

# PARLIAMENTARY DEBATES

HOUSE OF COMMONS  
OFFICIAL REPORT  
GENERAL COMMITTEES

Public Bill Committee

## EDUCATION BILL

*Thirteenth Sitting*

*Tuesday 22 March 2011*

*(Morning)*

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Written evidence reported to the House.

CLAUSES 8 to 11 agreed to.

SCHEDULE 2 agreed to.

CLAUSE 12 agreed to.

SCHEDULE 3 agreed to.

CLAUSE 13 under consideration when the Committee adjourned till this day at Four o'clock.

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**The Committee consisted of the following Members:**

*Chairs:* †MR CHARLES WALKER, HYWEL WILLIAMS

† Boles, Nick (*Grantham and Stamford*) (Con)  
 † Brennan, Kevin (*Cardiff West*) (Lab)  
 † Creasy, Stella (*Walthamstow*) (Lab/Co-op)  
 † Duddridge, James (*Lord Commissioner of Her Majesty's Treasury*)  
 † Durkan, Mark (*Foyle*) (SDLP)  
 † Fuller, Richard (*Bedford*) (Con)  
 † Gibb, Mr Nick (*Minister of State, Department for Education*)  
 † Glass, Pat (*North West Durham*) (Lab)  
 † Gyimah, Mr Sam (*East Surrey*) (Con)  
 † Hayes, Mr John (*Minister for Further Education, Skills and Lifelong Learning*)

† Hendrick, Mark (*Preston*) (Lab/Co-op)  
 † Hilling, Julie (*Bolton West*) (Lab)  
 † McPartland, Stephen (*Stevenage*) (Con)  
 † Munn, Meg (*Sheffield, Heeley*) (Lab/Co-op)  
 † Munt, Tessa (*Wells*) (LD)  
 † Rogerson, Dan (*North Cornwall*) (LD)  
 † Stuart, Mr Graham (*Beverley and Holderness*) (Con)  
 † Wright, Mr Iain (*Hartlepool*) (Lab)

Sarah Thatcher, Richard Ward, *Committee Clerks*

† **attended the Committee**

# Public Bill Committee

Tuesday 22 March 2011

(Morning)

[MR CHARLES WALKER *in the Chair*]

## Education Bill

### Written evidence to be reported to the House

- E 66 Alder Grange Community and Technology School and AG6
- E 67 Rosley C of E School
- E 68 The Priory City of Lincoln Academy
- E 69 St Anthony's Girls School
- E 70 St Aiden's C of E School
- E 71 Parish C of E School
- E 72 St Matthew's C of E Primary School
- E 73 Cotelands PRU
- E 74 Sheringham Woodfields School
- E 75 Novas Scarman
- E 76 Boarding Schools' Association (BSA)
- E 77 State Boarding Schools' Association (SBSA)
- E 78 National Secular Society—supplementary
- E 79 Department for Education—additional
- E 80 Birmingham City Council's Children and Education O&S Committee
- E 81 Duchess's Community High School

### Clause 8

FUNCTIONS OF SECRETARY OF STATE IN RELATION TO  
TEACHERS

*Amendment proposed (17 March):* 73, in clause 8, page 11, line 40, at end insert—

'(c) the names of persons disqualified from membership of the Institute for Learning due to their professional conduct.'.—(*Mr Stuart.*)

10.30 am

*Question again proposed,* That the amendment be made.

**The Chair:** I remind the Committee that with this we are discussing the following: amendment 79, in clause 8, page 12, line 10, at end insert

'This will include information held on such persons by the Independent Safeguarding Authority.'

Amendment 53, in clause 8, page 12, line 23, leave out 'consider whether it would be appropriate to'.

Amendment 81, in clause 8, page 12, line 25, at end insert

'and to the Independent Safeguarding Authority'.

Amendment 80, in clause 8, page 13, line 7, leave out 'consider whether it would be appropriate to'.

Amendment 59, page 63 [Schedule 2], leave out lines 32 to 38.

**The Minister for Further Education, Skills and Lifelong Learning (Mr John Hayes):** I delayed my response in its fullest form, Mr Walker, because you were not present and I wanted to serve under your chairmanship once again while speaking about such important matters.

The amendments are all related to teacher registration, its current operation by the General Teaching Council for England and the regulatory system that we will be putting in its place. We began to debate some of the issues, some of which I dealt with last Thursday.

The effect of amendment 59 would be to retain a system of registration for our teachers in England. I share hon. Members' views that the current GTC registration has elements useful for head teachers and employers, but the process of registration is not necessary in order to retain a supply of good teachers. Our arguments focused on my case that the current system had had perverse effects, on occasions discouraging reporting and, on others, encouraging reporting that had been taken no further. I shall explain a little more in my further remarks.

I provided evidence to the effect that the current duty on employers to refer all cases had not been effective. Employers have indicated their reluctance to refer a case when they feel that the potential outcome of making a referral is too severe a response—namely, to bar a teacher in perpetuity—clearly demonstrating that placing a duty on employers to make referrals has not been as effective as it might have been, in ensuring either that employers make referrals or consistency in referrals throughout the country. I gave some examples, which I will not repeat, of local authorities with very different records. We need arrangements that are fit for purpose and the purpose of the Bill is to effect those arrangements. We also need to have an eye to value for money, which is a constant consideration for members on both sides of the Committee. The new arrangements will, indeed, be more cost-effective.

I am sure that hon. Members would agree that not all instances of misconduct warrant a bar from the profession. Since 2001, a total of 1,816 referrals for misconduct were made to the GTCE and yet, revealingly, only 138 of the teachers were barred. By requiring all cases to be referred, employers are placed under an unnecessary bureaucratic burden, while the national regulator has the burden and expense of considering every single case, only a small proportion of which end up in a bar. We believe that to be a disproportionate response to the issue of upholding the standards of the profession—a sledgehammer to crack a nut—even though the matter is important and those cases in which someone is barred are serious and warrant the kind of attention that the Committee would want them to be given.

We argue, as we have in other parts of the Bill—articulated almost poetically by the Minister of State, Department for Education, my hon. Friend the Member for Bognor Regis and Littlehampton—that teachers and head teachers are best placed to judge whether to refer to a national regulator. Indeed, we argue throughout the Bill that what my hon. Friend described yesterday on the Floor of the House as the “balance of authority” in schools needs to change—we might add the balance of responsibility, for discipline and for leadership.

The management responsibilities that we place in the hands of heads are appropriate, measured and reasonable. We cannot continue with a system in which employers

are reluctant to tackle issues of conduct, because they are worried that that will mean making a referral to the national regulator, when they do not think that that is appropriate. David Smellie, the employment lawyer who gave public evidence to us, has said:

“Central to the success of any plans to tackle teacher performance in schools is the transfer of responsibility to the heads themselves.”

He went on:

“Unless heads are given the freedom to tackle the issues they will never feel ultimately responsible.”

The issue is about the balance of responsibility, as I have said.

We trust head teachers and governing bodies to do what is right for children and young people. School leaders know whether a case of misconduct is serious enough to warrant a teacher being banned from the profession. We made it clear in the policy statement that we provided for the Committee that we will develop prohibition guidance that the regulatory system will use to inform decisions on barring. Employers will be able to use it to inform what they do, and it will allow them to make important judgments on whether they refer cases of misconduct to the regulator. It will also be the case, as it is now, that members of public can make a referral, including when they are aware of a case that they believe should have been referred.

Amendment 73 deals with teachers barred by the Institute for Learning. It would have the effect of prohibiting teachers who have been disqualified from membership of the Institute for Learning for misconduct from teaching in any of the settings covered by the Bill. The IFL is the independent professional body for teachers and trainers in further education. It confers the professional status of qualified teacher learning and skills or associate teacher learning and skills, and can withdraw that status as part of its regulatory function. I reassure my hon. Friend the Member for Beverley and Holderness that under future arrangements other regulators, including IFL, will share information with us about teachers that they have barred for reasons of misconduct, and the new agency, acting on behalf of the Secretary of State, will then consider whether to add that teacher to the list of prohibited teachers.

The likelihood is that we would usually uphold final decisions made by the IFL and other regulators, in which a teacher has been barred on grounds of misconduct, but we cannot presume that that will always be the case, as decisions will be made through a different system and using different criteria from those that the new agency will use. The agency will therefore need to be able to consider the basis for disqualification from IFL membership before making a decision. I meet IFL regularly, as hon. Members would expect, and I confirm that it is fully aware of our proposals and supports both our commitment to a mutually effective sharing of information and our plans for handling teachers that it has barred. The processes that the agency will use for investigations at a hearing will be set out in regulations in due course; our policy statement provides details about that.

I am grateful to hon. Members for raising the issues in amendments 79 and 81, which are about how the new arrangements for teacher regulation would link with the Independent Safeguarding Authority. I am mindful of the contributions made at the Committee's last sitting,

and I understand and share the appropriate and proper concerns raised about ensuring that the new system is coherent and that co-ordination is at the heart of providing proper protection for the very vulnerable people—vulnerable adults as well as vulnerable children, given the circumstances—who are involved in the process.

Amendment 79 would mean that our new list of prohibited teachers must include information held by the Independent Safeguarding Authority. Following our last sitting, I looked at that again and I am entirely satisfied—indeed, I agree—that safeguarding is of paramount importance. A barred teacher must be prevented from working with children. It is essential that that teacher is on the list of prohibited teachers. In other words, we need a belt-and-braces approach. Following interventions made by hon. Members on all sides of the Committee—particularly by Opposition Members—I went back to my officials to ensure that that will be the case. I assure hon. Members that we will put in place a robust reciprocal information-sharing arrangement to ensure that that happens. We are working closely with the ISA to ensure that its new vetting and barring arrangements dovetail as seamlessly as possible with our new regulatory arrangements—a point that was made with some force when we last met.

Amendment 81 would effectively place a duty on employers to consider referring relevant teachers to the ISA. Again, I understand the Committee's concerns about that and I have looked at it closely, but I hope I can allay those concerns. There is already a duty under the Safeguarding Vulnerable Groups Act 2006, which requires employers to consider the circumstances in which they can refer a case that may include a safeguarding concern to the ISA. There is already a legal duty in place.

I can also confirm that when the ISA receives a referral and decides there are no safeguarding concerns to address, it will pass the case to the new agency to consider whether there needs to be a potential bar from teaching on the basis of serious misconduct. That is an additional protection, given the concerns that have been expressed here and elsewhere. I hope that my reassurances about how the new arrangements will dovetail with the ISA will allay those concerns. I also hope that I have been able to reassure members of the Committee, my hon. Friend the Member for Beverley and Holderness and others on the wide-ranging issues raised in the amendments. Given those assurances, I hope—

**Meg Munn** (Sheffield, Heeley) (Lab/Co-op) *rose*—

**Mr Hayes:** I was just about to conclude.

**Meg Munn:** Which is why I rise. I entirely accept the Minister's reassurances. I also accept that this is not necessarily the easiest place to set this out, so will the Minister write to members of the Committee to set out the processes that will take place and the relevant legislation that covers it? As he is aware, the amendments were intended to probe that. I certainly accept that it may not be necessary to have this written in such a way in the Bill, but it would help us all to feel reassured if we had the processes set out in a letter that we can consider at leisure.

**Mr Hayes:** That was a helpful intervention. The issues are complex. There will be interaction between the new system—where we are going and where we are

[Mr Hayes]

now—and the existing arrangements. To that end, I shall be happy to write to the Committee to set the process out in detail. In the course of our affairs, it is quite difficult to explain such things in simple and comprehensible terms, despite my bold attempt to do so.

**Stella Creasy** (Walthamstow) (Lab/Co-op): I wish to put on record my appreciation. The Minister understands why there are concerns about how the processes mesh together. In the letter that he is going to send to the Committee, will he also clarify his response to amendments 53 and 80, particularly how the relationship between head teachers and the ISA and its responsibilities will work at a local level? Many of us who have worked in the voluntary sector on safeguarding issues are concerned about making sure that information is passed on when appropriate. It would be helpful if the Minister could set out clearly how the process will work from the other end—locally—not just the dovetailing at a national level.

**Mr Hayes:** Again, that is a most helpful intervention. The hon. Lady is absolutely right—there are overlapping processes. There are, of course, the arrangements around the dovetailing—I am keen on craft and dovetailing is as good a term as any—of the new central agency.

**Kevin Brennan** (Cardiff West) (Lab): Could you make one?

**Mr Hayes:** I don't think I could, to be honest. I am not sure I could handle a dovetail joint, except in oratory. There is a parallel relationship locally, to which the hon. Lady drew the Committee's attention, and it would be useful to clarify that. I will happily make that information available in my letter. I know that there is anxiety across the Committee—in your breast, too, Mr Walker—to make progress and to continue to scrutinise the Bill with care and diligence, in a way that is speedy and effective, so I will draw to a conclusion in the hope, perhaps even the expectation, that hon. Members will beg to ask leave to withdraw their amendments.

**Mr Graham Stuart** (Beverley and Holderness) (Con): In the spirit, if not the delivery, of succinctness that the Minister seeks, I, too, wish to bring our discussions rapidly to a close. I thank the Minister for his response, his reassurances and his promise of a letter, for which, I am sure, the Committee is grateful.

**Mr Iain Wright** (Hartlepool) (Lab): Good morning, Mr Walker. It is a pleasure to serve under your chairmanship. Through you, may I wish my mother a happy birthday?

10.45 am

**Mr Hayes:** A pang of guilt is running through me, because I did not get in first, but I wish the hon. Gentleman's mother a very happy birthday, too. I hope that he will accept that as a heartfelt intervention.

**Kevin Brennan:** How do you know his mother so intimately?

**Mr Wright:** I think we should move rapidly on from how the Minister knows my mother. People say that I have a certain look of her, but I do not want to denigrate her reputation in any way, shape or form—  
[Laughter.]

I thank the Minister for his reassuring comments. In summing up last Thursday, he was right to say that the Department and various agencies collect a lot of data on the school and teaching work force. He particularly mentioned the access to data collected by other bodies. In doing so, he cited the Training and Development Agency for Schools, which, of course, he is abolishing. He somewhat worried me with the extraordinary admission that he has decided to abolish the General Teaching Council for England, but is now considering what to do about collection of data. I worry that one half of the Department does not know what the other is doing. Will he therefore reassure the Committee and me that there was a comprehensive review before we started our deliberations? What data will be collected? What might be duplicated within the Department, given the centralisation of powers? What useful data might not be collected at all—what might fall through the gaps?

The Minister has also made encouraging noises about the Government's changing thinking about a central repository of teachers who hold qualified teacher status, for which I thank him. He has said that he wants to consider the demand for such a service. We hope that the mechanics and time scales of that will be provided to the Committee before Report.

I am not convinced by the Minister's comments on amendment 53. His argument seems to be, "The current system does not work well, so it does not make much difference if we make it any worse." I acknowledge that the current process is not well used, but I suggest to the Minister that the provisions in the Bill will make it worse. We might accept his logic that only the most serious cases would be referred to the Secretary of State. It follows that whether the head teacher considers the referral appropriate is, frankly, irrelevant. Such cases should be referred due to their serious nature, regardless of the head teacher's conduct, professional judgment and expertise. Last Thursday, the remarks by the Chair of the Education Committee were particularly strong on this matter. He said that the current position was somewhat odd. My hon. Friend the Member for Walthamstow was right in stating that amendment 53 would provide clarity.

I am humming and hawing about whether to press the amendment to a vote to test the Committee's opinion, but I want to make progress. I do not follow the logic of the Minister's comments, however, so I might wish to return to the matter.

**Mr Hayes:** Part of the concern is about the process that the new agency will adopt. Clearly, I was insufficiently persuasive before, so I reassure the hon. Gentleman that the new agency will build on best practice for data collection, where doing so serves a purpose.

On misconduct, the balance of responsibility about who makes the decision to refer what is changing. I am sure that the hon. Gentleman can think of many examples where misconduct would not warrant a bar from a profession. We are anxious to remove some of the perverse incentives, which I have described, either to report or not to do so, both of which might have outcomes that were neither sought nor intended.

**Mr Wright:** I understand what the Minister is saying on that, but I do not think that it necessarily follows. If misconduct is so serious that the Secretary of State has to be referred to in the prohibition order, surely it follows that the head teacher's role is to protect themselves as opposed to anyone else. Amendment 53 would remove the requirement to consider whether it would be appropriate. It follows the general logic of what the Minister has been explaining. I have been humming and hawing about whether to press the amendment to a Division, but I think on balance, I can understand his sentiments, and I may return to the matter on Report.

**Mr Stuart:** I beg to ask leave to withdraw the amendment.

*Amendment, by leave, withdrawn.*

**Mr Wright:** I beg to move amendment 83, in clause 8, page 12, line 10, at end insert—

‘(5A) The Secretary of State will consult with teacher and head teacher unions and employers associations and other persons he sees fit on the appropriate information to be included in the list and on appropriate mechanisms for challenging the accuracy or relevance of information on the list.’

**The Chair:** With this it will be convenient to discuss amendment 84, in clause 8, page 13, line 27, at end insert—

‘(3A) The Secretary of State will first consult with teacher and head teacher unions and employers associations and other persons he sees fit with the overriding objective to ensure that procedures are just and proportionate.’

**Mr Wright:** The amendments explore the duty placed on the Secretary of State to keep a list of persons prohibited from teaching and the consultation process to determine the nature and content of that list. The Bill states that the list may include

“such other information in relation to the persons whose names are included on it as the Secretary of State considers appropriate.”

Amendment 83 is intended to probe the Minister to explain his intentions about what information will be included in the list, whether he will consult head teachers, teachers and professionals on the required information and how information may be challenged. The National Union of Teachers told us that

“it is vital that teacher and head teacher representatives are properly consulted on these matters and it would be very helpful to have reassurances from the Minister that this will happen”.

We agree with that.

Amendment 84 refers to the procedure for decisions under proposed new section 141B relating to the investigation of disciplinary cases by the Secretary of State, in particular his decision on whether to make a prohibition order against a person. The amendment is intended to allow the Minister to give assurances to the Committee that the Secretary of State will consult teachers and head teachers on the procedures that he will use to make that decision. The NUT told us:

“There is increasing disquiet that the Secretary of State and Minister for Schools are only listening to a small number of head teachers and education ‘experts’. These people are undoubtedly excellent professionals but their experience does not necessarily reflect that of the majority of those working in schools.”

The theme that the ministerial team and the Department are listening to only a small number of people in the profession was picked up by my hon. Friend the Member for North West Durham and others in last week's sittings. Given our concerns, I would be grateful if the Minister could make clear the Government's intentions on those issues.

**The Minister of State, Department for Education (Mr Nick Gibb):** Welcome back to our proceedings, Mr Walker. I will speak briefly to amendments 83 and 84, which relate to consultation with stakeholders in the implementation of the new arrangements. I would like to be clear that we are committed to consult all the groups mentioned in the amendments, as well as wider stakeholders with interest in the area. During the policy development process, we already discussed the proposals with teacher and head teacher unions and employer associations. That has included our regular engagements through the Department's bi-monthly education forum, which includes the unions, employer organisations and wider stakeholder organisations such as the National Governors' Association, the Independent Schools Council, local authority representatives and representatives from the Churches. Both the Secretary of State and I hold termly one-to-one meetings with the general secretaries of the teacher and head teacher unions. We are committed to continue those conversations and, from this month, I will also meet monthly with the group of general secretaries from the teacher and head teacher unions. The forums and bilateral meetings with officials will continue to provide a range of opportunities to continue our discussions about the detail of the new regulatory arrangements for the teaching profession.

Amendment 83 would require the Secretary of State to consult with teacher and head teacher unions and employer associations—as well as other people as he sees fit—on the information to be included on the list of prohibited teachers. It would also require him to consult on mechanisms for people to challenge the accuracy or relevance of information in the prohibited teachers list.

I understand that hon. Members may be rightly concerned about the types of information that will be included on the list and how we will ensure the accuracy of that information. As is currently the case under the GTCE arrangements, we are committed to ensuring that employers and the public have access to information about teachers who are barred from the profession, so that employers can check that any potential employees have not been barred and so that members of the public are able to assure themselves that a person teaching their children has not been barred. That is critical to ensuring that employers and the public have confidence in the profession and that those who have been barred from teaching are not re-employed as teachers. I want to provide reassurance that we will carefully consider what information is to be held on the list and what information should be available publicly, as well as how we can ensure accuracy and appropriate routes for challenge.

**Mr Wright:** Will the Minister outline how he will take that care in the consideration of this?

**Mr Gibb:** We are carefully considering exactly what information will be available. As is currently the case, we need to ensure that both employers and the public

[Mr Gibb]

can check that information. We need to balance data protection considerations with the need for transparency and access to information. We are engaging with the unions, employer associations and interested parties in taking that forward. We will seek the best advice on best practice in regulation. It is an ongoing consultation to ensure that we get this absolutely right.

**Mr Stuart:** Will the Minister confirm that he plans to inform the person concerned and provide them with exactly the information that will be made public, ahead of doing so? Were there to be any errors of fact, that person would then be able to respond to them, because there would be no one—despite all the others that may be consulted—with a better knowledge of that person and their details than the person themselves.

**Mr Gibb:** Yes. My hon. Friend makes an important point. It has always been my personal concern, when databases are held by the state, that the subjects of those databases should always be able to check their accuracy, because—guess what—the state is not infallible. I can confirm that the person whose name will go on the list will be able to check the accuracy of the information before it goes on to the list. I hope that that reassures my hon. Friend. I can also confirm that Parliament is consulting on these matters and I hope that the hon. Member will feel able to withdraw amendment 83.

Amendment 84 relates to the development of regulations about the investigation of disciplinary cases by the Secretary of State. It would require the Secretary of State to consult with teacher and head teacher unions and employer associations and other people he sees fit on the development of the regulations, to ensure that the procedures are just and appropriate. The procedures must also be as transparent as possible and serve the public interest. As I have indicated, in the development of the policy the Department has already discussed those issues with the stakeholders mentioned in the amendment. We will continue to do so in the development of the detailed implementation plans. I hope that, with those few words and the detailed policy statement that we circulated to the Committee, the hon. Gentleman will feel confident enough to withdraw the amendment.

**Mr Wright:** I thank the Minister for his remarks and the manner in which he expressed them. With his reassuring comments, I feel able to withdraw the amendment. I beg to ask leave to withdraw the amendment.

*Amendment, by leave, withdrawn.*

**Mr Wright:** I beg to move amendment 51, in clause 8, page 13, line 10, at end insert—

141F (1) The Secretary of State shall have a duty to raise the professionalism of teachers in consultation with the following groups—

- (a) teachers;
- (b) employers of teachers;
- (c) providers of teacher training;
- (d) persons concerned with the teaching of persons with special educational needs;
- (e) religious bodies involved in the provision of education;
- (f) parents of pupils;

(g) commerce and industry; and

(h) the general public.

(2) The Secretary of State shall lay an annual report to Parliament on measures he has taken to raise the professionalism of teachers.’

Amendment 51 would give the Secretary of State a duty to continue to raise the professional competence, status and conduct of teachers and to ensure that, in doing so, the Secretary of State fully consults with teachers, employers of teachers, providers of teacher training, those concerned with the teaching of persons with special educational needs, religious bodies involved in the provision of education, parents of pupils, commerce and industry and the general public.

11 am

In the last decade, much was done by the previous Government to raise the quality of standards in the teaching profession. We made it clear that the quality of the education system could never exceed the quality of our teachers, and we were determined in government—and remain so—to enhance the professional status of teachers. The present Secretary of State has repeatedly said that “there is no profession more noble, no calling more vital, no role more important than teaching. Far and away the best part of my job is spending job with time with teachers—watching and admiring, listening and learning, being uplifted and inspired”.

We can all agree with that but, as the NUT pointed out to us, it is puzzling that the Bill, which in essence enacts much of the White Paper entitled “The Importance of Teaching”, is lacking in strategy to raise the status of the teaching of the profession. The purpose of the amendment and the duty within it would allow the Minister to outline more fully his vision of how he will raise the status of teaching.

In our deliberations on Thursday, the Minister of State outlined how Sally Coates will be conducting a review of professional standards of teachers. That was welcome, but we debated whether he and his team are using a narrow view of stakeholders and leaders in the sector to carry out policy making, and whether that could be extended. The amendment would allow that to happen. It is important that teachers have a strong voice in the Secretary of State’s actions to continue to raise the professionalism for teachers. It is important to have a role for the profession within the new system. Regulation by teachers themselves should help to define the profession, as it does for, say, accountants, doctors and lawyers.

Amendment 51 would also put on a duty on the Secretary of State to lay an annual report to Parliament on the measures that he has taken to raise the professionalism of teachers. Given the extra powers that the Secretary of State has in such areas, it is important that he is held to account in this House and the other place in respect of the use of those powers. The duty would therefore help to secure public confidence in the decisions that he makes. The whole Committee will agree that it is important that we enhance, respect and reward the professional status of teachers. Other relevant stakeholders have a key role to play in such matters, and the amendment would help to produce such an outcome. I therefore hope that the Minister will consider it favourably.

**Mr Stuart:** The amendment and the probing attempt to get the Government to talk about the subject are welcome. I want to repeat much of what we said on

Thursday, and the professionalism and quality of teachers is the key. We know from the Education Committee's report on behaviour and discipline that the most, important thing that would help improve behaviour in schools is the quality of teaching. We then have the consistence of policy behind that. The quality of teaching is critical.

The amendment has been put more together more with the aim of probing the Government than being definitive statutory wording, but there is no mention of governors and the strategic governance of schools to ensure performance and effective management and the will, the drive and the capacity to manage a school. To ensure that teachers deliver the highest quality teaching at every opportunity within the school is the fundamental responsibility of teachers so, were such matters taken forward, governors would be critical. If governors did not realise how critical they should be to raising the professionalism of teachers, their inclusion on such a list—were it ever enacted—would help to remind them.

I welcome the amendment because, as the shadow Minister said, there is an opportunity for the Government to lay out their vision of how they raise the status of professionalism and standing of teachers not only for the betterment of those currently in the teaching profession, but to encourage others of the highest possible calibre to enter it. In Finland, regardless of how its education system is organised, about 10 people apply for every job. The profession is not massively highly paid in Finland and—as I have said earlier in Committee—it is hard to draw too many lessons from that country for ours, but we must set out collectively to raise the status and professionalism of teachers so that we have more young people of the highest calibre wanting to enter the profession. If we achieve that, we will see lots of people applying for every post, and we will have greater ability to select on the basis of not only the academic ability and knowledge of those wishing to be a teacher, but their aptitude and possession of the skills required to control a classroom and to enthuse and excite learning in our young people.

**Mr Gibb:** Amendment 51 seeks to place a duty on the Secretary of State to raise the professionalism of teachers, to do so in consultation with a wide range of groups and to provide Parliament with an annual report on the steps taken. However, as my hon. Friend so rightly said, the list in the amendment omits governors, who are an important stakeholder group when raising the standards of the profession and school performance. We are in regular contact with the National Governors' Association when discussing such issues.

I reassure the Committee that the Government see the professionalism of teachers as hugely important to the whole agenda of raising standards in our schools. No education system, as the hon. Member for Hartlepool said, can be better than the quality of its teachers. Nothing matters more in improving education than giving every child the best possible teaching and teachers. All the evidence from around the world points to that direct correlation.

Our White Paper, "The Importance of Teaching", published last year, set out our plans to continue improving the quality of teaching and the professionalism of our teachers, as well as ensuring that that is system-led. We will continue to raise the quality of new entrants to the teaching profession by raising the bar for Department

for Education-funded initial teacher training to graduates having a minimum of a 2:2 degree and by offering financial incentives to attract into teaching more of the very best graduates in shortage subjects. We are also expanding Teach First and enabling more talented professionals to change career and to become teachers.

We will reform initial teacher training to increase the proportion of time that trainees spend in a classroom, focusing on the core teaching skills, especially in teaching, reading and mathematics and in managing behaviour. In the spring, we will publish details of further proposals for reform of initial teacher training, for discussion with schools, teacher training providers and the sector, before confirming plans in the summer, in time for recruitment of teachers who start their training in September.

The hon. Member for Hartlepool said that we are relying on a narrow range of professionals, but that is not true—far from true. Although I have only referred to Sally Coates, she heads up a committee containing other people. I will not give the whole list, because the committee is large—I attended one of its meetings last week—but it includes highly professional people such as Richard Aird, the head teacher of Barrs Court special school in Hereford, Professor Roy Blatchford, the director of the National Education Trust, and Joan Deslandes, the head teacher of Kingsford community school in Becton, which I visited recently.

Kingsford community school is a Confucius school, so it teaches Mandarin, and I sat in on one of the lessons, which was of a very high quality. The standard of Mandarin reached by those pupils—in a year 9 class, I think—is very high and, given the difficulty of learning the language, I was impressed to see those young people reading and speaking it.

Other examples of people on the committee are Leanne Simmonds, the subject leader of modern foreign languages at Evelyn Grace academy—a teacher, rather than a head teacher—Patricia Sowter, the principal of Cuckoo Hall academy, which is one of the first primary schools to become an academy, and Brett Wigdortz, the chief executive of Teach First, as well as a number of others. It is, therefore, wrong to say that we are relying on a narrow group of people to help us make the decisions.

We will also develop a national network of teaching schools, on the model of teaching hospitals, to lead the training and professional development of teachers and head teachers. The new national network of teaching schools will give schools and teachers access to high-quality professional and leadership development, and to opportunities for peer-to-peer training to improve the attainment of all pupils, especially those at risk through disadvantage.

As we build the teaching school model, we will need to understand and consider the profession's concerns and issues. We will ensure that the National College, which is leading that work, engages positively and consults with schools and other stakeholders on matters relating to implementation. The first stage of the consultation is already under way. We will also increase the number of national and local leaders of education—head teachers of excellent schools who commit themselves to supporting other schools. I am sure that Labour Members will support that development, as those roles were developed by the last Administration.

[Mr Gibb]

In pursuing the reforms, we will continue to consult the Department's education forum, which consists of a wide range of stakeholders, including the teaching unions, the National Governors' Association, the Independent Schools Council, local authority representatives, employer organisations and representatives of the Churches. We will raise the status of teaching by transferring the authority back to the teacher in the classroom, as my hon. Friend the Member for Beverley and Holderness said. We know that undergraduates who are considering teaching have concerns about poor behaviour and violence in the classroom, and that that is a common reason for choosing an alternative career. That is why the Bill includes measures to boost the authority of teachers and head teachers—for example, the new powers on detentions and searching.

**Mr Wright:** Does the Minister think that, as a means of raising the professionalism and status of teachers, individuals who teach should have qualified teacher status?

**Mr Gibb:** That is not changing in maintained schools; it is an issue for free schools.

**Mr Wright:** Does the Minister think that it is a good idea?

**Mr Gibb:** Well, some of the best schools in the country—schools at the top of all the rankings and to which people from around the world want to send their children—do not face such a requirement. That does not mean to say that teachers in the independent sector do not have qualified teacher status; many do, but there is no requirement for them to do so. In any event, there is a high quality of education in those schools.

I could talk for a long time about all the measures that we are undertaking to raise the quality and standards of the teaching profession but, as time is moving on, I think that that is enough—apart from on the issue of parliamentary scrutiny.

**Mr Stuart:** Wearing my Select Committee hat, I am particularly interested in the Minister's answer to this question: how can we best measure whether the Government are successful in raising the status of teachers? Should we look at the number of applicants per job or, as I said about Finland, should we look at the average qualifications of those accepted? Does he think that there are any sensible measures that we could collectively look at to see whether the system works in practice as well as in theory?

**Mr Gibb:** My hon. Friend challenges me on that issue on many occasions, and he is leading me down a road of temptation towards starting to measure inputs, which was the mistake of previous Administrations. This Administration will judge the success of their education policy on outputs—on how well educated our young people are when they leave the education system. It may be that trying to raise the status of the teaching profession will not lead to higher standards of children's education, but that would be surprising. Ultimately, we have to judge ourselves on the quality of the young people leaving our education system. My hon. Friend might

well suggest a range of outputs—reading age, the international surveys of the programme for international student assessment, the general knowledge and skills of young people on leaving the education system, and the opinion of employers and universities—which are interesting indicators.

**Mr Stuart:** I enjoyed the Minister's answer, but it does not satisfy me. It would be one thing if, in talking so well and fluently on raising the status of teaching, he was focusing only on outcomes. But he has not focused purely on outcomes; he has also set out inputs as aims. We can have high-status teaching but more young people ending up unemployed, and we would not think that to be a good thing. That is an input itself. Even though the emphasis of the Bill is more on outputs than inputs, he has stated, as every Government would, that he wants to raise the status of teaching. How we measure that is not a question he should easily dismiss.

11.15 am

**Mr Gibb:** I am not dismissing my hon. Friend's point, which is an important one. The danger is, however, that if we go down the route of targets, we may run the risk of having a system that delivers targets instead of high-quality education for our young people. That is always the danger of such things. We have the intention and objective of raising the status of the teaching profession, and I have listed a range of measures that we are taking to do that. However, if we say, for example, that we want to see a certain proportion of teacher trainees with a 2:1, the system would gear towards that when that may not be the right approach. The right approach may be to have a range of graduates with a 2:2 and 2:1 going through the PGCE system, and what matters is their subject knowledge, empathy and ability to teach. Therefore, focusing on one, two, several, or even hundreds of targets is the wrong approach. Nevertheless, we intend to raise the status of the teaching profession, and I am sure that my hon. Friend and his Committee will find their own way to look at how successful we are.

**Mark Hendrick (Preston) (Lab/Co-op):** The status of teachers and the quality of the education standards are important. However, is there not an issue with the added value brought to pupils? Intakes and class sizes vary. Other parameters affect how well qualified students are when they come out of the other side of the system.

**Mr Gibb:** I agree totally with the hon. Gentleman, which is why we have improved the sophistication of the floor targets so that they no longer simply measure the proportion of young people at a school achieving five or more GCSEs A\* to C including English and maths. We have added a progression measure, which is important. I accept what the hon. Gentleman is saying—we need to measure not just the raw attainment but the progress of young people. That is one of the reasons why we will introduce a destination measure so that we can try to see the destinations of young people when they leave school—higher education, further education, training in a job and apprenticeships—so that parents and the public can judge a school not simply on academic attainment but where young people end up when they are a bit older. I think that would be a useful indicator and broaden the measures that we use to judge schools.

**Mr Wright:** Will the Minister comment on the requirement under amendment 51 on the Secretary of State to lay an annual report before Parliament?

**Mr Gibb:** There will be plenty of opportunity for scrutiny. I welcome continued scrutiny of our plans through the standard parliamentary mechanisms, not least the Education Committee chaired by my hon. Friend the Member for Beverley and Holderness, parliamentary questions, as we had yesterday, and Opposition day debates. I hope that those will provide a sufficient route to ensure that we are held to account for our plans, rather than making any additional requirements over and above the established methods. I know that hon. Members would not want an amendment that would inadvertently limit parliamentary scrutiny of the issue to an annual event. I do not think that having annual reports is the right approach. Opposition Members and other Members are perfectly capable of holding the Government to account on how we conduct our education policy.

**Mr Wright:** I shall be brief. Regarding the point about governance that was raised by the Minister and the Chair of the Education Committee, I fully accept that that was an omission. The Minister and I had a valuable debate in Westminster Hall a couple of weeks ago on the importance of school governance, and a governing body can make a hugely important and positive contribution to the life of a school and the wider community.

The Minister provides warm words, but I think he was floundering to explain in precise terms how he would help to raise the professionalism and status of teachers. The Chair of the Education Committee, in several telling interventions, asked what success would look like. It was a perfectly straightforward and reasonable question to ask. He said that it was important that the Government were trying to raise the quality of input on policies, in order to have a direct influence on the quality of outputs. One of the ways that the Government can try to address the quality of teaching is by improving the start of the process. The Minister did not satisfactorily answer how he thinks that will have a direct influence on raising standards.

**Dan Rogerson** (North Cornwall) (LD): Considering the issues that he is raising, I am interested to know why the hon. Gentleman feels that laying a duty on the Secretary of State to report back on measures that the Secretary of State is taking is the crucial measure. Should it not be the monitoring of how professionalism is increasing, rather than the measures that the Secretary of State is taking? It is almost saying that the only way that standards will rise is if the Secretary of State does something every day to try to increase those standards, rather than them rising through others working in the profession.

**Mr Wright:** I would point out that the Secretary of State is responsible for education policy in England. He or she therefore has an important role to play in ensuring that if they want to enhance and increase the quality of teaching in this country—which previous Labour Secretaries of State wanted, and the present Secretary of State has mentioned that he wants as well—it is important that they outline clearly the measures that they will take to encourage that, in conjunction with important stakeholders

and the teaching profession. Amendment 51 would ensure that that would happen and that those measures would then be scrutinised by Parliament to ensure that they are the right measures to take and that success can be evaluated.

The Minister has rightly said that the Secretary of State and hon. Members have the opportunity to scrutinise the Secretary of State and his ministerial team on the policies implemented by the Department. I would point out to the Minister that there are 500 unanswered parliamentary questions for the Department for Education. Some 10% of named day questions have not been answered. Some 20% of correspondence has not been answered. As the Opposition, we are keen to hold the Government to account, but it is not working, because the Minister is not answering the questions. The Minister and his team are floundering on ensuring that we have a possible and effective means to scrutinising the policies of the Secretary of State. We need to think about this carefully. We will come back to the Chair of the Education Committee's telling point about what success looks like time and time again. On that basis, however, and given the sentiments that the Minister has expressed and given that the Minister is such a nice man, I beg to ask leave to withdraw the amendment.

*Amendment, by leave, withdrawn.*

*Question proposed,* That the clause stand part of the Bill.

**Mr Gibb:** In brief, clause 8 makes new arrangements for the regulation of the teaching profession following the abolition of the GTCE. It provides the Secretary of State with the power to consider cases of misconduct and, where necessary, to bar a teacher from the profession. It includes a requirement for the Secretary of State to keep a list of teachers barred from the profession. Clause 8 will help to raise the status of the teaching profession and I urge the Committee to approve it.

**Mr Wright:** This is a very important clause, because it embodies and epitomises much of what is in the Bill. It centralises a lot of power in the hands of the Secretary of State. From the debates on the various amendments that we tabled to the clause, we have teased out that the Government have jumped to the abolition of the GTCE without sufficient explanation or provision as to how the teaching profession will advise the Secretary of State or how the Secretary of State will be held to account. The clause transfers teaching misconduct powers away from the profession, to the Secretary of State. The question I have tried to ask before in our deliberations is: why is the teaching profession being treated differently from other professions by being denied a regulatory body independent of Government? In all his responses, the Minister has failed to answer that. It goes to the heart of the clause and whether it should stand part of the Bill, and I am not sure whether he has sufficiently answered that. We all want the prestige, status and professionalism of teachers to rise, but telling them that they are not worthy of having their own regulatory body sends out a powerful message that the Government do not trust the teaching profession, despite the Minister's rhetoric. Will the Minister respond to that?

**Mr Gibb:** The GTC, which became the GTCE, was a brave and genuine attempt by the Government of the day to try to produce a top-down professional body for

[Mr Gibb]

teachers. The problem is that it never won the support of the profession. I can cite all kinds of quotes from all kinds of teaching unions and teachers citing their unhappiness with the body. The difference between the GTC and other professional bodies is that most other professional bodies arose from within the profession itself as a bottom-up body rather than a top-down attempt artificially to create such a body. That is the key difference between teaching and other professions.

**Mr Wright:** I thank the Minister for his explanation, but I still think that the essential point of my argument stands, which is that the rhetoric on trusting the teaching profession is laudable. We would all agree that we want to enhance the professionalism and status of the teaching profession, but the provisions in the clause do not do that. In fact, they do precisely the opposite, taking trust away from the teaching profession and sending out a negative message about the teaching profession in this country.

**Mr Gibb:** I assure the hon. Gentleman that the functions of the GTC being transferred to the Secretary of State will be conducted in partnership with the profession. It is not a centralising measure, because it ensures that the Secretary of State can be held to account, which in reality was not the case with the GTC. It will be in partnership with the profession and it will be far more accountable to the hon. Gentleman and others.

**Mr Wright:** I reiterate the Opposition's concerns and question that. I do not want to go over old arguments that we have already rehearsed this morning, but holding the Secretary of State to account is becoming increasingly difficult, given his reluctance to answer any questions whatever. I have put my concerns about clause 8 on the record. We will not press the Committee to a Division, but it is a concerning part of the Bill. It centralises power in the hands of the Secretary of State and disregards the wishes of the teaching profession.

*Question put and agreed to.*

*Clause 8 accordingly ordered to stand part of the Bill.*

### Clause 9

#### REQUIREMENT FOR TEACHERS IN ENGLAND TO SERVE INDUCTION PERIOD

**Kevin Brennan:** I beg to move amendment 54, in clause 9, page 16, line 24, at end insert—

‘(2A) On the first, and subsequent, use of the power to set standards against which a person is to be judged as having completed an induction period, the Secretary of State must lay the draft standards, or a draft revision of the standards, before Parliament and the standards will not come into effect until an affirmative resolution on whether the standards are implemented has been achieved in each House of Parliament.’

Good morning, Mr Walker. Perhaps Ministers need some same-day detention to complete the questions that they have not answered and the letters that they have not signed. We have heard a commitment from a sedentary position from the Minister that the matter will be sorted very soon, so we look forward to that.

We move on to clause 9 and amendment 54, which is about teacher induction. In my day, it was called probation, but these days it is known as induction. I remember my

probationary year in the teaching profession very well, because I rocked up on day one and found myself teaching A-level economics, macro and micro, in the upper and lower-sixth and A-level history, European and British, in the lower-sixth. I think it was O-level then, or perhaps it was GCSE by then. I taught economics and GCSE history in year 10 and history in lower school. I taught about 300 different pupils every week without a repeat lesson, so in terms of preparation it was a little like being on the Education Bill Committee five days a week for the entire year.

It can be tough for new teachers coming in to the profession. It can be a significant challenge, and I was not helped by the fact that my head of department left after the first term, so I pretty much took over responsibility for economics after one term as a probationary teacher. I have some sympathy, therefore, with the desire to ensure sufficient induction for teachers. Perhaps getting thrown in at the deep end did not do me any harm, but it is important that we do not waste the investment in teachers and that we ensure that there is a proper induction period. Such an induction would provide teachers with the opportunity to get a start in the profession without being put off unnecessarily. It would also provide a chance for others to be clear about whether those people were suitable individuals to go on and teach our children.

11.30 am

Clause 9 largely reproduces the previous legislation on teacher induction. As with previous clauses, however, in England it transfers powers from the GTCE to the Secretary of State. It allows regulations to make provisions for teachers to have completed an induction period of not less than three school terms, and it provides for a range of detail to be set out in regulation regarding that induction process. I know that the Minister has sent round a note in relation to the matter, but notwithstanding that, I want to ask him some questions. Importantly, the provision includes the Secretary of State's termination of the standards against which people are assessed to decide whether they have satisfactorily completed an induction period.

The purpose of the amendment is to clarify the Secretary of State's power to set standards for teacher induction and to probe whether he will be able, unilaterally, to set standards against which people are to be judged as having completed their induction period. Will the Minister tell the Committee why he thinks that taking power out of the hands of the professional body that the Bill abolishes and putting it into those of the Secretary of State—a politician—will lead to the appropriate setting of standards for induction? How will the Secretary of State ensure that he has the appropriate resources and expertise to help him set such standards? Will the Minister tell the Committee whether the Secretary of State intends to undertake proper and inclusive consultation in setting those standards? Will he consult teachers and their representatives, academics, unions and head teacher associations, and others as appropriate? Will the standards be informed by the Department for Education's review of teaching standards, which was launched on 11 March?

The Association of School and College Leaders told us that it supports the amendment because it will increase stability in the system. It is a probing amendment,

however, to find out how the Government will ensure that the induction standards set by the Secretary of State will be appropriate and properly informed by the teaching profession.

**Mr Gibb:** I was interested to hear about the start to the hon. Gentleman's professional teaching career. It seems a baptism of fire to go into a school and be expected to take an upper sixth-form economics lesson, particularly in macro-economics. I wonder what he was teaching that class. I hope it was not that profligate public spending is a good thing for a country. I hope it was not the virtues of escalating public debt or of paying £120 million a day in interest, which is enough to build 10 primary schools. Perhaps that was what he was teaching those upper sixth-formers all those years ago.

**Kevin Brennan:** At that time, in the '80s, I was teaching them the theory of monetarism, which proved to be a singular and total failure.

**Mr Gibb:** I am sure I would be called to order if I were to defend monetarism in this Committee. The fact that it has transformed the economy of our country to the fifth largest in the world and that the previous Government inherited a golden economic legacy, which they blew—*[Interruption.]*

**The Chair:** Yes, you would be out of order.

**Kevin Brennan:** In case the Minister thinks that my teaching was politically biased, I should point out that one of my former pupils from that time is now the cabinet member for education on Westminster city council, and is obviously not of my political persuasion.

**Mr Gibb:** It is good to hear that. My sixth-form economics teacher at school in Wakefield, Brian Rogers, who I mentioned in a previous sitting, was centre-left; he knew that I was centre-right and a keen monetarist, but our views were unaffected—he was a very good teacher and I feel well grounded in economics despite his views. He was an effective teacher and I will always be grateful to him.

I reassure the Committee that we have clear plans to improve the standards for all teachers. The majority of teachers in our schools are highly competent professionals who are committed to providing a good education for our children. If teachers do not meet the standards expected of the profession, it is important that head teachers have the freedom necessary to tackle underperformance. No one is helped when poor performance remains unaddressed, and underperforming teachers place additional pressures on their colleagues, letting down children.

The current framework of standards runs from the entry level of qualified teacher status standards through the core standards—*[Interruption.]* I am so sorry, but I am reading the wrong thing—although no one noticed.

The standards referred to in amendment 54, which are used to assess whether a newly qualified teacher has passed induction, are an important benchmark for the quality of the profession. I reassure the Committee that we have robust plans to improve standards for all teachers, including those applicable at the entry level of qualified

teacher status standards, through the core standards that teachers must pass in order to complete their induction period adequately and to go on to the higher-level standards which provide access for outstanding and experienced teachers to higher pay scales. The Sally Coates committee is looking at those very issues.

The standards are reviewed periodically, to ensure that they are fit for purpose and take account of the most recent evidence about what works. We believe it is important to maintain that level of flexibility. The teaching standards used in assessing induction have not previously been subject to the level of parliamentary scrutiny proposed in the amendment. I hope, therefore, that hon. Members will see no need to change that.

As mentioned in the previous debate, the Secretary of State has appointed a group of practitioners, made up of head teachers and teachers, to review the existing standards for teachers, including the standards that a teacher has to meet at the end of the induction period. As well as Sally Coates, the committee includes a range of professionals from throughout the school sector. We asked the review group to engage the profession and its representatives as it develops the new standards. We are committed to consulting on those standards to ensure that we have the best possible benchmarks to help raise the standards of the profession.

I hope, therefore, given our plans to involve and seek input from the profession, and that such standards were not previously subject to the affirmative resolution procedure, that the hon. Members will be content to withdraw the amendment.

**Kevin Brennan:** I said to the Minister at the outset that the amendment was probing the issue of induction. The Minister is, I think, trying to give us what I hope is the assurance that the Secretary of State intends to undertake proper and inclusive consultation. On that basis, I beg to ask leave to withdraw the amendment.

*Amendment, by leave, withdrawn.*

**Kevin Brennan:** I beg to move amendment 55, in clause 9, page 16, leave out lines 35 to 40 and insert—

“‘the appropriate body’ shall be the local authority for the area in which the school is situated;”.

The amendment would make the local authority the so-called “appropriate body”, and it is intended to probe Ministers about why they are not making the local authority the appropriate body for induction. The induction role of the appropriate body is important. The head teacher and the appropriate body must ensure that the duties of a newly qualified teacher, his or her personal development and supervision—I outlined my own experience of that, or the lack of it, with supervision in those days consisting, basically, of perhaps one or two visits during the course of one's first year as a teacher—and the conditions under which he or she works are such as to enable a fair and effective assessment of the newly qualified teacher's conduct and efficiency against the core standards.

The current statutory guidance on induction lists the responsibilities of the appropriate body and illustrates how wide and vital a role its standards provide. The appropriate body, along with the head teacher or the principal, is jointly responsible for the supervision, training and professional development of the newly qualified

[Kevin Brennan]

teacher during the induction period and has the main quality assurance role. The appropriate responsibilities include ensuring that the qualified teacher status of the newly qualified teacher is confirmed, registering the new qualified teacher and providing the newly qualified teacher with a named contact within the appropriate body with whom the newly qualified teacher may raise concerns about the induction programme, when the institution does not resolve them. When the institution appears not to be providing an appropriate programme of support, the appropriate body can contact the institution to raise its worries immediately.

Does the Minister agree therefore that the role of the appropriate body is extremely important? If the amendment were not accepted, which body would be the appropriate body and in which circumstances? How will the hon. Gentleman ensure consistency in the way in which the role of the appropriate body and its functions would be conducted? I am attempting to probe him to give us some clarity of his intention?

**Mr Gibb:** The intention of the amendment is to specify that the appropriate body for schools should only be the local authority in which area where the school is situated. The appropriate body would decide whether a newly qualified teacher has passed his or her induction period. Along with the head teacher or principal, it is jointly responsible for the supervision and training of the newly qualified teacher during the induction period. It has the main quality assurance role. In fact, informal feedback from schools and stakeholders suggests that, if anything, we should be developing greater flexibility for schools in whom they can appoint their appropriate body for induction purposes.

It is important to retain the discretion to award appropriate body status to other organisations, which includes, for example, the ability of the Secretary of State to appoint the Independent Schools Council as an appropriate body for its member schools. That is likely to be an important factor in ensuring that schools in the independent sector feel able to continue to offer statutory induction to their newly qualified teachers. Those newly qualified teachers employed in the independent sector might be disadvantaged if statutory induction is no longer offered to them, because appropriate body arrangements independent of local authorities are no longer available to independent schools or if their choice of local authority is removed. On the grounds of wanting more flexibility not less flexibility and more prescription, I urge the hon. Gentleman to rethink his argument and withdraw the amendment.

**Kevin Brennan:** Government policy should be based on more than informal feedback. It should be based much more on properly evaluated evidence. As I pointed out earlier, the role of the appropriate body is a bit broader than the Minister said. It includes giving an opportunity for newly qualified teachers to have a named contact in the appropriate body whom they can contact if they have concerns about the induction programme and they feel that such matters are not being raised.

The hon. Gentleman said that under, informal feedback, schools and others were looking at greater flexibility in respect of the appropriate body, and then went on to

talk of only the independent sector. Leaving aside the independent sector, which after all educates only about 7% or 8% of children in this country, and concentrating for a moment on the vast majority of schools in the country, what was he referring to when he talked about greater flexibility and what should be the appropriate body?

11.45 am

**Mr Gibb:** We are not proposing to change the appropriate body. I mentioned the informal contact just to inform the hon. Gentleman that out there, among schools, there is no desire for more prescription—if anything, there is desire for less prescription and more flexibility. In terms of newly qualified status, we are not proposing to change who the appropriate body is, but maintaining the status quo. The onus is on him to present evidence to the Committee that we need to change it and be more prescriptive in the way that his amendment sets out.

**Kevin Brennan:** I will think further on what the Minister said. The amendment is a probing amendment, and I do not intend to prolong the discussion. However, it is important that we have clarity on the appropriate body and its role.

Hon. Members might be interested to know that in a recent survey conducted by the NUT, there were mixed views about the current performance of the appropriate body in supporting teachers in their induction period. I think 17.1% found the appropriate body very supportive and 34.1% found it quite supportive, but 40% said that they did not know or had mixed views. Only 5.6% said that it was quite unsupportive, and 3.2% very unsupportive. I suppose that overall, if it does not have a great impact on that 40% in the middle, it may not be such a terrible thing. However, it has an important role, and we need to ensure that newly qualified teachers have adequate support. I have noted that the Minister said that he does not intend materially to change the role of the appropriate body, but I ask him to continue to consider and not underestimate its importance. On that basis, I beg to ask leave to withdraw the amendment.

*Amendment, by leave, withdrawn.*

**Kevin Brennan:** I beg to move amendment 102, in clause 9, page 17, line 41, at end add—

‘(2) The Secretary of State shall have responsibility for the award of Qualified Teacher Status.

(3) The Secretary of State shall maintain a register of teachers who have acquired Qualified Teacher Status and have completed a period of induction as provided for under the Teaching and Higher Education Act 1998.’

Amendment 102 seeks clarification about whether the Secretary of State will take responsibility for the award of qualified teacher status and whether a registry of all qualified teachers, trainees and overseas-trained teachers will continue to be maintained. As such, it refers back to some of our previous discussions. While the Bill addresses the transfer the GTCE’s regulatory functions, it does not appear to cover the functions relating to the registration of teachers, as we have discussed previously, set out in section 3 of the Teaching and Higher Education Act 1998. The Minister has given some clarification on the matter, but perhaps he could tell us whether he intends the Secretary of State to have responsibility for the award of qualified teacher status, and to continue to maintain the register of

teachers who have acquired qualified teacher status and have completed a period of induction. We have referred to the matter previously, but it would be useful if the Minister offered clarification at this point.

The creation of a register of all qualified teachers was a key function of the GTCE when it was established in 2000. Before that there had been no detailed statistics about the teacher work force available nationally. However, if the Bill becomes an Act without any changes, the register will cease to be maintained. I think the Minister said that he will keep some kind of list of teachers in the future, but it would be useful to have a few more details about that at this point.

Currently, the register contains information on more than half a million teachers who have qualified teacher status. Employers must check the register to ensure that teachers are registered and do not have any unresolved disciplinary orders against them. There were a huge number of registration inquiries just in the past year, mostly from local authorities as employers. It is still unclear how the award of qualified teacher status or the lapsing of a period of prohibition might be confirmed without such a register, and I ask the Minister to clarify that.

The register also provides valuable information about the teaching profession. Every year, the GTCE sends information on detailed patterns in the teacher work force to local and national educational organisations, which is helpful in supporting recruitment and retention, monitoring the demographic profile and supply modelling. If the Minister is not minded to accept the amendment—and, from our previous discussions, I think he may not be—how does he intend to confirm the award of qualified teacher status, confirm the elapse of a period of prohibition and produce useful data on the teacher work force to improve planning and recruitment?

**Mr Gibb:** The first part of the amendment, proposed new subsection (2), states that the

“Secretary of State shall have responsibility for the award of Qualified Teacher Status.”

I assure hon. Members that the Secretary of State already has that responsibility under the Education Act 2002, which he exercises through regulations agreed in 2003. Currently, the Secretary of State’s authority is delegated to the GTCE to perform that function. Once the GTCE is abolished, the Secretary of State will resume responsibility for issuing qualified teacher status certificates and induction certificates, and for hearing appeals against failures to complete induction successfully. In practice, the new executive agency will perform those functions on behalf of the Secretary of State. There is therefore no need for that new subsection.

The second part of the amendment would require the Secretary of State to

“maintain a register of teachers who have acquired Qualified Teacher Status”

and have completed their statutory induction. During our discussions on clause 8, we spoke at length about the register, and I explained that we do not want a heavily resourced registration process. I thought I had also given hon. Members an assurance that we are listening to the concerns of the profession and that we are actively considering possible options about maintaining a list of teachers who have been awarded qualified

teacher status. I am happy to reiterate the point that I made at our last sitting, which is that we have agreed that we do not want to lose the useful elements of the data and information developed by GTCE, provided that the benefits of maintaining those data make that worth while. The Department already collects a significant amount of data on staff in schools, and it has access to a range of data collected from other sources. Against that background, it is currently considering all its work force data requirements, including those of the new executive agency.

We recognise the potential benefits of providing head teachers and employers with access to a central record of who holds qualified teacher status, which is why we have committed ourselves to examining that in more detail. The amendment helpfully links that with consideration of teachers who have successfully completed a statutory induction period, and I am happy to explore that in conjunction with our consideration of having a central record on the award of QTS. I am also happy to confirm that I will update the House on the issue in due course. On that basis, I urge the hon. Member for Cardiff West to withdraw the amendment.

**Kevin Brennan:** I thank the Minister for his reply and his helpful final comments about how he intends to take forward some of the spirit of the purpose of the amendment.

I am not sure that the Minister covered one of my issues, unless I missed it. I made an important point about the confirmation of the lapsing of a period of prohibition and how that will be handled in relation to the abolition of the GTC and the end of the register. I want to give the Minister an opportunity, if he has inspiration to hand, to clarify that point before we conclude our discussions on the amendment.

**Mr Gibb:** After the minimum time period has elapsed, the teacher may apply to have the barring reviewed and the case would be reconsidered. There is no guarantee that the barring would be lifted. It would depend on the evidence of a case. We are talking about a period of some two years perhaps being appropriate. For example, a person’s health condition may have been a significant factor in their misconduct, or there might be reason to believe that that could improve during a period of two years.

**Kevin Brennan:** I take it from the Minister’s response that that means he is confident that the new system will be able to confirm the lapsing of a period of prohibition as well as the current system—which involves the use of the register—can. I see nods from a significant quarter. On that basis, I beg to ask leave to withdraw the amendment.

*Amendment, by leave, withdrawn.*

*Question proposed,* That the clause stand part of the Bill.

**Mr Gibb:** Clause 9 largely reproduces section 19 of the Teaching and Higher Education Act 1998 regarding the requirements for teachers to serve an induction period. It transfers the existing provisions for the induction from the GTCE to the Secretary of State. This will

[Mr Gibb]

ensure that, following the abolition of the GTCE, the arrangements for awarding induction certificates, managing appeals against induction decisions and determining the induction periods and conditions for statutory induction can continue.

In addition, the clause creates some small additional flexibility for induction arrangements. It provides that regulations may be made that allow teachers to complete their induction period within an independent nursery school where the school meets the conditions of induction, and that allow a teacher to serve more than one induction period. This is necessary to ensure that primary legislation is flexible enough to enable us to respond to feedback resulting from the review of existing induction arrangements and regulations that we intend to carry out in due course.

**Kevin Brennan:** As the Minister said, the clause largely reproduces previous legislation on teachers' induction periods, but transfers the existing provisions on induction from the GTCE to the Secretary of State to set standards against which a person is to be assessed for the purpose of deciding whether they have completed their induction period satisfactorily. We wanted to make sure that we could express our concerns about certain issues. Interestingly, regulations in the Bill will allow a teacher to serve more than one induction period, and teachers will be allowed to complete their induction period in an independent nursery school, which is a welcome addition to the induction process.

We have discussed concerns about the ability of the Secretary of State to set standards for induction and the need for consultation. We have sought to clarify whether Ministers intend to keep a register, and they have said that they want to keep a different type of list. We have tried to clarify how the Minister would ensure consistency in the conduct of the appropriate body. The clause also includes a right of appeal to the Secretary of State by a person aggrieved by an induction decision, but, as I understand it, with no further right of appeal beyond that. What safeguards will be put in place to ensure that decisions taken by the Secretary of State can be reviewed independently, to make sure that all the proper principles of natural justice are applied? I would be grateful if the Minister covered that point.

12 noon

The clause also allows teachers to complete their induction period within independent nursery schools. I would like the Minister to confirm that inherent in that is the suggestion that teachers should be allowed to complete their induction period within academies. Does the Minister intend that teachers undertaking an induction period will have any opportunity or requirement to have practical teacher training in inclusive education? We have received representations in opposition from organisations that are concerned about teacher training and the importance of inclusive education, for example teaching children with disabilities and special educational needs. How can he ensure that the relevant schools in this part of the Bill will be those that will supply that experience in a mainstream setting of inclusive education? Finally, can the Minister explain how he will ensure that

the Secretary of State has sufficient resources and expertise to carry out all these functions once the transfer has been undertaken?

**Mr Gibb:** I will try to respond to some of the detailed questions asked by the shadow Minister, the hon. Member for Cardiff West. First, on appeals to the Secretary of State, the position is the same as the current position. If there is dissatisfaction with the decision of the Secretary of State or the procedures used by the Secretary of State, onward appeal to the High Court is available. Independent nursery schools can, of course, be an option for induction. That same principle applies to academies, I believe. Induction periods can be served in academies, because they fulfil the definition of a school. On appeals, I can clarify that there is no appeal to the High Court on the issue of induction. When those appeals go to the High Court, they are on the issue of barring, not on induction. The final decision on that rests with the Secretary of State.

**Kevin Brennan:** I do not expect the Minister to give a definitive answer now on this point, but I would be grateful if he thought about it a little and wrote later. It may be that that is the current position on appeals, but will he ask his officials and have a think himself on whether it is ultimately satisfactory that someone wishing to appeal against a decision on induction should have no right of further consideration beyond the Secretary of State? It could have a significant impact on that person's career and opportunities for employment. It may well be that there is a very good reason why that is not available currently. As I have said, I do not expect the Minister to give a definitive answer at this point, but perhaps he can go away and have a think about it and let us know by one means or another his further thoughts on this subject.

**Mr Gibb:** I always continue to think about these things, but there is a clear difference between appealing against being barred from the profession and appealing against a decision on whether a young person has successfully completed their induction period. There is plenty of independent scrutiny of that decision by the appropriate body, as we discussed before. For any maintained school, the appropriate body is the local authority. There comes a point where the head teacher of the school in which the induction period is being conducted, together with the appropriate body, has to reach a decision. There is already that appeal to the Secretary of State. That has to be the end of it. The trainee can always go on and take the induction period at another school at a subsequent time. With any awarding body, or with a university awarding a degree, there comes a point at which the induction process must be decided. I will, however, consider the hon. Gentleman's comments. I will write to him if I have any further thoughts on that matter, or on inclusive education.

*Question put and agreed to.*

*Clause 9 accordingly ordered to stand part of the Bill.*

#### Clause 10

ABOLITION OF THE GTCE: TRANSITIONAL PROVISION

**Mr Wright:** I beg to move amendment 57, in clause 10, page 19, line 9, leave out 'section 141B of EA 2002'

and insert

'schedule 2 to the THEA 1998'.

The amendment is relatively brief and straightforward. It is designed to probe the Minister's thoughts on the transitional period and what happens to teachers within the disciplinary system when the GTCE is abolished. I understand that the Government plan to abolish the GTCE by 31 March 2012, until which time teachers must continue to register with the organisation. Employers must continue to ensure that they do so, and continue to refer disciplinary cases to it.

What are the Minister's intentions regarding teachers who have been referred to the GTCE for disciplinary matters before its abolition? Will teachers in such situations be able to finish those disciplinary processes under the organisation's existing disciplinary regime? I understand that the Bill proposes that a prohibition order, or a conditional registration order, made by the GTCE will remain in force following the GTCE's closure. By implication—although, as currently drafted, the Bill is not entirely clear—the arrangements for monitoring conditions will also continue to apply. That means that any failure to comply may result in a further hearing to consider that failure, which may result in the imposition of a further sanction.

In those circumstances, will the Minister make explicit whether monitoring arrangements will continue to apply following the abolition of the GTCE? In addition, it is not entirely clear what will happen with any induction appeals that begin before the planned abolition date of 31 March 2012. Again, will the Minister clarify his intentions about what will happen to such cases following the closure?

We have heard this morning how the GTCE is working closely with the Independent Safeguarding Authority. In Committee last Thursday, I referred to the fact that more referrals are being made to the GTCE as a result of that close partnership working. Employers have been expected to decide whether to refer cases to the ISA or to the GTCE, so cases might often have been wrongly referred. The National Union of Teachers told us that close liaison is still needed to provide effective safeguarding of children, which we would all agree with. Will the Minister confirm whether he intends the ISA to continue working closely with the Secretary of State as the GTCE's functions transfer? Will he confirm arrangements for liaison with the ISA during that transition period? It would be helpful if he set out his plans for teachers who are in the middle of disciplinary investigations and action when the GTCE is abolished.

**Mr Gibb:** Amendment 57 would allow the Secretary of State to take over investigations that are currently carried out by the GTCE, but would require him to complete them under the existing arrangements for regulation that operate under the GTCE. As drafted, it would not require the Secretary of State to undertake any new cases that were referred to him in accordance with the current GTCE system of regulation.

My understanding is that the current rules will remain in place until the Secretary of State takes over regulation of the teaching profession on 1 April 2012. The Department is working closely with the GTCE to plan and manage that transition. A joint transition board includes the GTCE's chief executive and members of its management team. It has been working closely with officials at the

Department to plan and manage transition arrangements, including the details for the transfer of case work. The board will continue to work closely with the GTCE, to learn from its experience in the development of the new arrangements. That is the procedure in dealing with the ISA, monitoring and existing cases. I hope that that is enough to satisfy the hon. Member for Hartlepool.

**Mr Wright:** I am sure that it is my fault, rather than that of the Minister, but I have a relatively straightforward question for a relatively straightforward answer. If a teacher has been referred to the GTCE for a disciplinary matter still ongoing at 31 March 2012, when the council is abolished, will that process be finished under the existing disciplinary regime? A relatively straightforward yes or no from the Minister would be helpful.

**Mr Gibb:** I will write to the hon. Gentleman about that precise handover point later today.

**Mr Wright:** That is very helpful. I will expect to see the letter at 4.34 pm or, perhaps, 17.18 pm. Given the Minister's commitments, I beg to ask leave to withdraw the amendment.

*Amendment, by leave, withdrawn.*

*Question proposed,* That the clause stand part of the Bill.

**Mr Gibb:** Clause 10 makes transitional provisions for certain functions currently undertaken by the GTCE. Any person who is barred from the profession under the GTCE will continue to be so under the new arrangements; any sanctions put in place by the GTCE will continue for the specified period or until revoked. The clause provides that the list of prohibited teachers held by the Secretary of State, as detailed in clause 8, may include any person on whom the GTCE imposed a conditional or suspension order.

It is right to honour decisions made by the previous regulator, if sanctions were put in place, based on the criteria at the time the case was considered. The alternative would be a costly reconsideration of all past cases against the new parameters, which would place additional burdens on all concerned. A person with a sanction may still appeal against the continuation of the sanction after the relevant time period specified has elapsed. The appeal would then be considered under the new regulatory arrangements.

The clause also makes provisional arrangements to allow the Secretary of State to take over consideration of cases that the GTCE has already commenced when it is abolished. Cases referred to the GTCE currently take an average of 60 weeks to be concluded, so the provisions are needed to ensure a smooth and timely transition to the new arrangements for regulation by the Secretary of State.

**Mr Wright:** I understand and appreciate what the Minister said, subject to the commitment that he will provide the Committee with reassurance about the point I made under amendment 57. We are happy not to divide the Committee on the clause.

*Question put and agreed to.*

*Clause 10 accordingly ordered to stand part of the Bill.*

**Clause 11**ABOLITION OF THE GTCE: CONSEQUENTIAL  
AMENDMENTS

*Question proposed,* That the clause stand part of the Bill.

**Mr Gibb:** Clause 11 gives effect to schedule 2, which makes consequential amendments to other enactments to reflect the changes made by clauses 7 to 10. Most of the changes are to remove references to the General Teaching Council for England, so that in future the General Teaching Council legislation only applies to Wales, or to replace references to the GTCE with the Secretary of State. The clause also allows the Secretary of State to make changes to existing subordinate legislation in order to reflect the changes made by clauses 7 to 10.

*Question put and agreed to.*

*Clause 11 accordingly ordered to stand part of the Bill.*

**Schedule 2**ABOLITION OF THE GTCE: CONSEQUENTIAL  
AMENDMENTS

*Question proposed,* That the schedule be the Second schedule to the Bill.

12.15 pm

**Mr Wright:** Schedule 2 deletes subsection 132(3) of the Education Act 2002, which relates to the consultation of the GTCE on qualified teaching status. It is not clear from the Bill what, if any, consultation by the Secretary of State is proposed as a replacement.

**Mr Gibb:** Will the hon. Gentleman repeat which section he is referring to?

**Mr Wright:** I am referring to paragraph 19(2) of schedule 2, which states:

“In section 132 (qualified teacher status), omit subsection (3) (consultation of GTCE).”

Several external bodies, including the NUT, have expressed a view. This theme has occurred throughout our deliberations—there should be a role, quite understandably, for the teaching profession within the new regulatory system. I have said previously that one of the striking effects of the abolition of the GTCE would be the removal of the role of professionals in helping to define their profession, putting teachers at odds with other professionals such as accountants, doctors and lawyers. Bearing in mind what is in the schedule, will the Minister outline what appropriate bodies will be consulted during the determination of content and standards of such courses? If he does not have the information available to hand, it would be great to receive a letter at 4.34.

**Mr Gibb:** I am happy to respond now to the hon. Gentleman's comments. We are consulting widely on all the provisions, as I have spelt out in the debates on the amendments that he and his hon. Friend the Member for Cardiff West have been tabling. We are consulting the trade unions and the National Governors' Association.

We are consulting widely among the education community because it is important that there is a partnership between the Department, the Secretary of State and the teaching profession. That is how we intend the new regulatory regime to be productive. The hon. Gentleman should be assured that notwithstanding the technical removal of section 132(3) of the Education Act 2002, the Department's regulatory functions will continue to be developed in close partnership with the teaching profession and the wider education community.

**Mr Wright:** That was very helpful.

*Question put and agreed to.*

*Schedule 2 accordingly agreed to.*

*Clause 12 ordered to stand part of the Bill.*

**Schedule 3**

## ABOLITION OF THE GTCE: TRANSFER SCHEMES

**Mr Wright:** I beg to move amendment 60, in schedule 3, page 65, line 42, after ‘State’, insert ‘or a charity’.

As with other amendments, this is a probing amendment on a relatively narrow and straightforward part of the Bill. The purpose of the amendment is to ask whether the Bill would enable GTCE property, including intellectual property rights and the name “GTCE”, to transfer to a charity. Clause 12 and schedule 3 provide for the winding up and transfer to the Secretary of State of GTCE affairs to do with staff, property, rights and liabilities. I understand that the GTCE is seeking a new home for its teacher professional development model, the Teacher Learning Academy, and it will be transferred through an open sale of its intellectual property assets.

The GTCE has developed and invested in the TLA over the past eight years. It is now a highly valued system of support for continuing professional development. Hundreds of schools have used the TLA as a school improvement tool, and more than 17,000 teachers across England have joined the TLA to improve their teaching and learning. Following the Government's announcement of their intention to close the GTCE, the council hopes to transfer the TLA to a new owner by 1 September. The schedule will allow that to happen to a variety of bodies, but it omits the word “charity”. This is a probing amendment to determine whether that is still an appropriate avenue for the GTCE to explore.

**Mr Hayes:** I think I can deal with this matter fairly briefly. The hon. Gentleman has explained that the amendment would enable the Secretary of State to transfer any of the GTCE's properties, rights and liabilities to a charity once the property transfer scheme in schedule 3 comes into force. He made his case briefly but effectively, and I understand his concerns. However, when the property transfer scheme is in force, the Secretary of State will already have the powers to enable him to transfer properties and rights to a charity or any other appropriate organisation without specific need for an amendment to the Bill. Perhaps I can make the point more clearly. There is nothing to stop any appropriate organisations, such as charities, which the hon. Gentleman mentioned, offering to take on aspects of the GTCE's non-statutory work once the GTCE is abolished. The

Department for Education is very happy to talk to any organisation with such a proposal about the practicalities of that, but we do not need to amend the legislation to bring that about.

**Mr Wright:** I want to probe the Minister's thinking on this. Given the Government's rhetoric, and especially that of the Secretary of State for Education, about the value of a big society in which voluntary groups and charitable organisations come together to help run certain aspects of what could be the state's business, does the Minister think that such action is an appropriate use of funds and powers? Does he think that the Secretary of State would look favourably on, if not prefer, charities running that part of the functions? Does he think that such action is something that charities, social enterprise and community interest groups should be looking at?

**Mr Hayes:** The marriage of what the Government can do and what the charitable and voluntary sector can do is an important part of building the big society that the hon. Gentleman describes. As he knows very well, I am a Burkean Conservative and believe in the little platoons that can comprise civil society, so we would be happy to engage with any organisation that was interested in dialogue about what role it could play. However, I am not ideologically committed. I have no dogma against the role of government; I think government is a civilising force in society. I do not want to open up a gulf between myself and my the Minister of State, Department for Education, my hon. Friend the Member for Bognor Regis and Littlehampton—there is no possibility of doing so, given the closeness of our professional relationship—but there is a balance is to be struck between what the Government do in such circumstances and what other organisations do.

To answer the hon. Member for Hartlepool directly, we would be interested in engaging with organisations, and there is nothing to prohibit or prevent that. Indeed, given his reference to the broader narrative of the Government, it is something that we would welcome. On that basis and in that spirit, I hope that he will withdraw the amendment.

**Mr Wright:** The Minister's comments are very helpful. I am pleased that he has put on the record the Department's and the Government's willingness to engage with charitable organisations to discuss this aspect of Government policy. On that basis, I beg to ask leave to withdraw the amendment.

*Amendment, by leave, withdrawn.*

*Question proposed,* That the schedule be the Third schedule to the Bill.

**Mr Wright:** I want to talk about three aspects of the schedule, which brings things together in respect of the GTCE. I received a letter, as did other members of the Committee, not at 4.34 pm, not at 5.18 pm, but at 8.45 this morning. I seek your guidance, Mr Walker: does that mean that things are getting earlier, or are they getting later and being left overnight? I am not entirely sure. In many respects, it was helpful of the Schools Minister to outline the points on which I probed him in respect of abolition savings during our deliberations on clause 8. They are quite relevant to our consideration of schedule 3.

In many respects, the schedule does not tell us anything that we did not know from our deliberation on clause 8. The Minister stated:

“As we have set out in the Bill Impact Assessment, our current estimate is that the annual cost of the activities that will be carried out in future by the executive agency is in the region of £8m.”

That was established in our deliberations last week. However, I want to talk about the impact of staff, the ongoing cost pressures of staff, and any liabilities arising from premises. We discussed staff last week. In the letter that I received this morning, the Minister said:

“You also asked me about the impact of closure on the GTCE's staff and whether this would lead to redundancies. As I explained in Committee, these are extremely sensitive issues affecting people's careers and futures and we are currently engaged in detailed discussions within the Department and with the GTCE on how our proposals in the Bill, and the creation of the new executive agency, will impact on GTCE staff.”

That is not good enough. There will be 200 people who are concerned about their job prospects and are uncertain about the future. Notwithstanding the sensitive and often confidential nature of union dealings on staff and personnel issues, will the Minister provide any more reassurance that those 200 people, who are fulfilling a valuable job in the regulation of the teaching profession, will have future employment in the new executive agency? Given the good job that they have done, they deserve nothing less. It would be helpful if the Minister intervened to say whether he thinks that appropriate.

There is also the ongoing cost pressure of staff. I am unclear—this again links into what was said in the debate on clause 8—on the liabilities that the Department will incur as a result of the short-sighted and misguided decision to abolish the GTCE. I have the income and expenditure accounts of the GTCE in front of me. The accounts state that the income of the GTCE totals some £19.6 million, of which teacher registration fees make up £19.2 million. A lot of that—some £33 of the £36 registration fee—comes directly from the Exchequer anyway.

Expenditure has three main categories: staff costs of £8.3 million, depreciation of £661,000 and other expenditure of £10.2 million. If the premise is that no activity will take place, which I do not accept, and that the £10.2 million of “other expenditure” will be reduced, the Department for Education will still be exposed for some £8 million a year. In negotiations with the Treasury, has the Minister been able to negotiate anything with regard to safeguarding additional money to compensate for that ongoing pressure? Alternatively, is this an exposure and a departmental pressure that he has to take into account, which will mean that other programmes within the Department will be lost, whether it is Sure Start, the September guarantee or anything else? All those things will be under further pressure. The budgetary situation in the Department is extremely tight. Programmes are being lost. This is an additional pressure that could put further programmes at risk.

**Mr Hayes:** I just want to establish the basis on which the hon. Gentleman's case is predicated. We have made a convincing argument that the current system is not as cost-effective as it might be. The assumption that seems to underpin the charges that he makes is that the system is cost-effective, represents good value for money and can be tested against taxpayer interest. Given his professional expertise in such matters, I do not think

[Mr Hayes]

that he would want that to stand on the record. I do not assume for one moment that he is saying that the system could not be run more cost-effectively, is he?

**Mr Wright:** No, not at all. The Minister said earlier—he also paid tribute to the Opposition, which was welcome—that in the current financial climate, every individual working in the public sector should be looking for efficiencies. I absolutely agree with that. It is important that we secure value for money for the public purse. There is not a sheet of paper between us on that. Given that the Secretary of State has decided to abolish the GTCE, and given the liabilities that the schedule gives the Secretary of State, I am suggesting that there is an additional cost pressure of £8 million that the Secretary of State will have to absorb in his departmental budget, which will be to the expense of other valuable programmes promoting children and education. If the Minister can provide me with any help and assistance on that issue, I would be grateful.

My final point, which is relatively minor, concerns premises. The annual report of the GTCE gives a helpful breakdown of expenditure and, under that category, it states that, year on year,

“Premises charges increased by £172k (14%) due to rent reviews at both the London and the Birmingham offices. Also included in the increase is a provision for a service charge increase including large retrospective”—

I worry about the word “retrospective” in relation to liabilities—

“charges imposed by our Birmingham landlords, which is currently being disputed.”

The schedule will transfer the liabilities for the GTCE to the Secretary of State, so will the Minister outline what he will do about premises to ensure that excessive liabilities are not transferred to the Secretary of State? I would be grateful for his answers on those points.

12.30 pm

**Mr Gibb:** If I may, I shall try to deal with the issues raised by the hon. Gentleman. First, I do not want to conduct delicate and sensitive negotiations about staff in Committee, but decisions on staffing will be made by the GTCE, which will take advice, where appropriate, from the Department. The GTCE will identify staff who are eligible to transfer. The rule is that where someone spends more than half their time working on a function that will be transferred to the Department, the Cabinet Office statement of practice will invoke the principles of the Transfer of Undertakings (Protection of Employment) Regulations 1981 and 2006, and those staff will have the right to transfer. The GTCE will work within Cabinet Office protocols on redundancy schemes.

**Mr Wright:** On redundancies, in his letter this morning, the Minister states:

“There may also be some compulsory redundancies”.

Quite rightly, he does not want to have negotiations in Committee about the future employment of staff, but that statement will cause concern for the 200 or so staff. Is he able to give any indication of how many compulsory redundancies there will be as a result of the abolition of the GTCE? Will he make sure that the number is minimised as much as possible?

**Mr Gibb:** I cannot give the hon. Gentleman any details, but of course we are trying to minimise compulsory redundancies. When there are transfers from arm’s length bodies to Departments when functions are terminated, we always want to manage such matters as sensitively as possible for staff, in the hope that they can be redeployed elsewhere in the system.

We are working with the GTCE to manage down any residual liabilities. We are not yet in a position to be clear about that, as issues over property leases, to which the hon. Gentleman referred, still need to be resolved. Possibly, there will be no liabilities that cannot be met by the GTCE’s 2011-12 budget; that is the intention. I refer him to my letter—he can imagine what time I got up to ensure that he had it by 8.48 am—in which I wrote:

“It is more difficult to predict the position for 2012-13... We are working closely with the GTCE to try to ensure that, in so far as possible, closure costs are met by the GTCE from its 2011-12 budget. The Department would have to cover any liabilities in 2012-13 that have not been met by the GTCE in 2011-12”.

As I have said, we are trying to manage such liabilities down.

I have addressed all the issues raised by the hon. Gentleman in as much detail as I can, or should. With those words, I hope that he can agree to the schedule.

**Mr Wright:** I understand the Minister’s position on staff and the prospect of compulsory redundancies. I reiterate that there will be concern, and I hope that the process is as quick as possible, notwithstanding the need for the GTCE to continue to function in an effective manner until the planned abolition date of 31 March 2012. I do not wish to press the question on the schedule to a Division, but I am concerned.

So many times, we see the Secretary of State make an announcement to look decisive, tough, on the side of parents and teachers, or whatever, but the financial consequences of the measure could be massive. As it is, the GTCE is very well managed financially. It has a relatively healthy balance sheet and a net asset position of around £9 million. I feel confident, as I am sure the Minister does, that it can absorb any liabilities that arise, but there is still a worrying trend of the Secretary of State making announcements in order to look good and positive, only for there to be enormous and potentially disastrous financial consequences afterwards. I ask the Minister to appeal to the Secretary of State to ensure due consultation with important stakeholders before decisions are made, because if that does not happen, ultimately, it could rebound badly on the Secretary of State and on the provision of education in this country.

*Question put and agreed to.*

*Schedule 3 accordingly agreed to.*

### Clause 13

#### RESTRICTIONS ON REPORTING ALLEGED OFFENCES BY TEACHERS

**Kevin Brennan:** I beg to move amendment 89, in clause 13, page 19, line 35, after ‘teacher’, insert ‘or other member of staff’.

**The Chair:** With this it will be convenient to discuss the following: amendment 85, in clause 13, page 19, line 35, after ‘school’, insert

‘or at a sixth form college or at a college of further education’.

Amendment 86, in clause 13, page 19, line 40, at end insert

‘or made by or on behalf of a former registered pupil at the school’.

Amendment 90, in clause 13, page 20, line 2, leave out ‘as the teacher’.

Amendment 61, in clause 13, page 20, line 27, at end insert—

‘(10A) The Secretary of State may by order amend this section to include all staff, or a description of staff, working in schools and institutions of further education.’.

Amendment 91, in clause 13, page 20, line 39, after ‘teacher’, insert

‘or other member of staff’.

New clause 5—*Restrictions on reporting alleged offences by Further Education lecturers*—

‘In Part 8 of EA 2002 (teachers), after section 136 insert—

“ALLEGATIONS OF OFFENCES COMMITTED BY TEACHERS  
IN FURTHER EDUCATION INSTITUTIONS IN ENGLAND  
AND WALES: REPORTING RESTRICTIONS

**136A Restrictions on reporting alleged offences by teachers in further education institutions**

(1) This section applies where a person who is employed or engaged as a teacher at a further education institution is the subject of an allegation falling within subsection (2).

(2) An allegation falls within this subsection if—

- (a) it is an allegation that the person is guilty of a relevant criminal offence and
- (b) it is made by or on behalf of a registered student aged 17 or under at the institution.

(3) No matter relating to the person is to be included in any publication if it is likely to lead members of the public to identify the person as the teacher who is the subject of the allegation.

(4) Any person may make an application to an appropriate criminal court for an order dispensing with the restrictions imposed by subsection (3).

(5) The court may make an order dispensing with the restrictions, to the extent specified in the order, if it is satisfied that it is in the interests of justice to do so, having regard to the welfare of the person who is the subject of the allegation.

(6) The power under subsection (5) of a magistrates’ court may be exercised by a single justice.

(7) In the case of a decision of a magistrates’ court to make or refuse to make an order under subsection (5), a person mentioned in subsection (8) may, in accordance with Criminal Procedure Rules—

- (a) appeal to the Crown Court against the decision, or
- (b) appear or be represented at the hearing of such an appeal.

(8) The persons referred to in subsection (7) are—

- (a) a person who was a party to the proceedings on the application for the order;
- (b) any other person with the leave of the Crown Court.

(9) On an appeal under subsection (7), the Crown Court may—

- (a) make such an order as is necessary to give effect to its determination of the appeal, and
- (b) make such incidental or consequential orders as appear to it to be just.

(10) The restrictions in subsection (3) cease to apply once there are proceedings in a court in respect of the offence.

(11) In this section—

“appropriate criminal court” means any court in England or Wales which has any jurisdiction in, or in relation to, any criminal proceedings.

“publication” includes any speech, writing, relevant programme or other communication in whatever form, which is addressed to the public at large or any section of the public (and for this purpose, every relevant programme shall be taken to be so addressed), but does not include an indictment or other document prepared for use in particular legal proceedings;

“relevant criminal offence”, in relation to a person employed or engaged as a teacher or lecturer at a further education institution, means an offence against the law of England and Wales where the victim of the offence is a registered student at the institution;

“relevant programme” means a programme included in a programme service, within the meaning of the Broadcasting Act 1990.

“further education institution” means an institution within the further education sector (within the meaning given by section 91(3)(a) to (c) of the Further and Higher Education Act 1992).

**136B Offence of breach of reporting restrictions**

(1) This section applies if a publication includes any matter in breach of section 136A(3).

(2) Where the publication is a newspaper or periodical, any proprietor, any editor and any publisher of the newspaper or periodical is guilty of an offence.

(3) Where the publication is a programme included in a programme service (within the meaning of the Broadcasting Act 1990), the following are guilty of an offence—

- (a) anybody corporate engaged in providing the programme service in which the programme is included, and
- (b) any person having functions in relation to the programme corresponding to those of an editor of a newspaper.

(4) In the case of any other publication, any person publishing it is guilty of an offence.

(5) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 5 on the standard scale.

(6) If an offence committed by a body corporate is proved—

- (a) to have been committed with the consent or connivance of, or
- (b) to be attributable to any neglect on the part of, an officer, the officer as well as the body corporate is guilty of the offence and liable to be proceeded against and punished accordingly.

(7) In subsection (6) “officer” means a director, manager, secretary or other similar officer of the body, or a person purporting to act in any such capacity.

(8) If the affairs of a body corporate are managed by its members, “director” in subsection (7) means a member of that body.

**136C Defences**

(1) Where a person is charged with an offence under section 136B, it is a defence for the person to prove any of the matters mentioned in subsection (2).

(2) The matters are—

- (a) that, at the time of the alleged offence, the person was not aware, and neither suspected nor had reason to suspect, that the publications included the matter in question;
- (b) that, at the time of the alleged offence, the person was not aware, and neither suspected nor had reason to suspect, the allegation in question had been made;

(c) that the person who is the subject of the allegation had given written consent to the inclusion of the matter in question in the publication.

(3) Written consent is not a defence if it is proved that any person interfered unreasonably with the peace or comfort of the person giving the consent, with intent to obtain it.”.

**Kevin Brennan:** We now come to the part of the Bill that deals with allegations against teachers and the issue of restrictions on reporting alleged offences by teachers. We welcome the Government’s general approach and the new restrictions that they propose to introduce on reporting alleged teaching misconduct, although I am sure that my hon. Friends and I will have some very probing questions on how that will work in practice. On restrictions and anonymity, we want to ensure that we get the balance right and that the safeguarding of children and child protection are also taken into account. I know some of my hon. Friends will want to probe the Minister further on that issue.

The Association of School and College Leavers told us:

“We welcome the new provisions to protect teachers’ anonymity. The growing culture of litigation and false allegations has worked to undermine the authority of school staff by presuming guilt and denying anonymity. This bill gives a clear and welcome message to parents and students that this won’t be tolerated.”

That is a positive statement of support from school leaders. However, it is disappointing that the restrictions in clause 13 will apply only to school teachers. The amendments probe why the Government have made that provision applicable only to school teachers; they are intended to ensure that anonymity applies equally to non-teaching staff, such as support staff, and to teaching and non-teaching staff in sixth-form and further education colleges.

The ASCL said it strongly believed that the provisions should be extended to cover teachers and support staff in colleges and support staff in schools, who, after all, make up half of the school work force these days, which some people might not realise. Anybody who has visited a school in recent years will have noticed how many more people there are working in our schools than there were many years ago. All those people working in our schools are potentially vulnerable to having their careers ruined by false and/or malicious allegations. Why, therefore, are they explicitly excluded from the provisions by the Government?

The ASCL shared examples of schools’ accounts showing why school support staff should also be given anonymity in the Bill. One of its examples was a state boarding school in which sexual health clinics for students were run with the aid of the local health service. That meant NHS staff are alongside non-teaching staff, without any teachers being present, engaged in the clinics. That is an area potentially fraught with danger of allegations. What if a nurse, an adviser or a counsellor employed by a school—who by definition deal one to one, often with disturbed children—is the subject of such allegations? Why have the Government explicitly omitted such staff from clause 13?

Unison told us that support staff of all descriptions, not only teachers, deal with poor pupil behaviour and with vulnerable children, regularly having allegations made against them. That is not surprising perhaps, given that support staff often have to deal with issues in the school yard, the corridors or, occasionally, in classrooms,

in particular when lessons are not taking place. To paraphrase Unison, support staff often have to intervene in bullying incidents in the playground, for example. They might often be the first people confronted by angry parents. They regularly have to deal one to one with pupils with special educational needs statements, who are assessed as vulnerable or who have other behavioural problems.

The National Union of Teachers told us:

“This protection should also be afforded to teachers in colleges as well as in schools.”

Why, if my understanding is correct, is the provision not equally applicable to all teachers, whatever environment they teach in, whether in schools or colleges?

The ASCL also gave us examples of why anonymity is needed for staff in further education and in sixth-form colleges. One example was of a member of the college security staff who received a series of inappropriate telephone calls and messages from a student. Unfortunately, the messages were intercepted by his aggrieved wife, who was completely unaware that the infatuation was one-sided and on the part of the student. Misinterpreting the messages, she reported the matter to the local press, and it was publicised in local newspapers, including personal details of that member of staff. After a thorough college investigation, the member of staff was found to have done nothing wrong, and the student was disciplined internally for the incident. However, the security officer concerned suffered serious problems from the attitudes of other students, parents and staff as a result.

Why is the line being drawn where it is being drawn by the Government? What is the justification, given the evidence from support staff, teaching and school leader unions that the matter is of equal concern to, and can cause equal problems for, others who are part of the family of staff working in schools and colleges?

The group of amendments also seeks to extend anonymity to claims made by or on behalf of former pupils. The Bill provides protection for teachers only if a false allegation is made by a pupil currently attending the school. Often, an allegation is made by pupils who have left an institution, if they have a particular grudge about how they were treated—perhaps they have been excluded from the institution as a result of their behaviour. That might be a reason why an allegation is made by a student against a member of staff at the school. The NUT, for example, said:

“Arguably children who have been excluded from school or have transferred to another school would be more likely to harbour a grudge against a particular teacher at a school they attended previously and make an unfounded allegation.”

Through the amendments, we seek to extend the provision to former students to cover the occasions if someone bearing a grudge who might have been excluded from a school makes an allegation and the member of staff is potentially subject to reporting.

12.45 pm

This group of amendments is meant to ensure that teachers and non-teaching staff in schools and FE and sixth-form colleges all benefit from the new anonymity provisions. I would also like to hear from the Minister, either in this debate or later on clause stand part, the issues relating to child protection, to ensure that there is no dilution of the safeguarding of children and young

people as a result of the extension of anonymity of reporting in such cases. If the Government will not accept our stronger amendments in the group, perhaps they will consider amendment 61, which would give more flexibility to the Secretary of State to make provisions for non-teaching staff. I ask the Minister to consider whether, if he cannot accept the stronger provisions, he is amenable to accepting amendment 61, or considering a Government amendment of a similar wording at some stage if amendment 61 is technically incorrect.

**Meg Munn:** On a point of order, Mr Walker. I would like to seek your guidance. As my hon. Friend the Member for Cardiff West has outlined, I wish to raise more general issues. Is it your intention for us to have a clause stand part debate?

**The Chair:** That depends on how the debate on the amendments goes. However, I will bear it in mind.

**Pat Glass** (North West Durham) (Lab): It will not be a surprise to the Committee to know that I have been involved many times in advising head teachers whether a member of staff should be immediately suspended when an allegation is made. It is always a difficult balance—taking into account the severity of the allegation, in some respects, the nature of the child, whether it has happened before and whether a situation has arisen. It is always difficult, and in the vast majority of cases, the allegations made are malicious and subsequently found to be without foundation. Such allegations cause massive distress to the member of staff, so I welcome the thrust of the Government's proposal. However, I would support my hon. Friend the Member for Cardiff West in saying that the issue is not just about teachers, and I do not understand why the clause is just about teachers.

I remember an awful case—I was not personally involved with it—that became notorious in the sector. In a special school in County Durham, an allegation was made against the head teacher, who ended up being suspended on full pay for 18 months. The child went on to make allegations against other members of staff. The situation grew and got a life of its own. Other children started to make allegations against members of staff, and the whole thing seemed to grow almost in proportion to the compensation that the families felt that they might get; they were perhaps encouraged by the lawyers, who were all on legal aid. The whole thing ended up taking 18 months. There was no foundation in the allegations that were made against the head teacher, teachers, support staff, or training staff. It cost a fortune in public money to keep those staff on full pay and replace them with other people. Much legal aid went into the case, which became an industry. I welcome the direction that the Government are taking, but the matter concerns not only teachers but other members of staff.

In many cases, the young people who are most likely to make allegations of this nature will spend more time with members of staff who are not teachers, such as learning mentors and support staff. When I visit classrooms, I am surprised that the most needy children, who have the most difficulty with learning, are often spending time with the less qualified member of staff. The highly qualified, professional member of staff is often spending time with the children who are not going to have any difficulties with learning. When I have pointed that out

to teachers, they have found it equally surprising. The Government should take it into account, therefore, that in many cases, allegations are likely to be made against staff who do not have QTS.

Many young people now, from the age of 14, attend further education colleges. I do not understand why teachers in such colleges should be treated differently from teachers in schools. Support staff in FE colleges often teach young people who have significant behavioural difficulties, and complex and chaotic lives. We know from experience that such children are the most likely to make allegations.

I know that children's services are not part of the Minister's responsibility, but generally they rest within the Education Department. The Select Committee on Education heard evidence in its recent inquiry into behaviour, which looked at issues arising with social workers. The Minister came along and told us that he wants to raise the status of social workers, as he wants to do for teachers today. I have been involved many times in pulling together files, because allegations are made against social workers, who are doing their best on this work.

**The Chair:** Order. We are not going to get on to the subject of social workers, although they are very important.

**Pat Glass:** It is just a plea. The matter is not simply about teachers; it goes far beyond QTS.

**Julie Hilling** (Bolton West) (Lab): It is always a pleasure to serve under your chairmanship, Mr Walker. We all know horror stories of people in schools who are accused of offences that they did not commit. Accusations may be deliberately false and malicious, or may result from a misunderstanding or misinterpretation of an event. In reality, whatever the cause of an allegation, the member of staff is routinely suspended before any investigation.

Suspension is deemed to be a neutral act, but anyone who has experienced it will say that it feels far from neutral. Usually, people are not told what the allegation is, they are told to have no contact with other members of staff, and are sent home to worry. The allegation can have a wider impact, too. If the accused person is a guide, scout leader or sports leader in their private time, they might not be able to continue with that activity. If their friends are teachers or other workers in school, they cannot have any contact with them. They are isolated and often have no idea what they have been accused of, so their minds work overtime to try to work out what it can be. We know many cases of accused people becoming very ill and, in some tragic cases, taking their own lives.

Whether or not the allegation is false, the pupil who makes it immediately knows that the worker is not in school, so the rumours start to spread. Investigations may take up to two years, particularly if the police are involved. Other pupils miss out because the teacher is not taking their classes, especially if the allegation occurs during crucial periods, such as exam time, or if the support worker is not working with them. Often, even if the worker is found to be totally innocent, they can never return, and are made to appear guilty because they are not in school.

[Julie Hilling]

Imagine the additional pressure if the press are involved—as we know, for some journalists the truth never impairs a good story. Without any evidence, accusations will be printed, neighbours and family members will know, and people will be saying that there is no smoke without fire. The worker's career is over, their family life may be destroyed and their life may be over, too. Opposition Members totally support the move for anonymity for teachers, but we believe that the Bill does not go far enough.

**Mr Stuart:** Up to now I have supported the anonymity provisions, and like the hon. Lady, I suggest the extension. However, I do so with mixed feelings because we live in an open and free society. We have open reporting for the protection of both children and teachers. Does the hon. Lady have any qualms or misgivings about the possible impacts of this legislation and its extension to more and more workers, meaning that we have less and less information about what is going on in our schools?

**Julie Hilling:** In some ways, no, and I will go on to speak about why all workers should be treated the same. In reality, if an allegation is made, it is investigated. The worker is suspended, whether that is a good thing or bad thing—for that person it is a bad thing—and if there is truth in the allegation it will come out, either in a court case or with the worker being disciplined in some way or sacked. It is about protection at the moment of an allegation. As my hon. Friend the Member for North West Durham said, allegations can frequently be false or misleading in some way.

**Meg Munn:** I am listening carefully and my hon. Friend is making an important speech that explains the processes behind this provision. Nevertheless, we must be careful. I have been involved in investigating teachers against whom previous allegations were made but found not to be true. Subsequently, however, it was proved that there had been abuse. We cannot always assume that if abuse has taken place, it will necessarily be proven.

**Julie Hilling:** I accept what my hon. Friend says, but that is about the investigation process and what happens when an allegation is made, not about whether people should be allowed anonymity in terms of the press. It is about saying that somebody's life should be protected. I believe that there are far more false allegations and people whose lives are destroyed by those allegations. I accept what the Government are doing in including anonymity for teachers, but I believe that it should go further and be applied to all staff. I will go on to talk more about the roles that other people play in schools.

This measure does not cover supply teachers, who are even more vulnerable to accusations, or other members of staff.

Classroom assistants frequently work with individuals and groups when no other adults are present. They are just as vulnerable to allegations as teachers. I used to be a governor of an EBD school, and the very nature of such a school meant that pupils were often distressed and badly behaved. All staff were taught restraint techniques, and support staff worked in close teams with teachers, doing much the same job as teachers in terms of controlling the learning environment. They were just as vulnerable to false allegations.

Support staff and other workers in schools will be involved in school trips and extra-curricular activities. A range of other people work in schools, such as youth workers, councillors, health professionals, education welfare officers, personal advisers, caretakers, administrative staff, and those involved with pastoral care. Many of those people are more vulnerable to accusations than the teacher. They are often involved in enforcing discipline and, as my hon. Friend the Member for North West Durham said earlier, some young people want to get their own back on whoever has enforced that discipline. Those people are often involved in building relationships to encourage young people to address issues in their lives. Young people can displace their emotional issues from the perpetrator of the abuse to the trusted listener.

The Association of School and College Leaders gave us evidence of allegations made against staff because it was known that there would be an investigation. During that investigation, the real perpetrator—someone from the pupil's home life—would then be found out. All staff in schools, whether they work wholly in that school or across a range of schools, deserve the same level of support as teachers. The Bill should reflect the diversity of institutions and protect all workers.

Staff are still at risk when pupils leave school. My ex-colleague was asked to give evidence in a case from over 25 years ago. Many people address issues of abuse only once well into their adult lives. We know that abuse is incredibly damaging and wrecks the lives of survivors, but we also know that memory is not always accurate, and displacement can occur. Anonymity is crucial. This is not about protecting perpetrators of abuse, but about protecting the innocent.

**The Chair:** Order. I am sorry to cut the hon. Lady off in the middle of an informed and passionate speech. I hope she comes back to conclude it at 4 o'clock.

1 pm

*The Chairman adjourned the Committee without Question put (Standing Order No. 88).*

*Adjourned till this day at Four o'clock.*