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The end of education policy?

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Educational decisions are being made through corporate market exchanges rather than public policy

Andrea Jenkyns, Parliamentary Under-Secretary of State for Skills (July-October 2022), went through the gates of Downing Street on 7 July 2022 and raised a finger to the crowd who had gathered to witness Boris Johnson's resignation speech. It seemed that Conservative education policy had shifted from the verbal slogans of Michael Gove in 2013, when he denounced education researchers to *Daily Mail* readers as 'the blob', 'the enemies of promise' and 'Marxists', to non-verbal signals of derisory hostility to anyone and everyone in a crowd or watching on TV.¹ Such forms of gesture politics are not new: politicians have traditionally used the symbolism of bodily signals (e.g. the salute) to create meaning about power relationships, authority and legitimacy. What is particularly interesting is that Jenkyns's rude gesticulation not only demonstrated her contempt for the crowd but also for education policy. The idea and enactment of strategic investment in public-services education, located in law, white papers, green papers, speeches, visits and funding, has been replaced with a bodily demonstration - and it is left to the recipient to decide whether it is offensive or not. While Jenkyns explained herself as having been provoked, and being 'only human', it seems that professional leadership in public has been replaced by reactive opposition to the public.² Even though headteachers are struggling with paying for school energy costs, children are going hungry, and staff face redundancy, it seems that a government minister literally has nothing productive to say.

We use this example to illustrate what we have identified as the end of public

education policy. What we mean by this is that Conservative governments (from 2010 onwards) have now reached the stage where governing education has been pared back to the minimum, enabling private policies to dominate. Gove's term as Secretary of State (2010-2014) saw major policy interventions, and May as PM led a consultation and plan to restore grammar schools, but the 2022 Schools Bill that aimed to fully academise the system had been withdrawn.³ The trends suggest that the provision of and access to school places has been relocated from the desk of publicly elected representatives and appointed accredited professionals at national and local levels, to a range of private sites controlled by oligarchic club interests engaged in market exchanges.⁴ There is nothing to govern, as the market will organise provision and consumption.

We examine this trend through three cases, first, what have been described as *little monarchies*, such as that of the Harris family; second, *little representatives*, such as the Confederation of School Trusts (CST); and third, *little contractors*, as parents are offered choices, for example of the 11-plus for entry to a grammar school. We use these examples to examine a trend, in education - as elsewhere - towards 'depoliticisation'.⁵ There has been a shift away from decisions about the purposes of education being made in the light of public policy, by governments, funded by the public, in the name of the public and accountable to the public, towards national and supranational agencies, towards consumers, and towards nowhere in particular. Educational issues are on no one's agenda and we are left with nothing but empty gestures. We argue that these cases illuminate the analytical judgment that education is no longer treated as a public service but is regarded as a matter for private market exchanges within and beyond the nation state.

Case 1: Little monarchies

In March 2023 it was reported that the UK government had been unable to recover £9.4 million in sponsorship funds from two major academy trusts, the Harris Federation and Oasis Community Learning, and so had written the sums off.⁶ Something like this could only happen because the authorised and legitimate control of the provision of and access to school places has been relocated to such little monarchies. Research by Warwick Mansell at *Education Uncovered* has identified the unfolding trends:

Nearly 200 state-funded schools across England, educating more than 100,000 pupils, are now in the control of wealthy businessmen ... Some 189 academies see philanthropists in ultimate charge of how they operate, as a policy introduced under Margaret Thatcher and Tony Blair allowing tycoons influence over a small number of schools has expanded rapidly since 2010. Nine of the 10 trusts running these academies are controlled or heavily influenced by people - all of them men - who have donated or loaned money to political parties, including eight of them to the Conservative Party.⁷

Mansell goes on to give examples of these businessmen: Lord Harris of Peckham, founder of Carpentryright, runs 48 academies, educating 32,500 pupils; David Ross, co-founder of The Carphone Warehouse, runs 34 schools, educating 13,000 pupils; Sir Paul Marshall and Ian Wace, co-founders of the hedge fund firm Marshall Wace, along with Lord Fink, former Conservative Party treasurer, are directors of ARK, which runs 38 schools, educating 26,000 pupils; Lord Laidlaw is chair of the Laidlaw Schools Trust, which runs six schools, educating 4000 pupils. Evidence shows that agendas are being set by these businessmen - for example, Paul Marshall edited a book called *The Tail, How England's Schools Fail One Child In Five - And What Can Be Done* - and those agendas are delivered and built into empires through public education-trained professionals doing the bidding of corporate executives.⁸

One way for corporate leaders to be turned into monarchs is through the construction of a biographic halo of exceptionalism (with achievements often seen as being made against the odds). The Harris family exemplifies this trend. The following text appears on the Harris Trust website:

Lord Harris' self-made success as a businessman is an inspiration to our students and his entrepreneurialism is thoroughly reflected in the can-do culture of our Academies. Educated at Streatham Grammar School, he had to cut short his education at 15 after the death of his father in order to take over the running of the family business of three carpet shops. He went on to set up Carpentryright, now a public company with over 600 branches across the UK and the rest of Europe. In addition to the Harris Federation, good causes supported by the Harris family include the NSPCC and Great Ormond Street Hospital.⁹

A sense of the Trust's divine right to control the education of children is enabled through the summoning of deferential esteem:

Lord Harris of Peckham, sponsor of seven Academies plus other specialist schools, keeps a very close eye on his schools. He does not interfere with the professionals on a day-to-day basis, but he does judge quality and ask searching questions. His own success has permeated the culture of his schools and he will visit them, keeping his finger on the pulse. He makes a particular point of speaking to the students, who are aware of him and his role as sponsor.¹⁰

Succession of the sovereign is secured through the adoption of the heredity principle. The federation's constitution states that on his death Lord Harris will be succeeded as Principal Sponsor by family members. The Principal Sponsor has the right to appoint or dismiss trustees, and to appoint others with this right. Their successor(s) will in turn have the right to name their own successors.¹¹ The dynasty is also buttressed by an aristocracy of appointees as courtiers: the chain's constitution gives Lord Harris the right to appoint up to 32 trustees, who control strategy and delivery at school level, including the curriculum and terms and conditions of employment (ibid).

This is how decision-making has been depoliticised - through the relocation of education debates and delivery into private arenas; parents, children and communities as citizens are not directly involved in these processes. Evidence of private decision-making can be seen in a number of ways. First there is the question of funding: in addition to taxpayer investment, there is evidence of substantial private fundraising;¹² and there also seems to be a sense of being able to evade regulation, for example, the very high level of salaries paid to senior staff is in breach of government regulations.¹³ Standards are also an issue: in 2018, pupils at Harris Primary Academy Philip Lane, Tottenham, did not receive their English or maths SATs results at the usual time, because of an investigation that had found they had been 'over-aided' in two papers.¹⁴ Importantly, however, Ofsted retains its role regarding standards, and Harris Academy Orpington was graded as 'requires improvement', due to a drop in student numbers.¹⁵

The private does become public when it comes to the question of how the market is operating in regard to admissions. For example, Harris Academy

Tottenham is reported to be planning redundancies because pupil numbers were lower than planned for (ibid); and, following objections from parents, members of the public and the London Borough of Bromley regarding admissions to the Harris Academy Bromley, the Office of the Schools Adjudicator found evidence to ‘partially uphold the objections to the admissions arrangements’.¹⁶

Case 2: Little representatives

Successive UK governments have sought to fully academise the provision of and access to school places in England, most notably through intensified national regulation in the Department of Education, and by the installation of Multi-Academy Trusts (MATs) as corporatised regulators. Agreements with the Department enable MATs to act as permitted private users of public money, and in return, they promise to deliver national standards, but to do so in a way that is based on - even attributable to - their personal brand. MATs operate supply and demand in the education market through this branding, as well as workforce compliance, and parental satisfaction. The enforcement of full academisation has so far been repeatedly announced and then stalled, but the cause continues to be supported by the Confederation of School Trusts (CST), which styles itself the sector body for academies and MATs, and represents 64 per cent of academies.¹⁷ The CST’s universalist ambitions are revealed in its most recent name change: it has been called variously ‘Foundation, Aided Schools and Academies National Association’ (2010-2012) and ‘Freedom and Autonomy for Schools’ (2012-2018), but switched to ‘Confederation of School Trusts’ in 2018.

The CST presents itself as a representative of School Trusts. According to its website, ‘CST is shaping the education policy agenda for School Trusts. Bringing together trusts in England from every region and of every size, CST has a strong, strategic presence with access to government and policy makers to drive real change for education on the big issues that matter most’. The CST sees its role as similar to that of the NHS Confederation, and states that, as such, ‘we are strictly apolitical’: ‘We work with the government of the day, political parties and politicians across the spectrum to advance education for public benefit’. However, while the CST may avoid sectarian association and ideological allegiances, its claim to be apolitical is unconvincing because it sets out to engage politically through named partners, and through campaigning for academies.¹⁸ It seeks to change and set agendas in two

main ways: changing debates, for example through attempting to shift attention away from business involvement and high salaries;¹⁹ and starting new debates through the publication of ‘white papers’, together with consultations - a recognised form of shadow government.²⁰

This relocation of decision-making away from local authorities with democratic accountability and towards depoliticised individuals and networks in new privatised structures has been promoted by the CST as vital for standards. In a keynote speech to the CST annual conference by its CEO, Leora Cruddas, arguments were made that are recognisable as government policy positions concerning multi-academisation. But Cruddas located these claims within a broader narrative appeal to the development of MATs as new civic structures. The following is an extract from the speech:

It is easy to say we do not care about structures - we care first and foremost about what goes on in classrooms. But colleagues, I tell you now what you already know: teachers teach in structures. Children learn in structures. Structures matter. Groups of schools working together in deeply connected ways as part of a single entity are at the heart of the future of our education system. They allow for the purposeful collaboration between schools which can help our education system become the best system at getting better ... School Trusts are Communities of Improvement. At their best, they are agile, dynamic organisations that can integrate knowledge and practice across subject communities and groups of schools. This is born from the spirit of connectedness, of collaboration, of solidarity. And I believe that we will show the world that this beautiful experiment in deep and purposeful collaboration will make us the best system at getting better.²¹

Cruddas articulates a rationale for the multi-academisation policy that ministers never seem to do. Much of her argument is problematic: eschewing the word ‘academy’ in favour of ‘trusts’ or even just ‘collaborations’ is evasive at best, and at worst it enables such arguments to apply to non-academised forms of collaboration. Further, it is hard to see how the multi-academisation ‘experiment’ could be interpreted as ‘beautiful’ before the results are in - we note the future mood of the verbs in that sentence. If the mere fact of experimenting is beautiful, then this

becomes a statement of ideological association, reinforced by normative references to organisational agility and dynamism. All three words concern flux: unsettlement is the point and the disruptors, Musk-like, will benefit.

The most important feature of this speech is not what it does or does not reveal about multi-academisation; it is that Cruddas is able to make this case for the meaning of ‘civic’ precisely at the moment when the wider political case is floundering through the withdrawal of the 2022 Schools Bill. Cruddas, along with corporate and ‘monarchical’ CST members, is empowered in inverse relation to the progressive disempowerment of the state.

Depoliticisation is weakening the operation and idea of political institutions as it strengthens those para-statal organisations to whom power flows as privatised sites of decision-making - this is a form of *inescapable and self-perpetuating* depoliticisation.²² That is, the state divests itself of the political resources it requires to pursue effectively any political agenda at all. It renders itself politically useless. In order to remain attached to the policy agenda now advanced primarily by others, more or less on its behalf, it must signal its association in other ways. For example, Cruddas was awarded a CBE in January 2022.

Case 3: Little contractors

In Jeremy Hunt’s autumn statement he defended the UK government’s protection of private education:

Some have suggested putting VAT on independent school fees as a way of increasing core funding for schools, which would raise around £1.7 billion. But according to certain estimates this would result in up to 90,000 children from the independent sector switching to state schools, giving with one hand and taking away with another.²³

Hunt’s rebuttal of taxing school fees is a fallacious argument, because the failure to invest in all children begs the question that Gamsu asks: *Why are some children worth more than others?*²⁴ Underpinning Hunt’s position is an extension of the consumerism that fuels elite private education into the sphere of public provision: parents without the necessary private resources to choose are now required to be choosers. Markets in education (and other public services) in England are based on a shift

away from public or collective provision and deliberation – ‘sovereign individuals’ have been ‘liberated’ from this state-based model, and citizens can now ‘bargain for whatever minimal government they need and pay for it according to contract’.²⁵ The consequence of this ‘privatisation of sovereignty’ (p297) is that parents are now *little contractors*, based on ‘the requirement for the individual user of a service both to choose what it is they require of that service, *and* to make that choice explicit in such a manner that it can be determined whether the service has responded effectively to that choice or not’.²⁶ Consequently, providers and parents engage in exchange relationships as a form of empowered contractualism; they do deals through demanding and accessing globalised educational products.²⁷ Hence there are now between 70 and 90 different types of schools in England, controlled by elite interests and delivered through professional mimicry of those elite interests.²⁸ Hunt’s protection of private education through preserving tax advantages is part of a range of strategies used to redirect parents who cannot afford fees to compete for high-prestige school places in the state system.²⁹

Grammar schools are integral to this protection of private schools. The provision of an elite product for 7 per cent of the population that is priced out of the reach of, but subsidised, by 93 per cent of families is made more acceptable by creating exclusivity in the state sector. Grammar schools are presented as essential for meeting the aspirations of what Theresa May described as ‘ordinary, working class people ... for whom life sometimes can be a struggle, but who get on with things without complaint’.³⁰ The solution presented is a meritocracy based on social mobility. According to May, the job of government is to provide ‘the better deal they deserve’ through ‘schools that work for everyone’; and the key to this is the restoration of selection and segregation based on the 11-plus exam. May had planned to end the ban on new grammar schools, and allow existing grammar schools to expand, and though she has left office the commitment remains. The enduring argument for the sovereign individual has been made loud and clear by Sir Graham Brady: ‘now that we agree that good schools should be free to thrive; outcomes matter more than structures and parents should call the shots; it is time for the man in Whitehall to bow out and allow real freedom, choice and diversity’.³¹

The intensive and relentless relocation of depoliticised decision-making to providers and parents is central to the rhetoric of libertarian desires and practices. Once parents become little contractors, decision-making regarding selection and

school admission is relocated from the public into private arenas. This is evident in a range of ways. Firstly, providers of grammar school places actively choose children based on admissions policies (11-plus examination results, interview, and report from previous school), and are segmenting the market with plans for ‘super-selective grammars’;³² they are stimulating the market in 11-plus tutoring businesses; and they are seeking to protect their admissions status if they join a MAT that includes non-selective schools.³³ Secondly, parents in the 36 local authorities in England where the remaining 163 grammar schools are located can choose to enter their child for the 11-plus examination (and to pay fees for private prep schools and/or for tutoring to secure entry into a grammar school).³⁴ The choice options if a child does not gain admission to a grammar school are (a) the *de facto* ‘secondary modern’ schools within their local-authority area, which are less well-resourced and have lower prestige, or (b) to move across the local-authority border into a comprehensive school. The private does enter the public domain when parents flex their little-contractor muscles, especially when the reality of choice does not meet their needs;³⁵ but the process of selection remains a private matter dependent on private resources - and this includes the commercial interests of test providers being legally protected if results are challenged by the parents of children who are judged not to have passed their exams.³⁶

A depoliticised ‘Wild West’

In summary: Case 1 demonstrates how family wealth confers on its owners the authority and legitimacy to control the education of other people’s children; Case 2 demonstrates how organisations can be set up outside of local democratic public institutions to protect the authority and legitimacy of privately owned education trusts; and Case 3 demonstrates how wealthy individuals and families seek to protect their own exceptionality through the fabrication of choice and liberty for those without financial and networked assets. These three cases together illustrate how depoliticisation is unfolding, as ‘a politics occurring elsewhere, typically beyond sites and arenas in which it is visible to non-participants and hence amenable to public - perhaps even democratic - scrutiny’.³⁷

These three case studies demonstrate that, though education may be currently funded by the taxpayer, the control of the provision of and access to school places is increasingly a private matter. It is private in the sense that decisions by both

providers and consumers are conceived of as private matters, and the system operates to protect and enhance private interests regarding profit - whether this is financial gain or family gain, as 'my child' has the education they deserve. Such decisions take place in private and they may be unrecorded, and those who make them are not directly accountable to the public. In other words, what actually matters is determined privately, and may only become public when other resourceful individuals challenge decisions, and through activist campaigns for repoliticisation.³⁸

Mary Bousted, joint general secretary of the National Education Union, has described what is emerging in the following way: 'the academies project has always been in the interests of the few, not the many. It has resulted in a fractured and confusing schools landscape, and a Wild West for those who wish to exploit it'.³⁹ Activity on the education frontier is frenzied - this is where the market is working to produce success and failure:

According to official government data, 55 mainstream and alternative provision free schools, UTCs and studio schools have closed since the start of the free schools programme in 2010. Of these, 40 have closed completely and 15 have been rebrokered to new sponsors, which technically counts as a closure, according to the government.⁴⁰

A specific focus on the free schools policy introduced by Gove from 2010 shows that control over public investment is actually a private matter for those invested in making private gains from organisations working 'in the public interest'. The idea of autonomy has to be protected even though parents and children experience serial school closures in local markets. The aim continues to be to deflect attention away from how markets actually work, by focusing on the opportunity for parents and teachers in a locality to set up a school to meet 'needs'. One of the main free-school supporters, Toby Young, had to resort to a selected evidence base to support his contention that free schools are: 'Not a fad, it turns out, but the most successful education policy of the post-war period'.⁴¹ This claim is an example of the Education Reform Claimocracy (ERC) at work, promoting school autonomy and continuing to make the argument that democratic and professional control as a matter of public policy somehow constitutes a site of state monopoly, and a system run in the interests of those in town halls.⁴² This argument has been used for a long time now, to justify existing schools leaving local authority control (e.g. through Grant

Maintained Status), and new schools being set up outside of their control (e.g. Academies; City Technology Colleges; Studio Schools; UTCs). Privatisation of choice in providing and consuming education is the underpinning of these claims.⁴³

The privatisation of control over provision and consumption is at the centre of the ending of education as public policy - there is no longer any need for state interventions because entrepreneurs, faith leaders and parents know best for their own and other people's children. This permits politicians like Jenkyns to engage in empty policy gestures, whose purpose is to stake a position in the culture wars, rather than realise a legislative programme. Whilst the nation is distracted by yet another debate about zombie policies such as support for grammar schools, the real work is happening elsewhere and unremarked. The public might feel as if there is substantive political debate happening, yet these debates concern policies that will never be achieved, and perhaps are not intended to be achieved. Distraction is the aim, and the policy debate is illusory. What the public thinks - what the *minister* thinks - doesn't matter, because the market will decide.

But replacing public policy with markets continues to produce multiple problems, and the fabrications continue to be exposed. The flaw in the Cameron government's 'Big Society' plan for community-led and bottom-up school provision became evident as elite interests quickly dominated free schools.⁴⁴ As research has demonstrated, parents were involved in the inception of only one in five free schools, and the proportion of parent-led schools has decreased over time; in reality, the free school programme has been 'a vehicle by which new schools are opened by academy chains'. A second issue has been that opportunities for innovation in the curriculum and ethos are limited: while there is more evidence of innovation in the primary sector, overall, only one third of the free schools which have been set up were found to have demonstrated such a novel approach. Thirdly - partly because the need for school places is dynamic over time - free schools have been implicated in both under and over supply of school places.⁴⁵ This problem is exacerbated by Multi-Academy Trust CEOs, who control which schools can join based on a view on whether they would enhance or damage the brand.⁴⁶ Fourth, the opening of a free school has often intensified the segregation of children because they introduce or exaggerate competition in the local community; free schools in areas of socio-economic deprivation are not providing a proportionate number of places for children from poorer families (measured by

those in receipt of free school meals).⁴⁷ Finally, the idea that parental choice leads to improved quality is a myth, not least because schools choose children. This has been demonstrated in fully privatised systems, as for example in Chile, but also in England: for example Mansell tells the story of parents removing their children from a former progressive free school that had been taken over by a MAT that had changed the ethos, and other children being moved to another school without consultation with parents, due to the resulting fall in rolls.⁴⁸

It seems that the private oligarchies controlling the markets are not only making local policy without any heed to democratic and professional educational requirements; they are also operating outside the terms of a market for consumers - which is claimed to be the only valid source of power.

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Notes

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² Anna MacSwan, *Guardian*, 9.7.22: <https://www.theguardian.com/politics/2022/jul/09/tory-mp-says-made-rude-gesture-approvoked-baying-mob-andrea-jenkyns>.

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see ‘Schools bill for England scrapped after months of opposition’, *Guardian*, 22.12.22:

<https://www.theguardian.com/politics/2022/dec/07/schools-bill-for-england-scrapped-after-months-of-opposition>.

⁴ Helen M. Gunter, *A Political Sociology of Education Policy*, Bristol, Policy Press 2023.

⁵ Matt Wood and Matthew Flinders, ‘Rethinking depoliticisation: beyond the governmental’, *Policy & Politics*, Vol 42 No 2, pp151-170, 2014. Depoliticisation is here understood as a process whereby decisions are relocated in regard to (a) governmental depoliticisation - ‘the “delegation” of ... issues to arms-length bodies, judicial structures or technocratic rule-based systems that limit discretion’; (b) societal depoliticisation - ‘the transition of issues from the public sphere to the private sphere and focuses on the existence of choice, capacity deliberation and the shift towards individualised responses to collective social challenges’; (c) discursive depoliticisation - ‘involves the transfer of issues from the private realm to the “realm of necessity” in which “things just happen” and contingency is absent. It therefore focuses on the role of language and ideas to depoliticise certain issues and through this define them as little more as elements of fate’ (p165).

⁶ Tom Belger, ‘DfE lets Harris and Oasis off the hook for £9.4m academy sponsor contributions’, 22.3.23: <https://schoolsweek.co.uk/academy-sponsor-contributions-harris-dfe-write-off/>.

⁷ Warwick Mansell, *Education Uncovered*, November 2019: <https://www.educationuncovered.co.uk/news/143236/businessmen-in-nearcomplete-control-of-schools-educating-more-than-100000-pupils-new-analysis-by-education-uncovered-shows.shtml>.

⁸ Paul Marshall (ed), *The Tail, How England’s Schools Fail One Child In Five - And What Can Be Done*, London, Profile Books 2013; also see David Daniels, ‘From reality to vision. The “birth” of The Petchey Academy in Hackney’, in H.M. Gunter (ed), *The State and Education Policy: The Academies Programme*, London, Continuum 2011, pp92-104.

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¹⁴ Martin George, ‘Harris Academy that took over Downhills cheated in SATs’, *TES*, 6.8.18:

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¹⁶ Office of Schools Adjudicator Determination, 2.6.20:

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¹⁷ For 2016 see Freddie Whittaker: <https://schoolsweek.co.uk/so-its-goodbye-to-the-education-for-all-bill-or-is-it/>. For 2022 see Tom Belger: <https://schoolsweek.co.uk/the-schools-bill-is-dead-so-where-next-for-academies/>; and Freddie Whittaker: <https://schoolsweek.co.uk/zahawi-guts-his-own-schools-bill-in-humiliating-climbdown/>. For CST see: <https://cstuk.org.uk/about/about-cst> (accessed March 2023).

¹⁸ For partners, see: <https://cstuk.org.uk/about/partners/platinum-partners>. On its campaigning for trusts, see: <https://cstuk.org.uk/knowledge/what-are-school-trusts>.

¹⁹ See Schools Week, 22.3.23:

<https://schoolsweek.co.uk/ministers-turn-to-big-business-for-help-running-schools/>; and <https://schoolsweek.co.uk/we-must-change-the-fat-cat-narrative-of-anti-academies-groups-says-cst/>.

²⁰ See Confederation of School Trusts, *Future shape of the education system in England, a sector-led 'white paper'*, CST, Nottingham 2019; Confederation of School Trusts, *CST Consultation on the Core Responsibilities of CEOs*, 2021: https://cstuk.org.uk/assets/link_boxes/Guidances/CEO-Core-Responsibilities-November-2021.pdf.

²¹ Leora Cruddas, Keynote address to CST 2022 Annual Conference:

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