



# HOUSE OF LORDS

Select Committee on the Constitution

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*Sean Lord Nash,*

## **Education and Adoption Bill**

The Constitution Committee considered the Education and Adoption Bill at its meeting on 21 October.

We note that the Bill augments the Secretary of State's powers to intervene in matters which have previously been the responsibility of local government, often at the expense of local education authorities' and local authorities' power. This is particularly evident in the proposals to increase the Secretary of State's intervention powers in respect of schools, and to direct how local authorities should provide adoption services.

These provisions appear to be at odds with the Government's localism agenda, which emphasises the importance of local communities running their own affairs. We note that the Chancellor of the Exchequer, in his speech in Manchester on 14 May, stated that "we all know that the old model of trying to run everything in our country from the centre of London is broken".

The UK's constitution does not dictate how power should be balanced between central, regional and local government—we therefore do not wish to imply that these moves to reallocate power to the centre are constitutionally improper. We would, however, be interested to understand the reason for this decision to shift power away from local communities and towards central government, and how this Bill fits into the Government's plans to devolve power away from the centre.

We also note that the Bill provides for the Secretary of State to intervene in respect of 'coasting' schools, and permits her, by regulations subject to annulment, to define what 'coasting' means. We have previously expressed our concern at the introduction of vaguely worded legislation that leaves much to the discretion of ministers (see our 2nd Report of this session). We do not intend to report formally to the House on this matter, as we trust the Delegated Powers and Regulatory Reform Committee will consider this matter as part of their scrutiny of the Bill. Nonetheless, we wish to put on the record, once again, our view

that bills should contain an appropriate level of detail and provide a suitable degree of legal certainty.

I have copied this letter to Baroness Fookes, Chair of the Delegated Powers and Regulatory Reform Committee.

*Yours sincerely,  
Stanhauf.*

The Rt Hon. the Lord Lang of Monkton, DL  
Chairman of the Constitution Committee