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# Education and Skills Bill: Committee Stage Report

This is a report on the Committee Stage of the Education and Skills Bill, Bill 12 of 2007-08. (The Bill as amended in Committee and published for the Report Stage is Bill 81 of 2007-08.) This report has been produced in response to a recommendation of the Modernisation Committee in its report on *The Legislative Process* (HC 1097, 2005-06).

The Bill covers a wide range of topics but its central provision is a new duty on young people in England to participate in education or training until the age of 18. Under the Bill responsibility for support services currently carried out by the Connexions service would be transferred to local education authorities. The Bill makes changes relating to adult skills. It also makes changes to the regulation of independent schools in England. Provision is made for new framework powers for the National Assembly for Wales. There is also a wide range of miscellaneous provisions.

There was no division on Second Reading. Both the Conservatives and Liberal Democrats supported the aim of raising participation in education or training though both were strongly opposed to compulsion and sanctions. There were 20 sittings of the Public Bill Committee. There were many divisions on opposition parties' amendments, which were defeated. A large number of Government amendments (many technical) were made, and several new clauses were added to the Bill.

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## Summary

This is a controversial Bill. The Conservatives and Liberal Democrats supported the aim of raising participation in education or training, and did not oppose the Bill at Second Reading, but were strongly opposed to the Government's approach involving compulsion and sanctions. The Public Bill Committee had 20 sittings. A great deal of oral evidence was taken and much written evidence submitted. Many of the evidence-taking sessions concentrated on the issue of raising participation, the provision of appropriate support for young people, and the enforcement of the participation duties. The proposed transfer of the regulatory regime for independent schools in England from the Secretary of State to Ofsted was also controversial.

A large number of Government amendments (many technical) were made, and several Government new clauses were added to the Bill. There were many divisions on opposition parties' amendments, which were defeated.

There was an unsuccessful attempt to remove the Bill's central provision - clause 2 - which places a duty on 16 and 17 year olds to participate in education or training. There were many other unsuccessful attempts by both the Conservatives and Liberal Democrats to remove or amend various provisions relating to the new duties to ensure participation of 16 and 17 year olds in education or training.

During the debate on clause 11 of the Bill (to place a duty on certain institutions to promote attendance of young people subject to the new participation duty) the Minister indicated that he would consider whether non-maintained special schools should be brought within this duty and that an amendment to this effect might be put forward at Report Stage.

The Government introduced new clauses to give young people a new right to express a preference for the school at which they wish to receive sixth-form education and to provide a right of appeal against a decision to refuse them admission. Another Government new clause relates to local education authorities' travel functions in relation to young persons of sixth-form age. Local authorities would have to have regard to the young person's wishes where these are based on religion or belief. The new clause reflects the fact that under the Bill it will be the responsibility of young people to participate in education or training. All these new clauses were added at the end of the Committee Stage with no debate having taken place on them.

The proposed changes to the regulatory regime for independent schools provoked controversy. A Conservative amendment designed to retain the status quo was defeated.

A substantial addition to the Bill was a Government new clause related to the framework powers for the National Assembly for Wales. A new framework power relating to the inspection of pre-16 education and training was originally contained in clause 132. This was replaced by a Government new clause which provides a consolidated framework power containing the provisions in clause 132 as well as new framework powers for the regulation of independent schools in Wales.



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## I Main provisions of the Bill

The Education and Skills Bill was presented in the House of Commons on 28 November 2007.<sup>1</sup> Library Research Paper 07/87<sup>2</sup>, which was written for the Second Reading debate, outlines the key provisions of the Bill as presented, and provides background information. The Library's Bill gateway web pages provide information on the progress of the Bill and links to relevant information.<sup>3</sup> The Bill is in five parts.

Part 1 introduces a new duty on young people in England to participate in education or training until the age of 18, and creates a statutory framework to support and enforce it with new duties on local education authorities (LEAs), educational providers and employers. The raising of the participation age will be introduced in two stages: to 17 by 2013 and to 18 by 2015. Provision is made for LEAs to enforce the participation duty, if necessary. They may issue attendance notices to young people who refuse to participate. New attendance panels will be created to hear appeals and to monitor the enforcement process. LEAs may also issue parenting contracts or parenting orders to parents of young people who are failing to fulfil the duty to participate.

Part 2 makes provision for the transfer to LEAs of the information, advice and support services for young people currently provided by the Connexions service. It is intended that LEAs will continue to maintain the Connexions database so as to help them provide the right support services to young people, and promote the new duty on young people to participate in education or training. Part 2 also places a duty on LEAs to arrange for the assessment of the education and training needs of a person with a statement of special educational needs (SEN) during their last year of schooling. This takes account of the change in the Bill to raise the participation age. Other provisions in Part 2 include: a requirement for secondary schools to present careers information in an impartial way, and to provide careers advice that is in the best interests of the child; an explicit duty on the Learning and Skills Council (LSC) to provide proper facilities for apprenticeships for 16 to 18 year olds, and to make reasonable provision for apprenticeships for those aged 19 and over; a requirement for LEAs to have regard to journey times in preparing their transport policies for students of sixth-form age attending educational establishments; and a requirement for LEAs to co-operate with partners who are responsible for 14 to 19 education and training.

Part 3 contains provisions in relation to adult skills following the publication of the Leitch Review of Skills in 2006. This Bill places duties on the LSC to provide a free entitlement to training for all adults in England aged over 19 up to their first full Level 2 qualification, with a similar entitlement up to Level 3 for those aged 19-25. Provision is also made to enable the sharing of data between relevant departments and the devolved administrations in order to assist in the effective assessment and provision of education and training for those aged 19 and over.

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<sup>1</sup> *Education and Skills Bill*, Bill 12, Session 2007-08:

<http://www.publications.parliament.uk/pa/cm200708/cmbills/012/08012.i-v.html>

<sup>2</sup> [http://pims.parliament.uk:81/PIMS/Static%20Files/Extended%20File%20Scan%20Files/LIBRARY\\_OTHER\\_PAPERS/RESEARCH\\_PAPER/RP07-087.pdf](http://pims.parliament.uk:81/PIMS/Static%20Files/Extended%20File%20Scan%20Files/LIBRARY_OTHER_PAPERS/RESEARCH_PAPER/RP07-087.pdf)

<sup>3</sup> <http://hcl1.hclibrary.parliament.uk/parliament/bills/gateways.asp>

Part 4 transfers the regulation and registration of independent schools from the Secretary of State to the Chief Inspector of Education, Children's Services and Skills (the new Ofsted). Other changes relate to the approval of non-maintained special schools, arrangements for sixth-form pupils in non-maintained special schools to be given a right to opt out of religious worship, and the removal of the section 347 (of the *Education Act 1996*) approval mechanism for independent schools that cater wholly or mainly for children with special educational needs. Part 4 also introduces a new management standard for independent educational institutions, and makes changes relating to fees for registration and inspection.

Part 5 includes miscellaneous provisions in relation to pupil behaviour, the Qualifications and Curriculum Authority (QCA) and the approval of external qualifications, the inspection of teacher training, and the constitution of Schools Forums. Part 5 also creates new framework powers for the National Assembly for Wales.

The Bill extends to England and Wales. Many of the provisions apply to England only. A number of new or expanded powers are conferred on Welsh Ministers. Five clauses that relate to sharing information extend to Scotland and trigger the Sewel Convention. Two clauses relating to the remit of the QCA extend to Northern Ireland.

## **II Second Reading in the House of Commons**

The Bill received an unopposed Second Reading on 14 January 2008.<sup>4</sup> Conservatives and Liberal Democrats supported the Bill's aspirations for 16 to 18 year olds to continue in their learning but were strongly against a system based on compulsion.

For the Conservatives, Michael Gove, the Shadow Secretary of State for Children, Schools and Families, measured the Bill against three tests: whether it served a desirable end; whether its provisions acted against any valuable principle, and if so whether the price was worth paying; and, whether the mechanisms proposed to achieve the ends were the most effective.

On the first question his answer was a definite yes, and he stressed the Conservative Party's ambitions to see more people participating in education and learning. He was not convinced that compulsion was the most desirable way of achieving increased participation. He highlighted the difference between the Bill and the historic legislation that raised the school leaving age, which, he said, placed duties on parents (rather than children) to ensure that their children were educated, and recognised that children had to be protected. He believed that 16 year olds have the maturity to exercise autonomy over their future. While he believed in freedom to participate in all forms of education for everyone aged 16 and beyond, he also believed in freedom from 'unnecessary state constraint and coercion.' On the third test of how effective the Government's proposals were likely to be in practice, he again noted his scepticism about compulsion and emphasised the need for the right incentives and encouragements to persuade young people to participate for as long as possible. He raised various practical issues relating

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<sup>4</sup> HC Deb cc 657-759



to enforcement, the cost to employers of complying with the Bill's requirements and the effect on the employment of 16 and 17 year olds. He concluded his speech by restating that his principal concern was that the Government had not concentrated sufficiently on incentives and were over-reliant on compulsion.

David Laws, the Liberal Democrat Shadow Secretary of State for Children, Schools and Families noted that there was common ground in all parts of the House for the aspiration to give young people a good education and every opportunity to stay on to 18 and beyond. While noting that there were many measures in the Bill with which he agreed, his principal disagreement was with the issue of compulsion and the potential criminalisation of young people who refused to participate. He hoped that the Bill could be amended to make it more acceptable, but stressed that, as presented, it infringed liberty, failed to address many of the real causes of disadvantage, and could adversely affect the employment prospects of 16 and 17 year olds. He raised several practical issues affecting young people from highly disadvantaged backgrounds who leave education or training at 16. He questioned whether the real causes of their leaving the system were being addressed, and quoted research that highlighted other schemes (including Government initiatives) with a proven track record of tackling educational disadvantage. Mr Laws asked why the Government had rejected an approach based on freedom and flexibility that would make participation an entitlement rather than an obligation. He challenged the Government's assessment of the costs and benefits of raising participation.

Much of the debate focused on the provisions to increase participation in education and training. Many Members spoke of their personal experiences. The intentions behind the Bill were broadly welcomed, and though it was a consensual debate many Members expressed concern about the issue of compulsion and emphasised the need for young people to be encouraged and supported in order to increase participation. Others were less concerned about the issue of compulsion and stressed that the Bill was about changing the culture in some communities, and giving opportunities to young people. A number of practical concerns were raised about how particular groups might be affected by the Bill – for example, vulnerable young people and those who were caring for sick parents, those who wished to leave education to pursue a career in sport, and deprived young people whose lack of engagement was often because they found what was on offer to be irrelevant to them. Many Members focused on how education could be improved at the primary and secondary school stages. The need for proper provision for children with special educational needs, and the special challenges involved in getting young people with learning difficulties and others into the right training opportunities were also considered. Whether there is sufficient capacity in the present system to deliver the increased participation was raised. The Bill's measures to strengthen local partnerships to deliver 14 to 19 diplomas were welcomed. The importance of work-based learning and the supply of apprenticeships were commented on by many Members. The role of the voluntary sector was highlighted.

Other provisions in the Bill were commented on. In particular, the provisions on adult skills in Part 3 of the Bill were generally welcomed. The new provisions requiring local authorities to consider travel times as well as distance for post 16 school transport were also welcomed.

Responding to the debate, John Denham, the Secretary of State for Innovation, Universities and Skills noted changes that have already been made to make education more relevant to young people – the re-design of the school curriculum and work-based learning. He emphasised that the Government is not expecting the Bill to lead to more young people studying in schools and colleges but rather the emphasis would be on work-based or day-release training. In his closing remarks he said that it was 'extraordinary, given everything that has been said, that the Conservatives neither moved a reasoned amendment nor are apparently prepared to vote against this legislation'. He accused the Opposition of not addressing the challenges facing the country, and stressed that the measures in the Bill came on top of the changes the Government was already making in pre-school education and the school curriculum. He concluded by referring to the Bill's 'modest, mild bit of compulsion, which is necessary to bring about a change in participation, and is what is needed.'

At the conclusion of the Second Reading, the Bill's Programme Motion and Money Resolution were agreed.<sup>5</sup>

### III Public Bill Committee

The Public Bill Committee (PBC) had 20 sittings (from 22 January to 28 February 2008). Its membership is given in Appendix 1 below. The Programme Motion was agreed unanimously.<sup>6</sup> The first six sittings considered oral evidence, and the rest of the sittings were the clause-by-clause scrutiny of the Bill. The seventh to sixteenth sittings were devoted to consideration of the new duties relating to raising participation of young people in education or training.

Most of the oral evidence sessions also concentrated on these provisions. Much of the discussion focused on the issue of compulsion and sanctions. The areas covered also included costs and benefits of increased participation; data collection; the position of vulnerable young people, and what would be a 'reasonable excuse' for non-participation; duties on employers; and the availability of apprenticeships, accreditation of training courses, and further education provision. There was also discussion about the quality of support services for young people, information and guidance, careers education and the role of the Connexions service, and the new 14 to 19 diplomas. Other matters included provision for those with special educational needs, the role of the voluntary sector, and arrangements in rural areas. Oral evidence on the changes proposed for independent school regulation was taken from the Independent Schools Council, the Independent Schools Inspectorate and Ofsted.<sup>7</sup>

Oral evidence was taken from Ministers at the Department for Children, Schools and Families and the Department for Innovation, Universities and Skills.<sup>8</sup> Jim Knight, Minister for Schools and Learners, set out in detail how the enforcement provisions for

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<sup>5</sup> HC Deb 14 January 2008 c760

<sup>6</sup> PBC 22 January cc 1-3. The motion was subsequently amended to alter the timings of evidence sessions

<sup>7</sup> PBC 24 January 2008

<sup>8</sup> PBC 29 January cc 204-236

compulsory participation would work. There would be use of civil procedures and, as a last resort, criminal sanctions through the youth court, using the new youth referral orders for which Parliament is currently legislating. Ministers do not want the fine to be above £200, and any criminal record would be wiped out two and a half years after the offence, which will not be a recordable offence on the national criminal database.<sup>9</sup> Jim Knight also said that he would set out his thinking on what might be a ‘reasonable excuse’ for not participating in education and training, though he thought it would not be appropriate to issue draft guidance at this stage as it would be some years before the provisions came into effect.<sup>10</sup>

The Committee also received written evidence.

The following sections of the research paper note the main issues raised during the clause-by-clause scrutiny of the Bill, as presented (Bill 12), notes the main amendments to the Bill, and highlights some of the most significant areas of debate, particularly on matters which divided the Committee. It is not however intended to be an account of all the amendments tabled and issues discussed; nor is it meant to be a summary of individual contributions to the debate. Government amendments are underlined.

## **A. Duty to participate in education or training: England**

### **1. Duty on young persons**

Conservatives and Liberal Democrats argued against compulsion and moved amendments aimed at removing it. Nick Gibb (Conservative) moved an amendment to clause 1 to make the duty to participate only applicable if the young person agrees to it in writing.<sup>11</sup> The amendment was defeated.<sup>12</sup> Mr Gibb had argued that compulsion tackles the symptoms rather than the cause of the problem, and he questioned whether the Government’s objectives would be met by compulsion. David Laws (Liberal Democrat) said that he supported the amendment which in effect would turn compulsion into an opt-in.<sup>13</sup> He argued that the Bill was an infringement on the freedom of 16 and 17 year olds who in other respects are treated as adults, and that it was inappropriate for the state to insist that they should engage in education or training.<sup>14</sup> He raised several practical concerns including: the effect of the provisions on other learners, whether compulsion would be counter-productive, the issue of vulnerable young people and the need for flexibility to take account of their personal circumstances, the low value of some of the qualifications on offer to young people, and the effect of the provisions on employers and their willingness to employ 16 and 17 year olds. There was a very wide ranging debate about the causes of disaffection, the quality of primary and secondary education, literacy and numeracy, how children are taught to read, current vocational education and the availability of apprenticeships. Nia Griffith (Labour) argued strongly in favour of compulsion. Responding, Jim Knight, the Minister for Schools and Learners stressed

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<sup>9</sup> PBC, 29 January 2008 c 297

<sup>10</sup> Jim Knight, Minister for Schools and Learners, PBC 29 January c 209

<sup>11</sup> PBC Deb 31 January 2008 c239

<sup>12</sup> *ibid.*, c287

<sup>13</sup> *ibid.*, c248

<sup>14</sup> *ibid.*, cc250-1

that without compulsion young people with lower aspirations would miss out. He believed that the Bill would be the most effective way of galvanising the education system to provide better for all young people, and that without compulsion there would be no change.

Nick Gibb moved another amendment to clause 1 (subsequently withdrawn) to enable students to take a gap year before starting A levels or an apprenticeship. He noted that the Bill already made provision under clause 1(c) for those who gained a level 3 qualification (A level or equivalent) to take a gap year but he felt that there should be similar provision for those whose academic qualifications stopped at GCSE. The position of athletes and apprentice footballers was also raised. Responding, the Minister said that it would be difficult to define a gap year in law or to identify who was taking one and who was simply using it as an excuse not to participate. It would however be possible for a young person to take a break from study, and work or volunteer. Regulations would make it clear that volunteering will count as long as the person did some part-time training, and if a person wanted to travel then they would not be subject to the duty to participate if they were outside England.<sup>15</sup>

David Laws introduced a probing amendment to explore whether local authorities should be empowered to grant a waiver from the duty to participate. He said that for some young people the duty may be unrealistic or undesirable – where there are drug and alcohol problems, mental health problems, special needs or housing problems, for example. He asked for more information on what would be a ‘reasonable excuse’ not to participate. Also he wanted to explore the separate issue of whether other types of support that fall outside the definition of education and training would be on offer to young people. The Minister made the distinction between a waiver, which would exempt the young person from the duty, and a ‘reasonable excuse’, which would exempt them from inappropriate enforcement action. He said that all young people should be subject to the duty because it puts corresponding duties on local authorities to support them, and that a waiver would allow the authority to get out of providing support. The Minister said that he was minded to support the notion that some individuals would need intensive, possibly full-time support to get them into a position where they could access and engage in education and training. He referred to provision in the Bill that enables support and flexibility for young people before and during the enforcement process. The amendment was withdrawn.

The Conservatives and Liberal Democrats made several further attempts to remove the duty to participate in clause 2, or to delay its implementation. Nick Gibb moved an amendment to replace the duty with an entitlement to participate. The Liberal Democrats supported this approach, and raised the issue of sanctions for non-participation. The Minister again stressed that the status quo was not enough to raise participation. He said that enforcement of the duty would be a last resort. Compulsion would be backed by support and by other duties across the system. As long as there is an optional system, he said, the young people who are least likely to choose to participate are those who are most disadvantaged and most marginalised already, but who potentially have the most to gain from continuing their learning. Mr Gibb believed that such young people

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<sup>15</sup> PBC Deb 31 January 2008 cc 287-290; PBC Deb 7 February 2008 c408

would not respond to compulsion, and he pressed the amendment, which was defeated.<sup>16</sup>

A further series of amendments proposed by the Conservatives, and supported by the Liberal Democrats, sought to replace the central duty to participate with a right, or an entitlement, to participate and to make corresponding changes to the duties on local authorities.<sup>17</sup> There were exchanges about whether the Bill could produce 100% participation. The Minister stressed that the Government wanted to design a system for 100% participation so that there was no category of person who had a different aspiration or expectation from the system. This, he said, was necessary in order to bring about an essential culture change. There was also a brief discussion about the enforcement provisions and the legal position in respect of criminal records.<sup>18</sup>

A Liberal Democrat amendment sought to allow 16 and 17 year olds in full-time employment not to be in education or training. Moving the amendment, David Laws said that this was to address concern about the employment consequences of the Bill – i.e. employers not wanting to take on 16 and 17 year olds who would have an education and training obligation. He again questioned whether the qualifications some young people obtained would be valuable. The Minister stressed that the burden on employers would not be onerous, and that there would be no obligation on employers to fund the training. He also pointed to various vocational qualifications that gave a good economic return.<sup>19</sup> The amendment was withdrawn.<sup>20</sup>

The position of young people caring for family members was raised. Conservative amendments, supported by the Liberal Democrats, sought to incorporate in the Bill powers for the Secretary of State to introduce flexibility for young carers and teenage parents, and to draw out more details from the Minister on how the needs of these groups of young people would be addressed. The Minister said that he wanted young carers to have the same opportunities as other young people, and that there would be support and flexible learning options for them. He referred to various measures aimed at improving support, and observed that no one would be subject to the enforcement system if there were good reason why they were not participating. He undertook to expand on the Government's thinking regarding 'reasonable excuse'.<sup>21</sup> There was discussion about the period of time after which young parents would have to return to education or training. The Minister pointed to the provisions in the Bill for ensuring that appropriate support is available for young people, and the safeguards to ensure that a young person with unmet needs does not enter the enforcement process. He thought that further legislation was not necessary and would create inflexibility. Also he sought to reassure the committee that support would come before enforcement, and that guidance would be issued to local authorities.<sup>22</sup> Mr Gibb pressed the amendment in relation to young carers, which was defeated.

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<sup>16</sup> *ibid.*, c316

<sup>17</sup> *ibid.*, c331

<sup>18</sup> *ibid.*, c328

<sup>19</sup> *ibid.*, cc 344-346

<sup>20</sup> PBC Deb 5 February 2008 c354

<sup>21</sup> *ibid.*, c361

<sup>22</sup> *ibid.*, c367

Another Conservative amendment sought to delay the implementation of the participation duty until the Secretary of State certifies that there are sufficient apprenticeships available (at the appropriate level). John Hayes (Conservative), who moved the amendment, expressed concern about the availability of level 3 apprenticeships and raised doubts about whether the Bill could be implemented. David Lammy, Parliamentary Under-Secretary of State for Innovation, Universities and Skills said that the Government shared the sentiment behind the amendment, and outlined the actions the Government had taken to increase the numbers of apprenticeships. The amendment was defeated.<sup>23</sup>

Under the Bill a young person who has already achieved level 3 qualifications before the age of 18 would not be required to participate. Clause 3 of the Bill defines level 3 qualifications for this purpose. A Conservative amendment sought to include in the definition a Cambridge Assessment Pre-U qualification in two subjects. Jim Knight said that it made sense to define level 3 qualifications with reference to a familiar qualification - A Levels, but that it also made sense to be able to amend the description as it becomes necessary. He pointed out that there will be a review of post-16 qualification in 2013, and that the clause was drafted to allow the description of qualifications covered to be amended by order. The clause does not include a range of other level 3 qualifications but regulations will specify qualifications. He said that the Pre-U could be prescribed in the regulations if it were accredited by the Qualifications and Curriculum Authority. The amendment was withdrawn. Liberal Democrats sought to clarify the Secretary of State's order-making power in relation to level 3 qualifications.<sup>24</sup>

No amendments were proposed to clause 4 of the Bill (which defines appropriate full-time education or training). In the debate on clause 4 stand part a range of issues was raised including: the effect of certain training on the employability of women, the economic outcomes of apprenticeships, the adequacy of information and advice provided to young people, the capacity of further education and the availability of other provision for those for whom education or training would not be the right setting. The Minister said that full-time support (for those with addiction-related problems, for example) could also be an option provided it was en route to education or training. He also noted that the breadth of the clause allows young persons to be educated at home or to attend independent schools.

A Conservative probing amendment (subsequently withdrawn) sought to draw out the Government's reason for setting the definition of full-time occupation at 20 hours under clause 5. The Minister said that the level should be set above that which would reasonably be seen to be part-time employment. In response to questions about how the threshold would fit with social security benefit arrangements (for example, young people on incapacity benefit), the Minister said that he would reflect further on this.<sup>25</sup>

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<sup>23</sup> *ibid.*, c380

<sup>24</sup> *ibid.*, c389

<sup>25</sup> PBC Deb 7 February 2008 c402

The opposition parties proposed amendments to address specific perceived problems although they did not accept the Government's approach and would have preferred to see many of the main clauses deleted from the Bill. Conservative and Liberal Democrat amendments aimed at widening the meaning of relevant training or education in clause 6 were defeated.<sup>26</sup> The Minister said that the Government had made the duty to participate as flexible as possible but that relevant education and training must be towards an accredited qualification. In response to specific questions, he confirmed that the definition of 'relevant' would not be tied to the particular occupation that a young person is engaged in through their employment. He said that there would be consultation on a strategy designed to rationalise qualifications and ensure that they are valuable to young people and their employers. He noted that more forms of accreditation of employer training were being developed. While accepting that there was a role for informal training in re-engaging a young person, the Minister stressed that once the person moves on from disengagement it is important to ensure that their training contributes to an accredited qualification. Nick Gibb introduced a probing amendment (subsequently withdrawn) to draw out the Government's thinking on the (International) iGCSE and Cambridge Assessment Pre-U qualifications.<sup>27</sup>

## 2. Duties on local education authorities and educational institutions

An amendment moved by David Laws sought to place an explicit duty on LEAs to ensure that there are sufficient and appropriate opportunities for young people in their area to participate in education and training. Speaking to the amendment Mr Laws highlighted the needs of young people with special educational needs and disabilities. The Minister said that the amendment would narrow the duty on local authorities to one of securing appropriate provision whereas a local authority had wider functions, such as their economic development or careers advice duties. The amendment was defeated.<sup>28</sup> Another amendment designed to deal with the issue of provision for young people with SEN was moved by John Hayes. The Minister thought it was unnecessary, and the amendment was defeated. During the debate the position of people with mental health problems was raised and the Minister said that this would be considered before the provisions were implemented.<sup>29</sup>

Nick Gibb moved an amendment (subsequently withdrawn) to require each local authority to conduct annual audits into the sufficiency and diversity of educational provision in order to assess its adequacy for fulfilling its raising participation duties. The Minister sought to reassure the committee that auditing arrangements will be in place under future legislation by the time the participation duty is implemented.<sup>30</sup> Another amendment moved by Nick Gibb (subsequently withdrawn) sought to address whether there would be sufficient resources for schools and colleges to meet the needs of young people arising from the participation duty.<sup>31</sup> In the clause 10 stand part debate, David Laws raised the issue of financial support available to young people and the lack of

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<sup>26</sup> *ibid.*, cc 404-414

<sup>27</sup> *ibid.*, cc 414-419

<sup>28</sup> *ibid.*, cc 434-443

<sup>29</sup> *ibid.*, cc 443-447

<sup>30</sup> *ibid.*, c450

<sup>31</sup> *ibid.*, cc 450-455

specific detail in the Bill on the future of the educational maintenance allowance and support for fees.

David Laws moved an amendment (subsequently withdrawn) to explore why certain education institutions (academies, CTCs and non-maintained special schools) had not been brought within the duty contained in clause 11 to promote good attendance. The Minister explained that academies and CTCs are regulated through their funding agreements and will therefore have regard to the same guidance as maintained schools on improving behaviour and attendance. In relation to non-maintained special schools, however, the Minister said that he would need to look further at the case for including those schools and might put forward an amendment to that effect at Report Stage.<sup>32</sup>

### **3. Information and data sharing**

Five Government amendments were made to clause 13 (which in effect requires learning providers to inform the Connexions Service when a young person drops out of learning). The Minister described the amendments as formalising existing procedures for the operation of the Connexions database and service, and making associated technical changes.<sup>33</sup>

Several proposed amendments to clause 14 (which imposes a duty on educational institutions to provide information about their students to a local authority) were discussed, and there was a lengthy debate about data protection and consent before disclosure of information.<sup>34</sup> Nick Gibb raised concern about data sharing and human rights issues. One of his proposed amendments sought to require written consent from the student before any information about him/her could be supplied; other amendments sought to give a student the right to examine any information held on him, and to correct inaccuracies. Liberal Democrat amendments sought to require that the information provided by institutions to a local authority in relation to a young person be relevant to assessing their educational and support needs. The Minister sought to reassure Members by explaining in some detail how the arrangements would work and how the provisions fit with existing safeguards under data protection legislation. He stressed the similarity of the data sharing provisions in the Bill and other existing arrangements. There was a lengthy debate about consent for disclosure of information, and also about the sensitivity of certain information.

Another group of amendments relating to clause 15 (which gives the Secretary of State the power to supply social security information to a local authority about a young person) were aimed at ensuring that personal information could only be disclosed with an individual's consent. The amendment moved by John Hayes to require written consent was defeated.<sup>35</sup> Nick Gibb sought to restrict the provisions in clause 61 (which makes similar provision to clause 15 but for the purpose of the Connexions Service rather than in relation to the participation duty); after a short debate he withdrew his amendment.

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<sup>32</sup> *ibid.*, c460

<sup>33</sup> *ibid.*, cc 464-465

<sup>34</sup> *ibid.*, cc 465-466

<sup>35</sup> *ibid.*, c506



Nick Gibb and John Hayes moved further amendments concerning the disclosure of information which were defeated.<sup>36 37 38</sup> David Laws introduced a probing amendment (subsequently withdrawn) to amend clause 16 to remove primary care trusts and strategic health authorities from the list of bodies that can release information to local authorities. Mr Laws wanted to know whether the local authority staff accessing the information would be scrutinised and what kind of confidentiality measures these would be. Amongst other things, the Minister noted that personal data could only be accessed by the appropriate person, and that the lead professional's code of conduct covers the proper use of data. The Minister went on to address other concerns raised by outlining how he saw the arrangements working in practice.<sup>39</sup>

Nick Gibb sought to amend clause 62 (which replicates the data sharing provisions of clause 16 in respect of support services) to remove certain organisations from the list of bodies from which the local authority can request information. These include the primary care trusts, the strategic health authority, chief officer of the police etc. The amendment was withdrawn.<sup>40</sup>

#### **4. Guidance**

Nick Gibb proposed an amendment (subsequently withdrawn) in relation to the publication of guidance under clause 18. The Minister gave an assurance that the guidance would be accompanied by a Written Ministerial Statement and the guidance would be placed in the House of Commons Library.<sup>41</sup> Clauses 18 and 19 were ordered to stand part of the Bill without further debate.

#### **5. Employers**

The Conservatives and Liberal Democrats were concerned about the cost to employers of the new duties and their potential effect on the employment of 16 and 17 year olds. The Minister stressed that the duties on employers would be as light-touch as possible and would not be a significant burden. Where employers are not providing accredited training they would, he said, simply need to check that the young person had made arrangements to attend education or training before allowing employment to begin. Mr Laws sought to amend clause 22 to provide that employers would incur financial penalties only if they knowingly took on a 16 or 17 year old not in education or training. Resisting the amendment the Minister said that there will be guidance on reasonable checks that employers will be expected to make. The amendment was withdrawn. In response to amendments proposed by David Laws, the Minister said that guidance would be issued on employers' duties but that it would not be appropriate to circulate draft guidance at this stage though he said he would reflect further on whether some thoughts on the matter could be circulated to the Committee.

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<sup>36</sup> *ibid.*, c529

<sup>37</sup> *ibid.*, c534

<sup>38</sup> *ibid.*, c537

<sup>39</sup> *ibid.*, cc 537-545

<sup>40</sup> *ibid.*, c546

<sup>41</sup> *ibid.*, cc 548-549

A Government amendment was made to clause 33 to protect employees who were participating in education and training. Clause 33, as amended, was ordered to stand part of the Bill.<sup>42</sup>

## **6. Parenting contracts and parenting orders**

An amendment moved by Nick Gibb to clause 34 sought to require local authorities to ensure that parents' needs are assessed by local authority adult services before entering into a parenting contract relating to a young person's duty to participate. The amendment was defeated, and clause 34 was ordered to stand part of the Bill.<sup>43</sup> Nick Gibb moved several other amendments relating to parenting orders and parenting contracts which were all subsequently withdrawn.<sup>44</sup> One of the withdrawn amendments sought to limit the powers of local authorities to issue a parenting order where a young person is estranged from their parents. Responding, the Minister stressed that he did not want to specify in the Bill exemptions from the duty to participate. He said that information on the background of the young person should be before the court when it considers whether to make a parenting order. The Minister also indicated that there would be consultation on the regulations relating to parenting orders.

## **7. Attendance notices and attendance panels**

A group of Liberal Democrat amendments on attendance orders was proposed. One amendment (subsequently withdrawn) sought to amend clause 39 to provide for an assessment of the young person's ability to benefit from support before initial steps could be taken towards issuing an attendance notice. The Minister considered that the existing provisions in the Bill were sufficient to cover this. Another Liberal Democrat amendment (subsequently withdrawn) sought to provide for a waiver from the participation duty where it seemed to be in the best interests of the person. The Minister noted that he had written to the Committee about his thinking on what would be a 'reasonable excuse' for non-participation.<sup>45</sup> Nick Gibb moved an amendment (subsequently withdrawn) to ensure that the local authority takes all reasonable steps to secure voluntary participation before issuing an attendance notice under clause 40. He said that the purpose of the amendment would be to emphasise the young person's right to participate rather than to emphasise a punishable duty. The Minister said that the proposed change was unnecessary, and he set out the various stages before an attendance notice would be issued.<sup>46</sup> A Liberal Democrat amendment sought to remove the provisions in the Bill providing for an attendance notice to specify the education or training required. The amendment was withdrawn. David Laws moved an amendment to clause 41 designed to strengthen the responsibilities of local authorities to identify the individual needs of the young person. The Minister said that the Bill already provides for any education or training specified in an attendance notice to be suitable but that he would reflect further

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<sup>42</sup> PBC Deb 21 February 2008 cc 569-70

<sup>43</sup> *ibid.*, c576

<sup>44</sup> *ibid.*, cc 577-79

<sup>45</sup> *ibid.*, c581

<sup>46</sup> *ibid.*, cc584-5

before the Report stage on whether the matter needs to be defined more closely to address individual needs. The amendment was withdrawn.<sup>47</sup>

Conservatives and Liberal Democrats sought to elicit more information about the cost, composition and operation of appeal panels set up under clause 42. Nick Gibb moved an amendment to prevent the provision coming into force until the Secretary of State had published estimates of the total annual cost of the establishment and operation of appeal panels. The amendment was defeated. During the earlier debate, in response to questions from David Laws about whether independent advocacy would be available for young people who need it, the Minister said that he did not want to encourage advocacy, but if it were needed local authorities would be encouraged, in guidance, to provide it.<sup>48</sup> The issue of advocacy was returned to when David Laws moved an amendment to clause 43 on appeal arrangements. The Minister said that he would look sympathetically at what can be set out in guidance regarding advocacy for those young people who would otherwise struggle to represent themselves fully. The amendment was withdrawn.<sup>49</sup>

Several amendments relating to enforcement penalties were discussed. Conservative amendments sought to replace the enforcement of an attendance order through a criminal fine with a civil penalty. A Liberal Democrat amendment sought to remove the provision for a fine. These amendments were defeated. Another Liberal Democrat amendment sought to prevent certain categories of young people from being subject to the penalty process. This amendment was also defeated. Both Conservative and Liberal Democrat amendments sought to ensure that conviction of an offence for failure to comply with an attendance notice would not be a recordable offence on the police national computer. Responding, the Minister reiterated that the offence would not be recordable, and that failure to comply with an attendance notice would not be punishable by imprisonment. However, the Minister noted that a young person convicted of failing to comply with an attendance notice without reasonable excuse would have a criminal record but the conviction would be spent after two and a half years and would not have to be disclosed thereafter. The various opposition amendments were pressed to divisions and defeated. There was also a division on clause 45 stand part of the Bill. This was agreed and clause 45 was ordered to stand part.<sup>50</sup> Other issues discussed in relation to amendments that were withdrawn included: advocates for young people appearing before attendance panels, the level of fine for a fixed penalty notice and the maximum penalty on conviction of an offence in the youth court, various questions about what counts as employment for the purpose of the duty to participate, and the use of proceeds from penalties.<sup>51</sup>

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<sup>47</sup> *ibid.*, cc591-602

<sup>48</sup> *ibid.*, cc 603-610

<sup>49</sup> *ibid.*, cc 613-617

<sup>50</sup> *ibid.*, cc 617-634

<sup>51</sup> *ibid.*, cc 637-650

## **B. Support for participation; young adults with learning difficulties and young people in England**

### **1. Support for participation in education and training (Connexions services)**

John Hayes moved a probing amendment (subsequently withdrawn) to test the Government's commitment to the need to offer the right range of advice and guidance to young people. He explained that the opposition had profound reservations about whether Connexions was the right vehicle to provide such advice. While he acknowledged the good work that Connexions had done he thought that it was asked to do too much, and had too wide a remit, rather than concentrating on careers, training and related subjects.

Eight Government amendments were agreed on the scope of the Secretary of State's direction-making powers relating to the support services contained in clause 55. The Minister explained that the aim was to define the direction-making powers more tightly in response to concerns raised by local government. The Minister outlined the effect of each of the amendments in detail. For example, one of the changes would allow directions that specify the descriptions of individuals who may be involved in delivering Connexions, and that this would be used to specify the minimum qualifications for Connexions personal advisers. Another change related to Connexions helpline and website services, and provision was made to allow directions to deal with the use of the Connexions' brand. One of the amendments made allows authorities to be directed to adhere to national specifications for the Connexions Client Information System (CCIS). The Minister stressed the importance of this not only for providing up-to-date information on young people, including those in education or training outside their home area, but also for ensuring data security to high national standards. There was discussion about whether the CCIS was fit for purpose. Another amendment made related to Connexions providers coordinating careers information and guidance with Learn Direct and Jobcentre Plus. It also provided for directions to specify Connexions to carry out functions in services matching young people with employers offering apprenticeships. The Minister said that there would be consultation on the detailed content of the directions on the passage of the Bill. He also said that the national apprenticeships service would be expected to work closely with Connexions and in some cases could be based in the same outlets. Clause 55, as amended, was agreed to stand part of the Bill.<sup>52</sup>

Amendments to clauses 56 to 60 moved by the Conservatives (and subsequently withdrawn) included: making the Connexions service's access to pupils and students subject to their consent; including in the provision on information, advice and guidance by electronic means, access to information from individuals who have experienced particular education, training or careers; providing enhanced electronically available information for those with visual impairment; enabling requests from 50 or more pupils, students and parents resident in a local authority area to trigger an Ofsted inspection of Connexions services; making specific provision for inspections covering Connexions services to examine the effectiveness of the services for those with special educational

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<sup>52</sup> PBC 26 February 2008 cc 653-666

needs; and extending the scope of inspections to assess specifically the 'quality' of Connexions services.<sup>53</sup>

## 2. Assessments relating to learning difficulties

Clause 65 places a duty on LEAs to arrange for a learning difficulty assessment of a young person with a statement of special educational needs (SEN) who is in his/her last year of compulsory schooling or over compulsory school age. The duty applies where the young person is planning to leave school to receive post 16 education or training. Nick Gibb moved an amendment to extend the duty to young persons who are being supported through 'School Action' and 'School Action Plus' (i.e. those with SEN but not statemented). The Minister explained that though young persons supported through 'School Action' or 'School Action Plus' are not covered by the duty to arrange an assessment, the local authority has the power to arrange one. Statutory guidance would make clear the expectation that every young person who could benefit from a learning difficulty assessment should receive one. The Minister did not believe that it would be the right course of action to compel local authorities to make assessments for every young person supported by 'School Action' or 'School Action Plus' as the needs cover a wide range of difficulties, and an assessment when a young person moved into education or training may not be necessary. The amendment was defeated.<sup>54</sup> Another amendment moved by Nick Gibb (subsequently withdrawn) sought to make provision for assessments where young people with statements of SEN leave school unexpectedly to pursue alternative post 16 education. The Minister explained that the amendment was unnecessary as the duty under clause 65 would apply where the young person's plans change at short notice. Also a probing amendment moved by Gordon Marsden (Labour) sought to extend the assessment duty in clause 65 to cover all young people with learning difficulties. The Minister said that he would reflect further and discuss the matters raised with Ministerial colleagues. The amendment was subsequently withdrawn.

## 3. Career education

There was a wide-ranging debate on a group of Conservative amendments (subsequently withdrawn) relating to careers education in schools. A main part of the discussion focused on the new 14 to 19 diplomas and the need for impartial advice on them and on A Levels. One set of Conservative amendments, for example, sought to promote the study of A levels if such courses would be in the best interests of the young person, and provide that advice should include, where appropriate, studying for a degree at Oxford or Cambridge. An amendment moved by Nia Griffiths (Labour), which was subsequently withdrawn, sought to prevent gender stereotyping in the provision of advice. A Liberal Democrat amendment (subsequently withdrawn) provoked discussion about the age at which pupils will be offered independent advice and guidance.<sup>55</sup>

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<sup>53</sup> *ibid.*, cc 668-683

<sup>54</sup> *ibid.*, cc 683-688

<sup>55</sup> *ibid.*, cc 698-721

#### **4. Apprenticeships; functions of the Learning and Skills Council**

Clause 67 places an explicit duty on the Learning and Skills Council (LSC) to provide proper facilities for apprenticeships for 16 to 18 year olds, and to make reasonable provision for apprenticeships for those aged 19 and over in England. A Conservative amendment intended to ensure a return to traditional employer-based apprenticeships rather than apprenticeships based with an independent training provider. John Hayes expressed concern about apprenticeships in which there is no workplace element. Responding, David Lammy explained that the Bill covers both contracts of apprenticeship or contracts of employment, and added that it is the Government's intention to legislate in a forthcoming Bill to remove the legal ambiguity surrounding apprenticeships. He also stressed that it is not possible for a person to get an apprenticeship solely by spending time with a training provider and that an apprentice has to be with an employer. The amendment was withdrawn after a wide-ranging debate about current apprenticeship provision and the role of group training associations.<sup>56</sup>

#### **5. Provision of transport for persons of sixth-form age: journey times**

Clause 68 requires LEAs to have regard to journey times in preparing their transport policies for students of sixth-form age attending educational establishments. An amendment moved by Nick Gibb (subsequently withdrawn) sought to require the Secretary of State to commission an independent report on the funding requirements necessary to enable local authorities to provide transport to enable pupils and students access to the new diploma programme. The Minister said that he agreed with the aim of the amendment and that the Department had already commissioned York Consulting to undertake research into the transport needs stemming from the 14 to 19 reforms, including diplomas. The Department was also conducting research on the delivery of diplomas in rural areas.<sup>57</sup> The Minister said that while he had some sympathy with the idea of free or subsidised transport for post-16 learners he was not making a commitment to free transport. A Liberal Democrat amendment (subsequently withdrawn) also sought to address the issue of affordable transport for post-16 learners.

### **C. Adult Skills**

Clause 70 places a new duty on the LSC to secure the provision of 'proper' rather than 'reasonable' facilities for specified adult qualifications. Conservative amendments (subsequently withdrawn) highlighted issues related to raising the aspirations of adults, addressing adult literacy, and including in the description of level 2 qualifications the International GCSE, and in the description of level 3 qualifications the Cambridge Assessment Pre-U qualification. A Conservative amendment relating to the data sharing provisions in clause 71 sought to prevent the disclosure of information relating to income tax and tax credits. The amendment was withdrawn.

Clauses 71 to 75 make various provision for data sharing to assist in the assessment and provision of education or training of those aged 19 and over. The Government

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<sup>56</sup> *ibid.*, cc 721-729

<sup>57</sup> *ibid.*, c732

wished to replace clauses 71 to 73 with New Clause 7 (*Benefit and Training Information*), New Clause 8 (*Revenue and Customs*) and New Clause 9 (*Use of information*), and to introduce five Government amendments (Amendments 201 to 205 relating to clauses 74, 75, 148, 149). There was however confusion over what question was being put in relation to clause 71 stand part of the Bill. After guidance from the chairman, the question was again put and clause 71 was disagreed to, and clauses 72 and 73 were also disagreed to. Conservative Members thought that clause 71 had been passed, and complained that as a result of the Minister's confusion about what was being decided on the new clauses and Government amendments had not been explained. The chairman said that clause 71 had not been passed. He pointed out that if Opposition Members wanted the Minister to speak in favour of amendments it was incumbent on them to challenge the Minister to explain. The chairman said that the opportunity to debate the measures had passed, but that the matter could be debated on Report. The Minister said that he had written to Members on 22 February 2008 explaining the nature of these technical amendments and would be happy to discuss them in detail on Report. Following these comments, the two Government amendments to clause 74 were passed. Clause 74, as amended, was ordered to stand part of the Bill. The Government amendment to clause 75 was made and clause 75, as amended, was ordered to stand part of the Bill.<sup>58</sup> The other two amendments (to clauses 148 and 149) were made during the final sitting of the Committee.<sup>59</sup> New Clauses 7, 8 and 9 (without debate) were added to the Bill towards the end of the final sitting of the Committee.<sup>60</sup> In the Government's view the changes are predominantly minor and technical and seek to improve the drafting of the clauses to bring them into line with similar data-sharing gateways, and ensure that they are narrowly focused on the specific data that will be needed for the research and intended analysis.<sup>61</sup>

## D. Regulation and inspection of independent provision in England

### 1. Independent educational institutions

During the debate on clause 76 (which introduces an additional definition of independent educational institutions to cover certain part-time education institutions), Nick Gibb noted opposition in the consultation response to the proposed change in the definition. He highlighted concerns raised by home educators that if they formed a group to educate their children collectively they would be subject to the same registration procedures as independent schools. Responding, the Minister set out how the changes would affect parents who are educating their children otherwise than at school, and stressed the need to protect children in unregistered institutions that offer part-time provision. The Minister said that the proposals leave a parent's right to home education intact, and ensure regulation of settings in which a material part of a child's education is delegated to others.

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<sup>58</sup> *ibid.*, cc755-760

<sup>59</sup> PBC 28 February 2008 c825 and c826

<sup>60</sup> *ibid.*, cc 827-828

<sup>61</sup> Letter from David Lammy, Department for Innovation, University and Skills, to Members of the Public Bill Committee on the Education and Skills Bill, February 2008. The letter sets out in detail the changes.

There was substantial debate on clause 78 which retains current prescribed standards for independent schools, and makes provision for an additional new standard relating to the quality of leadership and management of independent institutions. Nick Gibb moved an amendment (subsequently withdrawn) to remove the new quality of leadership and management standard.

Clause 79, which is central to this part of the Bill, transfers the registration and regulation of independent schools to Ofsted. An amendment moved by Nick Gibb which sought to retain the status quo, was pressed to a division and was defeated. Clause 79 was ordered to stand part of the Bill.<sup>62</sup> An amendment to clause 80 moved by Nick Gibb (subsequently withdrawn) sought to clarify the penalties that can be imposed on conviction of an offence of operating an unregistered independent education institution. Several probing amendments were introduced (and subsequently withdrawn) to clarify the meaning of change in relation to the provisions on the approval of material changes to registered details. Another amendment moved by Nick Gibb sought to amend clause 92 to provide for all non-Independent Schools Council schools, other than those inspected by the Focus Learning Trust, to be inspected by the Independent Schools Inspectorate. The amendment was withdrawn. The circumstances in which the Chief Inspector can take enforcement action against a proprietor of a failing independent school were discussed during the debate on clause 100 stand part of the Bill. A Government amendment was made to clause 115. The clause allows the sharing of information between relevant authorities to prevent an unsuitable person participating in the management of an independent educational institution. The amendment widened the provision to allow the Secretary of State to share any information with an appropriate authority in relation to the direction-making powers barring a person from the management of an independent educational institution.

## **2. Schools providing for special educational needs**

A Conservative amendment (subsequently withdrawn) opposed the transfer of responsibility for the approval of non-maintained special schools from the Secretary of State to the Chief Inspector. There was discussion of the Government's policy on special schools and inclusive education.<sup>63</sup> For the Conservatives, John Hayes supported the existing rights of sixth-form pupils to opt out of religious worship and the extension of this (under clause 126) to students in non-maintained special schools. However he found it ironic that 16 or 17 year olds would be able to decide to withdraw from religious worship but not from participation in education or training. Nick Gibb conveyed various concerns raised by the Independent Schools Council about clause 129 (which in effect removes the category of approved independent schools that cater wholly or mainly for children with SEN in England). The Minister stressed that the standards all independent schools are judged against now are higher than those for an approved school.

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<sup>62</sup> PBC 28 February 2008 cc779-789

<sup>63</sup> *ibid.*, cc 800-804



## E. Pre-16 education and training: Wales

Clause 132 made provision for a framework power relating to inspection of pre-16 education and training. During the clause stand part debate, the Minister explained that he intended to propose a replacement clause to cover pre-16 education and training, and an additional power for the regulation and inspection of independent schools in Wales.<sup>64</sup> Background to this was set out in a Welsh Assembly Government Memorandum.<sup>65</sup> Clause 132 was disagreed to, and at a later point the replacement clause - New Clause 6 - was added to the Bill.<sup>66</sup>

## F. Miscellaneous provisions

Members on all sides of the Committee raised issues relating to the powers under clause 133 for school governing bodies to direct pupils to off-site education or training in order to improve behaviour. There was concern that the provisions could lead to students being removed from schools without proper consideration of their special educational needs. There was discussion about developing appropriate on-site provision. Other matters touched on included: bullying, training and support of teachers dealing with pupils with special educational needs, availability of resources to deal with children with challenging behaviour, and issues surrounding inclusion of children with special needs in mainstream schools.

As the Public Bill Committee stage was drawing to a close the remaining provisions of the Bill were not debated although a technical amendment to Clause 143 (functions to be exercisable by Welsh Ministers) was agreed. The debate was brought to an end at 4pm on the twentieth sitting, after Clause 145 had been stood part of the Bill.<sup>67</sup> This meant that Schedules 1 and 2, Clauses 146 to 150, and any opposition new clauses (not called) and Government new clauses which had not been grouped with an earlier debate had no time for debate. The amendments to Schedule 1 (Minor and Consequential Amendments) were largely technical, tidying-up or up-dating changes. Schedule 1, as amended, was agreed to. Similarly there were several amendments to Schedule 2 (Repeals and Revocations), and Schedule 2 as amended, was agreed to. An amendment to Clause 148 (Extent) was made, and clause 148, as amended, was ordered to stand part of the Bill. Amendments to clause 149 (Commencement) included enabling Welsh Ministers to have powers of commencement over new provision in Wales. There was a division on clause 149, as amended, and clause 150 (Short title) stand part of the Bill. The Committee agreed on a division that Clause 149, as amended, and clause 150 stand part of the Bill.

Several Government new clauses were added to the Bill. Government New Clauses 6, 7, 8 and 9 have already been referred to above. Government New Clauses 10, 11, 12 and 14 were added to the Bill with no debate having taken place on them. New Clause 10 gives young people the right to express a preference as to the school at which they

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<sup>64</sup> *ibid.*, cc 809-10

<sup>65</sup> Library Deposited Paper 2008-0513: *Education and Skills Bill: Framework Powers*, February 2008

<sup>66</sup> *ibid.*, c 826

<sup>67</sup> *ibid.*, c 817

wish to receive sixth-form education. It also gives young people above compulsory school age the right to express a preference as to the school at which they wish to receive education other than sixth-form education (e.g. to retake GCSEs). The existing right of parents to express a preference remains. The admission authority for any maintained school must comply with the preference unless: it would prejudice the provision of efficient education or the efficient use of resources; the young person has been excluded from two or more schools (with the last exclusion taking place within the last two years); or, in the case of sixth-form education, the young person has not met standard of academic ability required by the school for entrance to the sixth form (where selection by academic ability is part of the school's published admission arrangements). New Clause 11 makes provision for a right of appeal against a decision to refuse admission to a school for which a preference has been expressed under new clause 10. New Clause 12 defines sixth-form education etc. New Clauses 10, 11 and 12 were added to the Bill.

Finally, New Clause 14 was added to the Bill. This relates to local education authorities' travel functions in relation to young persons of sixth-form age. In exercising their functions local authorities would have to have regard to the young person's wishes where these are based on religion or belief. At present, LEAs have to have regard (in exercising their functions in relation to transport) to a parent's wishes where these are based on religion or belief. The new clause reflects the fact that under the Bill it will be the responsibility of young people to participate in education or training.

The Bill, as amended in PBC, was published as Bill 81, Session 2007-08.

## **IV Appendix 1 – Members of the Public Bill Committee**

**Chairmen:** John Bercow, Hugh Bayley

**Members:**

Barlow, Ms Celia (Hove) (Lab)

Foster, Mr. Michael (Worcester) (Lab)

Gibb, Mr. Nick (Bognor Regis and Littlehampton) (Con)

Griffith, Nia (Llanelli) (Lab)

Hayes, Mr. John (South Holland and The Deepings) (Con)

Heald, Mr. Oliver (North-East Hertfordshire) (Con)

Knight, Jim (Minister for Schools and Learners)

Lammy, Mr. David (Parliamentary Under-Secretary of State for Innovation, Universities and Skills)

Laws, Mr. David (Yeovil) (LD)

McCarthy-Fry, Sarah (Portsmouth, North) (Lab/Co-op)

Marsden, Mr. Gordon (Blackpool, South) (Lab)

Moon, Mrs. Madeleine (Bridgend) (Lab)

Soulsby, Sir Peter (Leicester, South) (Lab)

Walker, Mr. Charles (Broxbourne) (Con)

Watkinson, Angela (Upminster) (Con)

Williams, Stephen (Bristol, West) (LD)

Wilson, Phil (Sedgefield) (Lab)

**Committee Clerks:** Nick Walker, Tom Goldsmith, Chris Shaw

## V Appendix 2 – Oral evidence

Oral evidence was taken from:

Barnardo's  
Prince's Trust  
Association of Colleges  
Confederation of British Industry  
Trades Union Congress  
Association of School and College Leaders  
Association of Directors of Children's Services;  
Local Government Association  
Independent Schools Council  
Independent Schools Inspectorate  
Office for Standards in Education, Children's Services and Skills  
Professor Alison Wolf  
Professor Lorna Unwin  
Association of Learning Providers  
Campaign for Learning  
National Union of Teachers  
National Association of Head Teachers  
Ioan Morgan, Principal of Warwickshire College  
Ian Pryce, Principal of Bedford College  
Paul Head, Principal of College of North East London  
Fairbridge  
Connexions  
British Youth Council  
Department for Children, Schools and Families  
Department for Innovation, Universities and Skills

(The witnesses are listed in order of appearance during the first to sixth sittings of the Committee.)