

THE EFFECTIVE DESIGN, IMPLEMENTATION AND ENFORCEMENT OF SOCIO-ECONOMIC EQUALITY DUTIES: LESSONS FROM THE PUPIL PREMIUM

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Abstract

The UK has extremely high levels of socio-economic inequality, which are predicted to rise over the next five years. Traditionally, equality law was seen as inappropriate to address socio-economic inequality but in the last decade, a growing number of equality duties have been introduced to address this persistent form of inequality. There is, however, little research on the principles that underpin these duties. This article seeks to address this gap through the use of data from interviews conducted with primary school personnel implementing the pupil premium. The article explores understandings of socio-economic inequality by individuals in schools; policy conflicts; the wider context of action to address socio-economic inequality; different decision-making processes; and accountability mechanisms. On the basis of the findings of this study, broad principles are outlined to inform the design, implementation and enforcement of socio-economic equality duties in the future.

Keywords: socio-economic inequality; equality law; pupil premium; poverty; class; schools

Introduction

The United Kingdom possesses the second highest level of income inequality in the developed world with the top one percent of earners receiving 15% of all income (Piketty, 2014, p. 316). Levels of inequality have been relatively stable in the last couple of decades following substantial rises in the 1980s but are predicted to increase significantly in the next five years, reaching record highs in 2020-21 (Hood and Waters, 2017; Corlett and Clarke, 2017). High levels of inequality result in a wide range of social problems including, reduced health and life expectancy, lower educational attainment, increased violence and higher prison populations (Wilkinson & Pickett, 2009, pp. 87, 105, 135 & 145).

At the same time as high (and rising) levels of income inequality, the UK also has higher than average incidents of poverty (the poverty rate is ranked 19th out of the 35 OECD countries: OECD, 2017). In 2014/15, 21% of the population were living in relative poverty (their household income was less than 60% of the average income) and 29% of children were living in poverty (Tinson et al., 2016). As with income inequality, both relative and child poverty are predicted to rise in the next five years (Hood and Waters, 2017). Living in poverty has a dire impact on individual's lives with it causing individuals to go without basic necessities (such as adequate food/clothing); stifling child development (causing behavioural problems and lack of confidence) and affecting mental health; resulting in individuals living in poor/overcrowded conditions; and reducing life expectancy (Joseph Rowntree Foundation, 2016).

In contrast to other strands of inequality (such as gender or race), law has traditionally been seen as 'too specific and too selective' to tackle socio-economic inequality (Hepple, 1992). Recently, this view of law has been challenged, with scholars increasingly arguing for legal measures to tackle such inequality, such as socio-economic rights and equality law (for example Collins, 2003; Fredman, 2008 and 2010). At the same time as academic views were changing, political views were also altering, with an increasing number of laws being introduced that are focused on, or with the potential to address, aspects of socio-economic inequality. In 2010 two legal duties were passed to address socio-economic inequality in Britain: a child poverty duty (requiring the government to meet four child poverty reduction targets by 2020, which was repealed in 2016: Child Poverty Act 2010, ss 2-6; Welfare Reform and Work

Act 2016, s 7) and a socio-economic duty (Equality Act 2010, s 1). The socio-economic duty would require public bodies 'when making decisions of a strategic nature about how to exercise its functions, [to] have due regard to the desirability of exercising them in a way that is designed to reduce the inequalities of outcome which result from socio-economic disadvantage.' The socio-economic duty was passed by the Labour Government just before the 2010 general election, the subsequently elected Coalition and Conservative Governments (who had criticised the duty during the passage of the equality act) opted not to bring the duty into force (with the intention being never to bring it into force) (Gov.uk, 2010). The Scottish Government has since committed to implementing the socio-economic duty in Scotland and have just undertaken a consultation in advance of enacting the duty (Scottish Government, 2017). The Welsh Government has also suggested that the duty will be implemented in Wales (Welsh Government, 2013). Since 2010 three additional legal duties were introduced: a duty on the secretary of state for health to address health inequalities in England (Health and Social Care Act 2012, s 4); a duty to take account of socio-economic inequalities in community planning outcomes in Scotland (Community Empowerment (Scotland) Act 2015, s 5); and a duty for Scottish ministers and education authorities to consider socio-economic inequality in the context of education in Scotland (Education (Scotland) Act 2016, s 1). Consequently, it can be seen that within the last decade, there has been a growing political acceptability of laws being introduced in an attempt to tackle socio-economic inequality.

Yet given the recent and novel nature of laws to tackle socio-inequality, there is a lack of research on how these legal duties can best be designed (Fredman's critique of the socio-economic duty introduced by the Equality Act 2010 is a notable exception: 2010). This article aims to address this gap by outlining broad principles that should guide the design, implementation and enforcement of socio-economic duties. It does this by drawing on the findings of an empirical research project that explored the implementation of the pupil premium in English primary schools. Through exploring how individuals in primary schools have implemented the pupil premium it is possible to explore issues that underpin socio-economic equality duties, such as how individuals working in public bodies come to understand and define socio-economic inequality, how efforts to tackle socio-economic inequality are affected by external factors and how accountability mechanisms can act upon efforts to address socio-

economic inequality. The article begins by discussing the methodology of the project. This is followed by an explanation of the purpose and requirements of the pupil premium. The rest of the article then explores different themes that arose from interviews with individuals in primary schools and on the basis of these themes, the article concludes by outlining principles that should inform the design, implementation and enforcement of socio-economic equality duties in the future.

Methodology

In order to investigate the implementation of the pupil premium, interviews were undertaken in nine primary schools in the Spring of 2015. Schools were situated in two large cities (a more affluent city in the South of England and a more working-class city in the Midlands). The choice to interview across two locations was taken to capture some of the significant disparities that exist between the wealthier South and the poorer North and Midlands (Social Mobility Commission, 2016). Primary schools were chosen because it is one of the earliest points that socio-economic inequality in education is both measured and can be comprehensively addressed (Centre for Social Justice, 2014; Hutchinson, Dunford and Treadaway, 2016). Although there are a wide variety of types of school (e.g. free schools and studio schools), the study focused on the two most common types: community schools run by local authorities (which make up around 74% of primary schools) and academies who contract with the Department for Education to run themselves (which make up around 25% of primary schools) (Gov.uk, 2017b). The decision was taken to focus on both types of school because they have very different types of governance and operating structures and thus may implement the pupil premium in different ways.

Additionally, schools are often heavily socio-economically segregated with many schools having a significantly larger or smaller number of free school meal pupils (FSM), and hence pupil premium children (the link between the two will be discussed below), than if each school was representative of the local authority (Reay, 2012). This split between schools with high and low numbers of FSM children is significant as schools with more FSM pupils have gradually decreased the attainment gap between FSM pupils and non-FSM pupils while schools with lower numbers of FSM pupils have seen the attainment gap increase (Hutchinson, Dunford and Treadaway, 2016). This suggests that schools with higher numbers of pupil premium children may

interpret and implement the pupil premium in qualitatively different ways to schools with lower numbers of pupil premium children. To capture these differences the study sought to include two categories of schools: those with an above average number of pupil premium children and those with an average/lower than average number of pupil premium children. The average number of pupil premium children in the southern city was around 35% and the average number in the Midlands city was around 45%. Consequently, schools were sought with both lower/average numbers of pupil premium children (40% or less) and higher numbers of pupil premium children (60%+). Aside from differences in location, type of school and number of pupil premium children, all the participating schools shared similar characteristics (i.e. they were all similarly-sized, large, mainstream primary schools).

Schools were identified using RAISEonline which allowed filtering by local authority and level of school (primary/secondary). Every entry contains information on the type of school (such as whether they are a community school or an academy) and the number of FSM pupils so relevant establishments could be identified (e.g. a community school with high FSM pupils or an academy with low FSM pupils). The headteachers of relevant schools were contacted by email with a request to participate in the study; six of the nine participating schools were recruited in this way. It was difficult gaining access to schools with lower numbers of pupil premium children, particularly academies (as this is quite a small number of schools overall). The remaining three schools, all of which had low numbers of pupil premium children (two of which were academies), were recruited via snowballing, through the help of the other participants. Interviews were undertaken with the individual(s) responsible for the pupil premium. The participating schools allocated responsibility for the pupil premium differently and thus the role of the interviewees within schools varied significantly, from headteachers to teaching assistants (this will be discussed in more detail below).

Interviews lasted from 45 to 90 minutes depending on the time commitments of interviewees and the length of their answers. Interviews were semi-structured covering topics such as understandings and experiences of socio-economic inequality within the school, eligibility for FSM/pupil premium, how pupil premium spending decisions were made, resources utilised to inform decisions, the types of decisions

that had been made, how the pupil premium compared to previous measures and accountability mechanisms.

As well as interviewing, publicly available documents about the schools' implementation of the pupil premium were also consulted. These included documents about numbers of eligible pupils and how money was being spent (which schools are required to have on their website) and school reports by the regulator, Ofsted. Ethical approval was obtained from the University of Bristol prior to undertaking the research. All participants were provided with information about the study in advance to enable them to give informed consent before the interviews took place. Confidentiality and anonymity were also assured to all the participants and schools.

Each interview was recorded (alongside notes being taken) and these recordings were then transcribed. The transcripts were analysed thematically using NVivo. This involved coding the data to identify emerging themes. As themes emerged the data was then re-analysed to identify the key themes (i.e. those that were not isolated to a particular interview but were present in all or most of the interviews). Once key themes were identified the data was then analysed again to identify instances that both supported and contradicted the themes, the themes were revised on the basis of this.

There are two main limitations to the study. The first limitation is that the individuals from the six schools that responded to the initial email and opted to participate in the study were partly self-selecting: they tended to be more confident, knowledgeable and enthusiastic about the pupil premium, which is likely to have affected the data. In contrast, individuals from other schools, who were perhaps less confident about the pupil premium, did not respond to the interview request or declined to participate (particularly from schools with a low number of pupil premium children). This limitation was minimised through snowballing so individuals from schools with lower numbers of pupil premium children were eventually recruited which meant a wider range of experiences could be captured.

A second, more significant limitation, is the small sample size. The sample consists of nine schools and although these schools are representative of many of the different types of primary school (i.e. community schools and academies and low and high

numbers of FSM pupils), the findings of the nine schools cannot be generalized to represent the thousands of primary schools in England. However, the intention of the study was not to produce generalizable findings (as wide-ranging studies already exist and will be drawn upon later to support the findings – Carpenter et al., 2013; Ofsted, 2012, 2013, and 2014). Instead, the intention of the study was to explore how individuals within schools understand, experience and attempt to address socio-economic inequality within the context of education. Rather than generalizing, the themes that emerge are linked to theory about socio-economic inequality and policy implementation and illustrate areas where further research is needed (Bryman, 2008). The table below summarises the characteristics of the nine schools who participated in the research.

Pseudonym	Type	Locality	% FSM (to nearest 5)	Role of interviewee
Amos	Academy	South	20	Learning Support Officers
Boland	Academy	South	70	Deputy Head
Chagnot	Community	South	65	Learning Support Officers
Donaghey	Academy	Midlands	60	Deputy Head
Ewart	Community	Midlands	80	Headteacher
Farrell	Community	South	20	Deputy Head
Gerstein	Community	Midlands	10	Deputy Head and Teaching Assistant
Halsey	Academy	South	40	Deputy Head
Imogen	Academy	Midlands	30	Deputy Head

The pupil premium

Schools are a potential cure to the rising levels of socio-economic inequality outlined in the introduction, as pupils who leave school with better qualifications are more likely to find employment and receive higher pay (those with GCSEs including English and maths earn on average £283,000 (men) and £232,000 (women) more during their lifetime than those without qualifications) (Tilak, 2002; OECD, 2013; Department for Education, 2014). However, schools can also increase socio-economic inequality as pupils who leave school with poor qualifications dramatically increase their chance of

worklessness, low pay, or imprisonment as adults (Ministry of Justice, 2012). Within primary schools, non-FSM pupils are 22% more likely to reach the government standard in Key Stage 1 assessments (age 6-7) than FSM pupils and 38% more likely in Key Stage 2 assessments (age 10-11) (Social Mobility Commission, 2016). By the end of secondary school, non-FSM pupils are 85% more likely to reach the GCSE standard of five A*-C's including English and Maths than FSM pupils (Social Mobility Commission, 2016). Thus at present, the education system reinforces socio-economic inequality, as generally, those from a disadvantaged background (i.e. FSM pupils) are less likely to receive minimum qualifications levels and hence significantly more likely to stay disadvantaged.

Since the 1960s there has been a range of policies introduced in schools to increase the educational performance of disadvantaged pupils (e.g. Educational Priority Areas and Gifted and Talented Programmes). In contrast to these policies, the pupil premium is unique, as rather than stipulating what measures should be undertaken by schools, the pupil premium can be spent as schools see fit to decrease inequality (Hutchinson, Dunford and Treadaway, 2016). The premium attaches to particular children and must be used by schools to close the attainment gap between that child and other similarly aged children both in the school and nationally (Gov.uk, 2017c). It began in 2011 and the amounts of funding and eligibility have gradually been extended over time (Jarrett, Long and Foster, 2016). Three types of children attract funding with the amount of funding varying between them: for the 2017/18 academic year, children who have received FSM in the last six years receive £1,320 for primary and £935 for secondary; children who are or were looked after (i.e. in Local Authority care) receive £1,900; and children of armed forces personnel receive £300. By far the largest group is those in receipt of FSM. To be eligible for FSM (and hence the pupil premium) a child's parents must be receiving one of a listed number of (largely out of work) benefits (Gov.uk, 2017a).

Schools in England have used the pupil premium to provide a wide variety of provisions (Carpenter et al., 2013), and this was no different in the participating schools, who had spent the premium on four main types of provisioning: academic support; enabling provisions; social and emotional support; and experiences. Most of the money was spent on academic support which included paying for additional

teaching staff to teach catch-up (or intervention) sessions of English and Maths to pupil premium children (which will be discussed in relation to accountability below) and/or reducing class sizes. In terms of enabling provisions, all schools had breakfast clubs and this was free to pupil premium children (providing them with sustenance prior to the start of the school day). Some of the schools also spent money on attendance officers to increase pupil premium children's attendance and paid for necessary resources (such as sports kits). A third category of spending was on social and emotional support including provisions such as additional support staff (learning support officers and family mentors) and measures to increase emotional well-being and confidence (for example different types of therapy, educational psychologists and behaviour and anger management packages). The final category of spending was on increasing the experiences of pupil premium children, for example paying for trips and summer camps and giving pupils access to after-school sports and music clubs.

The rest of article explores the factors that influenced decision-making processes of interviewees when spending the pupil premium. These factors can be split into six key themes: (1) understandings of socio-economic inequality; (2) influences of other policies; (3) conflicts between beliefs about morality and legality; (4) the role of schools within wider society; (5) decision-making models in schools; and (6) accountability mechanisms.

Understandings of socio-economic inequality can be influenced by the setting

All the interviewees described how limited economic resources was a crucial limiting factor on the performance of disadvantaged children. This was because a lack of economic resources led to deprivations in other areas which significantly hampered pupils within their schools, which is borne out in research on poverty and education (Holloway et al., 2014). These deprivations include: children not having enough to eat; pupils not having suitable clothing; families having limited support networks; and poor/ill-suited housing. Inadequate housing was seen as particularly important by participants. The Learning Support Officers at Amos described how, due to overcrowding, many of their pupil premium children had to share bedrooms with much older siblings, which meant they had inappropriate bedtimes and did not get sufficient sleep each night. The Deputy Head at Boland also noted how the location of the school and surrounding housing had a huge impact on the health of the pupils as there

were no supermarkets in the vicinity only small convenience stores, which made healthy eating very challenging.

Although all the interviewees saw a link between a lack of economic resources and a lack of other basic resources (such as food, clothing, and housing), there was a clear divide between how individuals viewed the relationship between lack of economic resources and the limited range of cultural experiences children engaged. Cultural experiences (for example going to museums/art galleries or learning a musical instrument) are important for children as these experiences enable them to build up their cultural capital and acquire the skills and capacities to do well in the education system (Bourdieu, 1985; Scherger and Savage, 2010; Savage et al., 2013) and secure elite jobs in the future (Ashley, Duberley, Sommerlad and Scholarios, 2015). Disadvantaged children are significantly less likely to partake in cultural experiences than non-disadvantaged children though (Sutton Trust, 2014). The importance of cultural experiences is well known within the education sector, with all the interviewees bringing up the lack of cultural experiences of pupil premium children without being prompted. The link between cultural experiences and educational attainment is outlined clearly by the headteacher at Ewart:

what our children struggle with is actually being able to write, but they haven't had the experiences from which to draw, to talk about, to formulate ideas, to discuss and then write about them...If you've never been to the seaside, and built sandcastles or played in the sea, how can you ever discuss it? And if you can't discuss it, if you can't talk about, you're never going to be able to write about it.

All the interviewees at schools with high numbers of pupil premium children (Boland, Chagnot, Donaghey and Ewart) saw the pupils lack of exposure to cultural experiences as a direct consequence of the lack of economic resources the family possessed. For example, the deputy headteacher at Donaghey described how 'there can be inequality of access if it's left down to a family's financial situation...It costs money to engage in trips to see performances, visit places of interest, participate in events, even go on holiday...Being financial linked means some of our children don't always get the wide range of experience which becomes a limiting factor, whether that affects them linguistically or in terms of their ability to interact'. The deputy head at

Boland also outlined how economic resources affect pupil premium children's access to cultural experiences: 'these children are being raised in a very economically deprived home, not necessarily deprived in any other area but financially...they have very limited world experience so rarely go anywhere, not even as far as the city centre...which is linked to the fact that they don't have cars.' The headteacher at Ewart illustrated the link between inequality and lack of free time (a theme identified by Ipsos MORI and Nairn, 2011) and how this affects pupil's access to cultural experiences: 'some of our families who have more income actually, then seem to spend less time with their children, which has a deprivation effect of a different nature...You know, if parents are working and often, manual workers, it'll be shift work, so actually how do they ever get to take the kids out, at the weekends or whenever their free periods are because they're always at work?'

In contrast, individuals in schools with lower numbers of pupil premium children placed less emphasis on the impact of lack of financial resources on pupil's exposure to cultural experiences. While recognising that a lack of financial resources can influence a family's ability to access cultural experiences, individuals at these schools (Amos, Farrell, Gerstein and Imogen) also related children's limited exposure to cultural experiences to a lack of parental support. This can be seen in the interview with the deputy head of Farrell who distinguishes between lack of access to cultural experiences because of limited financial resources and those that result from a lack of parental support:

[Inequality is] first of all related to wealth, but secondly, it would then come down to parental support...It's about what parents are able to offer them [their children] in terms of enrichment outside the classroom, visits to museums, visits to the theatre. Some of these things cost money that some people haven't got access to. Whilst finance and wealth is important, it is not the only thing...it goes beyond that in terms of discussion and parents sharing experiences as well'.

Thus, while recognising that lack of wealth can inhibit access to cultural experiences, there is also a recognition that lack of access is wider than just limited financial resources and also relates to lack of parental support (i.e. parents not discussing and sharing experiences with their children). Lack of parental support of pupil premium children was also expressed by the deputy head of Imogen: 'I feel we succeed in many

aspects, but there are some individuals who see education very differently from how we do, and it's working alongside those parents to try and find a common goal that will enable their child to do as well as they can.'

The focus on a lack of parental support was most strongly seen in the interview with the staff at Gerstein (the school with the lowest number of pupil premium children) who, while recognising the relationship between lack of financial resources and lack of cultural experiences ('there's opportunities, activities they miss out on because they don't have the money to do it'), placed heavy emphasis on a lack of parental support, almost blaming parents for their child's lack of exposure to culture:

some people just don't know what's out there, so lack knowledge and cultural differences as well, being quite protective within a culture perhaps...doing things the way their family has always done because that's quite traditional.

Their culture might be narrower than someone who is open to lots of different opportunities and open to a lot more influences.

the parents don't know how to give the children a broad supportive, enriching upbringing really.

there are some children who are not earning that much more money but they're still getting a broader experience just because of the sacrifices that the parents make.

This distinction between the views of individuals at schools with a high number of pupil premium children and individuals at schools with a low number of pupil premium children is not surprising. When implementing policies, schools are influenced by a wide variety of factors including their situated contexts (location, history, intake and setting) and their experiences of previous policies (Braun et al., 2011; Ball et al., 2011b). The pupil premium has been implemented in the context of previous policies of successive governments that have emphasised the importance of parental involvement in education, where parents are expected to enable their children to engage in a wide range of cultural experiences (Gewirtz, 2001; Reay, 2004 and 2008). However, the provision of these experiences is not class neutral, with working-class parents having significantly fewer resources (in terms of money, time and energy) to engage in these experiences with their children (Ball, 2003; Gewirtz, 2001). In schools with low numbers of pupil premium children, the school's intake (predominantly non-

pupil premium children) combines with this previous policy context (where parents are expected to provide access to a wide range of cultural experiences) to influence implementation of the pupil premium. Consequently, while recognising the influence of a lack of financial resources on pupil premium children's experiences, the interviewees in schools with a low number of pupil premium children also attribute a lack of cultural experience to limited parental support (the parents of pupil premium children are not providing the 'broad supportive, enriching upbringing' that their children should be receiving and most of the children in their school are receiving). Pupil premium parents are seen as traditional, not open to different opportunities and influences and not willing to make sacrifices to provide cultural experiences for their children. In contrast, schools with a high number of pupil premium children, have an intake where very few parents provide wide-ranging cultural experiences, this is the reality of their situation (i.e. a direct consequence of possessing low resources).

This disparity in views can best be seen by contrasting the comments of staff at high pupil premium schools, with the staff at Gerstein.

Teaching Assistant: It's just trying to involve their families [those of pupil premium children] without being too pushy about it. Because some of the families really are disinterested aren't they?

Deputy Head: Hmmm

Teaching Assistant: So it's quite hard to engage them. Having said that, Katie's dad wants to go to the art gallery next week.

Deputy Head: Oh that's good.

Teaching Assistant: Yeah, yeah.

Deputy Head: Well, it's free the art gallery isn't it? You know, he could take her anytime.

It was seen in earlier extracts from Boland and Ewart that there was a wider recognition of barriers for socio-economically disadvantaged families to access cultural experiences than just a lack of financial resources (i.e. they may lack time due to work patterns or lack access to a means of transport). In contrast, for the staff at Gerstein, once the financial barrier has been removed (i.e. the gallery is free) then not engaging in cultural experiences is down to a lack of parental support rather than additional barriers (such as lack of time/access to transportation). This distinction (between

individuals at high and low pupil premium schools) is potentially significant as more restrictive views of socio-economic inequality could limit the range of support schools provide (for example, if schools believe exposure to cultural experiences is the responsibility of parents they may be less likely to provide them). This was evident in the interviews and publicly available documents on schools' websites, with schools with high numbers of pupil premium providing a wider range of cultural experiences than schools with lower numbers of pupil premium children. Given the small sample size of this project, further research is needed to determine if the views of individuals within particular settings can inhibit provisioning, but this trend (i.e. schools with high numbers of pupil premium children providing a wider range of support than low pupil premium schools) was also found to be true in the larger study by Carpenter et al (2013).

Conflict between beliefs about morality and legality

A theme that appeared in all the interviews with staff at schools with high numbers of pupil premium children (Boland, Chagnot, Donaghey, Ewart and Halsey) was a conflict between what staff felt was morally right and what they believed was 'legally' required by the pupil premium policy. Braun et al. found that such conflicts were a common occurrence in school policy translation, with national policy often conflicting with embedded institutional or individual values (2011). In the context of the pupil premium, the conflict focused upon whether pupils who were not receiving FSM and hence not entitled to the pupil premium should receive any benefit from the pupil premium money. This dilemma arose because in schools with high numbers of pupil premium children: 'most of them could all be, for all of about £100, free school meals [and hence pupil premium children]' (Boland), 'we're not talking about children that massively have and massively have not. We're talking about massively have not and some have a little bit more' (Ewart).

Schools resolved this conflict in different ways. Boland, Chagnot and Halsey attempted to go along with the spirit of the pupil premium (i.e. using the money to benefit specific pupil premium children) while at the same time also trying to benefit non-pupil premium children where this was possible. For example, Halsey provided a free breakfast club funded by the pupil premium for all pupils in the school. Managing

this conflict between what is considered morally right and legally required was difficult for individuals, which is seen strongest in the interview with the deputy head at Boland:

We have a behaviour support member of staff who is paid purely out of pupil premium and she supports all children...We wouldn't say, "Just because you're not pupil premium you don't get the support".

We try and subsidise all our trips so that children can then have a greater and wider range of experiences...it's for all children, to be fair. I'm being honest now, because it's so difficult to turn round to four children in class and ask them to pay.

To be perfectly honest, sometimes if you've got a group of six and one of them isn't pupil premium and they need it [support], they carry a little bit on the back, which is probably not the right thing to do. Well I think morally it's the right thing to do but legally I suppose somebody could get very cross with us.

In contrast, Donaghey took a very legalistic view of the pupil premium – only using it to benefit the specific pupil premium children and none of the other pupils in the school.

we know that there are some of our families who are not on benefits [and so their children are not entitled to FSM] but are less well off...they won't get it [the benefit of the pupil premium]; they'd have to pay

the head is quite adamant that it doesn't just go into a pot...What I should be able to do is, "Right, you're David. Over your head lies £1300. Right now tell me how David is benefitting from that?"

it was a bit of a leap of faith, really, at this school. Because it was against people's beliefs. It's like, "Well why can't he have it. Because he's sort of disadvantaged as well." "I know that the family aren't doing very well but he's not a Pupil Premium child." Nevertheless that's what we've gone with because we know that that's the priority and that's what we're supposed to be doing.

Finally, at Ewart, the headteacher took a very moral stance in relation to the use of the pupil premium:

here pupil premium is used for all children in school...because, if you look at the children we have that are not eligible, they're still very deprived in other areas. And it can be that they're just above that threshold, and you don't have to earn very much money, not to qualify for pupil premium, and that's the reality of it...So for us, the distinction between those that have and those that have not, is virtually zero.

This approach (using the pupil premium money to benefit non-pupil premium children) has also been found to have been adopted by other schools in other studies of the pupil premium (Carpenter et al., 2013; Abbott, Middlewood and Robinson, 2015). However, it is unclear if allowing non-pupil premium children to benefit from the pupil premium money is permitted or not (Carpenter et al., 2013), with Ofsted suggesting that it is not (2012; 2013).

Influences of other policies: Universal Infant Free School Meals

As stated above the pupil premium was introduced in the 2011/12 academic year and since the 2012/13 academic year attaches to any pupil whose parents have registered for them to receive FSM in the last six years. In the 2014/15 academic year, universal infant free school meals (UIFSM) were introduced, which offers every reception, year 1 and year 2 pupil in a government-funded school a free school meal (Education Act 2002, s 14). Like the pupil premium, one of the purposes of introducing UIFSM was to reduce socio-economic inequality: to 'help improve concentration and raise educational performance so that, regardless of their background, every child can have the best possible start in life' (Gov.uk, 2014). Although UIFSM is intended to reduce socio-economic inequality, its introduction has acted to limit the effectiveness of pupil premium in all of the participating schools.

What was a really obvious thing for parents, that you know "It's great I don't have to pay for dinner. Therefore, I'm gonna sign-up for that, because I can see immediately I'm gonna be saving myself £15 week, you know." Now it's all universal none of them see the point, 'cause they can't see the future point of applying for it because summer camp [which takes place in year 6] and everything is years away. They also don't often really fully understand that it means we can do therapeutic interventions with those children. They don't really fully get it. It doesn't make sense to them immediately, whereas free school meals made sense immediately. When they reach Year 3, suddenly the parents are hit by the school dinner bill, they will sign-up. But we've missed out on that money coming in in reception, Year 1 and Year 2. (Amos)

All of the interviewees described how numbers of registered pupils for FSM in the first year were down drastically on previous years – in some schools this was as much as half the number of children (Amos, Chagnot, Imogen). Such large reductions in pupils registered for FSM had a serious effect on the schools' ability to address socio-economic inequality via the pupil premium: 'We know we're missing out on thousands

of pounds because there is no incentive for people to apply' (Chagnot). Such policy conflicts are not unusual within schools due to increasing policy 'hyperactivity' and incessant change, with policies being introduced in an ad-hoc manner as the state responds to emerging problems and different interests (Dunleavy, 1987; Ball, 2003). This leads to 'policy soup' where policies over-lap, inter-relate and contradict (Braun, Maguire and Ball, 2010).

Schools have different capacities for coping with, and responding to, these policy conflicts (Braun et al., 2011). Thus, the interviewed schools have sought to tackle the conflict between pupil premium eligibility and UIFSM in a variety of ways. At Chagnot the school has offered free P.E. kits to all FSM pupils to encourage all parents to register, although this has not been as successful as staff hoped. Other schools had been heavily promoting the advantages of the pupil premium to parents:

We've just had to really promote it and push it hard in reception, so when parents are first coming into school, and are first coming in for their meetings, we have to try to inform them that, yes, their children are getting a free meal, but you can still, for the next X amount of years, claim money for the school to benefit and improve your child...And we have a parent support advisor in our school who goes and does workshops, and goes and stands outside the school gate, and jumps on people and tries to get them to understand. And we sent flyers out. We've got it on the website. We have it in our newsletters regularly, just to get parents to understand the difference between Key Stage 1 free school meals [UIFSM] and the benefits of pupil premium.
(Halsey)

Some schools were also targeting the parents of specific pupils that they believe would be eligible for FSM: 'we're rallying round trying to make sure every possible child that we think would be on benefits or parents we'd think would be on benefits, we're filling their forms in for them and they're signing them' (Ewart). This behaviour, encouraging parents to register for FSM, was also found to be true of the majority of schools in other research on the pupil premium (Carpenter et al., 2013) and is actively encouraged by Ofsted (2012).

The role of schools within wider society: Education does not act in a vacuum

Bernstein famously stated that 'education cannot compensate for society' (i.e. it cannot single-handedly overcome all the inequality that exists in society) (1970). This was a sentiment shared by the interviewees:

you cannot just put that money in and that solves all the disadvantage that financial inequality causes...it's a gesture, we use our pupil premium money very well, but I think it is a gesture to solve a wider problem in society (Farrell).

Our hands are really tied...We can provide stability at school, but there's not much else we can do...It's like putting out fires...we'll put out a little fire there and we think that's sorted and then you're dealing with all sorts of other things...the work is never done (Amos).

Most of the interviewees described how their ability to use the pupil premium to address disadvantage had been hampered by external factors outside of their control. For example, staff at Chagnot (and Donaghey) talked about the impact of temporary housing on education provision: 'there's other socio-economic inequalities that really affect us a lot, like one of the things I think is, sort of, mobility, children coming in and out of school. And that's to do with housing, people are housed temporarily...so you put a huge amount of resources into a child and then they get moved and they go to a school up the road'.

A trend that was common in the experience of most of the interviewees was the decline in external services (particularly local authority services) which were either now not available or had extremely long waiting lists. This has seen participant schools use the pupil premium to provide some of these services themselves:

there's been a problem with some of our children that have had mental health needs. And CAMHS [the NHS' Child and Adolescent Mental Health Services] is like a ghost service...It's just not there...you can pay quite a lot of money to various private organisations, but it's beyond the budget. So it's the feeling that pupil premium money is having to be spent more and more for in-house stuff. (Amos)

we've got a group of child in the school whose behaviour's challenging [most of which are pupil premium children]...we could go immediately to outsource people, who could come in, work with us, work with those children, because it was gonna take months for

the behaviour support group [from the local authority] to come and support us, bless them (Halsey)

Schools have used the pupil premium to fund social service style roles within schools: 'my job is like being a social worker in school' (Amos); 'We also have a family support worker...she has a lot to do with child protection...she makes links with first response, social workers and people to try and get support for the families as a whole' (Boland); 'We've a parent support worker to help them access services...if they're struggling maybe needing help with making phone calls or communicating with some services in the city' (Donaghey); 'we have a learning mentor at our school, which is basically the best way to describe it, it is like having a social worker on site, and they do as much work with adults of the families of children and supporting them, and they often, you know, drive families to food banks to collect food' (Farrell). This tension is part of a wider dilemma between what Francis, Mills and Lupton term schools making a difference and schools making *the* difference (2017). Research shows that schools do make a difference to pupils lives through social and academic outcomes, pupil engagement with school and through post-school guidance (Hayes et al., 2006; Ainscow, 2010; Sutton Trust, 2015; Hutchings, Francis and Kirby, 2016). However, dominant policy discourses suggest schools make the difference and thus should be responsible for closing the longstanding attainment gaps between disadvantaged and non-disadvantaged pupils (Francis, Mills and Lupton, 2017). Yet, there is a lack of agreement about the amount of difference schools can make given the wider inequalities in society (Whitty et al., 2016). As the interviewees suggest, a lack of measures in other contexts (such as housing and public services) can hamper school efforts to reduce inequality (Social Mobility Commission, 2017).

The flexibility of the pupil premium allows it to accommodate different organisational structures

Ball et al's study of schools implementing policy found that schools interpret and elaborate on policies in a variety of ways such as through the senior leadership team meetings, staff briefings, working groups and by identifying person's responsible for the policy (what they term 'peopling policy') (2011b). Similar processes can be seen in relation to the participating schools, who broadly took three different approaches to making decisions about how to spend the pupil premium: top-down decision making;

co-operational decision-making; and bottom-up decision-making. The flexibility of the pupil premium policy (i.e. holding schools to account not for how they spend the money but the impact they make with it) allowed all three models of decision-making to be accommodated. In relation to top-down decision-making, this was the model adopted at both Imogen and Doughty. This involved decisions about spending being taken by the senior management team (for example the head and the deputy head) and then the decisions being filtered down to the rest of the staff. In contrast, Amos and Gerstein took a bottom-up decision-making approach where those on the frontline (e.g. teaching assistants and learning support officers) generated ideas for spending which were then cascaded up to the school management to see if they were feasible:

so we're [the learning support officers] sort of the frontline...in terms of speaking to parents and spending time with the children...we'll think. "Oh that would be a good idea"...then we go higher up the chain...to the deputy head and head if they're okay with that. And then we check with the business manager whether the money is available...But they're not telling us, it's sort of coming from the ground up...we're not being micromanaged at all...They're happy for us to basically see what the need is and meet the need. (Amos)

However, the majority of schools (Boland, Chagnot, Ewart, Farrell and Halsey) utilised collaborative decision-making processes, which allowed the expertise of a wide range of individuals to be drawn upon:

Everybody is involved at some level. For instance, we run a fishing club, to give the children those experiences, you know, that they otherwise wouldn't have and that involves our premises manager. We also do cooking for kids and we use people out in the community, to provide training, and so it's everybody at some level. (Ewart)

A lot of it is through discussion with, with the leaders [key stage heads etc], with teachers. The Head and I, but the inclusion team, which is the SEN [special educational needs] leader, the parent's boards advisor and learning mentor, we have regular meetings, just to say what's working, what's not working. (Halsey)

Accountability mechanisms can act to narrow the scope of the pupil premium

Schools are held to account for use of the pupil premium via data (records of the performance of pupil premium children in English and Maths and comparisons to national averages and other schools are publicly available on the government website

for use by parents, local authorities and the government) and via Ofsted inspections. In relation to data, schools are expected to show that the gap between pupil premium children and non-pupil premium children, both in school and nationally, for English and Maths is closing. This focus on English and Maths had a heavy influence of how schools implemented the pupil premium. For example, the deputy head at Boland described how the school was 'not doing as well on the more able [pupil premium children]. We're so busy trying to hit floor targets all the time [expected standards set by the government]'. At Imogen, the deputy head describes how the school has had to explore ways of reconciling the provision of a broad education (required by Education Act 2002, s 78) with the closing of the gap in English and Maths through the scheduling of English and Maths interventions during the breakfast club from 8:00 until 9:00 before school starts:

One of the problems we have is that when they're [pupil premium children] taken out of afternoon lessons, they're missing a history lesson. Well, that child might absolutely adore history, and actually, you're telling them they're doing more maths. So it's looking at ways that we can facilitate interventions, we can use the money effectively, but then not narrow the children's curriculum to just being literacy and numeracy, and still allowing them to have a broad and balanced curriculum.

Many of the interviewees felt uncomfortable with such a heavy focus on English and Maths, struggling to accept it taking priority over other aspects of disadvantage the pupils experienced. For example, the deputy head at Gerstein outlined that her school:

would argue that the impact is wider than academic, but the only thing that we measure is their [pupil premium children's] academic progress in English and Maths. You know, in data terms, but we would argue that that actually probably isn't the most important thing. It is, you know, very important, and that's what the government are interested in...but I think that actually, probably for a child to grow in confidence and have a new experience is 100 times more valuable than being able to read the next level reading books.

The focus upon data was reinforced by Ofsted who placed heavy emphasis on data during inspections of the schools. The deputy head at Halsey described a recent Ofsted inspection at the school:

Ofsted were really hot [on the pupil premium]. I mean I couldn't just go, "Yeah, the data's this," they wanted to know impact, and it was all about impact and data. It was just pure academic data. They don't worry that much about the social end of it and that sort of thing. Well, they do, I guess, but it was very much about is it narrowing the gap and over time?

Doughty and Gerstein have also had recent Ofsted inspections and they shared similar experiences of Ofsted focusing upon Maths and English data. Both schools tried to move beyond this focus though through showcasing the wide range of activities the school were undertaking through the pupil premium and illustrate impact in other ways. Thus, the deputy head at Gerstein outlined that 'as soon as they [Ofsted inspectors] came to the school we were selling everything else...To give them a flavour of what our school is actually. And hopefully they saw that and valued that'. At Doughty, the deputy head described how she illustrated impact to Ofsted inspectors where pupils had not improved:

You might have a child who wasn't demonstrating progress that had been reported back but I would then say, "But I know that child x or y has made small steps and let me show you their writing book" or "Let me introduce you to them so that they can talk to you about their work."...I do understand that we have to be able to measure but what we would try to do is to use a basket of indicators.

The pressures of Ofsted and showing improvements in data are important drivers of policy implementation in schools (Braun et al., 2011). This pressure (of accountability through data and Ofsted) resulted in anxiety in interviewees, particularly around pupil premium spending on non-academic spending or soft outcomes, for example wider cultural experiences or a growth in confidence. These soft skills play an important role in education and in pupil's future lives and are skills that disadvantaged children are less likely to possess (Social Mobility Commission, 2017; Yeo and Graham, 2015). However, interviewees felt a conflict between doing, what they believed was valuable work, and being able to show a clear impact of that work:

So in a school setting that's used to ticking boxes and having targets and meetings targets, it's difficult to prove the impact of what we're doing in that way. So it might be an obvious thing, like we manage to get a child's attendance better. So, that's a very easy, obvious thing. But in terms of how the parents relate to the children, in terms of the therapeutic work we do with the children, that may not be obvious for another five

years time. How do we show? It feels absolutely logical and really important the work that we're doing and very valuable. But how do we prove that? (Amos)

what worries is the soft outcome things, the things like the extra people, like the family support, the parents, you're wondering whether Ofsted or somebody in the legal profession could turn round and say, "Well actually..." blah...It's difficult to justify the soft outcomes. We know that self-esteem has happened and that can be incredibly time-consuming...We could say they seem much more ready for work and their attendance is better, but it takes a while for it to come out in their progress. (Boland)

In order to address concerns around the measuring of impact for soft outcomes all of the schools engaged in creative ways of recording the outcomes of different interventions. For example, at Boland, the school had started using rankings of soft skills: 'we give them a ranking if they were acting out and they were a five but now they're only a three, so it will be a soft ranking'. The school had also started to get pupils to write reviews about trips they had been on and was interviewing pupils about their different experiences within the school, all to get 'that paper trail'. At Farrell, the school was taking measures of different skills before and after interventions in order to show improvements. The interviewees at Donaghey and Gerstein had produced case studies of different types of pupil to illustrate the range of activities the school provided. Finally, Halsey had paid for in a survey called PASS which records pupil's attitudes to school and themselves. Pupils would undertake the survey every year and the school would utilise the results to illustrate that interventions had improved their self-esteem. Such complex recording of data is an example of what Ball et al. term 'one of the peculiar features of current education policy in England', the requirement that 'policy must be seen to be done, that is reported as done and accounted for. There is a low trust policy environment in which accountability work and the reporting of performances can take up increasing amounts of time and divert time and effort away from what is being reported on' (2011a).

It can be seen then that the accountability measures have potentially acted to narrow the range of provisions schools provide by encouraging focus on English and Maths and on activities where impact can clearly be recorded. It can also be seen that schools found this emphasis difficult, particularly in relation to soft skills, where there is a tension between what schools believe is effective and what they believe external

bodies (such as the government or Ofsted) want (Carpenter et al., 2013). This is captured in the interview with the deputy head at Farrell who sums up these conflicts and pressures:

the difficulty is that the pressure is so much on that hard line thing, to show impact...Because you can get bogged down in the rhetoric of “We need to do this for Ofsted.”...And I think that’s indicative of the pressure. So I think it’s always wise to keep reiterating that actually the real reason we’re doing this is for these children that, you know, do deserve some additional help because they are disadvantaged.

Defining principles to guide the design, implementation and enforcement of socio-economic equality duties

By undertaking interviews with individuals responsible for implementing the pupil premium in primary schools it was seen that six themes emerged. First, individuals’ understandings of socio-economic inequality were influenced by the context of their setting; individuals at schools with a higher number of pupil premium children recognised a wider conception of socio-economic inequality than individuals at school with low numbers. Second, there was a conflict (in schools with a high number of pupil premium children) between what individuals believed was ‘legally’ required under the pupil premium (i.e. only spending the money on eligible children) and what was ‘morally’ right (i.e. using the money to help all children in need). Third, policies can conflict and undermine each other, which was seen with the universal infant free school meals policy limiting eligibility for the pupil premium. Fourth, individuals in schools all felt restricted and confined by events (or lack of action) in wider society (for example the closing/restriction of public services and problems around social/temporary housing). Fifth, schools utilised different decision-making models and the flexibility of the pupil premium allowed for this. Finally, the pupil premium accountability measures (published data and Ofsted inspections) acted to restrict the pupil premium, with individuals feeling restrained in the actions they could undertake. From these themes it is possible to outline four broad principles that should guide the design, implementation and enforcement of socio-economic equality duties.

1. *Definitions of socio-economic inequality should be broad enough to capture wide-ranging experiences of inequality, while not being so vague as to give those subject to the duties the opportunity to adopt their own definition*

It was seen that socio-economic inequality is wide-ranging (within the education context it includes deprivations such as lack of economic resources, food and clothing; having limited support networks; poor/ill-suited housing; lack of cultural experiences; social and emotional issues; and differences in educational outcomes). Any definition of socio-economic inequality must be capable of capturing all these different phenomena. Yet at the same time, it was also seen that understandings of socio-economic inequality (and hence measures to address such inequality) can be potentially limited by the context of those subject to the duty - i.e. individuals at schools with high numbers of pupil premium children adopted wider definitions of socio-economic inequality than individuals at schools with low numbers (this applies not just to schools but is true of laws and policies in general: Jowell, 1973; Hill, 2013). Consequently, duties must not be so wide or vague to allow those subject to the duty to narrow its reach. This could be achieved in a variety of ways for example by having a wide-ranging legal definition but then giving this more specific content via guidance and/or accountability mechanisms.

2. *Duties should be wide-ranging in reach with clear oversight mechanisms*

Two of the limitations that interviewees experienced in implementing the pupil premium was a separate policy (universal infant free schools meals) limiting pupil premium numbers (by making it less attractive for parents to register eligible children in infant schools for FSM) and wider inequalities/lack of action in society (such as cuts in services and problems in the housing sector); which inhibited their school's ability to act. Therefore, duties should be designed to avoid these scenarios. This can be done by giving one organisation clear oversight of the duty to ensure that those implementing a duty in one area do not take action that undermines measures in another area. Ideally, such a body should be apolitical to avoid long-term progress being sacrificed for short-term change (Social Mobility Commission, 2017). Duties should also extend to as wide a range of bodies as possible to ensure that the work of those subject to the duty is not undermined by actions of bodies not subject to the duty.

3. *Duties should be flexible and not overly prescriptive in terms of procedural requirements to allow smooth adoption in a wide variety of different organisational structures*

It was seen in participant schools that there were three different decision-making models: top-down, co-operational and bottom-up. The flexibility of the pupil premium allowed all these models to adopt and implement the pupil premium. Given the wide range of public bodies with different organisational structures and decision-making practices that exist in society, duties need to be sufficiently flexible to allow easy adoption in different settings. Thus, it is important that duties are not too prescriptive around procedure and give organisations sufficient autonomy to take effective action to reduce socio-economic inequality.

4. *Accountability mechanisms should be designed to reinforce, rather than constrain, the reach and effectiveness of the duties*

Finally, it was seen that the accountability mechanisms of the pupil premium (i.e. public assessment data and Ofsted inspections) acted to limit the actions of the individuals interviewed, who focused heavily on academic outcomes and provisions where impact could be clearly shown (which has been observed in other contexts where performance indicators are used to hold organisations to account: Pollitt, 1990; Hoggett, 1996). Therefore, the accountability mechanisms of any socio-economic duties should be designed in ways that do not act to constrain the duty. This could be achieved by using accountability mechanisms that set broad general parameters but leave the detailed implementation to individuals at the local level who possess specialised knowledge (Osborne and Gaebler, 1992; Hanf, 1993), which would have been better able to accommodate the moral/legal conflict discussed above. Accountability mechanisms could achieve this through sharing the practice of others subject to the duty, being open-minded about the range of actions that can be taken, being patient in terms of impact and through encouraging organisations and individuals to be reflexive about their practice (Hawkins, 1984). For example, individuals could be encouraged to challenge any practices that might be self-defeating to the achievement of socio-economic inequality such as those that act to narrow definitions of those who are socio-economically disadvantaged.

It should be reiterated again that one of the limitations of the research was the small sample size which prevents generalisations. However, the findings were not held to be representative of all schools in England but instead were linked to theory around socio-economic inequality, policy implementation (both in schools and more generally) and larger studies of the pupil premium. In this way, factors that underpin socio-economic equality duties could be explored (such as understandings of socio-economic inequality, the context of action to reduce inequality and accountability mechanisms). Given the high and increasing levels of socio-economic inequality, the rise of measures to address such inequality is welcome, particularly legal duties which could overcome many of the criticisms of the previous policy approaches (Social Mobility Commission, 2017). Yet, to be successful it is important that these duties are cleverly designed, well implemented and possess effective accountability mechanisms. This article has sought to outline general principles, using lessons from the pupil premium, to contribute to this aim.

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