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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 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 Education Secretary approved a proposal from the Weald of Kent Grammar School in Tonbridge to open a satellite site in Sevenoaks.

This note also briefly outlines recent support and opposition to the establishment of new 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 11.¹ 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.”²

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.³ Additionally, a maintained school may select on the basis of aptitude⁴ if:

- it used such selection in 1997-98 and has continued to use it since then without significant changes;⁵
- 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.⁶

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 for 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.⁷

¹ Department for Education website, “[Types of school](#)”, last updated 12 November 2014

² [School Standards and Framework Act 1998](#), section 104

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

⁴ 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](#)).

⁵ [School Standards and Framework Act 1998](#), section 100

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

⁷ 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.⁸ 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.⁹ 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.¹⁰

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.¹¹ Under the regulations, governing bodies of all maintained schools can enlarge the school premises without the need for a statutory process. This applies to grammar schools as to other local authority maintained schools.¹²

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.¹³ 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 achieved solely by increasing the PAN in line with the School Admissions Code.¹⁴

⁸ [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 cWA184-5](#)

⁹ Department for Education, [School Admissions Code](#), December 2014, para 1.3.

¹⁰ [HL Deb 14 Jun 2012 c1415](#)

¹¹ The [School Organisation \(Prescribed Alterations to Maintained Schools\) \(England\) Regulations 2013](#), SI 2013/3110

Department for Education, [School Organisation Maintained Schools](#), January 2014.

¹² *Ibid*, page 3.

¹³ *Ibid*, paras 1-3.

¹⁴ *Ibid*, para 6

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.¹⁵

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. Further information is contained in advice published by the Department for Education in January 2014, [Making significant changes to an existing academies](#).¹⁶

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".¹⁷ Similarly, DfE advice states that the expansion of an existing academy onto a satellite state "will only be approved if it is a genuine continuance of the same school."¹⁸

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)?

¹⁵ *Ibid*, para 5. More information on the streamlined statutory process is provided in chapter 3 of the guidance.

¹⁶ Department for Education, [Making significant changes to an existing academy](#), January 2014, p5

¹⁷ Department for Education, [School Organisation Maintained Schools](#), January 2014, para 7

¹⁸ Department for Education, [Making significant changes to an existing academy](#), January 2014, p9

- 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 can be considered as an expansion.¹⁹

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.²⁰

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 Invicta Grammar, it was reported that the proposal was rejected because the proposed annex did not serve the parent school's existing community.²¹

In a written ministerial statement on 15 October 2015 the 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

¹⁹ Department for Education, [School Organisation Maintained Schools](#), January 2014, pp7-8

²⁰ Department for Education, [Making significant changes to an existing academy](#), January 2014, p9

²¹ BBC News, "[Sevenoaks grammar school annexe bids rejected](#)", 13 December 2013
Daily Telegraph, "[Plan for new grammar school blocked by Michael Gove](#)", 13 December 2013.
Independent, "[Blow for supporters of selective schooling as Education Department vetoes major expansion of grammar school places in Kent](#)", 13 December 2013.

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.²²

The decision generated a large amount of press comment, both in support of the proposal and in opposition to it.²³ 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".²⁴

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.²⁵

Oral statement – 19 October 2015

On 19 October 2015, the Secretary of State for Education, Nicky Morgan, made an oral statement²⁶ 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

²² [HCWS242](#), 15 October 2015

²³ 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.

²⁴ [Second grammar on the way as school speeds up proposal](#), *The Times*, 16 October 2015.

²⁵ [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.

²⁶ 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.

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.²⁷

The Education Secretary also emphasised that the Government "have no plans to change their policy on grammar schools" and any further applications to expand will be "considered on their individual circumstances and merits".²⁸

In response to the statement, the 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.²⁹

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.³⁰ 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".³¹

1.4 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.³² A ballot can only be held if at least

²⁷ [HC Deb 19 October 2015 c680](#)

²⁸ Ibid

²⁹ Ibid

³⁰ Ibid, c682

³¹ Ibid, c683

³² [School Standards and Framework Act 1998](#), sections 104-109

20% of eligible parents have signed a petition requesting such a ballot. The detailed arrangements for the ballot are set out in regulations.³³

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.³⁴ Information on the stages of the statutory process is provided in Department for Education guidance, [School Organisation Maintained Schools](#) (paras 9-32).

Provisions allowing governing bodies of maintained grammar schools to propose removing selection, and provisions relating to parental ballots, do not apply to academies. An FAQ on an archived version of the Department for Education's website states:

We are aware that neither the grammar schools ballots legislation, nor the provisions that allow governing bodies of grammar schools to bring forward proposals to remove selection, apply directly to academies, but we will ensure we mirror the current situation, within the funding agreement, for maintained grammar schools which have converted to become academies.³⁵

The funding agreement provides the framework under which an academy must operate; there are different versions to reflect the circumstances of different types of school. The Department for Education website contains model funding agreement annexes for former grammar schools converting to academies, which establish the provisions for ending selective admission arrangements.

The annexes vary depending on which model funding agreement an academy is operating under, but they all provide for parental ballots. In addition, they make provision for academy trusts wishing to remove an academy's selective admission arrangements to ballot the parents of registered pupils at the school. If a simple majority of parents vote to remove selection then the academy will determine admission arrangements that do not provide for selection by ability.³⁶

³³ The [Education \(Grammar School Ballots\) Regulations 1998](#), SI 1998/2876

³⁴ Department for Education, [School Organisation Maintained Schools](#), January 2014, para 8

Department for Education, [School Organisation Maintained Schools: Annex A: Further information for proposers](#), January 2014, para 18.

³⁵ Archived version of the Department for Education website, "[Admissions and school places FAQs](#)"

³⁶ Department for Education, "[Academies: ending selection at former grammar schools](#)", last updated 3 July 2014.

2. Discussion relating to grammar schools

2.1 Support for new grammar schools

Graham Brady, Chairman of the Conservative Party's 1922 Committee, has also 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 Mayor of London, Boris Johnson, stated his support for academic selection.³⁷ The Home Secretary, Theresa May, and Michael Fallon, the Defence Secretary, have also been reported as supporting plans for 'satellite' grammar schools in their constituencies.³⁸

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.³⁹ The campaign was reported to have the support of "at least 70 MPs".⁴⁰ 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".⁴¹

The UKIP manifesto for the 2015 general election included a commitment to "give existing secondary schools the opportunity to become grammar schools."⁴²

2.2 Opposition to new grammar schools

The campaign group, Comprehensive Future, campaigns for an end to selection by aptitude and ability. The group organised a fringe meeting at the 2014 Labour Party conference where it states delegates were encouraged to "take back to their Constituency Labour Parties the need for Labour to end selection and support comprehensive education."⁴³ The Labour Party manifesto for the 2015 general election did not explicitly mention grammar schools. However, in September 2015 the

³⁷ Cited in, '[Boris Johnson gives backing to grammar schools](#)', *Guardian*, 11 November 2014.

³⁸ '[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.

³⁹ '[First new grammar school for 50 years likely to win approval](#)', *Daily Telegraph*, 7 December 2014.

⁴⁰ '[Conservative Voice's Campaign for Grammar Schools](#)', Conservative Voice, 28 November 2014.

⁴¹ '[Tory MPs resurrect grammar school 'albatross'](#)', *Financial Times*, 5 December 2014 (log-in required).

⁴² [Conservative Party Manifesto 2015](#), p34

⁴³ [UKIP Manifesto 2015](#), p30

⁴⁴ Comprehensive Future, "[Why selection must end, Comprehensive Future at the Labour conference](#)", November 2014.

Education Secretary, Lucy Powell, was reported as saying that the party would “fiercely contest” any move to revive selective schools.⁴⁴

The Green Party Manifesto for the 2015 election included a commitment to integrate grammar schools into the comprehensive school system.⁴⁵

In December 2013, Michael Wilshaw, the head of Ofsted, was reported as stating his opposition to the establishment of new grammar schools and as claiming that they were “stuffed full of middle-class kids”.⁴⁶

The Local Schools Network has also posted a number of articles on its website arguing against the establishment of new grammar schools.⁴⁷

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 of grammar schools.

In a speech on 19 June 2014 the then School 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.⁴⁸

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.⁴⁹

The Conservative Voice website states that “new grammar schools will both enhance social mobility and present parents with choice.”⁵⁰ In contrast, a blog piece published on the Policy Exchange website in December 2014 argued against claims that the abolition of grammar schools was a major factor in declining social mobility.⁵¹

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

⁴⁴ [Labour will ‘fiercely contest’ any move to revive grammar schools, says Powell](#), *Schools Week*, 25 September 2015.

⁴⁵ [Green Party General Election Manifesto 2015](#), p37

⁴⁶ Guardian, “[Ofsted chief declares war on grammar schools](#)”, 14 December 2013

⁴⁷ Local Schools Network, “[Stories + Views: Grammar Schools](#)”, last accessed 18 December 2014.

⁴⁸ ‘[David Laws speech on grammar schools](#)’, Gov.uk, 19 June 2014.

⁴⁹ [PO HL723 \[on grammar schools\]. 1 July 2014.](#)

⁵⁰ ‘[Conservative Voice’s Campaign for Grammar Schools](#)’, Conservative Voice, 28 November 2014.

⁵¹ Policy Exchange, “[5 reasons why a return to grammar schools is a bad idea](#)”, 5 December 2014.

...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’.⁵²

For more information on disadvantaged pupils in education, see Library Briefing Paper 7061, [Support for disadvantaged children in education in England](#).

2.4 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”.⁵³ He additionally argued that the equalisation of funding for further education colleges and schools⁵⁴ 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.⁵⁵

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.⁵⁶

⁵² Professor David Jesson, [The Creation, Development and Present State of Grammar Schools in England](#), November 2013, p7

⁵³ HC Deb 13 January 2015, c191WH

⁵⁴ 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.

⁵⁵ HC Deb 13 January 2015, c192-3WH

⁵⁶ *Ibid*, c213WH

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 £800.⁵⁷

⁵⁷ *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*.⁵⁸ 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.⁵⁹ Technical schools provided a more general education but with a focus on technical subjects. The latter never existed in large number.⁶⁰

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.⁶¹

3.2 1960s and 1970s

In 1960, less than five per cent 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."⁶² 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.⁶³

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.⁶⁴ This was, in turn, withdrawn in 1974

⁵⁸ Michael Sanderson, *Technical School Education in England 1900-1990s*, 1994, p129

⁵⁹ Richard Aldrich (ed.), *A Century of Education*, 2002, p42-3

⁶⁰ *Ibid*, p42

⁶¹ [Grammar school statistics](#), Commons Library Standard Note SN/SG/1398, 20 May 2013, p2

⁶² Clyde Chitty, *Education Policy in Britain*, 2009, p29

⁶³ Richard Aldrich (ed.), *A Century of Education*, 2002, p43

⁶⁴ 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.⁶⁵

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.⁶⁶ 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.⁶⁷

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.⁶⁸ 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.⁶⁹

3.3 The Conservative Governments 1980-1997

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 Secretary of State 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.⁷⁰

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

⁶⁵ *Ibid*, p432

⁶⁶ *Ibid*, p440

⁶⁷ *Ibid*, p474

⁶⁸ Richard Aldrich (ed.), *A Century of Education*, 2002, p44

⁶⁹ [Grammar school statistics](#), Commons Library Standard Note SN/SG/1398, 17 December 2014, p3.

⁷⁰ HC Deb 28 January 1992 c509W

"no problem" with one grant-maintained school in ten becoming a grammar school.⁷¹

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.⁷²

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."⁷³ 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.⁷⁴

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.⁷⁵

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."⁷⁶ 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"

⁷¹ [‘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*.

⁷² HC Deb 19 May 1992 c138

⁷³ [‘Interview with Gillian Shephard’](#), *On the Record*, BBC website.

⁷⁴ DfEE, *Self-Government for Schools*, Cmnd 3315, June 1996, p2, cited in Clyde Chitty, *Education Policy in Britain*, 2009, p56.

⁷⁵ [The Education Bill 1996/97](#), Commons Library Research Paper 96/101, 6 November 1996, p14-20.

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

⁷⁶ *Conservative Party Manifesto 1997*, p24

and that “any changes in the admissions policies of grammar schools will be decided by local parents”.⁷⁷

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.⁷⁸

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 99.⁷⁹

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’.⁸⁰ 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.⁸¹

The 2010 Labour Party manifesto stated that a Labour Government would “reject a return to the 11-plus”.⁸² The Conservative manifesto did not explicitly mention grammar schools or selection.

⁷⁷ *Labour Party Manifesto 1997*, cited in *The Times Guide to the House of Commons May 1997*, 1997, p310

⁷⁸ Cm 3681, July 1997, p 72, paragraph 34

⁷⁹ The [School Standards and Framework Act 1998](#)

⁸⁰ Education and Skills Committee, [Minutes of Evidence taken before the Education and Skills Committee on 11 December 2002](#), HC 177-I, 4 February 2003

⁸¹ [‘BBC Breakfast with Frost interview: Charles Clarke MP, Education Secretary, January 19 2003’](#), BBC News (last accessed 12 December 2014).

⁸² *Labour Party Manifesto 2010*, p3:4

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