



## BRIEFING PAPER

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# Grammar schools in England

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## Summary

This note provides an outline of the current position relating to grammar schools in England.

Grammar schools select all or most of their pupils based on examination of their academic ability, usually at age 11. There is a general prohibition against state funded schools selecting pupils on the basis of academic ability. Grammar schools that have had selective admissions arrangements in place since the 1997-98 school year are an exception to this and are permitted to continue to select by ability.

The general prohibition against academic selection in state schools prevents the establishment of any new grammar schools. However, existing grammar schools can expand, providing that any expansion onto a new site is a change to an existing school and not a new school. In October 2015, the then Education Secretary approved a proposal from the Weald of Kent Grammar School in Tonbridge to open a satellite site in Sevenoaks.

On 9 September 2016, Prime Minister Theresa May announced that the Government intended to [remove the prohibition on the creation of new grammar schools](#) and to give the 'green light' to the expansion of existing grammars. The Government would consult on proposals:

- Requiring new or expanding grammars to take a proportion of pupils from lower income households, so that selective education is not reserved for those with the means to move into a catchment area or pay for tuition to pass the test; or
- Requiring them to establish a new, high quality, non-selective free school. Requiring them to set up or sponsor a primary feeder school in an area with a high density of lower income households; or
- Requiring them to sponsor a currently underperforming non-selective academy.

The consultation, [Schools that work for everyone](#), was subsequently published on 12 September 2016. The consultation closed on 12 December 2016. A response is expected in spring 2017.

The Chancellor's [Autumn Statement](#) on 23 November 2016 included £50m in funding for the expansion of existing grammar schools, each year from 2017-18 to 2020-21. The [Spring Budget](#) on 8 March 2017 provided £320m for 140 new free schools, some of which would be selective, and included plans to expand free school transport for children from low-income families attending grammar schools.

This note also briefly outlines recent support and opposition to the establishment of new grammar schools, and provides research on the impact of grammar schools. The final section provides a brief history of grammar schools.

Statistics about grammar schools are available in Library Briefing Paper 1398, [Grammar School Statistics](#).

# 1. Current position

## 1.1 Selection of pupils by ability

Grammar schools select all or most of their pupils based on examination of their academic ability, usually at age 11.<sup>1</sup> Section 104 of the *School Standards and Framework Act 1998* provided for the designation of maintained schools as grammar schools where the Secretary of State was satisfied that a school had selective admission arrangements at the beginning of the 1997-98 school year. Selective admission arrangements are defined as arrangements that “make provision for all (or substantially all) of [a school’s] pupils to be selected by reference to general ability, with a view to admitting only pupils with high ability.”<sup>2</sup>

Grammar schools, and schools that have had unchanged partially selective admissions arrangements in place since the 1997-98 school year, are permitted to continue to select pupils on the basis of their academic ability. Selection by ability is prohibited for all other local authority maintained schools, other than for banding and selection to sixth forms.<sup>3</sup> Additionally, a maintained school may select on the basis of aptitude<sup>4</sup> if:

- it used such selection in 1997-98 and has continued to use it since then without significant changes;<sup>5</sup>
- it selects up to 10% of its intake on the basis of aptitude in its specialist area(s), provided that the admission arrangements do not involve any test of ability or any test designed to elicit the pupil’s aptitude for other subjects.<sup>6</sup>

Converter academies that were previously designated as grammar schools or had partially selective arrangements when in the local authority maintained sector can continue to be selective. Apart from these exceptions, under the *Academies Act 2010* all academies must provide for children of different abilities (i.e. be ‘comprehensive’). This means that selective independent schools wishing to become free schools will not be able to select by ability as free schools.<sup>7</sup>

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<sup>1</sup> [Types of school](#), DfE website, last updated 2 Sept 2016

<sup>2</sup> [School Standards and Framework Act 1998](#), section 104

<sup>3</sup> [Education and Inspections Act 2006](#), section 39(1) and [School Standards and Framework Act 1998](#), section 99(2).

<sup>4</sup> Aptitude is not defined in the [School Standards and Framework Act 1998](#). During the Committee Stage of the Bill, the then Schools Minister, Stephen Byers, gave the following distinction between ability and aptitude: “Ability is what a child has already achieved. Aptitude is the natural talent and interest that a child has in a specific subject in other words, the potential to develop a skill or talent. That is the distinction in the Bill. I am pleased to put that on record” ([School Standards and Framework Bill Deb 24 February 1998 c644](#)).

<sup>5</sup> [School Standards and Framework Act 1998](#), section 100

<sup>6</sup> *Ibid*, section 102. Paragraph 1.24 of the [School Admissions Code](#) lists the subjects on which a school may select by aptitude.

<sup>7</sup> Combined effect of sections 1A(1)(c), 6(3) and 6(4) of the [Academies Act 2010](#).

## 1.2 Expansion of grammar schools

### Increasing a school's Published Admissions Number

The general restriction on selection by ability for state funded schools means that no new grammar schools may be created.<sup>8</sup> It is possible, however, for existing grammar schools to expand.

Changes to the [School Admissions Code](#) made in 2012, and retained in the updated December 2014 version, made it easier for schools, including grammar schools, to expand their numbers. One of the changes enabled schools to increase their Published Admission Number (PAN) without the need for consultation.<sup>9</sup> In answer to a parliamentary question on 14 June 2012, Lord Hill of Oareford, then Parliamentary Under-Secretary of State for Schools, explained how these changes related to grammar schools:

The existing legislation that governs the prohibition on the introduction of new selective schools remains in place. The only change that the Government have made since we came in is the ability of schools of all types to expand their number locally in response to parental demand, if they are popular schools, because we are keen to give parents more ability to get their children into local popular schools.<sup>10</sup>

The admissions code applies to academies and free schools as well as local authority maintained schools.

### Expanding a school's premises

On 28 January 2014, the [School Organisation \(Prescribed Alterations to Maintained Schools\) \(England\) Regulations 2013](#) came into force and [accompanying statutory guidance](#) was published by the Department for Education.<sup>11</sup> Under the regulations, governing bodies of all maintained schools can in some cases enlarge the school premises without the need for a statutory process. This applies to grammar schools as to other local authority maintained schools.<sup>12</sup>

Before making any changes, governing bodies must ensure that a number of criteria are fulfilled, including that the admissions authority is content for the published admissions number (PAN) to be changed where this forms part of expansion plans.<sup>13</sup> Expansions that do not require a physical enlargement to the premises of the school are not covered by the regulations. Such an increase in pupil numbers may be

<sup>8</sup> [Education and Inspections Act 2006](#), section 39 and [School Standards and Framework Act 1998](#), sections 99 and 104. Also see [HL Deb 16 February 2012 cVA184-5](#)

<sup>9</sup> Department for Education (DfE), [School Admissions Code](#), December 2014, para 1.3.

<sup>10</sup> [HL Deb 14 Jun 2012 c1415](#)

<sup>11</sup> The [School Organisation \(Prescribed Alterations to Maintained Schools\) \(England\) Regulations 2013](#), SI 2013/3110  
DfE, [Making 'prescribed alterations' to maintained schools](#), subsequently updated April 2016.

<sup>12</sup> *Ibid.*, pp. 7-8

<sup>13</sup> *Ibid.*

achieved solely by increasing the PAN in line with the School Admissions Code.<sup>14</sup>

In the case of community, foundation and voluntary schools, local authorities can also propose that a school's premises be enlarged by following a streamlined statutory process set out in regulations.<sup>15</sup>

Academies wishing to enlarge their premises need to seek approval from the Secretary of State, through the Education Funding Agency (EFA). They are not required to submit a formal business case to the EFA unless the expansion is very large scale or increases pupil numbers to 2,000 or more. Further information is contained in advice published by the Department for Education in March 2016, [Making significant changes to an open academy](#).<sup>16</sup>

### Expanding onto an additional site

Those proposing the expansion of an existing local authority maintained school onto an additional site "need to ensure that the new provision is genuinely a change to an existing school and not a new school".<sup>17</sup> Similarly, [DfE advice](#) states that the expansion of an existing academy onto a satellite site "will only be approved if it is a genuine continuance of the same school."<sup>18</sup>

Guidance published by the Department for Education provides a "non-exhaustive list of factors" to be taken into account when considering proposals to expand a maintained school a satellite site:

#### *The reasons for the expansion*

- What is the rationale for this approach and this particular site?

#### *Admission and curriculum arrangements*

- How will the new site be used (e.g. which age groups/pupils will it serve)?
- What will the admission arrangements be?
- Will there be movement of pupils between sites?

#### *Governance and administration*

- How will whole school activities be managed?
- Will staff be employed on contracts to work on both sites? How frequently will they do so?
- What governance, leadership and management arrangements will be put in place to oversee the new site (e.g. will the new site be governed by the same governing body and the same school leadership team)?

#### *Physical characteristics of the school*

- How will facilities across the two sites be used (e.g. sharing of the facilities and resources available at the two sites, such as playing fields)?

<sup>14</sup> DfE, [Making 'prescribed alterations' to maintained schools](#), subsequently updated April 2016.

<sup>15</sup> *Ibid.*, p. 7

<sup>16</sup> DfE, [Making significant changes to an open academy](#), March 2016, p. 5

<sup>17</sup> *Ibid.*, p. 8

<sup>18</sup> *Ibid.*, p. 7

- Is the new site in an area that is easily accessible to the community that the current school serves?

The purpose of considering these factors is to determine the level of integration between the two sites; the more integration, the more likely the change will be considered as an expansion. Where a LA considers there is a need for a new school to address basic need for school places it must seek proposals to establish a free school under the free school presumption.<sup>19</sup>

The same criteria are listed as being used by the Secretary of State when deciding whether to approve the expansion of academy schools onto satellite sites.<sup>20</sup>

### Ending selective admission arrangements at grammar schools

Sections 104 to 109 of the *School Standards and Framework Act 1998* make provision for parental ballots to determine whether particular grammar schools or groups of grammar schools should retain their selective admission arrangements.<sup>21</sup> A ballot can only be held if at least 20% of eligible parents have signed a petition requesting such a ballot. The detailed arrangements for the ballot are set out in regulations.<sup>22</sup>

Governing bodies of local authority maintained grammar schools may also propose ending the selective admission arrangements at a grammar school by following a statutory process.<sup>23</sup> Information on the stages of the statutory process is provided in Department for Education guidance, [Making 'prescribed alterations' to maintained schools](#).

The procedure for ending selection at a selective academy will be found in the school's funding agreement (contract) with the Secretary of State for Education.

### New funding for grammar school expansion: Autumn Statement 2016

The Chancellor's [Autumn Statement](#) on 23 November 2016 included £50m in funding for the expansion of existing grammar schools, each year from 2017-18 to 2020-21.<sup>24</sup>

## 1.3 Recent proposals for grammar school expansions

In December 2013, two proposals for the establishment of a satellite grammar school in Sevenoaks, one submitted by Weald of Kent Grammar School in Tonbridge and the other by Invicta Grammar School in Maidstone, were rejected by the then Education Secretary, Michael Gove. In the case of the Weald of Kent Grammar School, it was reported that this was because the annex school was planned to be co-educational, whereas the parent school was single-sex. In the case of

<sup>19</sup> DfE, [Making 'prescribed alterations' to maintained schools](#), April 2016, pp7-8

<sup>20</sup> DfE, [Making significant changes to an open academy](#), March 2016, p9

<sup>21</sup> [School Standards and Framework Act 1998](#), sections 104-109

<sup>22</sup> The [Education \(Grammar School Ballots\) Regulations 1998](#), SI 1998/2876

<sup>23</sup> *Ibid.*, p. 21

<sup>24</sup> HM Treasury, [Autumn Statement 2016](#), p44

Invicta Grammar, it was reported that the proposal was rejected because the proposed annex did not serve the parent school's existing community.<sup>25</sup>

In a written ministerial statement on 15 October 2015 the then Education Secretary, Nicky Morgan, stated that she had approved a revised proposal from the Weald of Kent Grammar School to expand onto a satellite site in Sevenoaks. The statement set out some of the reasoning behind the decision and the Secretary of State's view that the proposal represented "a genuine expansion of the existing school":

I have today written to the head teacher at the Weald of Kent Grammar School in Tonbridge, Kent, to confirm that I have approved their proposal to expand on to a new site in Sevenoaks, Kent.

It is this Government's policy that all good and outstanding schools should be able to expand to offer excellent places to local students. The Weald of Kent Grammar School is one of the top performing schools in the country, with 99% of its students achieving five A\*-C grades in GCSE exams in 2014, and 98% of sixth form students achieving at least 3 A-Levels at grades A\*-E.

The Weald of Kent Grammar School submitted a proposal for expansion in 2013. At that stage the then Secretary of State could not approve the proposal as an expansion because the proposal at that time was for a mixed sex annexe when the existing school was single sex. The school submitted a revised proposal in September 2015 under which girls will be educated on both sites alongside a mixed sex sixth form. I am satisfied that this proposal represents a genuine expansion of the existing school, and that there will be integration between the two sites in terms of leadership, management, governance, admissions and curriculum. I am also satisfied that the excellent quality of learning currently delivered will be replicated across the newly expanded school. I welcome the fact that the newly expanded school will better meet the needs of parents in the local area, with 41% of existing pupils at the Weald of Kent Grammar School already travelling from the Sevenoaks area.

The school expects to be able to start educating pupils at its new Sevenoaks site from September 2017.

My decision in this case has been taken on the basis of the proposal from the Weald of Kent, in line with legislation and criteria determining what constitutes an expansion. It does not reflect a change in this Government's position on selective schools. Rather it reaffirms our view that all good schools should be able to expand, a policy which is vital to meet the significant increase in demand for pupil places in coming years. Further applications from good selective schools to expand will continue to be considered within the framework of the statutory prohibition on new selective schools and would have to meet the criteria for being a genuine expansion.<sup>26</sup>

<sup>25</sup> ["Sevenoaks grammar school annexe bids rejected"](#), BBC News, 13 December 2013  
["Plan for new grammar school blocked by Michael Gove"](#), *Daily Telegraph*, 13 December 2013.

["Blow for supporters of selective schooling as Education Department vetoes major expansion of grammar school places in Kent"](#), *Independent*, 13 December 2013.

<sup>26</sup> [HCWS242](#), 15 October 2015

The decision generated a large amount of press comment, both in support of the proposal and in opposition to it.<sup>27</sup> An article in *The Times* reported that, in the light of the decision, work would be resumed on a proposal to expand a grammar school in Buckinghamshire to an additional site in Windsor and Maidenhead. The article stated that a proposal would be submitted “within months”.<sup>28</sup>

In addition, press articles in *The Times* and the *Guardian* on 18 October 2015 reported alleged concerns from lawyers in the Department for Education that it was “touch and go” whether the High Court would view the creation of the Sevenoaks site as an expansion of the Weald of Kent Grammar School or as the creation of a new school. The article in *The Times* stated that opponents of selective education were expected to seek a judicial review within 60 days.<sup>29</sup>

### Education Secretary statement on Weald of Kent Grammar School expansion (October 2015)

On 19 October 2015, the then Secretary of State for Education, Nicky Morgan, made an oral statement<sup>30</sup> in which she set out some of the reasoning behind her decision to approve the application:

The expanded school will be girls only on both sites from 2017, with a co-ed sixth form also on both sites from September 2018. It therefore fully reflects the existing school. It will share leadership, governance, administration arrangements and admissions policies across the school. The school intends to bring all year sevens together for at least half a day a week, and that will extend to all five-year groups as the extended site fills up.

There will be a range of cross-site curricular activities, including in personal, social, health and economic education, languages and music, reflecting the integrated split-site school. In addition, the school will continue to operate a house system that will apply to students regardless of their site location, and this will further secure regular, cross-site learning. New staff contracts will make it clear that staff are expected to work on both sites.

All policies and procedures, including uniform, behaviour and safeguarding, will apply across the newly expanded school. Furthermore, the expansion will meet the needs of the community within the school’s existing catchment area, with 41.6% of current pupils travelling from the Sevenoaks area, as my right hon. Friend the Member for Sevenoaks (Michael Fallon) has tirelessly reminded me.<sup>31</sup>

The then- Education Secretary also emphasised that the Government had “no plans to change their policy on grammar schools” and any

<sup>27</sup> For example, “[Kent grammar decision is 'a bad day for education', says head of nearby school](#)”, *Guardian*, 15 October 2015 and “[Now allow grammar schools nationwide](#)”, *Daily Mail*, 16 October 2015.

<sup>28</sup> “[Second grammar on the way as school speeds up proposal](#)”, *The Times*, 16 October 2015.

<sup>29</sup> “[Minister told new grammar may be illegal](#)”, *The Times*, 18 October 2015 and Nicky “[Morgan 'subverting law' by approving grammar school, says Labour](#)”, *Guardian*, 18 October 2015.

<sup>30</sup> An urgent question was granted, which was subsequently converted into an oral statement in order to allow the Prime Minister to make a statement beforehand.

<sup>31</sup> [HC Deb 19 October 2015 c680](#)

further applications to expand would be “considered on their individual circumstances and merits”.<sup>32</sup>

In response to the statement, then Shadow Education Secretary, Lucy Powell, stated that the creation of the Sevenoaks site constituted the creation of a new school:

The decision to allow a so-called annexe 10 miles from an existing school in a different town is what everybody knows it to be: a new school. As such it will be the first new grammar school to open in more than 50 years. It is also the first test of the School Standards and Framework Act 1998, and as such it warrants proper parliamentary scrutiny. That legislation is clear: no new state-funded grammar school can be opened.<sup>33</sup>

She also called on the Secretary of State to publish the advice she was given and stated that the decision would “open the floodgates” for similar applications.<sup>34</sup> The Secretary of State said in response that there were “no applications sitting on my desk at the moment” and that the Government “do not publish legal advice given to Ministers”.<sup>35</sup>

## 1.4 September 2016 proposals to lift ban on new grammar schools

On 9 September 2016 the Prime Minister, Theresa May, confirmed that the Government intended to lift the long-standing ban on the [creation of entirely new grammar schools in England](#), and to “give the green light” to the expansion of existing grammar schools.<sup>36</sup>

The Government would consult on proposals:

- Requiring new or expanding grammars to take a proportion of pupils from lower income households, so that selective education is not reserved for those with the means to move into a catchment area or pay for tuition to pass the test; or
- Requiring them to establish a new, high quality, non-selective free school. Requiring them to set up or sponsor a primary feeder school in an area with a high density of lower income households; or
- Requiring them to sponsor a currently underperforming non-selective academy.<sup>37</sup>

It was also proposing that existing non-selective schools should be allowed to become selective “in some circumstances”.<sup>38</sup>

In explaining the rationale for the proposals, the Government stressed the need to move toward a more meritocratic system:

We are going to build a country that works for everyone, not just the privileged few. A fundamental part of that is having schools

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<sup>32</sup> *Ibid.*

<sup>33</sup> [HC Deb 19 October 2015, c682](#)

<sup>34</sup> *Ibid.*

<sup>35</sup> *Ibid*, c683

<sup>36</sup> Prime Minister’s Office/ DfE press release, [PM to set out plans for schools that work for everyone](#), 9 September 2016.

<sup>37</sup> *Ibid.*

<sup>38</sup> *Ibid.*

that give every child the best start in life, regardless of their background.

For too long we have tolerated a system that contains an arbitrary rule preventing selective schools from being established - sacrificing children's potential because of dogma and ideology. The truth is that we already have selection in our school system - and its selection by house price, selection by wealth. That is simply unfair.<sup>39</sup>

The press notice also set out other proposals to encourage higher education providers to sponsor under-performing local schools or set up new free schools.

### Consultation

The consultation, [Schools that work for everyone](#), was subsequently published on 12 September 2016. The consultation closed on 12 December 2016.

The consultation's 'case for change' in relation to grammar schools included the following key section:

5. We believe that there is a case for relaxing restrictions on selective education, in order to provide more good school places within the system - whether through the expansion of existing grammars, the creation of new selective schools or through allowing non-selective schools to become selective - in the interests of improving education standards and increasing choice for parents. And we believe that this can and should be to the betterment of, not at the expense of, other local schools - by supporting the creation of new good school places in non-selective schools locally at the same time.

6. This chapter sets out our proposals to increase the number of good school places by lifting the restrictions on selection, but at the same time requiring selective schools to play a greater role in raising standards at other schools. In doing so, we do not propose a re-introduction of the binary or tripartite system of the past or a simple expansion of existing selective institutions. We propose that selective schools should be asked to contribute to non-selective schooling in certain ways, ensuring the expansion of good selective education alongside the creation of new good school places in nonselective schools. We believe that these proposals will make grammar schools engines of academic and social achievement for all pupils, whatever their background, wherever they are from and whatever their ability.<sup>40</sup>

The consultation also stated that the Government would encourage multi-academy trusts to select within their trust:

We will make clear that multi-academy trusts and/or other good or outstanding academies can already establish a single centre in which to educate their "most able" pupils. This centre could be 'virtual' or have a physical location.<sup>41</sup>

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<sup>39</sup> *Ibid.*

<sup>40</sup> Department for Education, [Schools that work for everyone: Government consultation](#), September 2016, p22

<sup>41</sup> Department for Education, [Schools that work for everyone](#), p27

## Education Secretary evidence to Education Committee

On 14 September 2016, the Education Secretary, Justine Greening, gave [evidence to the Education Committee](#) across the range of her responsibilities, including grammar schools.

She set out the following considerations as the basis for the consultation:

**[response to Q260] Justine Greening:** I think the first thing to say is that for the children in grammars, particularly children on free school meals, their progress comes on in leaps and bounds. The grammars are closing the attainment gap that we have between disadvantaged children who are on free school meals and other children and doing a great job of that. They absolutely have something to offer in helping us make sure that children do not get left behind, but if they have been left behind, catch up. The real prize is making sure that they do that, but at the same time play a role bettering other schools around them as well. That is the real prize and that is what we were consulting on, Michelle, because it is important that we get both of those issues addressed.

I suppose what we were saying and why we wanted to raise the debate and kick off the consultation document is we have frozen grammar schools policy literally for decades and it is now time to say we are where we are, but how do we take this forward? Grammars can play a role in driving social mobility, so what is that going to take? Shouldn't we give parents more choice at the same time if that is the kind of school that they want to send their child to?<sup>42</sup>

## 1.5 Spring Budget 2017

### Funding for new selective free schools and a planned schools white paper

On 7 March 2017, the Prime Minister [published an article](#) indicating that, in the coming weeks, the Government would publish a schools white paper which would, alongside other measures, "enable the creation of new selective free schools."<sup>43</sup>

On 8 March 2017, the [Spring Budget](#) announced that the Government would extend the free schools programme with the investment of £320 million during the current Parliament to help fund up to 140 new free schools, which would include selective schools among others.<sup>44</sup>

### Expanded free school transport for grammar pupils

The Budget document stated:

The government wants to ensure that children from disadvantaged backgrounds have every opportunity to access the best possible education, without the cost of transport acting as a barrier. Pupils typically travel nearly three times as far to attend selective schools. The government is therefore expanding the

<sup>42</sup> Education Committee, [Role and Responsibilities of the Secretary of State for Education](#), HC 196. See Q260-271 for fuller discussion of grammar schools.

<sup>43</sup> Prime Minister's Office, [Why I'm giving education a huge boost: article by Theresa May](#), 7 March 2017

<sup>44</sup> HM Treasury, [Spring Budget 2017](#), HC 1025, p42

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current 'extended rights' entitlement for children aged 11 to 16, who receive free school meals or whose parents claim Maximum Working Tax Credit. They will now get free transport to attend the nearest selective school in their area, bringing it in line with free transport provision for those travelling to their nearest school on faith or belief grounds.<sup>45</sup>

A footnote stated that this entitlement would apply to pupils attending a selective school within 2 to 15 miles of their home.

### **School transport rules**

The [gov.uk free school transport website](http://gov.uk/free-school-transport-website) provides information about which children of compulsory school age are eligible for free school transport in England. In short:

All children between 5 and 16 qualify for free school transport if they go to their nearest suitable school and live at least:

- 2 miles from the school if they're under 8
- 3 miles from the school if they're 8 or older

If there's no safe walking route, children must be given free transport, however far from school they live.

#### *Families on low incomes*

If someone receives the maximum Working Tax Credit or their children are entitled to free school meals, they are entitled to free school transport if they are:

- aged 8 to 11 and the school is at least 2 miles away
- aged 11 to 16 and the school is 2 to 6 miles away – as long as there aren't 3 or more suitable schools nearer to home
- aged 11 to 16 and the school is 2 to 15 miles away – if it's their nearest school preferred on the grounds of religion or belief

The proposals in the Budget would add to this list:

- aged 11 to 16 and the school is 2 to 15 miles away – if the school is selective

#### *Children with special educational needs (SEN) or disabilities*

Children are entitled to free transport however far they live from the school if:

- they have a statement of SEN that says the local council will pay transport costs
- they can't walk because of their SEN, a disability or mobility problem

Parents who believe their child may be eligible for free school transport should contact their local council.

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<sup>45</sup> HM Treasury, [Spring Budget 2017](#), HC 1025, p42

## 2. The debate

### 2.1 Support for new grammar schools

Graham Brady, Chairman of the Conservative Party's 1922 Committee, has been quoted as stating that there is "very broad support" within the Conservative Party for selective education. In an [interview](#) with LBC radio on 11 November 2014 the then Mayor of London, Boris Johnson, stated his support for academic selection.<sup>46</sup> The Prime Minister, and Michael Fallon, the Defence Secretary, have previously been [reported](#) as supporting plans for 'satellite' grammar schools in their constituencies.<sup>47</sup>

In November 2014, Conservative Voice launched a [campaign](#) calling for the Conservative Party's 2015 general election manifesto to include a commitment to reverse legislation preventing the creation of new grammar schools.<sup>48</sup> The campaign was [reported](#) to have the support of "at least 70 MPs".<sup>49</sup> The website [stated](#) that "new grammar schools will both enhance social mobility and present parents with choice."<sup>50</sup>

The Conservative Party [Manifesto](#) for the 2015 election did not contain a commitment to establish new grammar schools but stated that the party supported allowing "all good schools to expand, whether they are maintained schools, academies, free schools or grammar schools".<sup>51</sup>

In December 2014, Damian Green wrote an [article](#) in support of grammar schools for ConservativeHome, which argued that it was possible and desirable to create a system of grammar schools that overcame real and perceived criticisms:

The opponents of grammar schools argue that they were always, and are still, only meritocratic on the surface, as statistically they gave places to only a small proportion of those on free school meals. The modern figures, at a time when we have very few grammar schools which are heavily concentrated in certain areas of the country, are as a result not representative. They mostly reflect the social composition of those areas (notably Kent and Buckinghamshire) in which the grammar schools have survived. And the older figures reflect a society which was more stratified, and in which indeed some working class parents refused to send their children to the local grammar school even if they had qualified, on the ground that they would not fit in. Thankfully, we have moved on from that.

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<sup>46</sup> Cited in the *Guardian*, '[Boris Johnson gives backing to grammar schools](#)', 11 November 2014.

<sup>47</sup> "First grammar school for a generation: Theresa May sends strong message by backing plans to create 'satellite' selective school in her constituency", *Daily Mail*, 7 November 2014.

<sup>48</sup> "[First new grammar school for 50 years likely to win approval](#)", *Daily Telegraph*, 7 December 2014.

<sup>49</sup> "[Conservative Voice's Campaign for Grammar Schools](#)", Conservative Voice, 28 November 2014.

<sup>49</sup> "[Tory MPs resurrect grammar school 'albatross'](#)", *Financial Times*, 5 December 2014 (log-in required).

<sup>50</sup> "[Conservative Voice's Campaign for Grammar Schools](#)", Conservative Voice, 28 November 2014.

<sup>51</sup> [Conservative Party Manifesto 2015](#), p34

The ideal set-up for new grammar schools (and let's maybe create a different name for academically focussed schools) would be for them to be established to attract pupils from a wider area than before, whether across a city or rural area. This would prevent the creation of sink schools in an individual area, because the grammar school would be attracting its pupils from a number of different catchment areas. So there would not be a binary divide in a local area, but a widening of the choice available across, for example, a whole city. Comprehensives would survive in this system, catering for parents who preferred their children to attend this type of school.<sup>52</sup>

The UKIP [Manifesto](#) for the 2015 general election included a commitment to "give existing secondary schools the opportunity to become grammar schools."<sup>53</sup>

In July 2016, Graham Brady published an [article](#) in support of ending the ban on new selective schools. Mr Brady stated:

Progress in state schools in recent years has come from a readiness to promote more diverse provision, to trust schools and head teachers with more freedom and to allow new types of schools to flourish.

Against this backdrop, it has increasingly jarred that a Conservative government maintained New Labour policies. If we believe in choice and variety in education and we are driven only by what works, how can we maintain the statutory ban on new selective schools?<sup>54</sup>

It was also [reported](#) in July 2016 that the activist group [Conservative Voice](#) would be restarting their campaign in support of new grammar schools, and that they would have the support of more than 100 Conservative MPs.<sup>55</sup>

## 2.2 Opposition to new grammar schools

The Labour Party has set out its opposition to new grammar schools. The Shadow Education Secretary, Angela Rayner, has [written](#) in opposition to grammar schools, citing the low numbers of poorer children attending grammar schools, and stating that the nationwide grammar school system ended by Labour in the 1960s "sowed division in our society, left too many young children feeling second best, and put a cap on aspiration, ambition and opportunity for millions."<sup>56</sup> In her [speech to the Labour Party conference](#) in September 2016, Angela Rayner said that she would "fight, with every breath in my body, against [the Prime Minister's] new grammar schools."<sup>57</sup>

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<sup>52</sup> ConservativeHome, "[Damian Green MP: Why it's time to create new grammar schools](#)", 9 December 2014

<sup>53</sup> [UKIP Manifesto 2015](#), p30

<sup>54</sup> "[Time to end the ban on grammar schools](#)", *Telegraph*, 19 July 2016

<sup>55</sup> "[100 Tory MPs back scrapping the ban on new grammar schools](#)", *Telegraph*, 23 July 2016

<sup>56</sup> "[The Tories are harking back to a mythical 'golden age' of grammar schools](#)", Labour Uncut, 26 July 2016; see also "[Theresa May must ignore the Tory grammar school pleas if she wants to be truly One Nation](#)", *Telegraph*, 8 August 2016

<sup>57</sup> Schools Week, [Angela Rayner: Full text of Labour Conference 2016 speech](#), 27 September 2016

Tim Farron has [stated](#) that the Liberal Democrats would oppose changing the law to allow new selective schools.<sup>58</sup>

The Green Party has set out its [opposition to the plans](#).<sup>59</sup>

In a [speech to London Councils](#) on 5 September 2016, outgoing Ofsted Chief Inspector, Michael Wilshaw, said that the claim that a return to grammar schools would benefit poor pupils was “palpable tosh and nonsense” and would be a “profoundly retrograde step that would actually lead to overall standards sliding back, not improving”.<sup>60</sup>

The Joseph Rowntree Foundation also set out opposition to the proposals, stating that “bringing back grammar schools may be popular with some, but it won’t increase opportunity for those who need it most.”<sup>61</sup>

In its [State of the Nation report](#) published in November 2016, the Social Mobility Commission recommended that the Government rethink its proposals to permit new grammar schools, stating that the focus on grammars was:

...at best, a distraction and, at worst, a risk to efforts aimed at narrowing the significant social and geographical divides that bedevil England’s school system. The Commission is not clear how the creation of new grammar schools will make a significant positive contribution to improving social mobility.<sup>62</sup>

In 2007, the then shadow Education Secretary David Willetts gave a [speech](#) to the CBI where he stated that grammar schools were “no longer the vehicles for progress for bright children from poor backgrounds that they probably used to be”.<sup>63</sup>

## 2.3 Grammar schools and disadvantaged pupils

The impact of grammar schools on disadvantaged pupils and social mobility is an area of debate between supporters and opponents.

### Coalition Government comment

In a speech on 19 June 2014 the then Schools Minister, David Laws, called on grammar schools to be more open to disadvantaged pupils and stated that he wanted all grammar schools to give preference to pupil premium pupils in their admissions.<sup>64</sup>

<sup>58</sup> “[Tim Farron pledges to block any Tory attempt to create grammar schools](#)”, *Guardian*, 3 August 2016

<sup>59</sup> Green Party, [Green Party warns Theresa May’s Grammar School Plan would brand many young people as failures](#), 8 August 2016

<sup>60</sup> [Sir Michael Wilshaw’s speech at the London Councils education summit](#), 5 September 2016

<sup>61</sup> Joseph Rowntree Foundation, [Bringing back grammar schools won’t increase opportunity for those who need it most](#), 12 September 2016

<sup>62</sup> Social Mobility Commission, [State of the Nation 2016: Social Mobility in Great Britain](#), November 2016, p viii

<sup>63</sup> “[Willetts speech: in full](#)”, BBC News, 16 May 2007

<sup>64</sup> ‘[David Laws speech on grammar schools](#)’, Gov.uk, 19 June 2014.

Similarly, in response to a parliamentary question on 1 July 2014, Lord Nash, Parliamentary Under-Secretary of State for Schools, stated that:

The Government is committed to closing the attainment gap between disadvantaged children and their peers. Grammar schools and the highest performing non-selective schools currently have some of the lowest representations of children eligible for free school meals in England. We want to encourage all high performing schools, including grammar schools to do more to attract and support disadvantaged children.<sup>65</sup>

**Parliamentary Office of Science and Technology briefing:  
Academic evidence**

In December 2016, the Parliamentary Office of Science and Technology published a briefing on [Academic Evidence on Selective Secondary Education](#). The briefing stated that, among other findings:

- Historic and current data show that children who are eligible for Free School Meals (FSM) are less likely to attend a grammar school than children who are not eligible for FSM. This is the case even when comparing only those pupils who achieve similar high levels in English and Maths at the end of primary school. Research suggests that this is because children from poorer backgrounds have less access to economic, social, and cultural resources, such as high-quality primary school education and private tuition, which help children to perform well at school and prepare for entrance exams.
- Academic attainment at GCSE level is on average higher for pupils attending grammar schools than for pupils who attend other types of school. When comparing pupils who achieved similar high levels in English and Maths at the end of primary school, most studies report a statistically significant but modest difference.
- To understand the impact of academic selection on pupil attainment it is important to also look at outcomes for the majority of pupils who did not get into grammar school in a selective area. When comparing pupils who achieved similar levels at the end of primary school, available studies report that academic attainment at GCSE level is on average lower for pupils in selective areas who attend non-grammar schools than for pupils in nonselective areas. This finding is statistically significant but very modest.
- Differences in outcomes for pupils attending grammar school and those attending non-grammar schools in selective areas may be due in part to the quality of teaching and peer effects (i.e., the impact of average peer ability on own ability).
- One study looked at social mobility and found that the selective education system as a whole does not improve social mobility for children who were born into any particular income bracket or social class.

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<sup>65</sup> [PQ HL723 \[on grammar schools\], 1 July 2014](#)

- Available evidence from England and international comparisons using PISA data suggests that selective education systems widen educational inequality.<sup>66</sup>

### **Sutton Trust**

The Sutton Trust [published research](#) in December 2016 which stated that students from families on below average incomes (those 'Just About Managing'), were significantly under-represented at grammar schools. The research also found:

- Disadvantaged white British children enter grammar school at the lowest rate of any major ethnic group;
- While there have been modest increases in the rate of grammar entry for disadvantaged black children and white non-British over the past five years, the rate of white British entry has not improved;
- High proportions of grammar school pupils come from the independent primary school sector, at roughly double the rate that might be expected;
- Much of the higher pupil achievement at grammar schools is attributable to high levels of prior attainment of the pupils entering grammars, and that highly able pupils achieve just as well in top comprehensives as they do in grammar schools.<sup>67</sup>

In 2013, the Sutton Trust published [research](#) on the entry of disadvantaged pupils into English grammar schools which highlighted low numbers of children on free school meals attending the schools:

Research into grammar schools admissions reveals that that 2.7% of entrants to grammar schools are entitled to free school meals, whereas 12.7% of entrants come from outside the state sector, largely from independent schools.<sup>68</sup>

### **Durham University research**

Durham University researchers [published findings](#) in December 2016, using the 2015 school cohort, stating that "results from grammar schools are no better than expected" once social stratification (such as poverty, ethnicity, language, special educational needs) is taken into account.<sup>69</sup>

### **Education Datalab briefing**

In September 2016, Education Datalab published a [briefing note on grammar schools](#) that drew on the performance of four local authorities with some of the largest numbers of grammar schools: Kent, Medway, Buckinghamshire and Lincolnshire.

The analysis found that:

- Academic selection creates winners and losers: children at grammar schools make more progress than they otherwise would,

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<sup>66</sup> Parliamentary Office of Science and Technology, [Academic Evidence on Selective Secondary Education](#), 16 December 2016

<sup>67</sup> Sutton Trust, [Gaps in Grammar](#), 9 December 2016

<sup>68</sup> Sutton Trust, [Poor Grammar: Entry Into Grammar Schools Disadvantaged Pupils In England](#), 8 November 2013

<sup>69</sup> Durham University, [Grammar schools in England : a new approach to analysing their intakes and outcomes](#), 5 December 2016

whereas children at non-selective schools in selective areas make less progress than they otherwise would;

- Grammar schools attract more experienced staff;
- Poor children are less likely to get in to grammar schools, and this would be very difficult to change without loosening requirements to such an extent that the schools might no longer be seen as selective;
- Academic selection increases inequalities in outcomes<sup>70</sup>

### Education Policy Institute

In September 2016, the Education Policy Institute published a report on the [impact of grammar schools on social mobility](#). The following is drawn from the EPI's summary of its findings (emphasis in original):

1. Once prior attainment and pupil background is taken into consideration, **we find no overall attainment impact of grammar schools, either positive or negative.**
2. Pupils **who are eligible for free school meals (FSM), a proxy for disadvantage, are under-represented in grammar schools.** Only 2.5 per cent of grammar school pupils are entitled to FSM, compared with an average of 13.2 per cent in all state funded secondary schools.
3. **We do not find a significant positive impact on social mobility.** The gap between children on FSM (attaining five A\*-C GCSEs, including English and Maths) and all other children is actually wider in selective areas than in non-selective areas – at around 34.1 per cent compared with 27.8 per cent.
4. An expansion of grammar schools in areas which already have a large number of selective schools could lead to lower gains for grammar school pupils and small attainment losses for those not attending selective schools – losses which will be greatest amongst poor children.
5. If you compare high attaining pupils in grammar schools with similar pupils who attend high quality non selective schools, there are **five times as many high quality non selective schools as there are grammar schools.**
6. Other interventions to raise school standards and attainment have proven to be more effective than grammar schools in raising the attainment of disadvantaged pupils. The Labour **sponsored academies programme has had a more positive impact on the attainment of disadvantaged pupils compared with the present grammar school system.**<sup>71</sup>

[Further analysis](#) published by the EPI in December 2016 stated that it was difficult to identify areas for grammar school expansion that would avoid damage to pupils who did not access the new selective places.<sup>72</sup>

### Institute for Fiscal Studies

In September 2016, the IFS published an article setting out some key evidence on [grammar schools and social mobility](#):

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<sup>70</sup> Education Datalab, [Research briefing: Grammar schools](#), September 2016

<sup>71</sup> Education Policy Institute, [Grammar schools and social mobility](#), 23 September 2016

<sup>72</sup> Education Policy Institute, [Grammar schools and social mobility – further analysis of policy options](#), 12 December 2016

- Entrants to current grammar schools are four times as likely to have been educated outside of the state system than to be entitled to free school meals despite the fact that across the population at least six times as many 11-12 year olds are entitled to free school meals than were previously educated outside the state system.[...]
- There is robust evidence that attending a grammar school is good for the attainment and later earnings of those who get in. But there is equally good evidence that those in selective areas who don't pass the eleven plus do worse than they would have done in a comprehensive system.[...]
- There are benefits from a selective system for those who make it into selective schools. Expanding grammar schools may thus be a way of improving the educational achievement of the brightest pupils and there is clear evidence that this is an area where England lags behind other countries. However, those who don't get into grammar schools do worse than in a comprehensive system. Is there a way of getting the benefits without the costs? [...]

Grammar schools therefore seem to offer an opportunity to improve and stretch the brightest pupils, but seem likely to come at the cost of increasing inequality. Inner London, by contrast, has been able to improve results amongst the brightest pupils and reduce inequality. This suggests that London schools probably offer more lessons on ways to improve social mobility than do grammar schools.<sup>73</sup>

### Chris Cook articles

In an [article](#) in the Financial Times in 2013, the journalist Chris Cook analysed evidence from areas of England where selective schools remain in place, and concluded that “the net effect of grammar schools is to disadvantage poor children and help the rich.”<sup>74</sup> [Revisiting](#) the subject for the BBC in 2016, Cook stated that:

There is no aggregate improvement in results in areas that are selective. The most important change is a clear distributional shift in *who* does well. In short, the minority of children streamed into the grammars do better. The remaining majority of children - who are not educated in grammars - do slightly worse. [...]

What about the argument that grammar schools are good for social mobility? They offer, the argument goes, a private-standard education to families who cannot afford fees. But there is a serious problem with this argument: it is children from poorer backgrounds who are most likely to be dropped by the selection process.<sup>75</sup>

### Policy Exchange

The think tank Policy Exchange posted an [article](#) in December 2014 in opposition to a return to grammar schools, which maintained that the claims made in the schools' favour about social mobility are not true, with non-attendees left behind in terms of grades and earnings in later

<sup>73</sup> Institute for Fiscal Studies, [Can grammar schools improve social mobility?](#), 12 September 2016

<sup>74</sup> “[Grammar school myths](#)”, *Financial Times*, 28 January 2013

<sup>75</sup> “[Why not bring back grammar schools?](#)”, BBC News, 14 July 2016

life, and the lower numbers of poor students attending grammar schools meaning that “it is undeniably the poor who are losing out.”<sup>76</sup> The article continued:

So selection is undeniably not an answer in policy terms. [...] The answer, as Michael Gove and Nicky Morgan have both rightly argued, is to concentrate, single mindedly and without brooking opposition, on supporting schools that can lift standards for all, regardless of background.<sup>77</sup>

### **Institute for Social and Economic Research**

A 2014 [study by the Institute for Social and Economic Research](#) (ISER), analysing the progress of grammar school children from Aberdeen in the 1950s, found that:

[...] looking at the long-run impacts of the grammar school system on borderline 11-plus passers has found grammar school girls go on to earn 20 per cent more and have significantly fewer children. Grammar-educated boys were more likely to reach A' levels but otherwise saw no real advantage in wages by the age of 50. [...]

The research found that for girls, grammar school led to an average of almost one whole additional year of full-time education, increasing their chances of getting A' levels by almost 25 per cent. Grammar school education led to a 20 per cent increase in gross income, a 10 per cent increase in wages and a significantly decreased fertility rate, by an average of 0.5 children per family.

Men who attended grammar school had more than one year additional full-time education, and doubled the probability of receiving a degree, but the data shows no bearing on their income, wages or fertility by the age of 50. This was possibly a result of the fact that by being selected into a grammar school some men pursued academic qualifications rather than gaining on-the-job experience through trade apprenticeships.<sup>78</sup>

### **David Jesson, University of York, review of grammar schools**

Professor David Jesson, in his 2013 [review](#) of grammar schools in England, stated that the impact of grammar schools on disadvantaged pupils is an issue which has:

...elicited substantial academic research and partisan publication over the past thirty years – but with no conclusive finding justifying one position over another.

[...]

What it has done, however, has been to fuel a debate about the role of Grammar schools in ‘enhancing the life chances of bright, but less advantaged pupils’.<sup>79</sup>

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<sup>76</sup> “[5 reasons why a return to grammar schools is a bad idea](#)”, Policy Exchange, 5 December 2014

<sup>77</sup> *Ibid.*

<sup>78</sup> Institute for Social Economic Research, [The lifelong impact of 11 plus success](#), April 2014

<sup>79</sup> Professor David Jesson, [The Creation, Development and Present State of Grammar Schools in England](#), November 2013, p7

## 2.4 Grammar school statistics

Statistics about grammar schools, including the characteristics of grammar school pupils are available in Library Briefing Paper 1398, [Grammar School Statistics](#).

## 2.5 Education Committee report (February 2017)

In February 2017, the Commons Education Committee published its report [Evidence Check: Grammar Schools](#), which analysed the evidence base for the proposed expansion of grammar schools in England.<sup>80</sup> The Committee's report recommended that:

- The Government's proposals should take account of the needs of the UK economy for a broadly skilled workforce, recognising that generally technical specialisation occurs later in a student's education;
- The Government should demonstrate how the policy would close the attainment gap within the school system;
- The Government should consider the consequences of the proposals for school funding, the supply of teachers, and the overall health of schools in England.<sup>81</sup>

The Committee also questioned whether the admissions criteria for grammar schools could be made fair:

If, as the Minister suggested, a tutor-proof test is a 'holy grail', selection tests should not be the only basis on which admissions to grammar schools are based. The Government has yet to demonstrate how an admissions system could be designed in a manner which would be immune to gaming, or being reduced to the ability to pay.<sup>82</sup>

The Committee Chair, Neil Carmichael, stated that:

The focus on opening new grammar schools is, in my view, an unnecessary distraction from the need to ensure all our young people are equipped with the skills to compete in the modern workplace.<sup>83</sup>

## 2.6 Westminster Hall debate on grammar school funding

On 13 January 2015 a [Westminster Hall debate](#) was held on grammar school funding. Opening the debate, Sir Edward Leigh stated that the channelling of school funding to disadvantaged pupils and those with low prior attainment had "adversely affected grammar schools disproportionately in comparison with other state schools".<sup>84</sup> He additionally argued that the equalisation of funding for further

<sup>80</sup> Education Committee, [Government must show new grammars close attainment gap](#), 13 February 2017

<sup>81</sup> Education Committee, [Evidence check: Grammar schools](#), HC 780, 13 February 2017, pg 18

<sup>82</sup> Ibid.

<sup>83</sup> Education Committee, [Government must show new grammars close attainment gap](#), 13 February 2017

<sup>84</sup> [HC Deb 13 January 2015, c191WH](#)

education colleges and schools<sup>85</sup> had particularly impacted on grammar schools:

Although it has applied across schools, it has affected grammar schools, because almost all of them have sixth forms that comprise a much larger proportion of their total population than other schools.<sup>86</sup>

Responding to the debate Nick Gibb, Minister for School Reform, argued that it was important that funding continued to be channelled towards disadvantaged pupils and those with low prior attainment:

Given that grammar schools select their intake on the basis of ability, they are by definition unlikely to have pupils who have attained poorly in the past, so they are unlikely to qualify for that element of the local funding formulas. The purpose of low prior attainment funding is to ensure that as many young people as possible leave school with the right knowledge and skills to be able to succeed in adult life and in modern Britain. For a strong economy and society, it is important that we continue to target funding towards pupils who are not on track to do that.

Equally, grammar schools are less likely than other schools to have large numbers of pupils from poorer backgrounds, including pupils eligible for free school meals. Local authorities have to use a deprivation factor in their local formulas, meaning that schools with higher numbers of such pupils will receive additional funding. The evidence is clear that economic disadvantage remains strongly associated with poor academic performance.<sup>87</sup>

With regards to sixth forms, the Minister stated:

My hon. Friends are right that we have ended the disparity between school sixth forms and colleges. By August 2015, schools and colleges will be funded at the same level for similar programmes. However, there has been some mitigation—transition funding so that schools do not suffer abrupt changes to their funding straight away. We fund all 16-to-19 providers for study programmes of 600 hours per year for full-time students. That is sufficient for a study programme of three A-levels plus one AS-level, and up to 150 hours of enrichment activities, over a two-year study programme. There should be no need to cut those extra-curricular activities, which are such an important part of a rounded school education. In addition, as has been mentioned, we have, in 2013-14, increased the rate for larger programmes of study. For students who are studying four A-levels, the school will receive an extra £400 per pupil, and for those who are studying five A-levels, the school will receive an extra £800.<sup>88</sup>

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<sup>85</sup> For more information on the equalisation of funding between further education colleges and schools see Library Standard Note SN/SP/07019, [Issues around the funding of 16-19 education](#), section 3.3.

<sup>86</sup> HC Deb 13 January 2015, c192-3WH

<sup>87</sup> HC Deb 13 January 2015, c192-3WH

<sup>88</sup> *Ibid*, c214WH

## 3. A brief history of grammar schools

### 3.1 The Education Act 1944

Grammar schools, secondary modern schools and technical schools formed what was known as the tripartite system, which arose from the interpretation of the *Education Act 1944*.<sup>89</sup> Grammar schools provided admission to children on the basis of their ability and offered an academic education. Selection was usually made at the end of primary school in the form of the 11 plus examination. Secondary moderns provided a more general education with an emphasis on more practical subjects.<sup>90</sup> Technical schools provided a more general education but with a focus on technical subjects. The latter never existed in large numbers.<sup>91</sup>

Grammar schools had existed long before the 1944 Act, but their status was similar to that of a current independent school. State support was extended to the 'new' grammar schools in the early 20th century, which effectively created a class of maintained grammar schools. Alongside these were direct grant grammar schools which received public funding to pay the fees of pupils from state primary schools that had to make up at least 25% of their places. Very few of these schools did not charge fees.<sup>92</sup>

### 3.2 1960s and 1970s

In 1960, less than 5% of the secondary school population was educated in comprehensive schools. Shortly after the 1964 general election, which returned Harold Wilson to power, the new Secretary of State for Education and Science, Michael Stewart, announced "that it was the Government's policy to reorganize secondary education along comprehensive lines."<sup>93</sup> Implementation of this policy, by Stewart's successor, Anthony Crosland, took the form of a circular, 10/65, requesting local education authorities (LEAs) to reorganise secondary education on comprehensive lines, rather than legislation requiring them to do so. By the end of the 1960s there were over 1,300 comprehensive schools that were educating nearly one third of secondary school age pupils.<sup>94</sup>

Circular 10/65 was withdrawn in 1970 by Circular 10/70, which reaffirmed the then Conservative Government's intention to allow individual LEAs to determine the shape of secondary education (selective or comprehensive) in their areas.<sup>95</sup> This was, in turn, withdrawn in 1974

<sup>89</sup> Michael Sanderson, *Technical School Education in England 1900-1990s*, 1994, p129

<sup>90</sup> Richard Aldrich (ed.), *A Century of Education*, 2002, p42-3

<sup>91</sup> *Ibid*, p42

<sup>92</sup> [Grammar school statistics](#), Commons Library Standard Note SN/SG/1398, 20 May 2013, p2

<sup>93</sup> Clyde Chitty, *Education Policy in Britain*, 2009, p29

<sup>94</sup> Richard Aldrich (ed.), *A Century of Education*, 2002, p43

<sup>95</sup> Brian Simon, *Education and the Social Order 1940-1990*, p408

by Circular 4/74, which restated the succeeding Labour Government's objectives of ending selection at 11 plus and moving to a fully comprehensive system. The circular looked to authorities "to secure the effective execution of this policy" under the "control and direction" of the Secretary of State.<sup>96</sup>

The *Education Act 1976* sought to lay down the general principle of comprehensive education by empowering the Secretary of State to "call for proposals" from LEAs "to complete reorganisation" where they felt this was needed.<sup>97</sup> However, this was repealed in 1979 by the new Conservative Government's *Education Act 1979*, which removed the compulsion on LEAs to reorganise on comprehensive lines. Following the passing of the 1979 Act some authorities, including Essex and Kent, withdrew proposals submitted under the 1976 Act to go comprehensive and proposed to retain their existing divided systems.<sup>98</sup>

During the 1960s and 1970s many grammar schools avoided closure or merging with comprehensives by moving to another local area with a different LEA or by challenging, through section 13 of the *Education Act 1944*, LEA proposals to reorganize particular schools.<sup>99</sup> Nevertheless, their number decreased significantly, from 1,298 in 1964 to 675 in 1974 and 261 in 1979. The fastest period of decline was the 1970s.<sup>100</sup>

### 3.3 The Conservative Governments 1979-1997

During the 1980s and 1990s there was debate about whether local authorities should be made to reorganise comprehensive schools and whether the Conservative Government should encourage more grammar schools.

In response to a written parliamentary question in January 1992, the then Secretary of State, Kenneth Clarke, stated that the Government supported diversity and choice in schooling and did not intend to impose any particular structure:

The Government do not intend to impose any particular organisational pattern for schools. I believe in a diversity of provision of schools and I am ready to consider any application for change of character of school put forward by a local education authority for a maintained school or the governing body of a voluntary-aided or grant-maintained school. I will consider each application for a change of character from comprehensive to selective entry on its individual merits.<sup>101</sup>

In February 1992, Mr Clarke was reported as saying that he had "no objection to the re-emergence of grammar schools" and would have

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<sup>96</sup> *Ibid*, p432

<sup>97</sup> *Ibid*, p440

<sup>98</sup> *Ibid*, p474

<sup>99</sup> Richard Aldrich (ed.), *A Century of Education*, 2002, p44

<sup>100</sup> [Grammar school statistics](#), Commons Library Standard Note SN/SG/1398, 17 December 2014, p3.

<sup>101</sup> HC Deb 28 January 1992 c509W

"no problem" with one grant-maintained school in ten becoming a grammar school.<sup>102</sup>

Shortly after the 1992 general election the new Education Secretary, John Patten, stated in response to a parliamentary question that there would not be any change in policy and the Government did not intend to impose any particular organisational pattern for schools:

We have consistently made it clear that the Government do not intend to impose any particular organisational pattern for schools. It is, in the first instance, for local education authorities and school governors to establish the organisation most appropriate for their area, in the light of local needs and the wishes of parents and the community.

We firmly believe in a diversity of provision of schools and in maximising choice for parents. We are ready to consider any application for a change in a school's character put forward by a local education authority or by the governors of voluntary schools or grant-maintained schools.<sup>103</sup>

In 1996, Gillian Shephard, the then Education Secretary, promised options for allowing more selection at 11 and echoed the then Prime Minister in agreeing that the proposals might result in "a grammar school in every town."<sup>104</sup> The subsequent white paper, *Self-Government for Schools*, was published in June 1996. It reiterated the policy of providing a greater choice of schools, including selective schools:

The Government wants parents to be able to choose from a range of good schools of different types, matching what they want for their child with what a school offers. This choice should include schools which select by academic ability, so that the most able children have the chance to achieve the best of which they are capable.<sup>105</sup>

The *Education Bill 1996-97* included proposals to give schools greater powers to select pupils by ability. However, the relevant clauses were dropped from the version of the Bill that received Royal Assent before the 1997 General Election.<sup>106</sup>

The 1997 Conservative Party manifesto promised that a Conservative Government would "help schools to become grammar schools in every major town where parents wanted that choice."<sup>107</sup> The Labour Party's manifesto stated that a Labour Government would "never force the abolition of good schools whether in the private or the state sector"

<sup>102</sup> "[Clarke points to comeback of the grammar school](#)", *The Times*, 3 February 1992, p1 (log-in required). Grant-maintained schools were schools that opted out of local authority control and received their funding direct from central government. They were created following the *Education Reform Act 1988* and abolished following the *School Standards and Framework Act 1998*.

<sup>103</sup> HC Deb 19 May 1992 c138

<sup>104</sup> "[Interview with Gillian Shephard](#)", *On the Record*, BBC website.

<sup>105</sup> DfEE, *Self-Government for Schools*, Cmnd 3315, June 1996, p2, cited in Clyde Chitty, *Education Policy in Britain*, 2009, p56.

<sup>106</sup> [The Education Bill 1996/97](#), Commons Library Research Paper 96/101, 6 November 1996, p14-20.

The [Education Act 1993](#) (as enacted).

<sup>107</sup> *Conservative Party Manifesto 1997*, p24

and that “any changes in the admissions policies of grammar schools will be decided by local parents”.<sup>108</sup>

### 3.4 The Labour Governments 1997-2010

Following the 1997 General Election, the new Labour Government issued the white paper, *Excellence in Schools*. This stressed that, whilst there would be no going back to the 11-plus, where grammar schools already existed any change in their admission policies would be decided by local parents, and not by LEAs.<sup>109</sup>

As outlined in section 1 above, the subsequent *School Standards and Framework Act 1998* made provision for parental ballots on the future of grammar schools. It also prohibits local authority maintained schools from operating arrangements under which pupils are selected for ability or aptitude unless the school is a grammar school designated under section 104 of the Act or the arrangements are a form of selection permitted under section 99.<sup>110</sup>

When giving evidence to the education selection committee on 11 December 2002, Charles Clarke, the then Education Secretary, stated that selection regimes produced a system that inhibited educational opportunities for significant numbers of people. He said that although the Government did not have any plans for legislation, he believed that LEAs which had kept such selective admission procedures should “look at their practices self-critically”.<sup>111</sup> On the Breakfast with Frost programme on 19 January 2003 Mr Clarke stated that there would be no ideological attack on grammar schools but that he would be looking at the quality of education provided.<sup>112</sup>

The 2010 Labour Party manifesto stated that a Labour Government would “reject a return to the 11-plus”.<sup>113</sup> The Conservative manifesto did not explicitly mention grammar schools or selection.

<sup>108</sup> *Labour Party Manifesto 1997*, cited in *The Times Guide to the House of Commons May 1997*, 1997, p310

<sup>109</sup> Cm 3681, July 1997, p 72, paragraph 34

<sup>110</sup> The [School Standards and Framework Act 1998](#)

<sup>111</sup> Education and Skills Committee, [Minutes of Evidence taken before the Education and Skills Committee on 11 December 2002](#), HC 177-I, 4 February 2003

<sup>112</sup> ["BBC Breakfast with Frost interview: Charles Clarke MP, Education Secretary". January 19 2003](#), BBC News (last accessed 12 December 2014).

<sup>113</sup> *Labour Party Manifesto 2010*, p3:4

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