



House of Commons
Education and Skills Committee

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

First Report of Session 2005–06

Volume II

Oral and written evidence

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The Education and Skills Committee

The Education and Skills Committee is appointed by the House of Commons to examine the expenditure, administration and policy of the Department for Education and Skills and its associated public bodies.

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Witnesses

Wednesday 2 November 2005

Page

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

Ev 1

Wednesday 30 November 2005

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

Ev 18

Monday 5 December 2005

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

Ev 38

Wednesday 7 December 2005

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

Ev 59

Ev 78

Monday 12 December 2005

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

Ev 100

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

Ev 109

Wednesday 14 December 2005

Dr Philip Hunter, Chief Schools Adjudicator

Ev 121

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

Ev 131

Monday 19 December 2005

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

Ev 144

List of written evidence

	<i>Page</i>
1 Department for Education and Skills (DfES)	Ev 12, Ev 167, Ev 301
2 Local Government Association (LGA)	Ev 13
3 Association of Teachers and Lecturers (ATL)	Ev 50
4 National Union of Teachers (NUT)	Ev 52
5 National Association of Head Teachers (NAHT)	Ev 68
6 Secondary Heads Association (SHA)	Ev 71
7 UNISON	Ev 74
8 National Governors' Council	Ev 89
9 National Confederation of Parent Teacher Associations (NCPTA)	Ev 94
10 Specialist Schools and Academies Trust (SSAT)	Ev 99
11 Dr Melvyn Kershaw, Head Teacher, Haybridge High School and Sixth Form	Ev 120
12 Professor Simon Burgess, University of Bristol	Ev 129
13 Children's Inter Agency Group	Ev 168
14 The Independent Association of Sheffield School Governing Bodies (SASGB)	Ev 169
15 Confed	Ev 170
16 The Association of Greenwich Governors'	Ev 178
17 Ron Glatter	Ev 179
18 Association of Professionals in Education and Children's Trusts (Aspect)	Ev 182
19 Chris Payne	Ev 184
20 Professor David Gillborn, University of London	Ev 187
21 Socialist Education Association (SEA)	Ev 191
22 Lancashire County Council	Ev 192
23 Association of Croydon Governors (ACG)	Ev 193
24 School-Home Support	Ev 194
25 Volunteer Reading Help	Ev 196
26 British Humanist Association (BHA)	Ev 197
27 Human Scale Education	Ev 201
28 Tameside School Governors' Forum	Ev 204
29 Christian, Action, Research and Education (CARE)	Ev 204
30 nasen	Ev 209
31 Independent Panel for Special Education Advice (IPSEA)	Ev 211
32 Independent Schools Council (ISC)	Ev 213
33 The Advisory Centre for Education (ACE)	Ev 214
34 Catholic Education Service (CES)	Ev 223
35 Durham City Council	Ev 225
36 Save the Children	Ev 226
37 Royal College of Nursing (RCN)	Ev 227
38 Child Poverty Action Group (CPAG)	Ev 229
39 Mayor of London	Ev 240
40 The Education Network (TEN)	Ev 243

41 Philip Davies MP	Ev 246
42 Comprehensive Future	Ev 246
43 Anne West and Hazel Pennell, Centre for Educational Research, LSE	Ev 251
44 London Governors' Network	Ev 255
45 Campaign for State Education (CASE)	Ev 257
46 National Family and Parenting Institute (NFPI)	Ev 264
47 Science, Engineering and Manufacturing Technologies Alliance (SEMTA)	Ev 267
48 Lynne Jones MP	Ev 269
49 General Teaching Council (GTC)	Ev 275
50 Institute of Electrical Engineers (IEE)	Ev 279
51 Information for School and College Governors (ISCG)	Ev 281
52 Association of the British Pharmaceutical Industry (ABPI)	Ev 285
53 CfBT Trust Schools	Ev 287
54 Michael Fabricant MP	Ev 289
55 Tony Baldry MP	Ev 289
56 Ian Stewart MP	Ev 293
57 Dean Penford, Higher Education Champion Nottingham North	Ev 293
58 Dr Doug Naysmith MP	Ev 294
59 Martin Linton MP	Ev 295
60 Paul Farrelly MP	Ev 296
61 Association of Educational Psychologists (AEP)	Ev 298
62 Bill Oler MP	Ev 300

List of unprinted written evidence

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

Professor Stephen Gorard, University of York

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Bedfordshire and Luton Branch of the Socialist Educational Association

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Field Studies Council (FSC)

Professor John Micklewright, University of Southampton

Mike Wood MP

Dave Anderson MP

The Rt Hon Michael Jack MP

Audit Commission

Oral evidence

Taken before the Education and Skills Committee

on Wednesday 2 November 2005

Members present:

Mr Barry Sheerman, in the Chair

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

Helen Jones
Mr Gordon Marsden
Stephen Williams
Mr Rob Wilson

Witness: Rt Hon Ruth Kelly, a Member of the House of Commons, Secretary of State for Education and Skills, Department for Education and Skills, examined.

Q1 Helen Jones: I want to explore with you some of the evidence underlying the policies set out in the White Paper and in particular the Government lays great stress in the White Paper on the success of its academy programme and argues that they have raised standards amongst the poorest children but the figures from your own Department show that a number of academies have far fewer children on free school meals than their predecessor schools. In Walsall, for instance, it dropped from over 50% to 15.9%; in Bexley, it dropped from 45.9 to 37.9; King's, if I have worked out the average of its two predecessor schools right, dropped from just over 43% to 31.5%. How can you argue that these academies are dealing with the poorest children when the evidence shows that a number of academies are dealing with fewer poorer children than they did in the first place?

Ruth Kelly: I know that is what the media has been saying but it is not right.

Q2 Helen Jones: They are the figures from your own Department.

Ruth Kelly: I am extremely pleased that this point has been raised. If you look at the figures on free school meals in predecessor schools, there were 980. If you look at the number of pupils on free school meals in academies now, it is 1,100. Academies have improved their performance. They are attracting more children to the school on free school meals and more children whose parents otherwise would not have looked at those schools at all. The result has been that not only are they catering for pupils at predecessor schools; they are also catering for other pupils. The proportion of children on free school meals has therefore fallen. The total numbers have risen. This must be a very good testament to the success of academies in raising standards and attracting pupils.

Q3 Helen Jones: Greig City Academy has 320 pupils eligible for free school meals out of 710. Its predecessor school had 338. I could go through the whole list but I am not sure the numbers stack up. Can I also draw your attention to the answer you gave me on where the pupils are coming from? These

schools were set up to deal with the poorest pupils in the inner cities; yet some city academies are now taking very few pupils from the ward in which they are situated. For example, Bexley takes 27.8% of its pupils from outside the LA. Greig takes 25% from outside the LA. There are others in that position too. The question that follows is that, if these academies are dealing with a different cohort of pupils from their predecessor schools, is not any argument about the results rather meaningless because you are not comparing like with like? The argument that they have improved results underlines a lot of what is in the White Paper but you are not dealing with the same cohort of pupils.

Ruth Kelly: That is not right. To take the 14 academies that were looked at in *The Guardian*, there were 13,670 pupils in those 14 academies compared to 11,840 in their predecessor schools. They are attracting more pupils. They replaced predecessor sink schools but nobody wanted to send their pupils to them. They are now serving not only those pupils but also drawing in pupils from further away because they are good schools. The net result has been that not only are they serving the disadvantaged pupils; they are also serving others as well. You quote one academy and I am not sure which it is. I do not have the individual figures here but across the board the number of children on free school meals being educated in academies compared with predecessor schools has risen. They are also serving other children. That is a sign of success.

Q4 Helen Jones: I do not doubt they are attracting other children but my question was if you are not dealing with the same cohort of pupils the Government's argument about the results is a very difficult one to make a case for because you are not comparing like with like, are you? The whole argument is that they have improved results for poorer pupils but the cohort of pupils that they are dealing with in many academies is a different one from their predecessor schools. That is correct, is it not? You have just said that.

Ruth Kelly: They are very popular and they are drawing in more pupils as a result. You have to ask yourself why are they popular. It is probably because

they are teaching children well. They are providing well for pupil wellbeing in general. They have a good ethos. They work well with parents and they are improving standards. It is probably a combination of all those things.

Helen Jones: I think the evidence on the results is very variable. It is very patchy between academies.

Chairman: Is that the case?

Q5 Helen Jones: Results are variable between academies, are they not? Some have improved their GCSE results; some have become worse and some have stayed the same.

Ruth Kelly: That is right but on average they have improved their results at three times the national average.

Q6 Helen Jones: The results are patchy. They are not all performing at the same level.

Ruth Kelly: Of course. You would not expect any specific school to perform exactly the same as any other specific school.

Helen Jones: The Government is drawing inferences from this for its future programme. What I am trying to draw out from you is that the evidence is very variable.

Chairman: You are saying that the academies are improving three times faster than other schools?

Q7 Helen Jones: Overall, but not all academies.

Ruth Kelly: Last year they improved at three times the rate of the national average. They are increasingly over-subscribed and they are drawing in children from other catchment areas but they are also serving exactly the same disadvantaged pupils that were previously at a sink school.

Q8 Helen Jones: The Government says it wants to increase choice for parents in order to improve the opportunities for pupils from poorer backgrounds. The academy programme shows them drawing in pupils from elsewhere and the research from Bristol University recently has indicated that the more choice there is in the school system the more socially segregated schools become. It is not improving things for that bottom 25% that this Committee has been most concerned with in various inquiries. Do you accept that research?

Ruth Kelly: Let us take the academies programme. We have made the academy schools more inclusive and integrated than their predecessor schools because their predecessor schools had such an overwhelming proportion of children on free school meals that they were not representative of the local intake. They have become more socially representative as a result of the movement to academies, the improvement in leadership at the schools and the different ethos that they are committed to and so forth. If we can have the same mission and ethos in other schools that there are currently in academies, we have the prospect of driving up standards throughout the system and creating a more inclusive system. The reason that research in the past has pointed to choice producing social segregation is that choice has traditionally

worked only for those who can afford it, those who can move near to a school that is performing well or indeed those who can afford to buy private education. What we want to do in the White Paper is move away from that and move to a system where choice works for the disadvantaged. That is the whole thrust and rationale behind the White Paper, that we want to offer that choice of really high performing, good schools with a strong ethos to everybody.

Q9 Helen Jones: In that case, why has your Department refused to accept the conclusion that this Committee came up with that the code of practice on admissions should have statutory force rather than be something that schools merely have to have regard to? Surely, unless that has statutory force, we will still be in the situation where schools choose parents rather than parents choosing schools.

Ruth Kelly: The adjudicator system is on a statutory basis. You are absolutely right. The code of admissions is a code of good and fair practice that schools should have regard to but if another school or the local authority complains about a school's practice, they refer it to the adjudicator and the adjudicator can take a binding decision on the basis of whether that procedure is fair or not. There is a specific instance on faith schools where they are referred directly to the Secretary of State but for all other schools the adjudicator takes the decision on a statutory basis.

Q10 Helen Jones: Why then should someone disadvantaged by the system have to wait for a complaint to be made? This Committee said in its report that fairness in public policy ought not to be a matter of luck but a matter of course. If we believe that that should apply throughout the country, why do we not have a statutory system rather than leaving the admissions system to complaints from different local authorities who may or may not choose to make them?

Ruth Kelly: What I think will happen under the new framework in the Schools White Paper is that local authorities will have a much clearer remit to act as the champion of parents and pupils. If they take that duty seriously—and they will have to because it is a new legislative duty that we are proposing—they should act as champions of all pupils who are not being fairly served by the system, particularly those who are disadvantaged. For example, if a local authority sees that a school has a biased catchment area or is not giving sufficient priority to particular groups of children that you would expect under the code, they can refer that school or indeed groups of schools to the adjudicator. The adjudicator takes a common sense view on the basis of the admissions code about what is right for children in that area and it is on a statutory basis. I think that is quite a firm way of determining admissions and it will work better in the new arrangements than it has done under the old system.

2 November 2005 Rt Hon Ruth Kelly MP

Q11 Helen Jones: Then why not just make the code of practice have statutory force? Why are we jumping through all these hoops?

Ruth Kelly: Because it works pretty well at the moment.

Q12 Helen Jones: The report from this Committee decided that it did not work particularly well. Have you looked at that evidence?

Ruth Kelly: We are constantly improving. We are consulting on a revised code of practice at the moment and we want to see how that works. This gives us a flexible way of incorporating changes into the code of practice, but the adjudicator is on a statutory footing and can take decisions.

Q13 Mr Wilson: I would like to explore the issue of trusts but I would like a little background information. How many have applied for foundation status over the past 12 months?

Ruth Kelly: I do not have that figure but we have just introduced a fast-track foundation status which will make it much easier for schools to become foundations or self-governing schools. In the past it used to be quite difficult for schools to become foundation schools because they had to publish statutory proposals and go through quite a bureaucratic procedure. Not that many have been able to go through the old system.

Q14 Mr Wilson: Correct me if I am wrong: there was also this earned autonomy status within schools as well. How many have gone through that process and been successful?

Ruth Kelly: Earned autonomy has never been used and was overtaken by the power to innovate which is a much simpler, less bureaucratic mechanism for achieving the same thing.

Q15 Mr Wilson: How many schools made it through that process, the new process that replaced earned autonomy?

Ruth Kelly: Lots of schools used the power to innovate. It was very widely used on the ground.

Q16 Mr Wilson: You have been pursuing this towards trust status for a while now. What is the difference therefore between a foundation status school and a trust school? What are going to be the different freedoms?

Ruth Kelly: A foundation school I prefer to call a self-governing school. They are essentially the same thing but I think self-governing is a much clearer way of describing what happens. They are self-governing rather than being community schools. They will have exactly the same freedoms as foundation schools currently have. They will own their own assets, employ their own staff and have their own admissions authority within the code of practice.

Q17 Mr Wilson: There is not much difference?

Ruth Kelly: We have said that self-governing schools will then be able to acquire a trust and that is where the difference comes in. Self-governing schools use

governing body options to draw in an external partner and will be able to do that and the external partner will be able to appoint the majority of the governing bodies to provide specific ethos for schools.

Q18 Mr Wilson: You are also saying that you want to allow a much wider variety of providers into the sector: charities, parents and companies to set up schools. The Government has introduced clauses in 1998, 2002 and 2005 Education Acts to allow new providers into the system but, as far as I understand it, only one school has come into the system as a result of those Acts. The problem has been local authorities, school organisational committees. Are you going to sweep these away so that the bureaucracy is removed and these organisations can come into the sector with a great deal of ease?

Ruth Kelly: We are abolishing school organisational committees. Their powers will be assumed by the local authority. The idea is that the local authority takes the strategic role in the system. This is a very coherent way of looking at how school improvement and diversity in choice and access ought to be delivered at the local level. It is by giving that role to the local authority rather than the school organisational committee which currently is a representative of vested interests already on the ground. That is what we are trying to do in the White Paper.

Q19 Mr Wilson: Under the legislation, for example, if a school in my constituency wanted to expand and was supported by teachers, parents and the local community, would it be a very simple process now for them to do so?

Ruth Kelly: The presumption will be in favour.

Q20 Mr Wilson: Will it be a simple process?

Ruth Kelly: It will. We are trying to change the presumption because at the moment schools do not want to come forward with plans for expansion because they are concerned about what the impact will be on the views of interests represented in the schools organisational committee. In future, because there will be a strategic role in the local authority, which does not represent a vested interest but represents the pupils and the parents, it will be much simpler and more straightforward for the schools to be able to put forward proposals for expansion and for them to be approved.

Q21 Mr Wilson: At the moment there is a large number of obstacles for schools that wish to expand. Are you going to sweep those away?

Ruth Kelly: That is the purpose of the change.

Q22 Mr Wilson: In my constituency during the summer months this year I wrote to you about this. There was a local school, Evergreen Primary, that had the support of teachers, parents and the local community and wanted to expand but was refused on the basis of surplus places. At the time the Government was denying the existence of surplus places. I believe now that the Prime Minister is

saying that there was a surplus places policy and it is now going to be swept away. Is that a correct interpretation?

Ruth Kelly: There is not a surplus places rule and there was not. The point behind the reforms was to make it easier for good proposals which came forward to be approved quickly and easily. The presumption will be in favour. Where a school wants to expand, it should be able to. However, personally, I think it is much more likely that a very successful school—to take a secondary, for example—with an inspiring head teacher, rather than wanting to expand the provision at their school, which they may want to do but it will depend upon the size of the school, may choose to set up a trust and take over the running of an under-performing school locally and help that to improve. That will be how the school leadership team is challenged, rather than just admitting new pupils into the existing building.

Q23 Mr Wilson: My local authority misinterpreted the assisted places rules?

Ruth Kelly: There is no surplus place rule. I do not know what your local authority did, by the way, but I am very happy to look at it.

Q24 Mr Wilson: They turned it down. I did ask you to intervene but you refused.

Ruth Kelly: Local authorities can use all sorts of excuses and reasons for not allowing a school to expand. I do not know the details of that particular case. I apologise for that. It will be much easier for a school that wishes to expand to do so in future, although I do not think that will be the primary route through which a school creates more good school places. More likely is the fact that a head teacher of a very successful school may become an executive principal through a federation of two schools.

Q25 Mr Wilson: I can go back to my constituency and urge that school to take advantage of these rules and expand?

Ruth Kelly: I am very happy to set out the surplus places rule, or not, for your local authority to consider. There is no surplus places rule. There may be other legitimate reasons why that proposal is not going ahead.

Q26 Jeff Ennis: There is no doubt that there are some really good measures in the White Paper which I fully endorse. I have grave personal concerns around the whole concept of the trust school. It appears to me that many of the good measures contained in the White Paper could be implemented anyway without going through the rigmarole of allowing schools to become trust schools. Is that not the case?

Ruth Kelly: It is absolutely the case that a school can become a foundation or self-governing school now. What we want to do is to make it much easier for schools that want to acquire a trust, to acquire a trust. You are absolutely right to say that this is not some proposal dreamed up in Whitehall or in the Department for Education. We are learning from the experience of foundations that currently attach

themselves to schools, work with schools and help drive up standards in schools. We want to make it easy for schools to acquire that sort of external support where they want to do so and where parents want them to do so. We have proposed setting out ways of enabling schools to acquire a trust. The trust could negotiate under the power to innovate directly with the Department any freedoms and flexibilities it needs, both for that school and for other schools under its care.

Q27 Jeff Ennis: You will be aware that the top 200 performing state schools at present have two common features. They have the lowest number of children on free school meals and the lowest percentage of children with special needs. What sort of measures are we going to introduce? Are we going to introduce a minimum quota, for example, for these schools in the trust for having, say, within 3% of a local authority's average of children on free school meals or children who have special educational needs?

Ruth Kelly: I well understand your motivations for suggesting that. Of the 200 top performing schools, 161 are grammar or partially selective schools. It is not surprising they are top performing schools because they select according to ability. It is also not particularly surprising that, as a result, they have far too few kids on free school meals. I would like to see our top performing schools in the future having far more comprehensives figuring in that total. How are we going to do that? Our proposals for trust schools will enable them to develop the ethos and drive up standards to do that.

Q28 Jeff Ennis: There is a rough correlation between academic achievement and the number of students in a school on free school meals and with special educational needs.

Ruth Kelly: Too strong a correlation and that is the correlation that we are trying to break down. From 1998 onwards, schools have had to have regard to the code of practice which has said that children with special educational needs need to be treated fairly. They cannot discriminate against children with special educational needs. Under the system that we have with the code of admissions, including the self-governing schools, if a school does not admit a fair proportion of students with special educational needs, it could be referred by the local authority or indeed others to the schools adjudicator who could rule against them. I think this is quite a powerful tool for making sure that schools do admit a fair selection of pupils.

Q29 Jeff Ennis: Can I raise a school that will achieve, shall we say, trust status in the future? Presumably they will be responsible for their buildings and the land that the school is built on. That will be their total autonomy to decide. They could sell a school playing field if they wanted to and build a residential development on it if they got the planning permission etc?

2 November 2005 Rt Hon Ruth Kelly MP

Ruth Kelly: The playing fields legislation will still apply to trust schools. They will not be able to sell playing fields.

Q30 Jeff Ennis: They will be in full control of the buildings and the land?

Ruth Kelly: Apart from playing fields. They are not just able to dispose of assets willy-nilly. It has to serve an educational purpose and be reinvested in the education of the pupils in that site. Trusts will be charitable bodies with specific educational objectives and will be bound by charity law as well.

Q31 Jeff Ennis: Can I quote a specific example? We had a primary school in Barnsley where they had massive problems with methane emissions getting into the school building so the school had to be closed for a very long period of time. It involved a lot of expense in carrying out remedial works etc., to resolve the problems. The kids had to be bussed to other schools in the area and so on. What would happen with a trust school if it was faced with that scenario? How would it deal with that? If it is a totally autonomous school, what would happen?

Ruth Kelly: As I understand it, although I will write and correct this point if I am wrong, the local authority would still have exactly the same intervention powers in those extreme cases as it does at the moment.

Q32 Jeff Ennis: Where would they get the money from?

Ruth Kelly: The school.

Q33 Jeff Ennis: The local authority to deal with it?

Ruth Kelly: In the same way as it does at the moment. Forgive me that I am not familiar with the particular case, but the powers that applied in that case would presumably still apply under the new system. I am very happy to look into that.¹

Q34 Jeff Ennis: Barnsley is currently going through an extensive public consultation exercise to close all its 14 secondary schools, merge them and reopen them as eight advance learning centres. I am pleased to say that we have funding from the Department to achieve that. It is very innovative and it is all about getting more kids to stay on et cetera, and to have life long learning within a school environment. What happens if some of these secondary schools decide that they are going to be trusts and they are not going to play ball; they are going to maintain their own particular fiefdom? They are not happy with the proposals. What implications would trust schools have for adventurous, innovative plans that local authorities have to improve school standards in their area?

Ruth Kelly: Local authorities will still have all the same powers that they have at the moment for school reorganisation proposals. They will not be diminished by the advent of trust schools. Local authorities currently have to work with foundation

schools which have the same degree of autonomy as trust schools, albeit on an individual basis rather than the trust having it.

Q35 Jeff Ennis: If we had an individual head, say, in one of those 14 schools who wanted to protect his or her own fiefdom and got the parents to go along the trust school route, would they be able to do that?

Ruth Kelly: It does not mean to say that they are somehow cut loose of the local authority in that sense. The local authority in some senses, as strategic leader in the system, will have more power than it does at the moment. To take the example of an under-performing school, the local authority under the new system will be able to issue a warning notice and if nothing is done after a year that school will move into special measures. It is in existence at the moment but it is an incredibly difficult tool for the local authority to use. Under the new system it will become very simple for the local authority to tackle under-performance in schools. Then, they can issue special measures to close if improvement does not happen rapidly. That will be added to its repertoire of tools at its disposal to carry out these sorts of reorganisations. All the same powers will still exist for local authorities in those areas of reorganisation which currently exist.

Chairman: Barnsley is obviously very favoured.

Q36 Stephen Williams: This question arises from your statement on trust schools. You were pleased to announce a range of outstanding organisations which included Microsoft and KPMG coming together to work with you, bringing extensive educational and school management experience together with strong links to communities. I have never worked for KPMG but I have worked for PWC, a very similar organisation. I do not recall us ever being involved in the management of schools or having particularly strong links to communities, let alone Microsoft. Microsoft I do not think is particularly well known in that field. Can you tell us what exactly you expect these outstanding organisations to bring to the party, because if it is different from academies I assume it is not money.

Ruth Kelly: Microsoft in particular has proposals to work with the Open University, to link up and provide support to schools. It is an extremely exciting model. They have some proposals that they are looking at very closely at the moment. They intend to provide management expertise to raise aspirations, to provide specific ICT support to schools which they may not otherwise have had. As I understand it, they are quite interested in developing this model more widely. They will have to be involved in the next stages so that we make sure in the legislation that the trust schools are set up in such a way that they are able to do this, but I cannot think of a better example of the sort of projects that we would like to see schools being able to benefit from, where they think they could benefit from it. That is why it will be voluntary for the school's governing body to take on a trust if they want to, but if there are very clear advantages for their pupils in adopting a trust I think many of them will want to do that.

¹ Ev 12

2 November 2005 Rt Hon Ruth Kelly MP

Q37 Stephen Williams: Will every trust have to have an external trustee, effectively?

Ruth Kelly: It could be generated within the school. For example, if you have an outstanding school with an outstanding teacher, I think it highly likely that that head teacher might want to set up their own trust so that they could set the ethos for their own school but also perhaps for a second or third under-performing school. The trust would make it extremely easy to transfer their model of education, negotiating with the Department, to others very quickly and easily and spread that expertise and leadership quickly throughout the system.

Q38 Stephen Williams: Apart from the advice that you mentioned, will these external bodies have a role in the governance of the schools? The academy model gives extraordinary powers to the person who contributes from outside. Will that be the same here?

Ruth Kelly: They could. They will certainly have a right to some governors on the governing body and they could decide to appoint a majority on the governing bodies, but that would be clear to the school and they would have to opt for that for it to happen.

Q39 Stephen Williams: KPMG could provide a majority of trustees at a trust school?

Ruth Kelly: It is not KPMG as KPMG. This is a charity that might be set up by KPMG for school improvement. They have corporate, social responsibility requirements. They might choose to do that. They are interested in working with us on that. The trust would need to be vetted and we would need to be absolutely clear that the charity was intending to raise outcomes and could do so in schools and then the schools would want to have it. There are all sorts of safeguards in the system.

Q40 Chairman: You are aware of my view, shared by some on this Committee, that the more innovative partnerships where you have a university with someone like KPMG are for many people preferable. It gives an assurance that that blend of educational background and experience with commercial experience seems to work better and provide some safeguards for the educational ethos and content.

Ruth Kelly: Universities are a prime example of the sort of external partner we would like to see working with schools that choose to go down that route. We have already had expressions of interest from a number of universities. I spoke at a dinner last night where many people round the table said they were interested in getting involved in trusts as well. The more we can link it to raising aspirations, the easier it is for people to understand how this might drive skill improvement. Where you, for example, have a university linking up with a commercial organisation like Microsoft, which also has a direct input in terms of ICT and raising capacity in the school, I think people will see that it has the potential to make quite a marked difference to outcomes for the school.

Q41 Mr Marsden: I would like to probe what the White Paper has to say about the new roles envisaged for local authorities and also in particular the Schools Commissioner. The White Paper says on page 103 that local authorities are to be given the role of championing parents and pupils in their areas. You have given numerous examples today of how that might work and it talks about them having more of a commissioning role rather than providing education. What is the need for a Schools Commissioner?

Ruth Kelly: The Schools Commissioner is to work with external partners who might want to set up trusts, to make it as easy as possible for them to do so—the local authority will have some responsibility for developing proposals at a local level as well—and to try to point those potential trusts in the direction of schools in particular disadvantaged areas or schools that particularly need help to improve.

Q42 Mr Marsden: The wording on page 28 is: “We will establish a new office to act as a national champion for the development of trust schools and to work with potential trusts”, which is what you have outlined. Will the Commissioner have a regulation role for these trusts as well?

Ruth Kelly: We are developing the detailed proposals and the vetting requirements for trusts and we are considering the role of the Schools Commissioner in that respect and indeed of the local authority. We will set out proposals in the run-up to the legislation on how precisely that might work.

Q43 Mr Marsden: You have not decided yet whether the Schools Commissioner should have a regulation role?

Ruth Kelly: The Schools Commissioner will have some regulation role and will also advise the Secretary of State on the exercise of the Secretary of State’s power if a local authority is under-performing.

Q44 Mr Marsden: I accept that obviously details will be laid out in advance of legislation but is there not an inherent contradiction in having an official, a Schools Commissioner, who has a job both to promote and to champion a new idea—in this case, trust schools—and also one to regulate it? This is not a model which, so far as I am aware, is currently in the education sector, is it? It is certainly not one you would use for Ofsted.

Ruth Kelly: The trusts will be charitable bodies and they will be governed by charity law. They will have the same duty, for example, to promote race relations as currently exists and to promote social cohesion as currently exists under charity law. They will also have a duty to promote educational outcomes. What we are thinking about is a much more arm’s length role for the Schools Commissioner.

Q45 Mr Marsden: I referred to Ofsted and the regulatory powers of Ofsted at the moment. Ofsted have an inspection role; they do not have an improvement role. Other organisations such as the

2 November 2005 Rt Hon Ruth Kelly MP

Adult Learning Inspectorate, who we had before us earlier in the week, do currently have that role, whatever role they may have under new proposals that are coming forward. If you gave inspection powers to a Schools Commissioner, would that Schools Commissioner have a pure inspection role or would he or she in his or her office have an improvement role as well?

Ruth Kelly: We are not talking about that sort of inspection role at all for a Schools Commissioner. We are thinking about how the trustees might be vetted, for example, when a trust is set up.

Q46 Mr Marsden: Who is going to monitor them?

Ruth Kelly: The trusts would be monitored by Ofsted but the governing bodies would be the ones responsible. Ofsted would monitor the performance of the school at the level of the governing body because they would be the ones who would be accountable for the performance of the school.

Q47 Mr Marsden: Are you concerned that, whatever the final role for the Schools Commissioner is defined in legislation as, there may be a danger of ambiguities? You are talking about the Schools Commissioner having a promotional and championing role; you are talking about local authorities having a promotional and championing role and at one point in the White Paper you talk about the Schools Commissioner challenging local authorities. Obviously there is an audit role for anybody in some of these things but are you not in danger of setting up some sort of perpetual conflict zone between the Schools Commissioner and local authorities?

Ruth Kelly: I do not think so. The Schools Commissioner is going to be a high level Department for Education official.

Q48 Mr Marsden: That will not necessarily stop him conflicting with local authorities.

Ruth Kelly: The Department already monitors what is going on in local authorities and expects them to be carrying out their job effectively. The Secretary of State can take powers in relation to that. What we are talking about is bringing that together.

Q49 Mr Marsden: He or she will be an adjunct to DfES. It will not be a separate, stand alone organisation?

Ruth Kelly: An employee.

Q50 Mr Marsden: Can I move to one of the other parts of the White Paper that most of us welcome and that is the emphasis placed on improved discipline, particularly as someone coming from a local authority where we make particular efforts to tackle absenteeism and with the new targets in terms of attendance, that will put considerable pressures on the very excellent pupil referral units that we currently have. Where do you envisage the additional support and funding for those pupil referral units coming from?

Ruth Kelly: You are right to point to the fact that we have to improve quality at pupil referral units. It is not necessarily the case that more pressure will be put on them if we get this policy right. Pupils can be temporarily excluded from schools at the moment for up to 15 days before alternative provision is required. I think that is too long and that alternative provision ought to be required earlier. If you get discipline right in schools there ought to be fewer temporary exclusions and you create a virtual circle. This is about pre-emptive action.

Q51 Mr Marsden: You do not envisage this new regulation having an unintended consequence of increasing substantially the cohort of people who would have to attend pupil referral units?

Ruth Kelly: Schools may choose to educate some children off site and they may choose, in collaboration and partnership with each other, what provision is needed. Some of that may be on school premises, maybe in a learning support unit or in a separate unit. Some of it may be off the school site. It may be in a pupil referral unit or in parallel to a pupil referral unit. If schools work together and plan provision between them, what I think will happen is that the quality will improve as well as the approach to discipline within schools.

Q52 Mr Marsden: What you are talking about is a more graduated system, rather than just being straightforwardly in schools?

Ruth Kelly: Absolutely.

Q53 Mr Marsden: One of the other things in the White Paper that will be widely supported, which you recommend, is to improve the position for disadvantaged pupils in terms of school transport. You have talked about legislation to entitle them to that. You have also talked about some of the innovative schemes like customised yellow buses that are being piloted at the moment. You say in the White Paper: "We will also expect local authorities to consider all home to school and other travel as part of their new duty to support choice, diversity and fair access." I do not think anyone would quarrel with that but what are the budget implications on local authorities for that? Are you going to give them extra funding to assist them in that process?

Ruth Kelly: Yes. We have allocated some of our departmental resource towards that end.

Q54 Mr Marsden: Have you any figures on that?

Ruth Kelly: I do. I can certainly write to the Committee with the precise figures.

Q55 Mr Marsden: That would be very useful.

Ruth Kelly: You are talking tens of millions of pounds in the long run.²

Q56 Chairman: That is much more refreshing than your former school transport initiative but that was before your time. I have been doodling here in terms

² Ev 12

2 November 2005 Rt Hon Ruth Kelly MP

of here is the Treasury attempting to reduce regulation. At the top of the pyramid there is the Department for Education and Skills. Then you have the Commissioner, then Ofsted, then the Audit Commission and the local authority. It does not look as though much regulation has disappeared.

Ruth Kelly: It is becoming much more light touch, more proportionate and less bureaucratic so the Department for Education is becoming more strategic and the relationship is becoming much more informed.

Q57 Tim Farron: If we could go back to the issue of parental choice, the White Paper talks about choice particularly with regard to expansion. Section 2.4 of the Paper says, "Often parents are less interested in a brand new school for their child than in having the opportunity to get their child into an existing good school. Schools that are popular with local parents but are oversubscribed should have an easy route to expansion." That is the headline quote that people—parents in particular—will latch on to but I think you have said and certainly Lord Adonis has said over the last week that schools are not going to be forced into expansion and the evidence is so far that very few opt to do so. What exactly is going to change?

Ruth Kelly: Very few opt to do so for a variety of reasons, partly because of the way the school organisational committee is set up. It represents other schools in the area and so forth which have a direct interest in protecting their own interest rather than seeing a successful school expand. Some schools go through that process and expand and are widely accepted because everyone accepts that it is in the interests of the local area. Other schools do not even put forward proposals at the moment because they think they might get blocked and that other people might think it is not such a good idea at a local level. We want to change the presumption so that, where a school has a sensible proposal for expansion and there is clear parental demand for that, they do not need to go through that process and it is determined by the local authority in the interests of the local area. I would expect to see schools more willing to come forward with proposals under the new system. What I am not suggesting is that somehow every secondary school in the country will be saying, "We are doing quite well. Let's expand" because not all schools will think that way. Some think that the size they have at the moment is right to preserve their individual ethos and the parents do not want to see that school expand either. There will be some schools however that do want to go down that route.

Q58 Tim Farron: I cannot see many head teachers with so much on their plate already wanting to embark upon an aggressive funding policy.

Ruth Kelly: I do not think that is right either. I think there are a lot of fairly ambitious, talented head teachers in the system who want to make more of an impact on education. One of the proposals in the White Paper was to create a new breed of national education leaders, people that we would talk to

directly in the department, who would get involved in policy, who are very successful head teachers in their own right and who might well want to take on more of a leading role in their local area. That may include setting up a trust and therefore sharing their expertise with less high performing schools or under-performing or failing schools in their local area. It may mean helping out in some less formal way. I would like to see that capacity for good leadership in the system grow and be shared more widely across the system.

Q59 Tim Farron: The evidence is that it is not going to be a majority; it is not even going to be a vast minority of schools that do this. Are we not raising expectations of parents about the likelihood of getting their child into their first choice school only to disappoint them?

Ruth Kelly: I am not raising expectations about every school wanting to expand at all. Some schools will want to and where they want to and they have a good case we should make it as easy as possible for them to do so.

Q60 Chairman: Is the likely scenario that there will be hundreds of portable buildings? Do you have nightmares about this?

Ruth Kelly: Absolutely not. I do not dream about every head teacher suddenly waking up in the morning saying, "I want to expand the provision in my school." I do not think that is likely to happen to the majority of schools. There are some schools that will want to go down that route who feel blocked from going down that route at the moment. It is highly likely that some exceptional head teachers in the system will want new challenges and want to take over two, three, four or even five schools if they have the ability and talent to do that and people want their expertise in their school. They can do that through the new trust mechanism. I would like to see leadership capacity grow. I would like to see more good school places but I do not think the only way of getting more good school places is by expanding existing successful schools although they might have a role to play.

Q61 Tim Farron: I suppose the main movement towards additional parental choice will be something that has nothing to do with you, which is the fall in school rolls over the coming years.

Ruth Kelly: No, I do not think that is the case. You would not expect to see uniformity in how falling school rolls hit schools anyway. It would not necessarily be the case that falling school rolls hit particularly successful and popular schools that parents wanted to get their children into. There might be an impact but that is certainly not the key route by which school improvement is going to take place. The new vehicles of trust schools is going to be hugely important in driving up standards, particularly of under-performing schools in disadvantaged parts of the country.

2 November 2005 Rt Hon Ruth Kelly MP

Q62 Tim Farron: In my constituency, if you live in Coniston, your second nearest school is 15 miles drive and a ferry journey away. How does choice work there?

Ruth Kelly: There is an issue about rural schools. I cannot remember the exact figure but it is something like 85% of all pupils live within three miles of three secondary schools. I will send the Committee the precise numbers. The vast majority of pupils live within easy travelling distance of a number of secondary schools. There are particular issues about rural areas and how this works in rural areas. It may be that partnerships between a school and a university or a local employer are particularly important in providing diversity and access in rural areas because the more links you can make with external partners the greater the opportunities that are there for those children. Choice will work in a different way.³

Q63 Tim Farron: Last year, I understand that 11 admissions cases ended up being referred to yourself as Secretary of State. The year before there were four and the year before there was none. Is not what we are doing in terms of handing admissions over to trust schools likely to lead to a mass increase in the number of admissions cases referred?

Ruth Kelly: It is not an entirely relevant point to make. Admissions do not get referred to the Secretary of State; they get determined by the schools adjudicator.

Q64 Tim Farron: I am talking about the numbers that will be referred.

Ruth Kelly: School admissions only get referred to the Secretary of State if they involve questions of faith.

Q65 Tim Farron: You will know—you can correct me if this is an incorrect report—that at the adjudication of the case against the London Oratory School you ruled that the school was permitted to interview parents as part of its interview admissions procedure and that the Gunnersbury School was not permitted to interview parents as part of its admissions procedure. How do you defend this apparent inconsistency?

Ruth Kelly: Both schools were referred to me after a complaint about their admissions arrangements. I took the advice of the schools adjudicator who is best placed to determine whether their admissions policies are in line with the code of practice or not. The London Oratory submitted extensive evidence. I was only asked to determine, not on the criteria that they were using but only on how it was applied in practice. The criterion they were using was faith commitment. They provided extensive evidence which suggested that interviewing was necessary to determine the level of faith commitment. That was the only point that I could consider, whether the evidence they produced was sufficient to show that it was necessary to determine faith commitment. We looked very extensively at this on the basis of the

evidence, including, for example, whether there was evidence of a difference in ability intake between those who passed the interview and those who did not. They showed very clearly that there was no difference in ability or indeed in the numbers on free school meals between those who passed their interview and those who did not. They provided extensive evidence to support their case that interviewing was necessary to determine faith commitment. I could not rule on whether that was an appropriate selection criterion because the objection had not been made on that basis. In the case of Gunnersbury, they had a different criterion to judge against and they did not submit significant evidence in support of their application. Therefore in each case the decision to be made was absolutely clear cut.

Q66 Mr Chaytor: For every school that expands, one or more schools must contract. Given that the presumption is in favour of expansion but the local authority has a responsibility for the wider interests of parents and children, what happens if a school's bid to expand is deemed by the local authority not to be in the interests of the wider group of parents and children? Who resolves that dilemma?

Ruth Kelly: They can turn it down.

Q67 Mr Chaytor: Is there a right of appeal?

Ruth Kelly: There would be a right of appeal through the usual channels. The presumption has changed so the local authority would be expected to look at it on its merits and, if it was a good proposal, to accept that.

Q68 Mr Chaytor: You said earlier that the Schools Commissioner would have the responsibility to point trusts in the right direction to the disadvantaged areas. That is not in the White Paper itself. Is this going to be a specific responsibility of the Schools Commissioner or is this just a general matter?

Ruth Kelly: The specific responsibility of the Schools Commissioner is to help create and develop trusts.

Q69 Mr Chaytor: But not to allocate them to particular schools or neighbourhoods?

Ruth Kelly: Absolutely.

Q70 Mr Chaytor: Absolutely yes?

Ruth Kelly: Yes. The schools need to want it. The Schools Commissioner would be expected to have knowledge of those schools that were looking for trusts. Where there were trusts in disadvantaged areas, where the school was under-performing, that would be part of their responsibility.

Q71 Mr Chaytor: How are you going to ensure that all the trusts do not go to the leafy suburbs? Will there be a positive policy to ensure that the trusts are directed to where they are most needed, not to where the schools have the best contacts?

Ruth Kelly: Yes. Can I point you to page 28 of the Schools White Paper which says that the Commissioner will work with both national

³ Ev 12

2 November 2005 Rt Hon Ruth Kelly MP

organisations and local community and parent organisations, particularly those in disadvantaged areas.

Q72 Mr Chaytor: Is the system of admissions based on banding compatible with the principles of parental choice?

Ruth Kelly: It could have a role to play and we should be as flexible as possible in allowing local authorities and schools to take those decisions that are appropriate to their local area.

Q73 Mr Chaytor: For eight years the Government has prioritised keeping ambitious, middle class parents within the state system. Now we are proposing a banding system that is going to reduce the number of places in certain schools for those very parents. Is this not a recipe for riots in the outer suburbs?

Ruth Kelly: A school would need to choose to go down that route.

Q74 Mr Chaytor: What incentives will there be for schools to choose to go down that route?

Ruth Kelly: In the case of a new school the local authority would set the admissions criteria it is looking for through the schools competition. Schools would need to bid on the basis that they could meet those admissions criteria. If you had a group of three or four specialist schools that were very strong in their individual speciality and they served a particular local area, they might decide between them—and parents might welcome this—that they had an admission system which served all four schools and they took a proportion of children on the basis of ability and shared them out on that basis as well as their aptitude for the specialism. Those sorts of decisions are best taken locally and I would not want to force this on any school.

Q75 Mr Chaytor: In a period of record low unemployment, is not the working families tax credit a better indicator of social deprivation than free school meals?

Ruth Kelly: It is a good indicator and we are using the working families tax credit entitlement alongside the free school meals indicator as the new entitlement for the free school transport provision that we are going to make. We have only just recently been able to use the individual pupil level data and match that to free school meals entitlement to show what is happening to the attainment gap between those children on free school meals and those without. This suggests that is a significant advance from where we have been in the past. We are now able to look at this. It is not a perfect measure of the attainment but it is progress.

Q76 Helen Jones: Trust schools will be charities and the White Paper says that they can only apply money to charitable purposes. Are you envisaging that will be charitable purposes connected with the school or any other charitable purposes that the trusts might have?

Ruth Kelly: Connected with the school.

Q77 Helen Jones: The charity can change its objects under charity law. What is going to be the interaction between the rules you set for trust schools and charity law? What safeguards can you build in to stop the charity changing its objects?

Ruth Kelly: The trust will have to hold the land and assets in trust for the benefit of the school. That will be clear in how it is set up and they will not be able to change the terms.

Q78 Helen Jones: I understand that but the charity can still change its objects and therefore a charity can apply its income to different objects. I am asking what you intend to do to stop that happening with a trust.

Ruth Kelly: Trusts will need to preserve the original charitable objectives of raising standards in that school. All their income will need to be devoted to that purpose.

Q79 Helen Jones: What are the Department's criteria for deciding who would be unsuitable to run a trust school?

Ruth Kelly: We would regulate to prevent some groups of people from being involved with trusts or indeed with trusts that supported schools. Similar regulations already surround, for example, the membership of a school company which disqualifies people who would not be allowed to become a company director and also people who have previously been removed as charity trustees and so forth or people who have been disqualified from working with children and young people. Local authorities would be able to refer a trust to a schools adjudicator if they thought the majority of parents would not be happy with the proposed trust or the consultation did not take account of the majority view of parents or if they were concerned about the influence that the trust might have on school standards. There are a number of safeguards built into the system. We will be outlining them in specific detail during the run-up to legislation but it is a package which very clearly preserves the charitable focus of the trust on school improvement and indeed of that particular school.

Q80 Dr Blackman-Woods: One of the interesting aspects of the White Paper is the greater emphasis being placed on personalised and tailored learning. Does this imply a need for a reduced pupil/teacher ratio? If so, is that going to be achieved if we continue to reduce the numbers of teachers training at secondary level?

Ruth Kelly: It is very tied up with better use of the entire school workforce. What has been happening on school remodelling is that teachers have increasingly been able to concentrate on preparing lessons and teaching to the best of their ability, focusing on teaching rather than other objectives of the school. Increasingly, as we move towards a personalised system, schools will be able to supplement teachers with experts. Those may, if you take a foreign language for example, be mother

2 November 2005 Rt Hon Ruth Kelly MP

tongue speakers or they may, if you are talking about a vocational subject, be someone who works part-time in the field. They do not necessarily have to be qualified teachers. They could be high level teaching assistants with particular expertise or they could be other forms of support staff. As you move down a route towards personalised learning in which you have small group tuition, even one-to-one tuition in certain circumstances, I think it is important that the right expertise is there rather than that this is necessarily, in each and every case, a fully qualified teacher. That is about using the whole workforce to its best effect rather than about any prescription as to who does what. Those decisions are better decided at the level of the individual school.

Q81 Dr Blackman-Woods: Does that mean you are not going to take this as an opportunity to reduce the teacher/pupil ratio in the system generally as we move towards personalised learning?

Ruth Kelly: Lots of pupils will experience a dramatic reduction in the teacher/pupil ratio because they will be taken out of classes to have small group or one-to-one tuition or indeed they will have support within the classroom which is relevant to them. That is a slight variant on saying that everybody should be taught in a slightly smaller group. It is just getting the balance right and making sure that everyone has the individual attention they need within the whole workforce brief.

Q82 Stephen Williams: This Committee is going to look at special educational needs. Baroness Warnock was here on Monday. She disagreed with the statement in the White Paper that there is not a need for a fresh look at SENs. Do you agree with her? She also said that statementing, she felt, was now a complete waste of money and a disaster. Do you agree with that? She was worried that trust schools would effectively marginalise SEN pupils. Do you think there is a worry? What safeguards are you building into the trust model to make sure that SEN pupils will have a fair deal?

Ruth Kelly: Let me take the point about SEN pupils having a fair deal. Trust schools will be subject to the admissions code. Rulings on a statutory basis will be made by the adjudicator, just as the adjudicator does now for schools which comply with the admissions code. One of the elements of the admissions code is that they have to treat special educational needs pupils fairly. That could be one reason, if a school clearly sets its catchment area, for example, in order to exclude particular categories of pupils or has a

particular system which excludes SEN pupils, potentially for referring them to the adjudicator, who could then rule against that admissions policy. On statementing, the answer is not that statementing is a disaster but that we need to be much better at early preventative work with special needs pupils to make statementing a question of last resort. We are increasingly moving in that direction although I think there is further to go. Getting good action at the level of the school, getting expert support in early when pupils' needs are first identified, making sure they are identified as early as possible, is in the SEN community considered the best way forward. Getting that right will take a lot of pressure off the statementing process. Some local authority areas have been fantastic at early intervention. That has reduced public dissatisfaction with the statementing process enormously. It is just not used as much. It is not a sign of the local authority not wanting to statement; it is a sign of the local authority taking special needs much more seriously, more early on in the process and making a real difference to outcomes. The last question was about taking a fresh look at special educational needs. We do and in the White Paper we propose new measures for special schools, for example, saying for the first time that special schools could develop a particular curriculum specialism, perhaps in a mainstream subject; or they might develop a special educational needs specialism which they could share their expertise on with other schools and create links with other schools. What is most important in all of this debate is putting the needs of the pupil first, not the institution in which they are based. There will always be a need for special schools, particularly for those children with complex needs. There are other children who are best served within a special unit within a mainstream school. Other pupils are best supported in the classroom. The most important thing is that pupils get the support which is appropriate to their needs and we will never cease taking a good look at anything we can do to help that process along.

Chairman: Secretary of State, it has been an excellent session. I wish more people had been able to listen to the questions and the answers. I am very disturbed, you are the third Secretary of State in the last few days that the broadcasting authorities have not televised. I believe the broadcasting authorities are really losing the plot. If my colleagues agree, I intend to bring the broadcasting people in here to ask why on earth they are not serving Parliament better because it would have been a lot better if this had been a televised session. Thank you very much.

Supplementary memorandum submitted by Rt Hon Ruth Kelly MP, Secretary of State, Department for Education and Skills

During the hearing on 2 November I promised to provide some further information.

Questions 31–33 (Jeff Ennis): *The financial ability of schools to deal with unexpected problems*

CONTINGENCY AND SCHOOLS CAPITAL

Capital arrangements for Trust Schools will operate largely as they do now for Foundation Schools. They will therefore receive their own allocations of Devolved Formula Capital, which they can use to meet unexpected costs. They will also be able to apply to their maintaining local authorities to meet the costs of ongoing capital developments or unexpected emergencies.

A local authority will remain responsible for funding the maintenance of Trust Schools' buildings, and their needs will be assessed fairly in comparison with other schools when it comes to local asset management planning.

CONTINGENCY AND REVENUE FUNDING

The Financing of Maintained Schools Regulations allow local authorities to retain contingency funding to meet the costs of circumstances that a school's governing body cannot reasonably meet from its own resources and/or that in doing so would be prejudicial to the education of the pupils in the school. This arrangement will apply to Trust Schools in the same way as it does for other maintained schools.

Questions 53–55 (Mr Marsden): *The additional funding to improve school transport*

The White Paper proposes to improve transport arrangements for the most deprived pupils by extending entitlement to free home to school transport for secondary age pupils to any one of the three nearest suitable schools, where the distance travelled is between two and six miles. For the most deprived primary age pupils, the entitlement to free transport will be extended so that they will receive free transport to their nearest school where this is more than two miles from their home. The estimated cost of these two extensions of entitlement is £40 million per annum, but as the extended entitlement for secondary age pupils will be phased in as pupils change schools, it will be a number of years before this sum is reached.

In addition, we recognise that the new duties to support choice, diversity and fair access, as well as a duty to promote sustainable travel and transport on the journey to school, will require some additional resource in local authorities. Our estimate of the cost of this new burden is £4 million per annum.

Full costings and related assumptions will be included in the regulatory impact assessment that will accompany the Bill.

Question 62 (Tim Farron): *The accessibility of local schools*

Over the whole of England, 90% of pupils in receipt of free school meals have three secondary schools within six miles of their homes. Excluding metropolitan areas, where there are many schools, the comparable figures for county councils are that 80% of pupils in receipt of free school meals have three secondary schools within six miles of their homes.

December 2005

Wednesday 30 November 2005

Members present:

Mr Barry Sheerman, in the Chair

Dr Roberta Blackman-Woods	Helen Jones
Mr David Chaytor	Mr Gordon Marsden
Mrs Nadine Dorries	Mr Rob Wilson
Tim Farron	

Memorandum submitted by the Local Government Association (LGA)

1. This written evidence is submitted by the Local Government Association (LGA) which represents over 400 local authorities in England and Wales and exists to promote better local government, enabling local people to shape a distinctive and better future for their communities. It aims to put local councils at the heart of the drive for better public services, working with the Government to secure that objective.

INTRODUCTION

2. There is, despite much of the media speculation surrounding the launch, a good deal for local government to welcome in the White Paper and we endorse the greater role envisaged for local authorities as champions for children and parents.

3. However, the paper is marked by a major internal contradiction. It identifies the key challenges the country faces—the social class attainment gap, low participation post-16, coasting schools—and seeks to tackle this by encouraging schools to take stronger ownership of themselves through innovation and a focus on self-improvement. We would very much agree with the principle underlying this approach. The best way to secure school improvement is for schools themselves to own their challenges and to want to improve.

4. However, the White Paper is inconsistent in its approach as to how to harness the drive and energy of individual schools to tackle the wider systems failures we face. At times the White Paper seems to want an approach based on self-managing, “autonomous” schools working within a wider framework of accountabilities to ensure better outcomes for all children in a community; at others it seems simply to want to give schools freedom to play by their own rules.

5. We believe the best way to secure the outcomes the White Paper seeks to deliver is the first approach; autonomous schools operating in a wider framework. Our understanding of autonomy is that schools should be autonomous in determining how, not whether, they deliver for all children and young people in the communities they serve. Our evidence seeks first to identify where the package outlined in the White Paper needs to change or be strengthened as it is turned into legislation in order to support this approach, and second on the critical role local government, as strategic leader and champion for child and parent, will play in delivery.

6. Despite the Government’s statements, the White Paper focuses more on structures than standards. Local government’s priority is to raise standards in all schools. School autonomy can play a role in securing higher standards, but it is far from the only factor. We are concerned that Government has lost sight of this.

7. In addition we are concerned about the rush to legislate. There are no easy answers to the questions the White Paper sets out to resolve, and issues around admissions and trust schools warrant an extensive public debate to forge a consensus. This is too important to get wrong by rushing through half thought through proposals.

8. We set out below in brief our response to the main proposals in the White Paper:

We support:

- The strategic planning and commissioning role for local authorities.
- Recognition that local authorities are the champion of children and parents.
- The abolition of the School Organisation Committee and the transference of this role to councils.
- The scrapping of the term Local Education Authority.
- Development of more personalised learning in schools.
- Stronger powers for local authorities to intervene in failing schools.
- Improving the provision of information to parents.
- The need for school staff to have the awareness and training to play their part in multi-agency work to protect children.
- Tightening schools’ requirements to inform local authorities of children coming off their school rolls.

- The development of a pathfinder project to develop tools for best identifying those children that would benefit from attending a boarding school.
- The abolition of the LEA/school relations code of practice.

However we have concerns about:

- Autonomous schools being able to opt out of fair admissions practice, as there is no binding requirement on them to abide by the code of practice.
- Removing the ability of local authorities to develop Community Schools.
- The lack of real accountability of Trusts to the community and locally elected officials.
- The introduction of a Schools Commissioner.
- Presumption in favour of school expansion and development of new sixth forms.
- Shared strategic leadership of 14–19 agenda between local authorities and Learning and skills councils. There should be one strategic leader for 14–19 phase—the local authority.

Role of the local authority as strategic planner and commissioner of standards

9. We welcome the strategic commissioning role for local authorities outlined in the paper. The LGA publication *Champions of Local Learning* (July 2005) explored how an effective strategic commissioning role underpins a system of autonomous schools working to a common end. This is a role that councils have been playing for some time, and, contrary to what the Government is saying, it is central government rather than local government that is “meddling” in the day to day running of schools, eg through specific grants, bidding systems and national performance indicators.

10. The proposed new duty on local authorities to provide diversity and choice illustrates the Government’s fixation with structures rather than standards. Existing legislation places an obligation on authorities to act in the best interests of the communities they represent. That is what we want to be held accountable for, not whether we have the “right” number of academies and trust schools.

11. Diversity in type of school; trust, academy, foundation, faith, community, is not an issue as long as each school is accountable to the community in the same way and to the same extent. But we can’t have a situation in which different types of schools can choose the extent to which it serves the whole community. For strategic commissioning to be effective, all maintained schools should be similarly accountable to councils to the same extent for the same things.

12. We are not convinced of the need for a new role of schools commissioner. We already have a children’s commissioner, a schools adjudicator and the White Paper gives local authorities the role of commissioner in a local area. We feel this is a further level of unnecessary bureaucracy and cost. It should surely be the role of Ofsted to inspect local authority’s performance in delivering on the new duty to secure diversity and choice.

13. There are two dimensions to effective strategic commissioning:

- Specifying service standards, and holding providers to account for their delivery; and
- Strategic planning—needs assessment and managing supply to meet it.

Standards

14. The strategic commissioning role in education should not be to intervene in the day to day running of schools, but to set the service standards schools are expected to deliver. Where schools are meeting the standards, they should be left to deliver. Where this isn’t the case, the local authority role should be to provide challenge and support to improve.

15. We welcome the extra powers to intervene in failing schools but want more clarity over our powers to support coasting schools. These powers must be applicable to all schools including academies.

16. The commissioning role must go beyond standards and behaviour to take account of the wider Every Child Matters agenda. We would like to see the status of the Children and Young People’s plan raised in order to support local authorities in holding all schools to account for delivering all services including the extended and support services that will often underpin personalised learning for all children, and particularly the disadvantaged or vulnerable. This would mean that school competitions would specify expectations such as impact on attainment, providing extended services, school improvement and the breadth of the curriculum. If the system is to work in the interests of the whole community then these rules should not apply just to new schools but to all existing schools and those moving to trust or academy status.

17. There needs to be co-ordination and co-operation between the agencies undertaking this challenge role. Local authorities need to work with Ofsted and school improvement partners to hold schools to account if they fail to deliver against targets for agreed admission policies, delivery of extended services and failure to support wider Every Child Matters outcomes. The White Paper is unclear as to how these agencies will work together to ensure schools are held to account.

18. It is also unclear how local authorities will hold new and expanded schools to account for the delivery of criteria set out in any school competition; and whether the basket of criteria against which schools will be held to account goes beyond standards to include the wider Every Child Matters outcomes.

19. We are concerned with the proposal to turn around failing schools in one year. We are clear that failure should not be tolerated but we question whether a one year turn-around is a policy designed to encourage new provision and the creation of trust schools and academies rather than a genuine policy to support school improvement.

Strategic planning

20. The strategic planning role should be to assess the medium to long-term needs of the community and to manage provision—including capital investment—in the way that best meets these needs.

21. Councils should be able to help the community and parents to set up schools—this will be important in those communities where the social or financial capital does not exist otherwise to support the development of Trusts. Councils should be able to support parents, community groups or local businesses to develop propositions for schools to increase the range of options in local competitions.

22. We do not agree that authorities should no longer be able to create new community schools or that offering community schools is inconsistent with a “commissioner” role. The Government’s arguments are based on a misunderstanding of the relationship between authorities and community schools, and a refusal to acknowledge that innovation is as likely to take place in community schools as in any other.

23. We have concerns with the proposals in the White Paper around school expansion, and in particular that a presumption in favour of expansion means a *de facto* “right to expand”. Clearly it is right to build on success, and the evidence shows that authorities are advocates for school expansion. However expansion cannot be right in every circumstance. For example, it would be wrong to expand a school in an area where the demographics point to a fall in demand, or where expansion would undermine delivery of Building Schools for the Future or 14–19 strategies, or wider regeneration programmes. Expansion should not compromise the education of children in surrounding schools. In these circumstances authorities should be able to use a menu of alternatives—federation, amalgamation or wholesale reorganisation—to meet parental demand and concern while also preserving the wider community interest.

24. Similarly, local authorities must be part of decisions on the creation of sixth forms. The White Paper states that the presumption will be that secondary schools will be able to open sixth forms. This needs to be balanced against value for money and the delivery of 14–19 agenda. Local authorities must be able to intervene in sixth form proposals where this will impact on existing provision.

25. An unfettered right to expand or create new provision risks undermining long-term strategic investment to meet demography and to deliver Building Schools for the Future and the 14–19 Strategy. This will result in poor value for money and obstruction of the delivery of a 21st century education system. We refer to this in more detail later.

26. We welcome an end to the School Organisation Committee and the transfer of this role to local authorities.

27. We welcome the proposed abolition of the term “local education authority”. It simply reflects practice in most authorities, certainly since the Children Act 2004. We should seek to demonstrate that it is the involvement of all council services in the local schools system that is critical.

Fair school admissions

28. Admissions arrangements need to work in the interests of all parents and children in a community. A system in which schools are able to select pupils will not work in this wider interest; nor will a system in which each type of school in a community operates a completely different approach to admitting pupils. There is no single “magic bullet” solution to securing fairer admissions. The most effective way to deliver an admissions system that is simple, transparent and works for parents is for precise arrangements to be determined and coordinated at a local level, in a way that reflects the characteristics of the area; geography, population density, social characteristics etc.

29. We have serious concerns that without strengthening current admissions arrangements, a world with many more schools acting as their own admissions authorities will:

- increase the complexity faced by parents and pupils in making a choice; and
- increase the likelihood that the admissions system works against the most vulnerable, through the unintended interaction of uncoordinated admissions arrangements tending to disadvantage particular groups, or through increasing the opportunities for covert selection.

30. To combat this risk we would argue that:

- all admissions authorities should be required to abide by the code of practice on admissions, rather than simply “have regard to” as now;

- the system for coordinating admissions in a local area needs to be strengthened to ensure that parents are faced with as simple and transparent a process of choosing a school as possible. The local authority, working in partnership with the other admissions authorities in the area, should develop a coordinated approach to admissions arrangements which secures simplicity and transparency for parents and children, and which avoids potential unintended consequences from the interaction between different admissions arrangements; and
- to this end, the authority should be able to instruct schools to adjust their admissions arrangements to secure simplicity and transparency, and to resolve conflict with other admissions practices, even where those arrangements are otherwise consistent with the code of practice. Schools would have the right of appeal to the adjudicator.

31. In addition, we would argue that there should be a duty placed on all schools to work together with other schools and the local authority to ensure that every pupil in the area has a school place.

32. While we welcome the proposals in the White Paper to fix admissions arrangements for new schools for three years, it is not clear whether an existing school that opted to take Trust or self-governing status would be bound in the same way should it choose to vary its admissions arrangement. We would argue that it should.

33. In addition, the White Paper fails to recognise that these proposals are not applicable in rural areas where choice is automatically restricted by the number of schools, or in some urban areas where the only choice for parents is a faith school.

34. Choice for children with SEN is already restricted. It would appear that Academies do not have to abide by the same policy as other schools when deciding whether to admit a child with a statement who has expressed a preference for that school (this was set out in a recent letter from DfES to all local authorities). Parents of a child with a statement do not have a right to express a preference for an Academy and an Academy is under no obligation to admit a child even if a parent does express a preference. We are concerned that the principle of different rules for different schools will become more widespread in future and believe this policy must be changed and Academies should have to abide by the same admissions regulations as all schools.

35. Choice advisors could play a role in helping families navigate the admissions system. But rather than create an even more complicated system of admission arrangements which people need help to understand, we would argue that it would be better to strengthen local authorities' ability to create a simpler, coordinated and transparent system that doesn't require specialist help to negotiate.

36. While we support the proposals to extend free travel for the poorest pupils to their three nearest schools, there are several problems:

- There is little point providing transport if the school won't let them in.
- It has little purchase in rural areas.
- Given the Government's wish to extend this right to all pupils, how much money is the Government prepared to spend on buses rather than investing to ensure that every school is a good school?

Accountability to parents and children

37. Despite the Government's rhetoric, we do not think that the White Paper moves the balance of power from schools to parents. If the Government were serious about parent power, they would legislate to increase minimum parent and community representation on Academy and Trust governing bodies to bring them in line with other schools. We believe that for voluntary aided schools, Trust schools and academies, the current requirement for a minimum of only one community representative is not sufficient to ensure parental and community interests are properly taken account of in the management of these schools. We believe that at least a third of the governing body should be community and parent representatives. The proposals suggest the Government is less keen on parent power in new model schools than in community schools.

38. We welcome the proposal for all trust schools to have a parent council and think this should be extended to all schools. However, the rhetoric about parent power is stronger than the reality. The White Paper says parents' views "must be taken into account" in moving to Trust status. But it is unclear what that means in practice and what the role of Parents' Councils will be in actually influencing what happens in a school. Similarly it is not clear what it means for schools to have to consult parents before converting to trust status.

39. It is important that parents are consulted on and involved in changes to schools in their area. However, the local authority must make strategic decisions based on the concerns of all parents rather than having to meet the demands of the loudest and most eloquent.

Personalised learning and collaboration

40. Every child deserves an education that meets their particular needs and we welcome the focus on personalised learning in the White Paper. This means providing specialist learning support, behavioural, emotional or other social support, or ensuring access to a broader 14–19 curriculum. However, if achievement gaps are to be addressed seriously, personalised learning needs to go beyond curriculum choice and tailored education, to include specialist support for example personal, family, social and health needs.

41. Collaboration between all maintained schools in a community, supported by the council, which can broker arrangements between them and devolve funding or responsibility where appropriate, is the most effective way of delivering this. Collaboration can also deliver support from other agencies to help pupils with social, emotional or behavioural obstacles. Collaboration can help schools focus on outcomes for the whole community, by pooling accountability for attainment across a group of schools. And collaboration can deliver more efficient use of resources by sharing specialist facilities and “back-office” services.

14–19 strategic leadership

42. Councils should be given the strategic lead for the 14–19 phase. The current plans are for councils and local learning and skills councils to share responsibility for this phase. We need a single leader. The choice is the local learning skills council or the local authority. The local learning skills council offers links with employers, and with post-19 education and training. But the local authority can offer these links and join up with the other services that support achievement and engagement for young people, and indeed from early years. The case for local authority leadership, as part of Children and Young People Trust arrangements and as the manager of youth provision, including Information Advice and Guidance, is very strong.

Capital investment

43. We are concerned at the impact of these proposals on the Building Schools for the Future programme. BSF requires a strategic approach to achieve the Government’s aim of transforming secondary education. It will become increasingly difficult for authorities to engage schools and enforce this with schools becoming more autonomous. Local education partnerships model depend on efficiency gains and smarter procurement processes but this depends on grouping schools together to maximise education vision, specification and contract terms. With schools being independently managed, this potential for efficiency rapidly disappears.

44. This is already being demonstrated in some authorities. For example, in Liverpool, the viability of their BSF and PFI programmes are being undermined by the uncertainty around the proposals in the White Paper. There is concern that the Government, in order to enable popular schools to expand more rapidly, may force Liverpool to make changes to the proposed BSF priority order determined locally by stakeholders via objective criteria through a consultation process which was held up as an exemplar of good practice.

45. We are concerned that the proposals to create capital pots to support schools to expand, offer new provision and sixth forms are not consistent with long-term strategic investment to make the school system fit for the 21st century. We are concerned that the paper appears to signal a reduced commitment to the principles underpinning BSF. We need the Government to clarify this situation if we aren’t going to suffer from planning blight.

46. We need to be clear that transfer of asset ownership does not mean that schools will be able to dispose of investments that an authority has made, such as in extended services. There is a danger that uncertainties of this kind will discourage authorities, and private sector partners in any PFI initiative, from investing—particularly where they may end up carrying some of the PFI cost on their own budgets.

Dedicated schools grant

47. We are concerned about the effect that these proposals will have on top of the introduction of the ring-fenced Dedicated Schools’ Grant for 2006–07. Our main concerns are around the increased lack of accountability of schools to their community, and ensuring integrated services for children. Ring-fencing of schools funding leads to less accountability as local people will no longer contribute to schools’ funding through their council tax.

48. A ring-fenced DSG makes the agenda for joined-up children’s services and the Every Child Matters agenda harder to achieve. Even though there will be some flexibility for authorities to use Dedicated Schools Grant to contribute towards joint budgets with other bodies, this will have to be approved by Schools’ Forums.

49. Since the Dedicated Schools Grant will be based on January 2006 pupil numbers authorities will have less certainty of funding; they are unlikely to know final DSG figures for 2006–07 until May 2006; this gives authorities more uncertainty than is the position with Revenue Support Grant, where figures will be known at the start of February 2006.

Witnesses: Cllr Alison King, Chair, Cllr James Kempton, Vice Chair, and Mr Stephen Meek, Children and Young People Board, Local Government Association, and Ms Christine Davies, Director of Children's Services, Telford and Wrekin, gave evidence.

Q83 Chairman: Can I welcome our four witnesses, Stephen Meek, Alison King, Christine Davies and James Kempton and say that we are very grateful that you could join us at quite short notice. This Committee is determined to give a thorough appraisal to the education White Paper and, of course, the White Paper impinges very much on the rights and responsibilities and powers of local government in respect of education, so we are grateful for your attendance today. I am loath to ask all of you to say something to kick us off, but when we get into the question session it is better if someone leads and one or two people respond rather than every question all four people responding. Would one of you like to say something to get us started or would you like to go straight into questions?

Cllr King: Given the opportunity to say something, Chairman, I would like to say that there are aspects of the White Paper that we in local government welcome, of course—the commissioning role, the end of the term “LEA”, which a lot of us have not been using for quite some time because we like to feel that the whole of the local authority is involved in the education of children, not just one department, and, of course, we welcome the emphasis on improvement: improving the ability to support failing schools, improving on the ability of parents to be involved in their children's education, improvement of academic standards, improvement on the behavioural front as well. We are very keen to see those things in the White Paper, and very pleased, but we do have some concerns, as I am sure you are aware. We are worried that there is an inconsistency in the White Paper that on the one hand local authorities are given a much stronger role and more responsibility, in fact, to deliver for children and young people in their area, and on the other hand we have increased autonomy for schools, and the two do not seem to link in every way they could. We are also concerned, of course, about the ability to deliver on *Every Child Matters*, which is something that we are going to be judged on, and we are rather concerned that some of the schools in our areas will not necessarily feel that they have the sort of obligation that in fact we believe they should have and that the legislation believes they should have. I will finish just by saying, the focus on structures rather than on standards is something that is of concern to us because we are heavily focused on improvement. There is also, of course, the issue of choice as it relates to rural areas and whether this is a White Paper that covers the entire country and produces the same sorts of results for children right across the land.

Q84 Chairman: Thank you very much for that introduction. Could I start by asking you: your initial reaction to the press release that we have received seemed to be, along the lines that you have just said, pretty positive about the White Paper, but, as you read the White Paper and re-read it what seems to be rather unclear is what are the rights and responsibilities and powers of local government?

The boundaries do not seem to be very clear coming out of the White Paper. Do you share that uncertainty? Perhaps you can help us and tell us what you think the boundaries are between local government and the other players, especially schools.

Cllr King: As I said in my opening remarks, we are concerned at the slight incoherence in the White Paper dealing with the role and the responsibility of local government and the way that we would be able to, for instance, intervene very early if we knew that a school was experiencing difficulties. There is not always great clarity about how we would address the issues that would arise and how we would in fact either bend the boundaries or breach the boundaries. Perhaps I can defer to Christine, because she, of course, is a practitioner who has probably got some very good examples of where she believes things are likely to get difficult.

Ms Davies: Thank you very much, Chairman. I think that much of the content of the White Paper is excellent. I think it was unfortunate that the language that promoted the White Paper suggested to the wider public and to schools that they should be much more independent from other schools and from local authorities, and this is the very time when, in order to secure five outcomes of the Children Act and to secure school improvement, we need to have schools right at the heart of that agenda, and if some schools believe that they do not have a responsibility for community well-being and all children and young people in their area, that is unfortunate. I think the areas where we have most concern are in the areas of admissions—and I am sure the Committee will want to touch upon that—the area to secure the outcomes of the Children Act, whereby we need all schools to be working with all local services and the local authority, particularly those that suffer the greatest disadvantage in need, and in order to secure school improvement we need schools to be working with other schools and the local authority, because all of the evidence from years and years of work in both shire authorities and urban authorities is that no one school alone can secure all that it needs for its children, its parents, its community and raising standards entirely in isolation. I think the area of admissions, *Every Child Matters* and the well-being of children generally are the issues of concern.

Q85 Chairman: Would you say that for those of us who conducted an inquiry into *Every Child Matters* and the Children Act, this is a very big responsibility, I have to say, for this Committee but for local government it is a far-reaching responsibility across several government departments. If you take that responsibility with the responsibilities that will be yours if and when this White Paper becomes a Bill and an Act, is that an increase of the role of local government if you add it all together, or is it a decrease? How do you see it? Is it a diminution of local government or is it an enhancement of local government?

30 November 2005 Cllr Alison King, Cllr James Kempton, Mr Stephen Meek and Ms Christine Davies

Ms Davies: It is undoubtedly, if carried through effectively, an enhancement of local government, and it is only local government that can bring all services and partners together and wrap services around children, schools and families and also to understand the needs of local communities. It is only local government, working in partnership with all other agencies and services, that can secure those ends, and, in my view, it is a critical role, it is an enhanced role and, without an effective local authority holding the strategic ring on behalf of children and all local communities, can the *Every Child Matters* agenda be delivered, and in local authorities across the land the improvement in outcomes for children demonstrates how critical the role of the local authority is.

Q86 Chairman: Can I ask the elected membership then: if that is the case, if you look at the people who are now going to be involved in very powerful ways, there is going to be the schools commissioner, there is going to be the chief schools adjudicator, there is going to be Ofsted, and there is going to be the Learning and Skills Council at another level. There is going to be a large number of non-elected people as part of the mix. We are not prejudicing your answer, but there are a lot of non-elected people with very powerful roles coming out of this White Paper into the Bill. Is that a concern and a worry for you?

Cllr King: Yes, it is. Could I ask my fellow elected member, James Kempton, to respond on this one.

Cllr Kempton: It is obviously a concern, because we value very highly the relationship we have with local parents and the communities that we serve, and the fact that decisions are taken off to an adjudicator, for example, is a concern; but, on the other hand, I think we would fully endorse the role Ofsted has, coming in as an entirely independent scrutineer of what is happening, and, however you regard it, a scrutineer of what is happening. I think what we would say, though, is that in the sense that Ofsted comes in to look at what local government is doing, maybe one of the checks and balances in the system is exactly that, but where local government is exercising its own autonomy it is exercising that under the scrutiny of Ofsted, and some elements that are currently proposed to be assigned to a schools commissioner, for example, we think could be given to local government to implement and Ofsted to review as part of their general review of local government through joint area reviews and also through the CPA process and the Audit Commission. Therefore, I think there are opportunities there to possibly speed a line from the proposals. Another area that we have had major concerns about is the role of the Learning and Skills Council in relation to post-16 education. I think what we see in the White Paper is a shift in the right direction, which is now talking about a partnership between the LSC and local government for that area, but I think we have made the case for some time, and many people are agreeing with us, that the idea that you can have joint leadership of the 16–19 phase is potentially quite difficult both in terms of delivering the outcome to young people but also for

schools and colleges to know who to look to in the final analysis. Is it local authorities with links with local community, with schools and with the local business community, or is it the LSC which will still retain the financial strings to pull services in the direction that they would like to? I think there is a real danger in that dual leadership role that is envisaged here.

Q87 Chairman: So you would like a lot more clarity before this White Paper became a Bill and an Act?

Cllr King: I would say, Chairman, that whatever system comes out of all these deliberations and out of the legislation, we believe that it needs to be simple, transparent and have an element of local accountability, but that needs to be at the right level as well; and we feel that the more layers that you bring—the more layers of people, the more layers of non-accountable bodies—the more the potential for confusion and complexity and, of course, expense, and we all have to have a mind to that too. I think that what we risk is bringing in, as you have identified, any number of other layers, other people, other roles, that really are not going to help parents through what is already a fairly complicated maze. We would like to see that complicated maze simplified, and I think that has to be one of our prime objectives in all this: because not all parents are equipped to cope with the sort of problems that the education of their children throws up and they often want good, sound, straightforward advice with a good, sound, straightforward system available locally to help them. We are, of course, as Christine has said, looking at a network here, a family of schools. Schools have a great deal of autonomy already. We could be in a position where we are looking at an autonomy too far when we start to worry about schools considering whether they will supply a service to their local communities, not how they will supply a service to their local communities. We look at schools, we have federations of schools, amalgamations of schools, all sorts of clustering of schools for particular purposes, and those sorts of things are best arranged locally. We have a responsibility across a wide area. I cover a very large shire county and the arrangements that we have there are agreed upon locally, but you cannot always rely upon individual schools to have the time or the wherewithal or sometimes the motivation to bring about these sorts of arrangements, but that is why we feel that probably more local input and local accountability so is crucial.

Chairman: Thank you for those opening responses to my questions. Tim Farron

Q88 Tim Farron: Good morning. Do you welcome the new powers to intervene in respect of failing schools, and do you feel that the White Paper gives you confidence that local authorities will be given the tools to intervene swiftly and urgently?

Ms Davies: Yes, we certainly welcome the powers to intervene, and to intervene at the earliest possible opportunity. I think if you look at the Ofsted reports on the effectiveness of local authorities, you will see that much school improvement has been driven by

30 November 2005 Cllr Alison King, Cllr James Kempton, Mr Stephen Meek and Ms Christine Davies

local authorities that support and challenge at the earliest possible stage. I think where we would have one concern, though, is the expectation about failing schools, that schools that are facing the most difficult of circumstances can be rectified within one year. It is absolutely right that it is children's one chance of education and that where there is poor performance it should be remedied in the shortest possible time, but experience shows that actually it takes sometimes a little longer than one year to rectify a school in difficulty. I can give an example, if I may, please, which is one that the Department for Education and Skills would use. In Telford we have one of the country's most poorly performing schools and we placed it in a federation with the country's most highly performing school, Thomas Telford. Within the first year, although there was considerable evidence of improvement and parental aspiration and motivation rose significantly, school standards were not seen to improve by the end of the first year; in fact they declined. By the end of the second year, however, because of all the work that has been undertaken in the school, that school has improved by 34% in terms of the number of A*-Cs, and the number of parents who want to go to that school has quadrupled. In effect, it took two years, not one year, but the expectation that we turn schools round quickly is absolutely right and those powers are welcomed.

Q89 Tim Farron: You feel you have been given the tools to do so in the White Paper?

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

Q90 Tim Farron: The White Paper talks about local authorities becoming the champions of choice, diversity and fair access. Do you think that the White Paper provides you with the power to do those things? As a kind of supplementary, I represent a rural constituency. If you live in Coniston your second nearest school is a 15-mile drive down country lanes and a ferry ride away. How do you fulfil that role generally but specifically with regard to rural areas?

Cllr Kempton: Choice, diversity and access are probably at least two different issues.

Q91 Chairman: Only two!

Cllr Kempton: Choice and diversity maybe are interlinked, but I think access is a different one. If I start with access, I think we have got major concerns, as we have already indicated, over the whole area of admissions and what is proposed here. The idea that we work with a code of practice to

which schools have regard but one which they can chose to ignore is one about which we have some concerns.

Q92 Chairman: You do not agree with the Select Committee's report earlier this year?

Cllr Kempton: We think there should be a statutory code to which schools are bound, and you will have seen the very recent comments by the schools adjudicator, who said from his perspective that "schools need to be reminded that admission arrangements are drawn up for the benefit of local parents, not for themselves. We are still seeing too many cases where arrangements are not clear enough. We are also still receiving cases where schools are accused of selecting children by ability and social group", and I think that is under the current set of admission arrangements where there are clearly a number of different admissions authorities in which local authorities are significant players. The idea that we will move to more admissions authorities and that move will address the concern of the adjudicator in a positive way, I think is something we do not actually believe. We think having more admissions authorities will lead to more cases where the adjudicator believes, and where parents believe, because they are making complaints to the adjudicator, that there is an accusation of children being selected by ability and social group; so we have a particular concern over that. Local authorities are significant complainers to the adjudicator over admission arrangements at the moment. I think there were 74 complaints in 2003-04. Sixty of those were upheld, 14 were partially upheld and none were thrown out. I think there is evidence out there that the current arrangements are not necessarily working in the interests of young people and their parents, and our concern is, if you to move a more diverse system where local authorities have a less significant role, it could well be harder for parents in working their way through the complexities of the system, and the opportunities for people to manipulate their system seem to us to be increased rather than diminished. What we would like to see, clearly, is a system where there is a statutory code that people and schools are bound by but which local authorities have a role to enforce locally. I think rather than where there is a fear of things going wrong there is a complaint to the adjudicator to decide and that takes quite a long time, we would like to see a position where local authorities, where they think something has gone wrong, could put that right and the school would then have the right to appeal if they felt that the action was inappropriate. I think that would be a much fairer and a much quicker system rather than the rather elongated position we have got at the moment, which only works against the interests of young people where something is not right.

Q93 Chairman: I will move on, because there are a whole range of issues, but thank you for that. What do you think the future for currently centrally provided services might be? We are looking at pupil referral units in particular, given that they will

30 November 2005 Cllr Alison King, Cllr James Kempton, Mr Stephen Meek and Ms Christine Davies

provide a role if the local authority is to go. Will PRUs now be attached to schools, and, if so and either way, will it improve matters?

Ms Davies: I think to some extent there is something of an illusion in the White Paper in the description of local authorities being purely commissioning bodies and not providing any services or areas of support: because for those children who present the greatest challenge, or have the greatest need, there has to be a safety-net and there has to be provision to meet their very specific needs, and by and large, for children who have really difficult behavioural problems, understandably, the vast majority of schools are not equipped to meet their needs, and, in all likelihood, local authorities will need to continue to secure either a range of private providers or provide pupil referral units and, where it is necessary, special schools for children with very severe and complex learning disabilities and difficulties, and so I think the local authority will continue to be both commissioner and provider. What the local authority has to be able to secure is a school place and a first-class education for every child regardless of ability and need. If I can add one more point to James' response. I think we would like to see an additional duty on all schools to cooperate with the local authority and other schools in the local area to find every child a school place, and that is particularly important for children who are hard to place, for a range of reasons, have special educational needs or present the greatest challenge.

Q94 Chairman: Thank you for that. You have moved on to the area of special educational needs and you have talked in general about how you think the reality will be, that the provider role will stay to an extent, but what confidence do you really have that the White Paper will permit that? I suppose in general terms I would be interested to know what you think the future for special educational needs will be under the White Paper and service provision. I am looking at you; it does not need to be you.

Ms Davies: There is obviously the code of practice in place for pupils with special educational needs, and the vast majority of children with special educational needs are and should continue to be educated in their local schools or in their reasonably local schools. It will be absolutely vital that all schools, regardless of category, not only are under a moral obligation to cater for the broad range of special educational needs but actually have a duty to cater for a range of special educational needs. There is no doubt in the White Paper, there is no intention that pupils with special educational needs should not be catered for in trust schools, or foundation schools, or community schools. I think where we will have a concern, however, is the arrangements around academies, that there is no requirement for an academy to be named in the statement of a child with special educational needs, and I think that to us is a serious flaw. All schools must take responsibility for children with special educational needs and schools will continue to need the support of a highly effective local authority and specialist support

services—behavioural support, learning support, speech and language therapy, and so on—if they are able to meet that range of needs.

Q95 Mr Marsden: Christine, I wonder if I could briefly pull you back to the pupil referral unit situation. You have indicated your assumption, or your hope, that local authorities would retain a significant role in that sphere. Is it not the case that pupil referral units are critical for dealing with local authority-wide issues, such as behaviour, truancy and attendance, and what is your estimate of how successful you would be able to perform that role if, in fact, these units were devolved to individual schools or into clusters of schools?

Ms Davies: Personally I would have no concern about the responsibility for pupil referral units and any specialist provision being devolved to either an individual school which is servicing the needs of the wider community or to a cluster of schools, but the local authority has to have both the power, the influence and the levers in place to ensure that there is a breadth of provision across a local authority area. We will not be able to have a situation where money is devolved to schools to meet a range of special educational needs for those schools to take a decision unilaterally to use that money in different or other ways: because if that happens, self-evidently there will not be the provision in place to meet the needs. It is the duty of the local authority to secure full-time education for children who are permanently excluded from school. It is absolutely vital that the local authority has both the resource, the capacity and the duty to hold a group of schools to account to provide that.

Q96 Mr Marsden: Are you saying, in those circumstances, that it would be appropriate and necessary actually to ring-fence that funding for PRUs?

Ms Davies: Yes, I am. I am saying very clearly that if there are individual schools or groups of schools who have the capacity and the will to provide for that broad range of needs—if finances are to be devolved to them for that purpose—the local authority must need to be sure that they will provide for the needs for which they have the money.

Q97 Mr Marsden: Perhaps I could now take some of the broader implication of expenditure, and I put this question particularly to the elected members: one of the traditional duties of local authorities has been the duty to avoid unreasonable public expense, which has a fine Victorian sounding ring to it. What are the implications in practice? Are there any of the White Paper proposals that might affect your ability to do that avoiding of unreasonable public expense?

Cllr King: I suppose it depends on the definition of the word “unreasonable”, does it not?

Q98 Mr Marsden: Indeed?

Cllr King: We can probably argue about that forever, unreasonable public expense.

Q99 Mr Marsden: What about transport, for example. That is a key issue for you in a rural area, is it not?

Cllr King: It is. I was going to say that local authorities, of course, tend to spend over and above what the Government has told them to spend on educational services in their area. I think the most recent figure is about £200 million across the country spent on children in schools, which shows a level of commitment, and I do not feel, certainly speaking from my own authority's point of view, that we would ever regard that as an unreasonable amount of money, money that we have spent over and above. Obviously transport is a particular difficulty and particularly, as you have identified, in rural areas. I think my authority's school transport bill is 24 million and rising.

Q100 Mr Marsden: I have driven across the roads of Norfolk, so I know what it is like when you get to the north of the county particularly?

Cllr King: Yes. Personally, I would much rather see that money spent on school improvement than on bussing children all over the county. This is a significant difficulty for us when it comes down to choice of school. I am sorry, we are getting back to choice again, but it does say in the White Paper that a child should have a choice of three schools within a six-mile radius. In parts of my area, and this not unusual, you could be very lucky to have the choice of one school within a six-mile radius?

Q101 Chairman: We will be coming back to choice.

Cllr King: So the costs associated with transporting children large distances are extremely worrying, and apart from the financial cost you are, of course, removing children from their natural communities in order to bring this about and a lot of parents will not be happy with that, will not see that as a real choice at all. That is me from a rural perspective on the sort of costs that we are concerned about. James is from a more urban area.

Q102 Chairman: James, you are from the rural parts of Islington?

Cllr Kempton: Very rural parts. Sadly, though, the Islington farm is not in my ward, but it is very close to it! I want to pick up the issue about expansion and the presumption for expansion. You started off, Chairman, talking about the confusions and inconsistencies in the White Paper, and I think this is one of them. The presumption for schools to expand and for schools to expand with sixth-forms, on the one hand, and, on the other hand, the role of local government in tempering those aspirations with regards to the needs of the local area, and, I guess, the question is whether this makes financial sense. Where we have got surplus capacity in the secondary system already of something like quarter of a million spare places, surplus capacity in the primary system of nearly half a million places, I think there is a real question-mark over whether expansion is the right thing to do. It may be the right thing to do to respond to parental demand, but whether it remains financial good sense to spend money on building

new buildings on one school site and leaving those buildings empty on another school site, or whether it might make better financial sense to spend the money that would have gone on expansion or would have gone on transport on helping to raise standards of achievement for those less popular schools which generally are less popular for standards issues rather than ethos issues I question.

Q103 Mr Marsden: Leaving aside whether it is a good thing in theory, in practice is the White Paper too optimistic about how quick it would be to make the transition from one failing school to one brand new working school and the cost and expenditure associated with that?

Cllr Kempton: Chris has given an example of a federation which was able to deliver in two years but not one. I think we could give you examples of where there have been proposals for academies that take very many years to set up. In term of the interests of young people in the area, there are other interventions that will deliver much more quickly than building new schools.

Q104 Mr Marsden: Can I ask you, James, one of the issues that the White Paper really does not mention a great deal at all is the issue of the impact of transience in schools. Certainly this is a big issue for my local authority. I assume, given it is Islington, it is a big issue for your local authority as well.

Cllr Kempton: Yes.

Q105 Mr Marsden: At the moment there is no dedicated funding stream to cope with the consequence of transience for local authorities, but you still have to do so even under the present circumstances. Are you worried that that situation would become more difficult or less difficult under the new White Paper?

Cllr Kempton: In financial terms, the Association of London Government has lobbied on a cross-party basis to make sure that there is a financial aspect for mobility. That is not necessarily a view that all authorities would share, but I think there are clearly those within local government who share the view that we need to provide some financial support for transience and the effect it has on schools and pupils; but I think in terms of the White Paper you are right, it may be that what is described as personalised learning would help in this, because tabling learning to the needs of pupils will, I think, help to address the needs of pupils who are quite mobile, but I am not sure that there is very much else in the White Paper that addresses that issue.

Q106 Mr Marsden: Schools have more independence from local authorities. The local authority's ability, as it were, to make sure that they take their fair share of the burdens in terms of transience, as, indeed, with special educational needs, will be restricted, will they not?

Cllr Kempton: I think there is an issue about placing children. I would not necessarily make the assumption that just because someone is mobile they are necessarily vulnerable, but clearly a lot of the

30 November 2005 Cllr Alison King, Cllr James Kempton, Mr Stephen Meek and Ms Christine Davies

mobile population are children whose learning may be behind because of either difficulties with finding a placement in a school or because of the turnover. I think there are questions there in relation to admissions and whether these are some of the less popular pupils that schools will either find attractive or unattractive and whether the code of practice would protect that. Going back to the point that you were talking about before on PRUs, you were exploring the issue about PRUs as institutions, but what is important to authorities, I think, is the ability to reintegrate the pupils into mainstream education and the authorities that have been very successful—and East Sussex springs to mind—where they have had a great success in reintegrating pupils who have been excluded from other schools, I think that is to the benefit of the pupils; but that can only work if you have all schools signing up to a code of practice which says that they will take pupils who have been excluded from other schools to give them a fresh start, where the necessary support is available and where they know that the appropriate facilities are available, where that does not necessarily suit the needs of that child or where the fresh start in the new school does not work out; but if you have schools opting out of that system, it just means you have difficult pupils circulating around a smaller number of schools, and that makes it harder.

Cllr King: James has talked about transience and the difficulty that causes. We also have large pockets of economic migrants in certain parts of the country from other parts of Europe, notably Eastern Europe, huge numbers of children coming into our schools who are not bi-lingual, and that places an enormous stress on schools, usually in fairly specific geographical areas. The amount of effort needed to get those children imbedded in the system, get their language skills up to where they should be so that they can then, of course, improve their education and get the required outcomes, the need is very intense and we do not feel that the White Paper is addressing this at all, because there is a significant, of course, resource issue behind this, “resource” being taken in its widest meaning.

Chairman: There is a very familiar pattern in West Yorkshire, I have to say. I want to move on to diversity of school provision. We will come back to some of these because obviously these issues overlap.

Q107 Mr Wilson: Good morning. The White Paper says, “Every school needs to be free to develop a distinctive ethos and to shape its curriculum, organisation and use of resources.” At the end of this process we are going to have academies, foundation, trusts, community schools and others as well. Do you think we need any new legislation to allow these schools to exist or have we got the legislation in place?

Cllr King: I have not exactly noticed a rush to trust status across the country, although that has been available already to schools.

Q108 Mr Wilson: What is the difference, in your view, between foundation schools and—

Cllr King: Not a lot, in my view. I do not think fragmentation of the system is particularly helpful, because again, to get back to what I said earlier, it does create huge complexity and a lot of uncertainty for the recipients of the education service and for the parents. I am more concerned, and this may be a naive aspiration, about making all schools good schools so that we do not have to go through these structural hoops. I do not necessarily think that calling a school a different name and hoping that someone will come forward as a sponsor to create a trust school, or whatever, is necessarily going to always have a positive impact upon education. It does create a huge diversity of provision. I remain to be persuaded that this is going to achieve the ends of an improved outcome for children, improved educational attainment.

Q109 Mr Wilson: So the short answer to that is, no, you do not think there is any new legislation?

Cllr King: No, I do not.

Ms Davies: All of the legislation for schools to attain foundation status is in place, and it is very difficult to understand the distinction between the proposed trust schools and the existing foundation schools, as Alison has said. There is little evidence across the country, urban and shire authorities, where schools have sought foundation status because the vast majority of schools really appreciate and welcome the support that they receive from local authorities and from neighbouring schools, and again it is only local authorities who can broker the supportive arrangements that exist between schools.

Q110 Mr Wilson: Have you had any indications of how much take-up there will be of this new trust school status?

Cllr Kempton: I think it is difficult to say, but what we can say is that the presumption in the White Paper is that new schools have to be trusts or academies, not community schools, and what we see at the moment, as you have heard, the general feeling in the education system is schools are happy with the status of community school and we would certainly like to see the option of community schools being available for new schools alongside those other options so that people are not being shoe-horned into a structure set by the White Paper; they are being allowed a diversity of structure as appeals to that institution. What is key, I think, to us is not so much what you call it but that all schools are treated equally, that there is no unfairness in terms of admissions and that we have the opportunity, as we said earlier, to support and challenge schools in our local areas irrespective of their status, because that is what will drive up standards in schools, and we have got the evidence that local authorities are intervening successfully at the moment.

Q111 Mr Wilson: Do you think trust schools will affect the academies at all?

Cllr Kempton: I think it is difficult to know how the target for 200 academies sits alongside the notion of trust schools, particularly given what I have said earlier about expansion and the falling roll position;

30 November 2005 Cllr Alison King, Cllr James Kempton, Mr Stephen Meek and Ms Christine Davies

so I think it is difficult to know how many new schools will be coming on stream. Certainly there will be parts of the country where new schools will be happening, but I think this is one of the areas where the White Paper and the Government's intentions are unclear.

Q112 Mr Wilson: Going back to the content of your previous answer, you obviously feel that there should be room for new community schools as opposed to other schools. Given the thrust of government policy the way it is at the moment, do you think that schools that choose to remain community schools will be disadvantaged in any way?

Cllr King: I would certainly hope not.

Q113 Mr Wilson: Hoping is not the same as what you actually think will happen.

Cllr King: I cannot answer for the way that the final legislation is implemented across the country, but I do not think that any local authority would be seeking to disadvantage a school within its area because it remained a community school.

Cllr Kempton: The area that worries me is in terms of capital. We have been huge supporters of *Building Schools for the Future*, but we know that *Building Schools for the Future* timescales have been expanded, the amount of money available to individual schemes is less in practice than it appeared. I think the idea that some of this capital is going to be set aside either for the parents' pot, I think it is called, where there is parental demand for the new schools but they are not necessarily on stream at the moment, where academies are being set up and where new schools are being established. Clearly, unless there is an increased pot of financial resource on the capital side, it will disadvantage existing schools and the plans that they have and whether they expect themselves to be in the BSF order of priority. It is sort of self-evident that unless there is more money there will have to be cut-backs and constraints in the existing capital programme, and I think that will disadvantage schools.

Ms Davies: There will be a disadvantage to community schools if the admission arrangements are not secure and robust. At the moment the White Paper suggests that all schools, including trust schools, have to have regard to the code of practice on fair admissions. It is our contention that that is too weak a requirement and actually we would like to see that strengthened so that all schools have a duty to adhere to the code of practice in order to secure fair admissions. The consequence of not doing that is that potentially some schools will elect not to have those children who present the greatest challenge, which will include children with special educational needs, it will include some children who have behavioural difficulties, it will include those children who are in the looked-after system, and, if that happens, that will mean that some schools take a disproportionate number of those young people, and that will be unfair to those schools in terms of the challenges they will face and it will be profoundly unfair to those children who have most need.

Q114 Mr Wilson: We are advised that spare places cost local authorities about £10,000 per extra place within the authority area. Obviously there is a desire for expansion in schools in the White Paper. How do you think we are going to be able to make that work with the potential financial implications of surplus places elsewhere?

Cllr Kempton: There clearly is a conflict in that area, and we touched on it before when we were being asked about value for money in the system. I think what it would be helpful to understand is some of reasons for the demand for expansion of some schools over others. It may be that other options can address those concerns, and so the option of federation or the option of schools working together helping to drive up standards may be an issue. It may be that the issue is to do with new communities being established or being expanded and the distance being travelled by other people, and in those circumstances there will have to be changes. The record shows that there have been something like 500 expansions over the past few years, so there are changes going on in the schools system—it is a dynamic system—and what we want to be clear about is that expansion is the best option in those circumstances. It may be that there is a lot of local pressure for the expansion of one school or for a new school. That may not work out as the best option, but I think what we would say is that local authorities are best placed to hear the arguments and to find a way through them. In some cases, I guess, we would say it may be that the local authority has to say, no, and I think we need clarity within the White Paper. We must retain the right to say no, with the appropriate appeals procedures on that, but generally I think what we hope to do and what we do in practice is work with local communities to find the right solution, and setting up a new school or expanding a successful school is sometimes the most obvious thing to do but it may not be the thing that serves all children in that local area best.

Q115 Mr Wilson: I asked the Secretary of State when she came before us about that very point, about expansion of schools, and she said that there would be a presumption in all cases in favour of expansion of schools. How do you feel about that?

Cllr Kempton: That is one of the areas that we have some concern about, because the Secretary of State has also said that she is looking to local authorities to explore other options to make sure we get the right solution for the local area. I think those two statements do not necessarily fit entirely together. I think this goes back to the concern that we have about whether these additional powers for local authorities stack up as coherent and as sufficient levers in the system to deliver a local education system which meets the needs of the local community. I think you are right, there is a significant concern in this area.

Q116 Chairman: Is it not the truth that the White Paper and some of the statements that have come from ministers have scared a lot of people in local government, whereas if you look at them in detail,

30 November 2005 Cllr Alison King, Cllr James Kempton, Mr Stephen Meek and Ms Christine Davies

and there are going to be a lot of countervailing powers to easing school expansion—I mentioned all the unelected bodies—they are all going to have a bite into this before expansion takes place. Is that not the truth?

Cllr King: I think it is true. I think there was an enormous amount of hype around at the beginning, saying the White Paper is going to remove schools from local authority strangle-holds, the strangle-hold of town halls. I think “strangle-hold” and “town halls” are phrases that fit together very well in the tabloid press, but it actually is not accurate.

Q117 Chairman: But all the press is now tabloid!

Cllr King: Sometimes they all turn into tabloids, yes, but I do not think that is universally the case. In fact, there is evidence to suggest that the amount of intervention in the day-to-day running of schools does not, in fact, come from local government but from central government. When I go into my local head’s office and see the enormous bundle of mail that still seems to come through, a lot of it now, thankfully, electronically, from DfES, I see just what it is that local heads have to cope with on a daily basis. They tend to feel in many areas that their relationships with their local authority are very positive and very helpful and enable them to feel, particularly in the case of small schools, or smaller schools, that they are part of a network, they are part of a family, and they have someone to whom they can turn for support and advice when they need it and that there is somebody on hand. I think that is a very important role and it is certainly one that should continue.

Q118 Chairman: You want that spelt out in the legislation?

Cllr King: Yes. I would like this spelt out in the education bill. I can feel Christine nodding next to me, but it is terribly important, because, as I said right at the beginning, we feel that the accountability of schools to their local communities is hugely important. Of course, people like James and myself are the buffers in many instances, and also the messengers, as it were, and most of us are schools governors, and so we are very closely involved with education in our own areas, and I never get messages from the schools where I am on the governing body that they feel that they are being throttled by the local authority at all. Occasionally there are spats, as there is in any sort of relationship, of course, but that is not, generally speaking, my experience or the experience of schools.

Cllr Kempton: I wanted to expand a little bit. I think if you went to talk schools in Kirklees they would say they value their local education authority or their local council very highly and the support they give. If you went to places like Moseley where the local authority has been driving up not very good standards at one point and has got a whole set of collaborative arrangements in place, I think they would say they value their local authority and would say that none of this would be in place without the work that they have done. If you went to Wolverhampton, where they have got a very

impressive 14–19 offer brokered by the local authority, they would say, “None of us individually could have done that but we recognise that what we have created here together is better than we could all individually have offered.” So I think there is a very real sense around the country that the role of local authorities, where it is not about challenging school autonomy but where it is about working with schools as schools grow independent in relation to deciding who they employ, how they spend money and what goes in the classroom, I think where there is a recognition that that is the strength of schools, but the strength of local authorities is about making sure that the schools serve all children in the local area well and in working towards school collaboration I think that is highly effective.

Q119 Chairman: But, James, there is a danger of getting too rosy a picture of local governments. Some of us know of local governments that seemingly fail to deliver the quality of education that we would expect for the children in our communities, and Ofsted has a whole history of having to go in and we have had the Department having to send in independent people to run local authorities when it goes wrong. It is not all rosy.

Cllr Kempton: It is not all rosy, and Islington is a case in point where there was intervention and a year after intervention Ofsted came back and said that the tide had turned. Tomorrow in Islington we are going to be signing a new contract with our outsourcing partners, CEA, on the basis of a voluntary agreement because the Department has rescinded intervention powers in my authority on the basis of proven track record of success. I think what the evidence shows is that something like 43% of authorities have the highest grading or have improved in terms of education services. There is, I think, a real sense of movement in the right direction. There will be some authorities who are still working towards the standards that others have achieved, but I think we are not looking at a sector where education is in crisis as far as local government is concerned, we are looking at a track record of improvement and success across the board.

Q120 Helen Jones: If it is correct, and I think you are right, local authorities have to balance the needs of various parts of their communities, how do you feel about the proposal that elected local authorities can be overruled on school expansion, on the provision of new schools by a schools adjudicator who is not accountable?

Ms Davies: Can I relay to you a conversation that I have recently had with all of our schools, and in Telford we have every kind of category of school you could name? They are extremely concerned about this, particularly in relation to the expansion of schools. Their concern is that if successful schools are encouraged to expand exponentially, the danger is, first of all, that those schools cease to become as effective as they are because there is an optimum size for highly successful schools and what worries them more, and this includes the most successful schools,

is that the schools serving the most challenging areas will wither on the vine because the vast majority of parents will, if encouraged, want to see their children going to the most successful schools, and those schools serving the most challenging areas, their populations will fall, and it is exactly in those communities where they require the very best of education; and so all the schools in my local area are very concerned that an external body will have the responsibility potentially to overrule the local authority holding the strategic ring, not the strategic ring in splendid isolation, but the strategic ring in partnership with all schools in the locality.

Chairman: In passing, would it show my age if I said I was very impressed at an early stage of my career when reading a book by Schumacher, called “Small is Beautiful”? Perhaps it will be required reading in the Department!

Q121 Mr Chaytor: The new strategic powers that the White Paper gives to local authorities do not apply to 14–19. Are you satisfied with the fairly ambiguous arrangements between local authorities and LSEs that cover 14–19?

Cllr King: I think that is causing us a great deal of concern, and the LGA has included this aspect in its lobbying strategy. We feel that again it is a recipe for terrible complexity and confusion because we have 14–19 and 16–19 and two different sets of people responsible, one accountable, one, of course, not accountable. Also, of course, if you have got the local authority who has been dealing with a child through the school system from the very earliest days, they do tend to be able to follow that child through and they have a very significant input make into further education. 14–19, or whatever, I think that there is a very significant role there for the local authority to play. We believe that having two sets of people with strategic responsibilities for this age group is a potential for disaster, and we are lobbying very hard to have a single strategic partner for that particular stage of education because to us it makes absolute sense.

Q122 Mr Chaytor: There is actually a third element here, is there not, and that is the class of individual schools who expand?

Cllr King: Yes.

Q123 Mr Chaytor: How do you feel about that and do you think that needs to be constrained if there is any concept of strategic planning?

Cllr King: Well, can I defer to Christine who might like to talk about the experience in her area and the sixth form.

Ms Davies: Given the needs of the future workforce for both academic and vocational education, the only way that you can actually in a local area provide for that diversity of need is for local schools and local further education colleges and sixth-form colleges to be working collaboratively together in order to provide a broad matrix of curriculum offer, which actually serves all children and young people need, not just a few children and young people. By and large, it is local authorities who have brokered

those arrangements with their schools and their local colleges and, where it is working well, supported, encouraged and enabled by the LSC, but the reality is that it is the local authority that has that ongoing relationship with schools and colleges that have enabled that broad offer to come about. There are excellent examples across the country of where the 14–19 curriculum is genuinely taking effect where you have groups of schools who have a common timetabling arrangement with local colleges and where you have young people moving from institution to institution to take up the pathway that they need.

Q124 Mr Chaytor: Can I ask specifically about the presumption in favour of the opening of new sixth forms by successful specialist schools. The logic of your argument is that you would be completely opposed to that.

Ms Davies: I think “completely opposed” is perhaps stating it too strongly. The collaborative arrangements between schools and colleges will be seriously undermined if one or two schools in a local area make a decision unilaterally that they will open a sixth form and provide what is often in school sixth forms a narrow range of courses, thus meaning that the sort of overall capacity of a local area to provide 14–19 education is diminished, and the experience of many young people and parents is that the local school sixth form is not necessarily the best place for 16–19 education to be delivered to meet a broad range of needs.

Q125 Mr Chaytor: Does that argument apply equally to the opening of new 11–18 academies?

Ms Davies: That argument would apply to the opening of new 11–18 academies if those academies were not prepared to play their full role in the network, the family of schools, and that holistic provision in a local area. Where those academies are playing their full role, then there is no fear. It is not the category of school that poses the difficulty; it is the style, the ethos and the delivery of that school which can either support the family of schools and the holistic offer in the area or undermine it.

Cllr Kempton: I think you are right to focus on this area because one of the key challenges we have in the education system is staying-on rates at 16 and I think we are disappointed in what the White Paper has got to say on that issue. We do not think the challenge is answered by providing more academic A-level opportunities in a traditional sixth form and whether it is in an academy or somewhere else. Where that is addressed is, I think, in some of the proposals that Mike Tomlinson produced about curriculum reform and the LGA warmly supported his report and we were disappointed that it has made less progress than we hoped. I think the issue here is about curriculum choice rather than institution choice so that the opportunities are there for the 47% of people who are not getting five good GCSEs and it is about giving them opportunities, and I think we would say that those opportunities are best served by a breadth of opportunity at 14 or 16 and that breadth of opportunity has been successfully

30 November 2005 Cllr Alison King, Cllr James Kempton, Mr Stephen Meek and Ms Christine Davies

brokered in some areas by LEAs and we see that as the future rather than a future where schools are narrowly focused on the pupils on their roll from 11–18. Therefore, I think the choice as far as the curriculum is concerned and the broadening of that is something we fully support.

Q126 Mr Chaytor: Do the arguments about school autonomy and diversity apply equally to primary schools as they do to secondary schools?

Ms Davies: Every primary school, as does every secondary school, has its own distinctive ethos and distinctive character, to quote David Blunkett when he was Secretary of State.

Q127 Mr Chaytor: Should it be an object of policy to increase the differences between those individual characters?

Ms Davies: The vast majority of primary schools want to, and do, cater for the needs of their local children in their local area and I think that the vast majority of primary headteachers would say that they have no need to take on different and discrete categories in order to continue to meet that broad range of needs. The vast majority do it very successfully. Their request is only for continued support of the local authority and more money, not a change of category.

Q128 Mr Marsden: The White Paper talks about a school commissioner for trusts and says that the school commissioner is to be a champion for the trusts, is to be a link person with local authorities and also to be a monitor and referee. The LGA, in the written evidence, you have said that you are concerned about the contradictions in that role and you have asked for the commissioner to be independent of government, but do you think it is a necessary role in the first place?

Cllr King: No, I do not personally. I do not think it is a necessary role at all because of course local authorities are expected to be the champions of parents and children and their educational opportunities, so why do we need to have a commissioner of a particular type of school? I think it is, and again I keep going back to this, adding to the layers, adding to the complexities, adding to the confusions. I think if you have got a person or a group of people who are there expected to be champions who are going to be tested regularly as to the level of provision that they are overseeing, I think that should be adequate. I really do not think that having a commissioner or a tsar of trust schools, whatever you like to call it, is necessarily going to be effective or necessary.

Q129 Mr Marsden: You may or may not agree with that, but assuming that you have thrown out the role of champion, is there a role for someone, whether it is a school commissioner or otherwise, who would actually monitor and, if you like, be a standards commissioner for the new trust schools?

Cllr Kempton: Do you mean a different role in relation to what Ofsted will have for those schools in terms of monitoring them?

Q130 Mr Marsden: Yes. I assume the Government, in setting this up, is thinking, “This is a new category of schools and we need to make sure that they keep up standards and we also need to make sure they are successful”, hence the promoter role, which I think is where the confusion comes. If I can ask the question in a slightly different way, do we need someone in the initial stages to monitor and to be a referee for trust schools other than Ofsted?

Cllr Kempton: I think we have great confidence in Ofsted in terms of looking at the standards of schools. The only argument would be to have a commissioner who is responsible for structures in schools rather than standards and I think we do not warm to the idea, as you have picked up, on that issue. We think that local government is best placed to arbitrate between the conflicting demands of parents in an area when it comes to expansion of federation or new types of school and we would expect local authorities to be held to account by the regulatory regimes for that.

Q131 Mr Marsden: So you think it is another unnecessary layer?

Ms Davies: I think where we are really most concerned about the introduction of a schools adjudicator is in relation to delivering the Building Schools for the Future programme which, as you know, is the Government’s £2.2 billion invested in secondary schools across the country. The Building Schools for the Future programme can only be delivered where the local authority is the client, having a vision for its locality which is fit for purpose, supported by all the schools in the local area, and that is the local authority’s job with all of its schools. The very real danger if the schools commissioner is interpreted in one way is that there will be some kind of mechanistic checklist which says, “In your vision for schools in your area, you have to have an academy, a trust school, a single-sex school”, and so on. I know I am being somewhat crude, but if the schools commissioner’s job is to promote trust schools and academies, you can see this very real danger and that completely undermines the vision and the delivery of BSF for a local area because it will not necessarily be fit for purpose.

Q132 Mr Marsden: Are you then worried, in the light of what you have said, that, whatever the intentions, the reality of the schools commissioner is that he or she would end up as another agent of central government micromanaging the system?

Cllr Kempton: The proposal that this will be a civil servant rather than an independent person points in that direction. As we have said, if there is to be such a role, we would like them to be independent, but we do not think that the role is required.

Mr Meek: As far as we can tell, there is no intention to legislate for a schools commissioner, so I am assuming there would be no additional powers above and beyond simply the championing sort of advocate role for trust schools. I do not see that it could be given any powers to sort of oversee standards elsewhere, so I would just repeat the point

that what we want to be held accountable for is standards, not for the tick box and I do not see that the commissioner could have a role beyond that.

Chairman: This is all very useful, but we must press on and have a look in some more depth at choice.

Q133 Helen Jones: The White Paper places on authorities a duty to promote choice and diversity and the assumption is that one assists the other. Do you have any evidence to offer the Committee that a greater diversity of schools actually helps to meet more parents' first preferences for schools, bearing in mind what was in the survey of the TES recently which showed, for instance, in Barnet that there was a wide diversity of schools and only 52% of parents get their choice and in Oldham 99% do? Do you have any evidence to offer us that would help with that?

Cllr King: No, only the evidence that you have already referred to which I read in *The Times Educational Supplement* a couple of weeks ago where they were making the point that increasing diversity of provision and increasing fragmentation leads to more problems rather than solving them when it comes to children being able to access the school that is their first preference or even their second, I understand.

Cllr Kempton: I guess I am forming the role of flying the flag for London, but if you look as a case study at the pan-London co-ordinated admissions which have recently been brought in, supported by the DfES, but led from local government, the evidence is that 90% of applicants got a place at one of their preferred schools and—

Q134 Helen Jones: Sorry, but that is not the same as getting your first choice of school, and we need to be clear about that.

Cllr Kempton: I understand that, but the question is whether you are happy with your second choice or whether there is only one choice as far as you are concerned. What this shows to me is that by getting the system right, it is possible to meet more parents' aspirations than having an uncoordinated system which is the direction we appear to be moving in. Certainly in the London case, 40% of children, fewer were without a place at the same stage compared to the previous year and I think that has got to be right because obviously our concern is that parents get their first choice of school, but our concern is also that children have a school place at all and it is about reconciling those two and making sure that as many as possible get a place in a preferred school as opposed to an allocated school.

Q135 Helen Jones: There is always a difficulty, is there not, in reconciling parental preferences and meeting the needs of the community as a whole? Now, under the proposals in the White Paper that successful schools would be allowed to expand, how do you believe local authorities could manage that system, bearing in mind schools do not exist in isolation and there may well be another school down the road which is then contracting? What would be

the effect on other children in the area? Choice is not a one-way street, is it, and there are other people affected?

Cllr King: No, and what is a benefit to one person may be a total disadvantage or disbenefit to somebody else. I think Christine is best placed to answer this because she has already referred to the ability of local authorities to encourage federations of schools instead of just looking at expanding one particular school, looking at a different way of managing this situation within a community because you can end up offering no improvement in choice for a lot of parents at all by talking just crudely, saying, "We are going to expand this school", because you can terribly disadvantage some groups of children.

Ms Davies: There is a variety of ways of better meeting parental choice and aspiration than necessarily expanding schools rapidly and, thus, closing other schools equally rapidly and they are through network learning communities, collaboration, amalgamations; there is a whole raft of ways. Progressive local authorities are brokering these arrangements across the country and, if I can just reiterate the point I made previously, many highly successful schools do not want to expand exponentially and rapidly and they are concerned about the effect on schools that are seemingly less popular serving the most challenging areas and the effect on those schools and, therefore, meeting the needs of those local communities.

Q136 Helen Jones: I understand that, but the question is a little wider than that, if I may say so. Let's say that a school is permitted to expand under the White Paper, as we were discussing earlier, so it may take 100 or 150 more pupils than the school down the road, so what happens to the pupils in the school down the road, given that that school will be using funding and, therefore, staff? You do not have a way, as local authorities, to deal with that, do you, now that all the money is passported to schools?

Ms Davies: The consequence on the school down the road which is less popular is exactly as I describe; it would potentially wither on the vine. I think that is very important. We are currently able to hold the ring on school expansion and the planning of school places. That is the role of a local authority and it is a duty placed on us and actually it is also a duty envisaged in the White Paper, that the local authority should continue to be responsible for the planning of school places, and I do not think the White Paper envisages a free-for-all whereby schools can expand without due regard to the planning of school places across the local authority.

Q137 Helen Jones: But the assumption is in favour of expansion in the White Paper, is it not?

Ms Davies: My understanding of the White Paper is that there may be a presumption in favour of expansion, but that there are the necessary checks and balances in place, I hope.

Mr Meek: Just to follow up on that point, I think Christine is right, that there are statements in the White Paper that give us some reassurance that the

30 November 2005 Cllr Alison King, Cllr James Kempton, Mr Stephen Meek and Ms Christine Davies

local authority role to be the strategic manager remains, but I think what we would be looking for from legislation is clarity around the definition of the presumption. On what basis can the presumption be resisted because a presumption is a sort of dangerous thing if it is not very clear what the rules of the game are and if the presumption is that you can expand regardless of the impact on the surrounding schools, regardless of the strategic plans, regardless of efficiency in managing financial resources, then that is not right, but that is one of the critical things for legislation.

Q138 Helen Jones: If I can ask another question about parental choice, the White Paper also envisages a situation where parents want to set up new schools. Again the presumption is in favour of the parents. Now, I have asked a number of questions about who in that case the local authority would have to consult before making the decision on that. What are the implications, in your view, of that for a local authority and, in your view, who should be part of the discussion on that? I think this is probably going to be a rare event, but I would be interested to know who should be consulted because we are told that the local authority will have to respond to parents and provide the consultancy if they can show the demand, so is it clear to you how that demand should be shown and who should be involved in this consultation?

Ms Davies: I think that there is a distinct lack of clarity in the White Paper about this issue and the vast majority of parents actually do not want to have the power to open or close schools. They want to have as much information as they can have available to choose schools for their children and as much information as they can have available to help their children when in school. There is no detail given about who to consult, but if there was going to be a parental lobby to open a school, and I think it is more likely there would be a parental lobby to close a school rather than open a school, then you would need to consult all parents in that local area, both present and future because a parent is only a parent for a fixed term in terms of school age. The very real danger of course is that it is likely that only the highly articulate and highly motivated parents will have the confidence and the competence to raise issues about opening new schools and whilst of course no parent should be debarred from having a view about education, the views, the needs, the aspirations of those who are less articulate, less confident and less competent will also need to be taken fully into account. Therefore, you have to have at the end of the day somebody who is holding the strategic ring and being an advocate not only on behalf of the articulate parent, but also being the advocate on the part of the less articulate, less confident parent.

Chairman: It sounds a very revolutionary tool for the future if we take it out of the context of the question that was asked and confine it to grammar schools and the future of grammar schools. Christine, I hope it will not come back to haunt you when we do an inquiry on that.

Q139 Mr Wilson: Just on an earlier question about this presumption in favour of expansion, which I asked about earlier, one of the key things I believe you will be taking into consideration is, therefore, surplus places that are left as a result of expansion, yet the Prime Minister said only a few weeks ago at Prime Minister's Question Time that there can be no account taken of surplus places and there will certainly be none in the future. How does that square?

Cllr King: It does not.

Q140 Mr Wilson: Have local authorities continued to take account of surplus places up until this time?

Cllr King: Yes, we have to.

Cllr Kempton: We need to take account of them bearing in mind the future demographic change which may be up or down.

Q141 Mr Wilson: So the Prime Minister is wrong?

Cllr Kempton: What I am saying is that local authorities are taking account of demographic changes to ensure that they have got a school system that can meet those needs and where those changes are increasing, like somewhere like Milton Keynes, they are taking account of those and making sure they have got the right number of places available.

Mr Wilson: So, just to be clear, local authorities are today still taking account of surplus places in their area, despite what the Prime Minister has told the House of Commons?

Chairman: Sorry, could you articulate that a bit more? I thought it was commonplace that at the moment local authorities have that responsibility. Could you draw that out?

Q142 Mr Wilson: Well, the Prime Minister was asked directly whether surplus places continued to be taken into account by the local education authority and he said, "Absolutely not".

Cllr Kempton: Well, there is no surplus places rule that says you have to have 5% or 10% surplus places. There is no rule that says the number that you have, but clearly any authority is taking account of the future needs of their area. If the numbers are declining in the area, then we will be looking to see how we could amalgamate schools or work to having the right number of schools to deliver it. It is in no one's interest to have a school which is half empty; that does not deliver good education for the children or provide—

Q143 Mr Wilson: Yes, but specifically if a school wants to expand and there were surplus places elsewhere, a local authority might be minded to say, "Because there are places elsewhere, we won't allow that school to expand". What the Prime Minister is saying is that they cannot take account of that as part of what we have been discussing today.

Cllr Kempton: I think what is more likely to happen is a local authority would say, "Why is there pressure to expand in that school?" Surely this is, as we have been having, a discussion about that school, but it is also a discussion about why some schools are less popular and this cannot just be a debate about the

30 November 2005 Cllr Alison King, Cllr James Kempton, Mr Stephen Meek and Ms Christine Davies

school that wants to expand or where there is pressure for new schools, but it has to be a debate where the schools are unpopular or where they are not delivering good-quality education. That is where the intervention powers of local government are required and where we think that the White Paper gives enhanced powers which is why we are welcoming that aspect of it.

Q144 Chairman: Where it is possible is that I have always understood in my own local authority, Kirklees, that my local authority had a duty and certainly a responsibility they carried out of assessing across the local authority where they have got more places and a shortage of places. I thought that had always been the case. Is it not, Alison King?

Cllr King: Yes, it is. The responsibility of the local authority is that we have to match the number of places available with the number of children coming through the system. As James has said, we do not want to see schools that are half empty and you certainly do not want to wind up in a situation in which that becomes even worse. We know that across the country school rolls fluctuate and we know that the demographic trends are that we are going to have a reduction in the number of children coming into the system.

Q145 Mr Wilson: But presumably one is a school organisation plan and what I am specifically referring to is when parents in an area want a good school to expand and the local education authority looks across the authority and says, "Well, no, because there are places here, here and here that could be filled by these pupils". I think that is slightly different.

Cllr King: Yes, it is slightly different and perhaps we go back to my statement that perhaps we should ensure that all schools are properly performing schools and are good schools so that we and the parents are not left in this situation. What happens is that of course schools, as has already been said, from which there is an exodus tend to wither on the vine. You have to remember that there are children in those schools and they could be in those schools for quite a long time while they are in decline.

Q146 Mrs Dorries: Christine, I would just like to come back to something you said a bit earlier. You said, I think and please clarify for me, that in the new trust schools, as they are envisaged, the vast majority of children with special needs could be catered for within those schools. Is that right?

Ms Davies: Yes, and it is not just trust schools. The vast majority of special educational needs can be catered for in mainstream education, provided the ethos of the school is conducive to meeting those needs and provided the school has sufficient resources and support to meet those needs. I did not say all special educational needs.

Q147 Mrs Dorries: I just wondered how you squared that with the fact that 27% of children on the autistic spectrum who are in the mainstream in any one day are excluded from school.

Ms Davies: We could have a debate about how you define "autism", but actually the vast majority of children who are on the autistic spectrum, if their needs have been assessed as being best met in the local school and that school is sufficiently supported and resourced, then those children are very well catered for, and I could give you some very good examples of where children's needs are being met. There undoubtedly are some children, and they are not just autistic children, but a range of special needs, where mainstream education is either not appropriate or it is appropriate, but the school, for one reason or another, is not able or not willing to meet those needs appropriately.

Q148 Mrs Dorries: Not willing is quite an important point actually because whilst the Secretary of State says that the Education White Paper is about driving up standards and that those drivers are going to be the parents, and this Paper is a lot about giving power to parents, if you were a group of parents, 95% of parents, in a trust school whose children do not have special needs, would there not be a tendency for those parents, who are going to be given such greater powers now in terms of the running of the schools, to decide perhaps that they were not going to take children with special educational needs? On the issue of choice, I would just like you to clarify what choice the parent of the Asperger's child or the autistic child is going to have, given that the special schools now, as you said yourself, are moving towards the more very extreme complex needs and the children who need 24-hours-a-day care, so what should we say to the parents there?

Ms Davies: The evidence is that where those schools are very effectively meeting children's special educational needs, they are also most effective in meeting the needs of all children because there is real thought going into curriculum differentiation, teaching styles, the level of support that is needed classroom to classroom, subject area to subject area, and it is absolutely vital that parents of all children, including those with Asperger's syndrome, do have an element of choice, but it must be choice that is grounded in the reality of which institutions are best able to meet those specific needs and—

Q149 Mrs Dorries: Christine, can I just interrupt you there. Do you actually believe then that if the Education White Paper is implemented as it stands today, given that we do have the special schools closure and the transferring of those special schools that we have to the 24/7 children who need the intensive care, are you actually saying to a parent of a child who is today struggling to get their child into a school when the local authorities have control that, when parents have control, it is going to be as easy and it is going to happen? Do you really think that when parents have control of the schools, the special needs children are going to have the places? Do you really believe that?

30 November 2005 Cllr Alison King, Cllr James Kempton, Mr Stephen Meek and Ms Christine Davies

Cllr King: I was just going to reflect on the fact that there are areas where mainstream schools have attached to them SPELD units, special educational and learning difficulties units.

Q150 Mrs Dorries: Some do.

Cllr King: Some do, yes, and I think this is perhaps the way for the future for a lot of the children, such as the ones you are describing, because it is perfectly possible to integrate children with Asperger's and autistic spectrum disorders generally and children with other special educational and learning disorders, whatever you like to call them, into mainstream schooling with the support of specialists within the unit.

Q151 Mrs Dorries: Having a lot of knowledge of Asperger's and autism, might I disagree with that because unfortunately those children are robbed of the ability of being in a mainstream school just by the nature of their condition, so I would disagree with that.

Cllr King: Well, can I just respond and say that that situation does not exist across the country. There are different practices around in different local authorities and I know some SPELD units very well, I am also very involved in autistic disorders and I am a trustee of the local Autistic Society, so I do understand the worries that parents have about how their children are going to be educated and how vulnerable they will be in mainstream settings. There are situations, however, that do exist and that operate very successfully. Of course what a lot of parents are worried about, parents of the mainstream children, if you can call them that, is that the academic standard of the school will be depleted if they have one of these units set up, but experience does not show that that is always the case. In fact in the school that I have most experience of, it has not been the case at all and the whole thing has been very, very successful, but it takes a lot of planning and a lot of work to get it to that stage, but there is no reason why it should not exist. I think your worries are well founded because very often prejudice rules the decision-making process rather than sensibly thought-out logic.

Q152 Mrs Dorries: That is absolutely my concern with the parent power in schools, that prejudice will rule and these children with SEN will end up nowhere, given the situation that is happening in schools at the moment.

Ms Davies: I understand your concern about children with Asperger's Syndrome. If, for instance, you come to Telford, you will see mainstream schools working and supported by special schools, working with the National Autistic Society, and you will find that the whole spectrum of children with Asperger's Syndrome or the autistic spectrum, their needs are well met, but they are not met by one institution, they are met by a group of institutions working together with the local authority services. My second point is that we will be in very dangerous territory, you are absolutely right, if it is left for a parent body to determine which children go to that

school and which children do not go to that school for all the reasons that we do not have to go over. Children that are less popular in schools are often less popular with other parents and that will be a very dangerous situation. I will reiterate the point I made very much earlier about academies. I think there is a very real concern on the part of the Local Government Association and local government generally that academies have the right to be refused to be named in a statement of special educational need. We cannot have a situation where one category of school is under no obligation to meet the needs of children with special educational needs when all other categories of school are.

Q153 Mrs Dorries: With the admissions criteria, schools are going to be able to select by interview, if they wish. Regardless of the parent body, if schools are selecting by interview or have a selection criterion which is not in the statutory code of admissions practice, how do you think children with special educational needs will fare in that circumstance? I am just thinking of the autistic child who goes into a headteacher's office and wrecks it within five minutes of getting in there. Is the headteacher going to give that child a place?

Ms Davies: I think potentially, and some schools will behave very honourably and others perhaps less honourably, but potentially there are some children with special educational needs and disabilities who are more popular in other schools, so those children who perhaps have a hearing disability or visual disability or a physical disability, those children will be deemed to be able to have their needs met, but there are other children, those children in the looked-after system, those children who present with behavioural difficulties for one reason or another, who will be deemed to be "less popular" and I think it is those children whom interviewing as a means of selection will seriously disadvantage.

Q154 Dr Blackman-Woods: I am going to ask some questions about quality and come back to a point Alison made earlier. We know that some schools are considered unacceptable by a significant number of parents and my question is really: should the White Paper be focused on bringing all schools up to a basic standard rather than encouraging different types of schools?

Cllr King: Yes.

Q155 Dr Blackman-Woods: Do you, therefore, think that already local authorities are doing enough to improve schools in their area?

Cllr King: I would say yes and there is research to show that the role of local authorities in raising school performance, improvement, attainment, et cetera, has been absolutely critical. There is any amount of evidence around about that and the National Foundation for Educational Research have done some very recent work on it. I think the local authorities are committed to improving standards in their local area. If they are not, they certainly should be because we are looking at the needs of the next generation, very, very important,

30 November 2005 Cllr Alison King, Cllr James Kempton, Mr Stephen Meek and Ms Christine Davies

and I think that the means that we use, the improvement guidance advice in our local inspection units, whatever you like to call them, however they are billed, are seen as a most important tool to raising school attainment levels, and I think it would be the odd school that would not actually make use of that sort of system, an outside person coming in to give an evaluation and an assessment, a trusted outside person with whom they have an ongoing relationship and who constantly monitors their progress and constantly supports the teaching staff in their quest for improving the service that they have on offer. I think it is most important.

Cllr Kempton: If you take the evidence from Ofsted, it is that the number of failing schools is reducing really substantially, so the question is not so much perhaps about what goes on in the classroom that is about raising standards, but what goes on in the wider lives of those children. Clearly I think under *Every Child Matters* that is absolutely central to the role of local government for the future, so we are about to get a new duty under the Childcare Bill which we very much welcome. To narrow attainment gaps for the youngest children and giving them the best start in life is clearly a really substantial step in this direction. Working to address some of the other issues in their lives, whether it is overcrowding at home, whether it is problems with parental support or parenting, whether it is drug or alcohol abuse, whether it is being known to the criminal justice system, all of those issues are what is going to transform education in the broadest sense and those are all areas where local government and the interventions that we can bring together are highly crucial. I think we are getting to the point where just improving little by little what goes on in the classroom, which we clearly can do, will make a difference, but the really substantial differences, I think, are going to come from addressing some of those things which happen in children's lives either when they are younger or when they are going through the school system which impact on their learning.

Q156 Dr Blackman-Woods: I think that is an interesting point. I am glad you have raised Ofsted because the Ofsted report said two additional things: one, that there are still too many failing schools; and, two, that a lot of schools are coasting. Indeed a lot of the thrust of the White Paper is about the fact that schools are coasting, so I will put the question back to you again. If you are doing such a good job raising standards, why do we still have so many failing schools and why do we still have so many schools that are coasting?

Cllr Kempton: Well, I will probably let Christine come in in a minute, but local authorities have responsibilities for failing schools and I think the evidence shows that where we have intervened in failing schools, that number has reduced. We have not got it to where we want it, but we are working well and the evidence shows that generally, as I said before, local authorities are performing better now than they have ever done, so the additional powers to work with coasting schools that the White Paper

brings, I think, are very welcome and we would anticipate that in a few years' time you can look back and see the effect that that has had of local authorities working with schools. It is, I think, an issue to do with school autonomy, that we have to respect the rights of schools, as autonomous institutions, to make decisions for themselves, other than at times when they are in crisis, and we work very effectively with many schools, but it is about getting the right balance of when you intervene and when you stay out. I think the cumulative effect, as I say, of these powers and of the new relationship with schools will, I hope, achieve the changes that we all want to see in that area. It is not, as you say, quite where we want it to be, but the direction of travel is, I think, very positive and I think Ofsted acknowledges that too.

Q157 Chairman: But you can understand the Prime Minister's impatience, can you not, in the sense that there are still around about 30% of the children in our country that do not get the education that he thinks they should get? Indeed if you look at staying-on rates at 16, it is still awful and if we take the OECD average. Arguably, is there not a bit of complacency here? You have been in charge of education for yonks and it has not really delivered to those people most in need there.

Cllr Kempton: I do not think there is complacency, but what there is, I think, is a concern that structural change is not the answer and we are being faced with a set or proposals again about structural change when the sort of interventions that we know will work are the ones I have talked about already which are to do with the wider children's lives as well as the interventions in supporting schools that are not doing very well. It is not about saying that just because you create a different category of school, somehow there will be less propensity to fail because they have the label "academy" or "trust school". I think what we are looking at is the systems that can be put in place to help local authorities support and challenge.

Q158 Dr Blackman-Woods: I noticed you said in your submission that, although you agree with what the White Paper is trying to achieve in terms of driving up standards, you do not think this is the route and you want them to be more radical and this White Paper is not sufficiently radical, so what would you have liked to have seen in it that is not there?

Cllr Kempton: Well, I am very happy to take that, but, Christine, did you want to come in on this?

Q159 Chairman: So it is not radical enough and you have said so, but why not? How would you make it more radical?

Ms Davies: It needs to be radical in the sense that it needs to be robust because, you are absolutely right, whilst there are some schools where for some children their improvement is not sufficient, in the vast majority of local authority areas, performance has been raised year on year and there are some excellent examples in Liverpool, Blackpool,

30 November 2005 Cllr Alison King, Cllr James Kempton, Mr Stephen Meek and Ms Christine Davies

Durham, Sheffield, Telford, Knowsley, all the way across the country where actually performance has been raised year on year. You are absolutely right, this is where we need to be more radical, that actually all local authorities must match the best in terms of performance. Without local authorities, you would not have had the primary strategy, the Key Stage 3 strategy, behaviour and attendance 14–19, et cetera, delivered, you would not have had it delivered in the way that it has been delivered. In terms of being more radical, it is very important to understand how, where and why the most effective local authorities have worked well with their schools and we need to be learning from those local authorities and learning about that relationship between the local authority and the school because it is not just about challenge and support, but it is about what I call “mess and mire, fire, plague and pestilence”. The local authority’s role in driving up school improvement is complex and it needs to be understood what it looks like on a day-to-day basis. What the local authority needs is not the heavy hand of the local authority intervening in schools, but it is the local authority having a sufficient lever to go into a school and talk with a school’s governors and with the teachers in order to address areas of need as well as identifying where there is best practice and sharing it. We welcome the White Paper suggesting that we have those levers in schools which are failing. We continue to need those levers in schools which are coasting.

Q160 Chairman: Alison King, do you want to come in on that?

Cllr King: I have nothing to add to what Christine has already said.

Q161 Chairman: I am intrigued that you are calling for more radical action from the Government and I just wondered what your take on that was.

Cllr King: Yes, well, I think the whole issue is so important that anybody would feel that this probably in certain areas did not go far enough, but there is no one magic bullet, there is no one magic solution to the problem here, and really what it involves is, as Christine says, an enormous amount of hard work by local authorities, a good relationship between local authorities and the schools for which they will still have a significant responsibility and of course a significant responsibility towards parents and children in their areas. I think that if nothing else concentrates the mind, that certainly will. Certainly, for local representatives, education and the placing of children in particular schools is a very keen interest. I get an awful lot of calls about it in my area and people are always keen to talk about education, about standards and so on and so forth, and of course transport and all sorts of other things, all very, very important. I think, as Christine said, the opportunity to have the levers and powers to make what we are going to be responsible for something that means something positive is absolutely critical and that is the way I would like to see the White Paper develop. I think in many cases, no, it perhaps

does not go quite far enough and, in that respect, I am very worried, as you know, about the levels of bureaucracy that could creep in here that do not actually, I think, have much benefit to the whole picture, they do not add a lot of value to the whole picture. I think we need to have a rigorous system, I think we need a very robust approach to admissions and I think we need a robust approach to schools. Looking at what they provide for their communities and making sure that they deliver on that, to me, is key here and I do not quite think we have got it right in this version of the White Paper and I think that is something that really needs to be considered.

Q162 Dr Blackman-Woods: I think I still want some convincing that there is recognition that a step change perhaps needs to be made. I did look yesterday at some local authority websites and it was really difficult to find information on school results. They were usually there somewhere, but sometimes you had to go into the individual schools, sometimes not, but it did lead me to question how high school results and standards are on local authorities’ agendas. What really is being argued here is that the cosy relationship that you described earlier is not quite working and what we need is some contestability in the system and I just want your views on that.

Cllr Kempton: Picking up the point on radical, I think what would be radical is assessing schools against the five *Every Child Matters* outcomes rather than, as the White Paper is proposing, to assess schools, as you are suggesting, only on issues to do with achievement and maybe behaviour. I think if you are assessing schools against those five outcomes, that will be very radical and you would not just be saying to us, “I couldn’t find the school results or the league tables on your website”, but you could be finding data about how healthy children are and what their progression rates are into training or into jobs or university. I think it would be radical to look at those levels of intervention so that where schools are, for example, working with parents on community education, that is seen as contributing to the outcomes of children, not necessarily the children in the school at that moment, but for the future of their communities. I think it would be radical and important to give local government the responsibility for education from 0–19 and then, instead of looking at just the results at 16 or 18, what you would be assessing local government on is whether all young people were progressing at 16 and were not in education, employment and training and whether they were progressing on to the jobs and careers or university. I think it would be radical to be looking for that sort of data as well. I go to many schools and ask them about progression rates and it is very difficult for them to know exactly where young people have ended up, so I think it would be radical to know that. I think what also would be radical is to have these measures applied to all schools so that we are not trying to divide it into a balkanisation of schools of one type or another, but all schools are trying to deliver to the same set of objectives and we can hold them to account properly

30 November 2005 Cllr Alison King, Cllr James Kempton, Mr Stephen Meek and Ms Christine Davies

for that, but recognise that there is an aspect to do with league tables, GCSE results and pieces of paper, but it also has to do with social education, has to do with the other *Every Child Matters* outcomes and it has to do with progression into a working group of relationships and a successful life ahead of them.

Cllr King: Could I finally say that I do not think the term “cosy relationship” is necessarily what we seek to achieve because, to me, that implies a level of complacency and connivance which is not at all helpful for children and I would prefer the term “challenging relationship”, and that needs to be challenging in both directions. That is when I get back to my issue of having a robust system with high levels of expectation locally and that means high levels of expectation again across the board, involving the parents too, and that has not always been the case and that is going to be one of the major challenges as a result of this legislation and the way that we make sure that parents are fully on board and fully supportive because that has not always been the case in the past, not right across the board.

Chairman: I want to have a good look at admissions in this last 15 minutes.

Q163 Mr Chaytor: The White Paper is absolutely silent about the role of admissions forums. Do you see that as meaning that the admissions forums are on their way out along with the school organisation committees or is there possibly a radical, new role for admissions forums in the future?

Cllr King: I would hope not to see the end of the school admissions forums because what worries me about the White Paper is the prospect of possibly each school becoming its own admission authority and having a plethora of arrangements that do not necessarily ensure that children get the right sort of choices about the level of education that they receive. I think having a local admissions forum is a very important part of ensuring that children and their parents are heard when it comes to expressing a preference and finding a school that fits with that.

Q164 Mr Chaytor: So exactly how would you see them operating in the future? If there is a greater number of individual admissions authorities, not necessarily 23,500, but if there is a greater number, how would you see the role for them?

Cllr King: I would rather see a lesser number.

Q165 Mr Chaytor: Of admissions authorities?

Cllr King: Yes, I would because I think at the moment, as I say, to have schools having the right to be their own admissions authority, I think, is going to create terrible difficulties, so I would prefer it to be more local. Christine may have something to add on this.

Ms Davies: Yes, I think that the more admission authorities you have in a local area, obviously the greater complexity there is for both parents and the schools themselves, but even more is the need for a highly effective admissions forum where all those admissions authorities come together in one place and actually devise a system of admissions which is

fair and transparent, where each admissions authority is in effect holding all other admissions authorities to account, so where there is more, there is greater need. However, absolutely critically I think whatever system you have locally, the code of practice on admissions has to be mandatory on all admissions authorities and there has to be a duty on all schools to work with the local authority in finding every child a school place.

Q166 Mr Chaytor: Before asking about the code of practice, coming back to the forum, do you think the forum then should be not just the clearing house, but the mechanism that approves individual admissions policies?

Cllr King: Yes, I do because I think that whatever system produces the greatest clarity, the greatest accountability and is the most relevant to a particular size of area is the one that we would want to use and I think what Christine said earlier about there not just being guidance, but almost being a statutory requirement to have certain admissions policies, I think to beef it up rather more than is suggested in the White Paper would be very helpful.

Q167 Mr Chaytor: But is it not in the nature of a code of practice that it is advisory or can you think of another code of practice that is actually contained within primary legislation?

Cllr Kempton: I cannot, but I think there is an issue about whether the Secretary of State agrees or does not agree with the rules of the adjudicator, for example, and we know the famous case where that did not go in the way that the local community wanted it to go.

Q168 Mr Chaytor: Yes, but we are talking here of one or two individual cases, are we not? It is very, very rare that the Secretary of State gets involved with this. The issue, the real question, it seems to me, is: is it in the nature of a code of practice that it can only be advisory? If you believe it should not be advisory, then presumably it follows that we need something more than a code of practice and we need something enshrined within legislation, within the Bill

Cllr King: That is right.

Cllr Kempton: Which would be about not selecting on ability and not selecting by interview or whatever.

Q169 Mr Chaytor: Well, there is a different issue of the content of the code from the legal status of the code surely. Just leaving aside the content, I just want to be clear about what the LGA think. Should it no longer be a code of practice and should it be enshrined in primary legislation?

Cllr Kempton: We think it is for you to determine, as the law-makers, how best to ensure that it sticks, but we want something that sticks.

Cllr King: We want something more robust than is in existence at the moment.

Ms Davies: I think we are deeply concerned about the words “have regard to” because it seems to us that that allows the opportunity for some schools to disregard.

30 November 2005 Cllr Alison King, Cllr James Kempton, Mr Stephen Meek and Ms Christine Davies

Chairman: We have had plenty of evidence about that.

Q170 Mr Chaytor: In terms of content of the code, the White Paper talks about fair access and fair admissions. Are there particular criteria in the code as it stands now that you think are unfair?

Cllr Kempton: I think the key issue for us is that we have a code so that everyone knows where they stand, but we also are concerned, I think, that, where there is a code, it does not allow schools to indirectly discriminate or directly discriminate, should they want to, either by ability or social group, and those are the key things for us.

Q171 Mr Chaytor: Do you think that the admissions forum could actually be given the power to challenge schools that it deems to be in breach of the code? Alison talked about challenging relationships earlier on. Should this extend to the role of the admissions forums?

Ms Davies: I think that one has to understand the complementary responsibilities of the local admissions forums and the admissions adjudicator because the system that is in operation at the moment, which is actually a very fair and robust system, is that the admissions forum determines fair, transparent admissions across a local authority, understanding the requirements of admissions authorities. If schools then choose not to wish to abide by the admissions forums' decisions, they have the responsibility to go to the admissions adjudicator. Equally, and we have done this in Telford, where schools blatantly disregard the admissions forums, for instance, in the admission of looked-after children, we have gone to the admissions adjudicator and the admissions adjudicator, as is the evidence across the country, has chosen to support the collective view of the local admissions forums. I think that robust relationship needs to continue to be in place, and will need to be in place if there is a great complexity of admissions authorities.

Q172 Mr Chaytor: Finally, could I ask about the question of choice and admissions, and the transport issue really. The Government is trying to enhance parental choice by making it easier for some children to travel further to different schools, but it does not seem to want to enhance parental choice by giving children a right to attend their nearest school. Do you think there is a contradiction there?

Cllr King: Yes, it is rather contradictory.

Q173 Mr Chaytor: How can that be resolved?

Cllr King: There has always been this difficulty about whether it is parental choice or parental preference. Obviously choice is not choice if you pick a school which then says it is full for the particular year to which you want to admit your child. There will probably always be a situation where children do not attain their primary choice in some parts of the country because the places are not available in the area where their parents wish them to be educated. That is something with which we really have to

wrestle. As Helen said earlier, the results of the survey carried out recently showed that there was wide disparity across the country in the percentage of children who were able to attend schools that were their or their parents' first choice. That is something that we really have to address. I do not think it is necessarily going to be addressed by this idea of bussing children all over the place either.

Q174 Chairman: Six miles is not really all over the place, is it?

Cllr King: It can be; it depends where you live. Six miles on a dual carriageway route seems a lot shorter than six miles on a twisty road. I do not want to harp on too much about rural areas because I noticed Ruth Kelly said to you that 85% of children did have this choice available, but my concern is with the 15% of children who do not have that. That is still quite a significant percentage. This is something with which we all have to wrestle, and it is going to be the responsibility of local authorities to make sure that places are available where they are required. Whether we will ever get to the wonderful condition of having 100% of children getting their first choice, I do not know, I think it is a little unlikely.

Q175 Mr Chaytor: The local authorities' responsibility for school place planning is made more difficult where you have a number of admissions authorities that do not admit children on their doorstep.

Cllr King: Yes.

Q176 Mr Chaytor: Would it be a valid criterion within the code to include an obligation to admit children from the immediate catchment area?

Cllr King: I think so because there are a lot of parents who want their children to be educated within their own communities.

Q177 Chairman: How would that impinge on grammar school entry?

Cllr King: We do not have grammar schools in my area but Christine does. May I hand over to her?

Ms Davies: We do have every category of school, including two single sex grammar schools. Of course, the catchment area for the grammar schools is wider than the catchment area for other schools that most immediately serve their local area. Again, through the admissions forums, there is an understanding that the catchment area has to be wider and different for those two schools.

Q178 Chairman: All of you, certainly three of you, criticised the new arrangements for Academies that could not have children referred to them in a statement of special educational need. That is true of grammar schools too, is it not? Let us put it bluntly: grammar schools do not take their fair share of those on free school meals, we know that from the Sutton Trust review research lately, they do not take many special educational needs pupils and looked after children. That is the truth, is it not? Should these rules apply in other schools?

30 November 2005 Cllr Alison King, Cllr James Kempton, Mr Stephen Meek and Ms Christine Davies

Ms Davies: That is the truth and I think there are a number of us who, if we were starting with a blank piece of paper, would not set up something called grammar schools necessarily, but grammar schools exist and grammar schools are meeting the needs of their children very effectively.

Q179 Chairman: But not those with special educational needs or children on free school meals for some reason. I think the Sutton Trust said 13% free school meals in the community, even in rural parts of the country, such as Alison King represents, and 3% in the schools. That is strange, is it not?

Ms Davies: It is certainly true, and your evidence is correct, that because of the nature of the grammar school, they do not necessarily take the same range of special educational needs or the incidence of free school meals as other schools. Some schools do, but grammar schools are like all other categories of schools, they are not—

Q180 Chairman: It is something that is strange because you have had quite a go at Academies not having this role but we leave grammar schools out there in a special category, do we not?

Ms Davies: Yes.

Q181 Mr Chaytor: Does the same argument apply to faith schools? Many Anglican or Catholic primary schools admit children of all different faiths because they happen to be living on the doorstep, why does the same principle not apply to Anglican or Catholic secondary schools who exclude children who are living on the doorstep?

Cllr Kempton: As far as local government is concerned, you will get a variety of views about these issues. We are free to give our personal views, but we would not necessarily have an LGA position. What we would want to be clear about is if there was a looked after child in the locality who was maybe a Roman Catholic, we would expect them to go to their local Catholic school and for that to be secured in the same way as if they were in the locality we hope they would be secured as a first preference a place in their local community school. It is about making some of those pragmatic but realistic choices in relation to these issues. What we hope is that for all schools that are maintained by the state, there is clarity about what their admissions arrangements are. What we fear is exactly the point you are talking about, that when you move to a different number of admissions authorities you will get different criteria creeping in, and that is exactly the thing we want to avoid. Whether or not we think that the status quo is acceptable, what we do not want to see as we get more admissions authorities is the diversity of admissions arrangements increasing.

Q182 Chairman: Time is running out. Can we bounce on to you one last short question and one rather big one. Are you worried about the implications in terms of ownership of property, land, that seems to me to be rather unclear in the White Paper?

Cllr King: If I can answer that because my authority is going through two very substantial PFI bids for schools because we are changing the age at which children transfer from primary to secondary, bringing it down to 11—it has been 12—and we are doing away with middle schools. We have used a 25 year PFI project in order to enable us to bring in the necessary capital for the new buildings and facilities and so on and so forth. I do not think schools ever anticipated that the responsibility for this would rest with anybody other than the Local Education Authority, as it was at the time that this was all going through. I think that some local authorities have indicated to schools that they will have to pick up the revenue costs of their PFIs through their own budgets, which will probably have shaken some schools rigid. Given the choice, and a lot of authorities give schools the choice already about how they run their premises and so on, a lot of them choose to stick with the local authority and have some sort of pooled property arrangement because they do not see the role of the school or the governors as running their own facilities management. The two things go hand-in-hand. Some schools may welcome this with open arms, it very much depends on the individual school. As a representative of a local authority that is about to have a very long lasting PFI project go through to its conclusion, I have significant concerns about whether we are going to be forking out for 25 years. We might have thought to deal with it rather differently had we thought all schools were going to be encouraged to take on their own responsibilities.

Ms Davies: Right at the end of the White Paper it does suggest that where trust schools, for instance, take on the ownership of land and assets, if those land and assets are subsequently to be released, they are released back to the local authority.

Q183 Chairman: But schools wheel and deal and buy and sell.

Ms Davies: Absolutely. I think where your point is very well made, and there is a real danger, is in Building Schools for the Future because that is self-evidently a local authority-wide scheme and there is an affordability gap, there are financial liabilities. It would not be in the local authority's interest to invest significantly in transforming secondary schools to be left with a financial liability which it cannot afford any longer because the resources are elsewhere. It is absolutely critical that within the regulations the financial liability rests with schools where schools have chosen to become trust schools and consequently own their land and assets.

Q184 Chairman: I want to get my big question in and it is the very last question, I am afraid, because I am enjoying this session very much. What aspects of the White Paper do you think have got to be in the legislation? What is your priority? What should be in? What needs to be in?

Cllr King: What needs to be there? I am very concerned about the issue of choice and producing real choice. I am very concerned about the issue of admission and, as has been said by colleagues, the

30 November 2005 Cllr Alison King, Cllr James Kempton, Mr Stephen Meek and Ms Christine Davies

issue of the leverage that we have as local authorities on schools in order to achieve improvement in attainment levels and staying on levels and all those things. Because I have been around a fair amount of time with the LGA dealing with the children's legislation and *Every Child Matters*, I am particularly concerned that we do not create a structure that is going to make it even more difficult for us to deliver the integrated services to children and the improvements that will bring because some of this White Paper does not actually address those sorts of issues. We lobbied very extensively, as I am sure you will remember, Chairman, for the duty to be laid on schools to co-operate as it has been laid on so many other bodies to co-operate.

Q185 Chairman: Schools and GPs.

Cllr King: GPs are self-employed so it is a difficult situation, but we are expecting health to be firmly on board in the broadest sense. I would hate us to see at the end of this legislative process anything put in place which is going to make our job more difficult. It will not just be our job, it will be the outcomes for children and young people which will not be as good. I do not want us to replicate the difficulties that have been created in the past by gaps in the system and by so many people being responsible in their own little separate areas not coming together to work for the same people, because they are all dealing with the same people. For me, that is one of the most important features of this. We have had a lot of legislation involving services for children and young people with a wonderful vision at the end of it but, please, do not let the legislation that comes out of this process be a stumbling block, it must be legislation that makes the delivery of *Every Child Matters* a reality. Schools, because they deal with every young person, are an integral part of this, a key part of this, and we do not want anything to be put in place which makes that a more difficult situation.

Cllr Kempton: What I would like to see is a clear commitment to ending the DfES's stranglehold over schools rather than local government's stranglehold. I would like to see a clear commitment to school autonomy in that, but that is also about autonomy not just from local government but from DfES. We are very comfortable with our role as providers/champions for children and parents and we want to make sure that the schools are properly autonomous. I would also like to see clarity about the autonomy over how schools deliver the outcomes, not whether they deliver the outcomes.

Clarity on those points would be really good. Alison has raised the issue about fair admissions and that has clearly got to be there, but I would also like to ensure that there is real accountability and if we have trust schools—I prefer not to move in that direction—they have clear accountability to the local community. Finally, I would like to sort out the confusion of the 14–19 agenda because I think that will not deliver for young people. Clear strategic leadership within local government rather than the LSC or shared leadership will be the thing which transforms those staying on rates at 16.

Ms Davies: There are three areas: we have talked about admissions; duty to comply with the code of practice; the duty to work with the local authority and other schools to ensure that all children have a school place. The *Every Child Matters* agenda is critical. I agree with everything that Alison said. There is a duty in the White Paper to promote community wellbeing and positive race relations. We would like to see that duty extended, that all schools should use their resources to secure the five outcomes of the Children Act and work with the local authorities and other schools to meet the needs of all children in their area. My final plea would be around the language that surrounds all of these debates. We should stop talking about independence and talk about self-managing schools, but the emphasis should be on co-operation and all taking collective responsibility for children and young people. We all need to improve the language that surrounds local authorities, there cannot be any complacency. The language which suggests that local authorities have a stranglehold on schools is extremely damaging. It is untrue and it is lowering the level of morale and the capacity of local authorities to deliver the complex agenda that is being set out for them.

Q186 Chairman: It has been an excellent session, we have learned a lot. Thank you very much for giving of your time. I am sorry about the long bells and some of my colleagues who had high questions in Question Time had to leave a little early. Thank you, again. Your first response that we had was written very close to the publication of the White Paper, if you are going to reassess that after your consultation closes, can we have a copy of that as early as possible.

Mr Meek: You can have something today.¹

Chairman: Perfect. Thank you for your attendance.

¹ Not received.

Monday 5 December 2005

Members present:

Mr Barry Sheerman, in the Chair

Dr Roberta Blackman-Woods
Jeff Ennis
Tim Farron

Mr Gordon Marsden
Stephen Williams
Mr Rob Wilson

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

Q187 Chairman: Can I welcome our new set of witnesses? We do not often have a double session but there is an impetus for us to look at the White Paper in some detail very quickly and we are combining the issues during this present session. Because of the statement and the fact that two of our Members have to be at Number Ten this afternoon, there is a slightly lower attendance than normal, which I hope you will forgive. Sir Alan, would you like to say a few words to kick us off or do you want to just go into questions?

Sir Alan Steer: I am very happy to. The group was formed in late May, met for the first time in June and reported in October. We had 12 school weeks so there are considerable areas which we were not able to spend time on or to go into which we would have liked to do. Perhaps a prime example that comes to my mind which I think is very closely related to the issues of behaviour in schools is the area of special needs and the meeting of the needs of individual children with special needs. Outside that—I hope that did not come across as in any way a defensive comment—we did come up with some thoughts and ideas which we have been gratified that the professional associations endorse and which we feel would be helpful in improving standards of behaviour. I was most interested to sit in on the second half of your previous witness's evidence because I had no difficulty in agreeing with what he was saying and felt extremely comfortable with the comments that he was making to this Committee.

Q188 Chairman: Is your group not a continuing group?

Sir Alan Steer: No. It was set up to report to the Ministerial Stakeholders' Group which is meeting this afternoon. We were set up as a group of practitioners to report to the Ministerial Stakeholders' Group which consists of the general secretaries of all the professional associations and they will be taking the debate forward.

Q189 Chairman: You have now been wound up?

Sir Alan Steer: We have been wound up.

Q190 Chairman: Are you saying that if you had had more time you could have done a more thorough job?

Sir Alan Steer: That is always true. Lord Elton, I understand, had 18 months and a secretariat running into the hundreds. We had 12 weeks and

very expert advice from two. In that respect, I think we were quite pleased with what we eventually produced. This is an enormous issue and there are many issues which we would like to pursue. For instance, bullying. Our report does relate to bullying but this is such an enormously significant and complicated issue that, inside the time frame and our terms of reference, we were not able to go into it in detail.

Q191 Chairman: Can I give you some good news? In the short session this afternoon, we are going to be asking you mostly in the context of the White Paper for your comments but the even better news is that in the New Year we will be looking at behaviour and bullying in more depth. We very much hope you will be available.

Sir Alan Steer: I would be delighted. This was a chalice that had a certain amount of thoughts about it when it was presented in May. I have thoroughly enjoyed the experience and it has been a fascinating one. I have just as much enthusiasm for the topic and for education after 20 years of headship as I did in my first year.

Q192 Mr Marsden: I want to tease out some of these issues about discipline and what the definitions of discipline are. You talk a lot in your report about the legal right to discipline pupils but what does a right to discipline mean in practice?

Sir Alan Steer: It is not a new suggestion. It was one of the suggestions of Lord Elton back in 1989 which was not picked up by the Government at the time or subsequently. We also received suggestions in the submissions that we received that urged us to consider that. We became persuaded for a number of reasons. One, we were advised that some case law which one assumed gave teachers rights of discipline went back to 1865, *Fitzgerald v Northcote*, on the right of teachers to confiscate items from pupils. In an increasingly litigious age, there was concern that possibly—

Q193 Mr Marsden: Was the increasingly litigious age then or now?

Sir Alan Steer: Now. There was concern that some things might not stand scrutiny. There are issues of clarity. What I found particularly powerful as a persuasion was the process as much as the substance. What I would like coming out of that is much greater confidence among teachers of what their rights are

5 December 2005 Sir Alan Steer, Mr Steve Munby and Mr Ralph Tabberer

and are not. You referred, Chair, in the earlier session to restraint. This was picked up very much by the media. We discussed restraint very little. We hardly discussed it at all. I was quite amazed when the media only wanted to talk about restraint.

Q194 Mr Marsden: You should never be amazed by the lurid aspects of reporters.

Sir Alan Steer: As you know, it is enshrined in the 1996 Education Act and in a circular in 1998. What was also interesting was we had a clear sense that teachers were uncertain about what their rights were. That is a very sensitive and difficult area. Simply by us putting a recommendation in, it solves nothing. All it illustrates is the constant requirement to provide training. What the professor said is certainly right, that things like restraint should be dealt with by people who are properly trained, knowing what they can and cannot do. For me, the process was almost as important as the substance, to reinforce confidence amongst teachers and also awareness among parents and pupils. We sought submissions from everybody we possibly could. Nearly every submission we received said to us that they believed we were in a more challenging age where both students and their parents were far more likely to say, "You cannot do that" and it was that which was wearing down teachers. Remember that we were set up to look particularly at low level disruption, although we looked at serious issues too.

Q195 Mr Marsden: Have you had feedback, apart from the teachers' organisations themselves, from ordinary teachers on this recommendation, if I can put it this way?

Sir Alan Steer: No. It is probably too early. I have had some nice, individual letters but nothing in the sense that would justify me giving you that sort of response. My sense—it would be, would it not?—is that it has been well received by individual teachers, but I am bound to think that. I have certainly had nothing negative about it at all. We were concerned that sometimes when you go for legislation you can end up worse off than when you started. The concern was that certain things that probably all of us would agree were right and proper might run into difficulties. Once we were reassured that would not be so, we felt that the right to discipline, pulling everything together as Lord Elton said 16 years ago, was a good idea.

Q196 Mr Marsden: You expressed just now a little frustration about the media focus on that particular aspect of the right to restraint. Are there things from your report that were not highlighted by the media that you wish had been picked up or, for that matter, that were not included in the White Paper?

Sir Alan Steer: I am more interested in prevention than setting boundaries as a teacher. I do accept that I cannot indulge myself in that because one has to face the hard question: very well; what do you do when things go wrong? One cannot simply say that you should not be in that position because sometimes one is. You will know that we determined that the report title was "*Learning Behaviour*"

because you behave in context. You used the word "frustration". I find it very frustrating that people will only talk about behaviour with a capital "B"—in other words, as a separate entity. Everybody, whether adult or student, behaves in a certain context. Unless you understand and perceive it in those terms, it becomes rather a banal discussion. I was delighted that the White Paper picked up so many of our recommendations, 19 of the 72 recommendations in the White Paper, which I think is very good. Many of the other recommendations were for the profession. Not all the recommendations—probably a minority—were for the Government. Much of the responsibility for change and improvement lies inside the profession. One of the major tasks is to make that happen.

Q197 Mr Marsden: You mentioned behaviour in context and that is something I totally agree with. I wonder if I can explore with you the context of some other groups of people who have to do things to make your recommendations happen. You referred earlier to differing attitudes to discipline perhaps today than, say, 20 or 30 years ago. That brings in the whole question of parental support for teachers on discipline and you have an excellent section in the report on that. It also brings in, does it not, the issue of support within the structure for teachers, whether head teachers or otherwise, when they make a stand? I have not read it from cover to cover but there is nothing in your report, so far as I can see, about the key role of governors, particularly parent governors in that respect. When we had the Secretary of State before us, when we talked about references to governors in the White Paper, nor was there much that she could offer us from there. Do you think governors have a key role in supporting school staff in that way?

Sir Alan Steer: Governors have a key role in a strategic direction—I will try not to give too formal a response—and certainly providing support, particularly to people like myself. I do not want to sound plaintive but as a head teacher you are very much in a lonely position because ultimately it is your decision. It is only the head teacher, for example, who can exclude a child. It is an extremely difficult situation. Do I think governors have a role in supporting school staff? I would probably say that I would feel quite derelict in my duty and the duty of my leaders in the school if I felt such a thing was necessary but if a governor was the best person who could provide support to a member of staff I hope one would be flexible enough in the school. Could I imagine it happening in my school? No, I could not.

Q198 Mr Marsden: Without trespassing into an individual case currently going on, there are surely examples where a teacher takes a stand in disciplining a pupil initially but subsequently finds that stand challenged not just by a parent but possibly by a group of parents. In those circumstances, if he or she does not have his or her governors on board, is that not an even more lonely and isolated position in which to be?

5 December 2005 Sir Alan Steer, Mr Steve Munby and Mr Ralph Tabberer

Sir Alan Steer: I think it is. Remember it is the head teacher who is responsible to the governing body for order and discipline inside the school.

Q199 Mr Marsden: I am assuming in those circumstances that the head teacher is backing up the individual teacher or indeed maybe it is the head teacher who has brought about the exclusion, the discipline or whatever.

Sir Alan Steer: You are quite right. I would have taken on responsibility for that teacher if I endorse the teacher's behaviour and support it. What you are illustrating is the basic truth in schools, the importance of school staff, school leadership and governors having a clear understanding of what they want and the boundaries they want to operate in so that you do not end up in that sort of disharmony. When you do end up in disharmony between governors and school leadership, you do have a problem and that can be quite unfortunate.

Q200 Mr Marsden: I say that very specifically because one of the things the White Paper talks about is giving schools a degree of further independence and that inevitably puts more focus on governors. I want to ask one last question about the relationship between learning support units and other issues. The children's commissioner in his evidence said something which might in some circles be regarded as slightly controversial about it never being a good idea for a child who is being bullied in a difficult situation to be removed from the classroom. I am not sure I would personally subscribe to that. That does raise the issue of learning support units. It also raises the issue—again, I have experience of this in my constituency which is why I am focusing on it—of pupil referral units. What do you see as the relationship between learning support units and pupil referral units in terms of the sorts of issues of balancing discipline as opposed to supporting what are often deeply disturbed and troubled children?

Sir Alan Steer: In an ideal world we should aim for that. The importance is that both those institutions you refer to should be about teaching children behavioural skills. There should be the concept that, as a result of an LSU or a PRU, the child will learn skills that are necessary for them to take their place in the main stream. That is not always so, particularly in the case of a PRU. There may be children who need particular skills in the circumstances of a PRU because they simply could not cope in a main stream. There are no easy answers on this because you are heading for the inevitable conflict sometimes with the interests of an individual against the interests of a majority. You have to make a judgment of where you put the balance on that. We were supportive of LSUs as long as they are not becoming dumping grounds or sin bins. This is what horrifies us, when they simply become a place where you put somebody in order to remove them; you have made a judgment and you have no expectations of an outcome from that. We have received evidence of some outstanding work in LSUs and also some work which worried us considerably. We found that

quite a difficult area because quite clearly there was a role for LSUs but, to put it bluntly, there was a role for good LSUs.

Q201 Mr Marsden: Is that related to how long children spend in the LSUs?

Sir Alan Steer: Yes, I think it should be time limited. In all things like intervention there is an absolute need to have a concept of how long you are going to be doing whatever intervention it is and what you hope will be the outcomes.

Q202 Mr Marsden: Do you have a figure?

Sir Alan Steer: No. I think you have to always judge these things by individual children in an individual context.

Q203 Jeff Ennis: The report is a very good one. I attended a conference recently which had feedback from practitioners that it was an excellent report. That is what you expect when senior practitioners are involved in drawing up reports rather than civil servants.

Sir Alan Steer: I could not possibly answer that.

Chairman: Jeff used to teach before the war.

Q204 Jeff Ennis: The report stresses the importance that leadership and effective management play in promoting behaviour in schools. This is really a question for Steve. How can we make sure that school leaders have the skills they need to promote better behaviour and what is the college doing to try and make sure that we all have the magic bullet, as it were?

Mr Munby: We are going to look very carefully at the Steer Report and the recommendations of Sir Alan Steer and include in our future provision, through our National Professional Qualification for Headship and our Induction Programme for New Headteachers, some of those recommendations. We support those proposals and we are now looking at how we can integrate those into our future programmes. It is not a one size fits all. It depends on the particular context that school leaders find themselves in and the challenges in certain communities are more than in others. We want to contextualise our provision and not have a one size fits all approach. This is very important for the future of the National College.

Q205 Jeff Ennis: On the issue of the one size fits all principle, are we going down the road of developing a national code for behaviour across all schools?

Sir Alan Steer: No, I hope not. I would be quite alarmed. I am afraid I have never discovered this magic bullet. I feel I am being asked for a piece of cake saying, "Eat me" or a bottle saying, "Drink me" and I have yet to discover it after 20 years. I do not believe there is a magic bullet. There is a quote which we used at the beginning of the report from Lord Elton saying that behaviour is a very complex matter or something like that. We had no support whatsoever and we did not support the idea of a national code. We would open ourselves to ridicule and it would be completely against the concept of

5 December 2005 Sir Alan Steer, Mr Steve Munby and Mr Ralph Tabberer

schools having to have their own context. What we did feel was that there were benefits in having a national charter. I know there is a danger that it may be worth no more than the paper it is written on, but in terms of going back to creating awareness, spreading ideas, making people aware of their rights and responsibilities, we thought there was something to be said for a charter. We recommended that further work take place on that on similar lines to the Anti-Bullying Charter.

Q206 Jeff Ennis: We had a very interesting evidence session looking at education for the Citizenship Agenda and we had two really good presentations, Chairman, if you remember. One was from a secondary head teacher from Deptford Green School and there was a presentation from an assistant director of education representing Hampshire Education Authority which was undertaking a project called Rights, Respect and Responsibility Initiative, which was based on the UN Convention of the Rights of the Child. Both of those projects, using citizenship as a vehicle, seemed to be quite successful in altering behaviour patterns. Have you got any thoughts about using the Citizenship Agenda more effectively to try and promote good behaviour across all schools?

Sir Alan Steer: Yes, my thoughts are that I will endorse that approach completely, though I do not know the two schemes that you referred to. Going back to the reference I made to the title of the report, we need to understand that you need to teach children to behave. It is as clear as anything. I have indulged myself in recent weeks with my wife watching Dr Tania on the *Tiny House of Tearaways*, which I recommend to you as a remarkable insight into good skilled behaviour teaching. She is a very skilled lady. That is as relevant for three-year-olds as it is for 13-year-olds and possibly for 23-year-olds, but they are outside my province. We need to teach children to behave and what is coupled with that and perhaps why sometimes—Mr Marsden used the word frustration—we need to recognise our duty to model behaviour to children. It is extremely exasperating to see the tendency to demonise young people and to absolve those who set the most appalling examples, which young and impressionable children unfortunately copy.

Q207 Jeff Ennis: Going back to that seminar that I attended, referring to paragraph 67 and 68 you focus on programmes of social and emotional behaviour skills and in particular the case study about the Social and Emotional Aspects of a Learning programme, the SEAL programme, as it is commonly known. Many of the practitioners at that conference were saying how important this particular programme is and because it is time limited in terms of funding, your recommendation is that we need to extend the funding element of that in order to embed better behaviour within all schools. How key is the SEAL programme and the continuation of the SEAL programme?

Sir Alan Steer: I think it is very important. We had presentations from leaders of those programmes. I ought to declare a slight interest in that my wife contributed to writing small aspects of it, so I should say that. We were most impressed by the presentations received on that. We felt a major part of our work was to also give reassurance to government that there was some excellent work currently taking place on behaviour and that we need to recognise that and continue taking it forward. Sometimes when there are concerns over an issue, there is a temptation, possibly, to feel that you have to start again from new and that seems to have been avoided. There is some excellent work taking place: the SEAL programme and the SEBS programme and also among some of the behaviour consultants who have been appointed around the country. There is very, very strong evidence of really good work taking place.

Q208 Jeff Ennis: One other factor which came out in this conference was that many practitioners thought we had missed a trick in terms of not pushing the Tomlinson Agenda further, having more parity between vocational education and academic achievement and stopping short of bringing in the new system. Have you got any thoughts on that in terms of the influence on behaviour?

Sir Alan Steer: I was an extremely authoritarian chair at the first meeting by ruling out any going into the Tomlinson Agenda. I was horrified by what we had to do in the timescale and I felt this would be a total disaster if we went down into that. Clearly the curriculum has got to be relevant to children's needs. I will say something which is a heresy and is perhaps a personal view. I have always been convinced that we need to focus far more on the teaching skills of delivering whatever it is, rather than constantly searching for the magic course which will solve all the problems. When you perhaps are coming to the end of your career and you have been teaching for 30-odd-years, your memory takes you back down a number of courses from the 1970s, each one we were all enthusiastic about, which was going to solve the problems and they are littered down the educational roadway with their little initials by their side. Absolutely, the curriculum has constantly got to develop, but what we must not do is put our focus on that sort of curriculum structure and forget—which I think has been a huge weakness in the English educational system—recognition of pedagogy, classroom management and the actual skills of engaging children in learning.

Q209 Dr Blackman-Woods: I have some very brief questions on the White Paper. Do you agree with some critics that it focuses too much on structures rather than standards? Either Sir Alan or all of you can answer.

Sir Alan Steer: I have been talking an awful lot, I would certainly be grateful to let someone else answer.

Mr Tabberer: I do not think the White Paper does just concentrate on structures without looking at standards as well. I am thinking my way through the

5 December 2005 Sir Alan Steer, Mr Steve Munby and Mr Ralph Tabberer

chapters, and there is a lot of material in the White Paper which is directly about raising standards and improving children's outcomes more widely. I do think the debate at the moment has focused on the structures' issues and notably the schools' independence against local authority control. I was very pleased to see the references in the White Paper to personalised learning, special needs, behaviour and, of course, workforce reform, which I think are all a major part of the standards.

Q210 Dr Blackman-Woods: Do you think it will lead to an improvement in teaching learning?

Mr Tabberer: Again, if I pick out particularly the chapters on personalised learning and workforce reform, I am clear that they offer very considerable gains to us in terms of teaching learning. I think one of the great things which has happened in the last few years is a realisation that there is a wider school workforce who can support all the many challenges which schools face. If we take two recent examples: in thinking about behaviour, one of the things which is very interesting to think about is the contribution of the support staff to a school's capacity these days, not just the teachers' skills, but the ability of people to help in the classroom with pedagogy, with teaching and learning in general and, of course, to help sometimes in controlling behaviour. I have it said before, we are now passing a time when we need to rely on the heroic teacher acting alone as an opportunity to look at how the whole team can work in combination in order to improve behaviour. To take a second example, a recent and topical one: synthetic phonics, improvement of reading for children. I think there is great opportunity within this debate, not just to look at the contribution of teachers more skilled in phonics, but also of high level teaching assistants and others who are often the people who are deployed to help children, particularly children with specific learning difficulties, with the targeted teaching they require to improve performance over time.

Q211 Dr Blackman-Woods: Do you think it is going to be possible to deliver the personalised learning agenda without additional resources?

Mr Tabberer: I am sure it will require additional resources. I think what I am pointing to is that it is a challenge for us in schools, as in other sectors, also to look at how we use resources more efficiently and more effectively. I do not think it is enough to take every challenge which comes to the school and add an additional bill, and certainly not to add an additional bill for the teachers it might take. I think the ideas that are currently circulated on workforce reform allow us to look at the different balance of skills within the school set. This does add capacity and it strikes me that it adds it at a good value for money.

Dr Blackman-Woods: That is interesting. Thank you.

Chairman: We have been juggling around a little bit to accommodate members of the Committee who have to be elsewhere. Tim Farron, you can go back to anything you like.

Q212 Tim Farron: In your report you recommend research is dealing with the whole behavioural, emotional and social difficulties. You also stated core beliefs implicitly implementing good practice in learning. This morning, as a complete and total coincidence, I went to visit a BESD school in my constituency Witherslack School near Grange. They are in the top 5% in terms of value-added, as you would expect a good BESD school to be. There were two things which alarmed me the most on my visit. First of all was the fact that the school felt there was an attempt to take the good practice which they had clearly developed either into the teacher education agenda or into the spreading of good practice in an unofficial cluster surrounding within South Cumbria. Secondly—something we have already covered in this Committee beforehand—the almost complete absence of special educational needs training as part of the teacher education process. I just wonder whether TDA and TSL feel that as well as leadership in special education and learning education, in terms of providing the skills for teachers to teach students with BESD, you are doing enough of what needs to be done?

Mr Tabberer: I always think we can do much more in teacher education to support areas like behaviour and special education needs. I do not entirely accept the proposition that we do very little in either of these areas. There is a great deal now within initial teacher training on behaviour and there is a great deal as well within special needs, although in initial training we are only able to bring teachers up to a decent starting point. The difficulty is in the initial training, sometimes initial teacher training is called a skip outside Whitehall that people put lots of ideas into. It is very important that we get initial teacher training right so that the teachers can hit the ground running with basic capacity in order to support the schools' policies. In an area like special needs, knowing where you fit into a wider school policy is probably the most important starting point. Perhaps where we most fail is in the pick-up from initial teacher training into the profession. I think that is an area where we have got to do much more to make sure school by school and teacher by teacher we are developing behaviour skills and special education needs, understanding and those skills in the first few years of being a teacher. We are very pleased in the Training and Development Agency with our new remit to have a new responsibility for looking at the professional standards right across a teacher's career. For the first time we will be able to set not just the standards on entry but also the standards at induction. We will be able to revise the standards at threshold, which is five years into the profession and revise the standards for advanced skills teacher and for the new excellent teacher. As we revise these standards, for the first time we will be able to set out a much clearer and stronger expectation of how teachers should be growing those skills through their career. Chairman, these are skills you learn in practice, you do not learn them off site in theory. If we can get the right lead with these standards, then I think we can construct a much stronger teacher force in this area.

5 December 2005 Sir Alan Steer, Mr Steve Munby and Mr Ralph Tabberer

Q213 Chairman: You have been in place since 2000 now, have you not? We have had two inquiries, as Tim just said, one of which flagged up, when we looked at teaching children to read, that a miniscule part of a teacher's training dealt with teaching children to read, whichever method you choose, not just the more fashionable synthetic phonics, but any method. The evidence came back loud and clear that it was something to do with the training of teachers in teaching them how to teach children to read. The evidence we took suggested that teachers expected to pick it up on the job, more recently, the current inquiry into special educational needs suggests the same. Evidence is coming to us already that there is insufficient training of teachers for children with special educational needs. If you have been there since 2000, why have we still got this problem or is the allegation wrong?

Mr Tabberer: I have certainly been with the Teacher Training Agency since 2000, dealing with initial teacher training and recruitment. It is a new brief, only from September of this year, to take on a training and development agency role, which takes us for the first time into the CPD aspects as well. We have been improving the teaching of reading, behaviour and special needs considerably over the last five years. If you look at the difference, for example, of the teaching of reading between the inspection that HMCI did and reported of the period up to 1988 and the period up to 2003, there were very marked improvements in Ofsted's independently inspected performance of initial teacher education establishments. The performance and behaviour have also been improving in special needs. We track these all through Ofsted's data and through NQT surveys. I think the Teacher Training Agency had a pretty good record of these things.

Q214 Chairman: The time devoted to those subjects and to child development has increased over that time, has it?

Mr Tabberer: Yes. The thing I would again point to, which is what people miss in the debate, is the fact that so much of initial teacher training is in the schools. When people say to me that special needs is only an hour on an introductory course, maybe they are looking at part of the course which is based in lectures. If you take a post-graduate certificate education for a secondary teacher now, 24 of the 36 weeks are in the schools themselves. You are learning the skills on the job. In a secondary school you will certainly encounter many more than an hour of encounter with children with special needs. Some of these things are fair challenges. We would like to do more on behaviour, we would like to do better on special needs, but there is a balance. It comes back to Sir Alan's point, we have got to start teachers with a very strong core teaching set which we can build on over time. It is no good having them very highly skilled in one area and then the school is in no position to deploy them in classes across the board. The final point I would make is I think the real exciting thing about the Training Development Agency's new agenda is that, again, we can join these things up. I can talk to you about the improvements

we are making in initial teacher education, but I can point you now towards ways that we can use additional staff in schools to strengthen schools' capacity and the continuing development of teachers rather than just using this initial teacher education to solve all our problems.

Q215 Tim Farron: Surely the issue here is in terms of dealing with good practice, wherever we are, is about not reinventing the wheel. From what I can see in the two BESD schools I have looked at, what happens is you get subject specialists coming into the school with little or no special needs training, but the school deals with that and deals with it extremely well. It then provides a resource, whether it is in a very rural area like mine, where obviously distances are difficult to travel, or in an urban area. The ability to spread that good practice amongst people who are teaching people with BESD who are not in a specialist setting, in terms of trying to deal with that good practice, surely that is a resource which we are making better use of. I got the sense this morning in my other discussions with schools of the same sort that this was not really happening.

Mr Tabberer: There are sources: web sources and there will be training sources for spreading best practice. In initial teacher education over the last two years we have developed a very strong network for trainers to improve their performance in this area. We have made sure that we have taken the national materials that have been available and we have run networks and encouraged people to use the best materials available. We have not completely tied everybody into those, but I think there is much greater investment these days in that exchange. That is to be welcomed.

Q216 Tim Farron: One final point which I think is an important point about language. We are often changing terminology and we should not get too hung up on it. Nevertheless, we talk about young people in this category having behavioural, emotional and social difficulties, is that not termed in the wrong way? Should we not be talking about the exact opposite in terms of the use of those words social, emotional, behavioural in the sense that is the link of causality? I picked that up from some of the professionals in the field, that they think at the moment we are lumping these kids in together, when there is causality from the social to the emotional to the behavioural.

Mr Munby: We work closely now with the Training Development Agency to pick up the leadership aspects of this, not the skill set for teachers. As part of our provision we would run support for school leaders in leading support for special educational needs within the school at whole school level and we also run specific modules to train and develop special school heads and special school prospective heads in terms of the particular issues which they would have in their particular context. That is both for mainstream and for special school heads at the leadership level and that is where we would fit in, working closely with the Training Development Agency.

5 December 2005 Sir Alan Steer, Mr Steve Munby and Mr Ralph Tabberer

Chairman: I am conscious that I want to get all three of you in. It is wonderful to have such a resource here in terms of giving evidence. The last section is on the White Paper, and I would ask colleagues to concentrate their questions on the White Paper now.

Q217 Mr Wilson: There is the issue of the school expansions which I want to cover. Sticking with the White Paper, do you think the proposals in the White Paper are useful to primary schools at all? I say that because we had the Local Government Association in here last week, I think, it seems much longer ago, but I think it was 30 November. They said that most primary schools did not want to become trusts. In fact, I think they said most secondary schools did not want to become trusts either. Do you think these proposals in the White Paper have any relevance to primary schools at all?

Mr Munby: There may well be a mixed response to trusts in the primary sector, but what I do think is that the college is concerned to make sure that all schools are well-led, not just some, or not even just most, but all. What we are looking to do is to make sure that all schools learn from the best school leadership. There are various ways in which that can be done. It can be done through collaboratives of schools working together in an informal way around local areas, it can be done through hard federations and it can be done through trusts. One way of helping to ensure that leadership which is not so good in schools in the primary sector as well as in the secondary sector is addressed would be through trusts or hard federations, that is just one way, there are other ways as well. I think it may be of interest and certainly where there is failure or schools with special measures, we need to look at whether trusts can help to address that issue.

Q218 Mr Wilson: How do you think your organisation could help primary teachers to deal with leadership issues involved with becoming a trust?

Mr Munby: I think it is our role as a college to work with school leaders in whatever context they are in. If they are a trust school, it is our job to help them to be the best they can be in that trust school environment and if they are a community school or a foundation school or an aided school, it is our job to help them to work well in their context, not to advise them how to move from one context to another context.

Q219 Mr Wilson: One of the other things which the LGA said to us last week was that in areas where school roles are falling, the expansion of popular schools might lead to some sort of withering on the vine. Do you think that is right? Will the expansion of popular schools improve some schools or will it lead to others closing? What do you think will happen?

Mr Tabberer: It is extremely important that, subject to Parliament's will on the Bill, if these measures are introduced, we look very hard at the implementation plan. It is one of those occasions when I am more interested in the implementation plan than I am the

process of the Act. For me, the availability of powers to introduce a trust is not a million miles away from the powers to federate. I think giving schools the powers to draw other people into their governance and organisation, giving the scope for bringing more resources to the party is altogether a good thing. It is very much for them and I hope they are working with their local authorities to see where those powers can be used effectively. We have got to ask the question of people who are seeking these powers, "What are you using them for?" I am interested, for example, where there are clusters of primary schools, perhaps small primary schools, who might feel they can gain quite a lot from closer links and closer federations than has been possible before. I certainly know of some authorities where that would probably improve the quality of education and the quality of shared experience across a group of small schools. Having a federation option and a trust option is an interesting extra capacity to throw into that mix. Equally, there are some parts of the country where there are very good heads and very good schools who are in a position to take responsibility for more than just their single unit. I think in that sort of situation it is a very attractive thing to have the capacity for them to work together across schools. Provided they are willing to work with their local authorities and tackle the ramifications for admissions and, indeed, for the Children's Agenda, then I think those powers could be exercised greatly to help children in those communities.

Mr Wilson: With respect, you are answering a slightly different question than the one I asked because I asked about the expansion of popular schools in areas and whether you thought that would help raise standards or lead to schools closing. Do you not have a view on that?

Q220 Chairman: Going back to schools, Sir Alan, how big is your school?

Sir Alan Steer: My school has 1,360 students.

Q221 Chairman: What would be the impact on you of taking 200 kids out of that school?

Sir Alan Steer: We would obviously have a period of considerable disruption. If you take 200 students out of a big secondary school, you are reducing the resources by a large amount and the period in which you were doing that would be one of tricky management.

Q222 Chairman: And 200 more because you are a popular school?

Sir Alan Steer: We would not want 200 more, Chairman. Not only would one consider that the size of the school is appropriate to the site, but also we might suggest that perhaps the reason we are successful is because of the structure. Also, the particular unique situation for us is we are a very inclusive school. We have 40 children with physical disabilities, and I think the governors would resist very vigorously any suggestion to add children to the school.

5 December 2005 Sir Alan Steer, Mr Steve Munby and Mr Ralph Tabberer

Q223 Chairman: Mr Tabberer, Rob has accused you of dodging the question.

Mr Tabberer: I apologise. I think in this situation we are ignoring some of the dynamics of schools with falling roles, of course. Local authorities and schools are already looking at lower numbers. In some secondary schools they will be reducing by 200. In fact, if we do not, local authorities and schools, grapple with the issues of how many schools we have got, possible mergers, some expansions and some closures, then we could end up with a situation where Sir Alan and his colleagues may have the same number of children in their schools, but they may have a lower unit of resource for each child. There are efficiencies that we have got to effect over the next year. The interesting point for me is that all of these matters—expansions, closures, mergers, federations, whatever—do need local management. They need the school taking an active part and they need the school working with its local community. If any of us leave these to unplanned forces, then individual schools will find themselves in very difficult positions. That is the context I want to put forward.

Sir Alan Steer: I would agree with that, Chairman. I was going to comment that this is a very good illustration of the complexity of the education system in England because as a head teacher in outer London, there is no problem at all about falling roles, our problem is with rising roles and the pressure on schools with an inadequate number of places for demand. You have in England a very, very varied pattern which is just a reminder that all the policies we carry out will differ according to the context of the area.

Q224 Mr Wilson: Mr Tabberer, I notice again that you have answered my question in very broad terms without specifically dealing with the issue that I am trying to grapple with in the White Paper. The White Paper is giving parents, governors, and so forth, the power to expand their school without any recourse to anywhere else. What I am trying to get at is do you agree with that set of proposals in the White Paper or not?

Mr Tabberer: I do agree. I agree that we should allow schools to expand. I agree, like most things in education, that you should exercise that responsibility responsibly. You should work with other schools within your community and your local authority. You should identify the risks and you should arrive at a joint agreement on that. I do not think we should deny good schools the opportunity to expand. For me this should be standards driven and quality driven. Again, I would encourage the local authorities not to sit back and wring their hands about what might happen, but to do what they normally do well, which is to get to grips with the local discussions and consultations which leads this to be used well in order to improve children's outcomes.

Q225 Mr Wilson: Just to sum up, you are a fan of parent power over and above local authorities having the overall school management plan?

Mr Tabberer: I am in favour of certainly a large measure of parent power. I am in favour of a large measure of local planning. I am in favour of letting schools that do things well have more freedom to get on and make a difference in their areas. It is difficult to square these forces, but for me that is why the implementation plan for the White Paper is of so much more interest at the moment than the Bill. It is how the school commissioner works with local communities to see this through, which will make this a good measure or not.

Q226 Chairman: You agree that it has been difficult to tell from what it says?

Mr Tabberer: At this stage but, again, I am speaking for the White Paper, because I think introducing these capacities for schools, the greater capacity to federate, to put schools together is basically a good idea. For the last 15 years we have had 23,500 individual units in English education, about 20,000 primary schools and 3,500 secondary schools. There is some real energy in some schools to take on more than just their own local responsibility. There is some real energy amongst very good heads to spread their responsibility to taking on more than some schools. There are some very strong opportunities available, including in admissions. If you start to get four schools in an area working under one trust, there are real opportunities to start looking at admissions as a balanced approach in those schools rather than one school competing with another maybe for the middle class children.

Q227 Mr Wilson: Obviously with the White Paper heads are going to be taking on much more complex roles, admissions policies and a whole series of other things. This is really directed at Steve, I suppose. Do you think the extra freedoms and responsibilities in the White Paper could lead to a freer hand to improve quality and improve things overall?

Mr Munby: Can I pick up on the last point first, which is that I support what Ralph has been saying, but I do think that the expansion of schools should be standards and quality driven. I am not convinced that is always the same as the most popular, especially in areas of deprivation. Let me go back to the question you are asking me which is whether or not the greater autonomy of schools is going to help. Certainly I am convinced that one of the reasons why we have such good school leadership in this country, unlike many other countries, is we do have self-managing schools. Even community schools are far more self-managing than they are in many other countries. I think that is the strength of our system. Whether or not there will be a great deal of difference in the greater autonomy compared with what schools currently have, I am not sure. Certainly when I was Director of Education in my last job I did not get lots of school leaders asking me for permission to do things, it is not that kind of world anymore. It may be that the greater autonomy is going to help, and certainly I think school leaders do need autonomy to manage their own situation in their own school. They must not do it in isolation, and that is why I am pleased that the White Paper

also talks about school leaders collaborating together and school leaders working in a collective around the needs of the children in that area. They also talk about trusts, where schools could work in partnership in federation with other schools. It is not to be just them on their own as an isolated school leader, I think that would be a bad move for the system. If we have school leaders who are autonomous who are working together, either in groups of schools or federations or trusts, I think that could be a good thing for the system.

Q228 Mr Marsden: Ralph, your replies to my colleague, Rob Wilson, were broad and interesting but somewhat discursive. Do they add up—this co-operation you are talking about—to a strengthened role for local authorities or not?

Mr Tabberer: I think it is a strength for local authorities to have a clear commissioning role, that is a helpful move. Local authorities ought to maintain their planning role and ought to seek to work very closely with their schools on ensuring that the wider agenda, with which they are concerned, not least the Children's Agenda, is managed well. Local authorities still have a major important role, and that is not undermined by letting the schools have more autonomy.

Q229 Mr Marsden: Are you saying they should not be worried by the White Paper, they should see opportunities in it?

Mr Tabberer: As ever, yes.

Q230 Mr Marsden: Can I take you on to another aspect of the White Paper. The White Paper seems to be giving us a very sunny uplands view of training in the future. It talks about school workforce, a wide range of roles, more sports staff, trained sports coaches, trained administrative staff, and you will be pleased to know that you are the new modernised agency for the schools workforce that is expected to deliver this nirvana. However, you have just referred previously to CPD, and I have spent nearly two years talking to teachers on particular aspects of the curriculum which DVOs have been involved in, and that is the history curriculum. The constant feedback I have had is that there is very little time in school either for retraining or initial training for CPD. How you are going to square those two?

Mr Tabberer: There are moves to give teachers more time in primary schools for planning, preparation and assessment. The current moves to maintain downward pressures on teacher workload I think are all necessary steps.

Q231 Mr Marsden: Are these including the so-called "Kelly days"?

Mr Tabberer: I think it is "Kelly hours" that you are referring to, no, it does not incorporate those. I think it is extremely important that we look at the way the school workforce develops in order to concentrate teachers on teaching and to help eke out more time for their continuous professional development.

Q232 Mr Marsden: You can do both jobs, can you? You can implement the CPD stuff that is now being talked about as well as taking on this broader role of training these broader groups of people which the White Paper say are going to come into our schools? You are confident of that, are you?

Mr Tabberer: I think it is a very complementary agenda. If we can continue to develop the roles of support staff in targeted help to individual children, personalised learning, the roles of support staff working alongside teachers in classrooms, the roles of interagency staff in speech therapy, occupational therapy, improving the wider lot of children, then I think we can concentrate teachers more on teaching and give them more time for their own professional development. Professional development and support staff development is not, at the end of the day, my job; it is the schools' job.

Q233 Mr Marsden: Let us get a quick reaction from the person who has to deliver this day in and day out. Sir Alan, I noticed you were looking down at your paper, but you may just be tired! The truth of the matter is the picture that I painted in that particular area of history teachers is a frustration which is expressed across the profession, is it not? Do you not have your teachers coming and saying, "All these initiatives from DfES and God knows what, I have got no time to do CPD even it is given space"?

Sir Alan Steer: We do. It is a very difficult question to answer because whichever answer I give I think I am going to be hung on that.

Q234 Mr Marsden: It is all right, we will not hold it against you.

Sir Alan Steer: I am trying to be truthful. I think training is something that we in schools have neglected. We have not put sufficient importance on it, and I will say that against myself. For example, we were talking about newly qualified teachers, generally, we have been quite good at training teachers when they first come into the school and quite bad at continuing that into Year 2, 3, 4, and 5. I think—and I hope Steve will still be a friend—at head level, if I look back over my career, the training has been weak. I have always argued—and I do not know whether I will be popular with my professional association—that possibly the training for head teachers should not be a voluntary issue, but it should be a mandatory issue. It still strikes me as bizarre that I can go on until the day I retire without, if I do not wish, any form of training whatsoever, considering the number of children and the resources that one is responsible for. Having said all that, there is the potential in schools to vastly improve training if you get the culture right. That is a very easy thing for a head teacher to say with all the dangers of the poor classroom teacher saying, "Well he would, would he not". My school has embarked, in the last four years, on probably the most exciting educational initiative of my entire professional career, which has been the Assessment for Learning, which has very little, if any, resource implications, is hugely motivational for teachers and highly effective. It is difficult, but under time pressure one is

5 December 2005 Sir Alan Steer, Mr Steve Munby and Mr Ralph Tabberer

going to sound a bit like a headline, often in a school it is an issue not that we have too many meetings, we have too many bad meetings.

Q235 Mr Marsden: It happens in politics as well.

Sir Alan Steer: I am sure it happens everywhere. Going back to the report you see, what you have not asked me, were you to ask me what do I think is the most significant element in it, I think the most significant element in it is the hope that Ofsted will change its guidance to schools on filling in the self-evaluation form, so as to encourage schools to have a learning and teaching policy which provides baseline consistency and a behaviour policy which is genuinely regularly reviewed because at present both those things are not universal. We do not—to answer one or two of your questions—share practice. You were asking about the experience of going from school to school. Often it is the experience within school which is just as significant. The variations inside an institution are often more challenging than the variations between the institutions. I am not negative about CPD, I think good CPD can be delivered in a way that is highly motivational for teachers, but you need to create the climate first and do it in such a way that it is manageable and relevant. We have suffered, unfortunately, over the years with some very bad CPD.

Q236 Mr Marsden: My colleague Jeff Ennis mentioned citizenship earlier. Is that, for example, something in your school you have been able to give sufficient time and training to?

Sir Alan Steer: I think so. Very clearly citizenship is the moment a child enters the school door, it is not composed of half an hour a week. It is from greeting somebody at the school gates, it is throughout the day until they go home, it is the quality of the food, whether there are carpets on the floor, whether there are pictures on the wall and whether the toilets are clean, all those things plus the more formal citizenship programmes combined. There is not a magic bullet, you advance on a broad front and have 101 targets. The day you forget it and you leave off the one key target, you miss the point. It is tough.

Q237 Chairman: Coming back to the White Paper, you feel more at ease when I take you off the White Paper, so I am bringing you back. Sir Alan, you have got a lot of experience. You are a very experienced head. They are not going to take your knighthood away whatever you tell us. What is your overall assessment of the White Paper?

Sir Alan Steer: I was genuinely really pleased about the picking up of the behaviour elements. There was no recommendation in the Behaviour Report, which I am not fully happy with. It was a genuine independent body. I think head teachers and practitioners were sufficiently awkward that it would not have been possible to be otherwise. I was really pleased that so many were picked up. There are a number of items in the White Paper. I want to think more and want to see the ideas expanded. We have talked today about trust schools. I twitched when

Steve used the expression “even community schools”, I am very proud to be a community school, I know you did not mean it in that sense. If I had wanted to do certain things, we could have applied to be a foundation school, but it was not something that our governors felt was appropriate in our context. Equally, I thoroughly endorse the independence which Ralph was referring to and which has been present since 1990. I think this has been immeasurably wonderful as a head teacher: standards have risen, resources are better, all sorts of things. I would not want to give up our freedom. We are a specialist school and we embrace that culture, but we also embrace working with others. We have a number of networks which we interlink with other schools, some in more challenging circumstances than ours. Probably an honest answer to you is I would want to think much more about the White Paper. There are certain areas which I am not quite sure I see the direction of thinking.

Q238 Chairman: You seemed to be more worried when I pushed you a little on expanding your school or reducing it.

Sir Alan Steer: I was not worried, it is just that it is a particular issue because of the factor I said, particularly the special needs. Special needs is probably very close to my heart. I was on a government committee for a couple of years and we have been involved in the integration work for getting on for 20 years. I am concerned that you might lose the very thing that makes the school successful, if you do not recognise at what point extra bodies perhaps become a negative thing. We are very popular and we could take another 200 children per year, but I doubt whether parents would want that if we became such a size that the quality and the culture begin to change. Personally, I would not be interested in expanding the school, it would be something that I would be quite resistant to. Other schools in a different context may see it differently.

Q239 Chairman: A number of the witnesses we have had so far on the White Paper have already said that one of the real problems is really discerning what is the role of the local government in this new world. As you touch on particular areas, what is going to impact on the admissions? You would have a view on admissions, would you not, Sir Alan?

Sir Alan Steer: I have read the reports in the press and I have read the White Paper twice, which I think is quite good really. I wondered whether the two were talking about the same thing because I have not really seen the radical element of admissions in the White Paper as distinct from what a school could do, for instance, if it become a foundation school. Presumably it could set up its own admissions policy and apply to the adjudicator if it so wished. I think some of the discussion about admissions is more, perhaps, a fear for the future rather than the present, but it may be my lack of understanding. I have read this thing carefully, and I see the role of the local authorities as extremely important in the local strategic planning, particularly, for instance, you

can imagine in a very urban area where you have got a number of schools close together, somebody has to provide that strategic direction. I am very comfortable with the concept in the five-year plan, and in the White Paper of local authorities as champions of parents and pupils. I would not want the local authority to be engaged in managing my school. I think that is something best done at school level. I was very comfortable with what Ralph said and agree with him entirely. I think local management has been excellent in raising standards and would not want to give up a fraction of it, but there is a role of the local authorities as the overall strategic planner and the protector of the vulnerable.

Q240 Chairman: Is there anything you would be worried about if it was included in the Bill that comes out of the White Paper or, indeed, anything that would be lost between now and then?

Mr Tabberer: I think we should all keep an eye on the local authorities' role with regards to the *Every Child Matters* agenda, the Integrated Children's Services. I think as the Bill goes through, if we talk about local authorities working in more of a commissioner role, we talk about school freedoms. I think the *Every Child Matters* agenda is a strength for local authorities. I am a great advocate of local authorities, we are one of the few agencies that funds posts directly in them because we work well with them. Keeping that in sight as this goes through is very important indeed.

Mr Munby: Picking up Ralph's point, there have been some major challenges for school leaders of the *Every Child Matters* agenda and the Extended School agenda, as many of them move towards multi-agency leadership rather than just leadership of teachers and other providers too. I think that is a big challenge for the next few years.

Q241 Chairman: What do you think of the multi-agency leadership?

Mr Munby: Already we have children centres which are working with children of nursery age which are multi-agency: with health, social care aspects, as well as educational aspects. Already we are seeing more full service schools and campuses develop with a range of provisions, not just education, on the same site. It is throwing up new ways of looking at what leadership should be. If it is multi-agency, it is not just education. The role of the traditional head teacher needs to be looked at and I think that is a major challenge of the White Paper.

Q242 Chairman: You mean they are not trained to be managers, it is a rather different job. You do not have to be trained, as Sir Alan said, because there is no compulsion.

Mr Munby: We need to look at what skills set is needed for multi-agency leadership compared with the issue of just the educational setting. That is the first issue. The second issue is that the White Paper throws up the need to focus on schools in most difficulty and in the most complex situations and make sure that we get the best leaders into those schools. I think that is an important step forward

and I welcome it. We are going to create and identify national leaders of education—that is in the White Paper—but they would only get that identification as leaders of the system if they are prepared to demonstrate that leadership in our most challenging environments. Again, we need to make sure that our best leaders are in those schools. That is another challenge of the White Paper. The third challenge of the White Paper is the 14–19 area and how we work in partnership with a range of other providers and non-educationists to meet the needs there. The fourth challenge is succession planning, which is flagged up in the White Paper. We need to build on beyond the next generation of school leaders to ensure that we are going to carry on having that high quality leadership which we have developed over recent years.

Q243 Chairman: Is there not a worry though, you are responsible for school leadership, that if a bunch of people with not a lot of help and advice appoint the wrong school leader that could mean the closure of your school under present circumstances?

Mr Munby: It is the most important decision the governing body ever makes.

Q244 Chairman: Are they competent to make it?

Mr Munby: In some cases yes and in some cases no. I am glad to say the White Paper does ask the National College to work with chairs of governors and local authorities in providing advice to heads and governing bodies on succession planning and recruitment.

Sir Alan Steer: I do think head teachers need to be trained, very much so. Perhaps it may be interesting to finish the discussion with a couple of questions. One is, which I think is fascinating, how are schools going to change in the next five years to deliver *Every Child Matters*? At the moment the debate is absolutely on the aspirations, which I have never met anybody say other than they are great. I think how schools are going to structurally look different in the next five years in order to deliver it is a challenge to the profession. The question which I think is really fundamental to the Behaviour Report, is that I have yet to meet anybody who says other than that Elton wrote a brilliant report in 1989. The interesting question is then why did we need a different group and why was it not more effective? That is a really interesting question. How do you take the ideas through and make them happen? How do you change a culture? I have been doing some presentations and what I always say is that the task of the profession is to redefine what we mean by professionalism, begin to see professionalism less as individuality and more as collegiate, working together to support each other and achieve that consistency that Dr Tania imposes on her three-year-olds. I do recommend the programme; it is well worth watching.

Q245 Chairman: Some of us are addicts as well! Sir Alan, Steve Munby, Ralph Tabberer, it has been a pleasure to have you give evidence to us. We have

5 December 2005 Sir Alan Steer, Mr Steve Munby and Mr Ralph Tabberer

learned a lot. We would like to remain, certainly with the two wingers there, in touch with you on a number of questions. Sir Alan, it is more sinister, you are close enough to London to receive a visit from the Select Committee.

Sir Alan Steer: You would be most welcome. Take it as an invitation.

Chairman: You might see us on your doorstep. On your way home, if you think there is something that you did not say to that darned Select Committee, do e-mail us or write to us. Thank you.

Wednesday 7 December 2005

Members present:

Mr Barry Sheerman, in the Chair

Dr Roberta Blackman-Woods	Tim Farron
Mr David Chaytor	Helen Jones
Mrs Nadine Dorries	Mr Gordon Marsden
Jeff Ennis	

Memorandum submitted by the Association of Teachers and Lecturers (ATL)

The Association of Teachers and Lecturers (ATL) is a professional association and trade union representing over 160,000 members in schools, colleges and other educational settings across England, Wales and Northern Ireland.

CONTEXT

1. ATL's response to the White Paper, "Higher Standards, Better Schools for All", must be set within the political context. The media coverage before the launch showed the determination of the Prime Minister to pursue his aim of irreversible reform of public services. His explicit statement that private schools are the best schools explains his vision of a market of independent schools, with the market strengthened by easier entrance of new providers and better information for consumers. Education ministers have emphasised different aspects, especially personalisation and parents exercising influence within rather than between schools. Much back bench reaction has been negative, although some of it is difficult to relate to the actual content of the document. The conclusion must be that much of the debate is a function of the current concerns within the governing party about its general policy direction and leadership rather than directly connected to the detailed proposals.

GENERAL

2. *Like other recent education policy statements, the White Paper is full of evidence of policy conflict, with apparently contradictory positions.*

The major difficulty for proponents of markets in public services is that if they are free at the point of delivery they must be *quasi*-markets. Without a price mechanism, it is difficult to reconcile supply and demand. As applied to schools, this leads to producers choosing consumers rather than the reverse. Given that at least 85% of pupil achievement is due to factors outside the school, this produces a substantial market advantage for popular schools. The market cannot ensure the kind of pupil mix which has been shown to maximise overall achievement.

The White Paper continues with the Government's practice of simultaneously promoting both market mechanisms and also policies to ameliorate the negative effects of those mechanisms. This is the underlying reason for the conflicts and contradictions.

3. *Much of the 116 pages are the Government's narrative of its past achievements and current programme.*

This description is unexceptional.

4. *The proposals as printed are limited and bear little resemblance to either the pre-launch or post-launch discussion.*

The proposals for legislation in the Annex cannot be described as amounting to substantial system change. With the exception of the introduction of a new category of school, they are incremental, and in two controversial areas, school independence and admissions, there is virtually no change.

PARENTS

5. The proposals on parents, taken together, do not represent a substantial change in the relationships between schools and parents, or LAs and parents. Some of them are particularly irrelevant to small town and rural parents. The allocation of funds to support choice behaviour only makes sense if it is assumed that parents decline to exercise choice only for reasons of deprivation or ignorance; there is no evidence that the 45% of pupils who attend their local secondary school are all in those categories.

6. Perhaps the most significant changes, from the point of view of teachers, will increase their rights *vis-à-vis* parents:

- A clear and unambiguous legal right for teachers to discipline pupils will be introduced.

- Legislation will give head teachers new powers to search pupils for knives and other weapons and the Government will review an extension to include drugs and stolen property. This will reduce the capacity of oppositional parents from objecting to schools taking action to secure discipline.
- Parenting contracts will be usable earlier, the use of parenting orders extended, and parents expected to be responsible for excluded pupils for the first five days.

ATL recognises that the law already supports school staff in the reasonable performance of their duties, but welcomes the clarification and strengthening which is likely to result.

TRUSTS

7. Some of the provisions in the White Paper for stimulating market behaviour are relaunches of powers already available but which have proved unpopular. Parents have not rushed to take advantage of their current rights to propose new schools, with the exceptional case of Lambeth scarcely representing a national model. Although the proposals for Trust schools appear in the parents chapter, it is clear from other sources that it is not parents who are expected to establish them. The proposal that in Trust schools parents will have relatively less representation on the Governing Body is a good illustration of the confusion at the heart of this policy.

8. It is difficult to see how proposals for a new kind of governance will lead to better learning and teaching, and there is very little argumentation other than an assumed superiority of the private sector. ATL contends that the Trust proposal is irrelevant to the needs of England's pupils and will not be attractive to any but a handful of England's schools. There is to be no requirement or apparent incentive for schools to acquire Trusts. If so minded, they can gain the same degree of independence by becoming foundation schools (although very few have used that opportunity) without having the encumbrance of a possibly interventionist Trust with a majority on the governing body.

9. Yet the Government is committed to promoting Trusts. The enforcer will be the Office of the Schools Commissioner, whose brokerage role will be crucial. From the above, only arm-twisting will achieve more than a tiny number of Trust schools, and it must be concluded that the Schools Commissioner will do the twisting, perhaps using the same kind of tactics that the DfES Academies Unit has used to secure compliance from local authorities. The intention for the Office to report to the Secretary of State provides inadequate accountability. Despite its role to interpret local parent opinion on the provision of schools, there is no intention to make it locally accountable.

10. There is a clear potential contradiction at the heart of this policy. If local parents make it clear to the Schools Commissioner that they want good local community schools, or that they do not want Trusts on their patch, is that what the Commissioner will support and report? This indeed would be the test of whether the Government is right to claim that parents want a market in schools.

ADMISSIONS

11. While ATL welcomes the proposed legislative changes, they are simple matters of detail which do not address the complex questions concerning balancing parental rights with the needs of children individually and collectively, the community, and the system as a whole. ATL notes with regret that the proposed revised Code of Practice did not adopt many of the Select Committee's proposals, and believes that a stronger Code with mandatory compliance is necessary. As it is, the White Paper virtually proposes the *status quo*, which is unpopular as well as ineffective.

SCHOOL DISCIPLINE

12. ATL welcomes the commitment to implement the recommendations of the Steer Committee. It may be that the clarification of the rights of teachers to discipline pupils, including searching them, will be seen in retrospect as the most important provision within it, and is much more likely to improve learning and teaching than any other White Paper proposal.

SCHOOL WORKFORCE

13. The continuing commitment of the Government to Social Partnership as the route to workforce development is welcome, despite the recognition on all sides that partnership working is not easy. ATL will continue to inject its own interpretation of new professionalism into joint development work. It is also important that the TDA as the modernisation agency understands partnership working.

14. ATL welcomes the rapid establishment of a national working group to take forward pay and conditions issues for support staff.

LOCAL AUTHORITIES

15. ATL regrets the proposed power of the Schools Commissioner effectively to replace local democracy as the arbiter of the local authority's school planning function. However, any change in the balance of powers between schools and local authorities is slightly in favour of the latter. Local authorities are to remain the planning agency, taking over the School Organisation Committee function. ATL welcomes the reinforcement of their duty to intervene in "underperforming" schools, and with the LLSC their clearer power to co-ordinate 14–19 provision. The duty to promote fair access as well as diversity and choice is noted, and ATL seeks further detail on the powers which will be given to Local Authorities to comply with this duty.

November 2005

Memorandum submitted by the National Union of Teachers (NUT)

1. The National Union of Teachers welcomes the decision by the Education and Skills Select Committee to conduct an inquiry into the Government's White Paper, "Higher Standards, Better Schools for All".
2. In the last year, the NUT has published three major policy documents:
 - "*Bringing Down the Barriers*", published in November 2004, set out proposals on the structure of the Education Service; on the National Curriculum and its assessment; on the teaching profession; and on school accountability;
 - "*Learning to Behave—a Charter for Teachers*" sets out practical proposals to tackle unacceptable pupil behaviour; and
 - "*Bringing Down the Barriers to 14–19 Education*" sets out proposals to protect young people from the potential inequities in the current dual Diploma proposals.
3. A number of proposals in these NUT documents have been adopted by Government, including: the idea of a Pupil Behaviour Charter; the need for a clear, unambiguous legal right for teachers to discipline pupils; and funded practical personalised learning. The documents above are attached for the Committee's consideration.¹
4. The NUT is in a strong position, therefore, to evaluate the Government's proposals, using its own as a template.

TWO WHITE PAPERS AND THE NEED FOR EVIDENCE TO INFORM REFORM

5. There is a strong case for arguing that the White Paper is, in fact, two papers; one which contains wholly unnecessary and damaging structural reform; the other which sets out proposals which have the potential for supporting teaching and learning.
6. It may well be that the White Paper's proposals for structural reforms draw on evidence; but references are extremely sketchy. A YouGov poll on parental views is referred to, in paragraph 3.1, without any accompanying explanation. The Prime Minister refers to developments in Sweden and Florida in his introduction. No serious analysis of the evidence behind these references is included. No evidence is brought forward at all to substantiate the majority of proposals for structural reform. The NUT believes that reforms of such a radical nature cannot proceed without a much greater exploration and analysis of the assumptions behind the White Paper.
7. The NUT submission does not address all the proposals in the White Paper therefore. It concentrates primarily on those which relate to the strategic direction of the education service. It focuses on the implications of "choice" and "diversity" and on the implications of proposals affecting local authorities' relationships with schools.

THE IMPLICATIONS OF "CHOICE" AND "DIVERSITY"

8. Fundamental to the White Paper is the Government's case for reform. It believes that choice for parents and diversity of provision will, in themselves, raise standards. The White Paper is predicated on the need to promote choice and, in promoting it, seeks to address the imbalance between "the affluent (who) can buy choice and the 'least well-off parent'". While the case for reform is well-rehearsed, its goal, in contrast, is completely obscure:

"Our goal is no less than to transform our school system by turning it from one focused on the success of institutions into one which is shaped and driven by the success, needs and aspirations of parents and pupils."

¹ Not printed.

9. As a goal, it appears to contrast institutional success with that of the needs of pupils and parents; a completely invidious distinction. For such an avowedly radical White Paper, the opacity of its goal should lead members of the Select Committee to ask what exactly is the White Paper's objective.

10. The Government's agenda appears to rest on a number of assumptions. They are that:

- it is possible to neutralise the effects of social disadvantage by ameliorative measures applying to education only;
- all will benefit from an education service based on choice and diversity;
- parents want to attend parents' councils and establish new schools; and
- the involvement of the private sector will improve education.

11. The evidence base for the above assumptions is shaky, to say the least. The proposal for parents' councils seems to be drawn from the need to provide a voice to parents who would be disenfranchised from standing for election to Trust school governing bodies. It is an ill-considered attempt by the Government to restore a voice for parents in the context of its promise to expand parental rights. As a proposal it seems not to take into account the history of badly attended school Annual Parents' Meetings.

12. The other assumptions in the Government's proposals also need unpacking. The Education and Skills Select Committee will be familiar with the OECD PISA Report, *"Knowledge and Skills for Life"*, and its conclusion that, "social segregation brings benefits for the advantaged", and that, "segregation of schools is likely to decrease equality". Members may be familiar with the report's message that education systems which enable choice of provision within schools, rather than between schools, are far more likely to meet the needs of all young people.

13. In this context, it would be worthwhile for the Education and Skills Select Committee to explore the Prime Minister's claim, in his introduction to the White Paper, that:

"Swedish parents can choose an alternative school to their local one, including a diverse range of state-funded independent schools and that . . . schools and areas where there is more choice have improved most rapidly."

14. Such references are worth exploring, because there is some evidence that the proposals for Trust Schools are based on the Swedish model, supported, as they were at the time of the launch of the White Paper, by a chorus of support from sympathetic think tanks.

15. The NUT believes that the Swedish system is worth a far greater in-depth analysis than that provided by the White Paper; an analysis which the NUT believes should lead the Education and Skills Select Committee to very different conclusions from those of the Prime Minister.

16. The report, *"School Choice and its Effects in Sweden"*, by the Swedish National Agency for Education (2003), contains a sharp analysis of the independent/public schools system in Sweden. The Agency describes choice in Sweden as an urban issue; a finding which could apply equally to the English White Paper. In Sweden the conditions for choice vary between authorities; "The likelihood of parents making a choice of schools increases dramatically if they live in a city and are highly educated".

17. While the Agency finds that the idea of school choice is popular with parents in Sweden, there are major costs which the Swedish National Agency acknowledges.

- "Schools which experience difficulties are likely to find that conditions for development work have deteriorated."
- "There is little that points to school choice resulting in a more effective use of resources."
- "Real school choice requires over-provision, which is not cost-effective."
- "It is doubtful whether . . . we dare draw the conclusion that school choice in itself affects parental participation and involvement."
- "In local authorities with a strong element of competition, school closures are a reality . . . talk of collaboration has been replaced by talk of competition . . . various forms of selection mechanism are already in use and a clear division of not only pupils but schools into 'better' and 'worse' is today a reality . . . the school system is becoming more and more differentiated (with) schools with different statuses . . . and we . . . are thus approaching the point of talking about a new type of parallel school system."
- "While those who will and can actively obtain the information they need . . . increased school choice requires will, knowledge and time to the extent that ever larger groups of parents and pupils end up being left outside."

18. The above points, themselves, should have prompted the Prime Minister and his advisers at least to draw breath before wholeheartedly endorsing the Swedish system. But there is one major cost which deserves attention on its own. Its conclusion is that, "school choice has reinforced segregation", particularly in the matter of ethnic composition. It is a conclusion which is directly linked to that of the OECD PISA Report.

19. The NUT has highlighted the issues above from the Swedish National Agency Report, not because it wishes to cherry pick the criticisms and hide the conclusions in the report, but because there is a case to answer.

20. In England the admissions system currently enables parents to have a measure of choice but the White Paper predicates its version of choice on an internal market between self-governing independent Trust schools; a clear attempt at imitating the Swedish model without acknowledgement of its dangers.

21. The attempts at redressing the balance in the model proposed by the White Paper may have a marginal impact on the circumstances of those families. It is worth noting in this context that “less affluent” parents while able to have their children bussed free of charge to one of three schools chosen by them, may then be unable to be “fully engaged” in those schools because they cannot afford to travel the distance between school and home themselves.

22. There are important lessons to be learnt from Sweden, including a national agency which seeks to evaluate the evidence of strengths and weaknesses of a system without apparent spin. The Swedish system has very real defects, however, against the UK Government’s own criteria for the education service in England. The Swedish system of choice, as its National Agency concludes, may lead to an “increased willingness by teachers and local authorities to listen to parents”, but the NUT believes that there are plenty of mechanisms available in the education service to enable that to happen already; including elected parent governors, parent/teacher associations and the range of opportunities for parent/teacher contact which schools employ already. Indeed there is an argument for less affluent parents having the facility to access advisers to enable them to negotiate the system.

23. Probably the starkest contrast between the Swedish Agency’s analysis and the White Paper’s aspiration can be drawn from the two following statements:

- “Assume that half benefit and a quarter lose from school choice and on a quarter it has no effect. Using a utilitarian view of justice, we should be satisfied with such a situation . . . The middle classes are favoured . . . and, overall, the performance of the country schools is possibly improved”. There is, however, a crucial obstacle to this . . . a development . . . characterised as ‘parallel school systems’ would be worrying from an equality point of view.” (The Swedish National Agency)
- “We cannot content ourselves with a school system which, while much improved, is not universally good; or a system that succeeds for most pupils, but not for all pupils”. (The White Paper)

24. The trouble with the Government’s proposals is that they draw on a model with which the Government itself, against its own criteria, cannot be content. In short, the Government’s encouragement of an internal market concentrating on parental choice at the expense of the idea of a good local school for every child could lead to the kind of social segregation already in evidence in Sweden.

25. Indeed the underlying fault line with the Government’s model of choice is based on a pessimistic premise.

26. The NUT has addressed explicitly the issue of choice in *Bringing Down the Barriers*. The NUT’s contrasting vision, which is focused on how equality of access to high quality education can be secured, is summarised below:

“It would be profoundly pessimistic to assume that the idea of good local schools for every community is a less powerful idea than the concept of the right to choose schools . . . All parents should be entitled to send their children to good local schools . . . This is the wish of the vast majority of parents . . . Local schools are enhanced by their communities and communities are enhanced by their local schools.”

27. Compared with the White Paper, *Bringing Down the Barriers*, provides a practical and optimistic strategy for ensuring that good local schools are at the heart of their communities.

28. The NUT believes in the concept of a good local school for every child. Unlike the Government it believes this goal is attainable.

29. For such a goal to be achieved the causes of economic and social disadvantage need to be tackled. Latest census data, analysed by the Joseph Rowntree Foundation, illustrates that, in broad terms, wealth, poverty and poor health are distributed on a geographical basis across the United Kingdom.

30. With reference to education, the Foundation found that “an inverse education law” appears to exist in which areas that have the highest proportions of young people with no qualifications tend to have the fewest teachers available. It is this inverse education law which needs to be tackled.

31. The choice agenda, described by the Government in its White Paper, appears not only to ignore the root causes of social disadvantage, but also appears wilfully to propose measures which will exacerbate the educational effects of social disadvantage through encouraging segregation as the evidence from Sweden indicates.

32. In contrast, the NUT believes that the Government’s *Every Child Matters* agenda has the capacity to contribute not only to the concept of a good local school for every community, but also to the regeneration of communities. Such an agenda will be undermined by the Government’s proposals.

33. Alongside the establishment of self-governing independent schools (Trust schools and Academies), is an acknowledgement by the Government that, “where a new school is established as a result of parental demand or an existing school chooses to expand, the result may be that there are more surplus places”. The consequences, according to the Government, are such that, “local authorities will need to move quickly to close schools that are failing to attract sufficient pupils” (paragraph 2.36) and to establish new schools which may involve housing new schools in, “high quality, temporary buildings”(!) (Paragraph 2.34). This revival of the idea of an internal market is boosted by the new statutory requirements on local authorities to promote choice, diversity and fair access to school provisions.

34. This revival of a market between schools could be devastating for schools in the most fragile communities. Schools which should be at the centre of their communities could be closed as a result of the removal of planned pupil numbers for each school. This would threaten the rights of parents least able to choose schools, the capacity of schools to help regenerate their local communities and the jobs of some of the most committed teachers and support staff in the education service. The idea of a revived market based on expansion of “popular” schools certainly undermines the White Paper’s promotion of partnerships and collaboration between schools; an idea for which the NUT has long argued.

35. In this context the Select Committee should note that the Government has subtly changed its target for the number of Academies it wishes to be open by 2010 from 200 to “at least 200” (paragraph 2.30). The Select Committee has expressed concerns rightly that Academies have not been subject to independent evaluation. Claims by the Government that Academy status of itself has boosted achievement do not stand up to examination. The Government has failed to answer a whole range of questions about the impact of Academy status on other schools, on admissions including pupils with special educational needs and on funding including funding for pupils which Academies exclude. The Select Committee should both question the Government on its changed target and, separate from the current study being conducted for Government by PricewaterhouseCoopers, reiterate its call on the Government to commission an independent study prior to the programme being expanded further.

36. The proposed requirement on schools to have regard to Local Authorities’ Children and Young People’s Plans fails to provide sufficient protection against the effects of unlimited expansion of “popular schools”, “Academies” and self-governing independent status, particularly since the new Schools’ Commissioner will have the responsibility of chivvying local authorities which do not go down the “choice” and “diversity” route when planning provision.

37. The capacity of local authorities to have at their fingertips a range of options, such as federations and clusters, will be constrained further by the Government’s decision to prevent local authorities publishing proposals for the establishment of new community schools. The decision to discontinue community school status is incomprehensible since the vast majority of schools have appreciated the partnerships with local authorities and with each other that community school status enables.

38. Indeed, Trust and Foundation status are answers to problems which do not exist but the removal of community status will certainly create problems. There is long standing research, commissioned by the NUT from Warwick University, which showed that allocating a range of additional administrative responsibilities to schools, through the then GM status, diverted the attention of school leaderships away from pupil achievement. There is little evidence also that head teachers want these proposed additional responsibilities.

39. The international evidence against the diversity of provision the Government is proposing is well established. The OECD Programme for International Student Assessment’s findings stands as a well established critique of Government proposals. The Government would have done better if it had concentrated on proposals informed by OECD findings: a funding system which meets need; a curriculum which encourages all schools to innovate; an accountability system which supports schools, and high quality professional development as an entitlement for all teachers and support staff.

ADMISSIONS AND CHOICE

40. The Government’s proposed approach to the mechanism for enabling choice is both unclear and could lead to chaos.

41. It appears that all self-governing schools (those that have Foundation, Voluntary-Aided or Trust status) can construct their own admissions policies in the context of the Admissions Code of Practice. No reference is made to School Admissions Forums; the implication being that the new Schools’ Commissioner will be able to intervene and redress injustices to local admissions practices. Indeed, it is possible that there could be a two-tiered approach to admissions, with community schools following the pattern of admissions agreed at Schools Admissions Forums and self-governing schools constructing their own.

42. The proposal to allow individual schools to establish a banding system looks superficially attractive, but is fraught with problems and the potential to operate subtle selection practices despite the Secretary of State’s denial that this will take place.

43. If schools have their own individual banding systems, then each school will be able to select its own number of bands and the thresholds of attainment at each band level. There is no guarantee, in the White Paper, that the range of bands should cover the entire range of need in a local population cohort and, as a consequence, youngsters with learning difficulties, and statements of special educational need, could be

barred from being admitted to schools simply because they could not reach the lowest band. One of the most significant effects, however, of an individual school banding approach, could be that a considerable number of pupils may not be able to be admitted to their local school because of over-subscription in particular bands.

44. A single common banding system, combined with a proximity criteria across a local authority or across a geographically coherent area, should remain an option for local authorities if local communities, after consultation, agree with that approach. The chaos arising from the operation of individual school admissions criteria, all purporting to conform to the Admissions Code of Practice, will neither benefit parents, nor school communities, as they will simply fuel the competitiveness of an internal market.

45. Indeed many questions posed by the White Paper. For example:

- how can extended/full service schools maintain and provide a range of services if they can be closed as a result of local authorities having to “move quickly to close schools that are failing to attract sufficient pupils”?
- how does the concept of school choice sit with the encouragement to schools to federate and organise in clusters?
- how can parents be enabled to choose schools, instead of schools choosing parents, when schools themselves are able to operate their own admissions’ arrangements? and
- how can parents have choice when a local school is not amongst the range of choices?

46. The alternative is a successful one, which the Government has decided to dismantle only seven years after its creation by the Schools Standards and Framework Act. School Organisation Committees are to be abolished because they give a “bias to the *status quo*” (paragraph 9.12). Schools Admissions Forums will become an irrelevance. Although not perfect, both sets of arrangements have worked despite the Government’s criticisms. They have provided a forum for community consensus and dialogue. Abolishing them because local communities favour the status quo, smacks of a zealous top down agenda which ignores inconvenient evidence.

47. The issue of admissions will always be tough and, indeed, there is no “holy grail” for best admissions practice. A Code of Practice and Admissions Forums provide a good framework for fair local authority-wide admissions arrangements. All that is needed is some fine tuning. In terms of creating new provision, the Government, in fact, needs to be much more radical. It should establish a strategic approach to meeting social and economic disadvantage across communities.

48. For all the above reasons, the NUT would reiterate the proposals which it set out in *Bringing Down the Barriers*, which it believes that the Government should have adopted in its White Paper.

- Local authorities should establish Children’s Services Advisory Forums whose membership would include representatives of parents, governors, teacher and support staff organisations and would be chaired by lead members of Social Services.
- Local Admissions Forums should determine schools’ admissions policies. All state funded schools, including Academies, should be required to adopt the admissions arrangements determined after consultation by Local Admissions Forums.
- School Organisation Committees should be retained. Proposals for the establishment of new schools should come from local communities, including parents. School Organisation Committees will be required to consider proposals, both from local authorities and local communities. Local authorities should be able to combine to determine where new schools should be built.
- Specific funding, to support collaborative arrangements between schools, should be available to schools from Government to local authorities. It should be a requirement that specialist facilities developed by individual schools should be available to schools in the wider community.
- The Government should re-establish its Education Funding Strategy Group as a Children’s Services Funding Strategy Group. It should have two roles. The first should be to draw on the previous work conducted by the Government’s Education Funding Strategy Group and establish a funding mechanism for schools and local authority services that is based on activity-led funding, costing the requirements placed on schools. In the context of a wider and refocused strategy for promoting economic and social regeneration it should examine the capacity of local authorities to sustain, across all services, the needs of socially and economically disadvantaged communities.

49. There are a range of other proposals within the NUT’s Education Statement, but the above illustrates the kind of strategic approach needed to tackle genuinely the effects of economic and social disadvantage.

OTHER PROPOSALS IN THE WHITE PAPER

50. The NUT would wish to comment briefly on other proposals contained in the White Paper. The NUT has made proposals itself in the three education statements referred to earlier. There are a number of proposals in the White Paper with which the NUT would agree.

51. The NUT welcomes the £335 million allocated for practical personalised learning, including small group tuition. It welcomes that the funding will be targeted towards local authorities with the largest number of underachieving and deprived children. It welcomes also the proposal that nutritional standards will be applied to tuck shops and vending machines and that all schools are expected to achieve healthy school status by 2009. The proposal to ensure that each primary and secondary cluster has a school nurse is a very real step forward in terms of monitoring the health of children and young people.

52. The NUT welcomes also the fact that chapter 7 on school discipline adopts directly a range of NUT proposals. The NUT supports much of the Alan Steer Practitioner Group report and welcomes the group's adoption of the idea of a national behaviour charter and the introduction of a "clear unambiguous legal right for teachers to discipline pupils". It is vital that the Government now adopts the idea of a national behaviour charter. The NUT's own behaviour charter has been sent to all schools and has been welcomed by teachers.

53. The NUT welcomes also the Government's commitment to further advice on bullying, including a focus on racism and homophobic bullying alongside a new proposed requirement on local authorities to make provision from the sixth day for excluded pupils. In addition, the Government's adoption of the Steer Group's recommendation that further investigation is required to determine how BESD provision might be expanded and improved is a positive step.

54. There are a number of further steps which the Government should take in relation to supporting teachers and support staff in tackling unacceptable pupil behaviour. They include inserting into the criteria for exclusion, "persistent low level disruption", and guaranteeing a place for a classroom teacher on independent appeals panels. In addition, the national guidance on physical restraint and physical contact with pupils is not sufficient and neither is the availability of professional development dealing with violent pupils and situations where teachers may feel that they have to use physical restraint or physical guidance for pupils. Those issues need to be taken up by the Government including through the Ministerial Stakeholder Group.

55. Nevertheless, the White Paper's proposals on school discipline are a very real step forward.

56. There are a range of other proposals within the White Paper which are sensible including:

- single point of contact for parents;
- a national campaign on the benefits of parental engagement;
- the range of proposals in chapter 6 on supporting children and parents;
- new proposals on Looked After Children;
- an increase in boarding provision;
- work with schools' partners on how more black and minority ethnic teachers can become school leaders; and
- the mentoring programme for chairs of school governors.

57. The NUT believes that this range of proposals can be worked on and developed with the teaching profession and they could have positive impact on all children and young people's learning. It is regrettable that the importance of such proposals are obscured by Government's proposals on choice and diversity.

58. There are a range of proposals within the White Paper which the NUT believes require further explanation or with which the NUT would disagree.

THE SCHOOLS COMMISSIONER AND CHOICE AND DIVERSITY

59. The establishment of a "Schools Commissioner" is unnecessary. A Schools Adjudicator already exists with powers to intervene on admissions and school provision. It is the powers of the Schools Adjudicator which need review to ensure fair admission access. The requirement on local authorities to promote choice and diversity should be dropped although the proposed requirement to maximise fair access should be retained.

SCHOOL TRUSTS AND NEW FLEXIBILITIES

60. Schools should not have the ability to vary teachers' pay and conditions. The Secretary of State should make it clear that the STPCD should apply to all maintained and aided schools including Foundation schools and, if created, Trust schools.

61. The NUT is deeply concerned also about the implication that curriculum flexibility will be awarded as bait for achieving Trust status. In the context of the NUT's believe that the current overloaded National Curriculum needs a fundamental review, the Select Committee should ask itself whether the concept of a

broad and balanced curriculum is an entitlement for all young people or a punishment. Either all schools should be granted new curriculum flexibilities within the revised National Curriculum because it is right for children's learning (as the NUT has argued), or the current arrangements should apply to all schools.

14–19 OPPORTUNITIES

62. The NUT welcomes the proposals for new cooperative relationships between Local Learning and Skills Councils and local authorities. The NUT believes that local authorities should retain their powers to create new 16–19 provision.

63. The NUT believes that the Government should, however, review aspects of its 14–19 White Paper proposals. In its Education Statement, “Bringing Down the Barriers to 14–19 Education”, the NUT argues for:

- the award of a level 1 foundation award within the general GCSE diploma in order to prevent the haemorrhaging of young people at 16 into the “Not in Education Employment or Training” (NEET) group;
- setting up of a specific working group to examine the needs of youngsters who could face learning dead ends;
- the adoption of a range of principles prior to the roll out of further 14–19 reform including a proper thorough piloting period prior to the introduction of a new qualification and an audit of funding implications; and
- a reversal of the decision by the Government to introduce a first tranche of specialist diplomas alongside the implementation of a revised Key Stage 3 National Curriculum in 2008.

SPECIAL MEASURES AND NOTICES TO IMPROVE

64. One year guillotines for schools under special measures or subject to notices to improve present an absurdly rigid approach to school improvement. The net affect of such an approach will be to drive away committed and good teachers from schools in those schools which receive such designations. This requirement should be withdrawn.

SCHOOL PERFORMANCE TABLES AND CONTEXTUAL VALUE ADDED

65. School performance tables should be dropped as they have been in all other parts of the United Kingdom. There may be advantages to a contextual value-added approach but the overarching disadvantage of performance tables is that they cannot summarise the overall quality of work in each school. Contextual value-added may lend the impression of authenticity to the essential lack of fairness enshrined in performance tables but it is the performance tables concept itself which should be removed.

BILINGUAL SUPPORT AND THE ACHIEVEMENTS OF WHITE WORKING CLASS BOYS

66. The NUT welcomes the proposal to expand the programmes targeting the achievement of young black people. It believes also there is a strong argument for a specific funded programme for targeting the achievement of white working class boys.

GROUPING AND SETTING

67. Latest research from Brighton, Sussex and Cambridge Universities demonstrate that there are no overall advantages to grouping and setting and, in some circumstances, such approaches can depress expectations and achievements. It is not the place of Government to micro-manage the way schools organise the teaching of their pupils.

THE NATIONAL CURRICULUM AND ITS ASSESSMENT

68. There are no new proposals within the White Paper on the National Curriculum and its assessment. The six teacher associations have submitted proposals to the Secretary of State for a review of Key Stage 2 assessment. The NUT looks forward to meeting the Schools Minister to discuss the NUT's proposals.

69. Alongside the reviews being conducted of the English National Curriculum and the curriculum at Key Stage 3, the Government should introduce reviews of the overloaded primary curriculum. It should review also the Key Stage 4 curriculum to ensure a broad and balanced entitlement including access to a modern foreign language and/or community language.

70. With respect to the last point, the NUT makes it clear in its 14–19 Education Statement that it believes that the “bunching” of reforms facing secondary schools and colleges during the academic year 2008–09 is unacceptable and that such an introduction could repeat the turbulence that affected the introduction of the Curriculum 2000 reforms.

 INFORMATION TO PARENTS

71. While the NUT agrees that parents should have face-to-face discussions with teachers about their children's needs, the proposed amendment to regulations requiring schools to give information on progress to parents at least three times a year will create additional and unnecessary workload for teachers. The Select Committee should explore the implications of this proposal as it appears to run counter to the Government's own intentions to remove unnecessary bureaucratic requirements.

SCHOOL LEADERS

72. The NUT welcomed the Government's intention to push more minority ethnic teachers to become school leaders. The number of minority ethnic teachers who become school leaders should match at least the percentage of minority ethnic young people within the education service.

CONCLUSION

73. There are a range of other proposals within the White Paper which require further exploration with Government. The NUT believes that the Government can only successfully move on the initiatives with which the profession agrees if all teacher and support staff, unions and organisations are fully consulted. The Select Committee should include within its report a recommendation to Government that all teacher organisations are consulted fully about its next steps on the White Paper, including proposals for the new Education Bill and any subsequent government guidance.

November 2005

Witnesses: Dr Mary Bousted, General Secretary, Association of Teachers and Lecturers, *Ms Jean Gemmell*, General Secretary, Professional Association of Teachers, *Ms Chris Keates*, General Secretary, NASUWT, and *Mr Steve Sinnott*, National Union of Teachers, gave evidence.

Q246 Chairman: Good morning. May I welcome our witnesses today to the Committee. We have tried to be as accommodating as possible to get as many representative unions as possible in on this session. You know we are all under pressure to get this inquiry properly conducted and written up in time to have some influence on the Bill that will come out of this White Paper. I hope you will understand that we would otherwise have given you more time. I would ask everyone, both our team who will be asking the questions and you who will be answering the questions, to be reasonably short today, just to give everyone a chance and not for all four of you to answer each question. I also bear in mind that we have had very full and very useful written submissions from all of you as well. We are looking today for the added value of looking you in the eye and asking you the questions. I am not going to ask you to make an opening statement today but suggest that we go straight into questions. We can accommodate in your answers to the first questions a lengthier answer because of that. Let us get started. If you were going to mark this White Paper out of 10—to go back to your teaching days—how many marks would you give it?

Mr Sinnott: I would have to split it into two and I would give five for one part and something a lot lower than five for another part. Quite clearly we have a whole range of really positive measures in the White Paper dealing with issues to do with behaviour in schools and there are some very supportive measures in relation to parents within the White Paper, but the second part, on issues to do with admissions and issues to do with choice, I would give a very low mark to indeed. We believe that they will be detrimental to community cohesion, detrimental to the interests of some of the youngsters from some of the most

disadvantaged backgrounds. We would have to give a very low mark to that indeed. I would give a very low mark because the way in which I operated as a teacher was that I always wanted to encourage my youngsters to base anything they said upon an argument that could be sustained and on a good evidential basis. This White Paper or certainly one half of it has little evidential basis for some of these very radical proposals it puts forward.

Ms Gemmell: I have to go along with that answer, inasmuch as the members and council of my association are wholly sympathetic to the intentions of the White Paper but are extremely concerned as to how the proposals outlined in it will achieve those intentions.

Ms Keates: I think I would give it a higher mark than that simply because for us we have tried to look past the rhetoric of the headlines and look at what is actually in it. Quite a lot of the White Paper is about strategies that have already been announced. They are already in progress, they build on agreements we have had with the Government, and we are already in discussions about a lot of the areas and they are very positive areas. The areas where I have my concerns are probably similar to those of my colleagues: the issue of the impact of more autonomy for schools, the introduction of the trusts, and the whole issue of admissions and how you get a fair and equitable system of admissions, and also, as a trade union leader, how we can build in greater potential for the school workforce. Because we have an enormous evidence base about the impact of autonomy and greater freedoms for schools and in terms of impact on the school workforce and their terms and conditions.

Dr Bousted: I would agree with a lot of that. ATL welcomes the strong commitment in the White Paper to social justice and to the best education for

children from all abilities and all backgrounds; we welcome the proposals on discipline; we welcome the proposals for strengthening the grading and terms and conditions for support staff; and we welcome a lot of the chapter on personalisation and ensuring that young people get a curriculum which is fit for them and fit for their learning needs. But we ask the question: What mechanisms in the White Paper will secure the Government's ambitions towards social justice in education? and we remain utterly unconvinced that greater market forces in education—when education is not a real market, where pupils and parents are not going to pay—will simply result in schools, as many currently do, choosing pupils rather than pupils choosing schools.

Q247 Chairman: Thanks for those introductory answers. One more question from me before we share the questioning around. One of the intentions that the Secretary of State and the Prime Minister announced when this White Paper was launched was to help the schools in the most deprived areas of our community. People talk about 30% of pupils/students underachieving. How far do you think this White Paper will help that sort of underachievement in those schools with the most deprived communities? Perhaps we could reverse the order now and start with Jean Gemmell.

Ms Gemmell: My worry is that I do not know how that will be achieved. My members' concerns are that, where parental choice is something that you have chosen in the White Paper to highlight, the pupils who achieve least in the worst communities are for the most part pupils whose parents are not used to articulating the sort of choice we are talking about, and in some cases they would either not know how or their attitude to education would be such that they would not take part in or would not get engaged in the sort of activities that the paper describes as desirable. I am very cynical about that personally and my cynicism comes from my experience of teaching in an authority where there were many children who come into the very category you are talking about. I am embarrassed to have to say that because the solution has to be found. But I do not feel that my union or I am in a position to say what would work, and therefore I am loathe to say "Do not try what you are recommending" but I am very concerned that inadequate parents will not actually be in a position to do the job that the paper describes.

Dr Bousted: I think there are many proposals in this White Paper which will help the 30% most deprived communities. I think local authorities targeting their dedicated schools grant on the most challenging schools is a very important initiative. We also believe the proposals on extended schools are very, very important, particularly to support the most vulnerable and disadvantaged children, so that they do not fall through the net through having a one-stop shop for their range of complex needs. We also think the proposals on school discipline will enable teachers and the school community to create much more orderly communities, and that is bound to be of help to the most disadvantaged children. But we

have real concerns. We think their proposal for trust schools and the idea that trusts will spread good practice is Government doing what it said it would not do in 1997, which is becoming too interested in structures rather than standards. We cannot answer the question how trust schools are going to affect the learning opportunities for pupils. We cannot answer the question how trusts are going to deliver a better 14–19 curriculum for pupils. And we are concerned that many of the very, very supportive and strong commitment to social justice, the ideas in the White Paper, are undermined by the belief that a quasi-market will improve delivery of education.

Ms Keates: I think the intentions in the White Paper are absolutely clear, and of course they build on the Government's focus ever since it came into Government in 1997 to focus on disadvantage which is something that we support. Mary has touched on most of the main issues: personalisation, parental engagement. All of those are crucially important. The extended schools, on a very simple level, can help to address inequalities around children's access to resource, for example, to support them with coursework or to help them with homework—because clearly those are areas where children from disadvantaged backgrounds do struggle against the better-off pupils. Our concern around this would be that there is a thrust that independence of schools somehow helps disadvantage. If you combine that with the admissions policy, that is where we believe that the Government, unless we can have detailed discussions and address some of these issues, is likely to miss the mark on children who will fall through the net because of school admission policies. Take, for example, the very laudable proposed change in terms of free transport. It ignores two basic things: one that in many rural areas there is not that choice of schools, and, secondly, if that cannot override a school's individual admission policy, however much it is in the fair code of practice, those parents are not going to have access. I think we have to move away from an idea that somehow in a disadvantaged area you cannot have a good school, because there are plenty of examples demonstrating that you can. The focus really needs to be in the local community. We would hope to persuade the Government to use the very good issues in here to focus on those local disadvantaged communities.

Mr Sinnott: The issue of dealing with youngsters from the most disadvantaged backgrounds runs to the heart, indeed the soul, of what the National Union of Teachers is about. Indeed, those issues are highlighted in the three documents that we have published in the last year on educational matters: *Bringing Down the Barriers to Educational Achievement*; *Learning to Behave*; and our *14–19 Proposals*. You will not find a more committed supporter of the *Every Child Matters* agenda and extended schools than the National Union of Teachers. We are wholeheartedly supportive of that. You will not find a stronger supporter of personalised learning than the National Union of Teachers—indeed, I have spoken in previous select committees about building in entitlements for children to a variety of educational provision,

7 December 2005 Dr Mary Bousted, Ms Jean Gemmell, Ms Chris Keates and Mr Steve Sinnott

including personal tutors for youngsters at different stages of their career. We are wholeheartedly committed to all of those proposals. But we have evidence of the impact of a choice and admissions proposal similar to that which the Government is proposing, and it comes from Sweden. We know the impact of these proposals in Sweden and they are detrimental to some areas of our community and they are supportive of some areas of our community. Who does best out of the *Choice* agenda? We know it is the children of those parents who are most educated. It is those who are in cities. We do know that in Sweden parallel education systems have been created: an education system for the articulate and the educated, and an education system for the others. We believe that the Government's proposals will result in exactly that type of provision in England. I believe that the Select Committee should look very, very clearly indeed at the evidence from Sweden.

Chairman: We will be doing that. We are already in with that process. Thank you for that, all of you. Now Jeff Ennis would like to continue with the questioning.

Q248 Jeff Ennis: We have already had a brief evidence session with the Secretary of State. She underlined to this Committee that there is very little difference between the trust school concept and the already existing concepts of foundation and self-governing schools. She said that the only reason we are bringing in the concept of a trust school is "to make it much easier for a school to acquire a trust that wants to acquire a trust." So there is very little difference as far as the Secretary of State is concerned between what already exists and what the new trust school concept is about. Do you agree with that?

Chairman: Who would like to take that? If you get first crack at this, you will not get first crack at the next question.

Dr Bousted: I will take it. At first sight, that would seem absolutely right. In fact trust schools would acquire less freedom because foundation schools have a governing body which is more diverse. In trust schools the governing body would be largely appointed by the trust. At first sight: What are the levers in the system? It is a point that John Dunford made: Why would a head teacher want to go to a trust, because they would have less authority and they would be more accountable to a larger section of a governing body over which they would have little influence? On first reading the answer would seem to be: Yes, why would you go to a trust school? But then of course you look at the Office of the Schools Commissioner and we believe that that is the lever in the system to lever in trusts. We have real concerns about this office. The first concern we have is that we think it is inadequately accountable to local democracies, to local authorities. In the Office of the Schools Commissioner, the officer will be accountable to the Secretary of State and to Parliament, so there is no accountability back to the local communities. The Office for the Schools Commissioner will be a champion for trusts, doing

links between trusts and schools, but what if a local authority in its coordinating plans for schools says, "There is no evidence here that parents want a trust and we think the schools can be organised in different ways. We want schools to remain within the family of the local authorities"? Our experience of academies—and we have independent evidence of this—is that there are huge pressures on local authorities to put academies into their LAs. We have independent evidence that authorities have been told, "If you don't have an academy in your plans, then you will not get your *Building Schools for the Future* money and you will be put back on that agenda." It seems to us that the Office for the Schools Commissioner is the one real big worry we have in this. If schools really said, "We want a trust to come in. We think there would be better governance" and it was a fair playing field, that might be one thing, but we are very concerned about this Office for the Schools Commissioner—someone who is unelected, unaccountable to local democracies, and who knows yet what powers they will have, because they are inadequately outlined in this White Paper. That is where NTL has its real concerns.

Q249 Jeff Ennis: One of the main reasons that the trust school concept is being put forward is that we want to see more collaborative working between schools. They say that you get more groups of schools wanting to become part of a joint trust under these proposals—and better working between schools is something that I personally support. What is there within the White Paper that acts as an incentive for schools to go for that particular joint-working?

Mr Sinnott: I think it is the opposite. It is the opposite. The White Paper is not about collaboration but about competition. I am going to emphasise the evidence in Sweden again. You really do need to look at the evidence from Sweden, from the national agency that looks at education and looks at what they did in terms of the *Choice* agenda. It is very clear in the evidence from Sweden that the *Choice* agenda has resulted in less collaboration between schools. It cannot be more starkly put than it has been put in the Swedish evidence. The competition that is engendered by the type of choice and the market that is engendered by choice result in less collaboration between schools. It takes me back to what I was saying at the beginning: this is two White Papers and they are contradictory. They are contradictory.

Q250 Jeff Ennis: We have already looked at schools in disadvantaged areas. Another initiative that they feel this particular White Paper will solve is the concept of the coasting school. We have obviously targeted schools in deprived areas quite significantly previously but we have not targeted what we call the coasting schools, the ones that are in the middle, in the "doing all right Jack" type of situation. Will the White Paper target the coasting schools more effectively?

Ms Keates: First of all, there is the issue about what the coasting school is and how you are going to identify the coasting school. I have to say that it is not a comfortable option for any school in terms of the accountability structures that are currently in place. I think it is too easy to categorise schools as coasting or failing and not look at the circumstances in which those schools are working. I think you have to look at the accountability structure, and clearly part of the White Paper is bringing in the new relationship with schools, which is about getting in school improvement partners who are there to challenge schools. Those have already been piloted. Schools seem to have welcomed the approach of people coming externally and looking at what they are doing. I think there are strategies that are there to help schools and to help them move towards improvements, but I also think that expectations of schools have to be realistic. There are schools in extremely challenging circumstances which do exceptionally well, but external indicators—and for us the biggest inhibitors to collaboration are the performance league tables: we think there is enough accountability in the system without those—do not recognise what some of those schools are doing and so they can then be categorised as coasting or not improving rapidly enough—and the inspection system of course is raising the bar and the barrier all of the time. I think the issues are in there. I think I would challenge probably the definition of schools being coasting and the fact that not enough attention is paid to some of the struggles that teachers and other members of the school workforce have in those areas.

Q251 Jeff Ennis: Are our witnesses concerned about the transfer of assets to trust schools?

Ms Gemmell: When I look at the paper, I am puzzled as to why schools will want to seek chartered status. It seems to me that chartered status as indicated in the White Paper poses more questions than it does answers. I can understand why schools might want to seek foundation status but chartered status seems to me to be one which is not going to be encouraging to schools, particularly the different bodies to which the school becomes accountable. You have talked about Ofsted and we know about governing bodies, and if there are going to be parent councils as well . . . We already have casework from establishments that are already largely funded by charities where there are issues between the charities board and the school governors and the LA and Ofsted. My concern about the whole of the chartered schools programme is that, although we acknowledge intention, we do not see why schools would wish to seek it. On the other hand, it is possible to see why bodies might seek to charter a school. If that were the case, my perception is that it is likely that they would seek to charter schools that were currently deemed to be achieving, innovative and successful, and less likely to wish to charter schools which are the very ones the White Paper seeks to help.

Q252 Jeff Ennis: I have one final question, and I would like quick responses from all of you if possible. If the Government drop the concept of a trust school from this White Paper, we have already heard what your scores would be in terms of out of 10, would that raise the score of this White Paper in your eyes? Would it make the White Paper more effective, given all the other positive measures that are in there?

Mr Sinnott: Marginally.

Ms Keates: Yes, it would.

Dr Bousted: Yes, it would.

Ms Gemmell: Yes, it would.

Jeff Ennis: I rest my case, m'Lud!

Q253 Mr Marsden: I want to take you on to the discipline aspect of the White Paper, because I think that is the aspect to which you have given a gold star so far, but I want to press you a bit on what the implications of some of that are. Discipline is related, as we have heard in other sessions, and the outcomes of discipline are related sometimes to decisions about pupils being based either in learning support units in schools or in pupil referral units outside of schools. Are you concerned or unclear about what the impact of the White Paper's proposals in other areas would be for LSUs and PRUs?

Mr Sinnott: I think I am concerned about a range of aspects of the White Paper. Gordon is correct in saying that the issues to do with discipline are ones that I think will be well supported by the teaching profession. I think the issues to do with the new statutory authority for teachers to be able to discipline are very, very important indeed. They are important both in the symbolic nature of that but important in terms of its impact. The rest of the proposals in the White Paper will, in my view, result in increased resources needing to be spent on aspects of our education system that are about dealing with people who are dropping through the system, people who are not getting the best out of the system. That, again, is the experience of other countries. At the same time the evidence shows that there is increased segregation both socially (that is, class issues) but also in terms of ethnicity. It is argued that the impact of the White Paper will be detrimental to the other positive areas of the White Paper that are to be dealing with discipline. It is exactly in the areas which are the most socially disadvantaged that you are more likely to get issues to do with discipline. You are more likely to get the challenging behaviour from those areas, and this White Paper does nothing at all to address properly those issues.

Dr Bousted: Are you talking about the fact that after five days the local authority then has to take responsibility for excluded pupils.

Q254 Mr Marsden: Yes, and what is going to happen under these new proposals.

Dr Bousted: I think local authorities under these proposals really have to gear up to making sure they have the facilities and the personnel to accomplish that responsibility. The one thing we know about children who are excluded from school is that the

7 December 2005 Dr Mary Bousted, Ms Jean Gemmell, Ms Chris Keates and Mr Steve Sinnott

longer they are excluded, the more they are likely to become victims of real and profound social exclusion. We fully support the measures that after five days' exclusion they go into a pupil referral unit or a learning support unit. I also believe that the sooner those children's profound and complex needs—because often the pupils who are excluded are some of the most disadvantaged in our society, disadvantaged for a whole range of reasons—are looked at and dealt with in a more secure and supportive environment, where there are fewer of them, in a higher adult-to-young person/child ratio, the more chance there is that they can be reintegrated into the school community. The longer they are away from school, at home, perhaps having one or two hours' tuition a day or a week, the more dislocated they become from their community. We think five days, and then, if they are not going to be reintegrated into school, they go to a learning support unit or a pupil referral unit. That is really important and we are fully supportive of that.

Q255 Mr Marsden: Could I come back to this issue of the Schools Commissioner. This may be one on which Chris and Jean may want to comment, because obviously you have commented extensively already Mary. There is in many people's minds, leaving aside the concept of trust schools, a profound concern about the duality of the role that the Schools Commissioner has outlined. You could even say that the Schools Commissioner is expected to be poacher and gamekeeper at the same time. But, from a practical point of view, assuming you accept the concept, do you have concerns about the fact that the Schools Commissioner does not appear to be an independent author or actor on his or her own behalf?

Ms Keates: I do not think that is the aspect that concerns me particularly. As we have said in our evidence to you, we have really gone back to basics on this, in that we cannot see the rationale for the role. I think that is why we have real deep concerns, because, as you say, there is a duality about the champion parents' issue, the trust issue. For us, the key thing is going to be: What is the regulatory interface between the Schools Commissioner and local authorities? That will be the test of what that role is. As a union that sees one of the benefits of the White Paper as an opportunity at long last to have a look at the role of local authorities and to get some clarity and transparency; as a union that is very much in favour of that local democratic process, for us the key concern is: How will the Schools Commissioner interface with local authorities who on the face of it are being given the opportunity to plan how many schools, what type, what size, where they are? How is that going to fit with the Schools Commissioner? Is the Schools Commissioner going to say, "You may think, as a democratically elected body, that is the way it goes, but actually we think you should have more trusts, more schools on parental demand" or whatever. So we do have real concern around that.

Q256 Mr Marsden: Jean, would you like to come in and perhaps comment also, assuming we have trust schools, on why the regulatory aspects could not be dealt with by Ofsted?

Ms Gemmell: I have some difficulty with some of the answering because my own PAT union council are meeting on Saturday morning and they are meeting in part to debate the White Paper. The relationship between the Schools Commissioner and the LA responsibilities is one that I know concerns them considerably because they are not clear about it and they are certainly not clear about how one can adequately be both a champion and—

Q257 Chairman: Would you communicate with us after your Saturday morning meeting?

Ms Gemmell: Yes, we will. We will send to you in writing the outcome of that meeting on Saturday morning.¹ But the duality of that role, as you put it: gamekeeper and poacher, is one that is bothering us. Particularly our council is worried about the LAs role in a good many things in relation to the White Paper: special needs provision, transport provision, partnerships with independent schools, faith schools, and the whole responsibility for excluded pupils.

Q258 Mr Marsden: I would like to pick up the special educational needs aspect and refer it to the question of trust schools again. Trust schools, we are told, indeed schools generally, the Government is pushing to have an expansion in numbers if they wish them—although we have already heard Alan Steer say here in the Select Committee on Monday that he is quite happy with the size of his school and he would not want it particularly to be expanded. This is perhaps a question for Mary. Do you have a concern as to what the implications would be for admission of special educational needs pupils if we had a trust school concept?

Dr Bousted: Yes, we do. Also, more widely than that, we have concern that at present schools are more likely to choose the children than the children the schools. We do not believe, as Chris has said previously, that the admissions arrangements are secure or robust enough to ensure that schools do take their fair share of the hardest to educate children, including those with special needs. We would like to see admissions codes being mandatory rather than schools having regard to them. In the White Paper you get a whole interesting section on banding and schools which operate banding processes, and this is seen as a good thing, obviously—it is in the White Paper because it is seen to be a good thing—and then that is left. That is a good example and then it is left. It is not endemic, but we know that certain schools operate practices such as interviewing parents for the depth of their moral commitment, which means that working class parents and parents who are less secure to approach schools will not put their child down for that school because they are afraid of going through what for them is a very, very scary process of an interview on

¹ Not received

7 December 2005 Dr Mary Bousted, Ms Jean Gemmell, Ms Chris Keates and Mr Steve Sinnott

their moral commitment. We are very concerned that the hardest to educate children, including those with special educational needs, will find they are concentrated in schools which are seen by the middle class parents as “less special”—special in a different way.

Mr Sinnott: Look at the evidence. The evidence is there in the CTCs. The CTCs have a significant smaller proportion of children with special education needs than do other maintained schools.

Q259 Mr Marsden: A final brief question to you, Steve. You have made great play of the NUT’s commitment to personalised learning. There is a lot talked about personalised learning in the White Paper. It is easy perhaps to criticise. How would you ensure that the personalised learning, which the White Paper and the Secretary of State puts its emphasis on, ends up in delivering an egalitarian outcome rather than a biased outcome in the way you have expressed concerns? How would you do it, in other words?

Mr Sinnott: There is a whole range of ways. I would not mind submitting a separate paper on how we would do that. It is one of the most positive parts of the White Paper and one that we wholeheartedly support. I want to underline that. I think you have to identify it as an entitlement to all children. It is an entitlement. It should be there as a right. It should be able to be claimed by youngsters and their parents at different stages, at some of the key points in a child’s educational career. That is the way I think we would ensure it. At the same time, schools really do need to ensure that they have the skills within the schools to be able to deliver it.

Q260 Mr Marsden: You are saying it is a wish-list aspiration which is not going to mean anything unless it is backed up by resources.

Mr Sinnott: I think it has to be backed up by resources and there are some specified resources in the White Paper. We would like to see those extended and we would also like to see a range of pilots.

Q261 Mr Marsden: You would support a pilot approach.

Mr Sinnott: Essential. Essential.

Chairman: I think we have to move on, because Nadine, I know, is under time pressure this morning.

Q262 Mrs Dorries: On Friday I spent the morning with a headmaster of a school, a guy called Steve Morrow—a brilliant headmaster, not just because he got down at floor level and spoke to children eye-to-eye when he was communicating with them, but because I was there to present an award because the school has done so well over the last few years. He was deeply concerned about the effect that parental choice is going to have on the professionalism of teachers. He said he welcomes any parent into his office and will take any input from a parent, but, at the end of the day, the education that is delivered to the children, how it is delivered, in what format it is delivered and in what setting is down to his choice as

a professional. What effect do you think the emphasis of putting choice on to parents will have on schools in the future?

Ms Keates: First of all, I would agree with the head teacher who said the professional decision-making must be left to the head teacher, the teachers and, indeed, the whole education team—because of course the delivery of education now has focus on having that team because that is creating capacity but it is also able to meet more individualised needs. I think the *Parental Choice* agenda is more in terms of what that intake will look like rather than how it will impact on what takes place in the school. I think the very unfortunate term “parent power” is something schools are very concerned about because they want to see how that will translate in practice. I think every school and every teacher in our union will say that the more parents are engaged, the better and easier it is for the school to work with parents and to work with those children. I am not sure it is so much a choice issue; it is the way in which schools are going to engage parents and what parents’ expectations of the school are in terms of that engagement. That is why we have put in our evidence to you a number of issues around the whole issue of parent councils and the potential they may have for not being supportive to the school but of going back to the days of the old annual parents meeting where they became vehicles for the disaffected. We feel it needs a national protocol. I think there is a lot of potential for schools to get more support, but, at the end of the day, how a child is taught, what they are taught, the strategies which are used must be down to the professionals in the classroom who are working with those children, in, obviously, any statutory context in which they have to work.

Dr Bousted: I think there is a lot of rhetoric in the White Paper about parent choice but when you read the proposals they are very limited. Parents will have the right to demand new provision. They will have the right to demand; not to get it. Local authorities are going to have to say, “Yes, we have taken your views into account” but parents do not have the right to get what they demand. In trust schools, parents will have less power because the majority of the governing body will be appointed by a trust. What the role of parent councils would be and whether they would get onto anything more serious than discussing school uniform and whether girls should be allowed to wear skirts or trousers or whether the stripes on the ties are too large, I have some cynicism about. I think the right for Ofsted to take more account of parents’ views, if parents complain about aspects of the schools, is a significant power. That will be a significant lever upon those very few schools who at the moment do not work very hard to engage with parents to do so more effectively. We think that the whole drive of parental choice and influence and power is overlaid in this White Paper. The proposals do not always amount to the rhetoric which precedes them.

Q263 Mrs Dorries: Why would the Government go so heavy on the rhetoric if it meant nothing? Why do you think there is more rhetoric than substance in the White Paper?

7 December 2005 Dr Mary Bousted, Ms Jean Gemmell, Ms Chris Keates and Mr Steve Sinnott

Dr Bousted: Because we think this White Paper is written in two places. We think the sensible aspects of this White Paper are written with the DfES and the rhetoric is written by Number 10.

Mr Sinnott: I think the *Parental Choice* agenda and emphasis places the teacher with professional dilemmas, one of them being: How do you respond to this group of parents who really can attempt to muster significant support for their short-term individual interests? Do the teachers and the head teacher match that? Do the teachers and the head teacher, in terms of properly identifying a range of youngsters who have specific but expensive needs, try to meet them? Even though those youngsters may be the people who, because of high stakes testing and league tables, may be the ones who will depress your test results, do you welcome them into the school? Or do you devise particular mechanisms or, as head teachers often say, play hanky-panky with admissions to try to encourage some to come to your school and put in measures to discourage others from coming to your school? It does place schools—and currently schools are placed—in those professional dilemmas. Some of them make the wrong choices, in my view, and I think that situation will get worse as a result of the White Paper.

Q264 Mrs Dorries: I think Chris made the point, talking about power in education of the various types of parents, that it would be about the skirts and the trousers. I am not sure it would, because, as a pushy parent, I would make sure that I was in there playing my role, maxing it to the *n*th degree, along with other parents. But I am educated . . . Actually, I am not, I am from a working-class background, but I would be perceived as being from a different type of background now. I would be maxing it; I would be putting maximum pressure on the headmaster of that school to do what I, as a parent, felt were my rights in the White Paper. But I would think that in different types of schools, perhaps in schools of the type I come from, parents do not engage with the school but are intimidated by it and are intimidated by just the language and the educational ability of the teachers and the headmaster there.

Chairman: Could we have the question now.

Q265 Mrs Dorries: I am sorry. I do not see that you are right. I think that parents who are able would be right in there and using their powers to the full.

Ms Keates: I think you have put the finger on exactly the issue. It is about creating structures around the schools and about how you canvass the views of parents and the appropriate way for them to have a say in the way schools are organised and the way schools are run and the education of their children. Clearly, the principle of that everyone would support, but it is the vehicles for doing it. If this White Paper is targeting disadvantage, however, I do not think the issue of parent councils or anything that is a structure actually gets to the disengaged parents. The disengaged parents I think need the elements in the White Paper that may not go far enough: the issues of the choice advisers, the

personal face-to-face meetings—and even then some people will find that quite an intimidating thing to do. I think the reason we had concerns about the whole rhetoric of parent power and then the structures around parent councils was to do with the issue of how those are going to be in a way that is meaningful and constructive. We think the whole thing is underpinned by a totally unnecessary duty, an additional duty, being placed on Ofsted to investigate and inspect parental complaints. We think that is a detrimental step. Ofsted have sufficient powers to get the views of parents; they do not need additional ones.

Ms Gemmell: I think it would be an interesting position for the Schools' Commissioner, if they exist, and Ofsted to be put in, if *Parental Choice* lobbyists are suggesting that the curriculum or the way in which a school is run should be changed, when, in the light of the professional bodies considering it, the school is delivering the goods. It certainly is not going to be advantageous to any child to be put between a rock and a hard place of a head teacher and a teacher who professionally deem that a curriculum is appropriate and the child is not working hard enough at it, and a parent who thinks that it is not and the child is.

Chairman: Time is ticking on. Helen.

Q266 Helen Jones: The White Paper envisages, as we said earlier, parents being able to apply to set up their own schools. It is not clear, either from the White Paper or from the parliamentary questions I have asked, who a local authority would have to consult on those occasions. In your view, who should they consult? Who might take advantage of this opportunity? I must admit, I do not know many parents who want to run their own schools. What are the consequences for educational planning?

Mr Sinnott: I am going to bore you to death again.

Q267 Chairman: Bore us briefly!

Mr Sinnott: I am going to say: look at what happens in Sweden. The Swedish study emphasises the way in which the *Choice* agenda has detrimentally affected use of resources and value for money. Who should they consult? We believe in and we emphasise in the NUT's documentation *Bringing Down the Barriers* positive alternatives to what the Government is proposing. We believe that there should be admissions forums. We believe too that there should be local authority children's services forums. We do believe that the wider community should be able to have a proper influence over which schools are to be built and which schools are not to be. You have to have significant community involvement in these things and not just allow a minority of parents to have influence.

Dr Bousted: I think the question is really well put. It is a very, very good one because there are all sorts of debates which we are not having, which are not in the White Paper, which go behind the White Paper. Say you have, for example, an Exclusive Brethren set of parents who apply to set up a school. That set means that those children do not eat with other people, that women are subservient, that they must

leave school at 16, cannot use computers, and no television. Where are the checks and balances in the system? The whole debate about the expansion of faith schools within *Fair Admissions* and *Fair Funding* is something on which the White Paper does not expand. Who are these parents? Where do they come from? What checks are there that they are representative of the local community? What would the setting up of an extreme faith school within a trust do to the curriculum? We have already had two years ago the big issue about the Vardy Academy and the teaching of creationism as an alternative.

Q268 Chairman: I think that was hotly denied by the—

Dr Bousted: I went on their website and saw their teaching materials, which were taken down two days later.

Q269 Chairman: Please do not get into that.

Dr Bousted: Okay, we will not get into it, but it is an interesting topic. So: Who are they? How is the consultation going to take place? The final point I would like to make is that there is really no evidence whatsoever, I agree with you, that parents are banging down the doors of local authorities to set up schools. What is happening in Lambeth is wholly extraordinary to that area.

Ms Keates: This is not a new power under the White Paper. This is a power that already exists and parents have not been queuing up to do this.

Q270 Helen Jones: The difference is that the presumption is with the parents in the White Paper.

Ms Keates: That is right. The key issue to the point you made, which is a very fair one in terms of who to consult with, is that there is such a lot in this White Paper that I think will test the reality of the new role for local authorities. The powers that they are apparently going to be given and the power of veto they have over this parental demand and then what happens with the school's adjudicator and what alternative provision can be done, all of those regulatory interfaces I think are going to be really important.

Q271 Helen Jones: We have a situation where a lot of authorities are now coping with falling roles as well. In this situation that the White Paper envisages, where each school will be its own admissions authority, we have already touched upon the consequences of that in other areas. What are the consequences in trying to deal with falling roles? What do you think will happen to those schools in the most deprived areas? Since most money is now passported to schools, and local authorities do not have the powers to prop them up financially (which they used to have, so that if you were losing a teacher or something your local authority could intervene), what is going to happen in practice if that is implemented?

Ms Gemmell: If you link your two questions together, you have an interesting dilemma: a falling roll situation in a local authority, particularly where schools in deprived areas are getting less resources

because their rolls are falling and therefore their delivery is even further impaired, and parents of a particular group in that same area wanting to establish a new school. The dilemma there is that the parents may well have an argument for the need for a new school, whether it is to do with faith or whether it is to do with gifted and talented or whether it is to do with a particular aspect of children's ability, in an area where rolls are falling and the resources going into the most deprived schools are getting less and so the provision is getting less. You are not then meeting the needs of the very children that the needs of the White Paper directed to support most.

Q272 Helen Jones: Someone said earlier that they thought the code for admission should be mandatory and done on a statutory basis. I agree with that. But would you like to see changes to the code? As well as putting it on a statutory basis, is there anything that you would like to see changed in what currently exists?

Mr Sinnott: I do not believe we can teach the Select Committee anything on admissions. You have a fantastic report on admissions. One of the things we say very clearly in our evidence is that there is no holy grail. I think this is what you came up with. There is no holy grail there which is going to be about a fair admissions procedure, but one of the things we do have to build into anything to do with fair admissions is to ensure that schools do not create their own admission criteria. When you do that, you will be building in mechanisms that will be discriminatory, mechanisms that will ensure that they will not be supportive of some of the youngsters from some of the most challenging areas.

Q273 Chairman: That exists now, Steve, but you have not been making much of a fuss about it as a union, have you?

Mr Sinnott: We always make a fuss. I am an expert in making a fuss.

Q274 Chairman: But it does exist now.

Mr Sinnott: It does exist. We are not satisfied with the admission procedures as they stand but we believe that they will get worse as a result of this White Paper. Could I raise another issue which is a very important, key issue for us. One of the criticisms of the White Paper is that it has an urban bias to it. It does. One of the key criticisms I wish to make, based upon the evidence from OECD research and also from the Swedish study, is that there will be increased segregation in our communities as a result of the *Parental Choice* agenda. That is the evidence that leads to it. The Select Committee really does need to consider, given all the pressures that there are in our communities at the moment, whether our urban areas need more segregation. That is a key question that you have to answer.

7 December 2005 Dr Mary Bousted, Ms Jean Gemmell, Ms Chris Keates and Mr Steve Sinnott

Q275 Chairman: I assure you we are looking at that.

Dr Bousted: There is one bit of the White Paper that I think supports *Fair Admissions*. No newly set up school will be able to change its admissions protocol for three years, and, if the school is taken to the adjudicator, they cannot the following year simply renege and go back to the practice which was prohibited, they have to keep the judgment for three years. The Government does make tentative moves in this White Paper to address some of the balance. But the contradictions then overtake it once again.

Q276 Helen Jones: Given all that and given that I think everyone here agrees that the key is in how you improve some of the schools that are currently operating in deprived areas and failing—and I take Chris’s point that there are some schools in deprived areas that do very well—let us get away from these recommendations for a minute. Could you tell us briefly how you would improve those failing schools in the most deprived areas? If the White Paper does not do it, what would?

Dr Bousted: The schools which may be failing under established indicators may simply be a reflection of the socio-economic intake because a huge amount of what a school can achieve depends on how well the children come to school readily.

Q277 Helen Jones: That is true, but there are differences between schools with similar intakes and some do it better than others.

Dr Bousted: They do, indeed. We believe that there are already very, very important levers in the system, particularly the new relationship with schools, school improvement advisers, the better use of data, the better use of tracking. I think one of the things that the White Paper says here is key: the schools in the most challenging circumstances need more secure staffing; more targeted resources; better facilities; to engage with parents more, and targeted help—like the London Challenge did. For those schools in the most challenging areas in London we have advisors coming in: “What do you need? Oh, you need a new head of maths because you cannot get maths teachers.” Rather than trusts taking over, those schools need targeted, supported help and resources to overcome the challenges they face.

Ms Keates: I think I would start at the other end as well. I think that what is missing are more rigorous early intervention indicators and strategies rather than letting a school get to the point where someone describes it as a failure—be that Ofsted or whoever. Again I would come back to the intervention powers that are going to be given to local authorities. I do not think there should be intervention at the point of failure; there should be intervention in terms of indicators of underperformance at a much earlier stage, so that schools are supported. The reasons why schools get into difficulties can be very different. Schools in the more advantaged areas can get into difficulties and there are all sorts of reasons for that. I think it is the criteria that are going to be used by local authorities to spot that and support them before it gets to the point where people are talking

about closure, failure, moving them to trusts, putting in an academy or whatever other strategy there might be.

Q278 Tim Farron: You have already said that you feel that choice, though much trumpeted in the White Paper, is relatively limited. In particular, there is no real provision, no intention to force schools to expand seriously. I represent a rural seat. Colleagues here will be bored of hearing me use the same anecdote, but if you live in Coniston your second school is a ferry ride and a 15-mile drive away. There is no choice. But, given that the expectations of choice have been raised, what do you think are the consequences of having raised expectations and then really not being able to meet them?

Ms Gemmell: Greater parent dissatisfaction from the very parents who are likely to be the first to exercise choice if it does exist. I think dissatisfaction with the situation for their own child leads to dissatisfaction with the education system which leads to children who become disenchanted as well. I think that is something very worrying.

Dr Bousted: I think that is an interesting tension in the White Paper. I think there are two parts of choice in the White Paper. One is choice within schools: parents’ councils, parents having more opportunities to exercise choice, to make demands within schools; and then choice between schools. We do know that 45% of secondary school students go to their nearest local school and there is no evidence that that is concentrated in the disadvantaged or the disadvantaged parents who lack proper information. Largely, if your local school is good, you want to go there. I have a 15-year-old; she goes to her local school. Why would she not? She can walk around the corner. There is a tension in this White Paper. Choice is a contested term in this White Paper. I think the DFES want choice within schools; Number 10 wants choice between. I think that lies at the heart of a lot of the problems we are facing with this White Paper.

Q279 Tim Farron: I will not ask you, because I think you have all answered really, whether you think the emphasis should be more on quality than on choice. To put the onus on you and your organisations really, with regard to choice between schools, choice is a “hurray” word so far as the Government is concerned but how do you ensure that the emphasis goes on to quality and fair access instead? They are not such “hurray” words, are they?

Ms Keates: From our point of view, what we would want to do is continue to do what we are doing at the moment, and that is working in partnership with the Government to look at making every school a good school, and we believe that we are engaged in strategies that will help to do that and that good strides forward are being made. We are very pleased that the Government has accepted that there is an inextricable link between raising standards and issues around the school workforce, and going into the next phase it is about making sure teachers have an entitlement to proper professional development so that they can meet the challenges of what is

7 December 2005 Dr Mary Bousted, Ms Jean Gemmell, Ms Chris Keates and Mr Steve Sinnott

needed in the more personalised agenda, but also the issue of enhancing the roles of support staff, making sure that their pay and grading is right and making sure that you have got these sound and robust teams that can support the needs of children, which nowadays are highly complex, particularly in terms of the accountability structure schools have to meet; so from our point of view, we would want to strive to do that. Clearly, the whole framework in which schools work, the funding that they have and the resourcing, making sure that any funding system cuts down as far as possible winners and losers and also is able to target the money at the disadvantaged: because one of the issues in the system at the moment is that you do, in the factors for getting more funding into school, get an allowance for disadvantage, but if you go into a school you cannot often see that some creative structures need to be used to actually ensure that additional resource is going to the disadvantaged. I think there is a lot of work to be done, but I think we are making progress, and that is why my union would prefer to focus on every school a good school and work in that context.

Q280 Tim Farron: A change of focus entirely, and a quick one. Certainly in terms of the after-shocks of the White Paper there has been some discussion, more discussion than there is in the White Paper, to support special educational needs and for children with behavioural, emotional and social difficulties, and the Government obviously has begun to focus on the role of school clusters in order to provide support for both these categories, if you like. I would be interested in your views in this area?

Mr Sinnott: Very supportive. Those are the aspects of the White Paper that I think would be supported by all schools. Creating a situation in which youngsters who are not doing well because they have behavioural difficulties in one school and finding a mechanism whereby, perhaps at a crunch point, because that youngster has done something, finding an acceptable mechanism for them to be in another school without any break in the educational provision for that youngster has to be something we all want to aim for, but when you create the type of competition in the market, it really does run counter to that key area, the key way in which we want schools to cooperate.

Q281 Chairman: Looking at Number 10, would not the Prime Minister feel disillusioned with some of the things you are saying, Steve. His Government has poured money into education, it has been enormously generous in increasing teachers' bill pay and here you are having a good old grunge about this. Would it not be more positive if all of the teaching unions got together, all the people who are giving evidence this morning, and wrote your White Paper and perhaps that would be more helpful to the Prime Minister.

Mr Sinnott: One day we will do that, I think, Barry. We will all get together and present evidence.

Q282 Chairman: But is it possible for you all to get together and write an alternative White Paper?

Mr Sinnott: I would love to do that, and I have even said that to the Prime Minister.

Chairman: Perhaps we will send you away to do that. Thank for your attendance. It has been a very good session. Thank you.

Memorandum submitted by the National Association of Head Teachers (NAHT)

NAHT is pleased to give evidence to the Education and Skills Committee on the White Paper "Higher Standards, Better Schools For All" and hopes the Committee will find the following comments and highlighting of issues helpful, in advance of oral evidence on 7 December 2005.

It should be emphasised that NAHT is not opposed to the White Paper in its entirety; we are particularly supportive of the proposals set out in chapters 6 and 7, and look forward to working closely with the DfES to ensure that these proposals come to sensible and practicable fruition.

NAHT must, however, register our overarching concern that the structural changes proposed are most unlikely to achieve the Government's proper and laudable ambition, which we share, to continue to raise achievement and to break the links between poverty and low aspiration. On the contrary, destabilisation, along with a confused and contradictory role for local authorities, and others, may well undermine that ambition. Parent power, as promoted in this White Paper, is likely to accentuate social division. The Committee should note that heads have realised educationally sound change, such as the inclusion agenda, sometimes in the face of opposition from parents, who can be concerned only for their own children.

NAHT does not object to genuinely voluntary options for change but we oppose compulsion to become foundation or trust schools. There is very little appetite for such change amongst our membership: most prefer to focus on leading and supporting teaching and learning, rather than tinkering with structures and employer status, generally perceived as a distraction. The Committee may wish to ascertain how much use has been made of the freedom to innovate in the Education Act 2002, in order further to gauge the appetite for such change.

The remainder of this document follows the chapters of the White Paper, with comments and issues in bulleted form.

CHAPTER 1

This chapter sets out the broad thrust of the paper. We, therefore, comment on the detail set out in each chapter, rather than the generalities set out here.

CHAPTER 2

- *Schools commissioner*—much greater clarity required. Potential conflict of interest, since role both serves as a broker for trusts and to challenge local authorities.
- *Trusts*—the majority of community schools are unlikely to be interested. They want to retain the authority as employer. See comments on the power to innovate above.
- *Trust school*—status is indicated as “voluntary”—NAHT completely opposed to compulsion to become foundation or trust on closure or reorganisation. Destabilising. Undermines planning of falling rolls/surplus places. Can impact on other schools. Likely to be difficulties recruiting to headship.
- *Independent schools*—opting into the state system—unlikely where freedoms over curriculum, class size, pay and conditions of staff will be lost. Potential further drain on state funding where opting in is an alternative to closure.
- *Federation*—it is contradictory to promote voluntary collaboration alongside compulsion to federate where schools are failing. The power to require schools to federate undermines positive voluntary collaboration/federation.
- *SIPs*—we regard it as essential that primary SIPs are drawn from serving, or recently retired heads, as secondary SIPs.
- *Ofsted*—style remains inquisitorial. Unrealistic expectations around the timescale for improvement. Meaning of “demonstrate real progress”?

The tone and language of this chapter is inflammatory and derogatory. This is hardly helpful.

CHAPTER 3

- *Parental choice advisors*—additional bureaucracy with little real chance to support choice. Choice must mean surplus places, with significant cost implications.
- *Choice at age 11*—“strengths and interests” may not be best assessed at age 11. Aptitude and ability should not be confused.
- *Transport*—a nightmare of funding and responsibility. What is the effect on the community of bussing children out? How does bussing work with extended schooling and options at the beginning and end of the day. Issues of behaviour while travelling. A purely urban solution which further ghettoises.
- *Banding arrangements*—this proposal runs counter to the notion of parental choice rendering one or the other unworkable.

CHAPTER 4

- *New resource needed*—must be absolute clarity about the “significant investment” required. The commitment in the Annex not to create “unfunded new burdens for local authorities and schools” must be adhered to.
- *Workforce implications*—teaching is a complex and professionally demanding activity—proper differentiation is what makes it so. All engaged in pupil learning must understand how children learn—implications for the reviews of professional standards currently in train—implications for pay and conditions, especially of support staff.
- *Children with SEN*—this section does not sit well with the attack on BESD schools in Chapter 2 (2.56).

Underlying the whole of this chapter is the need for investment in development for teachers and all others supporting learning—proper professional practice underpinned by clear understanding of the psychology of learning and child development. Hard to see how structural change will do anything other than distract from this.

CHAPTER 5

- *Parent power*—there is no evidence that the majority of parents seek or desire these powers. See our introductory comments on the tension between parents’ desire for the best for their own children and that which is more generally educationally sound.

- *Termly information*—risk of conflict with recent workload reduction provisions. Consideration must be given to extending parental rights to time off work inside normal working hours, otherwise consequences for work/life balance provisions of contracts.
- *ICT links*—only effective where home Internet access available—least likely in areas of severe disadvantage.
- *Parent councils*—clarity required on powers, responsibilities, and remit, particularly on the context of the relationship with the governing body. Risk of overlap and confusion. Given the recent scrapping of the annual parents’ meeting, it is hard to see that there will be much demand.
- *Hard to reach parents*—most unlikely to become involved—far better chance through home/school outreach workers, but risk of confusion between these and families’ and pupils’ support workers and educational welfare officers.
- *Complaint to Ofsted*—already exists but to be strengthened. Risk of vexatious and time-wasting complaints—likely to be of greater interest to articulate middle class parents than the disadvantaged and disempowered.

CHAPTER 6

- *Investment*—contents of this chapter are not cost neutral. Investment will be required. The proposals are basically right, but must support the *Every Child Matters* agenda.
- *Risk of duplication of provision*—a pitfall to avoid—as above, must work with ECM.
- *School nurses*—a good idea—we entirely support and wish to see more nurses available to deliver services in schools.
- *Extended services*—must be based on genuine, parental/community need and demand. Requires careful assessment of need and demand. Otherwise, pointless.
- *Healthy food*—again, absolutely supportive, but must be clear about funding need.

CHAPTER 7

- *Discipline*—Steer Report based on practitioners’ views and these proposals must be implemented practically and sensibly. More work to be done, especially with pupils with BESD—applaud the need for ongoing work, as per paragraph 7.39.
- *Parental responsibility*—welcome this clear statement of parental responsibility but must be clarity about failures by parents to take responsibility for excluded children. Needs an ECM and joined up approach.
- *On and off site alternative provision*—where and what? Much further work to be done—welcome general thrust of proposals.
- *Physical restraint*—necessary but very difficult, especially in the SEN context. Huge vulnerability of staff. Inappropriate and risky to search pupils for weapons, etc—must be proper support for schools from police, when needed.

CHAPTER 8

- *Recruitment of school leaders*—greatly concerned at current, worsening problems of recruitment—need real clarity on support for school leaders, their pay and conditions. Succession planning difficult if falling numbers of deputy and assistant heads. Some reports of deletion of these posts through restructuring of school staff.
- *Teach first*—evaluation needed—especially retention rate. Risk of short-term involvement as a stepping stone to completely different career. Teaching must be seen as a legitimate and attractive profession. Imagine this approach in medicine or law.
- *Heads’ role*—further work to be done on the core role of the head. Clarity around career progression for heads including “national leaders of education”.
- *Support staff pay and conditions*—how will consistent systems be developed which do not rely solely on “union recognition at school level”? Need for a clear national pay and grading structure to promote fairness and ability to cost implications of change.
- *Governor training*—welcome commitment to induction and training. Cannot be a call on existing budgets. Requires new money.

CHAPTER 9

- *SOCs*—greatly concerned at the abolition of SOC in the context of the need for the local authority to continue to plan the provision of school places. SOC also a useful local decision making body.

- *Clarity of local authority role*—greatly concerned that the role is not clear, eg competitions for new schools, including own proposal, if suitable promoter not found. No consideration of role of provider of services. Most community schools will want to remain community schools with the authority as employer. Real concerns about destabilisation as set out in introductory comments. Issue of proper planning and provision of education for all, not entirely consistent with championing the child and family.
- *New relationship with schools*—concerns, as previously expressed, about SIPs, considerable lack of clarity, paragraphs 9.19 and 9.20.
- *LA and LLSC*—Committee should note carefully the contents of the Foster Report on Further Education, which emphasises the need to plan the system holistically, rather than sector by sector. Also makes highly valid comment on the overhead costs of institutions, even as large as some FE colleges, becoming the employer of staff. Further discussions to be had on new sixth forms and existing sixth form/FE provision.

In conclusion, the Committee may wish to consider why, when in other public services, including the Civil Service, the drive is towards resource at the front line, but, in education, the opposite is proposed: namely, individual schools becoming the employer, with all the back office investment that implies. Front-line delivery must be the prime concern, the prime investment, as it appears to be with other public services.

November 2005

Memorandum submitted by the Secondary Heads Association (SHA)

A. INTRODUCTION

1. The Secondary Heads Association represents more than 12,000 members of the leadership teams of maintained and independent schools and colleges throughout the UK. Education White Papers are clearly of major interest to our members at the institutional level and out of their concern for the education system as a whole.

2. SHA is concerned that there is a strong difference in emphasis between the ministerial announcements of the White Paper and its actual content. This is not setting a clear direction and risks the enactment of unclear legislation.

3. Whilst SHA members generally welcome greater autonomy for schools and colleges, they are also in favour of schools collaborating in local partnerships. It is not clear that the proposals of this White Paper will help in either sense, though they may well be intended to do so. The role of the local authority in relation to schools has become uncertain, and this White Paper does not resolve that.

4. The creation of another category of school, and a general emphasis on structures rather than standards, will not help to raise the educational attainment of our young people.

5. Schools want to work closely with the parents of the children they educate, and the great majority of parents want to reciprocate. This is not always an easy relationship; but schools can point to many examples of good practice, on which the White Paper does not seek to build. "Parent power" is not likely to help, nor is it what most parents actually want.

6. Elements of the White Paper further extend the punitive approach that has been taken in recent decades towards schools struggling with the most difficult circumstances, and towards those who lead them, which has harmed the education system.

7. There are some proposals that will be welcomed by school leaders in relation to discipline, collaboration between schools, and the curriculum.

8. We have organised our remarks as follows:

- A. Introduction
- B. Autonomy, trust schools and new schools
- C. "Parent power"
- D. Admissions and choice
- E. School "failure"
- F. Role of local authorities
- G. School leadership
- H. Discipline and exclusion appeals panels
- I. Collaboration between schools
- J. Curriculum

B. AUTONOMY, TRUST SCHOOLS AND NEW SCHOOLS

9. The White Paper is very different from the announcements that preceded it. School leaders were told that the Government wants all schools to become trust schools and thus acquire more freedom. In fact, the proposals in the White Paper would give trust schools essentially the same freedoms that foundation schools have already. It does not seem likely, therefore, that the proposed trust school status will be widely taken up by schools, even those seeking greater freedoms.

10. SHA opposes the introduction of yet another new category of schools. “The English have a genius for turning diversity into hierarchy”—which is what is likely to happen again. Now that all secondary schools are heading for specialist status, we have the prospect of getting away from a two-tier system. This is surely the post-comprehensive model for which the Government has been aiming, so it should be built on, not undermined. In 1997, the Government stated that it would concentrate on “standards, not structures”. This was—and remains—a good maxim and the Prime Minister and education ministers should return to it.

11. If schools are run by trusts with several schools in their stable, governors would have less control over their land and buildings than they do as foundation schools. The situation would be akin to that of schools run under the auspices of some livery companies, where the company owns and organises the buildings and the individual schools use the buildings that the trust gives them.

12. The relationship between the school and the local authority appears to be the same for trust schools and foundation schools.

13. The freedom to set pay and conditions outside the national framework was given to grant maintained schools, although only two schools considered it worthwhile to take this power. As there is sufficient flexibility in the existing national system schools are unlikely to make use of this provision in any significant number.

14. SHA members are annoyed by government documents that offer schools the opportunity “to develop a distinctive ethos” (section 2.7 of the White Paper) and criticise schools for a “dull uniformity” that has never existed. English secondary schools have a long tradition of developing and maintaining a distinctive ethos—in teaching style, organisation of classes, school uniform, expertise in drama or music or science, for example. This pre-dates by many years even the specialist school system and the Government should not write as if it invented school ethos.

15. The White Paper and the announcements that preceded it have many references to freedom for secondary schools. But the freedom actually wanted by school leaders is freedom from constant new initiatives and associated bureaucracy.

16. School leaders on the whole prefer to collaborate with one another rather than compete. There is little in the White Paper to provide any incentive to collaborate and several elements that risk a return to damaging competition.

17. The proposals for new schools to be open to new providers put at risk the coherence of school provision. Quality assurance and accountability of such providers is not sufficiently well addressed.

18. There are too many initiatives that divert scarce public funds away from the direct provision of services. The proposed Schools Commissioner role, acting as a “national champion” of trust schools, seems likely to be such a waste of public money.

19. SHA notes the proposal for “good” schools to expand, a government aspiration that has appeared frequently in White Papers over the last 15 years. (2.42–2.44) In fact there has been little such expansion because most school governing bodies and local communities do not want it. Expansion can cause schools to lose their distinct ethos and it can create additional costs that schools and local authorities are unable to meet. There is nothing in this White Paper that changes that or makes such expansion significantly more likely in future.

C. “PARENT POWER”

20. SHA rejects the rhetoric of “parent power”. Schools and parents want to engage in a partnership for the benefit of the education of the young people. This requires a stronger engagement of parents in the education of their children and a good information flow between school and parents. This is certainly not “parent power”.

21. As parents are so important to the Government, it is odd that the White Paper proposes that there should be only one parent on trust school governing bodies.

22. SHA strongly opposes the White Paper proposal for termly reports to parents on pupil progress. Apart from the obvious ambiguity (some schools have three “terms”, some five, some six), this regulates quantity, not quality. The Government should reinforce the obligation for schools to communicate progress well to parents and leave it to schools to decide how to do it. There is already much good practice in this field, outlined in a SHA paper on the role of parents in schools, which can be made available to the Committee.

23. Giving power to parents to set up their own schools is unlikely to create much change, since few parents would have the time or resources to start a school.

24. Parent councils give parents rights without any responsibility to go with them. Schools already have parent governors and this is a much better way for parents to participate in school governance.

25. SHA rejects the proposal to place on governing bodies a statutory duty to have regard to the views of parents. (5.19) Governing bodies also need to have regard to the views of teachers, students and the local community. SHA would welcome parent governors becoming more representative of wider parent views, but this should not be yet another statutory duty placed on the governing body as a whole. The quality of links with parents is already part of school self-evaluation and Ofsted inspection.

26. The White Paper asserts, without comment or qualification, that some parents find secondary schools less intimate and approachable than primary schools. (5.29) There are many reasons for this, just as a supermarket may seem less intimate and approachable than the corner shop. To counter these secondary schools put a lot of work into links with parents, and there are many examples of excellent practice, which the White Paper fails to acknowledge.

D. ADMISSIONS AND CHOICE

27. Choice advisers are likely to be an even bigger waste of public money than the proposed Schools Commissioner. Limited public funds would be much better spent in school budgets than on these local authority officials. Choice advisers will simply increase pressure on places at schools that cannot accommodate more children.

28. It is misleading to talk of “parental choice” when what is actually offered is “parental preference”. In practice some schools are always likely to be over-subscribed, and some parents who would have preferred them will not be able to exercise that choice. The rhetoric of parental choice raises expectations that cannot be satisfied.

29. It is unclear whether in practice trust schools would have increased freedom over admissions. Ministers initially suggested that they would; but the White Paper appears to offer them no more freedom over admissions than foundation schools, which have to have regard to the admissions code of practice and are subject to rulings by the schools’ adjudicator.

30. On banding, it is important that schools using this as an admissions filter use a local ability range. Schools using a national ability range in a disadvantaged area inevitably have a more advantaged intake than other schools in the locality.

E. SCHOOL “FAILURE”

31. When a school has an adverse report from Ofsted the first remedy the White Paper states that local authorities should consider is the dismissal of the head teacher. For the last 15 years, governments have developed multiple accountability systems for schools and these remain in place. Instead of further increasing pressure on school leaders the Government should develop a better system of supporting schools in difficulty.

F. ROLE OF LOCAL AUTHORITIES

32. Announcements prior to the White Paper indicated that the powers of local authorities were to be reduced, as schools exercised more individual freedom. The White Paper itself, however, increases the powers of local authorities. (2.49–2.59, 9.1–9.25)

33. The White Paper does not reflect the concept of intelligent accountability, developed by SHA and adopted by education ministers in early 2004, which resulted in the “new relationship with schools”. Some of the duties in relation to school improvement, assigned to the local authority in the White Paper, should properly sit with the school improvement partner. The proposals are likely to increase bureaucracy and accountability in a system that has too much of both.

34. SHA is concerned at the abolition of the code of practice governing relationships between schools and LAs before the new relationship with schools has become sufficiently established. This is likely to take at least another three years.

35. SHA believes that local authorities should have a strategic role in education but that it should be at arm’s length from secondary schools. The local authority has an important strategic role, for example, in joining up children’s services. Primary schools need more direct support from local authorities than secondary schools, but the White Paper fails to recognise this.

36. SHA supports the Government’s proposal that local authorities should be commissioners, not providers, of services to secondary schools. Stronger incentives are required to push local authorities in this direction, especially whilst they have also schools which they own and run more directly. However, SHA does not believe that a schools’ commissioner is required for this. It is unclear what powers of enforcement a schools commissioner would have to challenge local authorities.

G. SCHOOL LEADERSHIP

37. SHA welcomes the recognition in the White Paper of the importance of school leaders, both in improving their schools and in contributing to the improvement of the system as a whole. (8.21–8.32)

38. The scheme for a group of “national leaders of education” will provide a welcome recognition for successful leaders of complex schools and an opportunity for them to influence government education policy. However, it must be recognised that the complex schools they lead are a minority of schools and it is important for the DfES to take advice from practitioners working in a wider range of schools. Until 1992, this role was carried out by HMI and since then primarily by SHA and the other teacher associations. It is important that the DfES retains this broader perspective.

39. SHA has consistently welcomed the new relationship with schools, but school leaders report that the planned reduction in bureaucracy has not occurred. Indeed, such has been the plethora of initiatives facing school leaders that the autumn term 2005 has been the busiest and most stressful that anyone can recall. SHA looks to the Government to avoid such simultaneous initiatives in future and we welcome the continuation of the Implementation Review Unit, which is charged with challenging the DfES on the burden it places on schools, and on school leaders in particular. (2.66–2.69)

H. DISCIPLINE AND EXCLUSION APPEALS PANELS

40. SHA strongly supports the recommendations in the Steer report and welcomes the adoption of these in the White Paper. (7.1–7.39)

41. The Steer recommendation for pupil and parent support workers has resource implications for schools and SHA looks to the Government to demonstrate its commitment to improving discipline and attendance in schools by providing extra resources to schools for these new employees.

42. SHA supports the Government in retaining appeals panels to consider the cases of excluded pupils. Their abolition would, SHA believes, result in more cases being taken to court with resultant costs in money and time. SHA supports the White Paper’s proposed changes to the composition and role of appeals panels.

I. COLLABORATION BETWEEN SCHOOLS

43. SHA welcomes the brief section of the White Paper on federation and collaboration, but believes that this should have been the major focus of the White Paper, rather than outweighed by the unhelpful sections analysed above. (2.45–2.48)

44. The White Paper does not follow up, as it should have done, on the DfES collaboration proposals published earlier in the year in *Education Improvement Partnerships*. (2.48)

J. CURRICULUM

45. SHA welcomes the additional funding for personalised learning for 11–14-year-olds. However, there is a danger of parental expectations for individual tuition being raised, for which this modest funding will not be sufficient. (4.12)

46. SHA welcomes the expansion of the gifted and talented scheme, provided that it is adequately funded. (4.21–4.25)

47. SHA welcomes the statement that it will be for schools to decide whether or not to adopt setting—it is not the Government’s role to determine how schools organise classes. (4.36)

November 2005

Memorandum submitted by UNISON

EXECUTIVE SUMMARY

UNISON’s evidence is focused on areas of the White Paper where we have a distinct perspective and where any impact has an overwhelming bearing on our members. Our comments fall into three categories:

Trust Schools

- We have concerns regarding the accountability of trust schools, particularly the loss of staff and community involvement in the strategic direction of the school.
- We have concerns about the long term incentives that might be introduced to encourage schools to transfer to trust status and we would urge the Committee to seek assurances from Government on this point.

The role of Local Education Authorities

- We do not agree with the proposals in the White Paper which will prohibit LAs from actively seeking to improve standards in schools, or the shift to a very close definition of what LAs can rather than what they cannot do.
- We believe that local authorities have a pivotal role in strategic delivery and provision of services, and an important democratic accountability link which the proposals undermine.
- We think that in some areas the proposals will make it more difficult to strategically plan school provision.
- We are concerned about the interface between schools and other public services and the impact that the fragmentation of the school system will have on the ability to deliver other public policy priorities.

Workforce issues

- If school support staff in trust schools will be employed directly by schools, they will not be covered by national agreements. Does this mean that in the future UNISON will negotiate directly with 22,000 schools? We would urge the Committee to seek assurances from Government that there will be a nationally negotiated minimum set of terms and of conditions for support staff.
- We are concerned that further fragmentation of the system will have an impact on the delivery of training provision for support staff and make delivering career progression and consistent standards across the sector difficult. Government needs to set out how the delivery of a “whole school” approach to training will be implemented. The White Paper does not anticipate the legislative changes required.

1. INTRODUCTION

1.1 UNISON is the UK’s largest trade union with 1.4 million members and is the largest education union in the UK. About 250,000 of our members are employed in schools and local authority education departments. Our education members include caretakers, school secretaries, mid-day supervisors, special needs and teaching assistants, nursery nurses, technicians, administrative staff and bursars, in fact anyone working in a school who is not a teacher.

1.2 UNISON welcomes the publication of the Schools White Paper and many of its proposals. We share the Government’s vision of celebrating the achievements of school staffs in delivering an education system that we can largely be proud of, while also recognising that many of the commitments in this White Paper reflect the Government’s intention to prioritise education. UNISON has supported the Government and worked with Ministers and the department on reforms that we believe have, and continue, to deliver real quality improvements in the delivery of school education. We support the main aims of the White Paper to address underachievement by many children especially those from disadvantaged backgrounds or with special needs.

1.3 However, we are concerned that many of the proposals are about structural and bureaucratic changes to the governance and structure of schools which will not necessarily address these issues. Indeed some of the proposals appear contradictory and unclear. We hope to draw the Committee’s attention to areas of the White Paper that seem to send conflicting messages to parents, school staff, local authorities, and other stakeholders. We will also hope to provide evidence of areas where we believe policy could indeed damage the Government’s chances to fulfil its aim of tackling underachievement by individuals and institutions.

1.4 This is an opportunity for us to offer advice based on the experience of our members who actually help deliver education services on the front line. The understanding and knowledge of our members should not easily be discounted when it disagrees with the Government. Rather it should be acknowledged and used to strengthen policy, and employed for the benefit of children and service delivery. As employees within the education service, and as parents and citizens within our wider communities, members of UNISON endorse the importance of securing an education system that meets the needs of all our children. Children not structures or staff must be at the heart of reform—where reform is proven and needed.

2. TRUST SCHOOLS

2.1 In keeping with our belief that children are best served through a well resourced comprehensive community school we are concerned at proposals to encourage schools to break away from the local authority family and allow trusts to take over control of schools. According to the White Paper this new category will in effect have the powers (and freedoms) of foundation schools and the governance similar to Academies.

2.2 UNISON also has concerns regarding the accountability of trust schools. Parents as well as governors and staff will lose their say in how the school is run. Proposals to compel trust schools to develop a Parents Council that can give guidance on issues like school uniform or dinner menus hardly compensates for the real involvement parents and community should have in setting the strategic vision and key policies affecting the running of the school.

2.3 According to the White Paper the task of finding individuals or organisations who would want to form trusts, and the role of encouraging schools to transfer into trusts falls to the Office of the School Commissioner (OSC). Current proposals suggest that the transfer of schools away from local authorities and into trusts will be purely voluntary. However we believe that if this is the case there may be little interest in schools changing status. If we look at the example of GM schools we can see that even with clear financial benefits attached comparatively few schools wanted to transfer away from local authorities. If the process is to be allowed to remain totally voluntary therefore the transition of authorities from providers to commissioners may take decades to complete.

2.4 However, experience also suggests that the Government is skilled in placing a great deal of pressure on authorities to conform to “voluntary” policies. For example we are aware that the department placed significant pressure on one authority in the North East to include proposals for Academies in their Building Schools for the Future bid. In fact two initial bids that did not include Academies were refused. Despite the authority justly arguing that according to DfES guidance they were not required to include plans for an Academy it was clear that their bid would remain unsuccessful until such plans were included. We are deeply concerned therefore that document states that the OSC will be able to place a great deal of pressure on schools or Local authorities to transfer control of schools to trusts.

3. ROLE OF LOCAL AUTHORITIES

3.1 UNISON has a particular perspective on the interface between schools and other public services. As a union representing members across the public sector, including those that relate to schools such as youth services, special needs support, social services and children’s services, we are concerned that there is clarity over the delivery and implementation of the Government’s broader reform agenda, and that the proposals to give schools more freedoms and flexibilities does not impinge on the ability of local government and health services to co-ordinate, deliver and improve their services.

3.2 We believe that LA’s have a pivotal role in strategic delivery and provision of services. Community schools are accountable to parents and the community. Often they are efficiently run. We believe that to exclude the possibility of establishing new community schools removes choice rather than extending it. There is no evidence, as far as we are aware, that LAs “favour” community schools over other types of schools as has been implied by government ministers as justification for this.

3.3 UNISON continues to believe that LAs remain the best way of ensuring the co-ordination and accountability of the education system at a local level. LAs can have a dynamic and positive effect on school performance, a function that is underestimated in the White Paper and other DfES policy papers. While there is much to be applauded in the current proposals the sections relating to LAs highlight at least two ways in which the Government has misunderstood and displayed a distrust of local authorities. Firstly there is the prohibition on LAs being proactive in improving standards; second is the constraint of LAs having defined what they can do rather than what they cannot.

3.4 One consequence of this approach is a lack of clarity over the provision of schooling for children with Special Educational Needs. There may well be examples where none of the new arms-length/independent schools want to provide SEN services. The White Paper is very unclear what happens on such an occasion. Can/should the LA step in as a “provider of last resort”? If so how does this rest with the rest of the Government’s policies of encouraging authorities to be commissioners not providers?

3.5 There are similar concerns regarding the lack of joined-up thinking with other areas and policies. Earlier this year, the Government published a prospectus on extended schools. This says that the overall responsibility to ensure that extended services are available lies with the local authority and services can be delivered via a cluster of schools or with local private or voluntary sector providers. The prospectus also recommends the building of strong links or co-location between schools (especially primary) and “children’s centres” and recommends joint capital funding to bring these together. It is clear that local authorities will have responsibility for the strategic delivery of extended core services in schools and wider children’s services. Yet the White Paper’s aim is to create more “independent schools” and eventually to have no more community schools. Whilst many schools will want to be fully involved in this agenda, their independence and the increasing fragmentation of the provision and delivery of education will make it difficult for local authorities to plan and deliver this effectively.

3.6 While LAs are to be given a role in coordinating school admissions, there is a danger that the autonomy granted to individual schools could lead to situations where certain schools manipulate the school admissions system unfairly and thereby become less responsive to the needs of their local communities than at present and exacerbate the educational divide in localities.

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

3.8 The reformed role for local authorities will also have a potentially critical impact on the existing frameworks for negotiating pay for support staff at this level and in particular if a national pay framework is not taken forward for these particular employees (see section below). However, local authorities also have a crucial role in intervening in matters relating to the school workforce and in preventing individual schools from denying employees their statutory rights and/or using flexibilities to poach staff from other schools.

4. WORKFORCE ISSUES

4.1 School teachers pay and conditions is covered by national statutory provisions. Support staff pay and conditions are very different. Support staff in community schools are covered by the National Joint Council (NJC) agreement for local government staff. This sets national minimum conditions and a national pay spine, however where individuals are placed on that spine is determined at local authority level following a local grading review usually involving job evaluation. Staff in foundation and voluntary aided schools, city academies (and presumably the new trust schools) are employed directly by the individual school and are not covered by either the NJC agreement or any agreement reached at local level.

4.2 The White Paper appears to recognise the inconsistencies inherent in this and is proposing a “more coherent approach” (paragraph 8.19). This has been followed up by an invitation to sit on a “Working Group on Support Staff Employment Issues”. This group is due to report to the Minister of State for Schools by 30 April 2006. This is very welcome but we remain concerned that at a time when the roles and responsibilities of support staff are increasing, the fragmentation of the provision of education will make it increasingly difficult to deliver consistent standards across the sector. Changing the framework for support staff pay and conditions and adopting a “whole school” approach to staff training and development is likely to require legislative change and this does not appear to be anticipated in the White Paper.

4.3 Local authorities currently have a strategic role in training school support staff in community schools (and indeed other maintained schools). Many either deliver training programmes or provide fairly detailed guidance to schools. This role is particularly important in relation to the new extended services schools need to provide. Not every school, particularly primary school, can be an extended school. So collaboration between schools is particularly important and clearly the local authority needs to play a co-ordinating role to provide these. Extended services have training implications that cannot necessarily be met by an individual school. Staff working in one particular school may also be involved in providing extended services at another site. Quality of service is inextricably linked with training of the staff providing it and the local authority would be best placed in ensuring standards are met that staff are qualified to the right level. The White Paper is totally silent on this tension and this causes UNISON great concern.

4.4 Without a strategic plan for staff training and development UNISON’s concern is that there will be huge variations between schools which will have an impact on quality and service delivery. As stated above this could have a particular impact on the ability to deliver extended services and the new personalised learning agenda envisioned in the White Paper. There is already evidence of inconsistencies and we believe this can only be exacerbated by the proposals to encourage independent schools. A UNISON survey of LAs on support staff pay, conditions and training carried out by LRD in 2004 showed that although access to training for teaching assistants had improved, training for other support staff including technical and administrative staff was lagging far behind. For example, school support staff receiving NVQ level 2 training were 61% teaching assistants, 16% administrative staff and 11.4% technical staff. At level 3 the split was 60% teaching assistants, 11.4% administrative staff and 4.5% technical staff.

4.5 UNISON’s most recent survey carried out by MORI in 2005, shows that 35% of teaching assistants and 53% of administrative staff have no training plan or had any discussions on training needs and development with their managers. Many LAs have responded to the school remodelling agenda by prioritising training for school support staff and putting in place effective strategies to improve delivery and uptake. They are trying to remove some of the barriers to training which included head teachers refusing to release staff unless the LA paid for cover or training being held at venues far removed from schools or at times outside the normal working week. (Far fewer support staff use cars, most live local to the schools and the majority work part time).

Witnesses: **Mr Mick Brookes**, General Secretary, and **Ms Kerry George**, Senior Assistant Secretary, National Association of Head Teachers, **Dr John Dunford**, General Secretary, and **Ms Sue Kirkham**, Secondary Heads Association, and **Ms Christina McAnea**, National Secretary for Education Staff, Unison, gave evidence.

Chairman: Can I welcome Sue Kirkham, John Dunford, Christina McAnea, Mick Brookes and Kerry George to our proceedings. You have seen the brisk way in which we have to operate in order to make things work. I think we had a very good session, you will agree, and partly it was a good session because people did stick to short answers to questions and did not sulk too much if they were not called on every question. If we can have that same spirit of co-operation I would be very grateful. I want to get started straight into questions and the answer to the first question can be a little bit longer. Roberta, would you like to move the questioning forward?

Q283 Dr Blackman-Woods: I think you will all be aware that a lot of the controversy about the White Paper has been about the role of local authorities. Can you tell us what practical difference you think the White Paper will make to the role of local authorities?

Mr Dunford: I think some of the spin that we heard beforehand suggested that the role of local authorities was practically going to disappear. In fact the White Paper, if anything, increases the role of local authorities, and it does that in some quite proper ways in the sense that as we move into a broader children's agenda it is entirely appropriate that the local authority should be a strategic leader of children's services in an area, and that requires some joined-up thinking, some joined-up services, and that is entirely proper. Where we part company with the White Paper is in the rather simplistic view of the local authority's role in school improvement where I think at page 36 it is of the White Paper it says, "Where a school has had a bad Ofsted report the local authority shall consider the following: (1) sack the head teacher." That really is not a very clever approach, and it suggests to me that the Government has failed to use the opportunity of this White Paper to get the balance of pressure and support on schools right and we hear far too much about pressure. I do not think governments, in the plural, over the last 20 years have really made any attempt to get in place a sensible system of support for schools that are in difficulties.

Mr Brookes: I would second that, and, indeed, we need to look at the role of the local authority where schools do not have capacity to provide that infrastructure themselves, and there are a large number of extremely good local authorities and we do not want to see that provision threatened. I would second what John is saying, because that particular page does not just say, "Sack the head", of course, it says, "Sack the senior management team and also the governing body", and we do need to look at where the support for schools is coming from. There is an awful lot of challenge but we do not see an awful lot of support.

Q284 Chairman: You have also historically had some pretty awful local authorities, have you not? Local authorities could not appoint a director of education

for two years. The standards across all the schools were appalling. You had to send in a private company to run them. It is not all a wonderful story, is it?

Mr Brookes: In my school I had some disobedient children; it does not mean to say all of them were disobedient. You make a rule that covers everything; it is not just the misprints.

Q285 Dr Blackman-Woods: Following on from what the Chairman was saying, is there an argument that local authorities have been too complacent in terms of dealing with failing schools or accepting coasting schools? Is there an argument that the whole system does need to be shaken up?

Ms McAnea: I think we probably take a slightly different view of the role of local authorities, because we are very concerned about the local authority's role and that whole range of services to children and the extended schools and the core services, et cetera. Obviously, local authorities have an absolutely pivotal role in coordinating and providing and commissioning and providing and making sure that these services are actually available, and yet, at the same time I think there is a contradiction in the White Paper. On the one hand it recognises that local authorities have that role, but at the same time it is pushing schools more and more down the independence route, and I think there is a contradiction of attention there in trying to square the circle of ensuring that local authorities have that strategic role but at the same time do not really have any mechanisms for making sure that schools, if you like, buy into some of these as their regular agenda. I mention one other thing, which is a crucial thing for us in terms of the role of local authorities, which is that removing the local authority's right to have any more community schools means, inevitably, the end of community schools, although it may take some time for that to happen. That has a crucial impact on the support staff in schools, because it means, in effect, that they are no longer employed by the local authority, and we have no mechanism there at the moment for ensuring any kind of national structures, national frameworks, national good practice, whatever you want to call it, not just on pay and conditions but a whole range of other things, including training and staff development, which we think are essential if you are trying to deliver a coordinated service that will raise standards in schools, and to do that when at the same time you are fragmenting the support staff in schools, at a time when their role is even more important in schools, we do not think makes any sense.

Ms George: Can I come in very quickly on that same point. One of the things that the White Paper totally ignores is that the local authority is not just a commissioner of services, it is a provider of services to schools and a very important provider of services. The great majority of schools in this country are, relatively speaking, small. If we are going to end up with tiny little units, independent little units, trying to seek all the kinds of services that local authorities

7 December 2005 Mr Mick Brookes, Ms Kerry George, Dr John Dunford, Ms Sue Kirkham and Ms Christina McAnea

currently provide, and I grant you, Chairman, patchily, but nonetheless that is a different question. The question of challenge to local authorities to operate properly is something that needs to be grappled with, and I would not dispute that for one second, but how small units will then resource themselves seems to me critical, and nobody, as far as I can see, has answered the question: what happens to those schools, currently relatively small ones, community schools, who do not want to go down the foundation, do not want to go down the trust route? Where do their support services come from? Who is the employer? How far are they going to be pushed?

Q286 Chairman: How does that square with what John Dunford has just said that he sees this as an expanded role for local authorities? He is not worried about the same thing, is he?

Ms George: But John represents secondary schools.

Q287 Chairman: John.

Mr Dunford: I did not catch what you said, Chairman.

Q288 Chairman: What Kerry George has just said about “very concerned” does not seem to square with your thought that there is an expanded role. In fact, we had the LGA in last week who said that they seemed reasonably complacent.

Mr Dunford: This reads like a White Paper for secondary schools. There is really very little in it for or about primary schools and nothing about colleges, and I think secondary schools are very much up for a commissioning relationship with local authorities. I think they require much less direct support than obviously would be the case in many of the very small primary schools.

Q289 Dr Blackman-Woods: Can we move on. I would like to hear your opinions about trust schools. Do you think they are different from foundation schools? What do you think about bringing in external sponsors?

Ms Kirkham: We believe, and our members are so far indicating that they will not be very likely to take up the opportunity for a number of reasons, and principally that we do not see that there are additional freedoms to be gained by taking on trust status. I think there is also the issue that in many parts of the country it would actually be very difficult to find either charitable or business sponsorship, which is required for trust status, and, therefore, the opportunities to do that would be limited. I think also many schools feel that as they are beginning and are successfully now working collaboratively between groups of schools that taking trust status, which might limit actually your ability to operate collaboratively with the schools outside the trust, would hinder that relationship.

Mr Brookes: There seems to be evidence at the moment there is a paucity of companies wanting to support schools, and I am just concerned that this is going to place the school leadership team and

possibly the governing body with another raft of things to do in having to go out hunting for sponsors. Clearly the focus of these teams needs to be on teaching and learning and promoting the ethos of the school.

Mr Dunford: Can I say in one sentence, if the proposal for trust schools does not appear in the Bill, there will be no tears shed in secondary schools amongst secondary school leaders.

Q290 Dr Blackman-Woods: That is interesting. I was going to ask was there likely to be a difference in take-up between secondary and primary?

Mr Dunford: No.

Dr Blackman-Woods: You think not.

Q291 Chairman: Was there a question?

Mr Dunford: I am sorry the answer is no, there is no interest in secondary.

Chairman: You got the answer.

Dr Blackman-Woods: Yes.

Q292 Mr Wilson: I want to add some supplementary points to what Roberta has said. Your answer to why your members are not keen on taking up trust status is that there are no additional freedoms, or one of the answers. What additional freedoms would your members like if they had a choice?

Ms Kirkham: As we wrote in our paper, the freedom that our members would like at the moment would be freedom from repeated initiatives and the freedom to concentrate on leading teaching and learning in the school and to concentrate on school improvement within the structures that we already have.

Q293 Chairman: Does anybody else want to come back on that one?

Ms George: I think we have learnt from that one. I do not think there is a school in the country that feels any differently.

Mr Wilson: That is a negative rather than a positive reason, though, is it not.

Q294 Chairman: Are there any positives you want to come back with?

Mr Dunford: There are lots of negatives. We do not particularly want freedom on pay and conditions. Grant Maintained Schools were able to have that. Only two schools ever took it up. We do want curriculum freedoms in terms of detail but within a national curriculum framework. There are some areas where, yes, we do want freedom, but Sue is quite right, the main thing is freedom to be able to concentrate on the teaching and learning, which is our top priority, and to get away from initiatives.

Q295 Chairman: That is a pretty unanimous feeling?

Mr Brookes: Yes.

Q296 Mr Wilson: The third reason, moving the sponsorship to one side, was you said there were limits to collaboration if you went down the trust status route. I do not understand why that would

7 December 2005 Mr Mick Brookes, Ms Kerry George, Dr John Dunford, Ms Sue Kirkham and Ms Christina McAnea

stop you collaborating whether other schools had more independence than yourself. Surely, if you wanted it to, it could lead to more collaboration if you had more independence.

Ms Kirkham: Where you are working in a collaborative you have to set up some governance arrangements between a group of schools. As I understand it, if you become a trust school you might be working with a group of schools within that trust led by the trust and you would have different governance arrangements. I just worry that that actually might impede working with your closest local schools who might not be members of the trust. I have to be honest, I think at the moment, from reading the White Paper, it is quite difficult to see how those arrangements would operate, but I have some fears around that.

Q297 Dr Blackman-Woods: Can I ask a question about federation? I think we have not got quite clear from you why it is more difficult for schools to federate under the proposals in the White Paper when, indeed, trusts could bring a range of schools together.

Mr Dunford: I think there is already a considerable move towards schools working together. We have seen hard federations in some places; we have seen soft federations in other places; we have seen consortia. Sue Kirkham here is head of a school that is part of a 14–19 consortium—there is a lot of collaboration work taking place—and we fear the White Paper proposals which drive schools towards greater independence, although I think there are some questions over whether the White Paper actually does that, in fact creates a climate in which collaboration is less likely. We want to see collaboration being incentivised more by the Government. They have produced a paper called “Education Improvement Partnerships” encouraging collaboration, but it is not really being incentivised, and that is what we want to see and we do not see any of that in the White Paper, and I think that is a lost opportunity.

Ms George: Similarly, there are two problems for us. One is that federation itself may acquire a rather poor reputation if one of the things that does happen is that schools that are failing are required to federate. I am not sure quite how that is going to work. We have seen what is happening at the moment is a variety of arrangements between schools which we do think are generally positive, and to allow that to continue is one thing, to begin to require it to push those things is another matter altogether. It is not clear to us either that there will be collaboration between collaborations, and, quite honestly, that actually is also needed.

Mr Brookes: Yes, just the difference between collaboration, and we should celebrate what is happening in the country at the moment and many schools do collaborate around the country. In terms of federation, I am very concerned about what may be lurking behind some of the words in this White Paper, which is the future role of the head teacher,

particularly at primary, and I am concerned that proper consideration should be given to that key role in raising standards.

Q298 Jeff Ennis: On this specific point, we have had organisations like the United Learning Trust, for example, who have already established an academy in a particular area, said, “We are very interested in taking over all the primary schools in the pyramid so that we have got one unique unit.” Is that not an initiative we should be welcoming in terms of collaboration?

Chairman: You are smiling, Kerry.

Ms George: It almost sounds like a local authority. The reason I am smiling is exactly that, and indeed, some of the discussions that we have had with people. I think all this is possible, and allowing schools to do the things that are best for the children they serve and best for the communities they serve seems to me to be an incredibly potent way forward. I am not convinced that what we have got here is actually doing that.

Ms McAnea: I do not think that trust schools in themselves will lead to any greater federation. One of the concerns we have, I suppose, is when we look at examples like the United Learning Trust, because we have just negotiated a new national agreement with the United Learning Trust, so in our eyes they are probably one of the better of the groups who are running academies and they at least recognise unions. Even so, having said that, one great example, John said secondary heads do not want freedom over pay and conditions and hardly any of them have taken it up, but what he means, of course, is teachers, because for support staff who are outside of community schools that is exactly what has happened. A number of schools, foundation schools, do buy into and do adhere to whatever is agreed at national and local level for support staff, but large numbers of them do not, and the United Learning Trust is an example of that where we have agreed a national set of terms and conditions with them which will apply in their schools which by and large are reasonably okay, but they have cut downs. They have cut annual leave and sick pay schemes, et cetera, for school support staff—they have increased the hours—so it has not been a totally happy experience as far as we are concerned having to go down the road and negotiate with individual companies or trusts who are doing these things, and they are making savings at the expense of support staff.

Q299 Tim Farron: Going back to something you were talking about a moment or two ago about trust schools and the amount of flexibility they all have, you acknowledged the fact that there is flexibility built in on pay and conditions. I just wonder what you think the impact of that would be on teacher recruitment, for example.

Mr Dunford: I do not think schools will use it. The essential freedoms around funding and admissions are exactly the same for trusts schools as they are for foundation schools. We do not see any real

7 December 2005 Mr Mick Brookes, Ms Kerry George, Dr John Dunford, Ms Sue Kirkham and Ms Christina McAnea

advantage to schools that want those kinds of freedoms in becoming trust schools, and that, I think, is why there is so little interest in them. On pay and conditions, I do not see any change.

Ms George: Can I add to that, the power to innovate does now allow schools to apply for disapplication or relaxation, whatever that means, of elements of pay. People have not tried to do that. Pay should be, in an ideal world, a neutral. In fact it is a huge problem for schools in all sorts of ways, and I do not think anybody wants to make it more complicated or difficult than it already is. However, in reality, I think if there were greater freedom you would get that, the sort of thing that I think you were suggesting, which is that a better off school is able to make different sorts of arrangements and to pay more.

Q300 Tim Farron: Again following up on something that you were talking about earlier on, we all seem to be agreed that there is not a lot in the White Paper relating to primary schools, but surely at least in a second-hand way there is going to be an impact upon primary schools. I just wonder if you have any thoughts about what impact that might be?

Mr Brookes: Could I ask what the second-hand way is?

Q301 Tim Farron: If we start emphasising the role of choice in secondary education, surely there is then going to be movement, for example, young people moving into catchment areas, and so on, as happens already with regard to primary schools. If the emphasis is on choice at the secondary level, even if we are not making any structural changes at the primary level, will it not change parental behaviour or schools' behaviour perhaps?

Mr Brookes: I think there is already a lot of pressure from some parents to get into particular primary schools because they then will feed the secondary school, and, indeed, changing the nature of schools may well exacerbate those problems, and so, yes, you are quite right, the knock-on effect would be down to the primary sector.

Ms George: There are some primary schools that have their own admissions arrangements now, of course. Again, I think the essence of the concern comes back to some of the things that were said in the earlier session about what are the consequences for communities and how communities work and how communities function if what you are able to do is to take what Nadine described as the pushy parent trying to get everything best for their individual children rather than that overriding concern for the community, which is the business of education.

Ms McAnea: I think the drive towards greater independence, if you like, greater freedoms for primary schools, would have an impact on things like the ability of schools to have proper training and staff development. Because so many primary schools are relatively small, they do rely, I think more than secondary schools, on local authorities in terms of getting training delivered and buying in the services from the local community, and a lot of the changes

around the re-modelling agenda in schools have a bigger impact in primary schools than they have had in secondary schools. I think we have all been aware of that, but it has had medium impact and will potentially go on to have a medium impact on primary schools and the areas of difficulty have been more likely to have been in the primary sector than in the secondary sector, and that is a drive towards, if you like, loosening the link between primary schools and the local authority. It will only exacerbate that.

Q302 Tim Farron: A different matter entirely, the White Paper and in the White Paper the Government omits to legislate to protect teachers' rights to discipline. What do you think that might be and do you welcome it?

Mr Dunford: I think the Steer Report on behaviour in schools was excellent. It was written by an expert practitioner group, we were very pleased with the recommendations, and we are delighted that the White Paper in probably its best section welcomes that report and says that it will legislate on it. Mick Brookes and I are currently on a ministerial group which is engaged in designing the legislation that you are asking about. We have not yet seen a draft of what the right to discipline is going to look like which will replace the traditional *in loco parentis* on which school discipline has previously been based. Clearly defining anything in law can make an awful lot of money for lawyers if you get it wrong.

Q303 Chairman: Could you move one of those bottles, because I think it is stopping your microphone working. We cannot hear you or see you.

Ms George: Normally bottles do not cause problems of that nature!

Q304 Mr Marsden: The White Paper says relatively little about the role of governors, but teachers can be governors, of course, and others can be governors. What effect do you think the White Paper's proposals, particularly perhaps looking at the trust schools issue, is going to have on the ability or otherwise of schools to recruit governors?

Ms Kirkham: I am not sure that the White Paper would make any difference to the ability to recruit governors. The area in which we have the most difficulty recruiting governors at present is, unfortunately, recruiting parent governors, and I think that is an interesting statement on the desire of parents to be involved, but most schools do work very hard to try and overcome that. I think we are disappointed to see that, if we are to have trust schools, one of the biggest differences in trust schools seems to be that they will only have one parent governor. Although it is difficult to recruit parent governors to school governing bodies, we do generally believe that it is very good thing to have them there. The other point about governing bodies at the moment, which the White Paper does not quite seem to recognise, is that through our new Ofsted arrangements, for example, we are already obliged to seek the views of parents, of pupils at our

7 December 2005 Mr Mick Brookes, Ms Kerry George, Dr John Dunford, Ms Sue Kirkham
and Ms Christina McAnea

schools, we are obliged to report through our self-evaluation form on how we do that, and so our parent governors and the other governors really do take account of those views already; and because, as you have mentioned, the governing body represents both the local business community and other areas of the community and the staff at the school, it is the best way of getting a broad view of people to assist and to support the leadership of the school?

Mr Brookes: What I think will adversely affect recruitment of governing bodies will be the setting up of parent councils, and I am not quite sure how governing bodies will feel about this group operating, I guess, in between themselves and the school. It is difficult recruiting governing bodies, and I think sometimes people forget that these people are volunteers.

Q305 Mr Marsden: John Dunford, you talked about the White Paper increasing the role of local authorities, but we have heard other concerns here this morning about how people are actually going to cooperate. I would like to ask you, what are the specific mechanisms that you see in the White Paper that will promote the sort of sharing of good practice and what is the role of local authorities in that?

Mr Dunford: I do not really see the White Paper as taking this collaboration and federation agenda further forward. I think we saw in the policy paper on Education Improvement Partnerships last year, and to a certain extent in the five-year strategy that the DfES produced last year, a clear vision of a collaborative way forward for schools. In my school improvement model, as it were, you have schools getting together mutually supporting each other and the local authority joining in, and there are models in local authorities such as Knowsley, for example, where you have got real commissioning of school improvement from the local authority to the schools and then the local authority engaging with the schools and supporting them. Some kind of vision of that level and type of support and mutual support for schools and collaboration, I think, is missing from the White Paper.

Q306 Chairman: John, just to tease you out on that a little, you have had a lot of resources and you have had a lot of encouragement to tackle this. You talked about a model, but surely you understand the Government wants the 30% of under-performing schools, including students who do not get a really good deal out of the education service at the moment, they want to push on to make sure those 30% do, but your members are not delivering? Why have you not been doing it?

Mr Dunford: First of all, I reject your assertion that our members are not delivering.

Q307 Chairman: Well, someone is not delivering. Whatever the model, someone is not delivering.

Mr Dunford: You are interpreting the chief inspector's report in a rather different way than I am, because I think the secondary schools are delivering

and I think part of the problem is that people continue to assert, without adequate evidence, that we are not delivering. I just do not think that is fair.

Q308 Chairman: The drop out of kids at 16 who we know succeed with no qualifications and little interest in education seems to be quite a condemnation of what is happening some schools.

Mr Dunford: I do not think there is anything in the White Paper that will help us with that.

Q309 Chairman: That is what I want to get at.

Mr Dunford: Exactly.

Q310 Mr Marsden: Can we come back to the question of cooperation, John, and can I ask you a quick supplementary on that? You say you do not think there is anything in the White Paper that is going to promote it. Do you have any concerns that the role of the schools commissioner, which we have discussed previously in this session, may inhibit it?

Mr Dunford: In the part of the schools commissioner role, which is supposed encourage schools to become trust schools and become more independent from other schools, I actually think he or she is going to have rather a difficult job because the people just are not looking for that opportunity. In the part of the schools commissioner role which is about getting local authorities into a more commissioning role with schools, if they are talking mainly about extended school services and so on, that is one area. If they get into school improvement, which is what they are talking about here, then I think there is a real role for local authorities to play in school improvement partnerships, but certainly in the secondary sector those partnerships are likely to be led by the local group of schools, and that is actually happening in some parts of the country already.

Q311 Mr Marsden: Kerry George, would the role of the schools commissioner in the way John has described it be easier to fulfil if that person was not a career DfES civil servant?

Ms George: Most things are easier to fulfil if you are not a career DfES civil servant, I suspect, judging by some of those that I have spoken to at various times. The difficulty with the commissioner role is the conflict within it, and I think everybody has identified that, on the one hand the promotion of a particular form of schooling and on the other hand some of the issues around parental power and so on. If it is going to be delivered and if it is going to be delivered in terms of the kind of respect that the role will have to have if it is going to challenge local authorities to do all the things that we hope they could do, then I think it is going to have to be someone who has enormous respect from the profession, and, with the greatest of respect to civil servants, I am not 100% sure that that would necessarily be the right place to draw from.

Q312 Mr Marsden: Would the role best be fulfilled by Ofsted?

7 December 2005 Mr Mick Brookes, Ms Kerry George, Dr John Dunford, Ms Sue Kirkham
and Ms Christina McAnea

Ms George: I think that is one I might defer to my general secretary.

Mr Brookes: I think Ofsted have a wide enough role already, I would have thought, but Kerry is absolutely right. If there is to be such a person then this person does need to command respect from the whole school community not just the school itself.

Q313 Chairman: So you would like someone who is a bit of a push over rather than someone who would annoy you?

Mr Brookes: I think the key thing, Chairman, is having somebody who understands how schools and communities work—it is that resonance that we need in schools—and if this person is going to be a champion of those school communities, particularly the school communities you are referring to that really do struggle to raise high educational standards, there may well be a role here.

Q314 Chairman: Is not the reason the Government is inserting this role where was pushing John Dunford earlier: you have had money swishing around in the education sector for the last eight years, you have been given much better paid teachers in the system and yet, you can see the view from Number 10, you still have not delivered for 30% of the kids who go to school in the morning. Surely that is the reason that this White Paper has been introduced, and what I am trying to get out of you is, firstly, what you would put in its place and how you would improve the White Paper?

Mr Brookes: If I could take up the specific point about funding, and there is no doubt that people do appreciate that more people are working in schools, there is better ICT provision and school buildings are in a better condition, but in the paper itself, in chapter one, it talks about a 29% increase in per pupil funding over the past eight years, which is about 3.6% a year, if my maths is right, which is just above the teacher pay levels. It also talks about the increase from 35 billion to 51 billion between 1997 and 2004, which is 45.7%. There is a big difference between the money that has gone per pupil and the money that has been spent on education, and we think that more money needs to get into the classroom. In this White Paper more money will be going outside the classroom and into a super-structure, and that, I believe, is wrong. For looking at how you raise standards in the toughest communities, there are two things that need to be taken on board, and, indeed, the community that I was working in until last year, one is low expectation of parents and the phenomenal progress that pupils have made in the primary sector, as well as the secondary sector, so that many children at nine and 10 have better skills at literacy and numeracy than their parents, and it is raising that expectation within the community, and getting at that will not happen by some of the rhetoric that is in this document.

Q315 Chairman: Choice advisers are rhetoric, are they? They are an offer of having a particular group of people helping the people you have described with their school choice. That is not rhetoric.

Ms George: I think the difficulty with choice advisers is, first of all, how real is the choice in any event? Secondly, will those choice advisers get to the parents that people have talked about before who are the ones who are the least likely to engage with the system? In terms of how all of these things might ultimately be achieved, I think one of the recognitions of the *Every Child Matters* agenda is that schools alone cannot do it, and it would be crazy to imagine that they could. One of the concerns we have with the White Paper is the lack of clarity between the White Paper and the ECM agenda and where those things might cut across each other rather than supporting each other. Having spent a bit of time with an extended school which came, as it were, out of nowhere long before they were popular or fashionable, the first thing that a head actually said to me was that there is no point being an extended school and there is no point in delivering services unless, first of all, you have got good parents and you have found what it is that they want, what it is they want from you and what it is they actually need from you; and, interestingly enough, to the surprise of all the heads sitting in the room, when the parents were asked the first thing they wanted was classes in cookery, which is quite interesting, but it got them in the school and it got things starting to happen. That ECM agenda and this agenda must work in parallel. They cannot cut across each other.

Ms McAnea: I think there is a missing link somewhere in the White Paper, which is that there is an assumption that somehow the commissioner or the choice advisers will tackle that 30% of under-achievers. There is no evidence to support either of those people or those categories of people will actually be able to do that. It just seems to be, as I think somebody said in one of the earlier sessions, there is some really good stuff in it about more personalised learning, more support for parents, et cetera, the *Every Child Matters* agenda, and then, if you like, the next step as to how you do that, because there is something missing in there somewhere.

Chairman: Funnily, the person that said that actually said the sensible bit had been written in the Department for Education and Skills.

Q316 Helen Jones: That is exactly the issue I wanted to take up with you. The White Paper envisages no new community schools, and yet at the same time the Government's agenda is the *Every Child Matters* agenda, *Extension of Schools*, and so on. What in your view would be the effect on the whole of that agenda if schools each become their own admissions authority, move towards becoming independent, and so on? Christina, you have got a lot of people working across all these areas.

Ms McAnea: I think there is a complete contradiction in the White Paper, but there are tensions, if you like, in the White Paper, which is that

7 December 2005 Mr Mick Brookes, Ms Kerry George, Dr John Dunford, Ms Sue Kirkham and Ms Christina McAnea

on the one hand the Government wants to have this wider agenda on what they want to do on that. Getting back to something that was said earlier about how would you tackle some of these things, the evidence is that one of the key ways that you tackle disadvantage is to get to children and their families as early as possible and not wait until they are in secondary school before you try and tackle these things.

Q317 Chairman: Surely the Government has been doing that with SureStart and pre-primary schools.
Ms McAnea: They have been, but SureStart is still relatively new and it is still not being rolled out everywhere across the country. It is still a fairly limited programme. The comparison that has been used in some of the recent evidence that has come out I am not sure is actually apples and oranges rather than comparing like with like. I fully support what the Government have been doing, and that is trying to put resources into that, and I think that is one of the key things that has to be done, and I think just simply bringing in structural changes as is in the White Paper will not do. We do have a major concern that the thinking around *Every Child Matters* and how you deliver that still feels very woolly to me, even though I have been to lots of meetings with ministers to discuss this, because, as Helen said, Unison, we cover social care staff, health staff, so we have a very big interest in this and there are a lot of people who are active in our union who are very concerned about this, and the thinking still seems incredibly woolly. If you are looking at the drive towards making schools more and more independent and separate from local authorities and from that community involvement, the example I would refer to is to look at what happened in FE after incorporation in 1993, or whenever it was, and that is 5–10 years after incorporation when the FE sector, I think, went slightly mad in that lots of colleges were all competing with each other and it did not do anything to improve standards, it did not do anything to improve the chances of those people entering FE, and that is my worry about this drive towards independence.

Ms George: I am grateful that FE has been mentioned, because one of the things that we mention towards the end of our written submission to you is the Foster Report, and certainly one of the things that fascinated me is that clearly Foster had had the benefit of the White Paper thinking, but it did not look to me much as if the White Paper had had the benefit of the Foster Report. The learning curves that we ought to be able to get from looking at our experience in all sorts of sectors again appear to me in some senses not to be being joined-up. So, Foster, yes, huge problems for colleges actually when they incorporated they suddenly had massive increases in overheads, they had all sorts of difficulties, they were putting money into the back office rather than the front-line—I think that is the kind of correct Gershon terminology—and there are risks here for that as well. But to come back to the *Every Child Matters* issue and the joining up of all

these things, one of the things that I do not think the Government has succeeded in doing is getting many schools to understand very clearly what that joined up big picture is. As Christina says, people like us have been attending meetings about this for the last couple of years or more, and if we are still, at the end of it, not as clear as we might be as to how all these things are going to work, how on earth do you get schools to understand that? If you want to look at some of these things working properly, Lorraine Mansford's School in Hammersmith has got speech therapists on site, has got a nursery on site, it has got everything imaginable on site. It is a real community centre. As far as we are concerned, that has to be the future and it has got to be the way that you tackle that 30% under-achievement to get in there.

Chairman: We will await an invitation.

Q318 Helen Jones: I want to ask what I asked earlier about the White Paper's plan to allow parents to set up schools where the presumption is with the parent. I think that is the important bit in the White Paper. Who, in your view, should a local authority have to consult before it happens? The White Paper says and the answers I have had say the local authority must decide if there is support for such a proposal. Who should be consulted to measure that support, and do you have a view on who might take up that opportunity? Which parents, in other words, would be likely to want to set up schools?

Mr Dunford: I think there would be very few parents in a position to take up this opportunity, and I do not think we shall see very many of these schools at all.

Ms McAnea: I think it is a bit of a charter for middle-class parents, to be honest. I agree with John; I do not think there will be a mad rush to do it, but, if it does, that is exactly what it will be: it will be in areas where it is predominantly middle-class parents who push for these things.

Mr Brookes: The only incentive that I can see is that it may attract parents wishing to set up faith schools.

Q319 Helen Jones: What about the consultation? Who do that you think should be consulted on such a proposal?

Mr Dunford: The school organisation committees are being disbanded and those powers, quite rightly, given to the local authorities. That is fine because the local authority should be the strategic body that decides on the need for local school places. Therefore, the answer to your question has to be everybody who is affected by local school places: the local authority should consult local district councils, should consult all other local schools in the area—that is obviously crucial—governing bodies of other schools should be able to take a view, and so on, the widest possible consultation.

Q320 Helen Jones: A different topic. I want to ask you about personalised learning. We have heard a lot about support for personalised learning, but I would like to ask, firstly, what do you consider needs to be set up in terms of continuing professional

7 December 2005 Mr Mick Brookes, Ms Kerry George, Dr John Dunford, Ms Sue Kirkham
and Ms Christina McAnea

development to deliver that both for teachers and for support staff, and how do you stop personalised learning becoming a way of, if you like, sending the most challenging children into the least academic options? The assumption is that because they are challenging sometimes they are not right. We all know that is not the case. Would you like to comment on that?

Mr Brookes: Personalised learning, of course, is already happening, and every child that has not just a statement of special needs but has special educational needs has an individual education plan, which is what personalised learning is, and that concept is already in there, but widening it to another group of pupils is interesting. Of course, with the individual pupil tracking that there is now available to schools, in a sense every child has a personalised learning agenda because you are able to predict where children should get to. In a sense this is something that is already happening and is embedded in schools, but perhaps it needs to be expanded, and I do not know whether that would be at secondary level.

Q321 Helen Jones: I would be interested to hear from the secondary heads particularly about what training they think is needed for teachers in secondary schools. I keep saying this, but as an ex-head of English I am not very good at deciding why a child cannot read because I work with a secondary school and that is not my skill?

Ms Kirkham: I was going to say something very similar to Mick. Personalised learning really is about every teacher having an individual plan for each child in the classroom. It is very, very hard. In an ideal world a teacher goes into every lesson, and you have to remember that in most comprehensive schools a teacher will be meeting 30 different children every hour during the day: they need to be aware of the child's prior attainment, their preferred learning styles, their special needs, everything about that child, and then they have to plan their lesson so that every single child in the room will be able to learn, and, at the end of the lesson, they have to be aware of how much learning has taken place. That is a huge order, I think. That is the ideal, and it is helpful sometimes to take out small groups and to give children individualised learning, but real personalised learning will only take place when that is happening in every classroom; and as well as professional development, for which the agenda is huge, it is also a huge question of time. I think we are moving towards that with teachers having planning and preparation time, but, to be honest, I think teachers still need more time, they also need the time to work with the support staff who are now working with them and assisting them in that agenda to be able to plan.

Ms George: The School Teacher Review Body Report has just made recommendations about CPD for teachers. The issues around training and development for support staff and teachers, everybody who works in the school, are huge: because if you are not actually involved in that

understanding of how children learn and so on—I never taught reading either, so I have got huge sympathy—

Q322 Helen Jones: No, the way I can go and teach James Joyce to sixth-formers without batting an eyelid, but if you ask me about child distribution I do not know.

Ms George: That is right, but if it is going to work—and I do not have any illusions about this—it has got huge resource implications because it is not simply about providing extra bodies it is about providing time, and, as far as support staff training is concerned, forgive me, Christina, if I am saying the wrong thing here, but there are too many fingers in too many pies. The clarity as to where any of that sits in the focus that, for example, TDA needs to have and other bodies need to have that are involved is huge. At the moment that area is very messy indeed, because I think what was said earlier is right: there has been far too much—. No, there has not. There has been focus on teachers and not looking at the whole school community until relatively recently, and it is that whole school approach that has got to be looked at.

Ms McAnea: I think all schools require a decent range of adults in the class, in schools, and a wider range of staff other than teachers are going to be involved in developing their own personalised learning. One of the key problems we have got, notwithstanding the comments Kerry has just made, is that there is still not a culture of a whole school approach towards CPD in schools, and the studies that we have done have shown that the teaching assistants who get the best training and the most training in schools, that is up now to 20 hours per year, so we are not talking huge amounts of training here being available to teaching assistants, who are the ones who are often involved in a lot of the stuff that Sue has referred to about more personalised learning, take children out, one-to-one, et cetera, the discipline and behaviour issues, and for other staff other than teaching assistants it is far less than that. Over 50% of the staff other than teaching assistants do not have any kind of training discussion with their managers, over a third of teaching assistants have no discussions with their managers about their training needs or do not have a training plan.

Q323 Chairman: Who is that down to, Christina? That sounds appalling, but who is it down to? I would have thought if you had a decent head, if you had leadership in a school, you would have those needs looked at on a regular basis. What is at the heart of that? Is it the responsibility of the people you represent, the heads, not doing their job? We had a famous head on Monday tell us that he thought it was a disgrace that once you were a head you did not have to do any more training for the rest of your career. Is that the problem? Why on earth does not someone running a school talk to every member of staff in that school about their training needs?

7 December 2005 Mr Mick Brookes, Ms Kerry George, Dr John Dunford, Ms Sue Kirkham and Ms Christina McAnea

Ms McAnea: I agree with you. I do not want to cast blame or not on other organisations, but it is very much a cultural thing. I go to meetings where you say to people, and the head teacher is in the room, “How many staff do you employ?”, and they say, “20”, and you say, “What, in a school your size?”, and they say, “Oh, I have got 18 support staff”, but when you say, “How many staff do you employ?”, they say, “20”, because they mean 20 teachers, and it is still very much cultural thing. We have been trying get schools to think about the whole school staff team. Some schools are doing it very, very well, but there is still a huge chunk that do not.

Mr Dunford: I think on the professional development front we are seeing a process by which performance management gets tied more clearly in with the professional development agenda, and I think that is very important, particularly in the context of personalised learning; and I am not just talking about teachers, I am talking about support staff also, because I think most secondary schools have made the change in culture that Christina has just referred to, because if I ask people how many staff you have got, I am more likely to get an answer, “112” or “250” or whatever instead of “30” or “40” teachers. But I want to distinguish between personalising learning and individualising learning, and I think when government ministers first began to talk about personalising learning they deliberately said to the profession, “We are not going to define what we mean by that. We want the education public service to be more personalised for the youngsters who receive it and for their parents”, and as an organisation, the Secondary Heads Association has worked with the specialist schools trust in developing that concept of personalising learning; and by that we are not talking about one-to-one tuition, individualised learning, we are talking about different styles of learning; we are talking about assessment for learning, we are talking about teaching children how to learn to learn, giving them more empowerment over their own learning, we are talking about schools listening more to the student voice and therefore students being able to have more of a say in the way in which schools are organised as well as using the new technologies, reforming the curriculum, workforce reforming, mentoring and coaching, again predominantly using support staff rather than qualified teachers, is another way in which you can personalise learning. We have run training programmes for head teachers, and they have been very well taken up.

Mr Brookes: That sounds very much like a primary model of education happening in secondary schools, so that is helpful. Can I say, one of the things we might look at across the piece is the number of schools that have Investors in People. Of course, you do not get Investors in People unless you do consider your whole staff. My reckoning is that a large number of schools get Investors in People status and do not actually touch the sides. I am not sure how valid some of those things are.

Q324 Chairman: You question the value of the IIP’s badge on the front?

Mr Brookes: Yes, but it is the process that counts, of course, not the badge.

Q325 Mr Wilson: In our previous session we had some very interesting questions about choice and quality, and I would like to return to that. One of the people giving evidence said, “Government should concentrate on making every school a good school.” Do you agree with that statement? Do you think that is the way forward?

Mr Dunford: Yes, I do, but I think that, first of all, there is not parental choice, there is parental preference, and I think we should stop talking about choice. Choice is not wholly politically good, in fact. If you look at the way in which choice has made it very much more difficult for secondary schools and primary schools to work together to create a continuous curriculum for a group of students in a particular area, then choice has not helped in that respect. If you look at the way in which we are going to have to develop as extended schools, that is going to require much stronger links with your local community. What community do you serve if you have got children from 20, 30, 40 different primary schools?

Q326 Mr Wilson: Following on from that, should there be any choice at all between schools and areas or should parents be forced to send their child to the local school?

Mr Dunford: I think there should be the capacity for parents to express a preference, but I think if you go along the “every school a good school” model, which I very much support, a higher proportion of those will choose their local school.

Q327 Mr Wilson: So that is not much of a choice at all?

Mr Dunford: It is plenty of choice, but you exercise the preference for the school you believe to be right for your child, which is that school that serves your local community.

Q328 Chairman: The frustration is that more middle-class well-heeled families travel a long way, and they do exert a great deal of choice: because they are more mobile, they have their own vehicles, they have greater knowledge. Is not part of this White Paper trying to redress that balance?

Mr Dunford: The White Paper does not change the role of the admission forums, it does not change the role of the schools adjudicator, it does not change the freedoms that foundation schools have, which will be the same as trust schools, nor of community schools. I do not actually see any real change on admissions coming through this White Paper.

Q329 Mr Wilson: I think we are going to deal with admissions in a minute. One of the other statements this morning was that they believed that money should be targeted at disadvantaged

7 December 2005 Mr Mick Brookes, Ms Kerry George, Dr John Dunford, Ms Sue Kirkham
and Ms Christina McAnea

schools rather than driving the choice agenda forward. Do you agree with that as the way forward?

Mr Dunford: That is, in fact, happening with the way in which school funding is being targeted, and the 335 million and the 60 million which is referred to in the White Paper as a support for personalised education is actually going to be targeted on schools that need it most.

Q330 Mr Wilson: Is that a better solution than choice to the problems that schools are facing?

Ms George: Can I come in. I do not think that this business of choice is anything much more than a chimera for an awful lot of people. It is an urban result. It is a London thing. I know parents in London who bus their kids, tube their kids across London. I can take you to places in the country where everybody comes in from 15, 20 miles' distance because it is the only secondary school there is. It is an illusory thing, this idea of choice, and I think that one of the things that was said earlier is the risk of disappointing people who think that they are going to get access to choice that is not real is quite considerable. I do not think in a sense at the end of it you are saying that the two things are completely in conflict with each other. I would not say to any parent, "You must send your child to X school." I want the great majority of parents not to think it was a big issue, because the great majority of schools were providing an education that was perfectly good enough, and I am not using "perfectly good enough" in any sense to suggest coasting—a risky term—but it really should not be that kind of an issue. It is almost akin to saying would I rather have my health checked in Brighton or somewhere else.

Q331 Chairman: What do you say to the parents that know from all the ways you can know that the school they are likely to send their child is to an under-performing schools, a school that may not deliver a good education to them? What do you say to that person? Do you say, "Under the White Paper which may become the Bill, the other school down the road, which is a better school, is going to be allowed to expand"? Is that not a way to look at it?

Ms George: It might be a way to look at it, and the federations and the collaborations that we have talked about might also be a way to look at it. It has always seemed to me that one of the best places to find good practice is within the system and what has not been too brilliant is spreading the good practice in the past; but if you go back to some of the reasons why, if you go back to the early days of the nineties and the whole business is schools being competitive establishments who were supposed to be battling with each other. The solution has got to be about collaborative working and it has got to be about the spreading of good practice.

Q332 Mr Wilson: I think we have got as far as we can with that. Can we move it slightly along? What evidence have you seen, any of you, which suggests that parental choice actually helps to improve standards in schools?

Mr Dunford: I think one of the problems with the White Paper is that it is not based in evidence, and I think that we have heard a lot of rhetoric about parent power, which I think is very disappointing. We want to see a more serious engagement of parents with the learning of their children. We accept that schools need to, in many cases, improve the information flow to parents. That is not about parent power, and I do not actually think parents want parent power either.

Mr Brookes: In order to help parents make those choices, they need information which is accurate and clear, and this notion that there can be no schools with poor results that are good schools, which is being put about recently, is an incorrect one. There are schools that really strive to raise standards of education in communities and Ofsted says are good schools with poor results. Unfortunately, parents tend to look at results first and the detail second, and I think that is wrong.

Q333 Mr Wilson: So you think parents need more information. No more power.

Mr Dunford: I think that parents need the assurance, if the local school is not doing well, that proper support systems are being put in place to help the school. That is why I said what I said earlier about a better balance of pressure and support on schools that are not doing well.

Q334 Mr Wilson: Who is currently not providing the information that parents need. You are saying parents need more information?

Ms McAnea: At the moment, as somebody has said, most of them go on league tables, they do not go really on anything else. Although there has been this attempt to do the value-added bit and the league tables, it is still a very narrow definition of what a good school is as opposed to giving them information about some of the wider things that go on in the school community. It has been said, the whole choice thing is a bit of a myth in a sense in that in any of the surveys that have been done, and there have been lots of surveys done, and we have done, if you like, attitude surveys among the public to show that what people want is a decent and local school. They do not want to choose to send or want to send their kids miles across London.

Q335 Chairman: Lots of parents do. Lots of parents choose to send their children to Eton.

Mr Dunford: Not a lot.

Ms McAnea: 7% of the population choose to send their children to private schools.

Q336 Chairman: We picked up people who were going to Slough to school from Tottenham.

Ms McAnea: I am not saying it does not happen. It is very much a London South East problem, I think.

7 December 2005 Mr Mick Brookes, Ms Kerry George, Dr John Dunford, Ms Sue Kirkham and Ms Christina McAnea

Q337 Chairman: No, there are plenty of us in Leeds and Huddersfield and other places who know that children basically choose to go up the valley away from the town centre. It is a phenomenon right across the UK. You cannot deny that surely.

Mr Dunford: And in the main they get their choice. The vast majority of parents who exercise a preference get that first preference.

Q338 Mr Marsden: On the back of your comments, can I ask John and Sue, do you agree that this White Paper is too driven by a London centric and a middle-class London centric approach?

Ms Kirkham: Yes. I am a head teacher of a comprehensive school in Stafford in Staffordshire and I have to say that I and my colleagues locally would not recognise the sort of discussion that you have just been having. We find that most parents actually want their child to go to their local community school; they have really welcomed the Extended School agenda, lots more family activities going on. My school, for example, is already open from 8.00 am until 10.00 pm. I will go back to the point about collaboration and give you an example. Within Stafford we are working very collaboratively. We now have a collaborative 14–19 curriculum, so all the parents know that if their child goes to any one of the secondary schools at 11, in the sixth-form, for example, they will be able to access any courses in any of the schools. Schools have different specialisms, and so they are making that choice, I think, quite deliberately that they want the local community school and they want to have access to that wider curriculum as the child becomes older, and they are aware that they can get that within the current system of community schools.

Q339 Mr Wilson: Coming back to Christina, you did say that choice at the moment is largely a myth. To a large extent I would agree with you, at the moment it is largely a myth, and that is because local authorities have been filling surplus places. If we could create surplus places, additional capacity, then choice could become a reality but it would involve additional cost. Do you feel that would be appropriate to take on board that extra cost so that we could have additional choice in local education areas?

Mr Dunford: No, I think that is an extremely bad way of spending the education budget.

Ms McAnea: I said before, if all you are doing is just expanding good schools—and there is the definition of what is a good school as opposed to other types of schools—who will manage that process to make sure that there are enough places out there to meet, not just the choice but the preference of individual parents and make sure that their children are actually being able to go to a school that can deliver what they need as opposed to somebody just picking a school based on how well they do on GCSEs, et cetera.

Q340 Chairman: The last little bit now right across the piece very briefly, what would you put into the White Paper and what would you definitely take out?

Ms Kirkham: I would take out trust schools and I would put in more emphasis on collaboration and follow-on from the education improvement partnerships with more incentives to collaborate.

Mr Dunford: Those would be exactly my two.

Ms McAnea: I would take out trust schools and I would put in some sort of national structure for school support staff, which at the moment they do not have.

Mr Brookes: I would take out the derogatory language and I would put in ways to direct funding into the classroom.

Q341 Chairman: What derogatory language?

Mr Brookes: “No longer will it be possible for any school to hide its low or mediocre standards or to argue that parents should not play a fundamental role in their child’s education.” That is a complete travesty.

Ms George: I think trust schools are obviously the favourite for being removed, so I am happy to go along with trust schools as well. What I would like to see in there is a complete look at education, a look across the piece. I would like to see not just a sector approach but actually looking wider. I mentioned the Foster Report earlier. I think if we were to exploit all the resources we have throughout the education system in a collaborative fashion we might have some decent chances?

Chairman: In the spirit of cooperation you are going to go away and write your alternative White Paper! Thank you very much for your attendance. I am sorry we have rattled through it but I thought we had a good session. Thank you.

Monday 12 December 2005

Members present:

Mr Barry Sheerman, in the Chair

Dr Roberta Blackman-Woods	Helen Jones
Mr David Chaytor	Mr Gordon Marsden
Mrs Nadine Dorries	Mr Rob Wilson
Jeff Ennis	

Memorandum submitted by the National Governors' Council

1. BACKGROUND TO THE NATIONAL GOVERNORS' COUNCIL

1.1 The National Governors' Council (NGC) is the main representative body for school governors in England. The members of NGC are independent Associations of governing bodies in two thirds of the LA areas in the country. NGC seeks to represent the interests of all school governors and governing bodies in all phases and types of school.

1.2 Members of NGC and the National Association of School Governors (NASG) have recently taken a vote to merge. The merger will take place early in 2006. This will mean that there will be just one organisation representing all governors, the National Governors' Association.

2. CONTENTS

- 2.1 Summary (Paragraphs 3–3.8)
- 2.2 A School System Shaped by Parents (Paragraphs 4–4.10)
- 2.3 Choice and Access For All (Paragraphs 5–5.7)
- 2.4 Personalised Learning (Paragraphs 6–6.1)
- 2.5 Parents Driving Improvement (Paragraphs 7–7.2)
- 2.6 Supporting Children and Parents (Paragraphs 8–8.3)
- 2.7 School Discipline (Paragraphs 9–9.2)
- 2.8 The School Workforce and School Leadership (Paragraphs 10–10.4)
- 2.9 A New Role for Local Authorities (Paragraphs 11–11.3)
- 2.10 Conclusion (Paragraphs 12–12.1)

3. SUMMARY

3.1 NGC welcomes those elements of the White Paper that focus upon teaching and learning. Individual information on pupils will enable schools to move forward with the personalised learning agenda.

3.2 It is interesting that the White Paper centres on parental involvement and influence in school decision making, but the majority of the proposals for schools will rest on the decision of the governing body. It is the governing body who will decide whether to apply for foundation or trust status and who would publish proposals to expand or adopt a sixth form.

3.3 While NGC is pleased to see that the Government has recognised the importance of ensuring that governors receive appropriate training we believe that induction training should be made mandatory.

3.4 It is the proposals that all schools should seek self-governing status and in particular become Trust Schools that give rise to most concern to NGC. We do not believe that encouraging all schools to become autonomous will have the desired effect of encouraging collaboration and co-operation. Indeed we think that it could have a detrimental effect upon the delivery of the *Every Child Matters* agenda.

3.5 NGC supports the stakeholder model of governance in which all key local stakeholders have representation on the governing body. We are concerned that the proposed model for Trust Schools will enable the Trust to appoint the majority of the governing body. This will reduce the influence of parents as well as other community stakeholders, and the accountability of the governing body for the standards achieved by the school to parents and the community.

3.6 It is difficult to see how local authorities will be able to carry out their strategic planning role if all schools are their own admission authorities and are able to expand and add sixth forms at will. The loss of community assets if all schools become "self-governing" is also a matter of concern. While safeguards will

be undoubtedly put in place to ensure that local authorities do receive some compensation if school sites are disposed of in future, this is not the same as the local authority being able to manage its school estate strategically.

3.7 One size does not fit all. The White Paper has a very urban metropolitan feel to it and seems to offer very little for rural communities. There is no evidence provided as to why it is thought that the changes proposed would, in a rural setting where many schools are community schools, improve the teaching and learning outcomes in these schools. Parents in urban settings may have limited choice of school, but in our rural communities for very practical reasons there is often none. In these areas more than one secondary school would be unsustainable so the offer to parents of additional provision is an empty one. The offer of free transport to the three nearest schools within a two-six mile radius can offer no benefit in areas where very many children are already travelling more than six miles to their nearest school.

3.8 Innovation—the ability for schools to innovate is already available in the system and it is difficult to see why schools should need to change their status to take up these opportunities.

4. A SCHOOL SYSTEM SHAPED BY PARENTS

4.1 Evidence clearly shows that when parents take an interest and get involved in their children's learning levels of achievement are raised. What is less clear is that parents wish to be directly involved in the running of schools.

4.2 *Trust Schools*

4.2.1 The White Paper says that “parents will welcome proposals for schools to acquire Trusts which are focused on driving up standards creating new opportunities for children”. Yet no evidence is provided about why Trusts will more effective in driving up standards than schools without Trusts. Likewise the comment that Trust appointed governors will bring “drive and direction” to schools. Governing bodies already have the ability to appoint additional governors and there is no evidence that Trust appointed governors will be more dynamic than other governors. Indeed in many ways this is an insult to the hundreds of thousands of school governors already out there helping to drive school improvement forward.

4.3 *Self-governing Schools*

4.3.1 No evidence has been provided to demonstrate that the vast majority of existing community and voluntary controlled schools wish to take on the additional responsibilities that foundation, voluntary-aided or Trust status would bring. Even before the streamlined route to foundation status was introduced schools could, if they wished apply, to take this route. There is no evidence that schools failed to opt for foundation status because of the bureaucracy of the process; it is far more likely that they had no interest in the additional responsibilities and valued the support of the local authority. A great many community schools see their buildings as a local, not an individual, asset and believe that ownership should rest with the local authority.

4.3.2 The only advantage of being the admission authority of a school is to change the existing admission arrangements. It is difficult to see how 23,000 admission authorities will make the system simpler for parents to navigate, or enable local authorities to carry out their responsibilities for strategic planning. Since popular schools will inevitably be over-subscribed, it will be the schools choosing the pupils, and despite the non-statutory guidance, may be tempted to discriminate against difficult to teach pupils, thus reinforcing existing inequality.

4.3.3 It is not clear why it is an advantage for the Trust to appoint the majority of governing bodies (paragraph 2.20). This suggests that voluntary controlled schools are currently not as effective as voluntary-aided schools, but no evidence is provided to support this assertion.

4.3.4 NGC supports the stakeholder model of governance. In the vast majority of state schools parents are entitled to one third elected representation on the governing body. The local authority, staff and community also have statutory representation. We have serious concerns that allowing a Trust to appoint the majority of the governing body would reduce truly local representation on the governing body. It is not clear what benefits there would be to a school of setting up its own Trust. Paragraph 5.21 states that Trust Schools must still have one third parental representation, but this will not be all elected representation, it will be Trust appointed representation. While this mirrors the current regulations for voluntary-aided schools, the Trusts at these schools have generally long-standing links with both the local community and the school. The fact that Trust Schools will have a duty to promote community cohesion seems to be recognition of the fact that they may have no roots in the local community.

4.3.5 It also seems extraordinary that a White Paper that seeks to strengthen the parental involvement in the decision making process should promote Trust Schools in which elected parental representation will be reduced. Trust schools will be the only type of institution at which Parents' Councils will be compulsory because the strength of the parental voice on the governing body will be reduced. Parents' Councils will not have decision making powers and it is difficult to see how decreasing independent parental representation on the governing body will increase their influence on school policy making.

4.4 There are very many high performing community schools and NGC does not support the proposal that no new community schools will be established.

4.5 Academies

4.5.1 NGC is concerned that the Academies programme is being used as a model for the governing bodies of Trust Schools. The governing bodies of Academies do not follow the stakeholder model of governance and may have little local accountability. Where academies are replacing institutions which have consistently failed to provide an acceptable standard of education for their pupils then there is some acceptance within NGC membership that the governing bodies of those institutions may need to follow a different model. However, many of the proposed additional academies will not be replacing failing schools, but will be brand new schools to cater for additional places or replacement schools under the Building Schools for the Future programme. In these circumstances NGC can see no justification for a model of governance which does not follow the stakeholder model. It is also the case that at academies parents are only entitled to one place on the governing body, which does not provide the parental body as a whole with a strong voice in school policy making.

4.6 Parental Demand For New Schools

4.6.1 It is entirely right that parents should be able to express satisfaction or dissatisfaction with the standard of schooling on offer to their children. NGC looks forward to further information about what level of support amongst parents will be required for local authorities to put resources at their disposal.

4.7 14–19 Opportunities

4.7.1 Like many, NGC was disappointed that the Government chose not to adopt the Tomlinson proposals. However, it is clearly important that all our young people have appropriate opportunities at 14–19 to achieve to the best of their abilities and interests.

4.7.2 We are not clear that allowing successful schools to establish sixth forms will automatically lead to a diversity of provision and greater choice for young people. We believe that there is a possibility that a proliferation of smaller sixth forms will not lead to greater choice, but will produce a number of institutions competing to provide a small narrow band of qualifications.

4.8 Tackling School Failure

4.8.1 It is clearly right that schools which are failing to provide an acceptable level of education should be the subject of intervention. The Ofsted inspection regime is a vital instrument in providing a robust and objective assessment of the standard of education provided. If the new inspection regime with its emphasis on self-evaluation is to be effective then it should not be Ofsted who are first to realise that a school is under-performing. The Head teacher, senior-management team, governing body and local authority all have an important role to play in monitoring and evaluating provision and putting in place a realistic development plan.

4.8.2 NGC welcomes the role for local authorities in tackling poor standards. While under-performance is clearly unacceptable we do have some concerns about the imposition of a one-year timetable for improvement. Our concerns principally stem from how “improvement” will be defined. Such a definition must not be results driven as even with an effective improvement plan it is highly unlikely that any school will see a material change in results in just one year. While local authorities must ensure that appropriate measures are in place to set a school on a road to improvement, we are concerned that placing a duty on local authorities to consider using the full range of their powers immediately could precipitate action which ultimately could be more harmful than beneficial.

4.9 While supporting the principles of the New Relationship with Schools, NGC is concerned that governing bodies may not have the same level of access to and, therefore, support from the School Improvement Partner (SIP) that they currently receive from their external adviser. This could hinder the governing body’s ability to monitor and review the performance in schools.

4.10 We will await the Ofsted consultation on lighter touch inspections for high-performing schools with interest. We are not convinced of the need to have a separate regime for separate schools, especially in view of the new short notice regime introduced in September 2005.

5. CHOICE AND ACCESS FOR ALL

5.1 We are not convinced by the arguments put forward that parents want a diversity of choice and provision. Some parents value the option of a faith school, but the vast majority of parents simply want a good local school.

5.2 It is absolutely right that all parents should have equal access to information and advice about the admission arrangements of schools in their area. However, unless schools amend their existing admission arrangements then better information may only serve to inform parents of the schools their children cannot gain admission to rather than providing new opportunities.

5.3 NGC does not believe many schools will perceive any incentive to amend their admission arrangements to admit pupils from more disadvantaged areas if these are not their traditional cohort. It is also likely that any significant amendment to a school's admission arrangements which would mean that children who traditionally would have attended that school and now would not automatically receive a place is likely to be unpopular with parents.

5.4 Extending the scope of free school transport to provide the most disadvantaged pupils with more choice is on the face of it an attractive proposal. However, this again presupposes that pupils would have a reasonable chance of obtaining a place in three local schools. It will also provide logistical and cost difficulties for authorities in trying to meet these preferences. It is difficult to see how a proposal which envisages bussing pupils further to schools fits with policies on healthy school standards and school travel plans. We welcome the proposals that such schemes would be piloted before they are rolled out nationwide. Such a policy will not improve choice in vast swathes of the country where there is only one secondary school within an eight or 10 mile radius rather than the three in a six mile radius envisioned by the proposal.

5.5 We fully support the Admissions Code of Practice and admission authorities' adherence to it. However, the fact remains that the Code is non-statutory and that admission authorities having had regard to the code can still employ over-subscription criteria considered to be bad practice.

5.6 As regards the expansion of popular schools we would reiterate our response to the DfES consultation on this issue in 2004. NGC does not support the proposal for the expansion of popular and successful schools to be "excepted expansions". The NGC believes that encouraging individual schools to expand could have a detrimental effect upon other schools in the area, which could ultimately lead to less diversity of provision. It would also make it extremely difficult for LAs to plan properly the provision of school places. At a time when the Government through *Every Child Matters* and the Children Act is encouraging co-operation between the various agencies this proposal would seem a retrograde step. We believe that it is better to work to improve the quality of overall education provision in an area than to allow an individual school to expand. Expansion of any school should only be countenanced as part of properly prepared local plan.

5.7 NGC believes there will be no benefit to pupils if small sixth forms which can only offer a restricted choice of subjects are allowed to open. The Department for Education and Skills must make clear what it considers to be a viable size for a school sixth form. The future viability of currently efficient Sixth-Form Colleges/Community Colleges with wide 14–19 curricular provision could be at risk from school small sixth form expansion, leaving students with less breadth of post-16 subject choice.

6. PERSONALISED LEARNING

6.1 NGC supports the personalised learning agenda and believes schools will continue to expand on the many examples of good practice already in existence. We believe that it is right to focus attention on Key Stage 3 children. Schools Forums on which governing bodies are represented will clearly have a role to play in determining how the funds referred to in paragraph 4.15 are distributed.

7. PARENTS DRIVING IMPROVEMENT

7.1 Effective governing bodies already consult and take account of the views of parents at the school and so making this a statutory duty will in effect have little impact. Parents' Councils will in some schools be an effective mechanism for seeking parents' views on school policy. However, Parents' Councils will not be appropriate or even effective in all schools. The Education Act 2005 has only just abolished the requirement to hold an Annual Parents' Meeting precisely because so few parents chose to attend. Governing bodies will need to ensure that where they set up a Parents' Council this is not the only means of seeking parental views. Those parents currently least likely to engage with schools are those least likely to attend Parents' Councils. It may be that governing bodies will need to consider holding Parents' Councils off school premises, as those parents who experienced unhappy school days may be unwilling to attend meetings in such a setting.

7.2 As was said earlier parents must have the right and the means to express dissatisfaction with the standard of education available to their children. We are not sure how the new statutory power for Ofsted to investigate complaints will significantly improve this position. The White Paper states that parents will only be able to exercise this right once all local avenues for complaint have been exhausted. Clearly, if schools have serious weaknesses in performance or discipline, which both it and the local authority failed to acknowledge or address then it is right that Ofsted should be able to take action. We find it difficult to believe, however, that legitimate parental concerns would not be addressed before Ofsted was called in.

8. SUPPORTING CHILDREN AND PARENTS

8.1 NGC fully supports the *Every Child Matters* agenda. We have concerns that many of the proposals in the White Paper rather than supporting the collaboration and cooperation ECM needs to be effective, will work against them by encouraging schools to be more competitive.

8.2 It is of course governing bodies that have the responsibility for determining what extended services their schools will provide. These decisions will not be made easier if pupils are travelling to schools further away from their homes. While the pupils may be entitled to free transport their parents will not and ensuring that they have access to what is on offer will be more difficult.

8.3 Healthy School Food

8.3.1 NGC in collaboration with the Food Standards Agency published its *Food Policy in Schools: A Strategic Food Framework for Governing Bodies* in June 2005. The document sets out the governing body's role in relation to a whole school food policy and provides step by step guidance on how to implement such a policy. NGC continues to work with the FSA and others in promoting healthy school food.

9. SCHOOL DISCIPLINE

9.1 NGC welcomes the Government's acceptance of the Steer Group's recommendations on school behaviour and discipline.

9.2 That having been said, some of our members are concerned about the implications of the extension of parenting contracts and will welcome clear guidance on these issues.

10. THE SCHOOL WORKFORCE AND SCHOOL LEADERSHIP

10.1 NGC welcomes the renewed focus on continuous professional development for teachers. It is important that teachers should have access to such opportunities throughout their career.

10.2 NGC is most concerned that school support staff should have similar opportunities. Workforce reform can never be truly effective if support staff in one authority can be paid completely different rates from those in a neighbouring authority for the same terms and conditions. It is vital that a coherent career structure is provided for support staff in schools. We are not clear how the possible flexibilities that will be available to Trust Schools on pay and conditions fit with the aims expressed in paragraph 8.19.

10.3 As mentioned earlier, given the significant statutory responsibilities that school governors take on, NGC firmly believes that induction training should be mandatory for all new governors. We also believe that experienced governors should continually update their knowledge throughout their terms of office.

10.4 Given the sentiments expressed in paragraph 8.33 "One of the strengths of our school governing bodies is that they bring together experienced and energetic people from all backgrounds—people who know what is best for their school and their children", we are not clear why such people should need to be replaced by Trust appointed governors.

11. A NEW ROLE FOR LOCAL AUTHORITIES

11.1 The majority of NGC members welcome the support and advice they currently receive from their local authority and we are pleased that the White Paper provides additional powers to intervene when schools are failing to provide acceptable standards of education.

11.2 As mentioned elsewhere in this evidence, however, we feel that the local authority's role in co-ordinating the "ECM" Agenda and strategic planning will be made more difficult if all schools become self-governing. Local authorities will retain a responsibility for the overall planning of educational provision in the area, but these plans can be disrupted by an individual school's decision to expand.

11.3 NGC does not support the abolition of the School Organisation Committees (SOC). It is unfair to say that existing providers will always support the status quo against new providers. While removing the SOC may appear to reduce the bureaucracy in the system, we feel that it removes one of the checks and balances in the system.

12. CONCLUSION

12.1 Excellent schools are not excellent because they are constituted in a particular way. They are excellent because the head teacher, school workforce, governing body, pupils and parents combine to make them excellent. Excellence is about partnership, collaboration and working with the local community. NGC is concerned that many of the proposals in the White Paper will not result in collaboration, but will lead to competition.

Memorandum submitted by the National Confederation of Parent Teacher Associations

1. THE NATIONAL CONFEDERATION OF PARENT TEACHER ASSOCIATIONS

1.1 The NCPTA is a registered charity that advances education by promoting partnerships between home and school through support for Parent Teacher Associations (PTAs). The organisation represents approximately 7 million parents and teachers, with more than 13,000 individual PTAs currently in membership across England, Wales and Northern Ireland.¹

1.2 The NCPTA celebrates its 50th anniversary in 2006, having grown out of informal networks of PTAs in the mid 1950s.

1.3 Services offered to members by the NCPTA include a national advice line for members, local support through a team of six regional advisers, information and guidance on a range of relevant issues (including Gift Aid, child protection and criminal record checks, health and safety, event licensing and the use of inflatables at events), special rates with the Charities Aid Foundation (CAF) Bank (negotiated by the NCPTA on behalf of members), a model constitution developed in partnership with the Charity Commission providing a fast track to charity registration and a web builder product providing members with an off-the-shelf tailored package making it easy for PTAs to have a web presence that can be accessed by all parents at the school.

1.4 The NCPTA continues to develop its role in representing the views of parents both in the media and the education policy arena. This is a role increasingly demanded by members² and by the media and education policy sectors: the NCPTA is one of very few organisations that represents such a large group of parents and is not limited to a single issue area.

1.5 Membership of the NCPTA provides PTAs and other home-school alliances with subscription linked insurance. This policy has been negotiated by the NCPTA on behalf of its members (and the Scottish Parent Teacher Council) over several years, is price competitive and specified based on typical PTA activities. This comprehensive package includes £10 million public liability, £10 million employer's liability, personal accident cover and a fidelity guarantee.

2. PARENT TEACHER ASSOCIATIONS (PTAs)

2.1 Home-school alliances are typically called Parent Teacher Associations but also include Parents Associations and Friends Groups, allowing the involvement of a wider group of supporters including grandparents and other relatives.

2.2 Currently the total number of PTAs in existence across England, Wales and Northern Ireland is not known. Neither the Department for Education and Skills nationally nor Local Authorities (Local Education Authorities) locally survey schools to obtain this information. Commentators state that most schools will have a PTA. The NCPTA currently has just over 13,000 associations in membership. There is knowledge of an additional 6,500 PTAs, making a total of 19,500 known PTAs or 71% of all primary schools, secondary schools and sixth forms within England, Wales and Northern Ireland having a PTA. The NCPTA is currently conducting a full survey of all remaining schools to find out if they have a PTA or if there is interest in establishing an association.

2.3 Anecdotally, the NCPTA is aware that PTAs ebb and flow. The crucial factors are support from teachers and having a highly motivated group of parents. When the children of the latter leave a school and with them their parents, some PTAs falter and only really get going again when the next group of highly motivated parents join the school with their children. Complete coverage at any one time is therefore unrealistic but is achievable over a period of time.

2.4 PTA involvement also decreases as children get older. Most activity is therefore focused at primary school level. The NCPTA is developing specific support for secondary school PTAs to try and address this disparity.

2.5 Again anecdotally, the NCPTA is aware that the vast majority of PTAs focus their activities on fundraising for the school. Typically this works well. The school provides a "wish list" to the PTA, giving a guide to the amount of funds required although there is no requirement on the PTA to spend funds raised as suggested by the school.

2.6 The total contribution made by the NCPTA's 13,000 members to the education budgets of England, Wales and Northern Ireland during the last academic year (2003-04) was approximately £73 million.³ Typically a PTA raises about £5,600 per annum irrespective of the size of the pupil roll and therefore the parent body. 15% of the NCPTA's members have reported raising in excess of £10,000 per annum; again this is not correlated to the number of pupils nor the size of the parent body.

¹ The NCPTA has a sister organisation in Scotland called the Scottish Parent Teacher Council.

² A survey of NCPTA members conducted in May 2005 called on the organisation to represent the views of parents and teachers on a wide range of educational subjects (66% of those surveyed).

³ Based on the NCPTA's annual survey of members conducted in May 2005, representing a £5 million increase in the amount reported as raised by members in 2002-03 or growth in excess of 7% and therefore well above the rate of inflation.

2.7 Some PTAs do support other forms of activity other than fundraising. The NCPTA has captured best practice information of PTAs which run after-school clubs or help deliver family learning opportunities in school to provide parents with information of the National Curriculum and how to better support their children's learning. The extent of additional forms of PTA activity is yet to be surveyed but anecdotally is believed to be limited.

3. THE IMPACT OF PARENTAL INVOLVEMENT

3.1 The NCPTA's vision is one of effective partnership between parents and teachers. It believes that this provides a substantial opportunity to advance education. Broadly speaking the activities of the home-school partnership are grouped under the term "parental involvement". (Although as is acknowledged by Professor Charles Desforges,⁴ parental involvement goes further than just participation in school events and/or the work of the school and includes good parenting in the home, intellectual stimulation, parent-child discussion, good models of constructive social and educational values and high aspirations relating to personal fulfilment and good citizenship.)

3.2 The peer review conducted by Desforges, concluded "... that parental involvement has a significant effect on children's achievement ... Differences in parental involvement have a much bigger impact on achievement than differences associated with the effects of school in the primary age range. Parental involvement continues to have a significant effect through the age range although the impact for older children becomes more evident in staying on rates and education aspirations than as measured achievement".⁵ Desforges acknowledges that is the "at-home" relationship and modelling of aspirations which play the major part in impact on school outcomes.⁶ This does not mean that the home-school partnership has no role to play. Rather its effect is secondary. However, it should be acknowledged that the home-school relationship can have a positive influence on what is achieved at home, for example by directing support for homework.

3.3. Desforges highlights that research into spontaneous parental involvement best illustrates the positive impact on children's educational progress. This is not to say that attempts to intervene to enhance parental involvement are not successful, but that research into specific programmes has generically failed to describe the scale of the impacts on pupils' achievement and adjustment on the basis of the evidence available.⁷ This is most troubling when research has also revealed large differences between parents in their level of involvement⁸ and that involvement is strongly influenced by the child's attainment: the greater the attainment, the greater the degree of involvement.⁹ Failure to address this disparity by successfully intervening to enhance parental involvement would seem to imply that differences in levels of attainment will only continue if not get worse.

3.4. Desforges highlights that spontaneous parental involvement includes:

- contacting the child's teacher to learn about the school's rules and procedures, the curriculum, homework assessment and the like;
- visits to school to discuss issues and concerns as these arise;
- participation in school events such as fetes;
- working in the school in support of teachers (for example in preparing lesson materials, supervising sports activities) and otherwise promoting the school community; and
- taking part in school management and governance.

3.5. It is clear that whilst PTA activity is part of the model of parental involvement, this goes significantly further than fundraising initiated and supported by parents for the benefit of the school.

4. INTERVENTION TO ENHANCE PARENTAL INVOLVEMENT

4.1. Based on the US experience¹⁰ of intervention to enhance parental involvement, several principles are commended as a guide to action:

- collaboration should be pro-active rather than reactive;
- the engagement of all parents should be worked for;
- collaboration involves sensitivity to the wide ranging circumstances of all families; and

⁴ *The Impact of Parental Involvement, Parental Support and Family Education on Pupil Achievement and Adjustment: A Literature Report* (DFES Research Report 433), 2003: Executive Summary.

⁵ Page 80, para 9.2.2.

⁶ Page 80, para 9.2.3.

⁷ *The Impact of Parental Involvement, Parental Support and Family Education on Pupil Achievement and Adjustment: A Literature Report* (DFES Research Report 433), 2003: Page 80, para 9.3.3.

⁸ Page 80, para 9.2.4.

⁹ Page 79, para 9.2.1.

¹⁰ Page 83, para 9.7.2–9.8.

- Collaboration recognises and values the contributions parents have to make to the educational process

Planning for intervention should build on:

- A comprehensive needs analysis;
- The establishment of mutual priorities;
- Whole school evaluation of resources and necessary organisational adjustments; and
- A public awareness process to help parents and teachers understand and commit to the strategic plan.

The fundamental management issues remain simple. They are:

- Promoting parental involvement is a whole school/community issues;
- It must be worked for in a multi-dimensional programme; and
- It will bring an achievement bonus only if the intervention is followed through in the school's development plan for enhanced achievement goals.

4.2. The NCPTA has developed its own fund to support the development of parental involvement best practice. Initially awarded in 2004, the first tranche of five projects are now complete and the results are being analysed. The NCPTA will launch a further programme of awards and rewards in early 2006 to both recognise existing best practice in parental involvement, collate and disseminate this more widely and provide funding for a further five projects.

4.3. Local Authorities (Local Education Authorities) are increasingly developing their own programmes to support parental involvement. Examples include, Newcastle City Council which published its own guide to developing school parent partnerships for primary schools in April 2005.¹¹ This details the results of research carried out by LEA officers in conjunction with schools in Newcastle LEA and provides best practice information for use by other schools in the area. Hampshire County Council currently has its proposed strategy for supporting parents out for consultation.¹² This details priority action areas to increase parental involvement.

4.4. The Scottish Executive has also recently published the results of its research into parents' views on improving parental involvement in children's education.¹³ Whilst this research is conducted outside of the geographical remit of the NCPTA it is noted because parental views are likely to be typical of those held with England, Wales and Northern Ireland. Also this is the most recent significant piece of research conducted with parents on the subject of their involvement in their children's education. This puts forward a number of recommendations to increase parental involvement including:

- information and support is required to overcome some existing mindsets, to convince parents of the significance of their role;
- any promotional campaign should note that parents are more likely to participate if they perceive a direct positive impact on their own child;
- there is scope for improving channels of communication: many that are used with success at pre-school and primary could be developed at later stages for the education system;
- attention should be paid to the style and tone of language in all types of communication to parents to capture their attention in a positive and motivating way;
- there is a need for a more flexible approach to communication by using different mediums. Communication works best when it meets local expectations. Communication formats could usefully be tailored to meet local circumstances; and
- parents would benefit from advice and support that shows them different ways of getting involved.

5. FORMAL STRUCTURES: THE FUTURE OF PARENTAL INVOLVEMENT AND INCREASED ATTAINMENT

5.1. The current legal framework places parents at the heart of school leadership, working with teaching staff to drive-up standards as parent governors (and many foundation/aided schools also have parents in non-parent governor roles). As has already been demonstrated the majority of schools within England, Wales and Northern Ireland also have some form of home-school alliance or Parent Teacher Association, (although there remains no legal framework supporting the development of such home-school partnerships).

¹¹ *Developing School/Parent Partnerships: Guidance and Information for Primary Schools* (Chris Constable with Jay Atwal).

¹² *Successful Outcomes for children through support for parents: The Hampshire Strategy for Supporting Parents*.

¹³ *Parents' views on improving parental involvement in children's education*, Scottish Executive, Edinburgh 2005.

5.2. However, it is clear that the Government's latest education White Paper seeks to create a school system shaped by parents. The aspiration is for all schools to have the freedom to shape their own destiny in the interest of parents and children, for good schools to be able to expand or take over other schools to spread their influence and benefit more parents and for parents to have an easy route to be able to generate change.¹⁴ Parents will be:

- given the right to form Parent Councils to influence school decisions on issues such as school meals, uniform and discipline (such Councils will be required in Trust schools);
- able to demand new schools and new provision, backed by a dedicated system of capital funding; and
- given better local complaints procedures and access to a new national complaints service from Ofsted where local procedures have been exhausted (including establishing a new right for parents to complain to Ofsted where they have concerns which the school is failing to address).

5.3. The NCPTA is concerned about the balance of what is being proposed in the White Paper and feels it goes too far towards an ethos of parental power as opposed to a vision of parents and teachers working in effective partnership to achieve an increase in attainment. The term "parental power" has been used extensively by the Secretary of State for Education and Skills and is implied within the text of the White Paper ("We must . . . put parents at the centre of our thinking giving them greater choice and active engagement in their child's learning and how schools are run"¹⁵ This will be a system driven by parents doing their best for their children"¹⁶). Parent power and parental involvement are not synonymous. It has not been proven that any increase in the authority of parents over the education system will result in an increase in the effectiveness of the partnership between parents and teachers and hence an increase in attainment. Nor is there any proven link between parental authority over the education system and the expansion of parental involvement (specifically a wider range of parents becoming directly involved in their children's education).

5.4. There are a range of provisions within the White Paper which are evidently aimed at increasing the numbers of parents directly involved in their children's education and the extent of this involvement. These include welcoming parents who may find it difficult to be involved, the right for parents to have regular and high quality information about what their child is learning, the provision of a single point of contact for parents within school, the use of ICT to provide parents with quick and easy access to information and the provision of materials for parents to use at home to support their child's learning and study skills. Whilst these are all welcomed, the NCPTA questions the degree to which they will be effective without formal compulsion on schools and/or specific funding for each proposal. The NCPTA therefore doubts that this will deliver the hoped for increase in parental involvement.

5.5. These concerns aside, the NCPTA also doubts that even if fully funded and implemented, these suggestions would deliver the multi-dimensional approach that research into parental involvement has highlighted is required.¹⁷ A comprehensive initiative to enhance parental involvement would have to expect to provide services to ameliorate the following problems facing some parents:

- the effects of extreme poverty;
- the effects of substance abuse and of domestic violence;
- the effects of psychosocial illness, notably depression;
- the impact of a difficult child;
- the effect of barriers set up by schools;
- the inappropriate values and beliefs underlying a fatalistic view of education; and
- parental lack of confidence in or knowledge about how to be appropriately involved.

5.6. The failure to address the needs of those parents currently outside of the education system is probably best demonstrated by recommendations for school discipline. Whilst the NCPTA is sensitive to the sometimes overwhelming effect the bad behaviour of a limited number of pupils can have on the education of a whole class or cohort, we feel plans to extend the use of parenting orders and fines may exacerbate underlying issues. Whilst it is acknowledged parenting orders can be positive in some situations, their use along with fines may actually further alienate some parents from their children's education and therefore be wholly counterproductive. Again, what is needed is a multi-dimensional approach which responds to and addresses some of the issues preventing parental involvement. Indeed, a multi-dimensional approach that increases parental involvement may pre-empt some inappropriate behaviour and hence the need for parenting orders and fines.

¹⁴ *Higher Standards, Better Schools for All: More Choice for Parents and Pupil*: Department for Education and Skills, October 2005 para 2.2.

¹⁵ Forward by the Secretary of State for Education and Skills.

¹⁶ para 1.36.

¹⁷ *The Impact of Parental Involvement, Parental Support and Family Education on Pupil Achievement and Adjustment: A Literature Report* (DfES Research Report 433), 2003: page 82, para 9.5.

5.7. The educational system that may be delivered by the White Paper is of great concern. The vision is of a system driven by parents doing their best for their children. However, research has already shown that parental involvement is strongly influenced by the child's attainment: the greater the attainment, the greater the degree of involvement.¹⁸ Therefore, will this simply give greater authority over the education system to parents of those children already doing well and so further isolate those alienated from the education system and not active in support of their children's education? This is seen as increasingly likely when the high level of skills and confidence parents will require to take an active part in a Parents' Council, or to be able to demand a new school or new provision are considered.

5.8. The view that the main provisions of the White Paper will only reinforce existing barriers to participation is supported by the research recently conducted by the Scottish Executive.¹⁹ This found that there is clear scope for steps to be taken to overcome the barriers to parental involvement. Parents would benefit from advice and support that shows them different ways of getting involved. Some families would appreciate help to overcome personal obstacles and enable them to attend events, such as child care or transportation and the availability of teachers outside standard school times. Parents with limited time wish for more opportunities for small or infrequent forms of support for the school itself. There is also a need for reforms to parental representation, both by working to overcome the current images of PTAs and School Boards, broadening Board membership and offering alternative options for parents to voice their opinions. Therefore, rather than focusing on allowing those parents already actively involved in their child's education to have a greater influence on the education system, what is required is an innovative range of ways to engage parents that currently have little or no involvement.

5.9. The NCPTA welcomes the specific suggestion of Parents' Councils, but only where these are about better facilitating the working relationship between parents and teachers for the benefit of attainment. It is also noted that governing bodies are only encouraged as opposed to required to establish Parents' Councils. Whist Trust schools are required to set-up a Parents' Council, this is only where the Trust appoints the majority of the governors, undermining the role of parents as governors and therefore as part of the school leadership team. Care would also need to be taken in establishing and developing Parents' Councils to ensure that they actively seek to engage as wide a range of parents and parental views as is possible.

5.10. The NCPTA notes plans to launch a national campaign, led by the Specialists Schools and Academies Trust and including other key partners such as the Secondary Heads Association and parents' organisations to develop further and share schools' experience of the benefits of parental engagement. Whilst the NCPTA welcomes this initiative, it is concerned that no contact has been made with the NCPTA to secure its support either before or after the campaign was announced. This dismays the NCPTA, given it represents a large group of parents and is publicly recognised as being unique in so doing. This is especially the case when the contribution of PTAs is itself welcomed in the White Paper. The NCPTA would also be concerned if the campaign were likely to focus on demonstrating the benefits of parental involvement which are already well substantiated²⁰ as opposed to delivering the multi-dimensional approach recommended by Desforges.²¹

5.11. The NCPTA would like to highlight the following as key to achieving an increase in parental involvement:

- a clear understanding of what is meant by parental involvement and how this differs from parental power. The peer review conduct by Desforges is strongly recommended for further reference;²²
- the research already conducted into parental involvement (as reviewed by Desforges) and its key findings should be acknowledged and form the basis for the future development of parental involvement initiatives;
- a comprehensive approach to enhancing parental involvement is required to address the multidimensional barriers preventing some parents from becoming involved in their children's education. This would directly respond to research conducted with parents,²³ and should be supported by a formal requirement on schools and specified funding. To further embed parental involvement into the ethos of the education system, this should be included within teacher training and continuing professional development;
- further research should focus on the effective delivery of interventions to enhance parental involvement; and
- innovation should be supported and encouraged to develop parental involvement schemes that are successful in engaging the most alienated of parents.

December 2005

¹⁸ Page 79, para 9.2.1.

¹⁹ *Parents' views on improving parental involvement in children's education*, Scottish Executive, Edinburgh 2005.

²⁰ *The Impact of Parental Involvement, Parental Support and Family Education on Pupil Achievement and Adjustment: A Literature Report* (DfES Research Report 433), 2003: Page 80, para 9.2.2.

²¹ page 84, para 9.9–9.10.1.

²² *The Impact of Parental Involvement, Parental Support and Family Education on Pupil Achievement and Adjustment: A Literature Report* (DfES Research Report 433), 2003.

²³ *Parents' views on improving parental involvement in children's education*, Scottish Executive, Edinburgh 2005.

Memorandum submitted by the Specialist Schools and Academies Trust (SSAT)

The Specialist Schools and Academies Trust is a non-profit English educational cooperative registered charity founded in 1987 which serves the needs of the 2,400 specialist schools and academies.

It is funded by fees from affiliated schools as well as grants from the Department for Education and Skills. It has a staff of 200 people and an annual income of £35 million. It raises about £8 million a year in sponsorship for schools.

The Trust has already encouraged a large number of its schools to work together in locally based cooperative and collaborative arrangements.

EXAMPLES OF THIS INCLUDE THE BELOW

Ninestiles Federation in Birmingham

Led by Sir Dexter Hutt. This is a collaboration of Ninestiles Technology College and two previously underperforming schools Waverley and International. All three schools are now performing well.

Trowbridge

This is an informal collaboration of three Dorset schools: John of Gaunt School; Clarendon School; and St Augustine's Catholic College, who run a joint sixth form, collaborate on measures to protect pupils being bullied and to take action on pupils with behavioural problems. See attachments 1 and 2.²⁴

South East Maidstone Federation, Kent

This is a hard-edged federation of three former secondary modern schools designed to raise standards of achievement. The initiative has been successful in raising standards. See attachment 3.²⁵

Grantham, Lincolnshire

This is a collaboration between four specialist schools in Grantham, Lincolnshire who have established a joint sixth form. Previously the four schools only provided 11–16 provision. Each school provides A-level instruction in its specialist subject. The collaboration has been a dramatic success with a substantial increase in the stay-on rate at age 16 in full-time education.

Ilkeston

This is a 14–19 Partnership of six Derbyshire schools and colleges which is developing a vocational educational partnership. See attachment 4.²⁶

We believe there are as many as 100 such collaborations of specialist schools many of which involve a high performing school helping an underperforming partner school.

We would hope that the trust mechanism proposed in the White Paper could enable these groups of schools to pool resources and best practice. If they were able to operate under the umbrella of a common non-profit educational charity they could

1. Share central support staff such as a Bursar, IT coordinator and even a fundraiser to seek the support of sponsors. Possibly they could engage a joint Chief Executive.
2. Collaborate on Joint Sixth Forms.
3. Use the expertise in particular subjects of specialist schools, eg the Language College could support language teaching in all the member schools in the trust.
4. Operate a joint TeachFirst or GTP teacher training programme.
5. Link with a neighbouring university.
6. Arrange work placements on a joint basis.
7. Collaborate on special needs, vulnerable children and behaviourally difficult children.

Groups of these schools have said they would even be willing to be held accountable on a group basis for GCSE and A-level results rather than on an individual school basis.

We would hope that whatever proposals are adopted, they will allow collaborations of this sort to be set up.

December 2005

²⁴ Not printed.

²⁵ Not printed.

²⁶ Not printed.

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

Q342 Chairman: Can I welcome Gillian Windass, Professor John Adams and David Butler to our proceedings. We are very grateful when witnesses can appear before the Committee at relatively short notice. You will know we are in something of a hurry to get an evaluation of the Education White Paper because it seems to us that we want to produce our report in time to have some influence on the eventual Bill that will come before the House. We will be winding up our evidence next Monday with the Secretary of State coming before the Committee. It is very timely. We have two sessions today, I think you are aware of that, so we will rattle through the questions. I get my team to ask brief penetrating questions and I would ask you to answer fully but not too lengthily so we can get through as much as possible. Can I remind my team, if you ask a lead question you do not have to ask all three witnesses to come back. Professor Adams, you are sitting in the centre so I am looking at you, do you want to say anything to open or do you want to go straight into questions?

Professor Adams: It is entirely up to you, Chairman. Are you comfortable with who we are and who we represent?

Q343 Chairman: Why do you not say who you are. We have been very well briefed, we do know who you are, that is why we invited you, for your long experience and great knowledge. Can you give me two minutes of what you think the big challenge is in the White Paper?

Professor Adams: My name is John Adams and I represent the National Association of School Governors which was formerly called NAGM, which you might know from that name. We have been in existence since 1970. We are an entirely apolitical and voluntary body. My immediate feeling about the White Paper, having read it carefully more than once, is that there are a number of things which we would welcome in the Paper. There is a continuation of a number of reforms in education which we have supported and some of the early information given in the White Paper is very much to the point. There have been dramatic changes over the last decade or so. We welcome the emphasis on parental involvement, and particularly on parental responsibility which is in the White Paper. We see the governing body as the natural vehicle for the expression of parental concerns about their school and we welcome that. We welcome particularly the emphasis on personalised learning, the whole area of individual attention and the recognition that the dispersion between the performance of the best and the worst schools, using that shorthand, has narrowed but the dispersion between the best and worst pupils, using again a very particular shorthand, has not. A personalisation agenda, trying to attack that, I think is extremely important. We welcome some additional funding, I do not know if it is going to be enough for the personalisation. We are delighted with the six paragraphs devoted to governance. We are very

pleased with our six paragraphs, not much out of a paper of 110 pages but there we are. We are also pleased—and in a sense this is a slightly strange thing to say—that the White Paper does not quite live up to some of the hype which was around shortly after the election, in particular we were anxious that no additional organisation or institution was set up within schools to represent parents. While the invitation to establish parents' councils is there, and of course they exist in many schools anyway, there is not I hope, an intentional clash, between the aspirations of parents on councils and parents who are school governors. Those are things which we welcome. There are some fairly well documented contradictions in the paper—and they have been discussed in the press and elsewhere—particularly concerns about the emphasis on parent power and things like, within trust schools, a reduction in the number of elected parents, there seems to be some dissonance between them, the emphasis on the importance of community and a number of proposals, like bussing, which seem to be antipathetic to the community. Finally, I would say, I do not think we are naïve, one would expect a White Paper to be polemical but it does seem to read as a research-free zone. There is a great deal of assertion and perhaps even anecdote masquerading as case study. When we read things like “parents will welcome proposals for schools to acquire trusts” my thought is: is that an aspiration or an injunction? “You will . . .”. There are a number of things like that which appear to be entirely unsubstantiated and give a flavour of an aspirational document and nothing else.

Q344 Chairman: Gillian Windass, would you like to introduce yourself and give us a thumbnail sketch?

Ms Windass: Of course. I represent the National Governors' Council which is the other main governors' organisation although shortly in to the New Year we will be joining to become one governors' organisation.

Q345 Chairman: You are merging?

Ms Windass: We are merging, yes. Our main concerns, not surprisingly, are very similar to those John has outlined. Again, we welcome the emphasis on personalised learning and the teaching and learning aspects of the document, and the statements on school discipline and behaviour. We do have concerns that much of the document has very little evidence in terms of the idea that every school would wish to become self-governing or become a trust school and that this would improve teaching and learning. There is no evidence provided in the document to substantiate that fact. Trust schools would not necessarily improve things and they would definitely reduce the elected parental representation on the governing body where in the rest of the document we are talking about increasing parental influence. We are quite happy that governing bodies should be engaging and consulting with their parental bodies and that should have been

12 December 2005 Mr David Butler, Professor John Adams and Ms Gillian Windass

happening already. The fact that is going to be a new statutory duty, I do not think particularly worries us one way or the other because we think effective governing bodies should be doing that already. We also welcome the fact that in the six paragraphs which we talked about where governors were mentioned, specifically, governors will be encouraged to undertake induction training. We think it should go further. There are some very serious responsibilities that governing bodies have and we think that all governors should undertake mandatory induction training as a start.

Q346 Chairman: Thank you for that. David Butler?
Mr Butler: I represent the National Confederation of Parent Teacher Associations. I think John's opening remarks were very germane and I will add a couple of points to that rather than rehearse many of the similar responses. Not surprisingly, there is a lot in the White Paper that we would welcome and we are certainly very pleased to see a substantial amount of discussion on parental involvement in education. I feel slightly like a second class citizen in respect of my two colleagues here who managed six paragraphs, we managed one, in terms of mention of PTAs. I think the thing that gives us a cause for concern in the White Paper is that there is a great deal of talk about parental involvement in education and there is research evidence to substantiate the effect that can have on attainment. What we are concerned about is the substantial mention in the paper of parental authority over the managerial process of education. I am not aware of there being research evidence to support that.

Q347 Chairman: Can I ask you, to open up the questioning, in terms of how you are finding recruitment to become a school governor it seems to me over a short number of years the role of the governor has become far more demanding than ever before. I speak to governors who tell me what an enormous commitment it now is in time—not just time in meetings but time outside of meetings—because they play quite a substantial role, a very important role, in the management of the school. Are you finding it difficult, across a range of schools, to get governors who can give that sort of time and commitment?

Professor Adams: We, as organisations, do not recruit.

Q348 Chairman: No, but you know.

Professor Adams: I think the pattern varies a great deal across the country. In some areas it is not at all problematic. In the area where my school is based there is not a problem at all in getting school governors.

Q349 Chairman: That is where?

Professor Adams: In the City of York.

Q350 Chairman: There are very intelligent people in Yorkshire.

Professor Adams: I am sure you are right. In other parts of the country it is difficult and there is, for example, a government agency tasked specifically with recruiting, in particular, business governors to governing bodies in schools where they find it hard to recruit. You are quite right, I have been involved in school governance now for eight years and, indeed, I did speak to this Select Committee looking at governance under a previous chairman. Then I think I said the biggest issue in my mailbag was the additional workload and responsibilities, and that was in something like 1999. It has not diminished, quite the reverse. It is a major issue. My real concern is how little school governors are willing, for obvious reasons, to pay for professional advice and support when in a large secondary school they are managing a very substantial business.

Q351 Chairman: With this greater emphasis on professionalism of the role, has there been a widening of the gap? When the duties were lighter I have a feeling, but I have no evidence of this, that the cross-section of people who were attracted to becoming governors was broader in terms of social dimensions. With these greater responsibilities, is there not a tendency for you always to be looking for pretty much middle-class professional types and you are getting rather further away from your average parent, for example?

Professor Adams: There is a school of thought out there that says what we need on our governing body is a solicitor, an accountant, et cetera. I think that has always been the case. I do not know of any research evidence—and since I made remarks about the White Paper I should not slip into anecdote myself—to suggest that trend or view.

Q352 Chairman: Does anybody else want to come in on that?

Ms Windass: I would reiterate what John said. I do not know of any research evidence which suggests the governing body representation is now being skewed in a particular fashion. Again, I think it depends where you are in the country potentially and how effective, in some cases, your school is at engaging with its local community and parental body. That has a big impact. The better the school is at engaging with its local community the more people are likely, from all walks of life, to want to be on the governing body and involved. I think that has the biggest impact.

Q353 Chairman: Professor Adams, in terms of the range, you have mentioned eight years a couple of times, in terms of the drift of the number of green papers and white papers we have had in education, where do you place this one? Is this the continuation of a trend or did it come out of the blue? Where do you see it in terms of building on previous white papers and previous policies the government has put before you?

Professor Adams: Certainly it did not come out of the blue, we did know about this. Clearly, a white paper was going to emerge after the General Election. What I think it has been extremely useful

12 December 2005 Mr David Butler, Professor John Adams and Ms Gillian Windass

for both organisations have been discussions with ministers and senior civil servants prior to the White Paper being drafted, that was very useful. If you want a candid answer to your question, my feeling is that this White Paper will not change very much. The vast majority of schools will just carry on much as they are and they will not opt for trust status they have not up to now.

Q354 Chairman: What do you mean they have not up to now?

Professor Adams: They could have adopted a trust, they have not done so.

Q355 Chairman: They could have become foundation schools?

Professor Adams: Yes. My guess is there will not be any dramatic changes as a result of this. One or two individual schools, of course, in particular circumstances but I do not think it will be a seismic shock to school governing bodies around the country.

Q356 Chairman: Do you go along with that, David?

Mr Butler: I think I would agree with that. There is a clear aspiration in the White Paper, and it is an aspiration which we have seen in a number of comments which have come out from DFES ministers about the desire and wish to involve parents more and more in various educational processes but I am not so sure this will lead to this overwhelming rise in parental involvement.

Q357 Chairman: You can see the Government trying to find a dynamic, something that will drive on change. Heaven forbid that there should be a change in the global party governing the country. You can see here is a political party in Government wanting some dynamic that will carry on in terms of promoting change. It seems to be coming through the White Paper as much from my reading as that should be individualisation of learning, individual schools with greater freedoms. You do not think that is working or will work?

Ms Windass: I do not think the White Paper provides trust schools with particularly more freedoms than many schools have already. Becoming an admissions authority, becoming an employer, they already exist for foundation and voluntary-aided schools so there are no great new freedoms which are offered in the White Paper, those freedoms were available already to schools. As John said, schools could already become foundation even before streamline route to foundation was introduced in September. Schools could have gone down that route if they had wanted to, and not very many did. I do not think there is very much in the White Paper from our point of view that will persuade schools that they want to adopt those freedoms.

Q358 Chairman: Here you are, commenting on a White Paper passing as a Bill, many people are getting extremely excited about it, and you do not think it is going to make much difference in the long run.

Ms Windass: In terms of the structures of schools, as we said at the beginning, there is no evidence provided in the White Paper that changing your structure is going to improve the standards of teaching and learning which is the most important thing.

Q359 Chairman: What did you say to the Secretary of State when you were consulted by the Department? Did you say "Look, Secretary of State, we share your problem that 25–30% of children in this country do not get the education they deserve but you will not get it this way, we know how to reach those 25–30%"? Did you give her a positive steer on that?

Ms Windass: We reiterated what we are saying here: structures will not necessarily make a good school.

Q360 Chairman: What will?

Ms Windass: Good teaching. A good head teacher. The way that the school engages with its parents and pupils. A good governing body. All those things are what makes a good school and whether that is an academy, a voluntary-aided school, a community school, if you have not got those in place then you will not have an effective school.

Q361 Chairman: John?

Professor Adams: In short, we do not see the issue as a structural problem. There is a problem but it is less of a problem in a sense than historically it has been. There have been some dramatic improvements but it is not a structural issue, it is an issue, like the personalisation agenda, that is absolutely central. The White Paper talks about things like outreach workers, there is excellent practice around the country and what some schools call key family workers and so forth, really good practice around there. Making contact with students who are difficult to contact, trying to engage parents who are disengaged and not interested and probably not parents plural anyway, maybe not singular in a sense of looked after children. There is some good practice out there but none of that, it seems to me, has anything to do with whether my school, which happens to be a community school, is a foundation school or not.

Q362 Chairman: Could you not be stopped providing the education that you really want to provide by vested interests: the trade unions, the local government, are they not the *bête noire* of governors and parents?

Professor Adams: I would say that has not been my experience. Certainly in the case of local authorities, I have spoken to thousands of governors in my eight years and there is not a cacophony of complaint about their local authority. Of course, there is in various individual circumstances but by and large

12 December 2005 Mr David Butler, Professor John Adams and Ms Gillian Windass

governors welcome the support they get from their local authorities. I do not think they are a *bête noire* at all, no.

Mr Butler: I think, also, Chairman, that would be the case if we did not have any examples of extremely good practice amongst the schools that we have got in the country. There are some excellent leadership teams in some schools and they are doing all of this engagement with their parents, they are reaching out to people, they are dealing with difficult families, and they are achieving tremendous results for the children at their school. If those examples were not in place then, yes, there would be concern but the examples are there.

Q363 Chairman: What is stopping all the schools being as good as that?

Mr Butler: Perhaps the process of promulgating that good practice.

Professor Adams: Also schools work in very different social and economic environments, do they not?

Chairman: We will be coming back to that. Thank you for those answers.

Q364 Mr Wilson: I will move straight on to parent power because the Schools White Paper promises to give power back to parents. Do you think the White Paper will give parents more power, will engage more parents in local schools?

Mr Butler: I would like to correct one issue which I think we are trying to merge, and I am sorry for picking this up in the question that you posed, but in the same sentence you have mixed parent power with parent engagement. I should like us to try and separate those two issues. We welcome and we would always encourage, and we do encourage, the concept of parental engagement but that is quite different from what is being proposed in some parts of the White Paper where we are talking about an authority process over how education happens in a particular community. We would continue to take every step possible to encourage that engagement process but the issue of the power over the managerial structure of the school, I am not so sure that will develop anything which will be particularly useful. The reason for that is we pay and employ very sound professionals who in this day and age are well trained to deliver the leadership and education in their schools. I am not sure what this concept of parent power is going to add to that process. You have the difficulty of how many parents are able or willing to embark upon that process.

Q365 Mr Wilson: In terms of engagement, is there anything in the White Paper that leads you to think there will be more engagement from parents rather than less?

Mr Butler: There is some rhetoric in here but I wish there were some practical steps in place as to how that will take place. I come back to this issue of trying to promote good practice which exists in some places. If we could have some funding which would enable the good heads to be able to do this and

practise things in a variety of different locations then I think we could have more engagement, but I do not see that in here.

Q366 Mr Wilson: I think we all agree that parent engagement does help schools enormously, but does parent power help schools to improve educational standards? Giving parents more power as you see in the White Paper, will that help at all?

Mr Butler: I do not think so. We find the term “parent power” as being anti a partnership approach and very much as an organisation we welcome and encourage that partnership approach, a partnership where you can have parents in partnership with governors and the school leadership team to deliver a result. To try and suggest to a very good head, “Actually we are now going to introduce this parent power because the parents know more about the school and they will take it over from you”, I do not think is constructive.

Q367 Mr Wilson: Do you think there is a danger that more middle class parents will get involved and those schools will improve and perhaps some of the other schools in more difficult areas where parents do not engage will become worse off or second-class citizens as a result of this White Paper?

Mr Butler: There is an issue in the White Paper where it is genuinely trying to give opportunity where there is areas of disadvantage, that is to be welcomed. I think the concept that is being introduced and suggested here of parent power, there will be a limited number of people who can come forward and address that opportunity. I think you hit the nail on the head when you say it will probably be the privileged middle classes who feel able, confident, prepared and who can, perhaps, find the time to do it. Where we started potentially with an issue of a divided system, are we going to increase that divide because you will give opportunity to those people who are already very well able to take it and who may just take more.

Q368 Mr Wilson: Do you think we are? Do you think there is going to be a greater divide at the end of this?

Mr Butler: Sadly, I think there could be.

Q369 Mr Wilson: Ms Windass, you talked about trusts and the fact that you did not think there was going to be much change at the end of the day, how much additional power do you think parents are going to get, and what do you think those areas are, as a result of this White Paper?

Ms Windass: If you look at the White Paper itself, there is not very much additional power given to parents. It talks about governors having to engage with parents, which good effective governing bodies have already been doing. They will have the right to demand a new school, but they will not have the right to demand a new school, they can go to the local authority and say, “We do not like the provision in this area and we would like to explore the possibility . . .” but, at the end of the day, it will be the local authority, after a bit of research, which

12 December 2005 Mr David Butler, Professor John Adams and Ms Gillian Windass

decides whether they can have a new school if that is the best thing forward. They can complain to Ofsted about whether a school was satisfactory or not but, again, they can only go to Ofsted at the end of a chain of exhausting all the local powers that are there and local complaints procedures. If they have got through all of that and then got to Ofsted, there is something seriously wrong. I do not think it is giving them very new powers. They will already be on the governing bodies of schools, it does not provide very much. In that sense, it could lead parents to believe that they have been given powers and rights that it does not give them, rather like the old, "You have a choice of school when you have the ability to express a preference".

Q370 Mr Wilson: Do you think your views tally in the light of David Butler's answer earlier on? He is almost saying there is not much more in the way of parent power coming and you are saying that you are worried about this opening up of second-class schools because parents are going to be more involved. There seems to be a difference of emphasis, at the very least, between the two of you.

Ms Windass: If you look in terms of parents' councils potentially, and where David is coming from, the fact that the parents who are least likely to be engaged in schools at the minute parents' councils probably are not the way to engage those parents. Many of those parents have negative experiences of schools themselves, so very much it will be the middle class potentially parents who would want to be on the parents' councils and, therefore, their views going forward rather than perhaps those parents coming from the less advantaged areas. I do not think we are coming from a different place from David, but in terms of the parent power that is discussed in the White Paper, it doesn't give many new powers to parents.

Q371 Mr Wilson: Do you think parents now are sufficiently well informed about what is going on in schools? Do you think the White Paper is going to make any difference to improving that situation?

Ms Windass: I think there is always room for improvement. Certainly, there is some good practice out there in which many schools engage very heavily with their parent bodies and manage to consult them, get them involved and inform them of what is going on in the school. There is also, as with anything, some less good practice, which can obviously benefit from the good practice being put forward. I am not sure the White Paper in itself will make any difference. Clearly, the new Ofsted regime which came in in September, one of the key things that Ofsted will be looking for in school self-evaluation forms is how schools consult and engage with their parent body. That is going to be there and, therefore, that is a very big flag on the mast for any school that was not doing this effectively before, that they would have to do it effectively in the future. The fact that for a governing body the White Paper says there will now be a statutory duty to have regard to the views of parents simply carries on from what Ofsted said. In that sense, I do not think the White

Paper will make a difference, but what was already coming along will make a difference because all the schools will have to do it and make a real effort to do it effectively.

Q372 Mr Wilson: My concern about the answers we have been getting so far this afternoon is that there seems to be a lot of complacency around in terms of you think the way to solve the problems which exist seem to be to do with the sharing of best practice. Am I right in thinking that is your answer to the problems, taking the best schools are already doing it and spreading it more widely rather than the things in the White Paper?

Mr Butler: One of the things we could perhaps add would be if we could seek provision for training within initial teacher training for parental engagement and if we could see continuing professional development for that parental engagement, then you would begin to see things moving forward. That, in itself, would facilitate the opportunity to spread the good practice which exists.

Q373 Mr Wilson: In a sense, for you it is down to good practice being spread more widely?

Mr Butler: It goes back to what I said earlier, there are some stunning examples where this works and works really well.

Q374 Mr Wilson: That has been the case for 30 or 40 years and the good practice has not spread particularly widely.

Mr Butler: I suppose what I am saying is I do not see anything in the White Paper which is going to trap those years of experience and shoot it through the whole of the system.

Q375 Mr Wilson: Do you think there is an appetite amongst parents for setting up new schools?

Professor Adams: There must be one or two, I have not met them. The grounds for setting up a new school in the White Paper are four-fold. There is a question of standards, an issue about faith schools, an issue about inequality and also, parents can aspire to set up a new school if they are unhappy about insufficient innovative teaching methods locally. I have never met a parent who says, "There are insufficiently innovative methods in my locality".

Chairman: You have not met the lobby for synthetic phonics.

Q376 Jeff Ennis: We have already established that in your opinion, and it seems in all witnesses' opinions we have had today, there is very little difference between the trust school model and the foundation school model. Given that is possibly your view, what do you think the motivation is behind the Secretary of State pushing these trust schools so vociferously? Do you think she is disappointed that not enough schools have already applied for foundation school status and we want to cut back on these community schools?

12 December 2005 Mr David Butler, Professor John Adams and Ms Gillian Windass

Professor Adams: Chairman, it is one thing to give evidence to this Committee and quite another thing to try to aspire to know what is in the Secretary of State's mind.

Q377 Jeff Ennis: Professor Adams, why come up with a concept of rebranding the foundation school as a trust school when we have already got that model within the machine? What is the motivation behind it as far as you are concerned, let us forget about the Secretary of State?

Professor Adams: I still do not know. I do not know anybody who has said, "What we desperately need are trust schools in this country". We desperately need a number of things, which a colleague has identified, but I do not know anybody who has felt this was the vehicle to overcome our alleged complacency. I simply cannot answer your question.

Mr Butler: Like John, I would not wish to second-guess the mind of the Secretary of State.

Jeff Ennis: In your opinion then, David, why rebrand a trust school?

Q378 Chairman: Are you sure they are the same?

Mr Butler: I perceive that a trust is able potentially to have a little bit more freedom about the way it sets itself up in the first place, but I think we have to understand that if you look closely at how a foundation school can work, you could probably get the same out of a foundation school model, therefore, that goes back to John's original comment.

Q379 Jeff Ennis: I alluded earlier on to the fact that because community schools are the only type of school that cannot expand under the Schools White Paper proposal, to some extent certain bodies have perceived that to be discriminatory against the community school model. Going back to some of the early responses about having to spread best practice, we have got some community schools that have been really good beacons of good practice. Is the Schools White Paper discriminating against community schools?

Professor Adams: The implication is that it is in this regard, what is held out as a plum for trust schools is that they can diverge from the National Curriculum and introduce alternative curricula. If that is a desirable theme for children in this country in the view of their educators, why should it only be some schools that can do that and not others? I do not understand it.

Q380 Jeff Ennis: Governing bodies in trust schools: one of the themes within the White Paper is to promote parent power, which we have focused on to some extent, given the fact that trust schools do not have to appoint any parent governors on the trust body—we have got the situation whereby you can set up a parents' council instead of parental representation on the trust school governing body—are parents going to be happy with that model, being demoted to a parents' council rather than representation on the trust schools?

Ms Windass: It was my understanding that trust schools will have to have parental representation on their governing body.

Q381 Jeff Ennis: I think it is one, is it not?

Ms Windass: They have to have one elected parental governor, and my understanding is they will still have to have a third of parents on their governing body, but they would be appointed rather than elected as with the majority of other schools. I think it reduces parental influence because they are trust appointed, they are not elected independent representatives on the governing body. They become trust representatives on the governing body, therefore it does potentially reduce parental influence rather than increase it.

Q382 Jeff Ennis: I cannot see the incentive for somebody standing for election on a trust governing body when the others are appointed. We have all seen the situation in some schools—I have been on governing bodies for over 20 years now—where occasionally you get the clique situation with parents developing in some of the schools, whereby if you are not inside that clique, you are not going to get anywhere as the parental representation within that school. Will this new model reinforce that sort of cliquey situation which can prevail in some schools?

Professor Adams: I do not know if it will do that. A motivation to stand for election is that it might be the only way you can get on to the governing body if you are only talking about one or two places for an elected parent, so there is a motivation there. My concern about school councils is we can have school councils and we do have them in many schools now, but if we do not have them, the schools where they have not got them, there must be a reason for that. Governing bodies have tried everything to get parents along to the school. The Education Act this year has abolished the requirement for an annual meeting because simply it was so difficult to get people to them. My own school, we offered free drinks—it was a white working-class area—for people to come along.

Q383 Jeff Ennis: The Chairman has tried that!

Professor Adams: Chairman, I would not dream of suggesting that it might work rather better in this institution, but it did not work in my school.

Q384 Chairman: In response to Jeff Ennis's questions, one of the things that hits you when you read the White Paper is it is just one meeting of the school governing body that can decide to opt for a foundation/trust status. You do not have to talk to all the parents, it does not have to have a referendum or any engagement at all as far as I understand it.

Professor Adams: You have to consult.

Q385 Chairman: It is up to the school how far you describe the consultation as confrontation, is it not?

Professor Adams: I believe there are guidelines about that.

12 December 2005 Mr David Butler, Professor John Adams and Ms Gillian Windass

Q386 Mr Marsden: Professor Adams, you said at the beginning that you thought the situation currently in terms of recruiting governors was mixed across the country. Do you think overall the proposals of this White Paper will help or hinder the recruitment of governors in schools?

Professor Adams: I think it will probably be neutral.

Q387 Mr Marsden: You think it is a cost-neutral effect? Are there any aspects of it you think will make life easier or difficult at all?

Professor Adams: I cannot think of anything that would be particularly problematic. If the thrust of the proposed reforms is to increase the amount of responsibility coming to school governing bodies, frankly I do not think that would be universally welcome.

Q388 Mr Marsden: We have only got six paragraphs in which to do it. Mr Butler, can I pursue the issue of the parents' council in trust schools. We have heard concerns about trying to get parents involved anyway, are you worried that you could have a situation where there would be a conflict set up in a trust school between a parents councils' view and the view of the trust governing body? Let me give you a concrete example of where a group of parents who are reasonably representative of the parental community are very unhappy about the activities of a particular teacher but the trust governing body is quite happy with him or her, and maybe there are other examples as well. I am asking you to focus on is there an institutional tension between those two bodies.

Mr Butler: There is a difference though, is there not, because a parents' council is an advisory body as distinct from a trust board or a board of governors which is a managerial body. We often have discussions and debates with parents who are involved in schools and we say to them, "It is great if you get a level of engagement with the school or with the head teacher. Please welcome any approach from the head for that engagement, but remember at the end of the day, the people who are responsible for the management of that school are the head, their leadership team and the governing body and because your advice is being sought, it does not mean that necessarily is going to be what is carried forward". Therefore, a parents' council is advisory. Yes, you could get that tension, but that tension is not going to exist if we did or did not have the White Paper.

Q389 Mr Marsden: At the moment, because there is direct stakeholder and, some would argue, potentially substantial parent representation on the governing body, the ability of the parents' council in that situation to say, "No one is taking any notice of parents' views", is limited. You could have a situation, could you not, where because parental representation on a trust schools' governing body was pretty limited, the objections or the concerns of that particular parents' council would have that much more force?

Mr Butler: I am not so sure that would differ from a situation of a parental concern with an existing governing body which did have high parental representation. My experience is that when a governing body comes together, it comes together as a body corporate. Usually, when you sit around a governing table, there will be some people who have been put in there by their local authority, some who have been elected from the teaching staff and some who have been elected from the parent body, but when they meet together, they meet with the interests of the school as a whole. I am not so sure that necessarily they are saying there, with this huge badge across their chest, "I am a parent, listen to what I am saying as a parent".

Q390 Mr Marsden: I agree with you. With respect, that is an idealised view. In situations of conflict, and obviously they are a minority, certainly it is my experience in my own constituency that people do retreat to their producer or their consumer interest areas.

Mr Butler: I think then we come back to the point I was making before the parents' council is an advisory body, the body that has the power to manage and cast the authority is the governing body.

Q391 Mr Marsden: Ms Windass, in the NGC's written submission to the Select Committee, you say in section 4.5, paragraph one, that you are concerned that the academy's programme is being used as a model for the governing bodies of trust schools. Is that because you think the academy's model is currently not a very good model or because you think there is no need for trust schools at all, therefore why do we need a separate model which is based on an academy model?

Ms Windass: I think it is a bit of both. NGC does have concerns about the model of governance in academies in that it is appointed by the sponsors.

Q392 Mr Marsden: Are these theoretical concerns or are they based on specific cases that you have already seen with the governance of academies?

Ms Windass: It is a general concern that the model of governance in academies is not necessarily representative of the local community, it is not the stakeholder of local governance as it is in most other schools where you have a third of elected parental representation. The academy's model is different, the sponsor has the right to appoint the majority of the governing body in perpetuity. We think there should be more local representation.

Q393 Mr Marsden: Even though we have heard that trusts will not have the same freedoms of manoeuvres as academies, in terms of where you see it, from the point of view of the parental community and the governing community, academies and trust schools sit in one section as being less representative of their views as opposed to the rest. Would that be a fair characterisation of your comment?

12 December 2005 Mr David Butler, Professor John Adams and Ms Gillian Windass

Ms Windass: The fact that the majority of the governing body could be appointed by a trust, yes, does concern us in the sense that it could be unrepresentative of the local community, unlike current schools, and going on to the fact that we already have very good community schools and very good voluntary controlled, voluntary-aided and foundation schools which do not have this model of governance. The academy model has not been around long enough for an effective evaluation of whether it is the best model.

Q394 Mr Marsden: It is conceptual, it is not that you have got existing horror stories from academies?

Ms Windass: No.

Q395 Mr Marsden: Professor Adams, you were quite dismissive about the overall effect of the White Paper in terms of your particular area, certainly beneficially. What would you like to have seen in the White Paper that would have made a real difference to governors that is not there?

Professor Adams: The most important issue for school governors is their ability to do the job. I think there is an important issue about their constituency and where they come from. Gillian talked about the stakeholder model, it is clearly not the only way of running a school, but it is the model that we have and it relates very closely to a number of concerns in other agendas, like the *Every Child Matters* agenda, to the concept of community. My real concern about the ability of a trust school, or any other organisation, to appoint clashes with that. There is an important issue there. The real concern I have, which I think I said earlier on, is that governing bodies now are “running” very substantial organisations and they have virtually no resources to do that with, they simply have to do it on their own. They are very grateful to the governor support units that most local authorities operate, but they are shoestring operations.

Q396 Mr Marsden: You would like to have seen a bit more of a “pot of gold” in the White Paper to devote those resources or not?

Professor Adams: I would not have used the phrase a “pot of gold”.

Q397 Mr Marsden: A few coins perhaps!

Professor Adams: Neither that. I think an injunction on school governors to take professional advice, and to be required to do so, would help. The reason they do not, as I am sure you well know, is it would be a call on the school budget, so they do not do that.

Q398 Mr Chaytor: Professor Adams, you referred to the gap between high performing and low performing schools in your opening remarks, do you think the extension of parental choice as the base of the admission system will increase or decrease the gap between those two council schools?

Professor Adams: I guess it could go either way depending on how that parental choice is exercised. I am not sure the proposals in the White Paper will diminish that gap.

Q399 Mr Chaytor: Do you think the operation of choice as it is now, and developed over the last few years, has influenced the gap in any way for better or worse?

Professor Adams: Your Committee has discussed at some length the whole issue of admissions and reported on it, and I think that is where the issue lies for things like oversubscribed schools. We, as an organisation, would support the Code of Practice becoming mandatory rather than voluntary as it is at the moment. How that choice is exercised is the crucial thing.

Q400 Mr Chaytor: From your experience of parents’ priorities, where does the existence of a range of different categories of schools lie? Is that the most important priority for parents, trying to find a place for their children?

Professor Adams: I do not think so. The big issue always is secondary transfers, that is where that whole crunch comes. If we are talking about the specialist schools’ agenda, I think there is an issue there where parents can choose what they think would be appropriate for their children. Remember, at the age of 10, they would like to join a sports’ college or a language college, is very, very early to make those decisions anyway, it seems to me, but I can see that by and large what many people say, and what many commentators have written, is what parents really want is good local schools.

Q401 Mr Chaytor: Do you think there is any conflict between the extension of the numbers of schools that are there or could be their own admission authorities and the principle of parental choice at the heart of the admission policy?

Professor Adams: I do not know if there is a conflict. I think to have 23,000 admission authorities might not make the parental choice terribly easy. I think there is some conflict between that and the notion of improving information for parents and so forth. I do not think that is the clash.

Q402 Helen Jones: The White Paper talks about school expansion and also about schools being able to acquire sixth forms. All of us know, of course, that the difficulty is what one school does has an effect on other schools in the area. In your view, who should be consulted on those expansion plans?

Ms Windass: I would say every other school and the community. One school expanding has a potentially significant impact on all the schools in the area. Certainly, in terms of sixth form provision, it can also have an impact on further education colleges and such, so every school that might be affected by such a decision and also the local community and parents. It needs to be widespread. Obviously, there is a difficulty in how if you are an individual school you manage to consult. You cannot possibly send out questionnaires to that many people, but you could certainly make sure that your plans are well publicised in advance and discussed. It may be that the school may think a sixth form is a jolly good idea,

12 December 2005 Mr David Butler, Professor John Adams and Ms Gillian Windass

but it may not be what the local community wants. You need to make sure everybody has had the opportunity to express a view.

Q403 Helen Jones: I wonder if David Butler can comment on that, particularly in view of the fact that Ms Windass is right, of course, that to send questionnaires or whatever out to all parents would be a huge logistical exercise. What happens in such a scenario to parents in the more disadvantaged areas who may well have a view? Mr Butler, how do you think it would be best to feed their views into the process? How can you reach out to those parents?

Mr Butler: As you probably expect, the questionnaire is not necessarily going to give you the result. If we look at the White Paper there is encouragement in here for the concept of schools to cluster and that is the opportunity for us to look at the issue of expansion, particularly in the area of the sixth form. If you look at the practicalities for many schools, what they like to be able to do is offer a range of subjects that pupils at that school may wish to follow. The school that I was a governor of for a period of time had exactly the same ambition but knew it could not meet that ambition in certain subjects because it simply did not have enough students to make it economic. What did it do? It talked to the school next door or the school over the road and in so doing at sixth form level in effect they swapped students. I think that is the way that you will get to sensible expansion because then you will have a reasonable cohort of pupils whom you can economically teach in a particular area.

Q404 Helen Jones: Indeed, but that can be done now, can it not, under existing legislation?

Mr Butler: Yes, it can.

Q405 Helen Jones: I wonder if Professor Adams could comment on this business of presumption if a school wants to expand. The presumption in the White Paper is for expansion. In your view as a school governor how does that interact with the problem of dealing with falling rolls which many areas are going to face in the future?

Professor Adams: Problematically, is the answer to your question. The obvious issue would be the impact on other non-expanding schools. While there is no set appropriate number of schools, and again my own school is currently engaged in a merger with a school that has severely falling rolls so there is a dynamic in the system anyway, clearly if one school was expanding when rolls were falling it could potentially have a dramatic and devastating impact on other schools. In other words, we could end up with less choice rather than more.

Q406 Jeff Ennis: In response to an earlier question, Professor Adams, you mentioned the possible detrimental effect of the trust school

situation on the *Every Child Matters* agenda. Could you expand on that slightly? What do you think are the possible detrimental aspects of that?
Professor Adams: Perhaps I did not put it very clearly. I do not mean trust schools as such but the implication that a majority of the governing body be appointed not necessarily from local citizens, not representing local stakeholders, seems to me to be one of the issues which in a sense de-emphasises the importance of community. A lot of the *Every Child Matters* agenda, the placing of difficult-to-place students and so forth, embraces community issues and collaboration and co-operation between schools. I do not see how that is going to be enhanced by making schools increasingly independent.

Q407 Jeff Ennis: I know one or two people have described the White Paper as being modelled on a London secondary-type situation. What is in the White Paper for rural schools in terms of parental choice and power? If there is not anything what should be included to act as a more inclusive model for the rural school settings?

Mr Butler: I come back to the comment made by someone earlier: what parents want is that their local school is a good school and they want to have an admissions policy which is simple, fair and one that they can understand. That is very important in a rural setting because you have probably got one school here and the next school, the alternative choice, might be several miles away, and whilst there is a comment in the White Paper about providing the opportunity for transport to these people who could go to a different school, how many parents willingly want to see their child travel several miles, because it lengthens their school day?

Q408 Jeff Ennis: Do you think we ought to have a statutory admissions code for schools?

Mr Butler: A fair and transparent admissions policy. I am not saying that if you had a statutory one that would mean one rule fits all because there will be local requirements and you must have the ability to flex for that local issue.

Q409 Chairman: Gillian, do you want to come in briefly on that?

Ms Windass: Many of our members do not see anything very much for rural schools in the White Paper. David referred to the bussing of children but even within that it only applies between two and six miles and in a rural area many children of necessity are already travelling more than that to the only school in the area.

Q410 Chairman: Do you want any change in the admissions policy?

Ms Windass: Some of our members would like to see it mandatory. As you can imagine, with 350,000 governors out there, not everybody subscribes to a mandatory code but they would all like to see fair and transparent admissions criteria.

12 December 2005 Mr David Butler, Professor John Adams and Ms Gillian Windass

Q411 Chairman: John Adams, what is your view on this? Could it not be done by just making the adjudicator a little bit more powerful?

Professor Adams: Perhaps.

Q412 Chairman: Do we need to go for having a mandatory code?

Professor Adams: I think so. I have said so before and I still think so. There are no doubt other ways to bring about a similar result but I think, as we

have already said, a fair and transparent code which is compulsory for all schools would be the proper way to do it.

Chairman: Professor Adams, Gillian Windass, David Butler, can I say I feel very sorry that we have not got longer. We have learnt a lot. You have added tremendously to the value of our inquiry but, as you know, we are doing it in a hurry and we have had to squeeze an awful lot of oral evidence in. My apologies for dragging you here for such a short session but we have gained a great deal from it. Thank you.

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

Q413 Chairman: Can I welcome Sir Cyril Taylor, Elizabeth Reid, Dr Elizabeth Sidwell, Sue Fowler and Dr Melvyn Kershaw to our proceedings. Again I am going to apologise, up front this time, for having all five of you at the same time and having a limited period of time. I think you understand better than most people how short is the time we have for this inquiry. Thank you for coming. It is a great privilege to have your experience and knowledge to inform the committee. I am not going to be able to allow each of you to come back on every question but, Sir Cyril, as you are sitting in the centre for some reason, do you want to say anything to start with or do you want to go straight to questions?

Sir Cyril Taylor: I think it may be helpful for those who have not read the briefing paper if we explain why the Specialist Schools and Academies Trust supports the broad concept of a trust school. We think it could be an evolution of the way specialist schools are collaborating now—I have given you evidence of a number of those collaborations and we think we probably have a hundred such groupings—which is to provide the sponsors who can get together and work with a group of schools and for a group of schools to help each other. It is not about competition or bringing in selection by the back door. It is about helping each of the member schools to raise their standards and we can see some fascinating potential developments, including primary schools and special needs schools. That is basically why we are supporting it. We think it is an evolution of the specialist schools concept which has been very successful.

Q414 Chairman: What part did you have in writing the White Paper?

Sir Cyril Taylor: Absolutely none.

Q415 Chairman: You were never consulted, you have never discussed it?

Sir Cyril Taylor: I could not even get a copy of it before it was published, but never mind.

Q416 Chairman: How many of you had a part to play in this White Paper?

Dr Sidwell: None.

Ms Reid: None.

Mrs Fowler: None.

Dr Kershaw: None.

Q417 Chairman: None at all? No consultation? Even the last lot, who were very good witnesses, were consulted as governors and parents. It all streamed past you. Sir Cyril, does it not muddy the water a bit? Here are you coming and saying that what you want is great collaboration, groups of schools and confederations of schools, and we have heard that before, but round about the same time you were appearing in the national press calling for the 5% of brightest children to be identified at 10 or 11 and fast-tracked through the education system. That is even more radical than bringing grammar schools back, is it not?

Sir Cyril Taylor: I think there has been a basic misunderstanding of what that proposal is. The sad thing is that if you take comprehensive schools, and we have proven that you can identify the most able by looking at the raw scores of maths and English at Key Stage 2 which is taken at age 11, and you track those same children in the comprehensive schools, whereas quite a significant proportion do very well at GCSE, when it gets to A-level only 10,000 of the 30,000 get the three As at A-level that they should. The whole point of the National Academy for Gifted and Talented Children I think is to help the very able children in the comprehensive schools to realise their potential. It is not anything to do with selecting what type of school you go to but with making sure that every school provides the provision for very able children who are in effect a type of special needs child.

Q418 Chairman: But, Sir Cyril, you have been around for quite a few years in terms of the education sector. I know you have been closely involved in specialist schools and city academies and CTCs and much else before that, and you have seen off a lot of Secretaries of State, have you not?

Sir Cyril Taylor: I would not put it that way. I have had the opportunity of serving nine of them.

12 December 2005 Sir Cyril Taylor, Ms Elizabeth Reid, Dr Elizabeth Sidwell,
Dr Melvyn Kershaw and Mrs Sue Fowler

Q419 Chairman: And a lot of Chairmen of this Select Committee.

Sir Cyril Taylor: You have been around quite a long time too.

Q420 Chairman: Maybe, but you have very broad experience. Quite a lot of people think really that if you got your own way you would like to go back to selective systems. Is that unfair to you?

Sir Cyril Taylor: Totally wrong. The specialist schools movement, and I use the phrase advisedly, is about comprehensive education. If you talk to our head teachers they passionately support the concept of comprehensive education.

Chairman: Everyone is nodding so I am going to hand over to Roberta.

Q421 Dr Blackman-Woods: If you were in the earlier session you will have heard that we had a discussion about whether there was anything new about trust schools and whether they offered anything that foundation status currently offers. Can you give us your opinion as to whether you think trust schools add anything?

Dr Sidwell: I am Chief Executive of the Haberdashers' Federation. We have two schools within our trust. I have always had a trust. What it gives schools is the Haberdashers' brand, it gives enormous experience from my trustees and my governors, and it enables us to leverage on their experience. It is a real benefit to our schools within the trust to have the Haberdashers behind us, if you like.

Q422 Dr Blackman-Woods: If I were to rephrase that slightly, what is going to be lost if trust school status is taken out of the White Paper? Is there not going to be an ability for schools to brand? Is that what you would say?

Dr Sidwell: Certainly if we lost the Haberdashers' brand I think that would be very sad for the pupils and parents who in their droves are applying to my two schools now, which are 12 to one oversubscribed and five to one oversubscribed at a school that was not a Haberdashers' school three months ago and is now and had not been chosen by any child for years. I think people recognise a good brand. If we can deliver that and tap into the massive experience of sponsors like the Haberdashers that is very beneficial to every child.

Q423 Dr Blackman-Woods: I am going to hold that and come back to it in a moment or two because I was very interested to hear you say, Sir Cyril, that you thought the White Paper was not about competition. It seems to me that if you bring in a system where you allow some schools to expand others will not as a consequence of that or otherwise you are bringing competition or contestability into the system. I was really wondering whether you think there is any evidence that having contestability will deliver either for the most advantaged or the disadvantaged. Where is the evidence base for that?

Sir Cyril Taylor: If you look at some of the collaborations we have in place, there are three schools in Trowbridge which have said that they prefer to have their accountability on a group basis. I think the law will require that the individual school's accountability would have to be shown as well, but this is something that has developed since 1997 when the then Secretary of State brought in the community role of specialist schools and a third of the extra spending has to be spent helping feeder primaries and at least one secondary partner. That sharing ethos sounds like rhetoric but it is not. I think Liz Reid could give you examples of high performing schools that have linked with other performing schools to the benefit of both.

Ms Reid: We are running a programme at the moment called Raising Achievement, Transforming Learning, in which specialist schools work with each other to raise standards. That is a collaborative programme. It is based entirely on trust, co-operation and the willingness of schools to participate, and that is having good results. It does seem to me that a good deal of what interests you is already happening on a very small scale and the evidence of those small-scale comings together so far is promising.

Q424 Dr Blackman-Woods: But we already have the possibility of communities of schools; we already have schools being able to federate; we already have schools being able to form alliances with business. My question is, what is it that is being delivered specifically by the White Paper that we have not already got at the moment, and what is the evidence that if we go down the trust school status route it will deliver any better results for either the most advantaged and those who are doing very well or the most disadvantaged? I am not sure that you have really answered either of those questions.

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

12 December 2005 Sir Cyril Taylor, Ms Elizabeth Reid, Dr Elizabeth Sidwell,
Dr Melvyn Kershaw and Mrs Sue Fowler

Q425 Dr Blackman-Woods: Can I come back to the evidence once more? I am not disputing what you are saying but what I am saying is, would it not be reasonable to expect that if we are going to bring in new structures, if we are going to go down a route of encouraging schools to be trusts, to work together more and collaborate, you would see an evidence base that says, “We are doing this because here are the results from experiments that are already happening and we think it is going to deliver da-da-da in terms of higher standards”? What I am saying is: convince us that this is not a wing and a prayer which is what it is looking like at the moment.

Dr Sidwell: I have a quick example: our trust and the two schools we direct within that. With one school that was failing, that was in real difficulty, we have had some very quick wins because we have been able to be agile and responsive. When you are in charge of something like that, where you would be with a trust, you are able to deliver. We have raised standards already. We had all the children very quickly in uniform. No-one said we could not do that. I think if we had had a looser federation we would not have been able to do that.

Q426 Chairman: You have done that with the present legislative framework?

Dr Sidwell: No, by having a trust.

Q427 Chairman: Is it a proper trust or is it a foundation?

Dr Sidwell: No; it is a proper trust.

Sir Cyril Taylor: It is an academy trust.

Dr Sidwell: It is a trust and so both schools report into the one governing body and the one trust, and I direct that. We have been able to be very quick to change things for the children there. It did not happen before, even though we were working with them. I think it is a mechanism for a quick step-change and we have proved that in these three months with the number of things that we have done. We have changed the catering, re-modelled the school and so on.

Q428 Dr Blackman-Woods: To get back to the original point, if you are doing that under academy status that is not quite the same as what is being proposed for all schools within the White Paper. I still think that there is an issue there that you have not quite addressed of a lot more schools going down the route of trust status as it is outlined in the White Paper.

Sir Cyril Taylor: It is only voluntary. Nobody is telling you to do it.

Q429 Dr Blackman-Woods: Of course, initially it might be voluntary, but if that is what is going to be—

Sir Cyril Taylor: Oh no, I do not think there is any intention that this should be compulsory.

Q430 Dr Blackman-Woods: It still begs the question of what is going to happen to community schools which are not trust schools, and if trust schools are

expanding and we are not having new community schools and they may not be allowed to expand what is going to happen to the children in those schools? You still need to answer my question about what is going to happen to those who are most disadvantaged and who are currently not doing well in the system.

Sir Cyril Taylor: There are 200 schools that are in special measures or serious weakness. It is my strong belief that some of those have been in special measures or serious weakness for years. They should be closed and become academies. I am quite blunt about that. The academy programme has been very clearly focused. It is about giving 150,000 children who are not getting a decent standard of education the chance of a good school. If you are a reasonably performing community school and you do not want to become a trust school there is going to be no requirement for you to do so. Two-thirds of our specialist schools are community schools but they are collaborating anyway and some of those people—Sir Dexter Hutt, for example, leads the Ninestiles Federation in Birmingham. That is a contractual arrangement with two former under-performing schools. I believe those three schools would prefer, instead of relying upon a contract (the single governing body), to have a collaborative trust arrangement where everybody pools to make two-plus-two equal 10 rather than four.

Q431 Dr Blackman-Woods: Maybe you have convinced my colleagues. You have not convinced me that the trust school status will not inevitably leave some schools behind and that there will have to be a mechanism for picking up those schools to either federate or do something else. I am not sure that we know that trust schools in themselves will necessarily deal with the problems of lack of achievement.

Ms Reid: If I could comment on this, we have been through a period, and indeed we are still in one, in which schools have not performed equally in relation to the value they add to their young people. The specialist schools programme has had some success in addressing that issue and trying to move us to a position where we can genuinely say that every school is a good school or an improving school. The question of schools being left behind is one that we are in the process of addressing. We are not adding to that risk. It is something that we are addressing and we are bringing schools forward. The trust school process may have a part to play in that and that is what some schools already think.

Q432 Helen Jones: Dr Sidwell, you referred earlier to turning round failing schools in your federation, but where is the evidence that that can only be done with your kind of set-up because community schools have equally done that, have they not?

Dr Sidwell: They have. As Liz Reid has just said, this may be only one way but it has to be said that at this particular school all sorts of efforts were made over the years to try and turn this school round—and it has been a remarkable change in a very short time—

12 December 2005 Sir Cyril Taylor, Ms Elizabeth Reid, Dr Elizabeth Sidwell,
Dr Melvyn Kershaw and Mrs Sue Fowler

and it has only been possible by buddying it up in our federation against a very successful school and us using all the policies available so that we are not wasting time with bureaucracy. It did not matter whether we were an academy or not; it is the fact that we are a trust so that with two schools one can leverage off the other, as I have said, and get the pride and the self-esteem of a successful school. I think there is strong evidence that that school has been turned round very quickly.

Q433 Helen Jones: Indeed, but, if I may interrupt you, that is not the point, is it? No-one disputes that turnaround. What we are asking you is to give us some evidence that that is a better way of turning all schools round than a community school. I can point to a community school in my constituency that was turned round by the local authority very successfully and with a very good head. Why do we have to go down the road that you are suggesting of trust schools in order to turn round failing schools?

Sir Cyril Taylor: We do have voluntary-aided schools and we have foundation schools.

Q434 Helen Jones: Excuse me, Sir Cyril, but I was addressing that question elsewhere.

Dr Sidwell: There are some schools which you can turn round in one way and some in another. This was a particular problem in that this particular school was particularly resistant and I think this particular method of having it in a trust with another successful school has proved right. It is a way of turning round schools.

Q435 Helen Jones: Let us accept that this is a way then. Is the White Paper right in your view—and perhaps another member of the panel would like to answer—to make it clear that there will be no new community schools?

Dr Kershaw: If I could go back a little, there are still many failing schools in many authorities and this may be another way forward. To say that local authorities are always successful, of course, is not always the case.

Q436 Helen Jones: Not all academies are successful, are they?

Dr Kershaw: Indeed. The difference between foundation and community is small in many ways but very significant in terms of attitude. Those foundation schools need not form trust schools. We are talking about a little step further down that road of delegating responsibility and authority to the level that it can best operate at and I think it can best operate at head teacher level, by helping head teachers.

Q437 Helen Jones: I understand that, but that was not my question. My question was, is it right to have a White Paper to say that there will be no new community schools in the future?

Dr Kershaw: I would defend that statement. I think if new schools were foundation schools that would be fine. Whether they become trust schools is a different issue.

Q438 Helen Jones: So whether the people in a particular area want to go down that road or not you are saying they should not have the option of having community schools in future? Is that what you are telling the Committee?

Dr Kershaw: I do not think I am saying that. I am saying it seems fine with me. Whether there are arguments that I have missed that suggest that community schools would be better I leave to you.

Q439 Helen Jones: Can anyone give the Committee any evidence that trust schools *per se* will be better at improving the results of that lower quartile of pupils that have always been difficult to reach and they will be better at engaging parents who are perhaps disengaged from the system? Where is the evidence that that is the case as opposed to evidence that a good head and good teachers, whatever system they are operating in, will be able to do that?

Sir Cyril Taylor: We should involve the sponsor group.

Q440 Chairman: I am aware of that. I will come to Sue Fowler in a moment.

Sir Cyril Taylor: If I could answer that directly, one of the reasons why specialist schools are performing a quarter better than non-specialist schools with the same intake of ability as measured by Key Stage 2 results is the role of the sponsors. We do not want to exaggerate their role but we have very distinguished sponsors—GKN, Rolls-Royce, HSBC. HSBC has backed 100 specialist schools. On the notice boards of every one of those schools it says, “An HSBC Centre of Excellence”. That is not free advertising for HSBC; they do not need that. It is the pride of association and this is where I think the input of a sponsor could potentially be really crucial, not necessarily automatically, but in a trust set-up you are in effect involving the sponsor in a much more direct way. Sponsors are not doing this to make money. They are not allowed to do that. You cannot be a sponsor if you are selling services to the school. They are doing it because of their concern about the community and because they want to raise the standards of the country’s skills, our workforce. I think having a mechanism that involves that energy and focus on results could be extremely valuable within a group of schools working in a trust set-up.

Q441 Helen Jones: That was a very interesting piece of rhetoric, Sir Cyril, but I think the Committee would prefer some facts and figures. Do any of our witnesses have any evidence to show that a trust school will automatically be better at reaching those more difficult to reach pupils than a community school would be?

Dr Kershaw: I cannot give you that evidence but I can give a perspective on that. I operate with a group of local schools as a collaborative largely based on

12 December 2005 Sir Cyril Taylor, Ms Elizabeth Reid, Dr Elizabeth Sidwell,
Dr Melvyn Kershaw and Mrs Sue Fowler

the 14–19 White Paper needs and demands. No one school can provide the learner entitlement that we should provide for post-14 and post-16. No one school can provide 26 A-levels, 14 sector skills courses, vocational courses and competency based courses. We are working together to do that and our major area of collaboration is around those vocational areas—modern apprenticeships, competency based courses—that are absolutely designed to engage and inspire those children that you are talking about. A trust would take that collaborative which really is working for that cohort of students that step further. It is not evidence but it is a perspective.

Q442 Mrs Dorries: I would like to go back to Dr Sidwell. You talked about Haberdashers' Aske's as being a brand. I think it is a brand in pretty much the same way that Harrods is a brand and I am sure you have droves of parents wanting to come to your school because the children who attend a school like Haberdasher's Aske's have an extra punch, as it were. It is like an extra A-level or an extra GCSE. It is by association, as it were, even without good exam results. This question is to Sir Cyril. Given that we have the trust schools who may wish to go down this branding road, are we not going back about 35 years? Are we not going to end up in a situation which is like the grammar and secondary modern situation if we have trusts like Haberdasher's Aske's and community schools which are left to fend for themselves? Are we not going back to a two-tier system with two ends of the spectrum?

Sir Cyril Taylor: Primary legislation that exists in law forbids new selective schools to be formed. It is very important to put that on the record because an awful lot of people do not understand that. The trust initially is not about bringing back selection by the back door. It is simply not about that.

Q443 Mrs Dorries: Sir Cyril, how do you know that, because we do not know that? We get to be told what the admissions criteria are.

Sir Cyril Taylor: I recently had a meeting with Philip Hunter and I believe that you are going to be seeing him on Wednesday, and we talked about making the admissions guidance statutory and he would be strongly against it because he said that you would have a 1,000-page piece of legislation and even then you would not cover every conceivable aspect. What he is saying, and I strongly support, is that if people are in breach of the code then a neighbouring school should complain, and I believe the White Paper has a proposal to make the adjudicator's decision binding for three years. Currently it is only binding for one year. That means you do not have to go through the same procedure each year. This is about raising standards in all schools, especially the ones which are in socially disadvantaged areas. It is not about giving already high performing schools a further advantage.

Q444 Mrs Dorries: So are you saying that there is going to be a statutory code of admission?

Sir Cyril Taylor: No. I am saying that I think it would be very difficult to make it statutory because you could not possibly think of every conceivable admissions issue that comes but, where people are in clear breach of the code and the adjudicator finds that to be the case, I support making that decision binding for three years.

Q445 Mrs Dorries: I understand that, but if it is not statutory they do not have to abide by it.

Sir Cyril Taylor: Sorry?

Q446 Mrs Dorries: Whether it is binding or not, if it is not statutory there is no legal redress for schools to make it binding.

Sir Cyril Taylor: I believe that if a complaint has been made and the adjudicator finds it against you, you have to correct what you are doing.

Dr Sidwell: Haberdasher's is a good brand but it is not Harrods in that it is expensive and it is in Knightsbridge. My two schools are in very deprived areas in New Cross and in Downham. We are completely committed to comprehensive education. Those children have a right, as everybody does, to buy something in Harrods if they want to, so to have a Haberdashers' education is what I am trying to bring to those children. In the three months that we have had the one school you should see the difference in the pride with which those children wear that Haberdashers' uniform. I am completely bound by the admissions code of practice. I am completely committed to comprehensive education. In those two Haberdashers' schools there is no academic selection at all. We have specialisms for special needs and all the proper things in terms of the over-subscription criteria, and the last bit is a bit of random selection. We cover a broad area; it is not a selective school for privilege in any way. It is giving to children who are very needy and very deprived something that is good, because the Haberdashers have had that 300 years of experience and they can be proud when they look back at that. I just wanted to stress that it is not privileged in any way.

Q447 Chairman: Dr Sidwell, what worries this Committee—and this is what Nadine also believes—is that when we have taken evidence before, when we looked at admissions before Nadine was on the Committee, what we found was that the Sutton Trust was picking up that the top performing state schools, comprehensive schools, actually managed to exclude students with special educational needs, those on free school meals, very effectively indeed. That is evidence we have recently seen from the Sutton Trust. I think there is a new report coming out which will suggest that only 3% are on free school meals in these comprehensives in these areas, whereas people suggest that with the local population and the community they serve it should be 13%. I believe that the top 100 comprehensive schools have come up with very similar findings. That is what worries this Committee, that by some kind of method these very high performing schools,

12 December 2005 Sir Cyril Taylor, Ms Elizabeth Reid, Dr Elizabeth Sidwell,
Dr Melvyn Kershaw and Mrs Sue Fowler

which are delivering a very good education for the kids that get in, somehow do have a way of refining whom they take.

Dr Sidwell: The code is getting tighter and tighter and so I hope that if that has happened it will be stopped. I cannot see how I could do that. In one school I have got 46% free school meals and in the other 17%, so they are both high. The way I select my children, I have no interviews, none of that; I have not done that for years, so I cannot see how I could know who is on free school meals and put them out. I follow the fair banding and code of practice; indeed I would get picked up if I did not, and I believe that there are strong guidelines and strong coercion to follow that code of practice, which I think is good and fair. I would like to reassure you that we cannot and would not want to do what you suggest.

Q448 Chairman: But when we took evidence we had heads as important as you running prestigious institutions that said, “We take note of the code”, but when we pushed, “Do you take any looked-after children?”, the answer was, “No, we do not, and the reason we do not is that we take note of the code and that is it”. At the moment that is the rule, is it not? You take note of the code. You do not have to abide by it.

Dr Sidwell: I am, and all trust schools would be, part of the Admissions Forum. I have to go to that local forum, as do all the other schools in the area, and they check up on my figures, as do the DfES. I could not get away with that, even if I should want to which I would not, so as long as the Admissions Forums and all the procedures that are put in place are being followed that should not happen, and I believe people are so much more informed now.

Q449 Mr Marsden: Sir Cyril, you reassuringly said earlier that you saw the trust concept very much as an evolution of many of the things that specialist schools were doing and you referred to them specifically and you said that you thought it had particular benefits for primary and special needs schools. What is it that the trust structure would deliver that is not already being delivered by collaboration between specialist schools in, for the sake of argument, my own constituency in Blackpool where I can say that the collaboration and the connections seem to be working pretty effectively?

Sir Cyril Taylor: I think the record on special educational needs and especially vulnerable children is highly mixed. There are 160,000 statemented special educational needs children, 70,000 children in care and another 1,200,000 children with some form of special educational needs. The provision, frankly, is not uniformly good.

Q450 Mr Marsden: But that is not the question I asked you.

Sir Cyril Taylor: I am just getting to it. I think a trust structure would enable a group of diverse schools to work together, such as a suburban school that has middle-class parents working with a school that

catered for inner city, socially disadvantaged parents and a special school concerned about vulnerable children. Vulnerable children are typically moved three times a year from their foster families with devastating effects on their educational outcomes. If a group of trust schools working together adopt as a policy that they are going to track what happens to these children, make it part of their accountability, I think it would be easier to achieve than purely voluntary arrangements that may or may not happen.

Q451 Mr Marsden: Hang on: you are not characterising what I said correctly. I am not talking about merely voluntary arrangements. I am talking about a situation in the Blackpool case where specialist schools are working together closely. In fact, I have a special educational needs school cheek by jowl with a secondary school; literally they are next door to each other. These are not just voluntary things. These are currently being co-ordinated pretty successfully by the local authority and with the local authority. I will repeat the question. What are the specific aspects of trust school status and all that that implies which would make that co-operation and that collaboration more effective than it is now?

Sir Cyril Taylor: Common leadership, common trustees, an ethos which has developed and is shared.

Q452 Mr Marsden: It is all a bit vague, is it not?

Dr Sidwell: Expertise coming in.

Q453 Mr Marsden: We can get expertise and we can get a common ethos. Okay, we cannot get common leadership under the—

Sir Cyril Taylor: It is a little unfair though to say that if you have not got a trust school therefore you do not have a record and therefore we should not do it. **Mr Marsden:** I am not saying that, Sir Cyril. I am not saying you should not do it. I am asking you, after a series of questions where we have all been trying to grasp the essence of trustness, if I can put it that way, to try and define the specifics in there. Can I move quickly on from that?

Q454 Chairman: Before you do, I think we ought to have an answer to this because the last group of witnesses did not think this White Paper was going to make much difference. The last group of witnesses said, “Trusts, foundations: we can do that through foundation schools already. What is all the big fuss about anyway?”. It was a challenge, “Why have trusts?”.

Ms Reid: I think this is just about providing another vehicle, and it may be a more powerful vehicle, for schools to work together. One element in a trust is very likely to be a business sponsor or some business engagement, or possibly the engagement of a university, which would be a very interesting development. With the security and the single umbrella of the trust it would be possible, for example, and I think this is in the written evidence that has been laid before you, for a group of schools to combine to recruit a higher priority director of

12 December 2005 Sir Cyril Taylor, Ms Elizabeth Reid, Dr Elizabeth Sidwell,
Dr Melvyn Kershaw and Mrs Sue Fowler

finance, for example, who might support and assist schools in the management of their resources. I think there are a number of those kinds of benefits that one could adduce but, as has been said, schools that are already working together will look at this option and I think for some of them it will make sense and they will see it as a way of drawing in new partners from business or from higher education. Others will continue to use the variety of ways there are in which schools can collaborate. The key point is that we are in a new period when schools are collaborating and doing that extensively. I do think that some of that is because of the power of the specialist schools network. It is an inclusive network and it is the existence of that network and the development and strength of collaboration we see that I think will mitigate against the kind of anti-social behaviour that members of the Committee worry that some schools will engage in.

Q455 Chairman: I was worried you were going to say the anti-social behaviour that we were exhibiting! Sue Fowler, I can see a real opportunity for bringing you in here. Sir Cyril made a great fuss about 100 HSBC special schools but we are balancing that with the fact that the senior person in HSBC recently said that they did not want to go along with trusts. They thought that that was a step too far, getting involved in trusts. You are an employer and one from a very respected company, very active in the Engineering Employers' Federation that I know well. What is your view on this?

Mrs Fowler: It is fairly mixed. I certainly see trust status as giving further opportunity for employers to engage in education and to build links between the education system and business, and it gives a certain stability to that relationship. At the moment, for example, GKN is active in educational and business links right the way across the country, but obviously we are limited by our locations. Somebody like HSBC is ubiquitous. We are somewhat more select. A trust structure would lock in the relationships that we have more closely. Currently, for example, I am a governor at Haybridge and we sponsored Haybridge's bid for specialist school status five years ago. I am also a parent of a child at the school and that helps to build the links between my section of GKN and that particular school. In terms of trust status, the relationship will perhaps be more high level but also perhaps more stable. Obviously, my children will pass through the school, I will myself perhaps pass on within the organisation and they will no longer have those links, so in some ways it will give stability. It may give greater involvement but again that depends very much on the location of the school. Currently we will send engineers, people like myself, managers, into schools to talk to children about specific areas of the curriculum or to engage in projects and things like the Engineering Development Trust, for example, or involvement through EEF in projects that they are running. That I think would continue in any case and that is lower level involvement which this will not particularly affect. In this context we are talking much more

about the larger employers. In many ways the companies that you want to target are the SMEs because they are the people who are going to provide employment opportunities for the majority of schoolchildren in the future. The average life of an SME in this country is 14 years. That does not lend the stability that a trust would want to establish.

Q456 Mr Marsden: I would like if I may to ask Elizabeth Reid this question. It is related to the trust issue but it takes on a wider one, and that is the question of expanding schools which we heard about in the previous session. If a specialist school is given the ability to expand its roll, whether or not it is in a trust format or not, what are the mechanisms that would exist to prevent that expansion socially distorting the current mix in the school?

Ms Reid: It is very difficult to see that there would be mechanisms specifically to prevent that because there are not mechanisms that exist at present to create a particular social distribution in the schools.

Q457 Mr Marsden: No, but at present we do not allow schools to expand. Let me put it another way to you. Are you afraid that the expansion of schools, if it were permitted, would create a socially divergent system in specialist schools that were operating effectively before that time?

Ms Reid: I think that would not be the case. We have got some experience of this because schools have been able to expand through the more open enrolment arrangements and many schools have expanded. I think that there are issues if there are surplus places and it can be very difficult for schools in an area with surplus places as a result of declining rolls. What one hopes is that going forward the very collaboration that I have been talking about will resolve some of the difficulties that undoubtedly we have seen in the past, in that some schools have flourished and other schools have done less well because as rolls have declined they have been obliged to take children moving into an area who may have been excluded from other schools and so on. We have seen all of that and know that well. What I hope is that, given that we have now got much better and stronger collaboration between schools, we would not see that kind of result. The other thing I must say, if I may, Chairman, is that the standards of education in virtually all secondary schools are now rising and so this whole question of parental flight from schools that are doing less well or declining is one that I hope we are beginning to arrest. This is the key to it. It is actually to raise standards in all schools and that is really what we are about.

Q458 Mr Marsden: That is very fine rhetoric but it does not necessarily address what would happen in a particular locality if there were expansion of schools. Is it not the case that while you fail to have a compulsory code of admissions that danger is going to be present?

Ms Reid: If that danger is present in a locality there are a number of other factors that are at work. One would want to know why it was present, what it was

12 December 2005 Sir Cyril Taylor, Ms Elizabeth Reid, Dr Elizabeth Sidwell,
Dr Melvyn Kershaw and Mrs Sue Fowler

about other secondary schools that were there for parents to choose that made the expansion of another school such a threat. You have to operate on the whole context and not just focus on one part of it.

Q459 Mr Marsden: My final question is to you, Sir Cyril, about the Schools Commissioner for Trusts which is envisaged in the White Paper. Is it in your view feasible that the same person who has a responsibility to promote the concept of trusts should also be the person who would have a regulatory role?

Sir Cyril Taylor: I do not know. I have not seen the job description. I do think there are certain areas of the country where action on taking improvement measures for under-performing schools has been very slow. It is not a general problem but it is certainly an issue within some areas. I think that could be a very important role that the Commissioner could play.

Q460 Mr Marsden: So you do not think you are going to have a poacher and gamekeeper situation?

Sir Cyril Taylor: I have not seen the job description so I cannot really say.

Q461 Mr Marsden: No, but you know how it is described in the White Paper. You have seen the White Paper and you have seen the comments that have been made upon it. I am asking your view on whether there is a danger.

Sir Cyril Taylor: Sorry; would you repeat the question?

Q462 Mr Marsden: The White Paper talks about the Schools Commissioner for Trusts having a role in promoting the concept of trusts. It also talks about that person having a role regulating the activities of the trusts. What I am asking you is, do you think there is an inherent contradiction in those two roles being in the same person?

Mrs Fowler: Not an inherent contradiction but I can see the concerns that you are worried about. I would hope that the commissioner would focus more on taking action to improve under-performing schools.

Q463 Mr Chaytor: Sir Cyril, the section of the White Paper that deals with the Schools Commissioner for Trusts does not say anything about his or her powers to deal with under-performing schools or to close under-performing schools.

Sir Cyril Taylor: I was under the impression that the White Paper said that the commissioner could require authority to take action on a failing school. Maybe I misread that.

Q464 Mr Chaytor: It says that the commissioner will be able to challenge local authorities that fail to exercise their new duties adequately, including in relation to school expansion and sixth form provision, but it does not say that the commissioner

has to challenge local authorities in terms of their failure to deal with under-performing schools. There may well be a good role for that.

Sir Cyril Taylor: I think it is a bit moot because I suspect the academy programme, if it succeeds in the way that I think it will do, will take care of the bulk of the under-performing schools in the country and that is why I am strongly supporting it, because it is aimed at the under-performing schools.

Q465 Mr Chaytor: I am confused; I am still not clear about what specific advantage a trust school has that is not available to schools within the existing system. All the issues we have heard about: the branding of the school, the uniform, common timetabling, the ability to collaborate over the governance and planning, are clearly there now. You are arguing the case for trusts as an option open to some schools in some circumstances, but in the White Paper it is absolutely central to it. It says, "We are developing a radical new school system based on a system of independent, non-fee paying state schools". There seems to be a huge difference between the complete revolution the White Paper is arguing for and the piecemeal optional extra you envisage. Is that a fair comment?

Sir Cyril Taylor: Would Elizabeth want to answer that?

Q466 Mr Chaytor: Elizabeth has put the case for a step-by-step approach.

Ms Reid: I would like to draw an analogy with the specialist schools movement and the whole progress of the specialist schools policy. What has been interesting about that as a policy is that it is one of the very few policies that is bottom-up. Schools opt into it. It is a policy that reached critical mass perhaps a couple of years ago and has succeeded because of its voluntary nature, because schools are engaged by it and schools are interested by it and schools test themselves.

Q467 Mr Chaytor: It will be compulsory. There is nothing voluntary about the new status for new schools.

Ms Reid: Specialist school status?

Q468 Mr Chaytor: No; I am talking about the trust system. There is nothing voluntary about it. It says that new schools will be trust or foundation schools. They will be self-managing, independent, state schools. That is top-down with a vengeance, surely?

Ms Reid: This part of it is very much about defining a new role for local authorities. That is really what this is about. I think there is a clarity, whether one agrees with it or not, in the White Paper about a move to a role for local authorities which is essentially a commissioning role rather than a provider role. On the question of trusts, one might envisage that if it is proposed in the way that it is, which is essentially that it is an option, and if it is an option that succeeds, it will grow in the way that the specialist schools movement has grown. That seems to me to be at least a possibility. If it does not work

12 December 2005 Sir Cyril Taylor, Ms Elizabeth Reid, Dr Elizabeth Sidwell,
Dr Melvyn Kershaw and Mrs Sue Fowler

in the same way then perhaps it will not flourish. That is really the argument: is this something that schools, their governors, their parents, their communities, all want to buy into? Are there advantages? The argument is being put that there are advantages. The test of that in a sense will be the take-up, just as it has been the test of the specialist schools programme.

Q469 Mr Chaytor: What will be the difference between trusts and foundation schools in terms of financial autonomy and ownership of assets?

Ms Reid: My understanding is that there will be no essential difference but that the trust provides an umbrella governance for more than one school. That is the key to it.

Q470 Mr Chaytor: But the White Paper describes two kinds of trust, does it not, those trusts that are attached simply to one school and those trusts that include a number of different schools? The issue in terms of finance and assets is, will trust schools, whether they are individual trusts or collective trusts, be subject to different rules from foundation schools? Will there be greater freedoms or greater autonomy?

Ms Reid: As I understand it, no. There are foundation schools at present that have foundations, that do have small-scale resource in a foundation behind them.

Q471 Chairman: “Can I sell off the family silver?” I think that is what David wants to ask.

Ms Reid: No, and there are Treasury rules about that.

Sir Cyril Taylor: There is a technical difference between a foundation school and a trust school. A trust school is a foundation school with a foundation. That sounds silly but let me explain it. A foundation school will own its own property, hire its own staff directly, have its own views about admissions in conjunction with the Admissions Forum. A trust school will have all of those functions but it will also have an overarching foundation over perhaps a number of schools and that foundation could, for example, raise money if it wanted to. It could have an endowment. It would have a group of trustees who may or may not appoint the individual governors along with the governance procedures, and I notice that parents could even end up with more governors in the trust schools than with the existing structure of schools. I find that very interesting.

Q472 Mr Chaytor: Sir Cyril, is it not the case that foundation schools now have foundations and some of those foundations have significant endowments?

Sir Cyril Taylor: They can have but all trusts will have.

Q473 Mr Chaytor: So some foundation schools do have foundations?

Sir Cyril Taylor: Yes.

Q474 Mr Chaytor: All trust schools will have foundations?

Sir Cyril Taylor: Yes.

Q475 Mr Chaytor: But in terms of the financial autonomy of either kind of foundation school and the trust schools, what is the difference?

Sir Cyril Taylor: I do not think there are many groupings of foundation schools; I do know not the answer to that.

Q476 Mr Chaytor: Is there a difference between the financial autonomy and the arrangements over the control of assets between the trust schools and the foundation schools that have foundations?

Sir Cyril Taylor: I believe the funding in a trust school will still go to the individual school and is coming from the LA. Do not forget these are maintained schools; they are not academies, but there is the possibility of the pooling voluntarily of a group of schools under a trust arrangement saying, “We would like to put some money towards an IT co-ordinator, a bursar perhaps, maybe a fundraiser”, and that is a much more explicit possibility than currently exists.

Q477 Mr Chaytor: I do not understand how that is different from what applies with foundation schools now that currently have foundations.

Sir Cyril Taylor: I do not know the answer to this question, but it would be very interesting to see how many foundation schools are operating with more than one school. I suspect it is very few.

Chairman: We have the Secretary of State here next week.

Q478 Jeff Ennis: I am glad we are focusing on the issue that I think we all agree with, that we want to try and make every school in this country a good school.

Sir Cyril Taylor: Absolutely.

Q479 Jeff Ennis: I hope that is the driving force behind the White Paper. Having listened to our witnesses, Chairman, is the Government not being a bit timid here? Would it not be better to have a New Zealand-type model where every school has to become a trust school and to have an overarching trust arrangement across an LA area which all commercial sponsors can feed into? That would make it easy to attract the SMEs, for example. It would also be more helpful for the deprived areas where you do not have a major employer, for example, to get commercial sponsorship in. Are we having the glass half-empty rather than the glass half-full approach here?

Dr Kershaw: I think this element of choice, of schools taking some control over their own destiny and working with others, is crucial to this. If one replaced one governing authority with another

12 December 2005 Sir Cyril Taylor, Ms Elizabeth Reid, Dr Elizabeth Sidwell,
Dr Melvyn Kershaw and Mrs Sue Fowler

governing authority I think the schools beneath it may not particularly take ownership or notice the difference.

Q480 Jeff Ennis: Are there not attractions there in getting more commercial sponsors in though?

Dr Kershaw: I think there are attractions. You are rightly and properly looking at all the checks and balances and I understand what you are saying and I support everything that is behind those questions, but in my experience the biggest step forward that schools have made in the last 20 years was when schools took on their own finances, the local management of schools. It was a huge step forward. I remember those days. I was a deputy. My next big step forward was when we became a specialist school and we had those extra reserves and extra funding from local businesses to do those things that we wanted to do to benefit all of our children. It seems to me that this is the same sort of thing, that we would wish to opt into this system.

Q481 Chairman: You are a specialist school now, are you not?

Dr Kershaw: We are a specialist school, but a community school.

Q482 Chairman: What sort of school do you want to be?

Dr Kershaw: We want to be very much as we are now but working more closely with our local schools.

Q483 Chairman: Why have you not become a foundation school?

Dr Kershaw: Because it does not enable us to work with those other schools unless they also become foundation schools. We are six schools together. We are looking for some way of moving forward as six schools together. We are looking at quite deprived areas.

Q484 Jeff Ennis: Or become trust schools?

Dr Kershaw: Trust schools will be separate and my understanding is that the idea of the trust side would be that we would do that together.

Q485 Chairman: I thought in the old days but you were a CTC but you were an academy; right. Why does this interest you then? Academies have got more powers and more independence than a trust school.

Dr Sidwell: What interests me is independence and what has motivated me is independence because I have been able to direct the skills that I work with in a way that I believe has benefited it for those children. Mr Ennis's idea of that bigger bureaucracy is not what we want. We do work together and heads do. You have only got to look at the independent sector because they do work in groups together. We like working with heads. The Specialist Schools Trust's motto is "By schools for schools". I have been a CTC and I have not stayed as a CTC; I have become an academy. I have not stayed as one academy just grabbing what I can get. I have taken on the worst

school in the country as well and that is what I want to do. I want to work with my colleagues and with a strong team. That is what businesses do as well: they build strong teams around them. I have got a brilliant finance director and we would not be able to have him if I did not have two schools. We would not be able to afford him. I have got a brilliant ICT person. Having a number of schools in a trust and being able to go forward is very powerful.

Q486 Chairman: But, Dr Sidwell, is that not an argument for saying that all schools should be academies like you?

Dr Sidwell: Well, there we are, yes. That would be nice.

Q487 Chairman: Really? Is that what you are saying?

Dr Sidwell: No. I am saying that a degree of independence brings responsibility and responsibility means you have to be successful and it means you work with others around you.

Mrs Dorries: What is to stop organisations abusing the trust school status and, if they were, who do you think would abuse it?

Q488 Chairman: Sir Cyril, you have been going to too many schools. There is a little boy at the back, which allows me to say that we are looking forward to visiting your school, Dr Sidwell.

Dr Sidwell: We would be delighted to have you.

Q489 Chairman: You are a bit further, Dr Kershaw.

Dr Kershaw: You should get out more and come to both of them.

Q490 Chairman: They often say that to the Committee: "You should get out more". Sir Cyril?

Sir Cyril Taylor: They will be registered charities. You have to file accounts every year and quickly; otherwise the Charity Commissioners put you on to their website, and any financial impropriety should be picked up by the audit which will be conducted for the charity. This is not about people wanting to get involved to make money. It is not about that at all. It is about sponsors wishing to help to raise standards within the schools in their area. If there were examples of a trust that went wrong I would hope that the rules would require the Charity Commissioners to take immediate action and the Secretary of State presumably to change the trustees.

Q491 Mrs Dorries: I am sure those administrative safeguards would be in place but I am thinking more along the lines of various groups of parents, various faith groups and sponsor groups who would form a trust for other reasons. I do not mean particularly these administrative safeguards but what would stop a group of parents of a particular faith or a particular organisation setting up a group of trust schools? How could that be prevented?

Sir Cyril Taylor: I think that is a very reasonable question to ask. Obviously, with the difficulties we have had this past summer, it is an issue that is going to become increasingly important. I have been asked

12 December 2005 Sir Cyril Taylor, Ms Elizabeth Reid, Dr Elizabeth Sidwell,
Dr Melvyn Kershaw and Mrs Sue Fowler

to go up to Oldham to meet a group of imams who are concerned about the schools in Oldham, one of which is 98% Muslim, and want to do something to improve the diversity of the student body. I agree with you that there ought to be safeguards from somebody wishing to take over state-funded schools for a very narrow religious purpose. The schools will have to teach the National Curriculum, will have to be accountable through the examination results if the Charity Commissioners are to make sure that the money is spent against the education of the children, and obviously this is a concern that has to be looked at.

Q492 Mrs Dorries: There are no safeguards in the White Paper against organisations such as that forming a trust school. Are you pro-selection by faith because that is the kind of selection criterion we would see being introduced and there is no safeguard against that in the White Paper either? Although you say they will have to teach the curriculum and there are various sorts of safeguards, there actually is nothing to stop a group of 98% Muslims or 98% Catholics in a particular area setting up their own faith school and having false selection criteria based on faith.

Sir Cyril Taylor: I am not sure about the admissions, although I suppose some of the Christian schools require church attendance more vigorously than others, but if you look at the Church of England secondary schools, Sir John Cass, for example, in Tower Hamlets, has a majority of Muslim children attending that school. Our trust, the Specialist Schools and Academies Trust, has just agreed with the Church of England a multi-faith initiative where more of their schools will overtly adopt a multi-faith approach and we are inviting other religions to join in that. I think this is something you do by persuasion but I agree with you that it is something that the Secretary of State would need to keep an eye on so that you did not get some very radical religious group taking over a group of schools.

Q493 Mrs Dorries: Yes, but you cannot keep an eye on it. It has to be legislated for. The Education White Paper does not do anything to prevent that happening. It is not good enough. It is very vague to say that the Secretary of State keeps an eye on this. That just is not satisfactory.

Sir Cyril Taylor: I have to pass on that.

Q494 Chairman: Does anybody else want to come in on this question?

Dr Kershaw: I would agree with the thrust of your question. That is a much more dangerous example of division than the concept of the trust school, which is also, I gather, one of your fears. I would wish to see some very careful thought on your part.

Q495 Mr Wilson: You spoke earlier about the brand that you have in your school and how important it is. To extend that more widely we are going to need hundreds of companies to come in and sponsor trust schools. One of the sponsors that was trumpeted at

the start was Microsoft getting very involved in trust schools. They happen to be in my constituency, so I went to visit them to talk to them about this. They told me that they had absolutely no interest whatsoever in being a sponsor of trusts or academies. Is this not going to be true of a lot of big businesses? They are not really going to want to get involved in this, are they?

Chairman: Who wants to come in on this? Sue Fowler, do you want to come in on it? What is wrong with Microsoft?

Mrs Fowler: There is nothing wrong with Microsoft. We use them all the time.

Q496 Chairman: It seems to me that someone is always trying to get money out of the Microsoft Foundation but they concentrate it on anywhere but Britain, but never mind.

Mrs Fowler: I would say that employers will need to consider this particularly carefully. I would not want to see this as being a route of funding the education system by the back door. Whilst I would applaud any further development of the relationship between business and the education sector, both in terms of making sure that education is in contact with the real world and also at the same time that business has the opportunity to develop the employability of the next generation of employees, I can see that this is still a very new topic. I think that the majority of businesses will want to consider very carefully what the implications of the trust school structure is and what commitments and liabilities that will bring to employers in entering into that relationship in a more formal way than is currently the case.

Mr Wilson: Chairman, I can see how my questions are clearing the room very quickly.

Chairman: My apologies to the witnesses. Some of our members are going across to see the Prime Minister and I am very sorry but that was at six o'clock and they have waited as long as they could.

Q497 Mr Wilson: Your evidence this afternoon in terms of your support for trust status has been very much about the collaboration that it brings, but we had witnesses in here from the teachers' union, I think a week ago, who told us that it is going to make it much more difficult for schools to collaborate. Who should the Committee believe?

Dr Sidwell: The head teachers. I think you should believe the heads, but you have got to listen to everybody, as you obviously do, and look at the evidence on the ground. I think the evidence is not that head teachers who lead the schools go into competition with each other. We are collaborative and will work together but we may choose to work with one group of schools for one thing, like I work with some independents and some other state schools on initial teacher training, and I work with other schools for something else, and so you may look at different groupings, but we like to work together and that is where we get our strength from.

Chairman: Can I say that this has been an extremely good session and I wish we had more time. Normally

12 December 2005 Sir Cyril Taylor, Ms Elizabeth Reid, Dr Elizabeth Sidwell,
Dr Melvyn Kershaw and Mrs Sue Fowler

at the end I ask if there is any question that we should have asked you that we did not. As you travel home do think about this strange thing called a select committee inquiry and, if you do have some ideas that you should wish to impart to us which would benefit this inquiry, please let us know. We do not make these things up. We listen to the resonance out there. A good inquiry listens, picks up what the

resonance is and that informs our inquiry and makes us write good reports. If you can help in any way please remain in touch with us. It is quite urgent because we will be writing our report up over the Christmas recess, so you only have a few days to do that. Do e-mail us or write to us or telephone and we look forward to visiting a couple of your schools. Thank you very much for your attendance.

Supplementary memorandum submitted by Dr Melvyn Kershaw, Head Teacher Haybridge High School and Sixth Form

COMMENTS ON TRUST STATUS FOLLOWING THE SELECT COMMITTEE MEETING

It may help for me to say that as a practising head teacher I understand the thoughts and rationale that I guess was behind many of the questions. I hope your report can recommend ways of negating unhelpful divisions within the system, whether between faith schools and non-faith schools, schools in challenging environments and those in middle class areas or between pupils who are disadvantaged and those who have favoured circumstances.

Trust status will in my opinion unleash energy and initiative from schools, their governors and head teachers in the same way that the introduction of school based financial management did some years ago. I believe that the majority of schools will wish to work in partnership with their LAs and surrounding schools for the benefit of all pupils and I am sure you can enshrine in legislation, protection against the very few who may have an exclusive and selective agenda.

I see Trust status as a way of reinforcing collaboration, not reducing it. I use, as an example, my position as a leading school in two contexts :

- (a) as a member of a “soft” collaborative of six other secondary schools, two special schools and an FE College wishing to use the Trust school mechanism to move us forward. We have embraced the collaborative agenda of the 14–19 White Paper and hope that this White Paper will support us taking the next step, and
- (b) as the secondary school in a semi-rural locality that is the major destination of six feeder primary schools. We would see the Trust status as providing a convenient mechanism for us to collaborate in a more structured way bringing more efficiency and co-operation to our work, helping children to make the transition more easily and successfully.

December 2005

Wednesday 14 December 2005

Members present:

Mr Barry Sheerman, in the Chair

Dr Roberta Blackman-Woods
Mr David Chaytor
Mrs Nadine Dorries
Jeff Ennis

Helen Jones
Stephen Williams
Mr Rob Wilson

Witness: **Dr Philip Hunter**, Chief Schools Adjudicator, gave evidence.

Q498 Chairman: Dr Hunter, what a delight to have you back with us. It is about a year ago since you were here.

Dr Hunter: It is indeed.

Q499 Chairman: Thank you very much for coming back. There is even more of a focus on your role now than there was a year ago. I think of this morning as one wise man followed by three wise men; and next week we have the two ministers and we then start writing up this inquiry into the White Paper. This is a very important session for us. Do you want to say anything to start, or do you want to go to questions?

Dr Hunter: No, I will go straight into it, if that is all right by you.

Q500 Chairman: That is what I like to hear, straight into the inquisition. What is your opinion of the White Paper?

Dr Hunter: I think I would rather not get drawn into giving a general opinion of that kind.

Q501 Chairman: Does it affect your job?

Dr Hunter: Clearly we have been through it and there are some areas in which it will affect our job. There are a few additional tasks for us to take on but most of them seem to be well within the sort of remit that we have now. We exist to resolve disputes. I think that the new tasks they have lined up for us are of that kind. We have had slightly fewer cases thrown at us during the last year, so we have some spare capacity, and I think there is no problem in taking on the sort of things that they have in mind for us.

Q502 Chairman: You have said you are there to resolve disputes, but you cannot resolve disputes that you do not know about. One of the criticisms of your role in the past, when we did the former inquiry, was that a lot of people are not aware of their rights to complain to you and so there is a lot of frustration. If people are more articulate and more knowledgeable they can come to you, and other people cannot.

Dr Hunter: I understand that and I have a great deal of sympathy with it. Indeed, we have said to the Department this year that it would be a good idea if they reminded local authorities of their duties to review admission arrangements for all schools in their area every year and to object if they found that those arrangements did not in their view meet the

Code of Practice. It seems to us, looking at the cases we have had in the last couple of years, that there are some local authorities that are doing that, but we very much suspect that there are some that are not. The Department wrote around all local authorities a couple of years ago, and I think it is time they did so again, or even made it more overt than that and perhaps put a clear duty on local authorities to do that every year.

Q503 Chairman: Local authorities are not doing their job properly at the moment.

Dr Hunter: I suspect that some of them are not. Clearly we have no proof of that because we do not see the ones that are not referred to us, but it does seem to us that we are receiving fairly large numbers of objections from some authorities and we hear anecdotes, if you like, about schools that have arrangements that seemed to us not to meet the terms of the code and yet we have not had an objection. Some authorities must, we think, not be doing their job properly and we would like to see a clear reminder to them that they should be doing it.

Q504 Chairman: So it could make your job much more effective if there were a duty on local authorities to have that role.

Dr Hunter: I think that would represent a fairly powerful machinery for making sure that schools do observe the code and keep within it.

Q505 Chairman: You saw the inquiry that we did last year. One particular head—it still sticks in my memory—when asked why she did not have any looked-after children, why she did not have any children with special educational needs and hardly any who have free school meals, looked at me and said, “I took note of the code” and obviously implied: and then ignored it. Did you ever follow up that particular school or that particular head?

Dr Hunter: No, I did not follow up that particular school, because, as you know, we do not act on an initiative of that kind; we need an objection. But, as you know, the Department this year are proposing to take from the code into regulations the need for schools to put looked-after children on the top of the list. I do not know whether that was a response to what you said or where that came from but clearly somebody is taking note of that and I think that is right. We have received a fairly large number of objections to schools not properly dealing with looked-after children in the last couple of years. We

14 December 2005 Dr Philip Hunter

have upheld them all. When you get a situation like that it probably is better that it is removed from the code and put in regulations. Does your role there apply to all schools or are there some schools exempted from that?

Dr Hunter: That applies to all schools.

Q506 Chairman: Grammar schools?

Dr Hunter: Grammar schools, foundation schools—except for academies. If there is a complaint about academies, that goes into the Department.

Q507 Chairman: Right. Okay. It applies to grammar schools.

Dr Hunter: It applies to grammar schools.

Q508 Chairman: Good. Should your role not be more forensic? You know what is going on across the country. You are one of the most experienced people in the whole of the education sector. You are hearing this is going on or you look at the stats or you read the Sutton Trust reports about how there is a very big difference between the top performing state schools and the comparison with how many free school meals pupils they take in comparison to the number in the community which they serve. Should your role not be more forensic? Should you not say, “Look, I’ve got to do something about this”?

Dr Hunter: Our job is to resolve disputes within the terms, within the framework of legislation and statutory guidance laid down by Parliament. That is what our job is and we cannot stray from that.

Q509 Chairman: Would you like to be more powerful?

Dr Hunter: I do not think so. We are not a police force; we are not an inspection force. We do not have the staff to be that. We have a very small—down to nine next year—number of adjudicators—very high powered, and I think very able, but we are resolving disputes. That is what we are for and I think that is where we should remain. The job of policing all of this is clearly between the Department and local authorities. If there is a need for more police, then it is one of those that should be getting stuck in.

Q510 Chairman: I really do not want to drag you into the politics of this—this is not the point of this Committee.

Dr Hunter: Oh, good.

Q511 Chairman: I know the BBC is not always 100% accurate, but you are quoted as saying in a BBC news press release that you thought the system might be better if all schools ran their own admissions. Is that an accurate quote?

Dr Hunter: Well, it is not a complete quote and perhaps I should tell you entirely what I said. I am saying that it is for Government and for you to decide what functions should be performed by national government, in terms of regulations and in terms of the Code of Practice; what functions should be performed by local authorities and the admissions forum; and what functions should be

performed by schools. Foundation schools and aided schools do not have better or more competent head teachers and governors than community schools. All schools, in my view, should be treated the same. That means that all schools, all governors and head teachers, should have a role in the admissions process, but it should be a role which is clearly delineated by the national Code of Practice, national regulations and by whatever is decided local government and the admissions forum should do.

Q512 Chairman: Is there not a real problem with that suggestion, in that every parent in this country has a duty to send their children to school and if you take away a local government role to make that duty a possibility then someone has to guarantee that a child ends up in a school. If you have all these independent admissions authorities, what happens to the child who is not accepted into a school?

Dr Hunter: That is why I say it is very important that national government and local government or the local admissions forum have a role and why the schools have to operate within the framework set down by them. Clearly, if a school wants to act in a way which means the local authority cannot perform its duty to provide places for local children, then somebody has to step in and put that right. We have had, over the last couple of years, not many but a small number of cases where a school has wanted to withdraw from part of its traditional catchment area—and, surprise, surprise, that tends to be the area where most of the difficult to teach children live—and the local authority has objected to that. Where that has happened, we have always upheld the objection, because we are very clear about a local authority’s duty, and the arrangement does not work if the parent’s duty is not matched by the local authority’s duty to provide places and if those two do not gel together, work together.

Chairman: Dr Hunter, that has been a very interesting opening. Could I ask David to come in with a question.

Q513 Mr Chaytor: Dr Hunter, are there things that are not in the White Paper that you think should be in there, things which would improve the way in which you can do your job at the moment. You have mentioned the duty on local authorities to ensure admission.

Dr Hunter: Sure. I think there are probably two things that would help. One is the duty of local authorities or the clear statement that the duty exists. That is important and I think that is probably the most important general one. The other thing that would help somewhere—and this is a rather technical point—would be to clear up the misunderstandings I think there are in the legislation about what happens when we get a case which affects somebody’s religion. Where that happens, under section 90 of the Act we refer it to the Secretary of State. It is not always clear when we get an objection whether it affects somebody’s religion or not and we spent a lot of money last year on lawyers trying to sort out whether four or five cases should go to the

14 December 2005 Dr Philip Hunter

Secretary of State or should stay with us. That needs to be sorted out. My way of sorting that out would be to leave them all with us, and I have to say I do not think the ministers would object terribly to that because I do not think they are very keen on taking these cases. I do not think the churches would object either. That is another point that I think it would help to sort it out. There are things like—and this has been agreed already, I think—the ability to make our decisions stick for three years unless we deliberately say we do not want them to stick that long. That helps.

Q514 Mr Chaytor: Why only three years? If yours is a valid decision, why should it not be permanent?

Dr Hunter: I do not see why not. I think circumstances often change within three years and three years is probably enough. It is irritating, I have to say—and we have had some cases like this—if you make a determination and the school observes it for one year and then comes back the next year and does exactly the same thing. That is intensely irritating. I think if it has stuck for three years then the school will probably have forgotten it by then and learned to live with whatever it is. But one could make it longer than that if one wanted to.

Q515 Mr Chaytor: Do you think the general direction of the White Paper is likely to lead to more disputes referred to your office or fewer disputes?

Dr Hunter: It is very difficult to say at the moment. We have been thinking about that clearly, but it depends really on how the thing is perceived, I think, by the schools. It is quite clear that there are extreme positions, if you like, about admissions around the place. I am not sure anybody is advocating this, but one could certainly see a position in which all schools were set completely free, there was no Code of Practice, there was no adjudication, they were just told to get on with it, and they could set their own admission arrangements absolutely independently. Clearly if that happens—and you will be hearing more about this later on this morning—you get this segregation between the schools. What happens is that oversubscribed schools drift upmarket. That is the natural way that organisations work, I think—it is nobody's fault, it just happens—and you will be hearing more about that later this morning, I guess. So that is one extreme. The other extreme is where you could advocate that all schools have exactly the same intake, a balanced intake, everybody has the same distribution of ability, the same social distribution and all the rest of it, and that would clearly restrict choice. Reading the White Paper, it seems to me it has gone somewhere in the middle. It is saying it is going for choice—and that has to be a good thing: people want choice—but it is saying it is going for choice as long as that can be achieved without interfering with other people's choice, without being unfair, and without interfering with educational standards. That seems to me to be eminently sensible. It is neither of those extremes and I feel quite comfortable with that position.

Q516 Mr Chaytor: But that does not answer the question. The question is: Is that position likely to trigger more disputes, because the White Paper argues the rhetoric of choice but puts in some measures that put constraints on choice? Is it not likely to increase greater levels of frustration and more appeals to the adjudicator? Could I also ask: has your office's workload increased or decreased in each year since it was established?

Dr Hunter: It increased enormously about a couple of years ago, when the new Code of Practice came in and when this letter from the Department went round local authorities. It went up from about 100 cases a year to 250 cases a year. It has gone down again this year—and that is a good thing: we do not want to see too many disputes around the place—so there is some slack in the system now. Going back to your point, I am trying to say that it depends how schools perceive being their “own admission authorities”. If they perceive that as saying they are totally free, they do not have to work within the code, they do not have to cooperate with other schools around, they do not have to subject themselves to adjudicators and all the rest of it—and there are some foundation schools (we have mentioned one this morning) and aided schools which do think that—then clearly there are going to be more objections. But if they are told very clearly that they have to work within the code, that is evident.

Q517 Mr Chaytor: So it comes back to the legal status of the code. My understanding is that you had argued against the code being mandatory.

Dr Hunter: No.

Q518 Mr Chaytor: What is your position on that?

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

Q519 Mr Chaytor: Leaving aside the bits that could be turned into regulations, do you think the requirement of schools simply to have regard to the code overall is sufficient? Or do you think there should be a tighter guideline; that, for example, they

should be required to act in accordance with or should be required to comply with the provisions of the code?

Dr Hunter: I think you can tighten up the words. I am not a lawyer so I am not absolutely clear about what this means in legal terms, but I think you can ratchet it up a bit from “have regard” to “act in accordance with” or something like that. I think that would probably require a complete re-write of the code. I do not know, maybe that is what the Secretary of State has in mind.

Q520 Dr Blackman-Woods: Dr Hunter, I think from what you were saying earlier that you have some sympathy with the choice agenda or extending the choice for parents. Would you say that you think the Government is right to put more emphasis on parental choice in the White Paper?

Dr Hunter: Yes. I think people want choice. I think central government, local government, schools ought to respond to that as much as they possibly can, as long as they do not run into the difficulties of giving one group of people choice at the expense of another group. The Government seem to have this in mind. They are talking quite a lot about making sure they are not giving choice to articulate, well-educated parents at the expense of parents who perhaps are not as geared up to working the system. I think that is absolutely right. But extended choice I think is right provided you have some safeguards. Unbridled choice can lead to some difficulties, and you need to keep your eye on that, but, as long as you do keep your eye on it, the general tenor of it is right, I think.

Q521 Dr Blackman-Woods: Do you think it is possible to communicate to parents the complexity of the choice that is now going to be available and the limitations that might also be attached to the choice? As far as we can see it is still going to be the case that parents have the right to express a preference rather than be guaranteed a place in the school of their choice. I am just wondering how that is communicated clearly so that you do not get lots of objections.

Dr Hunter: I think it is difficult to keep this balance between saying, “Look, as a government” or whatever “we are trying to extend choice but we are aware that we cannot extend it to everybody.” It is inevitable that whatever system you have, however much you extend popular schools, whatever steps you take, there are going to be some schools that are oversubscribed and there are going to be largish numbers of parents at the end of the day who are disappointed. We have to try to make sure that those parents believe they have had a fair hearing, have had a fair deal, that the system is clear, fair and objective, and then I think they will understand that choice is not available to everybody but they have been dealt with fairly. That balancing act of saying we are trying to extend choice but we are trying to be realistic about what it means in practice, I think, is quite a difficult one, and it is one that the Government and you are trying to reach.

Q522 Dr Blackman-Woods: Do you think it is possible? is my follow-up question.

Dr Hunter: I really do not know. I think you just have to keep on trying. It seems to me that you do not stop trying to extend choice because it is a rather difficult act to carry out. My guess is that the vast majority of parents actually understand what it is all about. There are some who deliberately choose not to, but most people understand that if you have a limited system then you cannot . . . I have said this before and I will say it again: many, many schools are popular because they are small and the parents who apply for those schools would be horrified if they all got in because the school would turn out to be twice as big as they thought it was going to be. Most parents understand that. I think the other thing I would say—and I said this last time—is that there are degrees of choice. Catholic parents, on the whole do want their children to go to a Catholic school, but if there are two Catholic schools in the area then they have a preference. They feel strongly about the first choice, if you like, but not so strongly about the second.

Q523 Helen Jones: I would like to press you, if I may, Dr Hunter, on what you said earlier about what would happen if all schools became their own admissions authority and the effect of that on a parent’s duty to send a child to school—to cause a child to be educated, shall we say. How do you imagine a law could be drafted to allow local authorities to allocate a child to a particular school at the same time as schools were their own admissions authorities?

Dr Hunter: I think the checks and balances are in place now. If it were me—which it is not—I would get shot of this term altogether “admission authorities”—it seems to get in the way; it gives some schools a misleading impression of what their powers are. And I would return to what I said before, that if the Government and you decide what you want carried out at a national level, local level and school level and then make all schools the same, I would not call them all admission authorities, I would just call them schools and say they have certain powers.

Q524 Helen Jones: Let us not quarrel about the terminology, but the White Paper envisages that there will be no new community schools; schools will be responsible for their own admissions. I am asking you, as the schools adjudicator, how you would then draft a legal duty on local authorities to compel the school to admit the child if that child could not be found a place. Is that not a recipe for constant litigation? As a lawyer, I am all in favour of more work for lawyers, but it does not sound a very efficient way of running an education system.

Dr Hunter: It will work, I guess, in the same way as it works now. I mentioned before that we have had cases where a school is wanting to withdraw from part of a catchment area and where the local authority felt that if that happened it would not be able to carry out its duty because there would be a hole in the middle of the authority and there would

14 December 2005 Dr Philip Hunter

not be places for those children. What if that authority were to object to us and we upheld that objection? That is the sanction. That is the safeguard.

Q525 Helen Jones: You are saying that in that case the local authority would have to refer the case to you, as the adjudicator.

Dr Hunter: Yes.

Q526 Helen Jones: Before that child has found a place. How long would that take, do you think?

Dr Hunter: We deal with cases in six weeks, but that would be done before the application process had started. Schools decide their admission arrangements and authorities object to them 18 months ahead of the admissions process.

Q527 Helen Jones: We are not talking about admissions arrangements here, we are talking about a particular child who could not be found a place. That might be for various reasons; that might not be 18 months in advance.

Dr Hunter: On individual children of that kind there is already provision for the Department to direct a local authority to accept a particular child. That is there already.

Q528 Chairman: Did you say a local authority or the Department?

Dr Hunter: The Department.

Q529 Helen Jones: The Department could direct a local authority.

Dr Hunter: No, direct a school.

Q530 Helen Jones: You did say a local authority.

Dr Hunter: I am sorry.

Q531 Helen Jones: So it would have to go up to the DfES.

Dr Hunter: Sure. Clearly you can strengthen the role of local authorities in various ways if you want to, but these are matters which you are reaching towards, if you like.

Q532 Helen Jones: That is not what is envisaged in the White Paper as currently drafted, is it?

Dr Hunter: The White Paper as currently drafted, as I understand it, takes account of these provisions that there are there now, either for authorities that are worried about schools changing their admission arrangements to be corrected, if you like, through the adjudicator system, or, if they are ending up with individual children, the Department/the Secretary of State to direct the school to take the child in.

Q533 Helen Jones: Thank you.

Dr Hunter: Those are the safeguards that are there. There are some authorities—I think Essex is one of them—which have 75% of the schools that are foundation and aided schools. I do not perceive there to be a huge problem in Essex that is not in other parts of the country.

Q534 Chairman: So you think the system is working pretty well as it is?

Dr Hunter: I think it can always be improved and I think that the idea of constantly trying to improve choice is right. And may I say that the very best way to improve choice is to improve schools, so that all schools become better and more parents want to send their children there. That is the best way to improve choice. That is what I guess all governments are trying to do.

Chairman: Thank you, Dr Hunter. We are moving on now.

Q535 Jeff Ennis: Dr Hunter, how much were you and your department consulted on the proposals contained in the White Paper on your expanded role?

Dr Hunter: We were asked about individual points. There are certain things to do with trust schools and so on, and we were asked about whether they seem sensible. It is not our job and we keep a million miles away from having a view about whether trust schools or foundation schools or whatever are good things or bad things. That is your job and we do not want to get into that.

Q536 Jeff Ennis: No, no, I am on about the function of your department that needed to be enhanced within the White Paper regarding your role as a schools adjudicator.

Dr Hunter: On the technicalities we were consulted and we have said that we can deal with that.

Q537 Jeff Ennis: You are comfortable with the blueprint of the White Paper as far as concerns your responsibilities.

Dr Hunter: I am comfortable with what is in the White Paper. We can deal with the duties that are proposed for us.

Q538 Helen Jones: You have already pointed out to the Committee that you have nine staff in total dealing with 20,000-odd schools. Does that not appear to be a certain degree of tokenism in terms of taking admissions seriously and appeals?

Dr Hunter: First of all, we do not deal with individual appeals. That is dealt with at local authority level. It has been enough so far to deal with the cases that are referred to us. If there are more coming to us, then it is, frankly, very easy to appoint more adjudicators. We have come down from 16 to nine in the last three or four years, simply reflecting demand. We are all part time. It is a pretty attractive job, frankly, and there are plenty of ex-chief education officers and inspectors out there who would gladly take it up if we needed to have a few more.

Q539 Jeff Ennis: You mentioned in an earlier answer that you saw trends in the number of appeals, that it peaked and then it started going down this year, etcetera. You did not mention what the results of the appeals were, whether many were in favour of the appellants or vice versa. What is the ratio?

14 December 2005 Dr Philip Hunter

Dr Hunter: On admission we had, I think, 150 last year of which we upheld about 100. It was the same the year before. We have been upholding about two-thirds of them, which does of course mean that 100 schools a year or whatever are getting it wrong.

Q540 Jeff Ennis: Yes. You are leading me on to my next question: What do you read into the fact that so many of these appeals are successful? Does that not mean we are looking at the tip of the iceberg here and that we do need to beef the situation up?

Dr Hunter: I think that most of the ones that we uphold are in schools that have simply not understood the code, have not read it properly, have not taken proper account of it—have not understood it really. In a small number of them—and it is a small number, but it is important—a school has deliberately decided, if you like, to get into the business of selecting the children that it wants to take.

Q541 Jeff Ennis: Would there be any category of school that fell into that particular situation more than others? Would that be community schools or specialist schools?

Dr Hunter: I do not think so. Perhaps I should not say this but I think it is down to the head teachers as much as anything . . . no, it is not actually. Chairs of governors sometimes get inflated ideas—I should be careful what I say—about what they are doing. So it is personalities, individual personalities. You still have a number of schools which have fallen out with a local authority and the relationship is still pretty sour. It is in instances like that that you get the problems.

Q542 Jeff Ennis: There is one thing on which I very much agree with you. You said earlier that all schools should be treated the same. I agree with that. Given that sort of maxim, why should academies not be encouraged in the admissions process? In your opinion, should they be included?

Dr Hunter: That is a matter for you. I am not sure I am allowed an opinion on that, but, if I were allowed an opinion, the answer would be yes.

Q543 Jeff Ennis: The local admissions forum, are they toothless tigers? Are they something that need to be beefed up?

Dr Hunter: If you look at the international position—in America, France, Scandinavia—in most countries, the area board (in our case the local admissions forum in the local authority) are more powerful than they are in this country. I think there is a lesson to be learned from that. Certainly I would like all local authorities to have this duty or understanding about what they are doing and I would like schools to understand that they do really have to take seriously what a local admissions forum says.

Q544 Chairman: Dr Hunter, I would like to tease you out a little on something you referred to earlier, when you said it was down to individual chairs of governors and heads. Is that true? Is there not a

category of school that seems to be more able to exclude certain kinds of pupils than others? Faith schools and the work coming out of the Sutton Trust, for example, is suggesting that, in a context in which such a small percentage of the population in the United Kingdom attend church regularly, when you look at the number of parents getting their children into faith schools there really is something going on which we have to be straightforward about, do we not? If there is this very big difference in the entry into faith schools and how that compares with the community they serve, there is something going on which is evading your scrutiny, surely.

Dr Hunter: I honestly do not think so. I do not perceive any huge difference in faith schools, foundation schools, community schools or whatever in terms of what generally they are doing. It clearly is the case that there are more foundation schools which have fallen out with their local authority than community schools, for example. That is the history of the thing. That is the case. Two of our number have been diocesan directors of education and they are pretty tough cookies. They have been trying to make clear to their schools that they have to observe the code and so on. So it is down to personalities.

Q545 Chairman: So it would not worry you, if there were more research emerging about the difference between the intake to faith schools or other schools and the community they serve. You would not look at that and say that is a systemic concern.

Dr Hunter: I do not think so. You first of all have to make your mind up whether there are going to be faith schools or not. We have made our mind up as a nation that there are going to be faith schools. I do not see anybody not having faith schools in future. It is probably the case that people attracted most to faith schools . . . It is not actually the case, come to think of it. I mean, I know plenty of faith schools that deal with inner city areas just as community schools do. It may be the case that there is a geographical difference in the distribution of these schools which has made a difference of one kind or another. I do not think I would regard that as systemic.

Q546 Mrs Dorries: Do you think it is healthy that any group of parents, of any faith, can call for a school to be established? Do you think it is right that parents will be given those sorts of powers?

Dr Hunter: That is a decision which is for you and for the Government, not for me. I am very, very anxious not to get into the politics of all of this. I do understand—

Q547 Mrs Dorries: Is that a political question?

Dr Hunter: I think it is.

Q548 Chairman: Let us see how Dr Hunter interprets it.

Dr Hunter: I am interpreting it as a question that I must be careful about and not get “plodging” around in your territory about. I think it probably is. My job, as an adjudicator, is to work within whatever framework you have set out. The White

14 December 2005 Dr Philip Hunter

Paper is saying, as you say, that parents should have this power: you, as MPs, are either going to approve that or not and I will work within whatever you decide.

Q549 Mrs Dorries: So you cannot have an opinion on that.

Dr Hunter: I do not think I ought to have an opinion on that, frankly. It may be the case in two years time that one of these cases is referred to an adjudicator, and it may be the case—I have been there and know all about it—that it gets judicially reviewed, and you turn up in the High Court and some barrister says, “Hang on a minute, that is what you said two years ago. You had made your mind up before you had got to it.” I am very anxious not to be put in that position.

Q550 Mrs Dorries: All right. I will stick to the questions then. The NUT argues that the proposals in the White Paper could lead to a two-tiered admission system. Do you agree with that? Do you think that is a good thing? It is hard to argue against it.

Dr Hunter: I do not think it is a good thing if it does lead to a two-tiered admission system. My reading of the White Paper is that that is not where it is going. My reading of the White Paper is that it is heading on a path in between. It is trying to maintain a line which is somewhere in between the two extremes of view that it might have held. I am comfortable with my reading of the White Paper.

Q551 Mrs Dorries: Would you not agree that you could have in one geographical area schools which will set a particular admission policy, which will attract a particular child, and therefore will leave the other group of children to go to other schools which will have perhaps a less strict admissions code. Schools will be able to select by interview. Apparently schools will not be able to select by academic ability, but I would be very surprised if schools do not find a way round that. Surely it would lead to a two-tier system, would it not?

Dr Hunter: If you have a decent local authority that is on the ball, it will have reviewed those admission arrangements every year, and if it feels that that is not within the terms of the code it will object. If it is, as you have described it, then an objection of that kind would be upheld by an adjudicator.

Q552 Mrs Dorries: Do you think the admission authorities are going to find themselves with an avalanche of objections? Is your job going to be made a lot busier by this? I can see parents are going to be objecting to the code and to the way various schools interpret it: the fact that somebody wants to get their child to a particular school but cannot because the code has been administered in a different way from another school. Do you not think there is going to be this avalanche of complaints from parents?

Dr Hunter: If it is made clear to schools that becoming their own admission authorities does not mean that they have total freedom to do exactly

what they want and does mean they have to continue to act within the code, it does mean that they will have local authorities around them observing that they are doing, monitoring what they are doing and objecting if they feel that what they are doing is not within the terms of the code. If they are told all of that and that is their perception, then it will not lead to a huge increase in demand from our services.

Q553 Mrs Dorries: But the code can be incredibly flexible. It is down to interpretation: the way the schools interpret it, the way the local authority interprets it. One local authority could have a completely different interpretation from another and be less rigid or more rigid. There is a huge amount of flexibility within this code.

Dr Hunter: I have to say I do not perceive that. It is our day-to-day job to receive an objection, hold it up against, if you like, the template of the code and see whether it conforms or not. When you are doing that, it does seem to me that the code is reasonably clear. I admit that there are individual cases where schools have tried to get round it. My experience is that when they have tried to do that and there is an objection we have upheld the objection. As I say, we uphold 100 a year of these things.

Q554 Mrs Dorries: Do you think the code in itself offers enough protection to children from lower socio-economic groupings, for example? I do not see any provision within the code—and I could be wrong—that says schools have to taken their fair share of children with special educational needs or their fair share of children on free school meals.

Dr Hunter: Oh, yes.

Q555 Mrs Dorries: Do you not think schools will find a way around that?

Dr Hunter: Certainly as far as special education needs (and, now, looked-after children) there are regulations which say that, where a child with special educational needs has got a named school, that school has to take them. It is going to be the same now with looked-after children. Those two categories of children are well protected. There is not some regulation or whatever that schools must take a certain proportion of children on free school meals or what-have-you, and that is because schools operate in very different circumstances from each other. I think it would be difficult to have blanket rules of that kind across the country. As you know, there are certain areas of London, for example, which have banding systems and those systems seem to work very well. They would not work, frankly, in most of the suburbs and in most of the counties.

Q556 Mrs Dorries: The local authorities have more control now, they are both the commissioners and the providers of education, without the trust school system and the few foundation schools, and yet we do know that the top 200 schools have the lowest proportion of children with special educational needs and with free school meals. If that exists now

14 December 2005 Dr Philip Hunter

under a more rigid system, I cannot understand how you would have such confidence in a system which is going to be more flexible.

Dr Hunter: I keep returning to this idea of perception. I remember as a chief education officer ten years ago saying that the way we were going to operate as a local authority was to treat all schools as if they were foundation schools. It seemed to me that was the best way forward. It established the best relationship with head teachers and with governors and the rest of it. It is what the Government are now describing in their White Paper as local authorities acting as commissioners rather than, if you like, running their own schools. It seems to me that the White Paper does raise important matters of governance of schools, of who schools should be accountable to, whether they should be accountable to national government, local government, business, parents or what-have-you. That is an important debate, but that is a debate, if I may say so, for you, not for me. You go and have that debate, let me know what you have decided, and I will administer whatever it is that pops out at the end of it. I am not getting into that debate.

Q557 Chairman: Dr Hunter, if some schools band and others accept children depending on the distance from their home, how does the local authority know in advance that every child is going to get a place?

Dr Hunter: I think it works on experience and what happened last year and how the thing works—and it does work in most areas. You see very, very good admissions booklets: this is what happened last year; these children got in last year—a very clear indication to parents about what would happen this year if they applied

Q558 Chairman: To go back to our original exchange, surely, in order for each school to be its own admission authority, in order to comply with the statutory obligation, to send a child to school and to have a place to receive that child, you are saying really that the local authority must have the statutory duty to override the local schools.

Dr Hunter: I am saying that a local authority must have that statutory duty as it has now and there must be enough clout around the system to enable that authority to carry out its statutory duty.

Q559 Chairman: Is that clear enough in the present arrangements, in the present statutory system?

Dr Hunter: I think it probably is. If it is not, then it ought to be made clearer than it is and maybe there is something there that you want to take up with the Secretary of State. I do not know. I am very clear that the two duties, on the parent and on the local authority go hand in hand and there must be enough clout in the system to make sure that the local authority can carry out its statutory duty.

Q560 Chairman: In a sense, you are saying—and I welcome what you are saying—that quite a few people have got into a bit of a tizzy over this, when

the Prime Minister has talked to large numbers of hundreds of independent schools within the state sector with their own admission arrangements, that that is not really a very dramatic change.

Dr Hunter: That is not my reading of where the White Paper is going. I may have read it wrong, I do not know, but I read the White Paper as somewhere in the middle of the two extremes, if you like, of where it might have gone. As I say, I am quite comfortable with that.

Q561 Chairman: So schools will still have that responsibility to respond to you and local authorities having that statutory duty to intervene.

Dr Hunter: That is the way I read it.

Q562 Mr Chaytor: Could I just come back to the question of choice and transport. The Government's interpretation of the best means of extending choice in the White Paper is through encouraging more parents to travel further to get a place at a school that currently they would be unable to obtain because of the transport problems. The converse does not seem to apply; that is to say, there is not the right of parents to secure a place in their nearest school. Do you think there ought to be?

Dr Hunter: In my experience, the thing that infuriates parents most is when they want to send their children to a local school and cannot get in because the school has decided to do something else. That is the thing that really infuriates parents most. I think anything that strengthens the idea that if you want to go to your local school then you should have some sort of priority, is the right thing. Whether the physics of making it a statutory right would work, I do not know. I suspect it would be rather difficult to make that work physically, but certainly the idea of giving people priority in their local school, if that is where they want to go, is something I would support very strongly.

Q563 Mr Chaytor: That ought to be in the White Paper as well, if the system is correct.

Dr Hunter: Yes. I had seen that, may I say, in the code of Practice. I am sure it is in the Code of Practice and it was certainly in the last Code of Practice and the one before that, so that it is firmly embedded in the system somewhere. But it perhaps did not come through in the White Paper very strongly.

Q564 Chairman: In order to have a fair and objective and clear set of admission arrangements are you saying that the White Paper is good enough for you or is there anything extra you would like to add as it is transformed into a Bill?

Dr Hunter: I have read the White Paper and the draft Code of Practice together, but perhaps that was the wrong thing to do—and, given what is happening to the draft Code of Practice, it may have been the wrong thing to do. Certainly in the Code of Practice there is firmly embedded the

14 December 2005 Dr Philip Hunter

notion that parents who wanted to send their children to local schools should have priority. If that is not in the White Paper somewhere, then I would like to see it there. I had just assumed it was perhaps.

Q565 Chairman: So, clear, fair and objective. The one difference you would make is a greater emphasis on the ability of parents to send their child to the local school.

Dr Hunter: I would want to see that there. I am just wondering about the word “greater” because I think it is there already, but, if it is not there

already, I would like to see that—because my experience tells me that that is what parents say makes them most angry, if they cannot do that.

Q566 Chairman: Dr Hunter, have we asked you all the right questions or is there anything else you want to tell the Committee that could help us make this White Paper a better White Paper?

Dr Hunter: No. I think I have had a very fair hearing and I am very grateful to you for understanding.

Chairman: It is a very great pleasure to have you in front of the Committee again. Thank you, Dr Hunter.

Memorandum submitted by Professor Simon Burgess, University of Bristol

PRELIMINARY POINTS

1. This evidence is about school choice and the “sorting” or stratification of pupils between schools.
2. There are different ways of deciding which pupils should attend which schools. This might be done on the basis of ability (test results). It might be on the basis of location, or “neighbourhood schooling”, whereby each pupil simply attends their nearest school. Or it might be on the basis of choice: each pupil attends the school they choose. When considering the potential impact of choice-based schooling, it is important to compare it to an alternative basis of assignment, and not just consider it in a vacuum. The most obvious comparator today is neighbourhood schooling.
3. The nature of the school assignment policy affects the composition and stratification of neighbourhoods as well as schools. Typically, neighbourhood schooling will lead to more stratified communities as affluent families cluster round the better schools. Choice-based schooling in principle produces more diverse neighbourhoods, as place of residence is divorced from school attended. Any impact on neighbourhoods and on the demand for particular houses will also affect house prices. For example, enhancing the role of choice would remove or diminish the premium from living very close to a good school, reducing the value of such houses.
4. Part of the point of choice-based schooling is that it breaks the link between where you live and which school you attend. In principle, compared to school assignment on test scores or on which house you own, it is therefore more pro-poor. This seems to be a key issue in thinking about social mobility—how to reduce the dependence of the quality of school a pupil attends on the financial circumstances of her family. There are of course issues about how school choice works in practice, which I address below.

WHERE WE ARE NOW

5. Our evidence relates to state secondary schools in England. We have not studied primary schools. Our dataset does not contain private schools. About 93% of secondary school students go to state schools.
6. The current situation is one of school choice. The issues are about reforming the system to make choice more even and to make it work better. It is not the case that we are in a system of neighbourhood schooling, and we are considering moving to a choice-based system.
7. Most pupils have “choice” in the sense of available alternatives. 81% of all pupils have three schools within 5km of their home, including 99% of pupils in London, 91% in other urban areas, and 42% in rural areas. This is simply how many schools are nearby, not whether they have spare places.
8. School commutes are on average about 1.6km, with 75% travelling less than 3.5km. In London, the average school commute is 1.65km, in other urban areas 1.55km, and in rural areas 2.35km. In London, a quarter of pupils travel more than 3km, in other urban areas 2.8km, and in rural areas 5.7km.
9. Half of all pupils do not go to their nearest school. About a third do not go to one of their nearest three schools. These are striking numbers. It is very far from the case that at the moment everyone goes to their local school. In London, about 27% go to their nearest school, 44% in other urban areas and 59% in rural areas.
10. It is likely that some of this movement may well not be “choice” in the sense of voluntary. That is to say, in a system with relatively fixed school sizes, some pupils may find their local school full and have to go further away. We cannot say from our data what the balance on this is.

CHOICE AND PUPIL SORTING

11. The present system is unlikely to realise the pro-poor potential of school choice, because of two factors. First, ability to exercise choice differs between pupils, and second, places in popular schools cannot increase (fast enough), so that some rationing system is used. This is often based on location, so bringing back the importance of owning the right house.

12. We find that the impact of greater availability of choice is to raise sorting. We measure sorting using standard measures of segregation, and we measure choice by the number of schools easily reachable. We focus on post-residential sorting—that is, we compare sorting of pupils in neighbourhoods to the sorting of the same pupils across schools. We show that the greater is choice available, the higher is sorting in schools relative to the sorting in neighbourhoods.

13. We conduct the thought experiment of assigning each pupil to their nearest school, and measure sorting on that basis. Sorting across schools that pupils actually attend is higher in almost all LEAs than it would be under this thought experiment. In some cases, considerably higher. This reinforces the idea that under the current system, the differential availability of choice plus semi-fixed school sizes works to increase sorting. This is just a thought experiment—as argued above, a policy of “each child shall go to their nearest school” is likely to produce even more segregated schools.

14. We analyse the pupils who do not go to their nearest school. They typically travel non-trivial extra distances to school—on average over 2km further. They also typically go to schools that are performing better on the usual league table scores. In fact, 82% of pupils from the poorest third of neighbourhoods go to better (in that sense) schools, and 97% of pupils from the most affluent third of neighbourhoods do. The positive side of this is that most poor pupils are “trading up”; the negative side is the gap in the extent to which this happens between poor and rich.

ISSUES FOR A SUCCESSFUL SCHOOL CHOICE POLICY

15. Clearly different families have different financial capacities to exercise choice. This involves funding school travel and affording high house prices. If a choice policy is successful, then house price gradients around schools may in time become much less pronounced. But different abilities to afford school travel will remain. Thus policy will need to redress this imbalance by providing subsidised school transport for poorer families.

16. The flexible supply of school places is crucial. This is two-sided: popular schools need to be able to offer more places to avoid (much) rationing, and unpopular schools need to be turned around quickly or closed quickly. There are different ways of making more places available in popular schools beyond simply physically expanding that school. If the important factor in a school’s success is transferable, then allowing such schools to manage other schools would achieve the same end. The other alternative is simply to create more good schools in areas without them. The policy on Trust status may be designed to enable all these three methods. The key thing for choice to be real is either that there be no rationing of places, or that the rationing not use some factor, such as location, related to income.

17. This relates to the issue of what makes a good school good—is it the leadership and management of a school, the resources available, or the nature of the peer group in the school. To the extent that such things are transferable, popular schools can take over other schools—essentially the popular school becomes bigger quickly. To the extent that such factors are not transferable, expanding or taking over other schools would simply dilute them. The school peer group seems the obvious possibility here. In this case, popular schools would be reluctant to expand. This obviously would mean that a choice policy would not work.

18. The response of parents to choice will also be important. This depends on what parents want from schools. If it is educational quality, then the choice policy may produce that. If it is in fact a peer group for their child that they consider “acceptable”, then a choice policy may bring about more mixing of students as the role of address in determining school declines.

19. Trust status may enable popular schools to expand or take over others more easily, helping choice to work better. But the general greater freedom they would have may well exacerbate tendencies to seek out more able pupils. This will work against the idea of choice, and will tend to produce more segregated schools.

OTHER ISSUES

20. One argument made in favour of facilitating school choice is that it will increase the competitive pressure felt by schools. This will lead them to “raise their game” and work harder to raise standards. In principle this argument makes sense—schools have incentives to produce high scores, and parents have some information on schools performance through the school league tables. Evidence from the US in favour of this view is strong. There is little evidence for England on this point and what there is does not offer strong support.

21. Given recent concerns raised by Trevor Phillips about ethnic segregation in schools, this seems to be an unfortunate time to be encouraging the establishment of new faith schools.

SUPPORTING DOCUMENTS

1. *Background Facts for School Choice in England*. Simon Burgess, Adam Briggs, Brendon McConnell and Helen Slater. Attached.

2. *The Impact of School Choice on Sorting by Ability and Socio-economic Factors in English Secondary Education*. Simon Burgess, Brendon McConnell, Carol Propper and Deborah Wilson. Forthcoming as a chapter in an MIT Press book edited by Paul Peterson and Ludger Woessman.

3. *Choice: Will more Choice improve Outcomes in Education and Health Care? The Evidence from Economic Research*. Simon Burgess, Carol Propper and Deborah Wilson. <http://www.bris.ac.uk/Depts/CMPO/choice.pdf>

December 2005

Witnesses: **Professor Simon Burgess**, University of Bristol, **Professor Stephen Gorard**, University of York, and **Professor John Micklewright**, University of Southampton, gave evidence.

Q567 Chairman: Can I welcome Professor John Micklewright, Professor Stephen Gorard and Professor Simon Burgess to our proceedings. Stephen, you are an old hand at this. Professor Burgess, have you been in front of the Select Committee before?

Professor Burgess: No.

Q568 Chairman: I do not think you have Professor Micklewright?

Professor Micklewright: No.

Q569 Chairman: We will not make it a daunting experience. You have seen us in operation before and we are here to gather information and evidence. Thank you for sparing the time from your very busy schedules. I do not think any of you have yet pulled stumps in your particular universities. I know if you were at Oxford or Cambridge you would have finished a couple of weeks ago but you have proper terms in your universities, do you not, you work the capital well? Right, shall we get started then. You know what we are about, we are looking at the White Paper and its essential elements, what drives it, the principles and also the particular recommendation within the White Paper. In a strange way we are almost doing a preleg inquiry before the "leg" is in front of us. We are doing the preleg inquiry on the White Paper in one sense. We have been very grateful for the great deal of information and prior information you have given to this Committee. Can I start off then with you Professor Gorard and ask what is your evaluation of the White Paper in terms of its own objectives? Do you think it is going to succeed in delivering on improving standards in schools using diversity and choice?

Professor Gorard: It is a big paper and there are many different chapters on different things. Obviously my research touches on several of the chapters but if we concentrate on the school admission arrangements for the moment, I am afraid I find it confused. I would not be a regular reader of White Papers but I find it difficult to see a coherent, sustained argument from the aims and objectives that are suggested at the beginning to the actual policies that were presented at a lower level, so that was my overall summary.

Q570 Chairman: Professor Burgess, Professor Micklewright, what are your views in those terms?

Professor Burgess: I would not disagree with those comments. My research is focused on school choice and in regard to that I think there are some welcome things in the White Paper and also some things that I think may be disadvantageous.

Q571 Chairman: What would you welcome?

Professor Burgess: I welcome the support for allowing kids from poorer families to operate choice quite possibly as successfully as more affluent families do. I worry about the greater freedom given to trust status schools in deciding their own admissions to some greater degree than they do now.

Q572 Chairman: Were you not reassured by the Chief Adjudicator whom we heard just now?

Professor Burgess: To some degree. It is clearly setting out the procedures in the way they work. Myself and possibly my colleagues here were looking at how outcomes turn out in terms of the data and perhaps they are not quite as reassuring.

Q573 Chairman: Right. Professor Micklewright?

Professor Micklewright: I am a statistician rather than an educational specialist but the views I hold are similar to those of Professor Burgess. At the moment I think it is difficult to see exactly what some of the implications will be in practice from the principles that are laid down in the Paper.

Q574 Chairman: But you are great internationalists, you know what is happening internationally, you have done a lot of comparative work as well as your individual research. We have been told by those who should know that even in terms of the statistics we have got absolutely the best possible group of people in front of this Committee at this moment. In terms of how you view both comparative data and the research that you have carried out, how do you think this Government and all governments are performing in terms of delivering a high-quality education to the roughly 25% or 30% of children in schools that seem to underperform? Stephen, do you want to start with that one?

Professor Gorard: Yes, I suppose just a short bit of background then. I think that the long-term historical trends educationally in this country (and I

14 December 2005 Professor Simon Burgess, Professor Stephen Gorard and Professor John Micklewright

think across Europe where I have been doing my comparative work) are that standards, as far as it is possible to measure these, are rising, that schools are becoming more mixed, opportunities are becoming fairer, and gaps in attainment between different groups of students are becoming smaller. The long-term historical trends are quite good. I think the position of the UK, and England in particular, is not bad in international terms despite some of the stories and crisis accounts going around about problems. To some extent you could attribute (although it is difficult because we have not done any experimental work) the relatively good position in terms of gaps in attainment by groups and school mix to the comprehensive school system which was comprehensive in organisation and then comprehensive in delivery through the national curriculum, in a way that some of our French counterparts are now envying. If I have a concern that I would share with Simon it would be that some of the proposals in the White Paper are in danger of threatening that relative position of the United Kingdom and England because once you have accounted for the geographical factors of the intakes to the schools that Phillip Hunter was alluding to, then the largest determinant statistically of the intakes to schools and the segregation between schools in terms of different groups and in terms of the attainment groups is the local pattern of school diversity. By diversity I mean schools which are autonomous from LEA control. It may not be a causal mechanism but there is a strong statistical association.

Q575 Chairman: There was a bit of research by you particularly, Professor Gorard, which when I finished reading it, it just seemed to me that part of the argument is that whatever system you have—and you take in students and you shape them up in terms of a variety of educational experiences—the educational experiences do not seem to make much difference.

Professor Gorard: Clearly it does make a difference to the individuals. I think perhaps what you are referring to is what differential progress is made in different schools under different systems. That goes back to the question of why do we care about the school mix; why should we care whether children are or are not clustered with children who are similar in different schools; why should we care about the two-tier admission process, and so on? My argument is, yes, I do not think academically there is much evidence that it makes much difference. I think the key issue is the experience of the children in the schools as a mini society. Emerging international evidence—and it can only be indicative at this stage—is that who you go to school with affects your sense of social justice because the children of course are not seeing school as something that is a means to an end, they are seeing it as a society so their expectations of what society should be like are shaped by their experience in school. The mix of children and the range of opportunities within the school affects what they see society will be like, so that is why I think it matters.

Q576 Chairman: I am not suggesting political ideology here but is there an ideology in that on Page 2 of the briefing paper you gave the Committee, you say “market policies undermine welfare states”. Can you expand on that?

Professor Gorard: I suppose they are different processes to try and achieve similar things. I am not sure they necessarily work very well together. A welfare state is one that is intended to redistribute opportunities to help the most disadvantaged and I am not sure that market forces are capable of doing that.

Q577 Chairman: You would describe the aspirations in the White Paper as a desire to bring in market forces to a greater degree in the educational system in England?

Professor Gorard: No, as I think I said when I started out, it did not strike me—and it is probably just me being a poor reader—that there was an overall coherence to it in the sense you could say yes it is about market forces. As I think other speakers have already alluded to, there are many, many bits of it which I think are extremely good policies, but they seem to be wrapped up with things that are based on false assumptions and so on. So I found it very difficult to come up with an overall conclusion.

Q578 Chairman: Could you help us during the answers you give today to tease out the better bits and the worst bits?

Professor Gorard: I can do that.

Q579 Chairman: Do you want to give any of them now?

Professor Gorard: I have grouped them under two main questions. One is why should we care about the school mix, and I will leave that for the moment, and the key one, if we do care about the school mix, is how could we reduce segregation. I think the mention of banding, which I guess has been politically sensitive, is really interesting. I think if it is handled properly—so it is area banding—it has been shown to be very effective in reducing social segregation between schools. What I would worry about is the fact that it would impose extra tests and extra administration. So I think there is a way, but I guess here I am disagreeing with the last witness, that you could adjust the intake to schools using existing data, data that is already collected by the annual schools census, and use that to set guidelines for proportions that were related to the local area not to the school and certainly not, as with the CTCs, in relation to the applicants to the school. It would have to be in relation to the local residents, the potential users of the school. I think the idea of strengthening co-ordinated admissions, and trying to use the same processes and the same criteria as far as possible would help reduce segregation. I really like the idea of extending free travel. I think there was an inconsistency in previous policy in telling poor families that “you no longer have to go to your local school if it is a poor one, you can go to another one, but if it is not the nearest school, if it is not the one in your housing estate then we are not prepared

14 December 2005 Professor Simon Burgess, Professor Stephen Gorard and Professor John Micklewright

to pay for free transport". That anomaly has been overcome and I would really welcome seeing evaluation of the possibility of providing bussing to schools for all children, mainly for its educational impact or school mix impact but perhaps also for environmental and other reasons. I really like those aspects. I think the expansion of popular schools—and in a sense, as I have alluded to earlier, I do not think good schools are necessarily the most popular schools—is a good idea. Those are three or four different things because what you are doing then is you are using funds to fund surplus places rather than appeals because the two things are in tension. If you reduce the number of surplus places you are going to get more appeals and if you increase the number of surplus places you have more freedom in the system and you have fewer appeals. It is a question of what you want to spend your money on.

Q580 Chairman: The expansion of existing successful schools is very expensive, is it not? We have had evidence to the Committee that if a school of 900 loses 150 pupils it could easily go into a spiral of decline. On the other hand, if the school up the road takes on another 150 pupils it might ruin or certainly undermine what makes it an excellent and popular school.

Professor Gorard: Hence market forces are in contention with the welfare state. You can have a planned economy for schools or we can allow parents to choose. If we allow them to choose we have to find extended transport arrangements and allow schools to expand to meet demand.

Q581 Chairman: Any similar comment from Professor Micklewright?

Professor Micklewright: Well, the evidence I have submitted to you is more on the international picture of how the system we have now in England compares in its outcomes with those in other countries. I entirely agree with Stephen Gorard that this sort of evidence, which he has also produced himself, contradicts scare stories or anecdotal caricatures of how England compares with other countries both in terms of levels of social segregation and levels of attainment within schools. Nevertheless, I think those international comparisons are useful to the extent they show how much our current system is a different outlier in the degree of parental choice and school choice across the group of rich, industrialised countries and shows us features of the school systems of those countries that seem to be driving very much greater levels of social segregation, which we would be well advised not to try and go down that route. I do not think the White Paper is intending to—and I am talking here about the division between vocational, technical and academic schooling in Germany or Austria—and I think it would be very difficult to interpret the emphasis on specialist schools in the White Paper as being a firm move in that direction.

Q582 Chairman: But this Select Committee has visited a number of countries over the five years that I have chaired it and what we find in almost every

country we have gone to—France, Germany, the United States—is that there is a percentage of students that do not seem to be able to get the quality of education they deserve, that they deserve in terms of their ability particularly, and no society that we have been to seems to have the ability to address that. I agree with you entirely and I think many members of the Committee would agree with you that we are doing reasonably well (although we are not complacent) but is not the White Paper really trying to address that 25% to 30% and how successfully is it trying to address that 25% or 30% of under-achievement which is surely linked to the fact that at 16 we have more children dropping out of education than almost all the other OECD members?

Professor Micklewright: That has been a long-standing problem for 30 years or more since comparative data has been collected. It is one where the problem is reducing but it is still there and one could argue about the size of that group that is not getting the quality of education, whether it is 25 or 30, whether it is 10 or 15, but I do not think that is the issue.

Q583 Chairman: Where would you put it?

Professor Micklewright: I would not put it at any one of figures because I think it is very difficult to define in an absolute sense what is a good educational system. I think Stephen Gorard is right in the points that he has made, and other witnesses too, and you even managed to extract from the Chief Adjudicator some comment on the positive features, maybe I am wrong on that, such as the issue of school transport, I cannot remember exactly what he said, but the key point that he made is that greater choice for some should not be at the expense of that of others. That is the key point to keep ramming home and battering away at the Government on.

Q584 Chairman: Professor Burgess?

Professor Burgess: The first thing to say is international comparisons of levels of attainment is not something that I have worked personally on so I do not really want to offer an opinion on that. In terms of looking at levels of school mix and school segregation and so on there are two things I would want to say. One is if you compare areas of this country with selection and without selection the levels of segregation of pupils in areas without selection are way lower than they are in areas that still retain grammar schools, so we can take from that the move from a grammar school system to a comprehensive system has reduced quite markedly the levels of social, ethnic and also ability segregation. In comparing the UK with other countries, one of the obvious comparators is the US and levels of segregation there are far higher than they are here.

Chairman: Stephen?

Q585 Stephen Williams: Can I just ask some questions about the effect of parental choice on the social composition of schools. To what extent do

you think parental choice on its own does affect the social composition of schools, leaving aside other factors?

Professor Burgess: One thing we have done in our research is look at different areas of the country, different local education authorities and areas where there is greater choice in the sense people can easily reach more schools, we find higher levels of sorting and segregation in terms of a measure of attainment, Key Stage 2 schools, and so on, also in terms of eligibility for free school meals, and in terms of ethnicity, so what we are taking from that is the greater levels of choice that we have had in the system in the last couple of years is leading to greater segregation.

Q586 Stephen Williams: Right. Do you think it has changed over time? In the paper we had from Professor Gorard and your colleague Professor Fitz, who is not here, there is a quote from the *TES* in 2002 which just to summarise it says that schools now are even more socially stratified than the old grammar schools and secondary moderns that they replaced. Do you think that is a fair comment?

Professor Gorard: Obviously not because the paper argues quite strongly against that. There is volatility but the long-term historical trends, perhaps disappointingly for this Committee, as far as I can see, seem to transcend particular policies and particular administrations. There seems to be greater common movement. An important element in choice is to distinguish between choice and diversity because choice and diversity often roll together, they trip off the tongue quite nicely together, but I think they are two separate things. Choice, as far as we can see, has had no segregating effect on schools so that when you feed in what we know about all of the schools we have done analysis for in the last 12 or 13 years now—of all the secondary schools in England—local geography is the key thing that determines intake of schools, who can get there, what are the characteristics of potential students. After that, diversity would probably be the biggest thing, so autonomy from LEA control and that in a sense is almost independent of the type of schools, whether it is faith-based, Welsh-medium, grammar schools, selective, foundation and so on. There are three areas that pertain. Banding. With banding, segregation is far less, even within a system of choice, and areas that have strict catchment area adherence generally have higher levels of segregation than those that allow elements of choice. So you could argue again—and there is no experimental evidence, very little evaluation but by trawling through the data we have found it—that choice by itself not linked to diversity does not harm and maybe slightly reduces segregation. But you have to look at it in terms of that long-term historical trend. I worry when people talk about things like that Sutton Trust study about the top 200 schools having fewer students with disadvantage and so on because obviously you have got to look at what the causal mechanism is. I think commentators are attributing the goodness to the school partly on the basis of the

student intake rather than the other way round. It is not that students from disadvantaged backgrounds are being excluded systematically from good schools. It is just that the definition of a good school for the Sutton Trust and many commentators takes no account of the intake of the school, which is why the value added analysis and what that shows is absolutely crucial.

Q587 Stephen Williams: Can I look at the differences between neighbourhood schooling, or catchment areas as you have just referred to it as, and expansion of choice. In both the papers of Professor Burgess and Professor Gorard they talk about affluent clustering or “selection by mortgage” if you have neighbourhood schooling, and it is argued in both that to some extent that choice could lead to a more diverse social structure within schools. Professor Burgess, you are an economist and can I summarise crudely roughly what you are saying. You are saying that if popular schools were able to expand you would have a more diverse intake, but in the real educational world, popular schools are not like factories producing widgets in competition, they cannot expand their places in the same way, so is this a real choice in between two different structures—

Professor Burgess: I think there are clearly practical problems in terms of popular schools expanding. I think the distinction I would really like to be clear is between neighbourhood schooling where everybody goes to their local school and choice-based schooling where the schools are more or less the size that they are now and they do not change very much, and then a choice basis with much more flexibility in terms of school size. If you compare neighbourhood schooling with choice plus flexibility, I think neighbourhood schooling would produce and does produce much more clustered, segregated communities and schools, for the obvious reason that some people can afford to live near those schools and others cannot. If you have a system of choice but with fixed numbers of places in good schools and bad schools, then somehow or other if through that system some families are better at working that system than others, again you end up with segregation. The appeal in principle of school choice is that it can break the key link between which school you go to and your family income. That is the goal that is worth looking for. That is only going to work if places in popular schools can be increased and can expand. Practically there are obviously problems. You cannot build a whole new set of classrooms in a few weeks. I think some of the issues are around how there are different ways of increasing places in popular schools. One is simply you build more classrooms or whatever, but to the extent that the things that make the good school good are transferable then you could potentially achieve the same end by allowing the popular school to run another school, if, for example, it is management, if it is ethos and leadership, and so that may be transferable without being diluted too much. If, on the other hand, it is the peer group that makes the good school good then that clearly would be diluted and it may be that schools are using the

14 December 2005 Professor Simon Burgess, Professor Stephen Gorard and Professor John Micklewright

practical difficulties of “we cannot build another classroom” to cover the fact that they do not really want to expand because they worry they would no longer be a good school.

Q588 Stephen Williams: Whether they want to expand is evidence we have had previously from Sir Alan Steer when he was here on an entirely different subject and the Chairman asked him a question about whether he would want his popular school to expand and he quite clearly said no he would not (summarising what he said) so I think there is something in that. Do you think there is any evidence as an alternative to that that a head teacher would want to take over essentially a failing school a couple of miles away?

Professor Burgess: I do not know of any hard evidence on that and I imagine it is going to vary both with the answer to my question of what makes a good school good and in terms of the characters and ambitions of head teachers.

Professor Gorard: There was the Popular Schools Initiative in Wales in the 1990s so there is evidence of what happens if you allow popular schools to grow because that is what happened.

Q589 Stephen Williams: What happened in Wales?

Professor Gorard: The popular schools did want to grow, although not all of them, and they were not all allowed to. I think there are lessons you could learn from it which are both positive and negative.

Q590 Chairman: Are big schools good for children? We had an interesting discussion about Schumacher—he had Welsh connections, did he not—and “small is beautiful”. Would this not lead to great big schools in which kids feel alienated? Is there any research about the benefits of having a smaller rather than larger school?

Professor Burgess: No, not that I know of. It certainly does not mean there is not any, but none that I know of. A big school does not need to be on a single site. It could be a school on several sites.

Professor Gorard: The evidence I know of is about teaching units. That has been the key element of consideration rather than the size of the school.

Professor Micklewright: One can see the arguments both ways. I think the argument you are implying is that people feel happier in a small school but a large school clearly provides greater choice of subject matters and areas and the ability to combine at secondary level all manner of A-levels one with the other.

Q591 Chairman: It would be interesting to see if there was any research around size.

Professor Gorard: The research I know of is around the way in which parents make choices. They prefer to have small schools which is to some extent why you might be able to take the handle off the size of the school because in a sense they would not grow to unwieldy sizes if parents, as far as one can see from the evidence, do not want large schools.

Q592 Chairman: So you see the argument for expansion as a stimulus rather than anything else?

Professor Gorard: Yes.

Chairman: Sorry, Stephen.

Q593 Stephen Williams: I know there are other people who want to come in, Chairman, so I will just ask one question. Right at the end of your submission, Professor Burgess, paragraph 21, there is a quite separate comment where you say because Trevor Phillips has concerns about ethnic segregation in schools this would be an “unfortunate time” to encourage new faith schools, which does not flow from the rest of your paper. Would you look to expand on that?

Professor Burgess: It is a serious point. Some other work that I have done with a colleague from Bristol, Dr Wilson, and Dr Ruth Lupton suggests that schools are on average acting to increase residential segregation in terms of ethnicity. Given the concerns that Trevor Phillips has expressed and the events around these, creating a system which encourages a lot of schools that are essentially mono-faith is possibly not a great idea right now.

Q594 Chairman: Is it not better for those faith schools that are in the private and unregulated sector to come into the state sector or not? It is not as though they do not exist.

Professor Burgess: Indeed. I am not sure of the answer to that.

Chairman: Right. Roberta?

Q595 Dr Blackman-Woods: I wanted to ask a couple of questions about social mix, I think to Stephen, going back to a point that you made a while ago about why we are trying to do that, you were saying a positive aspect of the White Paper was the possible bussing of children from poorer backgrounds to give them wider choice. Is that because we know that if you reduce social segregation you increase standards? I am trying to see what the end goal is. Is the end goal just to have social mix so the society you were describing in schools as a society is an end in itself? What is the impact of that on standards, because although I can see there is a very strong argument for children from poorer backgrounds who are performing less well that you might want to do that, but there would be a very strong counter-argument which said if there was a school with a very narrow selection it would do very well? I want to hear the arguments of why we are reducing social segregation in standards terms. Is there an argument?

Professor Gorard: Yes, there are some sources of evidence, and I think the last two rounds of PISA studies that have been published have suggested there is a relationship between national standards of education, national attainment, and the extent to which the national schools systems are mixed. That came as a surprise in the 2001 study because most people felt perhaps with some of the North European systems that actually selection and dividing up children into streams would lead to higher standards but also higher segregation. I think

14 December 2005 Professor Simon Burgess, Professor Stephen Gorard and Professor John Micklewright

now most analysts have been convinced at the very least there is no relationship, and that you do not have to sacrifice school mix in order to get good standards. There is even some suggestion that a positive mix and attainment are correlated, but these are incomplete data at national level.

Q596 Dr Blackman-Woods: So more work has to be done on this, but would that not then be a very strong argument against very narrow selection whether it is by faith or private schools having an intake from quite a wealthy selective group of parents?

Professor Gorard: As far as I have seen, and I have done a review of it relatively recently, I have never seen any convincing evidence that selecting students means that those students do disproportionately better than they would have done in an alternative system, certainly not in a way that is not then compensated for as a cost for people who have been deselected. You have got to look at the system as a whole. My point about travel at one level was a relatively simple one. There is a tension between the national policy which says “you can pick any school you like within reason” and the local one that says “if you pick any school that is not your nearest school or your allocated catchment area school we are not going to pay for transport to it”. So basically it was choice for people who could afford their own transport. I welcomed it [extended travel provision] primarily for that reason. It may have an impact on standards but I think it is less likely.

Q597 Chairman: What would you say to a colleague of mine who in that particular regard said, “I can see a lot of kids getting on buses to go out of my constituency but not a lot getting on a bus to come into my constituency.” What would you say to him?

Professor Gorard: You have to decide what the level of bussing is and where the margin is going to be. If it is done within local education authorities we are not necessarily talking about bussing outside authorities. It might be that you use school districts in some cases, where there are not small unitary authorities which are actually smaller groupings. We are not talking about what are the geographical parameters for this. There are areas with low population density, for example in South West Wales, where children are entitled to be bussed across LEA boundaries and they maybe bypass six or seven schools because they are going to Welsh-medium education. Again you can look at the evidence on that and what that is doing.

Q598 Chairman: Professor Gorard, the experience of a lot of Members of Parliament would be in town centre constituencies and city centre constituencies when there has been a kind of view amongst many parents that the grass is greener indeed up the valley, outside, a little bit further, and that this great desire, as we saw in Birmingham when we spent a week in Birmingham, to get away from schools in the city centre and pursue whatever the rationale of that was to move out. Indeed, we saw most of the comprehensive state schools in the centre of

Birmingham closed and then enormous distances being travelled by pupils being bussed and being taken in their parents’ vehicles across the city. Is that not one of the dangers of this?

Professor Gorard: Yes, I think that is one of the things you would see from the very limited evidence of the Popular Schools Initiative in Wales. In an inner city like Cardiff you have got a northward drift and much larger schools in the north of the city and less in the south where there were high levels of poverty. You have had that transit. Although segregation has reduced, it has led, presumably, to an increase in travel distances.

Q599 Chairman: Also here we have a Government that wants city academies to regenerate the poorest parts of our towns and cities at the same time as we are introducing something you could argue that will take more pupils out of the central city and urban areas. Are the two policies conflicting?

Professor Gorard: I am not convinced they are. I would have to go away and think about that a bit more. The thing about academies, in so far as we can see from the limited evidence we have from the years so far, is that they have been successful in the terms I understand they were set up for, which is the rebadging of the school preventing that flow out, so they have changed the nature of the intake. The problem is I do not think that has been celebrated as much as it should have been because certain commentators have had to at least convey the impression that they are still dealing with the same pupil groups as they did before, otherwise that would explain their increase in results. I think we should forget about the standards issue for a minute. I do not think they are producing better results with the current pupils. I think they are changing the nature of the pupil intake. If the academies were chosen correctly in the first place, and one or two have not been but most of them were, they are the most disadvantaged schools in the most disadvantaged areas. If they are turning around their intake they are reducing social segregation and reducing the very flows you are frightened we would see. I would like to see that celebrated more because I think that can actually work in with the idea of allowing increased travel.

Q600 Chairman: So the Government has got academies right?

Professor Gorard: I think they have but we do not see evidence of why they are working because most of the commentary from the DfES and from the Government has been they are achieving higher standards with the same students, which is patently not the case. What they have done is change the nature of the student intake.

Q601 Dr Blackman-Woods: I think that is a critical point but I suppose what I was trying to get at is whether increasing the social mix in itself will drive up standards because it is something that I think is underpinning the White Paper and I think you are saying, yes, there is some evidence for that.

14 December 2005 Professor Simon Burgess, Professor Stephen Gorard and Professor John Micklewright

Professor Gorard: A small amount.

Professor Micklewright: May I come in on that. I have interpreted your question as being that the purpose of transporting students around would be to either improve the social mix and/or to improve school standards, possibly both with the social mix, but my understanding and my reading of the proposal in the White Paper is not that. It is simply if you are going to give more choice to parents then you should give more choice to all parents and enabling children to move around is going to be part of that. The level of choice that parents have at the moment is already high in England, as one might measure in different ways. Professor Burgess's work has shown the proportion of children who do not go to the nearest schools is over half. Our work shows that the percentage of children that say they are going to a better school than others in the area is higher in England than other OECD countries, and substantially higher than in many. Viewed in these ways there is quite a lot of choice already but the issue is who is exercising that choice. Our work again shows that taking that measure you have just mentioned, the percentage of children who say they are in a school which is known to be better than others in the area, that more children coming from more educated family backgrounds respond positively to that question than those from other backgrounds.

Q602 Helen Jones: I think, as Professor Gorard said quite rightly, choice and diversity are often run together and they are not the same thing but they are run together in the White Paper. There is a lot about choice and diversity. Do you have any evidence to give the Committee that those two things working together—diversity of schools and the choice offered to parents—drive up standards? Is there any evidence for that?

Professor Gorard: No, no evidence at all. The analysis I have done would suggest that there is by and large no relationship to the outcomes from schools (and we have to use rather gross measures like public examination outcomes because in order to get large enough studies we are not going to be able to administer other tests of competence and so on) in terms of examination outcome. By and large, schools deliver the outcomes that are predicated on the pupil intake to each school. Obviously the teachers do a good job of taking the students through the school, the students are transformed by the schools, but what we cannot necessarily do is identify which schools are doing particularly better or worse than others. There is certainly no consistency over time. One of the things that concerns me about the White Paper is it is talking about closing weak schools. I am not convinced we are scientifically able to identify weak schools. We are actually talking about popular and unpopular schools which is a different issue.

Q603 Chairman: What is the point of Ofsted then?

Professor Gorard: Are you trying to get me into trouble?

Q604 Chairman: Sorry, what did you say?

Professor Gorard: Are you trying to get me into trouble?

Q605 Chairman: Ofsted tells us there are 200 underperforming schools and they have got to do something about it dramatically.

Professor Gorard: I have not looked at the recent figures. The last time I looked at the schools that were being put through special measures and so on, they were disproportionately inner city schools with high levels of disadvantaged children and so on. In the White Paper it talks about special schools taking children exclusively with disabilities and special needs being disproportionately failing schools. You could accept that as a true finding but a sceptic might say possibly something is wrong with the analysis there that says, yes, it is schools that take poor kids, yes, it is schools in inner city areas, yes, it is the schools with high levels of special educational need that are doing badly and, yes, it is the schools in the leafy suburbs that are doing disproportionately well.

Q606 Chairman: The Prime Minister always comes back and says, and Ofsted says that taking like for like and the same kind of level of disadvantage some schools do much better with their pupils than others.

Professor Gorard: I am afraid I have never seen evidence of that.

Q607 Helen Jones: If I could continue, Chairman. In your opinion would having more admissions authorities, in other words each school being its own admission authority, lead to greater social segregation amongst pupils? If you have any evidence on that, what do you think produces that? Is it because we do not have a proper admissions code of practice or is it social influences? Do you have any data that would predict possible outcomes for what is proposed in the White Paper?

Professor Micklewright: I think the Chief Adjudicator's answer to the same question was spot on, that if the schools are forced to adhere to a code of practice and recognise that the rules of the game have not changed, then the increased choice that they may have on paper may not mean a great deal in practice, of an unfavourable kind.

Q608 Helen Jones: But the code of practice at the moment is something they have to have regard to, is it not?

Professor Micklewright: Sorry?

Q609 Helen Jones: At the moment schools only have to have regard to the code of practice. Are you saying that if that was given greater force then it would not lead to greater segregation or are you saying currently there is no evidence that the system—?

Professor Micklewright: I am sorry, I am not qualified to judge on that but it seemed to me as a lay person in this area on the regulations that the answer the Chief Adjudicator gave was a very sensible one, but you are the better judge of that than me.

 14 December 2005 Professor Simon Burgess, Professor Stephen Gorard and Professor John Micklewright

Q610 Helen Jones: Professor Burgess?

Professor Burgess: The evidence that we have is if you compare different areas of the country where schools are in a more competitive environment or a less competitive environment and in places where schools feel pressure from more alternative schools nearby to them, then sorting and segregation is higher in those areas. That does not cut directly to your question but if we move to a situation where schools act more competitively, they have more freedom, then that does suggest that we would expect to see more segregation. That is one of the elements I mentioned right at the beginning about the trust status situation which I would find worrying. I wonder if I might also—

Q611 Chairman: Why is that, given that foundation schools already exist?

Professor Burgess: There are not that many of those, therefore if we moved to a situation where almost all schools have a trust status we would move into a situation which is going to be much more competitive from the point of view of schools. I wonder if I could make a response to the previous question about social mix and travelling and so on. I think part of the issue about social mix is that it is a euphemism for which schools poor kids get to go to, and typically poor kids get to go to less good schools, so changing the social mix is connected to this issue of whether kids from poorer families get a fair crack of the whip of going to the better schools. Again the appeal of allowing greater choice is that it might well bring that about.

Q612 Helen Jones: Can I just take you up on that because is this not a result of the confusion between school outcomes and effective teaching? When we talk about better schools are we not often talking about schools that have the more motivated and easier to teach pupils? There is a difference between that and schools which produce good outcomes even for pupils who might be disadvantaged or more difficult to teach, is there not? Are we not confusing the two?

Professor Burgess: In the data that I looked at the only outcomes we have are scores in the national exams, key stage 2, 3, and GCSEs and so on. Your distinction is absolutely right between the raw scores that schools produce, the GCSEs, and also the value added they add to kids relative to the scores that pupils are coming into. I do not think it is a straightforward question which we should be looking at because in terms of what parents can see and what parents can make a choice on, the basis of the school league tables and performance tables were until very recently purely in terms of GCSEs. I think most (not all) parents are well aware of those. Thinking about value added, statisticians disagree on how to measure it. It is quite complex to try and measure and to understand. It is not clear to me that parents can make decisions based on that very straightforwardly. They may well have their own view of what schools do on the basis of talking to people but in terms of league tables and so on it is that that is clearly measured.

Q613 Helen Jones: I understand that. What I was trying to get at is if we allowed popular schools to expand, do we have any evidence that they would continue to produce the same outcomes? In other words, are they popular because at the moment they are producing good outcomes but that is because they have a lot of pupils who make it quite easy? As an ex-teacher I know that it is very easy to teach bright, well motivated children. Is there any evidence from elsewhere internationally to show that they would continue to produce as good outcomes as they expand or would it be as they had to take children who are more difficult to teach they might do very well with their own children but overall the outcomes would not look as good?

Professor Burgess: There are two points there. One is we have evidence to suggest that schools that produce high value added produce that high value added for all of the kids in that school, so it is, roughly speaking, constant across the low key stage 2, middle, and so on. The second point is what changes as the peer group changes? For statistical, technical reasons it is really quite hard to truly estimate the peer group effects. There is a little bit of robust evidence on this that suggests peer groups are important but it is not case that there is a vast wall of studies that say that peer groups are or are not important.

Helen Jones: If the outcome of what is proposed was greater social segregation in schools, do you have any evidence on what will be the effects of that from anywhere else? Does it matter academically? Does it matter socially? What does it tell us?

Q614 Chairman: Who wants to take that?

Professor Gorard: Yes, I was hoping to come in on your previous question but I will pick that up then.

Q615 Chairman: Come in on either.

Professor Gorard: The research that we have done suggests that areas where there are more autonomous schools, the schools that are able to make their own admission arrangements, are more segregated, once you have taken the geography and the population into account than equivalent areas. Obviously we cannot therefore be sure that there is a causal mechanism but the changes over time would suggest that schools making their own admission arrangements is related to increased social segregation. The problem we have got of course is this is not happening in random areas. The areas that have more autonomous schools are self-selecting so there is a problem there with the analysis. There are various ways in which we could posit a mechanism for the segregation, so for example some of the schools are using supplementary forms after the original one and some schools are actually conducting interviews with parents and so on. This is not to suggest that these schools are being intentionally selective but there might be some mechanism whereby, at least inadvertently, the schools are being covertly successful.

14 December 2005 Professor Simon Burgess, Professor Stephen Gorard and Professor John Micklewright

Q616 Helen Jones: “All the people like us” factor.

Professor Gorard: It is all sorts of things we could imagine could happen and it is an interesting area to investigate. I think the work of Anne West at the LSE touches on that, so it would be worth looking at that if you wanted to pursue that. The autonomous schools include the voluntary aided and the voluntary controlled schools in our study and other ones that appear to be related to increased social segregation. In relation to some of the comments made in the previous session it is important to realise when we are talking about segregation that we are talking about the extent to which pupils are clustered in relation to the potential users of the schools, not in relation to some overall picture, so that if you had, say, a faith-based school that was inner city the fact that it had a high level of disadvantage is not in itself evidence that it is not segregated. It has to be looked at in relation to the area around it, and the evidence is that all of the faith-based schools take fewer than their fair share of disadvantaged students although many of them, particularly Catholic schools, are in areas of quite considerable disadvantage and therefore in raw score terms they are taking quite high levels of disadvantage, but that is not what I mean by segregation.

Q617 Helen Jones: I understand. Can I ask you one last question about the international comparisons. It was said earlier that countries which have overall good national outcomes in education have schools which tend to be fairly mixed socially. Now, can you enlighten us a bit, is that because they are in societies which are perhaps less socially segregated in terms of housing and so on or is it because there has been a definite effort to produce social mix? I am thinking of places like Finland where the Finns say, “What is the problem? Everyone goes to their local school.” Do you have any evidence on that? Is it a result of social factors or is it deliberate educational planning?

Professor Micklewright: I do not think we have the evidence. I think you are absolutely right to raise that issue as one where it is too easy to point to crude differences across countries and say that country has better attainment, that country has a less segregated system, so it must be cause and effect, but that is not the case.

Q618 Chairman: Many people are talking about the research on Sweden. What is your evaluation of that? Sweden has been very much talked about in terms of the research that shows that greater diversity and greater choice has led to greater segregation. Is that right? What is the right interpretation of the Swedish work?

Professor Burgess: The research that I know of is a reform in Stockholm City where I am not sure it is correct to describe it as an increase in choice. My understanding of the reform was that they moved from a system where a child had priority at its local school to a system where schools admitted on the basis of grades, so schools could choose on the basis of prior exam scores of the children. Unsurprisingly, that led to a dramatic change in the degree of

segregation by ability in different schools. I think this is still on-going research so things may well change but it did not seem to have a big impact in terms of where people lived, in terms of neighbourhoods.

Chairman: David Chaytor knows more about this than most people in this Committee. David, do you want to come in there?

Q619 Mr Chaytor: I would have done had the Committee agreed to my suggestion that we should visit Sweden, but the Committee decided not to! Could I pursue the point about international comparisons and ask Professor Micklewright, in the table you provided in your paper clearly the Scandinavian countries have lower levels of segregation but is it the case that all of those Scandinavian countries perform well in the PISA reports regardless of the relationship between the school system and the nature of society?

Professor Micklewright: I cannot remember exactly. I think that is the case, that they perform well in terms of average attainments and also in terms of restricting the inequality of attainment, but I would advise you to be very cautious about drawing the implication that is because they have less segregated schools systems.

Q620 Mr Chaytor: Sure. Accepting it might be difficult to draw conclusions about the impact of the system of schooling in Sweden or Finland, there is one part of the United Kingdom that is right at the bottom of the segregation index and that is Scotland, so is it not possible to make assessments of the impact of a less segregated schooling system in Scotland compared to a more segregated schooling system in England because we are talking about essentially two parts of the United Kingdom rather than the difference between the UK and Scandinavia?

Professor Micklewright: Yes, it is a more fruitful avenue to pursue. At the moment in our research we are not at the stage where we can draw definitive conclusions to say “England is more segregated than Scotland because . . .” but you are right in thinking that, yes, other things are more equal between Scotland and England than they are between England and Sweden.

Q621 Mr Chaytor: We presumably have outcome data for Scotland in terms of GCSE scores, A-level scores, post-16 participation rates as well. How do they compare generally with English outcome measures?

Professor Micklewright: Of course a lot of the outcome measures are different. They do not have GCSEs or A levels, and the staying on rates are difficult to think of because of the different structure of post-16 education. I do not think it is worth speculating on that at the moment. I will put it another way, I have not got the evidence to comment on that at the moment.

Professor Gorard: The Centre for Educational Sociology at Edinburgh is running a programme of home/international comparisons which may provide

 14 December 2005 Professor Simon Burgess, Professor Stephen Gorard and Professor John Micklewright

the data to answer the question. There are clear differences between the home countries that have to be taken into account first. One obvious one between Scotland and England is the proportion of students in the fee paying sector. It is negligible at below 1% in Scotland, and that obviously is going to make a difference to levels of segregation and so on because most of the data that we use for international and home comparisons is generated by the state-funded sector, so if you are slicing out 7% and 1% it does make a difference. It is interesting that the fashion ten years ago in international comparisons was for the home countries of the UK to look at the Pacific Rim countries as being the star achievers, the ones which we wished to try and emulate. Almost at the same time these countries were concerned about the lack of creativity and individualism and personalised learning in their system and they were looking to us as exemplars of how to perfect their education system. Very similar things appear to be happening with more recent PISA data where we have looked at Sweden, Denmark, Finland and Norway as being exemplars of low segregation and relatively high attainment, but the Swedish model is partly predicated on some of the things that are going on here. They are now looking to us for ways to increase parental choice and improve parental satisfaction in the system.

Q622 Chairman: Who are looking towards us?

Professor Gorard: I think the Swedes are and the Finns to some extent.

Q623 Chairman: They are rather different, small countries with small urban concentrations compared to this country, are they not, Professor Gorard?

Professor Gorard: Yes.

Q624 Mr Chaytor: Can I pursue the question of the impact of different types of schools. Professor Gorard, you said you challenged the argument that academies had delivered higher performance because the nature of the intake had changed (and you welcomed the changed intake) but surely in terms of GCSE results the intake will be the same because none of the academies have been going for seven years. It is not the same cohort at 16?

Professor Gorard: We are currently negotiating to get the individualised data to follow this through but, yes, there were changes to GCSE cohorts because of the nature of the schools. They were relatively high turnover schools so the turnover patterns have changed and of course there have also been queries about the extent to which particular children have been permanently excluded sometimes quite close to the terminal examinations because the patterns for exclusion appear to be different between them. That was not the point I wanted to make. I suppose statisticians do disagree about how you measure school performance. We have tried to use value added to iron out discrepancies between the intakes to say this is the amount of progress a school makes. One of the papers you have had in front of you refers to the fact that even once you have taken

that into account basically high-attaining schools have high value added scores and low-attaining schools have low value added scores. There is an imperfection in the method and I do not think the proposal to add context data such as free school meals to the system will improve it. I think it will make it even harder for the average person to follow what is going on in these tables and what they mean. To some extent what we will be looking for schools to do is to overcome the differences between the backgrounds of the children so by feeding context data into the schools' results you are ending up disguising what the purpose of the schools is. I think it is quite clear from the data I have looked at, which is all the secondary schools in England over a number of years, there are no types of schools or groups of schools or areas that disproportionately counteract the background of the students that go into them.

Q625 Mr Chaytor: Not even the city technology colleges?

Professor Gorard: I have not looked at those for a long time but the last time I looked the same thing would apply. You are going to get individual variations and you will get volatility between the areas and you will get high and low residuals perhaps for an individual school in a particular year, but given the level of measurement error there is going to be in any system of regression, that is going to happen. The question is whether they are consistent enough, and of course they are not.

Q626 Mr Chaytor: So you are sceptical of all value added methodologies or is there one waiting to be devised that might satisfy your scepticism?

Professor Gorard: There might be. I suppose what I am sceptical of is their use for consumer information. I think they are an interesting thing for academics to work on and for people to devise and for policy makers to look at, but I am concerned that the information out there is both not understandable to most people (it could be made more easily understandable but is not) and also insufficiently robust at the moment to base any kind of practice on what should we do with this individual child or should we reward or close this particular school? We are looking for a grand sweep of things. Are particular types of schools doing better than others or are particular regions doing better than others, would be more appropriate questions for a value added analysis.

Mr Chaytor: Could I just come back to the question of transport and the relationship with better schools or more popular schools. Both Professor Gorard and Professor Burgess, you are strong supporters of the new policy of free transport for children for up to six miles, but the issue is if you agree that there is no significant difference between types of schools in counteracting the effect of social background, and that the performance of schools reflects the intake, does it not follow that the better schools to which poorer children will now be entitled to go will very quickly become less better schools with the change of the intake?

14 December 2005 Professor Simon Burgess, Professor Stephen Gorard and Professor John Micklewright

Q627 Chairman: You are frowning, Professor Gorard.

Professor Gorard: It is difficult to describe, it is the “less better” I am frowning at. My support for the transport was predicated on an “if” and the “if” is if we are going to offer people choice we cannot offer choice just to people who have transport, so, as we talked about at the very beginning, you could have a welfare system which would be different but if we are going to have a market system, they do not really coalesce very well. If you have a market system and you allow people choice you have to allow choice across the whole social range, the whole social spectrum. At one level, as a personal opinion, I think that segregation between social, ethnic language and other groups is an affront to society. For me that is a sufficient reason not to have social and economic segregation. I have lost track of the point. If we allow popular schools, not better schools, to expand because we cannot as a society allow choice only for people living in particular regions or with particular characteristics then, yes, the nature of those schools might change. That might be really helpful to us because it might help commentators and parents to see that these schools are not necessarily differentially effective.

Q628 Mr Chaytor: Is not the problem that we use the concepts of popularity and equality interchangeably so a better school is by definition more popular because it is more oversubscribed?

Professor Gorard: I try not to.

Q629 Mr Chaytor: That is the way it works in the public mind and in the government mind. Is not the inevitable consequence of the new transport policy that some quality schools that nevertheless happen to be less popular for whatever reason—for example the nature of the geography—will then close, so you are prepared to sacrifice quality in favour of popularity, and will it not be that the schools in the poorest areas, the most difficult geographical locations, will be the ones that will close because the more mobile parents will take advantage of the transport policy which will inevitably leave those schools empty?

Professor Gorard: There are so many things I could say. First of all, anything that is going to be done like that should be trialled and people who are independent of those who are proposing or advocating it—sceptics, and I would count myself among those—should be asked to evaluate trials of these things to see what happen. We have already talked about the possibility of size being a deterrent, but on the other hand size might be an attraction for the reason that John suggested, that you are then going to get better concentrations of resources, you are more likely to get particular specialist teachers, you are more likely to get a range of courses that will be appropriate for a larger range of students. Going back to the original thing that drives this whole process, if we are concerned that there is a proportion of students who are not well served by the current system then offering them opportunities that are appropriate to how they see their lives is

important. For that you need quite large concentrations because of the range of possibilities it could have. The other reason that it may not happen as you envisage is of course you have got area policies like the academies programme that are attempting to overcome that. My concern with the academies programme, even in its own success terms, would be that by definition if it is successful it should cease to be because effectively extra taxpayers’ money is being given to areas of disadvantage to overcome those problems, and quite rightly, but they are based on an institution and not an individual, so that if the institution starts changing the nature of its intake so it better reflects its population and you reduce the flight to perhaps the suburban areas, then almost by definition that extra funding should cease and it should cease to have that privileged status. I would rather see, which seems to me to be a more rational policy, the extra funding attached to the individuals so that it goes with them wherever they go, so the disadvantaged students are getting something extra. I know to some extent they are but you could change that and then trial different ways of doing it. Then those would perhaps become very attractive students to schools in the inner cities and the facilities there could be better and so on.

Q630 Mr Chaytor: The assumption in the White Paper is that choice is exercised differentially by different social groups but your research suggests that there is hardly any difference between the proportion of children on free school meals or not on free school meals who attend their local school, so it is 44% of free school meal children attend the nearest school and 46% of no free school meal pupils. Does that not completely undermine the assumption of the White Paper about the extent of the problem?

Professor Burgess: No, I think the point is that you have to understand that number in the context of the fact that people have chosen where to live. If you compare kids from free school meal families and non-free school meal families who live near good schools or who live near less good schools, you do see quite a substantial difference there in terms of if we are looking at kids whose nearest school is a school with a high GCSE score then pupils from the more affluent families are more likely to go there and pupils from families with free school meals are less likely to go there. At the other end of the scale pupils whose families are eligible for free school meals are quite likely to go to their local school even if it is rather poor whereas non-free school meal kids are very unlikely to go to their local school if it is not very good. That is the difference. You cannot interpret straightforwardly the proportion of kids going to the local school or not.

Q631 Jeff Ennis: Very quickly, Chairman, because I am conscious of the time, in response to earlier questions, both Professor Gorard and Professor Burgess supported the principle of expanding popular schools and I can understand that. If that is the case, is there any evidence to show why

14 December 2005 Professor Simon Burgess, Professor Stephen Gorard and Professor John Micklewright

community schools ought to be restricted from actually partaking in that particular expansion programme? Is there any research evidence to support their exclusion?

Professor Burgess: I am sorry, I do not understand the question.

Q632 Jeff Ennis: In the White Paper all schools will be allowed to expand their numbers apart from community schools. Is there any evidence to show that they ought to be excluded from the possible expansion programme?

Professor Burgess: Again, I do not know of any evidence but my feeling would be that there is no reason why they ought to be excluded from that. There is no presumption they are not going to be a good and no presumption that they are not going to be popular.

Professor Gorard: It is a leading question but yes I agree, I cannot see any reason for distinguishing them at all.

Q633 Jeff Ennis: Will that not just skew the market away from community schools in terms of choice?

Professor Gorard: Yes. What I was suggesting is if we want to keep a handle on segregation then to a greater extent you want to have the same rules applying so if even for some reason people want diversity (and I am not convinced that they do, I think diversity is often imposed from above, it is not largely community driven) but if people want different kinds of opportunities in schools I think the same rules about admissions and so on and the ability to expand and travel should apply to all schools. That is a basic principle. Could I very quickly comment on one other thing. One of the problems you have with the travel to school policy is you have to think about a typical British town or city. If you draw it as a caricature, you have got a circle, and the high free school meal population tends to be in the centre and the lower free school meal population tend to be on the outside. The population density on the outskirts would be less so the catchment areas are staggered. If this city is an authority, the people on the outside will be travelling inwards and tend to be working inwards to the inner city schools. The catchment areas will be bigger on the outside than on the inside so it is not necessarily anything to do with popularity of schools or school choice it is just the nature of urban geography that people on the outside will tend to travel further to school even if it is their nearest school.

Q634 Chairman: I am sorry, we have got to wrap up. Our advisers particularly want us to clarify one quote. We are not sure whether it is important to our inquiry, Professor Gorard, but on the last page of your submission there is a sentence where you say: "There is a clear pattern of low attaining schools having low VA (value added) and high attaining schools having low value added. Value added scores are no more independent of raw score levels attained than the outcomes are independent of intakes."

Professor Gorard: Is that a misprint there?

Q635 Chairman: You think there is a misprint?

Professor Gorard: Yes, the high-attaining schools have higher value added scores in general and the low-attaining schools have low value added. In the same way that Fahrenheit and Centigrade are measuring the same thing but in different numbers, value added and raw scores are measuring the same thing.

Q636 Chairman: A very brief final question. Okay, you are in this business presumably of not just doing research for research's sake; you actually want it to make change in our society for the better. Which bits of your research would you like to see reflected in the Bill that comes out of this White Paper? What would be your priorities? John Micklewright?

Professor Micklewright: I would put that in a different way. My advice to you is to keep your eye on specialist schools. If specialist schools can be defined in ways such that "we are going to specialise in university admission" then that is going to lead to a more segregated system than a system where specialist schools means specialism in a particular type of subject, so I think in the definition of specialist school, if we are moving to a system where most schools are specialist schools, we have to be careful what specialist means.

Q637 Chairman: Thank you for that. Professor Gorard?

Professor Gorard: I would like to say the same rules and the same opportunities for everyone in so far as it is possible—and we are pragmatists—so that greater attention is paid to making sure we are not disadvantaging any particular sector or areas of the country. This is not particularly a London-based phenomenon or a regional phenomenon. I would like to see people not arguing for diversity *per se* and to see where the demand really arises from the ground for different types of schools rather than this imposition of diversity. I really would like to see any of these ideas rigorously trialled before they go nationwide.

Q638 Chairman: Can I just pick you up on this. Schools have been able to become foundation schools for some time and some of the evidence that has been given to us is that a lot of this will be ignored because people will have choice, they will not want trusts, they will not go down this route.

Professor Gorard: I think that is probably right. What you will end up with is what happened to grant-maintained schools where many of the schools that took the status were the ones that were going to be closed by the local authority so you get the less popular schools going for trust status. An interesting phenomenon.

Q639 Chairman: Professor Burgess?

Professor Burgess: I would like to make two points just to finish. One is to think about the situation we are in at the moment. A lot of the comment has been that we are in a situation of neighbourhood

14 December 2005 Professor Simon Burgess, Professor Stephen Gorard and Professor John Micklewright

schooling and this Bill is moving us to choice. My view is that is not the case at all. We are in a situation with school choice at the moment but it is only available to some. The White Paper ought to be trying to make that choice available to everybody. The second point is how is that going to succeed or not. There are two key elements. One is supporting choice through transport and possibly information and counselling. The second is there has to be flexibility of supply of places at popular schools and that can come about in a variety of ways, but the key

thing is to avoid large-scale rationing of those places because however that is done, other than through a lottery, the rationing is almost bound to relate to people's income or their ability to negotiate and so on, and that is going to reproduce the segregation we have now.

Chairman: Can I thank all of you, Professors Micklewright, Gorard and Burgess, it has been a most informative session. We would have liked to have gone on longer but Prime Minister's questions are calling. Thank you very much.

Monday 19 December 2005

Members present:

Mr Barry Sheerman, in the Chair

Dr Roberta Blackman-Woods
Mr David Chaytor
Jeff Ennis
Mr David Evennett

Helen Jones
Mr Gordon Marsden
Stephen Williams
Mr Rob Wilson

Witnesses: **Rt Hon Ruth Kelly**, a Member of the House, Secretary of State for Education and Skills, **Rt Hon Jacqui Smith**, a Member of the House, Minister of State for Schools and 14–19 Learners, and **Mr Stephen Crowne**, Director, School Resources, Department for Education and Skills, gave evidence.

Q640 Chairman: Before welcoming the Secretary of State can I give my regular homily to the press. It is wonderful to see so many people from the press here, but where were you when we did prison education? Where are you when we ever do the skills of this nation with a £10 billion budget? It is nice to see you here anyway. Can I welcome you, Secretary of State, and Minister of State, Jacqui Smith, and Stephen Crowne to our proceedings? This is the final of our oral evidence sessions on the White Paper. We are very pleased that we have had the opportunity to do almost a pre-legislative inquiry into the White Paper. I think it benefits everyone concerned that Parliament gets this ability to scrutinise the White Paper. We have had almost everybody who has an opinion, certainly every sector, in front of the Committee. As agreed, Secretary of State, if you would like to make a short opening statement we would be happy to listen to it.

Ruth Kelly: Thank you, Chairman. Let me use this opportunity to say a few words about the White Paper as I have so many keen listeners to this event. First of all, over the past eight years we have seen a tremendous improvement in our school system. We have got the best ever results at age 11, at age 14, at age 16 and the best A-level results that we have ever seen in this country. In fact, this year the results increased very substantially in every single one of those areas. As well as that, schools in the most disadvantaged areas are making even more progress than the average, so they are tending to catch up with the others. However, despite that, despite the record investment we have put in, despite the workforce reform and the extra 30,000 teachers and 100,000 support staff, despite the fact that we have halved the number of failing schools, there are significant challenges in the system that we need to address. One thing I am always struck by is that we have one of the lowest staying on rates at 16 in the entire industrialised world. We also have a situation in which 44% of children still do not get five good GCSEs, and if you include English and maths the picture is even starker. In fact, only 26% of kids with free school meals get five good GCSE results and that is something we need to tackle. We need to tackle it not just by tackling failing schools but also by attacking under-performance across the board in the system. One in four schools, according to the Chief Inspector, is under-performing, is coasting, and we as a nation need to tackle that gap, not just to create a

fairer society but also to create ultimately a more competitive society. In this White Paper we have set out a range of measures that are intended to boost standards in our schools. We talk about personalisation, tailoring lessons to the needs of the individual child so that it is no longer the case that a child can arrive at secondary school and fall back in the first few months compared to where they were at the end of primary. In fact, if they arrive without the basic skills they need in literacy and numeracy we say in the White Paper that there should be small group or indeed even individual teaching to make sure that those children catch up with their peers so that they can access the rest of the curriculum. We have set out very strong proposals on discipline, including a new right to discipline which was proposed before this Government came to power and rejected at the time but we are determined to press on with that. We propose a tougher failure regime which says that where a school is in special measures for a year and has not shown significant progress radical options ought to be considered to make sure that those children are not let down by the system. We particularly focus on these under-performing schools and giving local authorities and others tougher ways of driving up performance in coasting schools and we try and draw parents more and more into the process of learning because we know that what happens in the home is equal to, if not more important than what happens in the classroom. We also want schools to be able to draw on the energy and expertise there is out there in the community and that we have seen from experience can make a real difference to improving school standards. I am talking about the voluntary sector, the charitable sector, business foundations, educational foundations, universities, further education colleges. I think every school ought to have the opportunity of having involved the energy there is in the community that could be harnessed to raising school standards, not just on a transient or temporary, ad hoc basis, but we ought to be able to bind that energy into the school system to promote school improvement. That is what the trust school system is about. It is about devolving power as much as possible to the front line, devolving resources, which we have done since 1998, but also allowing schools to work with their external partners in a more permanent relationship in order to improve school standards. Most of all this White Paper is about those pupils who are not being well served by the system. It

19 December 2005 Rt Hon Ruth Kelly MP, Rt Hon Jacqui Smith MP, and Mr Stephen Crowne

is about tackling disadvantage and educational disadvantage in particular. What it is not about is reintroducing selection. We abolished once and for all any new selection by ability in 1998 in primary legislation. There is no way in which that could be reintroduced through the current proposals. In fact, if you look at the White Paper, and I know there has been widespread discussion on this which is why I am using this opportunity to correct some of the misunderstandings that are out there, the only changes to admissions proposed in the White Paper are, one, that we have said that we will bring in new regulations to make sure looked-after children are given priority in the system, no matter what the status of the school, and also that when the schools adjudicator takes legally binding decisions those decisions apply for three years rather than the current situation of one year. Those are the only changes that are proposed. I think that as a result of measures in the White Paper we will end up with a system that will target more resources at disadvantaged areas and schools with a high proportion of disadvantaged pupils in particular. It will give every child the individual support and teaching that that child needs. It will promote social ability, it will promote equity and it will promote a fairer and ultimately more competitive society as well.¹

Q641 Chairman: Thank you very much, Secretary of State. We will go straight into questions. Why is it, Secretary of State, that this particular White Paper has seemed to cause such confusion? As I said, this is the last of the evidence sessions. We have had people come here who have said, “This is the greatest thing for local government ever. It is expanding our role. With *Every Child Matters* we will take this commissioning role”, and the next bunch of people that sit where you are sitting now come in and say, “This is the end of local government as we know it in terms of a real purchase on education”. We have the same in terms of the broad range. I think I speak for the rest of this Committee when I say we have never known such a degree of misinterpretation and interpretation of one White Paper. Can you explain to us why you think that is?

Ruth Kelly: I guess the people you have been taking evidence from are not primarily dealing with the measures on personalisation, on discipline and now on better parental engagement and so forth. They are probably looking at the proposals that we put forward on the new relationship between schools and the local authority. Let me deal very briefly with that. We do two things in this White Paper. First of all, we accept and indeed promote the idea that we should devolve as much power and resources to the front line as we can and we use the vehicle of the foundation, self-governing school to do that. That is not a new concept; that is already there. It was there in the five-year plan which was introduced last summer and we use that as the basis of the proposals that we are suggesting. At the same time, because we are proposing more devolution to the front line and giving every school the opportunity to have the

devolution that currently foundation schools and voluntary-aided schools have in the system, we are moving up to the strategic level some school improvement powers and other powers that are rightly, I think, at the level of the local authority. I see this as a new settlement between schools and the local authority. It is appropriately devolving where schools are in the best position to make judgments the powers that they should have but also at the same time bringing up to the local authority the necessary strategic powers and I think because we are trying to do the two things to create that new settlement people have read different things into the White Paper.

Q642 Chairman: But when one reads the White Paper there are at least two distinct styles. Parts of it seem to give heart to people in local government and parts of it depress the people in local government. Bits of it seem to encourage the view that we are going to do something as a Government about a fair admissions policy. Others suggest that there is a great deal to be done. It is an extraordinarily poorly written piece of work. If I were still in my old university job I would have put, as you did on an undergraduate essay, “Some good stuff in this but go away and give it overall shape and form”. You must read this, Secretary of State, and think about how it was produced. There are too many cooks in this document, are there not?

Ruth Kelly: Not at all and I am sorry you do not think it is very well written. What it does do is try to give, rightly, I think, maximum powers to the front line within a very clear framework in which they operate, and that framework is in terms of admission, resources, et cetera, with a clearly articulated role for the local authority. When resources, and power to some extent, are being devolved to the front line people naturally ask themselves the question, “How will that be used? Will that be used to the benefit of pupils or will it somehow be used in some other manner which is not to the benefit of pupils?”. All our experience to date shows (a) that schools take sensible decisions, but (b) that you have got to get the framework right. If they operate within a sensible, strategic framework you get the best of both worlds and that is what we are going to try and do in the White Paper: set out that framework in some detail.

Q643 Chairman: But you would recognise the criticism I am articulating from people who have sat where you are sitting, that it is a puzzling document because many people read into it different things. However clearly articulated you say it is, a lot of the people who have given evidence to this Committee do not think it is clearly articulated; they are all over the place about it. They can understand that the Government started off, and you started off, trying to reach those pupils, the 25%, one in four, who were not achieving to their ability. We understand that that is where you started. What is worrying some of the people, not all, who have come before this Committee is that they do not really understand how that is going to be delivered.

¹ Ev 167

19 December 2005 Rt Hon Ruth Kelly MP, Rt Hon Jacqui Smith MP, and Mr Stephen Crowne

Ruth Kelly: Partly that is a question of how the debate developed and the fact that this was used as an opportunity to portray the Government as bringing back grant maintained schools, and that created a huge confusion in the public perception because these are precisely the opposite of grant maintained schools. Grant maintained schools were schools that were bribed to opt out of the system, that were allowed to select by ability, and that did not have any accountability to the local authority. They were outside that framework entirely. If you try and characterise these schools as grant maintained schools then clearly you are going to create confusion because they are not. They are schools which are part of the local family of schools, which are locally funded by the local authority according to the local funding formula, which operate within the local authority school improvement programme but have the flexibilities that currently voluntary-aided schools and foundation schools enjoy. If somebody deliberately attempts to characterise them in a different fashion then clearly that is going to create confusion.

Q644 Chairman: So you are going to be happy if this Select Committee comes out with some proposals to improve this White Paper?

Ruth Kelly: I am always interested in what the Select Committee proposes, Chairman, as you know.

Q645 Chairman: Last time we met, if you remember, you said that you would hold back the introduction of the Bill until you had seen our recommendations and I understand you have kept to that.

Ruth Kelly: We are proposing to publish the Bill in February so, Chairman, if you produce the Select Committee's report before that we shall study it with interest—

Q646 Chairman: We shall.

Ruth Kelly: —and I am sure it will come to the conclusion that it is a good package of measures.

Q647 Mr Wilson: Secretary of State, you will have seen a lot of reports over the weekend and also this morning and I seek some clarity from those reports. Who was correct: the Prime Minister, who believes that these education reforms would be better for all children, or the Deputy Prime Minister, who thinks it will create a first and a second class education system?

Ruth Kelly: The Prime Minister, the Deputy Prime Minister and I all share exactly the same values and the same objective, which is to raise standards for everyone in the system and particularly to help those children in the most disadvantaged areas who are being let down by the system. I am personally convinced that the package of proposals I have set out in my introductory comments does just that. Clearly I have a job to do to persuade you, Chairman, your Select Committee members (and I look forward very much to your report) and others that that is the case, but I think this is a very strong set of proposals that will do that.

Q648 Mr Wilson: I notice that you skirted round my question. The Deputy Prime Minister was pretty clear, and I believe the quote was verbatim, that he saw these proposals developing into a first and a second class education system, which is very different from what the Prime Minister said today. Can I ask you again: do you recognise those concerns that the Deputy Prime Minister has with this White Paper?

Ruth Kelly: I recognise the concerns but I am completely convinced this will not create a two-tier system; in fact, the reverse. The proposals in the White Paper are designed to help those schools that are under performing and to lift standards so that everyone has the chance to achieve to the full extent of their ability, and that is what the ability to bind in external partners does; it is why we are promoting personalised learning and good behaviour and so forth. Our whole track record since 1997 has been about raising standards across the board but particularly in disadvantaged areas. If you look at the track record of academies, for example, over 37% of children in academies are on free school meals. That is more than double the national average. That is where we have targeted resources, that is where we have targeted effort and it is where we have seen the biggest improvement. If you look at the London Challenge, which was to tackle specific difficulties of education in London, again, we have seen those schools, some of which were very seriously under-performing in 1997, catch up and now London is out-performing the rest of the country at five GCSEs. I ask people to look at our track record. I ask people also to look at the White Paper and say, for example, and I know that Mr Chaytor asked me about this at the last evidence session, that the Schools Commissioner should look to target those schools that need it most in disadvantaged areas through the trust school policy. Actually, that is what the proposals in the White Paper are all about.

Q649 Mr Wilson: If that is the case is the Deputy Prime Minister just mistaken or is he misinformed about the proposals you are making?

Ruth Kelly: I do not agree with him. I think this is a good set of proposals that will help the most disadvantaged children in the most disadvantaged areas as well as contribute to rising standards across the board.

Q650 Mr Wilson: Is there anybody else in the Cabinet, apart from the Deputy Prime Minister, that does not agree with you?

Ruth Kelly: I am not going to get into Cabinet discussions. We are all united in the fact that we want to raise standards for all children and particularly those in disadvantaged areas. I think this White Paper does just that, although, of course, I listen to what you have to say and we will continue the discussions. I think there is a lot of misunderstanding about what is in the White Paper. When I hear, for instance, commentators on radio and TV programmes and so forth saying that somehow this is about bringing back academic selection, they are just plain wrong. We outlawed in primary legislation academic selection in 1998.

19 December 2005 Rt Hon Ruth Kelly MP, Rt Hon Jacqui Smith MP, and Mr Stephen Crowne

Q651 Mr Wilson: Do you think that this whole matter that has flared up in the papers this weekend is more to do with some Cabinet ministers and MPs trying to move the Prime Minister along to the exit door than to do with education?

Ruth Kelly: It is funny you should say that. I think what people are really concerned about is education. People joined the Labour Party because they were concerned about education. It is probably the single biggest reason why people got involved in politics. If you look at the composition of the Labour Party there are a lot of teachers and people who work in the field of education. This Government has made education their single biggest priority. I am not at all surprised that there is a heated and at times emotive debate on these issues; it is right that there should be so, because we have got to get these reforms right and we have got to continue to make the progress that we have seen over the past eight years.

Q652 Mr Wilson: There was also some reporting this weekend about the White Paper not being a White Paper at all. Somebody called it a discussion document, somebody else called it a White Paper with a large tinge of green to it. Where do you stand on that? Is it a White Paper or is it open to a lot more discussion?

Ruth Kelly: It is a White Paper. You talk about policies in White Papers to colleagues and to local authority leaders and to other people with an interest in the field. That is how we have always conducted business. There are some areas, for instance, in the White Paper where we specifically ask questions. What powers do local authorities really need to carry out their strategic role effectively is a classic example of that, and there are some areas where obviously the detail would normally be left to a later stage. I do not think there is any doubt that it is a White Paper.

Q653 Mr Wilson: Let me explain in a bit more detail why I asked that question, Secretary of State. *The Times* today reported that the Prime Minister is going to use the Report from this Committee to water down his plans. I do not know if you have seen that. Do you think that is true?

Ruth Kelly: I have said very clearly that I think we have got a strong package of proposals that will help raise standards in schools. Of course it is right that we engage in a process of explaining those proposals, explaining what is in the White Paper, what is not in the White Paper, clearing up any misunderstandings, responding to people's concerns and listening to what they have got to say. That is the normal process of government. I think we have got a very strong package of proposals.

Q654 Mr Wilson: So you think there will be any watering down as a result of the discussions that you have had so far?

Ruth Kelly: We are still at the stage of explaining what is in the White Paper and what is not in the White Paper and listening to what people have to say. We have not even got to the stage of a Bill yet. I think we have got a very strong set of proposals. I am personally completely convinced that they will make

a big difference to our school system and help to raise it to the next level. Also, in my discussions with, for instance, local authority leaders and others, I think people are increasingly coming to realise the potential for transformation that is in the White Paper. Sometimes there is naturally, when something is published, a tendency to say, "What is the most possible outcome for this? What could this possibly do that might take us back from where we are at the moment?", rather than a tendency to think, "What are the opportunities that this opens up and the potential that is opened up in the system by taking through these reforms?". In recent conversations with local authority leaders and others I think the mindset is changing and people are starting to concentrate on the opportunities that this will bring to school improvement.

Q655 Mr Wilson: Can I briefly turn to the Minister for Schools? This goes back to the confusion that the Chairman mentioned earlier on. You have had a very junior PPS resign about these reforms, I believe. Did you not discuss these proposals with him before he resigned, because he was there back in October and there was November and part of December? How come you suddenly discovered that he did not like them?

Jacqui Smith: What he said to me in his resignation letter was related to his position on the parliamentary committee vis-à-vis his position as my PPS. I think he has made his views well known since then and I think it is probably up to him answer that rather than I.

Q656 Mr Wilson: He says that the reforms will disadvantage poor children. That is his view. How do you respond to that?

Jacqui Smith: I think he is wrong, for all the reasons that Ruth has spelt out. At the heart of this White Paper is not only what we can do to continue the progress that Ruth has outlined with respect to some of our schools in the most challenging areas but also, in terms of the proposals on personalisation, in terms of the underpinning of discipline, in terms of the way in which we will reach out to parents, all of those things are likely to shift resources in to support most those young people who are most disadvantaged in the system.

Chairman: It is disappointing, with all this passion about education, that we wrote to every back bencher asking for their comments on the White Paper and I think we are getting to ten responses. It is a little disappointing but we have had a group of back benchers who have written a piece that we will take as evidence to the Committee.

Q657 Mr Chaytor: Secretary of State, what is indisputably in the White Paper is new proposals over discipline and behaviour and you have now set a new rule whereby parents will have to supervise their children for five days if they are excluded from school. Are you really saying that a single parent, working as a cleaner in the House of Commons, for example, will have to take a week off work to supervise their

19 December 2005 Rt Hon Ruth Kelly MP, Rt Hon Jacqui Smith MP, and Mr Stephen Crowne

excluded son or daughter's school work and then, if that child absconds from her own view in that week, the parent can then be subject to a fine?

Ruth Kelly: Jacqui may want to come in on this as she has been leading on this but let me just deal with it. I think, and I do not think I am alone here; I think the vast majority of the British population will probably think this as well, that parents are responsible for their children, that they need to know where their children are and that they are being properly looked after and supervised. If a child is excluded from school and they are without supervision and they are found out on the street, I think the parent is responsible for that. It is quite a simple principle. They ought to have made alternative arrangements and ensured that somebody was supervising their child at home.²

Jacqui Smith: I think that is precisely the issue. The proposals that we are putting forward are not that you should necessarily be at home looking after your child but that, as Ruth said, you should have responsibility for the whereabouts of your child for the first five days of the period in which they are excluded. I think it is also worthwhile noting that, of course, we are also proposing, in a considerable improvement over the current position, that from day six of a fixed term exclusion there should be responsibility from the school and, in the case of a permanent exclusion, from the local authority for providing full-time education for that young person, but I do not think it is unreasonable to expect a parent whose child has been excluded from school—and this is not a minor issue; I think it is right that parents should take considerable responsibility for this—to make arrangements or take time off in order to ensure that their child is at home, is doing the work that the school has set, is not out and about causing more trouble, because frankly that is not going to be any good for that young person either in terms of their reintegration into school.

Q658 Mr Chaytor: But you are clear that it is the parent who is being punished by losing a week's wages and will be subject to a fine if the child leaves the home during that week or is in a public place?

Jacqui Smith: No. What I am clear about is that it is the parent's responsibility to ensure that their child is not out on the street but is being supervised somewhere and is doing the work that the school has set. That may not necessarily mean that the parent has to take time off work. It may be, depending on the age of the child, that you ring up to make sure that they are still at home. It may be that you make other arrangements for somebody to supervise their whereabouts. I have to say that the alternative is that somebody else should be responsible for that child's whereabouts during the first five days and I am not sure, in the circumstances that a child has been excluded from school and given that we are also bringing forward the point at which the school's responsibility or the local authority's responsibility

kicks back in for that child, that we should make somebody else responsible in those five days rather than the parent.

Q659 Mr Chaytor: But if the local authority's responsibility starts now at the end of five days why not on day one?

Jacqui Smith: In some areas of the country where we have got the behaviour improvement programmes local authorities have found ways to bring forward provision from day one. That has been, of course, with considerable additional funding from the Government. There is also a question, when you are thinking about whether or not that five days is reasonable over and above what the funding implications might be, as to whether or not it is also reasonable for parents to take some responsibility for what has happened to their child in having been excluded from school and that there is a period of time when the child is removed from the school. Quite often for head teachers that is quite an important part of the punishment, that the young person recognises that they have done something that was serious enough to warrant them being out of school for a period of time. I think the balance is about right on that.

Q660 Mr Chaytor: Could I ask about SEN next? Parents of children with special educational needs cannot state a preference for an academy.

Jacqui Smith: They can.

Q661 Mr Chaytor: They can now state a preference for an academy?

Jacqui Smith: Yes.

Chairman: Since when? We were told—

Q662 Mr Chaytor: Has this changed recently?

Ruth Kelly: No. They can.

Jacqui Smith: An academy can be included in a child's statement.

Q663 Chairman: Can we just get this clear? We were informed at an earlier stage that that was not a right. It had to be with the acceptance of the academy to consider them.

Ruth Kelly: It is slightly complicated. A child can name an academy on his or her statement. If the academy refuses to accept that child then I as Secretary of State can direct the academy to accept that child. It is a slightly different arrangement because the funding to the academy is directly with the Department rather than with the local authority. If it is a local authority school, if it is a foundation school or a VA school or a community school, it operates in a slightly different fashion.

Jacqui Smith: And it is worth remembering in that context, of course, that academies have more children both with statements and without statements with special educational needs than the national average than their predecessor schools.

² *Note by Witness*—The policy is not that the child should be at home during their first five days—it is that they should not be in a public place. They can be at home, at neighbours, at a relative's place for example.

19 December 2005 Rt Hon Ruth Kelly MP, Rt Hon Jacqui Smith MP, and Mr Stephen Crowne

Q664 Mr Chaytor: Will the same arrangements apply for trust schools? If the argument that academies are a little bit different because they are defined by the Department as independent schools, presumably that will be the same for trust schools?

Ruth Kelly: No. Trust schools operate within the local authority framework. Trust schools are local authority maintained schools.

Q665 Mr Chaytor: But will they be classified by the Department as independents in the way that academies are classified as independent?

Ruth Kelly: No. They are local authority maintained schools.

Q666 Mr Chaytor: So the issue of SEN and trust schools—

Ruth Kelly: Does not arise at all.

Q667 Mr Marsden: Secretary of State, when you introduced the White Paper on the floor of the House I asked you how the philosophy of the White Paper fitted in with the broad thrust of Government policy, and I mentioned in particular *Every Child Matters* so I want to turn to that again today. The talk of parental choice and autonomous schools has been portrayed by some people as being antipathetic to the philosophy of *Every Child Matters*. Can you tell us here today how the White Paper works with the grain of *Every Child Matters* rather than against it?

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

Q668 Mr Marsden: So you are telling this Select Committee that you think that the proposal for trusts will make more sense and make more effective the agenda of *Every Child Matters* rather than the informal federations and structures that exist at present?

Ruth Kelly: They certainly could. We are not being prescriptive about trusts. First of all, schools will have to want them and to think it is in their interest to have them. It depends on what the local issue is that they are dealing with. It could be used to promote the *Every Child Matters* agenda. It could be used to promote the 14–19 delivery of the vocational education agenda, again tying in external partners in a way that it has not been possible to do before to deliver that agenda. It could be used, for instance, for secondary schools working with primary schools so

that they try and overcome this issue of children when they reach secondary school falling behind, but working very closely with the agreement of schools.

Q669 Mr Marsden: If you are so positive about the potential in the White Paper for *Every Child Matters* why, on the face of the White Paper, did you not make a requirement to assess schools on their achievement against the outcomes of *Every Child Matters* rather than just on issues to do with achievement and behaviour?

Ruth Kelly: It is an obligation for schools and they are inspected on the basis of the *Every Child Matters* agenda and that will apply to trust schools just as it applies to other schools.

Q670 Mr Marsden: So it is an absolute commitment that they will be on that basis?

Ruth Kelly: Yes.

Jacqui Smith: I do think it is important to remember that one of the key outcomes of the five *Every Child Matters* outcomes is to help children achieve better. Everything in this White Paper is about ensuring that children, and particularly some of those who have had more difficulty previously, are able to achieve. There is nothing contradictory between those objectives and the very strong objectives about raising standards and achievement in schools, and schools also increasingly understand that delivering on the other four outcomes is what is going to help their young people to achieve. It is strong, confident and autonomous schools that are able to make all the partnerships necessary in order to deliver on all of those outcomes. As Ruth says, as of this September the new Ofsted framework inspects schools explicitly on the basis on which they are able to contribute to all of those outcomes, so the accountability system already does that and that will be the case with trust schools.

Q671 Chairman: Accountable to whom?

Jacqui Smith: I was talking about inspection being part of the accountability mechanisms in schools. As part of the new Ofsted inspection framework—

Q672 Chairman: Accountable to Ofsted?

Ruth Kelly: Accountable to the citizens and users, parents and pupils, in the area, and ultimately the elected local councillors in the local authority who are responsible for delivering school standards.

Jacqui Smith: Chairman, you know from your experience of talking to head teachers and others that what Ofsted includes in their inspection framework is a powerful driver of the significance of what is happening within schools and therefore I think it is very important that as of this September the achievement against those outcomes is included in the Ofsted framework. What we are also proposing in the White Paper is that, in order to ensure what we are confident about: that this synergy between the broader local authority responsibility with respect to developing their children's services and the contribution that school as, of course, the place that has most universal contact with most children most of the time, actually works, is that schools will have a

19 December 2005 Rt Hon Ruth Kelly MP, Rt Hon Jacqui Smith MP, and Mr Stephen Crowne

duty as they make their own school development plans to have regard to the local authority's children and young people's plan, everything within the system that is likely to support that synergy.

Q673 Mr Marsden: Minister, can I take you on just a little bit further from that because I would like you to look at that rhetoric—and I do not mean that in an unfair way; I mean that in its neutral sense—and apply it to a very specific situation in respect of special educational needs. We have had witnesses come before us to talk about the pros and cons of expanding schools. It is interesting that Sir Alan Steer who came before us and who, of course, has contributed very forcefully and strongly to the White Paper, actually said that he would have concerns about expanding the size of his own school. I want to deal with the practical question that, if you have a child with a statement or a special educational need and you have a system in which a school decides to enlarge, what is there to stop that enlarged school, a trust school, having policies that will bar or certainly not increase the proportion of special educational needs children in that school?

Ruth Kelly: They have to abide by the code of practice legally. The schools adjudicator can make legally binding decisions as to whether they are complying with the code, and in the code it says they have to be fair to children with special educational needs.

Q674 Mr Marsden: They have to take regard of it. They do not necessarily have to abide by it.

Ruth Kelly: They have to follow it and that is determined on a legally binding basis by the adjudicator. Fair enough: if there is not an objection it will not come to light, but if they are not abiding by the code and someone objects to it, the adjudicator can legally enforce the position, so to all intents and purposes schools have to follow it.

Q675 Mr Marsden: Is that not a rather tortuous process to have to go through, Secretary of State, and is it not a process that privileges parents who know their way through the system and might disadvantage parents, for example, from a working-class background or people who do not know their way round the system in terms of that process? Why not just have a clear-cut compulsory system that they have to obey the code of practice, not just take regard of it?

Ruth Kelly: I think you are suggesting that the code ought to be translated into primary legislation, but correct me if I am wrong.

Q676 Mr Marsden: Not necessarily, no.

Ruth Kelly: Correct me if I am wrong, please do. First of all, to make it clear, the code is not translatable into law because it outlines what is poor practice and it outlines what is acceptable and good practice and therefore will be context specific. It depends very much on the location of the school. For instance, if you have got a school on the edge of a city which has feeder primaries from a rural area, it would not be appropriate to set distance from the school as the admissions criterion. In another situation that might

be absolutely the right thing to do, so some flexibility within the code I think is a reasonable way of conducting this.

Q677 Mr Marsden: Let me finally ask the question in another way. Given that there are these concerns, and they are strongly held concerns, about the implications of expansion, and given that you may or may not agree with me that the current process is a somewhat tortuous one but let us say for the sake of argument that many people out there think it is, how would you go about, other than putting it on the face of the Bill, reassuring the people that I have talked about that they would not be disadvantaged in the situation that I have described?

Ruth Kelly: I admit the system is quite difficult to explain. I think there are advantages when all schools are on the same footing. We have a situation in which voluntary-aided schools are their own admission authorities, in which for community schools the admission arrangements are set by the local authorities, and in which foundation and trust schools are their own admission authorities, which I believe is the evidence from the adjudicator although I have not seen his evidence. When all schools are operating at the level of the school but the enforcement procedure and the framework in which they operate is set correctly, the system should be fairer to everyone than the situation at the moment. That is quite a difficult argument to explain but it is the case that having some schools in a different relationship to the local authority is not necessarily the best way of proceeding. Let me give you a very concrete example of that. If a community school, where the local authority sets its own admission arrangements, is named on a statement of special educational needs and refuses to take that child, the local authority cannot object to that and direct that school to take that child because it is a community school. If a voluntary-aided school named on a statement refused to take a statemented child the local authority can direct it to take that child. That is quite a complicated system. If all schools were their own admission authorities the relationship between the person who is responsible for strategy and the schools who set their own criteria becomes clearer and easier to manage.³

³ *Note by Witness*—While legislation on admission of children with statements of special educational need requires a school to admit a child with an SEN statement naming that school, local authorities also have statutory powers to support them in placing other children. Provision in the School Standards and Framework Act 1998 gives them powers to direct foundation and voluntary aided schools to admit named children for whom no other school is available. In some cases, this may be children who have special educational needs but do not have a statement.

Local authorities may also ask the Secretary of State to intervene in cases where they have determined that child should be admitted to a community or voluntary controlled school, but the school has not complied with that decision. There have been occasions when the Secretary of State has had to direct that a child be admitted to a particular community school which has resisted a pupil's admission.

19 December 2005 Rt Hon Ruth Kelly MP, Rt Hon Jacqui Smith MP, and Mr Stephen Crowne

Q678 Mr Marsden: It becomes clearer in that context, Secretary of State. I can think of lots of other areas where people might think it has sown confusion. Regardless of that will you give this Committee an undertaking that in drawing up any legislation on the back of the White Paper you will have due regard, as you yourself has said, to some of the difficulties and complexities of the present situation because I think there is a genuine concern that if that does not happen the overall objective that you are trying to achieve will be vitiated?

Jacqui Smith: You set this question in the context of school expansions and I suspect you also set it in the context of new schools.

Q679 Mr Marsden: I did not mention new schools. I was specifically talking about expanding schools.

Jacqui Smith: Let us take the issue of school expansions. One of the important things to remember, of course, about school expansions, where they are beyond increasing the intake of 26 pupils or they are at an expansion of more than 25% of the school, is that they will go through a statutory process and one of the things that we are strengthening in the White Paper is the expectation that as part of that process the admissions arrangements will be part of the consideration of the approval of that particular statutory process, so already in the White Paper, both with respect to the proposals made about new schools and the proposals made in respect to expansion, we are, if you like, strengthening the certainty that you are looking for, that the admissions arrangements in those schools will be fair and will not disadvantage a child with special educational needs or other children or young people within that area. That is a strengthening of the current regime.

Q680 Mr Marsden: But do you not accept, Secretary of State, and you yourself have dwelt at some length on it here this afternoon, and I am glad you have, that, given these complexities, you have your work cut out to explain that to people?

Ruth Kelly: I do. I think it is a very complex thing to explain to people. I also happen to think that a flexible code within a stronger framework which has legal force is the right way to go.

Q681 Chairman: But quite honestly, Secretary of State, I think you are ducking and weaving a bit here, both of you, in the sense that this is a very complex area. You have recently changed the law in respect of looked-after children. Everyone understands that now you cannot evade your responsibilities in terms of what we used to call children in care and now looked-after children right across the piste, including grammar schools. That added a clarity that everybody is very comfortable with and everyone understands. They do not understand all the stuff that you have been replying to Gordon about, and I feel sorry for people watching this at home, as they say, because they were probably gripped by this up till now, but quite honestly there must be a better way. You say, Secretary of State, that you have not seen the schools adjudicator, Philip Hunter's evidence to this

Committee. He thinks that the weakness of the system is that the whistleblower is only someone who objects as a parent to the system and that what you really need—well, this is what Philip Hunter said. He thought that if local authorities could object,—

Jacqui Smith: They can.

Q682 Chairman: As they can object, but if they had a responsibility to object, if you made it a duty for them to object and to scrutinise,—here we are, all grown up people, we all know something about this educational sector. Surely these rules, even without a full statutory framework, could be a lot clearer and a lot firmer in people's minds?

Ruth Kelly: That is precisely why we are trying to clarify the local authority's role. In the past there has been confusion between their role with community schools as opposed to their role with other schools in the local area. Over time we would like them to focus more and more on the right and proper strategic role, which of course includes admissions. Indeed, one of the duties that they will have will be to ensure fair access to schools in their area. They will still have the duty of co-ordinating admissions through admissions forums, for example, and indeed they can and sometimes do object about school admission arrangements to the adjudicator, and that is properly what they should be doing as the strategic architect.

Q683 Chairman: I hear what you say but you made quite a lot of play in your opening remarks about this being clearly articulated. I came back to you and said, "Look: a lot of people are confused about what the White Paper says", and I do challenge you that if you listen to what you have just said and go back to the White Paper it is not very clear to most people what the Government is saying. As you have just said, it may have explained it to some degree but, reading the White Paper, it is very unclear that this is a better, clearer, simpler and fairer system.

Ruth Kelly: Let me just take the point that you made about local authorities. A number of local authority leaders have come to me and said that they loved Chapter 9, which is about the local authority role, because it clearly articulates what the vision of the local authority is in the future, which is to be the strategic leader of their communities, in charge of regenerating local areas and where they should provide civic leadership and so forth. It sets in that context what their strategic role should be in relationship to schools, to school standards, to diversity and access and so forth. It strengthens their role in school improvement because in a proportional sense, where a school is weak but not in special measures, they should be able to get involved and they are not able to get involved at the moment.

Q684 Chairman: Surely the code of conduct can be explained, by the time we get to the Bill, and clearly articulated as to what the rules are, so that it is absolutely understandable to every player including Members of this Committee?

Ruth Kelly: There are always areas that were not covered in the White Paper where people sometimes jump to the conclusion therefore that things have

19 December 2005 Rt Hon Ruth Kelly MP, Rt Hon Jacqui Smith MP, and Mr Stephen Crowne

been abolished or we have changed our policy. Just because it was not mentioned, somehow something had changed. It is a task in a White Paper to try and bring out the important changes and reflect existing policy. There is always a balance to be drawn between the two but just because something is not highlighted in the White Paper does not suddenly mean that there is a change.

Q685 Chairman: This is why all the horses have been frightened because from this White Paper, uniquely it seems, no one really knows quite what they are left with in terms of their powers and responsibilities.

Ruth Kelly: For instance, a lot of people have discussed with me the school reorganisation powers in respect of the *Building Schools for the Future* programme and local authorities. We do not go into that in detail in the White Paper because none of the powers have changed. Last week, I set out a fact sheet taking everybody through all the little bits in detail because obviously local authorities are involved in this process. It matters enormously to them. They are managing to get significant investment into their schools and they want the reassurance that that is not going to be disrupted.

Q686 Chairman: You can understand there has been a serious communications failure here?

Ruth Kelly: I understand the message you are giving me about being able to communicate this better and I take that on board.

Q687 Helen Jones: We have heard what you said about trusts earlier but the key question surely is what evidence is there that trusts will raise educational standards, particularly for the most disadvantaged children? Is it a leap in the dark or is there some firm evidence?

Ruth Kelly: There is a lot of evidence that binding in external partners and working with external partners helps raise standards. We have seen that through everything we have been doing since 1998. We have been devolving power, responsibility and resources but we have also been encouraging schools to work with local partners, local businesses, local charities and others who have an interest in education to improve standards of governance and provide extra expertise in schools. What this does is just take it a step further by giving all schools the opportunities that are there at the moment for voluntary-aided schools. Look at the evidence, for instance, on specialist schools. It is pretty clear that working with an external partner, not just from individual conversations that all of us have with our schools, makes a real difference. If we also look at the evidence on specialist school performance, there is a clear specialist school dividend. If we look at what has happened in the academies programme, we see in a very short space of time a transformation in educational standards. Across the board in recent years academies have improved their performance by about 5% at GCSE level each year. I know we have had a debate about academies and whether they were the same children as in their predecessor schools. At GCSE level, they are exactly the same children as in

their predecessor schools because the new intake comes in in year seven and will not have had time to be affected by the changes.

Q688 Helen Jones: I do not want to reopen the debate about academies except to say perhaps it is worth looking at the evidence Professor Beaumont gave us in the last session. Community schools now work with external partners; they work in federations; they harness energy and expertise out there in the community. If they are doing it now, why do they need a trust?

Ruth Kelly: Because we are trying to reach a new settlement with schools and define the relationship properly between what should happen at the front line and what should normally happen at the level of the strategic role of the local authority. Over time we want to move increasingly in that direction although clearly we will not be forcing schools to go down this route. We want them to choose to opt into it if there is something that can add value to their results. You are right. Lots of this can happen individually at the moment but it is quite hard to make it happen. Not all schools have the same flexibilities. That causes confusion in the system. VA schools, for instance, can appoint the majority of governors; foundation schools cannot. Foundation schools, trust schools, can own their own assets and so forth; community schools do not. We are trying to bring some coherence to the system so that issues that are best dealt with by the local authority or by the adjudicator are dealt with on that level rather than having this confusion of roles within the system.

Q689 Helen Jones: I do not quite follow that because if schools can do all these things now why do we need a major change in the governance arrangements? If it is happening in the best schools now—it certainly is happening in lots of schools—why do we need a major change in the governance arrangements? In what way will that improve educational outcomes?

Ruth Kelly: Because we are trying to get the best of what is there at the moment and make it available as easily as we can to all schools. We have seen the difference that working with an external partner can make to schools, usually in the case of specialist schools. They do not at the moment have the opportunity that is available to voluntary-aided schools for appointing the majority of governors. They also do not have the opportunity to network quickly across the system. When you are talking about raising the achievement of a group of schools, for instance through the 14–19 agenda, quickly and easily, it might well be that the easiest way to do that is through a trust and by binding those external partners into a permanent relationship with those groups of schools rather than trying to rely on *ad hoc* support.

Q690 Helen Jones: Let us have a look at that permanent relationship because at the moment you are quite right: some schools work with external partners but those external partners do not have the majority of places on the governing body. If a school wishes to become a trust when it is at the moment a

19 December 2005 Rt Hon Ruth Kelly MP, Rt Hon Jacqui Smith MP, and Mr Stephen Crowne

community school and it has to consult before it becomes a trust, who should it consult? The answer your Department gave me on that said, “We will specify it in regulations.” Is it not right that we should know exactly who will have a say in such a thing before there is such a fundamental change in the school structure?

Ruth Kelly: We have been pretty clear about this and there is a fast track to foundation status already in law. Schools, after consulting with parents, can decide by a simple vote of the governing body to become a foundation school. Where they adopt a trust, what we are proposing is through the Bill to put in place safeguards because voluntary-aided schools already have that power. They can appoint the majority of governors, but if it is to become more widespread we think there should be safeguards built into primary legislation and that is why we are proposing to take those powers. We have also said that there should be certain duties in relation to trusts like promoting social cohesion, promoting good race relations and so forth just to make sure that this operates in a sensible way. All we are doing is applying the situation that is currently there in voluntary-aided schools and making it available to schools of a non-religious character.

Q691 Helen Jones: Would they have to consult the parents of the children already at school or the parents of children at feeder primary schools?

Ruth Kelly: We will put out illustrative regulations obviously when this is in committee but we are proposing a situation in which schools will consult with parents and, if the local authority has a serious concern about that trust, they are able to object to it. The local authority will have a big say in whether it is a suitable trust arrangement.

Q692 Helen Jones: Who would the local authority object to? Would that be the commissioner?

Ruth Kelly: It would be the adjudicator.

Q693 Helen Jones: You said you wanted to harness the energy and expertise that was out there in the community. If a community school becomes a trust, parents for example will have fewer representatives on the governing body than they would in a community school and the trust would have the majority, even though that trust might not necessarily be—

Ruth Kelly: That is not quite right. There is the same number of parent governors on a trust governing body as there currently are on a community school.

Q694 Helen Jones: They would not be elected governors. There is a difference.

Ruth Kelly: Exactly. The issue is that there could be as few as one elected representative which is a reduction from the situation at the moment. It does not have to be a reduction but it could be which is why we are proposing to build in the Parents’ Council to make sure that there is a wider representation of parental voice in the system as an additional check and balance. Lots of people have views about whether elected parents on school governing bodies are that

representative of the parental body as a whole or indeed whether there are many volunteers to fill those roles. It might well be the case that parents are more likely to want to get involved in a Parents’ Council and you could have a more representative body, including some of the more hard to reach children and parents being consulted through that mechanism which has less executive responsibility for running schools but this is just one model that we are proposing.

Q695 Helen Jones: Why should non-elected parent governors be more representative than elected ones?

Ruth Kelly: That is not the argument that I was making. I was saying if you reduce the number of elected parent governors, even though there are still a number of parent governors at the school, you might for instance not get people volunteering to stand for election, which is the case in some situations. It is only right that there is the check and balance to make sure that a representative parent voice is heard, that consultation is made with parents and that a Parents’ Council should be set up. If a school does not go down the trust route, they can do that anyway if they like.

Q696 Helen Jones: A Parents’ Council, as I understand it, is not a decision making body, is it?

Ruth Kelly: No, but it has to be consulted. The model that we are adopting is the one that is used in VA schools at the moment for the composition of the governing body.

Q697 Helen Jones: It is indeed but they do not have Parents’ Councils. What is going to be the way of resolving any dispute between a governing body and a Parents’ Council?

Ruth Kelly: We are just saying that the Parents’ Council needs to be consulted and we will be setting out exactly what sort of issues it should cover. We hope it would be a fairly informal relationship and that they test the different policies, but governing bodies have a duty to respond to concerns expressed by the Parents’ Council.

Jacqui Smith: This is quite a considerable broadening of the ways in which parents can become involved in the broader sense in the governance of their schools. At the moment, legally, it is pretty limited to your parental representation on a governing body. My view and what I think quite a few parents would say is that whilst in some circumstances that is an important representation very many parents want to engage with their schools in a different way, which is why research that we commissioned into Parents’ Councils showed that, as we have suggested for quite a few parents, a more informal way but nevertheless a way that involved in some cases potentially decisions delegated from the governing body to that Council is one way in which you engage more parents. That is why we are also proposing a duty on the governing body to respond to parental concerns more broadly and it is why we are looking as well at a whole range of ways in which as an individual parent you can get better information about your own child’s learning and the way in which you can support that. I do not think there is a magic bullet for parental engagement

19 December 2005 Rt Hon Ruth Kelly MP, Rt Hon Jacqui Smith MP, and Mr Stephen Crowne

in schools but what we do know is that it makes a difference. That is the reason for opening up the opportunities for parents in the way in which we are.

Q698 Helen Jones: We might want to come back to that. What will happen if a trust fails as opposed to a school failing?

Ruth Kelly: It will be subject to all the usual school improvement regimes.

Q699 Helen Jones: No; the trust, not the school.

Ruth Kelly: It will be removed.

Q700 Helen Jones: What will happen if the trust fails? What will happen to the land and other assets transferred to that trust?

Ruth Kelly: They would revert to the local authority or to the governing body. It depends who owns the assets.

Q701 Helen Jones: The trust owns the assets, does it not?

Ruth Kelly: If they are local authority assets they revert to the local authority.

Mr Crowne: The assets in the school are held by the governing body. The trust itself has no access to those assets. If the trust fails or indeed the school fails or closes, those assets revert to the local authority.⁴

Q702 Helen Jones: Can we try and clarify the exact role of a trust? I think you have said that a trust as a charitable body will have to have certain charitable objects laid down in relation to the school, but it can add other objects. Any charity can by going to the Charity Commission. What would happen in a situation where those charitable objects which a trust might want to add—I am thinking of a worst case scenario—were deemed to be incompatible with the charitable objects it has to have to run the school?

Ruth Kelly: That is not the situation, as I understand it. We will be working with the Charity Commission to outline exactly what objectives are ruled in and ruled out. We are absolutely clear however that it has to have an educational purpose.

Q703 Helen Jones: You also said to me that while the delegated budget for a school would have to be applied for the purposes it is now applied for in the school, other income would normally be under the control of the governing body. “Normally” implies that in certain circumstances—I think the example given in the answer was income from lettings and so on—it might be used elsewhere, does it not?

Ruth Kelly: The situation at the moment is that the school can use some of its resources for family learning and so forth. I would expect that trust

schools will be able to do the same sorts of things precisely with their incomes as is currently the situation.

Q704 Helen Jones: Can I read you what the answer was? Perhaps you can clarify it. You said that delegated budgets would be under the control of the governing body. “Similarly, income generated by a trust school from activities such as letting the school premises will also normally come under the control of the governing body rather than the trust.” That seems to me to envisage a situation where it might not come under the control of the governing body. Can you think of examples of when it might not do so?

Ruth Kelly: The trust will not be able to make a profit out of its relationship. That is ruled out. Secondly, the trust must have an educational objective as outlined in the charitable constitution of the trust. Thirdly, it is the governing body which takes those decisions about income and so forth. There are all sorts of technical issues that we still have to set out in regulations. For instance, precisely how services are bought and sold and so on. I do not see any reason to think somehow the trust will be able to benefit.

Q705 Helen Jones: I can think of an example in health, for instance, where a trust did change its objects from operating in one particular area to being able to operate in a wider area and that is quite possible within charity law.

Ruth Kelly: We have not set out the regulations on this yet. In due course we will do that. These are the sorts of issues that need to be clarified.⁵

Q706 Stephen Williams: I want to follow up an answer that Mr Crowne tried to clear up about the reversion of assets if a trust fails. If I understood you correctly, you said that if the assets were originally LA property they would revert back to the LA if the trust failed. What if they are new assets provided by the trust?

Mr Crowne: Any asset that the trust brings to the school which is funded not from public funds is for the trust to dispose of. We are not expecting to have leverage over that. The principle is any asset which has been supported by public funds should be retained for public use. That is how we ring fence the publicly funded resources in the system.

Q707 Stephen Williams: If a trust were to build, say, a new sports hall on LA land, it is going to be quite complicated, is it not, to unravel that?

Mr Crowne: We have the same kinds of issues now where you have voluntary-aided schools or other kinds of foundation schools with foundations. It is not new territory.

Ruth Kelly: We apply the same rules.

Q708 Stephen Williams: Trust schools are effectively the eye catching initiative of this White Paper. Do all the other proposals within this White Paper essentially depend on a large number of existing schools converting to trust status?

⁴ *Note by Witness*—The response is not quite right; the assets are not held by the governing body. The assets would normally transfer to and vest in the trustees rather than the governing body. The arrangements when a trust school closes “will require the trustees of a closing trust school to apply to the Secretary of State for Education and Skills to exercise her powers and direct that the land either be returned to the local authority or to pay to her or the authority the whole or part of the value of the land”. Or transferred to the governing body/trustees of a new school.

⁵ Ev 167

19 December 2005 Rt Hon Ruth Kelly MP, Rt Hon Jacqui Smith MP, and Mr Stephen Crowne

Ruth Kelly: Absolutely not. This White Paper is all about driving up standards for the most disadvantaged children. What we are trying to do is give schools the flexibility they need to be able to meet that agenda, the resources and staff they need and the ability to network in the system. All schools will be able to take advantage of the flexibilities that they think are right for them.

Q709 Stephen Williams: How many schools will take advantage of the opportunity to convert to trust status?

Ruth Kelly: We do not have targets. This is something that schools will have to decide, whether it is in the interests of their pupils to take up this option. I think the evidence is such that there are huge potential benefits on occasion but clearly the trust would have to make that case to a school and the school would have to decide that it is in the interests of its pupils to go down that route.

Stephen Williams: This is one of the few areas where the Department does not have targets. The newspapers have been mentioned several times today. I read this in *The Times* on the train, on the way from Bristol this morning, from John Dunford, the general secretary of the Secretary Heads' Association: "I believe the concept of trust schools will be widely ignored by heads but I am against the introduction of a new category of schools and a new raft of regulations and the prospect of returning to a two tier system for education." I am sure you are used to the NUT blowing a raspberry to government proposals but if the general secretary of the head teachers' organisation is cold about this concept how many schools do you think will take this up?

Q710 Chairman: One of the head teachers' associations.

Ruth Kelly: Absolutely. There are others who are more enthusiastic. I talk to individual school leaders who are very enthusiastic about the prospect of being able to develop collaborative arrangements more simply and quickly in the future. There are some people who think that trust schools are a brand new category of school and have not quite realised that what they are doing is taking the system as it is and allowing an extra degree of flexibility.

Q711 Chairman: If anyone is to blame for that, it is you and other members of the Government. Are you really saying that this whole notion of independent trust schools being a new category does not come from the Government? Surely, you are hoist on your own hyperbole about this because certain people in the Government said it would mean hundreds of new independent schools. It was really hyped when the White Paper was launched. You know that members of the Government did that, did they not?

Ruth Kelly: I do not think that is the case. I have read some of what has been written since then. Frankly, allegations have been made about what is in the White Paper that are completely untrue.

Q712 Chairman: We know what is in the White Paper but the concept that this is a new category does not come from this Committee and it does not come from the media; it comes from the Government, surely?

Ruth Kelly: Legislatively, it is the same as a foundation school with a foundation.

Q713 Chairman: When this came out, it was not clear. You are saying it was clear from the very beginning that this was the same as a foundation school?

Ruth Kelly: If you are setting me the challenge to explain this better, I fully take up that challenge.

Q714 Chairman: The reason you have me excited about this is because you sort of put the onus on other people saying that this was a new category of school.

Ruth Kelly: What we are doing is allowing schools much more easily in the future to take advantage of existing flexibilities. We build on the best of what there is and we take it to the logical conclusion. The same as proposing a devolution of power downwards, we are proposing that certain strategic powers are lifted upwards to the level of the local authority.

Jacqui Smith: The intention of the question was wrong in many ways. The idea that the only thing the White Paper is about or, as you described it, that the eye catching initiative is trust schools is wrong. The eye catching initiative of this White Paper is how we can strive to ensure that every child in this country gets the sorts of standards of education that they need. It is pretty important and the answer to that question is through the whole variety of policies that we spell out in the White Paper, starting from how you make sure that young people have a more personalised education and you give them the opportunity to catch up, through to how you engage parents, through to the new opportunity for schools to build on what we have seen in specialist schools and academies that the trust model offers them. All of those things build to what the White Paper is about.

Chairman: Many of us would agree with that but what we do not agree with is that somebody else started the hare running called independent trust schools.

Q715 Mr Chaytor: How many specific additional powers will trust schools have that foundation schools with a foundation do not have?

Ruth Kelly: They are the same vehicle legislatively. The only thing we are proposing is that foundations in the future ought, as voluntary-aided schools now do, to be able to appoint the majority of governors.

Q716 Mr Chaytor: In the White Paper it says that in the future all schools will be either trust schools or foundation schools. That implies two separate categories.

Ruth Kelly: There is confusion about the terminology. I fully accept responsibility for this. When I looked at this in the beginning, we had foundation schools that are to all intents and purposes local authority schools that are self-governing. We have foundation schools with a foundation that are slightly different. They have a backer and work as we propose a trust should. I

19 December 2005 Rt Hon Ruth Kelly MP, Rt Hon Jacqui Smith MP, and Mr Stephen Crowne

thought the landscape and terminology were so confusing that we ought to try and call them self-governing schools because that is constitutionally what they are, foundation schools, and foundation schools with a foundation self-governing trust schools. Legislatively, they are the same thing.

Q717 Mr Chaytor: It is now even more confusing because we have foundation schools, foundation schools with a foundation and trust schools.

Ruth Kelly: Foundation schools will all be called self-governing and foundation schools with a foundation will be trust schools.

Q718 Mr Chaytor: There will be no longer a category of foundation school?

Ruth Kelly: In legislation they are still referred to as foundation schools.

Q719 Mr Chaytor: Who will call them self-governing schools if they are really foundation schools?

Ruth Kelly: We are trying to describe what they do.

Q720 Mr Chaytor: In the legislation will there be a distinct category of trust school?

Ruth Kelly: No.

Q721 Mr Chaytor: There will remain a distinct category of academy and CTC?

Ruth Kelly: Yes.

Mr Chaytor: What powers will the academies and the CTCs have that the trust schools—

Chairman: You are getting a little beyond an intervention.

Q722 Stephen Williams: When you came here last on 2 November, I asked you about the partner organisations who might be interested in forming a trust with schools and you were particularly keen to talk about KPMG, Microsoft and some other well known organisations you mentioned at the time. Do you have any new names that you wish to add since 2 November?

Ruth Kelly: We are working with a lot but I do not think it would be right to share with the Committee discussions which are currently of a sensitive nature.

Q723 Stephen Williams: How many are a lot?

Ruth Kelly: We are working with a lot of universities, for example. I do not think it would be right to name the particular ones.

Q724 Stephen Williams: No one would have any difficulty with the educational organisations. You mentioned the Open University last time. One of our researchers after the last meeting wrote to your Department under Freedom of Information and asked for it to be revealed what sort of organisations the Department was talking to. The reply we received on 15 December from David Shand from your cross-cutting policy team was, “We have a list of a number of other individuals and organisations that we have been in contact with about trust schools since the publication of the White Paper. This information is exempt from the right of access under Section 36 of

the Freedom of Information Act, prejudice to the effective conduct of public affairs.” You have named some well-known organisations that are fairly innocuous. Surely you could name the others? If you cannot, would it not be better not to name anybody?

Ruth Kelly: No, because we agreed before the statement. We did not talk to anybody about this until two or three days before the statement because obviously we wanted to announce to Parliament our intentions before announcing them to the wider world. We talked to some organisations we thought might be interested and agreed with them that they would be prepared to be named in the statement. Since then we have been talking to others. I do not think it would be right somehow if we were out there trying to persuade everyone to go down this route before we had parliamentary approval for this. What I think is important is that we are able to illustrate in some detail what potential trust organisations might look like, because I know that MPs have asked for this and I think it would serve the broader public interest to be able to do that. In January, I intend to publish a document which sets out some specific examples of what a variety of models of trust might look like in practice.

Q725 Stephen Williams: We will look forward to seeing that. Are there any specific types of organisation you would like to rule out as being unsuitable to be a trust partner?

Ruth Kelly: This comes back to what the local authority role is. I would like to see local authorities go out there and attract the organisations and partners that they think would help serve their local area. If they have an issue with 14–19, try and draw some people in who are able to offer the expertise and work opportunities in that area. If they have an issue with the *Every Child Matters* agenda, try and draw in the voluntary sector who may be able to provide support in delivering that agenda. If the issue is staying on rates at the age of 16, they should try and get the FE college and the university involved, or perhaps some combination of all of those. If we get this right, I think the potential is enormous. What I cannot do is say in advance, “This particular organisation is going to be right in that particular community.” Those are local decisions, best tackled locally.

Q726 Stephen Williams: Would you rule out a fast food company such as McDonald’s or Burger King who do have charitable trusts or do you think those sorts of organisations would be unsuitable?

Ruth Kelly: We have set out all sorts of safeguards which will be in primary legislation in the Bill, including making sure it is non-profit making, set up as a charitable or educational objective and so forth. The best judges of what is in parents’ or pupils’ interests are the parents, the school, the governors and the local authority. I think they should all have a role.

Q727 Jeff Ennis: In terms of the response rate to setting up trusts, you said you cannot give a definitive figure on that. I wonder whether you think there

19 December 2005 Rt Hon Ruth Kelly MP, Rt Hon Jacqui Smith MP, and Mr Stephen Crowne

might be more primary schools or secondary schools going for trust status? Will there be more urban schools than rural schools, given that a lot of people have interpreted the trust school model based on a London secondary school system?

Ruth Kelly: I do not think it is a London issue. If you look at secondary school performance, London has out-performed the national average. What we are trying to do is tackle under-performance in the system.

Q728 Jeff Ennis: We are talking more secondary than primary then, are we not?

Ruth Kelly: There is an argument that says there is more of an issue in the secondary sector with under-performance than there is in the primary sector. If you look at all the value-added data—I have done this—you will see that with primary schools the best of the worst perform in a very small band. They all perform at quite high levels. The secondary system is not like that. We have seen a halving of the failure rate. We have seen some schools rise up to deliver outstanding results. We have the coasting school phenomenon in the secondary sector that we still have to tackle. It is a widespread issue in the secondary sector. The trust school will be an opportunity for them to tackle those issues. However, if you look at the primary sector, that is not to say that we should rule this out for primary schools because, particularly on the *Every Child Matters* agenda, it might be a very good way of encouraging collaboration and joint leadership models, shared bursars and all the sorts of things that primary schools might want to work with; or indeed you might get secondaries teaming up with a group of feeder primaries. What I find quite exciting about this is that the model which emerges will be the one that tackles the specific local issue that needs to be tackled.

Q729 Jeff Ennis: It appears there is more incentive for secondary schools than primary schools?

Ruth Kelly: There is a bigger standards issue.

Q730 Jeff Ennis: What about urban and rural schools settings? Is there more incentive for an urban school to be a trust as opposed to a rural school?

Ruth Kelly: I would not like to predict the take-up in these different areas. I can easily see how a group of urban schools collaborating on 14–19 and so forth might want to be part of the same trust. I can also see a rural secondary school thinking to itself: what I really need to do to tackle the issues we have in a rural community is network with some other schools who have different facilities. That might be what best serves my pupils. I would not like from here to try and predict what the models of the future might be. This is a way of facilitating and dealing with local issues.

Q731 Jeff Ennis: Will you be providing any incentives, financial or otherwise, to try and coerce schools to become trust schools?

Ruth Kelly: We are certainly not trying to coerce or bribe schools to become trusts.

Q732 Jeff Ennis: You currently have a very big disparity in the free school meals rates amongst schools. Some schools take no or very few children on free school meals. Just coincidentally, they happen to be some of the best performing schools. Then we get some with 60% free school meals who just coincidentally happen to be some of the worst performing schools. What incentive within the trust school model is there to bring about a better equity and spread of free school meal children?

Ruth Kelly: We need to make every school a good school.

Q733 Jeff Ennis: Including community schools?

Ruth Kelly: Every school. The vast majority of the proposals apply to community schools but we are extending flexibility to those schools as well. We are trying to make every school a good school. The trust vehicle is one way of doing that but personalisation and all the other measures in the White Paper are an attempt to do that as well. What we are also trying to do is to say to children from poorer families that other schools are open to you to apply to. There are lots of families who think a no entry sign has gone up on certain schools. I just do not think that is fair. I think they should have a right to apply and be considered properly by that school if they fall within the school catchment area. That is what the proposals on free school transport are designed to address so that money does not become a barrier to getting the bus to school every day and that is why choice advisers will be important in implementing that as well.

Q734 Jeff Ennis: I want to preface this by saying this is not a trick question. This is a serious question. I want you to answer it seriously. This is what I perceive to be a big bang model, a serious model. Why do we not allow all schools within an LA area to become trust schools? That would give a clear enabler to provide a split between the LA and the schools. It is like a primary care trust model that we have in the health sector now. It is based on this type of thing. It would then be easier to attract in the more deprived LA areas, like my own, commercial sponsors because we have quite a few big named sponsors, Rolls-Royce and so on, which we do not happen to have in Barnsley, by the way. We have already heard evidence from some of the specialist and academy school people saying that it is a lot easier to attract sponsorship in some areas than others, but we all have a problem attracting small and medium sized enterprises. By having one over-arching trust, you would be able to get better funding from SMEs and it would be easier coordination as well across the LA for school admissions. To me, this big bang model has a lot of attractions. What is wrong with the model?

Ruth Kelly: Technically nothing. Potentially schools in a local area could choose to go down that route. I would need to see the details as to precisely whether it is compatible but from what you have said I do not see a reason why schools should not be able to do that. The important thing is they need to think that that model is in the best interests of serving their local community.

19 December 2005 Rt Hon Ruth Kelly MP, Rt Hon Jacqui Smith MP, and Mr Stephen Crowne

Q735 Jeff Ennis: The big bang model is an option?

Ruth Kelly: I do not see a particular reason why schools locally could not decide that that is what they needed to do.

Q736 Mr Marsden: I would like to return to the issue of the Schools Commissioner which we had some discussion on when you previously came before the Committee in November. I am referring to the exchanges that we had on that occasion. On that occasion, you were obviously still in evolutionary mode because you said, "We are developing the detailed proposals. We will set out proposals as to how the Schools Commissioner will work. He will have some regulation role. What we are thinking about is a much more arm's length role for the Schools Commissioner." At that stage your thinking on the Schools Commissioner and the questions I asked you about what precisely that role would be were blending together. Have you more clarity now?

Ruth Kelly: We will publish guidance in due course as to how the Schools Commissioner will operate. I envisage the Schools Commissioner particularly looking at disadvantaged schools and helping local authorities to match make people who potentially want to be involved with trusts with where they think the local need is. I would really like to see a situation in which the local authorities went on the front foot and tried to do this but there needs to be someone centrally who makes the trust and helps people who emerge get involved in the system.

Q737 Mr Marsden: Let us get this as clear as we can. The role of the Schools Commissioner as currently defined is going to be a promoter and an involver.

Ruth Kelly: A matchmaker.

Q738 Mr Marsden: Is the role of the Schools Commissioner in any shape or form going to be the regulation of those trusts, because that was one of the things that was implied in the White Paper?

Ruth Kelly: What I have said in the White Paper is that the Schools Commissioner should advise the Secretary of State on my powers. That is a function that has always been carried out in the Department. We are just talking about a civil servant in the Department of Education who reviews the BSF proposals to see whether the local authority is fulfilling its educational vision in the appropriate way and it has sensible propositions in place to raise standards in schools. It would be a normal thing for the Schools Commissioner to do that.

Q739 Mr Marsden: This is in many respects a very new role. You are hoping it is going to succeed. You talk about trusts being successful. You have accepted that there may need to be some push in local authorities in that respect and that is why you have this matchmaker role. You have also just said that you would want advice from the Schools Commissioner on your powers. Are those not rather big things to ask of any DfES civil servant, however celebrated that person might be?

Ruth Kelly: It is what the civil servants do now. For instance, they find academy sponsors and try to match them up with the academy programme and also approve BSF educational visions. What we are proposing to do is clarify the nature of the Schools Commissioner in relation to the trust process.

Q740 Chairman: Why do you have to drag it out as a new title? Some people who have given evidence to the Committee have said, "On the one hand you have democratic accountability. On the other hand, you have all these non-elected democratic organisations: the Learning and Skills Council, Ofsted, the adjudicator." None of them is elected and now you have a Schools Commissioner on top. If you are going to have a balance between democratically answerable elected and non-elected, the balance is going over here too far.

Ruth Kelly: I do not quite accept that. Having a clearly defined Schools Commissioner will help simplify the system and make it obvious to all concerned who is dealing with these issues. The Schools Commissioner is directly there to advise me on my powers.

Q741 Mr Marsden: With respect, we have asked other witnesses about the role of the Schools Commissioner. They are extremely confused. They believe that there is, to put it at its kindest, an innate tension between the business of regulating or advising on powers and promoting. If I had said to you in other circumstances, for example in Ofsted, that Ofsted should promote a particular approach as well as regulating it, I suspect you or some DfES civil servant would have cut me off at the knees; yet on this particular issue you are proposing to keep it in-house. By keeping it in-house, are you not fuelling the concerns of those people who say, "This is not going to be an objective process at all because the civil servant will come and go through whatever door the Government wants it to go through at any particular moment"?

Ruth Kelly: What we are trying to do is clarify within the Department who is responsible for dealing with these issues. It will help people outside the Department to know who to deal with. It seems sensible to me that the Schools Commissioner, who is the person who knows the team working with us in the Department, who understands best local contexts and situations because they are dealing with setting up trusts and so forth, is also the same person who advises me on when things are clearly not going well.

Q742 Mr Marsden: Let me be blunt about this. The concerns that have been expressed both formally and informally to this Committee and to others are that the role of the Schools Commissioner, particularly in respect of local authorities, might appear to be that of an enforcer. The Schools Commissioner would go along and say, "You are not doing very well on your trusts in this particular area. You are not fulfilling a government programme. What is going to happen to your investment in Building Schools for the Future?" I am not saying this is what would happen. I am saying these are the concerns that are being expressed.

19 December 2005 Rt Hon Ruth Kelly MP, Rt Hon Jacqui Smith MP, and Mr Stephen Crowne

In those circumstances, why does it not make sense if you need a Schools Commissioner for that Schools Commissioner to be external to the Department and therefore the advice that he or she gives can be entirely transparent and not subject to the vagaries of the Department's pressures on a day-to-day basis?

Ruth Kelly: There are two different points there. One is do we need to create a whole new bureaucracy for dealing with trusts. I personally do not think so. I think we can just deal with this in the way that we have dealt with the academies programme within the Department in a much less bureaucratic and more cost-effective manner. The other is: is the Schools Commissioner going to be able to force local authorities to go down the trust route? Schools have to choose to be part of a trust.

Q743 Chairman: We all know—and you have confirmed the reports—in terms of city academies that when a local authority wants a package for Building Schools for the Future someone in your Department leans on them pretty heavily.

Ruth Kelly: We have discussions about academies separately but academies are new schools. We are here talking about schools, governing bodies, choosing to adopt a trust where they think it is in their interests. The relationship is entirely different.

Q744 Mr Marsden: Given that you have said that you see the role of the Schools Commissioner as being an enabler and matchmaker with local authorities and given that you have said that you would like to see local authorities taking an initiative in that area, do we then take it that the Schools Commissioner has a time expired role and that when you see that more local authorities are taking up the chase there will not be a need for the role of the Schools Commissioner as a promoter and matchmaker?

Ruth Kelly: There are always going to be institutions out there who would like to come and discuss these sorts of issues with someone at the centre rather than a particular local authority because they might not know how best to get involved. That is currently the experience of the academy programme, for example. The sorts of organisations that might want to be involved with trusts might be broader but it is quite important that there is someone at least that they can talk to, who they know has authority.

Q745 Chairman: Do you not see the point that the Committee is trying to make to you? You have now explained the Schools Commissioner as not being high profile, not being that powerful and yet you call him the Schools Commissioner. People who come here do not see the Schools Commissioner as some little not very important figure. Our Committee have discussed this informally. Does he or she report to this Committee? If he does not answer to this Committee I cannot think of anywhere else he or she can.

Ruth Kelly: It is an appointment within the Department, responsible to the Secretary of State for advising the Secretary of State on their powers as well as to match make trusts.

Chairman: It is probably another job for Sir Cyril Taylor.

Q746 Mr Wilson: Is it essential to the White Paper's reforms that all trust schools should become their own admissions authorities?

Ruth Kelly: It is one of the flexibilities already in the system and we have no proposals to change that.

Q747 Dr Blackman-Woods: One of the areas of controversy and one of the areas needing further clarification is the role of the local authority. Can you tell us how much of a difference there will be in practice if local authorities move to be commissioners of education rather than providers?

Ruth Kelly: I hope that this will enable local authorities to focus more on their strategic role than they do at the moment. The best already do this but it will enable that to happen more widely. For instance, to look at special needs children, to see where the provision for SEN units are across the locality and to look at all schools on the same footing, whether they be community schools, trust schools or VA schools and to propose units at the schools that best meet the requirements of local children. They cannot do that at the moment. They are able to place looked after children, for example, in a school that meets the needs of those children best, no matter what the status of the school is. That enables them to focus more clearly on their role in school improvement, not just community schools but all schools in the local area. We are proposing a new warning notice or improvement notice system which is much less bureaucratic than the process they have at the moment, where they tell me that it is virtually impossible to get into a school that does not want them to come in, even where it is absolutely clear to everyone that that school is on the slide and letting down the pupil concerned.

Q748 Dr Blackman-Woods: Would it be fair and accurate to conclude that if few schools become trust schools the provider role of the local authority will continue much as it is at the moment?

Ruth Kelly: We would like over time to move to a situation in which that role is clearer but about a third of schools are voluntary-aided schools at the moment. There are some foundation schools as well and in certain local authorities over 70% of secondary children are educated in schools with their own admission arrangements, for example.

Jacqui Smith: We are intending in the legislation to change the nature of the duty placed on local authorities which is quite an important shift. At the moment, the basis of the local authority's responsibility with respect to the planning it does for school places is about providing sufficient school places. We are intending to add to that a specific charge that they should actively promote choice, diversity and fair access and that they should have a duty to respond to parental concerns and parents. That is the legal manifestation of what is quite an important shift in the mindset and the nature of what the role of the local authority should be. Very many good local authorities will already see themselves as the representatives of parents and pupils within the system as opposed to the representatives of the schools that they provide which frankly, given the progress that we have made on delegating

19 December 2005 Rt Hon Ruth Kelly MP, Rt Hon Jacqui Smith MP, and Mr Stephen Crowne

responsibility and funding to schools, even before we get to the changes proposed in this White Paper, becomes much less significant. Clarity of their role both as a strategic planner and as a champion for parents and pupils is an important opportunity for local authorities and has certainly been seen as one by them. Underneath that come the variety of roles with respect to school improvement, and other areas that we have spelt out in the White Paper.

Q749 Dr Blackman-Woods: I think it might be helpful to have a bit more clarity either written into the Bill or into explanatory notes stating where the main changes are. Could I draw your attention to line nine in the White Paper? It says, “Local authorities will need to plan how many schools their local area needs, where and how big they need to be, what kind of schools will serve the area best and who the schools should serve.” That to some people sits uneasily with the idea of trust schools being able to set their own admissions and decide whether they are going to expand and focus in their mission on a particular set of children, for example. We need some additional clarity about how line nine sits with chapter two.

Ruth Kelly: We are all the time trying to provide that clarity in our discussions with people and provide extra detail as we go along. Last week we published a fact sheet by the Department on local authority strategic planning and the Schools White Paper which I can make available to the Committee, which dealt with some of those really detailed issues about school organisation and how it fits in with the role of more devolution to the front line.⁶

Q750 Dr Blackman-Woods: We will leave that there for the moment but I hope it has highlighted there are still some areas where there may be a perceived contradiction that needs further explanation about how that paragraph can sit with a lot more autonomy for schools.

Jacqui Smith: One of the things Ruth made very clear at the beginning was the opportunity that this White Paper provides us to bring much more clarity to the situation with respect to where we have got to in terms of the delegation of responsibility to all schools, not just to those schools that are foundation, voluntary-aided or in the future will be trust schools. What does that imply for what the democratically elected, strategic planning function of the local authority should be? I would argue that in chapter nine of the White Paper we outline pretty clearly what we envisage that role being, how we see it changing, what that will mean in terms of the way in which we set down the legislation. What we are engaged with at the moment is that, having set down what the vision of that local authority role should be, we want to engage with local government about what would then be the suitable powers or the necessary changes in order to make a reality of that. It is that vision of what the local authority role could be that is increasingly being recognised and welcomed by local authority leaders.

Dr Blackman-Woods: I was not suggesting there was not enough clarity in chapter nine. I am suggesting there may be other bits of the White Paper that to some are not clear, as to how they fit with chapter nine.

Q751 Chairman: Minister, before you move off that point and Roberta continues with a different question. Your answer is really revealing, I am going to read it again at leisure when the transcript comes out. This is the problem, is it not: large numbers of people who look to the White Paper say here is all this emphasis on the parent, and they say, “This might be interesting. It may be one way to harness parent power to improve schools, standards and everything else”, but who speaks for the students who do not have articulate, pushy parents? Who does that? You have given the answer, Minister, it should be the local authority. You have just said it. But it is not in the White Paper clearly as the countervailing power.

Jacqui Smith: It is.

Q752 Chairman: With respect, Secretary of State, it is not. Somebody should count how many times you and the Minister have used the word “clarity” today. The essential problem has been the lack of clarity about that relationship.

Jacqui Smith: I am glad you think I was clear.

Q753 Chairman: You were. You were inspiring. I am hanging on your every word.

Jacqui Smith: Oh dear, I am going to have to read what I said as well, I think. I would not quite agree with you that the only repository to be a voice for the parents of those who have not been involved previously is the local authority. What I think we spell out clearly in the White Paper is also the increasing role for schools as well to engage with parents, to reach out to those parents, which some schools already very successfully do, who have not found it easy to engage with their schools. It is not a responsibility that is vested solely in local authorities, it is also vested in schools.

Q754 Chairman: When I said countervailing power, fine. I am not putting down pushy parents or ambitious parents or well-organised parents, but if they are running the school they have got a lot of power within the school and that is when the school is not going to be a countervailing power and that is when you need somebody outside. The only naivety I find in reading this section, Secretary of State, is this one. If there is this expression of parental wishes, that is not always in the common good, is it? Many parents want what is good for their children and their children might be the children like them, or their children, middle class professionals. I am just speculating. Someone has got to speak out for the kids who cannot get into the school.

Ruth Kelly: I can think of different situations in which parents are right and should be able to have their voice heard very, very clearly in the system at the moment. The first is when there is a shortage of school places. We have got that issue in some parts

⁶ Not printed.

19 December 2005 Rt Hon Ruth Kelly MP, Rt Hon Jacqui Smith MP, and Mr Stephen Crowne

of the country at the moment but not in all parts. It is good practice for the local authority to engage with those parents and to try and deal with their concerns, but it does not always happen. You can certainly envisage a situation in which it is right that the local authority should listen to the concerns of those parents and try to make sure that educational provision is there. I can think of parents, perhaps, with a particular faith adherence who think, for instance, there is not a Church of England school in their area and they really would like to see that provision. Again, I think the local authority should listen to those parents and if they have got a good argument should think about how to deal with it. Obviously if they have not got a good argument then they would not have to, but they should deal with those parents. I also think that if, for example, a school is clearly not serving the pupils and parents well, then parents will probably, particularly in the secondary system, make a fuss about that failure.

Q755 Chairman: In this new age, if you have a school, and it may be a faith school because there is not a good track record in this respect in terms of faith schools, an Anglican or Roman Catholic school that we know is taking a very small percentage of children with free school meals—I put it as simply as that—say 3%, and outside in that community there may be 15 or 20%, we all know that by some filtering system, “Kids not like our kids are not getting into that school”, under the new regime, under the White Paper converting into a Bill, how do you deal with that?

Ruth Kelly: The local authority should refer that school to the adjudicator. First of all it should be discussed by the Admissions Forum and if it is not satisfactorily dealt with through the Admissions Forum, the local authority should object or, indeed, a neighbouring school. The record of the schools adjudicator is very, very sound on these issues. The vast majority of cases are dealt with quickly. The results of the decisions of the adjudicator are legally binding and it can be sorted out for the next admission round.

Q756 Dr Blackman-Woods: Back to exploring clarity. You say in chapter nine that local authorities will continue to have the role of ensuring that no child is left without a school place, so will all schools be compelled to take pupils if the local authority thinks that needs to happen? Will that include academies or not? Certainly will it include trusts?

Ruth Kelly: I will come to academies in a moment because they are independent schools and have a relationship with the Department. If a child has a statement they can name the school and the local authority maintained school, no matter what its status, has to accept that child. If it is a child who is looked after then we intend to lay regulation so that the looked after child will have priority as well. If there is a child without a place then the local authority can direct that a particular school takes that child unless, of course, it is a community school that is not accepting the child, in which case they cannot both set the criteria and object to it.

Personally, I think that is a problem that needs to be dealt with. As schools increasingly move to set their own admissions then the local authority’s strategic role will be enhanced.⁷

Q757 Dr Blackman-Woods: I was wondering whether they can direct the trust to take the child and that then cuts across the argument about whether they are truly independent or not?

Ruth Kelly: Academies are on a different basis, as I was saying, it is the Department that would need to sort those issues out in particular cases, but they can be named on statements and so forth.

Jacqui Smith: 50% of authorities have already developed arrangements with all the schools within their authority, own admission schools and community schools, to take even when they are full particularly hard to place pupils.

Q758 Dr Blackman-Woods: My last question on local authorities is really how open are you to suggestions about how the role of local authorities could be altered, perhaps not precisely as you outline in chapter nine, to enable the commissioner role but with perhaps not as much independence for the schools?

Ruth Kelly: I think the basis of these proposals set out in the White Paper is that there should be more devolution to the front line and as a direct consequence of that, as it were, there should be a more strategic role given to the local authority. I think they are two parts of the same story with clearly a new settlement between schools and the local authority.

Q759 Helen Jones: Just a very quick question, Secretary of State. The White Paper talks about parents wanting to set up schools and makes it clear that, in a difference from what happens now, the presumption is that the parent asks and the local authority, if it deems there is support for that proposal, should have to provide the support in developing it and the land. How do you envisage the local authority testing that support bearing in mind that one group of parents may want the school, others may not, and that many authorities, far from being short of school places, are in a situation with falling rolls? Do you believe that an authority should be empowered to refuse such a proposal if it believes it is in the wider public interest to do so?

Ruth Kelly: Absolutely. We have been clear about this in the White Paper. What we want to do in this White Paper is change the mindset of local authorities so that they are out there really engaging with the local communities and talking to parents about what is needed. I have said this already so I do not want to repeat it in great depth. Under what circumstances do I think this will be particularly important are (a) where there is a shortage of school places, (b) where there is a lack of particular

⁷ *Note by Witness*—Local authorities have powers to direct schools that are their own admission authority (ie foundation and voluntary-aided schools) to admit a named child. These existing powers will also enable them to issue direction orders to trust schools (See Q677).

19 December 2005 Rt Hon Ruth Kelly MP, Rt Hon Jacqui Smith MP, and Mr Stephen Crowne

provision in a local area and (c) where the school is letting its pupils down and they have not taken the action to correct that. In each and every case they have got to look at the value for money, they have got to think about how that fits with their strategic school organisation role and they take the decision.

Q760 Helen Jones: Why the change then? Local authorities can do that now, why does the White Paper specifically say that the presumption should be with the parents?

Ruth Kelly: Because local authorities can do it now but often do not. That is what we are trying to address. There are good local authorities are out there engaged in their local communities really working to make this happen, but there are some that do not do it sufficiently well and that is the challenge. We want everyone everywhere to do this properly and well. It has worked well for children's trusts.

Jacqui Smith: That is part of the reason for changing the legal duty, of course, because you could argue that you do not have that legal duty as a local authority but you will not be able to argue that after the legislation.

Q761 Helen Jones: Do you accept that there may well be a conflict of interest, that a group of one parents in one area of a local authority might feel the need for a new school but that might have an effect on the school down the road, and it is the local authority's duty to look at the wider public interest?

Ruth Kelly: Absolutely, and they will, and they will have to take into account the wider public duty because they are responsible for the use of public funds and all of those issues.

Jacqui Smith: In fact, we already made it explicit in the guidance we give to decision makers who should be consulted and what factors, including the impact on standards in the area and on other schools that should be taken into consideration.

Chairman: We have got one last very important section to deal with and we are running out of time, but a very quick one from Rob on this first.

Q762 Mr Wilson: You may remember last time I asked you about school expansion and I am still waiting with bated breath for a reply to my letter of mid-October following that session. I hope that a reminder will mean that one will be winging its way to me very quickly. You said just then that one of the reasons you would support school expansion was in terms of shortage of places, but what if there are—it follows along similar lines to questions from Helen Jones—already surplus places in an area, and quite a number of surplus places? Would that mean that the old surplus places rule continues to exist as it has done previously?

Ruth Kelly: There is no surplus places rule. That does not mean to say that a local authority is not responsible for good use of public funds and they do not have to take into account the value for money arguments associated with new school buildings and so forth. That is not a change from the current system.

Mr Wilson: That surprises me because my local authority still believe there is a surplus places rule and the Prime Minister at Prime Minister's Question Time not so long ago said that you had just abolished it, admitting that, therefore, there had been a surplus places rule. Again, if we go back to the very start of the session you can see why there seems to be this confusion amongst people and even amongst this Committee as to whether something is as you say it is.

Chairman: Who are you asking that to?

Q763 Mr Wilson: The Secretary of State might be a start.

Ruth Kelly: The Prime Minister did not say that. That is not the situation. There is not a surplus places rule and sensible decisions have to be taken. Just to expand on this point a little: we can argue about how it operates but the way the organisation operates through the school organisation committee is that the institutions themselves take decisions about school expansion. That means it is quite often the case that a school will not even put forward a proposal if it thinks neighbouring head teachers will not like it very much. I do not think that is the right way to operate. I do not think we should base decisions on what institutions think, we should base decisions on the public interest and the interest of children, educational standards and so forth. Therefore, I think that the local authority is better placed to take that decision than the school organisation committee, because it can take that decision on the basis of what is in pupils' best interests.

Jacqui Smith: It is interesting that the 2002 Education Act allowed community schools, for example, also to put forward proposals for expansion.

Q764 Mr Wilson: Would you encourage a local authority to say no to an expansion of a popular school if there were surplus places in an area?

Ruth Kelly: I do not think that should be the sole criterion on which it is judged, absolutely not. First of all, I want to encourage schools that have sensible proposals to make to put them forward so that they are objectively assessed and the local authority takes the decision on the best interests of pupils in the area. Then I think the local authority should look at those proposals, think, "Yes" and forefront in their mind be that this would create more good school places and, therefore, the presumption should be that it is a sensible good proposition, but also take into account the impact on neighbouring schools and on overall standards in the area and to weigh those things up.

Chairman: I have got to draw a line under that because we must deal with choice. There has been much discussion and much evidence before this Committee on the relationship between expanding choice and diversity of provision and social segregation. We have had some worrying evidence from some academics that there is research out there which shows that greater choice actually increases social segregation. Jeff is going to lead on this.

19 December 2005 Rt Hon Ruth Kelly MP, Rt Hon Jacqui Smith MP, and Mr Stephen Crowne

Jeff Ennis: Thank you, Chairman. It is going back to the principle, Secretary of State, of where the trust model came from. There has been a lot of speculation that it came from the Swedish model. I know the Chairman likes Swedish models, for example!

Chairman: A jibe too far.

Q765 Jeff Ennis: The evidence coming out of Sweden is where you increase parental choice it leads to further segregation and that works against the children from disadvantaged backgrounds. This is evidence that has come from both the academic witnesses we have had and also representatives from the trade unions. Is it the Swedish model that we are going to make the mistake of following, shall I say?

Ruth Kelly: Before I came to this job at one point I strangely enough studied the evidence on segregation in Sweden. What I can tell the Committee is that this is not based on the Swedish model. The critical thing here is that we have more autonomy for the schools, or at least the ability to take up that autonomy, and we have a very clear framework in which that autonomy operates. We are absolutely clear, for instance, about fair admissions. They have to operate within the code of fair admissions, and also in funding all maintained schools have to be on the same local funding formula and they have to deal fairly with looked after children and children with statements and children with special educational needs. I have looked at the evidence but I am not expert on how each school in Sweden operates but I am convinced it is very different.

Q766 Chairman: If not Sweden, what about charter schools in the United States?

Ruth Kelly: I have never had the opportunity to study charter schools.

Q767 Chairman: There is a parliamentary question here, a reply to Dr Alan Whitehead from Bill Rammell and from Jacqui Smith talking about the Milwaukee charter schools in Jacqui Smith's case and the Minnesota State Education officials who visited the UK and the Department talked to. Is it not this evidence from the United States that informed you?

Ruth Kelly: Absolutely not.

Jacqui Smith: I think the specific question was whether or not anybody had ever visited or had ever come to the Department. Well, they had, but then the Yemeni Education Minister has visited me. I have visited Jordan and I have visited Germany. We get out and about in the Department. I think the key point about this White Paper is that it is grown in this country and it has grown from our experience.

Q768 Chairman: We understand that but the charter schools were much talked about.

Jacqui Smith: No.

Q769 Chairman: If you ask colleagues they believe that the charter schools were—

Ruth Kelly: I must honestly tell you, Chairman, before they were mentioned recently by some of my colleagues, and I am talking about in the last few weeks, I had never had a discussion about charter schools.

Q770 Chairman: But there is a member of your team who knows a lot about charter schools, you admit that.

Ruth Kelly: I do not know about that actually because I have never studied the charter school model as I have actually studied the Swedish school model at one time. I can tell you there is not much similarity between what we are proposing here and there. Since then, however, in the last few weeks I have had a brief discussion on one or two occasions about charter schools just to find out how they operate and, again, they are entirely different from what we are trying to do which is operate schools within the local framework where the local authority has strategic responsibility. As far as I understand it, charter schools are completely outside that framework.

Q771 Chairman: The view is that a bit of this White Paper came from Number 10 and a little bit came from the Department for Education and Skills. Could it be that someone in Number 10 has been influenced by the charter school movement?

Ruth Kelly: Charter schools do not inform this White Paper. My challenge in writing this White Paper was to deliver maximum devolution to the front line with the proper strategic role for local authorities. Charter schools operate entirely outside such a framework. The trust school model is built on what we know works in Britain, what produces and promotes collaboration and what will drive higher school standards in the system.

Q772 Jeff Ennis: We recently took evidence from Dr Hunter, the Schools Adjudicator, and I made a note of the exact expression he said in response to one of the questions. He said: "Every school should be treated the same", and I am sure that is something we can all agree to, but if that is the case why can community schools not expand under the new model?

Ruth Kelly: They can.

Q773 Jeff Ennis: Can they?

Ruth Kelly: Yes.

Jacqui Smith: 62,000—

Jeff Ennis: Thank you for clarification on that.

Q774 Chairman: There will be no new ones?

Ruth Kelly: That is absolutely right. What we are trying to do is to encourage local authorities to look properly at the strategic role and for there not to be a confusion of roles between their responsibility for community schools and the strategic framework. As I have said in relation to other questions, I think that gives rise to some problems. While I would not like to take away the ability from an existing school to stay as a community school if it is doing very well, I think it should be enabling, I would not in the future

19 December 2005 Rt Hon Ruth Kelly MP, Rt Hon Jacqui Smith MP, and Mr Stephen Crowne

like to see more community schools set up because I think it aids local authorities in their strategic role if progressively we go down this route.

Q775 Jeff Ennis: One final question on the potential expansion of the good schools which obviously we are trying to encourage. We have heard evidence from some witnesses that some of the better schools might not want to change the formula at their particular school and not want to expand. Will the better performing schools come under pressure, shall we say, to expand as part of the new regime or will it be entirely up to the governing body, et cetera?

Ruth Kelly: As I say, the problem at the moment is that schools do not come forward with proposals for expansion. I would like to think that more will come forward when the presumption in favour of expansion is moved from the school organisation committee level to the local authority level. In fact, we are promoting some new strategic powers for local authorities on school expansion as well and local authorities will themselves be able to promote expansion of particular schools where they think the local area would be best served by that. Then again, if there is a disagreement between the school and the local authority there will be the usual appeal to the adjudicator.

Jacqui Smith: One of the interesting things about the trust model, of course, and one of the areas of interest that we have had particularly from very high performing head teachers, and I think you had two of them in front of the Committee last week, is that actually an important way in which you can expand the influence of a good school and help to ensure there are more good school places is by using a trust model as a vehicle for spreading that good practice and that leadership which has developed over the last eight years across the system more widely. That is a very important opportunity which they can see and which we believe exists in the trust model.

Q776 Chairman: I want to call David but there is one specific thing. You mentioned at one stage previously, not today, that: "Preliminary conclusions of our research showed there is no correlation whatever between the number of own admission authorities and social segregation". There is no doubt departmental research has been going on on this, can we have sight of it?

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

Q777 Chairman: Does that mean you do not know whether diversity of choice leads to greater social segregation?

Ruth Kelly: Our preliminary evidence suggests that there is no direct correlation, that other factors are much more important, such as whether there is selection by academic ability.

Q778 Mr Chaytor: You referred earlier to the differentials in achievement between secondary schools and primary schools, and by and large there are narrower differentials between primary schools. Is that because there is more choice and diversity in the primary sector, or the other way round?

Ruth Kelly: I do not think it is a function directly of choice actually. I think it is for a variety of reasons, including the fact that they are smaller, that there is a lot of attention that has been given to literacy, numeracy and personalisation of lessons, that there is a more consistent approach to behaviour and all sorts of other issues.

Q779 Mr Chaytor: Do you think the extension of the choice and diversity model for secondary schools, though less so for primary schools, is going to automatically improve levels of achievement?

Ruth Kelly: I do not think there is an automatic link at primary or secondary, I think it is one factor among many, including having more parental voice in the system, including having a new duty on the local authorities, new strategic powers for local authorities. It is more an element among a package of measures.

Q780 Mr Chaytor: We saw evidence last week that placed England, though not the UK as a whole, at the upper end of the European segregation index in terms of schooling. At the lower end the least segregated schools were in Scotland and the Scandinavian countries. Would you envisage that the extension of choice and diversity in the secondary sector would lead to greater or lesser segregation in English secondary schools?

Ruth Kelly: It depends what you mean by choice and diversity. If you are talking about schools being their own admission authorities—

Q781 Mr Chaytor: Yes, not necessarily their own admission authorities but the placing of parental choice at the heart of the system and the creation of different categories of support, the broad principles that underline the White Paper. Would you expect this to lead to a narrowing of the segregation gap?

Ruth Kelly: I expect the package of measures set out in the White Paper will lead to a narrowing of the attainment gap.

Q782 Mr Chaytor: A narrowing of the attainment gap. What about the gap in terms of social, ethnic or religious segregation?

Ruth Kelly: I think the evidence that we have so far is that there is no correlation between the two. I would expect it would be different in different areas according to which approach they take, but there is no direct correlation.

Q783 Mr Chaytor: You would not anticipate any change in terms of levels of social segregation as a result of expansion?

Ruth Kelly: That is not what the evidence we have suggests to be the case.

19 December 2005 Rt Hon Ruth Kelly MP, Rt Hon Jacqui Smith MP, and Mr Stephen Crowne

Jacqui Smith: If you take the issue of diversity, which is an interesting one, one of the arguments that was made by some at the beginning of the real expansion of the specialist school programme that we have seen was that that which is undeniably a development of diversity in the system would in some way or another be detrimental to levels of achievement, would be detrimental to access to a broader range of opportunities. Actually, what you have seen is firstly individual school improvement with quite a lot of evidence that the focus that specialism brings drive school improvement and increases standards within that school. You have then seen the ability of schools to use that specialism to be able to network together so that is an improvement that is spread throughout the system, and that is part of what we want to build on in the trust school model. Increasingly, you are seeing, for example, in 14–19 collaboration that where you have a diverse range of institutions and they are then brought together to collaborate, that opens up more opportunities and more choice within the system than would have been the case had you not had that diversity in the first place. That is the experience that we are seeing up until now.

Mr Chaytor: Is there not a tension between your focus and I think perhaps a new focus on collaboration and the push towards greater autonomy? When the White Paper was launched the rhetoric was very largely about the advantages of autonomous schools and as the weeks have gone by there has been more and more emphasis on the importance of collaboration and networking.

Q784 Chairman: On the *Today* programme it was said it is all about trusts, broad trusts, not about individual—

Ruth Kelly: He knows his members. That is the point. I think this is a vehicle for building. The big change is to safeguard trusts in primary legislation and the ability for the power to innovate to apply across a network of schools. We have always had in our mind the idea that schools will want to enter into voluntary collaborations and have that formalised by binding and external appointments. That has been the model that we have used. You can see it applied in the ECM agenda—*Every Child Matters*—you can see it in applied 14–19 and in other contexts as well. What I think is best that we leave this to local determination.

Jacqui Smith: If you are a strong and autonomous school, clear about what it is that you are doing for your students with the funding and the responsibility delegated in the way in which it has been and in which it will continue in this White Paper, you are more likely to want to enter into a collaboration than if what you try and do is find some directive way in which to drive collaboration. My experience before I came into this place was that was not the way in which you promote collaboration, and the experience of the last eight years in relation to what I said in my previous answer seems to support that argument.

Q785 Mr Chaytor: If you are a strong and autonomous up to 16 school and you want to open a new sixth form, does that fit neatly with the 14–19 implementation plan that you launched last week?

Ruth Kelly: Yes. We consulted on the criteria to be used for the opening of school sixth forms a few months ago and we confirmed our intention in guidance last week. That means that if you are a school that is in the top quartile of value added schools, so you are a very high performing school, and you adopt a vocational specialism as your second specialism, thereby contributing to the 14–19 agenda, you should have the ability to open a sixth form. The reason behind that is I think (a) it is very important for schools who are very successful and have a clear case they can make to contribute to standards in the area to be able to do so, but (b) we have to build vocational capacity and this is one way of encouraging schools to go down that route.

Q786 Mr Chaytor: Will that be subject to the approval of the local authority and the LSC jointly or will those schools be so autonomous that—

Ruth Kelly: It is a right.

Q787 Mr Chaytor: It is a right for the local authority.

Ruth Kelly: I will confirm to you precisely how it operates. The idea is that schools should be able to do this because we need to encourage schools to come forward with proposals so that they can build up vocational capacity.⁸

Q788 Mr Chaytor: Just one last question on admissions. If in organising the competition for new schools local authorities will be responsible for establishing the admissions criteria as part of that competition, does that mean new schools will not be their own admission authorities?

Ruth Kelly: They will be.

Q789 Mr Chaytor: Are you going to specify in advance what the criteria are going to be?

Ruth Kelly: Just as on admissions on a range of issues, in other words how they contribute to the *Every Child Matters* agenda, how they work in the 14–19 collaboration, all of these specifications will be set down by the local authority. In no way is it taking away the freedom that school has or the autonomy devolution of power to the front line.

Jacqui Smith: It will be part of the decision making process of the competition to determine that the admissions arrangements that have to be now set down in the proposal, which was not previously the case, comply with the code of admissions. Assuming that they do, and if they do not the local authority will be able to ensure that they do, they need to remain in place for at least three years.

Q790 Mr Chaytor: Will the local authorities set the admissions criteria as part of the rules?

Ruth Kelly: That is a slightly more complex negotiation actually, as Jacqui has said, as part of the competitive round before the proposals which the local authority can accept or reject. The relationship is such that the local authority adopts the admission arrangements that it needs to.

⁸ Ev 167

19 December 2005 Rt Hon Ruth Kelly MP, Rt Hon Jacqui Smith MP, and Mr Stephen Crowne

Q791 Chairman: One thing that came out of the last few questions was you are talking about the supply side in terms of people having choice, it being more flexible, but we have taken evidence and a lot of schools say, “Get to a certain size, small is beautiful”, or “We are a successful school, we do not want to get any bigger”. How do you place children? Who places them? Who is responsible for placing children when there are lots of disappointed parents?

Ruth Kelly: The local authority.

Q792 Chairman: You are not getting this magic formula for successful schools.

Ruth Kelly: There is no magic bullet. I completely agree, there is absolutely no magic bullet. All we can try and do is make every school a good school and allow preference to operate within that system. The overall objective is to make every school a good school.

Q793 Chairman: You do not mention this in the White Paper at all, Secretary of State, the views that came out in the past, I do not know about very recently, that Tim Brighouse was associated with and that the Education Network have recently published, that if you really want to help the children who have suffered from disadvantage, come from poor backgrounds, have special educational needs, the best way to help them is to make them more valuable and if a school takes on a special educational needs student 50% more or 100% more money flows in that direction. Has the Department considered those ideas?

Ruth Kelly: Of course, that is the logic behind the current situation on statementing, which is an entitlement for a child with special educational needs to have those met in full with the appropriate resources. For children who are not statemented there is a variety of level of special educational need. Personally, I do not think it would make sense to try and specify exactly how much money and what resources, time and effort and so forth should be attached on average.

Q794 Chairman: What if you got more money if your student was from a poorer background?

Jacqui Smith: To a certain extent, of course, both through the way in which we distribute the dedicated schools grant, as it is now, and previously through the schools funding formula, and through the way in which at a local level the funding formula works, there is already an element of recognition for specific needs for deprivation. The system works in that way.

Q795 Chairman: It does not shake up the system in the way that some of these proponents are saying, “If there is real value in that pupil then the pupil would be much more readily accepted”. Many of the schools seem to find ways of keeping them out.

Ruth Kelly: I think we take a decisive step forward in that direction in the White Paper with our proposals for resources to be attached to children who have the lowest prior attainment when entering secondary school. In the recent allocation of funding approved by the Department to individual local authorities, we have explicitly attached a very significant element of funding, I think it is £335 million, to support that agenda, which is about £100,000 on average per secondary school. If you are talking about a really radical step forward in supporting children with additional needs then I think there is one.

Q796 Chairman: You would expect me to ask this, Secretary of State, because it is an old hobbyhorse of mine. You and the Prime Minister often make speeches about the dreadful situation that so many young people in this country drop out of education at 16 and go into jobs without training, they go into unemployment, and you did in your opening today. There is nothing in the White Paper about what we are going to do for that category of young people.

Ruth Kelly: In my first few weeks in this job I published a White Paper on the 14–19 agenda which was all about trying to increase the staying on rate and dealing with the challenges of the group which are not in education, employment or training, which I know you have particular concerns on and we continue to work on that agenda. One of the most significant things we can do is drive up standards in all schools and support and tailor provision to meet their needs in the early years of secondary school.

Q797 Chairman: The Minister of State was amused about that.

Jacqui Smith: Then we followed that up last week with the 14–19 implementation plan, which I am sure you have read.

Q798 Chairman: We have. But it does not join up with the White Paper, does it?

Ruth Kelly: I think if you read the White Paper, the 14–19 agenda runs through it.

Q799 Chairman: Clarity and joined-upness. Can I say that this has been a very good session, we have gone over time and it has been a long time to keep you answering questions. We have learned a lot and we will go away and write up our recommendations. We shall have the recess to do that and think about it. I hope we can be helpful in the process of making this White Paper even better than it is at the moment.

Ruth Kelly: I invite the Committee if there are any follow-up questions which emerge during consideration of the evidence you have taken so far, if the Committee wants to write to us we will be very happy to deal with any questions.

Chairman: We will take you up on that. Thank you.

**Supplementary memorandum submitted by Rt Hon Ruth Kelly MP, Secretary of State,
Department for Education and Skills**

I would like to take this opportunity to elaborate further on some of my responses to questions raised at the Education and Skills Select Committee hearing on 19 December, as well as to provide some additional information requested. I have also, for the Committee's information, attached a copy of the Trust prospectus that was published on 6 January and the White Paper fact sheets (on local authorities and admissions) that have been published so far.¹

TRUST SCHOOLS—QUESTIONS 704, 705

Trusts which have objects other than those in relation to a school will be charities, because we will specify that their objects must be exclusively charitable. They will be required to register with the Charity Commission. The Charity Commission will need to be satisfied that the objects of an organisation are charitable (within the meaning of the Charities Act), and, that its activities are in accordance with those objects. They would not, therefore, register a charity which had incompatible objects, or allow a charity to acquire new objects which were incompatible with its existing objects—as such a charity would not be able to achieve its objects.

We would not wish to prevent existing charitable organisations with both educational and non-educational objects from acting as Trusts for schools. Nor would we wish to prevent Trusts from pursuing other charitable objects in addition to those relating to schools—bearing in mind that, as indicated above, any such objects would have to be compatible with their objects relating to schools. We believe it would be wrong to limit such Trusts' ability to benefit local communities more widely where they have the capacity to do so.

If a Trust provided services to a school and generated surplus income from doing so, it would be able to put that surplus towards the school, towards any other school for which it acted as the Trust or for another of its charitable objects. It would be for the governing body of the school to decide whether to purchase services from a Trust, taking into account the extent to which those services offered value for money in comparison with the services offered by other providers. Regulations already provide that governors may not take part in decisions about the purchase of services from the bodies that appoint them: this would mean that the governors appointed by a Trust could not take part in any decision to purchase services from that Trust.

6TH FORM EXPANSION—QUESTION 787

The Department's Five Year Strategy for Children and Learners announced a package of new measures making it easier for successful schools to open a sixth form where there is a demand for good quality new sixth form provision. This includes a new 16–19 capital fund, new fast-track arrangements for deciding sixth form proposals and a presumption that proposals from high-performing specialist schools that opt for a vocational specialism will be approved by the School Organisation Committee. The "presumption" arrangements will also apply to schools, whether specialist or not, that meet the high-performing criteria and do not require additional capital resources. The Department has published full guidance on implementation of these measures which can be found at www.teachernet.gov.uk/educationoverview/briefing/currentstrategy/16to19.

SEN AND ACADEMIES—QUESTION 640

Parents of children with statements of SEN may express a preference for their child to attend a particular maintained school. This does not include Academies, which are independent schools. However, parents of children with a statement of SEN can make representations to the local authority for an Academy to be named in their child's statement. Where parents make such representations, the local authority must take them into account when deciding where to place the child. In these circumstances the local authority will consult the Academy.

When a local authority proposes to name the Academy in a statement of SEN made in accordance with section 324 of the Education Act 1996, the Academy 'shall consent to being named except where admitting the child would be incompatible with the provision of efficient education for other children and where no reasonable steps may be made to secure compatibility' (Annex 3 of the Academy funding agreement—contract between the Academy Trusts and the Secretary of State).

January 2006

¹ Not printed.

Written evidence

Memorandum submitted by the Children's Inter Agency Group

1. THE CHILDREN'S INTER AGENCY GROUP (IAG)

IAG is a grouping of the leading statutory and voluntary agencies concerned with improving the outcomes for children and families, established with the purpose of leading a more integrated and effective approach to improving outcomes. Current membership includes the Local Government Association, the Association of Directors of Social Services, the Confederation of Education Authorities, the Association of Directors of Education and Children's Services, the Association of Chief Police Officers, the Society of Local Authority Chief Executives, the NHS Confederation, the Royal College of Paediatrics and Child Health, NSPCC, NCB, NCH, Barnardo's, the Children's Society, NCVCCO and the Connaught Group. IAG identifies issues of consensus between this range of agencies, and seeks to promote this consensus to policy-makers. Many individual members of IAG will be submitting separate, more detailed evidence, but it should be apparent from the above that the collective voice of the Children's Inter Agency Group is a significant one.

2. OVERVIEW

IAG members identify many aspects of the White Paper which they welcome, including initiatives to promote outcomes for children, including vulnerable children, and would wish to support such elements. However, the White Paper overall fails to demonstrate a joined-up approach to policy, based on the principles of *Every Child Matters*, and fails to demonstrate our belief that approaches to school improvement can be compatible with approaches to developing integrated services based around the needs of children and families. There are inconsistencies within the White Paper, and it will be necessary to address these within the drafting of the Bill, in order to allow the leaders of the children's sector to welcome the forthcoming legislation.

3. ADMISSIONS

An increase in the diversity of admissions authorities increases the risk that a competitive process will result in disadvantage for vulnerable groups of children. The thrust of the Children Act 2004 has been to introduce a collective responsibility to plan jointly across all agencies in the delivery of services to communities of children and families, to enable services to be coordinated, to prevent the risk of children falling through the net, to maximise the support to the most vulnerable, and to place schools at the heart of the delivery of holistic services. In order to prevent a competitive and confusing marketplace being created, IAG believes the legislation that follows the White Paper needs to:

- Strengthen the arrangements for coordinating the activities of admissions authorities. In particular, legislation needs to assert the influence of the Code of Practice for Admissions, developed in partnership with all schools in the area, introduce the presumption that admissions policies of individual schools will be in line with this Code, and introduce rapid and cost-effective means of challenging inappropriate policies if they are proposed.
- Strengthen the protocol for admission of looked after children and excluded children which, whilst working well in some areas, is not working effectively in others. Schools should be encouraged to work cooperatively to make the protocol work, but where it does not work, local authorities should be given the power to place a looked after child, or other disadvantaged children, in the same way as they currently have the power to place a child who is subject to a Statement of SEN—subject to appeal from the school.

4. ACCOUNTABILITY

- Where legislation sets out the roles and duties of Trust Schools, the principles of *Every Child Matters* should be embedded into these duties, to ensure that whilst schools should have autonomy as to how they deliver services, they should be constrained as to what and whether they deliver key services. So legislation should specify that Trust Schools must apply their resources to delivering the five outcomes for children, and that they should work in partnership with other schools and the local authority to ensure that every child has a school place. Arrangements for commissioning services should address the delivery of extended schools services.

5. NEW SCHOOLS

- The White Paper says that local authorities should “respond to parents” when they request the creation of a new school. In so responding, local authorities should be expected to follow criteria set out in the legislation, which should include a consideration of the impact of any new or

expanded provision on the services provided to other children in the community. It is not consistent with a commitment to joined-up services to require that any new schools should no longer be able to have the status of a community school.

6. PARENTS AND CHILDREN

- Any measures within the legislation intended to strengthen the voice of parents should be able to show how they will in particular enhance the ability of parents from poor backgrounds to assert their views and wishes. They should explicitly demonstrate how those children who rely on corporate parenting will benefit from the proposed measures, and show how those children whose parents are not effective in advocating will not be disadvantaged.
- Where measures specify an increased role for parental voice, parallel measures should be outlined to demonstrate how the voice and views of the child would be similarly taken into account, in line with the principles of *Every Child Matters*.

November 2005

Memorandum submitted by The Independent Association of Sheffield School Governing Bodies (SASGB)

First of all we would support and welcome the acceptance of the Steer Group's Report on Discipline. We also welcome the expectation that all new governors should take up Induction Training with schools making this a priority. We also applaud the focus on Key Stage 3 as the transition to Secondary education is a big step for children. It is also right that parents should be better informed about their child's progress.

1. Trust schools—any school can go down this route—the Trust would then appoint the majority of the governing body—in perpetuity? How is continuity to be protected? What is this intended to achieve?

If a pressure group backed by a company sets up a school what would prevent the company later arguing that as it was no longer part of its core business it was withdrawing its support. This would leave the pressure group (parents?) in control of the school. What happens when their children leave and they lose interest?

GBs can already appoint Community Governors to widen the expertise it has. Currently taxpayers are represented via LEA governors and Parent Governors. This is part of local accountability and is crucial. Why tinker again with something which on the whole works well. There is little evidence to support the comments that Trusts will provide stronger leadership and are able to drive up standards compared with other schools. Currently Headteachers in community schools are accountable to their GBs and thus to the stakeholders and community for the standards achieved by the school. If the GB is not satisfied it has the power to take remedial action and would be supported by the Local Authority. If the sponsor appoints the majority of governors this accountability and independence will disappear.

2. Admissions—Trust and Foundation Schools would become their own Admissions Authority. At present LAs manage admissions strategically to try and ensure equality of provision across its area. As a result in Sheffield almost 50% of pupils in the most popular schools come from out of catchment with 97% of all parents getting their first choice of school. Allowing all schools to become their own Admissions authority would result in popular schools operating a covert system of selection circumventing admissions criteria (see the recent report of the Office of the School's Adjudicator). They would not compete for low achieving pupils! This would make good but less popular schools more vulnerable.

These two categories of school would also own the school assets—this would undermine the ability of the Local Authority to manage state assets strategically for the future.

Parent Councils—It is difficult in many areas to get enough parents to volunteer as governors. Is this a way of getting them involved? How would these work in regard to the GB? (Governors would have a statutory duty to have regard to the views of parents) What exactly does having "regard" mean in law? There is potential here for conflict and a great deal of tension. The current system allows for parents to have a voice via their Parent Governors. It would be a foolish governing body which did not take account of the views of parents. The new Ofsted Framework already examines this aspect of the GBs work.

An important point—parents do tend to focus on issues concerning their own children and even parent governors find it difficult sometimes to focus on wider issues. Many leave the school when their children leave and the question of continuity can be a problem. Self-chosen groups of parents may not act in the interest of all the pupils in the school.

4. School Transport—free for the most disadvantaged when school over two miles distant but within six mile radius. No problem with the concept of enabling this to happen but how does this square with cutting down congestion and keeping costs down. Would subsidised transport be available for after school activities and parents evenings? Who will be subsidising this? Transport costs for pupils with SEN is a huge problem and very costly in most Authorities. Subsidising more transportation will in effect be funding taken from all schools.

5. Banding—we understand that with regard to Admissions there will be nine bands and schools will be expected to take from the whole range. Will this be compulsory? Otherwise schools will not do so and even if they did that would mean in some areas the local residents would not necessarily get their children into the local school. Result—more car journeys (and in some areas to the local Private School not to one across the city).

6. Setting up new schools:

- (a) Only in areas where parents are confident, have lots of free time and good contacts could they find a sponsor to build/adapt other buildings. Who in the long run will foot the bill? This will apparently be allowed even in areas where there are surplus places. No joined up thinking there then because the DfES expect Authorities to reduce these where possible. This proposal is probably a knee-jerk reaction to issues in some London Boroughs where children cannot get a place in their local school.
- (b) LAs will have to invite competitive tenders from other providers for any new school they open, Academy, Trust, VA. This will lead inexorably to the destruction of the community/comprehensive system that has worked well. It would be replaced by an untried system of “independent” schools funded by the state but controlled by the private/charity sector).

This flies in the face of falling birthrates across the country with LAs having to plan closures/amalgamations. It makes no sense at all.

7. One-to-One Tuition in Maths and English for underperforming pupils. We would all sign up to this but how will it be paid for? Schools currently struggle to give such pupils sufficient time and the introduction of PPA time has stretched resources more than ever.

8. Expansion of good schools—who decides whether one is good or not? This could be confused with “popular” schools—which is not the same thing. However, such expansion would need capital sums unless the school has surplus space (not likely to be the case). Where will the capital come from? How many sponsors are there willing to fund such schemes? If the Government intend this to happen we need to know the answers to these questions. Usually what happens is the same pot of money gets re-allocated elsewhere. There will therefore be losers, most of all neighbouring schools. These will inexorably lose pupils with the knock-on effect of weakening their viability and disadvantaging those with families lacking in confidence and skills to fight their own corner. Choice for some will mean less for others.

9. The abolition of SOCs and the reversion of the power to open and close schools to the Local Authority. (How does this sit with the above proposals?)

Presumably there were good reasons for setting them up—enabling the difficult decisions to be taken by a group of people other than local councillors who had electoral interests as their highest priority. This argument is still valid as the stakeholders ensure that LA’s make decisions on transparent educational criteria.

We would very much like to see more of the rationale for these proposals. We fail to understand how they will produce a fair education system for all. We would also like to believe that they have been costed. A number of them would certainly require additional resources.

November 2005

Memorandum submitted by Confed

1. INTRODUCTION

1.1 The Confederation of Children’s Services Managers—Confed—is the professional association representing directors and managers of education and children’s services in local authorities in England and Wales. The prime purpose of Confed is to contribute to the raising and maintaining of high quality standards in local authority education and children’s services. As a learned society, Confed aims to influence national developments in the provision of education and children’s services and within the profession to share good practice among local authorities and promote the interests of staff working in the leadership and management of education and children’s services. Confed is committed to a stakeholder model of a publicly accountable system which delivers high quality, appropriately-targeted services to children, young people and their families and carers, where all providers work together collaboratively for the good of every child and young person.

2. GENERAL OVERVIEW

2.1 Aspects of the White Paper appear to reflect a London-centric agenda driven by a belief, that state education and particularly secondary state education is not attractive to all elements of the middle classes. As the work of London Challenge in conjunction with London local authorities has demonstrated the understanding and the solution to urban schooling problems requires both a sophisticated analysis and a wide ranging and subtle set of solutions. The fact that London schools are improving at a faster rate than

anywhere else in the country, with Community schools leading the way, illustrates what can be achieved when central and local government works in concert with schools. It is not sensible, however, to examine the challenges of education in the capital and assume that the same issues apply elsewhere in the country and to the same degree.

2.2 For these reasons we believe that many of the reforms highlighted in the White Paper are unnecessary, irrelevant to a large majority of children, young people and their families, and do not take sufficient account of existing initiatives and improvements that schools and local authorities are already leading.

2.3 Confed is committed to a stakeholder model of a publicly accountable system which delivers high quality, appropriately-targeted services to children, young people and their families and carers, where all providers work together collaboratively for the good of every child and young person. Overall, we do not believe that this White Paper will deliver that aim; nor does it sufficiently justify how the proposed reforms will enable local authorities to create a collaborative environment.

2.4 Rather, some aspects of the proposals could reinforce the negative elements of competition at the expense of collaboration without building-in sufficient safeguards for vulnerable children and young people. It is our view that collaboration between schools, VI Forms and college is absolutely essential in order to deliver equity in inclusion, admissions, the ECM agenda and the 14–19 personalised offer.

2.5 The Paper does not sufficiently acknowledge the inclusivity agenda; rather it frames the debate almost entirely in terms of more freedom for schools which is, in our view, unhelpful and does not accurately reflect either the current system or indeed a commissioned system as proposed in the White Paper. The Children Act 2004 establishes LSCBs which will specifically champion the cause of vulnerable children and young people, including those that may be “hard to place”, but the Paper makes scant mention of them.

2.6 We are also concerned that the proposals do not appear to meet the test of “evidence based policy making”. Where is the evidence that value for money and improved standards can be achieved by increasing competition among schools, by establishing Trust, Foundation, or voluntary-aided schools and Academies at the expense of developing new Community schools? Community secondary schools, as a group for example, have in many parts of the country been achieving improvements in pupil performance above any other type of school yet they are the one type of school that the White Paper specifically prohibits being created in the future. It is hard to see how this sort of proposal, which flies in the face of empirical evidence, could command the respect of either the education community or the public at large or win their hearts and minds.

2.7 There are obvious tensions between the aims of the White Paper and those of the *Every Child Matters* (ECM) agenda. Schools are at the heart of the local community and a crucially important asset in the delivery of ECM goals. As such the school is a resource for the local community, and it must be right that its assets are held in trust by the local authority in its role leading and governing local communities in the interest of the wider public interest. Even, if for day to day purposes, governing bodies exercise control over schools the stake of the community in these important local facilities should be preserved and guaranteed. We urge the Government to consider how this can be achieved without compromising the operational freedoms for schools the government wishes to retain.

2.8 Whilst the Government is doing much to try to address inequalities through its capital building programme, *Building Schools for the Future*, and changes to school funding, it has created new anomalies elsewhere. The government has for example established a completely different mechanism for securing places for statemented pupils in Academies than the one that applies to other schools. This appears to reduce the chances of these pupils gaining a place at Academies. It also leads to fermenting resentment amongst other schools in the area and is a position that is hard to defend.

Higher Standards, Better Schools For All

3. CHAPTER 1—THE CHALLENGE TO REFORM

3.1 Confed refutes the view in this chapter implying that local authorities interfere in the day to day running of schools, as this is not the case and has not been so for some time. We do, however, welcome the attempt to define a clear commissioning role for local authorities and recognition of the local authority’s role as champions of children and parents strengthened by the Children Act 2004. We would, however, need to be reassured that local authorities have sufficient powers to discharge that role effectively, including the effective powers to “decommission” and re-allocate resources according to need and strategic direction.

3.2 The proposal in 1.19, to diversify the range of providers of schools thus allowing more parents to choose the school that suits their child, may be undermined by the Government initiative which wishes to see all schools as Specialist schools.

3.3 1.20 proposes a role for parents to put pressure on a school to improve. It is already good practice in local authorities to establish meetings for parents to express their concerns when a school is put in either Special Measures or Serious Weaknesses categories.

4. CHAPTER 2—A SCHOOL SYSTEM SHAPED BY PARENTS

4.1 We welcome the emphasis on parents that appears throughout the White Paper although note that the intense media speculation prior to the publication of the Paper may in fact have raised parental expectations inappropriately.

4.2 It is important that parents engage in all aspects of schooling, however, we believe that sufficient mechanisms already exist within the system for parents to engage with and influence the future direction of improvements in school.

4.3 The current regulations on the governance of Community schools which provide for a third of governing body representatives to be parent governors, are the best and most democratic means by which parents can influence a school. This is supported by the new inspection framework for schools which recommends that a school's self-evaluation should include reference to how a school engages with its parent constituency.

4.4 Engagement with the community will become even more important as schools develop as Extended schools.

4.5 The proposal in 2.59 that a local authority might appoint a suitably experienced person to act as a "Parents' Champion" is interesting, but it is unclear how this fits with the overall role of the local authority as champion of pupils and parents.

4.6 We welcome the continued commitment of the White Paper to 14–19 reform. Genuine choice at 14–19 can only be delivered through partnership arrangements and collaboration developed among providers in a locality eg on timetabling. The continuation of this collaborative approach among providers is essential in further developing the personalised learning offer to pupils.

4.7 However, such partnerships are jeopardised by increased competition between providers, particularly with regard to the expansion of popular and over-subscribed schools and the establishment of school Sixth Forms, all of which have an impact on nearby schools, which may be forced to close, thus reducing parental and pupil choice. This will lead to a fragmentation of the system which depends for its success on collaboration not competition.

4.8 We recommend that the Government use this opportunity to unequivocally clarify responsibilities for strategic planning across the whole of the 14–19 age range and accept that this is fundamental to the successful development of collaborative approaches. Currently the arrangements leave too much room for uncertainty for both schools and the local authority.

4.9 Confed believes that the intention that all new or replacement schools will be Foundation, Trust, voluntary aided or Academies is pernicious in its exclusion of new or replacement Community schools.

Trust schools

4.10 The opportunity already exists for schools to acquire a Trust, as does the opportunity for parents to start their own school. The prominence therefore given in the White Paper to Trust status reflects either a lack of understanding of the current system or its prominence is a statement on the need to promote an existing opportunity which has thus far generated little interest in schools.

4.11 We have a number of concerns about Trust schools, however, we do recognise that the Trust model is well-established and may be of merit if used in conjunction with education improvement partnerships and also where there are proper safeguards for parental and community interests.

4.12 The critical issue for Confed is who runs the Trust. We welcome the role of the local authority and the Schools Adjudicator in ensuring safeguards are implemented on the charitable objectives of Trusts so that "unsuitable" Trusts cannot run schools, ie Trusts whose objectives do not take proper account of the views of the majority of parents, or Trusts whose objectives cause serious concern with regard to the impact on school standards.

4.13 The Secretary of State for Education and Skills has indicated that she thinks it likely that there will be community-based groups that wish to establish charitable Trusts to run local schools. In such cases, we hope that the local authority would be a key player.

4.14 We look forward to considering further work by DfES outlining how a school might extricate itself from a Trust arrangement and note the relevance in this regard of the 1841 Schools Sites Act.

4.15 The diminished role of parents in the governance of Trust schools is unacceptable. We are concerned about the nature of the relationship between a Parents' Council and that of the Trust school's governing body and the accountability of the Trust school's model of governance.

4.16 A Trust school may appoint the majority of its governors and does not have to commit to the current proportion of one third of its governors representing local parental interests (as in the current Community school model). The White Paper recognised that in such cases a Trust school must then establish a Parents' Council, which will give parents a voice without the concomitant responsibility of being a school governor.

4.17 In effect the proposals relating to Trust schools disenfranchise parents by providing for their removal (or significant down-sizing) in respect of their role on governing bodies. Having thus disenfranchised parents, the White Paper attempts to re-engage parent by means of the Parents' Council. This seems to us to introduce into the school system a pointless level of bureaucracy and change for its own sake.

4.18 Curriculum innovation is already possible in many schools; much of the guidance on the national curriculum is not statutory. If the Government takes the view that curriculum flexibility is educationally beneficial, the opportunity should be extended to all schools, not used as inducement to persuade schools to go for Trust status.

4.19 We note and welcome that Trust schools will be placed under a duty to promote community cohesion and good race relations. In order to fulfil such duties a Trust school must have regard to the community which it serves not just the community as represented on the school's roll. It is therefore imperative that the governance model for Trust schools places a duty on the Trust to have meaningful representation on the board of governors which reflects the diversity (cultural, socio-economic, ethnicity, etc) of the local community.

4.20 We welcome the indication that a separate statutory process will be required before schools acquiring a faith-based Trust could become faith schools.

Expansion of popular schools

4.21 To date, very few popular and successful schools have applied for an expansion of their capacity; indeed few schools seem to believe that their popularity and success would continue if they were to expand.

4.22 The practicalities of expanding an existing school are fraught with process difficulties, the magnitude of the process difficulties is significantly increased when one considers the establishment of a brand new school. The expansion of an existing popular school can easily take up to four years to complete (a timescale by which a child would be almost out of phase anyway) from the initial bidding phase because of procurement procedures, acquisition of expanded site; regulations restricted the length of time that temporary classrooms can be used, etc.

Tackling school failure

4.23 Confed welcomes the clarification of the local authority's role with regard to failing schools. We would, however, recommend that the duty be made statutory, not simply declaratory with the associated appropriate sanctions and powers.

4.24 We are concerned however, that the time scale of one year within which a failing school must show signs of significant improvement does not allow for sustainable improvement over a realistic timescale. Having new structures and teachers in place may be possible within the timescale; seeing outcomes in exam results or being judged as "satisfactory" by Ofsted may not be.

4.25 We remain concerned about the impact such a time scale for improvement may also have on the ability of a governing body to recruit a Head teacher to a challenging school. Furthermore, we believe that the option for parents' concerns to potentially lead to an immediate Ofsted inspection, which could trigger a series of events if the school is found to be seriously failing including a change in the school's senior management team, is unworkable and likely to have serious implications not only with regard to Employment Law, but also on the morale and aspirations of other school leaders and teachers. We are uncertain how this can be achieved when the local authority is not the employer as in the Trust schools model.

4.26 The White Paper is silent on the continuing role of local authorities in the appointment of Headteachers and in succession planning. As the effectiveness of schools is directly related to the quality of Headteachers, Confed would recommend that local authorities retain a statutory advisory role in this area.

5. CHAPTER 3—CHOICE AND ACCESS FOR ALL

5.1 The White Paper explicitly says that the argument that there is no demand for choice ignores reality. It is more accurate to say that the demand for choice exists in some parts of our local communities—those that are, on the whole more affluent, articulate and able to engage in the nuances of negotiating the English state education system because their first language is English. The White Paper presumes that the aspiration of choice is shared by all communities—it is not. There are many communities whose aspirations are more culturally centred—who aspire to ensure that their children are able to speak their mother tongue as well as English for example.

5.2 The White Paper further presumes that parents are the "consumers" of education provision and therefore it is the parental skills of advocacy that are formulating education provision and not the needs of children and young people, resulting therefore in a provision that meets the needs of a pre-dominantly white middle class parental perception of the importance of choice.

Better information for parents

5.3 Paragraphs 3.8 to 3.12 set out how information to parents will be improved. Much of the content is simply best practice, although unfortunately the idea of parents being encouraged to visit schools is not mentioned.

5.4 The ICT information divide is addressed through discussing the need for excellent printed materials, although internet access is becoming increasingly universal. Since delivering e-admissions is one of the ODPM's Priority Outcomes, it seems sensible to focus on e-channels rather than printed media.

5.5 The concept of large group public sessions is probably not helpful, as those parents who most need the support and advice will be those least willing to attend or speak out in public. Many schools already provide a thorough induction programme for parents. However, targeted one-to-one sessions for parents who need more support, both on a self-referred and professionally-referred basis are worth exploring further, although we note that this is already part of good practice in many schools we are concerned that this proposal may place unrealistic pressures on schools.

Choice Advisers

5.6 The idea of "Choice Advisers" is interesting but probably misplaced for those parents for whom it would provide most benefit. These parents will often already have multi-agency support, and a further professional input will not be effective. The "single lead professional" concept is important here. It would be of much greater benefit in a joined-up children and families support structure to ensure that all the professionals concerned, including social workers, teachers, and health professionals, have access to the objective information, are trained to use it, and are enabled and empowered to give this advice.

5.7 We seek re-assurance that the training provided to Choice Advisers will be adequately funded and that Advisers will have sufficient links with interpreting services for those parents who do not speak English as their first language. We seek similar re-assurances with regard to one-to-one tutors for those students who fall behind.

5.8 On a point of detail, what protection will local authorities have against claims that the advice of Choice Advisers was not adequate? If a parent fails to secure the school of choice will the local authority be liable for the advice offered? Will this create another avenue for appeals and litigation?

School transport

5.9 The free school transport legislation has not changed significantly since 1944 and needs urgent updating. The White Paper proposes that legislation be introduced to entitle those eligible for free school meals or in receipt of the maximum level of Working Tax Credit to free transport to any of the three suitable secondary schools closest to their home within a 2–6 miles radius. Whilst this proposal espouses the politics of greater equality it may not in practice deliver greater equality for pupils in the banding target group.

5.10 It is true to say that although eligible a number of communities do not take up free school meals or Working Tax Credit for socio-cultural reasons. Therefore the indices are unrepresentative of true levels of deprivation; one thinks in particular of white working class and Black African and Caribbean Communities. Furthermore, some of the very poorest and most deprived members of local communities are those recently arrived migrant workers from Eastern European countries, who, because of their migrant worker status are not eligible for free school meals nor Working Tax Credits. The way in which choice and access is secured for these children, young people and their parents' needs to be thought through.

5.11 We are uncertain of how sending a child to a school further away from home will help parents to engage with their child's school and in their education, which as international research tells us, are a key determinant of educational success. Few parents of children below the age of eight consider two miles as being a reasonable distance to walk to school, and few parents of children over the age of eight consider three miles as being a reasonable distance.

5.12 The White Paper is silent on the way admission criteria may be modified to reflect the proposed greater access to transport and it fails to explain what incentives there might be for example for a school serving a predominantly middle class area to alter its admission arrangements to give higher priority to children from say a council estate further away—even if this was permitted by the admission Code.

5.13 The proposal is based on an urban model of school provision and does not meet the needs of children in more rural areas where secondary school provision may be dispersed over a significantly larger geographical area. The proposal in paragraph 3.15 is ill-thought through. In a rural local authority, such as Somerset for example, schools other than the most local will often be more than six miles away; outside the scope of the benefit. In an urban authority, such as Dudley for example, most parents will live within two miles of at least three schools; again outside the scope of the benefit.

5.14 We would question whether this is the most appropriate way to fund a scheme of banding which attempts to ensure a more even spread of pupils from differing socio-economic backgrounds and attainment levels across schools in a locality. The cost effectiveness of such proposals will need to be tested.

5.15 Furthermore, meeting the requirements of extended and wrap around provision in schools within a system where increased numbers of pupils may not attend their most local school, will significantly increase transport costs, provide fewer opportunities for pupils to walk to school and may also impact on the local authority's ability to meet the efficiencies required of them by the Gershon review.

5.16 The local authority duty to support choice, diversity and fair access must include consideration of all home-to-school and other transport arrangements, including safe walking routes. If pupils are transported to a school up to six miles away from their home, clearly walking to school is not an option. This is a simple example of how the White Paper and the *Every Child Matters* agenda are not complimentary, particularly with regard to two of the five ECM outcomes—"staying safe" and "being healthy".

Fair admissions

5.17 We are concerned at the prospect of an ever increasing number of schools acting as their own admission authority. We acknowledge that all schools must have regard to the non-statutory Code of Practice on Admissions, however, an increased number of admissions authorities will increase the number of admissions criteria, which in effect means that it is the school which will choose its intake and not the pupil or parent choosing the school. The aspirations are however commendable—fair admissions for all.

5.18 The present system is based on selection:

- by parents, through a combination of location and house price, sophisticated use of admissions and appeals procedures, and, on occasion, conversion, sometimes temporary, to a religious faith; and
- by schools, through a combination of complex admissions procedures and both the spirits and the letter of the Code of Practice being flouted.

5.19 There is no possible mechanism to stop parents living where they choose, subject only to their personal economic realities, or to choose their location according to the local schooling provided.

5.20 An admissions system that attempts to band pupils and to share out pupils of differing abilities and aptitudes has genuine philosophical attractions. But the banding system used by Mossbourne Academy, the example used in the White Paper, is so complex and convoluted as to be incomprehensible in its operation to local authority officers, let alone parents.

5.21 The problem, of course, is how the most disadvantaged pupils (those with uninterested parents, those living in poverty, those at risk or vulnerable to abuse, those who have special needs or are simply unintelligent or demotivated, those with poor command of spoken and written English) find a school place.

5.22 If every school has its own admissions system then there will be yet more games-playing by the literate middle classes. The admissions system in urban areas will be a minefield of multiple inconsistent systems. Taken together the systems will be incomprehensible, opaque and obscure to parents—and will seem unfair, whatever the reality.

5.23 The only solution to fair admissions is a national, binding, independently monitored, universally-applicable and fair Admissions Code of Practice; not a Code of which schools "must take account" but can then ignore with impunity (by, for example, interviewing parents). This Code could set a national framework, or it could allow a local binding framework to be developed and policed by the local Admissions Forum.

5.24 Any other solution will lead to either or both of the following:

- schools selecting pupils leading to less-popular schools entering the downward spiral of becoming a sink school; and/or
- some pupils failing to be admitted to the school of their parents' preference without a huge effort.

5.25 Selection (in whatever guise) implies that at the other side of selection there is de-selection; if some schools get the "better" pupils other schools will get the "worse".

5.26 The underlying issue is that admissions systems are concerned, not with admitting pupils, but finding the fairest way not to admit pupils when a school is over-subscribed. Any system and Code must be seen through this lens; the proposals in the White Paper do not pass this test.

5.27 One radical solution would be to fund schools much more sharply than at present on negative factors; deprivation, prior attainment, and so on. Perhaps a factor of three would be appropriate, to encourage schools to take pupils facing more challenges. The funding could be increased until the less favoured schools became as effective as the most favoured.

6. CHAPTER 4—PERSONALISED LEARNING

6.1 The proposals in this chapter of the White Paper are welcome and we see them as augmenting the progress towards personalised learning that is already in existence.

7. CHAPTER 5—PARENTS DRIVING IMPROVEMENTS

7.1 We welcome the provision of high quality information for parents about what their child is learning, how well they are progressing and areas for development. However, the proposals that such information should be made available three times per year seems to conflict with the reduction on the bureaucratic burden on Teachers.

7.2 A single point of contact for parents in school is a useful proposal and some schools have already adopted this; it will be important that parents are aware of the level of influence that such a person has within the school in order to manage parental expectations.

7.3 Home-school agreements have had minimum impact to date. It may be necessary for schools to use parent contracts to enforce parental responsibilities.

7.4 The proposal in 5.16, to give Ofsted new statutory powers to investigate parental concerns about a school and, where justified require a school to call a meeting with parents is probably a stretch too far in the Ofsted brief particularly given the new inspection framework for schools based on the five ECM outcomes. We are concerned that the proposed roles of Ofsted, the Schools Commissioner and the Schools Adjudicator will impede local authorities from finding local solutions to concerns raised by parents.

7.5 We also welcome the proposals to enhance school Councils and the extension of the role of the Children's Information Service. We expect these developments to be properly resourced and not lead to unnecessary bureaucratic burdens.

8. CHAPTER 6—SUPPORTING CHILDREN AND PARENTS

8.1 We welcome the commitment to extended school developments and believe this is one route to support a richer variety of parental engagement in schools along with many other benefits.

8.2 We believe that proper resources must be made available for "Children Missing from Education".

8.3 We believe that the proposal to increase the provision of school nurses based around clusters of schools is excellent.

9. CHAPTER 7—SCHOOL DISCIPLINE

9.1 The inclusion in the White Paper of many of the recommendations of the Practitioners' Group on School Behaviour and Discipline, chaired by Sir Alan Steer, are welcome. In particular we welcome the expectation that by September 2007 every secondary school will make arrangements for hard to place pupils which ensure that no school takes an unreasonable share of children with challenging behaviour, including those excluded from other schools. This is an important signal to schools and the communities that they serve, that every child does matter; however the White Paper does not address the issue of how schools can be required to fund provision for pupils out of school. It is therefore important, and we think implied in the White Paper, that local authorities retain funding for PRUs.

10. CHAPTER 8—THE SCHOOL WORKFORCE AND SCHOOL LEADERSHIP

10.1 We welcome the role of NCSL in identifying a new group of national leaders of education, (Headteachers), drawn from those succeeding in the most challenging leadership roles to influence the direction and targeting of leadership provision across the school system. We trust however that despite their Ministerial access, it will not be this group of education leaders alone who will advise Government on the future direction of education policy. Such advice given to Ministers must be done so in the context and framework of the Children Act 2004 and the ECM agenda in order to deliver integrated services for children and young people (schools are not of course statutory partners in children's trust arrangements under the Children Act) across a locality. Confed looks forward to the opportunity to work with NCSL on this important aspect of their work.

10.2 We would like to highlight potential issues around the capacity within the school system, particularly at Head Teacher level, to contribute to the NCSL process of developing the leaders of the most complex and challenging schools. This is of particular concern as it will be an initiative that takes place at the same time as the School Improvement Partners (SIPs) programme, which also draws from the current or recently retired Head Teacher pool.

School governors

10.3 Comparisons are made between the move to Foundation school status and voluntary aided schools. The majority of voluntary aided schools are church schools whose greater autonomy is tempered by membership of a diocesan/church school fellowship with strong shared values, ethos and direction. This support is very powerful and far reaching. Separate single foundation schools or small trusts would not provide the same networks or support mechanisms; they could be potentially more divisive and provide a more confusing picture to parents.

Governing body composition

10.4 Governing bodies will be relieved to hear that the provisions of the Education Act 2002 on their composition will remain in place. However this message has largely been lost with more emphasis being given to the White Paper's reference to governing bodies opting for the smallest effective model.

10.5 The White Paper equates the smallest effective governing body with the stated belief that it is the way "to create energetic and focused governing bodies". We would be interested to see the supporting evidence for that statement, particularly at a time when governing bodies are being encouraged through the ECM agenda to place the school at the heart of the community and to engage in partnership working that brings the partners into the governance of the school.

10.6 Most governing bodies have demonstrated clear strategic thinking and common sense in the current reconstitution process. They have generally welcomed the greater involvement of parents on the governing body, but will be very anxious about adopting any model of governance that reduces the potential for elected and governing body nominated parent, community and staff involvement in the leadership of the school.

Parents and the governing body

10.7 Increasing democratic parental involvement in governing bodies over the last 30 years has been generally welcomed and worked well. Parents of pupils at voluntary aided schools often pass adverse comments relating to the lack of democratically elected parents on their governing bodies. Schools with trusts would be similarly disadvantaged.

10.8 The introduction of a statutory duty on the governing body to have regard to the views of parents will not be seen as a suitable substitute for democratically elected parent governors.

Governor training

10.9 Confed urges the DfES to strengthen the influence of the school governance team to ensure that the advice, guidance and training provided through government departments is timely, focused and cognoscente of the particular roles of governing bodies.

10.10 Induction training should be mandatory.

11. CHAPTER 9—A NEW ROLE FOR LOCAL AUTHORITIES

11.1 We welcome the recognition in the White Paper that "... The best local authorities are strategic leaders of their communities . . . They act as commissioners of services and the champions of users . . ." We also welcome the various new duties and powers which local authorities are set to acquire in their strengthened role as champions of children and their communities, particularly the clarification of the local authority's role with regard to failing schools, as mentioned above. These duties and powers should be statutory.

11.2 As well as exercising the strategic and commissioning roles that the White Paper describes, local authorities must continue to have the tools and resources to provide effective support and challenge in the context of the New Relationship with Schools. Much innovation has come from local authorities, for example in improving teaching and learning, in establishing collaborative partnerships, in developing behaviour and attendance strategies and in making ICT available to all. This must continue for the pace of improvement to be sustained.

11.3 The comments about the role of the local authority in ensuring fair access to school places and specialist provision are welcome, as is the intention to make it a statutory requirement for schools to have regard to the Children and Young People's Plan. However, those local authorities which are judged "Excellent" in CPA are exempted from producing a single Children and Young People's Plan and will therefore need to find other means by which they draw on their analysis of parental demand and consultation with local partners to draw up a strategic plan for the pattern of schools in their area. Schools will be placed under a statutory duty to have regard to the local authority's CYPP, which is welcome; however, we seek clarification on this statutory duty with regard to "Excellent" Councils.

11.4 There is a serious risk that the White Paper's proposals will stop short of giving local authorities the capacity to secure high standards in schools. If local authorities are to remain accountable for standards they will need stronger tools. Some of the areas in which the White Paper proposals need to be strengthened are:

11.4.1 There will have to be greater definition of the scope and statutory basis of the Children and Young People's Plan.

11.4.2 The leverage that local authorities can exert in bringing about collaboration between schools needs to be strengthened if it is to encompass all schools, particularly in areas such as developing 14–19 curriculum entitlement, making provision for excluded pupils and in procuring learning platforms.

11.4.3 The provisions about commissioning school places must ensure that the time required to secure new provision is not unduly prolonged.

11.4.4 Local authorities powers to intervene in coasting or failing schools must be backed up by the ability to hold resources to support action and consistent with good employment practice.

11.4.5 The introduction of School Improvement Partners must be in the context of local authorities' retaining the capacity to give broad and timely information about their schools that enables them to offer support or intervene at short notice.

11.4.6 Local authorities must have the ability to place children with special educational needs in all local state schools in accordance with parents' wishes and the Code of Practice.

11.4.7 Local authorities will need confidence in the long term funding regime if they are to sustain the extended services that they are helping schools to develop.

11.5 Local authorities welcome the role of champion, of leading on the commissioning of services and holding to account a broadening range of providers. We do not accept that this role means that local authorities cannot make provision for school places nor accept the premise that there should be no new Community schools.

11.6 At present where a school has financial difficulties the local authority can provide support. When for some reason the position at the school does not improve it only has at its disposal the suspension of delegation. An additional facility, which might be used before suspension is considered, could be to allow the local authority, where a school fails to achieve its financial management standards, to direct a governing body to take the necessary action. In effect it would be formalising the local authority's final warning in advance of suspension and may in some circumstances be sufficient to achieve improvement.

11.7 We do not believe that the on-going debate about types of schools has made any contribution to raising standards and serving children better. Quite the contrary, this has led to a diversion of energy away from these key tasks. Fundamentally, parents want a good local school. This should be every child's entitlement and all our efforts should be focused on achieving this goal.

Surplus places, falling roles and school place planning

11.8 The White Paper recognises that "Local authorities will need to plan how many schools their area needs, where and how big they need to be, what kinds of schools will serve the area best, and who the school should serve." This is a welcome acknowledgement of the continued role of the local authority in the strategic planning of school places as is the local authorities duty to act strategically to keep surplus capacity down to affordable levels by "taking out" the weakest and least popular schools. The danger here is obvious, for those weak or less popular schools in urban areas will be amongst those serving predominantly poorer communities with potentially complex needs. Similarly in rural areas where there is far less choice of schools, the "taking out" of weak schools may in effect reduce the choice of local school to zero for some communities and indeed make the transport provision highlighted in the White Paper a necessity for some children to attend any school. This is hardly choice and diversity.

11.9 The White Paper has completely failed to take into account the issue of falling roles in both primary and secondary phases. This demographic phenomenon may mean that successful and popular schools ultimately suffer from unaffordable surplus capacity, thus potentially resulting in reduced choice for pupils and parents.

November 2005

Memorandum submitted by The Association of Greenwich Governors'

The Association of Greenwich Governors' wishes to make the following points regarding the Education White Paper. Let us say right at the start that we share with the Government the desire to improve both the educational standards of children and the participation of parents and carers in their children's education. It is a proven fact that when parents feel they are involved with the education of their child standards improve. The White Paper states this is its aim but we do not believe that all of the proposals are will achieve this aim. Our concerns are:

1. Self-Governing Trust Schools (WP2.7 to 2.20).

1.1 The Labour Party was against the idea of schools being allowed to opt out when this was the policy of the Conservative Government. We note that the proposals for schools to be allowed to become self governing Trusts mirrors some of most objectionable aspects of the opting out scheme.

1.1.1 Currently community schools are recognised as belonging to the whole community and the governing bodies of community schools include representatives of the whole community. We cannot see how it can be right for community schools, in which everyone has an interest, should be put into the control of a Trust which may have no links with the community. This is especially the case now that the drive is on for schools to become the heart of the community with community use both during school hours and after school hours. Trusts especially those who control a number of schools may not have the same community ethos.

1.1.2 The current governing bodies of community schools reflect the fact that such schools belong to the entire community. The proposals for the governing bodies of any Trusts allow those governing bodies to have a majority of the members of the governing bodies appointed by the Trusts. This not only goes against the important community interest principle, but also against the desire of the White Paper to give parents more of a voice in the education of their children, as such a governing body could have proportionally fewer parents than governing bodies now have. The proposal to set up Parent Councils does not address our concerns on this, as governing bodies only have to take account of their views.

1.1.3 A Trust can be set up simply by a vote of the existing governing body. This was another of the objectionable parts of the Conservatives' opting out scheme. It cannot be right that schools that belong to the entire community and are the concern of the entire community can be removed from that community without its agreement.

1.1.4 Trust schools will have flexibility that will impinge on other local schools. While there is a statement that Trust schools should have regard to local admission arrangements it is clearly stated that they will be able to set their own admission criteria. New cross-London secondary school admissions arrangements have just come into effect which have gone a significant way to solve the problems many Greenwich parents faced in trying to find a place for their children. Giving each Trust school power over its own admissions cannot help solve these problems and may well exacerbate them. And how can allowing each school to set its own arrangements possibly help ensure parental choice? Trusts will also have the possibility of setting their own pay and conditions arrangements.

1.1.5 Where is the evidence that Trusts will drive up standards?

2. Academies (WP2.29-2.30). These are to remain at the heart of the new programme. We remain sceptical of the success of the academy programme believing that a community school with a new build to the standard of the new academies would perform just as well if not better. Our nearest academy, Bexley Business Academy, has not achieved the improvement in results that should be expected with such a large capital spend.

3. New Schools (WP 2.15). All new or replacement schools, primary and secondary, will be self-governing (Foundation), Trust, voluntary aided or—where appropriate—Academies. This has major implications for London and perhaps especially for Greenwich where there is an increase in pupil numbers and new schools will be required. We are worried by the idea that such new schools should automatically not belong to the community.

Memorandum submitted by Ron Glatter¹

SUMMARY OF MAIN POINTS

1. The Committee should continue to insist that proposals for major structural change in education must be buttressed by sound evidence. Policies such as those relating to specialist schools and academies have lacked this.

2. The structural proposals in the White Paper appear to be based largely on assertion.

3. Areas containing high proportions of schools that control their own admissions have relatively high levels of social segregation in school intakes.

4. International research shows that countries with more divided school systems perform distinctly less well, in terms both of overall standards and the spread of attainment, than those which are based on a more comprehensive and integrated approach. Integration, equity and excellence tend to go together.

5. Although the White Paper is said to be parent-driven, the structural proposals within it do not appear to square with what parents say they are looking for.

¹ Ron Glatter has undertaken numerous studies of educational governance, leadership and management. He was a Professor and Director of the Centre for Educational Policy and Management at The Open University for many years. He retired recently and is currently a Visiting Research Professor at The Open University and an Honorary Professor at the University of Warwick, also an Honorary Vice-President of the British Educational Leadership, Management and Administration Society (BELMAS).

6. The evidence suggests that a further enhancement of school autonomy would be a risky strategy in terms of the objectives of greater social equity, overall attainment and parental satisfaction.

7. The Committee should request the government to:

- (a) remove those elements of the White Paper which focus on the idea of independent state schools; and
- (b) ensure that no more schools become their own admission authorities.

1. I provided the Committee with an overview of research and key issues on school choice and diversity for its inquiry into diversity of provision in secondary education (Glatter, 2003). In this short statement I shall refer to some more recent research and also to raise some considerations relevant to the sections of the 2005 schools White Paper that concern choice and diversity.

The current approach to policy-making

2. There is no virtue in large-scale structural change for its own sake. It is always disruptive and creates major distraction from the core task. It can only be justified when the gains can clearly be shown to outweigh the losses. Thus the Committee has been right to insist in its previous work on secondary education that reforms must be supported by evidence and I hope that this stance will be maintained in respect of this White Paper. In defence of the White Paper's structural proposals the Prime Minister argued in a recent speech² that the proposals should be taken on trust because of the Government's previous record of success in this area. However, the Committee has shown that the evidence base for the policies on, for example, specialist schools and academies is far too slender to justify their national rollout.

3. The structural proposals in the White Paper appear to be based largely on assertion. That does not seem a wise approach to policy development. For example in support of the proposals the Prime Minister asserted in his speech that "there seeped into the [comprehensive] system a deadening uniformity". No evidence has been provided to support this sweeping claim. I suggested in my earlier overview to the Committee that any uniformity tended to result from the introduction of a tight national curriculum and associated assessment and inspection arrangements, coupled with the strong incentives that were given to schools to compete with one another which prompted many to appeal to the "safe" middle ground. In other words, aspects of the Education Reform Act of 1988 and related legislation encouraged uniformity rather than the comprehensive system, and I referred to evidence to support this. Such an interpretation, which would lead to very different policy conclusions, is worth at least as much consideration as an unsupported claim of "deadenning uniformity".

4. It is asserted in the White Paper that giving schools "independence" and "self-government" will promote the policy objectives of higher standards for all and a better deal for the less advantaged. Again no evidence is provided for this claim. Our state schools are already among the most autonomous in the developed world. Why should it be assumed that making them even more autonomous will be in the wider public interest? The popularity of some private schools to some parents appears to be the main driver, but two of the main attractions of these schools—very small classes and a self-selected intake—cannot be applied to most state schools. Nor is it at all clear why (as is implied in paragraph 9.3) local authorities should be considered unsuitable to provide schools directly. Surely such a major change of policy and direction after so many years in which they have, often very successfully, provided schools, needs some greater justification than simply saying that they are henceforth to become commissioners?

Evidence on "independence" and diversity

5. The structural proposals are claimed to be egalitarian, but the evidence suggests that if more schools are given control over their admissions, our social divisions will grow. For example Taylor *et al* (2005) have shown from their detailed studies of diversity, specialisation and equity in education that areas with high proportions of schools that control their own admissions have higher levels of social stratification than their neighbours. "Combining the 'specialist school' form of diversification with the 'school autonomy' form of diversification, as represented by voluntary aided and foundation schools, is leading to a two-tier education system" (*ibid*, p 61). They have also shown that Wales, where secondary education is largely provided by local authority comprehensive schools and where there are very few selective or specialist schools, "has markedly lower levels of segregation than the English average" (*ibid*, p 60).

6. The significance of segregation in terms of differing social intakes between schools is highlighted in the reports of the OECD's Programme for International Student Assessment (PISA). This large-scale study of the knowledge and skills of 15-year-olds was conducted in 2000 and again in 2003, on the latter occasion involving 41 countries.³ On each occasion it was shown that countries with more divided school systems perform distinctly less well, in terms both of overall standards and the spread of attainment, than those which are based on a more integrated and comprehensive approach. For example, "In countries with a larger

² Given in his Sedgefield constituency on 18 November 2005.

³ The UK had to be excluded from the results in 2003 because not enough students and schools took part to meet the statistical requirements for inclusion.

number of distinct programme types, socio-economic background tends to have a significantly larger impact on student performance such that equity is much harder to realise” and “The analyses reveal that countries with greater socio-economic inclusion tend to have higher overall performance” (OECD, 2004, pages 23 and 29). In other words integration, equity and excellence tend to go together.

7. This key message is reinforced by the recent Annual Report of the Nuffield Review of 14–19 Education and Training. It describes the emerging 14–19 phase in England as “divided (in both curricular and institutional terms), competitive and ‘weakly collaborative’” and notes that “there is a policy assumption that diversity and choice will increase participation, attainment and progression. However, national statistics suggest otherwise. The effects of a competitive and complex pattern of institutional arrangements, selection at both 11 and at 16 and a divided qualifications system combine to depress participation rates” (Hayward *et al.*, 2005, pages 139 and 172). It argues for a much more “strongly collaborative” approach based on the concept of a local learning area, in which there is a better balance between institutional freedom and collective responsibility.

Parental perceptions

8. The White Paper’s policy ideas are presented as meeting parents’ needs—Chapter 2 is called “A school system shaped by parents”. However, there is no explanation of how parents’ views have influenced the proposals and there is evidence that they do not square with what parents say they are looking for. The consumers’ organisation *Which?* (formerly known as the Consumers’ Association) surveyed 866 parents with children in state secondary schools and conducted 10 focus groups with parents of Year 6 and 7 children in early 2005. They found that parents valued access and quality more than choice: “Our research shows that above all parents want access to a high-quality local school: 95% agreed with this, reflecting the understandable fact that parents are risk averse when making this important choice on behalf of their children” (*Which?* 2005, page 12).

9. The Government has put a great emphasis on providing a range of different types of school. We have little understanding as yet of how parents react to such a complex environment of school diversity (in those areas where such an environment exists). The following summary of school leaders’ impressions of parental choice between various types of school given by the Secondary Heads Association may be indicative: “School leaders, including those of specialist schools, report that many such choices are spurious and are really parents ‘playing the system’ to gain access to a school seen as better for reasons often not related to its specialism or status. This tends to disadvantage less knowledgeable and well-educated parents, and to allow more scope for covert selection” (Ward, 2005, paragraph 31).

CONCLUSION

10. The evidence briefly mentioned above and that which I provided to the Committee previously suggests that a further enhancement of school autonomy would be a risky strategy in terms of the objectives of greater social equity, overall attainment and parental satisfaction. The White Paper does not make out a convincing case for such a strategy, in that it does not explain how it would help achieve these objectives rather than obstructing their achievement.

11. The White Paper does contain some valuable ideas but these tend to be in areas which require collaborative activity and/or regulation rather than greater school autonomy, for example the proposals under the headings of personalised learning and supporting children and parents. Overall the White Paper exhibits a massive tension between promoting the school independence agenda and its other more corporate objectives. This is seen for example in the statement that Trust schools “will be, in effect, independent state schools, but will remain part of the local authority family of schools” (paragraph 2.26). In paragraph 8.17 the document refers to the need for “a coherent approach to change and development across the system”. It is this system-wide coherence that seems to be under threat from the press for ever-greater school autonomy, particularly in the area of school admissions. I would urge the Committee to request the Government to ease this tension by:

- (a) removing those elements of the White Paper which focus on the idea of independent state schools; and
- (b) ensuring that no more schools become their own admission authorities.

November 2005

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November 2005

Memorandum submitted by the Association of Professionals in Education and Children's Trusts (Aspect)

INTRODUCTION

1. The Association of Professionals in Education and Children's Trusts (Aspect), previously known as the National Association of Educational Inspectors, Advisers and Consultants, offers the following comments to the House of Commons Education and Skills Committee on the White Paper "*Higher Standards, Better Schools for all: More choice for parents and pupils*". Aspect enjoys regular contact and dialogue with the DfES and relevant national agencies on a wide range of educational issues of concern to local authorities, schools and colleges and is actively involved in associated national-level consultative processes.

2. Aspect regards the stated intentions of the White Paper as laudable, but is concerned that certain of its proposals may place practical difficulties in the way of achieving these aims and may yet induce systemic fragmentation in a period when important nationwide school reforms are self-evidently required, for example in relation to modernising the 14-19 curriculum, further school workforce remodelling, and the highly significant "Every Child Matters" agenda. Aspect therefore requests the Select Committee to urge the government to conduct carefully-designed, evaluative piloting of the key, previously untried, initiatives outlined in this White Paper, prior to implementation of these proposals. Our Association contends that there is an insufficient evidence base to underpin several of the main policies involved. Detailed research is necessary so that new developments can be clearly evidence-led.

3. Aspect recognises the influential role played here by the thinking and writing of Professor Julian LeGrand who argues for "internal market" reforms to raise educational standards and transform schools into centres for lifelong learning. The Association endorses these objectives but believes that some of these proposals are framed in ways that could lead to necessary whole-system leadership across a given local area being eroded, making these aims harder to achieve across the board. School autonomy, as a general principle, is welcomed but essential checks and balances are required, for example in relation to ensuring fair admissions and effective school governance, to protect the broader public interest.

THE "EVERY CHILD MATTERS" AGENDA

4. There are disappointingly few cross-references from the White Paper to the 2004 Children Act and Aspect would prefer specific encouragement for schools to take due cognisance of the *Every Child Matters* agenda, in the form of a statutory duty to work with other key children's agencies and services. Aspect considers that key elements of the *Every Child Matters* project and the practical implementation of the Children Act are potentially weakened by the priority given to certain facets of school structural reform in this White Paper. We find it difficult to believe that a sufficient number of schools will seek to protect the interests of all children and young people, and give due emphasis to redressing the balance for those most vulnerable, in a more competitive, market-based, environment.

CHOICE AND ACCESS

5. Aspect fully endorses the need to take action to address the present pupil attainment gap identified in England and agrees that disparities between levels of educational achievement are still too strongly linked to parents' social and economic backgrounds. The results, as the White Paper states, include high and low achieving schools. However, the Association does not believe that these issues are ones that will be solved solely by facilitating new providers of schools. There are key issues of practical school improvement, centred on longer-term and sustainable capacity-building within local institutions, which are under-emphasised in this White Paper. Equally, Aspect retains concerns as to whether or not parents in general can be given a genuinely broader choice of schools, even with improved access to transport facilities and advice over local options, as there can be other barriers to the implementation of choice-based policies.

6. In practice, most schools are likely to, and probably should, serve the needs of their immediate communities first, and it is impractical to expect that many schools in more affluent, higher-achieving areas will ultimately limit admissions to promote enhanced social mobility. However, should this prove to be the case, Aspect questions whether the "displaced" parents involved would then choose to send their children to another school in a more socially deprived area, in order to better equalise intakes across the local system.

The alternative private sector option is a more likely choice for some of these parents, potentially leaving state schools in deprived areas to shrink or close. If they are then replaced by a new, unproven Academy it is still unclear whether this would prove more attractive to those parents from socially affluent areas.

7. Some of the current evidence does reflect improved performance by Academies and Aspect acknowledges the increased flexibility that they could bring to learning opportunities. However, the improved performance to date does not appear to match the investment level required and the opportunity cost of what else could have been achieved, if the same resources were to be more evenly spread across local schools, also deserves consideration.

8. The Association would therefore ask the Select Committee to urge the government to undertake carefully-designed pilots, with proper evaluative and submission arrangements, before the majority of these far-reaching reforms are put into effect. A full exposition of “trust status”, its tested impact on local pupil admissions, and the precise nature and extent of the new Schools Commissioner role, need to be identified at an early stage.

TACKLING FAILURE AND UNDERPERFORMANCE

9. Our Association retains concerns over the practical implications of introducing “fast-track” measures to improve schools already in special measures. It is generally recognised that, in order to embed sustainable improvement, more time than one year is needed and “quick fixes” are rarely permanent ones. With regard to the projected parallel implementation of an even “lighter touch” Ofsted inspection system for those schools which perform well, it is important that the overall system incorporates appropriate differentiated post-inspection follow-up in order to promote sustained development, as is found within the current HMIE regime in Scotland. This requires highly trained and professional school improvement staffs, to ensure consistent, high-quality support.

10. In respect of school place planning and admissions, as well as school performance issues, Aspect considers that there is insufficient evidence-based and linked-up policy analysis regarding the deeper causes of pupil disaffection and disengagement. The Association regrets, for example, the absence of linkages at all levels of government between education and housing policy planning and suggests that ability banding in schools can only realistically operate in areas of socially mixed communities.

PERSONALISED LEARNING

11. Aspect also considers that there are strong separate links between individual pupil failure and underperformance and learning and teaching strategies and setting, in addition to these matters of school admissions and establishment. In this context, we warmly applaud the heightened emphasis on personalised learning and small group tuition revealed in this White Paper. However, we maintain concerns that the White Paper proposals, although commendable in themselves, do not go far enough in terms of promoting greater flexibility in the provision of learning opportunities, particularly at Key Stage 4.

THE ROLE OF THE LOCAL AUTHORITY

12. Aspect would argue that a “middle tier”, such as a local authority, is the most appropriately placed level to promote equality, choice, diversity and fair access through exercising open and transparent planning and admission responsibilities across defined localities. We note that the retention of local authority responsibility for the management of Building Schools for the Future and Targeted Capital Funds does not seem to fit easily with the White paper’s stated intention of removing school planning from core local authority functions as extra linkages will clearly be required in order to exercise these functions.

13. The Association can accept the change from “Local Education Authority” to “Local Authority” if this is an indicator of more coherent cross-service planning as demanded by the Children Act. However, this notion may be at least partially undermined by the White Paper proposals concerning school autonomy, as indicated above. The concept of commissioning, as described in the White Paper within a context of locally organised services, needs greater and detailed exploration and discussion. Indeed, authorities are already under pressure to meet “Gershon” savings targets whilst carrying through the major change programme associated with *Every Child Matters*. The White Paper does not appear to recognise the capacity problems now facing local authorities and the uncertainties surrounding future financial provision. However, the expectation that local authorities and local Learning and Skills Councils will work more closely together to ensure real choice and higher standards in the provision of education for 14–19 year-olds is welcomed, if this leads to more coherent planning.

NATIONAL LEADERSHIP

14. Aspect certainly questions the appropriateness of asking the National College for School Leadership to identify headteachers to form a new group of “national leaders of education” within a notion of a developed career stage. It is not the case that the skills of individual school leadership are easily transferable, either between local institutions or from this particular local role to the general setting of future education

policy. “Best practice” in school leadership is effectively transferred via other means, including objective and highly professional support and challenge to schools. The objectivity of “trust” school leaders, given their organisational linkages as envisaged in this White Paper, may well require careful consideration in this connection.

15. The Association also considers that the White Paper may have missed an important opportunity to encourage a broader and more purposeful focus on teachers’ continuing professional development (CPD), building on the current strategies of the General Teaching Council (England) and the plans now emerging from the Teacher Development Agency. Reliable and well-resourced classroom teachers’ CPD is one of the key elements in sustainable whole-school development. CPD for all teachers ought to be a key priority as, in our modern rapidly changing world, teacher skills and knowledge development need to be continuously enhanced in order to carry out the job effectively.

SCHOOL GOVERNANCE

16. Aspect is concerned that much of the existing strength of local school governance, in terms of carefully reflecting balanced interests, may be disturbed by allowing Trusts to appoint the majority of governors. Equally, it may prove detrimental to allow a governing body to determine its own optimum size, especially with encouragement of smallness, as it is important to guard against the possibility of dominance by minority interests.

FURTHER INFORMATION

17. Aspect trusts that the above points will be of interest to the Education and Skills Select Committee, and would be willing to respond to any requests for further information which may assist the Committee’s deliberations on the White Paper.

November 2005

Memorandum submitted by Chris Payne

SUMMARY

Providing evidence on admissions criteria and the risks of allowing schools to select their own admissions criteria. I am concerned that the white paper fails to protect parents from school governors and faith organisations who choose to use unusual admissions criteria which parents would not reasonably expect to exist.

The white paper fails to require faith groups to describe the basic criteria that enable parents of those faith groups to understand the basic criteria of adherence that would define support for admissions ranking.

The white paper fails to instruct LEA’s on the basic principles that they should use to determine when a schools admissions criteria should be referred to the admissions adjudicator. Some LEA’s currently refer to the Schools Adjudicator when others never have.

There is no mechanism for parents to refer admissions criteria to the adjudicator other than in the case of schools applying a section process. For all other admissions criteria, parents are reliant on LEA’s to protect their interests.

EVIDENCE

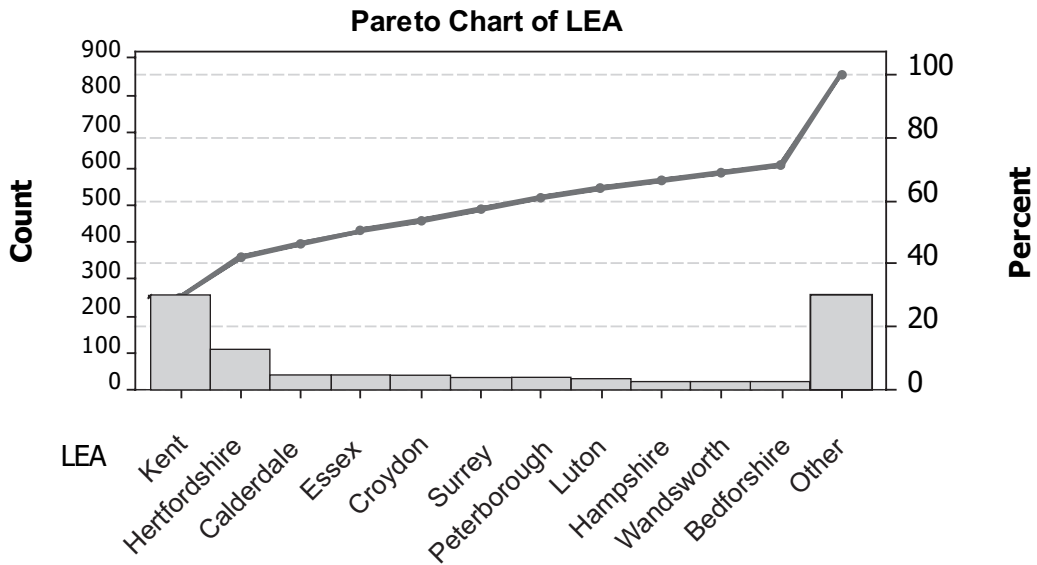
LEA referrals

Source: National Schools Admissions Adjudicator Website.

The following quote comes from Dr Hunter (Schools Adjudicator) . . . *schools need to be reminded that admission arrangements are drawn up for the benefit of local parents, not for themselves. Adjudicators are still seeing too many cases where arrangements are not clear enough for parents to make a realistic assessment of their chances of getting places, or where schools are accused of selecting by ability or social group.*

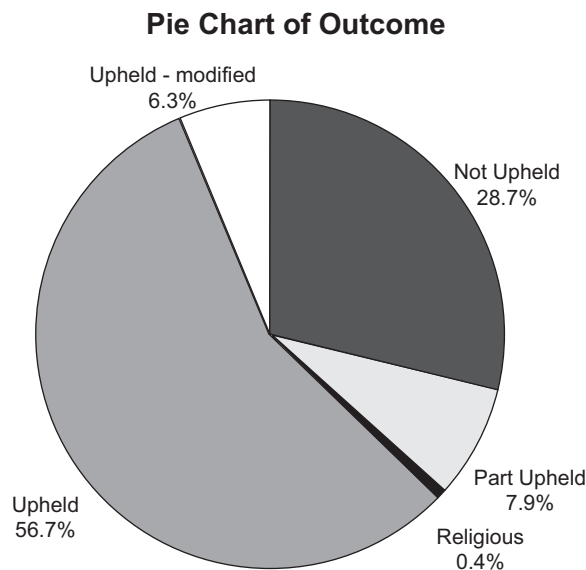
Given that this appears to be the case, it is surprising that some LEA’s have never referred a single admissions case to the adjudicator. Are the governors in these areas excellent or are the LEA’s remiss.

The following chart shows that 11 LEA’s submitted 70% of the admissions referrals to the adjudicator between 1999—2005.



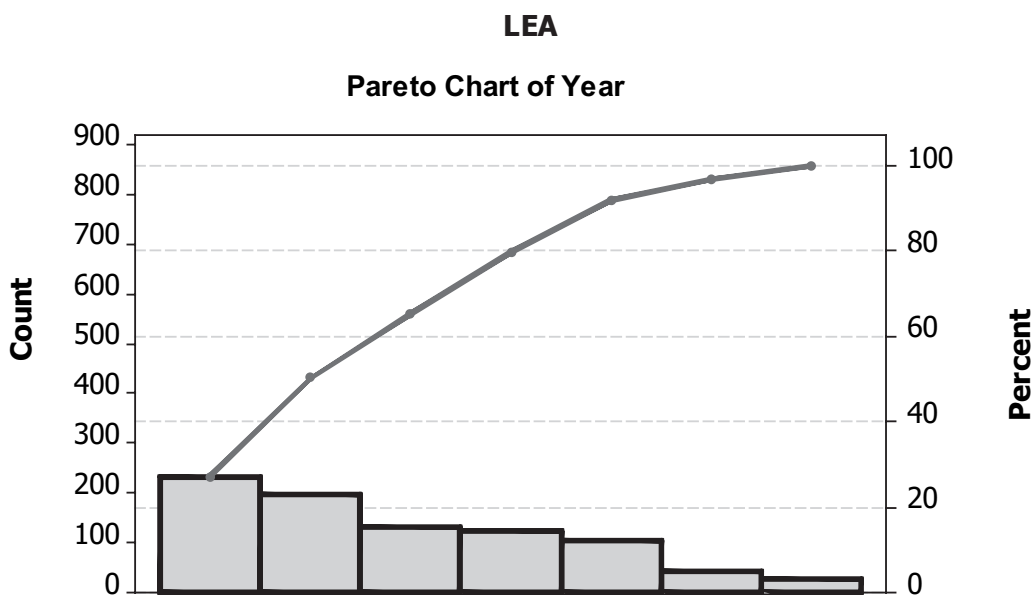
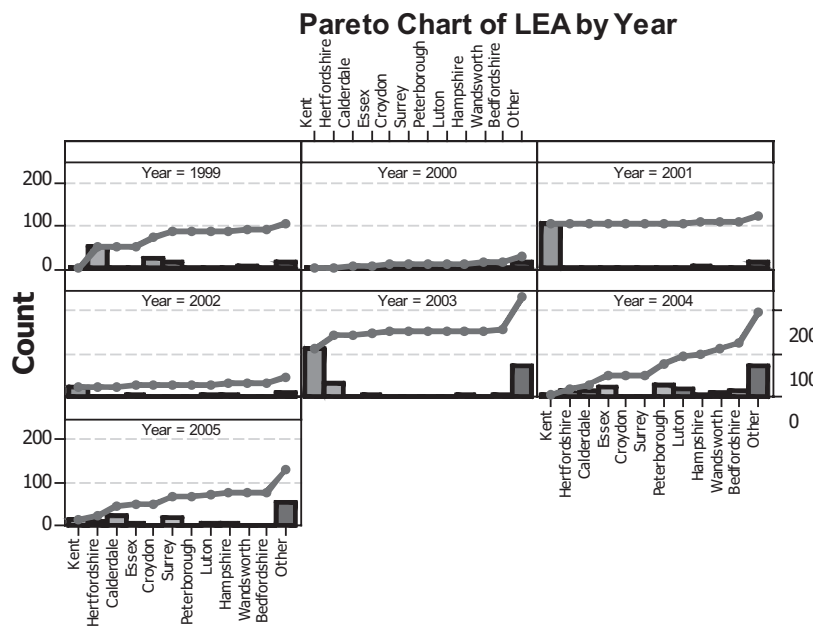
LEA	Count	Percent	Cum %
Kent	252	29.4	29.4
Hertfordshire	108	12.6	42.1
Calderdale	35	4.1	46.1
Essex	35	4.1	50.2
Croydon	31	3.6	53.9
Surrey	31	3.6	57.5
Peterborough	28	3.3	60.7
Luton	27	3.2	63.9
Hampshire	22	2.6	66.5
Wandsworth	21	2.5	68.9
Bedfordshire	18	2.1	71.0
Other	248	29.0	100.0

It may be the case that these LEA's were extra cautious. If this was the case it would be reasonable to conclude that the majority of referrals should be rejected. This was not the case. The majority were either upheld or part upheld.



This being the case it is difficult as a parent to determine if the local LEA is following the guidelines and looking after the interest of local parents.

The following two tables show that the referrals from high usage LEA's are spread over a period of time and that there was an increase in referrals after the last admissions guidelines were issued.



Year	2003	2004	2005	2001	1999	2002	2000
Count	233	197	130	122	104	44	26
Percent	27.2	23.0	15.2	14.3	12.1	5.1	3.0
Cum %	27.2	50.2	65.4	79.7	91.8	97.0	100.0

Brighton and Hove Council has never referred an admissions criterion to the adjudicator.

In the case of St Bernadette’s primary school the LEA refused to refer the used of date of baptism as an admissions criteria to the adjudicator. The premise is that they do not want to upset the excellent relationship that they have with the school.

This is in spite of the fact that the local judicial vicar for the catholic faith confirms that the faith considers all baptised Catholics to be equal.

Parents have no right to appeal to the adjudicator so are reliant on the LEA to look after their interests.

Rather than allowing faith schools to determine admissions criteria on school by school basis the government should seek each faith to set down common admissions criteria that all adherents to the faith can understand and recognise.

This would in turn save money as each LEA could check the admissions criteria in their area against these basic standards and each parent would know exactly where they stand.

CONCLUSION

Allowing unelected school governors to determine admissions criteria is likely to lead to the following outcomes.

- Faith schools creating rules based on local prejudices.
- Increase in the number of schools manipulating the admissions criteria to attract pupils likely to improve their SAT's results.
- An increase in litigation from parents against school governors.
- Parent's faith in the openness and fairness of the system starts to decline.

Setting a set of common standard admissions rules would reduce costs by:

- Eliminating the need for the admissions adjudicator.
- Reducing LEA costs.
- Reducing admissions appeals.
- Reducing staffing in the DFES occupied on admissions issues.

November 2005

Memorandum submitted by Professor David Gillborn (University of London)

RACE INEQUALITY, "GIFTED AND TALENTED" STUDENTS AND THE INCREASED USE OF "SETTING BY ABILITY"

WITNESS INTRODUCTION

David Gillborn is Professor of Education and Head of the School of Educational Foundations and Policy Studies at the Institute of Education, University of London. He is an internationally recognised expert on race equality and education policy. His past publications include two reviews of evidence for the Office for Standards in Education (Ofsted) that have become standard references in the field; he edits the leading international scholarly journal on race and ethnicity in education; and his most recent book was named "best book in the field of educational studies" (2000) by the Standing Conference on Studies in Education (SCSE)/Society for Educational Studies (SES).

SUMMARY

Three years ago I predicted that the introduction of the "gifted and talented" initiative would institutionalise race inequality because Black children would not be fairly represented in the scheme: the DFES issued a formal rebuttal, confident that no such pattern would emerge. Earlier this year the department published official data showing white children to be between two- and five-times more likely to be deemed gifted and talented than their Black peers.

Based on an understanding of the processes that sustain and generate race inequality in education, this submission predicts that, if left unchecked, the White Paper's proposals will worsen the inequality of opportunity endured by Black students. In particular, the plans to extend the use of "setting by ability" and enhance "gifted and talented" provision threaten further to institutionalise the race inequalities that have scarred the system for decades. The submission draws on national and international research to question the interpretation of "ability" that is embodied in the White Paper; to expose how racial stereotypes operate through teachers' decisions about who has/has not got the required ability; and to demonstrate the need for explicit race equality safeguards if the DfES is to meet its legal duties under existing legislation.

EVIDENCE

The view of ability in the White Paper

1. The White Paper does not explain exactly what it means by "ability": at times it seems to relate to prior attainment in school tests, at other times it might mean performance in written "intelligence" tests of cognitive ability, and it can also relate to grades awarded by teachers within school.

2. Despite this rather imprecise approach, it is clear that the White Paper assumes children have a relatively fixed amount of "ability", so that those with more/less ability at one point in their schooling are assumed inevitably to still have more/less than most of their peers at a later stage. This is made most explicit in the following statement:

"we must make sure that every pupil—gifted and talented, struggling or just average—reaches the limits of their capability." (para 1.28)⁴

⁴ Unless otherwise stated, all references refer to the 2005 White Paper, *Higher Standards, Better Schools for All*.

3. This is a particularly disturbing statement. It echoes a common belief that there are three types of children; in this case, the “just average”, the “gifted and talented” and the “struggling”. English education policy has continually returned to this belief since it was enshrined in the post-WWII system of selective entry to secondary schools and the use of the 11-plus exam. Although the Government has explicitly ruled out a return to such a system, the logic of the White Paper is that the selective system is re-introduced within an apparently more diverse arrangement. Although the Prime Minister’s Foreword speaks of “all-ability schools that retain the comprehensive principle of non-selection” (p 1) the reality is that the White Paper seeks to further strengthen the selection that already takes place within most state-funded schools.

4. The same quotation raises another deeply worrying question; it speaks of “the limits of [children’s] capability”—but how are such limits to be identified and do such limits even exist? This is addressed below.

“Ability” is not fixed and is not generalised

5. The principal objection to the White Paper’s view of ability is that, although it accords with some people’s “common sense”, it is actually quite wrong. Even those psychologists who design and market IQ tests widely accept that a child’s score can be improved significantly if they are tutored in the relevant problem-solving techniques and there is, of course, no single universally accepted definition of the term “intelligence”.⁵ Indeed, even among psychologists who believe that the concept has some usefulness there is no agreed definition:

“When two dozen prominent theorists were recently asked to define intelligence, they gave two dozen somewhat different definitions”⁶

6. There is, therefore, no sound basis for the idea that children can simply be separated into different groups on the basis of some kind of generalised ability that will inevitably remain a marker of relative academic giftedness (or deficit) for the rest of their educational careers.

There is no such thing as a test of academic potential: every test is a test of what a person knows at present

7. “The fact that Billy and Jimmy [sic] have different IQs tells us something about differences in what they now do. It does not tell us anything fixed about what ultimately they will be able to do.”⁷

8. This quote is from someone working within the psychometric field: Robert J Sternberg, the IBM Professor of Psychology and Education at Yale, who is a major figure in contemporary “intelligence” testing and a leading theoretician in the field of human abilities and giftedness. Sternberg has devoted considerable energy to his thesis that “abilities” are “forms of developing expertise” including several publications and the establishment of a dedicated centre at Yale. However, Sternberg’s central argument is not as revolutionary as some might think. The Cleary Committee, appointed in the 1970s by the American Psychological Association, stated that:

“A distinction is drawn traditionally between intelligence and achievement tests. A naive statement of the difference is that the intelligence test measures capacity to learn and the achievement test measures what has been learned. But items in all psychological and educational tests measure acquired behaviour . . .”⁸

9. Contrary to popular belief, therefore, there is no test of capacity to learn: every test so far conceived measures only what a person has so far learnt. Despite all the “scientific” facade that surrounds the industry of standardised testing, therefore, we must remember that tests—all tests—measure only whether a person can perform well on that particular test at that particular time.

The driving test analogy

10. One way to think about this in education is to compare our use of school tests with our use of driving tests. Schools routinely assume fixed differences in potential on the basis of their assessment of students’ performance. They separate children into different groups (eg separate tables in primary classrooms, different “sets” in secondaries). These different groups cover different amounts of the curriculum and, not surprisingly, eventually emerge with markedly different results.

⁵ See, for example, Sternberg, R J (2001) Giftedness as developing expertise: a theory of the interface between high abilities and achieved excellence, *High Ability Studies*, 12(2): 157–79.

⁶ Neisser, U *et al* (1995) Intelligence: Knowns and Unknowns. Report of a Task Force established by the Board of Scientific Affairs of the American Psychological Association, released August 7, 1995: www.lrainc.com/swtaboo/taboo/apa_01.html (last accessed 26 November 2005). An edited version was later published in the journal, *American Psychologist*, February 1996.

⁷ Sternberg, R J (1998) Abilities are forms of developing expertise, *Educational Researcher*, 27(3): p 18.

⁸ Cleary Committee of the American Psychological Association, Board of Scientific Affairs: quoted in Kamin, L J (1981) *Intelligence: The Battle for the Mind*. London, Pan Books, p 94: emphasis added.

11. But this is the equivalent of saying that people who do not pass their driving test on the first attempt can never attain sufficient competence to drive a powerful vehicle. Of course, in reality the person takes additional lessons and, on the basis of their improved abilities, the vast majority eventually make the grade. We do not assume that a poor driving test result denotes an inner deficiency that can never be made good, but that is precisely how many children are treated in terms of their academic potential

Teachers' decisions about "ability" tend to disadvantage Black students

12. When teachers separate students on the basis of their assumed "ability", Black students⁹ are frequently over-represented in the lower ranked groups. This is an extremely common finding in educational research in both the UK and North America.¹⁰ This has been observed in "tracking" systems in the US, for example, and in approaches to "setting by ability" and the "tiering" of GCSE examination papers in England. These decisions are often made at quite an early stage in the children's schooling but, because lower-ranked groups cover less of the curriculum, they have a cumulative effect that can be devastating. In research in two London secondaries, for example, my colleague Deborah Youdell and I found that two thirds of Black students were entered for Mathematics GCSE in examination papers where the highest possible grade was a "D".¹¹ Further research, conducted with colleagues at Bristol University, has examined these decisions in a larger sample of schools and found very similar patterns of Black disadvantage.¹²

Without explicit safeguards Black students will be disadvantaged by the proposals to extend "setting by ability" and the "gifted and talented" scheme: this is institutional racism

13. The Stephen Lawrence Inquiry proposed a definition of institutional racism (subsequently accepted by government) that focuses on the outcomes of processes not their intent:

"processes, attitudes and behaviour which amount to discrimination through unwitting prejudice, ignorance, thoughtlessness and racist stereotyping which disadvantage minority ethnic people"¹³

14. There can be few clearer cases of institutional racism than an examination (such as the lowest tier of GCSE mathematics), disproportionately taken by Black students, for which the highest possible grade is commonly accepted as a "failure".

15. In view of past experience, therefore, there are considerable hidden dangers of further stereotyping and race disadvantage in the White Paper's proposals to extend the use of "setting by ability" (para 4.36) and to develop a national register of gifted and talented pupils who will benefit from the additional opportunities offered by the National Academy for Gifted and Talented Youth (paras 4.23–4.25). There is nothing intrinsically racist in the proposals themselves: however, we know from recent experiences that Black students are likely to be under-represented in the selection decisions unless clear safeguards are built into the procedures. The same danger exists for working class students (regardless of their ethnic origin). This can be demonstrated by considering the operation of the gifted and talented scheme to date.

Warnings were ignored in 2002

16. In 2002 I gave a major public lecture which argued that the gifted and talented proposals, in the then-latest round of reforms, would likely result in an under-representation of Black students in the programme. The lecture received a good deal of media attention and the Department for Education issued a rebuttal arguing that:

"The gifted and talented scheme will identify children by looking at ability, rather than attainment, to capitalise on the talents of the individual child, regardless of ethnic background".¹⁴

⁹ In this context I follow the usual convention of using "Black" to denote those students who would be counted as Black Caribbean, Black African and/or Black Other in official returns.

¹⁰ I have reviewed this literature extensively elsewhere: Gillborn, D (2004) Racism, Policy and Contemporary Schooling: current inequities and future possibilities, *Sage Race Relations Abstracts*, 29(2): 5–33 and Gillborn, D and Mirza, H S (2000) *Educational Inequality: Mapping Race, Class and Gender—A Synthesis of Research Evidence*. Report #HMI 232. London, Office for Standards in Education.

¹¹ Gillborn, D and Youdell, D (2000) *Rationing Education: Policy, Practice, Reform and Equity*. Buckingham, Open University Press.

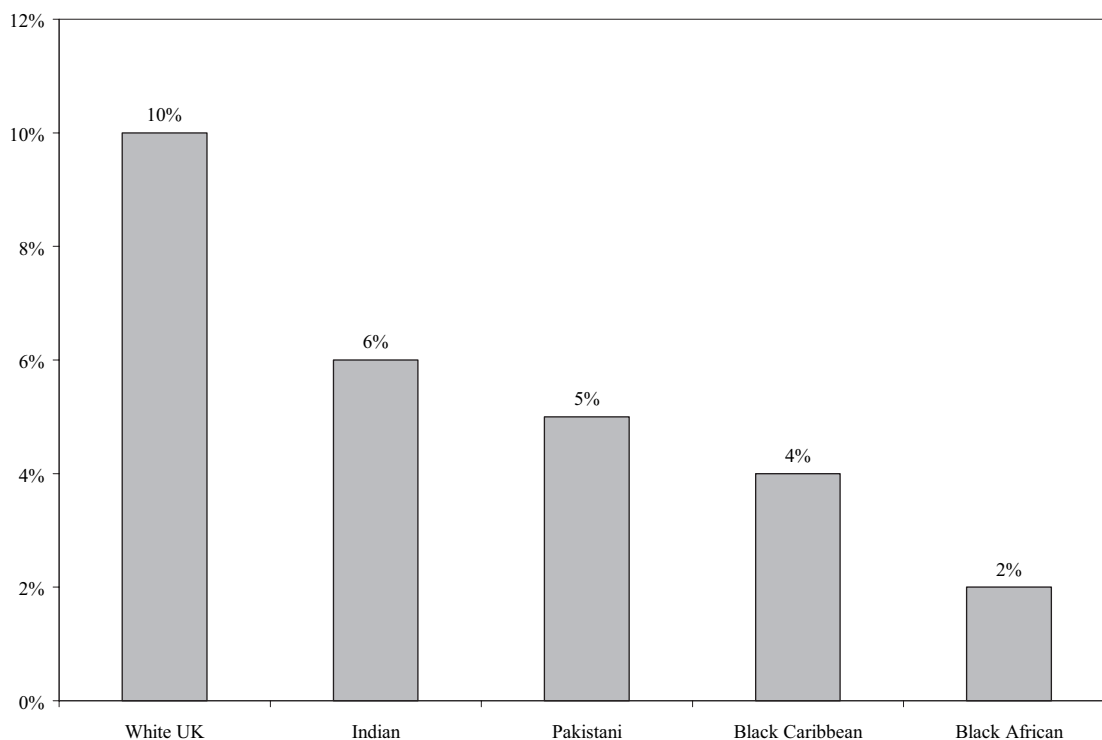
¹² The final report is currently under preparation for the Department for Education and Skills but preliminary analyses clearly replicate the earlier work.

¹³ *The Stephen Lawrence Inquiry* (1999) CM 4262–I, p 28.

¹⁴ See Smithers, R (2002) Racism rife says school expert, *Guardian*, 12 March: also available on the net at <http://www.Politics.guardian.co.uk/publicservices/story/0,11032,665805,00.html> (last accessed 25 November 2005). See also BBC News On-Line (2002) *Racism warning over curriculum plans* <http://news.bbc.co.uk/1/hi/education/1867639.stm> (last accessed 5 November 2005).

17. I have already commented on the fact that there is no difference between tests of “ability” and “attainment” (paras 8–9 above) and so I will not labour that point again. Rather, I will simply record that the department’s own data (released earlier this year) show that my original warning was entirely correct: white pupils were identified as “gifted and talented” at more than twice the rate of Black Caribbean children and five times the rate for their Black African peers.¹⁵

PERCENTAGE OF PUPILS IDENTIFIED AS GIFTED AND TALENTED BY ETHNIC ORIGIN
(ENGLAND)



The new proposals will make things worse for Black students

18. The DfES’s own data clearly demonstrate that the “gifted and talented” initiative has already operated in a fashion that disadvantages Black students. This was wholly predictable when the programme was launched but no safeguards were built-in. Consequently, the gifted and talented initiative has further institutionalised the already marked inequality of opportunity experienced by Black students. Therefore, in terms of the understandings established by the Stephen Lawrence Inquiry, and accepted by government, the gifted and talented initiative currently operates in an institutionally racist fashion. The White Paper’s will worsen an already unjust situation.

The references to race equality in the White Paper are tokenistic and piecemeal

19. The White Paper makes several references to minority ethnic groups, often in the context of their lower average attainments. This is to be welcomed as it shows that race equality is on the DfES’s agenda: unfortunately, the precise details do not live up to the rhetoric. In fact, the main proposals in relation to minority ethnic children are either optional or add-ons that have much lower status than the principal reforms. For example:

- (a) The School Improvement Partner (SIP) scheme (paras 2.62–2.63): it is suggested that the SIP (“usually a headteacher, working for the local authority”) might help schools make use of data to improve minority attainments. But there is no obligation to consider race equality as part of the SIP’s relationship with a school: the SIP may view lower minority results as commonplace and acceptable, or they may view the issue as too sensitive. Will they receive formal training in race equality? Will SIPs be any more likely to raise race as an issue than Ofsted inspectors (who have sometimes been seen to document race inequality in their statistics but then leave it out of the school’s action plans)?¹⁶

¹⁵ Department for Education and Skills (2005) *Ethnicity and Education: The Evidence on Minority Ethnic Pupils*. London, DfES, p 36.

¹⁶ Parsons, C et al (2004) *Minority Ethnic Exclusions and the Race Relations (Amendment) Act 2000*. London, DfES.

- (b) The “Aiming High” initiative, which has focused on raising Black achievement in 30 pilot schools, is hailed as a success in para 4.4 and then offered as a source of ideas to be applied more widely (para 4.30). But there are no concrete suggestions about programmes that schools will be required to join, nor any sense of firm targets for improvement. Once again, minority achievement is an optional extra.
- (c) The White Paper talks of raising the number of minority ethnic teachers (para 8.14) but this alone will not address the deep rooted problems in the system—role models alone are not the answer: the lower representation of Black students in gifted and talented schemes reflects the expectations of their teachers more than the students’ aspirations. The same paragraph (8.14) talks of expanding “available” support “to ensure all teachers have the skills and confidence to teach in a diverse classroom”: once again, the support is “available” but there is no sense of any urgency or compulsion.

There is an urgent need for the DfES to take the lead in prioritizing race equality, as a mainstream issue, in line with their legal duties under the law

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

21. The DfES’s own data show that the gifted and talented scheme has further exacerbated race inequality: the current under-representation of Black children was a wholly predictable outcome of the reforms announced in 2002. The same research evidence which led me to that conclusion three years ago (rejected by the department at the time but now confirmed in official statistics) leads me to the view that the latest White Paper will further disadvantage Black students through its recommendations on setting by ability and the gifted and talented initiative. Unless these proposals are rethought and, at the very least, framed to include obligatory race equality safe-guards, the DfES risks failing to meet its legal duties under the Race Relations Act.

November 2005

Memorandum submitted by the Socialist Education Association (SEA)

The Socialist Educational Association, the only educational association affiliated to the Labour Party, welcomes this opportunity to comment on the White Paper “Higher Standards, Better Schools for All”.

While we approve of many of its proposals, for instance some of those on extended schools, personalised learning, providing education for excluded pupils after their sixth day of exclusion, promoting good health, and school discipline, and welcome the proposal to encourage private schools to abandon fees and selection and the recognition that “fair admissions” means balanced intakes, we believe its main thrust is inimical to the promotion of comprehensive education and the continuance of a well-resourced education service; conflicts with the hope of collaboration over the 14–19 agenda; and was not part of the manifesto which Labour put to the nation in May 2005. We see no evidence for its assumption that a diversity of provision and a variety of providers will raise standards.

The White Paper claims to be centrally concerned about parental choice, but it fails to recognise that parents are only going to be able to exercise a preference and what most parents want for their children is a good local school. It should be the responsibility of the Department of Education and Skills to ensure that this is provided. If a school is deemed to be failing its pupils, it is pointless to close it and further damage the education of children attending it; but the LEA does need the means and resources to turn it around quickly while keeping it in the local community of schools. The Department has powers to see this is done without “bringing in educational charities, faith groups, parents and community groups and other not-for-profit providers to run schools” (White Paper 1.30) We need to be alert to the needs for social inclusion and not allow social and religious division to be extended in our schools. The proposals to provide advisers and transport for disadvantaged children are too dependent on their winning a place in the school of their choice and will not help them play a full part in the life of their school.

It is no answer to allow “popular” schools to expand and less popular ones to wither away to the detriment of those pupils left in them. This will only undermine the Government’s efforts to improve standards in all schools. Children transferring to a popular school will lead to a loss of income for their local school, a reduction of the curriculum on offer and staff looking elsewhere for promotion. It is likely too that as a consequence the local school will be left with a higher proportion of children with special needs and from poorer families which will only exacerbate the “failing school syndrome”.

We are alarmed at the proposal to end the role of LEAs as providers of education; we believe this would remove a vital defence which schools have had over the years against any central government moves to cut educational expenditure. Many of us remember between 1979 and 1997 how it was LEAs of all political complexions which resisted, often successfully, the Thatcher government’s policy of reducing the public

funding of education. It is our responsibility to see that we have a system in place which could cope with any future Government which might not have the determination of the present one to adequately fund our public education service.

It also removes a layer of democratic accountability for which proposals for Parents' Councils, however welcome, do not atone; parents' interest in schools is by definition limited to the time their children are of school age and to the particular schools their children attend. As citizens we all have an interest in how our schools are performing. We are aghast at the proposal that local authorities should no longer be able to provide new schools as even the White Paper recognises the local authority "has an important insight into local knowledge" (WP 134) No one is arguing for local authorities to be "interfering in the day to day running of good schools" (WP 1.34) but they can and do provide valuable systems of local advisers, training, interschool networks, economic supplies and support for less advantaged schools especially primaries. They are the only bodies able to take an overview of the organisation and effectiveness of schools in a limited area of the country which they know well and for which they are democratically accountable.

But it is the proposals for the setting up of Trust schools each acting as its own admission authority which we find most repugnant. Even if we had a rigorous admissions code of conduct this would still produce a system which would be impossible to monitor and likely to lead to widespread abuse as schools compete for intake in order to improve their league table and test positions. With the present code which is not mandatory it would mean an abandonment of any pretence to have a fair admissions procedure.

Moreover, the White Paper although it claims "there will be no return to the 11 +", fails to deal with the yawning lacuna of existing selection. There is no mention of the 10% of England (not Scotland, Wales or even Northern Ireland now) which still operates the 11 + and brands 70% of its children as failures at that age, and consequently creams another 10% of the country adjacent to it with a comprehensive schools system of some of their most able children. We find it completely inexplicable that the Prime Minister should condemn the education system in the past for only being concerned about educating the top 25% ("We must never concede the politics of aspiration for all" *Guardian* 18.11.05) while ignoring the fact that that system still operates in large swathes of the realm such as Kent and Buckinghamshire which certainly do not produce those "all-ability schools that retain the comprehensive principle of non-selection" of which the Prime Minister speaks in his Foreword to the White Paper. Statistics show that this system is socially and ethnically divisive, totally repugnant to both the Government's drive for social cohesion or the desire to relieve congestion on our roads. Further the White Paper has no proposals to deal with the widespread selection which exists by aptitude, faith, post-code and fees.

We call upon the Select Committee to be robust in its examination of this White Paper and its proposals for which we discern no widespread demand by parents and which if enacted could fundamentally and "irreversibly" alter our system of education, fragmenting it, destroying its defences and the balance of local/national responsibilities. We firmly believe in a publicly administered and coherently planned education service. Does the Government want to leave it open to the new barbarism which sees education as one area of public service ripe for exploitation by market forces?

November 2005

Memorandum submitted by Lancashire County Council

THE NEW ROLE FOR LOCAL AUTHORITIES—SCHOOL ORGANISATION ISSUES

1. There are some concerns about the practical implications of aspects of the proposals to:

- abolish the School Organisation Committee;
- prohibit the establishment of new community schools; and
- make the local authority the decision-maker on school organisation proposals.

2. Lancashire is a large authority with over 600 primary, secondary, special and nursery schools. Although over 280 of the schools are voluntary aided or foundation schools, and over 50 are voluntary controlled, this leaves a very significant number of community primary and community secondary schools, as well as community special schools and maintained nursery schools.

3. The White Paper proposals to make local authorities commissioners rather than providers of schools and champions of parents by abolishing the SOC, removing the right for the local authority to publish their own proposals for the establishment of new community schools, and transferring decision-making powers from the SOC to the local authority are all very well. However, there is scope for confusion and conflict from the proposals for authorities to be both provider and commissioner, to be both promoter and decision-maker and for procedural delay, as indicated below:

- (a) Unless existing community schools are to be required to change category, the local authority will be a provider for a very long time, based on the very limited interest shown by schools in changing category under the current regulations. This will hardly provide a clear role and focus for the authority if it continues to be the employer of staff and owner of premises in half the schools in Lancashire.

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- (b) An authority would appear potentially to be both the promoter and decision-maker for a range of proposals for existing community and in some cases other schools, including proposals for:
- school closure (discontinuation/ceasing to maintain);
 - significant enlargement;
 - closure of one site of a multi-site school where sites are one mile or more apart;
 - addition or removal of a sixth form;
 - lowering the age range;
 - adding or removing designated special educational needs provision;
 - changing from single-sex to mixed provision or vice versa;
 - transferring a school to a new site;
 - introducing banding;
 - introducing or ending boarding provision; and
 - establishing a new foundation school if no promoters emerge from a provider competition.
- (c) Subject to clarification of the White Paper, which would be appreciated, the local authority will also continue to be responsible for proposals to establish community special schools and maintained nursery schools.
- (d) If local authorities remain responsible for special and nursery schools they may concentrate their resources (in terms of capital funding and staff) on these areas.
- (e) The timetable for implementation lacks detail and could introduce planning blight in the interim. Uncertainty over timescale and whether aspects of the proposals will appear in final legislation could affect authorities currently undertaking or planning reviews/reorganisations. A reasonable transitional period is needed to prevent proposals emerging from such reviews being affected by the proposed competition requirements and decision-making processes. It is also questionable whether local authorities would propose to use prudential borrowing to invest in new primary or secondary schools that would transfer to the ownership of a trust under the White Paper proposals.
- (f) The White Paper proposals will add to the length and complexity of reorganisation and thereby impair the efficient use of resources by slowing down the removal of surplus places. The competition requirements will add at least six months to the process. The role of the Schools Commissioner creates further scope for delays. Variations to capital funding, rights of appeal and the decision-making processes further reduce transparency.
- (g) There are potential tensions between the authority providing dedicated consultancy to help parents develop proposals and subsequently being the decision-maker on such proposals.
- (h) The expectation that the authority will identify a site may be problematic. Sites are very difficult to find in some areas. Currently the site has to be identified before proposals are published. At what stage in the process will the dedicated capital funding (to support parental proposals) referred to in the White Paper be agreed?

November 2005

Memorandum submitted by the Association of Croydon Governors (ACG)

The Association of Croydon Governors aims to improve the knowledge, understanding and well-being of all members of the governing bodies of schools and colleges in the London Borough of Croydon. We ensure an effective way of sharing concerns with governors so that their collective views can be offered to the LEA or central government. Equally, where good practice is developed within one school or governing body, this can be shared by others through this association.

Whilst members of the Association recognise the White Paper contains some very positive aspects for Education and does not wish to detract from these, they have some areas of concern:

The Minister has stated that the paper is aimed at building on recent successes such as Academies. Thus the proposals for Trust Schools, reflect in a great many aspects those of the aforementioned. Academies, which are still in the early stages of the governments latest change agenda for schools and their impact on achievement, communities and governance will be under scrutiny for some time to come.

The concerns over Trust Schools and expanding schools are:

Model of Governance for Trust Schools—

It would seem that Trust Schools would have a similar model as those of Academies in which the “trust” would have the majority of members on the board, leaving one representative from each of the other stakeholder groups: Parent, LEA and Community.

The ACG are concerned that there is no evidence to support how it would be beneficial to the strategic management of schools. It appears that the intention is to reduce parental representation on the board, which effectively takes away their voice and power, but then implement a parents' council which will have an important consultative role but no power to vote. Effective Governing Bodies not only readily consult and engage with all parents but under the recent reconstitution of governing bodies, parents are the majority stakeholder on the board in most schools.

The role of schools within the local community, which we consider to be an important one with the Extended Schools Agenda, appears to be compromised under the proposals to allow some schools to expand and encourage pupils to travel further away from their community. This seems a definite breakaway from the Healthy Schools Programme in which schools have successfully achieved. They have received funding to resource their Travel Plans in order to encourage pupils to walk to school.

The expectation that expanding "popular" or "good" schools will increase parental choice and therefore raise achievement has little evidence to support this view. Our concern is focused on the management of the increased number of Admissions Authorities that will inevitably cause some greater difficulties in the Pan Admissions approach. With more schools setting their own admissions criteria it seems that schools will become more competitive and therefore selective. There would be little room for collaboration. We feel that federations reduce parental choice. As "popular" or "good" schools expand it may mean less successful schools become financially non-viable and lead to their closure or merger, thus further reducing parental choice. The Schools Organisation Committee has a vital role in ensuring communities are best served and we would strongly disagree with its abolition.

If Trust Schools, like Academies, set their own Pay Scales and Curriculum, we are concerned that there would be an impact on the recruitment and retention of staff for the smaller schools.

It does not seem practical to enforce such a tight time scale for schools who are in difficulties. Many schools have successfully turned around but their improvement plans may have taken more than one year to implement. Closing the schools so quickly causes a great disruption to pupils who are currently on role and a new school may not support them.

The ACG welcomes the additional grants to support personalised learning, but some governors are concerned that this will be for a short period and when implementing the programme into their School Improvement Plan there will be a tension on resources when setting their three year budget plan.

Whilst the ACG will always welcome legislation which will improve education for all and lead to greater parental choice, this white paper appears to reduce parental choice and will not lead to improved education for ALL only for some, particularly those in "successful" or "good" schools. Those attending "less successful" and "less good" schools, who most need improved education, appear unlikely to get it under these proposals.

November 2005

Memorandum submitted by School-Home Support

School-Home Support is a national charity, established in 1984 that provides practical and emotional support for disadvantaged and disaffected children and young people and for their families and carers.

OUR RECOMMENDATIONS:

- The role of "choice adviser" should be imaginatively conceived and parent focused; designed to ensure that parents and children find transfer to secondary school manageable and that it is successfully completed.
- Schools should find interesting ways of communicating information about children's progress—ways that succeed in engaging all parents and carers.
- Home-School agreements do need to be re-launched. But although parents usually sign them how many actually understand what they have signed up to? If mediated by a support worker these can be made much more effective.
- We hope Ofsted will interpret their brief for inspection of schools' engagement with parents as widely as possible and not interpret it solely as that prescribed by law.

OUR EVIDENCE

1. SHS welcomes the White Paper's emphasis on the responsibilities parents have in the education of their children. Some of the ambitions described—raising standards for all, especially amongst the least advantaged, helping parents to engage with the education of their children we would share.

2. We welcome the notion that ALL secondary schools are responsible for combating truancy, for improving behaviour and for hard to place children.

3. The expectation that schools will work closely with Children's Trusts is welcomed.
4. We also welcome the emphasis on the design of a system of education around the needs of children and on personalisation.
5. We are concerned about the changing role of local authorities especially as they have the responsibility to implement the *Every Child Matters* agenda. If they lose their maintaining responsibility for schools how will they be able to monitor the delivery of the five key outcomes in schools?
6. There are schools that need to improve particularly with regard to working in partnership with parents. Where schools work in partnership with parents the benefits in terms of outcomes for children and young people are huge. In our experience parents want their children to be happy at school. It would not occur to many of the parents we meet to request a new school.
7. The role of the local authorities as recruiter of a Parents' Champion is welcome. We welcome the proposals to provide better information for parents.
8. "Choice advisers" will undoubtedly help parents confused and worried by the plethora of choice of secondary schools in London and in other urban areas.
9. We know that many parents need more than a one-off session with a "choice adviser". Changing school is rightly recognised as a daunting and difficult time for parents and children; there are always some who have no school to go to when September arrives. The reality of a "choice adviser" needs to be imaginative if the process of transfer is to be made more manageable and if children are not to lose ground in their first year in secondary school.
10. The requirement to give parents information on children's progress at least three times a year is welcome but schools must find innovative ways of communicating this.
11. The decision to re-launch the guidance on Home-School agreements is welcome. Where mediated by a support worker they will undoubtedly be more successful. At present parents sign them—but how many really understand what they have signed and why? But this should not be where home-school links begin and end. Successful intervention where problems are identified early can prevent problems young people experience becoming intractable and constructive home-school links can facilitate this.
12. We welcome the requirement of Ofsted to report on schools' engagement with parents. We hope Ofsted will not take a mechanistic view of this and refer only to schools' legal obligations. Effective parental involvement in schools is much more than that prescribed by law.
13. The stronger encouragement to involve pupils in secondary schools in decision making through school councils is welcome. Many primary schools also have school councils so those in secondary schools need to build on the experience many young people have already developed.
14. The additional funding that will be made available for schools to provide information sessions when children start at primary and secondary school is welcome—however, time and thought need to be given to responding the kinds of questions parents have. Some, unfamiliar with the UK system, may be unable to articulate the anxieties they have and building trust takes time.
15. The recommendation that schools should develop the function of a Pupil and Parent Support worker mirrors the role our School-Home Support Workers have in schools. It would be a pity if the Pupil and Parent support worker role was too narrowly conceived.
16. The continuing consultations with local authorities about whether they have the tools they need to support parents is welcome—it is our view that they do not, that they need to recruit or commission from the voluntary sector where there is considerable expertise.
17. We welcome the recognition of the role of parents and of the needs of disadvantaged children and families—they do need more resources. But we do consider that the White Paper misses the point insofar as disadvantaged groups are concerned. It is not they who will lobby for new schools or drive change. For whatever reasons they are concerned that their children go happily and safely to school, that they are happy there and are not bullied. Within the context of their lives they are unlikely to be able to campaign for new schools.
18. We know that there are some groups who are more at risk of being troubled by the secondary transfer process:

The risk factors are:

- Children who have less parental support.
- They appear to teachers and other adults to be less confident and mature young people.
- Their SATs results are below average.
- They are more likely to be from poorer socio economic background.
- Their families suffer from poor health.
- They live in poor housing conditions.
- They suffer from material deprivation.
- The family are often led by a lone parent.

- Children already have a pattern of poor attendance or behavioural, social and emotional issues.

It is important to identify risk factors early and make contingency plans so that these children have appropriate secondary school places.

19. SHS makes a difference. Where secondary schools employ School-Home Support workers:

- Attendance in Year 7 improves.
- Information about a Year 7 student is received in time for schools to implement special provision.
- Students already “know” main people in the secondary school when they attend.
- Parents feel supported and can ask for advice.
- Fewer children are lost in the system.
- Children in Year 7 “settle in better”.

We have case studies available that illustrate our interventions.

17. We are concerned that allowing popular schools to expand may well affect less successful schools adversely. It is not always the case the less popular schools are not good schools. Small schools are often more successful with more challenging children and young people because they are small—this is a case where size does matter—in this instance—smallness.

November 2005

Memorandum submitted by Volunteer Reading Help

INTRODUCTION/SUMMARY

Volunteer Reading Help (VRH) is a national charity with around 2,500 volunteers nationwide. We recruit and train volunteers to work with looked after children and children with reading difficulties aged six to 11 who may need extra support and mentoring. Our trained volunteers read, play and talk with the children on a weekly basis, working one-to-one for half an hour with a child twice weekly. We work in schools but outside the classroom. We are currently looking to develop projects in extended schools.

1. VRH support the White Paper’s focus on issues relating to workforce reform; however, we remain concerned about the currently low-key role of volunteering in providing a flexible route into employment. We would urge the government to look more closely at volunteers in schools as an effective means of increasing staff numbers within schools. We know from our own experience that some of our volunteers go on to train as teachers or to become teaching assistants.

2. VRH welcomes the development of personalised learning, although we are concerned that investment should not be targeted disproportionately into secondary schools, as is the case under the White Paper reforms at present. We believe that learning interventions should take place as early as possible and that more resources should be directed at pre- and primary-school aged children.

WORKFORCE REFORM

3. VHR supports the focus the White Paper has on addressing the important issue of workforce reform which follows on from the DFES Consultation, *Children’s Workforce Strategy* carried out in June 2005.

4. However, VRH is concerned that volunteering is still omitted from the paper as a flexible entry route into employment. Our volunteers are extremely effective not only supporting and assisting children with reading and learning, but also in addressing issues relating to self esteem and personal development. They are able to build a personal relationship with the child and address specific difficulties they may be having. This is a mutually beneficial relationship, which also allows the volunteer to excel in employment. VRH feel that it is important that the work of volunteers is monitored and that they have an extensive training package to assist in this process. VRH are currently putting together a Competency Framework, which is being discussed with Jim Rose, Head of the National Literacy Strategy, which would assist volunteers in the classroom in teaching children to read. This will lead to our own accredited training programme, possibly in partnership with BTEC and others.

5. Volunteering can also be very effective in engaging a diverse workforce and VRH has worked hard to ensure that volunteers from all backgrounds feel engaged in this service. It is essential that children have role models from all cultures, who share similar cultural and ethnic experiences. Initiatives like extended schools offer a significant opportunity to engage people from all cultures and backgrounds in volunteering, and we look forward to these being developed.

 PERSONALISED LEARNING

6. VRH welcomes the emphasis the White Paper places on personalised learning. One-to-one or group work is an extremely effective means of catering for the individual needs of pupils. VRH and other voluntary organisations are already working in this way and have found the method effective. It is important that this type of work has a lasting and continued effect and that sustainable funding is available. At present funding is often short term and therefore the long term benefits of such work can be difficult to deliver and sustain over a longer period. Projects which stop and start are of limited value.

7. VRH supports the Reading Recovery programme which is already active within primary schools, and the commitment the White Paper makes to piloting “new approaches to intensive support with reading”.¹⁷ However, the focus of Reading Recovery is currently only on six year olds. Personalised learning is already used by VRH and whilst different from the very intensive support provided by Reading Recovery, can be seen as part of the layered approach to literacy support that is so favoured by the government at present. The success of our work with a broad age range illustrates the need to continue investment in this area and we are concerned by the disproportionate investment in personalised learning for secondary schools over primary schools.¹⁸ We are in discussion with Reading Recovery regarding developing some joint pilot work during 2006.

RECOMMENDATIONS

8. VRH recommends that the role that the voluntary and community sector can play in the school workforce is highlighted through consultation within the workforce reform agenda, and to assess what benefits volunteering can bring in providing a flexible route into employment in the education sector.

9. That the voluntary sector is consulted and able to participate fully in the development of personalised learning, not only throughout school hours but also within the extended schools initiative. VRH recommends that schools involvement with the voluntary and community sector during the development of extended schools is monitored by Ofsted, and that the outcomes are consistently reported on.

10. VRH is concerned to see that there is equal investment at primary as well as secondary level.

November 2005

Memorandum submitted by the British Humanist Association (BHA)

**THE FUTURE FOR SCHOOLS: DISRUPTION, PERVERSE INCENTIVES AND MORE
RELIGIOUS CONTROL**

THE BRITISH HUMANIST ASSOCIATION (BHA)

1. The BHA is the principal organisation representing the interests of the large and growing population of ethically concerned but non-religious people living in the UK. It exists to support and represent people who seek to live good lives without religious or superstitious beliefs. The census in 2001 showed that those with no religion were (at about 15%) the second largest “belief group”, being two-and-a-half times as numerous as all the non-Christian religions put together. Other surveys consistently report far higher proportions of people without belief in God—especially among the young. A 2004 survey for the DfES found 65% of those aged 12–19 had no religion.¹⁹ By no means all those without religion are humanists and even fewer so label themselves, but our long experience is that the majority of people without religious beliefs, when they hear humanism explained, say that they have unknowingly long been humanists themselves.

2. The BHA is committed to human rights and democracy, and has a long history of active engagement in work for an open and inclusive society, and open and inclusive schools. The BHA has always taken a strong interest in education, especially religious and moral education, and has participated in many official consultations and working parties. In 2002 it published a policy paper on religion and schools, *A Better Way Forward*.

¹⁷ *Ibid*, section 4.10.

¹⁸ Figures given by Lord Adonis for personalised learning at key stage 3 (secondary) is £335 million, an additional £60 million would be available to both primary and secondary schools. Benchmark data for how this money will be allocated has yet to be decided.

¹⁹ *Young People in Britain: The Attitudes and Experiences of 12 to 19 Year Olds*. DFES Research Report RR564, National Centre for Social Research 2004. Similarly, in a survey of 13,000 13–15 year olds, 61% declared themselves atheist or agnostic (Revd Professor Leslie Francis and Revd Dr William Kay, Trinity College Carmarthen, *Teenage Religion and Values*, Gracewing, 1995).

THE WHITE PAPER “HIGHER STANDARDS, BETTER SCHOOLS FOR ALL”

3. The priority this Government gives to education is welcome, and many of the proposals in this White Paper are also welcome—for example, the emphasis on personalised learning support (including help for gifted children as well as those who fall behind), on information for parents, on better management of disruptive behaviour and on professional development for teachers. We are also pleased at the proposal to abolish Schools Organisation Committees, whose membership includes the very churches whose proposals to take over community schools or expand religious school provision the Committees adjudicate upon, making them judges in their own court.

4. However, much in the White Paper is open to serious objections. It proposes structural changes that will be disruptive and are built on inadequate knowledge and experience. The proposal for trusts is barely sketched but suggests confusion, the potential for a lack of accountability and a loss of democratic control. The reliance on market mechanisms of competition between schools for pupils will create perverse incentives that will do serious damage. And trusts and the proposal for parents to create new schools seem sure to put even more of the school system under religious control. It is these objectionable aspects of the paper on which we comment below.

DISRUPTIVE REORGANISATION BASED ON MINIMAL EVIDENCE

5. Even well considered and necessary changes of organisation are disruptive and may absorb disproportionate time and attention. In schools, this means that teaching—especially individualised attention to pupils—and the extra activities that turn schools into communities rather than just places for study suffer while the reorganisation is planned and implemented. Closing schools and re-opening them is especially disruptive.

6. This can be a price worth paying in the short term if the prospect for the long term is proportionate and assured—but the short term for administrators and politicians can be a large chunk of the school life of several cohorts of children.

7. When reorganisation is driven not by careful pilot schemes and experience but by impatience and doctrinaire preconceptions, it is impossible to justify. This is, sadly, our view of many of the White Paper’s proposals. Change is seen as a virtue without qualification, choice for parents is elevated above everything, and the future is painted as one of constant revolution. We foresee widespread confusion interspersed with islands of excellence, unconsidered comparisons with which will cast accusations of failure against the inevitable victims of a system that elevates competition above cooperation for shared ends and new buildings, new sponsors above lasting values.

8. It is not for us to provide a full-blown alternative pattern, but we are convinced that the key lies in a broad pattern of inclusive neighbourhood schools, minimising the chances of middle-class opt-out and therefore using the ambitions of parents to drive improvement in all schools; and in revealing to children the value of learning and acquiring skills for their own sake rather than merely as instruments for future advantage. The test of success in a school should be broader than numerical scores after questionable tests. The Government’s rejection of large parts of the Tomlinson report is, in this regard, highly regrettable.

9. Instead, the Government’s strategy appears to be to build on special cases of success. Academies are held—on minimal and very mixed evidence—to be a model for the future (some are already failing, and there is evidence that some expel substantially more pupils than other schools and take fewer children from disadvantaged homes etc). Foundation schools share both the mixed record of academies and to a lesser extent their privileged funding.

10. Nowhere does the Government stop to consider that a large part of any comparative success by these schools may be due not to their legal and administrative basis (an unlikely hypothesis the moment it is propounded) but to

- (a) their generous funding;
- (b) their attraction for the most ambitious teachers and parents; and
- (c) the well-proven effect of being in the limelight—the Hawthorne effect—which notoriously cannot be generalised.

TRUSTS: UNCLEAR ROLE; UNACCOUNTABLE; UNDEMOCRATIC

11. The proposal for Trusts extrapolates out even more dangerously from the still inadequately tested experience of Academies. The White Paper pays no attention to the increased complexity of administration and consequent burgeoning bureaucracy from the structure they propose. In future, many heads will (if these proposals are implemented) have to deal with:

- (a) their governors;
- (b) a Parents’ Council;
- (c) (perhaps) a School Council;
- (d) a “School Improvement Partner”;

- (e) a Trust;
- (f) the head of the Trust's lead school;
- (g) the sponsor organisation(s) for the Trust; and
- (h) even perhaps the local (education) authority.

12. This could lead to great confusion. Moreover, the head will probably be acting to some other school as its School Improvement Partner, since most of these SIPs are to be head teachers themselves. (The role of the School Improvement Partner is singularly ill-defined: it is said that they "will be equipped with new data that will pinpoint pupils or groups of pupils (for example those from a particular minority ethnic group or middle ability boys) who are making less than expected progress, either across the board or in particular subject areas. They will then work with their schools, assisting them to put in place plans for improvement". Why not give the data to the head and leave him or her to plan improvements, rather than give the job to a peripatetic head with his own school elsewhere to run, and who is now probably in competition with his partner? Or has he resigned that to his own SIP?)

13. The role of the Trust itself is left quite unclear. They will have a role in spreading best practice—clearly a sensible idea in itself, but there are simpler ways of achieving it. So what role is left for the Trust when there is already a board of governors? The Trust is an answer looking for a question. If Trusts are created, governors could be abolished within a few years. The interests of the majority of parents, represented now by elected school governors, will perversely be sacrificed; occasional meetings dubbed Parents' Councils will have as limited use as the annual Governors' meeting with parents, the requirement for which the Government scrapped a few years ago.

14. Moreover, Trusts would surreptitiously expand the influence of religion in education, since the churches are to be encouraged to create trusts and take community schools under their wing. We return to this topic below in para 27.

15. So, not only will the school system be taken from the local democratic control of LEAs but even the generality of parents will lose out in favour of independent and uncontrolled Trusts, too often running religious schools totally financed from the public purse. Even in the market-driven and competition-obsessed USA such an idea would be unthinkable: there, school boards are directly elected by the communities they serve.

THE COMPETITIVE MARKET MODEL IS WRONG FOR SCHOOLS

16. The White Paper proposes a market solution in a context where the market can only bring disastrous results, since it depends not only on a sufficient number of successful schools expanding and new schools opening to incentivise the rest but also on a concomitant constant succession of failing schools contracting, closing and being replaced. The distraction from actual educational endeavour for all concerned is alarming. It is bad enough in industry (where it is at least well established that the outcome is greater efficiency and better provision of goods) that the price of vigorous competition is company failures and redundancies. In schools it will not only be teachers who find themselves redundant but children who find their schooling disrupted for years on end. It is difficult to imagine that this is a price worth paying for any particular route to school improvement, let alone one that is speculative and unproven.

17. The Government sees parents as the driving force for improvement. Apart from the fact that the interest of many parents will be confined to their own children, the White Paper's extrapolation from particular cases to the whole system assumes that the energy and dedication of the minority of parents who devote extended time and admirable energy to the interests of their own children's schools (let alone those who serve without such a family connection) can be endlessly replicated across the system. Most parents have neither the skills, energy, time or sometimes even interest to give so much to what in their own memory was until recently provided automatically and reasonably successfully in return only for their payment of rates and taxes.

18. The risk is that the gaps will be filled by people whose good intentions are accompanied by ulterior motives, which may well be the promotion of their religion, or the prosecution of a commercial advantage, or some other motive far from the good education of children.

19. To engage parents, the White Paper continues to promote the shibboleth of choice. It aims "to create the conditions where every parent has the choice of an excellent school"—does that mean, "the choice of an excellent school, a few average schools and a failing school"? If not, what does it mean? Presumably the vast majority of parents will choose the "excellent" school—and be disappointed. "There will be no return to the divisive 11-plus", says the White Paper, but the system it proposes is likely to be even more stressful.

20. Further, the choices parents make will feed back into the system, reinforcing not just success but also failure: a school will only need a poor set of exam results or some bad publicity and it may enter a vicious spiral downwards.

21. This is the consequence of a market system in which rational choices by individual parents, driven by their wish to optimise the outcome for their own children, will rarely if ever add up to an optimal solution for the whole community. It is the prisoner's dilemma writ large, with the system providing every incentive

for parents and schools to defect from the cooperation that would yield the best results overall. We all understand the way such systems work and there is no good reason for the Government to embrace such a system.

22. Further, what is true for parents' choices is true also for schools' choices. Moves by one school to maximise its success will often be at the expense of other schools. Competitive adjustments of salaries risk repeated overbidding at great expense. Admissions systems are notoriously open to manipulation and small advantages quickly breed runaway attraction for ambitious parents. The Code of Practice on admissions, only advisory, is little more than a fig-leaf, leaving schools to choose whether or not to conform—to their own apparent disadvantage—or to stretch interpretations or simply ignore it so as to take in the children most likely to produce the good GCSE results that will lead to more material rewards for the school. Besides, the Government envisages a future in which all schools, not just a minority, will be able to select 10% of their intake by “aptitude”, which has never been adequately differentiated from ability.

23. “There are those who argue that there is no demand for choice; but this ignores the reality that the vast majority of parents want a real choice of excellent schools”, says the White Paper, but without quoting any evidence. Most parents would presumably be satisfied with one excellent or just good neighbourhood school. To meet that demand, of course, all schools would have to be good or excellent. The evidence that parents want to choose, when their children are only 11, between a school specialising in languages or one specialising in science has yet to be produced. And specialist schools, even if they do well by those with an “aptitude” for one subject, do no favours to those without that aptitude, whose choice of school is further limited or who, if admitted, may find themselves second-class pupils when priority is given to the favoured subject.

24. Even if parents had any wish for a choice of schools, the choice for any individual family is bound to be limited—and differentiation of schools will often restrict rather than expand real choice, especially in rural areas where distance will dictate that there is little real choice. How many specialisms can be catered for in any neighbourhood? Rarely more than one. How many areas can offer both single-sex and mixed schools? Few. Moreover, some areas already offer no choice but religious schools—an inappropriate situation in a country where almost half the population have not even a nominal religion²⁰ and a DfES research study found that 65% of teenagers were atheists or agnostics.²¹ To expand religious provision of schools is to limit choice yet further for the majority.

25. That parents want good schools rather than choice is apparent from the lengths to which they will go to get their children into schools with a good reputation for success. If parents (as so many notoriously do) will feign religious belief, go to church regularly for years and help out at church events despite having no religious convictions, is that a vote for a church school or for a good school?

26. Why, in any case, should such exclusive emphasis be placed on the wishes of parents? They are important but there are other interested parties—employers, the wider community and its needs, children themselves and even learning, to which the White Paper implies a wholly instrumental approach.

THE CREEPING GIFT OF THE EDUCATION SYSTEM TO RELIGIOUS INTERESTS

27. We wish to draw particular attention to the way the White Paper proposals will certainly accelerate the creeping gift of the education system to the churches. This is not the place to rehearse the reasons—of infringement of young people's autonomy, of social, ethnic and religious divisiveness, of undeserved reputation based on hidden selection, etc—for opposing religious schools. Enough to say that the public, whenever asked, are firmly opposed to them.²² Yet the Government pursues a policy of expanding the religious sector in education and of eliminating totally any “voluntary” financial contribution to religious schools, so that there is no longer any doubt that the propagation of religion is being directly financed by the taxpayer.

28. The effect of religious Trusts—with Government encouragement—taking over community schools has already been mentioned. “Schools that acquire faith-based Trusts would not automatically become faith schools—that would require a separate statutory process”—but there is no reason to believe that this process would not be set in motion in most cases: such non-religious schools, it can confidently be predicted, will rapidly be re-opened as religious, with little chance of it being stopped without extraordinary exertions by concerned parents.

29. Trusts will be an easy route for religious sponsors to take over community schools—and many sponsors (the academies programme has already shown) will be fundamentalists with religious axes to grind, such as Sir Peter Vardy and Bob Edmiston whose Emmanuel Schools Foundation and Christian Vision organisation respectively espouse firmly anti-evolution creationism but are welcomed by the Government and given schools in which to promulgate their views to impressionable minds.

²⁰ 35% do not believe in God and 21% do not know—YouGov poll for *Daily Telegraph* of 1,981 persons aged 18+, December 2004.

²¹ *Young People in Britain: The Attitudes and Experiences of 12 to 19 Year Olds*. DfES Research Report RR564, National Centre for Social Research, 2004.

²² For example, 64% say “Schools should be for everyone regardless of religion and the Government should not be funding faith schools of any kind”—ICM poll for *The Guardian* 23 August 2005.

30. But the White Paper also encourages a group of parents “to ask for a new primary or secondary school . . . to meet a lack of faith provision . . . Local authorities will be under a duty to be responsive [and] to provide dedicated consultancy support to help parents develop a concrete proposal.” The Schools Commissioner will also be mandated to assist in this.

31. So a small number of religious parents who organise a campaign will be able to command public resources to develop proposals for new religious schools, LEAs will be under pressure to commission such schools when proposed (it is plain that LEAs are already being told by the Government that capital will be available only for the type of school the Government wants—academies and religious schools, for example), and that when parents are attracted by new and well financed buildings and by promotional razzmatazz, “local authorities will need to move quickly to close [non-religious] schools that [as a result of this unfettered but rigged competition] are failing to attract sufficient pupils.”

32. The Government’s bias to religion has rarely been seen so nakedly and it is time it brought its policies back in line with the wishes of the public.

CONCLUSION

33. We hope that if the White Paper proposals are implemented our worst fears are not met. But it seems plain to us that the perpetual revolution in organisation, the emphasis on structures rather than learning, the perverse incentives built into the system, the removal of democratic control and the creeping takeover by religious bodies are at least unhelpful and potentially divisive and destructive. We hope the Government will think again.

November 2005

Memorandum submitted by Human Scale Education

INTRODUCTION

About Human Scale Education

Human Scale Education (HSE) was founded in 1985 as an educational reform movement. It aims to promote small, human scale learning communities within the State maintained and alternative independent sectors. Drawing on extensive evidence, HSE believes that small, human scale learning communities can foster the positive relationships that enable teachers to know their students well. Evidence suggests that such communities make possible a more holistic approach to learning that engages the whole person and raises student attainment.

Human Scale Education is committed to the idea that in a pluralistic democratic society diversity of educational provision is fundamental to a healthy education system, and that for many young people a small, human scale learning environment can make the difference between success and failure.

Over the past 20 years HSE has sought to ensure the continued existence of small schools in the State sector that are under threat of closure. We have also supported groups of parents and teachers who wish to set up a small school in their own community. In collaboration with secondary schools, parents and policy makers, HSE is actively promoting the principle of restructuring large comprehensive schools into smaller learning communities. Further information about HSE can be found at www.hse.org.uk.

White Paper: Higher Standards, Better Schools For All

Human Scale Education welcomes the opportunity to comment on the White Paper *Higher Standards, Better Schools For All*. The proposals set down in the White Paper could, if implemented, bring about significant changes to the school system in England. It is therefore essential that the proposals are subject to the widest possible scrutiny and debate before they are laid before Parliament. This is particularly important since there remains much confusion about the main policy objectives at the heart of the White Paper. This confusion has been compounded by the way in which the White Paper was deliberately but misleadingly trailed, and by the fact that it has been drafted in such a way that rhetoric, hyperbole and political imperatives take precedence over serious policy issues. We therefore welcome this inquiry into the White Paper, but view with very serious concern the intention of the Secretary of State for Education and Skills to put the White Paper proposals before Parliament early in 2006. The time available for informed debate is woefully inadequate.

COMMENTARY

The central aim of the White Paper is to promote higher standards and better schools for all. HSE's purpose in submitting this commentary is to focus on three issues relating to the Government's proposals that we believe would help achieve these ends.

School Size and Scale

The policy of enabling "successful" schools to expand their numbers and the omission of any mention of the movement towards small learning communities is, in HSE's view, regrettable. While it would be simplistic to assume that the successful American public school experiment of smaller learning communities in the form of small stand alone schools or small learning communities within restructured large schools (the schools within a school model) can be transplanted to the UK, there are many lessons to be learnt from the American experience. The evidence from the American experiment is well documented and highlights the marked improvement in students' academic performance and behaviour that takes place in smaller learning environments. HSE is committed to the principle of small scale because of the difference it can make to the students' experience of education—a difference that springs from alternative approaches to pedagogy and assessment and the organisation of learning.

It is increasingly recognised that large, uniform institutions are failing to provide young people with the intimacy and individual understanding that many need in order to thrive. The progress at Bishops Park College in Clacton, Essex, demonstrates to date that a purpose built school comprising three smaller learning communities of 300 students aged 11–16 in each can foster the positive relationships that give students the self confidence and security needed for effective learning. Existing large schools that lack the funds for a major redesign can nonetheless restructure their buildings into smaller learning communities and HSE is involved with secondary schools that are engaged in this task.

School design should be of paramount importance in the radical new system of education envisaged by the White Paper. Such a system should include smaller learning communities which enable a more personalised approach to learning. In his Foreword to the White Paper the Prime Minister refers to the diversity that is available in other school systems in Europe. In HSE's view smaller learning communities should form part of this diversity.

Learning, the Learner and the Curriculum

Structures and systems are, of course, important. However, what goes on in the day-to-day practice of schools and in classrooms is at the heart of improving standards and promoting better schools for all. While noting the proposals for personalised learning, HSE believes that the White Paper fails to give sufficient weight to these issues. Our concerns are twofold.

Labelling Children and Young People by Ability

The White Paper is based on the controversial and, in our view, completely counter-productive assumption that right from the start, children and young people can be labelled by ability. Setting and grouping by ability are given particular priority in the White Paper (4.35, 4.36). However, of most concern is the over-simplistic categorisation of pupils into three distinct groups: "gifted and talented, struggling or just average" [emphasis added] (1.28). HSE believes this limited view of ability and potential will serve only to reinforce underachievement and result in precisely the kind of educational failure the Government is trying to eradicate.

Based upon our own experiences as professional practitioners, and drawing on extensive research recently undertaken by a team from the University of Cambridge (Hart *et al*, 2004), HSE believes that the very best learning that happens in schools is free from the constraints imposed by judgements of ability. Children learn very quickly about their standing in comparison with their peers. Experience suggests that by deliberately classifying pupils as "gifted and talented", "struggling" or "just average", too many children and young people—and particularly the socially disadvantaged—will be relegated to ghettos of ability from which they will never escape.

Rather than labelling children by ability, HSE would prefer to see the Government place much greater emphasis on developing practical alternatives to ability-based teaching which in turn will transform young people's capacity to learn. Cambridge University's *Learning Without Limits* project referred to above more than adequately demonstrates that an alternative improvement agenda is possible.

Curriculum and Assessment

Over the years, HSE has worked with many groups of parents who want to set up their own schools. It is our experience that these parents do not want or be elitist or exclusive, nor do they want to run schools for financial profit. On the contrary, many of the parent groups who have come to HSE for support are prepared to make enormous financial sacrifices.

They want child-centred schools run on a human scale. They want schools that offer a curriculum that is genuinely broad and balanced, that is open and generous, beckoning the child to revel in a learning environment rich in detail and extensive in scope, and where play is taken seriously. Most important, they want a learning environment that is less constrained by the limiting boundaries of competition, SATs and school league tables.

HSE has yet to be convinced that the proposals in the White Paper address these concerns. Schools and early years providers remain under a statutory duty to “deliver” the national curriculum and to administer baseline assessment and the statutory assessments at key stages 1, 2 and 3. They remain under a statutory duty to report their “performance data” to the DfES. The data published by the DfES is then used by the press to create league tables.

Aside from the proposals for 14–19 education and training, there is little if anything in the White Paper that leads us to believe that schools will be given the freedom and the flexibilities to design a curriculum that is genuinely appropriate to the needs and aspirations of children and young people in the 21st Century and one which nurtures and develops creativity. As important, there is no suggestion that schools will be freed from the continued use of the high stakes tests that, as evidence demonstrates, are narrowing curriculum coverage and are having a detrimental effect on the learning of a significant proportion of young people in schools. In this respect, the White Paper fails to provide an answer for the disaffected and disengaged young people in schools who learn, very early on, that if they are not at the right “level”, they will fail.

Parents as Partners

As stated in the preceding section HSE has worked with parents for many years and has supported parent founded and/or parent run schools. These are mostly small schools because of financial exigency and also as a matter of principle. We therefore welcome the central place given to parents in the White Paper (Chapters 2 and 5) and the intention to respond to their needs and aspirations. We welcome the proposal to accede to parental demands for new schools (2.31, 2.32) and the setting up of financial arrangements proposed to support such a venture.

However, we view the proposals to give parents the right to call in Ofsted (5.16) should they have complaints about their children’s school, an action which could lead to a “possible change in school management” (5.16), with misgiving. HSE has always worked collaboratively with parents and would recommend that the guiding principle of school/parent relationships is one of partnership rather than power.

HSE has been working with “hard to reach” parents to find new ways of involving them in the life of their children’s schools in four primary and secondary schools over the past year as part of a DfES funded project and it was gratifying to read in the White Paper an account of our work at Ladybridge High School, Bolton (5.19).

CONCLUSION

In conclusion, HSE welcomes the Government’s commitment to social justice and to improving the life chances of all children and young people, whatever their background. In seeking to achieve these ends there are, we believe, three key issues which are not properly addressed in the White Paper.

1. **School Size and Scale:** HSE would welcome greater emphasis in the White Paper on issues concerning school size and scale and on ways in which large secondary schools can be restructured into smaller learning communities which foster the positive relationships that give students the self confidence and security needed for effective learning.

2. **Learning, the Learner and the Curriculum:** HSE believes the assumption running throughout the White Paper that children and young people can be labelled by ability (“gifted and talented, struggling, or just average”) will prove counter-productive. Our greatest concern is that this policy will militate against the socially disadvantaged. HSE remains concerned that the White Paper offers insufficient scope for schools to develop alternative approaches to the curriculum, assessment and pedagogy. We believe the current curriculum and assessment regime has a detrimental effect on the learning of too many children and young people.

3. **Parents as Partners:** HSE welcomes the central place given to parents in the White Paper. We welcome the proposal to accede to parental demands for new schools and the proposed financial arrangements to support such ventures. However, we are wary about the proposal regarding Ofsted (5.16) and we would recommend that the guiding principle of school/parents relationship should be one of partnership rather than power.

REFERENCE

Hart, S, Dixon, A, Drummond, M and McIntyre, D (2004) *Learning Without Limits*. Maidenhead: Open University Press.

Memorandum submitted by Tameside School Governors' Forum

1. Tameside School Governors' Forum is a membership organisation for the governing bodies of maintained schools in the Metropolitan Borough of Tameside, Greater Manchester.

2. Tameside is a multicultural borough with a rich diversity of cultures. Many of our children come from families where English is not the language spoken. It has wards with a high level of deprivation and the area suffers from low income levels.

3. Levels of achievement have steadily increased as the pupils in our schools enjoy constantly improving standards of teaching and learning. Schools are supported and challenged by an active local authority. The stakeholder model of governance ensures the whole community is engaged in the task, the substantial percentage of parent governors ensures parental involvement in leadership and management.

4. Forum members found items within the White Paper it could support, focus on improving standards, better information about pupils and training for governors. It would support mandatory training at least on appointment.

5. Parents are actively encouraged to take an interest and be involved in their children's schools, we are less sure that that they would want to actively establish and run schools.

6. The suggestion that schools should become self governing has no evidential basis and the loss of community schools would take away "ownership" from the very people schools seek to serve. Schools should have the opportunity to be community schools if they so wish.

7. The formation of Trust Schools, with a governing body appointed, in the majority, by a trust denies the community the opportunity for meaningful involvement. We are at a loss to understand how such a governing body could carry out it's proposed duty to promote community cohesion. It appears that the government wish to mirror the current arrangements for Voluntary Aided schools but these are usually schools of a religious character and have deep roots within the community. A system that has evolved over a long period, with it's additional support system via Diocesan Education Boards, or similar, is somewhat different to a single Trust School. It is ironical that there will be a requirement to have Parent Councils when the legislation disenfranchises elected parent governors.

8. The governing bodies of Trust school seem to follow the type of model for Academies. In this case there is only one parent governor, hardly a way of promoting parental involvement.

9. The changing style of schools will also lead to the formation of many admission authorities each able to set their own criteria. This will make planning for an area impossible and will advantage the strong and disadvantage the weak. It seems to fly in the face of the co-ordinated admission arrangements that have just been developed and the endeavours of many local authorities to persuade schools, in their locality, to adhere to good practice when setting over subscription criteria. It also removes the opportunity for strategic planning to ensure there is adequate provision to provide choice for all families when planning children's education.

10. The multitudinous "independent" schools would be unlikely to engage in the, very beneficial, co-operative working that exists.

11. We do not support the abolishment of School Organisation Committees, whilst these may seem bureaucratic they do allow the education and local communities the opportunity to make representations and for these to be considered. It provides some scrutiny of plans and allows the process to be rather more transparent than one where the decision is vested in the local authority.

12. Unfortunately the shortness of time between publication of the White Paper and the final date for submitting evidence prevents a longer response covering the many issues within the proposals. We would however, like to conclude our evidence by stating that we have concerns about the models of governance suggested and feel these are detrimental to the system, believe that the many of the proposals conflict with other fairly recent initiatives that have not yet had an opportunity to come to fruition. We would suggest that the models suggested for schools would seriously jeopardise the opportunities for the children of Tameside and undermine some of the excellent work being undertaken to improve standards.

Memorandum submitted by Introduction to CARE

CARE (Christian Action, Research and Education) is a registered charity seeking to combine practical caring initiatives, at national and community level, with engagement in public affairs on social and ethical issues.

The CARE Public Affairs Team acts as a think tank and educator on social and ethical issues related to matters such as the family, education, bioethics and other related matters. They are a point of reference and information on each of these for Christians across the church denominations and throughout the UK. Through networking and briefings, politicians of all political parties are also informed as relevant matters are considered in Westminster, Edinburgh, Cardiff, Belfast, Brussels and at the UN.

CARE has contributed to a range of educational issues by producing resources and working on policy with Government, local authorities, schools and parents. Practice and policy work has focused on areas such as early years, school exclusion, sex and relationships education and the role of school governors. With experience in both state and independent schools including new City Academies, CARE is well placed to comment on the White Paper proposals.

INTRODUCTION

CARE welcomes this initiative by the Government to bring together various recent educational developments in England and Wales with a number of radical new proposals which will shape the service for the foreseeable future. The new proposals are concerned with the status and continuing improvement of schools, enhanced choice for parents and pupils and a modified role for Local Education Authorities. The White Paper raises many important issues some of which will need greater clarification and explanation.

CARE believes they should nonetheless, form an exciting basis for the continuing development of our education system and, most importantly, its effectiveness in meeting the needs of pupils and the aspirations of their parents.

1. THE CHALLENGE TO REFORM

1.1 The White Paper quite rightly draws attention to the progress that has been made in many areas of the education system but, although this is undoubtedly true, some recent research seems to suggest that programmes like *Excellence in Cities* and *London challenge* may not be having the impact on educational underachievement which was hoped for. Moreover, despite being able to quote some impressive statistics about improvements in primary literacy and numeracy skills and the growing number of secondary schools showing more than 50% of pupils achieving grades A–C in GCSE exams, the Government acknowledges that much more still needs to be done to raise attainment for all pupils.

1.2 CARE acknowledges the contribution being made to this process by training to improve school leadership, the advent of an increasing number of specialist schools, the ambitious programme of establishing Academies in areas of historic educational deprivation and under achievement. There has also been a very significant investment in ICT which has enabled schools to make use of computers an integral part of teaching at all levels. We believe, however, that these additional resources, will not by themselves address many of the problems associated with under achievement or, more importantly, the lack of confidence and poor self image of many of our children. CARE suggests that resources need to be targeted not just at underachievement in learning but also at the equally important task of raising individual pupils' confidence in the learning process which can often be demonstrated by other forms of achievement than that measured by examination results.

We therefore unreservedly support the White Paper's assertion that the key issue is seeking to ensure that all children should "have the same chance in life-with success based on hard work and merit . . . and that every pupil . . . reaches the limits of their capability".

In this connection we would argue that strong, sensitive and properly funded arrangements for pastoral care and counselling in schools have a vitally important role to play in helping pupils to improve their self image.

1.3 CARE shares the Governments belief that a dynamic, flexible school system working closely with the newly established Children's Trusts and other agencies, is essential if the ambitious educational improvements mentioned above are to be consolidated and continued.

2. A SCHOOL SYSTEM SHAPED BY PARENTS

2.1 At the heart of the White Paper's concerns is the desire to provide parents and, therefore, pupils with genuine choice in terms of the school they attend and the opportunities they are offered there to meet their individual needs. Parents will also be empowered to play a more active role in the process of improving schools.

With the reservations expressed below (in sections 5.1 and 5.2) CARE welcomes this emphasis.

2.2 CARE agrees that the flexibility already enjoyed by the new Academies and the more established Foundation Schools should be extended to all schools when they feel ready to embrace them. We would like to see more details of the proposed self governing Trust schools together with assurances and detail on how faith groups will be able to contribute to the development of them. It would be good to know how these are related to already existing Foundation Schools. CARE also welcomes the possibility that some Independent

Schools could benefit from entering the maintained sector and in particular would like the legislation to include provision for them to maintain their distinctive character and ethos. CARE believes this will further extend the variety of schools available to parents.

2.3 CARE is concerned, however that, although the intention is to give parents a greater say in the organisation of local schooling, (including the ability to seek the establishment of new schools which may meet particular local needs such as those of a religious character) there are some serious questions that need answering:

- 2.3 (i) How will these new schools deal effectively with Admissions, particularly if any return to selection is to be avoided?
- 2.3 (ii) How do popular schools deal with greater and greater numbers wishing to attend them without putting at risk the economies of scale (eg overall numbers in the school or class sizes) that will have played a part in their success?
- 2.3 (iii) How realistic are the proposed transport provisions likely to be with a system that already struggles in some areas to provide an adequate service?
- 2.3 (iv) What will prevent the Schools Commissioner becoming the new embodiment of the Local Education Authority (without the latter's range of staff) and thus limiting the very desirable freedoms that the new school status is intended to give? Also, can we be sure that the Commissioner will be sensitive to the particular needs of Faith Schools or those in the Voluntary Aided sector?
- 2.3 (v) The Government wants to ensure that the Governing Bodies of self-governing schools will be free to protect their independence and their own particular ethos. How will this be achieved when other agencies have the powers to decide on important issues such as admissions and the right of a self-governing school to expand to meet parental demand?
- 2.3 (vi) How will legislation ensure that the parents who do have a greater say are representative when experience shows that especially at secondary level it is only ever a minority of the most articulate or vociferous type that "get involved" especially in controversy?

2.4 CARE strongly supports the concept of federations of schools set up locally to share specialist staffing, extended school services and resources to meet the special needs of individual pupils and particularly where these arrangements help the delivery of 14–19 provision.

2.5 Finally in this section, CARE recognises the need to deal effectively with failing schools but it is not clear to us why the Local Authority should continue to be the agent of change when freedom from local authority control is at the heart of the Trust and Foundation School proposals.

We would like to see consideration given to the possibility that, where such schools (ie those who had opted for Trust or Foundation Status) are failing, they might be helped to improve, in conjunction with Ofsted, by a new body, possibly linked to the Academies and Specialist Schools Trust. This would give the opportunity for experienced colleagues in other local Trusts or Foundation Schools to share their expertise in School Improvement with the failing school. This work might also be undertaken within a Federation thus strengthening the ties in adversity as well as good times to the mutual benefit of all.

We feel strongly that to revert to Local Authority control as soon as something goes wrong would weaken the whole concept of freedom and federation implied in these reforms.

In any case CARE hopes that the manner in which a failing school is dealt with will be as compassionate as possible to those involved and particularly for those whose jobs may be at risk because of the draconian measures that might need to be put in place.

3. CHOICE AND ACCESS FOR ALL

3.1 Some of the issues raised in this section have already been touched on above and CARE supports (but with appropriate safeguards) the proposals in the White Paper dealing with Fair Admissions, extending rights to school transport, better information for parents to enable them to make informed choices and proposals such as "banding" to ensure that a school has a balanced intake.

3.2 Having safeguarded these important aspects schools should be encouraged to develop imaginative policies for admissions that ensure an integrated and inclusive intake which ensures a range of cultural and social backgrounds and other emphases to protect the established character and strengths of the individual school.

3.3 CARE is concerned that, of all proposals in the White Paper, the issue of parents effectively being able to opt for their children to attend popular and successful schools is the one most fraught with practical difficulty. Although the proposals to extend the right to free transport are very welcome, we, nevertheless, believe that much more careful planning and examination of feasibility need to be undertaken and we strongly urge the Government to do this.

4. PERSONALISED LEARNING

4.1 CARE commends the proposals and aspirations set out in this section of the White Paper and welcomes the promised provision of extra resources to promote important developments in this area. The emphasis on the needs of the individual, in terms of his or her learning, chimes well with the emphasis on choice and variety in the type of school that a child may attend. We only wish to make one or two comments in this section which are set out in 4.2 below.

- 4.2 (i) Care needs to be exercised in the use of banding or setting which, whilst it can very effectively aid learning, must be kept flexible to allow pupil movement between groups and must ensure that pupils can learn in different sets or bands according to their ability in any given subject. Failure to ensure this can soon lead to a kind of internal “elitism” between the bands or sets within the one school. We would also express some concern that a child may be labelled as a result of their banding and would urge that there be the utmost flexibility and opportunity for change at appropriate stages.
- 4.2 (ii) We welcome the recognition that Key Stage 3 is a crucial area where motivation needs to be enhanced in order to provide the best possible basis for progress in the challenging 14–19 programmes which follow.
- 4.2 (iii) We welcome the emphasis on the continuing need to provide for those with Special Educational Needs across the spectrum from the Gifted and Talented to those with significant learning difficulties.
- 4.2 (iv) CARE welcomes the encouragement to Teachers to improve the effectiveness of their techniques and to develop their own subject expertise through continuing Professional Development.
- 4.2 (v) The White Paper’s emphasis on the importance of continuity and transition at all stages of a pupil’s education is very welcome.

5. PARENTS DRIVING IMPROVEMENT

5.1 CARE warmly welcomes the proposals to encourage greater parental involvement in all schools and pays tribute to the many productive ways in which parents have traditionally interacted with teachers and pupils for the good of the school. We do, however, have some concerns about the extent to which parents as a whole want to be involved in “driving the improvement agenda” and would point out how easy it is for even the most well-intentioned parents to be concerned with their own children’s needs without always considering the wider needs of the school.

5.2 We therefore strongly urge the Government to consider carefully the powers that they give to parents to ensure that they reflect the actual wishes of parents as a whole. Parents must also be accountable for their decisions whether they seek to change or modify the curriculum of the school or are seeking the establishment of a new school within a given area. All parties must consult carefully and recognise the importance of not compromising the Headteacher’s ability to manage the School effectively in the best interests of all parents and their children.

We agree that many of these issues could be worked out by establishing widely representative Parents Councils which could help Governing Bodies fulfil the proposed new duty of taking account of parents’ views. However we would caution against making the role of governors more difficult to fulfil and would like to see more detail on the regulations and procedures they will operate under.

5.3 We welcome the emphasis on encouraging pupils to participate in decision making through the agency of the School Council and recognise the valuable contribution this activity could make to the harmonious working of the school.

6. SUPPORTING CHILDREN AND PARENTS

6.1 We strongly support the extended school proposals (many of which are already being implemented by schools in various parts of the country) and applaud the principles of the *Every Child Matters* programme which is already helping various services and agencies to work together in children’s best interests.

6.2 We welcome the proposals to provide more targeted support for young people with particular needs and would refer the committee to the comments we have already made about the need for good pastoral and counselling services in Section 1.2 above.

6.3 The proposed measures for dealing with children with particular SEN or disability needs, children who are missing from the educational system are very important and are warmly welcomed. Similarly we are pleased that the Government also proposes to develop an approach to boarding education for those who can benefit and to look more closely at the needs of “Looked after children”.

6.4 Other issues such as promoting good health in a variety of ways including the provision of a minimum of one full time school nurse for each Primary Care Trust working with Children's Trusts and local authorities are welcome. CARE hopes however that more resources will be devoted to ways of ensuring good parenting as the best long term means of addressing these issues.

7. SCHOOL DISCIPLINE

7.1 CARE completely concurs with the Government's view on the importance of good discipline and of spreading good practice in this area to all schools. We are concerned that recent studies have suggested that this is a problem that is even more widespread than was thought and believe there is no more important issue in the White Paper that needs to be addressed again.

7.2 Clearly all schools and all teachers and parents need to take this issue seriously and in that connection we are greatly encouraged that the Government intends to build on the recommendations of the Steer group set up to examine this intractable problem.

In particular we welcome the importance attached to schools developing effective policies at a local level. These policies will be greatly helped by suggestions that will shift the balance on appeals panels towards accepting the judgements of Headteachers and Governors in matters where a pupil has been excluded from school. The introduction of a clear legal right for teachers to discipline pupils will also be a very helpful basis for improved understanding between schools and parents in difficult disciplinary situations.

7.3 We also commend other measures contained in the White Paper which are designed to help parents to take their responsibilities in matters of bad behaviour more seriously and the possibility of setting up more Learning Support Units to help manage bad behaviour and poor motivation. The intention to further improve home-school links possibly through the agency of Pupil and Parent Support Workers is also a constructive suggestion. It might be helpful to consider ways in which the Home-School Agreement can be given more legal significance or authority.

8. THE SCHOOL WORKFORCE AND SCHOOL LEADERSHIP

CARE welcomes all the proposals set out in his chapter and warmly appreciates the great efforts made by all Stakeholders in the educational process to improve the quality, effectiveness and the leadership of the Workforce in our schools.

In particular CARE acknowledges warmly the investment of resources at all levels which has not only improved the current remuneration, training and development opportunities for teachers and other staff but has set out clear guidelines for that improvement to continue into the future.

We do not intend to make further detailed comment on this section.

9. A NEW ROLE FOR LOCAL AUTHORITIES

CARE does not intend to comment in detail on this section which is largely concerned with structural and operational matters setting out how the new school system will be supported and interpreted by local authorities (significantly no longer called Local Education Authorities) as part of the wider delivery of Services for Families and children which is their newly defined duty.

We have already made suggestions that consideration be given to dealing differently with the issue of failing schools (in Section 2.5 above) and this was brought about by our overriding concern that the new powers given to local authorities should be exercised at every turn in a manner that recognises the autonomy which will be given to schools under these far-reaching proposals.

We would suggest that more detailed information is needed on this "new role". To expect to change the culture and expectations of a working Local Authority on the basis of this White Paper would give too much scope for minimal change.

CONCLUSION

We believe schools will make good use of the new status available to them in the proposals set out in this White Paper and that they should be given every encouragement to take full advantage of the new opportunities they will gain. We also believe that, with mutual respect, local authorities and schools will quickly establish positive new working relationships that will carry forward the ambitious agenda set out in the White Paper to the clear benefit of all members of the community who will be served by them.

November 2005

Memorandum submitted by nasen

1. INTRODUCTION

1.1 nasen is the UK's leading organisation for the education, training, development and support of all those working within the field of special educational needs.

1.2 nasen has 8,000 members throughout the UK and communicates and consults them through its 50 branches, regular newsletters, its website and its specific committees and voluntary officers. nasen's membership is drawn from all aspects of education including mainstream and special schools, colleges and universities, support services, local education authorities and parents. nasen represents the voice of its members in a number of national and local forums.

1.3 nasen reaches a wide national and international readership through its journals: *British Journal of Special Education*, *Support for Learning*, its on-line publication *Journal of Research in Special Educational Needs* and the magazine *Special!*

1.4 nasen runs a professional development programme throughout the year including courses and seminars and workshops at many of the education and special needs exhibitions around the country.

1.5 nasen welcomes this opportunity to submit evidence to the Select Committee, which as you can see, will reflect a diversity of opinion and experience.

1.6 nasen would also welcome the opportunity to supplement written evidence with oral evidence.

2. CHOICE AND ACCESS FOR ALL

2.1 It must be acknowledged that not all parents are in a position to be able to know which is the right school for their child. There are instances where children with special educational needs are from home backgrounds where one and possibly both parents also have learning difficulties. These may inhibit their ability to make reasoned choices or hinder their ability to voice their opinion and choice.

2.2 nasen already has concerns regarding the existing arrangements for admissions to Academies and sees that Trust Schools may have the same discriminatory admission arrangements.

2.3 nasen is concerned about Trust status for special schools and the complex issues that this will raise. It is hoped that far more consultation and advice will be sought from those who work in special schools before decisions are made in this area.

2.4 nasen welcomes the statement in 3.2 "We will continue to ensure that priority is also given for the most vulnerable groups . . ." However, there are concerns that those schools that are successful, have good exam results and therefore are oversubscribed will become even more selective once they have Specialist School or Trust School status. It is possible to foresee popular schools becoming more popular and unpopular/failing schools failing even more.

2.5 nasen welcomes the introduction of free transport for those disadvantaged pupils to enable them to have a choice regarding the school they can attend within their locality. We would ask the question about those pupils who might need to travel further if the three local schools do not provide for their individual need.

3. PERSONALISED LEARNING

3.1 Tailoring teaching to the needs of the child is what teachers are supposed to be trained to do, new legislation will not bring this into place. There needs to be an intensive and robust initial training package for all teachers to include all the needs of individual pupils—there also needs to be high investment in continuing professional development for all those teachers currently working in our schools.

3.2 nasen welcomes the targeted one-to-one tuition in English and Maths to help those falling behind to catch up with their peers. Our concern would be for those pupils for whom their special needs do not allow them to "catch-up" at the same rate as their peers and who will need intensive one to one support throughout their educational life. There is also concern regarding the increase in grouping and setting according to subject ability. Will this mean that those young people who are not in line with their peers will be disenfranchised and less able to access the whole curriculum?

3.3 nasen is pleased to see that the proposals in the White Paper wish to build on the Government's SEN Strategy, *Removing Barriers to Achievement*. It is recognised that there is good practice in the sharing of expertise between special and mainstream schools and that this should be developed. nasen welcomes the comments regarding co-location to ensure that all pupils can access and receive specialist support as well as high standards of teaching in an inclusive environment.

3.4 Evidence from the close monitoring and evaluation of the 12 current trailblazer special schools should be used to ensure that new SEN specialist schools highlighted in the White Paper are developed to ensure children and young people who need to access specialist provision can do so.

4. PARENTS DRIVING IMPROVEMENT

4.1 nasen is very pleased to see the increase in information being made available to parents regarding their child's progress. It is vitally important that parents are involved and have sufficient information to make reasoned choices for their child. However, not all parents are able to access this information or respond to it in the best way for their child. nasen would like assurances that these most vulnerable parents will be given the help and support they need at all stages of their child's education. In seeking the views of parents, schools must ensure that they are able to provide information in a variety of ways to ensure accessibility for all.

4.2 nasen would also like assurances that parents with children with special educational needs are given top priority when making educational decisions about their child. The idea of choice advisers is excellent and it is hoped that these individuals will be able to support and advise those parents who most need help at this very important time in their child's life. This is especially important for those parents with children and young people who have special educational needs.

4.3 nasen would be happy to see parents having a voice through Parent Councils, but once again, for some parents this may not be easily accessible.

5. SUPPORTING CHILDREN AND PARENTS

5.1 nasen welcomes many of the recommendations within this chapter. It is welcoming to see acknowledgement that schools are not always able to solve problems alone and will need to work closely with other agencies. nasen does have concerns regarding where the White Paper recommendations fit with the *Every Child Matters* agenda and it is hoped that the multi agency approach outlined within this chapter will support this very important issue.

5.2 nasen has a number of concerns regarding the extended schools opportunities for young people. Firstly concern would be for those individuals who have transport provided to get them to and from school. There is often an issue regarding before and after school activities because the transport provision cannot be rearranged to meet the needs of an individual child's interests and parental childcare arrangements. This is discriminatory and is not allowing full access to the whole curriculum, especially as this extended provision will offer activities not available during the core school day.

Secondly, concern regarding the training and awareness of those running the extended school provision in regard to their knowledge and understanding of complex special educational needs. Will they have the skills and expertise to manage a group containing young people with diverse and different needs?

Thirdly, will all the activities that are offered be accessible for all pupils, with the relevant and necessary health and safety procedures being carried out, monitored and reviewed.

6. SCHOOL DISCIPLINE

6.1 There needs to be a much closer look at the correlation between exclusion and those pupils with special educational needs. The impact on this on both academic and social outcomes is very worrying.

6.2 There is a concern regarding the requirement on parents to take responsibility for excluded pupils in the first five days of suspension. nasen believes that this will need very careful monitoring. Support will need to be given to parents to ensure that this role is carried out successfully and for the benefit of the young person concerned.

7. NEW ROLE FOR LOCAL AUTHORITIES

7.1 nasen welcomes the acknowledgement that local authorities and local Learning and Skills Councils will need to work closely together to ensure real choice and higher standards in the provision of education for 14–19 year olds. This is especially important for young people with special educational needs to ensure they access the most appropriate curriculum for their needs.

7.2 nasen is concerned that essential central services that support children and young people could be eroded within the new role that local authorities will play. Not every school will have the expertise to identify and provide for all the needs of the individuals they have in their schools. There has to be a co-ordinated approach locally to ensure that there is specialist provision available to all. There are already good examples of this being managed from local special schools outreaching to a number of cluster mainstream schools.

Memorandum submitted by Independent Panel for Special Education Advice (IPSEA)

1. INTRODUCTION

1.1 This submission is made by the Independent Panel for Special Education Advice, a registered charity that provides advice and support for parents of children with special educational needs (SEN) and/or disabilities.

1.2 IPSEA was established in 1983 and currently assists 3,000 parents and carers of children with SEN every year, including over 25% of those making applications to the Special Educational and Disability Tribunal (SENDIST). Our opinions are therefore based on evidence from an authoritative sample of actual cases involving SEN and disability throughout England and Wales.

1.3 IPSEA is concerned about various aspects of the White Paper, notably the provisions regarding admission to schools and discipline in schools. On the understanding that other individuals and organisations will be making submissions regarding the discipline issue, this submission is restricted to the issue of school admissions.

2. SUMMARY OF SUBMISSION AND RECOMMENDATIONS

2.1 IPSEA's concern is that far from increasing parental choice, this White Paper will radically diminish the choice of parents of the most vulnerable children, namely those with SEN and/or disability. This concern has two elements:

2.1.1 There is a significant risk that SEN children will not be given fair admission to the various forms of "independent" schools contemplated by the White Paper.

2.1.2 The current choice open to parents of children with Statements of Special Education Needs under Schedule 27 of the Education Act 1996 will be taken away from them as regards "independent" schools.

Recommendations

1. As regards the admission of all children with Special Educational Needs (including those on School Action and School Action Plus) the existing legal regime for what are currently defined as "maintained" schools should apply in future to all categories of state-funded schools created or maintained by this White Paper, including Academies.

2. In particular:

- (i) the Admissions Code should be binding (rather than just Guidance) on all schools when admitting children paid for by public funds; and
- (ii) the parental entitlements under paragraphs 3 and 8 of Schedule 27 of the Education Act 1996 should be maintained.

3. Choice Advisors should be independent of Local Authorities.

3. THE RISK TO ALL CHILDREN WITH SPECIAL EDUCATIONAL NEEDS

3.1 The risk created by the White Paper is that in practice the various forms of independent schools contemplated by the bill (which we will collectively refer to as "independent schools") will have less incentive to admit children with SEN. This is because the objective of the White Paper is to improve the performance of schools. One of the key practical measures for this improvement will be outcomes in examinations. There will therefore be an inevitable disincentive for independent schools to take on children with SEN who are a high proportion of those not achieving the target grades in SAT tests and public examinations.

3.2 Measures therefore need to be taken to compel independent schools to take an equal proportion of pupils with SEN. The White Paper lacks the necessary degree of compulsion because it emphasises the freedom that independent schools will have over admissions and will require them only to "have regard" to the Admissions Code. If the legal status of Academies is replicated for other independent schools, the playing field is likely to become even less level (as we explain below).

4. We therefore recommend that as regards the admission of all children with Special Educational Needs (including those on School Action and School Action Plus) the existing legal regime for what are currently defined as "maintained" schools should apply in future to all categories of state-funded schools created or maintained by the Act arising out of this White Paper, including Academies. In particular the Admissions Code should be binding (rather than just Guidance) on all schools when admitting children paid for by public funds.

5. We are not persuaded that the provision of “choice advisors to help the least well-off parents to exercise their choice” will work if those advisors are employees of Local Authority education department. The Local Authorities will still have responsibility for assessment, Statementing and ensuring the provision of SEN once a Statement has been issued, all of which will continue to have resource implications for those Authorities even if they are redefined as Commissioners rather than Providers of education resources. It is therefore hard to see how a Local Authority choice advisor could fully and impartially support a parent in choosing a school placement which may have significant impact on the same Authority’s resource management. We therefore recommend that Choice Advisors should be independent of Local Authorities.

6. REDUCTION IN THE RIGHTS OF PARENTS OF CHILDREN WITH STATEMENTS OF SPECIAL EDUCATIONAL NEED

6.1 These children are amongst the most vulnerable in society. Although the legal entitlement to a Statement of Special Educational Needs (a “Statement”) has not changed in recent years, in practice the issuing of new Statements fell from 32,000 in 1998 to 26,000 in 2004.²³ Those children still with Statements therefore really need them to get the help they require, and their parents are entitled to as much say as possible regarding their school placement. This White Paper completely lacks the safeguard needed to ensure that the choice of these parents is safeguarded.

6.2 Paragraph 3 of Schedule 27 of the Education Act 1996 allows parents to express a preference for a school when a Statement is in draft form. The LEA must agree to name the school of the parent’s preference subject to it being suitable for the child in question and not incompatible with the “efficient education for the children with whom he would be educated or the efficient use of resources”.

6.3 Paragraph 8 of Schedule 27 of the Education Act 1996 allows an identical expression of preference by a parent when they want their child to change maintained schools at a time 12 months or later after the Statement has been completed or a previous similar request has been made.

6.4 Parental preference under paragraphs 3 and 8 of Schedule 27 of the Education Act 1996 already does not apply regarding placements in Academies because they are independent schools in law. The consequence of this is that at the proposed Statement stage, the parent can only “make representations” for the Academy to be named in the final Statement under Section 9 of the 1996 Act. This is a significantly weaker right than the right to express a preference. The LEA must consider the parent’s representations by having “. . . regard to the general principle that pupils are to be educated in accordance with the wishes of their parents, so far as that is compatible with the provision of efficient instruction and training and the avoidance of unreasonable public expenditure”. There is nothing binding about this obligation and frequently the parental representation can be ignored because the school that the parent wants is more expensive than the school that the LEA want to nominate.

6.5 Even if the LEA does name the Academy in Part 4 of a Statement, the Academy can refuse to accept the child, in which case a parent’s only recourse is an application to SENDIST. Independent schools have to agree to admit a child before a Tribunal will even consider such an appeal, so the Secretary of State at DFES has informally instructed SENDIST to ignore that requirement. If SENDIST makes an order that an academy should be named in Part 4 of the Statement, the Secretary of State will need to exercise her rights under her contract with the Academy to ensure admission actually takes place.

6.6 A considerable number of admission cases involving Academies are waiting to be heard by SENDIST, and we have already conducted a case successfully involving an Academy in Lambeth who had no arguable objection to admitting the child in question. This is a growing issue that we would invite the Committee to keep under close scrutiny.

6.7 As regards contracts with independent schools, each Academy contract is separately negotiated with the Secretary of State and some anecdotal evidence is emerging that “fair” arrangements for critical issues such as exclusion are not being written into those contracts (eg no guarantee of an impartial appeal panel for exclusions). Our concern is that fair SEN and Disability practice will not be guaranteed under these contracts.

6.8 As regards Academies, this mixture of informal arrangements and reliance on individual contracts is no substitute for the well established and necessary parental right to express a preference under Schedule 27 of the Education Act 1996. The loss of the Paragraph 3 preference during the preparation of a Statement or Amended Statement hugely reduces a parent’s rights in the critical discussion as to where their child should be placed.

6.9 The White Paper lacks any reassurance that the system for admission of SEN children will be replicated in Trust Schools, which will eventually comprise the vast bulk of state-funded schools. This will massively reduce parental choice across the system. In particular, paragraph 8, Schedule 27’s right to ask for a change of school at other times than the preparation of a Statement will be removed altogether. This is a crucial entitlement for a parent who feels their child needs a new school and whose only alternative is to request a re-assessment of their child which will trigger a process which can take up to six months before any new school placement is agreed (if it is agreed at all without recourse to SENDIST).

²³ DFES (2005) *Special Educational Needs in England, January 2005*, SFR 12/2005, p 2.

6.10 We therefore repeat our recommendation that as regards the admission of all children with Special Educational Needs (including those on School Action and School Action Plus) the existing legal regime for what are currently defined as “maintained” schools should apply in future to all categories of state-funded schools created or maintained by the Act arising out of this White Paper, including Academies. In particular the entitlements under paragraphs 3 and 8 of Schedule 27 of the Education Act 1996 should be maintained.

November 2005

Memorandum submitted by the Independent Schools Council

The Independent Schools Council (ISC) represents 500,000 children in 1,272 independent schools. ISC exists to promote choice, diversity and excellence in education; the development of talent at all levels of ability; and the widening of opportunity for children from all backgrounds to achieve their potential.

ISC cautiously welcomes many of the ideas contained in “Higher Standards, Better Schools for All” and is pleased that the government has acknowledged that there is a role for the independent sector in the new educational vision. However, the proposed changes fall short of ensuring real choice for parents, and the partnership possibilities offered by Trust Schools may falter because of administrative burdens.

PARENTAL CHOICE

A prime concern for ISC is to increase social mobility. Nearly a third of children in ISC schools receive help with fees, and a large number of children from disadvantaged backgrounds are helped each year to achieve their potential.

ISC schools offer a demonstrably excellent standard of education, and we are keen for this excellence to be shared. Although there are many partnership schemes, and although there is active discussion of further ways in which partnership can be widened and deepened, the maximum benefit to some children from disadvantaged backgrounds is full-time education at an ISC school.

The majority of these children will live within six miles of an independent school. If the Government is serious about offering real parental choice it will need to include the excellent educational provision from independent schools as one option for these children. That would provide a kick-start to increasing social mobility, which must be a prime aim for society.

Though there might be a gap between the amount the state spends and the fees at an independent school, we in the independent sector are ready to help by means of bursaries so that many more children, especially those in the greatest need of a good start in life, derive the same benefits as the Prime Minister and the Education Secretary did at our schools.

An ICM poll earlier this month shows a large majority in favour of parents being allowed to spend the cost of their child’s education at any school they choose, including independent schools. The level of support is highest among the younger age groups who are most likely to have children: 56% of 25–34 year olds thought it was a good idea, against 13% who thought it was a bad idea.

The questions are therefore as follows:

- Is there wide public support for parents to be able to spend the cost of their children’s education at a school of their choice, including independent schools?
- Are ISC schools willing and able to educate children from disadvantaged backgrounds?
- Will education for these children in an ISC school increase social mobility?
- Can this be achieved without additional cost to the exchequer?
- Should the Government support this extension of parental choice?

The answer to the first four questions is “yes” in each case, and the answer to the fifth question inevitably follows. We call on the Government to offer real parental choice by enabling children from disadvantaged backgrounds to be educated in the independent sector.

PARTNERSHIP

Trust schools give the possibility of expertise being more widely shared across educational sectors. They are therefore an interesting prospect for charities, including schools, which have expertise in the independent sector. Co-operation with the maintained sector is part of the social purpose of ISC schools.

The danger with the current proposals is that they may be, or be perceived to be, administratively cumbersome. As currently set out, the administrative “hoops” for charities to jump through are considerable. Educational innovators may balk at the restrictions on the ability to innovate, at the lack of control over funding or admissions, at the undefined status of parents’ councils, and at the need to gain approval for any departure from the national curriculum. “Independence” may be perceived as illusory. If that is the case, schools are likely to prefer more low-key exercises in partnership.

INDEPENDENT SCHOOL

The term “independent school” is internationally recognised as a school independent of state control. The right to choose to educate children independently of the state is a Human Right. It is therefore confusing for the Government to refer to “independent state schools”.

The Prime Minister himself has acknowledged that independent schools exemplify principles and practice that can be of wider value. However, if the government truly wishes to embrace the independent sector’s ethos, not just its name, it must develop, in full consultation with the sector, a real idea of how the independent sector achieves its success.

THE FUTURE

ISC is acutely conscious that this is the 12th Education White Paper since the present government came to power in 1997. We believe that the time is now right to establish a cross party mechanism for determining education policy for the future.

There is significant common ground between the educational aspirations of the government and those of other parties. This is common ground on which together, involving both sectors and all parties, we should now build. Education policy, which by its nature has the potential to affect generations of children, should not be driven by short term imperatives or the will of individual governments in isolation. We should be drawing upon the wisdom of all political perspectives, as well as those who understand the educational process from within, in setting out plans for the long term future.

There is already a precedent for this approach in other areas of policy making. Education should now be accorded the same importance.

November 2005

Memorandum submitted by The Advisory Centre for Education

INTRODUCTION

1. The Advisory Centre for Education (ACE) has been advising parents on school choice (among other things) for 45 years, and about a third of the calls it receives on its general advice lines are to do with admissions and admissions appeals. We therefore have a unique perspective on the problems parent face in their attempts to choose schools.

2. In 2004 we spoke to over 5,800 parents and over 27,000 more downloaded advice from our website. Hearing parents describe their experiences gives ACE privileged access to how education law and practice impacts on children and parents, and allows us to speak with authority on behalf of parents facing difficulties with the education system.

3. We believe parents have three main concerns relevant to the White Paper’s proposals:

- (1) They want a fair and uncomplicated admissions system.
- (2) They want their child to attend a good local school.
- (3) They want to understand and be involved in their child’s education, and to have their views treated with respect especially when problems arise.

4. Will the proposed reforms in the White Paper meet these demands? The aspiration of access for all expressed by the Prime Minister and reiterated by the Secretary of State is one we share, but we are not yet convinced that the package of disparate elements on offer will do the trick.

5. One very helpful legislative change would be to require admissions authorities to give the second highest priority in their criteria, after looked-after children, to other children judged as in need, disadvantaged, or vulnerable. Otherwise schools have the slightly odd duty to admit only looked-after children as a priority, but they may disregard other criteria which might favour disadvantaged children, such as non-stated special needs.

6. As well as reservations over choice and diversity versus access for all, our other major concern is over the “zero tolerance” rhetoric around discipline, which we believe may encourage poor professional practice, an unhelpful “blame the parents” culture, and worsen relations within communities in some areas.

7. We know from our dedicated exclusion lines that problems are not necessarily the fault of the child or the parent, but can arise for reasons to do with unmet special needs, school failure to deal with bullying, difficult relationships with individual members of staff, or stress in the child’s life such as bereavement or family break-up. This has often been acknowledged by Government in the not-so-distant past, especially in the work of the Social Exclusion Unit and in the *Every Child Matters* programme. But it is a view that seems overwhelmed by threats, fines and duress in the passages on behaviour.

8. Priority for disadvantaged children in admissions needs to be matched by requirements to retain these pupils in school. Positive action is needed by schools to keep these children in education. Many of the aspirations and supportive mechanisms suggested in the White Paper will help, but if the emphasis is on punitive measures rather than positive behaviour management, such children may get into “good” schools but won’t stay there.

A SCHOOL SYSTEM SHAPED BY PARENTS

9. How is the system envisaged a system “shaped” by parents, if the new schools are to have “academy-like freedoms”? The new system appears to place much greater control in the hands of sponsors, heads and governors of autonomous schools, each with the majority of governors appointed by the trust, foundation or academy, and only one parent governor.

10. We are not aware of parents wanting more autonomous schools run by organisations accountable not to them or to the wider community but to their sponsors or trusts. If this is a system shaped by parents, has the Government asked whether parents want it?

11. We are not clear as to how independent the new schools are: will they be regarded as “maintained” schools or as publicly funded but not maintained, like academies? This is a fundamental question which needs to be answered.

12. The often quoted figure for parental approval of academies used to support more autonomous schools is statistically flawed. In the evaluation by PriceWaterhouseCoopers,²⁴ only 433 parents out of a sample of 1,632 returned their questionnaires, and out of the 433, parents had “a lack of understanding” of the role of the sponsor and the schools’ autonomous government. Additionally, many questions probing approval had higher results for combined negatives and don’t knows as against positives. Overall, it is doubtful that parents were giving approval to more than a glossy new school and enthusiastic staff. They do not seem to have been asked direct questions about independence of the school from the local authority. But had they been, it would have been problematic to gauge general parental approval by sampling parents whose experience has been only of failing/struggling community schools, and we assume that this is the experience of parents whose local school has been replaced by an academy.

13. We welcome the new duty on local authorities to respond to parents who are not satisfied with the area’s provision of schools, but we are not clear as to what the authority can then do, as its ability to, for instance, regulate admissions or determine the pattern of provision in its area seems necessarily reduced by more independence of schools from its control.

14. Will quicker action against failing schools help or hinder improvement? Many commentators have noted the time it takes to turn schools around and the tendency for improvement to be impossible to sustain where, as with the Ridings school, other schools in the area remain more attractive to parents. We are concerned that if market forces are to be the chief determinant of the pattern of provision, there will be many more schools that fail so disadvantaging the pupils in them.

15. ACE welcomes the suggested new duty on LEAs to do all they can to assist school improvement when Ofsted has indicated problems, including their involvement of parents in the process.

More complexity, more opportunity for covert selection

16. However, overall we foresee even more complexity for parents in admissions with the increase in schools setting their own criteria, with particular problems for disadvantaged pupils and parents. We refer to the Committee’s 2004 report on secondary schools admissions which noted:

61. The number of different admission authorities and the variety of admissions arrangements add significantly to the level of complexity present in the school admissions system. While the co-ordination of admissions arrangements will simplify the process to some extent for many parents it will not address variation in admissions policies. In our report on Diversity of Provision²⁵ we observed that:

“For parents, multiple admissions authorities with diverse and sometimes conflicting criteria present a bewildering prospect and we are mindful that it is the least advantaged parents, including those from minority ethnic groups, who experience the greatest difficulty in this context.²⁶ Legislation now requires co-ordinated admissions arrangements both within and between LEAs. This change calls into question the whole issue of schools retaining the role as their own admissions authorities.”²⁷

²⁴ Department for Education and Skills/PriceWaterhouseCoopers (2005) *Academies Evaluation: second annual report*.

²⁵ House of Commons Education and Skills Committee, Fourth Report of Session 2002–03, *Secondary Education: Diversity of Provision*, HC 94.

²⁶ House of Commons Education and Skills Committee, Seventh Report of Session 2002–03, *Secondary Education: Pupil Achievement*, HC 513, Q174.

²⁷ House of Commons Education and Skills Committee, Fourth Report of Session 2002–03, *Secondary Education: Diversity of Provision*, HC 94, para 129.

62. We have also been concerned that some admissions authorities use their independence inappropriately to select pupils. For example, research conducted by Professor Anne West and Audrey Hind at the London School of Economics suggested that:

“In a significant minority of schools, notably those that are their own admission authorities—voluntary-aided and foundation schools—a variety of criteria are used which appear to be designed to select certain groups of pupils and so exclude others. These include children of employees; children of former pupils; partial selection by ability/aptitude in a subject area or by general ability; and children with a family connection to the school.”^{28 29}

17. We refer also to the Local Government Ombudsman’s special report on school admissions³⁰ which was concerned at the sheer number of complaints received and that there were “too many examples of practice that is poor, sometimes spectacularly so”.³¹ It noted that there were fewer problems with LEA admissions policy and practice compared to those of schools running their own admissions.³²

18. The LSE research is quoted in the 2005 research by Which?, where autonomous schools compared poorly with LEAs on admission criteria for children with medical, social and special educational needs:

Only 52% of foundation schools consider a child’s medical or social needs in their admission criteria, compared to 80% of community secondary schools. Only 15% of voluntary-aided and foundation schools took account of special needs, compared to 48% of those run by local authorities.³³

Academies

19. Admissions of pupils with statements of special educational needs is an additional problem where academies are concerned. Unlike most other publicly funded schools, academies are not “maintained schools” and are not legally required to admit pupils where local authorities name them in statements. Problems have arisen and the DfES has constructed an elaborate dispute resolution procedure where the Secretary of State mediates between the local authority and the academy. Where parents stand in this process is not clear. Additionally, ACE has obtained early and tentative figures from the DfES for 2003–04 which show that academies’ exclusions of pupils with statements of special educational needs are also worrying as pupils with statements were excluded at more than twice the rate of pupils with statements in other secondary schools:

MAINTAINED SECONDARY SCHOOLS AND ACADEMIES¹ NUMBER OF PERMANENT EXCLUSIONS BY SPECIAL EDUCATIONAL NEEDS²

	Excluded Pupils	
	Secondary	Academies
Number of permanent exclusions	8,320	90
Percentage of school population ³	0.25	0.56
Number of pupils with statements of SEN	580	10
Percentage of school population ⁴	0.76	1.57

¹ Includes middle schools as deemed.

² Figures for secondary schools are estimates based on incomplete pupil-level data. Figures for Academies are as reported and are unconfirmed.

³ The number of permanent exclusions expressed as a percentage of the number (headcount) of pupils.

⁴ The number of permanent exclusions expressed as a percentage of the number (headcount) of pupils with statements of SEN.

20. Government exclusions guidance stresses that the difficult behaviour of pupils with statements should be managed as far as possible by use of the special needs framework rather than the use of exclusions. We see the figures above as indicating problems with autonomous, market-driven schools and such pupils. The PriceWaterhouseCoopers report also noted:

some concerns among a significant minority of teachers and parents about the adequacy of approaches being adopted to teaching pupils with SEN.³⁴

²⁸ House of Commons Education and Skills Select Committee, 2004, *Secondary Education: School Admissions*, Vol 2, SA3.

²⁹ House of Commons Education and Skills Select Committee, 2004, *Secondary Education: School Admissions*, Vol 1, paras 61–62.

³⁰ The Commission for Local Administration in England (2004) *Special Report: School Admissions and Appeals*, March 2004.

³¹ *ibid*, p 3.

³² *ibid*, p 3.

³³ Which? (2005) *Which Choice? Education, London, Which?*, p 33.

³⁴ Department for Education and Skills/PriceWaterhouseCoopers (2005) *Academies Evaluation: second annual report*, p 38.

 CHOICE AND ACCESS FOR ALL

21. We wholeheartedly welcome transport for children of poor parents.

22. The White Paper does not propose, as recommended by many informed and authoritative commentators including the Select Committee itself, to make the existing admissions code mandatory, or to use legislation to ban unfair practices such as interviewing. We welcome the introduction of “choice advisers”, but believe this will not help parents of disadvantaged pupils if the admissions system is distorted by covert selection.

23. New/expanded schools appear to be able to abandon the code after three years. Will there be a free for all after that?

24. If both the code and banding are seen to be useful in ensuring “access for all”, why should they not be mandatory for schools/areas where fair access to all schools would otherwise be in doubt? Won’t autonomous schools simply ignore them as many do now?

25. In October the Secretary of State ruled that a faith school that continued interviewing as part of their admission arrangements would be allowed to continue interviewing, despite the current (2003) admissions code (para 3.16) stating that from September 2005, there should be no interviewing. Unless the codes are given full regulatory weight, they are virtually meaningless.

26. Individual parents cannot apply to the Adjudicator on admission matters. A minimum of 10 parents is required and only on two very limited issues (pre-existing partial selection arrangements and when the admission number is set lower than the indicated admission number).

27. The Local Government Ombudsman performs a useful role in investigating parents’ complaints where there may have been faulty administration in an admission appeal. But their power does not cover academies and it would appear likely that they will not be able to investigate maladministration in the new independent trust schools either.

The most vulnerable groups

28. The Government says (White Paper, para 3.2) that:

We will continue to ensure that priority is also given for the most vulnerable groups such as children in care (Looked After Children) and those with Special Educational Needs.

29. Priority in admissions is indeed now required by law for looked-after children, but only those with statements of special educational needs are ensured priority in admissions (not special educational needs alone). The majority of children with special needs do not have statements, and they will be subjected to individual schools setting their own admissions requirements, which, as the LSE research referred to above shows, by no means ensures priority for these children.

30. We are not reassured here by the Secretary of State’s response to a question by Stephen Williams MP in the oral evidence session of 2 November 2005:

Trust schools will be subject to the admissions code. Rulings on a statutory basis will be made by the adjudicator, just as the adjudicator does now for schools which comply with the admissions code. One of the elements of the admissions code is that they have to treat special educational needs pupils fairly. That could be one reason, if a school clearly sets its catchment area, for example, in order to exclude particular categories of pupils or has a particular system which excludes SEN pupils, potentially for referring them to the adjudicator, who could then rule against that admissions policy.

31. We do not believe that this shows an understanding of the relationship of “acceptable criteria” with equity in relation to race, disability and class. The list of acceptable criteria which appears as Annex B of the draft Code recently consulted upon does not prioritise the criteria which would create a fairer system for disadvantaged groups (see Appendix to this evidence). But even more cogent is the question asked elsewhere in the same session by Helen Jones MP as to why fairness has to wait on complaints rather than being clear to all by legislative regulation.

32. We also note that assurances and safeguards for admissions of vulnerable groups needs to be matched by schools’ retention of these pupils once admitted, and given the problems with academies noted above, we would welcome a requirement that schools reduce exclusions of such children (whether exclusions are achieved by formal use of the exclusions procedure and by managed moves).

PERSONALISED LEARNING

33. We welcome the suggested increase in curriculum differentiation for pupils, but wonder whether there will be sufficient resources to secure its implementation.

34. We also hope that, given the lack of ring-fencing of SEN budgets in schools, the increased delegation of SEN funds for those pupils with significant needs from LEAs to schools, and the fact that schools now have to buy in many support and outreach services for SEN, the expansion of personalised learning for all will not be at the expense of those children who cannot access education at all without extra individual support.

35. We note there is only one proposal here for legislation: curriculum entitlements for 14–19 including double science.

36. We also refer to the recent Nuffield report on 14–19 learning, which observed:

a serious tension exists between the recognised need for partnership and collaboration between providers in order that the learning needs of all young people might be met, and an increasing fragmentation within a competitive system.³⁵

SERVICES THAT SUPPORT CHILDREN AND FAMILIES

37. We applaud this chapter, and have previously welcomed extended schools with their aims of supporting disadvantaged parents and pupils. We are not sure how academies and trusts will work in this area and would welcome more information on the incentives for independent schools with “academy like freedoms” to offer these services to the community.

38. We note that the only legislative proposal here is for nutritional standards.

39. We further note the paucity of mentions of *Every Child Matters* within the White Paper, and that this chapter is the only one to refer to “a framework for local authorities, health, Youth Offending Teams and other partners to agree priorities and commission services that respond better to children’s and families’ needs.” We are not clear as to how the expansion of independent publicly funded schools with academy like freedoms will fit into this framework.

40. The admission, retention and educational success of vulnerable children should be prioritised in evaluations of all publicly funded schools’ success.

PARENTS DRIVING IMPROVEMENT

41. We are not sure how a legal requirement for thrice-yearly progress reports on children will add to what schools already do in supplying parents with information, but will be interested to see this in the Bill. We would like to see a parallel legal requirement for schools to draw up IEPs for children with SEN; the evidence of parents on our advice lines, and comments by Ofsted, indicate that the lack of planning and monitoring of these children’s progress leads to children not having their needs met and to the breakdown of mainstream placements.

42. We welcome the requirement on the governing bodies of maintained schools to have regard of the views of parents, but note the significant practical difficulties facing governors wanting to ascertain representative views. Guidance on how this will work for minority groups whose rights are acknowledged to be in need of recognition would be welcome (for instance, parents of looked-after children).

43. We welcome the requirement to establish parents’ councils, but wonder why only trust schools are included in this requirement, not foundation schools, voluntary schools or academies (see WP p 115), or community schools. We do not want to see parent councils being used as a sop to parents. They are no substitute for having good parental representation on a governing body. We hope that they are set up in all schools but in a way that complements the governing body so that concerns and deliberations discussed at the parent council feed into governing body debates, and the governing body is required to consult them on a wide range of issues—not just uniform and behaviour. They should be elected on a year of child/class basis to ensure they are seen as a legitimate democratic forum for all parents. Safeguards are needed to prevent domination by narrow and unrepresentative interests, or the swamping of minority rights by majorities (eg over punitive action against looked-after children).

SCHOOL DISCIPLINE

44. Here, the Government seems to have selected only the punitive recommendations from the Steer Committee, which set out over 70 recommendations which were overwhelmingly about school, pupil and parent support. We believe there is a danger that some staff and schools will take the wrong messages from the selection adopted by the White Paper, and that vulnerable children will suffer as a result.

³⁵ University of Oxford (2005) *Annual Report of the Nuffield Review of 14–19 Education and Training*, Press Release, p 2.

Mutual respect, not “zero tolerance”

45. The Steer Committee’s “core beliefs” need to be reiterated—note that “zero tolerance” is not one of them, and even where preventative action has failed, Steer envisages helping pupils manage their behaviour:

- The quality of learning, teaching and behaviour in schools are inseparable issues, and the responsibility of all staff.
- Poor behaviour cannot be tolerated as it is a denial of the right of pupils to learn and teachers to teach. To enable learning to take place preventative action is the most effective, but where this fails, schools must have clear, firm and intelligent strategies in place to help pupils manage their behaviour.
- There is no single solution to the problem of poor behaviour, but all schools have the potential to raise standards if they are consistent in implementing good practice in learning, teaching and behaviour management.
- Respect has to be given in order to be received. Parents and carers, pupils and teachers all need to operate in a culture of mutual regard;
- The support of parents is essential for the maintenance of good behaviour. Parents and schools each need to have a clear understanding of their rights and responsibilities;
- School leaders have a critical role in establishing high standards of learning, teaching and behaviour.³⁶

Positive strategies are good professional practice

46. Steer recommended a number of positive strategies, including behaviour audits; buying in professional support to support pupils; senior staff walking the building, meeting and greeting pupils; ensuring staff model good behaviour to pupils; use of plenty of rewards as well as sanctions; using the national strategies’ materials and further funding the Social and Emotional Aspects of Learning (SEAL) Programme to develop pupils’ emotional and social skills; training and informal learning opportunities for staff in promoting positive behaviour; developing skills of those with leadership responsibilities for behaviour; and secondary schools becoming more active in linking with parents and carers, including establishing Parent/Pupil Support Workers to help parents who were reluctant to engage with the school.

47. We note that the White Paper (para 7.26) has picked up the last recommendation but has confused the role with that of learning mentor. These people perform an entirely different role and it is essential not to confuse the two functions.

48. The Government has introduced many positive actions such as SEAL which have made big differences in this area. The Behaviour Improvement Programme (BIP) has just received an extremely positive evaluation³⁷ and among its findings is that exclusions fell in the schools which engaged with the programme. It is important to acknowledge that schools can make an enormous difference to pupils’ behaviour and are not helpless in the face of a hostile culture of parents and pupils (as seems sometimes to be depicted in the media). One aspect of the BIP evaluation pointed to the importance of within-school (not specific to individual children) factors:

In one secondary school which had a considerable number of fixed period exclusions it had been possible to analyse who were repeat offenders, in what year group, and what lessons, day of the week, time of day, seemed to be risk times. Specific subjects, teachers and issues were identified, and this succeeded in shifting the school management’s thinking and making the problem more manageable. The school had an influx of many difficult and challenging children and the data were enormously helpful.³⁸

49. The evaluation found that the greatest overall improvements occurred where LEAs managed the programme effectively and where they:

- offered support at the level of the individual, the school and the community;
- focused on preventative initiatives and were proactive rather than reactive in relation to behaviour issues;
- adopted a multi-agency approach through the operation of BESTS;
- provided strong support within schools through the use of audits and the appointment of LBPs and learning mentors;
- ensured that there were strong links and co operation between schools and the BEST;
- ensured that there was good communication between all involved parties;

³⁶ Department for Education and Skills (2005) *Learning Behaviour: the report of the Practitioners’ Group on School Behaviour and Discipline*, p 2.

³⁷ Hallam, S, Castle, F, Rogers, L, Creech, A, Rhamie, J. and Kokotsaki, D. (2005) *Research and Evaluation of the Behaviour Improvement Programme*, London, DfES, Research Report RR702.

³⁸ Hallam *et al*, p 87.

- had strong management structures for the planning and operation of initiatives;
- had clearly focused aims and commitment to carrying them out;
- built on existing provision.³⁹

50. This implies a continuing role for LEAs in this vital area.

The “right to discipline”

51. All schools should be strongly advised to use physical interventions by adults on children as the very last resort, and should be offered support and training on special needs support for children/behaviour management to avoid such use, and where physical intervention is essential on the safe ways of doing this.

52. We do not believe there is any necessity for legislation allowing more discipline and restraint, as teachers already have powers here. On physical restraint, there is extensive guidance in Circular 10/98, as well as additional guidance for pupils offering some of the most severe challenges to teachers in the 2002 DfES publication, *Guidance on the use of restrictive physical interventions for staff working with children and adults who display extreme behaviour in association with learning disability and/or autistic spectrum disorder*, which emphasised:

For the first time, guidance covers all areas of service that children and adults with learning disabilities and difficulties will use throughout their lives.

It is vitally important for all staff to have effective training and support in the use of restrictive physical interventions. People with learning disabilities have a right to be treated with respect, care and dignity especially when they are behaving in ways which maybe harmful to themselves or others and as a result require physical intervention from staff. By using this guidance staff will be helped to act appropriately and in a safe manner, so ensuring effective responses in difficult situations.⁴⁰

53. Such care should be at the forefront of any new legislation/guidance on physical control/restraint by teachers or others in schools. We also note the draft Code of Practice prepared by the Youth Justice Board for dealing with challenging behaviour, which stated the following principles for restraint/physical intervention:

- 9.1 Only staff who are properly trained to use restrictive physical interventions should undertake them.
- 9.2 Restrictive physical interventions must only be used on the basis of a risk assessment. They should not be used as a punishment, nor merely to secure compliance with staff instructions.
- 9.3 Restrictive physical intervention should be used only as a last resort, when there is no alternative available or alternatives have been exhausted.
- 9.4 Restrictive physical interventions should use the minimum force for the shortest possible period of time.
- 9.5 The degree of physical intervention should be proportionate to the risk.
- 9.6 Every effort should be made to ensure that other staff are present before the restrictive physical intervention occurs to act as assistants.
- 9.7 Medication will only be used for treatment of a medical condition, and will not be used as a means of control.
- 9.8 Children must have the opportunity to “debrief” following the intervention with the help of a friend or advocate if requested.
- 9.9 Staff must have the opportunity to “debrief” following the intervention with their manager.
- 9.10 A monitoring system must be in place that records individual incidents in such a way that they are capable of being aggregated over time to give a total picture of the use of restrictive physical interventions in the establishment concerned.⁴¹

54. In view of their statutory duty to safeguard and promote the welfare of children, schools should be required to adhere to such guidelines. We are concerned that an extremely limited consultation on the use of “reasonable force” by school staff has just taken place, that the statute relied upon allows force (albeit “reasonable”) to be used to prevent the pupil from:

engaging in any behaviour prejudicial to the maintenance of good order and discipline at the school.⁴²

and that the consultation document appears to give the green light to further use of physical intervention by talking about the “symbolic force” of reaffirming the right of schools to restrain pupils.⁴³

³⁹ Hallam, S, Castle, F, Rogers, L, Creech, A, Rhamie, J. and Kokotsaki, D. (2005) *Research and Evaluation of the Behaviour Improvement Programme*, London, DfES, Research Brief RB702, p 5.

⁴⁰ DfES (2002) *Guidance on the Use of Restrictive Physical Interventions for Staff Working with Children and Adults who Display Extreme Behaviour in Association with Learning Disability and/or Autistic Spectrum Disorders*, Ref: LEA/0242/2002.

⁴¹ Youth Justice Board (2005) *Managing Children and Young People's Behaviour in the Secure Estate*, draft code of practice.

⁴² Section 550A Education Act 1996, (1)(c).

⁴³ DfES (2005) *Legal power to discipline: consultation paper*, November 2005.

55. We have evidence from our advice lines that autistic children who shout out or otherwise cause disruption are being routinely subjected to force. In the last week, we had two calls which signal a need for an entirely different symbolic message to be sent out. One disturbing call was about an autistic child's wrists were held so tightly he was forced to the floor and his mother said this was happening frequently. Another parent of a child with difficulty in understanding speech that became worse when she was under stress told us that her daughter's support assistant was regularly shouting in her daughter's face when the child did not respond to instructions.

56. We do not believe that the proposals in the Legal power to discipline: consultation paper would be endorsed by practitioners concerned with looked-after children and implementing the *Every Child Matters agenda*.

57. We further draw the Committee's attention to the recent Second Annual Report of the Joint Inspectors of Social Services and the debate in the House of Lords on it on 13 November 2005. Lord Rix noted that (our emphasis):

Mencap is aware of a significant number of cases where inadequate safeguards have exposed children with a learning disability to unacceptable levels of risk.

An example of this is a young woman with a learning disability who was assaulted on more than one occasion at school. Her mother said, "She couldn't tell us she had been hit and others wouldn't believe her anyway, so the perpetrator got away with it. Nothing has happened and as far as I know whoever did it still works there."

*Four out of 10 residential schools are failing to meet the national minimum standard for child protection systems and procedures*⁴⁴.

58. Baroness Massey of Darwen made the following point in the same debate (our emphasis): safeguarding is not just about protection; it is also about enabling children to develop self-esteem and self-discipline, and to be confident and independent. Various arenas can do that: families, schools, services, communities and so on. *Joint and agreed strategies, with the child at the centre, must be in place. If one institution has a punitive philosophy and one an enabling philosophy there will be confusion.*⁴⁵

59. That cannot be said often enough for the sake of such children. We believe that the consultation paper just released by the DfES endangers schools' involvement in joint and agreed strategies by reaffirming a right to discipline at odds with youth justice and child protection.

60. It would be helpful for the Government to return to its previous emphasis on reducing exclusions, rather than greeting the rise revealed in this year's statistics as an affirmation of the head's right to discipline. The Government's own research states "reducing exclusion and improving attendance are crucial for the individual pupil and for society as a whole."⁴⁶

61. We agree with the Practitioners' Group that exclusion appeal panels need more training, but our experience of advising parents suggests there is no bias in favour of pupils or frequent instances of pupils being reinstated on technicalities.

62. We consider that the proposal to limit the discretion of the panels by requiring them to accept the judgement of heads and governors "where it is clear that the pupil has committed the offence" makes panels' decisions more likely to be unjust, as the current guidance requires, for instance, the head, governors, and panel to look at whether the incident was a response to bullying or racist provocation, or other mitigating and explanatory factors. Exclusion appeal panels are dealing with children, not hardened criminals, and there is enormous variation in our experience in the seriousness of the offence, the actions taken by the school to avoid exclusion, and adherence to statutory guidance in investigating and deciding whether exclusion is merited.

63. The White Paper (para 7.18) notes the over-representation of black pupils in exclusion figures, but omits the more stark over-representation, that of pupils with special needs/disabilities in the figures (two-thirds of exclusions are of pupils with special educational needs). We are extremely disappointed that neither the Steer Report nor the White Paper has discussed that issue. We therefore hope that the Select Committee and the Ministerial Group on Behaviour will make it a priority to investigate further, and that both will seek expert views from practitioners in this field, including those representing parents and children. It is now a widely held view that it is entirely inappropriate to use the most punitive sanctions in a school's armoury against children whose behaviour difficulties arise from special needs/disabilities.⁴⁷

⁴⁴ House of Lords *Hansard*, 13 Oct 2005: Column 420–1.

⁴⁵ House of Lords *Hansard*, 13 Oct 2005: Column 417.

⁴⁶ Hallam *et al*, p 2.

⁴⁷ Special Education Consortium's Evidence to the Committee's inquiry into Special Educational Needs, September 2005.

Punishing parents doesn't work

64. We further believe that to require parents to take responsibility for the first five days of an exclusion ignores the reality of parents' lives: most parents who are able to in our experience already do this. If parents do not, it is either because they will lose their jobs, endanger their ability to look after other children, or have other real difficulties (eg one parent who called us was the main carer of a seriously ill grandparent). We would like an estimate by Government of how many problems will be solved by this measure, as opposed to how many problems for hard-pressed hard-working families will be created. Will punishment solve the problems here?

65. Similarly we oppose the use of parenting orders and fines for parents whose children do not attend school. This is not a new proposal from the White Paper, but an existing power, but the evidence for its effectiveness should be considered alongside proposals to extend punitive measures against parents. The use of the "fast track" to prosecution has been found to be ineffective in addressing entrenched non-attendance by the NFER, who comment:

. . . pupils' self-determined actions and a lack of parental control were frequently identified as factors militating against the success of Fast Track.⁴⁸

66. In other words, parents were not able to exert control over the young people in question, so prosecution was ineffective: something else was needed to address the disengagement of the young person from education.

67. We consider that the extension of parenting orders to cover to parents of pupils whom the school consider to be misbehaving is also impractical and unhelpful in an area where engagement and dialogue are important, not blame.

68. It would be helpful to have data on social class, ethnic group and disability to be available on parents who are issued parenting orders, fined and/or prosecuted under these new arbitrary powers.

69. While so many children with special needs/disabilities find life so hard in ordinary schools and are excluded, we find the idea that parents have no right to question the "teacher's right to discipline" inappropriate.

70. We welcome responsibility for education for excluded pupils to rest on schools and LEAs, but note that the existing section 19 duty on LEAs to ensure suitable education after the first 15 days of an exclusion is not honoured or enforced in the majority of cases we deal with.

A NEW ROLE FOR LOCAL AUTHORITIES

71. We welcome the new role of LAs as champions of pupils and parents, but believe this needs to be made practically possible by the addition of powers to intervene and to direct schools in, for instance, their adherence to race and disability discrimination legislation, especially where individual children may suffer as a result of the schools' actions/inaction. Otherwise the accountability and regulation mechanisms which should control independent publicly funded schools are too remote and difficult to access by individual parents on behalf of their children.

APPENDIX

THE DfES'S LIST OF "APPROPRIATE AND ACCEPTABLE OVERSUBSCRIPTION CRITERIA" FROM THE DRAFT REVISED ADMISSIONS CODE OF PRACTICE (ANNEX B)

This list provides examples of commonly used and acceptable oversubscription criteria, which all admission authorities are encouraged to use as appropriate.

- *Looked after children:* looked after children must be given top priority in oversubscription criteria, but faith schools may give priority to looked after children of the faith and grammar schools to looked after children who meet the selection criteria.
- *Catchment area:* should be carefully defined and explained in the composite prospectus, with maps where appropriate. Catchment areas should not be set after applications have been received because that does not allow parents to assess their chances of obtaining a place.
- *Siblings:* admission authorities should consider the effects of the sibling criterion particularly where a disproportionate number of children attending the school do not live in the local area or there is an element of selection in the admission arrangements. Admission authorities may decide to give a lower priority to those siblings living outside the catchment area. Priority should not be given to siblings of pupils who will not be attending the school at the time of admission.

⁴⁸ Halsey, K, Bedford, N, Atkinson, M, White, R, and Kinder, K. (2004) *Evaluation of Fast Track to prosecution for school non-attendance*, NFER.

- *Social or Medical reasons*: these should be clearly explained with easily understandable explanations of the evidence required to support an application under this criterion, such as a letter from a professional practitioner, for example a doctor or social worker, and how this will be assessed. It should be made clear that the supporting evidence should set out the particular reasons why the school in question is the most suitable school and the difficulties that would be caused if the child had to travel to another school.
- *Attendance at named feeder schools*: this allows local continuity where there are good curriculum and geographical links between phases in the local area.
- *Distance from next nearest school*, where priority could be given to pupils who would have a disproportionately long journey to another school if denied admission.
- *Ease of access by public transport*, where priority could be given to pupils who could reach this school by public transport, but not another.
- *Religious affiliation* and/or links to local parish (in the case of a designated faith school), although this should not judge levels of devotion.
- *Selection in grammar schools* and partial selection allowed by the School Standards and Framework Act 1998.

Tie-breaker clauses

All admission arrangements need to have a tie-break clause, in case they have too many applicants in one category.

- *Distance*: the method used for calculating distance between home and school should be clearly explained and easily understandable. Commonly used methods include safe walking routes, straight line measurement and GIS systems. Published admission arrangements should explain the precise points at the school and the child's home between which distance will be measured.
- *Random allocation*: this may be used after criteria such as looked after children and siblings to decide between applicants, in place of distance.

November 2005

Memorandum submitted by the Catholic Education Service (CES)

1. The Catholic Education Service is the national agency which represents over 2,300 Catholic schools and colleges in England and Wales. Almost 650,000 pupils and students—10% of the total—attend Catholic schools and colleges. Inspection evidence and external examination results show that Catholic schools consistently achieve above-average exam results, whilst simultaneously developing the whole child in a caring and stimulating environment. DfES statistics on the proportion of pupils who are eligible for free school meals show that Catholic secondary schools have a similar social mix to other schools.

INTRODUCTION

2. In some ways, the White Paper is a far less radical document than the impression which was created by pre-publication steers. It is a “permissive” rather than a “prescriptive” document, and as such, individual schools will decide whether they wish to take advantage of new opportunities (eg becoming a Trust school).

3. Tony Blair and Ruth Kelly have stressed that the White Paper is designed to increase social justice. In our view, this ambition is unlikely to be achieved. Many Trusts will seek to become associated with and support the best-performing schools. Whilst we welcome the principle that parents should be given additional opportunities to become involved with the education of their children, we fear that—despite the Government's best intentions—the practical effects of the proposals will lead to the most assertive and vociferous in society obtaining the places and type of education they want at the expense of others. For example, there is a risk that, if the system does not prevent it, middle-class parents could seek to colonise “choice advisers” in areas where there is particular pressure on places in popular schools, in the way they currently dominate the entry to many of the top-performing state schools.⁴⁹

4. The focus on admissions and parental involvement is a result of the Government trying to legislate to solve problems which are particular only to small parts of the country (especially London). It is of no relevance elsewhere where there is already high parental satisfaction with school standards and where the vast majority of parents secure a place in the school of their choice for their child. In many parts of the country, introducing additional competition into the school system will damage or destroy excellent partnerships between schools, which are already leading to higher standards and sufficient choice.

⁴⁹ See, for example, Rates of Eligibility for Free School Meals at the Top State Schools (The Sutton Trust, 2005).

TRUST SCHOOLS

5. We are pleased that the Government has recognised the success of voluntary aided schools, and sees their governance arrangements—and the subsequent opportunity for schools to develop their own ethos—as a model for the rest of the state sector. It is clear that the creation of Trust schools is designed to replicate the voluntary aided model. It should not be assumed, however, that simply allowing schools to become self-governing is sufficient. Whilst the government is able to copy the structure of voluntary aided schools, the success of Catholic schools is also due to their philosophy of education, their ethos and shared vision and common values which are fostered and celebrated by the wider school community. Granting additional freedoms to schools will not produce the same ethos. Additionally, Catholic schools rely on the expertise and commitment of those who work in the schools, and those who support that work on a local and national level. It will be important that Trust sponsors have the same levels of expertise and commitment.

6. Additionally, the White Paper stresses the autonomy of schools and their Trust. Whilst Catholic schools are autonomous in some ways, they often work in close partnership with other Catholic and local authority schools for the benefit of all local pupils and students. We believe that the Government should be building on its successful policy of seeking to foster collaboration between schools, rather than introducing excessive competition between schools and Trusts.

7. The White Paper states that, “Schools that acquire faith-based Trusts would not automatically become faith schools—that would require a separate statutory process.” We seek clarification whether that statutory process will be equivalent to that for non-Trust schools.⁵⁰

ADMISSIONS

8. The White Paper proposes ways to improve parents’ access to school information and help in the admissions process. One method is to provide a network of “independent and unbiased” choice advisers. It is important that all parents are able to access comprehensive information about all schools, and we will be seeking reassurances that all choice advisers are able to deal responsibly with the issues around choosing a Church school, and do not seek to impose their personal views on parents. There is an obvious need for much more information about how choice advisers will work, and we will also be seeking reassurance that the Government intends for them to work in partnership with the schools on which they will be advising (and, where appropriate, the relevant diocesan authorities).

9. We are pleased that the White Paper reaffirms the rights of governing bodies to be the admissions authority for their school. The example of Catholic schools shows that allowing schools to be their own admissions authority is compatible with school populations which are socially and ethnically diverse: a greater proportion of students in Catholic secondary schools are from minority ethnic backgrounds than in the rest of the state sector, and the proportion of students eligible for free school meals is in line with the national average.

10. However, we are concerned by some of the language the White Paper uses about the admissions Code of Practice. For example, a local authority which has set up a competition for a new school will be able to “make modifications to proposed admissions arrangements to bring them into line with the Admissions Code of Practice” and “every popular and successful school that expands will be required to prove to the local authority that their admissions arrangements are in line with the Code”. This is a considerable change from the current situation where admissions authorities must show they have had regard to the Code. The Government should be clear that—in the words of the White Paper—“no one approach towards admissions will work in all circumstances”, and should ensure admissions authorities retain their current autonomy.

THE SCHOOLS COMMISSIONER

11. We note with concern that the creation of the Office of the Schools Commissioner is another example of the Government devolving some powers to a statutory officer outside the Department and the framework of Parliamentary accountability and responsibility (other examples include the Office of the Schools Adjudicator and the Office for Fair Access). It will be important that the Schools Commissioner is clearly accountable for his decisions, and that he does not interfere with decisions which are properly made by local authorities or individual schools.

12. In particular, the Catholic sector will be looking to ensure that the Commissioner is knowledgeable about the statutory rights of the voluntary aided sector and sensitive to the need to ensure that Catholic pupils—of all abilities—are able to access a range of academic and vocational options which is appropriate for them, and which—in line with the Human Rights Act—respects their parents’ wishes for a Catholic education.

⁵⁰As in the Religious Character of Schools (Designation Procedure) Regulations 1998.

HOME TO SCHOOL TRANSPORT

13. We welcome the government's proposals to give disadvantaged pupils a statutory right to free transport to "any of the three suitable secondary schools closest to their home" where these are between two and six miles away. It will be important, however, that for Catholic families, a "suitable secondary school" should include a Catholic school, even if it is more than six miles away. Failure to ensure this could mean that children from disadvantaged backgrounds are unable to access a Catholic education.

14. The government should be clear that this proposal is a minimum offer. Local authorities which use their discretionary powers to provide more generous transport provision should continue to do so, and should not see these proposals as an excuse to withdraw them.

EDUCATION IN THE CLASSROOM

15. We welcome the Government's continued emphasis on ensuring that a child's education is tailored to his/her needs, whether they are for "catch-up" lessons in English or maths, or participating in additional activities as part of a Gifted and Talented programme. The government should make it clear that schools have the right to group pupils and facilitate progression in the way which suits them. We would expect this to lead to a mixture of setting and mixed-ability classes as the school deems appropriate. We also pleased that the Government will introduce a "clear and unambiguous" legal right for teachers to discipline pupils.

16. We believe that these well-grounded and sensible proposals are likely to be the lasting positive impact of this White Paper, rather than a further round of structural reform.

November 2005

Memorandum submitted by Durham City Council

The abiding concern with the White Paper relates to the power of institutional decision-making on admissions which would inhibit free or equal access by youngsters from poorer backgrounds or with low educational prospects to establishments which for whatever reason did not wish to admit them.

In a recent article, Estelle Morris asked:

"Does anyone know any schools that change their admissions criteria so they can take in more difficult and under-performing children?"

That question underlies the widespread concern that admissions policy nationally is neither fair nor equal nor enforceable in respect of all schools.

Many examples could be given, of which the most recent is a DfES letter of 15 November on Special Educational Needs. That letter sets out the position with regard to parents of children with special educational needs and the issue of parental preference. The letter confirms that, for maintained schools, parents have a right to name the maintained school they would like their child to attend, and that once a Local Authority names a particular maintained school in a child's Statement, that school must admit the child.

The letter goes on to say:

"Since academies are independent schools their admission arrangements are different.

Parents do not have a statutory right to express a preference for an Academy, though they can make representations as to the particular Academy they would like their child to attend. Where they do, the Authority should consult the Academy and as part of that consultation ask them whether the child's attendance would be incompatible with the efficient education of the other children and to consider whether there are any reasonable steps that could be taken by the Academy or by the Local Authority to prevent that incompatibility.

Where the Academy is of the opinion that the child's attendance at the school would be incompatible with the efficient education of the other children and there are no reasonable steps that could be taken to prevent that incompatibility and, consequently, does not consent to being named in the child's statement, the Local Authority should not name the Academy".

All this is clearly incompatible both with the inclusion agenda of the Government and with its aspirations to equality of treatment of young people. It is an astonishing situation expression of preference that parents have a right to express a preference for a maintained school but no right even to express a preference for an academy, let alone any right, except by decision of the academy, to a place there. In a situation where the White Paper envisages a greater number of Academies, the inequality and unfairness for children with special educational needs with regard to Academies must be clear to all concerned.

This unfairness is endemic in the current Code of Practice on Admissions and many such examples could be given, and the position can only be greatly exacerbated unless firm action is taken. In a system of diverse schools, if there is no single, consistent and enforceable approach to admissions, the losers will be those

whom some schools may be reluctant to admit or to keep, once admitted. It is vital that admission arrangements apply equally, consistently and fairly, and in exactly the same way to all schools, whatever their legal categorisation, in respect of all pupils.

November 2005

Memorandum submitted by Save the Children

INTRODUCTION

Save the Children is the leading UK charity working to create a better world for children. We work in many countries, including England, helping children in the most disadvantaged communities. Our focus on child rights is underpinned by the United Nations Convention on the Rights of the Child.

Through our programme of work in education we concentrate on the most marginalised groups of children and young people, including those who are at risk of being excluded from school.

Save the Children welcomes this Inquiry by the Select Committee into the Education White Paper and would like to raise a number of issues for consideration.

1. *Parent Power*

The Government has made it clear that failing schools that do not improve quickly will close, and that successful schools will be given the opportunity to expand. Alongside this, they are emphasising the importance of parent power and enabling parents to call for new schools where need is identified.

While the paper demonstrates a high commitment to equality of opportunity, particularly for those children from deprived backgrounds, we have concerns that proposed reforms may not benefit these children. Many failing schools are located in poor areas and may be the ones to close. Even with the extension of free transport to school we are concerned that access to the best schools may be limited for some children. Ultimately, in our experience it is important that all children have access to a good local school.

We are also concerned that it may be better off parents who will campaign for new schools while others may just accept what is available to them. It is imperative that if a system of parental choice develops, parents from the poorest backgrounds are effectively supported to call for change when they identify need.

2. *Pupil Power*

While the paper is very strong on parent power, school councils are the only mention of pupils involvement. There is no mention of children's involvement in the proposals for new schools, nor any strong commitment to their involvement in decision-making throughout the school and via methods other than school councils.

Save the Children has produced school council guides for both primary and secondary schools⁵¹ and we recognise the high value of good quality school councils. However, we are disappointed that the Government has not taken this opportunity to further the steps they have already taken to increase children's involvement in matters that affect them.⁵² It is our belief that a participative education system fosters a culture of respect between teachers and pupils.⁵³ Furthermore, it is imperative that the most marginalised groups of young people are actively involved in participation. Evidence from our previous work running a School Non-Attendees Project demonstrated that a lack of consultation and participation with young people has a negative impact on their educational experience.⁵⁴

A number of Save the Children publications provide examples of successful methods of working with more hard to reach groups. For example, *Decide and Do*⁵⁵ which concentrates on involving younger children in decision making processes and *Choose*⁵⁶ which looks at ways of working with children with disabilities.

⁵¹ Sutton, F. *The School Council: A Children's Guide*. Save the Children: 1999 and Hedges, C. *The Good Council Guide: How to bring your secondary school council to life*. Save the Children: 2005.

⁵² For example the *Learning to Listen Action Plan for the involvement of children and young people*, the *Working together guidance* and the more recent *Every Child Matters: Change for Children programme*.

⁵³ Hedges, C. *Literature Review: Summarising Childrens' and Young Peoples Views on Quality Education and Placing them in a Theoretical Framework*, Save the Children: 2004 (Internal Document).

⁵⁴ Cunninghame, C (Ed) *Realising Children's Rights: Policy, Practice and Save the Children's Work in England*, 1999.

⁵⁵ Foster, M. *Decide and Do: involving younger children in decisions about their care*, Save the Children, 2000.

⁵⁶ Gordon-Smith, P. *Choose*. Save the Children, 2003.

3. Discipline Policies

Legislation will introduce a new duty on parents to look after their children for the first five days of any exclusion and parents will also be required to attend reintegration meetings following temporary exclusions.

For many parents, taking five days off work may not be possible or may have to be taken as unpaid leave. We are therefore concerned that poorer families could lose a great deal. We will therefore be calling on the Government to ensure that provision is made for those parents on low incomes to ensure their children are cared for without the need for financial loss.

Reintegration meetings following exclusion are often viewed as best practice. However, we do have concerns that those parents who are unable to attend meetings if they are unable to take time off work or suffer from a chronic illness may be penalised. We are currently calling on the Government to undertake a full review of the exclusion process, based on evidence from our new research which highlighted a range of problems with the exclusions process.⁵⁷ If the process becomes more thorough and involves children more effectively, we would expect family issues to be uncovered throughout the process. This would hopefully ensure that those children and families with additional needs receive the necessary support.

INDEPENDENT APPEALS PANELS

The Government plans to implement the Steer report proposals on this issue. This includes a recommendation that panels accept the judgements of head teachers and governors when it is clear the child committed an offence. We would suggest that this is not enough and it is important that appeal panels are also clear that schools used exclusion only as a last resort, having already attempted other behaviour management methods (unless the offence was a one-off deemed serious enough to warrant exclusion). We would also highlight the need for appeals panels to ensure that thorough investigation before an exclusion has ruled out any mitigating factors (such as caring responsibilities or bereavement) that may be affecting the child's behaviour.

BEHAVIOUR CHARTER AND BEHAVIOUR POLICIES

We are pleased to see that the Government intends to work on the Steer group's proposed behaviour charter for all members of the school community as we feel that this recognises that everyone, not just pupils, have rights and responsibilities.

As schools will now be expected to review their behaviour policies on a yearly basis, we would like to highlight the need for children to be involved in this process and for Ofsted to monitor this involvement.

ADMISSIONS

There is concern that with more diverse admissions authorities, competition for admission to "good" schools will disadvantage the most vulnerable children. We would therefore suggest that the Admissions code of practice be revisited and made enforceable by law to ensure a fair admissions process for all children.

November 2005

Memorandum submitted by the Royal College of Nursing

INTRODUCTION

With a membership of over 380,000 registered nurses, midwives, health visitors, nursing students, health care assistants and nurse cadets, the Royal College of Nursing (RCN) is the voice of nursing across the UK and the largest professional union of nursing staff in the world. The RCN promotes patient and nursing interests on a wide range of issues by working closely with Government, the UK parliaments and other national and European political institutions, trade unions, professional bodies and voluntary organisations.

The RCN welcomes the opportunity to contribute to the committee's inquiry and will focus on the White Paper's implications for health, and in particular school nursing. For the Committee's information, a summary paper outlining the role of the school nurse is enclosed.

⁵⁷ Taylor, F. A Fair Hearing: Researching young people's involvement in the school exclusion process. Save the Children: 2005.

1. *Choice in a specialist system (chapter 1)*

In order to enable parents to choose a school, the White Paper outlines a series of measures to allow parents access to information on individual schools, such as a “school profile” and “choice advisers”. Whilst the RCN recognises that information on educational performance will be of primary concern to parents, we feel that information on a school’s health policies, such as school meals and health promotion and education should also be made available. Doing so reflects the importance of health in the school setting and enables parents to make a fully informed choice.

2. *Extended schools: support for all children (chapter 3)*

2.1 The RCN believes the principle behind the Government’s proposal on extended schools is to be applauded. Providing a range of services to children and young people through greater collaboration between the school, parents, local health services, social services and voluntary groups is an objective the RCN fully supports.

2.2 However, the RCN has concerns about staff capacity within local health services to fulfil the Government’s commitment for all schools to provide access to extended services by 2010. In particular we have concerns about the capacity of school nursing services to meet the commitment to promoting good health, given that they are the primary provider of health care in the school setting. A recent RCN survey revealed that there are 2,140 whole time equivalent school nursing staff in the UK. In England this equates to approximately one school nurse for every 14 schools, with over 90% feeling that they are too busy to provide the service required.⁵⁸ In addition, school nurses reflect the profile of nursing more generally with one in five nurses about to reach retirement age. The RCN strongly believes that until the Government double the number of school nurses they simply will not be able to take on extra workload such as supporting extended schools.

3. *Healthy School Food (chapter 3)*

3.1 The RCN supported the Children’s Food Bill introduced by Mary Creagh MP and is encouraged by the Government’s intention to widen the scope of legislation to enable nutrient based standards to apply to tuck shops and vending machines in schools. School nurses play a crucial role in enabling children to make healthy life choices, providing information and advice on nutrition and diet. We therefore look forward to seeing the full detail of these proposals.

4. *Identifying and helping vulnerable children (chapter 3)*

4.1 Schools play an important role in identifying and helping vulnerable children. Whilst this is recognised in chapter 6 there is a need to emphasise the role of the school nurse who is central to providing guidance and support to schools educating children with special needs, and looked after children. In particular, the school nurse has a fundamental role in enabling learning and modelling behaviour for special needs children.

5. *School Nurses (chapter 3)*

5.1 We are delighted that the Government recognises the importance of the school nurse in supporting schools to promote good health. The role of the school nurse is integral to the health and wellbeing of children and young people, providing information, support and advice on issues such as sexual health, obesity, smoking, bullying, drug and alcohol misuse. In addition they play a pivotal role in child protection, health promotion through personal, social and health education and the development of school health policies. The impact of the school nurse is clear with a reduction in teenage pregnancies and a decrease in sexually transmitted infections. In the RCN’s survey, almost half of school nurses reported an impact on the ability of children to make choices and adopt a lifestyle more conducive to good health.⁵⁹

5.2 However, as previously stated, the RCN is seriously concerned about how the Government will meet their target of one full-time, year-round qualified school nurse working with each cluster of primary schools and the related secondary school. Not only is there a shortage of school nurses to meet this commitment but the RCN is also aware of difficulties in accessing specialist school nurse practitioner courses. This means that those who wish to train as a school nurse, often cannot and until this problem is addressed the target of every school having access to a “qualified” school nurse will be difficult to achieve.

⁵⁸ “School Nurses: Results from a census survey of RCN school nurses in 2005”, Employment Research Ltd 2005.

⁵⁹ “Results from a census survey of RCN school nurses in 2005”, Employment Research Ltd, July 2005.

5.3 Problems in recruiting and retaining school nurses are a particular concern at the moment, with the Government's proposals to reconfigure Primary Care Trusts and Strategic Health Authorities. It is as yet, unclear who will directly employ school nurses and this uncertainty has caused anxiety among school nurses about their future employment status. Such uncertainty is yet another pressure on an already overstretched service.

5.4 In addition, the RCN has concerns that the £1 billion extra funding, allocated to Primary Care Trusts through the Public Health White Paper⁶⁰ for services such as sexual health and school nursing is not reaching the frontline. Without this funding there will be insufficient numbers of school nurses available to schools to carry out the health improvement proposals outlined in the Schools White Paper. The RCN believes there is a currently a lack of transparency about how this funding is being spent at local level, which the Government must address by holding PCTs to account. Unless it does so the Government's objectives on public health targets such as sexual health, smoking and obesity risk being undermined. If school nurses are to harness the potential envisaged for them in the White paper, action must be taken to address current problems with capacity, training and funding.

RECOMMENDATIONS

- The RCN recommends that the Government double the number of school nurses in order to ensure there is capacity to fulfil the role envisaged in the white paper
- The RCN recommends the Government take action to hold PCTs to account on the funding allocated for school nursing as part of the Public Health white paper.

November 2005

Memorandum submitted by Child Poverty Action Group (CPAG)

SUMMARY

1. CPAG welcomes the opportunity to comment on the Education White Paper. We endorse the Government's determination to reduce educational inequalities which we believe is central to the long-term strategy on the eradication of child poverty.

2. Educational experiences and outcomes for children living in the UK are heavily dictated by the socio-economic status of their parents. Action is urgently needed to break the direct link between poverty and educational disadvantage which results in high levels of social exclusion amongst the UK's most disadvantaged families. We are pleased that the Education White Paper considers their needs.

3. Children who are at greatest risk of being poor are also at greatest risk of achieving poorly in the education system. Severely disadvantaged children have benefited least from Government initiatives to reduce child poverty—including improvements within the education system.

4. CPAG believes that significantly more funding is needed to pre-empt or redress educational disadvantage before a child reaches secondary school. Funding priorities must reflect the need for to ensure that the most disadvantaged children receive the support they need during the early years. Investing in training, reducing class size and implementing programmes such as the Reading Recovery scheme will help raise standards.

5. Parental choice is at the heart of the Government's proposals on educational reform. We are concerned that the Education White Paper will end up giving more power to some already powerful parents. The provision of good schools in all areas is more important than the extension of "choice" which tacitly accepts that that some schools—the majority of which are in disadvantaged areas—will inevitably continue to be bad.

6. We are concerned that an increase in "parent power" will do little for children who do not have powerful parents to support them. How can parents who are struggling to make ends meet and may be experiencing additional problems associated with poverty such as poor housing, ill health, stigma and social exclusion be expected to drive the success of schools?

7. Unequal access to educational advantages blights the British educational system. Although UN Convention on the Rights of the Child argues for "equal opportunities and access to quality education that is free and compulsory"⁶¹ disadvantaged children in the UK are excluded from many educational activities because their parents are unable to finance them. We are concerned that the Education White Paper does not directly engage with the issue of educational costs, which may increase as a result of some of the policies.

⁶⁰ "Choosing Health: Making Healthy Choices Easier", Department of Health November 2004, chapter 3.

⁶¹ "The Children's Statement" delivered at the opening address of the UN General Assembly's Special Session on Children, 8 May, 2002, reported in *A World Fit for Children Millennium Development Goals Special Session on Children's Documents The Convention on the Rights of the Child*.

8. CPAG does not think that the Government can address educational underachievement without considering wider socio-economic issues such as benefit adequacy, low paid work, and of worklessness. The role that income adequacy plays in enabling parents to support their child's education has been largely neglected in the Government's discourse on educational inequalities.

INTRODUCTION

9. CPAG welcomes the opportunity to comment on the Education White Paper. We endorse the Government's determination to reduce educational inequalities which we believe is central to the long-term strategy on the eradication of child poverty

10. Educational experiences and outcomes for children living in the UK are heavily influenced by the socio-economic status of their parents. Action is urgently needed to break the link between poverty and educational disadvantage which results in high levels of social exclusion amongst the UK's most disadvantaged families. We are pleased that the Education White Paper considers the needs of such families.

11. We welcome the Government's commitment to increase spending on education, and the stipulation that "we will target it particularly towards local authorities with the largest number of underachieving and deprived children . . ." (para 4.13) Children who are disproportionately likely to be poor should benefit disproportionately from investment in education.

12. Resolving entrenched social and educational problems is more difficult and costly than pre-empting them. CPAG believes that significantly more funding is needed to avoid educational disadvantage setting in before a child reaches secondary school. Funding priorities must ensure that the most disadvantaged children receive additional support during the early years. Children should have access to high quality teaching in smaller classes, Reading Recovery schemes, and to services and extra curricula activities provided as an integral part of the extended school agenda, irrespective of their parent's income or work status.

13. The provision of childcare, improvements to the education system and attempts to provide more integrated services and reduce health inequalities are an integral part of the Government's strategy to reduce child poverty. However, the link between socio-economic status and educational disadvantage and poverty is compounded and reinforced by income adequacy. Any discussion about educational inequality must address issues such as benefit adequacy and accessibility, worklessness, and low paid employment.

14. The Education White Paper emphasises the important role that parents play in their children's education. Disadvantaged parents need financial, emotional and social support to help them fulfil the responsibilities required of them by the Government. Children from "hard to reach" families go to school; schools therefore provide an excellent environment in which to ensure that families know about and can access their full benefit and tax credit entitlement as well as health and educational provision.

15. Parental choice is at the heart of the Government's proposals on educational reform. The most vulnerable families who may have little in the way of power, resources, aspirations or confidence, are not in a position to effectively exercise choice. The problem is not so much that poor families are denied choice—which they certainly are—but that they are denied high quality education for their children. We are concerned that the Education White Paper will end up giving more power to already powerful parents.

16. Educational reform is being implemented as part of a wider economic programme to ensure that children attain the qualifications and skills they need to access paid work as adults. CPAG strongly supports any initiative that increases skills and academic attainment levels for disadvantaged children. However, we believe that all children should be entitled to a rewarding and fulfilling education, irrespective of their long term prospects of employment, or their parent's work status or income. Nor should the education system be viewed as providing a childcare environment for working parents: children's needs must come first.

17. CPAG has recently published *At Greatest Risk: the children most likely to be poor*.⁶² The book considers the needs of various groups of children who face a particularly high risk of poverty—including children from black and minority ethnic (BME) groups, disabled children, children with disabled parents, asylum seeker children, children in larger families, children with a parent in prison and young people leaving care.⁶³ *At Greatest Risk* reveals that for some children systems that have been put in place to address inequalities, for example within the education system, have generated unequal gains. Not only are failing schools disproportionately located in disadvantaged areas—The Education White Paper reports that "... there are some communities—often in our most disadvantaged areas—where school standards are poor." (para 2.50)—but poor children in better schools do less well than their more affluent peer group.⁶⁴

18. However, *At Greatest Risk* highlights the way in which lack of detailed statistical information about the groups of children, and the different ways in which these groups overlap with each other and experience multiple disadvantages, particularly in the educational arena, seriously impede the success of initiatives aimed at reducing child poverty and improving educational attainment levels.

⁶² G Preston (Editor) *At Great Risk: the children most likely to be poor* (CPAG, 2005).

⁶³ See G Preston (ed) *At Greatest Risk*.

⁶⁴ See DWP, *Opportunity for all: Seventh annual report 2005*, p. 149.

19. Although there are a number of helpful initiatives outlined in the Education White Paper (such as personalised learning, improving training and recruiting more teachers and educational leaders from BME communities) it remains to be seen whether aspirational rhetoric is transformed into effective action.

20. This submission focuses on those aspects of the Education White Paper which we believe are of most relevance to poorer children. The first part outlines the child poverty policy context, and the second part addresses the proposals outlined in the Education White Paper.

SECTION ONE

The policy context

Child Poverty

21. On 18 March 1999 the Prime Minister, Tony Blair MP, delivered his pledge that the Labour Government would “eradicate” child poverty by 2020. The Government promised to reduce child poverty by a quarter by 2004–05, by a half by 2010, and to eradicate it by 2020.

22. Although the causes and consequences of child poverty are wide ranging, the Government’s definition of poverty tacitly accepts that first and foremost it is about inadequate income: the “poverty line” is defined in terms of 60% of the median household income adjusted for household composition. However, while the Education White Paper refers to “disadvantaged families” and to children who are entitled to free school meals, income poverty and its impact on educational underachievement, is not directly addressed.

23. CPAG does not think that the Government can address educational underachievement without considering wider socio-economic issues such as benefit adequacy, low paid work, and of worklessness. Despite the direct correlation between poverty and low educational achievement, the role that income adequacy plays in enabling parents to support their child’s education has been largely neglected in the Government’s discourse on educational inequalities. Educational reform must be placed firmly within the wider child poverty agenda.

Poverty and inequality

“The social class a child is born into and their parents level of education and health are still major determinants of their life chances, and mean that social exclusion and disadvantage can pass from generation to generation.”⁶⁵

24. The Government accepts that poverty is associated with high levels social exclusion, and that its consequences are complex and wide ranging. Living in poverty has a direct impact upon access to services, educational achievement levels, health, skills and employment. Family income, social class and ethnicity remain major determinants of a child’s health at birth—and indeed throughout his or her life. They also affect a child’s educational attainment levels and the sort of job he or she is likely to get. Adults with low basic skills are five times as likely to be unemployed as those with average skills.⁶⁶

25. Increased Government funding is clearly bringing about some positive results. The Department for Work and Pension’s (DWP) annual report *Opportunity for all* indicates that the percentage of 16 year olds with at least five GCSEs at grades A*–C (England) has increased from 45.1% in 1997 to 53.7% in 2004.⁶⁷ However progress has been patchy, with the most disadvantaged children benefiting least. The Joseph Rowntree Foundation (JRF) conclude that the “current educational system continues to fail to meet the needs of people from low income households and disadvantaged groups.”⁶⁸

Poverty and educational disadvantage

26. The Government is concerned about educational inequalities, as the following statements reveal:

“We continue to have one of the greatest class divides in education in the industrialised world. A socio-economic attainment gap is evidence as early as 22 months and widens as a child gets older. In English schools with under 8% of pupils eligible for free school meals see nearly 61% of their pupils achieve the expected level at key stage 3. The equivalent figure for schools with over 50% of disadvantaged pupils is 39%.”⁶⁹

“The class gap is profound . . . Poor children are still one third as likely to get five good GCSEs as their wealthier classmates, young people from unskilled backgrounds are over five times less likely to enter higher education than those from professional backgrounds professional backgrounds”⁷⁰

⁶⁵ Social Exclusion Unit, *Breaking the Cycle: taking stock of progress and priorities for the future* Office of the Deputy Prime Minister, 2004, p. 10.

⁶⁶ Jo Sparkes, *Schools, Education and Social Exclusion*, CASEbrief12, November 1999.

⁶⁷ See *Opportunity for all* Indicators of progress, “An increase in the proportion of 16-year-olds with at least five GCSEs at grades A*–C, and in all schools with at least 20% to reach this standard by 2004, rising to 25% by 2006, p161.

⁶⁸ Joseph Rowntree Foundation, *Monitoring Poverty and Social Exclusion*, 2004.

⁶⁹ DFES (2002) *Education and Skills: investment for Reform*, p. 9—quoted in End Child Poverty (ECP) briefing, *Child Poverty and Education*, 2004.

⁷⁰ David Miliband, (2003) speech given by the School Standards Minister at the NASUWT/NUT conference on learning or Leaning? London 30 January 2003—quoted ECP briefing, *Child poverty and education*.

27. Opportunity for all reveals “evidence that poorer children fared worse at school than their more affluent counterparts—and that children who received free school meals were much less likely to gain five or more GCSEs than children who did not”, that “Class difference affects children’s progress long before they start school and have a growing influence as they get older” and that “There are some groups which are much more likely to be excluded than others, for example black Caribbean boys, traveller children and pupils with special educational needs.”⁷¹

28. Research from the Sutton Trust and the London School of Economics reveals that social mobility in Britain is lower than other advanced countries. The researchers conclude that “the strength of the relationship between educational attainment and family income, especially for access to higher education, is at the heart of Britain’s low mobility culture and is what sets us apart from other European and North American countries”⁷²

29. The Joseph Rowntree Foundation indicates that “Progress in increasing the number of children and young adults with an adequate minimum level of educational qualifications has now stalled, with no further advance since 2000 compared with significant progress during the second half of the 1990s. Around a quarter of young people at each of the ages 11, 16, and 19 are still failing to reach a basic level of attainment.”⁷³

30. Unequal access to educational advantages blights the British educational system. Although UN Convention on the Rights of the Child states that “Education is a human right and a key factor in reducing poverty.” (Article 38) and that all children should enjoy “equal opportunities and access to quality education that is free and compulsory”⁷⁴ disadvantaged children in the UK are excluded from many educational activities because their parents are unable to finance them.

31. Educational costs exclude the poorest children from experiences that would benefit them most. A coalition of organisations led by Citizens Advice and including Child Poverty Action Group is investigating the negative impact that educational costs⁷⁵—such as charging for uniforms, school trips, and—increasingly—extra curricula activities that may be provided as an integral part of the extended school agenda—has on children’s lives. Parents are asked to contribute towards classroom materials, music lessons and charity events, and to make donations to school funds. Research commissioned by the Department for Education and Skills⁷⁶ suggests that parents of secondary school pupils spend an average of £948.11 per year on their child’s “free” education while the average cost of sending a pupil to a state primary school is £563.15.

32. Children report that living without the essentials required for school can seriously jeopardise their well-being:

“Children’s accounts of their school lives indicated that they were experiencing considerable disadvantage within their schools, with many reporting feeling bullied, isolated and left out at critical stages of their academic careers. The costs of maintaining an adequate school profile and acquiring appropriate materials for examinations and school activities were described by many children as prohibitive.”⁷⁷

33. We are concerned that the Education White Paper does not directly engage with the issue of educational costs. Indeed CPAG fears that giving parents the right to dictate policy around the curriculum and uniforms may result in an increase in costs.

34. The Government is concerned about the impact that educational inequalities has on children’s life chances. In a speech entitled Equity and Excellence: Education and Social Mobility⁷⁸—Ruth Kelly MP emphasised the important role education has to play in reducing inequalities and increasing social mobility. However, although she expressed concerns that children from disadvantaged backgrounds are failing to get into better schools, and that “local schools are not good enough” when asked whether poor educational achievement is more a question of poverty than education, and whether it was possible to tackle educational inequalities without tackling benefits which are set below poverty levels, school costs, low birth weight, and health inequalities, the Minister stated that it was “not a question of poverty whether a parent can read, or takes their child to the library” and that it was “more important to raise parental aspirations than incomes.” This is an extraordinary statement by a Government that is intent on eradicating child poverty. The Government should be aware that aspiration and a sense of self-worth are directly linked to income.

⁷¹ *Opportunity for all* (seventh edition, p. 149).

⁷² J Blanden, P Gregg, Paul, and S Machin. *Intergenerational Mobility in Europe and North America* (Centre for Economic Performance, London School of Economics, a report supported by the Sutton Trust, 2005).

⁷³ JRF *Monitoring Poverty and Social Exclusion 2004*, findings D14.

⁷⁴ “The Children’s Statement” delivered at the opening address of the UN General Assembly’s Special Session on Children, 8 May 2002, reported in *A World Fit for Children Millennium Development Goals Special Session on Children’s Documents The Convention on the Rights of the Child*.

⁷⁵ Citizens Advice—*The cost of a free education*. The full briefing can be downloaded from: www.cpag.org.uk/campaigns/cost-of-free-education-briefing.pdf

⁷⁶ T Brunwin, S Clemens, G Deakins and E Mortimer *The Cost of Schooling* (BMRB Social Research, 2004).

⁷⁷ Ridge T (2003) “Listening to children: developing a child centred approach to childhood poverty in the UK” in *Family Matters* No. 65 Winter 2003, quoted in *The cost of a free education* briefing.

⁷⁸ *Equity and Excellence: Education and Social Mobility* a keynote speech by Rt Hon Ruth Kelly MP, Secretary of State for Education and Skills, hosted by IPPR 26 July 2005.

35. For the moment, however, not enough is known about the causes of low achievement in the British education system. Robert Cassen, from the London School of Economics, reports that current research “yield no clear account of the mechanisms resulting in low achievement. And no statistical profile exists of low achievers telling us who and where they are and what are their circumstances.”⁷⁹

At Greatest Risk: the children most likely to be poor

36. *At Greatest Risk* confirms that children who are at greatest risk of being poor are also at greatest risk of achieving poorly in the education system. Each of the chapters reveal that severely disadvantaged children have benefited least from Government initiatives to reduce child poverty—including improvements within the education system.

37. We summarise the main findings from *At Greatest Risk* below.

- (a) Children who are homeless and living in temporary accommodation or who are living in overcrowded conditions: Regan and Neuberger discuss the impact that living in temporary and overcrowded housing has on families’ and children’s health and education. They highlight problems that impede the children’s access to education, including living in damp, cold, inadequate accommodation—which has a negative impact on children’s health and undermines their ability to attend school or study—and the lack of space to study or do homework. They conclude that “Frequent moving and disruption makes it difficult for children to keep school places, maintain attendance and do well at school.” They refer to a Shelter research project in which children “described problems moving homes and schools, making new friends and being bullied.”⁸⁰
- (b) Young people leaving care: Stein confirms that Cared for Children are “one of the most disadvantaged groups of young people in society” He reveals that “young people leaving care have lower levels of educational attainment at 16 and 18 and lower post-16 participation rates than young people in the general population. Although there has been “a slow but steady improvement . . . just 8% of young people in Year 11 in England who had spent at least one year in care gained five or more GCSEs, compared with half of all young people. In the same year almost half had no qualifications at GCSE level. Of Year 11 pupils who had been in care for one year or more, 42% did not sit GCSEs or GNVQs, compared to just 4% of all children.”⁸¹ Stein emphasises that “care leavers are less likely to be engaged in post-16 education, employment and training than other young people aged 16–19 in the population, having between 2 and 2.5 the unemployment rate for young people in the same age group.”⁸²
- (c) Children from Traveller and Gypsy: Cemlyn and Clark confirm that these children are “most at risk in the education system . . . at least half of all Gypsy and Traveller children in England and Wales drop out of school between Key Stages 1 and 4 . . . Contributory factors include racist harassment or bullying and a failure of schools to address it effectively; excessive exclusions from school, sometimes arising out of Travellers’ responses to racist incidents; and self-exclusions that may be a response to hostility or other problems.” Despite some improvements the authors conclude that “there is a continuing failure to provide an inclusive environment and an appropriate curriculum in which Gypsy and Traveller children’s experience, culture and family based education is validated and built on.”⁸³
- (d) Black and minority ethnic children: Craig points out that “for most minorities, disadvantage and discrimination are still built into the system from a very early age. Despite the fact that each of the main minority ethnic groups has achieved higher standards than ever before . . . a report commissioned by Ofsted found that BME pupils are disadvantaged systematically by the education system.” Craig reports that “it is not simply the result of educational disadvantage associated with poverty, but of the “impact of policies, practice and procedures within schools and the wider educational system”. He attributes the fundamental lack of understanding about cumulative disadvantage “in part to the failure to engage in effective ethnic monitoring.” He emphasises that “minority ethnic pupils, and particularly those at schools where they are in a significant minority, suffer the effects of continuing racism from other pupils, and that teachers in the latter schools had had little or no training for dealing with issues raised by multicultural school populations . . . there is nothing culturally or educationally specific to any one group which dooms them always to fail in educational terms.”
- (e) Disabled children and children with special educational needs: Northway reports that disabled children “are more likely than their non-disabled peers to live in poverty . . . Those who live in lone-parent families and those from black and minority ethnic families are at particular risk. Families of disabled children may thus also experience other factors which increase vulnerability

⁷⁹ R Cassen is undertaking research as part of the Joseph Rowntree Foundation project on into “education and poverty: Questioning assumptions of current UK educational policy”.

⁸⁰ S Regan and J Neuberger “Children in acute housing need” in G Preston (ed) *At Greatest Risk* p 54–55.

⁸¹ Social Exclusion Unit, *A Better Education for Children in Care*, The Stationery Office, 2003.

⁸² M Stein, “Young people leaving care: poverty across the life course” in *At Greatest Risk*, pp167–169.

⁸³ S Cemlyn and C Clark “The social exclusion of Gypsy and Traveller children”, *At Greatest Risk*, p156.

to poverty.” She emphasises that “Poverty can also be seen as a cause of poverty.” The particular problems these children face within the educational system are reflected in the high level of unemployment amongst disabled adults, many of who have few or no qualifications.

- (f) Children with disabled parents: Stickland and Olsen express astonishment that “given the strength of the association between disability, worklessness and child poverty, that the place of disabled parents in debates about child poverty, and in strategies and policies designed to challenge it, has been so weak . . . With 17% of children having at least one disabled parent, it is impossible to ignore the sheer scale of this group.
- (g) Asylum seeker families: Fitzpatrick outlines the many disadvantages asylum seeker families face which have resulted from an increasingly punitive attitude which have reduced their rights in employment, health services, income and housing. Access to education is clearly of paramount importance for children who have experienced severe disruption and distress. There is nothing in the Education White Paper which considers the needs of a group of children who—if they remain in the UK—need to benefit from our education system.

38. We believe that policy aimed at reducing child poverty should be driven by the needs of the poorest children. *At Greatest Risk* exposes universal conclusions which are directly applicable to the educational arena.

- Overlapping disadvantage. Particular groups in the population are demonstrably more disadvantaged than others, but within such groups there is a significant proportion for whom one characteristic associated with disadvantage is compounded by others.
- Inadequate data to track disadvantage. The data to track progress of policy for some of the poorest children is inadequate. New material deprivation data being collected by the Department for Work and Pensions (DWP) offers significant opportunities to improve knowledge of policy impact.
- Unequal gain from anti-poverty policies. Policies—though reducing poverty overall—have improved the position of those who are easiest to help: there has been unequal gain. Policy solutions need to address the needs of all children.
- An adequate safety net. Parents who are not in paid work, and who are therefore most at risk of poverty, need an adequate disposable income—made up of Income Support, Child Benefit and Child Tax Credit. And yet Income Support has long been overlooked by policy makers. Eradicating child poverty requires a financial safety net of at least the value of the poverty line.

SECTION TWO

Higher Standards, Better Schools for all: more choice for parents and pupils?

The following two quotes appear in the foreword to the Education White Paper.

“We must put parents in the driving seat for change in all-ability schools that retain the comprehensive principle of non-selection, but operate very differently from the traditional comprehensive” (Tony Blair MP, The Prime Minister)

“There is too little choice and standards are not yet high enough . . . we must deliver for all children, but particularly for those whose family background is most challenging” (Ruth Kelly MP, Secretary of State for Education)

In the following section CPAG responds to those aspects of the Education White Paper which are relevant to the child poverty agenda. Although we believe the needs of children should come first, in the Education White Paper the needs of parents is placed at the forefront of the strategy, and the structural changes emanate from this focus. The first part of this section will discuss the proposed increase in parental choice. The second part addresses the proposed structural changes. The third part considers those aspects of the White Paper that have particular relevance for disadvantaged children. We outlined our main concerns at the end of each section.

Parents—increasing choice?

“Our vision is to create a schools system shaped by parents which delivers excellence and equity . . . one that will empower parents and give schools the freedom and incentives to focus on the individual needs of every child. To respond to parental demand, we need to expand choice, create real diversity in provision, and to ensure that the benefits of choice are available to all . . .” (para 1.29)

39. The Government want to create an educational system that is “driven by the success, needs and aspirations of parents and pupils.” (para 1.16) The White Paper is peppered with hopeful statements like “parents . . . have high aspirations for their children . . . The most powerful influence on a child’s learning and progress is the support and commitment they receive from their parents.” (para 5.1); “This will be a system driven by parents doing their best for their children” (para 1.35); and “fully engaged with their child’s learning”

40. The Education White Paper also considers the particular needs of disadvantaged families, stating, for example, that “we must raise standards for all—especially amongst the least advantaged.” (para 1.8) and “do much better for those from less well-off families, who do not have such confidence, resources or options” (para 1.22)

41. There are a number of positive proposals in the Education White Paper. However many could be implemented within the system as it stands:

- the provision of “Better information for parents” provided on the internet (including a national website on schools) and the directive that local authorities “improve the independent information” to parents who do not have a computer;
- the provision of “materials for parents to use at home to support their child’s learning and study skills, with specific activities designed to support . . . catch-up activities . . .” (para 5.12);
- the establishment of Parent Councils to provide “a forum for parents to express their views and influence the running of their schools”;
- the appointment of a school Commissioner who will “work with both national organisations and local community and parental organisations, particularly those in disadvantaged areas” (para 2.22) and will “challenge local authorities to work together to maximise choice, diversity and fair access” (para 2.24)
- the establishment “a network of choice advisers—people based within the community who can offer independent, unbiased advice and raise the interest, expectations and aspirations of those who may not previously have felt they have any real choice.” (para 3.12)
- the appointment, when a school is failing, of a “suitably experienced person to act as a ‘Parents’ champion—to help parents understand the nature of the problems at their school and the options available to address them—and then to represent their interests and help them contribute to planning the future of their children’s education.”

However, CPAG does have a number of reservations about the underlying ethos of parental choice, which we outline below:

- We are concerned that an increase in “parent power” will do little for children who do not have powerful parents to support them.
- The Government accepts that “The greatest denial of parental choice is when the schools that are on offer are simply not good enough. We want every school to be a good school: parents should expect no less” (para 2.49). Most parents want their children to be educated in a good local school. They may not want greater choice.
- Parents are by no means a homogenous group, and may well disagree about what would best suit their children. Problems with “parent power” were illustrated in Kent where a parental campaign to abolish grammar schools (Stop the Eleven Plus—or STEP) clashed with the pressure group Parents Alliance for Choice in Education—PACE which was determined to retain them. On the one hand STEP argued that grammar schools created secondary modern schools which “have been classified as being in need of much improvement and it is to these weak schools that we send the majority of our most disadvantaged children—a recipe for despair.” On the other, PACE, claimed that “... it’s been proven over the years that selection is what parents want.”
- More affluent parents are already “in the driving seat”. We are concerned that when parents do not agree about what is needed, the more powerful parents will win the argument—as they did in Kent.
- Equality and diversity: Although the White Paper stipulates that “Secondary schools will also be required to make arrangements for ‘hard to place’ pupils, ensuring that no school takes an unreasonable share of children with challenging behaviour, including pupils who have been excluded from other schools.” (para 7.20) we are concerned that giving parents more power and schools greater autonomy may increase the number of exclusions and “parental orders.” Parents want to do the best for their children, first and foremost, and not all children, this has ramifications for other people’s children.
- We are concerned that the commitment to “consult parents on specific issues . . . such as uniform, school meals or changes to the curriculum.” (para 5.20) may enable parents who espouse a more selective attitude to education to impose an agenda that has a negative impact on poorer children. On 7 November *The Independent* reported that Schools “use expensive uniforms to deter poor”, and argued that “The pressure to succeed in league tables has pushed primary schools to adopt the tactics used by some secondary schools to try and boost their intake of bright children from wealthier backgrounds and limit the number of pupils who seem likely to struggle.”⁸⁴ The Education White Paper may exacerbate such tendencies.

⁸⁴ Sarah Cassidy, “Schools use expensive uniforms to deter poor” in *The Independent*, 7 November 2005.

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- Better-off children report high levels of stress when trooping around prospective schools, and disappointment when they fail to fulfil their parents’ or their own expectations and get into the “right” school. Problems with choice might be magnified for disadvantaged children whose lives may be fragmented and precarious: they need the reassurance of knowing which school they will be going to. Disadvantaged parents who may already be struggling to cope may not be able to engage in what is a demanding and rigorous process.
 - The Government accepts that disadvantaged parents and children may not experience much in the way of success and may have limited or low aspirations. How can parents who are struggling to make ends meet and may be experiencing additional problems associated with poverty such as poor housing, ill health, stigma and social exclusion be expected to drive the success of schools?
 - The Education White Paper emphasises “We will expect parents to take responsibility for excluded pupils in the first five days of an exclusion . . . and will introduce a new offence, with fines for parents if excluded pupils are found in a public place during school hours” (para 7.13) And “Parents will be more strongly discouraged from condoning truancy, through greater use of fines . . .” (para 7.33) We are concerned that children with “good” parents with fewer problems will be rewarded with opportunities to influence their child’s education while supposedly “bad” parents with complex needs will end up being penalised—or possibly even fined—thereby sapping already inadequate incomes. This is divisive and unjust and will do little for their child’s education, and nothing to reduce inequality.
 - Although the Government accepts that many families, particularly in the least well-off communities, have no internet access at home and rely on written word and word of mouth information (para 3.10) inequalities will inevitably be exacerbated in a system in which parents with access to the internet are “armed with information” and others are not.
 - The Commissioner could and should play a role in the existing educational system, and ensure that the voice and needs of families in disadvantaged areas, or disadvantaged children in more affluent areas, are strongly represented within the current education system.
 - It is imperative that choice advisers provide a high quality holistic service to families who up to now have found it difficult to access information and support. Choice advisers should link in with other sources of advice and support—for example about housing, health services and benefits. The provision of a network of choice advisers provides an excellent opportunity to identify the barriers families face to a number of services, including educational provision. Advice and support must be monitored to ensure that the families who are most in need of advice receive it.
 - We are concerned that parents from disadvantaged backgrounds are unlikely to be recruited to Parents’ Councils, or may not have the skills or confidence to represent their children’s interests. This could result in discrimination against parents from more diverse and disadvantaged backgrounds.
 - We are concerned that the right to demand a new school is unlikely to be utilised by the most disadvantaged parents.
 - Although the Education White Paper emphasises the important role that parents play in supporting their children’s education, research indicates that there are limits on the extent to which parental involvement in their child’s education can offset economic disadvantage. Better-off children generally do better than poor children, irrespective of their cognitive developmental levels or parental involvement.⁸⁵

Structural changes

A diversity of school providers?

42. The Government is keen to give schools “the freedom to tailor the way they manage themselves, and the teaching and support they offer, to the needs and talents of individual pupils and their parents.” (para 1.19) and is seeking to establish “a diversity of school providers . . . educational charities, faith groups, parents and community groups and other not-for-profit providers to run schools” (para 1.30).

43. The evidence that the changes outlined in the Education White Paper will significantly improve outcome for the most disadvantaged children is limited. CPAG’s has serious reservations about the proposed structural changes which we suspect may be of least benefit to disadvantaged children who are most at risk of being poor and experiencing educational failure. We summarise our concerns below:

⁸⁵ See, for example, D Hango, *Parental Investment in Childhood and Later Adult Well-being: Can More Involved Parents Offset the Effects of Socioeconomic Disadvantage?* (CASEpaper 98, May 2005). This report found a variable impact on socio-economic disadvantages for children aged 7, 11 and 16 of the involvement of mothers and of fathers. The author reports that although parental “can reduce the harmful effect of childhood poverty . . . parental involvement was not sufficient to completely cancel the negative association between poverty and education: instead it acted as a “partial mediator”, p 14.

44. Academies: Recent reports that academies are “turning their back on poor pupils and ‘cherry picking’ more able children from middle-class families”⁸⁶ and “expelling significantly higher numbers of pupils than other schools”⁸⁷ are very worrying. A recent evaluation of the Government’s £386 million *Excellence in Cities* scheme reports that attainment at GCSE had not improved because youngsters were not entering secondary school “with the appropriate skills and attitudes”.⁸⁸ The impact of Academies on improving educational outcomes for disadvantaged children from different and sometimes overlapping groups must be closely monitored. Improvements to early years education is an essential prerequisite for improving outcomes for disadvantaged children at secondary school.

45. The Sutton Trust recently published research which indicates that the overall rate of free school meal (FSM) eligibility at the top schools is 3.0% compared with a national secondary school average of 14.3%. The findings also indicate that the top schools do not reflect the social make up of their immediate areas; even when disadvantaged children live near a good school, they are not necessarily getting a place. The researchers conclude that “the admissions system is not operating equitably and is in need of review, and that more needs to be done to raise standards earlier down the educational change. The unevenness of the state school system serves to exacerbate existing inequalities, and we see its consequences in the under-representation of those from lower social classes and poorer areas in higher education, particularly the leading universities.”⁸⁹

46. The Education White Paper reports that some schools already use a system of banding whereby “schools offer places based either on the range of abilities of applicants, or on the local or national ability range, to achieve an all-ability intake.” (para 3.23) We welcome the idea of banding which should ensure that schools cater for children with differing abilities from a wide range of socio-economic backgrounds.

47. Trust schools: Given that poorer schools tend to be in poorer areas, they are unlikely to have the sort of dynamic leadership and parent power that will lead to creation of a Trust School. This may exacerbate inequalities within the educational system. Considerable anxiety has been expressed about whether the new system will—as promised—be “underpinned by fair admissions.” (para 3.19) David Chaytor MP has warned that moves to create self governing trusts “would easily lead down a road which would take Britain into having the most stratified and segregated system of secondary education in Europe.”⁹⁰

48. New schools: Parents in disadvantaged areas that may well be calling out for better local provision are the least likely to be in a position to organise the establishment of a new school. CPAG believes that the need for a new school or additional provision should be identified by the local authority. Although this process could be carried out in consultation with children, parents and schools, the choice should not be made by groups of parents who may well have differing priorities and perspectives.

49. Local authorities: will become “strategic leaders . . . (who) act as the commissioners of services and the champions of users” (para 9.1). 9.3 “We will support local authorities in playing a new commissioning role in relation to a new school system, at the heart of their local communities, and responsive to the needs of parents and pupils. They will support new schools and new provision where there is a real demand or where existing provision is poor. This is a very different role from acting as a direct provider of school places.” (para 9.3) We believe that it should be the responsibility of central and local government, and not of parents, to oversee educational provision and ensure that it meets the needs of all children.

50. Extended schools: We welcome the statement in the Education White Paper that “local authorities, schools, parents and the private and voluntary sectors will need to work together to plan and develop services in each community, which seek to take account of the problems children and young people from workless and low income families may have in taking part in activities that are charged for.” (para 6.12) However—as discussed in our response to the Ten Year Childcare Strategy (which can be downloaded from www.cpag.org.uk)—the Government should clarify which services will provided free of charge to all children, and which ones will expect some financial contribution from parents. The provision of additional activities must be monitored to ensure that disadvantaged children can access them freely and without stigma.

51. Free transport: Although we welcome the provision of free transport to enable children to access additional activities, we have concerns about children being “bussed” to better schools outside their local community. There is the potential stigma of arriving in a school bus when other children are being dropped off by parents in their car. We are concerned that families who are reluctant to identify their child as poor may incur additional costs as a consequence of the need for transport. Smart cards could reduce the possibility of stigma and should be used to this effect.

⁸⁶ M Taylor, “City academies accused of deserting poor” in *The Guardian*, 31 October, 2005.

⁸⁷ BBC news, “City academies in one of the most deprived areas of Britain are expelling significantly higher numbers of children than other schools”, 23 November 2004 reporting on research undertaken by Professor Stephen Gorard of York University.

⁸⁸ See *The Guardian* 25 November 2005 which reports that “attainment at GCSE had not improved because youngsters were not entering secondary school with the appropriate skills and attitudes”.

⁸⁹ *Rates of Eligibility for Free School Meals at the Top State Schools*, (Sutton Trust, October 2005).

⁹⁰ “School reform threatens to bring admissions chaos, warn Labour MPs” (*Guardian*, November 16 2005, Patrick Wintour and Rebecca Smithers). In a debate.

52. The White Paper raises issues around “Transfer and transition” reporting that transition from one phase to another, and from one school to another can be particularly challenging. This is most pronounced when pupils transfer from primary to secondary school and can be particularly difficult for children who join a school outside the normal entry—for example because they have moved house, they are from a Gypsy or Traveller background, or they are Service children. (4.47) We are concerned that bussing children to different schools might render such transitions more stressful and difficult.

Improving standards for all children?

“Breaking cycles of underachievement, low aspiration and educational underperformance is vital for our economic future. We must ensure that all children have the same chance in life—with success based on hard work and merit, not wealth or family background.” (para 1.28)

53. A number of new and existing initiatives are outlined in the drive to improve standards for the most disadvantaged children. Many of these proposals (for example personalised learning and catch up classes for children who are falling behind) are already in existence. They do not necessitate major changes to the structure of the educational system, but do require additional resources and improvements in training.

54. We are pleased that the Education White Paper does consider the needs of some of the children who are at greatest risk of poverty.

- BME communities: the Education White Paper highlights concerns that “Young Afro-Caribbean people and those from Pakistani and Bangladeshi backgrounds are amongst the lowest achieving pupils in our schools” (para 4.28) and “the over representation of black pupils in exclusion figures.” (7.18)
- It acknowledges that “Looked After Children” . . . remain one of the most disadvantaged groups in our society . . .” (para 6.24)
- It recognises “the severe underperformance in Gypsy and Traveller communities, and will introduce a targeted programme to address this issue.” (para 4.30).
- It highlights the needs of Pupils with Behavioural, Emotional and Social Disorders and reports that “a disproportionate number of special schools catering for children with behavioural, emotional and social disorders” are failing (2.56).

55. The Education White Paper contains some welcome recommendations—for example the commitment to “ensure that every school receives advice and support to meet the aspirations of BME parents and pupils . . . expand . . . programmes to target underachievement of young black people; and focus on driving up the attainment of Muslim pupils.” (para 4.30) and to “work with our partners on how we can support more minority ethnic teachers to become school leaders and ensure mainstream leadership programmes address issues for black and minority ethnic pupils more centrally” (para 8.29).

56. Opportunity for all reports that “Disabled children are more likely to live in poverty than non-disabled children” (p. 23) and confirms that “Children with special educational needs are more likely to live in poor circumstances and there is also evidence that children with special educational needs from poorer homes do less well in school than those from wealthier homes.” The Education White Paper reports that “65% of pupils aged 11 who do not attain the expected level in English, and 55% of those not attaining the expected level in maths, are identified as having SEN.” (para 4.17) Pupils with special needs and disabilities make up two-thirds of those expelled from school.⁹¹ Poverty is both a cause and a consequence of disability, ill health and special needs, and this need to be addressed.

57. However, specific recommendations regarding some groups are in short supply. Although children with disabled parents are particularly vulnerable to poverty and social exclusion, their needs are not mentioned in the Education White Paper. Nor does it refer to children who are homeless, or living in temporary or overcrowded accommodation, or to the children of asylum seekers.

58. The Education White Paper states that “Children will succeed best when they are healthy, self-confident and well-motivated” (para 6.1) CPAG believes that families should have an income that enables them to provide a healthy diet for their children. Although we welcome improvements to nutritional standards in school meals, the Government must ensure that children are able to access these—by ensuring that costs do not become prohibitive, improving take up and extending entitlement to free school meals.

CONCLUSION

59. The Government and local authorities are responsible for the success—or otherwise—of the education system. The provision of good schools in all areas is more important than the extension of “choice” which tacitly accepts that that some schools—the majority of which are in disadvantaged areas—will inevitably continue to be bad.

⁹¹ See The Advisor Centre for Education (ACE) response to the Government White Paper reported by ePolitix

60. It is unacceptable that “children who fail to reach expected levels at age 11 are far less likely to get five or more good GCSEs—children from low income families (entitled to free school meals) are far more likely to fall behind in these core subjects.” (para 4.9) Although the impact of low incomes on educational disadvantage is acknowledged, this is not being adequately addressed within the educational arena.

61. Educational disadvantage cannot be resolved without more detailed information about the location and needs of the families whose children who are failing. CPAG warmly welcomes the proposal in the Education White Paper that a single School Improvement Partner (SIP) “will be equipped with new data that will pinpoint pupils or groups of pupils (for example those from particular minority ethnic groups or middle ability boys) who are making less than expected progress . . . they will then work with their schools, assisting them to put in place plans for improvement.” (para 2.63) However, such a process should precede reform of the educational system as a whole.

62. There is compelling evidence that early interventions may redress later disadvantages. The link between poverty and underachievement from the very earliest stages in a child’s life must be addressed. It is cheaper and more effective to pre-empt social and educational problems than resolve them. Investment in early years education and ensuring that families with young children have an adequate income must be a priority.

63. The Government should ensure that all schools are good by investing in training, reducing class size, implementing programmes that it knows works—such as Reading Recovery.⁹² Such measures need to be complemented by a raft of measures that would reduce inequalities and disadvantage, such as improving financial support for families, ensuring take up of benefits and investing in housing.

64. The Government aims to provide “more good places and more good schools” and to “ensure that the process for deciding who secures a place is open and fair—and that the less affluent are not disadvantaged. We will continue to ensure that priority is also given for the most vulnerable groups such as children in care (Looked After Children) and those with Special Educational Needs” These aspirations could be fulfilled without implementing major structural changes.

65. It is essential that changes to the structure of schools and local education authorities improve educational outcomes for the UK’s most disadvantaged children. Education is part of a continuum, and it is important that the *Every Child Matters* agenda inform educational provision. Although local authorities are required to consult with and represent disadvantaged families to ensure that both childcare and educational provision reflect their needs, we are concerned that they may come to be viewed as the champions of more affluent parents in education, and the champions of working parents in childcare.

66. There is a big difference between involving parents in their child’s education, consulting them about how they would like things to improve, and making them responsible for improvements to the education system. Parents cannot and should not be made responsible for the quality of their child’s education. Educational standards are the responsibility of central and local government.

67. The Government should consult with children—particularly children from disadvantaged backgrounds—about what changes they would like to see within the educational system. Would children rather move to schools in better areas, or do they want to stay within their own community? Do they want more choice in education, or the reassurance of knowing which school they and their friends are likely to attend? Do they think their parents should make choices about their education, or would they rather choose for themselves?

68. Much more needs to be done to ensure that the admissions system does not continue to disadvantage children from poorer backgrounds. Although the introduction of “value added” league tables may help, parents who have choice may still prefer schools with fewer disadvantaged children. Ensuring that all schools are of high quality, irrespective of their intake or area, would obviate the need for the often tortured and competitive exercise of parental choice.

69. CPAG does not believe that prioritising parental choice (or implementing sanctions and penalties for parents who fail to take “responsibility” for their child’s behaviour) rather than children’s socio-economic needs, will raise educational standards. We urge the government to implement an educational strategy which engages with the complexity of poverty.

70. We are worried that parents with the loudest voices—who are usually from more affluent backgrounds—will inevitably and understandably generate a selective, short-term perspective that focuses on the needs of their own children. Who will provide the long-term, demographic overview of educational needs?

⁹² The Reading Recovery National Literacy scheme was launched in 1998. Research carried out by Dr Jane Hurry and Professor Kathy Sylva in 1997 indicated that “Reading Recovery provides significant long-term benefits”, Institute of Education, 24 September 1997. In April 2000, the 10th anniversary of the Reading Recovery Programme, education experts and schools confirmed that Reading Recovery (an intensive one-to-one programme for children with serious reading and writing problems) “yields spectacular results”. Government funding for the programme was withdrawn in 1995. The scheme is very expensive (nearly £1,000 per pupil not including cost of training teachers) but “headteachers who have used feel it provides excellent value for money, as an early investment that pays off” (see National Literacy Trust website). The Government is currently piloting Reading Recovery schemes.

71. We endorse any strategy that encourages services providers to “reach out to parents”, however, significant additional resources are needed to ensure that such a service is effective. It should be linked up with other service provision that impacts upon a child’s educational achievement level including benefit advice.

ABOUT CPAG

CPAG is the leading charity campaigning for the abolition of poverty among children and young people in the UK and for the improvement of the lives of low income families. CPAG aims to: raise awareness of the extent, nature and impact of poverty; bring about positive income policy changes for families with children in poverty; and enable those eligible for benefits and tax credits to have access to their full entitlement.

November 2005

Memorandum submitted by the Mayor of London

1. SUMMARY

1.1 The priority outcomes of the White Paper should be that further reforms encourage the development of good local schools for all London’s children. This entails ensuring access to good local schools within a fair admissions framework.

1.2 The Mayor welcomes the recognition in the draft “School Admission Code of Practice” that regulation rather than advice is at times needed to ensure a fair and equitable school admissions system through local admissions forums.

1.3 The Mayor has concerns that the White Paper’s focus on encouraging the creation of self-governing trusts may lead to admission policies which may actually make it more difficult to level up educational quality and equality of opportunity and lead to further inequity between schools.

1.4 It is, therefore, vital that changes arising from the White Paper do not counteract the need for schools in local areas to develop and agree a protocol on *Hard to Place Pupils*, in relation to vulnerable groups such as looked after children and those with special needs.

1.5 The Mayor welcomes the improvements in secondary schools standards in London, though there are still disadvantages experienced in London’s diverse ethnic communities that must be addressed.

1.6 National and local school places planning needs to ensure adequate numbers of high quality places for the young people of London to reflect the projected growth in London’s school-age population.

2. MAYOR OF LONDON

2.1 This evidence paper is submitted by the Mayor of London. Under the 1999 Greater London Authority Act, the Mayor has a range of specific powers and duties, and a general power to do anything that will promote economic and social development, and environmental improvement, in London.

2.2 While the Greater London Authority (GLA) is not a direct provider of educational or children’s services, education is of vital strategic importance to the GLA’s responsibilities for regeneration and social inclusion. From the economic development standpoint and the long-term employment needs of Londoners and of the London economy, the Mayor wants to see high levels of achievement across the London school system. The quality and future of education are major concerns of the citizens the Mayor represents.

2.3 The Mayor’s Children and Young People’s Strategy (CYPS)—*Making London Better for All Children and Young People* (2004) contains policies and action points for the GLA and functional bodies⁹³ to better promote children’s wellbeing, inclusion and rights in areas of education alongside social care, health, transport, planning and culture.

2.4 A key London context for the *Higher Standards, Better Schools for All* is the particular challenges resulting from high levels of frequent moving and the greater mobility and cross-border interactions of children and families. The *State of London’s Children Report* (2004) sets out how high levels of mobility in the capital are combined with high levels of poverty, homelessness, poor housing and very high levels of overcrowding. This was also shown in *The London Report* (Cabinet Office, 2004).

2.5 The GLA has commissioned the Centre for Educational Research, London School of Economics (LSE) to provide an up-to-date report on secondary schools admissions criteria and practices in London. Relevant interim findings of this research, which is expected to be completed by February 2006, will be cited below.

⁹³ GLA group functional bodies are the London Development Agency, London Fire and Emergency Planning Authority, Metropolitan Police Authority and Transport for London.

3. A STATUTORY ADMISSIONS PROCESS

Priority outcomes

3.1 The priority outcomes of the White Paper should be that further reforms encourage the development of good local schools for all London's children. This entails ensuring access to good local schools within a fair admissions framework. The White Paper outlines a core Government aim to improve standards by increasing school-type diversity. This is to be achieved through the establishment of academies with a higher degree of independence from LEAs, additional investment and the power to act as their own admissions authorities.

3.2 The Mayor's Children and Young People's Strategy highlights a number of factors which are specific to admissions in London and which present a considerable challenge to those responsible for planning school places in the capital, including the high numbers of children joining school at irregular times and the extent of cross-border "traffic" (across London Boroughs) of children and families.

3.3 A 2003 survey by the London School of Economics (LSE) outlined the higher proportion of opportunities for overt and covert selection in admissions in London.⁹⁴ The Data Management and Analysis Group (DMAG) at the GLA has analysed information that highlights the links between moving home, changing school and low educational attainment.⁹⁵

Recent trends in admissions

3.5 The Mayor welcomes the recognition in the draft School Admission Code of Practice that regulation rather than advice is at times needed to ensure a fair and equitable school admissions system through local admissions forums.

3.6 However, the Mayor has concerns that these changes may actually make it more difficult to "level up" educational quality and equality of opportunity and lead to further inequity between schools.

3.7 One of the key measures in the White Paper is the establishment of Trust schools. Education research by the GLA's Data Management and Analysis Group has highlighted the issue that admissions to schools which are their own admissions authorities involves social selection, by parents of schools, by schools of children, or both.⁹⁶

3.8 In London, there is a clear imbalance in the types of pupils admitted to schools which are their own admissions authorities compared with those admitted to schools where the local authority is the admissions authority. For example in 2003 in London, pupils attending schools which were their own admissions authorities were less likely than pupils attending other maintained schools to be entitled to free school meals or to have special educational needs.

3.9 Therefore, the impact of greater numbers of academies and trust schools on admissions arrangements needs to be monitored locally and nationally, to ensure the development of a fair and inclusive process which is consistent with the *Every Child Matters* reform agenda.

3.10 Schools which are their own admissions authority, with the support of the local authority's new commissioning role, need to work together with other organisations to meet the complex needs of some children—for example, to ensure that special needs pupils are not disadvantaged with increased autonomy in schools' admissions policies.

3.11 According to the draft "School Admissions Code of Practice", by 1 September 2005, all admission forums should have formulated protocols for sharing hard to place pupils within their area and agreed these with all schools. "All schools need to play their part in ensuring that these children, especially looked after children and those pupils previously excluded from other schools for whom education in a mainstream school is appropriate, are admitted to a suitable school as quickly as possible". It is vital that changes arising from the White Paper do not counteract the need for schools in local areas to develop and agree a protocol on "Hard to Place Pupils".

3.12 These admissions authority issues for London are in the context of the competition for places in London schools appearing to be more intense than elsewhere, and evidence suggesting that over half of cross-border mobility is made from choice rather than the lack of a school place locally. Compared to parents in other local authorities, London parents are least likely to be offered a place for their child in the school they would most like.⁹⁷

⁹⁴ London School of Economics, *Secondary schools in London: Admissions Criteria and Cream Skimming*, LSE, 2003.

⁹⁵ Data Management and Analysis Group, *Moving home and changing school—1*, GLA, 2005.

⁹⁶ Data Management and Analysis Group, *Schools and social selection*, GLA, 2004.

⁹⁷ DfES, *Parents' Experiences of the Process of Choosing a Secondary School*, DfES, 2001.

London research interim findings

3.13 The LSE research (see 3.5) will enable comparisons to be made with admissions in 2002, when a research study on secondary school admissions criteria showed greater selectivity by schools in London than in the rest of England.

3.14 The interim findings indicate that there is a higher priority across London schools now being given to “looked after” children, which is welcome. However, this is less the case for schools which are their own admissions authorities.

3.15 This supports the Mayor’s view that a statutory framework for admissions is required to ensure vulnerable, “hard to place” and frequent mover children can access school places.

3.16 Additional, relevant interim findings include:

- Some schools are still interviewing pupils; several have been identified as using the term “meeting” to describe an “interview” with parents; at least two schools have replaced interviews with tests of religious knowledge;
- LEA brochures do not necessarily accurately reflect information provided by the school to parents; for example, a case of interviews not being mentioned in the LEA prospectus but being mentioned in school material (this was in one of the schools where there are both LEA and individual school criteria);
- Some school admission forms are still requiring information that could be used to select pupils (such as parents’ occupations).

4. IMPROVEMENTS IN STANDARDS AND CONCERNS ON DIVERSITY

4.1 The Mayor welcomes the improvements in secondary schools standards during the first period of the DfES-led “London Challenge” work programme (since 2002). London’s level of improvement at GCSE has outpaced the rest of the country over the past three years. It overtook the national average for 5 A*-C for the first time ever in 2004, with the poorest five boroughs having had the highest rise in success rates. It is particularly welcome that Asian pupils in London excel in comparison with their counterparts nationally, with 62% of Asian pupils gaining five or more A–C grades at GCSE, compared to 56% nationally. For Pakistani pupils the difference is particularly noticeable with a London achievement figure of 57%, 11% above the national figure for Pakistani pupils and over 3% above the national average for all pupils.

4.2 Nevertheless, the perception that parents have of London schools and of their own local school lags behind these performance indicators. There is a need to communicate the message of these achievements to London’s parents, which should have the benefit of encouraging more Londoners to choose to send their children to local schools. Current parental choice policies, allowing children to attend schools in neighbouring boroughs, had led to high numbers attending school some distance from where they live.

4.3 While, overall, the indications are that London’s schools are at the forefront of success in driving up national standards, there is still disadvantage experienced in London’s diverse ethnic communities:

- Black Caribbean pupils, while having one of the most improved levels of average performance in 2004, improved from a very low 2003 base;
- even in 2004 Black Caribbean boys were nearly half as likely as pupils nationally to achieve five or more higher grade passes in public examinations.

4.4 A London Development Agency Education Commission report (2004) identified low teacher expectations as a major contributory factor to the underachievement of African-Caribbean heritage children. It remains the Mayor’s view that the setting of specific targets to achieve a representative teaching workforce in the shortest possible time is imperative to ensuring that future generations of African-Caribbean heritage children are not lost as previous generations have been. The GLA and LDA are supporting a range of initiatives to this end, as this is crucial to addressing these problems, which are particularly acute in London.

5. PLANNING OF SCHOOL PLACES

5.1 National and local school places planning needs to ensure adequate numbers of high quality places for the young people of London to reflect the projected growth in London’s school-age population. It has been estimated that London’s school age population will increase by 2016 by 8%, half of this (140,000) in Outer London.

5.2 This need for strategic schools planning in the medium- and long-term must be addressed by DfES, working in partnership with the Mayor, Boroughs and sub regional partnerships, to guarantee that adequate sites are identified, planning approval and funding secured and the schools built to meet future demand.

Memorandum submitted by The Education Network (TEN)

INTRODUCTION

TEN is an independent policy, research and information organisation set up to develop, promote and disseminate the role and good practice of local authorities in improving outcomes for children and young people. Almost all education/children's services authorities in England and over half of those in Wales subscribe to TEN. This submission comprises an amended and expanded version of the "comment" section from the briefing which we sent to our subscribers on 1 November.

1. *General commentary*

The White Paper seeks to project quite a concoction—of achievements so far; a vision of a more market oriented system in which schools (headteachers and governing bodies) have greater autonomy and responsibility; parents have greater power; pupils have greater access to the personalised learning they need; disadvantaged and vulnerable groups will be better supported and provided for; all taking place within a broader system of coherent public services for children, young people and their families (many of them located in and around schools) in which local authorities are the central players—leading on the commissioning of services, and holding to account a broadening range of providers.

1.1 But there are very real tensions in this vision, and it ignores the extent to which some of the central opportunities described are already available, but have attracted little interest. The prominence given to schools acquiring a Trust (or "foundation body") and parents being able to start their own schools—both of which are possible now—suggests a somewhat inaccurate view of the present system and thus an unrealistic vision of how it is likely to change; given that the subsequent legislation will be largely permissive rather than prescriptive, it is quite possible that not a lot will change at all. There is little to justify the hyperbolic language associated with the proposals. Indeed, the Prime Minister's Foreword, which sets the tone for the document, is a mass of assertion and, frankly, inaccurate history and contentious interpretation of events even since 1997.

1.2 It has been suggested that Trust schools are simply the grant-maintained model reinstated; they are not—and there is nothing like the same incentive to persuade schools to change. What attracted most schools to become GM was the unfairly advantageous funding, now gone; the chance to escape closure or re-organisation plans, now gone; and control of their admissions arrangements, now subject to a Code of Practice and the Schools Adjudicator—much of whose work has involved sorting out and ending arrangements introduced by former GM schools which breach the Code. The opportunities arising from ownership of the school's assets are significantly constrained (and were for GM schools); indeed, if this were not the case there would be considerable potential for abuse. The opportunities arising from being the direct employer of the school's staff (as opposed to the governing body/head teacher having delegated responsibility for virtually all the relevant decisions, but the local authority being the actual employer) are also limited—and schools already in this position have been conspicuously reluctant to depart from terms and conditions in general use. And the opportunity to apply for flexibility over the National Curriculum also already exists—and has also generated very little interest in schools.

1.3 Improving the information and support to parents, and increasing the influence they can exert, is to be welcomed. However, the obvious danger is that, even with the additional support on offer, it will be the more confident and articulate who take greatest advantage, which can often be to the detriment of other groups.

1.4 Also welcome is any move to enable pupils' needs to be met more flexibly by collaboration between institutions rather than competition between them simply to attract the largest number of potentially successful pupils—but the constant refusal to dismantle aspects of the market system which almost nobody but English Ministers still believes are a benefit illustrates the mixed messages (or disagreements) surrounding policy. There are many examples of collaboration between schools, some prompted by programmes which bring financial incentives. But there could be so many more, and they could be so much more effective, if the overall climate changed to one in which it became a shared ambition and responsibility to ensure that every child in every school achieved to the best of their ability.

1.5 Perhaps the most significant tension lies the prospects for the most disadvantaged. On the one hand, they will be given greater access to popular schools with a major extension of free travel and the support of "choice advisors"; on the other, they will face increased competition from middle class parents well able to afford fares on the newly introduced bus routes—and what are the admission arrangements that will increase their access to even more heavily oversubscribed schools? Banding is one such mechanism, though only appropriate where a number of schools serve a particular area, but what will be the incentive to encourage (let alone require) schools in predominantly middle class areas to introduce mechanisms that will favour the distant and disadvantaged? (The role of the Admissions Forum will be crucial, and there will surely need to be a requirement on schools to accept and implement the advice of the Forum—see "Admissions" below.)

1.6 In the meantime, authorities will be expected to act strategically to keep surplus capacity down to affordable levels by "taking out" the weakest and least popular schools—many of which, in urban areas, will be amongst those serving predominantly poor communities (so the more generous transport provision

may become a necessity for some children to attend any school). And falling rolls—barely mentioned in the White Paper, despite a drop of around 10% in the next 10 years—will add significantly to the pressures on the system, and further increase the difficulties faced in disadvantaged areas. It will be essential that authorities' duty to promote fair access takes priority over their duty to promote diversity and choice.

1.7 Amongst other specific tensions which will require some careful scrutiny are those between encouragement of more faith schools and concerns over social cohesion and between encouragement of new school 6th-forms and securing coherent and viable 14–19 provision.

1.8 Along with a change in their role, local authorities are set to acquire a number of new duties and powers, many of which will strengthen their influence over schools: “local authorities will need to plan how many schools their area needs, where and how big they need to need to be, what kinds of schools will serve the area best, and who the schools should serve. Local authorities will draw on their analysis of parental demand and their consultation with local partners to draw up a strategic plan for the pattern of schools in their area, as part of their Children and Young People’s Plan” [9.9] However, the same issues of resources and capacity will face local authorities as face schools, but the White Paper only addresses the latter. Indeed, authorities are under pressure to meet “Gershon” savings targets whilst carrying through the enormous change programme associated with Every Child Matters—and the gratuitous undermining of local government’s role which plainly accompanied media briefing on the White Paper shows an irresponsible disregard for the capacity problems which exist.

1.9 The White Paper offers a number of opportunities for local authorities, and it will be important that they are seized and acted upon with confidence. It is equally important that authorities are given the powers and levers necessary to implement in full their new role and responsibilities, and the legislation that will follow will be essential to achieving that. Ministers have signalled an intention to open up many previously “exclusive” schools to a wider range of families and to engage them more fully in the system as a whole, and to put significant new pressure on many schools to improve their performance on behalf of all pupils. That is a welcome—many would say essential—concomitant to the successful implementation of the “children” agenda, which has been dogged by the lack of coherence with the “standards” agenda. It remains to be seen whether this White Paper will lead to any real change in that situation.

SOME SPECIFIC POINTS

2. *Admissions*

The prospect of a large increase in the number of schools which might be their own admissions authority has raised widespread concern, which Ministers have sought to play down by reference to the safeguard of the Admissions Code of Practice and the Adjudicator. This highlights another tension in the White Paper: is this an area in which schools could benefit from “autonomy”, or would these safeguards be effective? In his recent Annual Report, the Adjudicator noted that “Schools need to be reminded that admission arrangements are drawn up for the benefit of local parents, not for themselves”. Yet a DfES “Schools White Paper briefing pack” includes the following: “Won’t LA powers mean that there is no real school autonomy? No. We are committed to enabling all schools to become self-governing independent schools, with autonomy over staffing, premises and admissions that are in the schools’ best interests.” Clarification of this point is essential.

2.1 There are, anyway, some real difficulties facing even admissions authorities which are wholly committed to meeting the requirements of the (current) Code, that arrangements should be “clear, fair and objective, for the benefit of all children”. For example, the issue of fairness generally needs to be balanced against other considerations such as convenience, expectation, predictability, etc. To achieve complete fairness, one might opt for 100% random allocation; sibling priority (which blatantly discriminates against children without appropriate older siblings) would be out, and so on. It is necessary to be clear about the purpose, and if it is the Government’s intention to achieve a significant shift in the present distribution of pupils between schools (eg to open up previously “exclusive” schools to a broader range of children), then it should be far more up-front in making clear that this will require admissions authorities to change their current over-subscription criteria; it is unlikely to come about simply through different transport arrangements and a modest expansion of some popular schools.

2.2 In any event, it is unlikely that the draft revised Code of Practice upon which consultation closed one week before publication of the White Paper would be sufficiently robust in either its content or status to provide the safeguard required. It is clear from the Adjudicator’s continuing workload that there are still many schools including in their arrangements practices which are not in line with the present Code of Practice, and by no means all are being referred to the Adjudicator. Whilst this is clearly a responsibility of the local authority (and at least one council has been criticised by the Local Government Ombudsman for its failure to act), it would make the system more effective if groups of parents could object to admission arrangements (as they can to proposals to reduce admission numbers) in addition to others already with that power. This would also be consistent with the White Paper’s emphasis on the role of parents.

2.3 The role of the local Admissions Forum also needs to be strengthened. Where the Forum promulgates advice in order to achieve outcomes which it believes to be in the interests of local children, then there should be an obligation on admissions authorities to heed that advice, rather than (as with the Code itself) simply to have regard to it.

3. *School categories*

The introduction of yet another category of school—Trust schools—is a most unwelcome addition to the system; there is a thin dividing line between diversity and complexity, and a serious danger that many parents will be either frustrated or downright confused. There is undoubtedly as much diversity within the same category of school as between categories. Indeed, the underlying assumption of the White paper that certain categories of school have a stronger or more distinctive ethos, or are inherently more successful, than others seems to fly in the face of experience or evidence—particularly when other variable factors are taken into account.

3.1 It is clearly the Government's wish to encourage a fundamental change in the governance of schools, in which governing bodies are smaller and Trusts appoint the majority of governors. At present, that happens only in voluntary-aided schools (almost all of which are church schools) and in a tiny number of other schools; in total just over 4,000 of the 21,000 primary and secondary schools in England. So governors in four-fifths of schools are being invited to start thinking about this possible change. This undiminished enthusiasm is somewhat surprising in the face of the overwhelming disagreement with recent proposals to “fast-track” acquisition of foundation status. But Ministers went ahead with those regardless of the outcome of the consultation, and now we have the prospect of Trust schools. At present, by far the largest category is “community” (over 13,000 of the 21,000), but it is proposed that there should be no new community schools. Even if a local authority brings forwards its own proposals for a new school in which no other provider is interested, it should not in future be as a community school. The assumption that, even over time, the majority of these 13,000 will opt for foundation or Trust status seems heroic; the proposal that no new community schools should be created seems almost vindictive.

3.2 There is a major issue of accountability raised by this possible reform: Trusts would be accountable to the Charity Commission; the majority of the governing body would be accountable to the Trust; the head teacher would be accountable to the governing body; but nowhere is there any proper accountability even to parents, let alone the broader community. There would be almost as much influence exercised by the Trust as by the sponsor of an Academy (but without the need to contribute £2 million), and as little accountability. A key feature of the role of local authorities—their democratic legitimacy—is potentially being cast aside as if valueless. (Accountability to appointed officials, however worthy or expert, is no substitute for democracy; the greater the tendency to rely on Commissioners—or Adjudicators—in place of elected representatives, the greater the likely reduction in democratic engagement.)

3.3 If there were a serious migration from community to Trust status, this would represent a very major transfer of publicly-owned assets out of local authorities. Not only does this raise a serious issue of principle, but it could have two major practical effects: there are already signs that it might be having a negative impact on councils' and banks' willingness to proceed with ambitious capital programmes; and it would impair local authorities' capacity to put together the sometimes complex transactions necessary to enable the kind of strategic remodelling which the White Paper makes clear would continue to be an important part of their role.

3.4 The underlying logic for this change appears to be a dogmatic faith in the capacity of external bodies to invigorate and energise schools. Whilst this may be true in some cases, there are many where the same occurs without such an external influence, or where the local authority is the influence. Indeed, there are a number of authorities which have brought about real systemic improvement over the years, and have risen up the performance tables as a consequence—so the imbalance in these proposals is hard to understand. (In fact, the DfES White Paper briefing pack referred to above describes a number of these, and the nature of their role, in a section “Examples of good local authorities”.) There are also many examples where an external body appears unable to exert such a beneficial influence. (What are the proportions of community or controlled, aided or foundation schools amongst the most and least successful non-selective schools—adjusted, of course, for such factors as free school meals, Key Stage 2 results, SEN and EAL in their intakes?)

4. *Conclusion*

The White Paper puts together a package of proposals which could, but might not, have a major impact on the structure of our school system; even less clear is what impact it might (or might not) have on standards as a consequence of those structural changes (though a number of its non-structural proposals are to be welcomed for the improvements that they should bring about).

It is not yet totally clear which of the proposals will require legislation. For example, one of the central issues—and one of the most controversial—namely, the widespread acquisition of Trust status would appear not to do so.

What is clear is that most of the educational aspirations of the White Paper are perfectly possible without major structural change, and without legislation. As has been suggested above, many of the proposals appear to be based on assertion rather than evidence.

It is to be hoped that the Select Committee will be able to assist the legislative process by securing a far clearer and more precise idea of the Government's plans and their possible consequences, and a body of relevant evidence to support or challenge the assertions.

November 2005

Memorandum submitted by Philip Davies MP

I believe the White Paper is full of contradictions. It tries to create a "system of independent non-fee paying state schools" but has a state controlled system of admissions, funding and accountability.

Whilst it is billed as diminishing powers of LEAs, it leaves them with wide ranging powers—in some cases they have been enhanced.

It seems that schools will not be independent of LEAs but still very much at their behest.

I also have a belief that "fair admissions" restricts school independence; diminishes parental choice and is more about social engineering to ensure every school gets a similar number of people from each ability group than anything else.

I therefore think it is a wasted opportunity and does not go far enough in making schools truly independent.

With regard to other issues, I am chairman of the APPG for state boarding schools; and the select committee may wish to consider at some point how rules governing other state schools are not amended for state boarding schools. One example of this is with regard to appeals panels for exclusions. There is no requirement for somebody to be on the appeals panel who went to a boarding school despite the unique culture of these places which seems to be an anomaly. State boarding schools can only select on the grounds of suitability for boarding so surely this should be a key factor in terms of exclusions yet there is often an omission of anyone with experience of boarding schools on these panels.

November 2005

Memorandum submitted by Comprehensive Future

SUMMARY OF MAIN POINTS

- Comprehensive Future welcomes the many references made to fair admissions in the White Paper. Comprehensive Future wants what the vast majority of parents want—all parents having access to a good local school. The White Paper should be judged on the extent to which its provisions make this aim more or less likely to be realised.
- Comprehensive Future believes that unless there is a clear division of responsibilities for admissions between schools, local bodies and central government, backed up by legislative changes, provisions in the White Paper are likely to lead to fragmentation on a grand scale. This will make the possibility of achieving a system of fair admissions even more remote than now.
- A fairer system of administration of admissions should be brought about by:
 1. Removing the right of any schools to set their own oversubscription criteria.
 2. Strengthening the admissions forums by ensuring that they decide the oversubscription criteria for each school based on those recommended in a new Code of Practice.
 3. Giving the responsibility for the administration of admissions to all local schools to the local authority.
- The White Paper has the potential to allow a huge increase in the number of children facing selective entry tests for secondary education. There are many reasons to end selection on aptitude. It should be ended now.
- It is completely disingenuous for the White Paper to promise "no return to the 11-plus" ignoring the thousands of English children who face it every year. There will be no change in England under present arrangements. The 11-plus is being phased out by Government action in Northern Ireland without petitions and ballots, it should be phased out here similarly.
- There is a major weakness in that Government policy on fair admissions, reflected again in White Paper, in that it relies heavily on those able to make objections doing so. Fair admissions must be required from the outset. Unfair practices do not become fair if there is no objection.

INTRODUCTION

1. Comprehensive Future was founded in 2003 to support comprehensive education. Its aim is a comprehensive secondary school system throughout England, with fair admissions criteria to all publicly funded schools, guaranteeing an equal chance to all children and an end to selection by ability and aptitude.

2. Admissions legislation must operate in the interests of all children and their education, not in the interests of institutions keeping their place in what has become a pecking order of schools. Children matter. The Government has recognised this in its *Every Child Matters* agenda. The recent Annual report of the schools adjudicator, drew attention to this. It said Schools need to be reminded that admission arrangements are drawn up for the benefit of local parents, not for themselves.(1)

3. Comprehensive Future wants to see all parents having access to a good local school. This is what the vast majority of parents want. A recent survey of parents carried out by *Which* (2) found that 95% of parents want access to a “high quality local school”. All government action on admissions should be guided by this aim. The White Paper should be judged on the extent to which this makes this aim more likely to be realised.

4. In fact although it has many references to fair admissions the White Paper is a further example of the Government’s unwillingness to grasp the nettle of bringing about fair admissions. Government policy continues to be the provision of mechanisms providing the possibility of change through complaints or local campaigns. Firmer action needs to be taken. This is not only because of the need for fair admissions but because there are sound educational reasons for aiming for an education system which is not divided and hierarchical. The committee has already had representations about the PISA report from the OECD.

5. The committee made many important recommendations in its report on school admissions on 14 July 2004, many of which the Government rejected in its response in November 2004. There is a clear need for the committee to revisit the issue of school admissions because of the implications of the White Paper.

6. Note. This submission does not address all the provisions introduced in the White Paper, no doubt some of which our supporters will welcome, some of which they will strongly oppose. We comment only on those which relate to our core campaign aim of achieving fair admissions.

FAIR ADMISSIONS

7. We welcome the many references made to fair admissions in the White Paper. There are several promises made to this, including in the Prime Minister’s foreword. However, if all schools were to become self governing schools (either trust, foundation or voluntary aided), a clear aim of the White Paper, there will be around 24,000 admission authorities, able to set their own admissions criteria.

8. Unless there is a clear division of responsibilities for admissions between schools, local bodies and central government this is likely to lead to fragmentation on a grand scale. It will make the possibility of fair admissions even more unlikely than it is at present.

9. If the promise of fair admissions in the White Paper is to be a reality, there must be changes to:

- permitted admission criteria,
- the regulations covering the Code of Practice,
- admission authorities,
- admission forums,
- the role of local authorities and
- the adjudicator.

These changes must be introduced as part of the legislative changes which will follow the White Paper.

10. Admission criteria

2.47 Federations and other forms of collaboration will be particularly important in the delivery of our 14-19 and extended school reforms. We expect schools increasingly to choose to work together with other schools, including independent schools, colleges and services to deliver the full range of opportunities which children and young people should be able to access.

3.6 There are already more than 2,300 specialist schools. Within two years, we will have a fully specialist school system, where every secondary school that wishes to and meets the required standards will have at least one curriculum specialism. Particularly in urban areas, this will offer greater choice so that parents can choose a school that suits their child’s strengths and interests.

3.22 We will continue to allow schools that wish to do so to give priority for up to 10% of their total places to pupils with particular aptitudes for some subjects sport, modern foreign languages, performing and visual arts. We believe that this option should be available to schools as part of their approach to developing a specialist ethos.

3.21 We are clear that this is entirely different from an 11-plus system that divides children into different schools on the basis of academic ability. There will be no return to the 11-plus.

3.23 There are a number of alternative approaches that could be used to extend choice and access. One approach already used by some schools is banding, which means that schools offer places based either on the range of abilities of applicants, or on the local or national ability range, to achieve an all-ability intake. Some schools have long used locally-based banding systems and, since 2000, thirteen maintained schools and eight Academies have adopted banding.

3.24 While we recognise that for many schools traditional catchment areas will be the most appropriate option, we will make it easier for schools that wish to do so to introduce banding. Schools can combine banding with the use of inner and outer catchment areas. This approach would give priority for some places to those living further away from the school.

3.29 All these measures underpin our determination that parents should be able to choose schools rather than schools choosing parents.

11. *Covert selection and social segregation*

The Code of Practice says that school admission arrangements should “work for the benefit of all pupils in the area”. Arrangements which include selection by ability and aptitude do not meet this aim. Selection clearly results in social segregation. There is also a requirement in the Code that criteria are clear, fair and objective. Many criteria employed by admission authorities are far from objective. These subjective criteria also lead to social selection. Some admission criteria should be specifically excluded—for example interviews, priority to pupils of teachers, former pupils, terms such as suitability for the ethos of the school and reports from the child’s primary headteacher.

12. *Banding*

Banding is encouraged in the White Paper. There is more work to be done on to ensure that banding operates in the interests of all parents and children.

13. The Chief Adjudicator Dr Philip Hunter spoke at a national meeting of Comprehensive Future on 5 November this year. He said “In a few inner city areas, general banding for school admissions can work well. For most of the country, however, banding or random allocation cannot be introduced at the expense of giving priority to local parents and children. There is nothing that infuriates parents more than being denied a place in their local school because the school has decided to take children who live further away. It is reasonable to allocate spare school places to parents who want them, even if those schools are a long way from where they live. It is not reasonable to deny places to local children who want them when those children would have to travel a long way to an alternative school. There must be a general presumption in favour of giving children places in their local schools, if that is what their parents want. There would be riots in the streets of many towns and villages on the edges of cities if some of their children had to travel into the city to make way for children travelling in the opposite direction.”

14. If individual schools band it may deny local children a place, or affect the intakes into other neighbouring schools. Clearly only area wide banding should be considered. The admission forum is the obvious place for area wide banding to be decided.

15. *Partial selection on aptitude*

There has never been a convincing justification for children having to face a selection test on aptitude to determine school entry. Currently few schools have taken up the 10% selection on aptitude option. Community schools could only do so if the LEA decided to do that.

16. The White Paper refers to the aim of a secondary school system which is entirely specialist. This, combined with the possibility that, encouraged by Government, all secondary schools are admission authorities, could lead to thousands of children facing selective entry tests on aptitude. There would be a domino effect as neighbouring schools react to one school introducing selection. The Government’s justification that “this option should be available to schools as part of their approach to developing a specialist ethos” again fails to convince of the need to allow this extension of selection. Admission policies should be in the interests of parents and children.

17. A huge increase in numbers of pupils facing selection tests can only be stopped by the amendment of primary legislation to end selection on aptitude.

18. There are other good reasons for ending partial selection on aptitude:

- All children deserve a well resourced, broad and balanced curriculum taught by well qualified and highly motivated teachers. On this basis all young people are then in a position to choose their interests later in their careers. At age 11 children may demonstrate an “aptitude” which is not sustained over the following years.

- Children should not be burdened with further tests. Even if only 10% of places are reserved for pupils with a particular aptitude, many more children will be put through the test. Parents living locally will be concerned that their children might not get in and might be tempted to put them in for the test “just in case”.
- Like the majority of those who have commented on ability and aptitude Comprehensive Future does not accept that there is a distinction between aptitude and ability. We believe what is being testing is achievement. If for example Grade 5 music is used as a proxy for aptitude that is surely a test of achievement. The recent consultation on a new Code of Practice on admissions defined a pupil with aptitude as one “able to benefit from teaching in a specific subject” or “who demonstrates a particular capacity to succeed in that subject”. Surely this is the point of children going to school to learn? The Government in its response to the select committee in November 2004 relied on the advice of experts commissioned by the Chief Adjudicator, which claimed to show that aptitude could be distinguished from ability. However, this does not justify schools selecting.
- Inevitably the introduction of 10% selection on aptitude reduces parental choice for all local parents whose children do not have the “aptitude” who might otherwise have got a place.
- When challenged a frequent Government response is that most schools do not use their right to select, so the retention of this policy is justified by saying it is rarely used.
- All children need to be encouraged in sport, performing arts and modern language. The White Paper, like previous policy announcements encourages schools are share expertise in collaborative arrangements. If schools working together ensure that all children have access to the specialist facilities in one school then it is not necessary for individual schools to select a group of pupils.
- If parents want their child to have access to particular facilities, sport facilities for example they can express a preference for the school, this gives parents the choice instead of schools.

19. *“No return to the 11-plus”*

Comprehensive Future wants to see no selection for secondary education, except for banding. It is completely disingenuous for the White Paper to promise no return to the 11-plus without reference to the thousands of English children who face it every year. 15 Local authorities out of 150 have around 20 of their places in grammar schools ie fully selective and a further 21 have varying numbers of grammar schools. The 11-plus is being phased out in Northern Ireland, where there are fewer children in grammar schools than in England.

20. There will be no change in England under present arrangements. If the 11-plus can be phased out by Government action in Northern Ireland without petitions and ballots it should be done so here.

21. *Partial selection on ability*

David Blunkett the then Secretary of State speaking on 22 December 1997 in the debate on the School Standards and Framework Bill said:

“I am able to confirm that the Bill and the criteria I will lay down as part of our admissions policy will remove partial selection where it currently exists. That causes havoc in terms of the admission of local children and denies fairness to parents because of the lack of choices and opportunities open to them.”

22. This promise has not been fulfilled. Partial selection has not ended, instead the School Standards and Framework Act introduced a complex procedure requiring parents to put in objections to the Adjudicator. This procedure can result in a reduction of partial selection, but not necessarily. In any case parents have to know that they are likely to be disadvantaged in order to object. When most parents realise, ie as their children go through the admission process, the time for objections has long passed.

23. *Regulations and the Code of Practice*

Comprehensive Future supports admissions arrangements which allow local parents to send their children to local schools through fair admissions. But it is clear that current legislation and guidance cannot bring this about. There is evidence of the need for a stronger legislative push to ensure fairness.

24. The committee is aware of recent events concerning the London Oratory and it continuing to interview. Further evidence is shown by government plans to bring in regulations to require admission authorities to give priority to looked-after children. Clearly the Code has not been sufficient to ensure this.

25. The major weakness is that admission authorities are required only to “have regard” to the guidance in the Code (Section 84 (2) of the School Standards and Framework Act 1998). There needs to be a change in primary legislation to require admission authorities, admission forums and local authorities to act in accordance with a new Code. This new Code should set a clear framework ensuring fair admission policies in all publicly funded schools, including the prohibition of certain admission criteria.

26. *Admission authorities*

The White Paper could bring about changes to the school system which will allow all school governing bodies to act independently in setting admission criteria as they will be self governing schools. Although it is not clear how many schools might take this option, evidence suggests that if more schools are to become admission authorities there will be more overt and covert selection. Allowing schools to choose is completely at variance with the aim of the White Paper at 3.29 above.

27. Speaking recently to Comprehensive Future seminar Professor Anne West from LSE, who has researched school admissions, said “the admissions criteria of a significant minority of autonomous schools are not designed to ensure that they take their ‘fair share’” of children with difficulties. These schools appear to be more likely to act in their own self-interest and less likely to act altruistically. Indeed, one can hardly blame the schools, they are responding to a market oriented system and the incentives it creates—the system encourages schools to compete and to seek to maximise their league table position, reputation and funding. So the problem with admissions to autonomous secondary schools is that a significant proportion do not have what might be considered to be fair criteria.

28. *The Times Educational Supplement* reported recently (18.11.2005) its survey of almost a third of local authorities in England. It found that for “children living in areas with fragmented education systems, with large numbers of faith, foundation and academically selective schools, faced admissions problems”.

Roughly a third of English secondary schools are admission authorities (total schools 3385 of which voluntary aided 559 foundation 513 SFR 42/2005). This is an unsatisfactory situation unlikely to lead to fair admissions, as some schools are able to pick and choose their intakes, while others have admission criteria set across a local authority. Comprehensive Future wishes to see the situation ended where some schools are able to set their criteria and others cannot.

29. The responsibility for setting admissions criteria should be taken out of all schools, whether trust, foundation, voluntary or community. The setting of individual schools admission criteria should be the responsibility of the local admissions forum, following the guidance and regulations set nationally.

30. Academies have been set up as legally independent but publicly funded schools arranging their admission criteria in the funding agreement with the Secretary of State. Creating this distinction between maintained schools leads to confusion over admissions. Instead there should be openness and transparency and they should be brought fully into local admission arrangements.

31. *The Role of the Admissions Forum*

The White Paper does not mention the role of statutorily required Admission Forums. This is strange since the White Paper refers at length to many other changes already introduced. Comprehensive Future wishes to see the role of the admission forums strengthened. Currently admission authorities are required only to have regard to the advice of admission forums. This means they are merely statutorily required talking shops.

32. The Admission Forum requires the participation of schools, diocesan boards, parent representatives, academies and CTCs as well as the local authority. Although not elected it is representative. This is the best local forum to decide suitable admission criteria for all local schools. Working with schools and Local Authorities it is at the right level to decide local flexibilities within a Code.

33. *The Local Authority—the administration of admissions*

3.3 We have a good deal to build on. In 2004, for the first time, local authorities were required to co-ordinate the secondary school admissions process for their areas. From this year, local authorities will also co-ordinate primary admissions.

3.4 Co-ordination has made it easier for parents to exercise the choice already available to them by cutting down on the number of forms they have to complete and by introducing a common timetable for each area. It has put an end to a system where different schools made offers on different dates; where some parents received several offers of places and others received none. In the first year of operation, a greater number of children received an early offer of a school place than in previous years. Co-ordination has also made it easier for local authorities to identify and follow up cases where no application has been made for a child.

34. We agree that this has been an improvement. The eAdmissions National Project is an example of how when LEAs are given responsibility to administer then systems can improve. To avoid any fragmentation which the White Paper might encourage it is important to ensure that the LA should administer admissions for all local schools, including the publicly funded “independent” schools ie academies and CTCs. The LA should assess how applicants for places meet the admission criteria for all schools in the area and administer the admission process.

36. *The Adjudicator*

The White Paper, in attempting to make assurances about fair admissions, relies very heavily on the role of the Adjudicator. However, bringing the adjudicator into action relies heavily on those able to make objections doing so. There is a major weakness here. Unfair practices do not become fair if there is no objection.

37. Most parents only appreciate that their children are being kept out of a local school by unfair admission arrangements when they go through the process. It is far too late then to make a complaint even if they were eligible to do so. This is why fair admissions must be required from the outset.

38. Parents have very few rights to complain to the adjudicator, they must rely on others who have the right to do so. There are also anomalies eg if local schools introduce 10% selection on aptitude parents cannot object to the Adjudicator. However, they may do so if schools propose taking fewer pupils than their published admissions limit. Both actions could result in local children securing fewer places in the schools. If aptitude selection is to remain parents should be allowed to object.

39. The White Paper is right to encourage the role of LAs to act as parents and pupils champions. They have a role to complain to the adjudicator. However, in the unlikely event that all schools become self governing the LA would lose the right as it would cease to be an admission authority. That would need to be rectified if the champion role is to be carried out.

40. The recent Annual Report of the Adjudicator showed few local authorities have complained to the Adjudicator. It seems unlikely that in all other areas everything is operating fairly. Currently the role of the adjudicator is only to take action in reaction to objections, he cannot take investigative action. Either this should change or it must be made a clear duty on admission forums and local authorities to complain if there are unfair admission practices in local schools.

REFERENCES:

(1) Office of the School Adjudicator Annual Report September 2004–August 2005 Chief Adjudicator November 2005.

(2) Which?choice:education. *Which?* September 2005.

November 2005

Memorandum submitted by Anne West and Hazel Pennell, Centre for Educational Research, Department of Social Policy, London School of Economics and Political Science

1. INTRODUCTION

1.1 Research on secondary school admissions is being carried out by the Centre for Educational Research (CER) at the London School of Economics. This short submission draws on this research. The next section provides an overview of some of the interim findings from a research study funded by the Greater London Authority on secondary school admissions in London; it also draws on other research being undertaken. It highlights a number of key points that are pertinent given the proposals in the White Paper *Higher Standards, Better Schools for All—More Choice for Parents and Pupils* (HM Government, 2005), in particular concerns about school autonomy in the area of admissions. The following section addresses possible ways forward based on admissions systems in operation in Scotland, Finland and Sweden. The final section concludes the submission.

2. SECONDARY SCHOOL ADMISSIONS IN LONDON

2.1 Nationally, most parents in England receive the offer of a place at their preferred secondary school; however, research by Flatley et al. (2001) found that parents living in London, were the least likely to be offered a place for their child at their favourite school (68% compared with 85% nationally). There is a highly-developed market in secondary schools in London with many different school types, some of which are responsible for their own admissions (voluntary-aided, foundation, academies and city technology colleges) and some of which are not (community and voluntary-controlled schools); in the case of the latter, the local authority is responsible for admissions. Proportionately, more secondary schools in London than in the rest of England are responsible for their own admissions.

2.2 Interim findings from ongoing research funded by the Greater London Authority and focusing on admissions to London secondary schools for September 2005 reveal that more voluntary-aided and foundation schools (with autonomy over admissions) than community and voluntary-controlled schools reported the use of potentially selective admissions criteria, for example, selecting a proportion of pupils on the basis of aptitude/ability⁹⁸ (Pennell et al, 2006).

2.3 In terms of admitting children who are particularly vulnerable, there were also differences in terms of admissions criteria used; whilst the vast majority of community schools reported giving priority in the event of a school being oversubscribed to children in care, fewer schools with autonomy over admissions (voluntary-aided and foundation) reported doing so. The situation is similar in the case of children who have special educational needs or medical/social needs (Pennell et al, 2006).

2.4 A further research study being carried out by the CER has found that the level of poverty measured by known free school meals eligibility is lower in schools with autonomy over admissions, as is the percentage of pupils with special educational needs, both with and without statements. Moreover, more high attaining pupils entered voluntary-aided and foundation schools in year 7 (age 11) than community/voluntary-controlled schools (West & Hind, 2006).⁹⁹

2.5 The fact that schools with responsibility for their own admissions are not taking their fair share of vulnerable children poses particular problems. Although the White Paper *Higher Standards, Better Schools for All—More Choice for Parents and Pupils*, suggests mechanisms to enable a more socially mixed intake to be obtained, it is simultaneously encouraging more school autonomy, including autonomy in relation to school admissions. There appears to be an inherent contradiction in, on the one hand, offering ways in which schools can become more inclusive and, on the other, giving schools more autonomy, which research indicates is likely to result in the opposite outcome.

2.6 There also appears to be a clear tension between the White Paper and the policy agenda put forward in *Every Child Matters: Next Steps*. This states: “Raising standards in schools and inclusion must go hand in hand. In particular, schools have a critical role to play in raising the educational achievement of children in care and other groups that have consistently underachieved.” In addition, it sets out a vision requiring “new ways of working and collaboration between schools and closer working between schools”. It is unclear how developing new types of schools and severing their overarching links with the local authority will enhance collaboration between schools. Research indicates that establishing links between schools of different types and with a different ethos can be problematic (McMeeking et al., 2004). We consider that the proposals for admissions outlined in the White Paper are out of step with the vision set down in *Every Child Matters*.

2.7 The White Paper, *Higher Standards, Better Schools for All—More Choice for Parents and Pupils*, proposes placing a new duty on local authorities to ensure that no child is without a school place, to promote choice, diversity and fair access. This is a challenging task particularly as the number of autonomous schools is likely to rise. There is also a lack of clarity in how local authorities will perform their role in respect of school admissions. Certainly, without powers to carry out audits of the admissions process and outcomes of individual schools it is hard to see how they will be able to ascertain whether, for example, a school that introduced banding arrangements indeed obtained a “proportionate spread of children of all abilities” (DfES, 2003). More generally, it is of concern that the White Paper does not seek to strengthen regulation over school admissions by underpinning the Code of Practice with regulation and widening the powers of the Schools Adjudicator.

2.8 It is our opinion that the current admissions system is fundamentally flawed. It allows criteria that are not objective, fair and clear; it allows certain overtly selective criteria to be used; and it allows individual schools to select their own intake. This is particularly problematic as schools have a vested interest in selecting pupils who are likely to enhance the school’s league table results and who are likely to be easier to teach. Further, we consider that the proposals set down in the White Paper are likely to make the situation more inequitable than it is at present.

2.9 If admissions criteria are clear, fair and objective it is preferable if a body that has less of a vested interest in the outcome, than the school involved, carries out the allocation process. This could be a local authority or another body. The next section of the submission briefly outlines the school admissions systems operating in Scotland, Finland and Sweden as working examples of this type.

⁹⁸ In 2005, 13% of voluntary-aided schools, 12% of foundation schools and 3% of community/voluntary-controlled schools (7% overall) selected a proportion of pupils on the basis of aptitude/ability. In 2001, the comparable figures were: 9%, 7% and 1% (5% overall).

⁹⁹ Examples of the types of criteria used by secondary schools responsible for their own admissions are given in the Annex.

3. WHO SHOULD BE RESPONSIBLE FOR SCHOOL ADMISSIONS?

3.1 In Scotland, school admissions are the responsibility of the local education authority; each authority usually divides the local area into catchment areas; children living in a catchment area generally go to the same local school. However, the local education authority must tell parents of their right to choose a different school, and it has a duty to grant this school where possible. Local education authorities are also obliged to produce guidelines to be followed in deciding who should be offered places in the event of a school not having sufficient places to meet all requests (Scottish Executive, 2005).

3.2 In Finland, where there are similarities with the reform agenda of England, (eg, in encouraging schools to specialise and in loosening up the national curriculum), the former “school district principle” was abolished in 1991 and replaced with a new system. Under the previous method children were allocated to schools closest to their homes within a particular district; however, after the reform the local authority area was considered as one large “district” and parents could freely choose a school of their choice within the municipality or city (West & Ylönen, 2005). In practice, schools are only allowed to admit pupils from outside the local area if they have free places remaining after children residing in their area have been allocated places. Each local authority is obliged “to arrange basic education for children of compulsory school age residing in its area” and to assign the child to a neighbourhood school; in addition, travel to and from school must be “as safe and short as possible” (Ministry of Education, 2005).

3.3 In Sweden, the municipality allocates children to different schools but is obliged to provide equal schooling for all children so no one is given priority to an individual school. Students and their parents have a right to choose another municipal school or a privately-run school. In the event of a parent wishing their child to attend a municipality school, but not one to which their child would normally be allocated (perhaps because it is further away), the municipality will consider the parent’s request although the local authority will make the final decision (Swedish National Agency for Education, 2005).

4. CONCLUSION

4.1 In conclusion, the research that has been carried out by the CER reveals a fundamental problem with school autonomy in relation to admissions. Schools have a vested interest in selecting pupils who are more likely to perform well in examination league tables and who are easier to teach. Schools funded by public money have, in our view a responsibility to serve the needs of all children in the community; the evidence strongly suggests that school autonomy in relation to admissions is not leading to equitable outcomes in terms of who is admitted to schools.

4.2 The models of school admissions used in Scotland, Finland and Sweden all provide alternative ways for the admissions process to be carried out. These models do not give responsibility to individual schools that have a vested interest in the outcome. The Finnish model in particular gives local authorities a statutory responsibility to ensure that children are assigned to a local school and that travel to and from school should be both “safe” and “short”. Such an approach in England offers a way of ensuring that the needs of the community as opposed to individual schools are met.

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Annex

EXAMPLES OF SECONDARY SCHOOLS' ADMISSIONS CRITERIA USED FOR 2005

VOLUNTARY-AIDED SECONDARY SCHOOL

If there are more applications than places, then places will be allocated in accordance with the following criteria, which are stated in order of priority:

1. Children of parents and guardians who will actively support the aims of the School.
2. Children from families who are members of a Christian denomination or other world faith and who support the Christian ethos of the School.
3. Children who demonstrate significant involvement in activities relevant to the ethos of the School.
4. Children and grandchildren of Liveryman.
5. Children who have either a medical condition, social or special need which is relevant to the application (written evidence must be provided at the time of application).
6. Children whose parents or guardians were and/or whose siblings were or are pupils at the School.
7. Children living nearest to the School measured from the middle of the head teacher's office.

Parents will be asked to complete a written statement of support and applicants will be invited to the school to complete the second part of the application form.

VOLUNTARY-AIDED SECONDARY SCHOOL

When the number of eligible applicants exceeds the number of places available, priority will be given according to the following criteria and in the order listed to:

- A. Roman Catholic girls who have had a sister, mother, aunt or grandmother at the school;
Roman Catholic girls who would derive particular religious benefit from the school;
Roman Catholic girls who would derive exceptional medical or pastoral benefit from the school;
The remaining places will be allocated according to the principle "ease of access from home to school".
- B. After places are allocated, parents and pupils are invited to the school for interviews. Any vacancies which remain after all Catholic applications have been dealt with will be offered to baptized, practising members of other Christian denominations. Priorities listed in A1-A4 will apply.

FOUNDATION SECONDARY SCHOOL

1. Children who have a brother or sister at the School.
2. Children who have a doctor's certificate to prove to the governors' satisfaction that there are medical grounds sufficient to necessitate their attendance at the School.
3. Children living nearest the School, measured in a straight line from the School to the parents' permanent home.
4. Children of both teaching and non-teaching staff employed at the school, who wish to send their children to the school but who do not qualify under the other criteria.

VOLUNTARY-AIDED SECONDARY SCHOOL

Criterion 7. The Child's religious values and approach correspond with aspects of the School's Mission Statement.

Parents/guardians will be asked to send copies of the last three primary school annual reports (Years 3, 4, 5) with the application. On the basis of the information contained in the reports. Governors will award points as follows:

- Reports indicate a very positive approach to Religious Education (3 points)
- Reports indicate a positive approach to Religious Education (2 points)
- Reports indicate a generally positive approach to Religious Education (1 point)
- Reports indicate a need for an improved approach to Religious Education (0 points).

PERFORMING ARTS PLACE IN SPECIALIST VOLUNTARY-AIDED SECONDARY SCHOOL

Performing arts places are offered to applicants whose daughters can demonstrate a specific aptitude in and commitment to one of the performing arts. To assess this aptitude, applicants for consideration for performing arts places will be invited for audition by reviewing: the standard of experience and qualifications in their chosen performing art; the personal statement completed by the candidate on the supplementary form.

Only candidates who can demonstrate commitment by an excellent school attendance and punctuality record will be invited for audition.

November 2005

Memorandum submitted by the London Governors' Network

We understand that the Education and Skills committee is undertaking an inquiry into the proposals in the White Paper "Higher Standards, Better Schools for All" and is inviting written submissions on any aspect of the proposals. London Governors Network was set up from the NGC affiliated London Borough based Associations of Governing Bodies in 1998, to facilitate networking and discussion of pan London schools issues, in particular school organisation. Factors such as the cross borough movement of pupils to schools in other boroughs, different admissions criteria, and the effects of the existing and planned school provision in one Borough on others, affect all our schools, and are of interest to governors in all our member Associations. We see many of the proposals in the White Paper as particularly relevant to our current concerns and would ask you to investigate the following areas in your inquiry.

1. SCHOOL ORGANISATION AND THE PLANNING OF SCHOOL PLACES

We have deep concerns about how the proposals for school organisation would work in London. As London Governors, we have been very concerned that the planning of new school places, in particular, the location of the twenty new secondary schools in London by 2008 promised by London Challenge meets the needs of our local communities, especially those in the most disadvantaged parts of our Boroughs.

We welcome the introduction of the Pan London Admissions system, and had hoped that this would facilitate the planning of school places across London, so that all children were enabled to attend a good local school, which we believe should be their entitlement.

We are very concerned about the White Paper proposal to give all schools the option to become their own admissions authority, determine their admissions criteria, and expand their number of places at will, without any reference to their local community's needs, or the needs and aspirations of other schools in their local area. We do not understand how this autonomy in determining the number of school places fits with the duty still placed on Local Authorities to ensure that there are the right number of places in their area, and their "new duty to promote choice diversity and fair access". (WP para 9.7.)

We see the proposed abolition of local School Organisation Committees, (which are broadly based with representation of elected members, school governors, the LSC and church/VA school providers,) as a retrograde step. In our experience these provide an open local forum where the likely impact of school expansions, or closures on other local schools can be discussed in public and parents and governors can make representations on the likely effect of proposals on the choice and diversity available to parents and their children in the local area. We have no confidence that these issues could be debated so openly if all decisions were left to the Local Authority, with no duty to consult. Rather than abolishing the borough SOCs, why not bring them all together in a pan London SOC, which could inform pan London strategic planning of school places, and involve schools' representatives as well as Local Authorities.

The proposal to allow "successful schools" to expand at will, if they acquire Trust status, appears to go against current movements towards pan London planning of school places. We have much "local area" anecdotal evidence of parts of London where there are extreme shortages of secondary school places, and secondary age children without a local school place. In our experience it tends to be the most disadvantaged children, those with the most challenging behaviour and those who have been excluded from other schools or known to the YOTs, who have no school place. We believe that the only incentive for a school to be its own admissions authority is to be able to choose which pupil/parents it wants and not include those it does not want. We wonder how the Government intends to police "fair admissions" according to the locally agreed admissions code of practice, which would presumably include the duty of all schools in an area to admit their share of "hard to place children".

2. "EVERY CHILD MATTERS"—SCHOOLS COLLABORATING AND MULTI-AGENCY WORKING

We believe that much of the White Paper is not compatible with the Every Child Matters agenda, in the way it appears to encourage competition between schools for the "best" pupils/parents. The ECM agenda requires schools to collaborate with each other to provide the best range of educational experiences possible in a local area, so that each child can follow their interest and aptitudes to reach their potential in a flexible

local network of education and skills providers. It also requires a commitment to multi agency working, where the school is engaged with a wide variety of Local Authority, Health, Criminal Justice, and voluntary sector agencies to best meet the individual needs of all children and their families. If the incentive to become a Trust school is to become more independent of the Local Authority and perhaps more attached to the ethos and values of an external trust which might not be local, it is hard to see how the school could at the same time become the hub of delivery of local services as in some models of extended schools envisage, or even a community focus in its locality.

3. COMMUNITY SCHOOLS AND COMMUNITY COHESION—LOCAL GOVERNANCE AND ACCOUNTABILITY

One key feature of the White Paper proposals for changes in the types of new school which would be permitted is the proposed changes in models of school governance. We are told that Local Authorities will be commissioners rather than providers of schools, so there will be no new Community Schools. We totally oppose this proposal, since we see Community Schools as those maintained schools which are most accountable to their local community and to their democratically elected Local Authority. However, we resent the implication that these schools are “controlled” by the LA. The GB of community schools appoints the head teacher, is responsible for the strategic direction of the school, and for ensuring the most effective use of resources to promote the progress of all the children in the school. The GB is supported in its work by the LA, and buys services from the LA or other providers to best meet the needs of the school. Community Schools are now the only maintained schools which retain a version of the stakeholder model of governance accountable to parents and the local community.

We wish to remind the Committee of the strengths of the stakeholder model of governance, as originally introduced in the 1986 Education Act. The success of this model rests on each stakeholder group having an equal voice and equal voting power, so that the interests of any one group cannot dominate decision making. There were originally equal number of parents (consumers), people who work in the school (producers), LEA governors (representing local elected representatives) and community governors, co-opted by the other three groups to represent the community, including local business. This potentially created a balance of different interests between personal and current as opposed to strategic and long term.

The Governing Bodies of Academies have a very different role from the stakeholder model described above; they do not have a strategic role, do not appoint the Headteacher and do not control the budget. Academy governors who are also Trustees may have these powers, but if the sponsor has more than one Academy these powers will be held outside the school. It seems likely that it is envisaged that the GB of the new Trust schools will be the same or very similar.

It is proposed that the Governing Body of existing Community schools can decide to become a Trust school and adopt a Trust by a simple majority vote on one occasion, and then be able to appoint most of the governors for ever. These new Trust Governing Bodies can be as small as 11, and will “include elected parents, staff governors and representatives from the local authority and the local community”. (WP para 2.11.) But, note that a GB of 11, where the Trust appointed the majority, ie six, would indicate only one or at most two elected parents, out of the remaining five, leaving places for one staff governor, one LEA governor and one community governor. Would the Headteacher be a governor automatically? If so, would this replace the “staff governor”, or the possible second parent? Even if the Trust did choose to appoint further parent governors, they would not be there by right and would not have a democratic mandate from the parent body. We believe that most school governors and the public at large do not appreciate the threat to local accountability and local community involvement in our schools that these proposals could pose.

BEHAVIOUR AND PARENTS

We applaud the White Paper’s encouragement of schools to work with parents in involving them in their children’s learning. We are consequently mystified by the conclusions and proposals drawn from the Steer Committee Report on Behaviour.

In the Annex A to the White Paper on Resource and Legislative Implications under School Discipline it says:

- We will legislate to extend the scope of parenting orders and parenting contracts in particular, so that governing bodies can use them to make parents take responsibility for their children’s behaviour in school.

Does the Steer Group report actually recommend this? We cannot see how it is practically or legally possible for parents to be responsible for their child’s behaviour in school. Governing Bodies have expressed their concerns in responses to consultations on the introduction of parenting contracts, orders and fixed penalty notices over the years since they were first mooted by government. Surely while a child is in school, the school is “in loco parentis”? From our experience as governors, we know the majority of the most severe emotional and behavioural difficulties have their roots in very difficult family circumstances and relationships. Although these parents may be very supportive of the school in what it is trying to do, they need support and help themselves. Schools and their governing bodies need and want to build up partnership relationships with the parents of their pupils so that they can work together to support improvements in behaviour and progress in learning. This does not fit easily with having a power (or even a duty) to instigate court proceedings or fixed penalty notices on parents.

SCHOOLS COMMISSIONER

We question the need for the role of a schools “market-maker” to encourage and promote “new school providers”. There appears little appetite among companies whose main business is not education, including those already much involved with schools, for becoming these new providers. (see TES 25.11.05. p.1. “Firms say no to trust schools”) The “marketisation” of schools encourages competition between schools, with “successful” popular schools expanding, so that the least popular lose pupils and become non-viable. Local Authorities will be forced to close such schools. (WP para 2.36) We are deeply concerned about what will happen to the children in such schools. Children only have one chance in education and it is likely to be those in the most disadvantaged neighbourhoods who attend the least well resourced and vulnerable schools. Social cohesion in our inner cities will not be enhanced by encouraging the most resourceful parents to leave disadvantaged areas and choose schools in more advantaged areas. We believe that all children should have an entitlement to attend a good local school, and the most socially successful and achieving schools are those that serve their whole community.

November 2005

Memorandum submitted by Campaign for State Education

CASE is an education campaign group, which campaigns for the right of all to the highest quality state education, regardless of race, gender, home circumstances, ability or disability. CASE relies for its income entirely on membership, publications and donations and so speaks with an independent voice for the right of all children to the best.

1. INTRODUCTION

1.1 CASE is opposed to the Trust model which is at the heart of the White Paper. This model is based on a political agenda which furthers competition and the control of schools by the private sector, faith groups and “not for profit groups”. P 10 of the Foreword describes the effective break up of the state education system in the secondary sector (with the primary sector to follow). Building on existing legislation, new and “failing” schools will be subject to competitive tendering process—and all will become self governing trusts.

1.2 We do not believe that these fundamental and controversial changes are supported by evidence and many concepts are poorly defined. Indeed, some of the proposals are directly or inherently contradictory. There is a great deal of rhetoric in the White Paper, but there has been far too little evaluation of academies and specialist schools to allow the Government to make the claims set out in the White Paper. Despite all the assertions in the White Paper it is not clear to CASE how parental choice, fair admissions or the interests of the local community can be safeguarded. The White Paper itself talks about the number of good schools and the improvements that have been made, but then proposes to sacrifice this to an unproven and potentially destructive model of competition and privatisation.

1.3 We believe that the local authority, representing the public sector, is best equipped to run schools as well as taking a strategic role in planning overall provision and taking responsibility for the Every Child Matters agenda. Nothing in the White Paper convinces us otherwise. There are no published criteria on what makes a faith or other group (often with no experience of education) more fit to run a school even within the confines of a charitable trust. It may be at odds with the community at large. Under the White Paper these Trust schools would become autonomous; local authorities can at least be changed after an election and their decision making and finance is a matter of public record. The White Paper therefore further undermines local democratic accountability.

1.4 The Government commits to rebuild or renew all secondary schools and half of all primary schools in the next 15 years (1.14) through Building Schools for the Future. We presume this will bring those schools into a Private Finance Initiative, though this is not explicitly stated. It is not clear how this will link to a Trust model in which the school will control its assets. Existing PFI arrangements have been criticised for big capital and revenue deficits, less control over buildings and their out of school use, and less control over budgets (top sliced to cover PFI costs). Schools should not be pushed into more PFI arrangements without an open debate about the impact and costs. We assume academies will continue to be built under separate funding arrangements

1.5 The White Paper does not address the role of faith schools in a multi faith society facing issues of social and racial cohesion and segregation. In October 2005, Margaret Hodge argued that faith schools should admit children of other faiths to prevent social and racial segregation, or face being closed. The same month, Ruth Kelly said faith schools should no longer interview parents to determine their religious commitment, but also supported the Oratory’s right to do so because it was a “unique” case. CASE believes that the Government must clarify its thinking on the role and impact of faith schools.

2. "FOCUS ON CHOICE"

2.1 CASE supports the principle of parental choice in their child's schooling. In this context, our experience is that majority of parents prefer a good local comprehensive school that will meet the needs of all children in the area. The majority of parents do not want their 11 year olds to travel long distances, to have to choose a specialism or be tested for selective schools, especially if they can go to a local school that has diversity of provision. Many comprehensives already achieve this diversity; studies have shown that the most able students achieve better in this environment also.

2.2 There is no option under the White Paper for parents to choose the "status quo" of a community, comprehensive school. There have already been cases of LEA comprehensives being turned into academies against wishes of parents (eg Thamesmead, turned from a secular comprehensive into a Catholic academy against the wishes of parents) It is likely that we will see far more examples of this under a dogmatic system which insists that "failing schools" and new schools must become Trusts

2.3 Our belief is that in reality, many schools will continue to do the choosing—through academic selection (including grammar schools), faith, and specialisms. We believe this will be exacerbated if more schools become their own admissions authorities.

2.4 Indeed, there is evidence to suggest that the fragmentation of school admissions in the name of choice may actually be the problem. A recent "Times Educational Supplement"(TES) survey found that children living in areas with fragmented education systems, with large numbers of faith, foundation and academically selective schools, faced the worst admissions problems. London—where parents should have the greatest choice of schools—is actually the worst-affected area. In Barnet, north London, which has a high number of faith, foundation and grammar schools, just 52% of local pupils got into their preferred school. In Westminster, 59% of parents succeeded.

2.5 There has been criticism that the White Paper is "London-centric" in its approach because it is here that choice and admissions are most difficult. Elsewhere in the country only 1 in 10 parents fail to get their first choice (TES survey) and we need to investigate why this is—is it specialisms, grammar schools, and other forms of selective education, being outside catchment areas, banding—and look at local solutions.

2.6 Despite the assertion in 3.6, we believe the Government's drive for specialist schools and academies in itself reduces choice, particularly because specialisms are not co-ordinated. An area may have only two schools, both with the same specialism. In this instance parents and children are often deprived of choice, particularly if they feel the specialism does not suit their child. We do not believe that the vast majority of parents and children wish to choose a specialism at 11.

2.7 This sort of choice also suggests that schools will have a number of unfilled places to facilitate; this cannot make sound economic sense and the White Paper makes it clear elsewhere that under-subscribed schools will be closed.

2.8 The other obstacle to choice is over-subscription of popular schools. This is barely mentioned, but will remain problematic however admissions are organised and will continue to make choice illusory for some. CASE believes the way to minimise parental frustration is to focus on making every school a good, local comprehensive and encouraging parents to support this school. We believe this would prove a popular model, which already works well in many parts of the country.

2.9 We also believe that "choice advisers" are only necessary because of the plethora of admissions arrangements and admissions authorities in some areas. Parents who are able to vote with their feet (p8) are usually middle class parents who have the resources to ensure children get into "better" and often more selective state schools. No amount of "choice advisers" will overcome this.

3. FREEDOMS

3.1 CASE challenges many of the statements the White Paper makes about "freedoms":

There is an implicit assumption throughout that more freedom for schools is the solution with the academies/foundation/specialist schools quoted as examples of success (eg 1.19 assumption that the "energy" of a "diverse set of providers" is key).

3.2 CASE has seen no indication or evidence that the private sector or "not for profit" organisations, possibly with no background in education, are more equipped to deliver education. Similarly there is no evidence that specialisms per se improve school performance—particularly when only some 10% of specialist schools use their right to select. It is more likely that success is due to factors such as the extra funding that specialist schools attract. Similarly, there has been no proper evaluation of academies—the first two PricewaterhouseCooper (PWC) reports are mixed; and the first suggested that academies might create a two tier system. It is also not clear that the projected £6 million capital spent on them is Value for Money, but again this injection of capital may be a key reason for any improvement.

3.3 "The best state schools and there are five times as many as 1997 share these characteristics. But many would like to go further to develop new freedoms and strong relationships with sponsors." (p3) There is no evidence for this, and CASE believes that most schools and governing bodies want the resources to do their job well within the current local authority structure. Indeed there has been a significant lack of interest in

the current enabling “fast track” legislation. The old Grant Maintained schools had a financial incentive; specialist schools uptake has been high but again there has been a financial incentive. There are currently no such incentives for Trust status.

3.4 Already, the Government has struggled to find enough sponsors for its academies programmes. It is even harder to see where private Trust sponsors will be found given the stronger restrictions around charitable status preventing financial benefit, as well as safeguards to prevent permanent ownership of the school’s building assets. Similarly if Trusts are bound by fair admissions policies and the interests of the local community they may consider there are not enough “freedoms”. The White Paper (1.30) lists educational charities, faith groups, parents and community groups as possible “not for profit providers”. CASE’s view is supported by a TES article (25.11.05) in which the vast majority of identified potential sponsors say they are not interested in setting up Trusts. It is not clear what will happen if the local Authority tender for a Trust and there is no suitable bidder.

3.5 We are also concerned that political dogma will lead to the speedy closure of “failing” schools so that they can be tendered out to the private sector through Trusts even if parents and the local community do not want this. (2.55) If schools are put into special measures, how will “real progress” in a year be measured? Examination results (for example) may well not improve in that timescale, even though the school is making real progress.

3.6 The White Paper (p10) also proposes giving “good” schools more freedoms and expansion. Expansion is not necessarily in the interests of schools—those that become too large may lose the very characteristics which make them popular and successful. It could also lead to bigger class sizes, against principles set out elsewhere in the White Paper.

3.7 The Government has assumed in the White Paper that diversity is best provided by a “diverse set of providers.” CASE still believes that this is best provided through a comprehensive school that offers diversity. “Diverse providers” are likely to promote divisions and inequalities. The White Paper also describes Trusts taking on further flexibilities which would then apply to all schools with that sponsor—effectively a “brand” of school. CASE believes this would also be deeply divisive should any Trust apply for these flexibilities.

3.8 There is a fundamental contradiction between “putting parent’s needs at the heart of our school system” and “freeing up schools to innovate and succeed”. There is no guarantee that the two will necessarily coincide depending on parent wishes and student needs and the school’s definition of success and freedom. In particular, parents will no longer have the option of a community, comprehensive school if they consider this their “need”.

3.9 How will personalised learning (Chapter 4) fit with freedoms for schools, particularly if Trust schools do not want part of the whole government agenda? (For example, inclusion of Traveller and Gypsy families.)

Of acquiring “freedoms”, the White Paper states: “They will do so without unnecessary bureaucratic interference in a system of fair admissions, fair funding and clear accountability”. CASE believes that this sums up many of the shortcomings of the White paper.

3.10 *“Unnecessary Bureaucracy”*

There is no definition of “unnecessary bureaucracy” and many teachers would argue that this describes the Government driven testing and assessment regime.

In 1.35 the White Paper states “If parents want a school to expand to meet demand, it should be allowed to do so quickly and easily. If parents want a new provider to give their school clearer direction and ethos that should be simple too. And if parents want to open a school, then it should be the job of the local authority to help them make it happen”. Given this statement, CASE believes that “unnecessary bureaucracy” could mean a local authority’s efforts to fulfil its responsibilities in opposing or seeking to amend a particular proposal.

3.11 *Fair funding*

The issue of “fair funding” and what this means is not really explored; especially fair funding to properly resource schools working with higher numbers of deprived children and casual admissions. However, the White Paper does commit to £335 million to local authorities with the largest number of underachieving and deprived children to be targeted to most challenging schools and £60 million for schools with the highest number of children who have fallen behind. CASE welcomes the recognition that such schools need additional resources and hopes that increased resources will be targeted in this way.

3.12 *Fair admissions*

CASE does not believe proposals in the White Paper will deliver fair admissions; indeed it believes that they are likely to deliver the opposite. The 2004 Education and Skills Committee Report on Admissions highlighted many of the inequalities in admissions which this White Paper will perpetuate.

3.13 The White Paper is not explicit that Trust schools are their own admissions authorities, but this is the case. The White Paper refers to them being bound by the Code of Practice on Admissions. However, the Government's recently revised draft states that schools which are their own admissions authorities need only "have regard" to the Code. Unless the Code of Practice is statutory on all schools and there is an end to selective practices, there is no guarantee of fair admissions.

3.14 CASE welcomes admissions protocol for hard to place pupils, but again this will need statutory force and to apply equally to all schools. It is not clear how it will be implemented in academically selective schools, especially those which are their own admissions authorities. Currently the local authority cannot require an academy to take a pupil with special educational needs, even if that school was named in a statement.

3.15 Trust schools are able to implement admissions practices that "they think will best meet their local circumstances". (3.22) If they are not bound by the Code of Practice they could use it to their advantage at the expense of other schools. The good practice arrangements agreed with the local authority when a school becomes a Trust only apply for three years (3.27/ 8).

3.16 *Clear accountability—parents and local communities*

Academies and Trust schools do not deliver clear accountability—they are accountable to a Governing Body the majority of which is appointed by a private sponsor or Trust. In the Education Act 2005, the Government took away some of the additional mechanisms of accountability including the requirement to produce an annual report and to hold a parents meeting.

3.17 CASE believes there is a danger that the White Paper will encourage schools to be accountable to their Trust and Ofsted, but not the local community. This is far less accountable than a local authority, whatever its faults—and we would acknowledge that some local authorities have not responded well to a shortage of school places in their area. However, we believe this should be addressed on an individual basis with individual local authorities.

3.18 New providers are often not rooted in the community (2.2) but may be distant businesses or church groups who appoint the majority of governors. Appointed governors may well not come from the local community and may know little about it. How will this community voice be safeguarded?

3.19 It is not clear how local complaints procedures apply if schools operate outside the local authority eg in academies and trusts. (5.16) Involving Ofsted is Draconian (particularly if it results in the school being tendered to new providers) and the focus should be on local procedures and mechanisms for resolution, which empower parents.

3.20 CASE has heard disturbing examples of the concerns outlined in paragraph 5.15 at academies where there is no requirement for basics such as a complaints procedure. There has been no culture of listening to parents or finding positive ways to resolve concerns. There is no accountability or "higher authority" for parents in these instances.

4. IMPACT ON OTHER SCHOOLS

4.1 The choice and expansion agenda does not talk about the impact on schools that lose pupils as a result. There is little mention of falling rolls and the White Paper does not fully address the fact that its proposals may be taking place against a backdrop of falling rolls. The White Paper talks about collaboration to meet the issues of falling rolls, but it seems unlikely that autonomous schools will collaborate when they are competing for pupils in this context. The "market economy" model of the White Paper suggests some will close and "fittest" will survive. They may also survive because they have been able to manipulate their "freedoms" to this end.

4.2 We believe that the White Paper ignores the issues arising when local authorities have to close schools in the event of "surplus capacity" caused by falling rolls and other schools expanding or opening to bring "new dynamism to the system". It does not discuss the impact on pupils and parents who are part of a school which "fails" and closes, or the disruption to pupils who are then placed elsewhere. This is not a system focussed on "the needs of children" because having your school closed whilst you are in it is very traumatic. It is likely to hit the poorest children in the most disadvantaged areas—who may then need the transport proposals to get to any school at all. It also does not address the problems of rural areas faced with falling rolls and the potential loss of their local school, which will also need those proposals.

5. "PARENTS DRIVING IMPROVEMENT"

5.1 It is hard to reconcile this initiative with the position of parent governors, who are marginalised and only mentioned briefly in Chapter 7 of the White Paper. A key weakness is that academies are required to have only one parent governor. In new Trust schools, the Trust will appoint the majority of governors including parent governors and need have only one elected parent governor. Trusts will be tempted to appoint supportive or unchallenging governors. We believe the Select Committee should examine how much parents are able to shape existing academies and Foundation/Trust schools, and how much the school's autonomy works against the voice of parents.

5.2 CASE believes that if the Government is serious about parent voice (5.21) they should recognise that one of the strongest influences is through elected parent governors, who could represent the genuine interests of parents more effectively. Similarly we do not understand the recommendation to reduce the size of Governing Bodies, so soon after legislation gave them the chance to reconstitute to include more governors. We are concerned that parent governors will be even more marginalised in this smaller model.

5.3 Parents are assumed to be homogenous group. The reality is that they may well have different ideas and priorities and aspirations for a school and its pupils. In this case the more articulate and/or middle class parents are likely to win the argument.

6. PARENT COUNCILS

6.1 Only Trust schools will have statutory guidance on Parent Councils (5.21). In other schools it will be guidance and academies for example will not need to comply despite having a minimum of one parent governor. There are gross inconsistencies in these proposals. We believe the guidance should be statutory on all schools. The Education Act 2005 also abolished parents meeting with Ofsted making it harder to validate parents views as set out in the school's Self Evaluation Form. We believe this should be reinstated.

6.2 CASE has been a strong supporter of parent Councils and we have attached our briefing entitled "Parent Voice" (Appendix 1). We hope the Government will develop a robust model of parent councils on that will have a powerful voice at every level.

7. SELECTION AND THE 11 +

The White Paper says the 11+ is divisive and there will be no return to it, but apparently refuses to acknowledge that there are still 163 grammar schools. If the system is so divisive (in the Government's own words) why have they not acted to end it? And why have they not addressed the issue in this White Paper?

8. LOCAL AUTHORITIES AS COMMISSIONERS

8.1 CASE welcomes a strong, strategic role for the local authority, with its role in planning the number of schools, size and location. However we are fundamentally opposed to removing its power to run school as well as plan strategically.

8.2 Should the Government pursue its plans to make the local authority a commissioner, we believe the White Paper is flawed with basic contradictions about the powers it will confer on the local authority. The local authority would already be limited in terms of the kind of school it could commission because it would be required to engage with Trusts and would be monitored by the new School Commissioner who is charged with developing Trust schools. There is also an inherent contradiction that the local authority must be responsive to parental choice, to plans for new schools and to expansion any of which they might oppose in their strategic or community role. Given the high profile of the this initiative, we believe their powers may well be sacrificed in order to ensure that new Trust schools are commissioned ("unnecessary bureaucracy"). The local authority will also be responsible for dealing with the effects of choice, if some schools become undersubscribed and are forced to close. The traumatic effect on children and communities of such a closure cannot be underestimated.

8.3 CASE would stress that local authority's role and powers must not be undermined by conflicting tensions in the White Paper. The local authority must also retain strong, statutory powers to ensure the Every Child Matters agenda is not undermined by academy and Trust school's "freedoms".

9. TRANSPORT

CASE is concerned about the impact on children travelling greater distances to school and the environmental impact of more vehicles on the roads. To travel six miles (for example) by on either a yellow bus or public transport in London could take an 11 year old three hours a day.

10. BANDING

Banding is proposed as a new panacea in fair admissions. CASE asks that the Government and Select Committee review existing arrangements as we believe there are serious shortcomings:

- In schools which band in relation to national figures or by the spread of applicants, the results can produce a “favourable” intake with more children in higher bands.
- In local authorities which band, the reality can be that children in lower bands end up with less choice of schools (or sometimes no school).

11. POSITIVE INITIATIVES

CASE would like to express support for some principles and statements set out in the White Paper. For example:

- the focus on the needs of the child, personalised learning, transitional support and on the quality of teaching, and classroom support. In Chapter 5 (p 69) we support the good practice in home school liaison, and translation services. However, CASE believes that exemplary examples of this good practice already exist in many of our comprehensive schools and there is no reason why they cannot be implemented in the rest with the right resources and School Improvement support;
- the Government commitment to additional funding eg £335 million to deliver effective small group tuition (4.12);
- the positive acknowledgement of the role of the workforce in bringing about improvements, and the commitment to future development;
- the implementation of the recommendations of the Steer report although believe the Government must address all the recommendations and not only those which focus on discipline; and
- the principle of Parent Councils and better communication with parents.

APPENDIX 1

A VOICE FOR PARENTS

PARENT COUNCILS AT SCHOOL, LOCAL AND NATIONAL LEVEL

The School Standards and Framework Act requires governing bodies to consult parents both about behaviour policy and the content of the home school agreement but the Act provides no structures whereby schools can democratically consult parents.

All schools have parent governors. Parent governors can nominate and vote for elected parent governor representatives on the LEA education committee. All of this, the Government claims, will lead to a stronger voice for parents in education. And so it might, but it might also lead to deep cynicism among parents if, for example, the “consultation” means a letter home, the parent governors are invisible and the representative on the LEA has no way of reaching the parents in the schools s/he is aiming to represent.

We are unusual in Europe in not officially recognising the parent’s voice in education policy-making at national and local level. CASE wants to see parents having a democratically elected voice at school, local and national level. If local and national parent councils were set up, made up of elected parent governors, then an elected voice for parents from classroom to national level could be set up. This way government could have genuine consultation with parents.

IN SCHOOLS

Although the 1986 Education Act established the right of parents to elect parent governors onto the school governing body it did not establish a means whereby parents could communicate with their parent governors or vice versa.

Many parent governors find it difficult to communicate or consult with parents in the school. At times they might even be discouraged from doing so. Others find their views dismissed as “only speaking for themselves”. Many parents do not know who their parent governors are or how to reach them. CASE believes parent governors should have the right and the duty to consult the parents who elected them.

A parents’ council would enable parent governors to discuss issues with a representative group of parents. CASE wants to see schools encouraged or required by government to set up parents’ councils made up of parents elected by each class or tutor group. The parents’ council would meet regularly to raise issues and to communicate with the parent governors. It could be used as a means of consulting parents democratically over all aspects of school policy where the parental viewpoint is needed.

There could be other benefits too. Many schools report difficulties in recruiting parent governors. Parents may be reluctant to come forward when they are unsure of their role. Parent councils would be a means of encouraging parents to come forward, as it is easier to relate to your child's class or tutor group. Encouraged by taking part in the parents' council it would be a smaller step to becoming a parent governor. Class meetings would allow parents to have a focus to discuss school issues together.

Why have class meetings?

In Germany, France, Norway and Denmark home school links are firmly based on the class meeting. The class is the natural unit to which parents and children relate. Each class would have its own meeting perhaps termly or twice a year during which parents would elect, hear from and talk to their class representative.

How would a parents' council work?

The parents' council would meet regularly to discuss issues raised by parents. The parent governors should be entitled to look upon the council as a means of consulting a representative group of parents with whom they can raise issues and be regularly in touch. They should attend every meeting of the council. A parents' council, meeting regularly, would be an established feature of school life in every school.

Who would be on the parents' council?

A parents' council would be made up of parents elected by the parents in each class. A small village primary parents' council would look very different from that in a large secondary comprehensive. However the principle is the same. Each class would meet at the start of the academic year to elect a parent to represent them. Naturally the headteacher might be invited to discuss particular issues but the council should consist only of parents.

Who would set it up?

CASE believes all schools should have a parents' council. Parent governors, governing bodies or headteachers could initiate the council. The impetus could come from parents. CASE hopes that it would have the support of the headteacher and the governing body. Unless there was legislation it would be very difficult for parents to set up a council without the support of the head and governors.

What would the parents' council do? How often would it meet?

It would discuss issues raised by parents. Parent governors could take issues from the council to the governing body and the headteacher as appropriate. It would hear from the parent governors about issues upon which the governing body would like the views of parents.

For example, the parents' council is a way in which a view of parents about school policies such as behaviour and sex education can be obtained. The parents' council could perhaps meet between governing body meetings allowing parent governors to provide an extremely effective link between governing body and parents.

Would it make decisions?

Obviously it would make decisions about the view it took on a particular issue. In law only the headteacher and the governing body in the school have the power to make decisions about the school. The parents' council would be a consultative body. However a collective view from parents would need to be taken very seriously.

The intention of setting up parents' councils is to provide a means whereby parental views can be discussed and made clear to the elected parent governors. Most parents have a useful contribution to make. They do not want power but to have their views taken seriously. However, the first step has to be for the head to decide that parents can be trusted and even encouraged to ask questions and to challenge, and that he or she can leave them to it.

Would it need to fund-raise or have social and educational events?

No. The parents' council is intended to be a consultative body concerned with discussing issues of concern to parents and providing a means of regular communication and consultation with parent governors. Many schools have organisations already, for example a PTA or Friends of the School, to organise fund-raising and social events. Some schools set up joint working parties of parents, teachers and governors to do these jobs.

Would this be the only way parents could raise issues?

No. Naturally parents will continue to raise issues personally. The Annual Meeting with governors serves a different purpose. However parents should find that the regular meetings of the parents' council provide an opportunity to raise particular concerns or ideas, have them more widely discussed and to see if other parents share their views.

But do people want more meetings?

The idea of a parents' council is that it would provide a real means of consulting parents. If such a structure became a normal part of school life CASE believes that much of the work which is involved in sorting out problems which arise because of lack of communication and misunderstanding would be avoided. Certainly for some people it could mean fewer meetings not more.

What about beyond the school at local and national level?

Politicians often claim to know what parents want. CASE believes only a directly elected voice of parents can make that clear to politicians. If the missing rungs in the ladder are put in place there could be a streamlined, two-way communication for government directly to parents in schools and back. LEAs should encourage Local Parents' Councils or forums made up of parent governors from every school. This would enable the elected parent governor representatives on the LEA education committee to consult locally.

At national level CASE wants to see a publicly funded National Parents' Council made up of elected parent governor representatives. This directly elected consultative body should consult with government by right. It should be funded with public money. It should work alongside the national bodies representing PTAs and governors. After all, teachers have six teaching unions and a General Teaching Council. There should be a National Education Forum involving all partners in education.

November 2005

Memorandum submitted by the National Family and Parenting Institute

1. BACKGROUND

1.1 The National Family and Parenting Institute (NFPI) is an independent charity that works to support parents in bringing up their children, to promote the wellbeing of families and to make society more family friendly. It achieves this by: conducting and analysing research on services; advising Government and others on family policy; coordinating family and parenting organisations; producing public information for parents and practitioners; and campaigning for a "family friendly" society.

1.2 The NFPI is currently undertaking a project, funded by the Esmee Fairburn Foundation, on parental involvement in schools. This project aims to promote and improve relationships between schools and parents through practical examples and models from successful schools. We are currently scoping activities undertaken by schools to involve parents, to identify different models, evaluate good practice and disseminate models.

1.3 This submission outlines emerging messages from the current study and from previous work NFPI has done in this area:

- *Parent Information Sessions in Schools (PIP)*: workshops for parents at key transition points (ages 5, 11 and 13/14) offering child development knowledge and information on services and information to support parents. Piloted and independently evaluated in three localities across England. The evaluation established that parents attended, appreciated the offer and assessed themselves as more confident and knowledgeable following the sessions. Parents have a keen appetite for parenting support as part of ordinary "school life".
- *Fathers' Involvement in Children's education*:¹⁰⁰ a review of the evidence on the outcomes of fathers' involvement in children's education and the activities in schools that successfully involve fathers to illustrate and disseminate good practice.
- *Briefing Paper on Aspirations and Expectations*: a review of the evidence on children's aspirations, their impact on children's outcomes with a view to understanding the levers that might be used to encourage aspiration.

1.4 An initial message from our early discussion group work to shape the Esmee Fairburn project, is that generally schools have fully embraced the message that parental involvement in schools can be beneficial. Consequently there is a great deal of work being undertaken by schools under this rubric. The key goal for schools is improving children's educational achievements and therefore parental involvement is of interest in the belief that it will assist schools to improve. However, the emerging picture is of a confusion of aims

¹⁰⁰ Goldman, R (2005). *Fathers' Involvement in their Children's Education*; National Family and Parenting Institute.

which could be greatly eased by the clarification of what is meant by the terms: parental involvement; parenting support; parent representation; and parental choice. Such clarification would enable schools to develop parent strategies that encompass menus of activities and include partnerships and structures to support the achievement of better outcomes for children, based on the specific environment within which each school is located.

1.5 As a result of confused, and sometimes competing aims, activities that schools develop seem to have a variety of objectives:

- Increasing parents' aspirations for their children and their interest in schooling;
- Increasing parents' direct support to their children's learning through educational activities—reading, understanding maths, etc;
- Improving parenting skills;
- Family learning;
- Parents' own education;
- Parents supporting school activities through participation in school events, fundraising, classroom and sport involvement;
- Improving children's behaviour;
- Community and neighbourhood involvement and renewal; and
- Reducing the impact of community tensions (around ethnicity, particularly) on pupils' behaviour with each other.

2. PARENTAL INVOLVEMENT IN SCHOOLS

2.1 Our early discussion group work has demonstrated that there is a tendency to define family and parenting support as work that the school does to support parenting, and to define parental involvement in schools as activities that engage families and parents in supporting the school and its aims.

2.2 Although parents in an advisory role would be beneficial for flagging up concerns such as bullying and to enhance teachers' understanding of the locality in which the school is situated and differing cultural backgrounds, NFPI has concerns over the practicalities of parents setting up and running schools. The White Paper is very thin on detail as to how this would be achieved and it may prove to be just too complicated. NFPI's discussion forums focusing on parental involvement show that there appears to be much less interest in the idea of parents' shaping school activity or environment than in involvement of parents in school governance.

2.3 NFPI welcomes the requirement for all Trust schools to have parent councils and would like to see this proposal widened to all schools. Parent councils and local authorities are the voice of parents and must therefore have sufficient sanctions at their disposal to ensure that schools follow recommendations made.

2.4 However, the parents most likely to engage in advisory roles are unlikely to be representative of all parents within the school as a whole. Therefore there would need to be a concerted effort to ensure equality of opportunity for parents in involvement, to protect against colonisation by particular demographics of parents who are more comfortable in those settings.

2.5 The Commission on Families and the Wellbeing of Children's inquiry¹⁰¹ into the upbringing of children concluded that schools may need to provide compensatory help for children who do not have sufficient home support and to engage parents in ways that do not leave some disadvantaged families feeling de-skilled and incompetent. There would therefore be some benefit in exploring whether parental involvement actually means parental involvement in learning or practical involvement in the mechanics of the school.

2.6 Feedback from NFPI's discussion forums indicates that activities in individual schools around parental involvement appear to have developed outside of a whole school strategy on partnership with parents. There is felt to be an absence of resources and models that can help with planning and delivering a strategy that would suit individual localities, their intake and the communities the school serves. This initial work has exposed a lack of ideas about how parental involvement could be managed, for example through market research, questionnaires, feedback sessions, etc.

3. PARENTAL CHOICE

3.1 A recent briefing paper commissioned by NFPI¹⁰² demonstrated that parents own experiences of school and lack of aspirations for themselves may influence any expectations for their children. Parental aspirations for their children can affect the choices made with regard to school—or even whether they consider that there is value in bothering to make a choice. The briefing also showed that parental

¹⁰¹ Commission on Families and the Wellbeing of Children (2005) *Families and the state: Two-way support and responsibilities. An inquiry into the relationship between the state and the family in the upbringing of children*; Policy Press, London.

¹⁰² Ritchie, C, Flouri, E and Buchanan, A (2005) *Aspirations and Expectations*; Centre for Research into Parenting and Children, University of Oxford.

involvement in school from secondary age doesn't have such a strong impact as parental aspirations for their children. This suggests that increasing choice will not necessarily help those from the most disadvantaged backgrounds at secondary school age.

3.2 Likewise, our discussion forums have found little enthusiasm for parental choice. Parental choice is seen as a shorthand for unequal access to good schools and assumed to lead to greater achievement gaps, difficulties in developing schools as service hubs, and difficulties in building good community relations within a locality. There is seen to be a fundamental contradiction between the "choice" agenda and the "respect" and children's achievement agendas.

3.3 The Commission on Families and the Wellbeing of Children also advocated caution with regard to parental choice, suggesting that choice was not a reality for families in areas where the best school is oversubscribed and highlighting that the process works in favour of advantaged parents who can navigate the system better. The Commission recommended a less competitive approach with an emphasis on providing good local schools within the context of local community needs.

3.4 Fair school admissions are essential to underpin the Government's policies on choice and increased access. However, unless all schools are to be required to abide by the code of practice on school admissions, and other relevant protocols on hard to reach children, the attainment gaps between children from deprived backgrounds and those from more affluent backgrounds will remain. Poor and vulnerable families will continue to be discriminated against, not only because of differences in school quality but also through attendance policies and achievement targets that militate against taking on challenging pupils.

3.5 NFPI welcomes the additional funding for schools to offer information sessions to parents at key transition stages—when starting primary school, or moving to secondary school. NFPI is also pleased to see that local authorities will be expected to provide additional support for looked after children by offering pastoral support or developing more proactive links with foster parents.

3.6 The increase in eligibility for transport to schools to support the most deprived children is to be welcomed, but unless the unfairness within the schools admissions system is addressed it will fail to increase access to other schools for poorer children. In addition, these transport proposals will achieve very little in rural settings where very few children have access to more than one school within the set six mile radius.

3.7 Conversely, encouraging children to travel out of their immediate locality to school may also lessen the likelihood of parental involvement within the school, as presumably there is no intention of providing transport for parents who want to be involved in the school. It could also lessen attendance at parents evening etc as there may be difficulties in getting to the school. And of course for the children who do manage to attend a better school, away from their deprived neighbourhood, there could be issues of peer alienation within their locality and this could indeed be true for parents.

3.8 Nevertheless NFPI supports the intention to improve information available to parents and is gratified to see the funds dedicated this over the next two years, to support choice advisors. However, the impact of this investment will be minimal unless discrepancies within the admissions system are rectified.

4. PARENTING SUPPORT

4.1 The White Paper rightly acknowledges the need for schools to be an essential part of the Every Child Matters (ECM) agenda but runs the risk of under-valuing the key role that local authorities play within that agenda through addressing the attainment gaps within communities as a whole. The over-riding message is contradictory, with an insufficient requirement for local authority involvement in planning extended services. If schools are not to be community-based schools, but take children from wide catchment areas, this will have implications for the schools as both service hubs and the centre of community cohesion within the extended schools vision. It also gives mixed messages about exactly what parents' roles could be.

4.2 NFPI's discussion forums have revealed less conviction about how schools could develop into 'service hubs', offering family and parenting support, the impact this might have on the school culture and how it might be done. Here the anxiety is that schools are being asked to "sort" dysfunctional families and anti-social behaviour.

4.3 For some children, school is the most stable element in their lives and in many instances school is the location where children's unhappiness and difficulties are first identified. Schools are then well placed to provide a non-stigmatising early response to prevent difficulties from escalating into more deep-seated and harder to remedy problems. The suggestion from the White Paper that, through parents exercising their right to choice, schools' intake of children could potentially be from wider and more dissipated areas runs counter to the main impetus of local safeguarding strategies within the ECM agenda, and will certainly do nothing to increase community cohesion or local regeneration.

4.4 Therefore NFPI welcomes the requirement for schools to have staff members who have training in multi-agency work in child protection. Where children are accessing other services it is essential that personalised learning arrangements can support these services to achieve common working agreements to ensure better outcomes for each child. In order to achieve this, schools must be part of the wider service provision for children and families within the ECM framework.

4.5 Feedback from NFPI's discussion forums has shown a strong interest in parenting support being available and a willingness for schools to play a part in this. There is real disquiet over the absence of services for families with serious relationship and behaviour problems, whose children are either involved in difficult behaviour or are prevented from benefiting from schooling. Schools are seen as an integral part of the solution, not through delivering parenting support, but through providing a location for that support. However there remains uncertainty about how this could be managed and even more essentially, how it will be resourced.

4.6 NFPI is concerned by proposals that will allow schools to issue parenting orders. It is hard to envisage how schools can be simultaneously the place where parents and families are expected to turn to for support when they encounter difficulties and are struggling, and yet also the place that penalises those same parents for failing to cope. Aside from the difficulty for schools in issuing and enforcing orders whilst managing an increased service provision, this remit suggests that schools will be unable to gain the trust of the very families that the Government seeks to help through the ECM agenda.

4.7 Likewise, the requirement that parents will need to take responsibility for supervising the first five days of a child's exclusion from school to ensure that they carry out schoolwork, or else be liable to a fine if their child is found in a public space, does not easily fit with the Government's welfare to work agenda. Many parents work full time out of necessity and because they have been encouraged to by Government. It may not be easy to take time off work, or to find alternative supervision. The requirement to do so may be especially galling if the problems that led to the exclusion were to some extent seen by the parent to have been exacerbated by being required to work as a result of Government initiatives.

5. THE FUTURE

5.1 The NFPI project will be developing resources for schools to assist in developing their parents' strategy, attempting to define a range of models to achieve different goals and disseminating good practice ideas.

5.2 Reaching all parents continues to be a challenge. The extended schools model, which provides services for parents and families alongside education for children, is being developed in a number of areas. Developing these extended schools into service 'hubs' that meet the needs of the whole community is an essential component of the ECM agenda and requires commitment and adequate resources to deliver for those families most in need.

5.3 The idea of parents becoming involved in setting up and running schools could be harder to replicate. It may actually prove to run counter to the aims to improve the five outcomes for children identified in ECM. It also raises the question of how to support parents who are interested but don't have the confidence, time or skills required—and how to support those families who will still be penalised by the admissions system.

November 2005

Memorandum submitted by SEMTA

INTRODUCTION TO SEMTA

1. SEMTA (Science, Engineering and Manufacturing Technologies Alliance) is the Sector Skills Council (SSC) for engineering, science and manufacturing technologies. It was the first SSC to receive its Government license from the then Secretary of State for Education and Skills in early-April 2003.

2. The "Higher Standards, Better Schools for All" White Paper is primarily about the governance of schools. The SEMTA evidence is limited to those issues that impact on skills, such as vocational education. For ease of reference, the evidence is cross-referenced to the relevant paragraphs in the White Paper.

14–19 OPPORTUNITIES

3. We wholeheartedly support the requirement that more vocational provision should be made available to young people through schools and colleges. We support schools, colleges and work-based learning providers taking on an additional specialist vocational area, especially engineering or science. However, capital equipment costs in these vocational areas are relatively high compared to—for example—business administration. The Government and funding agencies should reflect on this higher cost when making decisions about resource allocation so as not to disadvantage those concerned. [2.39]

4. We would expect new vocational providers to offer the new specialised diplomas, including to 14–16 year olds at other local schools. [2.41]

5. We are pleased that 500 of the most successful specialist schools will have the opportunity to take on a more significant role leading the local system. However, our comments in paragraph 3 above are relevant—we must avoid an opportunity becoming a burden by "spreading the jam too thinly". [2.48]

6. We welcome local partnership arrangements set up to deliver 14–19 reform and provide better information, advice and guidance (IAG) to young people. We have continuing concern about the quality and consistency of IAG provision in respect of career opportunities in the engineering, science and manufacturing technologies sectors. SEMTA is working with other SSCs on a major project to improve this critical service for all young people. [2.48]

CHOICE IN A SPECIALIST SYSTEM

7. We welcome the aim to have a fully specialist school system within the next two years. Although this should on the face of it offer greater choice for parents in urban areas to choose a school that suits their child's strengths and interests, the same may not apply to those parents living in a rural community who wish to choose a specialist school offering engineering or science. These parents face the real possibility that their children may have to travel far greater distances to such schools because there is likely to be less schools offering engineering and science, due to the prohibitive start-up/on-going costs. As we commented in paragraph 3 above, the Government and funding agencies should take this into account when making resource allocation decisions by perhaps offering a "golden hello" to those schools who wish to start offering engineering or science. [3.6]

EVERY CHILD MASTERING THE BASICS

8. We welcome the Government's strong emphasis on the basics and renewed emphasis on functional mathematics, together with the expectation that every school will devote intensive support for those who have fallen behind in literacy and numeracy. A good grasp of mathematics is vital for those who want to pursue a career in engineering or science. The target of 29% for the proportion of those behind at age 11 catching up by age 14 is a good start, but only a start. This needs to be maintained between the ages of 14–19. [4.9]

GROUPING AND SETTING

9. We agree that grouping students can help build motivation, social skills and independence as well as raising standards in subjects such as mathematics and science because pupils are better engaged in their own learning. Every encouragement should be given to more schools to adopt such grouping and help them to learn from the innovative practices that some schools are already employing, without lowering expectations for pupils in lower ability groups or limiting choices in the curriculum. [4.36]

TAILORED TEACHING IN CLASS

10. We warmly welcomed the establishment of the Science Learning Centres and the planned opening in summer 2006 of the National Centre for Excellence in the Teaching of Mathematics. Both these provisions should make high quality professional development more accessible for teachers and technicians across the country, critical if we are to raise standards for pupils choosing a career in engineering or science. We trust Government funding will be on-going to support the future development of both centres. [4.39]

11. Although SEMTA welcomes the introduction of specialised diplomas there is a concern among employers about them being "fit for purpose". We are working closely with employers to ensure the outcomes from the specialised diplomas lay a firm foundation for a future career in the sector. [4.46]

SPECIALIST TEACHING

12. We welcome the Government commitment to ensuring a good continuing supply of high-quality specialist teaching, including in the critical areas of mathematics and science. The increase, from September 2006, in the value of the incentives for new mathematics and science trainees to £9,000 for bursaries and £5,000 for "golden hellos" is to be applauded. We do hope it continues to maintain the annual recorded increases in recruitment achieved to these key subject areas over the past five years and urge the Government to monitor progress. [8.10]

13. We support the Government commitment to enabling every secondary school to recruit a mathematics and science Higher Level Teaching Assistant specialist by 2007–08. This will complement the national centres mentioned in paragraph 10 above by providing high quality subject-specific training and development for the whole school workforce. We urge the Government to monitor progress. [8.11]

Memorandum submitted by Lynne Jones MP

One of the key issues in the White Paper is “fair admissions”. However, the Government has not yet analysed responses to its consultation on School Admissions¹⁰³ which closed in October. It is very disappointing that the Government launched its White Paper before producing this analysis, given the central importance of the admissions issue. I enclose a copy of my submission to the consultation on the Draft Code for the Committee’s consideration/information.

Evidence-based policy should lead ministers to look at the success of comprehensive systems such as that in Finland which did exceptionally well in PISA (the OECD programme for student assessment). Finland has a system of comprehensive, non-selective basic education and the teaching profession is highly respected and teachers given trust and a lot of autonomy. They have no testing or ranking lists and a co-operative way of working in contrast to the competitive model underpinning the Government’s White Paper. I attach a briefing note prepared for me by the House of Commons Library on the Finish system, which I hope is of interest to the Committee.

CONSULTATION RESPONSE OCTOBER 2005

School Admissions: Consultation on the draft School Admissions Code of Practice, School Admission Appeals Code of Practice and assorted regulations.

NOTE ON THE CONSULTATION

I was disappointed that the 12 week consultation was launched just before the summer holidays on 26 July and without a press release. Point 1.4 of the Cabinet Office Code of Conduct on Consultation states that “Departments should consider the specific circumstances of their stakeholders and consider longer consultation periods at certain times, for example during the summer holiday period”. I request that a four week extension be given to the consultation and that this be publicised including via a press release.

CONCLUSIONS AND RECOMMENDATIONS

Para 4

The Code should be made mandatory so that allocations policy is not left to the discretion of schools that are under pressure to keep up their reputation. The legislation necessary for a mandatory code could be included in the forthcoming Education Bill.

Para 13

Assessment of whether a particular looked-after child should be treated as being of their particular faith should be waived and faith schools should be required to give looked-after children priority irrespective of faith.

Para 14

Selection on religious grounds should be phased out. In the interim it should be restricted and there should be a nationally fixed quota of places in faith schools available to children of other/no faith.

Para 16

The original requirement in the Code which seeks fairness for parents who are only seeking a place at a non-selective school should be re-instated.

Para 21

I am very attracted to the idea of a lottery but it needs further testing and exploration to check that it can, in practice, work both fairly and maintain schools with a local connection. The idea has not been sufficiently explored in the Draft Code.

¹⁰³ <http://www.dfes.gov.uk/consultations/conResults.cfm?consultationId=1336> SCHOOL ADMISSIONS: Consultation on the draft School Admissions Code of Practice, School Admission Appeals Code of Practice and assorted regulations. Closed 18 October 2005.

Para 29

The facility for state-funded schools to admit pupils on the basis of aptitude tests should be withdrawn. This would also assist with reducing the burden of testing on children.

Para 31

It should be explicit that interviewing of parents or children should not take place rather than just describing this as poor practice (except for boarding schools interviewing solely for the purpose of assessing the suitability of the child for a boarding place).

END ACADEMIC, APTITUDE AND FAITH SELECTION

1. The School Standards and Framework Act 1998 prohibits the introduction of new academic selection except for fair banding. It is logical to extend the assumptions behind this prohibition to existing academic selection. We need a national, fair and objective admissions policy which does not permit schools to be wholly or partially selective on grounds of faith, academic ability or aptitude (except for fair banding by Local Education Authority). Given that Government is unlikely to take the logical step of ending all such selection, I would like to submit the following comments:

MANDATORY CODE OF PRACTICE TO CREATE A UNIFORM, FAIR NATIONAL SYSTEM

2. The Code should be mandatory. All admission authorities, including foundation schools and City Technology Colleges should be required “to act in accordance with” the Code, rather than simply have to “have regard to”.

3. League tables provide a disincentive for schools to allocate their fair share of places for children in care, “hard to place” children and children with special educational needs. A fair system, applied to all schools funded by the state, would help the heads of less popular schools that face the difficulty of raising standards while parents of pupils who would be easiest to teach do all they can to try and ensure their children go to favoured but oversubscribed schools, including being willing to move house.

4. The Code should be made mandatory so that allocations policy is not left to the discretion of schools that are under pressure to keep up their reputation. The legislation necessary for a mandatory code could be included in the forthcoming Education Bill.

OPEN UP THE ADMISSIONS OF FAITH SCHOOLS

5. In encouraging faith schools, the Government believes that the distinct ethos and character of faith schools helps them perform better. I would challenge this conclusion. Any selective school can achieve better than average results, and church schools are usually selective. They take less than their share of deprived children and more than their share of the children of more ambitious parents, a point the Government should be well aware of, as Ofsted said at the time the Government was expanding the number of faith schools in 2001 “Selection, even on religious grounds, is likely to attract well behaved children from stable backgrounds,”¹⁰⁴ This covert selection goes a long way towards explaining their apparent academic success.

6. I do not accept the assertion that the ethos of church schools is somehow superior to that of non-denominational schools where staff show just as much love and professional dedication. It is our comprehensive schools, genuinely open to applications from all races and religions that have the authority to claim that they have at heart the good of our whole society.

7. Religious schools discriminate against everyone not of that faith—in their admissions and employment policies, their curricula and their assumptions about their religion. In my constituency, for example, there are two Catholic secondary schools. One has not taken non-Catholics for many years and the other until recently was admitting children from other faith groups (though not of no faith) including many Muslim children. However, this mixed intake was at a time when the school’s reputation was low (there having been a scandal involving a previous head teacher). As their reputation has grown (for which the Head and staff are to be congratulated), fewer and fewer non-Catholic children have been accepted to the point that, this year, even Catholic pupils living locally but who did not go to a Catholic primary school have been excluded. Such schools cease to be a part of a local community—as is also the case with grammar schools in my constituency, a recent statistic I was given by the Head of a grammar school in my constituency was that 59% of pupils came from outside Birmingham.

8. Some faith-based schools will not even try to serve the whole community and will divide children not just by religion but also ethnically. Northern Ireland and Bradford are examples of what happens to communities where children are educated separately and grow up knowing little of each other. In the wake of the 9/11 atrocity in New York and the 7/7 bombings in London it is even more important that all groups in our society feel included and are given every possible opportunity to integrate.

¹⁰⁴ *Times Educational Supplement*, 16 February, 2001.

9. I uphold the right to freedom of belief and understand the desire of parents to bring up their children with the family's beliefs. However, it is not the job of publicly funded schools to instil a religious faith in children and the state is not obliged to provide schools catering for every shade of belief or philosophy. The state has its own interest in ensuring that children grow up to be responsible and capable citizens. Schools should, of course, teach about religion and philosophy but they should do so in an objective, critical, and pluralistic manner.

10. We need to have all our children educated in schools that believe that concern for others is not a Christian virtue, or a Jewish or Islamic virtue, but a human virtue; and where all the faiths are equally respected.

11. Of course, given the existence of so many religious schools in this country, it would be naive to think that these can be abolished overnight but we should be aiming at admission policies that work towards reintegrating these schools by requiring quotas for intakes to include a proportion of children of other faiths and none. Admissions arrangements of faith schools must be more open.

12. Paragraph 1.5 of the consultation particularly welcomes comments on how the requirement to give priority to looked-after children might apply in relation to faith schools.

13. Assessment of whether a particular looked-after child should be treated as being of their particular faith should be waived and faith schools should be required to give looked-after children priority irrespective of faith.

14. Selection on religious grounds should be phased out. In the interim it should be restricted and there should be a nationally fixed quota of places in faith schools available to children of other/no faith.

REMOVE THE CHANGES THAT GIVE DOUBLE PREFERENCES TO PARENTS WHO WANT GRAMMAR SCHOOLS

15. The current Code requires that, in areas where there are grammar schools, parents should have to express a preference as otherwise it is "unfair to parents who only want a place at a non-selective school". It is very disappointing that the Draft Code reverses this requirement when it says "it is good practice for parents to be able to know the outcome of selective tests before the closing dates for application to schools under co-ordinated schemes". This effectively means that parents who want grammar schools get two preferences if their children fail the grammar school test. This is unfair.

16. The original requirement in the Code which seeks fairness for parents who are only seeking a place at a non-selective school should be re-instated.

17. The system is also unfair as parents of those children who pass the grammar school test have the advantage of knowing further in advance which school their children are going to, unlike parents who have to rely on the later outcome of co-ordinated schemes.

18. In selective areas such as Kent, schools taking all abilities have required parents to put them as "first preference first" so that they can give priority to parents who want all ability schools. The draft refers to this as "not working well where there is an element of selection by ability or aptitude". If selection were ended there would be no need for all ability schools to implement this policy and equal preference throughout co-ordinated schemes would be fairer.

FAIR BANDING

19. Fair banding—placing applicants into ability bands on the basis of non-verbal reasoning tests and admitting a representative proportion from each band—is a way of ensuring the intake of a school is genuinely comprehensive. I understand this has been successful in the case of Thomas Telford School but would only be possible in oversubscribed schools. However, that would be precisely the place to start—but see below on random allocation.

USE OF A "LOTTERY" OR "RANDOM ALLOCATION" SYSTEM FOR OVERSUBSCRIBED SCHOOLS

20. The idea of adopting a lottery, or random allocation, for heavily oversubscribed admissions is an interesting one, that does have the good intention of trying to avoid social segregation. Pulling names out of a hat overcomes the advantage some pupils have over others. However, it can also mean that some students do not get into their nearest school. Therefore any "lottery" system would need to be within a catchment area that keeps the intake fairly local but is wide enough to avoid the problem in some areas of parents buying up the houses near the most desirable schools. This idea might be less necessary if the concept of fair banding were adopted for oversubscribed schools. Conversely, random allocation would be less bureaucratic and not likely to be seen as "social engineering".

21. I am very attracted to the idea of a lottery but it needs further testing and exploration to check that it can, in practice, work both fairly and maintain schools with a local connection. The idea has not been sufficiently explored in the Draft Code.

NEGATIVE IMPACT OF “CHOICE” POLICY ON ADMISSIONS

22. The word “choice” is often used by ministers. However, when the real meaning of the policy behind this seductive word is unravelled (who wouldn’t want to be able to choose if something better is on offer?) it is not compatible with an objective and fair national admissions policy. Is it possible or desirable for there to be competition in state education so that all people can have such a choice? To have choice for everyone, you have to have spare capacity so that the “best” schools don’t become oversubscribed.

23. The dogma of choice conspicuously fails to answer questions like “Who ends up going to the least desirable schools?”. In oversubscribed schools, the satisfaction of one person’s choice necessarily denies that of another. If everyone is allowed to choose, schools would have to rapidly expand and contract as they fell in and out of people’s favour. In practical terms this is certainly both wasteful and inefficient and probably impossible which is why talk of choice for all is, in fact, illusory.

24. The impracticality of essential institutions like schools operating at spare (and varying) capacity means that some people won’t get to choose as the most desired schools fill up. The “choice agenda” is also incompatible with social justice on the grounds that some people are better equipped to make choices than others. What about the children who don’t have a savvy parent to negotiate the education market on their behalf?

25. Parents don’t really want the anxiety of trying to get their children into the “best” schools. What they really want is for their local school to be of a high standard. I am frequently contacted by anxious parents going through the Local Education Authority appeal process, who rarely succeed. It is a myth that the mirage of “choice” drives up standards.

26. People just want quality local schools that they can rely on and as former Education Secretary Estelle Morris recently said on the Today Programme¹⁰⁵ this is what the extra investment in education should be going towards.

END SELECTION AT 11 AND THE LOCAL GRAMMAR SCHOOL BALLOT SYSTEM

27. Government policy is that if local people want to keep academic selection at age 11, then this justifies or somehow makes acceptable its continued existence. However, whatever the outcome of a local ballot, the existence of academic selection at age 11 remains an unfair and unacceptable reality for those children who are subsequently branded a failure at age eleven.

28. Academic selection at 11 should be ended because it is unfair and detrimental to the esteem of individual children who fail the test and there is no evidence that it produces better results overall.

WITHDRAW THE FACILITY FOR STATE FUNDED SCHOOLS TO ADMIT PUPILS ON THE BASIS OF APTITUDE TESTS

29. In its response to the Education and Skills Committee, the Government suggests that it is possible to screen out any incidental “ability effect” of aptitude tests by ensuring the pupils selected are spread across the whole ability range.¹⁰⁶ However, there is not an explanation of a means by which aptitude can be assessed without reference to ability. The facility for state funded schools to admit pupils on the basis of aptitude tests should be withdrawn. This would also assist with reducing the burden of testing on children.

STRENGTHEN THE DRAFT CODE ON INTERVIEWING

30. The current Code is very clear and states that:

“no parents or children should be interviewed as any part of the application or admission process, in any school except a boarding school”.

However, the Draft Code contains the potentially weaker formulation:

“It is poor practice to interview parents or children as any part of the application or admission process in any school except a boarding school”.

31. This change should be reversed and the original formulation used. It should be explicit that interviewing of parents or children should not take place rather than just describing this as poor practice (except for boarding schools interviewing solely for the purpose of assessing the suitability of the child for a boarding place).

¹⁰⁵ *Today* 28 September 2005 interviewed by John Humphries.

¹⁰⁶ <http://www.dfes.gov.uk/sacode/pdf/Cm6349.pdf>

SCHOOLS IN FINLAND

You asked for background information on the school system in Finland, and whether it is comprehensive or selective. You also wanted information on the status of teachers and their pay. I have asked a researcher in the Parliament of Finland for information about the status and pay of school teachers in Finland, and I will forward any information I receive as soon as possible.

Finland operates a comprehensive education system that provides free education for children between 7 and 16 years of age. The Finnish National Board of Education website has an English home page which describes the education system of Finland as follows:

Basic education is general education provided free of charge for entire age groups. Basic education is governed by the Basic Education Act of 1998. According to the act, comprehensive school lasts nine years and is intended for children between 7 and 16 years of age. Children are summoned to school in the year that they become seven years of age. Within certain limits, pupils are free to choose the comprehensive school of their preference. If it is impossible for a pupil to attend school for medical or other reasons, the municipality of residence is obligated to arrange corresponding instruction in some other form.

The network of comprehensive schools covers the entire country. Schools offering instruction in the first six forms are particularly close-set in order to avoid unreasonably long school journeys. For school journeys exceeding five kilometres, transportation is provided free of charge.

All children permanently resident in Finland are subject to compulsory education for a period of 10 years starting in the year of their seventh birthday. Compulsory education ends when the pupil reaches the age of 17 or when he or she has completed the comprehensive school syllabus, whichever occurs first. Compulsory education does not entail an obligation to attend school, but pupils may also acquire the equivalent knowledge and skills in some other way. In practice, however, almost all Finns go to nine-year comprehensive school.

Teaching groups in basic education are formed according to year classes, ie forms. During the first six years, instruction is usually given by the class teacher, who teaches all or most subjects. Instruction in the three highest forms is usually in the form of subject teaching, where different subjects are taught by subject teachers. Basic education also includes pupil counselling and, if necessary, special education.

The basic education syllabus includes at least the following subjects: mother tongue and literature (Finnish or Swedish), the other national language (Swedish or Finnish), foreign languages, environmental studies, civics, religion or ethics, history, social studies, mathematics, physics, chemistry, biology, geography, physical education, music, visual arts, craft and home economics. The broad national objectives and the allocation of teaching time to instruction in different subjects and subject groups and to pupil counselling are decided by the Government. The National Board of Education decides on the objectives and core contents of instruction by confirming the core curriculum. Based on these, each provider of education prepares the local basic education curriculum.

Features of basic education:

- no admission requirements;
- no charges;
- a nine-year comprehensive school;
- may include voluntary one-year pre-school education and voluntary one-year additional education (10th form);
- instruction arranged in schools near the home;
- no official qualification; final certificate granted for acceptable completion of the syllabus;
- provides eligibility for all upper secondary education;
- almost all Finnish children complete comprehensive school;
- interruption and repeating a form is rare; and
- compulsory education is fulfilled by completing the basic education syllabus.

Additional information is available on the website at: <http://www.edu.fi/english/frontpage.asp?path=500>

A history of the Finnish education system notes that it has been specifically developed on the comprehensive model:

The Finnish school system has been intentionally developed towards the comprehensive model, which guarantees everybody equal opportunities in education irrespective of sex, social status, ethnic group, etc. according to the constitution. The old school system has been replaced by a completely new one over a long period of time (about 30 years). The first steps for setting up a new system were taken in education policy decisions between 1964 and 1968. It was then decided that the parallel school system would be replaced by national nine-year basic education. In practice, the renewal was realised in Finland step by step between 1972 and 1977, starting from the north and ending up in the south. At the same time responsibility for basic education was given almost exclusively to the providers of education, ie in practice to municipalities. Only

a few special schools and university training schools remained as state maintained schools. Schools continued to follow the nationally accepted curriculum, and ability grouping was introduced in the teaching of mathematics and languages. Teaching at schools was inspected by the school inspection system.

In 1985 the ability group system was abolished so that eligibility to further studies would be open to everyone. At the same time, by giving extra resources to schools, the aim was to guarantee the fairly small number of teaching groups in the teaching of the whole age group. At the same time the providers of education were given more and more opportunities to decide on how to organise teaching. Ten years later many schools introduced flexible groupings of pupils where pupils with different ability grouping studied in their own groups. It was, however, possible to move from one group to another also in the middle of the school year. When evaluating pupils for school leaving certificates the same criteria were applied irrespective of the group in which they had studied.

1990s: THE ROLE OF CENTRAL ADMINISTRATION DIMINISHED

Ten years later in 1994 a large change was made in order to diminish the role of central administration in deciding on the contents and aims of teaching. The Finnish National Board of Education gave only very broad aims and contents for the teaching of different subjects. The providers of education and finally schools set up their own curricula on the basis of the national core curriculum. In these plans local needs could be taken into consideration and special features of the school could be made use of. At the beginning of the 1990s the system of inspecting textbooks was discontinued. The central administration of education trusted the providers of education and teachers more and more, and their judgement to choose the best possible teaching materials on the market. This procedure made possible free competition of teaching materials and their development to correspond to the curricula. By the beginning of the 1990s the system of school inspection was discontinued. The realisation of national goals was instead systematically evaluated by national and international surveys of learning results.

During the whole of her independence Finland has built up an education system whose characteristics consist of uniformity, free education, school meals and special education by using the principle of inclusion. Typical of Finland are very small differences between schools, which may be explained by the definition of admission areas and the lack of ranking lists and thus by the even distribution of good teachers between schools. Above all, one must remember that Finnish society has a very positive attitude to education. 73 % of the 25-64-year olds have at least gained a certificate from upper secondary level and 33 % (the highest in the EU) have had a university or corresponding education. The completion of basic education is a prerequisite for further studies. Only slightly more than 1% of the age group does not receive a comprehensive school leaving certificate. According to research more than half of these drop-outs will later in one way or another receive it and possibly also a further certificate.

In Finland school administrators very much cooperate with teachers', subject teachers' and headmasters' associations. In this way measures to develop education receive strong support.¹⁰⁷

You sent me a press article about a particular school and asked for further information about it. I'm afraid I have not been able to find any source that would give me detailed information about this particular school in Finland. The article also mentioned an OECD survey and Finnish school success.

The Finnish National Board of Education sets out the reasons for the success of Finnish education in PISA (the OECD programme for student assessment). Comprehensive education is one of the factors listed:

BACKGROUND FOR FINNISH PISA SUCCESS

Why did Finland do so well in PISA? Some explanations are found in the main principles for comprehensive education in Finland:

- Equal opportunities for education irrespective of domicile, sex, economic situation or mother tongue;
- Regional accessibility of education;
- No separation of sexes;
- Education totally free of charge;
- Comprehensive, non-selective basic education;
- Supportive and flexible administration—centralised steering of the whole, local implementation;
- Interactive, co-operative way of working at all levels; idea of partnership;
- Individual support for learning and welfare of pupils;
- Development-oriented evaluation and pupil assessment—no testing, no ranking lists;
- Highly qualified, autonomous teachers; and
- Socio-constructivist learning conception.

¹⁰⁷ Dated 3.12.2004: <http://www.oph.fi/english/pageLast.asp?path=447,488,36263,36274>

<http://www.oph.fi/english/page.asp?path=447,488,36263>

The website also has a page on the factors behind the good literacy performance of the Finnish youth, for example: <http://www.oph.fi/english/pageLast.asp?path=447,488,36263,36266>

I hope that this gives you sufficient information for your purposes.

Christine Gillie
Social Policy Section

December 2005

Memorandum submitted by the General Teaching Council (GTC)

1. INTRODUCTION

1.1 The General Teaching Council (GTC) welcomes the opportunity to submit evidence on the White Paper, *Higher Standards, Better Schools for All*. The GTC has a statutory remit to contribute to the improvement of standards of teaching and the quality of learning.

1.2 Our submission focuses on those areas where the GTC has expertise and accumulated evidence and analysis.

1.3 In examining the White Paper, the GTC's principal concern is to evaluate whether the proposals will in fact "raise standards for all especially amongst the least advantaged". The correlation between under achievement and social class, gender, ethnicity and deprivation is more severe in England than in many other countries. We have serious concerns that the proposals do not currently contain the right balance of measures to make real progress on the most intractable of all education issues—the attainment gap. Furthermore, pockets of extreme deprivation in relevantly affluent urban and rural areas need to be better targeted.

1.4 There is clear evidence from Ofsted and others that it is not school structures that have the foremost influence on outcomes for pupils. It is the quality of teaching and learning, institutional and professional leadership, the curriculum offer, parent/carer engagement and resourcing that make the difference.

1.5 The White Paper proposals do not, in combination, place sufficient weight on these factors and so will not deliver an entitlement for all pupils to excellence and equity in either provision or outcomes. The opportunity to make the difference for those children who are least well-served by the system is only half-grasped.

1.6 We share the Government's objective to promote the best possible educational provision and outcomes for all pupils but fear that the proposals on school structures cut across that objective.

1.7 We propose a series of measures that still deliver flexibility and authority to the local community and schools. However, our proposals focus more squarely on the goal of entitlement for all pupils to high quality provision tailored to their needs.

SUMMARY OF RECOMMENDATIONS:

- Greater incentives to collaborate across institutions.
- Admissions policies that provide equitable access to high quality provision.
- New providers to demonstrate how they will enhance provision for all children and have a positive impact on disadvantaged children.
- Further resources, including higher staffing ratios, targeted at pupils at highest risk of under-achievement.
- Universal access to continuing professional development for all teachers and staff.
- A commitment to extending expertise in special educational needs throughout the system and to all staff.
- A realignment of accountability of schools from the centre to release local influence.
- Support for families in poverty and with low literacy and numeracy to engage with their child's school.
- Greater clarity in local and national accountability and monitoring combined with a central focus on pupil outcomes.

2. THE IMPROVEMENT OF TEACHING AND LEARNING FOR ALL

2.1 The White Paper relies on the ability of Specialist and Academy schools to deliver quality, raise standards and influence other schools for the good. However, as yet, there are no unequivocal evaluation findings or data to support this reliance.

2.2 Some of the most important success factors, such as “whole-school ethos”, are reported to be the most difficult to transfer, whereas certain processes such as the use of curriculum models, or performance data monitoring strategies, can be more easily transferred.¹⁰⁸

2.3 Other research into school improvement indicates that schools respond better to participating in joint projects to support learning rather than models where the “strong” support the weak.¹⁰⁹

Research evidence

2.4 The expansion of the numbers of Specialist schools, specialisms and Academies, without in-depth parallel research, leaves major questions unanswered. More research is needed on how their distinct ethos and ability to innovate can be sustained; what impact they have on the local area, and on disadvantaged pupils; and the impact of enhanced funding in comparison to other schools.

Collaboration

2.5 Research evidence¹¹⁰ indicates that collaboration between providers is more likely to transfer effective practice than central determination. Collaboration across the system can be an essential safeguard against inequitable provision and helps to spread and scale up best practice.

2.6 The White Paper does not give schools real incentives to act in collaboration to achieve better outcomes across a whole local area. This is a weakness that should be remedied. Instead it focuses on a market mechanism to remedy local failure, support for quasi mergers in areas where entrepreneurialism is greatest and on the economies of scale which can be produced through forms of federation. The experience of the health sector should be examined for the extent to which mergers and the creation of multi-hospital Trusts has liberated good practice.

Variations in Attainment

2.7 In secondary education, variations within schools remain greater than those between schools.¹¹¹

2.8 The test of whether a school or group of schools is successful or high performing, must be the extent to which it secures high attainment of all groups of pupils and has a positive impact on overall attainment in an area, analysed by ethnicity and gender as well as by using a robust and highly localised index of social deprivation.

2.9 This means that output measures must not be distorted by excluding tranches of pupils from schools or from tests and exams.

Replacing failing schools

2.10 There is a risk that using market mechanisms will move failure around the system rather than tackling it, accentuating the divide between the most and least advantaged families and pupils.

2.11 It must be a requirement that any new form of provision, whether a Trust, Trust Group, Academy or federation, can demonstrate that the attainment and well-being of all groups of pupils within an area will be improved through its creation or expansion.

2.12 One role of the School Improvement Partner (SIP) is to support schools in using pupil data to evaluate the school’s effectiveness. As well as examining data on gender and ethnicity, local social deprivation and the numbers of children with special educational needs should be taken into account.

3. MEASURES TO TARGET UNDER-ACHIEVEMENT

3.1 The GTC believes the Government is on strong ground in proposing a number of measures to support pupils at highest risk of under-achievement. Evidence is available that certain forms of sustained additional provision¹¹² are effective in tackling the persistent correlations between socio-economic status, gender and ethnicity and attainment.

¹⁰⁸ Judkins, M and Rudd, P (2005). *Evaluation of high performing specialist schools*. Paper presented at BERA Annual Conference, University of Glamorgan, Pontypridd, 15–17 September.

¹⁰⁹ Fielding M *et al*, (2005) *Factors influencing the transfer of good practice* DfES.

¹¹⁰ Fielding M *et al*, *op cit*.

¹¹¹ OECD (2001) *Knowledge and skills for life: First Results from Pisa 2000*.

¹¹² For example, family literacy and numeracy and reading recovery.

3.2 However, the White Paper proposals in this area do not go far enough and they are given much less weight than the proposals for restructuring schools and using market approaches, for which the evidence is less compelling.

3.3 There are a number of measures in the White Paper for which the Government has earmarked funds within the schools grant.

3.4 These are designed to provide additional expert support and staff development where there are greatest numbers of underachieving children and young people. Reading Recovery once abandoned regains Government support with business involvement. These measures are to be welcomed but their scope and resourcing is limited.

3.5 Currently, the proposals simply bundle together and extend existing provision for pupils at either end of the attainment spectrum.

3.6 The White Paper also presents a more limited interpretation of personalised learning than previously suggested by Government. The GTC urges the Government to hold fast to its earlier vision of personalised learning. This envisaged much greater use of assessment for learning matched with resources and flexibility to tailor the curriculum and teaching and learning offer to each student. This is key to raising attainment.

3.7 Similarly, extended schools are represented in the White Paper largely as a means of offering booster tuition to those who fall behind, or additional teaching for the gifted and talented. The GTC had previously understood the extended school concept to be focused on enriching and supporting children and young people in a holistic way in all aspects of development.

Special Educational Needs and Equalities

3.8 Crucial to system wide achievement of higher standards for all is the use of special educational needs (SEN) expertise beyond centres of excellence. All staff need support and development in teaching and learning for SEN pupils, starting in initial teacher education and continuing thereafter.

3.9 There is specific provision in the White Paper to ensure that special schools use the School Evaluation Form (SEF) to meet requirements of the Disability Discrimination Act. The GTC urges the Government to extend this to all schools.

3.10 By the beginning of 2007 schools will have to produce their Disability Equality Scheme (DES), alongside their Race Equality Policy, and, in the future, a gender equality scheme. There is scant mention in the White Paper of supporting schools down the complex journey of mainstreaming equality in policy and practice.

3.11 This will best be supported through the increased emphasis on school self-evaluation. Additionally, the role of the SEF, which Ofsted will evaluate, will be important in monitoring school's progress in mainstreaming equality and diversity.

4. PUPIL BEHAVIOUR

4.1 The GTC has conducted two major surveys of teachers, using a fully representative sample of 10,000 teachers drawn from the GTC Register. In 2005, we asked teachers to identify the principal rewards and frustrations of teaching. The principal reward can be summarised as the satisfaction gained from working with pupils and helping them achieve their potential. Among the frustrations identified by teachers, the poor behaviour of some pupils was identified by 16% of the sample. Although poor behaviour is not therefore a dominant issue for the majority of teachers, it was the third most commonly cited cause for complaint. This underlines the importance of continuing and concerted effort to address this difficult issue effectively.¹¹³

5. IMPORTANCE OF WORKFORCE IN THE QUALITY OF TEACHING AND EDUCATIONAL OUTCOMES

Most sources of evidence (Ofsted, research studies and teacher testimony) agree that the highest impact factor on pupil learning within school is the quality of teaching. However, in terms of factors external to the school, educational attainment in the UK continues to be closely correlated with socio-economic status. The GTC believes that the White Paper fails to place sufficient weight on the effort to improve the quality of learning and to personalise learning for all children regardless of background.

5.1 Any plan to link progression with professional development must be underpinned by the requisite access to high quality professional development, using the wealth of evidence now available on effective approaches to professional learning.

5.2 Structured career development for support staff is crucial. This must be based on clear and advancing standards of practice and professional development.

¹¹³ GTC/NFER 2005, Survey of Teachers 2005.

Investment in the poorest communities

5.3 Greater proportionate investment and external expert support for pupil learning and school development must go to schools serving the poorest communities. Weighted funding is needed to resource the wrap-around provision, staffing and staff development that are pre-requisites to higher standards for these pupils.

5.4 Falling rolls in primary schools offer an opportunity to create better staffing ratios to support additional provision, personalise learning, deliver on the five outcomes of Every Child Matters and release further resource into staff, curriculum and school development.

6. ACCOUNTABILITY AND GOVERNANCE

6.1 The GTC considers that the model chosen to encourage parental influence upon provision and to facilitate parent and pupil choice is not sufficiently inclusive. Families who remain in the cycle of inter-generational poverty and educational disadvantage, where functional literacy and numeracy is lowest, and newly arrived families, are least well-positioned to exercise influence.

6.2 The measures intended to support inclusion of these groups of parents and pupils—travel to school support, advice on choice and an element of admissions banding which schools can choose to adopt or ignore—are inadequate. They are not a sufficient safeguard against the risk of the quality of local provision being driven by socio-economic advantage. Admissions policies must provide equitable access to high quality provision.

Securing the engagement of poorer families

6.3 There is a significant body of work on parental engagement—research and evidence from family learning programme outcomes.¹¹⁴ Both demonstrate that a key determinant of children's chances is the engagement of parents and carers with their children's learning. Where quality targeted programmes are in place to achieve this, they have the added benefit of significantly increasing these parents' engagement with the wider issue of whole school development and governance.

6.4 It is this order of intervention which the Government needs to focus effort upon to achieve its adult literacy and numeracy targets and its aspiration to engage parents inclusively in the schooling system.

6.5 From our work with teachers and parents there is clear evidence¹¹⁵ that they would welcome a system in which schools were primarily accountable to the parents and pupils they serve. The GTC acknowledges that the requirement in the White Paper for more frequent communication with parents, and existing measures within the New Relationship with Schools policy both represent a shift in the focus of accountability.

6.6 However, the White Paper fails to deploy two significant levers which would free up the system to deliver personalised learning and local influence on schooling. These are change to the assessment regime and a radically reformed approach to the publication of performance tables.

Performance tables

6.7 It is clear from work undertaken by the GTC that parents do not place the same value on performance tables as Government. In this work parents express an overall preference for verbal information on pupil progress and performance as it is considered more tailored to the individual pupil and offered the opportunity for discussion with teachers.

6.8 Parents want more tailored and descriptive information, focused on both the academic and personal development of the child. Parents see effective accountability on an individual school basis rather than on a regional or national level. Performance tables in isolation are not thought to provide valuable information on schools. Parents raise questions over the tables' validity, particularly as they do not take into account the broader context of schools, such as the demographic profile of the pupils. Therefore, parents believe schools are not compared on a meaningful basis.

6.9 Overall, performance tables are not the significant factor in these parents' choice of school or their subsequent evaluation of the school.¹¹⁶

6.10 Although the introduction of contextual value added tables in 2006 will be a step forward in providing more meaningful data, the continuing focus on cross national comparison means that test results remain very high stakes.

¹¹⁴ Basic Skills Agency/NFER *Family Literacy Works* (1996), *Family Numeracy Adds Up* (1998) and Desforges, C and Abouchaar, A (2003). *The Impact of Parental Involvement, Parental Support and Family Education on Pupil Achievement and Adjustment: a Review of the Literature*. DfES Research Report 433. London: Department for Education and Skills.

¹¹⁵ GTC Annual Survey of Teachers 2005, op cit.

¹¹⁶ Johnson, F and Millett, C (2005). *Usage and Utility of School Performance Tables: Parents' Views*. London: MORI. Krishnan, S (2005). *Research among Parents: a Qualitative Study*. London: GfK NOP Social Research.

Assessment

6.11 The introduction of cohort sampling for the purpose of trend analysis would alleviate the high stakes nature of testing and allow tests to be used for their proper purpose, to ascertain individual pupil achievement.

6.12 The focus for the system must be on combining quantitative and qualitative pupil level data and using this, in partnership with pupils and parents, to plan the personal learning pathway of the child or young person. As the White Paper acknowledges, Ofsted reports that assessment is still one of the weakest aspects of teaching.

6.13 It therefore requires a significant commitment from Government and investment in the development of teachers' and schools' ability to use a variety of assessment techniques confidently and accurately and to communicate the lessons learned to pupils and parents.

7. CONCLUSION

7.1 The Government's ambition is that its proposals should be an enduring and ground-breaking vehicle for educational reform. The GTC contends that this will only be achievable if the proposals are rebalanced to focus squarely on the most intractable of education issues, the attainment gap. In doing so the Government should address variation of attainment within and between schools to ensure that educational failure is tackled, not merely moved around the system.

7.2 The criterion for change of school status or school expansion should be whether change will improve the attainment and well-being of all groups of pupils in an area. This should be placed alongside sustained additional provision to tackle the persistent correlation between socio-economic status, gender and ethnicity and attainment.

7.3 The GTC wishes to see the Government hold fast to a more rigorous and wide ranging vision of personalised learning. It should extend expertise in special educational needs throughout the service and to all staff; and give more weight to the effort to improve the quality of teaching and learning. There is a need to expand quality targeted programmes to increase the engagement of parents and carers of pupils at greatest risk of low attainment.

November 2005

Memorandum submitted by the Institute of Electrical Engineers (IEE)

The Institution of Electrical Engineers (IEE) is the largest engineering institution in Europe with around 125,000 members who represent key sectors including electronics, communications, computing, energy, manufacturing, and transport. Our members are employed in an equally wide range of organisations from multi-national companies through small and medium sized enterprises (SMEs), to sole traders. It goes without saying that young people with the right skills, knowledge and qualifications are the seedcorn of the engineering and technology professions of tomorrow. We therefore welcome the opportunity to submit evidence to the House of Commons Education and Skills Select Committee inquiry into the White Paper.

The White Paper raises a number of issues, but we firmly believe that the opportunity to improve the delivery of science, technology, engineering and mathematics (STEM) education should not be lost, nor should opportunities be forfeited to any future students. In particular a public dialogue to promote and enhance awareness of the vital importance of science and engineering, emphasising their role and value in wealth creation, and benefits such as quality of life, health, environment and sustainability is essential.

The IEE has a number of expert panels, including one focusing on Education and Skills. This panel brings together experts from a range of stakeholders to look at issues in the sector, specifically around STEM. It includes representatives from schools, teacher associations, qualification bodies, training and support organisation and a number of other areas. Through our Panel we have identified a number of areas which we believe deserve further scrutiny. If you require additional information on any aspect of this response, then please do not hesitate to contact me. In particular, if the Select Committee would find it useful to meet with members of our Sector Panel then we will be pleased to make suitable arrangements.

APPENDIX 1

IEE EVIDENCE TO THE HOUSE OF COMMONS EDUCATION AND SKILLS SELECT COMMITTEE

PARENTAL CHOICE

We already know that parents are key influences in children's subject choices at schools and beyond, and we need to make sure that parents—as well as the children/students themselves—are given accurate information on what a career in science, engineering or technology really entails. Parents may not always be clear about the range of options and possibilities that are opened up through the study of STEM subjects. Furthermore, the media seems less likely to be able to offer an insight into these worlds in the same way that perhaps it can with regard to the law or medicine.

We believe there is a need to ensure that the right sort of information is available to parents—many of whom will, in particular, have no direct experience of the world of science, engineering and technology. This is vital if they want to nurture and support children who have shown an aptitude or interest in these subjects and related careers.

SPECIALIST SCHOOLS

It is very encouraging that there are a number of extremely high quality schools specialising in technology, science and engineering. However, it has also been highlighted that we are suffering from a serious shortage of science teachers with appropriate degrees. Research by the University of Buckingham also suggested that the problem was more likely to impact certain schools, and not necessarily in a way that might be predicted—science specialist schools were not leading the field in terms of teacher qualifications.¹¹⁷

The long-term impact on science teaching is not clear; will schools that are not specialist science, technology or engineering schools be unable in the future to attract appropriately qualified science teachers?

Within all schools, science and technology education for all is very important—it must not be the case that only those “serious” about science receive a good set of basic skills from their schools. The skills learnt through the study of science, technology and electronics give students benefits in broader terms; our society is increasingly “hi tech” and various estimates suggest that up to two thirds of UK jobs require some sort of IT or ICT skills.¹¹⁸ We need specialists, but we also need a population with basic science understanding and skills.

SCIENCE LEARNING CENTRES AND TEACHER DEVELOPMENT

Our impressions of many of the Continuing Professional Development programmes available to teachers is that by and large they are of excellent quality and are extremely beneficial. The IEE supports a number of specific programmes, such as Electronics in Schools, and a number of other organisations that provide CPD.

The main issue seems to be teachers being able to actually attend or complete these courses, be they residential or just a single day. Schemes that offer more localised delivery can help, but there seems to be pressure with regards to either schools paying for these courses, or more often, funding or even obtaining a supply teacher with the right qualifications. Some science teachers may be reluctant to leave their students with a non-science supply teacher—given time and other curriculum pressures.

It is often felt the nature of teaching makes it important to ensure that skills are refreshed, new ones added, new techniques learnt, and, in the case of technology and science, the latest developments kept abreast of. Access to CPD would seem to underpin achieving higher standards, and a higher or wider take up of these courses would surely benefit teachers, their students, their schools and ultimately the UK in general. Will additional support be made available, and will a picture of take up, and the barriers faced, be built up?

ICT

The White Paper identifies just some of the opportunities that ICT can add to the classroom—as an additional tool, rather than the teaching of ICT itself. Allowing students to learn at their own pace, e-learning schemes and increasing cultural awareness through communication are just some of the many benefits.

¹¹⁷ Smithers, A and Robinson, P “Physics in Schools and Colleges: Teacher Deployment and Student Outcomes”, University of Buckingham. Section 3.5 p16. <http://www.buckingham.ac.uk/education/research/ceer/pdfs/physicsprint.pdf>

¹¹⁸ Professor Mike Campbell, “Skills in England 2001”, Leeds Metropolitan University. <http://www.leedsmet.ac.uk/lbs/pri/>; reference is an LSE report “Computers are even more important than you thought: An Analysis of the changing skill-intensity of jobs”.

Yet you cannot transform a classroom simply by placing a computer with a broadband connection in it. This is an extreme example, but there does seem to be anecdotal evidence that the necessary training and advice to realise the potential of ICT is not always accompanying the “kit”. Great strides forward have been reported in terms of getting technology into schools, but we would question whether the necessary training and support has also always been available.

HIGH LEVEL TEACHING ASSISTANTS

In principle the concept of High Level Teaching Assistants sits well with the need for strong, up to date skills in the classroom. There are some questions as to the practical implementation; for instance, given the shortage of science graduates for teaching positions, one must wonder how science HLTA will be recruited? They also must not be seen as a substitute for a well qualified teacher with access to CPD.

One method that would be worth exploring would be to see if engineering firms and schools would consider “exchanging” staff on a limited basis. No doubt there would be problems to overcome but the concept would bring specialist, and current, skills into the classroom whilst at the same time giving teachers a way to refresh and learn new skills and technologies.

On the issues of recruiting teachers and HLTA in general, it should be remembered that there is a large pool of talent that may not be being utilised. Whilst schemes exist to assist women scientists returning to science, and women teachers returning to teach, there does not appear to be a scheme specifically aimed at women science teachers (or scientists more broadly) who wish to return (or enter) the classroom.

December 2005

Memorandum submitted by ISCG (Information for School and College Governors)

1. SUMMARY

ISCG has experience and expertise with schools governors and with the appeals system both for admissions and exclusions. We would like to submit views on both these areas.

1. Support for the new responsibilities for governors in the White Paper is neglected.
2. Training for appeal panels needs to be continued.

2 ISCG (INFORMATION FOR SCHOOL AND COLLEGE GOVERNORS)

The work of the organisation

ISCG is a small not-for-profit company limited by guarantee, established in January 1991. Our aim is to help governors to do their best for their schools and everyone in them. We provide governors with practical advice, independent and up to date information and relevant services. We are lay governors, who between us can rack up over 100 years’ experience of governing of every type of school (primary, middle, secondary, special, FE college; community, voluntary, foundation, independent). We have a unique and valuable perspective on governor opinion.

3. Our Soundings Panel, set up in 1991, is a research tool consisting of a representative sample of governors throughout England and Wales. We consult it regularly. It costs nothing to participate and we have made great efforts to make the panel represent all shades of governor opinion and to get away from the “activist” bias of member organisations.

4. The latest edition of our Manual for Governing Bodies and their Clerks has been described as the best reference book of its kind. We act as moderators for the Hampshire Clerks’ Accreditation Programme for school governors’ clerks which now extends to several other LEAs. We have also published a series of source books on school improvement and governor handbooks for Whitbread, Unilever, and RNIB. Our free one page checklists and leaflets aim to meet governors’ needs for short briefings on complex subjects.

5. We write the twice termly newsletter for the TES Governor Network. We run seminars for LEAs, individual governing bodies, clerks and chairs of governors on every aspect of education and school governance. We also work with governing bodies in difficulties.

6. For the last few years a grant from the DfES has enabled us to produce four training packages on admission and exclusion appeals and to run seminars all over the country, based on these packages.

7. THE WHITE PAPER

The role of school governors

ISCG has seen the role of school governors expand and develop until they have become an essential factor in the accountability of schools to their communities, and in the scrutiny of how resources are used in schools. The skills and capabilities of governors have grown along with the role, but ISCG is concerned that however experienced and knowledgeable these volunteers may be, they still need help and support. The proposals in the White Paper to give more self government to individual schools will make the governors' scrutiny and accountability more important. Cash strapped LEAs and Diocesan Boards are cutting back on governor support services. There is a danger of falling standards and wasted resources. The White Paper needs to recognise this.

8. THE WHITE PAPER

Admissions and Admission Appeals

In this submission to the Select Committee, we also focus on admissions and admission appeals. We believe that admissions policy will be crucial in determining how far the White Paper proposals succeed in meeting its aims. For the last 15 years (and longer in the case of some of our members) we have been working with members of admissions appeal panels, their clerks, chairs and presenting officers, for all kinds of schools. For the last six years this has been with the help of a grant from the DfES to provide training for LEAs and Diocesan Boards. We have worked with several thousand panel members, many of them school governors, across England and Wales and we have what we believe is an unrivalled knowledge of how appeal panels work, their problems and their diligence. We have a serious respect for most of the volunteers we meet at our seminars although we continue to find places where the code is not strictly followed. We have gained a knowledge of admissions procedures in a wide variety of schools and local authorities.

9. On the plus side, we very much respect:

- the commitment of the volunteers taking part, the conscientious way in which they approach the task, the trouble they take to be fair, consistent and well informed;
- their commonsense and knowledge of local conditions which enable them to make judgements which conform to natural justice;
- their willingness to give up time to attend training sessions, unpaid;
- the care taken by LEA officers to ensure that their procedures are fair and transparent; and
- the role of diocesan officers in encouraging their schools to adopt fair and transparent procedures.

10. We believe that parents, on the whole, are better served by their lay approach than that of a more conventional legalistic system.

11. On the minus side we need look no further than the recent Ombudsman Report¹¹⁹ on admissions to see that not all admissions policies are consistent and transparent.

12. The desire to be unambiguous can lead to published criteria that are mind-boggling in their complexity. This can disadvantage parents who are not articulate and well-informed. Where a popular and successful school is its own admission authority, it can be faced with a conflict between a duty to serve its whole community, and a very natural desire to keep its high position in the league tables by admitting those children most likely to succeed. It is not easy to find enough willing volunteers who can spare the time to hear appeals, especially when there are a large number of appeals for one school. This can lead to a dependence on tried and trusted panel members who have been doing the job for a long time, and may have become a little set in their ways. The independence of the panel must not be compromised. However, some panel members and indeed clerks are not always fully aware that they are not there to represent the interests of the authority or the school.

13. TRAINING ADMISSION APPEAL PANELS

The Code of Practice rightly recommends that all panel members should receive regular training. ISCG has learnt a great deal about working with volunteers over the years, and we prefer to talk about seminars rather than training. What panel members need is an input on current law and good practice, combined with the opportunity to discuss matters of common interest. This provides an antidote to the dangers of over-familiarity with the work, and can bring bad practice out into the open. As one recent participant put it "I have been doing this for a long time, and this seminar has given me the opportunity to take a fresh look at what we do and the way we do it." New panel members also find it helpful to hear the views and accumulated wisdom of more experienced practitioners.

¹¹⁹ Special Report on School Admissions and Appeals 2004.

14. Much of this also applies to clerks and presenting officers. Appeals may be only part of their work and they may receive little specialist support. Most authorities do their best, but when there are so many pressing demands on the education budget, it is hardly surprising that the appeals system is at the end of the queue. But parents who have not got the school they want for their child are often not only disappointed but also very angry about what they see as the failure of the education authority to meet their needs. They are given the impression that they can choose a school for their child. At the very least they are entitled to an effective, independent and consistent appeal process that they can trust.

15. EXCLUSIONS APPEALS

Exclusion appeals are often administered and carried out by the same people who are involved in admission appeals. Much of what we have said here applies to exclusions, with the added dimension of the governing body discipline committees. These have a difficult task to perform and are more subject to pressure than the independent panels. They too need help and support. We provide them with seminars based on material approved by the DfES.

16. CONCLUSIONS ON THE APPEALS PROCESS

On the whole, the appeals system serves parents reasonably well. But it depends on volunteers who willingly give up their time. They need to be kept up-to-date with the law and good practice to avoid falling into bad habits.

17. Making the Codes of Practice mandatory rather than advisory would be a step forward if it also toughened up on to poor practice.

18. We have to admit to a disappointment about the withdrawal of our small annual grant from the DfES, which we felt was an economic way of subsidising independent advice and support for panels and provided the DfES with good value for money. We believe ISCG has made a significant contribution to the fairness of the working of Admission Appeals. (Annex B contains the latest report on the ISCG project for this financial year.)

November 2005

Annex A

A1: ISCG MEMBERSHIP

A2. Elizabeth al Qadhi, a co-director of ISCG, is our professional expert, having been a teacher both in secondary schools and at the London Institute of Education, and an LEA officer. She has many years of experience as a governor. She has worked as a mentor to the governing body of a school in another LEA. She specialises in the curriculum, school profiles and school improvement.

A3. Maggi Bull's background is in business and business training. She became a parent governor 12 years ago, and is now a foundation governor of a Catholic primary school and a Catholic secondary school, both in Buckinghamshire. She is a diocesan representative on the Buckinghamshire School Organisation Committee, a governor representative on the County's School Improvement Advisory Group and is an executive member of the Buckinghamshire Association of School Governors.

A4. Sarah Heiser is a governing body clerk and up until recently clerked independent admission appeals panels. For nine years she was an officer at the ILEA where she was in charge of school governance. She then became the governor training coordinator in Lewisham education department where she was also involved in the home school partnership initiative. She is an active member of a PTA and has been a parent governor. She has a particular interest in governing body rules and regulations.

A5. Catherine Hinds, a co-director of ISCG is an Ofsted lay inspector who has taken part in more than 150 inspections of primary, secondary and special schools. She has been a governor for 15 years of secondary, primary and infant schools. She is at present chair of a county primary school. She was a founder member and now chairs the Buckinghamshire Association of School Governors and is an elected member of the Buckinghamshire School Forum. Her interests are directed towards the role of parents, how to make governing bodies more effective and school and governing body self-evaluation.

A6. Margaret Jones, a co-director of ISCG, has been a governor for more than 20 years. She is currently chair of governors of a community primary school and a governor on a secondary school in different LEAs. She is a member of the London Institute of Education's School Improvement Network. She has acted as an IPSEA parent advocate/representative at SEN Tribunals. She served for four years as an elected member of an LEA and chaired its heads' appointment panel. She has also served on the CASE National Executive and on the ACE Council. Her specialist areas are special educational needs, school improvement and complaints procedures.

A7. Muriel Pilkington is a retired Secondary Head teacher. She is Governor of a maintained grammar school, an independent girls' school, member of Council of a stage school and Deputy Chair of Council of a University Council. In the past she has had experience as Governor of a PRU, a special school and a primary school. She now works as a freelance education consultant. Her specialisms are school management, governor training and teachers' pay and conditions.

A8. Susan Shiel, is currently a lay clerk to a voluntary aided primary school governing body, previously a foundation governor in a catholic primary school. She has 16 years experience in administration and financial management in the court service and a large retailing company. She joined ISCG to assist in the financial operation.

A9. Felicity Taylor, a co-director of ISCG, first wrote about parents' rights in education in 1976, when these were few and far between. Since then she has written extensively for parents and governors about education. She compiles the TES Governor Network Briefing. She was on NAGM's national executive from 1976-90 and has been a governor for more than 30 years. She was one of the few lay members of the National Curriculum Council. At present she is a co-opted governor of a comprehensive school and LEA governor of a Catholic primary school. Her specialism is education law and appeals.

A10. Theo Taylor looks after the Soundings Panel and our Advice Line and other databases. She writes our termly newsletters.

Annex B

B1: ADMISSIONS APPEALS PROJECT REPORT TO THE DFES: APRIL—NOVEMBER 2005

We have continued to provide seminars for LEAs and Diocesan Boards—see list below. The demand for these remains strong and there are several more in the pipeline plus a number of enquiries. We have not listed other numerous small appeals seminars which have not been subsidised from the DfES grant, eg for individual VA or foundation schools. We make it clear that LEAs and Boards should be able to recruit at least 30 participants in order to qualify for DfES subsidy. However, it does happen that the Boards especially have difficulty in achieving this number, though we do recommend that they invite other dioceses and the LEA.

B2. The evaluations are consistently good.

As the interpretation of the law develops, we find that our earlier materials are getting out of date. It is important to match the exercises and demonstration to the experience and background of the participants. Many LEAs are now taking seriously the need to offer regular training to their panel members, and we get a number of repeat requests. This means that we constantly need new modules. We have spent a good deal of time this year on developing a new set of materials. I attach as Annex 2 a list of most of those we currently use.

B3. We are represented at the EASI (Education Appeal Support Initiative) group meetings and were invited to speak at the Council on Tribunals seminar to discuss the formation of a London EASI group.

B4. NEW DEVELOPMENTS

With the Council on Tribunals, we are hoping to offer a joint seminar for panel chairs to be held at their offices in Chancery Lane.

B5. As a result of our work with Diocesan Boards we would like to run a seminar for those officers of Diocesan Boards who advise their schools on admission arrangements. They have told us that they would welcome this particularly in order to discuss the sensitive question of faith criteria in an independent setting.

B6. We have had a discussion with DfES officers working with the Academies about how we might support their governors and panel members in admissions processes and appeals.

B7. We may need to make substantial revisions to our appeals materials when the new Codes of Practice are published. We intend to develop a module on infant class size appeals as these are a source of considerable concern to panel members.

B8. ISCG looks forward to continuing this work with DfES support.

B9. RECENT SEMINARS

Calderdale LEA 12 June 2005

Poole LEA 28 June 2005

High Wycombe ISCG 21 September 2005

Liverpool LEA 17 October 2005

Peterborough CofE Diocese 11 November 2005

Durham LEA 22 November 2005

Sunderland LEA 23 November 2005

South Gloucestershire LEA 29 November 2005

Hertfordshire LEA December 8 2005

Nottingham Diocese 24 January 2006

B10. (At a meeting with representative of the DFES on 24 November 2005 we were informed that they could no longer subsidise our appeals seminars. We are concerned that this will reduce the quality of the appeals system just when admissions are so crucial to the new ideas in the White Paper)

Memorandum submitted by The Association of the British Pharmaceutical Industry (ABPI)

BACKGROUND

The Association for the British Pharmaceutical Industry (ABPI) is the voice of the innovative pharmaceutical and biopharmaceutical industry, working with Government, regulators and other stakeholders to promote a receptive environment for a strong and progressive industry in the UK, one capable of providing the best medicines to patients. Members range in size from multi-national, integrated pharmaceutical companies, down to small growing companies and contract research organisations.

The future productivity of the UK depends on an increase in practical science and technical skills and increased numeracy—skilled employees are needed from vocational, technical levels, up to higher research level.

The pharmaceutical industry in the UK is concerned that insufficient numbers of high quality skilled science graduates with good depth of subject knowledge are currently being trained in UK, indeed many graduates lack basic scientific practical skills. Despite the number of full time undergraduate students having grown by 9% from 1997 to 2002, in the physical sciences numbers decreased, by 15% for chemistry and 7% for physics. Indications are that this trend may be starting to reverse, particularly for chemistry, it is important that students continue to be encouraged to study physical sciences at university.

These concerns are so great that, earlier this year, ABPI set up a taskforce to research issues around recruitment of employees with the skills the industry demands, into research, development and manufacturing areas. The report of the taskforce's work, "Sustaining the Skills Pipeline in the pharmaceutical and biopharmaceutical sectors" was published in November.¹²⁰

We also believe that students at all levels need to be given a better appreciation of the potential for careers in the technical and scientific and technical sectors of the economy.

KEY POINTS

- We welcome the proposed increase in vocational course provision within schools and colleges. We recommend that a 14–19 specialised diploma in science should be developed, with appropriate support from industry and research.
- The Science Learning Centre network, industry and teacher training institutes should work together to develop and support courses to update and extend the practical skills of teachers, and those training to be teachers, and help them update their knowledge of cutting edge research.

RESPONSE

The proposals put forward in the White Paper "Higher Standards, Better Schools for All" will not, we believe, mark a step change in raising the standards of teaching and learning within this phase of education. Many of the proposals contained within the report focus on altering the organisation of schools, rather than concentrating on what the experience of school is like as a workplace for teachers, and as a place to learn for students.

We do not feel it is within our remit to comment on the detail of the proposals for the introduction of Trust Schools, parental involvement and school discipline. However, there are also proposals within the White Paper which are very relevant to the pharmaceutical industry in the UK, notably the subject knowledge of teachers and the vocational education offer within schools and colleges. We will confine our comments to those aspects of the White Paper which affect our industry most directly.

¹²⁰ "Sustaining the Skills Pipeline in the pharmaceutical and biopharmaceutical industries" ABPI, November 2005 (<http://www.abpi.org.uk/publications/pdfs/2005-STEM-Ed-skills-TF-Report.pdf>)

Vocational education in schools and colleges

We support the trend towards an increase in providing vocational courses for young people in schools and colleges. We note that the White Paper suggests that this could be met, in part, by schools taking on an extra specialism in a vocational area. We are sceptical about this approach. We do not believe that many children have developed their subject strengths at the age at which they, and their parents, select their secondary school.

The introduction of specialised diplomas provides a route for mixing vocational and academic qualifications which, we hope, will appeal to many students. The introduction of a diploma in engineering is welcomed and we support development of a science diploma as we believe that this would inspire more young people to consider a career in science—not only at technical level, but through continuing their studies to honours degree level and beyond.

High quality education for all students

An education system which addresses the needs of gifted and talented students and encourages them to maximise their achievement is vital, and we are pleased to note that the White Paper promotes support for all students who may be at risk of underachieving.

Resources to support exciting teaching

We concur with the comment that ICT provides a powerful tool to tailor teaching and learning and that ICT can be used to deliver exciting lessons. ABPI supports teaching and learning in science by providing freely available, interactive, web based resources linked to the curriculum. We are pleased to note that use of our ICT materials has increased by over 50% in the last year as individual classrooms and laboratories have benefited from installation of interactive whiteboards and projectors linked to the Internet.

Recruitment and retention of teachers

The need to maintain the recruitment of high quality specialist teachers in the critical areas of maths and science is highlighted in the report. Equally important, however, is retention of these teachers. We are disappointed that the report makes no mention of new initiatives to retain excellent subject teachers in shortage subjects.

Subject knowledge and confidence of teachers

Opportunities for subject specific continuing professional development (CPD) must be offered to all teachers to develop their subject knowledge, especially in subjects such as science where the speed of new discoveries and new theories rapidly outstrips information in text books and other sources of information.

We are concerned to read that recent research by the Wellcome Trust indicates that subject based training is less well valued than initiative focussed CPD and that half of all secondary teachers surveyed had no subject related CPD in the past five years.¹²¹

Our recent report, “Sustaining the Skills Pipeline” identifies low levels of practical skills, and opportunities for development of those skills, especially in areas such as dissection of animals and animal tissues, as a particular issue. Practical skills are essential for practising scientists, and research carried out amongst ABPI member companies clearly indicated a deterioration in these capabilities in new employees in the UK compared to those recruited from other countries. We believe that this decline in practical capability of students stems from an overloaded school curriculum, and teachers who do not feel sufficiently confident to allow students to carry out experiments outside their speciality which involve any degree of risk. We hope that the courses being run by the Training and Development Agency for Schools (TDA) to enhance and extend subject knowledge for trainee teachers in chemistry and physics will go some way towards addressing this issue for new teachers, however the needs of practising teachers must also be addressed.

We welcome the opening of the National Science Learning Centre in York and network of regional Science Learning Centres, and we hope that all science teachers will be encouraged and supported by the government, and by their school or college, to attend courses at one of the centres. We hope that subject specific CPD will, in future years be an expectation for all teachers, monitored at their annual appraisal, and will be a major route towards increasing the confidence and expertise of those expected to teach outside their area of specialisation, especially teachers of chemistry, physics, maths and modern languages. One recommendation of the ABPI report is that the Science Learning Centre network, industry and teacher training institutes should work together to develop and support courses to update and extend the practical skills of teachers, and those training to be teachers, and help them update their knowledge of cutting edge research. Courses at Science Learning Centres could become credit based, leading to a certificate which would recognise achievement in subject specific CPD.

¹²¹ “Science teachers matter” P Finegold, in Education in Science, Association for Science Education, November 2005.

A particular issue is CPD for teachers of vocational courses, not only the 14–19 diplomas, but also the existing Applied GCSE and GCE courses. Many teachers of Applied Science in schools have not had previous experience of industry and need help in delivering the course. The recent introduction of SETNET Regional Directors is an opportunity to encourage close links between schools and colleges and local industry, although Science Learning Centres also have a role to play in supporting teachers of Applied Science.

We applaud the Government's recommendation that teachers should be encouraged to join their relevant subject association and suggest that financial support should be made available to encourage this.

December 2005

Memorandum submitted by CfBT

EXECUTIVE SUMMARY

CfBT Trust Schools will work with their local community and within a strong partnership of all schools in the area to raise aspirations, expectations and the educational achievement of all members of the community.

Our overarching commitment is to supporting the delivery of an education service, which will enable individuals, schools and communities to achieve their maximum potential.

We firmly believe that the White Paper proposals when viewed with those reforms envisaged in the Every Child Matters and Youth Green Paper, will deliver more strategic influence to local authorities, will assure accountability at different levels will lead to greater choice for parents, better alignment of pupil performance and pupil wellbeing and will protect the interests of the most disadvantaged.

Indeed, CfBT is already actively engaged in partnerships with local authorities in Lincolnshire, East Sussex and Lambeth, which are significantly improving outcomes for learners, including the disadvantaged.

No one type of school or one ethos alone can serve every child's needs and interests whatever their background, their abilities, circumstances or location. The most important focus in any school is, and must be, the individual needs of its pupils. Personalisation of services can only be achieved in a system that achieves a proper balance of regulation and independence and offers flexibility and choice, within and between schools, with some freedom to innovate.

CfBT is keenly interested in being a provider of Trust Schools. Our motivation is straightforward. CfBT's heart has always been in teaching and learning. An education trust like CfBT can currently only be involved in the provision of schooling in the UK by charging fees or providing special schools. We regret that fact and welcome the opportunity afforded by Trust Schools.

CfBT does not accept the argument that Trust Schools will be disadvantageous for the most needy children. There is ample evidence in other aspects of social and particularly children's care that our society is blessed with an impressive supply of organisations whose bias is firmly towards those most in need. For example, looked after children, one of the categories of concern to critics of the White Paper, are often looked after by non-Government organisation. Such organisations are effectively excluded from a system in which the state is a monopoly provider.

THE ROLE OF LOCAL GOVERNMENT

A purchaser/provider split allows the purchaser, the local authority, to play a more focused role as the strategic promoter of the community interest and the body that ensures that all its citizens are well provided for. CfBT already works in effective partnership with local authorities and welcomes the clarity with which the White Paper identifies local government as the commissioner of services provided by Trust Schools.

It is important to look at the White Paper in the light of proposals in Every Child Matters and the Youth Green Paper to understand fully the new and important role to be played by local authorities across the young people's and children's agendas, particularly as commissioner rather than provider of services. At every level there is real accountability to local authorities. The proposals in the White Paper strengthen the strategic role of local authorities.

There has been a good deal of speculation about admissions systems. CfBT's commitment to an inclusive approach to education is not in doubt. We can demonstrate a track record working with some of the most challenging young people in the country. While we can see circumstances in which schools with a specialist approach may need greater flexibility over admission arrangements CfBT would expect to work within the current guidance on admissions, which the White Paper proposals would leave in place.

Any change to admissions policy and the introduction of banding must be evidence-led and considerable weight should be given to evidence provided by the independent adjudicator on whether or not a change to the current system, in particular in whether giving current guidance statutory backing, would improve or reduce equity.

THE BENEFITS OF INDEPENDENCE

Trust Schools offer two sorts of potential advantage, first in terms of independence and secondly through the collaborative opportunities.

There is evidence from other areas of social policy over the last 20 years that the transfer from direct municipal provision to not-for-profit providers has been broadly beneficial for staff and customers alike. The more arms length relationship with government will, over time, distance teachers from political regulation of their day-to-day work. Provision by independent, not-for-profit bodies will encourage innovation and diversity.

Although many of the most successful secondary schools exercise the full extent of the autonomy which the present system allows them, the concept of the stand alone, autonomous school is neither the only, nor necessarily the best model for school governance and management.

The new opportunity afforded by the White Paper proposals is a larger Trust covering a number of schools. This could encourage and formalise some of the collaborative arrangements, which have begun to benefit schools in recent years. Trusts might be based on a geographical area or on a shared approach to curricular or pastoral issues.

CfBT believes that the development of such Trusts will add diversity to the system and that, for some schools there would be merit in joining a Trust which will provide them with the security and strength of a forward looking large educational charitable trust where educational expertise and the mutual benefit of being a member of a larger Trust can be aligned for the benefit of the young people in the school.

KEY FEATURES OF CfBT TRUST SCHOOLS

Autonomy, staff empowerment and accountability

CfBT schools will consciously seek to work in partnership with their stakeholders and in a range of collaborative activities with other schools.

A CfBT Trust School will exercise considerable autonomy. It will be empowered to develop independently, working within a community of knowledge and practice that is developed by the leading practitioners within the Trust, found both from within schools and from the core CfBT team. Leadership is a quality we will encourage in a widely dispersed range of staff.

The educational offer of the Trust as a whole will be driven forward by the Headteachers of the constituent schools and their key colleagues acting together. The schools will be able to draw on all the educational expertise and financial resources that CfBT can offer, to support children's wellbeing and learning. For example many schools find it difficult to get access to the up front investment which would allow them to respond innovatively to the workforce reform proposals.

Some schools within the Trust will be facing particular challenges and an important part of the strategy for school improvement will be the extension of the capacity of successful schools to support those facing difficulties. The learning networks CfBT will establish will become a key operational way of sharing good practice, having peer assessments and building capacity.

Accountability will be exercised through rigorous self-evaluation, self-improvement and resource allocation supported through the framework of the CfBT Trust. All CfBT Trust Schools will have a single school plan for improvement (SSIP), which will guide the development of the school.

Partnership beyond the school

Partnership in the local community is also crucial. The school's ability to succeed will be hugely enhanced if there is a pro-education culture in the people served by the school, if parents and others are supportive of the enterprise in which the school is engaged. CfBT Trust Schools will develop an extensive array of interventions designed to foster this community support.

In particular, CfBT schools will give top priority to engagement with parents. In part this will be achieved through formal mechanisms like Parents' Forums with clear terms of reference. But personalisation applies to parents as well as pupils and the real challenge is to engage with individual parents in such a way as to ensure that school and parents are supporting each other in the educational enterprise.

ABOUT CfBT

CfBT is a leading education charity. For 40 years the charity has employed, trained and supported teachers. We currently work with governments on school improvement, curriculum development and teacher and school leadership training and on inspection. We are engaged directly with learners through projects working with pupils excluded from mainstream schools, the provision of education for young offenders, through the Connexions Service and through direct ownership of a group of schools and

nurseries. CfBT's initial focus was overseas. We still have a strong international dimension. We have designed and delivered an extremely successful AIDS prevention programme for Kenyan schools and have a growing programme supporting schools for the poor in India.

Memorandum submitted by Michael Fabricant MP

Thank you for your letter of 25 November concerning your Committee's inquiry into the Schools White Paper.

My main concern is that schools should have genuine independence to determine their catchment areas and the means by which they select students. Too often parents are given little choice by Local Education Authorities as to the schools they are allowed to select.

If this means that catchment areas will overlap or that headteachers wish to take students from beyond a catchment area on an *ad hoc* basis, I believe it will result in an improvement in the choice available to parents and their children.

November 2005

Memorandum submitted by Tony Baldry MP

I am grateful to the Select Committee for the opportunity to give my views on the Government's proposals for the future of secondary education as set out in the new Schools White Paper.

I have circulated this submission to secondary head teachers in my constituency but unless otherwise clearly stated, the views set out are mine.

The White Paper "Higher Standards, Better Schools for All" appears to be two White Papers;

- the first setting out proposals for structural reform of schools; and
- the other setting out proposals on school discipline and learning and teacher support.

In your invitation to Parliamentary colleagues to set out our views, you ask us in particular to highlight issues you think the Select Committee should discuss with witnesses during the course of the Enquiry. I set out in italic below those questions which I would ask if I were a member of the Committee.

SECONDARY SCHOOL REFORM

There are two reasons why we should seek to ensure that every state secondary school in the country provides the best possible education.

Firstly, for each child, their secondary school education is a once in a lifetime opportunity. It cannot be repeated. Each child is entitled to expect the best from their school and schools are entitled to expect the best from their pupils.

Jim Callaghan, when Labour Prime Minister in the mid-1970s, in a keynote speech on education, paraphrasing Tawney, observed that "what every good parent should want for their children, so the State should want for all our children."

Secondly, as a nation, we need collectively to ensure that our children have the best possible education if Britain is to compete effectively in the 21st Century.

No-one owes Britain a living. Britain is a comparatively small trading nation, who built an empire on natural resources of coal and steel, most of which are now exhausted. How Britain will prosper in the 21st Century, will depend on our intellectual capacity, education and skills.

It must be a matter of common concern that over the last few years Britain has slipped substantially in the world competitiveness league from 4th to 13th place. This is a trend that needs to be reversed.

As the Chancellor of the Exchequer commented in this year's Budget Statement, "Britain's economic destiny . . . depends upon establishing British leadership in skills, science and the knowledge economy", but the OECD this year has commented the lowest skills level in the UK is an "impediment to the economy's capacity to absorb new innovations".

The OECD has noted that Britain has slipped from 7th to 18th place internationally in the mass league and the World Economic Forum has observed that Britain has slipped from 29th to 41st in world rankings in the availability of scientists.

I am Vice Chairman of the Parliamentary All Party Group on China, and in recent years have made a number of visits to China. The International Development Select Committee, which I chaired in the last Parliament, undertook a major enquiry on India and I have made a number of visits in recent years to India.

No-one can ignore that over the next 10 years, there is going to be a marked and radical transformation in the global economy which is already taking place. Nothing demonstrates this more clearly than the rise of China whose manufactured exports are now 23 times their level in 1980 and India, whose service sector exports, are now growing at 20% per annum.

- By 2015 China is expected to account for nearly 20% of global output, level with the United States, and ahead of Europe.
- Together the four emerging economies of China, India, Brazil and Russia are expected to increase their share of global output from 25% to 32% in 2015. Over the same period, the share accounted for by G7 nations is expected to decline from 43% to 36%.
- Brazil, currently ranked 15th in the world in terms of output, is expected to overtake the UK and Germany to obtain 6th place within a generation.

Of course, none of these predictions are cast in stone and Britain's capacity to compete will largely depend upon our collective ability to ensure that our schools are able to optimise the talents, skills and imagination of every pupil.

My constituency is best described as being semi-rural, with two significant towns, Banbury and Bicester.

Banbury has three secondary schools:

- Banbury School, which was at one time the largest comprehensive school in England, an 11-16 school, with a 6th Form centre.
- Drayton School, which is an 11-16 secondary school, on which there are at present preliminary discussions about becoming a new Academy.
- Blessed George Napier School, which is a "faith" school, A Roman Catholic comprehensive school from 11-16 with a 6th Form centre. BGN is also a Sports Academy.

Just outside of Banbury there is the Warriner School, which is an 11-16 school; has Technology School status, and is hoping to acquire a 6th Form.

In Bicester, there are two schools:

- Bicester Community College, which is an 11-16 school with a 6th Form centre, and which has Technology School status.
- Cooper School, which is an 11-16 school, which has Science School status.

A significant number of post-16 pupils in Banbury go on for further education and qualifications at the Oxford and Cherwell College campus in Banbury.

A significant number of parents in Bicester send their children to schools outside of the town, including Gosford Hill in Kidlington and the Marlborough School in Woodstock.

I set out the existing pattern of schools in my constituency with some detail because on reading the White Paper, there are two initial points and questions that I think need to be made.

Everyone I would anticipate supports the concepts of the maximum choice, diversity and opportunity for all, but reading the White Paper, I get the very strong impression that this is a White Paper which has been written against the background of people living in cities—or very large conurbations. This is not surprising. The Secretary of State and her Ministers represent city or conurbation constituencies.

It is by way of common sense far easier for parents to exercise a choice of schools if they live in a city or large conurbation, where distances between schools tend not to be that great, and where there is usually an enhanced public transport network. Shifts in population in cities will often mean that there are a number of secondary schools with surplus places which gives some flexibility within the system and sufficient surplus places throughout the system as a whole that if a failing secondary school were to close altogether, the probability is that pupils could be taken on by other schools within the city.

Is not the likelihood of parents making a choice of schools significantly more likely if they live in a city and are not the Committee concerned that the proposals for reform in this White Paper focus too greatly on cities and conurbations and give too little attention to rural and semi-rural situations?

Realistically, parents in my constituency may have a choice, depending on where they live, of no more than one, or at most two, schools other than the designated secondary school for their catchment area.

A number of schools, such as Warriner and BGN, are consistently full so unless the Government is going to allow such popular schools to expand to whatever size they feel appropriate, for many parent there simply is not a significant choice of schools.

Moreover, in a rural and semi-rural area, very often parents who express a preference for their child to attend a school different from that which the Local Education Authority expects, find themselves having to pay not insignificant transport costs. Parents in Bicester sending their children to Woodstock have had themselves to organise a daily bus to take their children to and from school, for which they have to pay.

The White Paper suggests that there may be some help with transport costs for pupils of “less affluent” parents. This sounds as if free school transport will only be available to parents on income support or other benefits.

This will obviously discriminate against parents in rural and semi-rural areas.

Is the wider provision of free school transport going to be available to all parents or simply parents on income support or other benefits?

Given that this is the 13th Education White Paper by the present Government, one would have expected the Government by now to be extremely clear on what it was they were seeking to achieve.

Having read the White Paper carefully and as a natural champion of choice and diversity I find the White Paper very confusing.

Are the Government seeking to signal a dramatic change in education policy or no change at all?

May I highlight by way of example three areas that I find confusing and ambiguous.

ADMISSIONS POLICY

State Schools in my constituency determine their admission policy based on catchment areas and with a “shopping list” of criteria to fill any surplus places once places have been taken up by pupils from the catchment area, save for BGN which, as Roman Catholic school, has an admissions policy which understandably gives priority to children of the Roman Catholic faith, and then a shopping list of criteria to fill surplus places.

The Government say that all self-governing schools, ie those that have foundation, voluntary-aided, or trust status, will in future be able to construct their own admission policies in accord with boundaries set out in the Admissions Code of Practice, but Ministers have also made it very clear that they do not expect schools in any way to introduce selection.

So just how different and more flexible do they expect admissions criteria to be in the future than at present?

Will it be acceptable for a specialist school, such as BGN being a specialist Sports College, to give priority to pupils showing strong sports potential, for example?

There is much talk of banding. Is it intended that such banding will simply be social banding, ie banding on social class, or banding on attainment?

And if banding on attainment, how many bands?

Can Ministers give clear, unambiguous, unequivocal guidance as to the extent to which they expect schools admissions policies to change as a consequence of the White Paper proposals?

“PARENT POWER”

The White Paper seems to me to be very ambiguous on the role of parents. I am great believer in parent power. I have to acknowledge that I was in the fortunate position that my grandparents were able to purchase education for my parents in the independent sector; that my parents were able to purchase education for me in the independent sector, and that I was able to purchase education for my own children in the independent sector. The logic of that within the state sector would be increasingly to give parents educational vouchers where they would effectively be free to “purchase” their children’s education. That is not, I think, what the White Paper is saying. On the one hand, the White Paper states that “our goal is no less than to transform our school system by turning it from one focused on the success of institutions into one which is shaped and driven by the success needs and aspirations of parents and pupils.”

On the other hand, it is seeking to give more authority to head teachers and to the Trusts that the Secretary of State says that she expects in 10 years’ time to be running a majority of schools in England.

I am very much in favour of parental involvement. Of course parents have to be treated as partners and given the maximum information about their children’s education but:

What is going to be the relationship between the Parents' Councils and new Trusts that are expected to run secondary schools?

Given that schools' Annual Parents' Meetings have often been poorly attended, why do Ministers believe that there will be greater support or participation in Parents' Councils?

This like, so many other areas in the White Paper, seems to be something of a complete fudge which I suspect is going to result in considerable confusion.

The Secretary of State has made it clear that within 10 years she fully expects Trusts to be running the majority of schools in England. These Trusts, she has indicated, will be controlled by universities, leading State and Independent schools, Education Trusts, and local groups of parents and charities, some of them running many schools, some just one school.

What evidence is there of such organisations actually being willing to come forward and run secondary schools?

As I indicated above, Drayton School in Banbury has for some time been in preliminary discussions about becoming an Academy. This has involved a fairly extensive search of potential sponsors of the school. This has not been an easy task. Although there is effectively zero unemployment in North Oxfordshire, outside of the public sector there are very few large employers. Again, it may well be that in larger cities or conurbations, or in London City Livery Companies, or similar institutions, will be forthcoming, but schools in rural and semi-rural areas may find real difficulties in attracting such sponsors.

Is there any evidence, for example, that the Church of England, is willing to get more widely involved in the running of secondary schools?

As a windfall from the Dissolution of the Monasteries many of the Oxford Colleges own considerable amounts of land around Banbury. Is there any evidence that any of the Oxford Colleges, or the University of Oxford as an institution is willing to take on the responsibility for running schools?

There are three Independent Schools in my constituency, all of which are I am sure happy to cooperate and collaborate wherever possible with the State sector, but I would not envisage any of those schools having either the capacity or desire to also take on the responsibility for running a local State school, nor would I imagine that parents of children attending a local State school, would necessarily wish their school to be run by a school whose governors are largely appointed by fee-paying parents from some distance away.

This then begs the question as to what is going to be the residual role of Local Authorities?

The Government persistently give the impression that they are about to liberate schools from the control of Local Authorities, but the reality is that Local Authorities already delegate down to schools practically the whole of LEAs budgets, and Local Government spending on education is now mostly ring-fenced; schools effectively have control over their own budgets. Local Education Authorities still have residual responsibility for certain functions that are clearly more easily delivered at county level, such as statementing for Special Educational Needs, and organising school transport, and coordinating bids for capital funding for schools, although in Oxfordshire we are still trying to understand why we were practically the only Education Authority in England to receive no funds recently for capital building from the Targeted Capital Fund (TCF).

What roles and responsibilities will be taken on by new school Trusts that are at present undertaken by Local Education Authorities?

The Secretary of State has said that LEAs will be given a duty to support pupil-centred learning, parental engagement and choice—what in reality does this mean?

On the one hand the White Paper seems to suggest that the organisation of school places remains the responsibility of Local Authorities “. . . Local Authorities will need to plan how many schools their local area needs, where and how big they need to be, what kind of schools will serve the area best, and who the school should serve”. At the same time, the Secretary of State is advancing the creation of Trust schools, which as she has made clear, she expects to be running a majority of schools in England within the next few years. Again, this seems to be another fudge and potential for further confusion.

The second part of the White Paper, that which relates to supporting schools and school discipline, must be sensible to have “clear unambiguous legal rights for teachers to discipline pupils”. However, nowhere in the White Paper does the Government indicate that they will abolish Appeals Panels and give real control on discipline to Head Teachers. Until this is done, it seems unlikely that the problem of disruptive pupils is going to be solved.

The Government cannot be insensitive to the fact that Head Teachers are continuously telling us that they cannot respond effectively to discipline concerns under the current regulations and that there needs to be greater autonomy and responsibility for Head Teachers to ensure discipline in their own schools which will give benefit to everyone.

How do the Government expect discipline in schools to be improved when they are not giving effective control on school discipline to Head Teachers?

In short, whilst I welcome the Government's general intent to give greater choice and diversity in education, I would suggest that the proposals in the White Paper are often a fudge, frequently confused, and between now and the Government producing legislation, they need to work hard on being much clearer and unambiguous as to what it exactly that they are proposing.

November 2005

Memorandum submitted by Ian Stewart MP

Thank you for your letter of 25 November. I am very pleased that the Committee is undertaking this enquiry. Like other MPs I am consulting widely with interested parties in my constituency concerning the White Paper's proposals. Nevertheless, I am attaching a letter I sent to the Secretary of State for Education last month which outlines my initial reaction to the White Paper—for example, I support the extension of personalised learning and further action to tackle discipline problems in schools. My particular anxieties about the White Paper relate to the future role of local authorities, the setting up of trust schools and admissions policy.

I would like the Committee to consider the implications of competition in the state school system for all pupils and particularly the most disadvantaged.

Secondly I would like the Committee to consider how the White Paper proposals will improve strategic planning in education and what impact they will have on the future of local government.

Thirdly, I would like the Committee to consider the implications of individual school admissions policies on the attainment of the White Paper's objectives and whether or not there should be a national admissions code with statutory backing.

Finally, I have read reports in the media that the Government's proposals for "trust schools" are based on the "charter schools" introduced in some US states. So I would like the Committee to establish the empirical basis on which "trust schools"—are being proposed and to evaluate the experience and effectiveness of "charter schools" in the US.

These are the concerns I would like the Committee to address.

December 2005

Memorandum submitted by Dean Penford, Higher Education Champion Nottingham North

I appreciate the efforts of the White Paper, and support many of the issues raised in the response, *Shaping the Education Bill Reaching for Consensus*, launched at 12.30 pm 14 December 2005. As a practitioner on the ground within the Nottingham North parliamentary constituency, working with Aimhigher Nottinghamshire to increase participation leading to higher education, many of my concerns for the White Paper are within the response document.

I would just like to add, or in some case reinforce, some of the issues particularly of issue to education progression with the constituency of Graham Allen.

CHAPTER 2, A SCHOOL SYSTEM SHAPED BY PARENTS

Although this issue is adequately covered within the response paper, it is particularly pertinent to Nottingham North. There appears to be an undercurrent throughout parts of the White Paper, whilst recognised in other parts, that there is a cohesive body of parent power waiting to be involved in education decision making. Schools within Nottingham North have considerable issues getting any level of participation and cooperation from and with parents or carers. There is an issue of ability to engage within this agenda even if the enthusiasm can be found. Several wards within Nottingham North have particularly poor levels of adult numeracy and literacy, which would act as a barrier. Recent refocusing of funding by the LSC has taken finance away from including adults in learning to focus on the 14–19 increased delivery successes. There will be many parents and carers of what are inevitably the more vulnerable of less engaged young people who will feel excluded, or self-exclude, from any decision making process around education.

There needs to be a more cohesive strategic partnership, working through school level, including Sure Start and Connexions (depending upon the reform agenda for Connexions), to work engaging parents and carers within education opinions before the system can be shaped by the majority of local parents/carers.

There needs to be a clearer role of coordination and distribution of new vocational provision 14–19, and post 16 learning transition, to advantage all local young people. The plans for Academies within Nottingham North needs to confront the lack of local post-16 education and work based learning opportunities in a spirit of partnership between schools and the FE sector.

CHAPTER 3, CHOICE AND ACCESS FOR ALL

Where will the “choice advisers” be drawn from? I have concerns about levels of expertise and understanding necessary to be able to support engaged parents, and engage disengaged parents, with a forward view on the progression implications of different choices. Will this build on current local resources, for example within Nottingham North (Area 1 and Area 3) local learning champions? How will these efforts be coordinated? Imposing a different source of education advice may work against the development of current resources and local IAG provision. This is again a question of genuine partnership working towards an understood, shared, common goal.

CHAPTER 4, PERSONALISED LEARNING

It is alarming how many teachers working within a role of careers advice and work related curriculum development in school have no relevant qualification (Diploma in Careers Education) to help them carry out his role to the young people’s best advantage. The focus of Connexions on work with those least engaged has left a gap that has not been filled by PSE/PSHE or other support in school. The wider the curriculum the more good quality advice and guidance is necessary to ensure choices are made with the best understanding of personal development and progression.

CHAPTER 5, PARENTS DRIVING IMPROVEMENT

There is a need for greater partnership development through schools to engage parents in school parent partnerships. There is a need for community education programmes to reinforce the benefits to all of engaging fully within education opportunities. There needs to be clarity over coordination, responsibility and management of agencies working towards this. Tailored information for the move into primary and from primary to secondary education needs to be extended to include tailored information, rather than generic information, about the move to post-16 learning.

CHAPTER 6, SUPPORTING CHILDREN AND PARENTS

Wholly endorse the drive for healthier school environment. At a recent Aimhigher careers fair within the constituency a school coordinator pointed out to me how unhealthy and less mature pupils from his Nottingham North school compared to pupils from a county school who were attending the event. It wasn’t just the uniform that distinguished them. There should be concerted efforts made to fund breakfast club facilities in school cafes, particularly in areas of other disadvantage.

CHAPTER 7, SCHOOL DISCIPLINE

On-site alternative provision needs to be managed to protect the interests of young people not involved in alternative provision, to reinforce reward for participation within education.

Parenting orders need to be enforced, sympathetically but do need enforcing to be taken seriously. This needs to be a sustained approach.

CHAPTER 8, THE SCHOOL WORKFORCE AND SCHOOL LEADERSHIP

There is a need for more in depth consultation on the delivery of career planning education and guidance within schools. This needs to match the delivery improved curriculum choices. Guidance and progression need to be at the forefront of a schools ethos, not a bolt-on provision to maintain minimum entitlement.

CHAPTER 9, A NEW ROLE FOR LOCAL AUTHORITIES

I would wholly endorse the issues raised by the Shaping the Education Bill response document (page 5 and page 6).

December 2005

Memorandum submitted by Dr Doug Naysmith, Member of Parliament for Bristol North West

I welcome the Government’s commitment to continued improvements in education. I have concerns, however, about certain aspects of the White Paper. I believe that the White Paper goes beyond what we promised we would do in our election manifesto, and so it is wrong to claim that those who voted Labour in May were signing up to the proposals in the White Paper.

1. Before the last election, in “Schools forward not back”, we set out the dangers of the Tory education plans, saying these would see the end of community based schools and lead to schools designing their own admissions processes. We rightly pointed out the danger that this would lead to a return of selection. Then, we were aware of the dangers of schools being in charge of their own admissions: now we appear to have

forgotten this and to believe that schools will be able to be in charge of their own admissions without any of them misusing their power to choose children who are better behaved, easier to teach or who have more supportive parents. I do not think that there is any evidence for such a belief. In order to be effective, an Admissions Code would need to be compulsory for all schools, and not advisory.

2. In our manifesto, we seemed to support Community Schools (by pointing out the danger that Tory policies would damage them); now, we are saying that there will be no additional Community Schools. There was no commitment in May to Trust schools; indeed there was no mention of them. I am not convinced of the need for yet another type of school. Schools already have the opportunity to obtain Foundation status and there has been no evidence of great demand for this. If all our schools are to be independent trusts, we will be handing over public assets to organisations which will not be accountable. When we took office in 1997, our slogan was 'Standards not Structures', yet now we seem determined to change structures without any evidence that this will improve standards. Nor is there evidence that Trust Schools would represent an improvement on our current provision and research on Charter Schools in the US suggests they would not. I suspected, in 1997, that the lack of interest in structures was an attempt to deflect concern about the remaining grammar schools and the authorities which retained the 11+. Whatever the reason for it, however, our priority then was to improve the standards of the schools we have; not to indulge in reorganisation and experiment.

3. I agree with statements in the White Paper that show concern for the education of children in the most deprived areas. I do not agree, however, with policies to make it easier for a few of them to travel to schools in more advantaged areas. I believe we should be concentrating our efforts on improving every local school so that parents do not feel the need to send their children out of town to get a good education. I welcome the power for local authorities to intervene earlier when schools are failing. I should like to see the money that has been set aside for a new Office of the Schools Commissioner to be used to give focused help to individual schools so that they can address the particular ways in which they fail to provide a good education for their pupils.

I have highlighted a few points for particular mention. I should like to endorse, more generally, the points made in the paper "Shaping the Education Bill: Reaching for Consensus". I welcome the discussions between Ministers and backbench MPs since the publication of the Bill. I wish, however, that we could have been involved at an earlier stage so that alterations could have been made away from the glare of publicity and the unhelpful taunts of the leader of the opposition.

December 2005

Memorandum submitted by Martin Linton, Member of Parliament for Battersea, Balham and Wandsworth

In Wandsworth, it is the schools, rather than parents, who exercise choice and this encourages more parents to resort to the private sector. Ever since I've been the MP for Battersea I've done everything I can to support parents in their desire to ensure that every secondary school in Wandsworth has an intake that reflects the range of abilities of children in the borough. I've encouraged parents to make use of the provisions in the School Standards Act to ask the Schools Adjudicator to force schools to make changes in their admission criteria.

This has led to some significant changes, though in my view we are still a long way from the end of this process and we have discovered serious deficiencies in the School Standards Act and the powers of Adjudicators that need to be rectified.

As you may know, the Schools Adjudicator has, in response to pressure from parents, imposed changes to the admissions policies of Graveney (mixed), Burntwood (girls) and Ernest Bevin (boys) schools in Wandsworth. As a result, selection in Graveney, for example, has been reduced from 50% to 30% and then 25% and the school was persuaded to lift its ban on siblings taking the selection test, freeing up many more places for children in its immediate locality.

Although this doesn't directly help children in Battersea (because the area in which you can qualify on distance grounds falls far short of us), it is helping us indirectly through the rebalancing of intakes which is now taking place and has led to improved results in other Wandsworth secondary schools. This, in turn, will make those schools more attractive to parents and therefore increase the choices open to parents in Battersea.

But I am still far from happy with the situation facing Year 6 parents in Battersea. If they are parents of daughters living in north Battersea, they are out of range of all the high-achieving schools in the borough, including Burntwood. There are a lot of good schools within range, and I often urge them to look at them, but I know sometimes parents do not feel their child would do well in a school with below-average results where the majority of children are not yet achieving five A-C grades.

The Schools Adjudicator system has allowed parents to make a difference, but in response to the latest appeal from Wandsworth parents the Adjudicator decided not to order any further reduction in selection and maintained that she was free to increase the level of selection back up to 50% if she wished. This is ruled out by the current Schools Admissions Code of Practice, but it was allowed, in principle, by the High Court

in a test case last year on the basis of the wording in the Act. I am sure you have read what the White Paper says on fair admissions, fair funding and fair banding. I strongly support that and I would like to see it given legal force.

In order to reinforce the objective of fairness I will be pressing the Government for the School Admissions Code of Practice to be made mandatory so that all maintained schools will be obliged to comply with it. I will also advocate vigorously the adoption of fair banding in all maintained secondary schools. I believe this offers the best available compromise between unfettered parental choice and the need for school intakes to be representative of the spread of abilities in the communities that they serve.

December 2005

Memorandum submitted by Paul Farrelly, Member of Parliament for Newcastle-under-Lyme

Thank you very much for inviting comments on the Education White Paper “Higher Standards, Better Schools For All” as part of what we hope will be a very useful enquiry into these controversial proposals for root-and-branch schools reform.

I should say, at the outset, that I endorse the critique offered by Labour colleagues who have drawn up what has now become known as the “Alternative White Paper on Education.”

Indeed, if the question is: how do we improve standards, attainment and aspirations in schools which have shown slow progress over the last eight years?—then the structural reforms in this White Paper are so patently not the answer, that the real question being posed must be quite different. Hopefully, the Committee’s enquiry will shed some more light on the rationale behind these proposed reforms.

That said, the Labour Government has a solid success story to tell, with now 32,000 more teachers since 1997, school funding increased to 5.5% of national income and in my own constituency of Newcastle-under-Lyme the number of pupils achieving five or more grades A*–C at GCSE level has increased by over 10 percentage points.

Clearly, it is important that we continue to strive for higher attainment levels in education, better co-operation between schools—particularly with falling rolls—and more sharing of information on innovative teaching techniques.

The danger with this White Paper, however, is not just that the proposed reforms might—with no evidence base in favour—be counter-productive, but that the attendant message also talks down the very real progress made by our schools.

Fundamentally, I share the concerns that allowing individual schools control over their own admissions procedures will cause a “dog-eat-dog free-for-all” in which pupils from the least advantaged backgrounds will suffer. I can, furthermore, see neither the mechanism nor the necessary connection between raising standards and structural reforms such as the introduction of trust schools or the private sector.

There is no evidence base to support such fundamental changes—on the contrary. the evidence, as elucidated in the Alternative White Paper, points the other way.

“INDEPENDENT” SCHOOLS AND A NEW ROLE FOR LOCAL (EDUCATION) AUTHORITIES

The White Paper has a clear vision for the future of existing and new schools: “independence”. Not only will all schools be encouraged to “acquire a Trust” (in the peculiar language of the White Paper), but local authorities will be barred from establishing new community schools (all new or replacement schools will be “trusts”).

At the same time, too, the White Paper is explicit that Local (Education) Authorities will move to become “commissioners” of education, rather than “providers” (the same approach which was being proposed this summer for reform of NHS Primary Care).

The language of “encouragement” and compulsion within the White Paper is at odds with verbal assurances given by the Prime Minister that:

- (a) no school will be forced to become a trust; and
- (b) that if LEAs are performing well, “then there is no problem”.

In many areas, too, the White Paper is vague on the mechanics of getting from A to B: not least in moving to a purely commissioning model, in circumstances where schools decide not to opt out and become independent of local authorities.

The fear in such circumstances—as we have seen under the Conservatives in the past and as is evident in the pressure being exerted on some LEAs to accept City Academies—is that “fair funding” will suffer through the introduction of financial incentives for schools to change status and show “that the policy is working”.

With respect to City Academies and standards, these new “independent state schools” are still relatively new. Without more evaluation, we should be very cautious in using the limited experience of the mere 27 academies which are currently up and running, to justify by analogy changes to thousands of local schools.

“INDEPENDENCE”, ADMISSIONS AND CO-OPERATION VERSUS COMPETITION

The expectation is for independent schools to have more freedom over their staffing, assets, curriculum and admissions procedures.

With respect to admissions, the White Paper does refer to the Admissions Code of Practice and its expectation that Trust schools adhere to it. But, the Code is not legally binding and the incentives in the White Paper may very well give rise to self-re-inforcing selection of pupils by some schools at the expense of others.

Such a system would increase incentives for head teachers to compete, rather than cooperate. A multiplicity of admissions procedures would be hard to police effectively and hard to fathom, save by the most well-informed (who do the best already).

Further flexibilities, for instance within the national system of determining teachers’ pay and more private sector sponsorship, may further exaggerate what is colloquially known as the “two tier system” It could lead to even more of the most able teachers flowing to the schools which could pay the most and make the least demands on them.

Such a “multi-tier” system operates, of course, right now. But to improve standards at tougher schools in the least advantaged areas, reinforcing this is not the way to go.

IMPACT OF PROPOSALS ON CHILDREN FROM A DISADVANTAGED BACKGROUND

The impact of greater selection by Trust schools could have a distinctly negative impact on children from disadvantaged backgrounds. The Education White Paper does indeed recognise the problem:

“While parents with confidence and resources can usually make the system work to their advantage, they shouldn’t have to struggle to achieve this, nor be faced with having to use their wealth or move house to benefit from real choice. And we must do much better for those from less well-off families, who do not have such confidence, resources, options.”

Yet, the White Paper fails to coherently explain how it will enable families from disadvantaged backgrounds to grasp the same opportunities as those families who already know their way around the system.

A new duty is given to local authorities to “promote choice, diversity and fair access to school places and school transport” and, indeed, a Schools Commissioner is created who will also have a similar duty. However, the White Paper does not demonstrate how this will be effectively exercised in the new system.

Clearly, an extension of free school bus transport is always welcome. It is clear, however, that children of parents with a good knowledge of the system—that is, those whose parents appreciate the value of education—may well be the biggest beneficiaries, as they already are today.

ROLE OF THE GOVERNING BODY

Clearly, better support for governors is to be welcomed. Governors, however, are already encouraged to take a more active role and to participate in training programmes, so these ideas are not exactly new.

At the same time, however, one of the key features of a Trust school is the ability of the Trust to appoint a majority of the governors. This gives the Trust or an external sponsor a great deal of leverage. It will also reduce the influence of existing governors and therefore the incentive for them to get more involved.

This confusion is not altered by the addition of another body, the new Parents’ Council. Nor does the White Paper satisfactorily address how parents unhappy at the direction or standards of a Trust school could make the Trust majority accountable.

FUNDING

The Education White Paper leaves many further questions unanswered, including, worryingly, funding.

In Staffordshire, schools quite fairly make the point that greater achievement would be hugely helped by having fairer funding compared with other LEAs (compare our £3,381 per head against Kensington and Chelsea’s £5,211 for 2006–07).

The playing field is already distorted and the uncertainty about how funds will be distributed in future is another demoralising factor in this “shuffling of the furniture”.

Since 1997, solid progress has been achieved in educational standards and of course, we must continue to aim higher.

Eight years ago, however, we set out with very good reason to focus on “standards, not structures”. The schools reforms in this White Paper reverse that focus.

It is not hard to fathom why progress in some schools, with the toughest catchment areas, may have been slower than others. It is not hard to get the data, with respect to results or school applications, which shows where effort could best be focussed.

The White Paper’s top-down “one size fits all” approach, foisting structural reforms on schools up and down the land, is not the evidence-based, incremental approach which is needed to tackle problematic schools on a case by case basis.

I am, therefore, left uncertain by these aspects of the White Paper as to what question they are really seeking to answer. As I stated at the outset, therefore, I hope the Select Committee’s enquiry will be able to shed some light.

December 2005

Memorandum submitted by the Association of Educational Psychologists

The Association of Educational Psychologists (AEP) is a registered trade union representing over 95% of educational psychologists working in England and Wales.

The AEP welcomes many of the aspects of the White Paper, “Higher Standards, Better Schools for All.” In particular it welcomes the intention of the White Paper to involve parents further in the running of their children’s schools, particularly the requirement for Parents’ Councils, and the intention to involve more parents from disadvantaged areas in the processes of education of their children. The AEP shares the views expressed about the rights of all children to have access to high quality learning environments and learning delivered by the highest quality, well trained professionals. The AEP welcomes the formalisation of individualised learning in classrooms for children and young people who may be experiencing learning difficulties. The AEP supports the view that all children and young people are entitled to opportunities to learn in classrooms where positive behaviour is the accepted norm for all students.

The AEP welcomes the thrust of the White Paper to be inclusive and to support the Government’s social inclusion agenda. It does have concerns that the detail of the legislation and any associated regulations and codes of practice could without careful attention to the detail lead to an encouragement of non-inclusive practices in schools. While it finds much to be praised within the White Paper, the AEP feels that it is right in this evidence to elaborate on those areas where it has concerns.

FAMILIES, PARENTAL CHOICE AND ADMISSIONS

The AEP is generally in favour of extending the concept of extended schools and its members already make significant contributions in such schools. The provision of extended quality care for children and young people is viewed as a positive move and one to be welcomed. The AEP is aware of the needs of working parents and supports the view that encourages parents to be full participatory members of the community, including the community of work. The AEP is anxious, however, that the new opportunities created by the expansion of extended schools, and other child care facilities, should not be over used by some parents, thereby not fulfilling their vital role in the development of their own children. Evidence from child care studies indicates that positive and sensitive use of extended care can be beneficial, but over use of such facilities can lead to children failing to develop appropriate pro-social behaviours.

The AEP welcomes the proposals in the White Paper to enhance the role of parents within the governance of their children’s’ schools; particularly the concept of Parents Councils. It believes that formalisation of such councils will be a positive step to increasing the involvement of more parents in the life of their children’s’ schools. Work will still be necessary to encourage more disadvantaged parents to participate in these activities and many schools will need support to develop a fully participatory role from all their parent body.

In most rural areas choice of school is not a realistic opportunity, where geography severely restricts choice and often prevents it. Specific consideration should be given to the needs of children and young people in these areas. We need to ensure that all children receive a high quality education in a community school.

TRUST SCHOOLS AND THE SCHOOLS' COMMISSIONER

The White Paper is unclear about the values of Community Schools transferring to Trust status. The opportunities to co-operate and innovate, particularly within the curriculum to meet the specific needs of the locality is exciting and coupled with the safeguards of the increased role of Local Authorities to have oversight of performance and the changes to the rules relating to failing schools should ensure that this leads to enhancement rather than dissipation of children's educational experiences. For this to be successful measures of added value and the achievement of children need to wider than the current emphasis on test results. The ability to innovate is an exciting idea, but the AEP has concerns that the innovation may lead to a worsening of pay and conditions for colleagues working in schools. This would be contradictory to the Government's own agenda of developing a highly qualified, effective and valued workforce.

The AEP is concerned, as evidenced by what has happened in some Academy Schools, that the move to Trust schools may become exclusive and militate against the Government's social inclusion agenda. It is our experience that some Academy schools have resisted admitting children with special educational needs and have become more selective and have had high exclusion rates of children with behavioural difficulties. The Academies have not been fulsome in their approach to supporting Local Authorities in providing reciprocal arrangements for hard to place children.

The flexibility allowed to schools to set their own admission criteria will help schools to respond more effectively to their community needs. The AEP has some anxiety while there appears to be provision to promote systems of admission there will be no requirement on schools to adopt any systems. Guidance will need to be strong to ensure that some schools, especially those in demand do not impose systems that exclude the less able, most disadvantaged and vulnerable children and their families. The AEP is not in favour of schools being responsible for their own appeals processes for admissions. Current practice suggests that schools have difficulty in managing the quasi-legal aspects of education and that these are beginning to take more of schools' time and resources than is appropriate. The AEP favours the continuation of independent panels to hear admissions appeals. These remove bureaucratic burdens from schools and provide a disinterested overview of the needs of the schools and their communities.

CHILDREN WITH SPECIAL EDUCATIONAL NEEDS AND VULNERABLE CHILDREN

The AEP welcomes the concept of additional and specialist teaching for children experiencing difficulties. It welcomes the concept of targeted teaching and the statements about increased training for specific professionals. It hopes that these proposals will be welcomed by all teachers and lead to greater differentiation in every classroom. The AEP hopes that schools will see this work as additional and supplementary and not lead to the creation of excluded groups within schools taught by the least well trained and qualified. The AEP applauds the measures and hopes schools will recognise the opportunities for focused and evidenced based teaching by specialists for children experiencing difficulties.

Children with Statements of Special Educational Needs and Looked After Children quite rightly receive special mention and protection within the White Paper. However, many children with special educational needs (SEN) do not have Statements; indeed the thrust of other activities of the Department for Education is to reduce the number of Statements. There will be, *de facto*, more children with SEN without statements in local schools. Similarly Looked After Children are protected, but not those who are socially vulnerable.

Any legislation and associated regulations and guidance will need to be firm and clear about the duty of all schools to protect all of these children.

Although terminology is not covered specifically within the White Paper, the AEP asks the Committee to consider the exclusive nature of the term Special Educational Needs and the AEP recommends that the term "Special Educational needs" be replaced by the more socially inclusive term "Additional Educational Needs".

CHILDREN WITH BEHAVIOURAL DIFFICULTIES

The AEP supports the view that all children and young people are entitled to opportunities to learn in classrooms where positive behaviour is the accepted norm for all students. Schools sometimes have to make arrangements to deal with an individual causing disruption or presenting significantly challenging behaviour that may include removal from the classroom. The AEP agrees that teachers need support in dealing with some of the more challenging children and accepts, reluctantly, that this may lead on occasion to exclusion from a school. The powers indicated in the White Paper make this process easier for schools to follow this route. The AEP is disappointed that the White Paper focuses on the exclusion of children and young people with behavioural difficulties without the necessary emphasis on the inclusion of these children and young people within the education system. It seems to us that the thrust of the proposals are towards creating a positive environment for the majority and assuming that the sole responsibility for pro-social behaviour lies with the student or her parents. The AEP would be pleased to see more emphasis placed on the effective teaching of challenging children, adjustments to the curriculum and an insistence that Trust schools cannot simply abrogate responsibility by excluding pupils.

The AEP hopes that the legislation, regulations and associated guidance will require Trust schools to continue responsibility for excluded pupils until alternative arrangements are made for their education. We would like to see a requirement on all schools to provide places for pupils excluded from other schools and for there to be effective planning for those children involving the relevant outside agencies. We would like to see an emphasis on the training of teachers in preventing challenging behaviour in the classroom and recommend similar specialist training as proposed for specialist teachers for children failing to meet expected standards.

ROLE OF LOCAL AUTHORITIES

The AEP notes the Government's express desire to develop the role of Local Authorities as commissioning agents. We do not believe that this change will necessarily enable Local Authorities to maintain groups of educational professionals with key skills to support schools. The AEP acknowledges the potential advantages created by the ability of Trusts to apply to innovate. However, we feel that the changes proposed will not allow the Local Authorities to engage in the research and development that they have traditionally undertaken and we are not convinced that the individual schools or smaller groupings in Trusts as proposed will be able to replace this role.

December 2005

Memorandum submitted by Bill Olnier, Member of Parliament for Nuneaton

The broad principles of the Education White Paper to focus attention on the educational opportunities for children and young people in deprived areas are welcome news as many of my constituents live in such socially and economically deprived communities. Education and training offer young people the opportunity to access better jobs, different life styles and improved health which is why I support the drive to improve the quality of teaching and learning in my local schools.

However, I have concerns that some of the proposals in the White Paper if translated into legislation will not deliver the objectives of improving opportunity and achievement for those very young people. An unintended consequence of the legislation could be to reinforce the existing inequalities and social divide or even make them worse. For example:

- In my constituency if one or more so called “popular schools” enlarged by only one extra form of admission, this could seriously undermine the viability of a school which serves young people from deprived backgrounds. The consequence would be no “local” school to serve the deprived community leaving young people to undertake long journeys to access the “more popular” schools. This could also mean the loss or closure of a school in the centre of a deprived community. Not only would the young people lose out but the whole community would lose a valuable resource and see it concentrated in the more affluent areas.
- The proposal to transport children from deprived communities to schools outside of the area to give them access to a school chosen by their parents could backfire on those children to stigmatise and isolate them from their peers.

I know that my local authority welcomes the proposal to be able to intervene earlier in schools that are failing and that this has been a shortcoming of current arrangements.

I would suggest that the Committee explore these issues with witnesses.

1. Are the proposals about the strategic role of the local authority in school place planning strong enough to protect and promote the aspirations and needs of deprived communities when faced by the traditionally well resourced and argued cases put forward by those more affluent areas?

2. Currently my local authority works hard to achieve efficient and fair admissions to schools in the area and has good and similar relationships with schools whether community, voluntary-aided or foundation. However, in the proposed circumstances where each school is its own “admission authority” (projected to be in the order of 250) there is concern about the local authority's ability to manage in an effective manner. There should be one point of contact in the admissions process and the local authority is strategically placed to be best able to fulfil this role. The Committee should therefore consider the implications for the role of the local authority and the consequential effect on parental aspirations of their children to schools, particularly of those families from deprived backgrounds.

3. Are the rules surrounding the local admission code robust enough to promote the needs of the whole community when faced by an individual school pushing ahead with its own admission policy which runs counter to local needs? I would support a local “statutory” Admissions Code to set the scene for local arrangements and decisions. Currently the Admissions Code is “advisory” and would not stand up to serious challenge by a school intent on flouting the Code.

4. Under the proposed arrangements how will schools and the “education service” be democratically accountable to the local community?

5. To who will “Trusts” be accountable and how will they be held to account by the communities served by the school of which they are the “Trust”?

6. Schools in my constituency are increasingly working together in a “federated” manner which has increased local learning opportunities for pupils and students. This has been achieved through the leadership and goodwill and current head teachers and governing bodies. In a world where schools are encouraged to feel “independent” I am concerned that in the future some schools may desert their commitment to working together and pursue an individual course for themselves to the detriment of families from deprived communities. The Committee should consider whether a “Duty to Co-operate” for schools ought to be included in the Education Bill to complement the provisions in the Childrens Act. The Childrens Act includes a “Duty to Co-operate” on most partners involved in the health and well-being of children but specifically does not include schools!

On “broader” issues:

Leadership is important and many would say vital, in effective and successful schools. It is apparent that there are many head teachers who are excellent leaders, however it is unrealistic to expect that each school will be able to engage an excellent leader. Our local experience and evidence is that when weak governance and poor leadership come together in schools they can be in real difficulties. How can the best leaders be engaged to lead schools and how can those skills be used most effectively across the schools in an area?

December 2005

Replies to questions sent by the Committee to the Department for Education and Skills

General

1. *Which parts of the country are most in need of the benefits that the Government believes will flow from the reforms outlined in the White Paper?*

Our proposals in the White Paper will benefit schools in all regions and local authorities. For example, the measures in the White Paper to tackle school failure earlier are necessary across England; currently there still 333 schools in Special Measures which are spread across all areas of the country (please see attached table in Annex A for breakdown). Furthermore, many of the proposals in the White Paper are enabling and allow Local Authorities and schools to tailor their approach depending on the needs of the community that they are serving. For example, it will be for LAs, as the strategic commissioners of school places, to determine how best they promote choice, diversity and fair access within their areas.

2. *How long is it envisaged that the fully formed new system of schools will take to come into effect? That is, how many years will it take for the impacts of reform to be felt in inner cities and other areas with poor schools?*

In terms of Trust schools, it will be for the governing bodies of individual schools to decide how to make use of the new opportunities available to them as a result of the White Paper—we have not set a target for the numbers of schools that acquire Trusts. The Government has already introduced a fast-track route for community and voluntary controlled secondary schools to become foundation schools, and has consulted on extending this to primary schools. Other changes will come into force when the necessary legislation is in place. The Schools Commissioner will have a key role in ensuring that schools in disadvantaged areas are able to benefit from the reforms, for example by brokering partnerships between trust-formers, local authorities and schools.

Our proposals on personalisation are building on the good practice that already exists in schools; the reforms announced in the White Paper will be phased in over two years from April 2006.

3. *What will be the respective roles of the DfES, the Schools Commissioner, Ofsted, the Audit Commission, the National Audit Office, the Charities Commission and local authorities in regulating aspects of school performance?*

What will be the respective roles of the DfES, the Schools Commissioner, Ofsted, the Audit Commission, the National Audit Office, the Charities Commission and local authorities in regulating aspects of school performance? The Department for Education and Skills will set the overall legislative and policy framework for all schools.

The Schools Commissioner will be a senior Civil Servant within DfES and as such he/she will be carrying out functions on behalf of the Secretary of State. The Schools Commissioner will have a general role in promoting trust schools, including encouraging the spread of good practice between schools. In particular, the Commissioner will support schools wishing to adopt trusts, for example by brokering relationships with suitable partners and providing model documentation to facilitate the formation of trusts.

Ofsted will contribute to improvement and provide accountability through independent inspection and reporting. New shorter, sharper inspections were introduced in September 2005 as part of the New Relationship with Schools. The White Paper proposes that Ofsted should explore the introduction of even lighter touch inspections for high-performing schools. It also proposes that Ofsted should be given powers to investigate complaints from parents.

The Audit Commission as an independent public body responsible for ensuring that public money is spent economically, efficiently, and effectively in the areas of local government will continue to have a role in monitoring the effectiveness of the delivery of school improvement policies. The audit commission are currently writing a report on school improvement issues in areas of deprivation; to be published in the New Year.

The National Audit Office (NAO) will continue to scrutinise public spending on behalf of Parliament, this will include spending on improving school performance by the DFES.

The Charity Commission will have a role in safeguarding the membership and conduct of Trusts. All trusts which hold land and appoint Governors to schools—will by law be charities; this means they will be subject to regulation by the Charities Commission. Trusts, as charities, will have specific charitable objects around improving educational outcomes for all children. All members of trusts will be under a statutory duty, under charity law, to conduct the trust in accordance with its objects. They will not be allowed to make a profit from their relationship with the school, and will have to spend any income they generate or receive only in accordance with their charitable objects.

Charity law provides for the Charity Commission to intervene where there is concern about the misconduct or mismanagement of a charity. The Charity Commission may intervene either in response to complaints from third parties or where a charity's annual reports and accounts give cause for concern. The Charity Commission has wide powers to secure remedies in the event of misconduct or mismanagement, including powers, where appropriate, to suspend trustees and appoint new or additional trustees. These could be used where members of a trust conducted the trust in a way which was inconsistent with its charitable objects or with the interests of the trust's beneficiaries. In addition, as suggested above, regulations could prescribe a range of individuals from acting as members of school trusts on a range of grounds, along the lines of the School Companies Regulations.

Local authorities will be responsible for providing challenge and support to schools through the School Improvement Partner. They will have new powers to intervene early in underperforming schools. They will also be expected to consider radical action when a school is judged to be inadequate by Ofsted.

4. *Please re-present the charts on pages 14 and 15 of the White Paper showing the performance of pupils in schools in the (a) the Core Cities; (b) inner London and (c) England minus the Core Cities and inner London (d) the regions shown separately?*

See Annex B.

Funding

5. *What are the expected average increases in cash funding per pupil for schools in England in 2006–07 and 2007–08 and how do these numbers compare with those in each year since 2000–01?*

We expect there to be an average increase in total funding of £270 per school pupil for 2006–07, followed by a further increase of £280 per pupil in 2007–08. These increases are based on the Dedicated Schools Grant (DSG) guaranteed units of funding for pupils aged 3–15 for 2006–07 and 2007–08 (as announced on 7 December), plus estimates of other specific grants—Standards Fund (SF) and School Standards Grant (SSG)—for pupils in the same age group. The figures are set out in table 1 below:

<i>Table 1</i>	<i>2005–06</i>	<i>2006–07</i>	<i>2007–08</i>
Total DSG, SF and SSG			
Per pupil aged 3–15	3,890	4,160	4,440
Cash difference		270	280
% difference		7.0%	6.7%

The funding methodology for schools and other local authority services is changing between 2005–06 and 2006–07, so except for 2005–06 where an equivalent baseline has been constructed, comparable figures for earlier years are not yet available.

The figures in table 2 below, covering the period 2000–01 to 2005–06 set out all schools related funding, and as explained below, have wider coverage than the figures in table 1 above: copies have previously been placed in the House Library.

<i>Table 2</i>	<i>2000–01</i>	<i>2001–02</i>	<i>2002–03</i>	<i>2003–04</i>	<i>2004–05</i>	<i>2005–06</i>
Funding per pupil aged 3–15 via formula funding and revenue grants (cash terms)	2,940	3,180	3,370	3,690	3,920	4,200
Cash difference		240	190	320	230	280
% Difference		8.2%	6.0%	9.5%	6.2%	7.1%

The figures in table 2 are based on formula funding totals, as used by the Office of the Deputy Prime Minister (ODPM) to distribute grant to local authorities (Education Standard Spending Assessments (SSA) from 2000–01 to 2002–03, and Education Formula Spending Shares (FSS), from 2003–04 to 2005–06), apportioned for pupils aged 3–15.

They include an apportionment of funding for local authority central administration and the Youth Service, which are not included in the figures based on DSG in table 1. These activities will continue to be supported in 2006–07 onwards by a combination of ODPM grant and council tax raised by authorities. The new system introduced for 2006–07 by ODPM means that it is not appropriate to identify a funding total in the same way as in previous years.

As in table 1, table 2 also includes estimated revenue grants for pupils aged 3–15. Around £80 per pupil of the increase between 2002–03 and 2003–04 is accounted for by the transfer of responsibilities that year for the cost of indexing teachers' pensions. The pupil numbers used in the two sets of figures are those used for formula funding in each year, and are not comparable between tables.

6. *Has the Government considered moving to a national funding formula for schools in order that transparency can be achieved in allocations to institutions in different parts of the country?*

The Government believes that decisions on the distribution of funding between schools are best taken at local level. That allows local knowledge of the needs of pupils and local circumstances to be taken into account in funding schools, in a way that would not be possible if all schools were funded directly by central government, through a single national funding formula.

Independence

7. *Why won't all schools have the same freedoms as academies?*

Despite the best efforts and hard work of heads, teachers and others, standards in some of our secondary schools—often those serving our most deprived communities—are still too low. There were still 333 schools in special measures at the end of 2003–04. This tail of underachievement is one of the greatest challenges facing our education system.

We have developed Academies to deal with those areas that have suffered from chronic low standards. Academies are new, independent state schools set up to take on the toughest challenges in secondary education. They are established in disadvantaged areas, either as new schools or to replace poorly performing schools, where other intervention and improvement strategies have failed. They are intended to transform education in areas where the status quo is simply not good enough. To do this, they need to have the freedom to raise standards through innovative approaches to management, governance, teaching and curriculum.

8. *Will pay bargaining be local rather than national for Trust schools?*

Teachers in Trust schools will be covered by the same national arrangements on pay and conditions as currently apply to all other maintained schools. Trusts will be able to apply for additional flexibilities on these matters, as all maintained schools are currently able to do under the Power to Innovate provisions of the Education Act 2002.

Teachers' pay and conditions are not determined through pay bargaining. They are determined by the Secretary of State following recommendations from the independent School Teachers' Review Body (STRB). The Secretary of State sets the remit for the STRB and evidence may be provided by interested parties, including teacher unions and associations and representatives of teacher employers.

9. *Will schools have complete autonomy over discipline and exclusions?*

Schools will be responsible for setting their own school discipline policies and making their own decisions on exclusions. This is already the case for community schools—Trust schools are no different. However they will not be entirely autonomous: for example, they will still be subject to exclusions appeals panel decisions.

10. *Will schools be completely free to join forces and choose the forms in which they co-operate, or will the Government have a role in determining how Trusts and Federations will be constructed?*

We are encouraging schools and other partners to collaborate on a geographic basis—through Federations and Education Improvement Partnerships—in order to deliver higher quality schooling and better services for young people in their local community. We believe that Trusts will be a very helpful tool to enable school collaboration to go ahead.

At one end, a federation—where schools formally share governance arrangements—brings a greater degree of ongoing commitment to partnership working. However, some may decide that informal collaborative working, as part of an Education Improvement Partnership, may be more appropriate.

We see high quality collaboration as an essential complement to the working of strong autonomous schools; indeed, confident schools will want to collaborate with others in their community to deliver a shared agenda to suit local needs and circumstance. Schools could work together to deliver a variety of functions—for example, in the provision of a broader 14–19 curriculum; in the development of childcare and extended services; or behaviour improvement and alternative educational provision.

School leaders will have much autonomy in the development and management of collaborations between schools and their partners. We also believe that local authorities have a key role to play in all of this. They will be able to give school partnerships the support and challenge they need, both as they get started and as they evolve to meet new opportunities.

Trusts will offer a new route for embedding collaboration. A single trust might appoint governors to a number of schools, supporting the leadership and ethos of those schools and spreading good practice across them. In particular, trusts will be able to help co-ordinate the delivery of functions such as curriculum or health and safety across groups of schools.

11. *Who will choose which schools take over failing schools? Will this be controlled by local authorities? Will the Government require local authorities to use private schools as well as or instead of maintained schools?*

Our policy on school failure involves a comprehensive range of options. We expect the majority of schools which fail an Ofsted inspection to recover, and subsequently to do well, without the need for closure or “take over”. But where a school is in chronic failure, there will be an expectation of closure and replacement. While there are other options for replacement, such as “Fresh Start” or Academy status, in more cases the best solution will be for a school to work with a stronger neighbour, possibly via a Trust arrangement. The arrangements will invariably be a matter for local negotiation, consultation and debate, and will naturally involve the local authority. The Government may not be involved in the process unless, for example, the proposal involved a bid for capital funding.

12. *What do you envisage will be the incentives which will persuade headteachers of successful schools to take on “a more significant role leading the local system” (paragraph 2.48)? Will financial inducements be involved? If so will schools be free to spend this extra money as they see fit?*

We envisage that high-performing specialist schools will continue to have the opportunity to take on leading roles to support system-wide improvement. Professionals in those schools will be expected to work in partnership with other schools in the locality to improve standards and pupil outcomes. In 2005, over 100 high-performing schools were offered the opportunity to take on a second curriculum specialism, a vocational second specialism, training school status, or participate in a raising achievement programme. The high performing schools receive funding at £60 per pupil to spend for the benefit of the partnership as a whole.

In addition, there are currently over 200 Leading Edge Partnerships involving up to 1,000 secondary mainstream and special schools. The Leading Edge Partnership programme is aimed at improving outcomes for the lowest attaining pupils in those schools. The programme provides a framework in which schools in a locality are able to collaborate to identify and address joint local learning challenges.

We are also keen to encourage schools, school leaders and other partners to collaborate and to deliver shared services and functions. We will support this through the development of federations and Education Improvement Partnerships (as described above).

We know that rate of school improvement is faster where schools work collaboratively. All schools can benefit from reciprocal support, and by working together, they can share best practice, pool resources and offer a wider range of opportunities to both children and staff. In the closest networks, we are seeing a much wider curriculum choice and a more focused approach to learning and teaching.

There are no plans at present to raise the current pay structures. It is the responsibility of school governing bodies to set salaries within the given pay scales, to reflect the job weight. We do recognise that school leadership is changing which is why we are commissioning an independent review into the roles, responsibilities, structures and reward systems for the leadership group. This will look, among other things, at the pay structure.

13. *What is the current position on schools who wish to vary the curriculum they offer? What are the rules governing such variation, how do schools apply, and how many schools have done so?*

The National Curriculum allows schools considerable flexibility to develop their own curriculum to meet the needs of their pupils and to introduce new approaches to teaching and learning. The emphasis on inclusion aims to secure all learners’ participation and ensures appropriate opportunities for the vast majority to achieve.

But where the full National Curriculum is not the most appropriate route to maximising pupils’ learning and achievement, disapplication of all or part of the National Curriculum, for an individual or a group of pupils, may be considered.

Sections 90 to 93 of the Education Act 2002 provide the legal basis for disapplication. Guidance on disapplication arrangements is contained in our Circular DfES/0076/2003. The Secretary of State's specific approval to disapply is only necessary for applications under section 90—curriculum development work and experiments. In all other cases the headteacher of the school takes the action, informing the local authority, governing body and parents as appropriate.

Schools also have the opportunity to vary their curriculum under the Power to Innovate legislation.

More provision

14. *How will the Government stop local authorities from putting barriers in the way of new providers?*

Local authorities will have new duties on diversity of schools, to increase opportunities for parental choice, and to respond to any representations from parents about the exercise of their duties. In addition, they will be required by law to hold a competition for any new or replacement school unless the Secretary of State agrees that individual proposals may be published. The Schools Commissioner will monitor authorities' performance of these duties, and advise the Secretary of State on the use of her powers where authorities appear to be in breach of their statutory duties.

15. *Who decides which groups will enter the system as school providers?*

Any body or group would be able to bring forward proposals in response to a local authority invitation to bid in a competition for a new school. Any body or group would also be able to apply to the Secretary of State for permission to publish individual proposals. (At present, anyone can publish proposals to establish a new school at any time. In future they will have to seek Secretary of State's consent to publish proposals. This provision is already in the 2005 Act, which deals with secondary schools only, and it is being extended to all schools. The reason is to prevent contestability being circumvented by local authorities making private deals with promoters to support the promoters' proposals rather than holding a competition. It is envisaged that permission would be given where a religious school was proposed, for example, if all local parties were agreed, or where there was agreement for the collaborative re-start of a failing school.) All proposals would go to the local authority for decision (except that in cases where the local authority was itself bringing forward proposals for a new school in competition with others, the proposals would go straight to the Schools Adjudicator). If the Secretary of State gave permission for proposals to be brought forward for a new school without a competition, the promoters would be able to appeal to the Adjudicator if the local authority rejected the proposals.

16. *How will the Government give incentives to new providers in the inner city areas? Will it provide additional funding? Will planning be streamlined?*

Arrangements will be the same in inner city areas as elsewhere. It will be for local authorities to decide on the need for new schools, and to specify in their invitation to bid the community the school is intended to serve, the proposed site and size of the school and its age-range. DfES will arrange for consultancy support to be made available to those bringing forward proposals in response to an invitation to bid in a competition for new schools. The Schools Commissioner will have a role in ensuring that local authorities are responsive to parents' views, and in developing partner interest in trusts to support schools.

17. *Will any local body be able to stop a provider entering the local education market?*

Proposals for new schools will be required to be published in all cases, and any interested parties will be able to make representations about them. In reaching their decision, the decision-maker—either the local authority or the Schools Adjudicator—will be required to take into account any points made about the proposals. The final decision will, however, rest with the local authority in its role as decision maker or, where there may be a conflict of interest, with the Adjudicator.

18. *Does the Government know how many independent schools may be interested in entering the state sector?*

We have not carried out a general survey of independent schools to establish how many are interested in entering the state sector. (Currently, three independent schools are approved to enter the state sector—one Jewish and one Muslim school in 2006 and one Muslim school in 2007.)

We have received representations from the Association of Muslim Schools UK (AMSUK) seeking support for independent Muslim schools wishing to become maintained schools. We have provided a £100,000 grant for them to review their 120+ schools and assess which of them is interested and which are best equipped to make the move. Early indications are that around 20–25 independent Muslim schools may publish proposals to join the state sector by 2008. AMSUK will help those schools prepare their proposals.

19. *How much will it cost to allow independent schools to enter the state sector?*

Currently proposals to establish a new maintained school cannot be considered until capital funding has been secured. The White Paper will make it easier for independent schools to join the maintained sector in their existing premises (provided that these meet the regulations for maintained schools), so they won't be dependent upon securing capital before publishing proposals.

There is a cost associated with each independent school that enters the state sector: pupils that were formerly funded by their parents will attract state funding when the school joins the state sector. How much that cost will be depends on where the school is situated, since each authority receives a different level of

funding per pupil, but the national average Dedicated Schools Grant (DSG) per pupil for 2006–07 is a little over £3,600 and for 2007–08 is just under £3,900. For example, Tauheedal Islam Girls High School, which will enter the maintained sector in April 2006, has approximately 260 pupils, and so will cost just over £1 million per year. This is typical of the size of school that we anticipate will come into the maintained sector over the next few years: the majority of Muslim schools range between 100 and 300 pupils.

In the short term, the extra funding for each new maintained school joining from the independent sector would be found from the central pot of funding for all existing schools, not from individual local authority funds. The units of funding in the WES formula for distributing DSG would be lowered by a very small amount by the accession of each additional school, which will mean that the reduction in funding per pupil will be minimal. For example, the accession of Tauheedal Islam Girls High School to the maintained sector from April 2006 has already been allowed for in allocations of DSG for 2006–07: the effect has been to reduce the national average unit of funding by around 14p per pupil or around 0.004%. In the longer term, the additional pupil numbers in the ex-independent schools would be included in the pupil numbers used by the Department, and could therefore lead to a larger overall quantum of schools funding.

20. *Do you consider that independent schools will value their freedom too much to enter the state sector?*

The decision to join the Maintained sector will lie with individual independent schools. All maintained schools must meet certain irreducible standards—the proposals in the White Paper will not change these.

21. *What is the current situation if Muslim schools wish to join the state sector? How many Muslim schools have expressed an interest in becoming state schools? How many have been successful in this? What are the issues which prevent more schools doing this at present?*

Currently any independent school may publish statutory proposals to establish a school in the maintained sector, if they have the support of parents and the local community and where the school can meet the conditions attached to all maintained schools. If they need capital funding that must be secured before proposals can be considered—normally by applying to the WES for funding as a voluntary aided school or to the local authority as a voluntary controlled or foundation school. Proposals are decided by local School Organisation Committees or the Schools Adjudicator if the Committee cannot reach a unanimous decision.

School Organisation Committees and Adjudicators consider proposals against a range of factors, including their contribution to educational standards and their contribution to community cohesion. To be approved new faith schools must show they will be inclusive, either through their admission policies or through partnership working arrangements with other local schools, and this will continue under the arrangements proposed in the White Paper.

To date nine former independent Muslim schools have published statutory proposals to join the maintained sector; eight have been successful—all since 1997. The one school rejected had not secured the necessary capital funding prior to publishing proposals.

Among the issues that have in the past acted as disincentives to more independent schools joining the state sector are:

- For some religious schools, potential problems with some aspects of the national curriculum.
- Inability to guarantee continued access to the necessary funding to meet VA. schools' 10% capital contribution.
- Inability to secure initial capital support, either because the quality of the bid was not good enough to merit an award; or because there were insufficient funds in the VA targeted capital pot to make an award to all deserving bids. There are no barriers specific to Islamic organisations that might prevent their obtaining DfES funding.
- Lack of support from some local education authorities.

Turnarounds

22. *What will be the process for asking parents if they want the school management changed? Would it be like the grammar school ballot system?*

Under the White Paper proposals, parents who have concerns about leadership and management at their child's school will be able to request that Ofsted investigates their concerns. Such an investigation may, in some cases, result in the school receiving a school inspection.

When a school receives an adverse school inspection report, it is important for there to be good communication with parents, regardless of whether the inspection links to a parental complaint. Parents should be able to influence decisions, particularly when a radical change to the school is being considered. We intend to place a duty on the local authority to set out how it intends to engage parents in its action plan for the school. We will give authorities power to appoint a Parent Champion for this purpose. The Parent Champion, or other suitable arrangements made by the authority, will ensure that parents understand and are able to contribute to the future pattern of their children's education when things have gone wrong with the school.

23. *Please provide a list of all the official agencies and other bodies that might reasonably be expected to provide advice (on request) to parents wishing to set up a new school or to those wishing to change the status of a school?*

The Department for Education and Skills provides advice for the promoters of new schools and for local authorities and governing bodies about making changes to schools. In particular, the Department has published information for bodies that wish to publish proposals to establish new schools or make changes to existing schools on its website www.dfes.gov.uk/schoolorg. Schools and promoters of new schools can also access a Forum area within the website which includes a facility that enables promoters and schools to draft the public notice on-line. Local authorities might also choose to make such advice available.

The Department for Education and Skills has commissioned FASNA—the Foundation and Aided Schools National Association—to provide specific advice to schools considering changing category to foundation.

In future, there will be a duty on local authorities to consider parental representations and be responsive to the views of parents, The Office of the Schools Commissioner—who will be a senior Civil Servant within the Department and will co-ordinate many of the Department's existing functions—will monitor authorities' discharge of this duty and provide advice and support for schools wishing to become trust schools.

24. *Forced federation with a more successful school is proposed as an improvement option for failing schools. Will the more successful school be compelled to participate in this too? If not, how will forced federation be a realistic solution? Have successful schools expressed a willingness to participate?*

No successful school will be forced to participate in a support federation (ie a federation between a weak and a stronger school with the aim of improving the weak school). The participation of the successful school will be a matter for negotiation by the authority. In recent years we have found that many successful schools have been willing partners in federations to support weaker neighbours, and one example of this—Shireland Language College, Sandwell—was described in the Schools White Paper. Many head teachers and governing bodies of excellent schools recognise that, when they have substantial capacity and expertise within their own schools, they have an obligation to share that good practice—provided of course that arrangements can be negotiated which cause no detriment to the strong school.

The policy outlined in the White Paper, to require a school that is failing or at risk of failing to join a federation, is a means of securing compliance from the failing school. Whilst, in practice the weak school will normally co-operate, giving LAs power to force the weak school into a federation will strengthen the arm of authorities where the school is in denial or refusing for other reasons to co-operate.

Local Authorities/Admissions

25. *What exactly will be the influence of a local authority on a local school? Will they have funding responsibility?*

The Government's expectations are summarised in chapter 9 of the White Paper *Higher Standards, Better Schools for All*. Our aim is that the influence of a local authority on a local school will be that of a strategic partner, in:

- development and delivery of the full range of children's services;
- oversight and co-ordination of school admissions and exclusions;
- securing, with the LSC, appropriate learning opportunities for all 14–19 year-olds;
- acting as the advocate of children and their parents;
- preventing and tackling school failure; and
- brokering support from one school to another, and among groups of schools.

The authority also has a responsibility to help to drive up standards in every school, for which it needs to offer support and challenge to the school.

For all of these responsibilities and tasks, local authorities will need to equip themselves with sound analysis of local needs and issues; they will need to be responsive and persuasive with schools and other partners, and they will need to tailor their actions to local circumstances, issues and ways of working. School Improvement Partners (SIPs) will be the key conduit for influence between the authority and the school. The SIP will act as a professional critical friend, providing challenge and support to the school. The SIP will focus on school self-evaluation and agree priorities and targets to improve pupil attainment, attendance and behaviour.

Local authorities will have a key role to play in the new school funding system, to be introduced for 2006–07: they will continue to be responsible for allocating funding between all their maintained—including Trust schools, consulting their Schools Forums, as they do now. In addition, the new arrangements will see a number of decisions that are currently taken by the Secretary of State—for example on changes to an authority's Central Expenditure Limit or changes in the operation of the Minimum Funding Guarantee for cases where it produces anomalous results—left to local discretion, to be decided by local authorities and

their Schools Forums. Local authorities will also be free to top up the Dedicated Schools Grant from their own resources, should they choose to do so. So the new funding arrangements will not result in any lessening of local authorities' ability to act as strategic leaders of their education and children services' functions.

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

26. *Will choice advisers be accountable to the local authority or will they be independent?*

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

27. *Won't an increase in banding impair parental choice? Who determines what a desirable social mix at a school is?*

We believe banding can increase choice for parents in certain circumstances living in areas with poorly performing schools. Less affluent parents are less able to move house, to move closer to a "good" school. Where banding is operated it has two effects—it ensures that schools have an intake that is representative of a wider range of abilities, and it widens the area from which pupils are drawn, breaking the link between housing and being able to get in to a good school.

Banding won't impair choice for parents, since it applies only as one of the means of allocating available places at schools that are oversubscribed. Parents will continue to be able to apply for any school they wish, and these schools will continue to have to admit children while there are any places available. Places will not be able to be kept empty in any band. In areas such as Lewisham, groups of maintained schools operate a common banding process to facilitate a more comprehensive intake to all their schools.

Some have expressed concerns about the effect of banding on local children in rural areas, worrying that it might lead to children travelling long distances. That is why the introduction of banding is not being made compulsory—so that admission authorities can decide what admission arrangements are best suited to their local area.

The admission forum has the responsibility to consider how all local admission arrangements work for parents and children, especially the most vulnerable. This is about equality of access and admission forums should promote admission arrangements which work for all sections of society.

28. *Why is legislation required for banding?*

At present, individual admission authorities must publish, consult on, and seek approval of a statutory proposal if they wish to introduce pupil banding based on the ability profile of applicants for an individual school. This is a lengthy process and can be a disincentive to introducing banding. By removing the legislative requirement to publish statutory proposals, introducing banding will be consulted on as part of the normal process for admission arrangements.

We also intend to allow more flexibility over the types of banding schools may adopt. Schools will be able to band based on the ability profile of:

- children applying to a group of schools working together;
- children living in the local area; and
- the national ability range.

29. *Could disadvantaged pupils be given additional funding to encourage schools to take them?*

The existing system for distributing funding from central government to local authorities takes account of their levels of deprivation; and the formulae that local authorities use to distribute funding to their schools must also take account of the deprivation in their schools. The Government believes that decisions on the division of resources between schools and for pupils are best taken at local level, so as best to take into account local circumstances.

The Government believes that attaching explicit amounts of funding to disadvantaged pupils would add complexity to school funding, and could be bureaucratic. It would certainly cut across the current system and would substitute central determination for local discretion in resource allocation.

There would need to be a national definition of a disadvantaged pupil. If a simple definition is used, the risk is that significant numbers of children will be missed; if a more complex definition is used, there is a risk that the costs of assessing whether children are or are not disadvantaged would escalate. The costs of educating disadvantaged children also vary more significantly than those of educating other children: a flat rate for each child could underfund some children, and over fund others. Such a system could also change significantly the current pattern of resource allocation, which might not be in the best interests of all children.

30. *If banding is introduced more widely, will there be a need for a much more comprehensive school travel system?*

Not necessarily. If a school is oversubscribed, admission criteria must be applied to each band to determine which children should be admitted. There is no reason why proximity to the school couldn't be one of those criteria, as it is at present.

However, if schools choose not to adopt a proximity criterion alongside banding arrangements then there may be transport implications. These will be ameliorated by the proposed extended entitlement to free home to school transport for low income families—to any one of the three nearest suitable secondary schools, where the distance travelled is between two and six miles. Furthermore, pilot schemes will test innovative approaches to home to school transport to support school choice, and increase the proportion of pupils travelling by sustainable means.

31. *If the LA judges that current school provision is of a good standard and no further schools are needed, will this be an acceptable reason for an LA to refuse to open a new school after a parental request?*

The Government intends to issue detailed guidance to local authorities on considering parental requests for new schools. Local authorities will be expected to consider all such requests on a case-by-case basis, taking account of the individual circumstances. In particular, local authorities will need to take account of the diversity of existing provision, and the extent to which this reflects parental demand.

Streaming

32. *Streaming was promised in 1997 in the Labour manifesto—why has there not been more streaming to date? Will schools be genuinely free to set and stream pupils or will Government still direct?*

33. *Why won't schools be allowed to stream in all subject areas?*

Streaming where pupils are assigned to classes on the basis of overall assessment of their general ability and pupils remain in their streamed classes for the majority of subjects; *setting* is the grouping of pupils according to their ability in a particular subject, eg English or mathematics; *grouping* can also include dividing pupils by ability within a mixed-ability class (eg sitting at different tables).

The 1997 Labour Party Manifesto said: “*We must modernise comprehensive schools. Children are not all of the same ability, nor do they learn at the same speed. That means ‘setting’ children in classes to maximise progress, for the benefit of high-fliers and slower learners alike. The focus must be on levelling up, not levelling down.*”

The subsequent White Paper in 1997, “*Excellence in Schools*” then said “*We do not believe that any single model of grouping pupils should be imposed on secondary schools, but unless a school can demonstrate that it is getting better than expected results through a different approach, we do make the presumption that setting should be the norm in secondary schools*”.

To support schools which wish to group by ability, (which includes setting and streaming), we have published case studies, research evidence and, through our National Strategies and Gifted and Talented programmes, issued guidance to schools to consider a range of ability grouping practices to better meet the learning needs of pupils and ensure their progression. We will continue to support schools which choose to use grouping by ability but it will continue to be for schools to decide how and when to set, stream or group pupils—and in which subjects.

The Department of Education and Skills does not collect data on the extent to which schools group, set or stream pupils. In its 2003–04 school inspection cycle, Ofsted noted that of all the lessons which inspectors observed around 10% of Key Stage 2 lessons were set in primary schools; rising to around 36% at Key Stage 3 and 35% at Key Stage 4. However, the overall figures mask large differences between individual subjects: 82% of lessons are set in mathematics and 61% in science, compared with less than 10% in citizenship and PE.

34. *The commitment to state boarding is very small; is this a serious programme or simply a test?*

The commitment within the White Paper is to working with a small number of local authorities and boarding schools to develop protocols for identifying and assessing those children whose needs could best be met by appropriate boarding provision. These small-scale pathfinder projects will cover boarding schools in both the state and independent sectors. As the projects develop, the protocols will be embedded within the needs assessment and commissioning culture of the participating local authorities, who would use

them—only where a careful assessment of a child’s individual needs indicated that this would be beneficial—to apply to place children in vulnerable circumstances in one of the participating boarding schools. The whole process, including individual placements, would be subject to a light-touch evaluation.

It is hoped that the outcome of the pathfinder projects would be a set of guidance and model protocols that the Department can issue to local authorities nationally, to allow authorities to give proper, consistent consideration to possible boarding school placements when considering the range of options available to them for meeting the needs of individual children. The likely number of vulnerable children for whom boarding would be the most suitable option is always going to be relatively small. However, Ministers believe that there is scope for boarding provision to be used in more cases than at present and this has been supported by discussions with the charitable education trusts (who are the current main funders of boarding places for vulnerable children) and the boarding school associations.

November 2005

<i>LEA</i>	<i>Number of schools in special measures LEA</i>
	<i>19 December 2005</i>
Barking and Dagenham	2
Barnet	1
Barnsley	2
Bath and NE Somerset	1
Bedfordshire	1
Bexley	0
Birmingham	6
Blackburn	1
Blackpool	0
Bolton	1
Bournemouth	1
Bracknell Forest	0
Bradford	5
Brent	1
Brighton	1
Bristol	4
Bromley	1
Buckinghamshire	1
Bury	0
Calderdale	0
Cambridgeshire	3
Camden	0
Cheshire	2
City of London	0
Cornwall	3
Coventry	0
Croydon	3
Cumbria	3
Darlington	1
Derby	2
Derbyshire	3
Devon	3
Doncaster	3
Dorset	0
Dudley	1
Durham	0
Ealing	0
East Riding	2
East Sussex	1
Enfield	1
Essex	5
Gateshead	1
Gloucestershire	2
Greenwich	1
Hackney	0
Halton	1
Hammersmith and Fulham	1
Hampshire	4
Haringey	0
Harrow	1

<i>LEA</i>	<i>Number of schools in special measures LEA 19 December 2005</i>
Hartlepool	1
Havering	0
Herefordshire	0
Hertfordshire	2
Hillingdon	3
Hounslow	0
Isle of Scilly	0
Isle of Wight	2
Islington	0
Kensington and Chelsea	0
Kent	7
Kingston Upon Hull	2
Kingston Upon Thames	0
Kirklees	5
Knowsley	0
Lambeth	0
Lancashire	2
Leeds	1
Leicester City	2
Leicestershire	5
Lewisham	1
Lincolnshire	5
Liverpool	1
Luton	1
Manchester	1
Medway	1
Merton	1
Middlesbrough	0
Milton Keynes	0
Newcastle	2
Newham	0
North East Lincolnshire	1
North Lincolnshire	1
Norfolk	5
North Somerset	0
North Tyneside	0
North Yorkshire	1
Northamptonshire	7
Northumberland	0
Nottingham City	0
Nottinghamshire	2
Oldham	2
Oxfordshire	2
Peterborough	0
Plymouth	1
Poole	0
Portsmouth	0
Reading	2
Redbridge	1
Redcar and Cleveland	1
Richmond Upon Thames	0
Rochdale	1
Rotherham	3
Rutland	0
Salford	4
Sandwell	3
Sefton	0
Sheffield	0
Shropshire	2
Slough	0
Solihull	2
Somerset	7
South Gloucestershire	0

<i>LEA</i>	<i>Number of schools in special measures LEA 19 December 2005</i>
South Tyneside	0
Southampton	2
Southend	2
Southwark	3
St Helens	2
Staffordshire	6
Stockport	0
Stockton-on-Tees	0
Stoke-on-Trent	3
Suffolk	1
Sunderland	1
Surrey	7
Sutton	0
Swindon	1
Tameside	0
Telford and Wreakin	2
Thurrock	1
Torbay	0
Tower Hamlets	1
Trafford	1
Wakefield	0
Walsall	1
Waltham Forest	1
Wandsworth	1
Warrington	2
Warwickshire	7
West Berkshire	0
West Sussex	2
Westminster	0
Wigan	2
Wiltshire	3
Windsor and Maidenhead	0
Wirral	0
Wokingham	0
Wolverhampton	0
Worcestershire	6
York	0
Non-maintained	2
Total	229

KEY STAGE 2, PERCENTAGE OF PUPILS ACHIEVING LEVEL 4 OR ABOVE

<i>Government Office Region</i>	<i>2005 (revised)</i>		<i>2004</i>		<i>2003</i>		<i>2002</i>		<i>2001</i>		<i>2000</i>		<i>1999</i>		<i>1998</i>		<i>1997</i>	
	<i>English</i>	<i>Maths</i>	<i>English</i>	<i>Maths</i>	<i>English</i>	<i>Maths</i>	<i>English</i>	<i>Maths</i>	<i>English</i>	<i>Maths</i>	<i>English</i>	<i>Maths</i>	<i>English</i>	<i>Maths</i>	<i>English</i>	<i>Maths</i>	<i>English</i>	<i>Maths</i>
A North East	78	75	77	75	73	73	72	73	74	71							60	61
B North West	80	77	78	75	75	74	75	75	75	72							63	63
D Yorkshire and The Humber	77	74	76	73	73	71	72	72	73	69							60	60
E East Midlands	78	75	77	74	75	72	74	73	74	70							62	62
F West Midlands	77	73	76	72	73	70	72	71	73	68							61	58
G East of England	80	75	78	74	77	73	76	73	76	70							65	62
H London	79	74	77	73	76	71	74	73	75	70							60	59
J South East	79	75	78	74	76	73	76	73	76	70							66	63
K South West	79	75	78	74	75	73	75	73	75	70							65	63