

Warehouse, Marketise, Shelter, Juridify: on the political economy and governance of extending school participation in England¹

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Abstract

This chapter focuses on some key points of contestation around important historical legislative moments which secured multiple successive increases in the required age of compulsory schooling in England. The first section begins this work by exploring the principal political-economic and governance rationales for increasing or maintaining the age of compulsory participation. This framing is then taken forward by a more detailed selective historical review of the ways in which political-economic rationales have shaped competing positions on participation policy that have variously advanced, slowed or attempted to subvert efforts to raise the minimum school leaving age. The emerging analysis is then applied to the policy reforms of the 2008 Education and Skills Act which provided for compulsory participation in school, work or training up to the age of 18, and their post-financial crisis dilution under the coalition government in 2011. In doing so the analysis identifies central points of legislative contention, and their likely effects on post-16 participation in significantly altered political and economic conditions. The analysis leads to a review of the mooted importance of governance rationales for understanding extended participation, and to some concluding comments on the ways in which the political choice between criminalising legal minors and neglecting the needs of some of the most vulnerable of them has been constructed.

¹ This is a post-peer-review, pre-copy edited version of a chapter published in *Social Policy Review*, 26. The correct citation information for the published version is:

Fergusson, R. (2014) 'Warehouse, Commodify, Shelter, Juridify: on the political economy and governance of extending school participation in England', in Farnsworth, K. , Irving, Z. and Fenger, M. (eds) (2014) *Social Policy Review 26: Analysis and debate in Social Policy, 2014*, Bristol, Bristol University Press / The Policy Press

Details of the published chapter can be found at:

<https://policy.bristoluniversitypress.co.uk/social-policy-review-26>

This pre-published version can also be accessed at:

<http://oro.open.ac.uk/41795/>

Introduction

In November 2011, the UK's Conservative-Liberal Democrat Coalition government drew back from the brink of criminalising 16 and 17 year olds in England who did not participate in education, training or employment. It amended the legislation of the previous Labour government, whose 2008 Education and Skills Act (E&S Act) made failure to participate the subject of attendance notices and panels, breach of which would have resulted in fines. Failure to pay such fines would have made persistent non-participants eligible for custodial sentences. The Coalition's 2011 Education Act empowers the Secretary of State for Education to keep under review those clauses of the original legislation that require local authorities and employers to monitor and enforce young people's participation. The resultant suspension of what is in effect a law against non-participation is subject to review in 2016, which could yet trigger legislation to restore the original E&S Act's requirements.

Few recent policy reforms have a greater capacity to invoke the bitter education debates of the 1970s and 80s than that of the E&S Act's apparently innocuous Raising of the Participation Age. Following the 2008 Act, since September 2013 all 16-17 year olds have been required by law to extend their attendance at school or college for a further year, or to undertake specified part-time training alongside full-time employment. In September 2015, this requirement will be extended up to the age of 18. This reform exhumes fundamental questions about the purposes of statutory state education that have been debated in struggles for more than century-and-a-half. Since the C19th, profoundly contested claims about whether young people were better placed in school or in the labour market for an additional year have repeatedly exposed the motivations, social priorities and purposes of governments of all hues, and of interested groups. In varying guises, reformists, egalitarians, meritocrats, social conservatives and economic liberals lived out through these and other related struggles their ambitions for the kind of society they wished to shape. As we will see, many shades of these positions were in evidence in the parliamentary debates of the E&S Act.

These debates were occasionally heated, but their critical points of contention rarely percolated into public debate. This apparent indifference is historically rare. Comparable legislation was variously defeated, cancelled, obstructed, delayed and repealed. It reputedly won and lost general and municipal elections, bitterly divided minority governments and political parties, and prompted at least one secretary of state to resign (Barker, 1972; Simon, 1991). The purposes of extending compulsory participation in education remain disputed in

the current policies. Any appearance of consensus masks deeply conflicted claims about its social and economic benefits. As ever, it is in the study of the exercise of powers within and through the policy process, in the detail of specification and in the latitude of implementation (Hill, 2014) that the inherently ideological character of policy and its often-polyvalent purposes and potentials are at their most tractable.

This chapter focuses on some key points of contestation around important historical legislative moments which secured multiple successive increases in the required age of compulsory schooling, with the intention of highlighting their continuing presence in the 2008 E&S Act and its amendment in 2011. The next section begins this work by exploring the principal political-economic and governance rationales for increasing or maintaining the age of compulsory participation. This framing is then taken forward by a more detailed selective historical review of the ways in which political economic rationales have shaped competing positions on participation policy that have variously advanced, slowed or attempted to subvert efforts to raise the minimum leaving age. The emerging analysis is then applied to the 2008 E&S Act policy reforms and their dilution in 2011, to identify the central points of contention, and their likely effects on post-16 participation in significantly altered political and economic conditions. The analysis finally leads back to reviewing the mooted importance of governance rationales for understanding extended participation, and to some concluding comments on the ways in which the political choice between criminalising legal minors and neglecting the needs of some of the most vulnerable of them has been constructed.

The political economy and governance of extended participation

Rationales and modalities of extended participation

With few exceptions, the histories of debates about raising the age of compulsory participation in education can be broadly understood in relation to three framing rationales, each realised through specific modalities with specific priorities. *Social ideals rationales* are realised in largely competing modalities of social progress that prioritise diverse notions of social advancement / modernisation; of social mobility, that prioritise the amelioration or management of inequalities; and of forms of social justice that seek to optimise equal rights and/or outcomes. Dominant *political-economic rationales* manifest themselves in largely complementary modalities of adding value to a skilled educated workforce; of warehousing fractions of the workforce as a way of managing labour supply; and of marketising labour in ways that maximise wage competition. *Governance rationales* variously promote activity that

shelters surplus labour and prioritises the protection *or* containment of prospective non-participants; that tracks prospective non-participants, by identifying them or monitoring their activity; and that ‘juridifies’ those who persistently refuse to participate by enforcing participation or criminalising non-participation, by extending the reach of statute law into an ever-increasing range of social realms. Table One summarises these rationales, the modalities through which they are realised and the priorities associated with them.

Rationale	Modality	Priority
Social Ideals	Social Progress	Advance / modernise society
	Social Mobility	Ameliorate / manage inequalities
	Social Justice	Optimise equal rights / outcomes
Political-economic	Add Value	Skill/educate workforce
	Warehouse	Manage labour supply
	Marketise	Maximise wage competition
Governance	Shelter	Protect / contain non-participants
	Track	Identify / monitor non-participants
	Juridify	Enforce participation / criminalise non-participants

Table One: Rationales for extending the age of compulsory participation

Narrative histories of the advance of compulsory schooling tend to be heavily imbued with generalised ‘social progress’ rationales (e.g. Armytage, 1964). The school leaving age has been raised nine times since the emblematic 1870 Elementary Education Act which nominally marked the beginning of the universal state provision of education. But behind this 140 year chronology and its Whigish and often teleological representation of inexorable progress lies a rarely accounted history which greatly illuminates current policy developments. As a corrective to this ‘progressive’ view, this chapter gives precedence to accounts framed by political-economic rationales, and by the governance of prospective or actual non-participation in education, training or employment. In particular, it is concerned with the ways in which decisions about extended participation are associated with warehousing and marketising the youth labour force, and with their impact on labour markets, within political-economic rationales; and with the capacity of policies on participation in schooling to shelter prospective non-participants, to track them, or to subject their non-participation to the force of law (that is, to ‘juridify’ it) within governance rationales. These are the five modalities highlighted in Table One

Political-economic rationales

Histories of education often highlight correspondences between the development of state education and the needs of the economy, but histories that offer a developed political-economic reading of extended school attendance are rare. Brian Simon's are an exception, one critical thread of which takes account of the relationship between changes in the statutory school leaving age and changes in levels of recorded unemployment (Simon, 1974, 1991). Unsurprisingly, increases in the school leaving age during the C20th have consistently resulted in reductions in overall unemployment rates of varying degrees in the two or three following years. These are clearly visible in relation to the 1918 Fisher Act, the 1944 Butler Act, and the later increase in the leaving age to 16. Other less predictable synchronicities that are too detailed to account here emerge from a careful study of correspondences between growing school populations and reduced levels of youth unemployment at several other key junctures notably in 1936, 1947 and 1973. The subsequent sea-changes in policy that resulted in a 40 year moratorium on raising the leaving age was signalled by the first of a lengthy series of youth training and workfare programmes for 16-18 year olds implemented in 1983, as unemployment rates following the 1980-82 recession exceeded the barometric three million threshold.

No inferences of causality are intended by this highly compressed account of correspondences. Only in the case of the conjunctures of a reduction in the rate of total unemployment immediately after increases in the statutory minimum school leaving age could any such relationships be demonstrated through careful statistical analysis. These observations therefore caution against deterministic economic readings. It is nevertheless difficult to ignore the synchronicities of policy change and changes in the labour market in any interpretation which seeks to explain the eventuality and timing of successive episodes of raising the school leaving age, when qualitative assessments of the relationship like Simon's indicate strong causal connections. Furthermore, changes in the duration of compulsory schooling both create and respond to dynamic labour market conditions, and this dialectical relationship itself takes many forms, notably including those of the political economic modalities indicated in Table One. Firstly, an extra year in school prospectively 'adds value' to young people's prospects of becoming employed if they gain qualifications or new skills, and to the economy, and as we will see, this rationale was prominent in the case for the E&S Act. Secondly, by definition, extending the school leaving age also removes an entire age-cohort of prospective young workers from the labour market. But if, as under the E&S Act, the option to remain in school or college is complemented by an option to take employment, it also 'warehouses' a self-selecting part of each cohort as a 'reserve army'

that can be called upon if the demand for labour increases. And thirdly, as those who are warehoused opt to enter the labour market early, their lower wage expectations (associated with their lesser experience) provide cheaper labour and/or bring downward pressure on older more experienced workers to reduce their own reservation wage thresholds.

These three political-economic modalities of the relationship between extended schooling and the labour market (adding value to the young workforce, warehousing it, marketising it) are in play at every juncture at which compulsory schooling is extended. Each has the potential to serve the interests of young people and employers, but in very differing degrees in different contexts. Added value arguments are readily deployed when the demand for labour is low, but fade when it is high. Warehousing usefully manages labour supply for employers and the economy as a whole, but is detrimental to the interests of young people who would rather work than attend school or college. Marketising the labour power of the least experienced and least qualified youngest workers may give them access to jobs, but their competitive advantage over older workers is entirely contingent on their scope for meeting employers' interests by accepting the lowest pay rates. In practice, an equitable balance between the best interests of young people, employers and the wider economy is rare, and much of the dispute over extending compulsory schooling is at root attributable to conflicting projections on the part of differing interests as to which of these modalities will prevail and to what effect. Such conflicting projections have a clear capacity to account for many of the historical conflicts over whether or not to extend the legal requirement to participate in education or training.

Governance rationales

Similar considerations apply to the three modalities of governance in Table One. As the counterpart of warehousing, for the first modality, 'sheltering' young people is ambivalent in its capacities both to protect them from the depredations of depressed labour markets and lost time, but also to 'contain' them. For the second, extending the age of participation keeps potential non-participants who would otherwise lack work and an income 'off the streets' and under the gaze of state-run/regulated institutions. Willingly or not, those who are required by law to attend school or college are thus identified and can be 'tracked' and monitored. In addition, historically, there have always been powers to enforce the laws of attendance, in the shape of Education Welfare Officers for example. And for the third, these powers can be escalated to 'juridify' the refusal to participate in ways that tip it past the enforcement of civil law and into the ambit of criminal law – such that failure to comply with civil orders or pay fines criminalises those who refuse, as the E&S Act proposed.

Once again, conflicted interpretations and projections as to whether young people are willingly protected or unwillingly trapped in school, and benignly tracked or officiously monitored and criminalised have variously infused the contested debates about the mandatory extension of the age of participation throughout its history – up to and including the E&S Act.

The labour market and extended schooling

Almost every juncture at which the required age of attendance at school has been increased has been ambivalent in its rationales and conflicted and compromised in its effects. Social ideals were frequently and consistently compromised by political-economic and governance considerations. The analytical inseparability of school attendance and the pressures to include children and young people in the formal and informal labour markets of the time, *or to exclude, protect or contain them*, are fundamental to this ambivalence. Conflicted intentions of extending compulsory participation and the uncertainties of its effects in complex social, political and economic conditions have exacerbated contested projections of which interests stood to benefit most.

The dynamic tensions between schooling and work are evident in this history from the outset. The 1870 Elementary Education Act enshrined the long-standing half-time arrangements for school attendance above the age of 10 for almost half a century, allowing children to continue in employment, albeit with subsequent adjustments. It was then the great achievement of the 1918 Fisher Act to break this limitation on educational provision and require full-time attendance up to 14 years, despite powerful opposing interests in maintaining the half-time system. Conflicted cases for adding value, warehousing and marketising more labour were multiple and forceful (Lewis, 1917; Garrett, 1928; Barker, 1972; Simon, [1974/1991]). The effects of the Act were diluted and compromised by the 20 year delay in achieving universal free provision. And in the conditions of the 1920s recession the Continuation Schools that were legislated to provide day-a-week attendance for those who left school at 14 were largely unimplemented, thus diminishing the added value and maximising the flexibility of warehoused labour (see Simon, 1991: 31).

Contestation continued in the years between the 1918 Fisher Act and its implementation in the face of the infamous Geddes Report (1922). Throughout the late 1920s and early 1930s in conditions of continuing high unemployment and depression, the conflicting warehousing

and marketising arguments continued (Barker, 1972). Conflicted interests were played out around the issues of cheap labour, the displacement of adult workers and the loss of vital income to impoverished households, alleviating the exploitation of children, and the case for a maintenance allowance (Tawney, 1934: 4-5). The unimplemented 1936 Act attempted to maintain employers' access to cheap young workers by making compulsory school attendance up to 15 years a form of residual provision for the unemployable (Simon, 1991: 28). The 1944 Butler Act's refused this compromise and the continuing demands for cheap labour (Simon, 1991:99), but following its implementation in 1947 the succeeding minority Conservative government repeatedly discussed the option of reverting to a leaving age of 14, to fund Cold War rearmament (Simon, 1991, 162-8).

The first move to implement the Butler Act's provision to raise the leaving age to 16 was made in 1964, and deferred in 1968 to a 1973/4 start date. The Crowther Report of 1959 had been equivocal on the economic 'added value' case for it, and recognised young people's impatience for greater financial independence.

Such dilemmas, and the fundamentally conflicted social ideals and political-economic rationales they embody partly explain why 1973 may forever be the last legislated increase in the age of English compulsory school attendance. As the burgeoning youth and adult unemployment in the late 1970s and early 1980s reached crisis proportions in the febrile run-up to three million in 1983, warehousing and marketising-driven arguments for and against extended schooling disappeared from the policy discourse. In the critical vocationalising moment of the New Training Initiative in 1981, the newly-ascendant Manpower Services Commission (MSC) re-versioned the added-value arguments in the form of work-based part-time training up to the age of 18 for all young people not in full-time education (Department of Employment, 1981: para 1). Successive removal of unemployment and other benefits entitlements for under-18s effectively removed the option of being 'inactive' for many. And for the next three decades, all crises of youth unemployment were addressed by successive generations of MSC-run training schemes, and then replaced by New Labour's New Deal for Young People (NDYP). Extended schooling disappeared from the policy agenda, in large part in favour of a major shift towards *governance* rationales for extended participation for unemployed young people in (often simulated) work settings with some notional non-accredited training.

Rethinking compulsion: Raising the Participation Age (RPA)

After a 40 year legislative silence on extended compulsory participation in education, the Labour government's 2008 E&S Act surprised many. The E&S Act proposals were ostensibly driven by added value considerations, brought into sharp focus by the Leitch Report (2006) on future skills needs. But consistent with the history of increasing the participation age, the E&S Act arose in favourable labour market conditions which informed the proposals, but was implemented in very different conditions. Proposals for the 2008 RPA legislation emerged when it became clear that levels of non-participation in education, employment and training amongst 16-18 year olds had remained stubbornly close to 10% since the introduction of NDYP, with an underlying upward trend between 2004 and 2008 when the rate twice exceeded 10% (DfE, 2013). The National Audit Office warned that there needed to be hard-to-manage annual improvements close to 1% over three years for the government to meet its own Public Service Agreement targets by 2010 (NAO, 2008). It was particularly stinging to be warned in the same year that the UK non-participation rate was the fifth highest of the 29 richest countries in 2005, after Turkey, Mexico, Italy and Greece (OECD, 2008). The under-18 labour market had been heavily oversubscribed since the early 1980s and the established tendency of employers to use stratified qualifications as a pre-selection filter had particularly affected this age-group (Simmons and Thompson, 2011; Wolf, 2011). After a decade in power the government had anticipated the criticisms by recognising that no policy based on NDYP and a statutory leaving age of 16 would deliver significant improvement.

The 2008 E&S Act reforms

The E&S Act places a duty upon all young people in England to participate in education and training for a minimum of 540 hours per year; or to take an apprenticeship or full-time work or volunteer activity, combined with part-time education or training equivalent to a day a week leading to a qualification. Local authorities were to promote the effective participation of all 16 and 17-year-olds, make arrangements to identify young people who were not participating and issue attendance notices, and parenting contracts and orders. Young people were to be fined for persistent contravention, and would in the last instance have been eligible for custodial sentences on default. Employers were to ascertain that under-18s had made arrangements for education or training, and to facilitate and monitor their attendance, or receive penalty and enforcement notices and pay fines.

In several lengthy debates about the Labour Government's E&S Bill in both Houses of Parliament was broadly positive, with many approving comments from the opposition benches on the general ambition to raise participation rates and improve skill levels (UK, House of Commons Hansard, 2008; UK, House of Lords Hansard, 2008). Some MPs and peers criticised a government of 12 years standing that had been unable to lift the UK in the OECD rankings, and objected that this reflected inadequacies with the curriculum and other aspects of provision that were unable to ensure that half of pupils in England gained five Grade-C GCSEs that included English and maths (DCSF, 2009); or to maintain the interest of more 17-18 year olds. Of greatest concern for all political parties was the persistence of rates of non-participation in education, training or employment amongst 18 year olds (16% in 2008, Department for Education, 2013a, Chart 5). Interpretations varied widely on the perceived causes, but there was wide agreement that the E&S Act was right to put forward an approach which, set decades of workfare-based policy responses, appeared innovative and even radical, in the finest traditions of the much-cited 1918 and 1944 Acts. Supportive appeals to the rationales of social mobility and social justice were plentiful, endorsements using the 'added value' rationale of a better-prepared workforce were prominent.

The sole source of deep disagreement presented itself in the form of almost-philosophical principles. At its most elevated, argument turned on whether social justice or individual liberty has primacy. Government ministers exhibited ostensibly near-missionary zeal in their determination to release the most socially and economically deprived localities and individuals from the poverty and disadvantage associated with low or no qualifications and youth unemployment. Opposition spokespeople and their supporters relentlessly stressed young people's right to choose whether to study, train, work – or, by implication, be unemployed. In protracted debates most Labour MPs argued in favour of measures that extended education or some form of training by statute, as the only way to alleviate the entrenched disadvantage of the least well-educated, trained, and qualified 10% of young people. Most Conservative and Liberal-Democrat MPs argued that 16 year olds who are deemed mature enough to be at liberty to marry, parent, and serve in the armed forces should also be free to choose not to participate. Second order issues then became the focus of dispute. By what criteria was adult maturity to be judged – especially when under-18s are also denied a range of independent rights, including the right to vote? How was the legal requirement to attend to be enforced, especially amongst young people who chose full-time work and part-time training?

The most persistent points of dissent surrounded the proposed enforcement mechanisms of the Bill, and in particular the potential criminalisation of young people, and the obligations on

employers to make time for training and monitor it, or face civil penalties. These issues remained unresolved when the E&S Act finally passed into law by virtue of the government's majority.

The 2011 Education Act

As we have seen, legislative and policy efforts to delay, subvert, reverse, dilute and cancel the extension of the statutory requirement to participate in education and training have a long history. Similarly, the incoming Coalition Government of 2010 subverted the contested provision of the E&S Act in three surgically brief clauses of its 2011 Education Act. These allowed the Secretary of State to keep under review the appropriateness of commencing the E&S Act enforcement mechanisms, including the criminal offence for failure to comply with an attendance notice, the duties on employers and parents, and the requirement on local authorities to identify young people who do not comply (UK Parliament, 2011: 74/354).

By August 2013, the Secretary of State had deployed his fullest latitude. Local authorities are now relieved of their obligation to enforce participation. Employers need not establish or monitor young employees' part-time participation in training, nor agree suitable hours of work to allow training. At the time of writing, although it appears that parenting contracts and orders, and young people's enforcement notices and panels will remain statutory requirements, sanctions will not apply for breaches (Department of Education, 2013b, 2013c).

The 2011 amendments to the E&S Act and the changes that followed occurred in dramatically altered conditions from those in which it was introduced. During 2011, in the middle of the double recession of 2008-13, UK unemployment amongst 16-24 year olds exceeded one million for the first time (ONS, 2013). Retrenchment in welfare-related public spending was massive. The 2011 amendments undoubtedly reduced the costs of implementing the E&S Act by removing all processes of monitoring and enforcement. It also seems likely that this will very substantially reduce the costs to the Exchequer of additional provision for large numbers of school and college students, while underlying youth non-participation and unemployment will at best return to the internationally shaming levels that triggered the E&S Act in the mid-2000s.

The rationale for the changes made by the Coalition were transparent in the parliamentary debates. What remains opaque is how far the principled assertions in favour of free choice (or compulsory participation) are now and were always underwritten by other interests, or

actively used to mask them. The costs of monitoring and enforcement concerned the Coalition partners. Their liberal principles were also at odds with Labour's zealous drive to legislate a path to a more socially mobile society, and especially with the burdens the E&S Act would have placed on employers. Some of the most tangible effects of the amendments have therefore been to neutralise the economic disadvantages of the E&S Act and to employers, while leaving intact the scope for warehousing surplus labour and/or releasing the cheapest labour. It is notable that these changes resemble aspects of the conditions of the half-time systems that operated before the 1918 Fisher Act, and of the subsequent repeated failures to provide guaranteed part-time training for young employees by means of Continuation Schools in 1922 and County Colleges in 1947 – all supported at the time by unashamed arguments in favour of maintaining the supply of cheap labour, and sparing employers the costs and complications of releasing staff for training purposes.

Other policy changes and prospective effects of the amended E&S Act

The suspended enforcement elements of the E&S Act mean that, for the time being at least, young people remain free to decide whether or not to elect to register for full-time education or training, or to take a full-time job – exactly as previously, when 97% of 16 year olds and 90% of 17-year olds already participated in education and training (Department for Education, 2011, Table One). But this does not mean that the *status quo ante* prevails. Two important policy changes alter it. First, the E&S Act was passed when the Educational Maintenance Allowance (EMA) was in place for 16 and 17 year olds who had a demonstrable need for support for costs of travel, basic subsistence and books. It was withdrawn by the Coalition government in 2010 – again recalling successful historical objections to proposals for maintenance allowances as 'bribes' and 'indiscriminate doles' (Barker, 1972: 61; Dean, 1969:290). The second change was a contemporaneous requirement for all young people up to the age of 18 who had not achieved grade C in GCSEs in English and mathematics to continue studying those subjects if they were in full-time education or training (again informed by the Wolf Report) (BBC, 2013).

The removal of the EMA greatly diminishes the possibilities of full-time study for those who come from households which can no longer wholly support them financially – much as the late C19th and early C20th arguments for extended participation were successfully opposed because poor households relied on their children's incomes. By the same token, for low achievers in general and for number-phobics and those whose first language is not English

in particular, extra years(s) in school and college were substantially less attractive in 2013 than in 2008.

The combined effect of these changes by the Coalition will almost certainly be to incline substantially more of the non-participant target group towards the 'full-time work with part-time training option'. In the present adverse market conditions, while the offer of cheap labour will secure work for some, poorly qualified 'early leavers' are more likely to return to the nameless, unsupported interstitial space between education, training and work than to the classroom or workshop.

Governing non-participation

There are alternatives. Apprenticeships and volunteering may be valued, but they remain scarce in conditions of financial stringency. Similarly, the Youth Contract (YC) for 16-17 year olds continues as an incongruous fall-back that spares low achievers being contained or warehoused in the institutional sites of their underachievement. But YC has been dramatically unsuccessful, with tiny numbers of placements (barely 4,000 16-17 year olds in England, fewer than 600 in London, whether because of limitations of supply of or demand for places), and no positive outcomes for almost three-quarters of participants (Department of Education, 2013d). YC therefore serves at once as a spur, and as a shelter that contains young people as much as it protects them. Its poor reputation and tests the resolve of those who refuse school and college, and re-invigorates the conflicted dynamics of choosing between unpalatable training and unobtainable employment. YC also offers residual provision, much as post-14 schooling was to have done in the cancelled 1936 Act, by providing legitimising protective cover for the weakest and most vulnerable. But YC also corrals and contains reluctant, recalcitrant and alienated 'refusers' in one place, where they can be monitored and 'occupied'.

An increasingly prominent and important analysis of modes of administration like those of New Labour's 1997-2010 engagement with all who call on the state's welfare provisions recognises that its underlying responsabilisation strategy is in effect a mode of governance (Rhodes, 1996; Rose, 1999). Provision is made ever more conditional on participation in approved productive activity, *or in its absence*, on acceptable conducts and behaviours. Those services of welfare that offer shelter also track their subjects. They identify, profile and monitor, and they analyse and model data in unproven efforts to predict and pre-empt the un-responsibilised behaviours of others (Marston, 2006). The youth justice system in particular is now notorious for commuting the instruments of behaviour management into

techniques for identifying – and in some cases criminalising – proscribed conducts (Case, 2007; Haines and Case, 2008). Anti-social behaviour orders (ASBOs) had the capacity prosecute breach of orders through the criminal courts. Indeed many of the proposals of the escalating wedge of interventions for non-participation proposed in the original E&S Act resemble the sequential stages of ASBOs.

Non-participation in the forms which the E&S Act sought to address is now becoming understood more as a problem *for* governance under arrangements overseen by the state than as a problem *of* a dysfunctional barely-regulated market economy. When the labour market of the early 1980s began to implode under the strains of monetarist doctrine as a precursor of neoliberalisation, the high visibility of youth unemployment was addressed by transformative changes in the functioning of the state, which oversaw schemes whose priority was to remove young people from the registers of social security and unemployment counts, and contain them in what were often little more than masquerades of training and work experience. Unemployment thereby begun its journey along the long path from being a failure *of* political economy to being a problem *for* governance. A problem of structures, values and social and economic organisation began to be reworked as a problem of individuals. Exogenous explanations for unemployment and non-participation became reworked as endogenous accounts of unsuitably skilled, unadaptive or poorly motivated individuals – especially amongst the young (see Fergusson, 2013). If, as this chapter has argued, the E&S Act is best understood as part of an extension of the history of the political economy of extended schooling in the context of unstable labour markets, it must also be recognised as the latest episode in a different historical lineage of governing problematised populations of young people (Muncie, 2009).

Conclusion

The very short history of the E&S Act has been to achieve what opponents of extended schooling failed to do in 1922, 1936 and 1947: reverse or disrupt it. It is a history that is already marked by troubling resemblances to other aspects of the education reforms of the late C19th and early-mid C20th. It is far from clear whether the 2011 reversal too will ultimately fail, and by what criteria the outcomes of the debilitated E&S Act will be judged in review in 2016.

It is idle to ask whether the Coalition government's step back from enforcing participation is a retreat from an unwelcome breach of basic liberties, marred in particular by criminalising

those who refuse to participate; or an historic lost opportunity to open up new prospects for the 10% of young people who have benefitted least from 11 years of compulsory school attendance. The Hobson's choice between New Labour's hyper-interventionism of tracking, monitoring and enforcing participation through punitive sanctions, and Coalition's apparent laissez-faire neglect of the most vulnerable (and perhaps least governable) of young people in times of rapidly polarising conditions of poverty and wealth is unanswerable (Fergusson, 2014, in press). It is also an entirely context-bound construct of a specific political-economic conjuncture that easily blinds out the alternatives to the two hybridised variants of neoliberalism that underpin the binary choice on offer. And while it remains extremely difficult to explain the absence of public debate, both over the original E&S Act legislation and over its subsequent debilitation, it may be that the collective political construction of an impossible choice between punishment and neglect has met with the public bemusement (or contempt) it deserved.

The principal flaw in the 2008 legislation was not its attempt to compel participation: such requirements were ramped up and uncontroversially enforced roughly every quarter-century since 1870, until extending compulsory attendance was abandoned in favour of schemes concerned more with governing non-participants than educating or training. Rather, the flaw lay in E&S Act's incapacity to find an *enforceable and tenable* developmental alternative for those who would not profit from full time education or training. All the known variations on the old themes seem to have become exhausted, now that it is clear that youth workfare programmes are discredited currency, that the unregulated formal labour market will never meet the demand for jobs from new entrants, and that employers have to prove that they can be relied upon to facilitate and monitor accredited training.

The alternatives, though, are legion, for those with the vision and political conviction to recognise the social and economic costs of whole cohorts of young people who are unable to learn or earn within the frames of existing provisions and structures. It is possible to conceptualise policy alternatives that refuse the dominant terms of the present conjuncture and offer new solutions to a now-transnational problem that is simplistically dubbed 'mass global youth unemployment' and is gaining a sanguine and resigned reputation for being intractable. Rebalancing the gross disparity between the needs of young people without prospects and the cultivated expectations of corporate employers who will countenance few adaptations to any policies that slow the pace of escalating profits might be a sound starting point – one that still has the power to capture the imaginations of those best placed to change policy and act to stay the alarming advancing normalisation of mass non-participation amongst young people.

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