



House of Commons  
Education and Skills Committee

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**The Schools White  
Paper: *Higher  
Standards, Better  
Schools For All***

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**First Report of Session 2005–06**

***Volume I***





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**First Report of Session 2005–06**

***Volume I***

*Report, together with formal minutes*

*Ordered by The House of Commons  
to be printed 25 January 2006*

**HC 633-I**  
Published on 27 January 2006  
by authority of the House of Commons  
London: The Stationery Office Limited  
£0.00

## The Education and Skills Committee

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## Summary

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The White Paper is a major policy initiative, strongly backed by the Prime Minister with a speech the day before publication and a four-page foreword to the document, as well as by the Secretary of State for Education and Skills herself. The Government's aspirations for the White Paper appear to be that the proposals it contains will act as a catalyst for significant, permanent improvement in the schools system. The question we ask is, will the improvement driven by the needs of pupils and by parental preference that the Government aspires to provide a better deal for all pupils, particularly the most disadvantaged?

Most of the proposals in the White paper are not new, so why have they caused so much concern? Much of that concern has centred on Trust schools. The emphasis on their independence has led some critics to conclude that Trust schools will bring about a fragmentation of the school system and a widening of social segregation.

### *In-school reform*

There are a number of policy proposals which we welcome which have also been welcomed elsewhere: on behaviour management, with the promise of a new statutory right of teachers to discipline; on personalisation of learning; and on continuing professional development for teachers and headteachers.

### *Key areas*

The three key areas that we examined were: Trust schools; local authorities; and choice and admissions.

### *Trust schools*

We have established that Trust schools are *not* a new concept; the Government has re-branded one type of foundation school and sought to promote it as the way forward for schools. Much more detail and clarity is needed on the process involved in becoming a Trust school. If the Government wants to allay fears about how Trust schools will operate, it needs to provide this detail and clarity as soon as possible.

### *Admissions*

We have made recommendations on admissions which will mean some of the core elements of the School Admissions Code of Practice will become mandatory, but we have also proposed a vigorous new role for local authorities and the Schools Commissioner in ensuring that all admissions authorities comply with the requirements of the Code. The important issue here will not be the number of admissions authorities but the context in which admissions decisions will be made.

### *Local authorities*

We have concluded that the role of local authorities will be enhanced by these proposals rather than diminished, given that they will retain their provider role for so long as

community schools remain in being. The commissioner role which the Government sets out for local authorities appears to consist of the traditional role of oversight of local requirements with some enhanced responsibilities over school standards, together with the co-ordinating role on Every Child matters. We make the further recommendation that local authorities and admissions forums should have a duty to monitor admissions arrangements in their area and to establish benchmarks for the social composition of school intakes.

#### *Schools Commissioner*

We believe that the role of the Schools Commissioner in respect of Trust schools will be less vigorous than the White Paper envisages, consisting principally of advice and assistance, but we recommend that the Commissioner should also have responsibility for strategic oversight of the admission process and of the way in which schools discharge their wider social responsibilities on social segregation. The Schools Commissioner should report annually on these two issues.

Taken together, these recommendations on admissions and social composition, giving new duties to the Schools Commissioner, empowering local authorities and strengthening the Code of Practice with regulations provide the effective practical means to ensure that the Government's aspirations on fair access can be realised.

#### *Choice*

The Government sets great store by choice as a lever for change in the schools system. It proposes a number of initiatives to help those from less affluent social groups to operate choice more effectively; in particular, the introduction of choice advisers and extended free transport to school. If choice is going to play an increased role in determining the shape of the school system, then measures such as these to improve equity are necessary.

#### *Funding for disadvantaged pupils*

We recommend that the Government develops its proposal to provide extra funding to those areas with the lowest levels of prior attainment by pupils entering secondary school by seeking a means of providing extra funding for individual pupils from disadvantaged backgrounds.

#### *Conclusion*

Trust schools have had a very high profile in the debate, but in the end the form of governance of a school is less significant in determining the attainment of its pupils than the nature of its pupil intake and the quality of teaching and leadership. Schools need to have a sound structure of governance and accountability, and this can take more than one form, but in the end it will be what happens in schools, whatever their designation, that will decide whether the attainment of disadvantaged children in our school system will be improved.

## Preface

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1. The Government published its White Paper on proposals for schools, *Higher Standards, Better Schools for All*, on 25 October 2005.<sup>1</sup> This is a major policy initiative, strongly backed by the Prime Minister with a speech the day before publication and a four-page foreword to the document, as well as by the Secretary of State for Education and Skills herself. In oral evidence to the Committee on 2 November 2005 the Secretary of State told us that a Bill to enact those proposals which required legislation would be published early in 2006.<sup>2</sup> We therefore decided to undertake an inquiry as a matter of urgency, and to publish our conclusions by the end of January 2006.

2. We took evidence from the Secretary of State on two occasions, as well as from Rt Hon Jacqui Smith MP, Minister of State for Schools and 14–19 Learners, and from Stephen Crowne, Acting Director General, Schools Directorate, Department for Education and Skills. The Chairman wrote to all Members of Parliament to ask for their views. We are grateful to all those who replied and their comments have informed our discussions.

3. We also heard evidence from the Local Government Association; Professor Al Aynsley-Green, the Children’s Commissioner; Sir Alan Steer, Chairman of the Practitioners Group on School Behaviour and Discipline; the National College for School Leadership; the Training and Development Agency for Schools; the Association of Teachers and Lecturers; NASUWT, National Union of Teachers; the Professional Association of Teachers; the National Association of Head Teachers; the Secondary Heads Association; Unison; the National Confederation of Parent Teacher Associations; the National Association of School Governors; the National Governors’ Council; the Specialist Schools and Academies Trust; Dr Elizabeth Sidwell, Chief Executive, Haberdashers’ Aske’s Federation; Sue Fowler, Group Employment Adviser, GKN plc; Dr Melvyn Kershaw, Headteacher, Haybridge High School and Sixth Form, Worcestershire; Dr Philip Hunter, Chief Schools Adjudicator; Professor Simon Burgess, University of Bristol; Professor Stephen Gorard, University of York; and Professor John Micklewright, University of Southampton. We also received more than seventy memoranda. We are grateful to all of those who contributed to our inquiry. We are also grateful to Dr Ruth Lupton, Sir Peter Newsam, Professor Alan Smithers and Professor Geoff Whitty who advised us during the inquiry.

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1 Cm 6677, DfES 25 October 2005.

2 2 November Qq145–146

# 1 Introduction

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## Background

4. The Labour Government took office in 1997 with education having been one of the main themes of its election campaign. Between 1997 and the general election of 2005 there were eight Acts of Parliament on education issues and numerous other initiatives and policy developments. The first of those Acts, the School Standards and Framework Act 1998, was directed at schools, and over the past eight years the drive to raise standards of achievement by children at school has probably been the principal educational aim of the Government.

5. In the primary sector the Government introduced the Literacy and Numeracy strategies, now absorbed into the Primary National Strategy which also gives support to modern foreign languages, PE and music.<sup>3</sup> In the secondary sector, it introduced the Key Stage 3 Strategy, designed to support learning for 11–14 year olds in all subjects, which has now been developed into the Secondary National Strategy. It also developed the Specialist Schools programme as a general school improvement initiative and adapted the CTC model to form Academies, designed to replace poor and failing schools in areas of low attainment in an attempt to bring a fresh approach to the quest to improve educational achievement. Across the schools sector as a whole, initiatives such as Education Action Zones and Excellence in Cities were designed to raise the aspirations and achievements of pupils in disadvantaged areas, not just in individual schools, by providing extra funding and encouraging collaborative working. There was also extensive use of targets to try to increase attainment and the numbers of children reaching given levels of achievement across the system, as well as the use of national tests at the end of Key Stages 1, 2 and 3 to assess progress.

6. There has also been a significant increase in the amount of money spent on education by the Government. From 1998–99 to 2004–05, spending on schools rose from £21.545 billion to £32.510 billion, an increase of 50%, and real terms funding per pupil rose by over 30%.<sup>4</sup>

7. Attainment as measured by public examinations and national tests has risen over this period. The percentage of pupils achieving five or more A\* to C grades at GCSE has risen from 46.3% in 1997–98 to 55.7% in 2004–05,<sup>5</sup> and the proportion of eleven year olds reading at the level expected of their age rose from 67% in 1997 to 83% in 2004.<sup>6</sup>

8. The Government says that there is more to do. The Prime Minister, in a speech on the eve of publication of *Higher Standards, Better Schools for All*, said:

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3 <http://www.standards.dfes.gov.uk/primary/about/>

4 Tony Travers note on 2005 public expenditure inquiry.

5 Departmental Report 2003, Department for Education and Skills, Cm 5902, London: TSO, Tables 10.1, and Statistical First Release 46/2005 *GCSE and equivalent results for young people in England, 2004-05 (provisional)*, 20 October 2005.

6 Education and Skills Committee, Eighth Report, Session 2004–05, *Teaching Children to Read*, HC 121, para 10.

“Go to your local school. You can see the progress in the buildings, in the computers and the results. But it is not good enough. Not for Britain; not for the modern world. Now I want us to lift our ambitions. We will continue to put more money into our schools, and complete the reforms we began so that in time we have a system of independent, self-governing state schools, with fair funding and fair admissions, but driven above all by the needs of pupils, wishes of parents and the dynamism of our best teachers.”<sup>7</sup>

9. He emphasises this sentiment in his foreword to the White Paper, saying that “our reform programme needs to go further if it is to be sustained within schools”.<sup>8</sup> The Government’s aspirations for the White Paper appear to be that the proposals it contains will act as a catalyst for significant, permanent improvement in the schools system. The question is, will the improvement driven by the needs of pupils and by parental preference that the Government aspires to provide a better deal for all pupils and particularly the most disadvantaged?

### Higher Standards, Better Schools for All

10. In announcing the White Paper in a statement to the House of Commons on 25 October,<sup>9</sup> the Secretary of State listed six reform priorities:

- More personalised, tailored education for each pupil.
- Giving greater independence to schools through the introduction of Trust schools, funded through local authorities but able to “partner and be supported by not-for-profit trusts” to bring “extra dynamism” to education.
- Improving school choice by giving less affluent parents the means to make choice effective, and speeding up the turn around process for weak or failing schools.
- Enabling parents to have a greater degree of involvement in their children’s education, with better quality and regularity of information and advice and a requirement for governing bodies to have regard to parents’ views.
- Taking steps to improve behaviour, including the provision of a clear statutory right for teachers to discipline.
- Giving local authorities a new role as “the commissioner of education, the champion of the pupil and the parent and the local strategic leader.”

11. In the White Paper itself, Chapter 2, which introduces the concept of Trust schools, also talks about parental demand for new schools, the possibility of popular schools expanding to meet demand and federations being formed so that good practice at one school can be spread to others.

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7 Speech at 10 Downing Street on 24 October 2005: <http://www.number-10.gov.uk/output/Page8363.asp>.

8 White Paper, page 3.

9 *HC Deb*, 25 October 2005, cols. 169 to 172.

12. One of the most interesting things about the White Paper is how few of its proposals are actually new. Much of what is proposed was first published in the DfES Five Year Strategy for Children and Learners in July 2004.<sup>10</sup> Chapter 4 of that document, entitled ‘Independent Specialist Schools’, discusses the Government’s plans for secondary schools. It specifically refers to the goal of those plans being ‘More choice for parents and pupils’, which is the subtitle of the current White Paper, along with ‘independence for schools’. Paragraph 7 of Chapter 4 lists what are described as eight key reforms. Among these were proposals which have found their way into the White Paper:

- “Freedom for all secondary schools to own their land and buildings, manage their assets, employ their staff, improve their governing bodies, and forge partnerships with outside sponsors and educational foundations.
- More places in popular schools...
- Foundation partnerships’ enabling groups of schools to work together to do better for the children in their area.

“These...reforms will be underpinned by a transformed Local Authority role, with Authorities as the champions of pupils and parents.”

However, there was no specific reference in this document to Trust schools.

13. Chapter 5 of the Five Year Strategy is entitled ‘Personalisation and choice in the secondary years’, and covers much of the same territory as Chapter 4 of the current White Paper. As well as discussing teaching and learning tailored for individual pupils, it also refers to proposals for improved behaviour management, better management of excluded pupils, improving attendance and a greater degree of involvement with parents.

14. These plans were outlined again in the Labour Party manifesto for the 2005 general election, with reference to independent specialist schools tailoring education to the needs of each pupil, and with “successful” schools having “the independence to take decisions about how to deploy resources and develop their provision”.<sup>11</sup>

15. In each of these three documents, there is a strong emphasis on a framework of fair admissions, with explicit rejection of a return to selection by the eleven-plus exam.<sup>12</sup>

16. If these proposals are therefore, generally speaking, a re-statement of policy, why has there been so much concern expressed about them? It is important to draw a distinction between proposals which have generally been welcomed, and those which have not. Those that have been welcomed have been those which relate to what happens in schools; increased personalisation, improved in-service training for teachers and head teachers, clarification about discipline, proposals about the way in which excluded pupils are treated, as well as greater certainty over budgets. Those that have been criticised have been those which relate to structures; the introduction of Trust schools, with greater independence and control over their admissions policy; the role of the Schools Commissioner; the

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10 DfES: Five Year Strategy for Children and Learners, Cm 6272, July 2004.

11 The Labour Party Manifesto 2005. page 33.

12 For example, Schools White Paper, page 41; Five Year Strategy, Chapter 4, paragraph 5; Manifesto, page 35.

influence of commercial and other sponsors on schools; the change in the role of local authorities, including the proposal that no new community schools should be established; and the emphasis on parental choice in decisions on school provision.

17. The key issue here is one of clarity, or rather a lack of clarity. On reading the White Paper, there appears to be no difference between a Trust school and a foundation school in relation to the control they have over their own affairs. Why, then, is a distinction being drawn? Giving a new name to a type of school which apparently already exists has emphasised its independence from local authority control. This has led some critics to conclude that Trust schools will bring about a fragmentation of the school system and a widening of social segregation. This impression has been bolstered by open disagreements within Government about the proposals, including the concerns expressed publicly by the Deputy Prime Minister that the changes could produce a two-tier education system.<sup>13</sup>

18. We had hoped that when we took evidence from the Secretary of State at the end of our inquiry we would be able to bring some much needed clarity to this issue of Trust schools. We did clarify some issues, but much of the detail about Trust schools remains uncertain. Indeed, it is even unclear whether the term Trust school will endure, as the Secretary of State told us that there will be no separate statutorily-defined type of school called a Trust school.<sup>14</sup>

19. The Secretary of State disagreed strongly with the notion that Trust schools were the main “eye-catching initiative” of the White Paper and said that it was not the case that the other proposals in the White Paper depend on a large number of existing schools becoming Trust schools.<sup>15</sup> Yet the press notice issued on the day of publication put the proposals for Trust schools at the top of the list of initiatives contained in the White Paper,<sup>16</sup> and in his speech on 24 October the Prime Minister placed great emphasis on the reforms providing a logical and radical development of both the academy and specialist school models. We and others could therefore be forgiven for thinking that Trust schools are indeed at the heart of the Government’s proposals for change. We deal with these issues in more detail in our chapter on Trust schools. However, **we note that, by taking one type of foundation school and giving it a new name and a high profile, the Government has managed to make a *cause célèbre* out of something which already exists and for which no further legislation is apparently necessary.**

20. As our inquiry progressed, and as the debate continued elsewhere in Parliament and outside, it became clear that there is genuine confusion about what the proposals mean, what they are intended to achieve and how they will work. Our aim in this report is to try to bring clarity: to assess the main proposals to see where more detail is required, concentrating on those issues which have given rise to the greatest concern. **The Secretary of State told us that “This White Paper is all about driving up standards for the most**

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13 Sunday Telegraph, 18 December 2005, page 4, *Leader of the opposition*.

14 Q 720

15 Q 708

16 DfES press notice 2005/0124, *Education White Paper: Higher Standards, Better Schools for all*, 25 October 2005.

**disadvantaged children<sup>17</sup> and we shall take this as the measure on which to judge the White Paper.**

## 2 In-school reform

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21. There are a number of policy proposals which have met with a generally favourable response. These include those relating to behaviour in schools, personalisation of learning, and workforce development (including the development of school leaders).

### Behaviour

22. In June 2005, the DfES convened a Practitioners' Group on School Behaviour and Discipline, under the Chairmanship of Sir Alan Steer, to make recommendations about how effective practice in promoting positive behaviour and preventing misbehaviour can be embedded in all schools, drawing on the approaches currently used by successful schools. The Group reported on 21 October, just before the White Paper was published.<sup>18</sup> The Group produced an extremely thorough report and made over 60 recommendations.

23. It argued that most pupils are well behaved, that most schools manage behaviour successfully, and that "incidents of serious misbehaviour, and especially acts of extreme violence, remain exceptionally rare and are carried out by a very small minority of pupils".<sup>19</sup> The main issue, for both teachers and pupils, is the effect of frequent, low level disruption: "This has a wearing effect on staff, interrupts learning and creates a climate in which it is easier for more serious incidents to occur."<sup>20</sup> It supported what it described as the core message of the inquiry chaired by Lord Elton on similar issues in 1989 that there is a need for a coherent whole school approach to promoting behaviour based on good relationships between all members of the school community.

24. Its main recommendation was that a teacher's right to discipline a pupil should be set down in law, following on from recommendations made by the Elton Committee in 1989 but never enacted. The Group puts forward a number of reasons why it considers specific legal provision to be desirable, including the need to have a more definite provision than the current *in loco parentis* principle, which in any event does not apply to pupils over the age of 18, and the increasing trend for parents to challenge schools at law.<sup>21</sup>

25. The Government has accepted this recommendation and others with measures as summarised at the beginning of Chapter 7 of the White Paper:

"We will implement [the Practitioners' Group's] recommendations by:

- introducing a clear and unambiguous legal right for teachers to discipline pupils, including re-affirmation of the right to restrain pupils using reasonable force, backed by an expectation that every school has a clear set of rules and sanctions;

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18 *Learning Behaviour*, The report of the Practitioners' Group on School Behaviour and Discipline, DfES, 21 October 2005.

19 *ibid*, para 1.

20 *ibid*, para 3.

21 *ibid*, para 222.

- extending parenting orders, so that schools can use them to make parents take responsibility for their children’s bad behaviour in school;
- expecting parents to take responsibility for excluded pupils in the first five days of an exclusion, by ensuring their children are supervised doing schoolwork, with fines for parents if excluded pupils are found in a public place during school hours;
- expecting headteachers collectively to develop on and off-site alternative provision for suspensions longer than five days, with all exclusions properly recorded;
- requiring local authorities to make full-time provision for permanently excluded pupils after five days; and
- making discipline a key factor in evaluating school performance.”

26. These proposals from the Government have been generally welcomed. Steve Sinnott of the NUT told us that he thought the measures on behaviour were “really positive”<sup>22</sup> and John Dunford of SHA said that he was “delighted that the White Paper in probably its best section welcomes [the Practitioners’ Group] report and says that it will legislate on it.”<sup>23</sup>

**27. We welcome both the Practitioners’ report and the Government’s response to it.** The Committee in the last Parliament commented on the problems caused by poor standards of pupil behaviour in its series of reports on secondary education from 2003 to 2005, and in its final report on the subject just before the 2005 election commented that:

“Poor behaviour holds down standards, causes some parents to choose schools outside their localities and some good teachers to leave the profession. Improving Pupil Behaviour requires swift action in schools. We welcome the Secretary of State’s public commitment to improving behaviour and we shall monitor with interest the outcomes of her new initiatives.”<sup>24</sup>

We are therefore pleased to see that the Secretary of State has continued to address this problem with vigour.

28. We are particularly pleased that provision will be made for excluded pupils from the sixth day of exclusion rather than the sixteenth day as at present, but should the Government go further? We asked the Secretary of State if it was reasonable to expect parents to stay at home with their children for the first five days of their exclusion; would it not be better to require schools and local authorities to make that provision from the first day? The Secretary of State argued that it was right for parents to take responsibility for their children. The Minister of State told us:

“In some areas of the country where we have got the behaviour improvement programmes local authorities have found ways to bring forward provision from day

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22 Q 246

23 Q 302

24 Education and Skills Committee, Fifth Report, Session 2004–05, *Secondary Education*, HC 86, para 90.

one. That has been, of course, with considerable additional funding from the Government. There is also a question, when you are thinking about whether or not that five days is reasonable over and above what the funding implications might be, as to whether or not it is also reasonable for parents to take some responsibility for what has happened to their child in having been excluded from school and that there is a period of time when the child is removed from the school. Quite often for headteachers that is quite an important part of the punishment, that the young person recognises that they have done something that was serious enough to warrant them being out of school for a period of time. I think the balance is about right on that”.<sup>25</sup>

29. We take the point the Minister of State makes about parents taking responsibility and about pupils understanding that exclusion is serious and means they are kept away from school for a period. However, we remain concerned about the effects of this proposal on some of the most disadvantaged families and on single parents. We do not believe that it is realistic to expect parents in low paid or insecure employment to take time off work in these circumstances without the risk of losing their job. We also believe that it would be difficult to enforce such a policy. One of the concerns about excluded children is that they can drop out of education altogether. The fact that alternative provision has to be found after a week will certainly help to address that issue, but the DfES should monitor the situation to gauge whether that drop out continues to be a problem and if so whether provision from the first day of exclusion might be an appropriate response. It should also evaluate what has been the effect of local authorities having responsibility for excluded pupils from the first day of their exclusion in the areas running the behaviour improvement programme.

30. The Practitioners’ Group welcomes the decision to consult the teaching profession on this issue and recommends that the Government uses similar groups in future. We agree. It would not be appropriate in all circumstances, but **a Practitioners’ Group of this kind could prove extremely effective in helping to spread best practice across schools on other issues and we hope the success of this venture will encourage the DfES to use this mechanism again.**

## Personalisation

31. The Government explicitly promotes increased personalisation of learning as a means of improving levels of attainment:

“To drive up standards while also improving social mobility, we are determined to provide more personalised services for children and their families. Personalisation is the key to tackling the persistent achievement gaps between different social and ethnic groups. It means a tailored education for every child and young person, that gives them strength in the basics, stretches their aspirations, and builds their life chances. It will create opportunity for every child, regardless of their background.”<sup>26</sup>

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25 Q 659

26 White Paper, para 4.2.

32. The White Paper acknowledges that this is not a new concept, and lists some of the current best practice and some of the initiatives the Government has brought forward in this area, but says that there must be an increased focus on tailored learning:

“Now we must go much further and create an education system that focuses on the needs of the individual child. This means intensive small-group tuition in literacy and numeracy for those falling behind, including one-to-one support where appropriate, and extra stretch for the gifted and talented. It means every pupil being able to extend their learning and develop their interests and aptitudes through extra support and tuition beyond the school day. And, most important of all, it means excellent, tailored whole-class teaching with all the resources available from extra support staff to improved ICT being used to ensure that every pupil gets the education they need.”<sup>27</sup>

33. The Government also acknowledges that this change will not come cheaply, and says that it intends to prioritise personalised learning within overall schools’ funding to enable every child to benefit from this tailored approach.<sup>28</sup> Precisely how this will be done is not made clear, not least given the Government’s desire to move away from separate funding streams and ring-fencing. Nor did we receive much evidence to show that the government had properly considered the training programme required to deliver this agenda. **The DfES needs to provide more detail on its plans for funding personalised learning, and in particular how it will ensure that funding is used for its intended purpose. The department also needs to give much more careful consideration to the changes in Initial Teacher Training and the amount of in-service training which will be required to make personalised learning a reality.**

34. As with the Government’s plans on behaviour, this proposal met with general approval. Mary Bousted from ATL, Chris Keates from NASUWT and Steve Sinnott from NUT all welcomed the Government’s plans.<sup>29</sup> Professor John Adams of the National Association of School Governors was equally supportive:

“We welcome particularly the emphasis on personalised learning, the whole area of individual attention and the recognition that the dispersion between the performance of the best and the worst schools, using that shorthand, has narrowed but the dispersion between the best and worst pupils, using again a very particular shorthand, has not. A personalisation agenda, trying to attack that, I think is extremely important.”<sup>30</sup>

**35. We welcome the Government’s proposals to provide more individually tailored education. These policies, directed at what actually happens in classrooms, are as important as anything in the White Paper. These proposals could directly and beneficially affect every child at school in England, and we look forward to seeing how matters develop in practice.**

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27 *ibid*, para 4.6.

28 *ibid*, para 4.7.

29 Qq 246, 247

30 Q 343

36. We do, however, sound two cautionary notes. Included in the chapter on personalised learning are proposals on the gifted and talented programme and for an increase in setting and grouping by ability and attainment. Professor David Gilborn, from the Institute of Education at the University of London, drew our attention to the fact that, according to DfES statistics, white pupils were twice as likely to be identified as gifted and talented as pupils from minority ethnic backgrounds in general (10% of white pupils; 6% of pupils of Indian origin; 5% of pupils of Pakistanis origin; 4% of pupils of Black Caribbean origin; and 2% of pupils of Black African origin).<sup>31</sup> Professor Gilborn says:

“The government is committed to ‘evidence-informed policy making’. The evidence on race and education is very clear: race inequality is sustained, and even worsened, where judgements are made about ability and academic potential but no safeguards are built-in to ensure that stereotypes and unintended consequences do not further institutionalise the disadvantage faced by many Black students.”<sup>32</sup>

**If the Government wishes to address educational disadvantage, it needs to take seriously the problem of the under-representation of minority ethnic groups in the gifted and talented programme to ensure that implementation of its policy does guard against stereotypes and unintended consequences.**

37. In tackling educational disadvantage by personalised learning, the Government has also to have strong regard for children with special educational needs. The Committee is well aware that there are concerns at present—and witnesses touched on this—that some children particularly on the autistic spectrum and for example with Aspergers Syndrome can have abilities that bring them into a high intelligence/gifted and talented category. **Their needs also have to be specifically addressed in personalised learning.**

38. The Committee is conducting a concurrent enquiry into Special Educational Needs but also heard concerns from witnesses within its White Paper enquiry that admissions policies and unintended consequences of new school structures should not disadvantage children with special educational needs. We have further recommendations to make on this later in this report.

39. There are also questions about the effectiveness of setting and grouping. Recent research indicates that the use of ability grouping does not increase attainment at GCSE.<sup>33</sup> The researchers found that “Socially disadvantaged students achieved significantly lower grades”, and that performance essentially depended on the set in which pupils were placed: “students of similar ability achieved higher GCSE grades when they were placed in higher sets”. Much depended on the way in which sets were created and the extent to which pupils could move between sets. **At the least, this evidence suggests that the case for further setting is not proven, and we welcome the Government’s intention to publish independent research into current best practice.**<sup>34</sup>

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31 Ev 23

32 *ibid* para 20

33 *What are the effects of ability grouping on GCSE attainment?* Judith Ireson, Susan Hallam and Clare Hurley, *British Educational Research Journal* Vol 31, No. 4, August 2005, pp 443-458.

34 White Paper, para 4.36.

## Workforce and leadership development

40. The school workforce is key to the drive for improvement in standards of educational provision and attainment. As the Committee in the last Parliament said in its report on teacher retention and recruitment, “without sufficient appropriately qualified and experienced teachers, all plans for improvements in school provision will come to nothing.”<sup>35</sup> The Government notes in the White Paper that:

“The quality of teaching in our classrooms has been transformed since 1997. Ofsted judged teaching to be good or better in 78% of secondary schools inspected in 2004/05 compared with 59% in 1996/97, and in 74% of primary schools, compared with 45% in 1996/97. According to Ofsted, we already have the best ever generation of teachers.”<sup>36</sup>

41. The Government proposes a revised set of teachers’ professional standards laying down what can be expected of teachers at every stage of their careers, with a particular emphasis on continuing professional development. It also envisages a greater degree of specialisation amongst teachers, teaching assistants and support staff, in areas such as: “catch up and stretch”; literacy and numeracy; health and welfare (of particular importance for extended schools); sport, music and modern foreign languages in primary schools; people with recent practical experience of the workplace to provide vocational education; dealing with disruptive behaviour, truancy and behavioural issues; and trained bursars and other administrative staff “freeing teachers to teach”.<sup>37</sup>

42. The White Paper also makes proposals for the development of school leadership. It says, rightly, that “Good leadership is at the heart of every good school. A strong headteacher, backed by an able leadership team and governing body, is vital for success.”<sup>38</sup> In seeking to develop this situation, the Government makes four imaginative proposals: to train heads to lead the most challenging schools; to identify and train the next generation of school leaders; to bring in people from a wider range of professional backgrounds to act in expert non-teaching roles in the management of schools; and, through the National College for School Leadership, to identify the most effective heads as national leaders of education.<sup>39</sup>

43. This makes for a very impressive, progressive agenda, but does it take account of the realities of school life and the pressures on teachers’ and other staff time? We asked Sir Alan Steer, as a current head teacher, for his view. He told us:

“..there is the potential in schools to vastly improve training if you get the culture right. That is a very easy thing for a head teacher to say with all the dangers of the poor classroom teacher saying, ‘Well he would, would he not’. My school has embarked, in the last four years, on probably the most exciting educational initiative

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35 Education and Skills Committee, Fifth Report, Session 2003–04, *Teacher Retention and Recruitment*, HC 1057-I, para 145.

36 White Paper, para 8.5.

37 *ibid*, para 8.15.

38 *ibid*, para 8.21.

39 *ibid*, para 8.22.

of my entire professional career, which has been the Assessment for Learning, which has very little, if any, resource implications, is hugely motivational for teachers and highly effective...often in a school it is an issue not that we have too many meetings, we have too many bad meetings.”<sup>40</sup>

44. We believe that the Government is on the right lines with its emphasis on training and professionalism, and with its emphasis on the importance of leadership in schools. The Committee in the last Parliament made recommendations on the desirability of specific training for teachers who wanted to teach in the most challenging schools,<sup>41</sup> so we welcome the proposals on training for headteachers of these schools, particularly in the light of the recent findings from the National Audit Office on the difficulties in filling some head teacher vacancies.<sup>42</sup> **We recommend that detailed consideration be given to training teachers for the most challenging schools and to ways of supporting them in their teaching career.** As with the implementation of more personalised learning, however, there are resource implications, principally in freeing staff time to engage in training and development activities. As our predecessors said, there will be no improvement in educational standards unless appropriately qualified teachers and other staff are in place. To be successful, the Government must ensure that there is time in teachers’ timetables to pursue appropriate training. **We recommend that the Government looks urgently at setting a minimum entitlement in teachers’ timetables, particularly in primary schools, for continuing personal development and such training.** This is especially important in respect of newly-introduced elements to the curriculum, such as citizenship education, or significant curriculum changes in other subjects.

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40 Q 234

41 Education and Skills Committee, Fifth Report, 2003–04, *Teacher Retention and Recruitment*, HC 1057-I, paras 84 to 86.

42 *Improving poorly performing schools in England* HC 679 2005–06, 9 January 2006, Executive summary para 37.

### 3 Trust schools

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45. Although Trust schools were not proposed in the Five Year Strategy or in the Labour Party manifesto, foundation schools with similar powers were discussed in the Five Year Strategy.<sup>43</sup> They now appear to be central to the Government's strategy for the development of the school system.

46. The White Paper says that

“To spread innovation and diversity across the whole school system, we will promote the establishment of self-governing Trust schools... Trusts will be not-for-profit organisations, able to appoint governors to the school, including where the Trust wishes the majority of the governing body, as in existing voluntary aided schools. The governing body, which can be as small as 11 members, will also include elected parents, staff governors and representatives from the local authority and the local community... The governing body of any existing primary or secondary school will be able to create its own Trust, or link its school with an existing Trust.”<sup>44</sup>

47. Trusts will also enjoy the freedoms that foundation schools currently have:

“As well as the drive and direction brought to the school by Trust-appointed governors, Trust schools will have the freedoms and flexibilities that self-governing (Foundation) schools currently enjoy. They will employ their own staff, control their own assets and set their own admissions arrangements. Trusts will also be able to apply to the Secretary of State for additional flexibilities: any granted in this way will apply across all of the schools supported by the Trust. This could include additional curriculum flexibilities and freedoms over pay and conditions, where the Trust can demonstrate that these will raise standards.”<sup>45</sup>

**Although Trust schools are promoted in the White Paper as a radical innovation in school governance, it is important to note that these freedoms and flexibilities are already available to schools under the power to innovate under section 2 of the Education Act 2002.**

48. These then are the Government's plans and aspirations for Trust schools and, as we also discussed in the introduction, there are many who have concerns about them. Some of those concerns are that:

- An increase in the number of schools which act as their own admissions authorities will lead to more schools choosing their pupils, which in turn will result in children from poorer backgrounds finding it harder, not easier, to gain entry to the best performing schools, reinforcing rather than reducing social segregation.

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43 Five year Strategy, Chapter 4, paras 21 to 24.

44 White Paper, paras 2.10 to 2.12.

45 *ibid*, para 2.16.

- Outside bodies which form Trusts may act in ways which are considered undesirable, by disposing of school assets or insisting on subjects being taught in a particular way, without any effective means of dissuading or preventing such behaviour.
- Giving schools more independence may discourage them from collaborating with others, creating a series of individual schools rather than a school system.
- All new schools will in future be Academies, Foundation schools or Trusts. There will be no new community schools.
- The office of Schools Commissioner, as proposed in the White Paper to act as “a national champion for the development of Trust schools”,<sup>46</sup> may be used to coerce reluctant schools to become Trust schools.

49. The Government says that it is pursuing this route because of the success of specialist schools and academies, which it argues derives from their independence and the positive effect of external partnerships. The evidence in support of that claim is certainly not clear. Our predecessors, in their report on diversity of school provision in 2003, commented that:

“..we have tried to establish the extent to which the impact of the specialist schools programme, the process of application and designation together with the creation of a subject focus within a school, can be distinguished from the effect of the significant injection of cash that follows designation together with the recurrent specialist premium on per pupil funding. In 2002–03 the specialist schools programme cost £145.3m. Specialist schools receive a capital grant of £100,000 to add to the £50,000 raised through sponsorship and an additional £123 per student per annum.

“Given the scale of this additional investment it was therefore a surprise to us to learn that no evaluation has taken place on this aspect of the programme. The effect of this investment is important because it may be that it is the process leading to designation, rather than the funding or the specialist focus, that is the key to school improvement.”<sup>47</sup>

50. There are conflicting views and a lack of compelling research evidence on whether sponsorship of schools is directly responsible for the raising of standards. One witness who had experience of working with a trust considered that it brought real advantages. Dr Elizabeth Sidwell, Chief Executive, Haberdashers’ Aske’s Foundation told us:

“We have two schools within our trust. I have always had a trust. What it gives schools is the Haberdashers’ brand, it gives enormous experience from my trustees and my governors, and it enables us to leverage on their experience. It is a real benefit to our schools within the trust to have the Haberdashers behind us”.<sup>48</sup>

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<sup>46</sup> *ibid*, para 2.21.

<sup>47</sup> Education and Skills Committee, Fourth Report, Session 2002–03, *Secondary Education: Diversity of Provision*, HC 94, paras 122 and 123.

<sup>48</sup> Q 421

The evidence of achievement is also limited for academies, because of the small number that are as yet up and running, and because pupils taking GCSEs in Academies so far will have spent most of their secondary education in other schools. **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.**

51. We asked the Secretary of State whether evidence from the United States on Charter schools had informed the White Paper, and she told us “Absolutely not”.<sup>49</sup> The Minister of State told us that “the key point about this White Paper is that it is grown in this country and it has grown from our experience.”<sup>50</sup> We find it surprising that the Government has not drawn on the experience of Charter schools, as they came about from parental involvement with the aim of raising attainment, which obviously has parallels with trust schools and other proposals in the White Paper.

52. On the basis of the evidence we have received it appears that there is no widespread enthusiasm for Trust schools. John Dunford of SHA told us that “if the proposal for trust schools does not appear in the Bill, there will be no tears shed in secondary schools amongst secondary school leaders.”<sup>51</sup> Gillian Windass of the National Governors’ Council said that

“We do have concerns that much of the document has very little evidence in terms of the idea that every school would wish to become self-governing or become a trust school and that this would improve teaching and learning. There is no evidence provided in the document to substantiate that fact. Trust schools would not necessarily improve things and they would definitely reduce the elected parental representation on the governing body where in the rest of the document we are talking about increasing parental influence”.<sup>52</sup>

Professor Adams of the National Association of School Governors said that “My guess is there will not be any dramatic changes as a result of this. One or two individual schools, of course, in particular circumstances but I do not think it will be a seismic shock to school governing bodies around the country”.<sup>53</sup>

53. Dr Mary Bousted of the ATL spoke for many critics of the Trust schools proposal when she said:

“We think [the Government’s] proposal for trust schools and the idea that trusts will spread good practice is Government doing what it said it would not do in 1997, which is becoming too interested in structures rather than standards. We cannot answer the question how trust schools are going to affect the learning opportunities for pupils. We cannot answer the question how trusts are going to deliver a better 14–19 curriculum for pupils. And we are concerned that many of the very, very supportive and strong commitments to social justice, the ideas in the White Paper,

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<sup>49</sup> Q 767

<sup>50</sup> *ibid*

<sup>51</sup> Q289

<sup>52</sup> Q 345

<sup>53</sup> Q 355

are undermined by the belief that a quasi-market will improve delivery of education.”<sup>54</sup>

Some witnesses appeared inconsistent on this issue. They doubted whether Trust schools would bring change, but opposed them anyway.

54. It also seems that there may be difficulties in finding external organisations which are willing to form Trusts and support schools. Press reports indicate that few firms which act as sponsors for specialist schools and academies have an interest in establishing Trust schools. Dame Mary Richardson, chief executive of the HSBC education trust which sponsors more than 100 schools across the country, is quoted as saying “The trusts are a good opportunity for universities and for livery companies, but I do not think that a bank has the right educational expertise”. It is also reported that of the seven organisations explicitly mentioned by the DfES as helping develop the Trust school initiative at least three have said they do not plan to set up Trust schools themselves.<sup>55</sup>

55. When we put this problem to the Secretary of State she answered in part by saying that the Department was currently working with “a lot” of universities, although she considered that it would be inappropriate to name them at that stage.<sup>56</sup> In her speech to the North of England Education Conference on 6 January she was prepared to name three—Exeter, West of England and Portsmouth<sup>57</sup>—and we will be interested to see whether others will come forward. **We recommend that the Government should publish a list of bodies it considers appropriate to act as Trust sponsors. It should also publish details of those organisations which have been approved by the DfES.**

56. One witness who spoke strongly in favour of Trusts was Dr Melvyn Kershaw, head teacher of Haybridge High School at Hagley in Worcestershire. He told us:

“My school is a high-performing specialist school. We have other nearby schools with which we work as a collaborative. We are working as closely as possible to plan a common timetable in a couple of years’ time and to employ a development officer jointly, but to take those next steps we need a stronger framework that will help us to move forward and the trust framework would be ideal for us. If we could have some sort of trust it would appoint governing bodies for our collaborating schools and I think it would form a body that would have considerable strength to move forward, that would take over lots of functions that we now do separately and do them together and plan our future jointly. There would be an attitudinal change amongst us. I must say my colleagues over a range of schools, two in very challenging areas, one special school, were all very keen on taking those next steps. It is quite difficult to do that now. It depends upon us sitting round and talking as headteachers whereas we would rather like a little more structure.”<sup>58</sup>

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54 Q 245

55 *Firms say no to trust schools*, Times Educational Supplement, 25 November 2005.

56 Q 723

57 *Kelly tackles trust school fears*, BBC News Online, 6 January 2006: <http://news.bbc.co.uk/1/hi/education/4587940.stm>

58 Q 424

57. This model of a federation or collaborative group of schools coming together to form a Trust appears to us to be more likely to have an attraction than having a Trust for an individual school. Indeed both in the White Paper<sup>59</sup> and in the Trust Schools Prospectus there is considerable emphasis on Trusts bringing schools together or operating as a group. **We believe it is essential that Trusts do operate in a collaborative fashion and that Government embeds in any legislation requirements for this to be monitored at local and national level.** We make specific recommendations elsewhere for mechanisms to effect this. The prospectus says that Trusts will enjoy the benefits of collaboration “in a much simpler, more sustainable way”.<sup>60</sup> It does not offer any hard examples of how it will be simpler, although it does speak of economies of scale and efficiencies in administration, finance and purchasing.

58. There are a range of issues here. The White Paper says that “the governing body would first consult parents” if it wishes to join or form a Trust, but which parents? Those of children currently at the school? Those of children who might go to the school over the next two or three years? Or all parents/residents of the local authority area? The local authority can object to the adjudicator if it considers the governing body has not taken account of the view of the majority of parents, but what about on other grounds in relation to school provision in the area? If, for example, a school which is not a faith school joined a faith-based Trust in an area which already has a significant number of church schools, that would impact on the authority’s duty to promote choice and diversity, so would it not be reasonable to allow an objection on those grounds? If schools come together under one Trust, how will that affect their relationship with the local authority? If all the secondary schools in an area are part of the same Trust how would that affect the authority’s role of ensuring appropriate provision?

59. Another proposal that has been criticised is that the governing bodies of Trust schools should only have one elected parent governor, although one-third of the governing body will be parents, the others being appointed by the Trust. We consider that this reduces parental influence rather than increases it. **If Trusts are formed, it should be a requirement that all parent governors on a Trust school governing body should be elected by parents of children at the school.**

60. The lack of clarity over what a Trust school is and what it can do has not helped the Government. In the Five Year Strategy the talk was of independent specialist schools (that is, foundation schools), but that document explicitly said that there would be no new types of school.<sup>61</sup> Just over a year later, the Schools White Paper was published containing the proposal for Trust schools, apparently in contradiction of that statement. However, it appears that it is not a contradiction but another example of the confusion that has bedevilled this White Paper.

61. In evidence, the Secretary of State said that Trust schools were not a new invention but were foundation schools in everything but name. She said that she preferred the term self-

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59 paras 2.17 and 18

60 Trust Schools prospectus, page 2.

61 Five Year Strategy, Chapter 4, para 3.

governing school in trying to draw a distinction: “Foundation schools will all be called self-governing and foundation schools with a foundation will be trust schools”.<sup>62</sup>

**Table 1: Maintained Primary and Secondary Schools: Number of schools by status, Jan 2005**

	Community	Voluntary Aided	Voluntary Controlled	Foundation	Total
Primary	10,961	3,754	2,561	366	17,642
Secondary	2,193	559	120	513	3,385
<b>Total</b>	<b>13,154</b>	<b>4,313</b>	<b>2,681</b>	<b>879</b>	<b>21,027</b>

There are also 14 City Technology Colleges and 27 Academies

Source: DfES Statistical First Release, *Schools and Pupils in England, SFR 42/2005, 28 September 2005*

62. If the concept of a Trust School is used, therefore, simply to describe a sub-set of the existing legislative category of foundation school (i.e. those foundations schools with a foundation) it is unclear why new legislation is necessary to establish trust schools. The Government must provide urgent clarification on this point.

63. On the question of whether schools would be offered inducements to become Trusts, or be put under pressure to do so, the Secretary of State was quite explicit:

“We are certainly not trying to coerce or bribe schools to become trusts”.<sup>63</sup>

Given that assurance, it appears that the decision for schools to become Trust schools will be a bottom-up process rather than top-down, the kind of example that Dr Kershaw gave us. Collaborations and federations have become increasingly common, as shown by the fact that the four headteachers who gave evidence to us at different points in the inquiry were all involved in co-operative arrangements of some sort. Some commentators suggested that other changes, such as the arrangements for reporting performance, might be rather more effective than Trusts in fostering further collaboration. We carefully noted the evidence given by Sir Cyril Taylor and Ms Elizabeth Reid, Chairman and Chief Executive respectively of the Specialist Schools and Academies Trust, who both argued that the Trust concept was primarily designed to increase collaboration between schools. **We recommend, therefore, the model of a federation of two or more schools as the preferred option for the development of the Trust school concept.**

64. Where, though, does this leave the role of the Schools Commissioner? The Secretary of State told us that the Schools Commissioner would be a DfES civil servant, advising her on the exercise of her powers in the way that all the officials in her department do. It is legitimate for the Department to provide advice and assistance to those schools who wish to form Trusts, but the title of Schools Commissioner implies a more executive role than that which the Secretary of State described.

65. **Given the Secretary of State’s statement that schools will not be bribed or coerced into becoming Trust schools, and given the lack of enthusiasm we have found in the**

62 Q 717

63 Q 731

course of the inquiry for schools to become Trusts, we believe that the Schools Commissioner should perform a much less executive role in relation to the promotion and establishment of Trust schools than suggested in the White Paper. We do, however, make recommendations about some significant additional strategic responsibilities for the Commissioner later on in this report. **We therefore recommend that the Schools Commissioner should not be or remain a serving DfES civil servant after appointment and indeed that it might be useful for Government to seek an appointee from outside DfES. The Commissioner should be established at arm's length from the Department reporting to Parliament through the Select Committee as well as to ministers in DfES. This will be essential to enable her or him to operate in a more independent manner and enjoy the confidence of all parties concerned.**

66. The Secretary of State told us that the Government did not have targets for the number of schools it wanted to become Trusts: "This is something that schools will have to decide, whether it is in the interests of their pupils to take up this option".<sup>64</sup> This appears to be a very different approach to that taken when the White Paper was published when there was a sense that the majority of schools would be expected to become Trust schools. It may be that this was a misapprehension, but it was the source of much of the concern about the White Paper. **Becoming a Trust school may be attractive to some schools, and the DfES should advise and assist those who wish to do so, but it should be one option in a pluralist schools system. The promotion of Trust schools should not be an overriding policy objective.**

67. A related issue is the proposed ban on the establishment of new community schools, which has also been a bone of contention. The Government is aiming for a clear division between schools as independent providers of education and local authorities as commissioners, enablers and strategic planners. However, if, as our discussion of Trust schools has shown, there is a lack of enthusiasm for Trust schools and many current community schools remain community schools, local authorities are going to remain in their present position as providers of education (even though, as we discuss in the next chapter, that provision is for the most part at arm's length).

68. We have also heard concerns from a number of witnesses about the knock-on effects of school expansion on other schools in the neighbouring area if this is not done carefully and with close co-operation and consultation. This is an issue not just for Trust Schools but for existing ones. Many head teachers are themselves concerned that expansion might affect their ability to function on an optimum basis and spread good practice and work collaboratively with other schools in the locality. Sir Alan Steer, whose report has made a significant contribution to the White Paper on discipline issues, himself said he would not wish to expand his own school beyond its existing size. **We urge Government to have due regard to these concerns and to implement mechanisms in the Bill to allay them. We make some recommendations to this effect later on.**

69. It seems therefore that this clear division is not going to come about without the Government requiring it. If it is not going to require it, the rationale for preventing further community schools being established no longer applies. **There is no reason why a local**

**authority should not put forward a proposal for a new community school when a competition for a new school is to be held,** given that whenever a local authority does put forward a proposal of its own the decision on the competition will be made by the Schools Adjudicator.

70. There is already a considerable diversity of school types in England, an issue which our predecessors considered in the last Parliament.<sup>65</sup> **We see this diversity as a strength rather than a weakness, as long as all maintained schools abide by common rules on admissions, fair access and social composition.**

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65 Education and Skills Committee, Fourth Report, Session 2002–03, *Secondary Education: Diversity of Provision*, HC 94.

## 4 Local authorities

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71. Chapter 9 of the White Paper is devoted to local authorities. In its summary of that chapter, the Government says:

“To realise the vision set out in this White Paper we will ensure that:

- the local authority becomes a powerful champion of parents and pupils in their area, commissioning rather than providing education;
- the provision of new schools is opened up to greater competition, with blocks on progress reduced by abolishing the School Organisation Committee, which represents the interests of existing providers;
- local authorities have new powers and duties to enable them to undertake their commissioning role through which they will:
  - promote choice, diversity and fair access as well as high standards
  - map what is needed in their area, looking at demographics, diversity and demand for children’s services
  - ensure a sufficient supply of places, letting popular schools expand or federate, closing schools that are poor or fail to improve, and running competitions to open new schools
  - specify, for new and replacement schools, what the school should provide, the community it should serve, and how it should work in partnership with other schools and services;
  - help all schools improve their standards, through the support and challenge of School Improvement Partners and intervene decisively in schools that are falling below expectations, including ‘coasting’ schools, by issuing warning notices and taking radical action promptly where necessary.”<sup>66</sup>

72. There had been some suggestions in the pre-publication publicity for the White Paper that the role of local authorities was to be significantly reduced. When the White Paper was produced the Government set out details of the role it believed councils should undertake as listed above. In short, the proposal appears to be that an authority assesses what range of provision is required in its area then commissions schools (those already in existence or a new school brought into being through a competition) to provide it.

73. The key question is, what levers does a local authority have at its disposal to enable it to perform its duties successfully? Local authorities need sufficient powers to ensure they can perform their duties effectively and fulfil their strategic aims.

74. The Government needs to make more explicit the powers that local authorities will have in order to discharge effectively their role as commissioners of education and

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66 White Paper, page 103.

champions of parents and pupils. The policy appears to be pulling in different directions, with greater autonomy for schools potentially obstructing an authority's plans for a strategic approach to education in its area. Christine Davies, Director of Children's Services for Telford and Wrekin, who gave evidence for the Local Government Association, said she believed that essentially the powers were there, but some refinements were needed:

“Those tools, however, will need to be available to us whatever the category of school, and I think there has to be a concern that academies, for example, are not necessarily subject to the same levers of support and challenge as other schools in the local area. It will be critical if we are to secure the well-being for all children and young people and their parents that those tools are available to us to use and there is demonstrated success for all schools in the local area regardless of category.”<sup>67</sup>

75. She also emphasised the importance of the local authority in ensuring that every child has a school place:

“I think we would like to see an additional duty on all schools to co-operate with the local authority and other schools in the local area to find every child a school place, and that is particularly important for children who are hard to place, for a range of reasons, have special educational needs or present the greatest challenge.”<sup>68</sup>

Although there are to be requirements to accept Looked After Children, there are no such safeguards for pupils on free school meals, or to protect the right of access to a local school for low achieving pupils with parents who may themselves have underachieved at school. This is a particularly important issue in view of the current concerns about the different legal position of Academies in respect of the admission of children with SEN. It is possible that Trust schools could also be exempt from the obligations that apply to all other maintained schools. **We recommend, therefore, that all publicly funded schools should be given the same legal responsibilities in this respect.**

## Every Child Matters

76. There is also concern that encouraging schools to be more autonomous could have harmful consequences for the implementation of integrated services for children under the Every Child Matters reforms. Councillor Alison King, Chair of the Children and Young People Board of the Local Government Association, told us:

“...we are rather concerned that some of the schools in our areas will not necessarily feel that they have the sort of obligation that in fact we believe they should have and that the legislation believes they should have.”<sup>69</sup>

77. We asked the Secretary of State how she thought the Schools White Paper meshed with Every Child Matters. She said:

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67 Q 89

68 Q 93

69 Q 83

“The *Every Child Matters* agenda I hope will be developed through stronger and more autonomous trust schools than at the moment partly because they will have more flexibility to respond to it and partly because it will develop an ease of networking in the system that is currently not there. Take primary schools, for instance, which find it difficult to fulfil the extended schools obligations on their own. They have to work in partnership with other schools to deliver them. They could decide to team up together through a trust to deliver extended school services that will enable them to do that in a very quick and simple way.”<sup>70</sup>

78. Even before the Government came forward with these latest proposals for schools, there was concern that co-operation between schools, social services and health services would not be as effective as it needed to be, partly because there was no formal requirement for schools to co-operate with other agencies. The ‘independence’ of Trust schools has added another cause for concern, although we recognise that many schools have embraced the *Every Child Matters* reforms. **We welcome the fact that Ofsted, under its new inspection regime, is assessing schools against the five *Every Child Matters* outcomes, but that still does not ensure that schools will co-operate with other agencies. A formal duty for schools to co-operate would put the matter beyond doubt and we recommend that the Government should legislate for that duty in the forthcoming Bill.**

### Local authorities as commissioners

79. The White Paper says that local authorities will become commissioners of services rather than providers. That proposal seems to be based on the premise that local authorities currently have close control over what happens in community schools. Local authorities own the buildings and grounds, employ the staff and set the admissions policy for community schools, but other responsibilities rest with the head and governing body. For example, the decision to seek specialist school status for a community school, and in what subject, would be a matter for the school’s leaders to decide, not the local authority. **Since the introduction of local management of schools under the Education Reform Act 1988, local authorities have not had control of schools in the way the White Paper implies and some of its critics believe.**

80. The conversion to this commissioning role also appears to depend on the majority of community schools becoming foundations or Trusts. If they do not, local authorities will still have extensive responsibilities for staff, assets and the provision of services. **The Bill needs to be drafted to ensure that where there continues to be provision of education through community schools, local authorities are able to provide support as now. This also fits with our earlier recommendation that local authorities should be able to propose the establishment of a new community school in a competition for a new school.**

81. There is a lack of clarity in the White Paper in respect of the future role envisaged for local authorities in the provision of services to schools and the forthcoming legislation needs to be very specific on these points.

82. The White Paper says that the Government will support local authorities “in playing a new commissioning role in relation to a new school system.”<sup>71</sup> This is not, however, a new role: the LGA argued that local authorities have been operating in a strategic Commissioning role for some time.<sup>72</sup> If local authorities did not continue to have a provider role through community schools then their role would change, but as matters stand **it appears that local authorities will be even more central to education provision in their areas than is the case now.**

## Capital spending

83. Another issue which the Government needs to address is how its plans will affect its capital spending programme. Unison told us about apparent conflicts between greater autonomy for schools and the financing of projects through long-term private finance initiative funding.

“It is also unclear how the White Paper fits in with Building Schools for the Future (BSF) and the constraints of a PFI contract. By loosening up LEA control over the allocation of places and the expansion of schools the White Paper undermines the ability of the LEA to control demand for places in schools which is the main risk they carry in PFI. Liverpool City Council is already threatening to stop a £320m BSF scheme. The council says that the changes proposed in the White Paper ‘make it difficult for the LEA to strategically plan school provision’ and may force some new schools to close. ‘If schools can expand as they wish, how can we (the council) be sure which schools will still be around in 25 years time?’”<sup>73</sup>

There does appear to be a genuine problem here. **If authorities cannot have reasonable confidence in the long-term viability of some of their schools, or if they no longer are in charge of the assets of schools because of a change in status, how can they plan for the future, and how can they reasonably be expected to undertake long-term financial commitments? Is there a need for Trusts to own their assets in order to be effective? Could they lease them from the local authority? We expect the Government to issue guidance on the issues raised as a matter of urgency to ensure that PFI projects in the Building Schools for the Future programme are not adversely affected as well as to ensure that public assets are protected in the long term.**

## Choice, diversity and fair access

84. Another duty laid upon local authorities is that they should “promote choice, diversity and fair access as well as high standards”.<sup>74</sup> The implication is that these duties are complementary and all lead in the same direction, but that is not necessarily the case. An authority could fulfil its duty to give parents choice by maintaining a number of community schools but without promoting diversity by encouraging the establishment of faith schools or academies. Pupils in these community schools may well have high

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71 White Paper para 9.3.

72 Ev 14, para 9

73 Ev 77

74 White paper, page 108.

standards of achievement. Must the authority then promote other schools in the name of diversity and possibly risk the standards already achieved? And how does fair access fit into this? Which takes priority? Given the Government's commitment to raising standards for the most disadvantaged children, fair access is likely to be the priority for many authorities, but will that be satisfactory to the Government? More guidance on what this duty means is needed to ensure that authorities know precisely where they stand.

**85. We are firmly of the opinion that fair access should take top priority, followed by choice and diversity respectively. There is growing concern and a body of evidence about the relationship between school admissions and levels of social segregation and schools need to show that they are aware of their responsibilities to their communities in general as well as to the children whom they admit. We propose that a new duty be placed on all schools to promote social inclusion and community cohesion through all of their institutional policies and procedures, including their admissions policies.**

86. We have already discussed the emphasis placed by many submissions to our enquiry, both oral and written, on the need for schools, whether or not they have Trust status, to spread good practice across their locality. But it is particularly important given the controversy that has emerged about Trust schools, that Government should give reassurance and set in place mechanisms to effect this. **We recommend that Trust schools should be given the duty to spread good practice and demonstrate collaboration across the local authority area, and that their performance in this regard should be monitored by local authorities, who would report to the Schools Commissioner to produce an annual report to Parliament and to DfES.**

87. We have also heard concerns that children with special educational needs should not be excluded from their rightful entitlements as a result of proposals made in the White Paper. This is particularly the case in respect of personalised learning and admission policies where there have been concerns that academies have not always been willing or able to operate effective or equitable admission policies in respect of children with special educational needs. We believe again that local authorities—and possibly the School Commissioner—have a key role in protecting the interests of parents and their children with special education needs. **We recommend therefore that Trust schools and others be given the duty to operate equitable admission policies for children with special educational needs across the local authority area, and that the performance of schools in this regard should be monitored by local authorities, who would report to the Schools Commissioner to produce an annual report to Parliament and to DfES.**

## 5 Choice and admissions

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88. Admissions take place in the context of a policy which enables parents to express a preference for the school they wish their children to attend. This is usually described in shorthand as choice, which is where problems begin to arise. Parents have a right to nominate a favoured school or schools, but do not have the right to a place at that favoured school. Many of the tensions over admissions arise from this situation.

89. The Government's policy derives from the belief that choice is desirable. The White Paper's argument is that certain sectors of the population are able to exercise choice more effectively than others, and so those who do not currently exercise choice effectively should be helped to do so.

### Helping people exercise choice

90. There are two main strands to the Government's policy on this. One is to provide improved advice and information, including, for those who are considered likely to need most help, the introduction of choice advisers:

“people based within the community who can offer independent, unbiased advice and raise the interest, expectations and aspirations of those who may not previously have felt they had any real choice. By 2008, every local authority will have a network of choice advisers in place. We will provide £12 million over the next two years to support this; and we will work with local authorities to ensure that choice advisers target disadvantaged areas and parents.”<sup>75</sup>

91. The DfES told us:

“We are keen to allow local authorities discretion over the delivery models they might use—for example, an authority might choose to contract with the local voluntary and community sector, develop the work of the Children's Information Service or develop the role of school based staff, such as home school link or parent outreach workers. The choice adviser will offer advice to parents that is impartial and in the interest of pupils and parents, independent of any local political or administrative pressures. We are in the process of developing guidance for choice advisers and exploring mechanisms to safeguard independence such as training, accreditation and quality assurance.”<sup>76</sup>

92. The second strand is the extension of rights to free school transport, to enable children to travel easily to schools further afield, on the grounds that if parents are being encouraged to exercise choice in expressing a preference for a school, then the physical means of travelling to school should not form a barrier. The proposal is that legislation will be introduced:

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75 White Paper, para 3.12.

76 Ev 141, Q 26

“to entitle disadvantaged pupils (eligible for free school meals or in receipt of the maximum level of Working Tax Credit) to free transport to any of the three suitable secondary schools closest to their home, where these schools are between two and six miles away. This will not affect the existing transport rights of parents who are eligible for free transport to their nearest school”.<sup>77</sup>

93. If the allocation of places in the school system is to be driven by parental choice then the Government should make the system as equitable as possible. **There has been criticism of some aspects of this proposal, but for poorer families choice without mobility is no choice.**<sup>78</sup> We are unsure about the role of choice advisors and wish to see indicators that their work will be targeted effectively towards those parents and pupils who are so far not engaged in the system despite all previous measures. They should be proactive outreach workers, targeting parents in areas of social deprivation, rather than reacting to approaches from parents. One concern is whether the level of funding will be sufficient to provide adequate numbers of advisers, whichever model for delivery a local authority chooses. £12 million over the next two years is about £40,000 per local authority per year, which suggests the advice is going to be spread thinly. **We ask the Government to examine the case for index-linking this funding to inflation and to ensure that its effectiveness—and the possible need substantially to increase it—is monitored by an external body.**

94. On transport, if eligibility for free school meals is to be a criterion then families may be reluctant to take up the offer. Families do move in and out of eligibility for free school meals, and having to pay for bus fares at a later date might have a significant impact (bus fare of £1, for example, would mean a weekly cost of £10 per child).

95. We are pleased that the Government has announced pilot projects to develop extended school transport plans for all pupils.<sup>79</sup> We look forward to seeing the models adopted for the pilots, and we recommend that these issues of eligibility are examined thoroughly.

### Constraints on choice

96. There are other issues. Many schools are already oversubscribed. It must be likely that if more parents are encouraged to exercise choice then these schools will become even more oversubscribed. There are proposals in the White Paper to allow schools to expand more easily, but not all schools will want to take that option. Sir Alan Steer, for example, said that he would not want his school to increase in size.<sup>80</sup> So one of the questions is, how can choice be extended without other pupils and parents being disadvantaged? A second and perhaps more often expressed worry is that the increased emphasis on choice will give an increased advantage to those parents who are already adept at achieving their aims in the system and that children from disadvantaged backgrounds will fare no better and may possibly be worse off. **Until such time as the distribution of able and well motivated pupils between schools is better balanced, and the vast majority of schools are considered by parents to be of acceptable quality, there are likely to be schools that are**

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77 White Paper, para 3.15.

78 See Education and Skills Committee, Third Report, 2003–054, *The Draft School Transport Bill*, HC 509-I, para 28.

79 *ibid*, para 3.17

80 Q 238

**regularly oversubscribed. The aim must be to ensure that the admissions process is as fair and transparent as possible. We therefore recommend that the Government looks at the possibility of introducing anonymised admissions.**

97. Real choice is only available if there is more than one school to which parents would be happy to send their children and in many areas, especially rural communities, there is no more than one school within reasonable travelling distance. If there is one school parents desperately want their child to be admitted to, and no others which they consider acceptable, then there is no choice at all. The Government therefore needs to focus on making every school a school to which substantial numbers of parents are happy to send their children. **The goal should be to achieve the best combination of a diverse range of schools with equitable capital and revenue funding, balanced intakes and a scrupulously fair and transparent admissions process monitored by the local authority and admissions forum in each area and (we suggest later in the report) by the Schools Commissioner nationally.**

98. The Government does say that “we must ensure that there are more good places and more good schools”.<sup>81</sup> This raises the question of what a ‘good school’ is. Professor Gorard noted that it is schools facing the most challenging circumstances which are most likely to be classed as failing:

“The last time I looked at the schools that were being put through special measures and so on, they were disproportionately inner city schools with high levels of disadvantaged children and so on.”<sup>82</sup>

99. What tends to happen is that the schools which face the most problems find it difficult to attract pupils and those that do go there are likely to be from disadvantaged backgrounds. Parents will seek to have their children accepted at other schools with lower levels of disadvantage and better academic results. This leads to a move away from inner city schools, which find themselves contracting or closing, to suburban schools, which prosper.

100. It is therefore in more deprived communities which may have a particular need for a school as a community resource, and which are the communities that the extended schools programme is mainly designed to reach, that there is the greatest likelihood that a school will struggle or close. The White Paper does not address this issue. The logic of the extended schools programme is that those schools should draw their intake from their locality rather than from across a wide area. It is also the case that the school improvement mechanisms available to reasonably effective schools are not always available to schools facing the most difficult circumstances. For example, they could not seek to become a specialist school, with the extra funding that that provides, until they had improved.

## Pupil funding

101. One answer is to provide an increased level of resources for disadvantaged pupils, giving an incentive for schools to take individual pupils. The Secretary of State said that the

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81 *ibid* para 3.2

82 Q 605

White Paper does announce extra resources to follow those children who have the lowest prior attainment when entering secondary school. This money, £335 million by 2007–08, is to fund activity in Key Stage 3 and will be targeted at the “local authorities with the largest numbers of underachieving and deprived children; and [we] will expect them in turn to review their local funding formulae to ensure that they properly recognise the greater needs of the most challenging schools.”<sup>83</sup> This is a welcome investment, but it will not reach children from similar backgrounds living in other communities.

102. In reply to a written question on this issue, the DfES said that:

“The Government believes that decisions on the division of resources between schools and for pupils are best taken at local level, so as best to take into account local circumstances.”<sup>84</sup>

We agree. **We recommend that the Government should develop with local authorities a system to direct additional funding at individual pupils from disadvantaged backgrounds wherever they live, possibly using local funding formulae.**<sup>85</sup>

### Planning school provision

103. There is a further potential tension in policy. Academies, in which the Government has great faith with numbers due to expand to at least 200 by 2010, are designed to improve educational attainment in areas where it has traditionally been low and to provide investment in disadvantaged communities. Allowing schools to expand in line with parental choice may, it has been argued, be likely to encourage a move away from those disadvantaged inner city communities to suburban schools. **There is clearly a vital role here for local authorities in planning provision. They must retain sufficient powers to manage the process and balance pressure from parents and schools to expand. There is a danger that a poorly managed choice agenda could accelerate the flight from schools in deprived areas. This would further disadvantage those who are already disadvantaged in education.**

104. The Audit Commission, in its response to the White Paper, addresses this point directly, and also addresses the question of cost:

“The expectations of users should be realistically managed and grounded in provision which is affordable and does not result in poor value for money. There needs to be a managed balance between the supply of and demand for school places...The consequence of effective management of school places, in order to strike a balance between supply and demand, inevitably impacts on the scope of available choice...There needs to be a balance between the ability to respond to the exercise of choice and the ability to meet the cost of maintaining the capacity with which to respond.”<sup>86</sup>

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83 White Paper, Paras 4.12, 4.13.

84 Ev 141, Q 29

85 Similar to the HEFCE Widening Participation Allocation for higher education.

86 Audit Commission response to the Schools White Paper, January 2006.

105. The question of the management of school places is inseparable from the issues related to the nature of the independence of Trust schools and the powers of prospective sponsors. It would be damaging if Trust school status, for example, could be used by a school to avoid a planned closure or amalgamation recommended as part of a local authority's managed response to demographic change.

106. There will be significant demographic change over the next decade when the number of teenagers is expected to drop by approximately half a million. If the Government's choice agenda leads to popular schools expanding then it must mean that failing schools must contract and have more surplus places. Demographic change could make smaller, sink schools unviable and there will not be capacity in the popular schools to absorb extra pupils. The Government needs to have the consequences of this demographic change in mind in its plans for the schools system. **We recommend that the Government publishes a costing of the surplus places that may arise because of this demographic change.**

107. It is not now possible, nor do we suggest that it would be desirable, to do away with preference and 'choice' in the system and seek to have a more prescriptive method of allocating children to schools. We do, however, have some concerns about the policy. The Government believes that choice will deliver general improvement through the individual preferences of individual parents.

108. Parents are not an homogenous group; in each area they will have competing and conflicting demands. It must surely be a joint responsibility of central and local government, however, to ensure that this process is managed in the best interests of the overwhelming majority of children. Competing interests must be balanced, and parental choice maximised, by the removal of those constraints which prevent fair access to all the schools in the local system. There is also a duty to ensure that, so far as possible, children gain admission to schools through a fair and transparent process, which we turn to now.

## The admissions process

109. In Chapter 3 of the White Paper, on Choice and Access for all, the Government says that one of the keys is the promotion of "fair access to give parents access to a wider range of schools."<sup>87</sup> What, precisely, does this mean?

110. The statutory basis for school admissions is set out in sections 84 to 86 of the School Standards and Framework Act 1998. These sections give all parents the right to express a preference for the school at which they want education to be provided for their child and lay a corresponding duty on the admissions authority for that school, the local authority or governing body of a school which is its own admissions authority, to admit that child unless one of three reasons apply.<sup>88</sup> A parent of a child not admitted for any of these reasons has the right of appeal to an independent appeals committee.

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87 White Paper, page 41.

88 The three reasons why a child may be refused entry are: that the school is a selective school and the child has not passed the relevant tests; that it is a denominational school and the child has not met the denominational requirements; that the school is full and, in accordance with the school's published admission arrangements setting out the way oversubscription is to be dealt with, the child could not be admitted, for example, without causing unreasonable public expense.

111. The process of admissions is currently governed by the School Admissions Code of Practice. This sets out what is good practice and what is poor practice, and admissions authorities are required to have regard to it when setting their admissions arrangements. If there is concern that an admissions authority (which may be a local authority or may be an individual school) is not following practice as laid down in the Code, then an objection can be made to the Office of the Schools Adjudicator. If the Adjudicator rules against an admissions authority, that authority must conduct the admissions process in accordance with that ruling for one year. After that year, it may change its admissions process, which is then once again open to objection.

112. The Committee in the last Parliament undertook an extensive inquiry into admissions to secondary schools.<sup>89</sup> One of the main concerns expressed then, which has also been expressed during the course of this inquiry, is that admissions authorities do not have to adhere to the Code of Practice but have to have regard to it. This means that, in setting its admissions policy, an authority has to take into account what the Code says on any given issue, but that it can then choose to do something which the Code argues against, if it considers that it has valid reasons for doing so. A recent case in which a school has been allowed by the Secretary of State to continue to interview parents despite the Code's guidance to the effect that interviews should form no part of the admissions process, illustrates what can happen. Our predecessors argued that the Code should be backed by greater regulation, but the Government disagreed, saying that the safeguards that were in place were sufficient.

**113. Our concern is that there must be a Code of Practice which can be enforced. There must be effective oversight of the Code and effective sanctions when the Code is breached.**

### *The current proposals*

114. The proposals in the White Paper and others made during discussion of it could lead to an increase in the number of secondary schools which are their own admissions authority or even to a situation where all schools were entitled to make their own admissions arrangements. Whatever the merits of this might be, from the point of view of the schools concerned, increasing the number of admission authorities in an area raises two concerns. The first particularly affects parents in urban areas where there are a large number of reasonably accessible and regularly oversubscribed secondary schools. Each of these schools is required to publish admission arrangements, explaining what priority it is to give, in the event of oversubscription, to various categories of applicant. **The larger the number of schools with different arrangements for dealing with oversubscription the greater the problems some parents may have in predicting the outcome of any preferences they express.**

115. In some areas, these problems are already acute. Increasing the number of admission authorities can only make the situation more complicated. The choice advisers proposed in the White Paper could help parents deal with these added complexities; but adding

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<sup>89</sup> Education and Skills Committee, Fourth Report, Session 2003–04, *Secondary Education: School Admissions*, HC 58.

further complexity to the system goes against the general aim of the White Paper to put parents' interests at the heart of its proposals.

116. **The concern is that, without changes to the admissions process, if more schools act as their own admissions authorities they will use that power to choose pupils who are likely to perform well academically.** In that previous inquiry, the Committee received evidence that some schools which acted as their own admissions authority set admissions criteria “which appear to be designed to select certain groups of pupils and so exclude others”.<sup>90</sup> These criteria included priority being given to children of employees, children of former pupils, partial selection by ability or aptitude and children with a family connection to the school. Professor Anne West from the LSE, who was one of the authors of that memorandum, has submitted evidence to this inquiry, with her colleague Hazel Pennell, giving examples of admissions criteria used for the 2005 intake to secondary schools which show that these practices are continuing.<sup>91</sup> They also cite further research that shows that schools which act as their own admissions authorities have a different intake to those which do not:

“the level of poverty measured by known free school meals eligibility is lower in schools with autonomy over admissions, as is the percentage of pupils with special educational needs, both with and without statements. Moreover, more high attaining pupils entered voluntary-aided and foundation schools in year 7 (age 11) than community/voluntary-controlled schools”.<sup>92</sup>

117. The Sutton Trust has also published research which shows that the 200 top performing maintained comprehensive schools have a lower proportion of children of children on free school meals than the areas in which they are situated. Dr Philip Hunter acknowledges the existence of this effect:

“What happens is that oversubscribed schools drift upmarket. That is the natural way that organisations work, I think.”<sup>93</sup>

118. The Secretary of State was at pains to emphasise that those critics who said that the proposals for more schools to be their own admissions authorities would enable more selection by ability were wrong: “We outlawed in primary legislation academic selection in 1998.”<sup>94</sup> However, the Code of Practice does not explicitly reflect this piece of legislation as it only outlaws selection by academic ability in primary schools. We recommend that this anomaly should be rectified at an early date and we return to this issue later in the report.

119. We accept that it is the case that there could be no extension of selection by ability, in the sense of grammar school eleven plus-type selection, without a change in primary legislation, which it is clear that this Government does not intend to make. **It is clear from other evidence, however, that there are legitimate concerns that some schools are using over-subscription criteria to mould the nature of their intakes to maximise the number**

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90 *Ibid*, para 62

91 Ev 87 to 88

92 *ibid*, para 2.4

93 Q 515

94 Q 650

**of pupils who are thought likely to perform well academically or to be “easy to teach”. It is also clear that this tends to mean that pupils eligible for free school meals are less likely to be accepted for those schools.**

120. In addition, the 1998 Act introduced the power to select by aptitude for all schools which considered themselves to have a specialism. Our previous reports have dealt with this issue at some length and documented the concerns about the ways in which aptitude selection can be used as a proxy for selection by ability.

121. The Secretary of State has attempted to counteract the suggestion that an increase in the number of admissions authorities increases social segregation. In a speech on 24 November, citing a current research project being undertaken by the DfES, she said that

“The preliminary conclusions of our research showed that there is no correlation whatsoever between the number of own-admission authorities and social segregation. ... In fact, the preliminary conclusions show that in some areas where the vast majority of schools are community schools, the social segregation has been much higher...”

122. We asked the Secretary of State if we could see the evidence that she was referring to in that speech. She said

“Certainly when it is finished. It is quite a difficult thing to do and there is a lot of technical work going on within the Department to complete that research. It builds on some other research that is in the public domain that we do not feel is very robust actually and we want to take it to the next stage. As soon as it is finished we can do that.”<sup>95</sup>

**123. It is unhelpful for the Secretary of State to cite evidence from an unfinished research project in support of one of the Government’s proposals without being prepared to make the detail of that evidence available to us.** Neither we nor anyone else outside the DfES have any idea what this evidence actually shows. Indeed, to judge from the Secretary of State’s comments about the amount of work still being done on the project by the Department, she herself cannot have complete certainty about what the final outcome will be. Without sight of the research, the Secretary of State cannot hope to persuade us that the segregating effect of an increase in admissions authorities noted by other researchers does not exist.

124. Evidence does exist that increasing the number of school choices available to parents increases social segregation. Professor Simon Burgess and his colleagues from the University of Bristol found that the greater the degree of choice available in an area, the greater the level of segregation or sorting by social class compared to that in local communities.<sup>96</sup>

125. There is also the example of Sweden, cited by the Prime Minister in his foreword to the White Paper as an example of a country where choice has helped to improve standards

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95 Q 776

96 ‘Sorting and Choice in English Secondary Schools’, CMPO, University of Bristol, October 2004.

(although the Secretary of State said it was not the basis for the White Paper proposals). A survey by the Swedish National Agency for Education in 2003 concluded that increased capacity to choose schools did lead to more segregation:

“school choice reforms are exploited by the highly educated, which affects homogeneity at school level.”<sup>97</sup>

126. What then might be done to improve the system? One suggestion has been that the Code of Practice should be made mandatory. Dr Hunter, however, told us that in his view that was not practical:

“My position is that as the code stands at the moment it cannot *in toto* be turned into some sort of regulation. It just does not work, because bits of it are saying that you can add catchment areas, you can have bigger primary schools. You cannot make a regulation which covers that. But you ...can take bits of it and make regulations about those bits—just as last year the bit which was in the code about looked-after children was translated into a regulation. The difference between the code and regulations is that, where you have a regulation the assumption is that there is no exception to that regulation; where you have a code you always have to assume there is an exception somewhere. There may be elements of the code...where the Secretary of State decides, there shall be no exception. It is quite easy in those circumstances to turn that into regulation. But it is not the whole code.”<sup>98</sup>

127. **We accept that the Code cannot simply be made a set of mandatory rules; it is, after all, a document offering guidance.** However, it is important to be more specific about both what is considered to be good practice and what is considered to be unacceptable. As Dr Hunter said, though, it would be possible to take certain elements of it, as with the position of looked-after children, and make regulations about them. The Code’s prohibition on the use of interviewing as part of the selection process (except for maintained boarding schools)<sup>99</sup> is one obvious candidate, as interviewing is the easiest way that a school can make sure that it chooses “people like us”. **We recommend that the Government should bring forward regulations to prohibit interviewing or other proxies for academic selection as a part of the general schools admissions process as soon as possible.**

128. There may be other issues which could also be regulated in this way. One issue which concerned the previous Committee was the use of partial selection. This is only allowable in schools which operated it before the passing of the School Standards and Framework Act 1998, but the situation has become very confused, as the Government admitted in its reply to the Committee’s most recent report on the subject.<sup>100</sup> **The situation concerning partial selection has been contentious for some time and we believe that the legislation should be amended to clarify what is and is not allowed.**

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97 *School choice and its effects in Sweden*, Swedish National Agency for Education, 2003.

98 Q 518

99 School Admissions Code of Practice, para 3.16.

100 Education and Skills Committee, Fifth Report, 2004–05, *Secondary Education*, HC 86; Education and Skills Committee, Third Special Report, Session 2005–6, Government Response to the Committee’s Fifth Report of Session 2004–05, HC 725, page 18.

129. We referred earlier to the recommendations of our previous reports on selection by aptitude. The Government no longer collects data on the extent of such selection and justifies this largely on the grounds that few schools use it. We have not yet been presented with a credible explanation of the distinction between aptitude and ability. This is most unsatisfactory and we believe aptitude selection should now be prohibited in regulations. We also recommend that the DfES re-examines the current Code of Practice to identify what other practices should be more closely regulated, prohibited or, conversely, encouraged.

130. There remains the question of those schools which are specifically permitted by the 1998 Act to select wholly by academic ability. Our previous report dealt with this issue in some detail and we wish to reiterate our recommendations. We welcome the fact that there is now all party agreement that there should be no new selection by general academic ability.

131. The Government has consulted on a new Code of Practice, but has put it on hold while it considers the responses. We believe that, in the light of our recommendations, the Government should reconsider what the Code should contain and its fitness for purpose, and consult again before implementation.

### ***Local authorities to monitor admissions arrangements***

132. One way to address general concerns about the admissions process would be to give local authorities the duty to monitor admissions arrangements in their areas. Local authorities already have responsibilities which Dr Hunter considered not all of them were fulfilling:

“..we have said to the Department this year that it would be a good idea if they reminded local authorities of their duties to review admission arrangements for all schools in their area every year and to object if they found that those arrangements did not in their view meet the Code of Practice. It seems to us, looking at the cases we have had in the last couple of years, that there are some local authorities that are doing that, but we very much suspect that there are some that are not. The Department wrote around all local authorities a couple of years ago, and I think it is time they did so again, or even made it more overt than that and perhaps put a clear duty on local authorities to do that every year.”<sup>101</sup>

133. In order to address what is one of the most serious concerns about the consequences of White Paper proposals, three specific duties should be laid upon local authorities in the way they co-ordinate admission arrangements in their area, as they are at present required to do. The best authorities already do most of this; what is now needed is a means of ensuring that all will in future. **Local authorities and admissions forums would be required to monitor closely local admissions arrangements for compliance with the Code of Practice, to make an objection to the adjudicator about any which did not comply and to make an annual report on behalf of the admission forum to the Schools Commissioner.**

134. Each local authority should present to the admissions forum each year a review of the admission arrangements for the latest admissions round. This review should include the proportion of parents gaining their first, second or third preference for a school place; the number and location of the children which it had proved impossible to place by a given date and the measures that subsequently had to be taken to place them; the number and outcome of appeals and the location of the schools concerned; general comments on the performance of the co-ordinated admissions scheme and any improvements suggested. Comparison with the performance of previous years and with similar local authorities could also be provided.

135. Admission authorities are at present required to consult and notify well in advance a specified list of schools and other bodies on changes they propose to their admission arrangements. Not all do so in the prescribed way. In place of these arrangements, all admission authorities wanting to alter their arrangements would, by the prescribed date, be required to notify the local authority so that it could include the proposed changes in a report to the admissions forum. The local authority would have a duty to publish this report, including any objections received to the proposed changes, and place it before the admissions forum.

136. Having considered the reports referred to above, the admissions forum, through the local authority, would notify schools whose arrangements did not, in the opinion of either, conform to the requirements of the Code of Practice or, in other ways, seemed likely to affect adversely the efficient operation of the co-ordinated arrangements for the following year. **If, within six weeks of being informed of the conclusions of the admissions forum, the school or schools in question did not amend their proposed admission arrangements accordingly, the local authority would be required to make an objection to the schools adjudicator (at present, the admissions forum cannot itself object to the adjudicator).**

137. The way in which local authorities carried out these duties would be externally monitored by the Schools Commissioner on the basis of reports made by local authorities. Provided that there is rigorous monitoring, **we consider that giving local authorities the duty to monitor the system locally is the most effective way to ensure that the admissions process is fair, as the Government wishes it to be. In particular, we consider that it addresses the argument that more admissions authorities mean more covert selection by ability. However many admissions authorities there are, the key to equity is rigorously enforced fair admissions practices.**

138. A further refinement of the system might be to give all secondary schools a place on the admissions forum, whether or not they are an admissions authority, so that they can ensure that they are not disadvantaged by any decisions the forum may make.

139. **This process would fit well with one change that the Government is proposing to the admissions process, namely to make the adjudicator's decisions binding for three years rather than one year as at present. We welcome this change. This is also the fixed period the Government is suggesting for the admission arrangements of new schools. This time limit has been criticised in the context of new schools, but there is a logic in having the same time frame for new and existing schools, and if the Government makes it a duty on local authorities to monitor admissions arrangements and to make an**

objection where the Code is not being observed, we believe the system would be sufficiently robust.

### ***Social composition of schools***

140. We also believe that local authorities should be given another duty. As we have discussed above, the effect of some of the unsatisfactory admission criteria is that children from less advantaged backgrounds do not gain access to some schools in the numbers that one would expect.

141. **One way to address the low representation of children from deprived backgrounds in some schools would be for local authorities to set benchmarks for the secondary schools in their areas for the numbers of children on free school meals or whose families are in receipt of Working Families Tax Credit admitted to Year 7 each year. Each local authority would also be required to make a report annually to the Schools Commissioner on the social composition of secondary schools. In turn the Schools Commissioner would report annually on the position across the country, but should also have sanctions where it appears that schools or authorities are not addressing these issues of inequality.** This might include requiring a school to use fair banding for its admissions process. It has been suggested to us that the fairest way of deciding who should be admitted to an oversubscribed school is to have a ballot for places. This too might be an option for the Commissioner.

142. As with the benchmarking system operated by the Higher Education Funding Council for England in respect of universities and other HE institutions, these would not be targets, but they would act as a reminder to schools and parents that schools do not operate in isolation from their wider social context. Schools might also adopt the outreach techniques of universities to ensure that every potential pupil who might apply to the school is encouraged to do so.

143. The use of eligibility for free school meals or Working Families Tax credit as the measures of deprivation are relatively crude. **We recommend that the DfES works with other government Departments and those outside Government to construct more sophisticated measures of deprivation and disadvantage.**

## 6 Conclusions

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144. We have produced this report following our short inquiry into the Schools White Paper in order to try to influence the content of the legislation. We have therefore concentrated on what we considered to be the most significant proposals. In particular we have attempted to separate out from the White Paper what is actually proposed rather than what some of its critics have alleged that it contains.

145. Much of the White Paper is not new and has been included in the Five Year Strategy or the Labour Party's Manifesto for the 2005 election. It is also clear that much of what is proposed needs little or no primary legislation. For example, Trust schools are a development of foundation schools, and the Schools Commissioner in its proposed form can be established by the Secretary of State without legislation.

146. We have looked carefully at the Government's White Paper proposals on admissions and have made recommendations which will mean some of the core elements of the School Admissions Code of Practice will become mandatory, but we have also proposed a vigorous new role for local authorities and the Schools Commissioner in ensuring that all admissions authorities comply with the requirements of the Code of Practice. The important issue here will not be the number of admissions authorities but the context in which admissions decisions will be made.

147. We have concluded that the role of local authorities will be enhanced by these proposals rather than diminished, given that they will retain their provider role for so long as community schools remain in being. The commissioner role which the Government sets out for local authorities appears to consist of the traditional role of oversight of local requirements with some enhanced responsibilities over school standards, and responsibility for specific services such as special educational needs, as well as the co-ordinating role on Every Child matters. We make the further recommendation that local authorities should have a duty to monitor admissions arrangements in their area and to establish benchmarks for the social composition of school intakes.

148. We have also considered the role of the Schools Commissioner. We believe that his or her role in respect of Trust schools should be less vigorous than the White Paper envisages, consisting principally of advice and assistance, but we believe that the Commissioner should also have responsibility for strategic oversight of the admission process and of the way in which schools discharge their wider social responsibilities on social segregation. We also believe the Commissioner should have regard for how Trust schools spread good and co-operative practice across their local authority area and that their admission policies should not disadvantage children with special educational needs, and monitor the effectiveness of local authorities in statutory duties to this effect. The Schools Commissioner should report annually on all these issues.

149. Our aim in this report has been to make recommendations which will improve the chances of all our children being treated fairly by the school system so that all have the opportunity to receive the best possible education. There is already a diverse range of school types across the country, and the Government is keen to promote that diversity. There are concerns that diversity leads to greater social segregation. We think that any such

segregation is not the result of diversity per se, but of the way in which children are admitted to those schools. The key to equity across the whole system is a fair admissions process.

## How the school system is performing

150. The school system is constantly under scrutiny, and we know more about what is happening in schools today than in any previous era. In his final annual report as Her Majesty's Chief Inspector of Schools, published last October, David Bell said:

“This year's Annual Report again presents an encouraging report card, highlighting many strong features of both childcare and education, including:...

- a large majority of effective and improving primary, secondary and special schools, with which pupils and their parents are generally very satisfied.
- schools that respond well to a range of initiatives, such as the development of 'extended schools', particularly for primary age pupils, and the opportunity to offer increased curriculum flexibility in secondary schools...

I am cautiously optimistic about the capacity of our schools and colleges to improve further, but the challenge of dealing with some persistent weaknesses in our education system—such as the underachievement of many of our most vulnerable young people and the variation in standards achieved from one school to another—should not be underestimated.”<sup>102</sup>

151. More recently, the National Audit Office has published a report on *Improving poorly performing schools in England*.<sup>103</sup> It said that in July 2005 there were 1,557 poorly performing schools in England serving around 980,000 pupils.<sup>104</sup> In its summary, the report says:

“A large proportion of schools provide high standards of education. GCSE and equivalent performance in England has improved, with 56% of pupils achieving the benchmark five or more A\* to C grades in 2005. And primary schools are preparing more of their pupils with the basic literacy and numeracy skills that the pupils will need for their secondary education... These achievements reflect the hard work of pupils, teachers and school leaders.

“Nevertheless, a sizeable number of schools encounter problems that put children's education at risk, and some of these schools do not provide good value for money. In 2004–05, around £837 million was spent in England through a range of national programmes to help improve schools that were failing or at risk of failing.”<sup>105</sup>

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102 Annual Report of Her Majesty's Chief Inspector of Schools 2004–05, HC 451, 19 October 2005, page 5.

103 HC 679 2005–06, 9 January 2006.

104 There were five categories of poorly performing school; three assessed by Ofsted (Underachieving schools, schools in serious weaknesses and schools in special measures) and a further two by the DfES (Under-performing secondary schools and low-attaining schools).

105 *Improving poorly performing schools in England*, page 1.

152. There is therefore evidence that the Government's analysis is correct; much of the schools system is working well and providing a good education for pupils, but there is still considerable room for improvement, particularly in the levels of attainment of disadvantaged children. As we have already said, this is the expressed aim of the Secretary of State: to improve attainment for disadvantaged children. She told us:

“I think that as a result of measures in the White Paper we will end up with a system that will target more resources at disadvantaged areas and schools with a high proportion of disadvantaged pupils in particular. It will give every child the individual support and teaching that that child needs. It will promote social mobility, it will promote equity and it will promote a fairer and ultimately more competitive society as well.”<sup>106</sup>

153. We wholeheartedly agree with the Secretary of State that these are objectives that the DfES should be pursuing. However, she sets out the Government's aims much more clearly than does the White Paper. The document itself gives the impression that independence of schools, increased choice and more parental involvement are ends in themselves rather than the means to deliver better education to all, and particularly to those from the most disadvantaged backgrounds. The Secretary of State was keen to correct that impression in evidence to the Committee, but the impression persists.

154. We do have concerns about the proposals, but we also have positive recommendations to improve them and to help the Government achieve its aim of helping disadvantaged pupils. In essence, we believe the Government has been thrown off course by professing that its aim was to build a system of independent maintained schools. The concept of independent schools has a particular resonance, and many people consider that the notion of independence runs counter to the idea of a network of schools strategically organised for the benefit of local children.

## Trust schools

**155. We have established that these are not a new concept; the Government has re-branded one type of foundation school and sought to promote it as the way forward for schools. Much more detail and clarity is needed on the process involved in becoming a Trust school, which the Trust Schools prospectus does not provide. If the Government wants to allay fears about how Trust schools will operate, it needs to provide this detail and clarity as soon as possible.**

156. The Secretary of State has told us that there will be no incentives offered, or pressure exerted, to encourage schools to become Trust schools. The decision to become a Trust will be for individual schools. We welcome these assurances. That being the case, the Schools Commissioner is likely to perform a much less executive role in relation to Trust schools than the White Paper suggests.

157. We are also not convinced that Trusts need to have absolute control over their physical assets in order to function effectively. If the degree of control was more limited it would allay fears about disposal of assets. **We recommend that the Government looks at**

this issue again with a view to establishing much greater safeguards on the transfer of assets to Trusts through detailed restrictions on disposal of assets and other issues or by a leasehold-style arrangement.

## Local authorities

158. It is clear that local authorities will continue to have a vital role in the organisation of education in their areas. **Rather than having their role reduced, local authorities have significant and even increased responsibilities.** On a number of issues—such as expansion of schools, parental lobbying for new school provision, the duty to intervene in failing and coasting schools—responsibilities need to be clearly defined and the powers given to local authorities need to be sufficient to ensure that issues are dealt with effectively and expeditiously.

159. **It is imperative that schools work with local authorities and other agencies on Every Child Matters and we recommend that schools be given the formal duty to co-operate on these issues.**

160. From the evidence we received it is clear that there will continue to be a significant number of community schools, which means that local authorities will retain their role as providers, albeit at arm's length. In those circumstances, we consider that the Government's rationale for banning the establishment of new community schools does not apply. **We therefore recommend that when a competition for a new school is held, a local authority should have the right to put forward a proposal for a new community school.**

## Admissions

161. The admissions process is a key issue and it needs to be strengthened in order to ensure fairness and to ensure confidence in the system. Many have expressed concern that an increase in the number of admissions authorities will lead to a greater degree of covert selection and that greater safeguards are needed. On the other hand, we recognise that the School Admissions Code of Practice cannot simply be made mandatory as it stands. **We recommend that the Secretary of State brings forward as soon as possible new regulations to bar the use of interviewing in the admissions process. We also recommend that the DfES examines the Code to see whether any other provisions might also be the subject of regulations.**

162. **We recommend that under the forthcoming legislation all local authorities should be given the statutory duty to monitor admissions practices in their areas and make an objection to the Schools Adjudicator where it appears they do not comply with the Code.** The effectiveness with which authorities do this should be monitored by the Schools Commissioner.

163. **We welcome the Government's decision to increase the length of time for which the Adjudicator's decisions are binding from one year to three years. We consider that this, together with the duty on local authorities to monitor the process systematically, will make the admissions process considerably more effective.**

164. Given concerns about social segregation in schools and the ways in which schools engineer the admissions process, **we recommend that local authorities be required to provide benchmarks for each of the secondary schools in their areas for the number of pupils they should be admitting in Year 7 eligible for free school meals or working families tax credit. They should make annual reports to the Schools Commissioner, who in turn should report to Parliament through this select committee.**

165. **Taken together, these recommendations on admissions and social composition, giving new duties to the Schools Commissioner, empowering local authorities and strengthening the Code of Practice with regulations provide the effective practical means to ensure that the Government's aspirations on fair access can be realised.**

## Choice

166. The Government sets great store by choice as a lever for change in the schools system. It proposes a number of initiatives to help those from less affluent social groups to operate choice more effectively; in particular, the introduction of choice advisers and extended free transport to school. If choice is going to play an increased role in determining the shape of the school system, then measures such as these to improve equity are necessary. Only experience will show how effective they will be and we expect the Government to make a full evaluation of them.

167. A concern is that the operation of choice tends to lead to a movement of pupils away from schools in the inner city towards those in the suburbs, yet it is in the urban areas that schools are most necessary as a community resource and where the extended schools initiative is most likely to bear fruit. **We recommend that the Government develops its proposal to provide extra funding to those areas with the lowest levels of prior attainment by pupils entering secondary school by seeking a means of providing extra funding for individual pupils from disadvantaged backgrounds.**

168. While parental choice is an accepted part of the landscape of schools provision, there must still be a role for the local authority in shaping the educational provision in an area and to make sure that the views of those with the loudest or most persuasive voices are balanced by considerations affecting the population of an area more generally. If the law requires parents to educate their children, which for the vast majority will mean sending them to school, then there is a duty on the state to ensure that there is adequate provision in terms of quality and ease of access for all children.

## In-school reforms

169. We are generally in favour of the proposals relating to activity within schools on managing behaviour, personalisation of learning and workforce and leadership development. We do have some concerns that certain aspects of the personalisation proposals, including the gifted and talented programme and setting, could work to the detriment of disadvantaged pupils and those from minority ethnic groups unless care is taken in the way in which they operate, and we look forward to the guidance from Government on those issues.

**170. In the end the form of governance of a school is less significant in determining the attainment of its pupils than the nature of its pupil intake and the quality of teaching and leadership.** Trusts may turn out to be effective vehicles for co-operation between schools, but they will not be immune to the pressures facing other schools. No doubt at some point a Trust school will be taken into special measures, and when it does it is likely that the fact that it is a Trust school will not be among the reasons for its failure. **Schools need to have a sound structure of governance and accountability, and this can take more than one form, but in the end it will be what happens in schools, whatever their designation, that will decide whether the attainment of disadvantaged children in our school system will be improved.**

# Conclusions and recommendations

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## Higher Standards, Better Schools for All

1. We note that, by taking one type of foundation school and giving it a new name and a high profile, the Government has managed to make a cause célèbre out of something which already exists and for which no further legislation is apparently necessary. (Paragraph 19)
2. The Secretary of State told us that “This White Paper is all about driving up standards for the most disadvantaged children” and we shall take this as the measure on which to judge the White Paper. (Paragraph 20)

## Behaviour

3. We welcome both the Practitioners’ report and the Government’s response to it. (Paragraph 27)
4. A Practitioners’ Group of this kind could prove extremely effective in helping to spread best practice across schools on other issues and we hope the success of this venture will encourage the DfES to use this mechanism again. (Paragraph 30)

## Personalisation

5. The DfES needs to provide more detail on its plans for funding personalised learning, and in particular how it will ensure that funding is used for its intended purpose. The department also needs to give much more careful consideration to the changes in Initial Teacher Training and the amount of in-service training which will be required to make personalised learning a reality. (Paragraph 33)
6. We welcome the Government’s proposals to provide more individually tailored education. These policies, directed at what actually happens in classrooms, are as important as anything in the White Paper. These proposals could directly and beneficially affect every child at school in England, and we look forward to seeing how matters develop in practice. (Paragraph 35)
7. If the Government wishes to address educational disadvantage, it needs to take seriously the problem of the under-representation of minority ethnic groups in the gifted and talented programme to ensure that implementation of its policy does guard against stereotypes and unintended consequences. (Paragraph 36)
8. Their needs also have to be specifically addressed in personalised learning. (Paragraph 37)
9. At the least, this evidence suggests that the case for further setting is not proven, and we welcome the Government’s intention to publish independent research into current best practice. (Paragraph 39)

## Workforce and leadership development

10. We recommend that detailed consideration be given to training teachers for the most challenging schools and to ways of supporting them in their teaching career. (Paragraph 44)
11. We recommend that the Government looks urgently at setting a minimum entitlement in teachers' timetables, particularly in primary schools, for continuing personal development and such training. (Paragraph 44)
12. Although Trust schools are promoted in the White Paper as a radical innovation in school governance, it is important to note that these freedoms and flexibilities are already available to schools under the power to innovate under section 2 of the Education Act 2002. (Paragraph 47)
13. 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. (Paragraph 50)
14. We recommend that the Government should publish a list of bodies it considers appropriate to act as Trust sponsors. It should also publish details of those organisations which have been approved by the DfES. (Paragraph 55)
15. We believe it is essential that Trusts do operate in a collaborative fashion and that Government embeds in any legislation requirements for this to be monitored at local and national level. (Paragraph 57)
16. If Trusts are formed, it should be a requirement that all parent governors on a Trust school governing body should be elected by parents of children at the school. (Paragraph 59)
17. We recommend, therefore, the model of a federation of two or more schools as the preferred option for the development of the Trust school concept. (Paragraph 63)
18. Given the Secretary of State's statement that schools will not be bribed or coerced into becoming Trust schools, and given the lack of enthusiasm we have found in the course of the inquiry for schools to become Trusts, we believe that the Schools Commissioner should perform a much less executive role in relation to the promotion and establishment of Trust schools than suggested in the White Paper. (Paragraph 65)
19. We therefore recommend that the Schools Commissioner should not be or remain a serving DfES civil servant after appointment and indeed that it might be useful for Government to seek an appointee from outside DfES. The Commissioner should be established at arm's length from the Department reporting to Parliament through the Select Committee as well as to ministers in DfES. This will be essential to enable her or him to operate in a more independent manner and enjoy the confidence of all parties concerned. (Paragraph 65)
20. Becoming a Trust school may be attractive to some schools, and the DfES should advise and assist those who wish to do so, but it should be one option in a pluralist

schools system. The promotion of Trust schools should not be an overriding policy objective. (Paragraph 66)

21. We urge Government to have due regard to these concerns and to implement mechanisms in the Bill to allay them. We make some recommendations to this effect later on. (Paragraph 68)
22. There is no reason why a local authority should not put forward a proposal for a new community school when a competition for a new school is to be held, (Paragraph 69)
23. We see this diversity as a strength rather than a weakness, as long as all maintained schools abide by common rules on admissions, fair access and social composition. (Paragraph 70)

### **Local authorities**

24. We recommend, therefore, that all publicly funded schools should be given the same legal responsibilities in this respect. (Paragraph 75)

### **Every Child Matters**

25. We welcome the fact that Ofsted, under its new inspection regime, is assessing schools against the five Every Child Matters outcomes, but that still does not ensure that schools will co-operate with other agencies. A formal duty for schools to co-operate would put the matter beyond doubt and we recommend that the Government should legislate for that duty in the forthcoming Bill. (Paragraph 78)

### **Local authorities as commissioners**

26. Since the introduction of local management of schools under the Education Reform Act 1988, local authorities have not had control of schools in the way the White Paper implies and some of its critics believe. (Paragraph 79)
27. The Bill needs to be drafted to ensure that where there continues to be provision of education through community schools, local authorities are able to provide support as now. This also fits with our earlier recommendation that local authorities should be able to propose the establishment of a new community school in a competition for a new school. (Paragraph 80)
28. It appears that local authorities will be even more central to education provision in their areas that is the case now. (Paragraph 82)
29. If authorities cannot have reasonable confidence in the long-term viability of some of their schools, or if they no longer are in charge of the assets of schools because of a change in status, how can they plan for the future, and how can they reasonably be expected to undertake long-term financial commitments? Is there a need for Trusts to own their assets in order to be effective? Could they lease them from the local authority? We expect the Government to issue guidance on the issues raised as a matter of urgency to ensure that PFI projects in the Building Schools for the Future

programme are not adversely affected as well as to ensure that public assets are protected in the long term. (Paragraph 83)

### **Choice, diversity and fair access**

30. We are firmly of the opinion that fair access should take top priority, followed by choice and diversity respectively. There is growing concern and a body of evidence about the relationship between school admissions and levels of social segregation and schools need to show that they are aware of their responsibilities to their communities in general as well as to the children whom they admit. We propose that a new duty be placed on all schools to promote social inclusion and community cohesion through all of their institutional policies and procedures, including their admissions policies. (Paragraph 85)
31. We recommend that Trust schools should be given the duty to spread good practice and demonstrate collaboration across the local authority area, and that their performance in this regard should be monitored by local authorities, who would report to the Schools Commissioner to produce an annual report to Parliament and to DfES. (Paragraph 86)
32. We recommend therefore that Trust schools and others be given the duty to operate equitable admission policies for children with special educational needs across the local authority area, and that the performance of schools in this regard should be monitored by local authorities, who would report to the Schools Commissioner to produce an annual report to Parliament and to DfES. (Paragraph 87)

### **Helping people exercise choice**

33. There has been criticism of some aspects of this proposal, but for poorer families choice without mobility is no choice. (Paragraph 93)
34. We ask the Government to examine the case for index-linking this funding to inflation and to ensure that its effectiveness—and the possible need substantially to increase it—is monitored by an external body. (Paragraph 93)

### **Constraints on choice**

35. Until such time as the distribution of able and well motivated pupils between schools is better balanced, and the vast majority of schools are considered by parents to be of acceptable quality, there are likely to be schools that are regularly oversubscribed. The aim must be to ensure that the admissions process is as fair and transparent as possible. We therefore recommend that the Government looks at the possibility of introducing anonymised admissions. (Paragraph 96)
36. The goal should be to achieve the best combination of a diverse range of schools with equitable capital and revenue funding, balanced intakes and a scrupulously fair and transparent admissions process monitored by the local authority and admissions forum in each area and (we suggest later in the report) by the Schools Commissioner nationally. (Paragraph 97)

## Pupil funding

37. We recommend that the Government should develop with local authorities a system to direct additional funding at individual pupils from disadvantaged backgrounds wherever they live, possibly using local funding formulae. (Paragraph 102)

## Planning social provision

38. There is clearly a vital role here for local authorities in planning provision. They must retain sufficient powers to manage the process and balance pressure from parents and schools to expand. There is a danger that a poorly managed choice agenda could accelerate the flight from schools in deprived areas. This would further disadvantage those who are already disadvantaged in education. (Paragraph 103)
39. We recommend that the Government publishes a costing of the surplus places that may arise because of this demographic change. (Paragraph 106)

## The admissions process

40. Our concern is that there must be a Code of Practice which can be enforced. There must be effective oversight of the Code and effective sanctions when the Code is breached (Paragraph 113)

## The current proposals

41. The larger the number of schools with different arrangements for dealing with oversubscription the greater the problems some parents may have in predicting the outcome of any preferences they express. (Paragraph 114)
42. The concern is that, without changes to the admissions process, if more schools act as their own admissions authorities they will use that power to choose pupils who are likely to perform well academically. (Paragraph 116)
43. It is clear from other evidence, however, that there are legitimate concerns that some schools are using over-subscription criteria to mould the nature of their intakes to maximise the number of pupils who are thought likely to perform well academically or to be “easy to teach”. It is also clear that this tends to mean that pupils eligible for free school meals are less likely to be accepted for those schools. (Paragraph 119)
44. It is unhelpful for the Secretary of State to cite evidence from an unfinished research project in support of one of the Government’s proposals without being prepared to make the detail of that evidence available to us. (Paragraph 123)
45. We accept that the Code cannot simply be made a set of mandatory rules; it is, after all, a document offering guidance. (Paragraph 127)
46. We recommend that the Government should bring forward regulations to prohibit interviewing or other proxies for academic selection as a part of the general schools admissions process as soon as possible. (Paragraph 127)

47. The situation concerning partial selection has been contentious for some time and we believe that the legislation should be amended to clarify what is and is not allowed. (Paragraph 128)
48. We referred earlier to the recommendations of our previous reports on selection by aptitude. The Government no longer collects data on the extent of such selection and justifies it largely on the grounds that few schools use it. We have not yet been presented with a credible explanation of the distinction between aptitude and ability. This is most unsatisfactory and we believe aptitude selection should now be prohibited in regulations. We also recommend that the DfES re-examines the current Code of Practice to identify what other practices should be more closely regulated, prohibited or, conversely, encouraged. (Paragraph 129)
49. There remains the question of those schools which are specifically permitted by the 1998 Act to select wholly by academic ability. Our previous report dealt with this issue in some detail and we wish to reiterate our recommendations. We welcome the fact that there is now all party agreement that there should be no new selection by general academic ability. (Paragraph 130)
50. The Government has consulted on a new Code of Practice, but has put it on hold while it considers the responses. We believe that, in the light of our recommendations, the Government should reconsider what the Code should contain and its fitness for purpose, and consult again before implementation. (Paragraph 131)

### **Local authorities to monitor admissions arrangements**

51. Local authorities and admissions forums would be required to monitor closely local admissions arrangements for compliance with the Code of Practice, to make an objection to the adjudicator about any which did not comply and to make an annual report on behalf of the admission forum to the Schools Commissioner. (Paragraph 133)
52. If, within six weeks of being informed of the conclusions of the admissions forum, the school or schools in question did not amend their proposed admission arrangements accordingly, the local authority would be required to make an objection to the schools adjudicator (at present, the admissions forum cannot itself object to the adjudicator). (Paragraph 136)
53. We consider that giving local authorities the duty to monitor the system locally is the most effective way to ensure that the admissions process is fair, as the Government wishes it to be. In particular, we consider that it addresses the argument that more admissions authorities mean more covert selection by ability. However many admissions authorities there are, the key to equity is rigorously enforced fair admissions practices. (Paragraph 137)
54. This process would fit well with one change that the Government is proposing to the admissions process, namely to make the adjudicator's decisions binding for three years rather than one year as at present. We welcome this change. This is also the fixed period the Government is suggesting for the admission arrangements of new

schools. This time limit has been criticised in the context of new schools, but there is a logic in having the same time frame for new and existing schools, and if the Government makes it a duty on local authorities to monitor admissions arrangements and to make an objection where the Code is not being observed, we believe the system would be sufficiently robust. (Paragraph 139)

### **Social composition of schools**

55. One way to address the low representation of children from deprived backgrounds in some schools would be for local authorities to set benchmarks for the secondary schools in their areas for the numbers of children on free school meals or whose families are in receipt of Working Families Tax Credit admitted to Year 7 each year. Each local authority would also be required to make a report annually to the Schools Commissioner on the social composition of secondary schools. In turn the Schools Commissioner would report annually on the position across the country, but should also have sanctions where it appears that schools or authorities are not addressing these issues of inequality. (Paragraph 141)
56. We recommend that the DfES works with other government Departments and those outside Government to construct more sophisticated measures of deprivation and disadvantage. (Paragraph 143)

### **Trust schools**

57. We have established that these are not a new concept; the Government has re-branded one type of foundation school and sought to promote it as the way forward for schools. Much more detail and clarity is needed on the process involved in becoming a Trust school, which the Trust Schools prospectus does not provide. If the Government wants to allay fears about how Trust schools will operate, it needs to provide this detail and clarity as soon as possible (Paragraph 155)
58. We recommend that the Government looks at this issue again with a view to establishing much greater safeguards on the transfer of assets to Trusts through detailed restrictions on disposal of assets and other issues or by a leasehold-style arrangement. (Paragraph 157)

### **Local authorities**

59. Rather than having their role reduced, local authorities have significant and even increased responsibilities. (Paragraph 158)
60. It is imperative that schools work with local authorities and other agencies on Every Child Matters and we recommend that schools be given the formal duty to co-operate on these issues. (Paragraph 159)
61. We therefore recommend that when a competition for a new school is held, a local authority should have the right to put forward a proposal for a new community school. (Paragraph 160)

## Admissions

62. We recommend that the Secretary of State brings forward as soon as possible new regulations to bar the use of interviewing in the admissions process. We also recommend that the DfES examines the Code to see whether any other provisions might also be the subject of regulations. (Paragraph 161)
63. We recommend that under the forthcoming legislation all local authorities should be given the statutory duty to monitor admissions practices in their areas and make an objection to the Schools Adjudicator where it appears they do not comply with the Code. (Paragraph 162)
64. We welcome the Government's decision to increase the length of time for which the Adjudicator's decisions are binding from one year to three years. We consider that this, together with the duty on local authorities to police the process systematically, will make the admissions process considerably more effective. (Paragraph 163)
65. We recommend that local authorities be required to provide benchmarks for each of the secondary schools in their areas for the number of pupils they should be admitting in Year 7 eligible for free school meals or working families tax credit. They should make annual reports to the Schools Commissioner, who in turn should report to Parliament through this select committee. (Paragraph 164)
66. Taken together, these recommendations on admissions and social composition, giving new duties to the Schools Commissioner, empowering local authorities and strengthening the Code of Practice with regulations provide the effective practical means to ensure that the Government's aspirations on fair access can be realised. (Paragraph 165)

## Choice

67. We recommend that the Government develops its proposal to provide extra funding to those areas with the lowest levels of prior attainment by pupils entering secondary school by seeking a means of providing extra funding for individual pupils from disadvantaged backgrounds. (Paragraph 167)

## In-school reforms

68. In the end the form of governance of a school is less significant in determining the attainment of its pupils than the nature of its pupil intake and the quality of teaching and leadership. (Paragraph 170)
69. Schools need to have a sound structure of governance and accountability, and this can take more than one form, but in the end it will be what happens in schools, whatever their designation, that will decide whether the attainment of disadvantaged children in our school system will be improved. (Paragraph 170)

# Formal Minutes

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25 January 2006

Members present:

Mr Barry Sheerman, in the Chair

Dr Roberta Blackman- Woods	Tim Farron
Mr Douglas Carswell	Helen Jones
Mr David Chaytor	Mr Gordon Marsden
Mrs Nadine Dorries	Stephen Williams
Jeff Ennis	Mr Rob Wilson

The Committee deliberated.

Draft Report, proposed by the Chairman, brought up and read.

Draft Report, proposed by Mr Rob Wilson, brought up and read, as follows:

1. ‘The Government published its White Paper on proposals for schools, *Higher Standards, Better Schools for All*, on 25 October 2005.<sup>107</sup> This is a major policy initiative, strongly backed by the Prime Minister with a speech the day before publication and a four-page foreword to the document, as well as by the Secretary of State herself. In oral evidence to the Committee on 2 November 2005 the Secretary of State told us that a Bill to enact those proposals which required legislation would be published early in 2006. The Committee agreed to report by the end of January.

### Conduct of the inquiry

2. The timescale of the Committee’s inquiry has proved to be unrealistically short. It has provided insufficient time to call the witnesses we wished to see and insufficient time to consider all the issues with appropriate care. In particular:
  - The Committee did not ask the DfES to respond to its written questions quickly enough
  - The Deputy Prime Minister was not asked to give evidence despite his public criticism of his own Government’s proposals
  - The short timescale did not allow us to examine all the appropriate research evidence (for example, the evidence cited by the Secretary of State indicating that there is no correlation between the number of admissions authorities and social segregation<sup>108</sup>)

### Context of the White Paper

3. Much of the confusion over the White Paper has arisen due to the conflict between the contents and stated intentions of the White Paper, and the statements made and issued by both the Prime Minister and the Secretary of State in support of the White Paper, presumably to assuage the fears of Labour backbenchers.
4. The Secretary of State has reiterated on many occasions that the White Paper is about ‘driving up standards and helping the most disadvantaged children’ whereas, the white paper is, in the main

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<sup>107</sup> Cm 6677, DfES 25 October 2005

<sup>108</sup> Q 776

part proposing changes which will benefit children from all backgrounds and communities as a whole.

5. The White Paper is about proposing structural fundamental changes which will alter the way in which schools operate on a day-to-day level and interact within the local community. It could be said that the White Paper in some way takes positive steps towards building neighbourly communities. Communities within which the school plays an integral role providing parents with the opportunity to take ownership, and become stakeholders in what is arguably one of the most important functions funded by the State.
6. The White Paper takes further steps towards liberating schools from rigid LEA control. Parents, children, governors and teachers would be in control of how funding allocated to education is spent. They would be free to form partnerships in a similar way to that which universities do now. Local schools would be more accountable to local communities. This is something we support.
7. The White Paper comes after eight years of Labour Government. Its record on education is patchy at best and there have been some significant failures.
8. Pass rates at GCSE and A level have risen each year, and the number of children achieving high marks in Key Stage tests has also increased. However, critics of the Government have argued strongly that examinations have become less rigorous, that the marks required to gain the highest grades have fallen and that much of the increase in performance in Key Stage tests can be accounted for by 'teaching to the tests'. The Statistics Commission has supported this last point.
9. The most recent criticism comes from the National Audit Office in a report on *Improving poorly performing schools in England*.<sup>109</sup> It said that in July 2005 there were 1,557 poorly performing schools in England serving around 980,000 pupils.<sup>110</sup>

"...a sizeable number of schools encounter problems that put children's education at risk, and some of these schools do not provide good value for money. In 2004-05, around £837 million was spent in England through a range of national programmes to help improve schools that were failing or at risk of failing."<sup>111</sup>

**It is unacceptable for 13% of children in England to be taught in poorly performing schools. The cost to those children, and to the taxpayer in the attempts to put matters right, is immense.**
10. The NAO has also recently reported on the Government's failure to reduce truancy rates despite spending more than £800 million on special projects, and there is evidence that social mobility in the UK is the lowest in Europe.
11. This situation cannot be allowed to continue. The Government clearly recognises this, and so has produced the White Paper to tackle some of the worst problems. The test of its success will be the extent to which it provides a better deal for all pupils.

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<sup>109</sup> HC 679 2005–06, 9 January 2006.

<sup>110</sup> There were five categories of poorly performing school; three assessed by Ofsted (Underachieving schools, schools in serious weaknesses and schools in special measures) and a further two by the DfES (Under-performing secondary schools and low-attaining schools)

<sup>111</sup> *Improving poorly performing schools in England*, page 1.

## The White Paper proposals

### *In-school reforms*

12. The government proposes significant changes to the way in which poor behaviour and disaffected pupils are dealt with. In particular, it says that it will legislate for a new 'right to discipline' for teachers.
13. The White Paper puts great emphasis on more personalised, tailored education. It argues in favour of more setting, which the Government has said that it supports since 1997, but with little apparent increase. It also proposes more personal tutoring where that is needed, both for those who have fallen behind and those who need to be stretched. It envisages further expansion of the gifted and talented programme and an increase in grouping and setting of pupils by ability.
14. There is a recognition of the importance of staff development in raising attainment, and particular support is promised for headteachers and the development of future headteachers.
15. **We welcome all of these proposals which we believe will have a beneficial effect on schools.**

### *Trust schools*

16. One of the main measures proposed in the White Paper is the development of foundation schools to form Trust schools. These schools will have greater autonomy than community schools, will be their own admissions authorities and may form groups around not-for-profit charitable Trusts, enabling them for example to develop "a distinctive approach to the curriculum and teaching."<sup>112</sup>The Government says that "This will lead to a wider range of approaches, more innovation and greater choice for parents".<sup>113</sup>
17. There was no enthusiasm for Trust schools from most of our witnesses, but there was an inconsistency in the critics' approach. They felt Trusts would change little, but still opposed them.
18. **We support the development of Trust schools, with their greater autonomy and the external support that a trust would bring. This autonomy should include full ownership of assets. Independence must mean full independence if it is to have impact and real value. We believe that as the Trust is a new category of school it should be a duty to promote it. We also believe that the Government should leave open the option of a requirement for schools to become Trusts or independent of the local authority in some form.**
19. The White Paper proposes that each Trust school should only have one elected parent governor, although one-third of the governing body will be parents, the others being appointed by the Trust. We consider that this reduces parental influence rather than increases it. **It should be a requirement that at least half of the parents on a Trust school governing body should be elected.**

### *Local authorities*

20. The White paper proposes that local authorities should no longer be providers of schools but commissioners of education, with a significant role in monitoring standards in schools, assessing demand for places and tendering for new schools.

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<sup>112</sup> White Paper, para 2.17

<sup>113</sup> *ibid*

21. **We support this change. Local authorities will find it hard to perform their duty to act as champions of parents if they are still providers of services. We also agree that local authorities should have the duty to promote choice, diversity and fair access. Real choice for all families from a diversity of schools and providers offers ultimately a better life.**
22. The suggestion has been made that local authorities should have a role in setting benchmarks for pupils from disadvantaged backgrounds admitted to secondary schools. **We disagree strongly with this proposal.** Admissions should be regulated by the admissions Code of Practice rather than by any other considerations. It may be designed to address the concern that some schools may seek to ‘cherry pick’ pupils, but this proposal could be a means of local authorities making undue demands on schools for which they are not the admissions authority.

### *Choice and admissions*

23. The Government argues that greater choice for parents will drive up standards, with popular schools being able to expand more easily. It will also address issues of concern about admissions. The reason why most children fail to gain a place at their favoured school is that popular schools are over-subscribed. If they are able to expand more easily the pressure on admissions will fall. This is also an argument in favour of new schools, including those established through parent power. **We are strongly in favour of the plans for parents to have greater power in the process to establish new schools and to allow new schools and to allow good schools to expand.**
24. Allowing for more choice may mean funding surplus places, but the costs will be offset by the reduction in money needed for remedial measures in poorly performing schools. **The proposals will help to make the education market work more effectively to provide what parents want.**
25. **We also think that the government should look at ways of providing extra funding to follow directly pupils who need additional help, such as those eligible for free school meals. This should be on the principle of money following the pupil rather than grants for particular areas.**
26. There have been calls for adherence to the Code of Practice on School Admissions to be a legal requirement. We disagree. **The Code provides guidance but allows for variation depending on local circumstances, and we believe that this is the best way to deal with admissions issues.**

### *Conclusions*

27. Much of what the White Paper proposes is to be welcomed. It envisages a clean ‘purchaser/provider’ split between local authorities and schools, leaving schools with more control over their own affairs and providing parents and pupils with a greater degree of choice.
28. The question is whether the Government is willing to back its own instinct. Does the Government want to move to a freer education market? Is the White Paper a bluff, appealing over the heads of Labour MPs to middle class voters but without offering real change? Or is the Government going to be frightened off making necessary radical changes because of opposition from its own MPs? We will know more when the Bill is published, but **we believe the Government should have the courage of its own convictions and keep to the word of the White Paper.’**

Motion made, and Question proposed, That the Chairman’s draft report be read a second time, paragraph by paragraph.–(*The Chairman.*)

Amendment proposed, to leave out the words “Chairman’s draft report” and insert the words “draft report proposed by Mr Rob Wilson”.—(*Mr Rob Wilson.*)

Question put, that the Amendment be made.

The Committee divided.

Ayes, 3

Mr Douglas Carswell  
Mrs Nadine Dorries  
Mr Rob Wilson

Noes, 7

Dr Roberta Blackman-Woods  
Mr David Chaytor  
Jeff Ennis  
Tim Farron  
Helen Jones  
Mr Gordon Marsden  
Stephen Williams

*Ordered,* That the Chairman’s draft Report be read a second time, paragraph by paragraph.

Paragraphs 1 to 18 read and agreed to.

Paragraph 19 read.

Amendment proposed, in line 11, to leave out from the word “schools” to the end of the paragraph.—(*Helen Jones.*)

Question put, That the Amendment be made.

The Committee divided.

Ayes, 5

Mr Douglas Carswell  
Mrs Nadine Dorries  
Helen Jones  
Mr Gordon Marsden  
Mr Rob Wilson

Noes, 5

Dr Roberta Blackman-Woods  
Mr David Chaytor  
Jeff Ennis  
Tim Farron  
Stephen Williams

Whereupon the Chairman declared himself with the Noes.

Paragraphs 19 to 35 agreed to.

Paragraph 36 read.

Amendment proposed, in line 13. to leave out from students to the end of paragraph 37 and insert the words “**We welcome the commitment to increase the use of grouping and setting by ability and attainment. We also support the gifted and talented programme**”.—(*Mr Rob Wilson.*)

Question put, that the Amendment be made.

The Committee divided.

Ayes, 3

Mr Douglas Carswell  
Mrs Nadine Dorries  
Mr Rob Wilson

Noes, 7

Dr Roberta Blackman-Woods  
Mr David Chaytor  
Jeff Ennis  
Tim Farron  
Helen Jones  
Mr Gordon Marsden  
Stephen Williams

Paragraphs 36 to 43 agreed to.

Paragraph 44 read.

Amendment proposed, in line 7, after “vacancies” insert the words “**We recommend that the Government looks urgently at setting a minimum entitlement in teachers’ timetables, particularly in primary schools, for continuing personal development and such training.** This is especially important in respect of newly-introduced elements to the curriculum , such as citizenship education, or significant curriculum changes in other subjects”.–(*Mr Gordon Marsden.*)

Question put, that the Amendment be made.

The Committee divided.

Ayes, 7

Dr Roberta Blackman-Woods  
Mr David Chaytor  
Jeff Ennis  
Tim Farron  
Helen Jones  
Mr Gordon Marsden  
Stephen Williams

Noes, 3

Mr Douglas Carswell  
Mrs Nadine Dorries  
Mr Rob Wilson

Paragraph, as amended, agreed to.

Paragraphs 45 to 48 agreed to.

Paragraph 49 read.

Amendment proposed, in line 3, to leave out from the word “partnerships” to the end of the paragraph.–(*Mr Rob Wilson.*)

Question put, that the Amendment be made.

The Committee divided.

Ayes, 3

Mr Douglas Carswell  
Mrs Nadine Dorries  
Mr Rob Wilson

Noes, 7

Dr Roberta Blackman-Woods  
Mr David Chaytor  
Jeff Ennis  
Tim Farron  
Helen Jones  
Mr Gordon Marsden  
Stephen Williams

Paragraphs 49 to 56 read and agreed to.

Paragraph 57 read.

Amendment proposed, in line 4, after the word “group” to insert the words “**We believe it is essential that Trusts do operate in a collaborative fashion and that Government embeds in any legislation requirements for this to be monitored at local and national level.** We make specific recommendations elsewhere for mechanisms to effect this.”—(*Mr Gordon Marsden.*)

Question put, that the Amendment be made.

The Committee divided.

Ayes, 7

Dr Roberta Blackman-Woods  
Mr David Chaytor  
Jeff Ennis  
Tim Farron  
Helen Jones  
Mr Gordon Marsden  
Stephen Williams

Noes, 3

Mr Douglas Carswell  
Mrs Nadine Dorries  
Mr Rob Wilson

Paragraph, as amended, agreed to.

Paragraphs 58 to 62 read and agreed to.

Paragraph 63 read.

Amendment proposed, in line 10, after the word “collaboration” to insert the words “We carefully noted the evidence given by Sir Cyril Taylor and Ms Elizabeth Reid, Chairman and Chief Executive respectively of the Specialist Schools and Academies Trust, who both argued that the Trust concept was primarily designed to increase collaboration between schools. **We recommend, therefore, the model of a federation of two or more schools as the preferred option for the development of the Trust school concept.**”—(*Mr David Chaytor.*)

Question put, that the Amendment be made.

The Committee divided.

Ayes, 7

Dr Roberta Blackman-Woods  
Mr David Chaytor  
Jeff Ennis  
Tim Farron  
Helen Jones  
Mr Gordon Marsden  
Stephen Williams

Noes, 3

Mr Douglas Carswell  
Mrs Nadine Dorries  
Mr Rob Wilson

Paragraph, as amended, agreed to.

Paragraph 64 read and agreed to.

Paragraph 65 read.

Amendment proposed, in line 8, to leave out from ‘Commissioner’ to the end of the paragraph and insert the words “**should not be or remain a serving DfES civil servant after appointment and indeed that it might be useful for Government to seek an appointee from outside DfES. The Commissioner should be established at arm’s length from the Department reporting to Parliament through the Select Committee as well as to ministers in DfES. This will be essential to enable her or him to operate in a more independent manner and enjoy the confidence of all parties concerned.**”—(*Mr Gordon Marsden.*)

Question put, that the Amendment be made.

The Committee divided.

Ayes, 7

Dr Roberta Blackman-Woods  
Mr David Chaytor  
Jeff Ennis  
Tim Farron  
Helen Jones  
Mr Gordon Marsden  
Stephen Williams

Noes, 3

Mr Douglas Carswell  
Mrs Nadine Dorries  
Mr Rob Wilson

Question put, That paragraph 65, as amended, be agreed to.

The Committee divided.

Ayes, 7

Dr Roberta Blackman-Woods  
Mr David Chaytor  
Jeff Ennis  
Tim Farron  
Helen Jones  
Mr Gordon Marsden  
Stephen Williams

Noes, 3

Mr Douglas Carswell  
Mrs Nadine Dorries  
Mr Rob Wilson

Paragraphs 66 and 67 read and agreed to.

A paragraph—(Mr Gordon Marsden)—brought up and read as follows:

“We have also heard concerns from a number of witnesses about the knock-on effects of school expansion on other schools in the neighbouring area if this is not done carefully and with close co-operation and consultation. This is an issue not just for Trust Schools but for existing ones. Many head teachers are themselves concerned that expansion might affect their ability to function on an optimum basis and spread good practice and work collaboratively with other schools in the locality. Sir Alan Steer, whose report has made a significant contribution to the White Paper on discipline issues, himself said he would not wish to expand his own school beyond its existing size. **We urge Government to have due regard to these concerns and to implement mechanisms in the Bill to allay them. We make some recommendations to this effect later on.**”

Question put, That the paragraph be read a second time.

The Committee divided.

Ayes, 7

Dr Roberta Blackman-Woods  
Mr David Chaytor  
Jeff Ennis  
Tim Farron  
Helen Jones  
Mr Gordon Marsden  
Stephen Williams

Noes, 3

Mr Douglas Carswell  
Mrs Nadine Dorries  
Mr Rob Wilson

Paragraph added (now paragraph 68).

Paragraph 68 (now paragraph 69) read.

Question put, That the paragraph be read a second time.

The Committee divided.

Ayes, 7

Dr Roberta Blackman-Woods  
Mr David Chaytor  
Jeff Ennis  
Tim Farron  
Helen Jones  
Mr Gordon Marsden  
Stephen Williams

Noes, 3

Mr Douglas Carswell  
Mrs Nadine Dorries  
Mr Rob Wilson

Paragraph agreed to.

Paragraphs 69 to 72(now paragraphs 70 to 73) agreed to.

Paragraph 73 (now paragraph 74) read

Amendment proposed, in line 3, to leave out from the word “pupils” to “Christine” in line 5.–(Mr Rob Wilson.)

Question put, that the Amendment be made.

The Committee divided.

Ayes, 3

Mr Douglas Carswell  
Mrs Nadine Dorries  
Mr Rob Wilson

Noes, 7

Dr Roberta Blackman-Woods  
Mr David Chaytor  
Jeff Ennis  
Tim Farron  
Helen Jones  
Mr Gordon Marsden  
Stephen Williams

Paragraph agreed to.

Paragraph 74 (now paragraph 75) read as follows:

“She also emphasised the importance of the local authority in ensuring that every child has a school place:

“I think we would like to see an additional duty on all schools to co-operate with the local authority and other schools in the local area to find every child a school place, and that is particularly important for children who are hard to place, for a range of reasons, have special educational needs or present the greatest challenge.”

Although there are to be requirements to accept Looked After Children, there are no such safeguards for pupils on free school meals, or to protect the right of access to a local school for low achieving pupils with parents who may themselves have underachieved at school. We agree that this is a vital issue, and we look forward to seeing more detail on how that is to be achieved under the new arrangements.”

Amendment proposed, to leave out from the word “school” in line 7 to insert the words “This is a particularly important issue in view of the current concerns about the different legal position of Academies in respect of

the admission of children with SEN. It is possible that Trust schools could also be exempt from the obligations that apply to all other maintained schools. **We recommend, therefore, that all publicly funded schools should be given the same legal responsibilities in this respect.**—(*Mr David Chaytor.*)

Question put, That the amendment be made.

The Committee divided.

Ayes, 6

Mr David Chaytor  
Jeff Ennis  
Tim Farron  
Helen Jones  
Mr Gordon Marsden  
Stephen Williams

Noes, 4

Dr Roberta Blackman-Woods  
Mr Douglas Carswell  
Mrs Nadine Dorries  
Mr Rob Wilson

Paragraph, as amended, agreed to.

Paragraphs 75 and 76 (now 76 and 77) read and agreed to.

Paragraph 77 (now paragraph 78) read.

Amendment proposed, in line 7, to leave out from the word “outcomes” to the end of the paragraph and insert “which we consider is the most effective way of monitoring schools performance of these responsibilities.”—(*Mr Rob Wilson.*)

Question put, that the Amendment be made.

The Committee divided.

Ayes, 3

Mr Douglas Carswell  
Mrs Nadine Dorries  
Mr Rob Wilson

Noes, 7

Dr Roberta Blackman-Woods  
Mr David Chaytor  
Jeff Ennis  
Tim Farron  
Helen Jones  
Mr Gordon Marsden  
Stephen Williams

Paragraph agreed to.

Paragraphs 78 (now paragraph 79) read and agreed to.

Paragraph 79 (now paragraph 80) read.

Amendment proposed, in line 3, leave out from “services” to the end of the paragraph.—(*Mr Rob Wilson.*)

Question put, that the Amendment be made.

The Committee divided.

Ayes, 3

Mr Douglas Carswell  
Mrs Nadine Dorries  
Mr Rob Wilson

Noes, 7

Dr Roberta Blackman-Woods  
Mr David Chaytor  
Jeff Ennis  
Tim Farron  
Helen Jones  
Mr Gordon Marsden  
Stephen Williams

Paragraph agreed to.

Paragraphs 80 (now paragraph 81) read and agreed to.

Paragraph 81 (now paragraph 82) read.

Amendment proposed, in line 5, to leave out from the word “change” to the end of the paragraph.–(*Helen Jones.*)

Question put, that the Amendment be made.

The Committee divided.

Ayes, 1

Helen Jones

Noes, 6

Dr Roberta Blackman-Woods  
Mr David Chaytor  
Jeff Ennis  
Tim Farron  
Mr Gordon Marsden  
Stephen Williams

Paragraph agreed to.

Paragraph 82 (now paragraph 83) read.

Amendment proposed, i. line 14, to leave out from the word “ here” to the end of the paragraph and insert the words “There is an issue over PFI spending and the balance sheet that is much bigger than the issue with the odd school project, namely should more schools be built on PFI schemes? This process is building up significant financial problems for the future.”–(*Mr Rob Wilson.*)

Question put, that the Amendment be made.

The Committee divided.

Ayes, 3

Mr Douglas Carswell  
Mrs Nadine Dorries  
Mr Rob Wilson

Noes, 7

Dr Roberta Blackman-Woods  
Mr David Chaytor  
Jeff Ennis  
Tim Farron  
Helen Jones  
Mr Gordon Marsden  
Stephen Williams

Paragraph agreed to.

Paragraph 83 (now paragraph 84) read and agreed to.

Paragraph 84 (now paragraph 85) read as follows:

**“We are firmly of the opinion that fair access should take top priority, followed by choice and diversity respectively. Fair access means the transparent operation of fair admissions policies, but it also means that schools must demonstrate responsibility on the issue of the social composition of their intakes. The issue of the segregation of the school population by social background is significant, and schools need to show that they are aware of their responsibilities to their communities in general as well as to those children whom they do admit”.**

Amendment proposed, in line 2, to leave out from the word “respectively” to the end of the paragraph and insert the words” **There is growing concern and a body of evidence about the relationship between school admissions and levels of social segregation and schools need to show that they are aware of their responsibilities to their communities in general as well as to the children whom they admit. We propose that a new duty be placed on all schools to promote social inclusion and community cohesion through all of their institutional policies and procedures, including their admissions policies.**”–(*Mr David Chaytor.*)

Question put, That the paragraph be read a second time.

The Committee divided.

Ayes, 7

Dr Roberta Blackman-Woods  
Mr David Chaytor  
Jeff Ennis  
Tim Farron  
Helen Jones  
Mr Gordon Marsden  
Stephen Williams

Noes, 3

Mr Douglas Carswell  
Mrs Nadine Dorries  
Mr Rob Wilson

Another Amendment proposed, to leave out from “We” in line 1 to the end of the paragraph and insert “consider that the three duties of promoting choice, diversity and fair access are of equal importance”.–(*Mr Rob Wilson.*)

Question put, that the Amendment be made.

The Committee divided.

Ayes, 3

Mr Douglas Carswell  
Mrs Nadine Dorries  
Mr Rob Wilson

Noes, 7

Dr Roberta Blackman-Woods  
Mr David Chaytor  
Jeff Ennis  
Tim Farron  
Helen Jones  
Mr Gordon Marsden  
Stephen Williams

Paragraph, as amended, agreed to.

A paragraph–(*Mr Gordon Marsden*)–brought up and read as follows:

“We have already discussed the emphasis placed by many submissions to our enquiry, both oral and written, on the need for schools, whether or not they have Trust status, to spread good practice across their locality. But it is particularly important given the controversy that has emerged about Trust schools, that Government should give reassurance and set in place mechanisms to effect this. **We recommend that Trust schools should be given the duty to spread good practice and demonstrate collaboration across the local authority area, and that their performance in this regard should be monitored by local authorities, who would report to the Schools Commissioner to produce an annual report to Parliament and to DfES.**”

Question put, That the paragraph be read a second time.

The Committee divided.

Ayes, 7

Dr Roberta Blackman-Woods  
Mr David Chaytor  
Jeff Ennis  
Tim Farron  
Helen Jones  
Mr Gordon Marsden  
Stephen Williams

Noes, 3

Mr Douglas Carswell  
Mrs Nadine Dorries  
Mr Rob Wilson

Paragraph added (now paragraph 86).

A paragraph—(Mr Gordon Marsden)—brought up and read as follows:

“We have also heard concerns that children with special educational needs should not be excluded from their rightful entitlements as a result of proposals made in the White Paper. This is particularly the case in respect of personalised learning and admission policies where there have been concerns that academies have not always been willing or able to operate effective or equitable admission policies in respect of children with special educational needs. We believe again that both local authorities – and possibly the School Commissioner – have a key role in protecting the interests of parents and their children with special education needs. **We recommend therefore that Trust schools and others be given the duty to operate equitable admission policies for children with special educational needs across the local authority area, and that the performance of schools in this regard should be monitored by local authorities, who would report to the Schools Commissioner to produce an annual report to Parliament and to DfES.**”

Question put, That the paragraph be read a second time.

The Committee divided.

Ayes, 7

Dr Roberta Blackman-Woods  
Mr David Chaytor  
Jeff Ennis  
Tim Farron  
Helen Jones  
Mr Gordon Marsden  
Stephen Williams

Noes, 3

Mr Douglas Carswell  
Mrs Nadine Dorries  
Mr Rob Wilson

Paragraph added (now paragraph 87).

Paragraphs 85 to 92 (now paragraphs 88 to 95) read and agreed to.

Paragraph 93 (now paragraph 96) read as follows.

“There are other issues. Many schools are already oversubscribed. It must be likely that if more parents are encouraged to exercise choice then these schools will become even more oversubscribed. There are proposals in the White Paper to allow schools to expand more easily, but not all schools will want to take that option. Sir Alan Steer, for example, said that he would not want his school to increase in size. So one of the questions is, how can choice be extended without other pupils and parents being disadvantaged? A second and perhaps more often expressed worry is that the increased emphasis on choice will give an increased advantage to those parents who are already adept at achieving their aims in the system and that children from disadvantaged backgrounds will fare no better and may possibly be worse off. **Until such time as the distribution of able and well motivated pupils between schools is better balanced, and the vast majority of schools are considered by parents to be of acceptable quality, there are likely to be schools that are regularly oversubscribed. The aim must be to ensure that the admissions process is as fair and transparent as possible.**”

Amendment proposed, in line 13, to leave out form “oversubscribed” to the end of the paragraph and insert the words “Expansion of schools and the establishment of new schools are the answer to oversubscription as the White Paper suggests as long as it is easy for organisations / schools to do so. This will allow parents to get the choice they desire. It may well mean that the Government has to accept some surplus places in popular areas, but this can be planned as part of an LEA commissioning role.”—(*Mr Rob Wilson.*)

Question put, that the Amendment be made.

The Committee divided.

Ayes, 3

Mr Douglas Carswell  
Mrs Nadine Dorries  
Mr Rob Wilson

Noes, 6

Dr Roberta Blackman-Woods  
Jeff Ennis  
Tim Farron  
Helen Jones  
Mr Gordon Marsden  
Stephen Williams

Another Amendment proposed, in line 14, at the end to add the words “**We therefore recommend that the Government looks at the possibility of introducing anonymised admissions**”.—(*Tim Farron.*)

Question put, That the paragraph be read a second time.

The Committee divided.

Ayes, 6

Dr Roberta Blackman-Woods  
Jeff Ennis  
Tim Farron  
Helen Jones  
Mr Gordon Marsden  
Stephen Williams

Noes, 3

Mr Douglas Carswell  
Mrs Nadine Dorries  
Mr Rob Wilson

Paragraph, as amended, agreed to.

Paragraphs 94 to 99 (now paragraphs 97 to 102) read and agreed to.

Paragraph 100 (now paragraph 103) read.

Amendment proposed, in line 6, to leave out form the word “schools” to the end of the paragraph and insert “However, we consider it is vital for the success of the Government’s proposals that good schools are allowed to expand with the support of their communities”.–(*Mr Rob Wilson.*)

Question put, That the Amendment be made.

The Committee divided.

Ayes, 4	Noes, 4
Dr Roberta Blackman-Woods	Jeff Ennis
Mr Douglas Carswell	Tim Farron
Mrs Nadine Dorries	Helen Jones
Mr Rob Wilson	Stephen Williams

Whereupon the Chairman declared himself with the Noes.

Another amendment proposed, in line 10, after “areas”, to insert the words “This would further disadvantage those who are already disadvantaged in education”.–(*Helen Jones.*)

Question put, That the paragraph be read a second time.

The Committee divided.

Ayes, 6	Noes, 3
Dr Roberta Blackman-Woods	Mr Douglas Carswell
Jeff Ennis	Mrs Nadine Dorries
Tim Farron	Mr Rob Wilson
Helen Jones	
Mr Gordon Marsden	
Stephen Williams	

Paragraph, as amended, agreed to.

Paragraphs 101 and 102 (now paragraph 104 and 105) agreed to.

A paragraph–(*Stephen Williams*)–brought up and read as follows:

“There will be significant demographic change over the next decade when the number of teenagers is expected to drop by approximately half a million. If the Government’s choice agenda leads to popular schools expanding then it must mean that failing schools must contract and have more surplus places. Demographic change could make smaller, sink schools unviable and there will not be capacity in the popular schools to absorb extra pupils. The Government needs to have the consequences of this demographic change in mind in its plans for the schools system. **We recommend that the Government publishes a costing of the surplus places that may arise because of this demographic change.**”

Question put, That the paragraph be read a second time.

The Committee divided.

Ayes, 4

Tim Farron  
Helen Jones  
Mr Gordon Marsden  
Stephen Williams

Noes, 3

Mr Douglas Carswell  
Mrs Nadine Dorries  
Mr Rob Wilson

Paragraph added (now paragraph 106).

Paragraph 103 (now paragraph 107) read as follows:

“It is not now possible, nor do we suggest that it would be desirable, to do away with preference and ‘choice’ in the system and seek to have a more prescriptive method of allocating children to schools. We do, however, have some concerns about the policy. The Government believes that choice will deliver general improvement through the individual preferences of individual parents. **Taken to its logical conclusion, this suggests that the sum of individual preferences is the common good, which we do not believe is the case.**”

Amendment proposed, in line 4, to leave out from the word “parents” to the end of the paragraph.–(*Mr Rob Wilson.*)

Question put, that the Amendment be made.

The Committee divided.

Ayes, 5

Mr Douglas Carswell  
Mrs Nadine Dorries  
Jeff Ennis  
Stephen Williams  
Mr Rob Wilson

Noes, 3

Dr Roberta Blackman-Woods  
Tim Farron  
Helen Jones

Paragraph, as amended, agreed to.

Paragraph 104 (now paragraph 108) read as follows:

“Parents are not an homogenous group; in each area they will have competing and conflicting demands. So far as schools are concerned, someone needs to balance the different interests to ensure that there is a system rather than a series of separate schools. This surely is the function of the local authority and of the Government. If the law requires parents to educate their children, which for the vast majority will mean sending them to school, then there is a duty on the state to ensure that there is adequate provision in terms of quality and ease of access for all children. There is also a duty to ensure that, so far as possible, children gain admission to schools through a fair and transparent process, which we turn to now.”

Amendment proposed, in line 1, to leave out from “demands” to “There” in line 6 and to insert “It must surely be a joint responsibility of central and local government, however, to ensure that this process is managed in the best interests of the overwhelming majority of children. Competing interests must be balanced, and parental choice maximised, by the removal of those constraints which prevent fair access to all the schools in the local system.”–(*Helen Jones*)

Question put, That the paragraph be read a second time.

The Committee divided.

Ayes, 6

Dr Roberta Blackman-Woods  
Jeff Ennis  
Tim Farron  
Helen Jones  
Mr Gordon Marsden  
Stephen Williams

Noes, 3

Mr Douglas Carswell  
Mrs Nadine Dorries  
Mr Rob Wilson

Paragraph, as amended, agreed to

Paragraphs 105 to 109 (now paragraphs 109 to 113) read and agreed to.

Paragraph 110 (now paragraph 114) read.

Amendment proposed, in line 9, leave out from “applicant” to the end of the paragraph and insert “Allowing new schools to be created, or schools to expand, could help problems with oversubscription”.—(Mr Rob Wilson.)

Question put, that the Amendment be made.

The Committee divided.

Ayes, 4

Dr Roberta Blackman-Woods  
Mr Douglas Carswell  
Mrs Nadine Dorries  
Mr Rob Wilson

Noes, 5

Jeff Ennis  
Tim Farron  
Helen Jones  
Mr Gordon Marsden  
Stephen Williams

Paragraph agreed to.

Paragraphs 111 to 113 (now paragraphs 115 to 117) read.

Question put, That the paragraphs stand part of the Report.

The Committee divided.

Ayes, 6

Dr Roberta Blackman-Woods  
Jeff Ennis  
Tim Farron  
Helen Jones  
Mr Gordon Marsden  
Stephen Williams

Noes, 3

Mr Douglas Carswell  
Mrs Nadine Dorries  
Mr Rob Wilson

Paragraph 114 (now paragraph 118) read, as follows:

“The Secretary of State was at pains to emphasise that those critics who said that the proposals for more schools to be their own admissions authorities would enable more selection by ability were wrong: “We outlawed in primary legislation academic selection in 1998.””

Amendment proposed, in line 3, at the end to add the words “However, the Code of Practice does not explicitly reflect this piece of legislation as it only outlaws selection by academic ability in primary

schools. We recommend that this anomaly should be rectified at an early date and we return to this issue later in the report.”—(*Helen Jones*)

Question put, that the Amendment be made.

The Committee divided.

Ayes, 5	Noes, 4
Dr Roberta Blackman-Woods	Mr Douglas Carswell
Tim Farron	Mrs Nadine Dorries
Helen Jones	Jeff Ennis
Mr Gordon Marsden	Mr Rob Wilson
Stephen Williams	

Question put, That Paragraph 114 (as amended) and paragraph 115 (now paragraphs 118 and 119) stand part of the report.

The Committee divided.

Ayes, 6	Noes, 3
Dr Roberta Blackman-Woods	Mr Douglas Carswell
Jeff Ennis	Mrs Nadine Dorries
Tim Farron	Mr Rob Wilson
Helen Jones	
Mr Gordon Marsden	
Stephen Williams	

A paragraph—(*Helen Jones*)—brought up and read as follows:

“In addition, the 1998 Act introduced the power to select by aptitude for all schools which considered themselves to have a specialism. Our previous reports have dealt with this issue at some length and documented the concerns about the ways in which aptitude selection can be use as a proxy for selection by ability.”

Question put, That the paragraph be read a second time.

The Committee divided.

Ayes, 6	Noes, 3
Dr Roberta Blackman-Woods	Mr Douglas Carswell
Jeff Ennis	Mrs Nadine Dorries
Tim Farron	Mr Rob Wilson
Helen Jones	
Mr Gordon Marsden	
Stephen Williams	

Paragraph added (now paragraph 120)

Paragraph 115 to 121 (now paragraphs 121 to 126) read and agreed to.

Paragraph 122 (now paragraph 127) read.

Amendment proposed, in line 5, to leave out from the word “them” to the end of the paragraph.–(*Mr Rob Wilson.*)

Question put, that the Amendment be made.

The Committee divided.

Ayes, 3

Mr Douglas Carswell  
Mrs Nadine Dorries  
Mr Rob Wilson

Noes, 6

Dr Roberta Blackman-Woods  
Jeff Ennis  
Tim Farron  
Helen Jones  
Mr Gordon Marsden  
Stephen Williams

Paragraph agreed to.

Paragraph 123 (now paragraph 128) read.

Amendment proposed, in line 7, at the end to insert “We referred earlier to the recommendations of our previous reports on selection by aptitude. The Government no longer collects data on the extent of such selection and justifies it largely on the grounds that few schools use it. We have not yet been presented with a credible explanation of the distinction between aptitude and ability. This is most unsatisfactory and we believe aptitude selection should now be prohibited in regulations. We also recommend that the DfES re-examines the current Code of Practice to identify what other practices should be more closely regulated, prohibited or, conversely, encouraged.

“There remains the question of those schools which are specifically permitted by the 1998 Act to select wholly by academic ability. Our previous report dealt with this issue in some detail and we wish to reiterate our recommendations. We welcome the fact that that there is now all party agreement that there should be no new selection by general academic ability.”–(*Helen Jones*)

Question put, That the Amendment be made.

The Committee divided.

Ayes, 4

Dr Roberta Blackman-Woods  
Tim Farron  
Helen Jones  
Stephen Williams

Noes, 3

Mr Douglas Carswell  
Mrs Nadine Dorries  
Mr Rob Wilson

Question put, That paragraph 123 (now paragraph 128), as amended, stand part of the Report.

The Committee divided.

Ayes, 6

Dr Roberta Blackman-Woods  
Jeff Ennis  
Tim Farron  
Helen Jones  
Mr Gordon Marsden  
Stephen Williams

Noes, 3

Mr Douglas Carswell  
Mrs Nadine Dorries  
Mr Rob Wilson

Paragraphs 124 to 135 (now paragraphs 129 to 140) read and agreed to.

Paragraph 136 (now paragraph 141) read.

Amendment proposed, in line 5, to leave out from “year” to the end of the paragraph”.–(*Mr Rob Wilson.*)

Question put, that the Amendment be made.

The Committee divided.

Ayes, 3

Mr Douglas Carswell  
Mrs Nadine Dorries  
Mr Rob Wilson

Noes, 6

Dr Roberta Blackman-Woods  
Jeff Ennis  
Tim Farron  
Helen Jones  
Mr Gordon Marsden  
Stephen Williams

Another Amendment proposed, in line 11, Leave out from the word “places” to the end of the paragraph and insertt the words “The use of carefully structured catchment areas or feeder primary schools can also be helpful in delivering a more balanced intake to secondary schools. All of these options could be considered by the Schools Commissioner where there are serious concerns about the effect of local admissions practices.”–(*Helen Jones.*)

Question put, that the Amendment be made.

The Committee divided.

Ayes, 4

Jeff Ennis  
Helen Jones  
Mr Gordon Marsden  
Stephen Williams

Noes, 4

Dr Roberta Blackman-Woods  
Mr Douglas Carswell  
Mrs Nadine Dorries  
Mr Rob Wilson

Whereupon the Chairman declared himself with the noes.

Paragraph agreed to.

Paragraph 137 (now paragraph 142) read.

Amendment proposed, in line 6, at the end to add the words “However effective these mechanisms, and however conscientious the manner in which local authorities carry out the new responsibilities that we propose, the pressure of performance tables is always likely to drive some schools to gain a competitive advantage by increasingly subtle forms of social selection. It is also important, therefore, that schools themselves, as autonomously managed institutions, recognise the impact of their conduct on the wider community in which they are located.”–(*Helen Jones.*)

Question put, that the Amendment be made.

The Committee divided.

Ayes, 4

Jeff Ennis  
Helen Jones  
Mr Gordon Marsden  
Stephen Williams

Noes, 4

Dr Roberta Blackman-Woods  
Mr Douglas Carswell  
Mrs Nadine Dorries  
Mr Rob Wilson

Whereupon the Chairman declared himself with the noes.

Paragraph agreed to.

Paragraphs 138 to 142 (now paragraphs 143 to 147) read and agreed to.

Paragraph 143(now paragraph 148) read, as follows:

“We have also considered the role of the Schools Commissioner. We believe that his or her role in respect of Trust schools should be less vigorous than the White Paper envisages, consisting principally of advice and assistance, but we believe that the Commissioner should also have responsibility for strategic oversight of the admission process and of the way in which schools discharge their wider social responsibilities on social segregation. The Schools Commissioner should report annually on all these issues.”

Amendment proposed, in line 4, after the word “segregation” insert the words “We also believe the Commissioner should have regard for how Trust schools spread good and co-operative practice across their local authority area and that their admission policies should not disadvantage children with special educational needs, and monitor the effectiveness of local authorities in statutory duties to this effect.”—(*Mr Gordon Marsden.*)

Question put, That the Amendment be made.

The Committee divided.

The Committee divided.

Ayes, 6

Dr Roberta Blackman-Woods  
Jeff Ennis  
Tim Farron  
Helen Jones  
Mr Gordon Marsden  
Stephen Williams

Noes, 3

Mr Douglas Carswell  
Mrs Nadine Dorries  
Mr Rob Wilson

Paragraph, as amended, agreed to.

Paragraphs 144 to 165 (now paragraphs 149 to 170) read and agreed to.

Summary agreed to.

*Resolved*, That the Report , as amended, be the First Report of the Committee to the House.

*Ordered*, That the Chairman do make the Report to the House.

*Ordered*, That the provisions of Standing Order No. 134 (Select committees (reports)) be applied to the Report.

Several papers were ordered to be appended to the Minutes of Evidence.

*Ordered*, That the Appendices to the Minutes of Evidence taken before the Committee be reported to the House.

[Adjourned till 30 January at 3.30 pm

# Witnesses

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## Wednesday 2 November 2005

Page

**Rt Hon Ruth Kelly**, Secretary of State for Education and Skills, Department for Education and Skills (DfES)

Ev 1

## Wednesday 30 November 2005

**Councillor Alison King**, Chair, **Councillor James Kempton**, Vice Chair, and **Mr Stephen Meek**, Children and Young People Board, Local Government Association, and **Ms Christine Davies**, Director of Children's Services, Telford and Wrekin

Ev 18

## Monday 5 December 2005

**Sir Alan Steer**, Chairman, Practitioners' Group on School Behaviour and Discipline, **Mr Steve Munby**, Chief Executive, National College for School Leadership, and **Mr Ralph Tabberer**, Chief Executive, Training and Development Agency for Schools

Ev 38

## Wednesday 7 December 2005

**Dr Mary Bousted**, General Secretary, Association of Teachers and Lecturers, **Ms Jean Gemmell**, General Secretary, Professional Association of Teachers, **Ms Chris Keates**, General Secretary, NASUWT, and **Mr Steve Sinnott**, National Union of Teachers  
**Mr Mick Brookes**, General Secretary, and **Ms Kerry George**, Senior Assistant Secretary, National Association of Head Teachers, **Dr John Dunford**, General Secretary, and **Ms Sue Kirkham**, Secondary Heads Association, and **Ms Christina McAnea**, National Secretary for Education Staff, Unison

Ev 59

Ev 78

## Monday 12 December 2005

**Mr David Butler**, Chief Executive, National Confederation of Parent Teacher Associations, **Professor John Adams**, Chairman, National Association of School Governors, and **Ms Gillian Windass**, Consultation and Policy Officer, National Governors' Council

Ev 100

**Sir Cyril Taylor**, Chairman, and **Ms Elizabeth Reid**, Chief Executive, Specialist Schools and Academies Trust, **Dr Elizabeth Sidwell**, Chief Executive, Haberdashers' Aske's Foundation, **Dr Melvyn Kershaw**, Headteacher, Haybridge High School, and **Mrs Sue Fowler**, GKN

Ev 109

## Wednesday 14 December 2005

**Dr Philip Hunter**, Chief Schools Adjudicator

Ev 121

**Professor Simon Burgess**, University of Bristol, **Professor Stephen Gorard**, University of York, and **Professor John Micklewright**, University of Southampton

Ev 131

## Monday 19 December 2005

**Rt Hon Ruth Kelly**, Secretary of State for Education and Skills, **Rt Hon Jacqui Smith**, Minister of State for Schools and 14–19 Learners, and **Mr Stephen Crowne**, Director, School Resources, Department for Education and Skills (DfES)

Ev 144

## List of written evidence

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5 National Association of Head Teachers (NAHT)	Ev 68
6 Secondary Heads Association (SHA)	Ev 71
7 UNISON	Ev 74
8 National Governors' Council	Ev 89
9 National Confederation of Parent Teacher Associations (NCPTA)	Ev 94
10 Specialist Schools and Academies Trust (SSAT)	Ev 99
11 Dr Melvyn Kershaw, Head Teacher, Haybridge High School and Sixth Form	Ev 120
12 Professor Simon Burgess, University of Bristol	Ev 129
13 Children's Inter Agency Group	Ev 168
14 The Independent Association of Sheffield School Governing Bodies (SASGB)	Ev 169
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16 The Association of Greenwich Governors'	Ev 178
17 Ron Glatter	Ev 179
18 Association of Professionals in Education and Children's Trusts (Aspect)	Ev 182
19 Chris Payne	Ev 184
20 Professor David Gillborn, University of London	Ev 187
21 Socialist Education Association (SEA)	Ev 191
22 Lancashire County Council	Ev 192
23 Association of Croydon Governors (ACG)	Ev 193
24 School-Home Support	Ev 194
25 Volunteer Reading Help	Ev 196
26 British Humanist Association (BHA)	Ev 197
27 Human Scale Education	Ev 201
28 Tameside School Governors' Forum	Ev 204
29 Christian, Action, Research and Education (CARE)	Ev 204
30 nasen	Ev 209
31 Independent Panel for Special Education Advice (IPSEA)	Ev 211
32 Independent Schools Council (ISC)	Ev 213
33 The Advisory Centre for Education (ACE)	Ev 214
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35 Durham City Council	Ev 225
36 Save the Children	Ev 226
37 Royal College of Nursing (RCN)	Ev 227
38 Child Poverty Action Group (CPAG)	Ev 229
39 Mayor of London	Ev 240
40 The Education Network (TEN)	Ev 243
41 Philip Davies MP	Ev 246

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45	Campaign for State Education (CASE)	Ev 257
46	National Family and Parenting Institute (NFPI)	Ev 264
47	Science, Engineering and Manufacturing Technologies Alliance (SEMTA)	Ev 267
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50	Institute of Electrical Engineers (IEE)	Ev 279
51	Information for School and College Governors (ISCG)	Ev 281
52	Association of the British Pharmaceutical Industry (ABPI)	Ev 285
53	CfBT Trust Schools	Ev 287
54	Michael Fabricant MP	Ev 289
55	Tony Baldry MP	Ev 289
56	Ian Stewart MP	Ev 293
57	Dean Penford, Higher Education Champion Nottingham North	Ev 293
58	Dr Doug Naysmith MP	Ev 294
59	Martin Linton MP	Ev 295
60	Paul Farrelly MP	Ev 296
61	Association of Educational Psychologists (AEP)	Ev 298
62	Bill Oler MP	Ev 300

## List of unprinted written evidence

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Additional papers have been received from the following and have been reported to the House but to save printing costs they have not been printed and copies have been placed in the House of Commons Library where they may be inspected by Members. Other copies are in the Record Office, House of Lords and are available to the public for inspection. Requests for inspection should be addressed to the Record Office, House of Lords, London SW1. (Tel 020 7219 3074). Hours of inspection are from 9:30am to 5:00pm on Mondays to Fridays.

Professor Stephen Gorard, University of York  
Christopher Price  
London Borough of Hounslow  
Bedfordshire and Luton Branch of the Socialist Educational Association  
Dr Christine O'Hanlon, Honorary Reader in Education, UEA  
Chris Dunne, Headteacher, Langdon Park School, London Borough of Tower Hamlets  
Field Studies Council (FSC)  
Professor John Micklewright, University of Southampton  
Mike Wood MP  
Dave Anderson MP  
The Rt Hon Michael Jack MP  
Audit Commission

## Reports from the Education and Skills Committee, Session 2005–06

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First Special Report	Government's Response 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 2004–05	HC 406
Second Special Report	Government's Response to the Committee's Third Report (UK eUniversity) of Session 2004–05	HC 489
Third Special Report	Government's Response to the Committee's Fifth Report (Secondary Education) of Session 2004–05	HC 725