he was receiving from his seniors it started to work better'.* (Practitioner P interview)

Practitioners described how they restricted access to information, did not share contacts or refused meetings until the agenda shifted from Muslims to a focus on all young people and communities.

What inhibits or enables practitioners' response?

Practitioners described the Prevent Strategy as controlled by a hierarchical structure.

> *'The Chief Executive Officer is the Prevent Strategy lead in the county so through that mechanism it had quite a high profile'.* (Practitioner Q interview)

> *'Prevent started at a high point and there was supposed to be a trickle down effectively to a broader population'.* (Practitioner R interview)

I observed how practitioners spoke about the Prevent Strategy with a sense of powerlessness to influence or stop it. Practitioners presented themselves as working in isolation with no sense of being part of a broader organisation. One interviewee expressed frustration that he had spoken to several senior managers and they appeared uninterested in the Prevent Strategy. Practitioners commented on the lack of opportunities to influence strategy or policy:

> *'There were a number of little meetings we went to but actually they didn't have any direction or real steer, they didn't have an agenda. We would just turn up and talk about what is happening .... without a real focus to what we were doing so I went and did an agenda.'* (Practitioner Q interview)

I question whether the lack of opportunity for structured discussion was a strategy for restricting debate and discussion. In this example the practitioner challenged this approach and was pro-active in providing a structure to enable discussion.

Dominance of organisational cultures

The dominance of organisational culture of different agencies was a real concern:

> *'The* [Police] *agenda in simplistic terms was here is a plan, here is what you need to do, tick these, job done and the partnership agenda was being careful about engagement with the communities.'* (Practitioner M interview)

> *'the main focus was about engaging the community so that they spread the message about counter terrorism because they suffered from it the same as everyone else does and it was the police coming along and knocking on the front door of the mosque and saying we have come to talk about terrorism and that was what it felt like and we had to pull the police back from*

arranging events with the Muslim community to simply talk about that when they had no previous conversations.' (Practitioner N interview)

'Get the job done, get around the mosques, talk to them about terrorism, tick the boxes, action plan delivered.' (Practitioner N interview) [Commenting on the approach of the police].

'I think there are very different cultures in different organisations - the police are very focused on delivering the outcome that is written down. If it is 'there will be two policemen walking the streets' then there are two policemen walking the streets'. (Practitioner N interview)

'I was surrounded by very big men in dark suites, very bright white shirts and bulging jacket pockets and lots of things around their waists such as radios, handcuffs. It was amazing. There were about forty very senior police officers and people from special branch ... obviously very much with security on their mind. I certainly found that I was given this very lengthy action plan in which it said that schools will do X, Y and Z and this had been written by senior police officers...'. (Practitioner O interview)

I observed practitioners feared the police. Practitioners commented that the police's dominance of the agenda was so great that it could not be resisted or overcome. I questioned whether the police themselves had any self-awareness of how they were perceived by education practitioners (Journal, September 2009).

Inspection and performance

The influence of inspection and performance monitoring was identified as a negative factor:

'The police ... they will be inspected by Her Majesty's Inspector of Constabularies on their delivery of Prevent so they need to tick the box where as our pressure was making a success of the project that did not cause damage with other things that were going on - it would hurt community engagement projects for example.' (Practitioner N interview)

'The [government] *representative was quite focused I think on monitoring us every month against the action plan and did a critique of how we were performing in the action plan.'* (Practitioner M interview)

I observed a dominant culture of inspection and performance and the implementation of action plans to achieve a high inspection rating became the priority for practitioners.

Bullying culture

The sense of being bullied by a 'strategy' and by the culture of other organisations was described by one practitioner.

'I think it was being driven very hard by government ..... it was always turned around to say what are you going to do if you have to go to a coroner's court to explain why you have not delivered this strategy you know. There were

> *semi threats if we don't deliver this strategy and there is an incident what are you going to deliver in the coroner's court'.* (Practitioner N interview)

This illustrates the high level of blame and fear experienced by practitioners. I found no evidence of practitioners referring to their organisations to challenge this culture of bullying.

Fictional scenarios

Practitioners acknowledged that discussions about the Prevent Strategy were not informed by evidence or fact. An illustration is the account of a discussion between two practitioners about the Fairway shopping centre scenario:

> *'The* [large shopping centre] *is in the midst of our area and it could be used as a target if there was going to be any extremist activity but you are saying that thousands of people go through that each day and actually in terms of percentage it is a low threat but it is more about the anxiety of people. Media have a big part to play in it.'* (Practitioner Q interview)

The shopping centre scenario was used in training to raise awareness about the threat of extremism. I observed (in meetings) how this scenario was often used as a threat in order to secure engagement by practitioners with the agenda. This promoted a discourse of fear for practitioners. There was a clear message that if you (practitioners) do not engage in this agenda then this could happen at your shopping centre (Journal, September 2009[171]).

Absence of debate

Although practitioners commented on the lack of opportunity for a full debate and discussion about the Prevent Strategy they all commented on the value of micro discussions.

> *'We run workshops and issues do come up. It got quite hot around the impact of the British National Party and their promotion of bullying of ethnic minority children in schools through the views of parents. That came up very strongly and created a wide debate'.* (Practitioner N interview)

> *'I came into the programme a little late and at what point was the debate about it or any consultation? ... I don't know. My involvement was 'this is what we are expected to implement, so let us get on and implement it'.'* (Practitioner P interview)

I observed practitioners used every opportunity to create debate about the Prevent Strategy. This may have been an act of resistance but also a commitment to ensure that the voices of others would be heard.

Through this analysis I discover as practitioner and researcher the persistence of practitioners in resisting the dominant negative discourse. I found practitioners

[171] Journal, September 2009 - Reflection on my attendance at the workshop for the Prevent strategy.

drew on fragments of knowledge and understanding in order to form alternative responses. They did so as 'sole traders' without the strength or support of institutional policy. I consider 'sole traders' as practitioners who operate independently of institutional frameworks and in circumstances where they work on their own (Journal, October 2009[172]).

EXAMINING KEY INCIDENTS

In this section I discuss what enables and inhibits practitioners' responses by reviewing three key incidents which illustrate the implications of the Prevent Strategy and the discourse on 'extremism' for the rights of adults and children.

Incident one – Persecute, Fear or Prejudice

This incident took place in October 2007 and it began with a report of fighting between two groups of young people in a secondary school in a town in my local authority. In this incident I explore practitioners' engagement with the discourse on Muslims using Foucault's (1980) theory as to how discourse is produced, circulated and cumulated in any setting. Practitioners in this setting either work in a school (I describe them as 'school practitioners') or they work in the local authority as social workers and managers of children's services (I describe them as 'local authority practitioners') or they were advisory teachers (I describe them as 'specialist practitioners' because they had a specific role in working with young Muslim people). In my journal I wrote:

> *'In October 2007 I received an e-mail from a local authority practitioner asking why I had not informed her that there had been a fight between gangs of young men outside a secondary school. The e-mail described the difference between the two groups as 'Muslim' and 'white and local'. She indicated that the scale of the incident had been such that it required a police response to support the leadership team of the school. The local authority practitioner had been informed of the incident by the school who had also lodged a complaint at the lack of local authority response and support following the incident. When I enquired if there was more information, the local authority practitioner explained that the school representative had talked about the incident to illustrate the challenges of including asylum seekers and the community tensions arising from the school's inclusive admission policy. Specialist practitioners from the service I manage were working in the secondary school so I was surprised that I had received no information. The school had also sent an e-mail to another local authority practitioner in social care as the young people were unaccompanied asylum seeking young people, and therefore Looked After Children, enquiring about the support arrangements for the young people.*

[172] Journal, October 2009 - analysis of my observations on the isolation of practitioners who actively resist the Prevent Strategy.

I suggested to the local authority practitioner that we should bring all practitioners together with representatives of the school in order to share information and consider a way forward. I e-mailed a broad network of practitioners to request information and to invite them to a meeting with the school. The responses I received all indicated that no one had any information about this incident; this included the Police and the Social Work team. At the practitioner meeting the school practitioner stated that no incident had taken place involving any of the young people. He explained that the basis of the reported incident was a rumour that the young asylum seekers in the school (all of whom were from Afghanistan) had been in conflict with young people who were the sons of soldiers in the British Army currently serving in Afghanistan, however, no incident had actually taken place. The school practitioner asked the meeting to consider what could be done to support the school in managing this situation. It was the school's perception that issues arose because of the strong gang identity of the young asylum seekers in the school. He went on to describe the students as from Afghanistan, asylum seekers and Muslim and that he considered this to be the issue. 'The students stuck together' was his observation.' (Journal, October 2007[173])

What are the prevalent discourses on Muslims that practitioners describe in their work?

I found the school practitioner positioned the responsibility for the 'problem' with the young people who were *'from Afghanistan, asylum seekers and Muslims'* and not with *'the sons of soldiers in the British army'*. This presents a polarised view of the school community with both groups effectively 'othered' (Bauman 1993, 1997). Describing the group of Muslim students as a 'gang' promoted a notion of threatening group behaviour in a way that was not attributed to the *'sons of the soldiers in the British army'*. Conflict between the two groups was presented as inevitable by the school even though there is no factual basis for this assumption. In this way I suggest that the discourse functioned to create relationships of power (Foucault, 1980) and they were a mirror image of the global conflict in Afghanistan but in the local domain. The discourse made assumptions about the beliefs and behaviours of the 'sons of the soldiers' were unexplored by the school.

How did practitioners respond in this situation?

The school practitioner did not address the issue of relationships between groups of students or the proportionality of the school's response. There appeared to be no reflection that the school's response to this situation was inappropriate. I question his understanding of the reasons why students *'from Afghanistan, asylum seekers and Muslims'* would form a group identity. My journal notes the discussion that followed between practitioners in response to the question raised by the school practitioner. Practitioners offered a range of strategies to promote social

[173] Journal, October 2007 - analysis of the events and issues surrounding alleged reports of fighting between gangs of young people and the subsequent response of practitioners.

contact between groups of young people. There was no exploration of the steps the school needed to take in relation to policy or practice and no discussion about the impact of global issues on the school community. I note the frustration and doubt in my own ability to chair the meeting. I could not enable practitioners to move from a view that the solution was to draw young people together through social contact. My view (expressed in the meeting) was that such a strategy would not ensure an alternative response from the school in the future (Journal, October 2007[174]).

My journal describes the debate conducted over the e-mail in the following days about the reasons why specialist and local authority practitioners would not challenge the school. They were fearful that any challenge would result in the school refusing admission to young people *'from Afghanistan, asylum seekers and Muslims*'. They also suggested that the school leadership would refuse to have them working as practitioners in the school. Remaining in the school was seen as essential and withdrawal of their support would lead to a negative outcome for the young people. On reflection I question whether practitioners viewed themselves almost as hostages to the school.

Incident two – safeguarding young people?

This incident took place in March 2008 and involved the same secondary school as in incident one. In this incident I reflect on how practitioners contributed to the formation of a discourse of extremism that surrounded the young people. . Practitioners in this setting either work in a school (I describe them as 'school practitioners') or they work in the local authority as social workers (I describe them as 'care practitioners') or they were advisory teachers (I describe them as 'specialist practitioners' because they had a specific role in working with young Muslim people). In my journal I wrote:

> *'In March 2008 I was contacted by the care practitioner for two unaccompanied asylum seeking young people who were attending the secondary school* [this was the same school identified in key incident one]. *His concern was that he had been asked to remove the two young people by the school because of an incident that had occurred in a classroom. The two young people were 16 and from Afghanistan. The care practitioner described the incident: the two young people had been asked by their teacher to conduct research on the internet about an issue (of their choice) and then prepare a presentation for the class. The young people chose the portrayal of Osama Bin Laden in the media as their issue. They also explored different views about the involvement of British soldiers in Afghanistan. Their presentation* [which I subsequently viewed] *included short clips of video diaries and news reports about British soldiers and the responses of people in Afghanistan. It included responses that were*

[174] Journal, October 2007 - analysis of the events and issues surrounding alleged reports of fighting between gangs of young people and the subsequent response of practitioners.

sympathetic to Osama Bin Laden alongside those that questioned the involvement of the British soldiers in Afghanistan. The teaching objectives of the lesson had been in relation to research skills, use of the internet and then the application of software to communicate their presentation to the class. The care practitioner explained that he had not seen their presentation but had been asked to attend the school. The school practitioner had explained he wanted the young people removed because he could not guarantee their safety. The school practitioner's concern was the relationship with the children of soldiers in the British Army whom he felt had been offended by the material. The school practitioner said that knowledge of the presentation was widespread across the school. He also said that because of the nature of the material he had made a referral to the local police who passed the information to the specialist anti-terrorist officers. The school practitioner explained to the social worker that he did not want to follow the formal exclusion process because he did not want the young people to have a formal exclusion on their educational record.

The care practitioner said he had agreed to remove the young asylum seeking young people from the school on a temporary basis.' (Journal, March 2008[175])

What are the prevalent discourses about Muslims?

My journal tracks the debate between the practitioners over the next two months. I observed how the discourse positioned the two young people as the problem and a potential threat in the school. In this way the discourse established a relationship of power (Foucault, 1980) between the school and young people. It did not reveal any aspect of their vulnerability as both asylum seekers and looked after children. School practitioners did not interpret the incident as an issue of safeguarding the two young people. I found the school ascribed views to the dominant group *'children of soldiers in the British army'* by suggesting that they found the material offensive. The school constructed the identities of the two young people as 'Muslims, from Afghanistan, asylum seekers, interested in Osama Bin Laden'. The two young people were never referred to by name and I observe this had a dehumanising impact and obscured their rights as young asylum seekers.

How did practitioners respond in this situation?

Practitioners commented that the school acted outside its responsibilities, policies and procedures relating to discipline, however, no practitioner believed there was any point in challenging. When we explored the reasons for the absence of challenge practitioners communicated that there *'was no point'* it would not enable the young people to return to the school. They identified a negative impact on their own working relationship with the school. The comments were *'the school does not have to have the practitioners and we have worked hard to build up our relationship and we do not want to jeopardise this*.' I noted that practitioners asked their managers to support this view and they did not challenge the school or

[175] Journal, March 2008 - analysis of issues surrounding the two young Muslim men who allegedly used the internet inappropriately.

resolve the issues for the young people (Journal, April 2008[176]). I reflected on my discussions with the school. I perceived that the school considered the questions I raised about the rights of young people as marginal. I found it challenging to respond to the school's perception that their actions had been endorsed by a whole range of practitioners.

I found care and specialist practitioners colluded with the view that the school would not be a safe community for the young people. This raised a number of questions. Care practitioners removed the right of the young people to a fair hearing through the exclusion meeting. They justified the removal of the young people from the school as acting in their best interests. The energy and focus of conversation between all practitioners shifted to identifying an alternative and new education provision.

Care practitioners expressed concern at the involvement of anti-terrorism police officers because they were remote and inaccessible. The comments on the e-mail were '*it's out of our hands now and the school had no choice to pass it to the police'* (Journal, April 2008[177]). I observed the care practitioners sense of powerlessness but also reluctance to engage the police about the objectives of the teaching task. Care practitioners were unwilling to have a debate about how the school could rethink this incident from the perspective of all students. They appeared to lack confidence, they said there was no support from their manager and they were reluctant to draw on the statutory framework for management of exclusions as a possible challenge. All practitioners said that they were doing what was expected of them by their institutions, in summary, to take no further action.

Incident three - Veiled Women

This incident took place in a University; it arose from a discussion about admission arrangements (especially interviews) where Muslim women were wearing a veil. I explore how practitioners adopted the dominant negative national discourse about Muslim women. Practitioners in this setting all worked in a University and had some responsibility for admission arrangements either at an institutional or departmental level. In my journal I wrote:

> *'In January 2007 I was contacted by a practitioner. The question being raised was whether the university needed a protocol in relation to applicants who may come to interview wearing a full face veil. The communication I received specifically referred to women who were Muslims and the wearing of the niqab. The suggestion was to hold a meeting to discuss the proposed protocol. When I asked why this issue had arisen the response was that there had been a discussion between Institutions following the comments*

[176] Journal, April 2008 - Analysis of issues surrounding the two young Muslim men who allegedly used the internet inappropriately.
[177] Journal, April 2008 - Analysis of issues surrounding the two young Muslim men who allegedly used the internet inappropriately.

that had been made by Jack Straw in his weekly column in the Lancashire Telegraph on 5th October 2006. Jack Straw had commented that the veil was 'a visible statement of separation and difference' and 'that wearing the full veil was bound to make better, positive relations between the two communities more difficult'. So I clarified that the need to have a protocol could be linked directly to a political statement and that the issue under consideration was whether there would be any situations, in an admissions interview, when a woman would be asked to remove her veil. The concern, as it was suggested to me, was about verifying identity and assessing candidates for particular programmes in education and health care. I challenged the premise for even considering a protocol because there was no evidence of need emerging from the current practice for admissions. In fact there were positive examples of women attending interview wearing the niqab. I suggested this presented a stronger case for identifying effective practice in interviewing veiled women for inclusion in general guidance relating to interviews.' (Journal, January 2007[178])

What are the prevalent discourses on Muslims in this incident?

Practitioners engaged with the negative discourse about women wearing the veil following Jack Straw's comments[179]. Khiabany and Williamson (2008, p.71) argue this discourse repositioned the veil as an image of Islamic fundamentalism without any dialogue about the diverse reasons why Muslim women may choose (or not) to wear the veil. They suggest this discourse promoted the veil as a symbol of Muslim women's rejection or resistance to life in Britain. Khiabany and Williams (2008) argue that Muslim women became a *'new figure of dangerous extremism'* (p.71) and this was part of a wider discourse of constructing Muslims as the 'other'. I suggest this discourse constituted a specific understanding (Foucault, 1980) of Muslim women as a social body. This validated a view that it was acceptable (and necessary) to ask Muslim women to remove the veil.

How did practitioners respond in this situation?

They responded directly to the national discourse in a way that did not question its origin, purpose or function. Practitioners transferred this discourse into their own domain without initially considering the impact on the human rights of women or reflecting on the positive and known experiences of interviewing Muslim women. This is an example of how discourse functions, cumulates and circulates within an institution (Foucault, 1980). Through this process practitioners transferred the Muslim woman wearing the veil from a potential student to a person is whose identity is to be feared and questioned. By suggesting that the university needed a protocol for interviewing 'veiled women' practitioners were adopting, formalising and legitimising the discourse on extremism. I observed how practitioners believed

---

[178] Journal, January 2007 - Analysis of the issues surrounding the proposal to have a protocol relating to interviewing veiled women.

169. http://www.lancashiretelegraph.co.uk/archive/2006/10/05/Blackburn+%28blackburn%29/954145.Straw_in_plea_to_Muslim_women__Take_off_your_veils/Straw in plea to Muslim women: Take off your veils . Last accessed October 2010 .

they were doing the right thing; they considered themselves to be pro-active in anticipating any issues that may arise with questions of identity.

What enabled or inhibited practitioners' responses in the three incidents?

In all three incidents I observed how practitioners struggled to engage with issues of inequality and rights. They did not appear to consider the issue from the perspective of the child or young person and reverted to their personal, practitioner or institutional view. This concurs with the findings of the survey conducted by the Children's Rights Alliance (2009) for England that issues for children are not seen as issues of children's rights. In incident two practitioners did not demonstrate awareness of the UNCRC or analyse the situation for children as complex problems (Freeman, 2002). If practitioners had considered this incident from the perspective of Article 13[180] (the right to freedom of expression) they may have formed an alternative set of responses. The task for the young people had effectively been focused on realising Article 13 as the aim was to '*seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of the child's choice.'* The young people had completed the task they had been invited to undertake; however, the practitioners could not then manage the complexity of issues and the ensuing debate that arose from the output of the task. I observed that practitioners not only suppressed debate but they also restricted the two young people's right to freedom of expression. In all three incidents practitioners transferred into their practice the dominant discourse positioning Muslims as the 'other'. I argue this discourse was validated and formalised by aspects of their practice. For example, in incidents one and two, the relationship between young people who were 'from Afghanistan, asylum seekers, Muslims' and the 'sons of British soldiers' was presented as adversarial.

Practitioners focused on maintaining their own positions. In incidents one and two practitioners were concerned at the consequences for their own positions if they challenged the school. This concern was more important than any obligation they may have under Article 29 (1b) of the UNCRC[181] to education children on human rights. Practitioners appeared to operate independently of institutional procedures and policy frameworks; if they had been aware of the UNCRC they may have used it as an advocacy tool (Vermann, 1992) or as a means of empowering children through a rights based approach (Freeman, 2000). They did not draw on the support of their managers unless it was to gain support to maintain

[180] Article 13 of the UNCRC states that '*the child shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of the child's choice.'*

[181] Article 29 (1b) of the UNCRC states that *'State Parties agree that the education of the child shall be directed to: the development of respect for human rights and fundamental freedoms, and for the principles enshrined in the Charter of the United Nations;'*

the status quo. I found a lack of reference to institutional policies. For example, in incident three the practitioners did not appear to consider that drawing up a procedure for interviewing veiled women would need to take account of the institution's Equal Opportunities policy.

LEARNING FROM THIS CASE

In this section I discuss the learning from this case study and I structure my discussion using the framework of questions particular to this case.

I found Muslim children and their families experienced inequality and breaches of their human rights. Most practitioners appeared unaware of children's rights, in this sense they did not conceptualise children as either *'bearers of rights'* (Landmann, 2006) or *'right holders*' (Donnelly, 2003) or to have '*rightful entitlements'* (Freeman, 2002). Practitioners were unaware that their responses to children could be constructed and better understood as 'obligations' to children as holders of rights (Donnelly, 2003). Practitioners may have been able to provide alternative responses had they explored issues for children from the perspective on children's rights using Landmann's (2006) notion that rights have both positive and negative dimensions in requiring people to take action or refrain from an activity in order to realise rights. Similarly the struggles of the young people could have been considered as *'rights based demands for change'* (Landmann, 2006) and this may had led to a focus on the injustice of their experience. I found the Prevent Strategy promotes a discourse that obscures rights and led to practice that breached human rights. For example, the concern with national security and surveillance of young people led to a lack of consideration for their right to privacy (Article 16[182], UNCRC, OHCHR). The right to freedom of expression (Article 13[183], UNCRC, OHCHR) is limited by the practice of criminalising young people for exploring issues of belief, politics and identity even when they have completed a tasks as requested by their teacher. I found practitioners do not enable young people to express their views on matters of concern to them or take account of those views in decision making (Article 12[184], UNCRC, OHCHR). For example, two young people were denied the opportunity to have the removal of their school place heard through the formal exclusion process. Practitioners' lack of awareness of the provisions in Article 12 concurs with Lundy's (2007) findings that there is an incomplete understanding of the actions needed to realise this right and that it is seen as optional and not a legal obligation. I found racism remains unchallenged

[182] Article 16 of the UNCRC states that '*no child shall be subjected to arbitrary or unlawful interference with his or her privacy, family, home or correspondence, nor to unlawful attacks on his or her honour or reputation.'*

[183] Article 13 of the UNCRC states that '*the child shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of the child's choice.'*

[184] Article 12 of the UNCRC states that '*State Parties shall 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.'*

and unacknowledged by practitioners; this leads to the discrimination and prejudice being sustained.

I found in the review of literature that Muslims, or those believed to be Muslims, experienced increased hostility after the events of September 2011 and the July London 2005 (Richardson, 2004a and Allen and Neilson, 2002). The nature and context of hostility to Muslims is subject to analysis in an attempt to explain and understand it as a phenomenon. Parekh (2008) describes the responses to Muslims as a set of anxieties heightened by a lack of understanding of Islam and by the negative reporting in the media. Richardson (2004a) and Pearce (2005) suggest hostility towards Muslims is exacerbated by negative stereotypical views about Muslims and asylum seekers. They suggest negative media reporting about Muslims and the perception of UK foreign policy as a war on Islam leads to an implicit connection between 'Muslim, terrorist and asylum seeker'. Modood (2010) provides a further interpretation by suggesting there is a public perception that Muslims cannot integrate. He suggests such debates have taken place in a vacuum without reference to theoretical perspectives and as a result our understandings of multi-culturalism remain unexplored and unchallenged. Modood (2010) and Malik (2010) contest a prevalent discourse linking Muslims and the radicalisation of young Muslims with the perceived failure of multi-culturalism.

Literatures identify approaches to policy and practice that may prevent or enable a more effective response to the inequality experienced by Muslims. Firstly, at a policy level Modood (2010) and Malik (2010) suggest we reconsider and reframe our understandings of multi-culturalism to a position of *'progressive multi-culturalism'* . They argue this means recognising and realising individual and group rights in parallel with publicly accepting cultural differences. In reality I argue this leads to a focus on needs, interests and priorities of people (Sen 1995, 1999). However, I consider that the strength of Modood's approach is his insistence that cultural equality cannot be achieved without consideration of a redistribution of social, economic and political power to socially excluded groups. I suggest ‘progressive multiculturalism’ enables practitioners or strategists to work in a way that problematizes rather than obscures the tensions and conflicts that may emerge when considering the claims of minority groups.

Secondly, within the arena of practice, literature suggests practitioners need opportunities to bring their anxieties about Islam to the fore and engage in debate acknowledging their '*controversy and complexity'* (Richardson (2004b). Richardson argues a process of deliberation leads to a shift from 'closed' to 'open' views of Islam and I suggest this enables dominant negative discourses to be challenged. Similarly, Pearce (2005) found the 'silence' amongst teachers and children about race and cultural differences leads to unexplored and unchallenged

racism and prejudice. She suggests opportunities for debate enable teachers (and children) to form alternative ways of thinking and responding to 'difference'.

Within this case I explored the discourse about Muslims and concur with Foucault's (1980) view that discourse functions by producing, cumulating and circulating specific understandings of Muslim people in order to establish a relationship of power. I argue the 'Prevent Strategy' promotes a specific discourse that conflates notions of *'threat', 'Al Qaida', 'Muslim'* and *'Terrorist'* (Richardson 2008, Pearce 2005, Malik, 2010, Modood, 2010). Similarly, within the media arena I encountered a discourse that promotes an understanding of the veil as a symbol of Islamic fundamentalism and a refusal to integrate into Britain (Khiabany and Williamson, 2008). I found practitioners develop and deploy a discourse that conflates *'young people from Afghanistan, Muslim, asylum seekers and terrorist*' in a way that mirrors the discourse at a national level. The Prevent Strategy has been criticised for not being open to new or complex understandings of the underlying reasons for terrorism; for example, foreign policy, military conflict or socio and economic disadvantage (Richardson, 2004b and Modood 2010). I found government strategy develops and deploys a highly technical language (e.g. violent extremist, fundamental, and radicalisation). This is used without definition and as a result dehumanises people. This process of 'othering' Muslims is exacerbated by public authorities delivering the Prevent Strategy through structures focused on managing crime and disorder (e.g. Community Safety Partnerships) rather than structures intended to safeguard children (e.g. Children's Safeguarding Board).

I found some practitioners recognised the dominant negative discourse about Muslims; they resisted the discourse and in doing so challenged the power relationships within the setting (Foucault, 1980). They identified alternative approaches that remove the intense focus on Muslims and actively resist implementing the elements of the strategy they found offensive (e.g. the DVD 'Watch over Me'). Amongst practitioners I also found an acceptance of the Prevent Strategy and I observed a feeling of powerlessness. Such practitioners embedded the dominant negative discourse through the implementation of the strategy.

I found practitioners struggled to recognise the issues for Muslim children and young people as issues about children's rights and this concurs with the findings of a survey by the Children's Rights Alliance for England (2009) about the implementation of the UNCRC. I found practitioners accepted the dominant negative discourses on Muslims; they established, confirmed or extended the discourse within the context of their own work. In this way the inequality and breaches of human rights for Muslims are formalised within practice (e.g. by failing to implement fair procedures relating to exclusion from school). Practitioners focused on securing and maintaining their own positions and this serves to obscure

the inequality and breaches of human rights. Practitioners claimed to be acting in the best interests of children (e.g. by removing the Muslims from the school because their safety could not be guaranteed or by securing their continued presence as practitioners in the school).

I identified a range of factors that enable or inhibit practitioners' responses. Where practitioners resisted or challenged the dominant negative discourse about Muslims they understood the origin and question the validity of the messages they encountered. They recognised the negative consequences of transferring and confirming this discourse within the context of their own practice. I found it surprising that such practitioners acted as 'sole traders' and did not draw on the support of institutional policies, legislation or their own management structures. They commented that informal discussions amongst themselves were helpful.

Practitioners who transferred or embedded the negative discourses about Muslims into their work were not proactive in seeking an alternative response. For example, they were unquestioning of the Prevent Strategy or did not assess the implications for discrimination in adopting a discourse about veiled Muslim women. Practitioners drew on the support of management structures to justify their own stance. Managers did not take action to challenge inequality or breaches of human rights and this validates practitioners' own lack of action.

I found that practitioners have a strong belief in their powerlessness in the presence of powerful agencies and individuals. Practitioners used the shopping centre scenario in delivering training without question because they felt threatened. They acted in the knowledge they were conveying a false message about the risk of a terrorist attack on a local shopping centre.

I argue that practitioners were bullied by the dominant culture of performance monitoring and inspection linked to the implementation of the Prevent Strategy. Practitioners perceive that failure to implement the programme leads to negative consequences for their institutions or for them personally. This obscures inequality and breaches of human rights because the most important factor is the achievement of high inspection ratings and not the impact on Muslim children and young people. Inspection and performance monitoring are vehicles for formalising and embedding the negative dominant discourse on Muslims.

Within this case I found that debates in academia and practice about the inequality and breaches of human rights experienced by Muslims are not connected. Within the Academy the extensive work on the nature and operation of human rights and the UNCRC (Donnelly, 2003; Freeman, 2000, 2002 and Landmann, 2006) remained unexplored by practitioners. For example, Landmann's (2006) way of looking at rights as *'rights in principle', 'rights in policy'* and *'rights in practice'* could have led practitioners from an analysis of their practice from the perspective of

children's rights to a comprehensive understanding of rights in principle. I observe within academia (Modood 2010, Richardson 2004a, 2004b, 2008, Malik 2010, Parekh, 2008) an exploration and challenge to the dominant negative discourse about Muslims. Modood's (2010) and Malik's (2010) advocacy of 'progressive multi-culturalism' extends our understanding of the conditions needed to realise rights and remove inequality. They argue that the realisation of cultural and political rights is inseparable from the redistribution of social and economic goods. This brings an alternative discourse to the debate about Muslim integration. I suggest that understanding hostility to Muslims as Islamophobia (Richardson 2004a, 2004b, 2008 and Van Driel 2004), or as a set of anxieties (Parekh, 2008) is unexplored by practitioners. Richardson (2004b) and Pearce (2005) believe that inequalities can be reduced where practitioners engage in debate and discussion about such issues. Practitioners may have arrived at alternative responses had they had opportunities to engage in such a process.

CHAPTER 9.

WHERE DOES THIS THESIS END?

WRITING THIS CHAPTER

In this thesis I have explored multiple perspectives on equality, inequality and human rights including my emerging understandings as researcher and practitioner. I began the process of drafting this chapter by bringing together learning from the different elements emerging from the research process. I believed as researcher this was one physical and visual space. I took a roll of lining paper and started to write, draw and diagrammatise the links, themes and questions as they emerged from the review of each chapter. The information on the roll whilst messy provided a space unconstrained by the linear structure of the chapter. From knowledge acquired by creating the wallpaper I formed this chapter.

In this chapter I consider the learning, both expected and unexpected, in relation to each of the research questions and consider alternative perspectives on my research findings. I reflect on my research strategy and the learning emerging from the research process. I conclude with a consideration of the possibilities for future research.

REFLECTING ON THE RESEARCH QUESTIONS

How do practitioners respond in situations where there are perceptions of inequality or breaches of human rights?

Practitioner responses can tend to obscure and extend inequality and breaches of human rights or to reduce inequality, promote equality and realise rights. In this research I found responses that were new and surprising to me as a researcher. So the research process brought visibility to and opportunities for understanding the dilemmas and frustrations at the heart of this research.

My analysis of the case studies shows that children experienced inequality and breaches of their human rights. Particularly visible were the ways in which individual children were denied identity as a person by being referred to as 'Roma', 'asylum seeker', 'Muslim', or 'Afghan'. This led to an experience of inequality in value and worth. A further example of inequality in worth was the way practitioners perceive Roma and children seeking asylum as taking resources intended for 'other' children. Children were not seen as either *'bearers of rights'* (Landmann, 2006), 'right *holders*' (Donnelly, 2003) or to have '*rightful entitlements'* (Freeman, 2002). This led to invisibility and absence of consideration of rights because they

were not understood as being attached to children (Donnelly, 2003) or related to human needs (Freeman, 2002). Practitioners were unaware that their responses to children could be constructed and better understood as 'obligations' to children as holders of rights (Donnelly, 2003). I found children were consistently denied the right to express views on matters of concern to them or for their views to be given due weight (Article 12[185], UNCRC, OHCHR); for example, in making a choice of school or giving an opinion on an incident. Provisions within Article 12 were not viewed as legal obligations; they were seen as optional (Lundy, 2007) and this led to situations where practitioners did not demonstrate an awareness of the matters that were of concern to children. Racism and discrimination were often unchallenged and unrecognised by practitioners and this led to discrimination and prejudice being sustained. Roma culture was presented as problematic and the wearing of veils by Muslim women was perceived as a threat. Children experienced inequality because of the lack of the recognition that they needed different services based on need. I found examples of procedural inequality (Sen, 2009), for example, where school exclusion procedures (which were intended to promote equality) were not applied equitably. I found practitioners struggled to recognise the issues for children and young people as issues about children's rights and this concurs with the findings of a survey by the Children's Rights Alliance for England (2009). My findings confirm the UNComRC (2008) observations on the implementation of the UNCRC that there are numerous areas of concern for children's rights in the UK and in particular the discrimination against children in education.

Resistance to the dominant negative discourse

Practitioners were able to resist the dominant negative discourses they encountered. I suggest this went beyond the modes of resistance found by Shain and Gleeson (1999) and Flynn (1999). Practitioners asserted their expertise over managerialism but they also demonstrated the capability to evaluate moral dilemmas and present alternatives in situations where their knowledge was incomplete. Data, in the case study 'Terminal Care', shows practitioners expressing shock and concern at the unequal treatment the children faced because they were asylum seekers. Practitioners resisted the dominant negative discourse of the 'failed asylum seeker' by focusing on children's needs and rights. In the case study 'Welcome to the Roma?' some practitioners presented an alternative discourse illuminating the legacy of discrimination faced by the Roma. In 'Are we protecting or persecuting?' some practitioners resisted the negative discourse that conflated 'Muslim', 'terrorist' and 'asylum seeker' by refusing to distribute materials or engage in activities that conveyed such a discourse.

---

[185] Article 12 of the UNCRC states that '*State Parties shall 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.*'.

Alternative courses of action

Practitioners challenged inequality and breaches of human rights by presenting alternative courses of action they hoped would reduce inequality and promote rights. This mode of resistance was often not explicit but implicit in their practice. In the case 'Terminal Care' one practitioner adopted a 'rights based approach' by focusing on particular issues where they observed breaches of children's rights. She resisted the attempts to limit the right to choose schools for families seeking asylum; she asserted what would be expected in terms of choice of provision for all children in the locality and the way in which children needed to be enabled to express a view on matters that were of concern to them. This practice can be conceptualised using Lundy's (2007) framework for the implementation of Article 12 of the UNCRC; she advocates that practitioners or policy makers can enable children to express their views through a focus on issues of *'space', 'voice', 'audience'* and *'influence'*. I suggest that such an approach enables practitioners to focus on the specific actions they need to take to enable children to express their views and to give those views due weight. Similarly, practitioners in 'Terminal Care' advocated for the right of children and families to express their own views. Practitioners provided opportunities for contact with families; such contact challenged presumptions and engaged practitioners in listening and responding to the narratives of inequality and breaches of human rights (Osler and Zhu, 2011). In this way understandings of human rights can be developed through analysis of observable violations of human rights (Landmann, 2006). In my reflection on practice, the practitioner who heard the Roma family describing how their children had been stoned in Slovakia definitely moved from his position of questioning their reasons for migration and their right to a school place.

Recognised inequality for children and young people

I found some practitioners recognised the inequality experienced by children and young people but lacked the language and concepts to describe this in ways that developed their own and others' understandings. They discussed the experience of children and young people as it manifested itself in reality. For example, in the case study 'Terminal Care' practitioners described the impact of the absence of facilities and resources for children, the loss of privacy and the culture of having to ask for everything. They discussed the loss of liberty, freedom and right to family life and the inequality in access to services but without using those terms. I observed that practitioners may feel uncomfortable about a situation but remained silent because they were unclear what the issue was or appeared to lack the confidence to address it. MacIntyre (1984) describes this as operating within the fragments of a conceptual scheme without the substance of morality.

Failed to recognise inequality

In some contexts I found practitioners did not recognise or acknowledge experiences of inequality and breaches of human rights apparent to others within their work context. For example, I found a practitioner appeared unable to comprehend how his proposal to restrict the numbers of Gypsy children entering a school was an infringement of their rights and would lead to inequality. Gaine (1995) in his research on responses to racism in schools argues practitioners may not have examined their own assumptions or preconceptions of race and prejudice and as a result they take no action. Pearce (2005) found the 'silence' amongst teachers and children about race and cultural difference led to racism and prejudice remaining unexplored and unchallenged. Similarly, I found practitioners did not recognise rights; they demonstrated limited awareness of any framework for rights, therefore, rights remain invisible. For example, I found the practitioner who asked the two young Gypsy women to clean the school, did not initially understand how his request infringed their rights. The lack of recognition of rights can also be understood as a form of resistance to rights. Sen (1999) argues that the *'coherence'* critique of human rights becomes visible when the realisation of rights is dependent on others fulfilling a set of obligations; he suggests that there is a risk *'claims are best seen not so much as rights, but as lumps in the throat'.* For example, in the case study 'Are we persecuting or protecting Muslims?' practitioners were resistant to challenging the school over their treatment of the young people because they were concerned for their own positions.

Acceptance of dominant negative discourse

Practitioners' engagement with discourse reflected Foucault's (1980) description of the way in which discourse is produced, cumulated and circulated. I found that practitioners accepted, implemented and extended the dominant negative discourses they encountered. In these situations the unfamiliar is positioned as the 'other', the 'stranger', the 'threat' (Bauman, 1993, 1997). This was a prevailing issue in each case study. For example, in the case study 'Welcome to the Roma?' practitioners described a context in which the legacy of discrimination and the reasons for their migration were persistently denied. Roma were effectively positioned as the 'stranger' or the 'other'; they were seen as transitory residents and a drain on resources. I found practitioners did not embrace or accept groups of children or young people as their responsibility and resisted engagement with them. So in the case of the Roma, school practitioners expressed the view that they did not have the skills to meet the needs of the children and therefore they were the responsibility of the 'specialist' practitioners (Bhopal and Myers, 2008). At the same time 'specialist' practitioners stated that schools would not engage in opportunities for change. For example, 'specialist' practitioners commented that although schools complained about their lack of knowledge and skills they did not attend professional development opportunities organised at their request. I

observe this left specialist practitioners (who were advocating for change) with a sense of frustration that their work was marginalised and of low status.

Policy and practice authorised inequality

Inequality and breaches of human rights were authorised through policy and practice (informally and formally) so that it became accepted and normal practice. This manifested itself in many ways, for example, the attendance of Roma children was managed so that families were subject to legal enforcement (even if attendance had improved) because it did not meet the threshold set for all children. In this way Roma children became a 'threat' to the school because low levels of attendance triggered inspection and close monitoring from the local authority. Similarly I found practitioners engaged in a process that formalised the dominant national negative discourse on veiled Muslim women within institutional procedures for admission and interview. I observed the process of instituted practices led to inequality being extended and formalised through legal or policy structures (Rousseau, 1750, 1775).

Practitioners' sense of moral ambiguity and moral stasis

I argue practitioners displayed a sense of 'moral ambiguity' (Bauman, 1993) or 'moral stasis' (Mills, 1959) as they struggled to find authoritative sources of guidance to resolve dilemmas emerging in their practice. I found they retreated into their own space and developed a response which maintained the status quo, the secure space and the familiar (Mills, 1959). In my analysis of practitioner responses I found 'moral ambiguity' manifested itself in a number of ways. In 'Are we persecuting or protecting?' I observed that practitioners retreated into their own space. They sometimes implemented the 'Prevent Strategy' in whole or part because they lacked a frame of reference to challenge it. Practitioners delivering the 'Prevent' training programme continued to use the scenario of a terrorist attack on a local shopping centre, even when they knew that the probability of this happening was low. This promoted a discourse that conflated 'young Muslims' and 'terrorism'. In 'Welcome to the Roma' I show that practitioners resisted engaging with the Roma children and their families by defending the schools' resources as being for 'other' children or by claiming that they did not have the skills to meet their needs. I found that practitioners (whose role was to challenge schools on discriminatory practice) did not engage in alternative discourses about Roma families. They retreated into their own space and directed schools through formal processes to admit children when presented with absolute evidence of the schools' refusal to admit a Roma child. By working in this way I argue that they sustained inequality because it suppressed debate about how schools could change in order to make Roma children feel at home in the school in the future.

Sense of powerlessness

Practitioners recognised inequality but displayed a sense of powerlessness to take any action. They persisted in implementing strategies (often 'handed down' through hierarchical structures) that did not reduce inequalities. For example, in 'Welcome to the Roma?' the practice of distributing families across schools met the requirements of policy (the physical process of allocating a school place) but led to inequalities because the families did not have the social and economic goods to maintain their children across different schools. Resignation to the existence of inequality was a prevailing theme in all three case studies. Practitioners justified their own involvement on the basis that 'inequality will exist anyway'. In 'Terminal Care' the voluntary organisation justified its involvement on the basis that it was better for them to be involved than a commercial organisation. Practitioners described their attempts to 'make their own bit alright'; this emerged as a struggle to maintain the integrity of personal values in their engagement with children and families.

Justified their involvement

Practitioners justified their involvement in activities that resulted in inequality and breaches of human rights. For example, the practitioner in the incident 'Gypsy girls enjoy cleaning' explained his (and the school's) response to the young Gypsy women as an outcome of lack of knowledge of the cultural mores, as if this was an acceptable and reasonable position. Practitioners in 'Welcome to the Roma' repeatedly identified lack of awareness of the legacy of discrimination experienced by Roma as the reason for the ineffective responses within the strategy and within their practice. Practitioners' inaction in addressing inequality and human rights was explained on the basis that they acted in the 'best interests of children'. In 'Are we protecting or persecuting?' practitioners colluded with a view that unaccompanied asylum young people should not remain in the secondary school because their safety could not be guaranteed. I observed practitioners did choose not to challenge the school on the basis that such action jeopardised their own position or on-going involvement. These are all examples of practitioners maintaining, securing and retreating into their own space (Bauman, 1997; Mills, 1959).

What inhibits practitioners' responses?

I found a range of contextual factors impacted on practitioners' responses.

Negative discourse

I found a powerful negative discourse about particular groups (e.g. asylum seekers, Muslims, Gypsies) that positioned them as the 'other' or the 'stranger'. People were dehumanised and inequalities hidden or obscured. For example, in Terminal Care, I found a national discourse on asylum centred on the performance

of the asylum system. All that mattered was how many people could be deported and how quickly. People became commodities; the focus was on the productivity of the system in the way it processed human beings as opposed to how it realised their rights. Within this discourse the notions of 'asylum seeker', 'illegal activity' and 'threats to national security' were conflated in a way that dehumanised the person. In ‘Are we protecting or persecuting?’ the discourse conflated notions of ‘Muslim, asylum seeker and terrorist’ that became a reality in practice. It employed a highly technical and emotional language that practitioners found threatening or alienating (e.g. terrorist, violent extremist). I observed the power of such discourse when practitioners did not recognise it or could not resist it. Sometimes this discourse cumulated and circulated (Foucault, 1980) within institutional structures or within working practices by the terminology practitioners adopted or through the production of formal plans. In all three case studies I observed different ways in which the discourse became visible in the relationships of power (Foucault, 1980) operating within practice. For example, in ‘Terminal Care’ the children and families were always referred to as asylum seekers, never as children or families or by their names. The 'Alternative to Detention Project' had the appearance of being different to ‘detention’ but actually had many of the features of detention and this led to breaches of human rights. Liberty was removed through the imposition of a curfew and the right to family life was breached through the lack of privacy.

Practitioners extended or embedded the discourse in their practice

I found practitioners extended or embedded such discourses in their practice and this restricted the formation of alternative approaches. Bauman's (1997) theory on the 'stranger', 'the other' and 'the vagabond' provides a framework for understanding this process. He argues that the 'other' is a manufactured and essential element in our society and this difference is formalised and defined through legislation, policy or collective action. For example, I found (at a national level) asylum seeking children were excluded from the performance targets and measures related to reducing levels of poverty. This formalised the notion that children, who were asylum seekers, were not considered to be children.

Bauman (1997) argues the process of shaping the 'other' also involves a process of constructing the 'dream of purity'. Within the case study ‘Are we protecting or persecuting Muslims?’ I found the discourse on veiled Muslim women conflated notions of the 'veil', 'threat', 'failure to integrate' and 'failure to support Britishness'. This pervasive discourse positioned Muslim women as the 'other' where the wearing of the 'veil' was seen as a threat that needed to be controlled. I found practitioners' attempts to put in place procedures regulating admissions interviews for women wearing the veil were an example of the influence of a powerful discourse (Foucalt, 1977). I observed how practitioners considered they were ‘doing the right thing’; what was important was to affirm and accept the dominant

discourse by formalising it within a regular routine. In this way it could then be formally communicated to other practitioners as accepted and authorised. I found practitioners were unconnected with the debates in academia (for example, Mohmood, 2010, Richardson, 2004a and Malik, 2010) exploring and challenging the dominant negative discourse about Muslims.

Bauman's (1993) concept of the 'vagabond' provides a framework for understanding how practitioners further extended and embedded negative discourse in their practice. I found the process of creating the vagabond legitimised and formalised negative discourses on particular groups. In 'Welcome to the Roma' practitioners extended the negative discourse about the Roma by reinterpreting it within the context of their own practice. Practitioners positioned Roma children as the 'other' by questioning their right to migrate, dismissing the legacy of discrimination, complaining the Roma were hard to engage and were a disproportionate user of schools' resource. The extension of the Roma from the 'other' to the 'vagabond' occurred when practitioners publicly blamed the Roma for schools' poor performance in attendance figures and in negative outcomes in inspection. A further example is where the practitioner in the incident 'Too Many Gypsies' sought to construct a school that was 'other than Gypsy culture' through a system of restricting the number of Gypsy children who could be offered places at the school.

Restrictive paradigms in practice

I found practitioners lacked awareness of potentially restrictive paradigms operating within their practice and how these positioned groups of children as the 'other' (Bhopal and Myers, 2008). For example, in 'Welcome to the Roma?' specialist practitioners failed to recognise the discourse they promoted about the challenges and difficulty of working with Roma children. This reinforced a view that all practitioners needed specialist skills and knowledge to provide a service to particular groups (e.g.Roma, disabled people, single parents). I found specialist practitioners were resistant to exploring this discourse because it challenged the status quo and the '*space as unquestionably one's own*' (Bauman,1997, p.26).

Impact of policy and strategy

I found that policy and strategy (in a national or organisational context) inhibited practitioners' engagement with issues of inequality; it had the appearance of promoting equality and rights but without substance. This contributed to the state *'moral ambiguity'* (Bauman, 1993) and *'moral stasis'* (Mills, 1959) experienced by practitioners. Policy and strategy displayed a language of morality but without substance (MacIntyre, 1984).

My review of equality theory found some conceptual positions have the potential to reduce inequality; they all advocate for a consideration of the redistribution of social and economic goods (Tawney, 1931; Sen, 2009; Westburnham, 2010; Baker et al, 2004). Practitioners were not enabled by policy or strategy to develop an understanding of concepts of 'equality' or 'rights'. Equality of opportunity is presented as acceptable provided it remains passive and inactive (Tawney, 1931) but the discourse also conflates 'equality of opportunity' with notions of a 'meritocracy' (Giddens, 1998). Such 'formal' equality policies are vague and rhetorical (Pojman and Westmoreland, 1997). They do not enable practitioners to understand what a policy position means in reality for the individual child, young person or family. I found concepts were often limited or restricted as if this were the normal approach.

In my review of human rights theory (Chapter 3) found that some conceptual positions have the potential to promote an understanding of human rights and the actions needed to ensure the effective operation of human rights in practice. I found it helpful to explore the debates about the philosophical foundations of human rights as *'complex problems'* (Freeman, 2002) that in themselves promote an understanding of the nature of rights. There are a range of ways in which rights are seen as attached to people either as '*bearers of rights'* (Landmann, 2006), *'right holders'* (Donnelly, 2003) or *'rightful entitlements'* (Freeman, 2002). They all promote an understanding that the holder of a right can make a claim and in some situations these will be *'rights based demands for* change' (Landmann, 2006). Human rights are also seen as relating to a person's moral nature (Donnelly, 2003) but this relies on people adopting a shared positive morality (Freeman, 2002). Freeman encourages us to problematize human rights by considering how rights relate to human needs and how rights may be in conflict or tension with each other. I found the discussions about the universal nature of human rights helpful in giving visibility to the notion of a 'consensus' about rights evidenced by state signatures to treaties (Donnelly, 2003) or the idea that universal rights are conditional on the nature of an acceptable ethics (Sen, 1999). Landmann (2006) suggests a path for approaching human rights that is pragmatic and sociological. He advocates that the extant international law of human rights provides a pragmatic reference point for human rights practices; this is valid because it has emerged from the struggles to realise rights that have been framed using the discourse of rights. He argues that analysis of human rights practice can take place in the absence of consensus about the philosophical foundations of human rights. I suggest that practitioners' analysis of human rights issues in the context of their work may be enhanced by knowledge about the tensions between and within different philosophical debates.

Analysis of my journal and practitioner interviews shows no evidences that policy and strategy influenced practitioners in a way that informed responses to address inequality. In 'Welcome to the Roma?' practitioners described policies as

disconnected from the needs of the child and they recognised that this mismatch can perpetuate inequalities. Practitioners lacked knowledge of the concepts of equality, inequality and rights and this prohibited critical engagement with policy or strategy. For example, practitioners debating the concept of equal opportunities and fairness in relation to the 'In Year Fair Access' arrangements interpreted this as a matter of fairness and equal shares of 'challenging' children between schools rather than an issue of the realisation of the rights of children. I observed that this was not challenged by practitioners whose role was to advocate for children. When I challenged practitioners on this issue they appeared puzzled at my assumption that the aim of the policy was to secure education for children.

Lack of conceptual knowledge and understanding

Furedi (2005) suggests that the absence of definition and key terms as *'culturally affirmed standards'* are an inhibiting factor for practitioners. My findings suggest a further dimension. Practitioners did not demonstrate the conceptual understanding or possess the language to recognise or challenge the dominant discourses they encountered in policy or in their practice. In 'Welcome to the Roma?' some practitioners felt uncomfortable at responses to Roma children but did not know how to counter the negative discourse. In 'Are we protecting or persecuting?' practitioners encountered the negative discourse on Muslims but appeared not to comprehend how this portrayed Muslims' failure to integrate as a failure of 'multi-culturalism'.

Impact of performance, managerial and inspection cultures

I found performance, managerial and inspection cultures obscured inequality and breaches of human rights. In each of the case studies this emerged in a slightly different way. In 'Are we protecting or persecuting?' I found the focus on inspection meant that practitioners were inhibited in discussing their concerns about the Prevent Strategy. Poor inspection outcomes, in this context, were used as a threat to coerce practitioners. In 'Welcome to the Roma?' practitioners described how target setting and performance monitoring within schools was used as a justification for refusal to admit Roma children. Schools presented themselves as powerless institutions in the face of these targets and were unwilling to consider Roma children as members of the school community because they were seen as non-contributors to the schools' performance (Gewirtz et al, 1995). Practitioners revealed how performance monitoring did not enable the schools to demonstrate the inequality experienced by Roma or the progress Roma children made because the targets and thresholds for attendance and attainment were set and measured externally. In 'Terminal Care' practitioners identified how the target driven culture of the UKBA led to an invisibility of human rights because the focus was on 'returning' and 'closing' cases; so that people became numbers and percentages. My research confirms Bhavanni's (2001) findings that when

performance management frameworks are applied to equality issues discussion about the processes which lead to improved outcomes is restricted.

Bhavanni (2001) and Clarke and Newman (1997) argue that the focus on performance has led to the management of inequalities rather than challenging or seeking to eliminate them. They concluded that performance frameworks led to a focus on the people or problems (e.g. homelessness) to be managed. Clarke and Newman (1997) in their discussion of social welfare reforms described the managerial discourse as a linear process concerned with goals, plans and actions without any reflection of the complexity of inequalities. My research findings confirm but also extend these conclusions. Firstly, I argue that the focus on performance also obscured inequalities and rights in that it coerced practitioners into taking action that replicated (or extended) inequalities or breached rights. Secondly, I assert that the technical managerial discourse of performance led to a focus on processes that suppressed any discussion on the rights and inequalities experienced by children.

Absence of debate and discussion

In both 'Terminal Care' and 'Are we protecting or persecuting Muslims?' practitioners demonstrated a fear of the UKBA and the Police. They described a level of coercion (related specifically to targets) and secrecy surrounding the implementation of the programmes as a threat. I found practitioners were not enabled to debate or discuss inequalities or rights. The level of 'secrecy' surrounding 'Terminal Care' and 'Are we protecting or persecuting?' was a significant factor in preventing debate. Many practitioners commented on the value of the opportunity to reflect on the issues in their discussions with me as researcher and that it was the first time they had discussed their concerns (Journal, October 2010[186]). A further inhibiting factor was the expectation on practitioners to implement strategies or projects (e.g. the Prevent Strategy or the Alternative to Detention Project) even though they were pre-determined, prescribed and laden with negative discourse. It was implicit within the strategies and projects that practitioners should implement them without question or deliberation. The inspection and performance monitoring framework was based on this premise.

Impact of institutional processes

Furedi (2005) describes an institutional context that disempowers the individual from independent thought and inhibits them from presenting alternative paradigms. My analysis of practitioner responses shows some practitioners operated within accepted paradigms; they tried to be uncontroversial, some were concerned about their own positions and some were apolitical (Said, 1994). For example, I

[186] Journal, October 2010 – reflection on the interviews and the feedback from practitioners about the interviews.

observed practitioners remained silent at meetings when issues of inequality were being discussed. In the case study 'Are we protecting or persecuting?' I described how practitioners did not challenge the breaches of rights because they were concerned this would jeopardise their own positions.

Whilst supporting Furedi's conclusions about the negative impact of institutional processes my analysis also provides three alternative perspectives. Firstly, I suggest that practitioners operated in isolation in resisting or accepting the dominant negative discourses. As a result I found a lack of solidarity as practitioners constructed their 'individual' interpretation and response to inequality and breaches of human rights. Secondly, I argue it is a symptom of a state of 'moral stasis' and 'moral ambiguity' where practitioners struggle to identify authoritative sources that support the formation of alternative views and opinions. Instead they seek confirmation of the status quo or their own space. For example, in my reflection on the incident 'Too many Gypsies' I observed how the practitioner sought to justify and rationalise his plan to limit the number of Gypsies being admitted to the school. Thirdly, I suggest relationships of power in hierarchical organisations, or in relation to the dominant discourse, meant practitioners did not move beyond their personal space where they had control. For example, in 'Are we persecuting or protecting Muslims?' practitioners felt threatened by both the Prevent Strategy and the dominant managerial discourse of the Police. Conversely, I found that practitioners did not draw on the organisational hierarchy to challenge inequality; instead I found practitioners sought approval from the hierarchy to maintain the status quo and endorse an approach of inactivity or inaction.

What enables practitioners' responses and what could make a difference in the future?

In this section I discuss what might inform or shape an alternative range of responses that would reduce inequality and promote human rights. I draw on theoretical perspectives and my analysis of factors that enabled practitioner to make positive responses. I argue that practitioners need to be connected with the wider experiences of injustice and inequality, beyond their immediate personal space, and with theoretical perspectives on equality, inequality and human rights that are contextualised and given meaning.

Skills in operating within a state of moral ambiguity and moral stasis

I found some practitioners demonstrated skills in operating within the state of 'moral stasis' and 'moral ambiguity'. They were able to recognise inequality and breaches of rights and were pro-active in seeking alternative approaches outside their immediate domain of work or engaging colleagues in alternative ways of working. For example, the resistance of practitioners in 'Are we protecting or persecuting?' to the negative discourses on Muslims or in 'Terminal Care' a

practitioner who challenged the ways in which the system was limiting the rights of children in respect of choices of schools. Practitioner responses in these contexts provide insight into strategies for forming alternative responses.

Engage in a debate about rights

I suggest that practitioners should engage in a debate about rights in a way that enables children's rights to become 'visible' in their work and in the language they use to describe their work. I argue this means practitioners revisiting the Universal Declaration of Human Rights and the United Nations Declaration of the Rights of the Child. Through this process practitioners will acquire an understanding of the theoretical debates about human rights as described by Sen (1999), Donnelly (2003), Freeman (2002) and Landmann (2006) who question and challenge the very nature, indivisibility, universality, legitimacy and relativity of rights. This may enable practitioners to understand how rights can be promoted or resisted in practice. Practitioners' engagement with human rights can also be advanced by considering the social relations and struggles to overcome oppression in the context of their work from the perspective of human rights (Landmann, 2006). I suggest this will enable practitioners to more effectively connect with the realities of children's lives.

Engage in narratives of injustice

I found examples where engaging with the narratives of injustice, inequality and breaches of rights enabled practitioners to reflect on their responses. For example, in 'Welcome to the Roma?' the practitioner, on listening to the narrative of the abuse experienced by the Roma family, visibly changed his views on the right of the family to a place at the school and their right to migrate to the UK. I argue for a shift from 'contact' with people who are victims of injustice to a process of engagement and understanding of their struggles as a way of introducing rights. Osler and Starkey (2010) argue that it is by engaging with the struggles to realise rights and address injustice that we extend our understanding of rights. Building on research (Osler and Starkey 2010 and Osler and Zhu, 2011) I suggest that engagement with narratives of injustice, inequality and breaches of rights needs to be considered from a global, national and local perspective. Such an approach will enable practitioners to move beyond their own private space, reflect on the implications for their work contexts and make links between the wider legacy of inequality and lack of realisation of rights with their own contexts.

In the case study 'Welcome to the Roma?' practitioners (including myself) disseminated information about the legacy of injustice experienced by the Roma in Europe. This was only partially effective in enabling practitioners to form alternative responses because it did not engage them in connecting the present context with the past and the need for action. I argue this process of connection is

essential in identifying the specific actions practitioners need to take to realise rights for children. Osler and Zhu (2011) suggest this process enables practitioners to engage in notions of justice by focusing on what can be changed in each context. Practitioners need to engage in theoretical perspectives of justice grounded in the experiences of children within their current context rather than in the abstract (Sen, 2009). This provides opportunities for practitioners to engage in critical self-reflection and moves from maintaining the status quo or justifying involvement in provision that perpetuates inequalities. My research findings extend the benefits identified by Osler and Zhu (2011) in their advocacy for engaging practitioners in narratives of injustice. Such an approach provides opportunities for practitioners to problematize and explore the complexities within their own work context. This departs from a dominant linear managerial discourse (Clarke and Newman, 1997; Bhavanni 2001) where notions of equality and inequality are reduced to series of targets and rights are invisible.

Opportunities for debate and discussion

I found practitioners operating within the 'moral stasis' valued the opportunities they created for debate at a 'micro level' in an informal context with peers. Practitioners formed alternative approaches even when this meant their own understandings were subject to challenge. For example, in 'Terminal Care', I observed micro debates taking place in the seclusion of the car park after the initial meeting about the UKBA proposal to establish an 'alternative to detention' provision. Practitioners reported further micro debates amongst themselves as they explored *'different scenarios and our responses to them' (Practitioner interview)*. I argue that creating opportunities for debate and discussion enable practitioners to explore and form alternative responses. This can be at a micro level in the organisation or much wider. Mills (1956) notion of the 'public' and the 'mass' are helpful in developing an understanding of the conditions within the workplace that enables a deliberation on equality, inequality and human rights.

Mills (1956, pp.302-303) describes the difference between the 'public' and the 'mass' across four dimensions and by connecting these to my research findings I identified some enabling factors. Firstly, he argues there needs to be a balance between the givers and the receivers of opinions. In the 'mass' authoritative institutions are the only givers of opinions. In the case studies 'Terminal Care' and 'Are we protecting or persecuting?' practitioners demonstrated they were disempowered by the coercive and pre-determined strategies they were expected to implement. Some practitioners did become 'givers of opinions' through the struggle with their personal dilemmas. They were able to challenge and develop alternative responses centred on removing inequality and breaches of rights for children. In this way I argue for giving status to, and space for, 'micro debate'.

Secondly, Mills (1956) suggests that '*opinion is effective in the shaping of decisions of powerful consequence'* (p.303). In the case study 'Terminal Care' I argue that opinion informed by an understanding of rights and concepts of equality can be of consequence. For example, the local authority was clear about the right of all children to education and that this right was formalised through the law and policy. In this respect adoption of a strong opinion and challenge to the action that violated this right is an example of the 'public' in operation. Within the same case study practitioners challenged the UKBA policy requiring children to attend a 'reporting centre' on a weekly basis. In the later example 'opinion' was quickly mobilised amongst a 'public of practitioners' who agreed collectively to challenge this practice on the basis that it was abusive and breached children's rights. Practitioners had started the 'micro debate' on the basis that the children's absence would impact on their attendance figures but they moved from this perspective of 'performance' to one of 'rights'. I argue that engaging practitioners in utilising their knowledge of rights and concepts of equality, even if that knowledge is fragmentary and incomplete is a step forward.

Thirdly, Mills (1956) argues '*the problem is the degree to which the public has genuine autonomy from instituted authority'* (p.303). Within the case studies '*instituted authority'* took the form of performance monitoring and inspection regimes that obscured inequality and breaches of human rights. For example, in 'Welcome to the Roma?' practitioners reported that schools were refusing to admit Roma children on the basis that low levels of attainment and attendance would impact on performance and inspection. In 'Are we protecting or persecuting?' practitioners felt coerced by the inspection process to implement the Prevent Strategy as it was handed down by government. I found practitioners in these cases either resigned themselves to the inevitability of inequality and breaches of human rights or found ways of resisting the implementation of 'handed down' policies. In this sense practitioners demonstrated they were acting with an element of autonomy within their own practitioner space. I would suggest the importance of practitioners developing awareness of the ways in which forms of 'instituted authority' may obscure inequality and rights. My research findings support evidence on the negative impact of inspection found in previous research (Clarke and Newman, 1997 and Bhavanni, 2001). I suggest there needs to be a critical evaluation of the way in which the operation of the inspection and performance management frameworks as a form of 'instituted' authority can be reshaped to reduce inequality and promote rights.

Fourthly, Mills argues that within the 'public' there should be freedom from retribution for the individual. Practitioners within the case studies shared perceptions of negative personal impact if they resisted or challenged inequality; this was in the form of blame for a negative outcome or the impact on their position in the institution. The implication of my research findings for institutions (as

opposed to practitioners) is that the formation and implementation of policy relating to equality and rights needs to be considered in parallel with an evaluation of institutional culture that is inclusive of (as opposed to defensive against) alternative paradigms. At the same time practitioners need opportunities for critical reflection to identify restrictive working paradigms where their actions (including the protection of practitioners' own space) potentially restrict opportunities to remove inequality and promote rights for children (Bhopal and Myers, 2008).

Linking conceptual knowledge and understanding to children's experiences

I suggest practitioners' knowledge of concepts of equality (and rights) needs to be formed in the context of the reality of their work with children and young people. This may be helped by employing notions of 'capability equality' and 'substantive equality' (Sen, 1999, 2009) that focus on the needs, priorities and interests of children, young people and their families. Such perspectives enable practitioners to focus on the actions that make a difference to peoples' lives. Such an approach enables practitioners to engage in critical evaluation of policies and practice; in doing so they challenge processes that perpetuate and extend inequalities. In the case study 'Welcome to the Roma?' some practitioners realised that Roma families would prioritise their children attending the same primary schools and that this was crucial if outcomes were for children were going to improve. By engaging practitioners in concepts of 'Equality of condition' (Baker et al, 2005) we move beyond the constraints of conceptual positions based on notions of equality of opportunity or equal worth or equality of outcome. Equality of condition, as a position, moves beyond equalising access, participation or outcome to consider questions about the distribution (and relationship) of wealth, power and privilege. Such an approach, I suggest, enables practitioners to problematize and understand the complexity of inequality rather than obscure it.

Similarly, I found ways of conceptualising the operation of rights that may support practitioners in moving from abstract and theoretical notions of rights to taking actions to realise rights for children in their practice. For example, Landmann's (2006) notion of the positive and negative dimensions of rights provides a conceptualisation of rights that enables practitioners to consider actions they need to take to realise rights and the activities (e.g. torture, removal of liberty) they need to refrain from. Alternatively Landmann suggests that rights can be understood from three perspectives as *'rights in principle', 'rights in policy' and 'rights in practice'*. I suggest that this way of thinking about rights supports a transition from statements about rights in policy or strategy to considering the actions that are needed to realise rights in practice. Landmann suggests that when considering *'rights in practice'* practitioners need to consider the actions needed to respect, fulfil and protect rights for children. I suggest that such an approach may prompt practitioners to take a proactive, rather than passive approach to rights.

Practitioners' understanding of concepts of 'justice' and 'injustice' could be enhanced through an exploration of Sen's (2009) idea of justice and Gewirtz and Cribb's (2002) theory of social justice. Sen argues that justice cannot be achieved by an exclusive focus on 'capability equality' or 'substantive equality' because these notions do not consider the relationships between, for example, economic opportunities, political freedoms, security, social opportunities for education or health care. He suggests that limiting such freedoms or opportunities impacts on a person's capability to realise the things they need and this leads to injustice. Gewirtz and Cribb (2002) argue that plural notions of justice (considering the distributional, associational and cultural dimensions in parallel) enable the tensions and relationships between different perspectives on justice to be explored. I argue such an approach also enables them to be problematized rather than simplified or obscured. Sen (2009), in his idea of justice, argues it is important to assess how individuals experience injustice or justice; this process leads to an identification of what can be changed to enable and achieve greater justice. Gewirtz and Cribb (2002) suggest that strategies to address '*social justice need to be understood concretely and managed concretely*' (p. 506). By engaging practitioners in utilising such approaches the advantage is to develop their understanding of justice and injustice in the context of the actions that can be taken.

Sen (2009) argues that such an approach moves beyond Rawls (1971a) theory of justice through a shift in emphasis from the abstract consideration of principles of justice to the reality of injustice in peoples' lives. I suggest, however, that knowledge of the two principles underpinning Rawls' theory of justice would support practitioners' critical evaluation of the immediate and wider context of their work. The first principle '*each person is to have an equal right to the most extensive total system of equal basic liberties compatible with a similar system of liberty for all'* reinforces the notion of universal rights and the relationship between rights and justice. The second principle, places limits on social and economic inequalities so that, for example, '*inequality benefits the least advantaged'*. In real terms this would develop an understanding that to achieve justice (and access to liberties) resources would need to be distributed unequally. This would challenge notions of equal treatment or equal worth or equal value or equality of opportunity that did not consider the issue of the distribution of resources, wealth or income.

By engaging with such theoretical perspectives practitioners can be supported to construct case studies of their work that contextualise meanings, notions and concepts of equality, justice and rights. Mills (1959) describes a process that yields the potential of engagement in an exploration of narratives of inequality and injustice beyond those immediately visible in their practice and to make linkages that prompt new understandings.

'To be aware of the idea of social structure and to use it with sensibility is to be capable of tracing such linkages among a great variety of milieu. To be able to do that is to possess the sociological imagination.' (Mills, 1959 p.11)

PERSPECTIVES ON MY RESEARCH FINDINGS

In order to assist triangulation of the data, I invited five practitioners[187] to challenge my findings. Through this series of interviews I engaged in alternative perspectives on the research findings rather than seeking to promote or confirm any singular understanding (Flick, 1992).

Extending my research findings

Whilst practitioners provided examples from their own settings that confirmed my findings they emphasised some were more prevalent than others. For example, a key issue was practitioners' sense of 'moral ambiguity' or 'moral stasis' as they struggled to identify authoritative sources to resolve dilemmas relating to inequality and breaches of human rights. The following describes how practitioners responded to an allegation of disability discrimination made by young people:

> '*They wanted to do things right but they felt confused about what was right. They were looking for a direction that supported their own views and I have to say their views were very negative towards the young people. ….. The practitioners felt it was wrong that someone should have challenged them. They had never been challenged before….. So I can see they 'retreated into their own space' exactly what you have here, they want to maintain the 'status quo' because they think the status quo ought to be on the side of the majority. There is no understanding about reasonable adjustments for people who are being discriminated against. They just don't get that.'* (Practitioner V interview)

So I learnt that practitioners were restricted in forming alternative responses because they were only open to authoritative sources that confirmed the status quo.

'*Fearful of doing the wrong thing'*

A further perspective was that practitioners were 'fearful' of doing the wrong thing and in the absence of 'authoritative' sources this led to inaction with a consequence that inequality and breaches of rights remained unaddressed. Practitioners in this situation expressed the fear that they were seen as a 'soft touch' by the perpetrators (as individuals or institutions) and victims viewed them as ineffective practitioners:

[187] The five practitioners had no previous contact with my research project. They included Children's Centre Managers, managers working in Higher Education and a fellow post-graduate research student who previously worked in Further Education as a lecturer. To maintain anonymity I attribute quotes as Practitioner A, Practitioner B etc.

> *'It is hard for practitioners, I sympathise, and there is a clash of cultures in one room. The accepted culture has been the 'white one', 'the young people come in, this is your practitioner and be quiet.' But the other dominant culture is the young black women's culture, they come in laughing and chatting, very noisy and they keep their blackberries on. There have been complaints and it has been difficult to deal with it. There is no direction in terms of what the institution expects so it has been left to individuals to try and find their way and it is hard because you are scared of being labelled as a racist and you are also scared of being seen as a soft touch.'* (Practitioner V interview)

In this situation there was no opportunity for debate; the alleged racism remained unexplored. The practitioner in this example may not have had the conceptual understanding to understand and form a response in this situation.

Debate as a way of exploring ingrained prejudice

Practitioners considered debate and discussion valuable where it provided opportunities to identify and explore ingrained prejudices in an environment that does not apportion blame. One practitioner described a forum they had established in their work context:

> *'We have a particular theme per meeting – it is open attendance but I do encourage participation. It provides another voice. We were overwhelmed and overworked; there is a risk of retreating into the base provision. It is so important to understand the context for students. Some Muslim young people have been sworn at walking down the road. … They had a negative experience where they were living, racist chanting and very confusing as to why headscarves should be so frowned on? We did discuss this in the team as to what we could offer and understand the difference that we would make. People's eyes were opened to the level of racism and previously people could close their minds to it…. But actually understanding their experience enables us to do a better job. It has raised peoples' awareness of what it is to be the 'other'.'* (Practitioner V interview)

From this example I learnt that practitioners can connect with the real experiences of students and identify action to address inequality and injustice (Sen, 2009, Gewirtz and Cribb, 2002).

Alternative perspectives

Practitioners sought to extend or provide alternative perspectives on my research findings.

Debates get 'stuck'

They reported that sometimes debates about issues of inequality or rights get 'stuck' because of ambiguity or the sense that different positions are irresolvable.

> *'When you are referring to debate and discussion I think we are at risk of having the same discussions over and over again without changing our positions. ….You can say 'it is a cultural thing' and I say 'no ….. So a practitioner in a school, she had a 6 year old girl in her class who had recently come from Sierra Leone and she was really bubbly, bright and lively. At the end of the first day her parents came and asked how did she get on and her teacher said 'we love her, it is fantastic, she is clever, funny, children are warming to her.' Next day the child came in and her head was shaved because she had been disrespectful to the teacher. That wasn't what the teacher had said, she reported it to another practitioner, who said 'don't worry, it isn't anything, is cultural.' I have issues with that. Some constructed assumptions go unchallenged.'* (Practitioner T interview)

This example illustrates how the diversity of perspectives (about any situation) can inhibit discussion and prevent debate so that the issues for the child remained unexplored and unaddressed.

We do not discuss inequality

A further perspective was that it was not considered usual practice to discuss inequality:

> *'In work places it is not usual to discuss inequality, even in areas where there is a lot of inequality, whether that be in health or in education. Deprivation and other issues are still not widely discussed in terms of the impact on achievement even though it is at the core – so things will carry on as they are without any real discussion or recognition of the reality.*
>
> *I think people feel there is nothing they can do about inequality, it is too big, that what they do does not influence and this is a silo approach 'we can work with inequality but it is not my job to do anything about it.' When this is the case, even in their own sphere of influence there is no real desire or motivation to look at their own practice.*
>
> *…….structural inequalities are so big that practitioners will not relate inequality as something they can work with or they consider it as outside their practice.*
>
> *I think to have a shift in thinking you need understanding and reflection; and to think about things in a wider context. Practitioners will be able to see how the experiences of one family are part of a wider structural social agenda.'* (Practitioner U interview)

In this context it seems that the level of understanding of structural causes of inequality inhibited debate. Practitioners did not move outside their secure and known zone; the outcome was that inequality is managed rather than reduced.

Benefits of micro-debate

Practitioners further extended my understanding of the benefits of 'micro-debates':

> *'So in a Children's Centre where you have different agencies coming together, I have observed the differences and challenges in practice and the debates have been useful. There have been shifts in individual practitioners in where their understandings lie. This is a key method; it is changing your own understanding and making a shift. My own shift followed engagement in education; I studied and understood social issues. This is when I shifted my understanding and this has been reinforced through my work experience. Where people do not have this academic and theoretical level of understanding then this has been done through debate with colleagues, where they have moved beyond their own sphere and achieved a wider understanding.'* (Practitioner T interview)

Practitioners applied theory in their practice; I recognise the potential of 'micro debate', as a tool or vehicle, to enable practitioners to develop conceptual understandings from the realities of their own practice and to move beyond their own immediate sphere.

Data is an inhibitor

Practitioners suggested a significant inhibitor was the way in which data was used by institutions and practitioners:

> *'You need to consider data and counting and what that has actually done to the agenda – drawing out a story to tell on gender or ethnicity is difficult. You are creating the ethnic minority 'person' and what does this actually mean to people. I do feel very ambiguous about what we do with data. …. The whole business of counting has become the holy grail.'* (Practitioner S interview)

This confirmed my observation that the measurement of inequality was often about 'weighing the problem' rather than addressing the issues. The practitioner suggested a further interpretation in that they found that data held currency in organisations but the individual experience of injustice did not and the focus on data masked this injustice.

Resistance can lead to isolation

Practitioners recognised the 'sole trader' as an individual who sought to resist the dominant negative discourse. They also suggested that such practitioners are often isolated and can feel they have to leave their employment or that they are pushed out. A further perspective was that 'sole traders' were practitioners whose practice was discriminatory but they isolated themselves from other practitioners as an act of resistance to change.

Value of policy

Practitioners provided an alternative perspective on the value of policy. In the case studies analysis I had not found examples of practitioners utilising or enacting institutional policy. One practitioner described how she had used policy:

> *'Policy should be on your side. If we sign up to the policy then we have to do it. In a past job, Teenage Pregnancy, there was appalling language used to describe ethnic minorities, deeply inappropriate and largely by support staff, but not challenged. When I challenged it they all thought it was hilarious that I was joking. When I said 'seriously I will discipline' my line manager said 'really you are making a fuss we are a small team'. I did do it, because there was a policy. It makes it possible. But you know that your card is marked. You are a troublemaker.'* (Practitioner T interview)

In this situation, policy became an authoritative source for the individual to take action and prevent future occurrences of racist discrimination. However, it is my observation that a practitioner needs a level of confidence to act in this way when they are the only person respecting and recognising the integrity of the policy as 'substantive' and not merely 'formal' (Pojman and Westmoreland, 1997).

As researcher I found this process of sharing and discussing the research findings with practitioners a dynamic process. Engagement with practitioners, whilst confirming the presence of my findings in new contexts, also brought new and rich understandings through a process of 'micro-debate' within the interviews.

REFLECTIONS ON THE RESEARCH PROCESS

In this section I reflect on my journey as researcher and practitioner in the formation of this thesis. I suggest the elements of this journey formed stages in my quest to connect the *'personal troubles of the milieu'* and the *'public issues of the social structure'* (Mills, 1959, p.6):

> *'The sociological imagination enables its possessor to understand the larger historical scene in terms of its meaning for the inner life and the external career of a variety of individuals.... By such means the personal uneasiness of the individual is focused upon explicit troubles and the indifference of publics is transformed into involvement with public issues.'* (Mills, 1959 p.5)

This thesis began with my *'personal uneasiness'* in the unresolved dilemmas where I observed practitioners' responses (including my own) did not address the inequality and breaches of human rights for children and their families. Through making wider connections with theory and research I have arrived, at the end of this thesis, with new perspectives on practice and a set of (hopeful) possibilities for the future.

So what were the stages in this journey?

My engagement with practice changed from the outset of the research process. I had arrived at the research project with a notion that the focus of this research (and my practice) was about 'institutional' responses to inequality. Through a review of my journal I became aware that 'institutions' were invisible, never referred to by practitioners, often distant from the experience of inequality and distant from the child or young person. I had attached an importance and a significance to the 'institution' that was not informed by the reality of the context I was researching. I repositioned the focus of the research questions on practitioner responses, including my own. This opened dialogue with myself about my practice (as opposed to my institution) and with other practitioners.

As I began the exploration of theoretical perspectives on equality, inequality and human rights I was aware I too occupied the space of *'moral ambiguity'* (Bauman, 1993) and *'moral stasis'* (Mills, 1959). I had no authoritative points of references to clarify, question or develop my own understandings. In my work context there was an expectation of the passive implementation of 'handed down' policy and strategy so my critical skills were underdeveloped. The decision to personally move on from this position was part of the decision to undertake research. My initial engagement with the literatures was disappointing and frustrating as I found texts abstract and unrelated to the complex experiences of the practitioners, children and families with whom I worked. Relating different conceptual positions of equality, inequality and human rights to the real experiences of children led to a greater understanding and criticality of how these different positions could advance or obscure equality and rights. So I adopted a strategy of exploring and explaining theory in real terms for the children and families I knew. In a similar way I used theory to illuminate, bring understanding and new meanings to the research context (Maxwell, 2005). My relationship with theory (and the relationship of theory to my research) changed and this reciprocity has increased my confidence as researcher and practitioner in drawing on and applying theoretical perspectives.

As a practitioner I brought a *'technologised discourse'* (Holliday, 2007) to the research setting. This was informed (and expected) by the work context in the sense that I would adopt the language, terminology and discourse of the government priorities and implement them in the context of work. I began to recognise the restrictive paradigms of this approach; the research process provided a means of exploration, understanding and formation of alternative perspectives. In each of the Case Studies I explored the *'personal issues of the milieu*' and the *'public issues of the social structure'* (Mills, 1959, p.6). By applying theoretical and research perspectives I emerged with new and fresh understandings of both spaces and the connectivity between them. For example, in none of the three case studies could I have anticipated the way dominant

negative national discourses inhibited practitioners' responses to inequality and human rights. My research became instrumental in the sense of generating learning by engaging in critical and theoretical reflection and through this process I recognise the strengths of being an 'insider researcher' (Costley et al, 2010)

I recognised the tension and mutuality in the relationship of the practitioner and researcher role. As practitioner I was expected to simplify, and obscure, the complexity of issues that led to inequality; as researcher I began to engage and give greater visibility to this complexity in a way that problematized (Holliday, 2007) and revealed the dilemmas for practitioners in resolving inequality and breaches of human rights for children. Engaging with the complexity of the research setting became a strategy for managing my own presence in the research. The research process became a way of bringing together fragments of information in ways that had not been possible as practitioner. I moved from a position of singular to multiple perspectives and being comfortable with working in the ambiguity of incomplete knowledge, information and experience. This was about 'connecting' observations, theory, practitioner perspectives and research findings in ways that explored ambiguities and tensions. Revealing (and not suppressing) this complexity has become a liberating process for me as researcher and practitioner.

By approaching the setting as researcher and practitioner my relationship with my colleague practitioners changed. When I started the research process my manager had anticipated that my colleagues would be unwilling or cautious to engage with me as researcher but this was not the case. On the contrary, I found people were pro-active in seeking engagement in the research process. As researcher I engaged with the complexity of negotiating interviews and brought ethical issues to the fore rather than waiting for them to emerge. I started from the assumption that practitioners may have reservations about the interviews. This process was part of a 'culture of dealing' (Holliday, 2007) with the practitioners as I sought to create a safe environment for the research activity. Interviews became 'negotiated accomplishments' (Fontana and Frey, 2003) as a way of exploring different understandings of, or responses to, incidents of inequality and rights. I observed that I had different discussions with colleagues in my role as researcher. We discussed the detail of their work that had not previously been visible to me as practitioner. These were discussions in which the exploration of ambiguity was celebrated and not suppressed. I found practitioners welcomed the opportunity to narrate their own involvement and explore the issues for the child. I reflected that previously I had minimised the importance of providing space for such conversations in my practice. I had not constructed conversations in ways that enabled practitioners to share, explore and problematize dilemmas in their work.

Through a process of *'emergence and submission'* (Holliday, 2007) in my analysis I acquired new understandings of practitioner responses, of which I did not

anticipate at the start of the research process. For example, the ways in which practitioners recognised and resisted dominant negative discourses about groups of children had not been visible to me previously as practitioner. Similarly I found practitioners used fragments of knowledge of concepts of equality and rights and this 'incomplete' knowledge had impact. I discovered ways in which practitioners sought to justify their lack of response to, or involvement in, activities which perpetuated or extended inequality. I found practitioners strived to 'make their bit alright' but were unable or unwilling to engage in activity that would address the systemic causes of inequality and breaches of rights. I discovered that closeness to the setting (which I had previously seen as a potential barrier because of my 'familiarity') was a strength in doing research at work. I found Bauman (1993, 1997), Furedi (2005), Clarke and Newman (1997) and Gewirtz et al (1995) provided a framework for understanding how contextual factors inhibit practitioners forming responses to inequality, such factors included instituted processes (e.g. inspection and performance) that obscure inequality and suppress discussion.

I had originally planned three elements to the research strategy: personal reflection, review of literature and case study. By the end of the research process I am aware that my fourth strategy was writing. Richardson (2003) suggests writing is *'a way of knowing'* and developing a *'critical epistemological stance'* (p.529). For me it became a means of exploring and giving visibility to the complexity of the research setting. By writing about the theoretical perspectives, the research setting and my own practice (and integrating the three) my knowledge of them extended. The progress I have made in my thinking through writing is profound, though largely hidden from view. The process of writing, reading and redrafting became opportunities for critical reflection, including of the self. As Mills (1959) advocates:

> '*Capture what you experience and sort it out; only in this way can you hope to use it to guide and test your reflection, and in the process shape yourself as an intellectual craftsman.'* (p.196)

I underestimated the significance of my autobiographical writing at the start of the research process. It had started (and remains) primarily a private and confidential space for reflection on the struggles within my own practice and a record of my emotional and intellectual journey. I recognised the journal as a history of how I constructed social realities through reflection. Through keeping the journal, it became possible to rethink, challenge and moderate the perceptions of the self and others in the light of new experiences (Merrill and West, 2009). As the research progressed I recognised the journal as a space for engagement of the self with the struggles to address inequality, injustice and breaches of human rights. Through the journal I reviewed these incidents informed by theory, through distance and transferred this learning to new contexts. Denzin's (1989) theoretical perspectives on biographical research enabled me to view my journal as a place to

'capture, probe and render understandable problematic experiences' (p.69). My experience as practitioner and researcher supports the notion of Osler and Zhu (2011) that we learn about rights by engaging in narratives about the struggle to realise rights. I suggest that there is a parallel process of engagement in the narratives of practitioners as they struggle to understand rights. Through my autobiographical journal I have realised a greater understanding (and empathy) with the struggles of my fellow practitioners.

My journal became a place of internal debate, a place where I rehearsed and considered alternative approaches. The practitioner interviews in the research settings became places of discussion where practitioners expressed concerns and shaped opinions. I observed 'micro-debates' taking place between practitioners about issues and concerns. As practitioner and researcher I had not anticipated the value practitioners placed on the opportunities or space for discussion with each other and with me as researcher or practitioner. I suggest that such opportunities for discussion (either within the self or at a micro level between practitioners) enable practitioners to engage in intellectual and cultural debate and through this process they can become givers of 'opinion' and members of the 'public' (Mills, 1956).

HOW MIGHT I HAVE CONDUCTED THE RESEARCH DIFFERENTLY?

I have reflected on the alternative ways in which I could have approached this research. Case study as a methodology was appropriate to this research project because the phenomena under study (practitioners' responses to inequality and breaches of human rights) were not separable from the context (Yin, 2003). I had initially selected four settings that met the criteria (Holliday, 2007) in terms of access, richness and boundedness. They had high relevance in terms of opportunities for learning in relation to the research questions. Within the space of the thesis I realised that I would have the opportunity to include only three cases if I were to explore the 'particulars' of each case (Stake, 1995). On reflection I did not anticipate the way in which the research strategy would enable me as an insider researcher to gain such close access to the data. Whilst recognising that multiple or collective case studies enabled me to explore the same research questions in different settings this may have restricted the extent of exploration of practitioner responses.

I valued the learning that arose from the interrogation of my autobiographical writing. I have reflected on whether I could have drawn more effectively from this data. Denzin (1989) discusses the value of the biographical method as a *'way of knowing'* (p.47); he advocated a process of writing about experience as a process of *'confronting and passing through events'* (p.47*).* An alternative strategy within

my approach to Case study would have been to begin with an analysis of the data from my journal relating to the case. Practitioners could then have been invited to critically review, challenge and change these findings from the perspective of their own experience in the case. I consider this a possibility following the experience of interviewing practitioners about the findings emerging from the entire research process. In this set of interviews I felt the strength of engagement with, and challenge to, my research findings. However, I am aware of the delicate balance between the researcher dominating the research setting and allowing participants space to narrate their own engagement uninfluenced by the initial findings of the researcher.

WHAT WOULD I CONTINUE TO RESEARCH IN THE FUTURE?

This research project began with a series of dilemmas emerging from my practice and it concludes with an optimistic set of possibilities for the future. In reflecting on my research findings I recognise the challenge in carrying them forward in a way that engages with the real struggles of practitioners and recognises the structural barriers to change. Thrupp and Tomlinson (2005) describe this position as one of '*complex hope'*; they use Grace's (1994) definition of '*complex hope'*:

> *'an optimism of the will that recognises the historical and structural difficulties which need to be overcome.'* (Grace, 1994, p59 also quoted in Thrupp and Tomlinson, 2005, p.550)

Thrupp and Tomlinson (2005) develop and identify the strengths of such an approach:

> *'It responds to charges of utopianism and oversimplification by beginning from a realistic and sophisticated assessment of the structural pressures against social justice and the possibilities of human agency in relation to those pressures.'* (p.550)

I recognise in my research findings the '*possibilities of human agency'* in forming alternative responses to inequality and breaches of human rights. Future research should seek to explore how such human agency can be developed and strengthened in the knowledge of the structural challenges recognised within this thesis. I advocate an approach that problematizes rather than simplifies this context. I have identified two main areas for future research.

Firstly, I would explore the conditions needed to create opportunities for debate at a 'micro' or 'macro' level. I would consider how such debate, when connected to the struggles of children, enables practitioners to consolidate their conceptual understandings of equality, inequality and human rights and form alternative responses to inequality. Such research would draw on theoretical perspectives of the 'mass' and the 'public' (Mills, 1956) and notions of equality and justice that are rooted in the real injustice and inequality experienced by people (Sen, 2009; Gewirtz and Cribb, 2002 and Baker et al, 2004).

Secondly, I would explore how practitioners '*capture what you experience and sort it out*' (Mills, 1959). I would consider the range of reflective opportunities that enable practitioners to link history and biography. I would explore how reflective opportunities enable practitioners to recognise and resist dominant negative discourses and form alternative discourses on children and their families. A further dimension within this research would be to consider how such reflective opportunities enable practitioners to recognise and change the restrictive paradigms operating within their work. Such research would build on the theoretical perspectives of the 'other' (Bauman, 1993, 1997) and existing research on practitioners' understanding of restrictive paradigms (Bhopal and Myers, 2008) and the use of human rights narratives in practice (Osler and Starkey, 2010) and (Osler and Zhu, 2011).

As a researcher and practitioner I conclude this thesis; research is a journey of the self but it is not the lonely path of the practitioner. It brought new opportunities for engagement with the reality of injustice experienced by children and the struggles of practitioners to remove such inequalities and breaches of human rights. By connecting theory, practice and reflective experience I have arrived at a position of optimism about the possibilities for a more just and equal future for all children.

BIBLIOGRAPHY

Author	Year	*Title*	Publisher
Allen, J. and Neilson, C.	2002	*Report on Islamophobia in the European Union* [Online] Available at: http://fra.europa.eu/fraWebsite/attachments/Synthesis-report_en.pdf (Last accessed: 25th May 2012).	Vienna: European Monitoring Centre on Racism and Xenophobia.
Alvesson, M.	2002	*Postmodernism and Social Research.*	Buckingham: Open University Press.
Alvesson, M. and Skoldberg, K.	2009	*Reflexive Methodology.* 2nd Edition.	London: Sage.
Archer, L.	2007	'Diversity, equality and higher education: a critical reflection on the abuses of equity discourse within widening participation.' in *Teaching in Higher Education* 12(5-6) pp.635-653. [Online].http://dx.doi.org/10.1080/13562510701595325/ (Accessed: 24 October 2011).	London: Routledge.
Arnot, M. and Pinson, H.	2005	*The Education of Asylum-Seeker and Refugee Children (Research Consortium on the Education of Asylum-Seeker and Refugee Children).* [Online]. Available at: www.gtce.org.uk. (Accessed 16th August 2005).	Birmingham: General Teaching Council for England.
Bail for Immigration Detainees	2009	*Briefing paper on children and immigration detention.* [Online]. Available at: www.bid.uk. (Accessed: March 2009).	London: BidUK.
Baker, J., Lynch, K., Cantillon,S. and Walsh, J.	2004	*Equality from Theory to Action.*	Basingstoke: Palgrave Macmillan.
Balls, E.	2008	*Public Letter from Secretary of State for Education to Director of Children's Services about the Prevent Strategy*	
Basit, T.	1997	*Eastern Values, Western Milieu: identities and aspirations of adolescent British Muslim Girls.*	Aldershot: Ashgate.
Bauman, Z.	1993	*Postmodern Ethics.*	Oxford: Blackwell.
Bauman, Z.	1997	*Postmodernity and its Discontents.*	Cambridge: Polity Press.

Beetham, D.	1999	*Democracy and Human Rights.*	Cambridge: Polity Press.
Belton, B.	2010	'Knowing Gypsies' , in Le Bas, D. and Acton, T (eds.) *All Change! Romani Studies Through Roman Eyes.* pp.39-48.	Hatfield: University of Hertfordshire Press.
Bercow, J, Dubs and Harris, E.	2006	*Alternatives to immigration detention of families and children* [Online]. Available at: www.noplaceforachild.org.uk/ (Last accessed: 27th July 2007).	
Bhatti, G.	1999	*Asian Children at Home and at School.*	London: Routledge.
Bhavanani, R.	2001	*Rethinking Interventions in Racism.*	Stoke on Trent: Commission for Racial Equality with Trentham Books.
Bhopal, K.	2004	'Gypsy Travellers and Education: Changing Needs and Changing Perceptions.' *British Journal of Educational Studies*, 52(1), pp.47-62. [Online]. Available at: *http://www.tandfonline.com/doi/pdf/10.1111/j.1467-8527.2004.00254.x* (Accessed 25 November 2011).	London: Routledge.
Bhopal, K.	2011	'This is a school, it's not a site': teachers' attitudes towards Gypsy and Traveller pupils in schools in England, UK'. *British Educational Research Journal,* 37(3) pp.464-483. [Online]. Available at: http://www.tandfonline.com/doi/abs/10.1080/01411921003786561 (Accessed: 25 November 2011).	London: Routledge.
Bhopal, K., Gundara, J., Jones, C. and Owen, C.	2000	*Working Towards Inclusive Education: Aspects of Good Practice for Gypsy Traveller Pupils.* Research Report 238.	London: Department for Education and Employment.
Bhopal, K. and Myers, M.	2008	*Insiders, Outsiders and Others.*	Hatfield: University of Hertfordshire Press.
Blair, M. and Bourne, J.	1998	*Making the Difference: Teaching ad Learning Strategies in Successful Multi-*	London: Department

		ethnic Schools.	for Education and Employment.
Boud, D.	2001	'Using Journal Writing to Enhance Reflective Practice' in English, L. M. and Gillen, M. A. *New Directions in Adult and Continuing Education* 90 pp.9-18. [Online]. Available at: http://onlinelibrary.wiley.com/doi/10.1002/ace.16/abstract Last accessed: 24th May 2012.	London: John Wiley and Sons.
British Broadcasting Corporation. (BBC)	2009 a	'Fleeing Romanians are rehoused.' [Online]. 17th June 2009. Available at: http://news.bbc.co.uk/1/hi/northern_ireland/8105488.stm (Last accessed: 28th March 2011).	London: BBC.
British Broadcasting Corporation. (BBC)	2009 b	'*Lessons learned on race attacks.'* [Online]. 29th June 2009. Available at: http://news.bbc.co.uk/1/hi/northern_ireland/8116102.stm (Last accessed: 28th March 2011)	London: BBC.
British Broadcasting Corporation. (BBC)	2009 c	'Roma's exit more than racism' [Online]. 9th July 2009. Available at: http://news.bbc.co.uk/1/hi/northern_ireland/8141759.stm (Last accessed 28th March 2011).	London: BBC.
Boud, D.	2001	'Using Journal Writing to Enhance Reflective Practice' in English, L. M. and Gillen, M. A. *New Directions in Adult and Continuing Education* 90 pp.9-18. [Online]. Available at: http://onlinelibrary.wiley.com/doi/10.1002/ace.16/abstract Last accessed: 24th May 2012.	London: John Wiley and Sons.
Burchardt, T.	2006	*Foundations for measuring equality: a discussion paper for the Equalities Review.* [Online]. Available at: http://webarchive.nationalarchives.gov.uk/20100807034701/http://archive.cabinetoffice.gov.uk/equalitiesreview/publications.html. (Last accessed: 27th March 2012).	London: Cabinet Office.
Byrne, L.	2007	*Ministerial speech on immigration 16th October 2007*. [Online]. Available at: http://webarchive.nationalarchives.gov.uk/20080806121433/http://www.ukba.homeoffice.gov.uk/newsandmedia/news?page=8&requestType=link. (Last accessed 19th March 2012).	London: Home Office.

Byrne, L.	2008 a	*Press release on asylum policy 26th February 2008* [Online]. Available at: http://webarchive.nationalarchives.gov.uk/20080806121433/http://www.ukba.homeoffice.gov.uk/newsandmedia/news?page=5&requestType=link (Last accessed 19th March 2012).	London: Home Office.
Byrne, L.	2008 b	*Press release on asylum policy* [Online] Available at: http://webarchive.nationalarchives.gov.uk/20080806121433/http://www.ukba.homeoffice.gov.uk/newsandmedia/news?page=5&requestType=link (Last accessed 19th March 2012).	London: Home Office.
Byrne, L.	2008 c	*A compassionate immigration system for children.* [Online]. Available at: http://webarchive.nationalarchives.gov.uk/20080806121433/http://www.ukba.homeoffice.gov.uk/newsandmedia/news?page=5&requestType=link. (Last accessed 19th March 2012).	London: Home Office.
Cemlyn,S., Greenfields, M., Burnetts, S., Matthew, Z. and Whitwell, C.	2009	*Inequalities Experienced by Gypsy and Traveller Communities: A Review* [Online]. Available at: http://www.equalityhumanrights.com/uploaded_files/research/12inequalities_experienced_by_gypsy_and_traveller_communities_a_review.pdf (Last accessed: 24th November 2011)	London: Equality and Human Rights Commission.
Child Poverty Action Group.	2009	*Child Well-being and Child Poverty: where the UK stands in the European table.*	London: Child Poverty Action Group.
Children's Commissioner for England.	2009	*The Arrest and Detention of Children Subject to Immigration Control.*	London: 11 million.
Children's Commissioner for England.	2010	*The Arrest and Detention of Children Subject to Immigration Control (Follow up report).*	London: 11 million.
Children's Rights Alliance for England.	2009	*Beyond Article 12: The local implementation of the UN Convention on the Rights of the Child in England.*	London: Children's Rights Alliance for England.
Children's Society.	2009 a	*An evaluative report on the Millbank Alternative to Detention Pilot* [Online] Available at: www.childrenssociety.org.uk (Accessed: July 2009).	London: Children's Society.
Children's Society.	2009 b	*Roma children challenge ignorance by sharing their culture. Published 16th*	London: Children's

		June 2009 [Online]. Available at: *http://www.childrenssociety.org.uk/news-views/press-release/roma-children-challenge-ignorance-sharing-their-culture* (Last accessed: 24th November 2011).	Society.
Clarke,J., Gewirtz, S. and McLaughlin, E.	2000	*New Managerialism, New Welfare?*	London: Sage.
Clarke, J. and Newman, J.	1997	*The Managerial State.*	London: Sage Publications.
Cohen, L., Mannion, L., and Morrison, K.	2000	*Research Methods in Education.* 5th Edition.	London: Routledge Falmer.
Costley, C., Elliot, G., and Gibbs, P.	2010	*Doing Work Based Research. Approaches to Enquiry for Insider Researchers.*	London: Sage.
Council of Europe.	1950	*European Convention on Human Rights* [Online]. Available at: http://www.echr.coe.int/NR/rdonlyres/D5CC24A7-DC13-4318-B457-5C9014916D7A/0/CONVENTION_ENG_WEB.pdf (Last accessed: 8th July 2012)	Strasbourg: Council of Europe.
Council of Europe.	2011	*Living together. Combining diversity and freedom in 21st-century Europe. Report of the Group of Eminent Persons of the Council of Europe.* [Online]. Available at: http://book.coe.int/ftp/3667.pdf. (Last accessed: 20 January 2013).	Strasbourg: Council of Europe.
Council of Europe.	2012	*Defending Roma Human Rights in European.* [Online]. Available at: http://www.coe.int/t/dg3/romatravellers/source/documents/defendingRomarights_en.pdf (Accessed: 9th March 2012).	Strasbourg: Council of Europe.
Cresswell, J.W.	2007	*Qualitative Inquiry and Research Design.* 2nd Edition.	London: Sage.
Cresswell, J.W.	2009	*Research Design: Qualitative, Quantitative and Mixed Methods Approaches.*	London: Sage.
Denscombe, M.	2010	*The Good Research Guide.* 4th Edition.	Buckingham: Open University Press.
Denzin, N.K.	1989	*Interpretative Biography.*	London: Sage.

Denzin, N.K. and Lincoln, Y.S. (Eds)	2003	*Collecting and Interpreting Qualitative Materials.*	London: Sage.
Denzin, N.K. and Lincoln, Y.S. (Eds)	2005 a	*Strategies of Qualitative Inquiry.* 3rd edition.	London: Sage.
Denzin, N. and Lincoln, Y. (Eds)	2005 b	*The Sage Handbook of Qualitative Research.* 3rd Edition.	London: Sage.
Derrington, C.	2005	'Perceptions of behaviour and patterns of exclusion: Gypsy Traveller students in English secondary schools, Journal of Research in Special educational Needs; 5(2) pp.55-61 [Online]. Available at: http://onlinelibrary.wiley.com/doi/10.1111/J.1471-3802.2005.00042.x/pdf (Accessed 25th November 2011).	London: NASEN.
Derrington, C. and Kendall, S.	2004	*Gypsy Traveller Students in Secondary Schools: Culture, Identity and Achievement.*	Stoke on Trent: Trentham Books.
Donnelly, J.	2003	*Universal Human Rights in Theory and Practice.* 2nd Edition.	London: Cornell University
Doyle, L. and McCorriston, M.	2008	*Beyond the school gates: supporting refugees and asylum seekers in secondary school.*	London: Refugee Council.
Equalities Review.	2007	*Fairness and Freedom: The Final Report of the Equalities Review.* [Online]. Available at: http://webarchive.nationalarchives.gov.uk/20100807034701/http://archive.cabinetoffice.gov.uk/equalitiesreview/publications.html. (Last accessed: 27th March 2012).	London: Cabinet Office.
Equality and Human Rights Commission.	2012	*Human Rights Review* [Online]. Available at: http://www.equalityhumanrights.com/human-rights/our-human-rights-work/human-rights-review/the-review/ (Last accessed: 1st July 2012).	London: Equality and Human Rights Commission.
European Commission (Employment, Social Affairs and Inclusion).	2004 a	*The situation of Roma in an Enlarged European Union.* [Online]. Available at: http://ec.europa.eu/social/keyDocuments.jsp?type=0&policyArea=0&subCategory=0&country=0&year=2004&advSearchKey=roma&mode=advancedSubmit&langId=en (Last accessed: 24 November 2011).	Brussels: European Commission.

European Commission (Employment, Social Affairs and Inclusion).	2004 b	*Roma in enlarged European Union - conference report 2004* [Online]. Available at: http://ec.europa.eu/social/keyDocuments.jsp?type=0&policyArea=0&subCategory=0&country=0&year=2004&advSearchKey=roma&mode=advancedSubmit&langId=en (Last accessed: 24 November 2011)	Brussels: European Commission.
European Commission.	2009	*Common Basic Principles for Roma inclusion* [Online]. Available at: http://fra.europa.eu/fraWebsite/roma/roma_en.htm (Last accessed: 9th March 2012).	Brussels: European Commission.
European Commission.	2010	*Improving the tools for the social inclusion and non-discrimination of Roma in the EU: Summary and selected projects.* [Online]. Available at: http://ec.europa.eu/social/main.jsp?catId=738&langId=en&pubId=612&furtherPubs=yes (Last accessed: 24 November 2011).	Brussels: European Commission.
European Union Monitoring Centre.	2006	*Roma and Travellers in Public Education: An overview of the situation in the EU Member States.* [Online]. Available at: http://fra.europa.eu/fraWebsite/roma/pub_tr_romaeducation_en.htm (Last accessed: 24 November 2011).	Brussels: European Union Monitoring Centre.
European Dialogue.	2009	*New Roma Communities in England: Strategic Guide for Directors and Senior Managers.*	London: European Dialogue.
European Union Fundamental Rights Agency.	2009	*The Fundamental Rights Position of Roma and Travellers in the European Union.* [Online]. Available at: http://fra.europa.eu/fraWebsite/roma/roma-travellers-factsheet_en.htm (Accessed: 24 November 2011).	Brussels: Fundamental Rights Agency.
Exworthy, M. and Halford, S.	1999	*Professionals and the New Managerialism in the Public Sector.*	Buckingham: Open University Press.
Ferguson, R.	2000	'Modernising Managerialism in Education.' in Clarke, J. and Newman, J. (2000) *New Managerialism, New Welfare?'* pp.202-220.	London: Sage.
Flick, U.	1992	'Triangulation revisited: strategy of	London:

		validation or alternative?' in *'Journal for the Theory of Social Behaviour',* 22(2), pp.175-198. [Online]. Available at: http://onlinelibrary.wiley.com/doi/10.1111/j.1468-5914.1992.tb00215.x/abstract (Last accessed: 24th May 2012)	John Wiley.
Flynn, R.	1999	'Managerialism, professionalim and the quasi markets.' in Exworthy, M. and Halford, S. (1999). *Professionals and the New Managerialsim in the Public Sector.* pp.18-36.	Buckingham: Open University Press.
Fontana, A and Frey, J.H.	2003	'The Interview: from Structured Questions to Negotiated Text.' pp. 61 to 106. in Denzin, N.K. and Lincoln, Y.S (Eds) (2003) *Collecting and Interpreting Qualitative Materials.*	London: Sage.
Foucault, M.	1977	Discipline and Punish: The Birth of the Prison.	London: Allen Lane.
Foucault, M.	1980	Power and knowledge: selected interviews and other writing 1972-1977.	London: Harvester Press.
Freeman, M.	1994	'The Philosophical Foundations of Human Rights.' in *Human Rights Quarterly.* 16, pp.491-514. [Online]. Available at: http://heinonline.org (Accessed: 26th November 2012).	London: Heineman.
Freeman, M.	2000	'The Future of Children's Rights.' in *Children and Society.* 14 (4), pp.277-293. [Online]. Available at: http://onlinelibrary.wiley.com/doi/10.1111/chso.2000.14.issue-4/issuetoc (Last accessed: 20th January 2012).	London: John Wiley and Sons.
Freeman, M.	2002	*Human Rights*	Cambridge: Polity Press.
Furedi, F.	2005	*The Politics of Fear.*	London: Continuum.
Gaine, C.	1995	*Still No Problem Here.*	Stoke on Trent: Trentham Books.
Gewirtz, S.	1998	'Conceptualising social justice in education: mapping the territory.' in *Journal of Education Policy* 13(4) pp.469-484. [Online]. Available at: http://dx.doi.org/10.1080/0268093980130402/ (Last accessed: 1 December	London: Routledge.

		2011).	
Gewirtz, S., Ball, S. and Bowe, R.	1995	*Markets, Choice and Equity in Education.*	Buckingham: Open University Press.
Gewirtz, S. and Cribb, A.	2002	'Plural conceptions of social justice: implications for policy sociology.' in *Journal of Education Policy* 17(5) pp.499-509. [Online]. Available at: http://dx.doi.org/10.1080/02680930210158285/ (Last accessed: 1 December 2011).	London: Routledge.
Giddens, A.	1998	The Third Way: The Renewal of Social Democracy.	Cambridge: Polity Press.
Gillies, D.	2008	'Quality and equality: the mask of discursive conflation in education policy texts.' in *Journal of Education Policy* 23(6) pp.685-699. [Online]. Available at: http://dx.doi.org/10.1030/02680930802248063/ (Accessed: 24 October 2011).	London: Routledge.
Grace, G.	1994	'Urban education and the culture of contentment: the politics, culture and economics of inner-city schooling.' In Stromquist, N. (Ed.) Education in urban areas: crossnational dimensions pp. 45-83.	Westport: Praeger.
Great Britain: Department for children, schools and families.	2007	*Statement on government policy on access to education for asylum seeking and refugee children.* [Online]. Available at: www.standards.dfes.gov.uk/ethnicminorities/raising_achievement/asylumseekingandrefugeechildren/ (Accessed: 10th September 2007).	London: Department for children, schools and families.
Great Britain. Department for children, schools and families.	2008 a	*The Prevent Strategy: A guide for Local Partners in England'* [Online]. Available at: https://www.education.gov.uk/publications/standard/publicationDetail/Page1/288324. (Last accessed 12th April 2012.)	London: Department for children, schools and families.
Great Britain. Department for children, schools and families.	2008 b	*Learning together to be safe. A toolkit to help schools contribute to the prevention of violent extremism.*	London: Department for children, schools and families.
Great Britain.	2008	*The Inclusion of Gypsy, Roma and*	London:

Department for children, schools and families.	c	*Traveller Children and Young People.*	Department for children, schools and families.
Great Britain. Department for children, schools and families.	2009 a	*Moving Forward Together: Raising Gypsy, Roma and Traveller Achievement. Booklet 1: Introduction.*	London: Department for children, schools and families.
Great Britain. Department for children, schools and families.	2009 b	*Moving Forward Together: Raising Gypsy, Roma and Traveller Achievement. Booklet 2: Leadership and Management.*	London: Department for children, schools and families.
Great Britain. Department for Education.	2011	*A New Approach to Child Poverty: Tackling the Causes of Disadvantage and Transforming Families' Lives.* [Online]. Available at: https://www.education.gov.uk/publications/eOrderingDownload/CM-8061.pdf (Accessed 5th March 2012).	London: Department for Education.
Great Britain. Department for Education and Skills.	2003	*Aiming High: Raising the Achievement of Gypsy Traveller Pupils: A Guide to Good Practice.*	London: Department for Education and Skills.
Great Britain. Department for Education and Skills.	2004	*Aiming High: Guidance on Supporting the Education of Asylum Seeking and Refugee Children.*	London: Department for Education and Skills.
Great Britain. House of Commons. Communities and Local Government Committee.	2010	*Preventing Violent Extremism. Sixth Report of session 2009-10.*	London: The Stationery Office.
Great Britain: House of Lords and House of Commons.	1998	*Human Rights Act.*	London: HMSO.
Great Britain: House of Lords and House of Commons.	2004	*Children Act* [Online] Available at: http://www.legislation.gov.uk/ukpga/2004/31/contents. (Accessed: 19th March 2011).	
Great Britain: House of Lords and House of	2010	*Equality Act.*	London: HMSO.

Commons.			
Great Britain. House of Lords and House of Commons. Joint Committee on Human Rights.	2003	*The UN Convention on the Rights of the Child: Tenth Report of Session 2002-3.*	London: The Stationery Office.
Great Britain. House of Lords and House of Commons. Joint Committee on Human Rights.	2007	*The Treatment of Asylum Seekers.*	London: The Stationery Office.
Great Britain. House of Lords and House of Commons. Joint Committee on Human Rights.	2009	*Children's Rights: Twenty fifth Report of Session 2008-9.*	London: The Stationery Office.
Griffiths, M.	1998	Education Research for Social Justice.	Buckingham: Open University Press.
Hart, S., Price-Cohen, C., Farrel-Erickson, M. and Flekkoy, M. (Eds)	2001	*Children's Rights in Education.*	London: Jessica Kingsley.
Holliday, A.	2007	*Doing and Writing Qualitative Research*. 2nd edition.	London: Sage.
Hothham Mission.	2010	*Australia's Hidden Homelessness* [Online]. Available at: http://hothammission.org.au/wp-content/uploads/2011/10/Hotham-ASP-Report-Australias-Hidden-Homelessness.pdf (Last accessed: 12th December 2011).	
Johnston, D. (ed.)	2000	*Equality.*	Cambridge: Hackett Publishing.
Jordan, E.	2001	'Exclusion of Travellers in state Schools.' in *Educational Research,* 43(2) pp.117-132. [Online]. Available at: http://www.tandfonline.com/doi/pdf/10.1080/00131880110051128 (Last accessed 28th November 2011).	London: Routledge.
Khiabany, G. and	2008	'Veiled bodies - naked racism: culture, politics and race in the Sun' in *Race and*	London:

Williamson, M.		*Class* 50(2) pp.69-88. [Online]. Available at: http://rac.sagepub.com/content/50//69. (Accessed: 8 December 2011).	Sage.
Kiddle, C.	1999	*Traveller Children: A Voice for Themselves.*	London: Jessica Kingsley.
Kwale, S.	2006	'Dominance through interviews and dialogue.' in *Qualitative Inquiry* 12(3) pp.480-500. [Online]. Available at: http://qix.sagepub.com/content/12/3/480 (Last accessed 27 February 2012).	London: Sage.
Kynaston, D.	2001	*The City of London, 4.*	London: Chatto and Windus.
Landmann, T.	2006	*Studying Human Rights*	London: Routledge.
Landmann, T. and Cavalho. E.	2009	*Measuring Complexity and Change in Human Rights.* Paper presented at the 104th Annual meeting of the American Political Science Association, Toronto, Canada, 3-6 September 2009. [Online] Available at: http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1451609 (Last accessed: 20th January 2013).	Stanford: Social Science Research Network.
Lansdown, G.	2001	'Progress in Implementing the Rights in the Convention: Factors helping and hindering the process.' pp.37-50. in Hart, S. et al (eds). 2001, *Children's Rights in Education.*	London: Jessica Kingsley.
Le Bas, D. and Acton, T. (Eds)	2010	*All Change! Romani Studies Through Roman Eyes.*	Hatfield, University of Hertfordshire Press.
Liegois, J.P.	1998	*School Provision for ethnic minorities.*	Hatfield, University of Hertfordshire Press.
Lloyd, G. and McCluskey, G.	2008	'Education and Gypsy Travellers: 'contradictions and significant silences.' in *International Journal of Inclusive Education,* 12(4) pp.331-345. [Online]. http://www.tandfonline.com/doi/pdf/10.1080/13603110601183065 (Accessed 28 November 2011).	London: Taylor and Francis

Lloyd, G., Stead, J. and Jordan, E.	1999	'Teachers and Gypsy Travellers.' in *Scottish Educational Review* 31(1) pp.48-65. [Online] Available at: http://www.scotedreview.org.uk/pdf/65.pdf (Last accessed 25th May 2012).	Edinburgh: Scottish Educational Review.
Locke, J.	1689 (reprinted 2008)	*Of Civil Government: The Second Treatise.*	New York: Wildside Press.
Lundy, L.	2007	'Voice is not enough: conceptualising Article 12 of the United Nations Convention on the Rights of the child.' In *British Educational Research Journal,* Vol 33(6) pp. 927-942. [Online]. Available at: http://dx.doi.org/10.1080/01411920701657033 (Accessed: 26 November 2012).	London: Routledge.
Lynch, K. and Baker, J.	2005	'Equality in education: An equality of condition perspective.' in *Theory and Research in Education,* Vol 3(2), pp.131-162. Available at: http://tre.sagepub.com/content/3/2/131/ (Accessed 24 October 2011).	London: Sage.
MacIntyre, A.	1984 (reprinted 2003)	*After Virture.* 2nd Edition.	USA: Notre Dame.
Macpherson, W.	1999	*The Stephen Lawrence Inquiry Report.* [Online]. Available at: http://www.archive.official-documents.co.uk/document/cm42/4262/4262.htm/ (Last accessed: 9th April 2012).	London: The Stationery Office.
Malik, M.	2010	'Progressive mutli-culturalism: the British experience' in Silj, A. (Ed.) *European Multi-Culturalism Revisited*. pp. 11-64.	London: Zed Books.
Malloch, M.S. and Stanley, E.	2005	'The detention of asylum seekers in the UK: Representing risk, managing the dangerous' in *Punishment and Society,* Vol 7, pp.53-71. Available at: http://pun.sagepub.com/content/7/1/53 (Accessed 8th December 2011).	London: Sage.
Maxwell, J.A.	2005	*Qualitative Research Design: An Interactive Approach.* 2nd Edition.	London: Sage.
McVeigh, R.	2009	'First they came for the Gypsies.' in *Runnymede Quarterly Bulletin,* No 359 pp.10-12.	London: Runnymede Trust.

Miller, J.	1997	*Autobiography and Research.*	London: University of London, Institute of Education.
Mills, C.W.	1956 (republished in 2000)	*The Power Elite.*	Oxford: Oxford University Press.
Mills, C.W.	1959 (republished in 2000)	*The Sociological Imagination.*	Oxford: Oxford University Press.
Mitchell, R.G.	1993	*Secrecy and Fieldwork.*	London: Sage.
Merrill, B. and West, L.	2009	*Using Biographical Methods in Social Research*	London: Sage.
Modood, T.	2005	'British Multiculturalism: Do Muslims Fit In?' in *Runnymede Quarterly Bulletin,* September 2005, No.343. pp.1-3.	London: Runnymede Trust.
Modood, T.	2010	*Still not easy being British.*	Stoke on Trent: Trentham Books.
Myers, J.C.	2010	*The Politics of Equality: An Introduction.*	London: Zed Books.
Nussbaum, M.	2000	*Women and Human Development: The Capabilities Approach.*	Cambridge: Cambridge University Press.
O'Connell – Davidson, J.	2011	'Moving children? Child trafficking, child migration and child rights' in *Critical Social Policy,* Vol 31(3) pp.454-477. [Online]. Available at: http://csp.sage.com/content/31/3/454.full.pdf (Accessed 11th December 2011).	London: Sage.
Office of the High Commissioner for Human Rights. (OHCHR)	1989	*United Nations Convention of the Rights of the Child* [Online]. Available at: http://www2.ohchr.org/english/law/pdf/crc.pdf. (Last accessed: 20th December 2011).	
Office of the High Commissioner for Human Rights.	2008	*Concluding Observations on the United Kingdom.* [Online]. Available at:http://www2.ohchr.org/english/bodies/	

(OHCHR)		crc/. (Last accessed: 22nd May 2011).	
Ofsted.	1996	*The Education of Travelling Children.*	London: Ofsted.
Ofsted.	1999	*Raising the Attainment of Minority Ethnic Pupils: School and LEA Responses.*	London: Ofsted.
Ofsted.	2003 a	*Provision and support for Traveller Pupils.*	London: Ofsted.
Ofsted.	2003 b	*The education of asylum-seeker pupils.*	London: Ofsted.
Osler, A. and Starkey, H	2010	*Teachers and Human Rights Education.*	Stoke on Trent: Trentham Books.
Osler, A. and Zhu, J.	2011	'Narratives in teaching and research for justice and human rights' in *Education, Citizenship and Social Justice* 6(3) pp. 223-235. [Online]. Available at: http://esj.sagepub.com/content/6/3/199.full.pdf+html (Last accessed: 1st December 2011).	London: Sage.
Paine, T.	1791 (1985 reprinted)	*Rights of Man.*	London: Penguin Classics.
Parekh, B.	2000	*The Future of Multi-Ethnic Britain. Report of the Commission on the Future of Multi-Ethnic Britain.*	London: The Runnymede Trust.
Parekh, B.	2008	*A New Politics of Identity.*	Basingstoke: Palgrave MacMillan.
Parsons, C., Godfrey, R., Annan, G., Cornwall, J., Dussart, M., Hepburn, S., Howlett, K. and Wennerstrom, V.	2004	*Minority Ethnic Exclusions and the Race Relations (Amendment) Act 2000.*	London: Department for Education and Skills.
Pearce, S.	2005	*You wouldn't understand: white teachers in multi-ethnic classrooms.*	Stoke on Trent: Trentham Books.
Pojman, L.P. and Westoreland, R.	1997	*Equality Selected Readings.*	Oxford: Oxford University

			Press.
Pring, R.	2004	*Philosophy of Educational Research*. 2nd Edition EEBO [Online]. Available at: http://www.dawsonera.com/depp/reader/protected/external/EBookView/S9781441137906/S5 (Last accessed: 28 January 2012).	London: Continuum.
Rawls, J.	1971 a(reprint 2005)	*A Theory of Justice.*	London: Harvard University Press.
Rawls, J.	1971 b	'Justice and Equality' *in Johnston, D. (Ed) Equality pp.124-145.*	Cambridge: Hackett Publishing.
Reacroft, J.	2008	*Like any other child? Children and families in the asylum process.* [Online]. Available at: http://www.barnardos.org.uk/like_any_other_child_asylum_report08_full.pdf/ (Last accessed: 12th April 2012).	London: Barnardo's.
Reed, J. and Procter, S. (Eds)	1995	*Practitioner Research in Health Care: The Inside Story.*	London: Chapman and Hall.
Richardson, L.	2003	'Writing a method of Inquiry.' Denzin,N. and Lincoln, Y. (Eds). (2003). in *Collecting and Interpreting Qualitative Materials.* pp. 499-541.	London: Sage.
Richardson, R.	2004 a	*Islamophobia: issues, challenges and action. A report by the Commission on British Muslims and Islamophobia.*	Stoke on Trent: Trentham Books.
Richardson, R.	2004 b	'Curriculum, ethos and leadership: confronting Islamophobia in UK education.' in van Driel, B. (ed) (2004) *Confronting islamophobia in educational practice* pp. 19-34.	Stoke on Trent: Trentham Books.
Richardson, R.	2008	'Islamophobia and anti Muslim racism - concepts and terms, and implications for education' in *Race Equality Teaching* vol 27, no 1, Autumn 2008, pp.11-16.	Stoke on Trent: Trentham Books.
Richardson, L. and Adam St. Pierre, E.	2005	'Writing a method of inquiry.' in Denzin, N. and Lincoln, Y. (Eds). (2005b). *The Sage Handbook of Qualitative Research.* 3rd Edition. pp.961-974.	London: Sage.
Richardson, R. and Miles, B.	2008	*Racist Incidents and Bullying in Schools: how to prevent them and how to*	Stoke on Trent:

		respond when they happen.	Trentham Books.
Rousseau, J.J.	1762 (this editio n 1973)	*The Social Contract, Book II Chapter XI: The Various Systems of Legislation* pp.223-224.	London: Everyman's Library.
Rousseau, J.J.	1775	'The Discourse on the Origins of Inequality' in Pojman, L.P. and Westmoreland, R. (Ed). (1997) *Equality Selecting Readings*. pp.36-45.	Oxford: Oxford University Press.
Rousseau, J.J.	1750	'The Genesis of Inequality' in *Equality* in Johnson, D. (Ed), 2000 *Equality: Selected Readings*. (pp.32-56)	Indianapolis: Hackett Publishing.
Rutter, J.	2001	*Supporting refugee children in 21st Century Britain.*	Stoke on Trent: Trentham Book.
Save the Children.	2001	*Denied a Future? The Right to Educaiton of Roma/Gypsy Traveller Children. Volume 2(Western and Central Europe).*	London: Save the Children.
Save the Children.	2005	*No Place for a Child - Child in UK immigration detention: impacts, alternatives, safeguards.*	London: Save the Children.
Said, E.	1994	*Representations of the Intellectual.*	London: Vintage.
Schostak, J.F.	2002	*Understanding, Designing and Conducting Qualitative Research in Education.*	Maidenhead: Open University Press.
Schutz, A.	1970	*On Phenomenology and Social Relations.*	Chicago: University of Chicago Press.
Sen, A.	1979	'Equality of What?' in Johnston, D., (2000) *Equality.* pp.160-177.	Cambridge: Hackett Publishing.
Sen, A.	1996	'On the Status of Equality' in *Political Theory.* 1996 24(3) pp.394-400. SagePublications [Online] Available at: http://ptx.sagepub.com/content/24/3/394 .citation (Accessed 5 January 2012).	London: Sage Publications.
Sen, A.	1999	*Development as Freedom.*	Oxford: Oxford

			University Press.
Sen, A	2004 a	Capabilities, lists and public reason: continuing the conversation in *Feminist Economics.* 10(3) pp.77-80	London: Taylor and Francis.
Sen, A	2004 b	Elements of a Theory of Human Rights in *Philosophy and Public Affairs*, 23(4), pp.315-356.	London: Blackwell Publishing.
Sen, A	2009	*The Idea of Justice.*	London: Allen Lane.
Shain, F.	2003	The Schooling and Identity of Asian Girls.	Stoke on Trent: Trentham Books.
Shain, F. and Gleeson, D.	1999	'Under new management, changing conceptions of teacher professionalism and policy in the FE sector.' in *Journal of Education Policy,* 14(4) pp.445-462.	London: Routledge.
Sikes, P. and Potts, A. (Eds)	2008	*Researching from the inside: investigations from within* EEBO. [Online]. Available at: http://www.dawsonera.com/depp/reader/protected/external/EBookView/S9780203932353/S6 (Last accessed: 28 January 2012).	London: Routledge.
Silj, A. (Ed)	2010	*European Multi-culturalism revisited.*	London: Zed Books.
Smyth. A. and Holian, R.	2008	'Credibility issues in research from within organisations' in Sikes, P. and Potts, A. (Eds.) (2008). *Researching from the inside: investigations from within.* pp.33-48.	London: Routledge.
Stake, R.E.	1995	*The Art of Case Study Research.*	London: Sage.
Stake, R.E.	2005	Qualitative Case Studies. Denzin, N.K. and Lincoln, Y(Eds),(2005b)*Strategies of Qualitative Inquiry*. pp.119-150.	London: Sage.
Starkey, H. (Ed).	1991	*The Challenge of Human Rights Education.*	London: Cassell.
Stone, R.	2004	Foreword *pp.vii-viii* in Islamophobia: issues, challenges and action. A report by the Commission on British Muslims and Islamophobia.	Stoke on Trent: Trentham Books.
Straw, J.	2006	'Straw in plea to Muslim Women: Take off your veils' *Jack Straw's column in*	

		Lancashire Telegraph, 5th October 2006, [Online]. Available at: http://www.lancashiretelegraph.co.uk/archive/2006/10/05/Blackburn+%28blackburn%29/954145.Straw_in_plea_to_Muslim_women__Take_off_your_veils/	
Tawney, R.H.	1931, this edition 1964	*Equality*. 4th edition.	London: George Allen and Unwin.
Thrupp, M. and Tomlinson, S.	2005	'Introduction: education policy, social justice and 'complex hope' in *British Educational Research Journal* 31(5) pp.549-556. [Online]. Available at: http://dx.dio.org/10.1080/01411920500240684. (Accessed: 1st December 2011).	London: Routledge.
Tippet, N., Houlston, C. and Smith, P.	2010	*Prevention and response to identity based bullying among local authorities in England, Wales and Scotland.*	Manchester: Equality and Human Rights Commission.
Tribal Group.	2009	*Review of the Alternative to Detention (A2D) Project.*	London: Tribal Group.
Unicef.	2007 a	*Report Card 7, Child Poverty in Perspective: An overview of Child Well-being in Rich Countries.*	Geneva: United Nations Children's Fund.
Unicef.	2007 b	*'Romani Children in South East Europe The challenge of overcoming centuries of distrust and discrimination.'* [Online] Available at: http://www.unicef.org/ceecis/0703-CEECIS_ROMA_en.pdf (Accessed: 24 November 2011).	Geneva: United Nations Children's Fund.
Unicef.	2010	*Report on the Rights Respecting Schools Award by the University of Brighton*. [Online]. Available at: http://www.unicef.org.uk/Education/Impact-Evidence/External-evaluation/ (Accessed: 2 December 2011)	
Unicef.	2011	Human rights framework web pages. [Online]. Available at. www.unicef.org/crc/index_framework.html (Accessed 22nd May 2011).	

United Kingdom Border Agency.	2009 b	*E mail to all stake holders (Christmas greeting)* 21st December 2009.	
United Kingdom Border Agency and Department for Children, Schools and Families.	2009 a	*Statutory guidance to the UK Border Agency on making arrangements to safeguard and promote the welfare of children.*	London: Department for Children, Schools and Families.
United Nations.	1948	*The Universal Declaration of Human Rights* [Online] http://www.un.org/overview/rights.html (Accessed: 8th January 2009)	New York: United Nations.
United Nations Committee on the Rights of the Child.	2002	*Concluding Observations of the UN Committee on the Rights of the Child*. CRC/C15/Add.188, 4 October 2002. [Online]. http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G02/453/81/PDF/G0245381.pdf?OpenElement (Last accessed 28 November 2011)	Geneva: UNComRC.
United Nations Committee on the Rights of the Child.	2008	*Concluding Observations of the UN Committee on the Rights of the Child* [Online]. Available at: http://www2.ohchr.org/english/bodies/crc/docs/AdvanceVersions/CRC.C.GBR.CO.4.pdf . (Last accessed: 28th November 2011).	Geneva: UNComRC.
Ureche, H., Manning, J. and Franks, M.	2005	*That's Who I am, Experiences of young Romanian Roma in London.*	London: Children's Society.
Van Driel, B.	2004	*Confronting islamophobia in educational practice.*	Stoke on Trent: Trentham Books.
Veerman, P.	1992	*The rights of children and the changing images of childhood.*	Dordrecht: Martinus Nijhoff Publishers.
Verhellen, E.	2001	'Facilitating Children's Rights in Education' pp.197-190. *in* Hart, S. et al (eds) 2001, *Children's Rights in Education*	London: Jessica Kingsley Publishers.
Vizard, P. and Burchardt, T.	2007	*Developing a Capability List: Final Recommendations of the Equalities Review Steering Group on Measurement*	London: Cabinet Office.
Westburnham, J.	2010	*'Leadership for diversity.'* [Online] Available at: http://www.johnwest-burnham.co.uk/index.php?option=com_c	

		ontent&view=article&id=14%3Aleadership-for-diversity&catid=5%3Aarticles&limitstart=1. (Last accessed 5th March 2012).	
Wilkin, A., Derrington, C. and Foster, B.	2009 a	*Improving the Outcomes for Gypsy, Roma and Traveller Pupils: Literature Review. Research Report No. DCSF-RR077.*	London: DCSF.
Wilkin, A., Derrington, C., Foster, B., White, R. and Martin, K.	2009 b	*Improving Educational Outcomes for Gypsy, Roma and Traveller Pupils. What Works? Contextual Influences and Constructive Conditions that may Influence Pupil Achievement (DCSF Research Report No RR170).*	London: DCSF.
Yin, R.K.	1994	*Case Study Research: Design and Methods.*	London: Sage.
Yin, R.K.	2003	*Applications of Case Study Research.*	London: Sage.

Log of data: Welcome to the Roma[188] Appendix 1

Date	Type of data	Characteristics	Collected by:
11/1997	Description of event – meeting in a school	Account of meeting in a school with a School Practitioner to discuss admission of newly arrived Roma in the town	Journal
11/1997	Description of event – meeting for headteachers	Reflection on my presentation at this meeting	Journal Document review of my own materials
12/1997	Description of event	Account of meeting in a school about the Admission of Roma Children	Journal
01/2004	Description of event – meeting in a school	Account of meeting to discuss attendance of Roma and issues of inspection	Journal
06/2007	Description of event – meeting for schools	Account of issues for schools in including Roma children and ways in which schools describe Roma children	Journal
06/2007	Description of event – meeting with specialist practitioners	Analysis of issues emerging in the meeting in relation to specialist practitioners work with schools to include Roma children	Journal
11/2007	Description of event – district meeting for head teachers	Briefing for schools in a town about Inclusion of the Roma	Journal Document review of my own materials
10/2007	Review of e-mail correspondence	Analysis of my engagement with colleagues about resistance of schools to admit Roma children	Journal
05/2009	Description of event – meeting in school	Account of meeting in a school to discuss induction arrangements for Roma children. I was observing a Specialist Practitioner	Journal

[188] I used Holliday's (2007) description of types of data.

11/2008	Description of event – meeting for specialist practitioners	Analysis of issues emerging in the meeting about Specialist Practitioners working with Roma children	Journal
06/2009	Description of event – news report on British Broadcasting Corporation	Account of Roma experiences in Northern Ireland	Listened to radio and read website report
07/2009	Description of event – news report on British Broadcasting Corporation	Account of Roma experiences in Northern Ireland	Listened to radio and read website report
08/2009	Researcher reflection	Response and analysis of news bulletin	Journal
09/2009	Description of event – meeting in school	Account of meeting in a school to discuss the issues of 'gangs' of Roma children, observation of the work of a specialist practitioner	Participant observation, recorded in Journal
10/2009	Description of event – meeting to discuss admission of Roma	Reflection on practice and analysis of issues in the meeting in relation to local authority policy of splitting children in the same family across schools and statutory process to manage attendance	Participant observation, recorded in Journal
12/2009	Researcher reflection	Reflection on practice of using 'contact' with Roma families as a way of challenging racism/discrimination	Journal
01/2010	Researcher reflection	Reflection of the strategies that specialist practitioners use in order to overcome resistance in schools	Journal
01/2010	Description of lesson in a primary school	Analysis of teaching strategies – focused on use of oral strategies	Participant observation, recorded in Journal
05/2010	Researcher reflection	Notes about how we make links or not to the position of Roma in Europe	Journal
10/2010	Reflection on my use 'practitioner'	Reflection my strategy for maintaining anonymity	Journal
10/2010	Account of a national seminar and local training events	Reflection on use of the term GRT	Journal
11/2010 to 02/2011	Practitioner account	Raw data and thematic analysis	Interviews x6
01/2011	Researcher reflection	Reflection on process of conducting the interviews	Journal
01/2011	Researcher reflection	Analysis of practitioners' understandings of their	Journal

		responsibilities towards Roma and how they position this within their wider responsibilities to all children.	

Log of Data: Terminal Care[189] Appendix 2

Date	Type of data	Characteristics	Collected by:
08/2007	Description of event – meeting with UKBA practitioner to discuss the establishment of the 'Alternative to Detention Project'	Analysis of the issues in the meeting	Journal/participant observation
08/2007	Researcher Reflection	Reflection on the issues raised for my own practice	Journal
08/2007	Document produced by UKBA to describe the project	Raw data which I annotated to inform discussion	Document review
09/2007	Description of event – meeting held at school to discuss the establishment of the 'Alternative to Detention Project'	Analysis of the meeting – particularly my role as a practitioner	Journal/participant observation
09/2007	Description of event – e-mail correspondence between practitioners about the above meeting	Analysis of issues raised by other practitioners – about why they would or would not be attending and who they were bring with them.	Journal/participant observation
08/2007 and 09/2007	Description of event – my telephone discussions to clarify the statutory position for access to education for children seeking asylum; also website pages for the DCSF	Analysis of policy positions and events	Journal
09/2007	Researcher reflection	Reflection on conducting research in this setting.	
09/2007	Document – my e-mail to UKBA and their response	Raw data which I annotated as a practitioner and then wrote about in my journal	Journal
10/2007	Description of event – meeting between senior local authority practitioners and the UKBA to discuss policy positions	Analysis of the meeting	Journal
11/2007	Working notes about government press	Analysis of discourse/my own engagement as a	Journal

[189] I used Holliday's (2007) description of types of data.

	releases and policy documents on asylum	practitioner	
10/2007	Description of event – meeting with education practitioners' meeting to discuss their involvement in the Alternative to Detention Project	Analysis of concerns and experiences raised by practitioners in the meeting.	
11/2007	Description of event – meeting with education practitioners' meeting to discuss their involvement in the Alternative to Detention Project	Analysis of concerns and experiences raised by practitioners in the meeting.	Journal/participant observation
11/2007	Description of event – meeting with school practitioner meeting to discuss admission of children after their visit to the project.	Analysis of issues and concerns raised in this meeting.	Journal/participant observation
12/2007	Description of event – meeting with education practitioners' meeting to discuss their involvement in the Alternative to Detention Project	Analysis of concerns and experiences raised by practitioners in the meeting.	Journal/participant observation
12/2007	Description of event – e-mails and telephone discussions about the absence of children from school on a weekly basis.	My chronology of events and notes trying to understand the issues.	Journal/participant observation
01/2008	Description of event – conversation with practitioner in the office	Reflection on the way in which people referred to children and their families	Journal
01/2008	Researcher reflection	Reflection on the different ways people perceived and described the project.	Journal
02/2008	Description of event – meeting with education practitioners' meeting to discuss their involvement in the Alternative to Detention Project	Analysis of concerns and experiences raised by practitioners in the meeting.	Journal/participant observation
03/2008	Description of event – meeting with education practitioners' meeting to discuss their involvement in the Alternative to Detention Project	Analysis of concerns and experiences raised by practitioners in the meeting.	Journal/participant observation

04/2008	Description of event – meeting with education practitioners' meeting to discuss their involvement in the Alternative to Detention Project	Analysis of concerns and experiences raised by practitioners in the meeting.	Journal/participant observation
05/2008	Description of event – discussion at the reception desk in the residential centre with members of the team	Analysis of the perceptions practitioners' held about the project	Journal/participant observation
05/2008	Description of the event – education practitioners' meeting to discuss their involvement in the Alternative to Detention Project	Analysis of concerns and experiences raised by practitioners in the meeting.	Journal/participant observation
06/2008	Description of the event – education practitioners' meeting to discuss their involvement in the Alternative to Detention Project	Analysis of concerns and experiences raised by practitioners in the meeting.	Journal/participant observation
07/2008	Description of the event – multi-agency meeting to discuss the project	Account of the meeting	Journal/participant observation
10/2008	Working notes	Consideration of the strategies used by practitioners in the project	Journal
08/2009, 09/2009 and 10/2009	Practitioners' accounts	Accounts of involvement in the Alternative to Detention Project	Interviews x 6
12/2009	Description of event – arrival of the UKBA e-greeting from Christmas	My response in various e-mails to colleagues	Journal

Data catalogue: Persecute or Protect[190] Appendix 3

Date	Type of data	Characteristics	Collected by:
09/2001	Reflection	Reflection on the e-mail I drafted and the subsequent response following 9/11	Journal
01/2007 and 02/2007	Description of event – account of e-mail and telephone discussions	Analysis of the issues surrounding the proposal to have a protocol relating to interviewing veiled women.	Journal
10/2007	Description of event- account of e-mail discussion with my manager and subsequent meeting	Analysis of the issues surrounding alleged reports of fighting between gangs of young people and the subsequent response of practitioners	Journal /participant observation
05/09	Working notes – annotations on the letter of invitation to the Preventing Violent Extremis workshops	Analysis of issues raised by the letter	Journal
03/2008 and 04/2008	Description of event – account of e-mail discussions between practitioners	Analysis of issues surrounding the two young Muslim men who allegedly used the internet inappropriately	Journal/participant observation
05/2009	Description of event – account of meeting with local authority manager	Analysis of dilemmas and issues emerging from this meeting	Journal/participant observation
06/2009	Working Notes – my annotation of the LA briefing on the Contest strategy	My ideas of ways of bring the debate about Prevent into the public domain	Journal
07/2009	Working Notes	My observations on how practitioners were resisting implementing the Prevent Strategy	Journal/participant observation
07/2009	Researcher reflection	Analysis of my first reading of the Prevent Strategy texts and the comments I had received from practitioners	Journal

[190] I used Holliday's (2007) description of types of data.

07/2009	Description of event –meeting about the local authority action plan for Prevent	Account of meeting and analysis of issues emerging	Journal
09/2009	Reflection on my attendance at the workshop for the Prevent strategy	Reflection on the Fairway shopping centre scenario	Journal/participant observation
10/2009	Working notes – my annotation of an e-mails I sent trying to get debate about the Prevent Strategy	Analysis of verbal responses and the debate	Journal
10/2009	Researcher Reflection	Analysis of my observations on the isolation of practitioners who actively resist the Prevent Strategy	Journal
06/2010	Researcher reflection	Reflection on whether I have ever heard practitioners refer to Islamophobia	Journal
01/2010	Working Notes	Discussion of e-mails about the location for the Prevent pilot projects	Journal
01/2010	Working notes – annotation on open letter from Government Office of the South East about the consultants who will work with local authorities to implement the Prevent Strategy	Analysis of discourse promoted by this letter	Journal
07/2010 to 08/2010	Practitioner accounts	Practitioners accounts of their engagement in the Prevent Strategy	Interview x 6
10/2011	Working Notes	My own notes – what would ‘problematizing’ issues of equality and rights mean in practice	Journal

Appendix 4: Participant Information Sheet

Research project: Understanding practitioner responses to inequality and breaches of human rights

What is the research about?

I am hoping to explore the responses of practitioners to inequality and breaches of human rights in a number of different working contexts (for example: schools, early years settings, Local Authorities). My research questions are:

Draft A: Initial set of research questions

- How are cases of inequality responded to by professionals working within those institutions?
- What might influence or constrain the response to inequality by professionals?
- What might be an appropriate set of responses in the light of personal and institutional values, legislation and institutional policies?
- How might institutional cultures, policies and practices be changed to facilitate appropriate responses to inequality?

Draft B: Refined set of questions used in the data collection

- How do practitioners respond in situations where there are perceptions of inequality or breaches of human rights?
- What inhibits or enables practitioners' response?
- What might inform or shape an alternative range of responses that would reduce inequality and promote human rights?

At the end of the project I am hoping to share a greater understanding of how practices might be developed to, not only prevent inequality, but enable an effective response from practitioners.

I am conducting the research as a registered post graduate student at Canterbury Christ Church University and have ethical clearance from the Faculty of Education, Ethics Committee.

Why and how am I inviting you to participate in the study?

Text used to inform first set of interviews (case studies)

I have identified a number of potential case studies encountered in my own professional practice. I am contacting you because I believe your views about the case are important. I am inviting you to contribute your understanding of events in this case and the opportunity to reflect on your own professional practice and how that is influenced by the policy of your institution or any other factors (such as legislation or national government policy). I will also be reviewing documents as

part of the case study (for example: national and local policy documents or notes of meetings). None of the documents have a confidential status.

Text used to inform second set of interviews (challenge my initial findings)

I am now at the stage in my research project of drafting a conclusion and would like to ask a number of practitioners to give their views (either support or challenge) on my main findings. This is to ensure that I, as researcher, remain connected to the views of practitioners at each stage of my research process. I would value your views as a practitioner as to whether you recognise my findings within your own work context or from your own experience. I would also be interested to hear if you have alternative views.

My findings arise from a review and reflection on critical incidents (where there have been perceptions of inequality and breaches of human rights) that have emerged in the context of my practice. For three incidents I have used Case Study as a methodology to explore the multiple perspectives of practitioners on the case. I have related my findings to theoretical perspectives on equality, inequality and human rights.

How can you give consent?

I would like to interview you and record our discussion on a digital recorder or make notes during our meeting. A transcript will be made and at no point will your name appear on the digital recording or the transcript. I will send you a copy for the transcript for you to check and confirm that it is accurate. The transcript will only be used for the purpose of the research.

How will I ensure anonymity and confidentiality?

In order to ensure confidentiality and anonymity of both institutions and individuals I will not at any point disclose the identity of the institution or the individual.

Who can respond to your questions?

If you would like further information about the research project or the research process please do not hesitate to contact me.

Has my employer given agreement for me to conduct the research?

My employer (a Local Authority) has given me permission to conduct the research in the context of my employment.

Thank you

Participant consent pro-forma

Research project: Practitioner responses to inequality and breaches of human rights

I have read the Participant Information Sheet.

I agree to be interviewed by Jenny Robson, for the interview to be recorded and a transcript made for me to check. I understand that I will not be identified on the digital recording or the transcript.

I give consent for the transcript of the interview to be used for the purposes of this research project.

Name:

Date:

Signature: