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The Education and Inspections Bill

[HL Bill 116 of 2005–06]

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1. Introduction

The Education and Inspections Bill was introduced in the House of Commons on 28th February 2006. It received its Second Reading on 15th March 2006, was considered and amended in 19 sittings of Standing Committee E between 28th March 2006 and 11th May 2006, and completed its passage through the Commons on the 23rd and 24th May 2006. It was given its First Reading in the House of Lords on the 25th May 2006, and is due to have its Second Reading on the 21st June 2006.

A press release announcing the Bill set out its main provisions:

Collaboration and partnership

Every school will have the opportunity to acquire a Trust. The Trust models will establish long-term, sustainable relationships that support schools in raising standards. Trust schools will build on the experience of Specialist schools and Academies in harnessing the experience and energy of community and business partners to encourage flexibility and innovation and create an environment in which all pupils have access to a wider range of opportunities to fulfil their potential.

Trust schools will also enjoy greater flexibilities. Like other Foundation schools, Trust schools will employ their own staff, under the terms of the School Teachers' Pay and Conditions document (STPCD) and manage their own assets. Where the Trust is involved with more than one school, they will also have opportunities for sharing of resources and workforce development. There is no single blueprint for becoming a Trust - schools can choose who they work with, and how, in order to best meet the needs of their pupils.

Curriculum Entitlements

The Bill will enable every young person to access any of the 14 new specialised Diplomas, available to every young person aged 14–19, wherever they are in the country. In order to deliver the entitlement to young people aged 14–16, schools will need to work with each other and with colleges and other providers – the Bill also empowers them to enter into formal collaboration with FE Colleges.

Better Discipline

School staff's powers to tackle disruptive behaviour and impose order in classrooms and discipline in pupils will be set down in primary legislation. Powers on confiscation, detention, using force and tackling unacceptable behaviour on the way to and from school will be set beyond challenge, sending the clearest signal to pupils and parents that bad behaviour will not be tolerated. For example, poorly-behaved pupils could find themselves put in Saturday or end of term detentions to catch up on school work.

Greater use of parenting contracts and reintegration interviews will make parents tackle problem behaviour, and ensure their child is properly supervised during short suspensions. Parents will have to ensure excluded children are properly supervised, backed up by fines for a new offence of allowing an excluded child to be found in a public place during school hours without good cause.

A Powerful Strategic Role for Local Authorities

To enable local authorities to move from the day-to-day running of individual schools to become a strategic commissioner, championing the needs of parents and pupils in delivering the school system they want and need, and driving up standards, local authorities will be the decision-maker on issues like school expansion and new school establishment and will have new powers to intervene in coasting or failing schools.

Fewer Failing Schools

Inadequate schools will be put on one year's notice to improve, and if progress is not made within a year, will enter Special Measures. Failing schools will be given one year to turn around, and if there has been no progress the presumption will be that the school will be closed, with a replacement school or Academy normally opened on the same site.

To help the poorest communities, a £30 million fund will be provided for local authorities to drive up standards in weaker schools, with a strong focus on federations between schools that are struggling and those that are excelling. The money will be available over two years to boost the strategic role of local authorities in ensuring that struggling schools get better targeted support to bring about fast improvements.

No Return to Selection by Ability

The practice of interviewing parents of prospective pupils will be outlawed and schools will in future have to act in accordance with a much tougher Admissions Code. Every school will now sit on local Admission Forums to discuss local admission arrangements. Forums will also gain a new power to object to the Adjudicator on unfair practices.

Parental Choice, Rights and Voice

Parents will be able to ask for new schools to be set up to reflect local need and demand. Local Authorities will be duty bound to consider them as part of their role to promote choice and diversity, and, where appropriate, use the record capital investment we are making to build them. Parents who need it will also have direct access to a network of advisors to help them choose the right school for their child, and Parent Councils will give all parents an opportunity to have their say in school life. Free transport for children living in low income families to any of their three nearest secondary schools will ensure that parents do not see distance and the cost of travel as a barrier to choice.

More information will be provided to parents so they can be actively involved in their child's progress, including regular reports during the year on how their child is doing and opportunities to discuss these with teachers. Parents and teachers will be able to work in partnership to enable pupils to reach their full potential.

Healthier School Meals

The Bill will pave the way for new minimum food-based standards to be introduced in all schools by this September which would effectively ban low quality foods high in fat, salt and sugar, with even more stringent nutrient-based standards, stipulating the essential nutrients, vitamins and minerals to follow from 2008, backed by £220

million investment. It will also give local authorities the freedom to offer all pupils free meals, fresh fruit, milk or other refreshments during the school day, regardless of family income. This would enable local authorities to encourage children to eat healthily in school.

(Department for Education and Skills, *Education and Inspection Bill: Higher Standards, Better Schools for All*, 28th February 2006)

The Bill, as introduced in the House of Lords, is divided into 10 parts and extends to England and Wales only, with the exception of clause 153 and certain general provisions contained in Part 10 which extend to the whole of the United Kingdom. A detailed analysis of the costs and gains associated with the Bill is contained in the Regulatory Impact Assessment published alongside the Bill (Department for Education and Skills, *Regulatory Impact Assessment Education and Inspections Bill 2006* (February 2006)). A clause by clause commentary of the Bill is provided in the Bill's Explanatory Notes (Bill 116-EN).

The Bill seeks to implement the proposals contained within the schools White Paper – *Higher Standards, Better Schools for All*, (Cm 6677, 25th October 2005). It also makes provision for changes announced in the March 2005 Budget, *Investing for Our Future*, (HC 372 of 2004–05), to reduce the number of public service inspectorates.

The White Paper (Cm 6677) provoked a number of responses. On the 14th December 2005, Baroness Morris of Yardley, a former Secretary of State for Education and Skills, and several backbench Labour MPs, including John Denham, Alan Whitehead, Nick Raynsford, David Chaytor, Angela Eagle and Martin Salter, published *Shaping the Education Bill Reaching for Consensus*. The White Paper was also considered by the House of Commons Education and Skills Select Committee in a report it published on the 27th January 2006 (HC 633 of 2005–06). The Government published its response in February 2006 (Cm 6747). The Government made a number of changes to their proposals between the publication of the White Paper and the Bill. When the Bill was published it:

prohibited the interviewing of prospective pupils and their parents by schools;

placed the admissions code for schools on a statutory footing;

allowed a local authority to propose a new community school provided it had the consent of the Secretary of State, with proposals to be determined by the Schools Adjudicator.

More detailed background to the Bill as introduced in the House of Commons is provided in House of Commons Library Research Paper 06/15, *The Education and Inspections Bill*, (9th March 2006). An overview of particular aspects of the Schools White Paper can be found in House of Commons Library Standard Note SN/SP/3921, *The Schools White Paper: Trust Schools and School Admissions*, (14th February 2006), and House of Commons Library Standard Note SN/SP/3935, *Personalised Learning and the New Curriculum Entitlement for 14 to 19 Year Olds*, (27th February 2006). Figures for the party make-up of divisions are taken from analysis by the House of Commons Library and by Philip Cowley and Mark Stuart of Nottingham University.

The purpose of this Library Note is to highlight some of the issues that arose during the Bill's passage through the House of Commons. Relevant references are contained in the bibliography.

2. Second Reading

The Second Reading debate in the House of Commons took place on 15th March 2006 (HC *Hansard*, cols. 1462–1572).

In introducing the Bill, the then Secretary of State for Education and Skills, Ruth Kelly, began by setting out its broad aims:

For the first time, it puts a duty on local authorities to fulfil the educational potential not just of the bright or easy-to-teach child, but of every child. In addition, for the first time in the history of this country, this Bill introduces a right to a high-quality vocational education for every young person from the age of 14, reversing the historic weakness in vocational provision.

If we want every school to be a good school, and that is our aim, we must act to make it happen, not just hope that it will. This Bill, through its proposals on trust schools, increased local authority intervention powers and stronger pressure to improve, does just that.

(HC *Hansard*, 15th March 2006, cols. 1462–63)

She outlined the Bill's proposals regarding trusts and the advantages they could confer:

This Bill will build on what we know works. It will give heads the powers that they need to forge new partnerships and drive up standards in their schools. Therefore, trust school status will allow head teachers to work closely with other schools, with colleges and with external partners such as universities, charities and business foundations, bringing new energy and commitment to the education of pupils at the school.

(*ibid.*, col. 1463)

She then addressed concerns regarding trusts. There would be no compulsion: "I can tell the House that I will never force any school to become a trust school" (*ibid.*, col. 1463). There would also be accountability in the process of adopting trust status:

I can tell the House that there will be very strong safeguards to prevent the acquisition of inappropriate trusts. That is essential. As a result, they will be regulated by the Charity Commission as well as by the local authority. They will be funded by the local authority, which will be able to object on educational grounds to any trust that it thinks will damage children's educational standards. However, perhaps the most important safeguard will be the common sense of parents and governing bodies. They will decide whether it is in a school's interest to adopt a particular trust. Moreover ... [it] should be possible to remove a trust if the non-trust governors on a governing body – parents, local community representatives and staff – decide that that should happen because the relationship has broken down.

(*ibid.*, cols. 1464–65)

There would be no inducements for schools to become trusts schools:

They will not benefit from any additional capital or from any additional revenue funding. They will be funded by the local authority under the local authority

distribution formula, which is then agreed locally by heads. That is the way in which the system will operate because trust schools are local authority schools and operate within the local authority framework.

(*HC Hansard*, 15th March 2006, col. 1465)

Guidance would also be issued regarding the appropriateness of a trust:

... I will issue guidance for decision makers - school governing bodies - to take into account when they consider whether a trust is the right one for them. The schools commissioner, based in Whitehall, will advise schools on the track record of trusts, so that they take those decisions in the full knowledge of what will work for children, but the Bill is about enabling schools that see an opportunity to do the best that they can for their children.

(*ibid.*, col. 1468)

She said the following regarding the question of trusts and the make-up of their governing bodies:

There is no financial requirement for anyone to form a trust school. That will be done completely at the request of the governing body, and if the governing body does not want a trust to have majority representation, it need not have a majority at all. If it wants more elected parents, it can do so. Those are decisions for the governing body of the school, within a strong system of accountability.

(*ibid.*, col. 1470)

She then considered other aspects of the Bill. There would be fairer admissions:

In the Bill, there is no new selection by academic ability and a ban on interviews. The Bill will force schools to act in accordance with a tough new admissions code and the system will be co-ordinated. Admissions forums will play a new role in ensuring that local schools deliver for every child.

... where a school is deliberately manipulating its catchment area to avoid taking certain challenging pupils into the school, that will not be tolerated in future. Admissions forums will scrutinise what is happening at a local level and will, on a yearly basis, produce a report examining what is happening and whether schools are, indeed, following the code of practice on admissions. The forums will examine how special needs children, children on free school meals and ethnic minority groups are faring. They will submit their report to the schools commissioner, who will review the impact on social segregation in a full report that will be available to Members of the House.

(*ibid.*, cols. 1470–1)

Under the Bill “for the first time, partially selective schools will not be able to expand either” (*ibid.*, col. 1472).

The Bill would also provide more information to parents and tackle bad behaviour:

This Bill will build on the excellent work of schools across the country by giving parents more information about how their child is doing at school - termly reports

and regular dialogue with teachers. There will be more information about choosing the right school for their child and we will introduce better, cheaper school transport.

Parents are also concerned about behaviour at school. Most schools have good behaviour most of the time, but this Bill makes tackling bad behaviour a major priority. This Bill will create, for the first time, a clear statutory right for school staff to discipline pupils, putting an end to the “You can’t tell me what to do” culture. This is exactly what teachers and teaching unions have asked for for years – reforms first proposed by the Elton committee in 1988, but rejected by the Conservative party when it was in government.

(*HC Hansard*, 15th March 2006. col. 1472)

It would also improve the provision of school food and vocational education:

This Bill will transform the quality of the food that is served in our schools. Healthy food will not only help to halt the rise of child obesity, but many teachers believe that it will also improve pupil behaviour, motivation, readiness to learn and attainment.

Lastly, I have always said that, as a country, we need to place the same emphasis on vocational education as we currently do on academic education. This Bill will ensure that every young person, wherever they live, can take any of the 14 lines of the specialised diploma that we are developing as part of our radical reforms of the 14 to 19 curriculum – first-class vocational education for the first time, as a right for every child.

(*ibid.*, col. 1472)

David Willetts, the Shadow Secretary of State for Education and Skills, set out which of the Bill’s provisions the Official Opposition supported:

We support the fact that local education authorities are at last to be given a clear legal responsibility to pursue choice and diversity in the schools in their area – that is a good thing. We welcome the fact that local education authorities will now be obliged to conduct competitions for new schools, and perhaps more widely. Indeed, although the Secretary of State has not referred to it, buried in the Department’s evaluation of the costs and the regulatory issues associated with the Bill is the assumption of 100 competitions a year between different providers to offer new schools. We think that such competitions to provide new schools are a very good idea. We look forward to 100 competitions a year, and welcome the fact that private providers, outside organisations – not just charities but commercial organisations – and independent schools can take part in the competitions to offer to provide new schools. It is a good thing to open up British education to far more diversity than has been the case in the past.

(*ibid.*, col. 1481)

He compared trust schools with grant-maintained schools:

Trust schools are the successors of our grant-maintained schools. It is a pity, unlike our approach of proposing grant-maintained schools clearly, honestly and openly in a manifesto for an election fought on that proposal, trust schools do not appear in the Labour manifesto ... It is true that trust schools do not have quite as many

freedoms as our grant-maintained schools, but they are a step in that direction. I would like to remind the Secretary of State of the commitment that we made on grant-maintained schools, and how we envisaged their operation. We said that they would become “independent charitable trusts”. That was the proposal that we made in 1987, and I believe that it is the origin of the trust concept.

(*HC Hansard*, 15th March 2006, col. 1482)

He was concerned about the powers that would be given to the schools adjudicator:

I do not believe in free-standing executive discretion on the scale that will now be enjoyed by the adjudicator. It is important for those of us on both sides of the House, who believe that ultimately these decisions should be taken by people who are democratically accountable, to consider whether we are content with the amount of discretion that the adjudicator will enjoy under the Bill and, in particular, whether we believe that it is right that there is no provision for any appeal by a school against a decision by the adjudicator.

(*ibid.*, col. 1485)

He was also worried that the Bill did not appreciate the usefulness of interviews:

Being able to invite parents to an interview to establish whether they and their children are committed to a home-school contract is a good way of establishing a commitment to discipline without having to fall back on the severe disciplinary powers proposed in the Bill.

(*ibid.*, cols. 1485–6)

David Blunkett, a former Secretary of State for Education and Skills, commended the Government for taking account of concerns expressed following the publication of the White Paper, such as the admissions code:

The strengthening of the admissions code, placing the changes in the Bill so that the wording will be “in accordance with” the code, not merely “have regard to” it, will be a major step forward, as will be the development of the forum not merely for admissions at local level – which some progressive local authorities, such as my own, already operate – but also to plan places for the future.

(*ibid.*, col. 1487)

He was pleased that the Bill addressed vocational education:

The Bill provides for a pupil-centred curriculum, an emphasis on vocational education – I hope that there will be a link between academic and non-academic pupils, not merely those who have been struggling with an academic agenda – and an emphasis on discipline and on the ethos of the school, which often drives people, particularly in inner London, out of the state system.

(*ibid.*, col. 1487)

He was also supportive of trust schools:

Trust status, collaborative as it must be in those areas that choose it, builds on the education action zones that we have created since 1997. Education action zones

focus on disadvantage and they draw in resources from outside business and support from universities. I do not mind at all if HSBC wants to use some of its £11 billion to invest in an academy in my constituency.

(*HC Hansard*, 15th March 2006, col. 1488)

Sarah Teather, the Liberal Democrat Education and Skills Spokesperson, supported several aspects of the Bill:

The Bill is an eclectic mix of proposals, some of which we broadly welcome, such as the, albeit tentative, moves towards personalised learning, the streamlining of the inspectorate and the intentions behind the provisions on school nutrition. I suspect that those proposals will be largely uncontroversial.

We also welcome the implementation of the Steer report on school discipline, especially the measure that finally clarifies the ambiguity in the law that left teachers without legal authority to impose discipline in the classroom and in other appropriate educational settings.

(*ibid.*, col. 1488)

However, in general she was critical:

The Bill is a missed opportunity. At the heart of the problem with the Government's education reforms is a conflict at the heart of the Government, and the tension is played out in the Bill: whether to adopt a competitive or a collaborative model for education. The Government's failure to think clearly about that has paralysed their thinking.

(*ibid.*, cols. 1489)

She opposed the proposals regarding trust schools:

The proposed new trust schools will lack the one freedom that schools really want and that pupils really need – the freedom to teach what young people want to learn. But they will gain the one freedom that is likely to make inequality and discrimination worse – the freedom to pick their pupils.

(*ibid.*, col. 1490)

The Bill would not address the problem of unfair admissions procedures:

Schools that control their own admissions and perform highly are less likely to take poorer students than the catchment area would predict. The Government will say that they have outlawed more schools being able to select by ability, that they have forced schools to operate in accordance with the new code, and that they have legislated to prevent schools from interviewing in order to choose pupils. That is welcome, but it is not enough. Very few schools use interviews to select pupils anyway. Much more serious are the covert measures such as gerrymandering of catchment areas, name recognition and selection by aptitude, which is really just a semantic sleight of hand for selection by ability.

(*ibid.*, col. 1494)

It would also diminish the role of parent governors:

What about parent representation on the governing body of these trust schools? We know the direction of travel that the Government take on this. Look at academies, which need only one elected parent governor, with all the others appointed. That is no way in which to increase parents' influence on schools.

(*HC Hansard*, 15th March 2006, col. 1495)

In addition, she was concerned that it undermined the role of local authorities:

How can anyone believe that the Government are serious about any real substance to this commissioning role when at the same time as they announced it, they also announced the first dedicated schools grants, which bypass local authorities and for the first time ever take education funding decisions out of their hands?

... when local authorities commission other services they follow a standard model of good practice whereby they carry out a needs assessment, then commission services to meet those needs and hold service providers to account. The model in the Bill has been spun as little more than giving local authorities the power to book the newspaper space to advertise the competition. There is a key strategic role for local government here, which has not been adequately acknowledged.

(*ibid.*, col. 1496)

Barry Sheerman (Labour), the Chairman of the Select Committee on Education and Skills, broadly welcomed the Bill and sought to acknowledge the Government's movement on several concerns, which had been raised:

It was initially published as a White Paper, which the Select Committee had the privilege of considering. It was not perfect. No measure has ever been perfect. However, we should be proud as parliamentarians that we turned the measure into a good Bill. We made it a rigorous, better and radical measure. I believe in its principles: fair admissions and diversity and choice. What is wrong with that for the communities that we represent? Nothing. However, we must support it with resources and leadership.

(*ibid.*, col. 1498)

Kenneth Clarke, a former Secretary of State for Education and Science, argued that the Bill marked a turning point in the debate over education:

This also marks a considerable shift in the agenda of political debate. A large bloc of the Labour party is moving towards consensus with members of my own Conservative party, at least on the agenda of political reform, and it is important that we should do that. The poor performance of the British state education system, compared with that of most major industrialised countries, is one of the weakest features of British society. I rejoice that we are moving so close to a consensus; I only regret that it has taken us almost 20 years to get there, during which key figures who are now advocating the reforms from the Labour Benches have spent some of their time bitterly opposing the very principles on which they now base their legislation.

(*ibid.*, col. 1499)

Nick Raynsford (Labour), a co-author of *Shaping the Education Bill Reaching for Consensus*, acknowledged that the Government had made concessions, which would allow him to generally support the Bill. However, he was still concerned about the role that it envisaged for local authorities:

I am glad she has accepted that if there is to be a competition for new schools, it must be a fair competition, and that if parents want a community school they should have that option. However, I do not buy the argument that the Secretary of State needs the power to prevent a local authority from proposing an inappropriate scheme.

Clause 7 provides for that veto, but only in respect of a local authority submitting a plan for a community school. If an authority submits a plan for a foundation or trust school, there will be no veto. If the aim is to restrain poorly performing local authorities, the provision should apply to all types of school. The fact that it applies only to community schools implies that a degree of bias remains, and I think that it should be removed in Committee.

(*HC Hansard*, 15th March 2006, col. 1503)

Phil Willis (Liberal Democrat) began by emphasising the Bill's positive aspects:

Clause 1 emphasises the role that local authorities should play in improving standards for all children. Quite frankly, I take that as a given – indeed, it was stated for the first time in the School Standards and Framework Act 1998 – and it is good see it re-emphasised ... We very much welcome the Government's recognition that we must have a strong disciplinary framework in our schools to which people can relate and in which teachers in particular feel safer.

(*ibid.*, col. 1512)

However, he questioned the idea of trust schools:

One of the great myths in the Bill is that the creation of choice and diversity means that the good schools will suddenly, because of trust status, say, "Ah, we want to take the most disadvantaged, unruly, disruptive kids from the estate down the road so that we can expand." That is absolute and utter nonsense. There is not a single piece of evidence for that. Successful schools are successful because of their size, catchment area and parental involvement. The idea that we will deal with disadvantage simply by creating trusts is absolute nonsense.

(*ibid.*, col. 1514)

He concluded by stating:

The Bill does absolutely nothing to create a 21st century curriculum. All it does, yet again, is show that this is a controlling Government who have now reformed themselves in the image of Mrs. Thatcher. They should be ashamed.

(*ibid.*, col. 1515)

John Denham (Labour), a co-author of *Shaping the Education Bill Reaching for Consensus*, said that the Government had a great deal to be proud of in terms of its educational record.

However, he and his colleagues had been concerned that the debate had focused too much on school autonomy and parental choice:

Our actions so far in government have told us what makes a good school: strong leadership, well-supported staff, a balanced intake and parental support. Too many schools do not have all those elements, but autonomy and parental choice alone are not likely to deliver them. There is simply no evidence to show that the exercise of choice drives up standards. It is possible for choice, diversity and good schools to co-exist, as happens in Sweden. However, there is little evidence to show that parents choosing between different schools or schools competing for pupils drives up standards.

(*HC Hansard*, 15th March 2006, col. 1525)

He did not agree with those who wanted to remove choice, as the challenge was “to deliver a genuine choice of good schools”. To achieve this, attention needed to be focused on “balanced intakes”, which he argued had been a feature of the academies:

I wish that we had been more prepared to argue that schools with balanced intakes were more successful for more pupils than any other model of education, and then set about finding the best strategies to achieve balanced intakes.

(*ibid.*, col. 1525)

Michael Meacher (Labour) welcomed some aspects of the Bill, such as personalised learning, proper rules of discipline, improved nutritional standards and the restoration of vocational education. He also accepted that the Government had introduced changes since the White Paper, such as banning admissions by interviews. However, he believed that there were still problems, such as the measures regarding trust schools:

On governance, the founding of independent trust schools would represent an irreversible transfer of public assets to external sponsors, be they businesses, charities or faith groups, for which there would be little or no public accountability whatever policies they might pursue. The important point has been made that if there was evidence that coasting or failing schools, which are a major concern, would routinely and reliably be transformed by taking on trust status and, crucially, that the overall educational performance of all the schools in the surrounding area would also be lifted, the case for the change would be strong. However, there is no such evidence.

(*ibid.*, col. 1530)

He finished by saying that he could not support the Bill:

We need a wholly different model, not one that tinkers with structures and private markets – and then has to be tinkered with again to ameliorate some of the worst effects – but a modernised public services model, with a relentless focus on high quality school leadership; the recruitment and professional development of highly qualified, highly valued and well paid teachers; high expectations of all pupils; close monitoring of each pupil’s progress with smaller classes, more effective communication between parents and schools; and a targeting of resources and time on pupils from the most challenging home backgrounds. With great sorrow, I have to say that I cannot support the Bill as it stands.

(*ibid.*, col. 1531)

Helen Jones (Labour) thought that though there were some sensible measures in the Bill she could not support it because of the proposals regarding trust schools. She rejected the idea that existing schools were failing:

... the latest Ofsted report makes it clear that the proportion of good or excellent teaching has increased enormously since 1997. The number of schools causing concern or in special measures has fallen, and results have improved ... but the numbers attaining five good GCSEs and better A-levels, as well as the proportion of children staying on at school, are increasing all the time.

(*HC Hansard*, 15th March 2006, col. 1540)

She contended that there was no evidence to indicate that “people who have made a great deal of money are good at running schools”. She was also worried about the effect that trusts could have in terms of social cohesion:

Make no mistake – creationists and fundamentalists of all colours and creeds are waiting to use the proposal to take over schools. At a time when we ought to bring our young people together and allow them to learn to live together, I fear that we will push them further apart, which would be disastrous for this country.

(*ibid.*, col. 1541)

Liz Blackman (Labour) supported the Bill:

The Bill is based on what we know works. We may not have all the evidence, but we have a lot of evidence about what works. We know that good leadership, good discipline, individualised learning packages, specialisms, partnerships, federations, high-performing local education authorities, sound governance and engaged communities work. The central part of the Bill, the most powerful change agent, is the role that we are giving to local education authorities to get in early, make the diagnosis, broker the changes that are needed to shift those schools that are failing so many of our children and to make the difference. The Bill is not just about children in poorly achieving schools and poor areas. It is also about high achieving children who are not being stretched.

(*ibid.*, cols. 1541–42)

Rob Wilson (Conservative) welcomed the potential of the Bill:

Indeed, when the legislation is passed into the right hands it could be every bit as radical as the Prime Minister originally intended. It will certainly mean an end to the pretence that we have a comprehensive education system and it will mean a significant decline in the power of local education authorities.

(*ibid.*, col. 1544)

In winding the debate up for the Opposition, Nick Gibb, the Shadow Minister for Schools, said that they would oppose the Bill’s programme motion, because such motions were “an affront to the procedures of the House”. He finished by saying:

We support the Bill this evening, modest though it is, because we believe that it will increase the freedoms that are available to schools and that it will make it easier to close bad schools, easier to expand good schools and easier to establish new

schools. All this is a small step to ensuring that children from whatever background get a better education.

(HC *Hansard*, 15th March 2006, col. 1559)

The then Minister for Schools, Jacqui Smith, questioned those who would vote against the Bill's programme motion, as the Government was prepared to ensure that the Bill had all the scrutiny necessary in Committee and had set aside two days for Report stage and Third Reading. She then addressed several concerns that had been raised in relation to local authorities. She said that the Bill did not diminish the role of local authorities as it enshrined their role as "the champion of parents and pupils, and as the guarantor of standards". The Government would, however, consider in Committee the criteria by which local authorities could submit proposals for a new community school. She also gave a commitment that the Government would look at regulations on reforming admissions forums so that they might establish a collective commitment to fair access across a local authority area. She concluded by saying:

The Bill is about delivering equity alongside excellence. It is about delivering less selection and more opportunity ... It is a decisive move away from the policies previously embraced by the Opposition - a grammar school in every town; a few grant-maintained schools opting out of the local family schools and receiving the differential capital funding available at the time; and a passport out for a few children, rather than the drafting in of support for the many.

(*ibid.*, col. 1563)

The House divided and the Bill received its Second Reading by 458 votes to 115. Analysis indicates that those voting against the Bill were the Liberal Democrats and 52 Labour MPs. A subsequent programme motion was agreed by 300 votes to 290, with the Conservatives, the Liberal Democrats and 30 Labour MPs voting against.

3. Standing Committee and Report Stage

3.1 Local Authorities and Proposals for New Community Schools

Clause 7 of the Bill states that a local education authority in England may publish a notice inviting proposals (other than from local education authorities) for the establishment of a new foundation, voluntary, or foundation special school, or Academy. Schedule 2 of the Bill provides that such proposals will be decided by the Schools Adjudicator. Originally the Bill allowed local education authorities to publish proposals for a community or community special school with the consent of the Secretary of State. However, the Government, as discussed below, amended the Bill at Report Stage to allow local education authorities to publish proposals for community schools if they met certain criteria, rather than relying on the consent of the Secretary of State. The criteria, as included in Clause 8 of the current Bill, focus on education and childcare standards within the local education authority and on whether the proposal contributes to the diversity of schooling within that area.

In Standing Committee, the then Minister for Schools, Jacqui Smith, noted that the Government had initially taken the view that because the role of local authorities was envisaged as being one of commissioning it no longer seemed appropriate for more community schools to be established. However, the Government had listened to representations and now agreed that “in some circumstances, a new community school might make sense”. She said that amendments would be tabled at Report which would allow local authorities, subject to specified criteria, to propose a new community school and enter the competition for new schools as set out in the Bill (HC Standing Committee E, 20th April 2006, cols. 317–18).

In a subsequent sitting of the Standing Committee, John Hayes, the Shadow Minister for Vocational Education, moved Amendment No. 206, which sought to direct the local education authority, the Secretary of State (where applicable) and the Schools Adjudicator to encourage all primary and secondary schools to be self-governing and to acquire a foundation or trust. The Committee divided on Amendment No. 206 and it was defeated by 15 votes to 6 (HC Standing Committee E, 27th April 2006, cols. 455–70)

At Report Stage, the Secretary of State for Education and Skills, Alan Johnson, moved New Clause 33 and a number of amendments, which would allow local authorities to propose a new community school under certain conditions. These conditions included the relevant local authority satisfying the Secretary of State in terms of OFSTED inspections and as to how far such a school would contribute in terms of diversity.

A different view was put forward by Nick Gibb, the Shadow Minister for Schools, who moved New Clause 53 and a number of other amendments which sought to require local education authorities and the Secretary of State to encourage all maintained schools to become self-governing and to acquire a foundation – i.e. to become a foundation, voluntary aided or foundation schools, or Academies. The New Clause would not allow new community schools.

Speaking to his amendments, Alan Johnson, the Secretary of State for Education and Skills, said that Government had listened to representations and had decided to allow local authorities in some circumstances to propose a new community school without the consent of the Secretary of State. He set out how his amendments would allow for this process:

The criteria would allow local authorities with an annual performance assessment – APA – score of 4 automatically to enter a community school proposal. There are 11

authorities in that category at present. Conversely, some authorities would not be allowed to enter a community school proposal until their performance improved. That group would comprise authorities with an APA score of 1, and those with an APA score of 2 and either more than 15 per cent. failing schools or fewer than 15 per cent. voluntary and foundation schools or academies for the relevant phase. At present, 10 authorities fall into that group at secondary level.

The majority of authorities will need to apply for consent. Each case will be considered on its merits, but I would expect to approve requests from local authorities that have an APA score of 3 and either a lower than average percentage of failing schools or a higher than average percentage of voluntary and foundation schools or academies. This presumption would also apply to authorities that have an APA score of 2, a high percentage of voluntary and foundation schools or academies and no failing schools. Some 90 authorities would benefit from this presumption at secondary level.

For the remaining minority of 40 or so authorities, I would like to make it clear that all applications will be considered on their merits, and that there will be no presumption against consent. In particular, no authority will be ruled out simply because it has no, or only a few, faith schools. I recognise that there is more to diversity than labels and governance structures. Schools may have different curriculum specialisms and different approaches to education that give them a distinct character or ethos. So, while I am committed to retaining the simple, objective test of diversity, as I have just set out, I will consider a much wider range of factors relating to diversity in reaching a decision on whether to give consent for those authorities that want to enter a competition.

(*HC Hansard*, 23rd March 2006, cols. 1347–48)

He added that it would “be for the authority to set out in its application how a new community school would build on existing diversity in the area” (*ibid.*, col. 1349). In terms of whether a proposal was accepted, it would be a matter for the schools adjudicator to decide on whether it contributed to a diversity of choice in school provision. He stated that such decisions would be subject to regulations, which he hoped to produce in draft form when the Bill was considered in the House of Lords (*ibid.*, col. 1350).

However, a foundation school could not return to community school status:

... we do not agree that there should be a mechanism allowing foundation schools to revert to community status. We have included provisions that enable the governing body to remove a trust, and if a foundation school is failing, the local authority will be able to intervene and can, if necessary, close the school and trigger a new competition.

(*ibid.*, col. 1350)

Nick Gibb, speaking for the Conservatives, argued that his New Clause 53 brought the Bill closer to the aims of the White Paper:

It was of course never part of the Government’s original vision that a local authority could propose a new community school

... Indeed, on page 116, the White Paper states:

“We will also remove the right for local authorities to publish their own proposals for the establishment of new community schools.”

That was their judgment; it is the judgment of the Government and we share that view on the Conservative Benches.

(*HC Hansard*, 23rd May 2006, col. 1360)

He maintained that the main thrust of New Clause 53 was to ensure diversity of school provision:

A total of 63 per cent. of schools are community schools, so we will not create diversity if every new school is yet another community school.

(*ibid.*, col. 1365)

Helen Jones (Labour) objected to New Clause 53 because of its concentration on the role of the provider:

... [He] seems to be making a simplistic link by saying that the only way to improve schools is for them to be something other than community schools. May I remind him what the Select Committee found in its inquiry? It stated:

“No causal link has been demonstrated between external partners and the success of a school, or between the independence of a school from local authority control and its success.”

Is the matter not far more complicated than he portrays? The success of schools depends on good heads and good teachers. It is not necessarily related to the type of school.

(*ibid.*, col. 1366)

Kenneth Clarke, a former Secretary of State for Education and Science, was disappointed by the Government’s New Clause 33, which he felt:

... shrieks of compromise and is a long way away from the Prime Minister’s stated preference, which I take to be that set out in the White Paper – that local authorities should steadily move towards encompassing more of a commissioning role and stop thinking of themselves solely as the providers of services.

However, he was reassured that “the guidance and regulations could be amended by a future Government if it turns out to give rise to practical problems” (*ibid.*, col. 1391)

New Clause 33 was accepted without Division. The House divided on New Clause 53; it was defeated by 376 votes 169.

3.2 Composition of a Foundation School’s Governing Body

In law, trust schools will be foundation schools and will have the power to appoint the majority of their school’s governors. In cases where the majority of governors are appointed by the trust, Clause 33 contains a duty for governing bodies to establish Parent Councils in order to secure parental influence in the running of the school.

In Standing Committee, David Chaytor (Labour) moved amendments which had the aim of preventing a trust appointing the majority of governors and so reduce the proportion of elected parent governors.

He argued that his proposal sought to be consistent with the wider aims of the Bill:

...if we are to be consistent and if we are saying that the new system will be far more driven by parents than the current system, and that parents' voices will be heard and given more attention, it seems illogical to squeeze them out of school governing bodies.

(HC Standing Committee E, 25th April 2006, cols 439–40)

He supported the present system and the proportion afforded to parent representation:

It has wide support and it ensures an adequate line of accountability from the school and the local authority, and also between the school and the wider body of parents.

He also questioned whether there was evidence of raised standards in existing foundations with a majority of foundation governors (*ibid.*, col. 440).

Nick Gibb, speaking for the Conservatives, said that if the Bill did not allow foundations to have a majority of governors it would “drive a coach and horses through the whole objective behind trust schools, which is to achieve diversity in the ethos and management of schools” (*ibid.*, cols. 439–40).

Sarah Teather, the Liberal Democrat Education and Skills Spokesperson, supported the amendments:

... we would argue that a substantial proportion of governors should be parent governors and other representatives of the community.

... Surely, of all the people to whom a school should be accountable, the most important are parents whose children attend that school. The provisions for parent councils are a mere sop; they do not give them the real accountability for decision making that we want the governing body to have.

(*ibid.*, col. 442)

The then Minister for Schools, Jacqui Smith, argued that there was evidence that the Government's proposals worked:

In voluntary aided schools where more than 20 per cent. of pupils are on free school meals, 47.6 per cent. achieve five or more A* to C GCSEs, rather than 40.6 per cent. in other schools. Such cases represent one piece of evidence that could support the argument that the impact of the external charitable organisation having a majority on the governing body has helped improve quality.

(*ibid.*, col. 443)

The legislation was enabling rather than prescriptive:

We have repeatedly made it clear that no school will be forced to acquire a trust or to allow the trust to appoint a majority of its governors ... It will be for the governing body of a school to decide whether to acquire a foundation and whether that foundation should appoint the majority of governors. That will happen in accordance with the statutory guidance ... which will place the process in an important context of local accountability and the transparency of the proposals.

(HC Standing Committee E, 25th April 2006, col. 443)

She also dismissed the view that parent councils would be a “sop”:

The governing body will also have a duty to consult the parent council on the conduct of the school. So we are protecting the interests of parents in trust schools – arguably we are actually broadening parents’ ability to have an impact, because parent councils in particular will provide an important forum for parents to contribute to their own child’s education and to contribute in improving the school system. The evidence suggests that they are a more accessible way to involve parents in decisions about the school because they are more informal and involve less commitment, and can involve more parents than the governing body.

(*ibid.*, col. 444)

Finally, she argued that the Bill would provide certain safeguards. Firstly, the Bill would provide by statute for “a governing body to be able to remove a trust or to move from a trust appointing a majority of the governors to a trust appointing a minority of the governors if there is dissatisfaction with how the trust is performing” (*ibid.*, col. 445). In addition, the initial decision to set up a trust or allow such a trust to take a majority of the governing body could be referred by the local authority to the schools adjudicator (*ibid.*, col. 446).

Though David Chaytor asked for his amendment to be withdrawn, the Liberal Democrats asked for the Committee to divide. It was defeated by 13 votes to 3.

At Report Stage, Sarah Teather moved New Clause 26, without debate, which *inter alia* stipulated that foundation schools must not appoint a majority of governors who were foundation governors and that foundation governors must not outnumber elected parent governors. The House divided on the New Clause and it was defeated by 434 votes to 78. Analysis indicates that those voting against the Bill were Liberal Democrats and 34 Labour MPs.

3.3 Parental Ballots for Changing a School’s Status

Clauses 19 to 23 of the Bill concern the process by which a maintained school can decide to become a foundation school. The clauses state that only governing bodies can decide to make such changes, although in some circumstances a local authority can refer a decision to the Schools Adjudicator. The clauses include a number of safeguards in relation to this process. This includes provision for regulations and guidance as to how the governing body should consult with regard to its proposals.

On Report Stage, John Grogan (Labour) moved New Clause 16, which aimed to make parental ballots obligatory if a proposal were made to change the status of the school from community to foundation.

The Secretary of State for Education and Skills, Alan Johnson, began by arguing that the Bill acknowledged the importance of parents:

Clause 3 gives local authorities a duty to respond to parental concerns, and we have published illustrative guidance which sets out how this duty should be met. Clause 35[36 of current Bill] requires all governing bodies to have regard to the views of parents, and any proposals relating to new schools or the acquisition of trusts must be subject to full consultation with parents and the wider community.

(*HC Hansard*, 23rd May 2006, col. 1342)

The Bill would therefore provide “the right degree of rigour, tempered by local flexibility” which would mean that “compulsory local ballots are an unnecessary red herring”. Furthermore, he was concerned that such ballots would “be unnecessarily bureaucratic, requiring expensive procedures and precise definitions of process and electorates that would in many cases be inappropriate”. Furthermore, he contended that the Bill did not rule out a ballot and contained relevant safeguards:

... if a school plans to become a trust, I remind the House that a governing body that wished to hold a ballot would be entirely free to do so as part of locally determined arrangements for consultation, but that should be its choice, not a requirement dictated from Whitehall. Where there is controversy, it may make sense to hold a ballot. It is certainly important that we ensure that parental views are adequately taken into account through consultation. Where a school decides to acquire a trust, the local authority has the power to refer that decision to the adjudicator if it believes that the consultation process has [not] been followed properly or that adequate attention has not been paid to the views of respondents. That is an extremely important check on the autonomy of the governing body.

(*ibid.*, col. 1342)

John Grogan (Labour) said that New Clause 16 was based on the simple premise of “one parent, one vote” (*ibid.*, col. 1372). He argued that the sort of consultation favoured by the Minister might actually be more expensive than the one parent, one vote ballots he was advocating. He also thought that the Minister’s contention that governing bodies could hold ballots if they so wished would not allow clarity:

There is a real possibility of sheer confusion, with governing bodies not knowing whether they are meant to hold a ballot. Will Ministers have guidelines as to how they should hold a ballot, if they decide to hold one? It could be very confusing. Surely it would be much simpler to have ballots in all cases.

(*ibid.*, col. 1373)

He also questioned what might happen if ballots were not used:

... the question is: should trusts ultimately be set up by perhaps three or four governors, on a wet December evening, after having engaged in some form of consultation?

(*ibid.*, col. 1373)

He then reminded Members that ballots had been used in relation to grant-maintained schools:

On average, in the first two years, 67.5 per cent. voted, and by 1995, 84 per cent. voted. I understand that about 2,000 ballots took place, and more of those rejected the proposals, but a substantial number supported the creation of grant-maintained schools. I think it a little tortuous to suggest that local left-wing elements would take over our democracy.

(*HC Hansard*, 23rd May 2006., col. 1374)

Sarah Teather, speaking for the Liberal Democrats, said that her party would support New Clause 16 because they supported “the principle of giving parents choice and power” (*ibid.*, col. 1378)

Edward Leigh (Conservative) was candid in not supporting New Clause 16:

It is in the interest of those who support more schools having independent status not to have ballots. If we are honest about it, we do not want ballots because they favour the forces of conservatism. People do not like change. Those who were opposed to grant-maintained schools on any basis whipped up sentiment against them, but parents could be persuaded because they are conservative and do not want change. That is why the Secretary of State does not want ballots and why my party does not favour them. We recognise that we made a huge error in introducing ballots for grant-maintained status, because it led to the politicisation of the system.

(*ibid.*, col. 1381)

David Chaytor (Labour) supported ballots in terms of legitimacy, process and allowing debate:

Denying parents a vote on an issue of central importance will inevitably lead to greater division and a lower level of legitimacy for the final decision. The weakness in the argument that schools or governing bodies may choose to have a ballot, but it will not be mandatory, is that we then face the prospect of a series of different kinds of ballot being held according to different kinds of rules. If we have a democracy, everybody should play by the same rules. We cannot have school A holding a ballot with a particular definition of the electorate and according to a particular procedure, and school B, a mile down the road, doing things differently. That would be a recipe for chaos and would lead to challenges. It would be a huge job creation programme for the schools adjudicator’s office. There will be hundreds of appeals to the adjudicator if we do not ensure that consensus is at the heart of the process and if we allow a comparatively small number of people on a small governing body to have the final say – perhaps by a tiny majority.

... It ensures that everything is on the table and that, after the decision has been taken, nobody can say that they were not consulted or that the arguments were not presented properly.

(*ibid.*, col. 1388)

Kenneth Clarke, a former Secretary of State for Education and Science, was against the use of ballots because of his experience of their use in relation to grant-maintained schools:

All those ballots were bitter political and ideological battles ... We fought a battle from trench to trench across the country as those ballots took place. We should not be under any illusion. I heard the charm in the voices of left-wing members of the Labour party who asked what was wrong with a ballot – but head teachers and governing bodies required great courage to subject themselves to the ordeal, and it left some of them badly knocked about. Local authorities, including Conservative ones, defended their institutional interests by devoting large amounts of money and a great deal of officer time and effort to campaign against the proposals. They were supported by the teaching trade unions, which contributed a great deal of money. Local Labour organisations were wheeled into action to distribute leaflets, and everything became a political battle, in which we could not even agree on the facts.

(*HC Hansard*, 23rd May 2006, col. 1393)

Helen Jones (Labour) argued that ballots would show faith in the ability of parents to make decisions:

We must tell parents that we trust them to read the information, consider the contending arguments and have their say in a ballot. If we do not, we are implicitly saying that we do not think parents are bright enough to determine the outcome or to decide among all the contending groups. That is nonsensical.

(*ibid.*, col. 1396)

Jon Trickett (Labour) supported ballots because of the fundamental changes that would arise when a school altered its status:

When a governing body decides that a community school should become a trust, it is effectively a one-way street with no way back; it remains an irreversible decision in perpetuity.

... The foundation school will determine its own ethos and, to some extent, curriculum. That again means moving away from the local authority family. Competition will develop between schools for those parents who are more mobile than others. A marketplace will come into existence and some schools will be seen to be successful while others fail. A discourse will come about whereby we begin to talk about mergers and acquisitions, profitable schools, failing schools and bankrupt schools. The language and practices of the stock exchange and the marketplace will enter into our state education provision. That is Labour Members' fundamental objection to this operation.

(*ibid.*, col. 1402)

Barbara Keeley (Labour) was against the use of compulsory parental ballots. She thought that any consultation that took place should take in a wide variety of views such as dioceses, learning and skills councils, FE colleges and child care organisations. Ballots she feared “could leave the development of a school open to campaigns by small but vocal groups” (*ibid.*, col. 1408).

Alan Johnson, in bringing the debate on ballots to a close, maintained that ballots were “not a touchstone for democracy”. He also pointed out that a number of other decisions relating to schools had been taken without recourse to a ballot:

Members of this House have accepted that a change – a big one – can be made from a voluntary-aided to a voluntary-controlled school without the need for a ballot, and without falling to the floor sobbing because of a breach of a great democratic principle. A community school or a voluntary-controlled school can move to foundation school status by a simple vote of the governing body. We can expand a school without balloting parents; indeed, many such expansions involve adding on a special educational needs unit, which has a much more profound effect on the school than changing to trust status. However, no one is suggesting that not having a ballot in those circumstances is somehow a breach of democracy.

(*HC Hansard*, 23rd May 2006, cols. 1413–14)

The House divided on New Clause 16 and it was defeated by 412 votes to 121. Analysis indicates that those voting against the Bill were Liberal Democrats and 69 Labour MPs.

3.4 Enforceable Home-School Contracts

Clauses 90 to 92 of the current Bill are concerned with parenting contracts and orders. The clauses extend parenting contracts and orders so that they can be used more widely and at an earlier intervention before the pupil has been excluded. The Bill will also enable parenting orders to be used where the pupil has seriously misbehaved (regardless of whether or not they have been excluded). Schools will be empowered to make their own applications for parenting orders.

In Standing Committee, John Hayes, speaking for the Conservatives, moved Amendment No. 49, which sought to allow the use of interviews to establish whether there would be compliance with a home-school contract. Clause 41 of the current Bill prohibits the use of interviews as part of the admission process in any maintained school. The Committee divided on Amendment No. 49 and it was defeated by 14 votes to 4 (*HC Standing Committee E*, 2nd May 2006, cols. 650–62).

At Report Stage there was a debate on whether home-school contracts should be enforced and agreed before a child joined a school. John Hayes moved New Clause 2 and a series of other amendments which sought to make home-school contracts enforceable. He began by saying:

If the objective of the Bill is to increase school autonomy, the Government should agree that a school must be completely in control of discipline. That is why the new clauses would make home-school contracts enforceable. If parents and children do not sign up to a code of behaviour, and stick to it, it would surely be inappropriate for those children to attend the school.

(*HC Hansard*, 23rd March 2006, col. 1441)

He argued that his proposals were in keeping with the Government's White Paper, especially where it stated:

“Home-school agreements can be a powerful tool in making clear to parents what they can expect from their child's school particularly when they join a new school and also setting out parents' own responsibilities in supporting the school.”

(*HC Hansard*, 23rd March 2006, col. 1441)

Jim Knight, the Minister for Schools, agreed that home-school agreements “are an important tool in maintaining discipline and improving behaviour in schools”. However, he set out why he opposed New Clause 2:

I cannot accept a provision that would penalise a child by refusing them access to a school because their parents had not signed a document stating that they agreed with its rules and ethos. It is much better for discussion about home-school agreements to take place after the offer of a school place has been accepted; whether a parent signs the agreement should have no bearing on the security of a child's place.

I am also concerned that allowing some schools to make signing a home-school agreement compulsory could discourage some parents from applying to those schools. Such a scheme is best undertaken as part of the process of building a positive relationship between the school and family when parents know that their child will be attending the school in question. We have no wish to see home-school agreements used as another means whereby schools can select pupils ...

(*ibid.*, col. 1444)

The House divided on New Clause 2 and it was defeated by 372 votes to 166.

3.5 Special Educational Needs

Clauses 15 to 17 and Schedule 2 of the current Bill include measures which would allow the discontinuance of maintained mainstream schools, special schools and nursery schools. Clause 16 provides for a consultation process to be carried out before proposals regarding the closure of a school can be published.

In Committee, John Hayes (Conservative) moved a number of amendments which indicated his fear that the Bill might result in the reduction of special schools. Amendment No. 255 would have had the effect of ensuring that before any special school could be closed that the Secretary of State was satisfied that acceptable alternative provision had been made (*HC Standing Committee E*, 25th April 2006, cols. 396–98).

In reply, the Minister said that the relevant clauses in the Bill aimed to allow an LEA to close a maintained special school if it was in the interests of the health, safety or welfare of the children concerned. Statements of Special Educational Needs (SEN) also placed duties upon LEAs to ensure that appropriate provision was made. The Minister said that the Bill appreciated that local authorities and schools were best placed to respond to the complex needs of children in their area (*ibid.*, cols. 400–04).

John Hayes moved his amendment and it was defeated by 16 votes to 5.

At Report Stage, a number of amendments were tabled in relation to SEN. John Hayes (Conservative) moved two new clauses. New Clause 4 would have required parents of a child with SEN to be supplied with sufficient information to consider the options available to them in terms of mainstream and special schools. The clause would also prevent a child with SEN being taught in a mainstream school if it was incompatible with the wishes of the child's parents. New Clause 5 would have prevented the closure of any special school by a local authority unless it had the consent of the Secretary of State. Such consent would only be possible if there were sufficient and suitable places available at nearby special schools.

He accepted that many children with SEN, where their parents wished it and where their needs could be accommodated, had done well in mainstream schools and in special units attached to mainstream schools. However, his new clauses sought to address some of the problems that had arisen because of integrated education. He pointed to evidence that staff in mainstream schools did not receive the necessary training:

... according to the comprehensive review conducted by *The Times Educational Supplement* last year, two thirds of teachers receive less than one day's training in how to teach children with special needs, and 90 per cent. of head teachers thought that their schools did not receive sufficient resources to fund integration.

(*HC Hansard*, 24th May 2006, col. 1487)

He contended that there was also a paucity of special schools for those parents who favoured them:

The prejudice that has underpinned much of the policy that has emanated since Warnock has not been a prejudice in favour of special schools; it has been a prejudice against them. So parents who wanted their children educated in special schools have found it increasingly hard to get places in them as those schools have closed.

(*ibid.*, col. 1488)

In addition, there were problems with SEN provision in mainstream schools:

The statementing process is still too often long, complex and bureaucratic. It bamboozles many parents. They are intimidated by the whole subject of their child's education and opportunities.

(*ibid.*, col. 1488)

Angela Watkinson (Conservative) spoke in favour of New Clauses 4 and 5 as they would allow informed choice for parents of a child with SEN:

They will need to be presented with all the options and all the information that is available. They should be able to visit both local mainstream schools and special schools to gain an impression of provision there. They should be able to speak to head teachers, past teachers and assistants, and to members of the education authority, so that they can reach an informed decision about the best provision for their particular child.

(*ibid.*, col. 1505)

The Minister for Schools, Jim Knight, agreed that there was more to be done, but argued that the picture was “in shades of grey rather than the black and white” presented by John Hayes. He pointed to Government investment:

Funding per pupil with SEN has increased by nearly 40 per cent. in real terms. Budgeted expenditure by local authorities is £4.1 billion, about 13 per cent. of all education spending, and the building schools for the future programme is delivering better schools and facilities for those children.

(*HC Hansard*, 24th May 2006, col. 1515)

He dismissed suggestions that the Government was against special schools:

We are not an anti-special school Government. We want children’s special educational needs to be met so that, as far as possible, exclusions are unnecessary. Through our long-term SEN strategy, we are working to build the skills and capacity of schools to meet children’s special educational needs earlier and more effectively.

(*ibid.*, col. 1516)

He also said that the Government would take note of the forthcoming report from the Education and Skills Select Committee on SEN and that the Bill would go to the House of Lords after a very good debate.

The House divided on New Clause 5 and it was defeated by 369 votes to 147.

3.6 School Admissions

Part 3 of the Bill contains a number of clauses concerning school admissions. The Bill prohibits admission on the basis of ability to a maintained school unless that school is a grammar school or the school has adopted a permitted form of selection under Section 99 of the School Standards and Framework Act 1998 (i.e. those arrangements in place in 1997–98 or pupil banding). The Bill strengthens the existing school admissions code of practice by putting it on a statutory footing. It also strengthens the role of admissions forums by empowering them to prepare and publish reports on admissions matters in their area and by allowing them to refer an objection about the admissions arrangements in its area to the Schools Adjudicator. The Bill requires local authorities to provide advice and assistance to parents in helping them make admissions applications. The use of interviews is prohibited as part of the admissions process with the exception of assessing the suitability of a pupil for a boarding place or if the school has permissible selective arrangements. Provision is made to ensure that admission arrangements approved for new and expanding schools and determinations made by the Admissions Adjudicator remain in place for a prescribed period. The Bill also modifies the the School Standards and Framework Act 1998 to allow additional forms of banding within schools.

At Second Reading, the then Minister for Schools, Jacqui Smith, had said that the Government would look at regulations to further enable admissions forums to establish a collective commitment to fair access across a local authority area. In Standing Committee, she distributed copies of the School Admissions (Admission Forums) (England)

(Amendment) Regulations 2006. Regulation 2, paragraph (2) set out a list of what would be expected to be contained within the reports of admissions forums:

“the number and percentages of...preferences met ...

(b) the number of appeals made ...

(c) the ethnic and social mix of pupils attending schools in the area ... and the factors that affect this;

(d) the extent to which existing and proposed admission arrangements serve the interests of looked after children, children with disabilities and children with special educational needs;

(e) how well the hard to place protocol has worked ...

(f) whether primary schools are meeting their statutory duties in relation to infant class sizes;

(g) details of other matters that might affect how fairly admission arrangements serve the interests of children and parents within the authority; and

(h) any recommendation or recommendations that the forum wishes to make in order to improve parental choice and access to education in the area of the authority.”

(HC Standing Committee E, 2nd May 2006 cols. 629–30)

At Report Stage, Nick Gibb, the Shadow Minister for Schools, moved Amendment No. 104 which would have removed the statutory basis for the Code for School Admissions as proposed under the Bill.

Taking an opposite view, Sarah Teather, the Liberal Democrat Education and Skills Spokesperson, moved New Clause 24 and a series of other amendments aimed at further tightening school admissions policy. New Clause 24 made provision for an “admissions administration” within each local education authority area. Such an admissions administration would receive all applications for places in maintained schools, academies, city technology colleges and city colleges for the technology of the arts within its boundaries. It would award places at such schools and colleges on the basis of the objective criteria to apply for that year and would act in such manner as keep the identity of applicants from schools until places had been awarded. In cases where schools disagreed with an admission, there would be leave to appeal to an admissions forum.

She acknowledged that the Government had moved on this issue with the publication of a draft admissions code. She welcomed the ban on interviewing, the prioritisation of children in care and those with SEN, and the focus on other issues such as expensive trips and uniforms, which could deter poorer parents.

However, she argued that her amendments touched on what was still a key issue for many Members:

What has concerned many people is the proposal in the Bill and in its forerunner, the White Paper, to give schools more freedom to control their admissions. People are worried about that because all the evidence suggests that when we give schools that freedom, over time they tend to move towards choosing the brighter children and the more middle-class children.

(HC *Hansard*, 24th May 2006, col. 1529)

She thought the best way of addressing such “cheating” was an independent admissions system:

It would be better to give the duty to an impartial body. The local authority, which oversees and co-ordinates strategic provision, is best placed to administer the system. It does not have any incentive to cheat as it does not favour one school over another. It simply wants all its schools to do well and to raise standards across the area.

(*HC Hansard*, 24th May 2006., col. 1530)

Nick Gibb, speaking for the Conservatives, questioned the view that the admissions system was being distorted:

I do not believe that there is mass cheating by head teachers who deliberately manipulate the admissions system to boost their results. If that is happening, we need to take action against head teachers who are behaving in such an unprincipled way.

(*ibid.*, col. 1532)

Sally Keeble (Labour) was critical of New Clause 24:

The new clause ... proposes an admissions policy that is based on a mistrust of head teachers. That seems fundamentally flawed. We rely on the ability and leadership provided by head teachers for the quality of what happens in schools, so it would be wrong to have an admissions policy that assumed that they were trying to cheat. I also think that, when we are trying to encourage schools to build more links with their communities, it would send mixed messages to say that they can have links at all times, except where anything to do with admissions is concerned, when an exclusion zone applies.

(*ibid.*, col. 1550)

Jim Knight, the Minister for Schools, set out why the School Admissions Code needed to be placed on a statutory footing:

Schools that set their own admissions arrangements need to know what is and is not acceptable, so that parents are treated fairly. Clause 37 sets those limits by creating a new, stronger schools admissions code with which admissions authorities must act in accordance.

(*ibid.*, col. 1567)

Though he appreciated the sentiments that lay behind New Clause 24, he thought that the Government had made the necessary changes:

We now have a single-form application via the local authority, and we have created a robust system of checks and balances. Legislation and the schools admissions code establish parameters within which admissions arrangements must be set and operated. The schools adjudicator and the Secretary of State both have a role to play in dealing with complaints and objections. Under the current system, individual admissions authorities are accountable for decisions to permit or refuse admission to their schools. We do not want to change that, particularly because

they, as individual admissions authorities, might be better placed to consider applications against their own admission arrangements – especially where they relate to faith criteria or require an aptitude assessment.

(*HC Hansard*, 24th May 2006, col. 1567)

However, he said that the Government had a relaxed attitude towards the proposals:

... there is nothing to prevent schools and local authorities from agreeing, through their admissions forum, to take such an approach if their admissions arrangements lend them to it. Indeed, I am interested to know whether any areas are keen to pilot that approach, so that we can learn from it. I hope that Members will accept that as a sign that we are relatively relaxed about that approach, and that we do not feel the need to include such a statutory requirement in the Bill.

(*ibid.*, cols. 1567–68)

Sarah Teather in reply, acknowledged the Minister's suggestion, regarding pilots of her proposed admissions administrations, but said that she would have preferred a commitment in the form a permissive clause or enabling regulation (*ibid.*, col. 1571).

The House divided on New Clause 24 and it was defeated by 443 votes to 87. Analysis indicates that those voting against the Bill were Liberal Democrats and 34 Labour MPs. The House also divided on the Conservatives' Amendment No. 104, which was defeated by 375 votes to 161.

3.7 Grammar Schools and Selections

Clause 37 of the current Bill will prohibit new selection on the basis of a pupil's ability in any maintained school, subject to the exceptions referred to in section 99(2) of the School Standards Framework Act 1998. One of these exceptions would allow the continuance of existing grammar schools.

In Standing Committee, there was an extensive debate around this clause (HC Standing Committee E, 2nd May 2006, cols. 549–95). The Committee considered both amendments to end selective education by 2010 and amendments to extend selection to 10 per cent. of a school's intake. There was a wide-ranging debate on the respective merits of grammar and comprehensive schools.

At Report Stage, Members returned to considering these opposing points of view. David Chaytor (Labour) moved New Clause 39, which sought to stop selection by ability or aptitude after the 1st August 2010 unless it was permitted under section 101 of the School Standards and Framework Act 1998 (i.e. permitted selection or pupil banding) or had been approved in a ballot of parents of pupils attending relevant feeder primary schools.

Nick Gibb, the Shadow Minister for Schools, thought that New Clause 39 was:

... driven primarily by ideology, rather than by a concern for raising standards in our schools. That ideology is based on the notion that the quality of a school is determined solely or largely by the intake of the school. That is not true. What

makes a good school is the quality of the teaching, the quality of the head's leadership, and the ethos and approach to behaviour and discipline taken by the school.

(*HC Hansard*, 24th May 2006, col. 1532)

His party would not reintroduce grammar schools, but supported their ethos:

It is clear from the research evidence and the success of schools that set, that when comprehensive schools set all their academic subjects by ability in all year groups – with flexibility, so that children who develop later in a subject can move up to a higher ability group – and have smaller classes with more experienced teachers focusing on the lower attainment groups, far-reaching improvements occur in the quality of education in those schools.

If we can recreate in the top sets the academic education that grammar schools and many independent schools offer their pupils – an education that stretches children academically and enables them to fulfil their educational potential with an enhanced or accelerated curriculum – there is no need to undergo the upheaval of reintroducing the 11-plus and selection, and re-establishing grammar and secondary modern schools in areas where they were abolished more than 30 years ago.

(*ibid.*, col. 1536)

He also gave a commitment to protect existing grammar schools as:

It would be a criminal act to destroy schools that are providing first-class education to thousands of youngsters in this country.

(*ibid.*, col. 1537)

David Chaytor (Labour) in speaking to New Clause 39 and other related amendments said:

If all three parties accept that a return to the universal 11-plus system is not acceptable because of the various disadvantages of which we are all aware ... it remains completely inconsistent that we should support that system in the 36 English local education authorities where it still applies.

(*ibid.*, col. 1541)

He noted that New Clause 40, which he also supported, allowed for an independent review of admissions arrangements across the country. He thought that this, allied with New Clause 39, would lead to the reduction of the grammar school system:

Six months after the Bill has been enacted, an independent review body would be established to examine all aspects of our admissions arrangements, and to study the evidence of the impact of admissions arrangements in different parts of the country. The review body would report before 2010, and we could then have an informed debate based on evidence, not on ideology or prejudice. Parents would then form their judgments in the light of that informed debate. That is precisely why I am confident that if such a procedure were adopted, very few parts of the country would choose to reintroduce selection.

(*ibid.*, cols. 1543–44)

He compared academic achievement in Northern Ireland and Scotland:

... if we compare Northern Ireland, the most selected area with the highest levels of segregation, with Scotland, with the least segregation; it compares favourably with the Scandinavian countries that manage to combine equity and high standards. In Northern Ireland, the number of adults in the population who left school with no qualifications is twice the number for Scotland. In Scotland, the number of adults in the work force with degrees or degree-equivalent qualifications is almost 50 per cent. higher than in Northern Ireland. That is the most dramatic evidence that selective systems depress results overall, lower levels of attainment and increase levels of social segregation.

(*HC Hansard*, 24th May 2006, col. 1545)

Damien Green (Conservative) opposed New Clause 39:

I oppose new clause 39 because I saw the damaging effect of anti-grammar school campaigns in the late 1990s and the early years of this century, both in my constituency and across Kent. Those campaigns damaged all the schools in the area, and not just grammar schools, because they diverted effort, money, resources and energy from education. People who should have been involved in improving school standards took up opposing positions in destructive political campaigns that, in the end, achieved nothing because they had no support.

(*ibid.*, col. 1547)

Paul Farrelly (Labour) supported New Clause 39 as it would address the “historic anomaly” of selective grammar schools. However, he stressed that it would do so “not by imposition”, as “it would allow for a ballot of parents of pupils and primary schools feeding grammar schools”. He contended that selective grammar schools “take out of the state system many of the very parents who are most likely to agitate for and contribute to better standards for every child in every school in every community” (*ibid.*, col. 1557).

Graham Brady (Conservative) in opposing New Clause 39, argued that grammar schools did not just achieve better results because they admitted bright children:

They admit them, but they then raise standards of attainment even more than other schools would have done. That is why, on the value-added basis, 18 of the 21 best performing schools in the country for 11 to 14-year-olds are grammar schools.

(*ibid.*, col. 1561)

He therefore thought that a new consensus could be built “to keep selective education where it exists because it works, and the second part is to maintain and increase selection within schools also because it works” (*ibid.*, col. 1563).

Jim Knight, the Minister for Schools, stated:

Labour Members have always been opposed to any extension of selection by academic ability, and the Bill reaffirms that stance. I am delighted that we have now won the argument, with the Opposition today agreeing that, far from having a grammar school in every town, there should be no new selection. That is a great victory for progressive politics.

(*ibid.*, col. 1566)

However, he could not support New Clause 39:

In 1997, the Government made a commitment to leave it to parents and governors to decide the future of their grammar schools. The spirit of this Bill honours that commitment, as it does not impose any structure on any school. Grammar school governing bodies can bring forward proposals to remove selective arrangements, and the appropriate mechanisms are already in place to enable parents to challenge the continuation of selection in their local schools.

(HC *Hansard*, 24th May 2006, col. 1569)

The House divided on New Clause 39 and it was defeated 415 votes to 115. Analysis indicates that those voting against the Bill were Liberal Democrats and 61 Labour MPs.

Also at Report Stage, Martin Linton (Labour) highlighted a loophole in the School Standards Framework Act (SSFA) 1998 relating to selection levels in partially selective schools. He noted that a High Court ruling had had the effect of potentially allowing a school that had been instructed to reduce its selection level from 50 to 25 per cent. under the SSFA 1998 to raise it back to 50 per cent. (*ibid.*, col. 1550).

The Minister acknowledged Martin Linton's point about a potential loophole in the SSFA 1998 and said that he would look for ways to bring forward a suitable amendment in the House of Lords (*ibid.*, col. 1570).

4. Third Reading

The Secretary of State for Education and Skills, Alan Johnson, set out the case for trust schools:

By enabling schools to become self-governing and to form links with a charitable trust, the Bill will give greater independence, but within a structure of increased interdependence, so that all those with an interest in successful schooling can make a full contribution to their local school. The opportunities are great for further and higher education establishments to entice more children to climb the ladder of attainment, for voluntary groups to bring in new ideas and fresh thinking, for business trusts to help focus on future careers and take forward the 14-to-19 agenda, and for schools to share best practice.

The trust model also ensures that those relationships are permanent and lasting, rather than transient and dependent on a few visionaries whose departure heralds the collapse of the project. Trusts combine the best of all the existing models, and there has been broad consensus about their potential in principle.

(*HC Hansard*, 24th May 2006, col. 1588)

He reaffirmed the safeguards contained within the Bill regarding trust schools and the latitude it would give to local authorities in terms of new community schools:

We have confirmed that no school will be forced to become a trust school, but that every school will have that option, after consulting parents and stakeholders. And we have set out safeguards to ensure that trusts are not involved in activities that may be considered inappropriate. We have also put a requirement on trusts not only to help drive up standards but to contribute to community cohesion.

... We have amended the Bill so that the best local authorities will automatically be able to put forward new community schools for consideration. Most other local authorities will have opportunities to do the same, with only the worst being barred from doing so.

(*ibid.*, cols. 1588–89)

He also pointed to the Bill's measures in relation to selection and admissions:

The Bill also includes a clear ban on interviews and new selection by academic ability. We have strengthened the code on admissions, enhanced its status and circulated a draft of it to the House. That makes it crystal clear that there will be no new selection by the more covert means used in some places.

(*ibid.*, col. 1589)

He then moved on to highlight other aspects of the Bill:

Giving all 14 to 19-year-olds the right to study for specialised diplomas will help to tackle three major economic and social problems: the skills gap; youth unemployment; and classroom disengagement. Twenty years after Lord Elton's ground-breaking report, the Bill enacts its central recommendation by giving teachers tough new powers to tackle unruly pupils inside and outside school. That will reduce classroom disruption and improve the attainment of all pupils. Other

important powers relate to school meals, transport and an obligation on local authorities to ensure that young people have places to go and constructive things to do in their leisure time.

... In respect of looked-after children, on whom we will focus attention over coming months, I remind the House that, for the first time, schools will be obliged to take in looked-after children who move into their area during the school year, as they often do, even if the school is full. That addresses the central problem of looked-after children consistently being dumped in the worst-performing schools to make up the numbers. That is one of the most important measures in the Bill, even if it has not attracted the most publicity.

(*HC Hansard*, 24th May 2006, col. 1589)

The Shadow Secretary of State for Education and Skills, David Willetts, argued that though the Bill was modest in practical terms, it had wider implications:

It is a recognition that the future role for local education authorities is as purchasers, not as providers, that the future for schools must involve diversity, not standardisation, and that parents want choice, rather [than] finding their children trapped in certain catchment areas.

(*ibid.*, col. 1591)

He said that his party would support the Bill because it would allow further reform:

We will use the powers in the Bill to make it easier for schools to expand. We will use the powers in the Bill to give more freedom to schools. We will use the powers in the Bill to deliver on some of the promises that the Prime Minister made, but on which he has not been able to deliver. We look forward to using the powers in the Bill to deliver what the Prime Minister called, in his foreword to the White Paper, the aim of

“the creation of a system of independent non-fee paying”

state schools. That, I think, is the true objective of serious education reform, and as we fight that battle we will be able to say that ours is the party that is united in a commitment to deliver the radicalism behind the White Paper- from which, sadly, the Government have had to retreat because of pressures from their own Back Benchers.

(*ibid.*, col. 1593)

Sarah Teather, the Liberal Democrat Education and Skills Spokesperson, said that they would vote against the Bill:

First, we do not believe that adequate safeguards on admissions have been given. If we are to give schools more freedom to control their own admissions, we want the extra safeguard of ensuring that someone impartial administers them. I welcomed the concession that the Minister made on Report for the conducting of pilots. However, I would have preferred that a permissive clause or enabling regulation be included in the Bill so that we could be sure that the Government are serious about this issue and are not simply going to kick it into the long grass, as I fear they will. Without such a safeguard, giving schools more freedom to control admissions is not adequate.

Secondly, on accountability, we are totally opposed to giving trust schools the option of reducing the number of elected parent governors. To us, that flies in the face of all the spin about parent power.

... Thirdly and most importantly, I still do not feel that an adequate, clear vision has been set out. Is this a competitive education model or a collaborative one? Still, we have the Prime Minister's vision of a competitive model, rather than the vision that, I suspect, the Department for Education and Skills would much rather pursue: of a collaborative model that allows real choice in the curriculum. Without that model, we will never see the real reforms that we want – reforms that give schools the freedom to teach what young people want to learn.

(*HC Hansard*, 24th May 2006, cols. 1593–94)

Barry Sheerman, Chairman of the Select Committee on Education and Skills, said that he would support the Bill because it was “based on the principle of judging the evidence of what works in our schools”. He was critical of those in his own party who would not support the Bill:

The longer that I have chaired the Select Committee, the more that I have come to realise that it is not dogma that will deal with the problems that we encounter in our schools throughout the country. Some of my colleagues like dogma. A small group of them would still like to nationalise the top 100 companies, for example, and will vote for any of those old dogmas if they are given the chance.

(*ibid.*, col. 1594)

Clive Efford (Labour) stated why, despite some of its positive features, he could not support the Bill:

There is much in the Bill that deserves to be supported and I accept the efforts that have been made by my right hon. Friend the Secretary of State and his team, and their predecessors. However, the Bill provides the opportunity for schools to break away from the school community in a locality. The danger of that is that the local authorities will lose direct control of and influence over those schools. That would mean that the local community would lose influence over those schools.

(*ibid.*, col. 1595)

On division, the Bill received its Third Reading by 422 votes to 98. Analysis indicates that those voting against the Bill were Liberal Democrats and 46 Labour MPs.

5. Select Bibliography

Departmental Publications

Department for Education and Skills Press Release, *More Catch-up and Stretch as Experts Promote Lessons catering to Individual Pupils' Needs* – Kelly, (13th March 2006).

Department for Education and Skills, *Regulatory Impact Assessment, Education and Inspections Bill 2006*, (28th February 2006).

Department for Education and Skills, *Education and Inspection Bill: Higher Standards, Better Schools for All*, (28th February 2006).

Department for Education and Skills, *The Government's Response to the House of Commons Education and Skills Committee Report: The Schools White Paper: Higher Standards, Better Schools for All*, (Cm 6747, February 2006).

Department for Education and Skills, *Higher Standards, Better Schools for All*, (Cm 6677, 25th October 2005).

Department for Education and Skills Press Release, *Education White Paper: Higher Standards, Better Schools for All*, (25th October 2005).

Department for Education and Skills, *The Government's Response to the Education and Skills Committee's Report on Secondary Education: School Admissions*, (Cm 6349, November 2004).

Department for Education and Skills, *The Government's Response to the Education and Skills Committee's Report on School Transport*, (Cm 6331, September 2004).

Department for Education and Science *Discipline in Schools. Report of the Committee of Enquiry chaired by Lord Elton*, (1989).

Select Committee Publications

House of Commons Education and Skills Select Committee, *The Schools White Paper: Higher Standards, Better Schools For All*, (HC 633 of 2005-06, 27th January 2006).

House of Commons Education and Skills Select Committee, *Secondary Education: Government Response to the Committee's Fifth Report of Session 2004-05*, (HC 725, 8th December 2005).

House of Commons Education and Skills Select Committee, *Government's Responses to the Committee's Second Report (Education Outside the Classroom) Sixth Report (National Skills Strategy: 14-19 Education) and Eighth Report (Teaching Children to Read) of Session 2004-2005*, (HC 406, 21st July 2006).

House of Commons Education and Skills Select Committee, *Every Child Matters*, (HC 40, 5th April 2005).

House of Commons Education and Skills Select Committee, *National Skills Strategy: 14–19 Education*, (HC 37, 24th March 2005).

House of Commons Education and Skills Select Committee, *Secondary Education*, (HC 86, 17th March 2006).

House of Commons Education and Skills Select Committee, *Secondary Education: School Admissions*, (HC 58, 22nd July 2004).

House of Commons Education and Skills Select Committee, *The Draft School Transport Bill*, (HC 509, 7th July 2004).

Library Publications

House of Commons Library Research Paper 06/15, *The Education and Inspections Bill*, (9th March 2006).

House of Commons Library Standard Note SN/SP/3935, *Personalised Learning and the New Curriculum Entitlement for 14 to 19 Year Olds*, (27th February 2006).

House of Commons Library Standard Note SN/SP/3921, *The Schools White Paper: Trust Schools and School Admissions*, (14th February 2006).

Other Publications

Estelle Morris et al., *Shaping the Education Bill, Reaching for Consensus*, (14th December 2005).

Philip Cowley and Mark Stuart, *The Education and Inspections Bill's second day in Report*, (7th June 2006).

Philip Cowley and Mark Stuart, *The Education and Inspections Bill's first day in Report*, (24th May 2006).

Philip Cowley and Mark Stuart, *Where did they go? The voting of those who signed the Alternative White Paper*, (21st March 2006).

Philip Cowley and Mark Stuart, *Could Do Better: The Second Reading of the Education and Inspections Bill*, (16th March 2006).