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Public Bill Committee

EDUCATION AND ADOPTION BILL

Ninth Sitting

Tuesday 14 July 2015

(Morning)

CONTENTS

CLAUSE 12 agreed to.

CLAUSE 1 under consideration when the Committee
adjourned till this day at Two o'clock.

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The Committee consisted of the following Members:

Chairs: MR CHRISTOPHER CHOPE, † SIR ALAN MEALE

- | | |
|---|---|
| † Berry, James (<i>Kingston and Surbiton</i>) (Con) | † Pugh, John (<i>Southport</i>) (LD) |
| † Brennan, Kevin (<i>Cardiff West</i>) (Lab) | † Timpson, Edward (<i>Minister for Children and Families</i>) |
| † Donelan, Michelle (<i>Chippenham</i>) (Con) | † Tomlinson, Michael (<i>Mid Dorset and North Poole</i>) (Con) |
| † Drummond, Mrs Flick (<i>Portsmouth South</i>) (Con) | † Trevelyan, Mrs Anne-Marie (<i>Berwick-upon-Tweed</i>) (Con) |
| Esterson, Bill (<i>Sefton Central</i>) (Lab) | † Walker, Mr Robin (<i>Worcester</i>) (Con) |
| † Fernandes, Suella (<i>Fareham</i>) (Con) | Wilson, Sammy (<i>East Antrim</i>) (DUP) |
| † Gibb, Mr Nick (<i>Minister for Schools</i>) | |
| † Haigh, Louise (<i>Sheffield, Heeley</i>) (Lab) | Fergus Reid, Glenn McKee, Joanna Welham,
<i>Committee Clerks</i> |
| † James, Margot (<i>Stourbridge</i>) (Con) | |
| † Jones, Graham (<i>Hyndburn</i>) (Lab) | |
| † Kyle, Peter (<i>Hove</i>) (Lab) | † attended the Committee |
| † Lewell-Buck, Mrs Emma (<i>South Shields</i>) (Lab) | |
| † McCabe, Steve (<i>Birmingham, Selly Oak</i>) (Lab) | |
| † Nokes, Caroline (<i>Romsey and Southampton North</i>) (Con) | |

Public Bill Committee

Tuesday 14 July 2015

(Morning)

[SIR ALAN MEALE *in the Chair*]

Education and Adoption Bill

Clause 12

POWER TO REVOKE ACADEMY ORDERS

9.25 am

Kevin Brennan (Cardiff West) (Lab): I beg to move amendment 61, in clause 12, page 8, line 4, at beginning insert

“Except where an Academy Agreement has been made under section 1(3),”

This amendment is to establish the implications of this clause where an Academy Agreement has already been made.

The Chair: With this it will be convenient to discuss the following:

Amendment 62, in clause 12, page 8, leave out lines 9 to 12

Requires any Order revoking an Academy Order to be made by a statutory instrument which has to be laid before Parliament.

Amendment 63, in clause 12, page 8, line 12, at end insert—

“(4) The Secretary of State’s power in subsection (1) does not apply where the Secretary of State can revoke an Order under section 570 (Revocation and variation of certain orders and directions) Education Act 1996.”

A probing amendment to see if the existing mechanism for revoking orders which do not have to be made by statutory instrument applies.

Kevin Brennan: I understand that you are not with us this afternoon, Sir Alan, so I take this opportunity to thank you for chairing our proceedings over the past few days. I speak for everyone when I say that we will all miss our get-togethers, but good things have to come to an end. Thank you for your fair chairmanship of our proceedings.

We now come to amendments 61 to 63, which relate to clause 12. Amendment 61 is designed to establish the implications of the clause where an academy agreement has already been made. Amendment 62 would require that any order revoking an academy order be made by a statutory instrument that has to be laid before Parliament. Amendment 63 is a probing amendment to see whether the existing mechanism for revoking orders that do not have to be made by statutory instrument applies.

Under section 4 of the Academies Act 2010, the Secretary of State has the power to make an academy order in two sets of circumstances: first, where an application for an academy order has been made in respect of the school, such as with a voluntary conversion; and, secondly, where the school is eligible for intervention

within the meaning of part 4 of the Education and Inspections Act 2006, which has subsequently been amended.

The statutory guidance, “Schools causing concern”, makes it clear that conversion to sponsored academy status should be considered the normal means of improving a school where it has a history of sustained underperformance. Clause 12 inserts new section 5D into the 2010 Act. It allows the Secretary of State to revoke any academy order in relation to schools eligible for intervention. The explanatory notes give the example of a situation where the Secretary of State decides that it would be better to direct the local authority to close the school.

With amendment 61 we are probing on where, in the process of creating an academy, the power to revoke applies. Does it lapse when a funding agreement is signed, for example? That is not immediately obvious to us from the wording. If it does not lapse then, that radically undermines the position of academy trusts. If they have a seven-year contract, they might reasonably expect some clarity.

Given the implications of the clause and the potential for controversy, amendment 62 would require a statutory instrument to be laid, which could be prayed against. Would that not prove a useful safeguard in the circumstances?

We tabled amendment 63 to explore whether there are two bits of potentially contradictory legislation here. We look forward to the Minister’s explanation.

The Minister for Schools (Mr Nick Gibb): May I add my thanks to you, Sir Alan, for your professional and courteous chairing of the Committee? I am sure you will miss our deliberations as we go into the summer recess.

Amendments 61, 62 and 63 relate to the power in clause 12 for the Secretary of State to revoke academy orders. The Bill strengthens the Secretary of State’s powers to turn around failing schools by bringing in sponsors with the necessary expertise to raise standards. The Bill simplifies the process of conversion and reduces opportunities for ideological obstruction, ensuring that the necessary improvements to schools are secured more quickly.

There will, however, be rare circumstances where an academy order needs to be revoked. As the hon. Gentleman said, clause 12 addresses that by inserting new section 5D into the 2010 Act. That will allow the Secretary of State to revoke any Academy order issued to a school that is eligible for intervention. The Bill requires the Secretary of State to make an academy order for every school judged “inadequate” by Ofsted. The vast majority of those schools will become sponsored academies as a result.

Under clause 1, other schools will become eligible for intervention because they are coasting or, under other provisions, have failed to comply with a warning notice. In those circumstances, the regional schools commissioners may decide that the best strategy to tackle underperformance is for the school to become a sponsored academy. Those schools will also be issued with an academy order.

There might, however, be a small number of exceptional cases where the Secretary of State decides not to pursue academy conversion after an academy order has been

issued. A school may, for example, prove to be unviable because of falling pupil numbers. As the hon. Gentleman alluded to in his opening remarks, in those circumstances closure would be more appropriate. One such example was Wakefield Pathways school, which was judged to require special measures in November 2014. After undertaking our due diligence, and with agreement from the local authority, the Department decided not to pursue sponsored academisation. The school's falling pupil numbers meant that it is not considered to be viable and the children will be supported to move to other schools.

There may be other examples in the future. There may be an instance where a school has gone from "outstanding" to "inadequate" due to a specific safeguarding concern but that issue has been quickly resolved. In such a case, the Secretary of State may not view academisation as in the interests of the school or its pupils. She would be able to revoke the automatic academy order using the power in Clause 12.

In amendment 61, the hon. Member for Cardiff West seeks to remove the power of the Secretary of State to revoke an academy order after a funding agreement has already been signed. I understand that this is a probing amendment, to see at which point the power lapses. We do not believe that the amendment is necessary. Once a funding agreement has been signed, the academy will open. It is important to have the power to revoke an academy order prior and up to the point of the funding agreement being signed and an academy opening, for the reasons I have set out; but it would make no sense to have a power to revoke the academy order after this point.

Amendment 62 would require any revocation of an academy order to be made by statutory instrument. This is an unnecessary complication. We anticipate that the Secretary of State will use her power to revoke an academy order only in a very small number of exceptional cases. For each of these cases, of which I have already provided examples, the case for revoking an academy order is clear and straightforward. This amendment could create unnecessary and costly delays when the Secretary of State has determined that a school should be closed because it is not viable.

Amendment 63 would remove the provision in clause 12 enabling the Secretary of State to revoke an academy order, on the basis that she already has other powers regarding revocation and variation of certain orders and directions under section 570 of the Education Act 1996. Given our aim of simplifying the streamlining of the processes for turning around underperforming schools, it is important that there is a clause contained within the Education and Adoption Bill that applies specifically to the revocation of academy orders. The Bill is clear that the Secretary of State has a duty to automatically make an academy order for every school judged "inadequate" by Ofsted. It is only right that it should also contain a power that relates specifically to academy orders and permits the Secretary of State, in the exceptional circumstances which I have described, to revoke an order. It is important that these processes are clear on the face of the Bill and available for exceptional circumstances as they occur.

In view of this I hope that the hon. Gentleman will feel reassured and withdraw his amendment.

The Chair: Before we call Mr Brennan again, I have indicated to Mr Jones and Mr McCabe that it is okay to remove their jackets if they so wish. Other members are entitled to do the same, although no more.

Kevin Brennan: Well, Sir Alan, we are all very grateful that you are protecting the interests of public decency at the same time as chairing our proceedings.

The Minister is right: these are probing amendments. We are trying to find out what the Government's thinking is here and how far along the road this revocation could take place. He has given a further example to the one given in the explanatory notes. We would be interested in due course, perhaps, to hear about other circumstances in which a revocation order might be brought into play, but he has extended that in his remarks. I am not entirely clear until what point the power to revoke exists. I do not want to extend this into a clause stand part debate, but does the Minister have anything to add on whether the power to revoke exists only until the signing of the funding agreement? Unless he knows the answer now or I missed him saying it, I would be happy to hear it later.

Mr Gibb: I am happy to confirm that the power to revoke exists up until the point at which the funding agreement has been signed, when it becomes otiose.

Kevin Brennan: I am grateful for that. On that basis, I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

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

Mr Gibb: The clause gives the power to revoke an academy order made on the grounds that a school is eligible for intervention. The Bill is clear that the Secretary of State must make an academy order for every school judged "inadequate" by Ofsted. The vast majority of those schools will become sponsored academies as a result. There will be other schools that have become eligible for intervention through being a coasting school or failing to comply with a warning notice, for which becoming a sponsored academy is also the best way of bringing about sufficient improvement. They will therefore also be issued with academy orders.

There might, however, be a small number of exceptional cases where the Secretary of State decides not to progress with academy conversion. Such a case might, for example, be where a school is not considered viable and closure is appropriate, or where a school has gone from "outstanding" to "inadequate" only because of a specific safeguarding concern that has quickly been resolved, rather than concerns about leadership or standards, so the school does not need the additional support and leadership of a sponsor.

When an academy order is made for a school that is eligible for intervention, through the new sections of the 2010 Act inserted by the Bill, the governing body and local authority have a duty to facilitate the conversion and comply with directions given by the Secretary of State. Where the Secretary of State made an academy order in relation to a school that was eligible for intervention and has subsequently decided not to proceed to enter

[Mr Gibb]

into academy arrangements, it is desirable that she provides certainty for all those involved by revoking the order and telling those involved that she has done so.

Question put and agreed to.

Clause 12 accordingly ordered to stand part of the Bill.

Clause 1

COASTING SCHOOLS

Kevin Brennan: I beg to move amendment 66, in clause 1, page 1, line 4, at end insert—

“(a) in subsection (1) after (c) insert—

“(i) an Academy”;

(b) ”

This amendment would include Academies in the definition of maintained school in Part 4 (Schools causing concern) of the Education and Inspections Act 2006.

The Chair: With this it will be convenient to discuss the following:

Amendment 67, in clause 1, page 1, line 4, at end insert—

“(a) in subsection (1) after (c) insert—

“(i) a Pupil Referral Unit”;

(b) ”

This amendment would include Pupil Referral Units in the definition of maintained school in Part 4 (Schools causing concern) of the Education and Inspections Act 2006.

Amendment 77, in clause 1, page 1, line 16, at end insert—

“(2E) A maintained school under this section does not include—

(a) a maintained nursery school,

(b) a community or foundation special school, or

(c) a 16-19 school.”

This amendment would exclude certain maintained schools from these provisions.

Kevin Brennan: We now finally come to the very first clause of the Bill, on the very last day of our proceedings. Clause 1 creates a new category of school eligible for intervention: coasting schools.

Although we have left this clause until last, we have probably had more submissions of evidence on it than any others. We have had external stakeholders’ views from, among others: the Institute of Education; the editor of *Schools Week* magazine; Professor Becky Francis, who spoke to us during an oral evidence session; the National Union of Teachers; the National Association of Schoolmasters Union of Women Teachers; Unison; the Association of School and College Leaders; PTA UK; St Helens Council; David McNaught, a former headteacher in Sheffield City Council; the Local Government Association; the Alliance for Inclusive Education; Bill Griffiths, a headteacher, primary consultant and national leader; the Association of Teachers and Lecturers; the Local Schools Network; Professor Gorard of Durham University; Alison O’Sullivan, president of the Association of Directors of Children’s Services; Russell Hobby of the National Association of Head

Teachers; Dr Rebecca Allen from Education Datalab; and Robert Hill, visiting senior research fellow at King’s College London.

We have had a lot of interest in the clause, so it is right that we scrutinise it thoroughly today. I want to make it absolutely clear from the outset that we do not have a problem with the concept of a coasting school or the need to do something about schools that might be superficially doing well but are failing to fulfil their pupils’ potential. I said as much, as many colleagues will recall, on Second Reading. We do not have a problem with that construction at all. In fact, hon. Members will be aware that when we were in government, we wanted local authorities to identify coasting schools whose intake did not fulfil earlier promise and whose pupils had lost momentum and failed to make progress. Often, this is related to children or pupils with special educational needs who get left behind and can be disengaged from their education, but it is also applicable to able pupils not being stretched—not being challenged enough. In the latter stages of our time in office, we were developing plans for coasting schools to benefit from the support of other schools and leaders and to form trusts and federations to formalise the benefits of collaborative learning.

We therefore absolutely recognise the concern. However, we are not entirely convinced at this stage that the way in which the Government are dealing with this issue currently by attempting to legislate in this way in relation to coasting schools will necessarily work well. Furthermore, the draft regulations, which rigidly seek to define coasting schools in a way that produces significant anomalies and a competing means of judging schools beyond the inspectorate of Ofsted, is not necessarily the best way forward. That is why we seek to stress-test the Government’s approach vigorously and why we believe that the Government, as I said earlier, introduced the Bill before they had done enough work on defining exactly what they meant by a coasting school.

Amendment 66 would extend the provision of the Bill to cover academies. By amending clause 59 of the 2006 Act it would, in effect, extend all the provisions in this Bill to include academies. It seems to be the Government’s view that maintained schools that are experiencing difficulties need a fundamental change of structure, but that does not need to apply to academies.

When the hon. Member for Southport who is in his place this morning asked the Minister last week if:

“Coasting schools are to be forced to become academies. What is going to happen to coasting academies? Are they to be forced to become schools?”—[*Official Report*, 15 June 2015; Vol. 597, c. 1.]

he got very short shrift from the Minister. It seems that if academy status is right for failing and ultimately coasting maintained schools, it is right for failing or coasting academies too. However, they just get to “evolve”—I think that is the word the Minister used last week—possibly with a new name on the door.

This is very strange given that the Schools Minister told the Committee last week:

“The hon. Gentleman is also wrong to say that we see schools as a hierarchy with academies at the top and maintained schools at the bottom. We do not”.—[*Official Report*, 7 July 2015; Vol. 598, c. 220.]

That statement was considered so unusual that it merited a story in “*Schools Week*”, as a result of what the Minister said. He actually went on to name some good

maintained schools, after some prompting by me that he should adopt the one in one out policy of naming a good maintained schools after naming a good academy and conversely, naming a bad academy after a failing maintained school, possibly. I very much welcome that. However, it all turned out to be a little bit too good to be true, as apparently one of the schools he named, Roxham primary school, is in fact an academy, not a maintained school. Still, I suppose it is the thought that counts and we should be grateful for the fact that he believed that it was possible that a maintained school could be good; even if, as in this case, that was not actually true.

The impression that has been given by Ministers in the frequency of their praise for one type of school rather than another, and in their singling out of one for legislation over another—as is pertinent to these amendments—is that they do see schools in a hierarchy by type rather than by quality of performance—that is what people think.

One of the other ways in which they do that is through the use of statistics. We have had some exchanges during the course of our proceedings about statistics. I note from Warwick Mansell's article in today's *Guardian* that I am not the only one who has been concerned about the way in which Ministers use statistics. In fact, Warwick Mansell complained to the UK Statistics Authority about the use of a statistical publication released by the Department for Education in December, which was seized on by Ministers as a way of advocating more academies. The publication showed, quite correctly, that SATs results from 2012 to 2014 improved more quickly in sponsored academies than in non-academies.

9.45 am

Regular listeners and watchers of our proceedings will know that we have previously picked up on the issue of comparing sponsored academies with non-academies; there are some problems with making that comparison. Warwick Mansell took it as far as complaining to the UK Statistics Authority on the same grounds as those we mentioned last week, writing that,

“differences in results gains may not have been anything to do with whether the schools were academies or not. Rather, they seemed to be part of a general trend, for all schools, whereby those starting off with poor results in 2012-13 closed the gap on those that had been formerly ahead.”

It turns out that non-academies starting with the same generally poor test results as sponsored academies in 2013 registered faster improvement in 2014. Somehow or other, the Department for Education release on the statistics neglected to mention that. I do not know whether civil servants did not notice it or whether Ministers decided not to feature it, but that was the case.

As mentioned in Warwick Mansell's article, the UK Statistics Authority has said that the Department for Education should, in future,

“state that the data as presented could not be used – by ministers and others – to imply a ‘causal link’ between academy status and improvements in test results.”

I hope that everybody heard that because it came from the UK Statistics Authority—the independent body set up by the Government to test the use of statistics by Ministers.

Mr Gibb: I would hate the hon. Gentleman not to include the full findings from the UK Statistics Authority, because it did say:

“The Authority has reviewed these uses of the statistics and concluded that the comments made by Ministers on the Today programme and in the House of Commons did not misrepresent the statistics.”

Kevin Brennan: I am very grateful to the Minister for that clarification. I am sure that, in future, he will not imply a causal link. In time, perhaps we will see what the UK Statistics Authority makes of our exchanges. It is a timely reminder for us all to use statistics in the appropriate manner.

Currently, the only powers that Ministers have regarding academies are in their funding agreements. Given the way that funding agreements have changed over the years, there is no consistency in those powers. Some, but not all, mimic the language of the 2006 Act.

Coasting is not mentioned anywhere in funding agreements because the concept is only being introduced through this Bill and is not applicable to academies. It is not clear how the Minister's right to intervene in coasting schools, under his proposed definition or any other, can be applied to an academy. The model funding agreement echoes the 2006 Act. It does not echo the Bill. No reasonable reader would imagine that the coasting provisions could be read into the existing funding agreements.

It seems that the Minister has a choice. He could accept our amendment, which would bring academies within the scope of the Bill, or he could renegotiate several thousand individual funding agreements to ensure that coasting academies do not escape the scrutiny and intervention that he thinks is so vitally important—not because they are maintained schools, but because coasting educational establishments have an impact and an effect on children.

A wider issue is the use of private law to manage academies that are causing concern. Becoming “of concern” is a private contract law matter between the Secretary of State and the academy trust, but public law is used to identify, support, manage and improve provision in maintained schools that are causing concern. The Government should be asked why they do not want to bring academies causing concern into public law. Under the coalition Government, certain academy matters were brought into public law, when they were faced with the reality of managing a public education service by contract law—the situation that we are rapidly moving towards.

There are several examples. One of the most important is special education provision in the Children and Families Act 2014. An academy trust had shown it did not have to admit a pupil with what was then called a statement of special educational needs. Another is pupil admissions in the Education Act 2011. The Minister and I both served on the Bill Committee for that. We argued very strongly for and achieved direct power of the school adjudicator over admission arrangements. That was a welcome development. There are several minor examples such as infant free school meals in the 2014 Act. Can the Minister explain why he wishes to use inflexible private contract law to manage academies causing concern when by amending the Bill we could make matters much more straightforward?

[Kevin Brennan]

Amendment 67 is about pupil referral units or alternative provision, as they are often now called. They are similarly not covered by the 2006 Act. This applies to both local authority maintained schools and to alternative provision academies. There does not seem to be any particularly good reason why alternative provision should be outside the terms of the Bill, given that the units are increasingly taking on the characteristics of schools with their own governance and financial arrangements. In this respect the scene is very different to that in 2006. At that time, pupil referral units were usually fully controlled units of the local authority rather than autonomous schools. However, the criteria currently proposed would of course be entirely inappropriate for pupil referral units, so if they are to be included, there would need to be a significant rethink on definitions and criteria. The Bill presents an opportunity to address this anomaly and this amendment is to probe further the Government's thinking on this matter.

Steve McCabe (Birmingham, Selly Oak) (Lab): While the Bill generally seems to have been ill-conceived—the fact that it has been dealt with in this back-to-front fashion shows how ill-prepared the Government were—does it not seem remarkable that alternative provision, the very pupils for whom one would have thought we would have the maximum concern, is relegated to two lines at the bottom of the Government's explanatory statement, saying that they will consider the possibility of consulting on it later? That shows that the Government have not given any consideration to the needs of that particular group at all.

Kevin Brennan: Yes. My hon. Friend again puts it more eloquently and accurately than I could have. There is a general concern about a lack of attention to pupils with special educational needs and disability needs in a lot of the Government's thinking, not just with regard to the Bill and this particular provision but more broadly.

The Schools Minister answered written question No. 2637 tabled by my hon. Friend the Member for Edmonton (Kate Osamor) on 22 June. We thank him for that answer, which stated that

“pupil referral units...will...not be eligible to be defined as coasting schools.”

It would, however, be possible to use secondary legislation under section 19 of the Education Act 1996 to include pupil referral units in the definition. The Minister said in Committee on 9 July, column 273, that he would consider extending the clause 7 duty to academise to pupil referral units using secondary legislation. We would welcome further clarity from the Minister on pupil referral units as well as his response to the remarks made by my hon. Friend in his intervention.

John Pugh (Southport) (LD): I am sorry to have to disagree with the hon. Member, because I have agreed with everything that he has said up to now, but there is another special problem with pupil referral units in so far as their population is very volatile; it changes all the time. A longitudinal assessment over three years might be quite hard to accomplish to help decide whether a school is coasting.

Kevin Brennan: The hon. Gentleman makes a reasonable point and, as I said, we are probing the Government's thinking about this. We must not lose sight of the fact that it is equally important—if not sometimes more important, as my hon. Friend the Member for Birmingham, Selly Oak said—that provision is excellent for pupils in pupil referral units, pupils with special educational needs or disabilities and so on. We should have the same, if not more, passion about schools for them, as we do for schools in general. However it is achieved, it needs to be achieved—I think that we can probably agree on that.

Section 59 of the 2006 Act explicitly included all the types of school in amendment 77 in its definition of “maintained school”, and that definition is carried forward into this Bill. The draft regulations can be applied only to mainstream primary or secondary schools, however. The data used are obviously not applicable to either a nursery school or a 16-to-19 school, because they are based on key stage 2 and key stage 4 outcomes. Equally, the criteria are entirely inappropriate for special schools, where the same nationally set rates of progress cannot be expected. It is important that the legislation is explicit and accurate and that draft regulations cover the circumstances of all schools that are to be covered. Either the Bill or the regulations need to be changed, and we would be grateful if the Minister would clarify this matter.

Louise Haigh (Sheffield, Heeley) (Lab): May I add my thanks for your excellent chairmanship during these proceedings, Sir Alan. I rise in support of amendment 66 in the name of my hon. Friends. On Second Reading, the Secretary of State outlined the intention that,

“No child should have to put up with receiving an education that is anything less than good”,

before going on to say that,

“The measures in the Bill are designed to speed up the process by which underperforming schools are transformed”.—[*Official Report*, 22 June 2015; Vol. 597, c. 638.]

Clause 1 specifies, however, that only a maintained school can fall under the proposed coasting regulations and, as we know, there is no provision whatever about transforming failing academies and failing academy chains, as my hon. Friend the Member for Cardiff West has already made clear. Indeed, under one of the measures of coasting—below 60% of pupils achieving grade A* to C at GCSE—the figures from the DFE performance tables are revealing.

The number of academies and free schools not meeting the 60% benchmark has almost trebled in the past three years, whereas the number of maintained schools failing to meet it has halved. They now very nearly match each other, with the number of maintained schools missing the benchmark falling from 1,445 to 854 and academies rising from 214 to 558. I appreciate that this is just one benchmark of the new coasting definition, but it is telling that the Government have chosen to focus their new performance measures entirely on maintained schools when, under their own terms, there is a clear issue with academies, and failing academies in particular, especially given that there were proportionally more inadequate academies than maintained schools as of April 2015. Further, and finally, as my hon. Friend mentioned, Opposition Members have serious concerns that this Bill will, yet again, leave academies free of direct parliamentary scrutiny, to be dealt with via private

contract law behind closed doors. We hope that this amendment will go at least some way to increasing the scrutiny of academies and will allow standards to be raised for all schools.

Mr Gibb: The provisions in clauses 2 to 12 will allow us to tackle failing schools more swiftly. They build on the success of the academies programme established by Lord Adonis and expanded by the coalition Government, and this approach has contributed to a dramatic improvement in standards—over a million more children are now in “good” or “outstanding” schools than in 2010. Those measures will accelerate the process of intervention in failing schools by removing bureaucratic obstacles and making it more difficult for ideology to stand in the way of necessary improvements.

However, our commitment to social justice means that we need to go further. If we are to ensure that every child, regardless of background, receives the high-quality education to which they are entitled, we cannot settle for tackling failure only once it has arisen.

10 am

Clause 1 introduces new provisions to allow the Secretary of State to identify schools that are coasting so that regional schools commissioners can provide them the challenge and support that they need to improve. A coasting school is one that is not consistently ensuring that children reach their potential, whether in the inner city, a coastal town or a leafy suburb. In these circumstances, we believe that regional schools commissioners should be able to intervene so that all pupils receive the best start in life. Clause 1 gives the Secretary of State the power to make regulations defining those schools deemed to be coasting and therefore eligible for intervention. To assist the Committee’s scrutiny of this clause, we have published draft regulations setting out our proposed definition.

No school will be identified as coasting until the end of 2016, when there will be three years of data available—for 2014, 2015 and 2016. A school will be deemed to be coasting when its performance data fall below an expected level in each of the previous three years. For secondary schools from 2016 onwards, the relevant measure will be progress 8. This is a robust metric, and it has been well received by schools and headteachers. It reflects our commitment to social justice by measuring the progress of all pupils in a range of subjects, rather than only the number of pupils falling above or below the C/D threshold. Progress 8 will be introduced from 2016, so by 2018 schools will be deemed to be coasting only if they have fallen below a level set against this strong metric for three years.

Graham Jones (Hyndburn) (Lab): On a point that I raised during the evidence sessions, the Minister talks about progress 8 measurements, but will he go on the record and tell us where an assessment of parental contribution is included in the measurement of coasting schools? The issue of coasting schools in my region is largely in affluent areas and relates to the work that parents do that substitutes for the work of teachers. Will he address that point?

Mr Gibb: It is my view that the background of a child and the support, or lack of support, from parents should be irrelevant. The school should be

helping children, regardless of their circumstances. So if a child does not have support from parents when they attend school, the expectation is that the school will make up that help. That is the purpose of the pupil premium. This is significant extra funding—£1,300 for every child in a primary school, nearly £1,000 for every child in a secondary school—because we are determined that, whatever the background or ability of a child, they should get the best education possible. That is the core social-justice objective behind all our school reforms for the past five years.

Graham Jones: The Minister refers to the pupil premium, so we gravitate back to deprived areas, not affluent areas. In affluent areas, some children will receive the pupil premium, but far fewer. In some cases, it will be next to none or none. I am talking about affluent areas where the pupil premium is negligible. What about schools in those areas that do not receive the pupil premium and where the work of teachers is being substituted by the efforts of parents at home? How do we make an assessment of those two pillars of a child’s education?

Mr Gibb: Children from more deprived backgrounds attending those schools will also be expected to achieve well. That is why we are using a progress measure so that the school will benefit from helping those children to achieve well, regardless of their starting point. The metrics will reflect the support given to those children. The new metrics, which move away from focusing on the C/D borderline, or the level 4c/3a borderline in primary schools, will give schools in affluent areas more incentive to help children who start school at a low level than the previous metrics, which have been in place for a number of years.

Graham Jones: It strikes me that we do not have any measure of tiger mums or tiger dads in all this. They play a crucial role in a child’s education, complementary to the education system, the school and the teachers. Where that effort is being made by tiger mums and tiger dads, how do we measure a coasting school?

Mr Gibb: No one should criticise parents for taking an interest in their children—we should be encouraging it throughout the population. The more children are read to by parents in their early years and throughout their childhood, the more effective readers those children will be in later life. It is a good thing for parents to support their child’s education, and we need to encourage rather than penalise that. I think that the hon. Gentleman is trying to say that schools may actually be coasting, but the metrics and the performance of that school may not reflect that fact because it is masked by the help that parents give to children at home. *[Interruption.]* That is a valid point, but if the metrics show that all the children at that school are—by hook or by crook—achieving the expected level or beyond by the time they leave primary or secondary school, then that is a good thing.

We are worried that pupils are not progressing to their maximum potential. If the schools to which the hon Gentleman referred are not delivering a high level of achievement for those pupils who do have support from home, then that will be revealed in the progress

[Mr Gibb]

measures. If a child starts primary school at age four or secondary school at age 11 with a high level of attainment because they have had support from their parents and the school is not adding value beyond the help that they already had before starting at that school, that will be reflected in the progress measures, both progress 8 and the progress measure at primary school.

Graham Jones: The Minister draws on a point that was raised in the evidence session, which was the accelerant or social gradient that occurs in most affluent communities. He talks about measuring from the beginning to the end and seeing an improvement, and otherwise a school will be defined as coasting. However, we heard in the first evidence session that there is an accelerant in this. There is a social gradient, in which affluent kids bound onwards. Their educational improvement is not just linear but actually accelerates. Therefore, there will still be a problem in measuring the level of improvement for those children.

Mr Gibb: I will have to think further on what the hon. Gentleman says. I remain confident that the progress measure will reflect a lack of progress by pupils, at whatever speed and whichever point during their school career they make or fail to make the progress that they should be making, given their starting point. I understand the point that the hon. Gentleman makes about Rebecca Allen's evidence in our first evidence session. She said that in non-affluent areas there might be a disincentive for schools to recruit high-ability teachers. She felt that those schools were unfairly penalised by the metrics that we used, and we were therefore compounding the problems that those schools faced by making it difficult for them to attract highly able teachers. The argument against her viewpoint is, of course, that you cannot have lower expectations for schools in more deprived areas than for schools in leafy suburbs. That is why we are determined to tackle coasting schools using the same metrics in more deprived areas as in affluent areas. We expect every child to receive the same quality of education as a child in a leafy suburb, regardless of their background.

Kevin Brennan: I am sure that we will also discuss many of these points later in the clause stand part debate. What did the Minister mean when he said earlier that the level of parental support should be irrelevant—I think that was the word he used—because of the pupil premium? Is he really suggesting that a payment of £1,320 could compensate for a lack of parental support at home for pupils attending school?

Mr Gibb: We want it to be irrelevant. Of course, it is not irrelevant so far as the child is concerned. Supportive parents who encourage the children to do their homework and to read, who read to their children and take them to museums and theatres and around the country on trips, will of course all impact on the child's education and ability to learn. However, if we want an education system that is needs-blind and tries to remedy all the problems that a child may face as a result of their background, we need to have very high expectations of every school, regardless of where it is situated and regardless of its intake. That has been the drive behind

many of the education reforms implemented over the past five years, and behind the concept of the pupil premium.

The reason for the pupil premium is to provide extra funding for schools that face the challenges that the hon. Member for Hyndburn described. That is why significant sums of money totalling £2.5 billion a year have been allocated to schools, particularly to schools serving deprived areas. We want very high levels of expectation in schools.

I can take Opposition Members to schools that serve challenging areas and deliver the education that we want for every child in this country. They are managing to do it. I admit that they are fewer in number than we would like, but the Government's ambition is to expand the number of schools that deliver high-quality education in areas of deprivation so that every single child reaches the expected level or beyond. Given that it can happen—for example, at the King Solomon Academy or the Ark Priory primary school in London—I do not see any argument, whether from Rebecca Allen or from the hon. Member for Hyndburn, that cannot be countermanded by those examples. We believe strongly that every school in every area is capable of delivering the high-quality education that we see in the best schools in the country.

Steve McCabe: If the pupil premium is the chosen means for compensating for the difficulties or deprivation that some children suffer, how concerned is the Minister that the National Audit Office has said that there is no evidence that the pupil premium is having any meaningful impact on achievement? The NAO is deeply concerned about how ineffectively it has been spent in some areas.

Mr Gibb: Of course I am concerned about those conclusions. The pupil premium enables schools to adopt approaches that will ensure that every child progresses and achieves the level of education that we all want. However, it is also a matter of what happens in schools. Combined with the pupil premium, we have policies, for example, on phonics—the most effective way of teaching children to read—that evidence from around the world and from this country shows are effective. We are looking at evidence about how to teach children mathematics. We have had teacher exchanges between Shanghai and this country. Shanghai is three years ahead in mathematics achievements for 15-year-olds. We are looking at methods that bring about results. In the Shanghai approach, every child achieves what they call “mastery”. They manage to achieve the same level of fluency as the brightest children in the class, and we want to bring that approach to the United Kingdom. It costs money, of course, but it is not just money; it is also approaches.

Steve McCabe: Sir Alan, I really want to hear more about Shanghai, but will the Minister explain the point about the pupil premium first? Perhaps we can come to Shanghai later. He said that the pupil premium was the instrument he was using to compensate for these concerns. What about the fact that the NAO says that there is no evidence that it is doing what the Minister claims?

Mr Gibb: I do not know whether the hon. Gentleman is espousing the abolition of the pupil premium for schools. We believe strongly that we want to give schools sufficient—

Steve McCabe: I am advocating not wasting money.

Mr Gibb: Well, we want to ensure that schools have the resources to enable them to tackle poor performance among children from poorer backgrounds. We want to help those children to achieve as much as, if not more than, children from leafy suburbs. It is a matter not simply of resources but of the approach to education. We have established the Education Endowment Fund, which is looking at methods and bringing evidence-based approaches into our education system so that we can see what is effective in helping children to achieve most effectively. So it is not a one-club approach. It is a multi-club approach that looks at the best ways to deliver education to help all children.

Mrs Flick Drummond (Portsmouth South) (Con): Does my hon. Friend agree that it is now up to the governing body to look into the effectiveness of the pupil premium and to report on how it is being spent? It needs to analyse what effect it has on the achievement of the children who get the pupil premium and the school as a whole.

10.15 am

Mr Gibb: My hon. Friend is right to describe her experience in Portsmouth. One requirement of the 2012 School Information Regulations, introduced by the previous coalition Government, is that schools state how they have spent the pupil premium and how effective they have been in raising educational standards for eligible children.

I shall move on to explain the definition of “coasting” for the purposes of clause 1. I have already set out the situation for secondary schools for 2016 onwards. I now want to set out the position for primary schools for 2016 onwards. For a school to be identified as “coasting”, it has to fall below both the attainment level and the progress measure. In 2016 the attainment threshold will be 85% of pupils meeting the new expected standard in reading, writing and maths. The progress measure will be calculated by comparing the results of pupils with similar starting points.

The key measures incorporated into both the primary and secondary coasting definitions will be introduced from 2016, giving schools time to prepare for the new arrangements. It will, therefore, be in 2018 that each school has three years of data reflecting those metrics. It is important, though, that we do not wait until 2018 to tackle coasting schools, so the draft regulations include interim measures for 2014 and 2015 data that reflect current accountability measures.

That approach will allow regional schools commissioners to begin identifying coasting schools from 2016 on the basis of three years’ data. In 2014 and 2015 only, a secondary school will be below the coasting level if under 60% of pupils achieve five or more A* to C grades, including English and maths, at GCSE; and if the percentage of pupils making expected progress is below the national median. We are not applying progress data retrospectively because that would be unfair for schools that have made curriculum choices that were reasonable for the accountability regime applying at the time of their choice.

A primary school will be below the coasting level if under 85% of pupils achieve level 4 in reading, writing and mathematics, and if the percentage of pupils making expected progress is below the national median.

Clause 1(3) would require the Secretary of State to notify a school when it is deemed to be coasting and, therefore, eligible for intervention. Once a school falls within the coasting definition, regional schools commissioners will consider whether the school has the capacity to secure the necessary improvements without formal intervention. In some cases, the school’s own leadership, perhaps a recently appointed head, may demonstrate that it has an effective plan to raise standards without significant external support. In other cases, more support will be necessary.

Coasting schools will have the opportunity to work with national leaders of education or stronger schools and other relevant experts to improve their performance. Where appropriate, the regional schools commissioners will use formal powers of intervention, including the new power in clause 4 to require the school to enter into arrangements such as collaboration with another school, or entering into a contract with another organisation to receive advice. Finally, clause 1 would also give regional schools commissioners the power to make an academy order in respect of a coasting school.

An explanatory statement sent to the Committee last week was clear that we will consult further on the definition of coasting, as the Bill progresses through Parliament and before regulations are finalised. That wider consultation will build on the discussions that we have already had with key organisations, many of which the hon. Member for Cardiff West listed as having an interest in the issue and submitting written evidence, including the Association of School and College Leaders, the NAHT, Ofsted, the National Secular Society and the Catholic Education Service.

Amendment 66 seeks to apply the statutory framework for defining coasting maintained schools to academies. Underperformance should not be tolerated in any school, whether maintained or an academy. There are now 5,043 open academies and free schools, the vast majority of which are successful, despite what the hon. Member for Sheffield, Heeley said. In the small number of cases where we have had concerns about the performance of an academy, free school or sponsor, we have taken swift action to require improvements. Since 2010, we have issued 108 formal warning and pre-warning notices. Where it is clear that the capacity to make necessary changes does not exist, we will make new sponsor arrangements, as we have done in 75 cases.

Chatham grammar school for boys is one school that has benefited from a change of sponsor initiated by the Department. In June 2013, Ofsted deemed the school inadequate, and it was transferred to Rochester grammar school’s Thinking Schools Academy Trust. Its new sponsor, Rochester grammar school, is an outstanding school that is in the top 1% for attainment nationally. Its executive principal, Denise Shepherd, is a national leader of education. When Chatham grammar school for boys was re-inspected in September 2014, Ofsted found it to be good and commented:

“The executive principal provides exceptional leadership. Her swift actions to address inadequate teaching and leadership have resulted in rapid and sustainable improvements.”

[Mr Gibb]

A further example of the Department acting quickly to address performance issues is Minerva academy in Paddington, which was judged to require improvement by Ofsted in January 2014. We had concerns that the sponsor did not have the capacity to bring about sufficient improvement. It was therefore arranged for the school to move to a new sponsor—REAch2 Academy Trust—in September 2014. At a monitoring inspection in March 2015, Ofsted commented:

“The REAch 2 trust has provided the school with extensive challenge and support.”

It said that

“the academy trust acted quickly to review how effective the school was in its work with pupils and parents. They identified where the school was in its journey towards becoming a good school and in tackling the areas that required improvement...the trust, the local transition board, leaders and staff have a sharp understanding of where the school is and what is necessary to improve the school.”

Ofsted continued:

“The comparison between pupils’ books from last academic year and this year is striking...Senior leaders have focused quickly on eradicating any inadequate teaching. This has been achieved and pupils across the school are making faster progress, as a result.”

Steve McCabe: Is there a cost for this commendable action whereby the Minister intervenes to switch sponsors for a school that has been lumbered with an inadequate sponsor? Some contractual arrangements must presumably change as a result of the switch. What is the average estimated cost, and who picks up the bill?

Mr Gibb: I will come back to the hon. Gentleman on the figures in a moment, but I want first to talk about the powers to intervene.

As my noble Friend Lord Nash made clear when he gave evidence to the Committee, we will be just as rigorous in identifying academies that fall within our coasting definition as we will be in the case of maintained schools. Just as I have outlined for maintained schools, any academy that falls within the coasting definition will be challenged and required to demonstrate that it can improve sufficiently or face further action.

John Pugh: The Minister describes commendable vigilance by the Department or heads of academy chains, but there will come a day when academies are perfectly standard, with lots of them right across the country. They may even form the larger proportion of the educational system. He is setting up a regime for identifying coasting schools, and he needs to make it future-proof. Is it not a very weak scheme if the only future-proof element is relying on the vigilance of future Ministers—Ministers who may not belong to his party and on whom he may not be able to rely to be vigilant?

The Minister must have a view on what will happen come the day when the majority of schools in this country are academies, some of which will be coasting. Do we not need an automatic trigger to indicate to the Department and other interested parties when things are not going as they should? To rely on the personal intervention of the Minister, Department or academy chain itself is a very weak system.

Mr Gibb: I do not agree, because we have established a network of regional schools commissioners. There are eight regional schools commissioners spread throughout England and they are supported with advice from local headteacher boards. That is the mechanism through which the Secretary of State and her Ministers can ensure that we are addressing failure in the academy system. The system is designed to address failure, not to intervene in success. Where schools and academies are successful, we do not want regional schools commissioners to intervene; we want to allow the devolution of power to the frontline, to teachers and headteachers.

John Pugh: I accept the Minister’s point; my own is simply this. In the Bill, there is an automatic trigger whereby one can identify coasting schools and address them in a particular way. Academies have no such automatic trigger. In terms of future-proofing the Bill, whether it be the schools commissioners, the academy chain or the Minister who have to act on the coasting element in academy chains or academies, there does not seem to be provision to avoid any lackadaisical approach by any of those parties. If they are not vigilant—and that is the only thing that the Bill in its current form relies upon—academies will coast and the intervention will not happen.

Mr Gibb: There are several points there. When one is dealing with a state education system one needs the elected officials to be vigilant—whether at local authority or national level. That is inherent in our democratic structure. If people are misguided enough to elect a Government in which Ministers are not vigilant, people have the right—as Nick Ridley famously said—to vote for unemployment. In a democracy, people have the right to vote for inadequate Ministers. I say that they ought not to do that; they ought to vote Conservative at every election to ensure that that will not be the case, but people in a democracy have that right and we see the consequences around the world.

On a more serious point, we will be updating the funding agreement to contain a comparable clause that defines the coasting definition. Of course, as the hon. Member for Cardiff West says, we cannot rewrite all 5,000 funding agreements, or however many there are. The way the system has worked is that those funding agreements have gone through an iteration process, so that when they are renegotiated and renewed, and when new schools obtain funding agreements, they will always be required to adopt the latest draft. Even before those provisions in the funding agreement, regional schools commissioners are very vigilant. They were appointed on the basis that they would be vigilant in identifying and tackling underperformance. They will now be guided by the definition of coasting in the way that they assess underperformance in the academy schools.

Kevin Brennan: Does the Minister recognise that accepting cases where academies have to be brought within public law provision shows that, in a system where more and more schools become academies, relying only on funding agreements is a completely inadequate approach? It was all very well when academies had targeted intervention with a limited number of schools, but when the majority of secondary schools have become academised, as they

are now, it starts to look inadequate. That is why the Government have had to accept some provision of public law over academies.

Mr Gibb: I do not accept that. We now have more than 1 million pupils in good and outstanding schools, compared with 2010. Much of that was a consequence of the academies programme: 60% of secondary schools and an increasing proportion of primary schools are now academies. That is why we have a situation in which so many schools are now good schools. I am just trying to find the proportion of school academies that are rated “good” and “outstanding”—I will come back to that in a moment. However, as hon. Members are aware, academies are charitable companies. They operate in accordance with the terms of the funding agreements between the trusts and the Secretary of State. This was a regulatory regime that the last Labour Government established. The contractual funding agreement between the academy trusts and the Secretary of State includes a clear, formal framework for action where there are concerns about the performance of an academy. We have demonstrated that we will take—and are taking—these steps. Given this separate robust framework, it is unnecessary and inappropriate to apply the statutory regulations to academies, as Opposition Members propose.

We want the academies regime to be as similar as possible to the regime that applies to independent schools, with the exception that, under the funding agreement, the academies are funded by the taxpayer and are therefore free to parents and pupils. We want professional autonomy for headteachers and teachers. That is a key feature of the academies programme and has been successful in ensuring that we now have more than 1 million pupils in good and outstanding schools in this country.

10.30 am

Amendment 67 would apply the coasting regulations to pupil referral units. The definition of a maintained school, to which the regulations apply, does not include pupil referral units at present. However, the Secretary of State has the power to extend any legislation that applies to maintained schools to pupil referral units under section 19 of and schedule 1 to the Education Act 1996. We want all schools to support their pupils to achieve their potential. The explanatory statement to the Committee confirmed that we plan to consult about possible approaches to addressing coasting in alternative provision, including how a coasting pupil referral unit might be defined, in due course.

Amendment 77 would exclude special schools, maintained nursery schools and 16-to-19 schools from the scope of clause 1. The Bill follows the definition of maintained schools in section 59 of the Education and Inspections Act 2006, which includes community or foundation special schools. Special schools should provide excellent education for their pupils, and we have high expectations for what children with special educational needs can achieve. It would be inappropriate and unfair, however, to apply exactly the same expectations of pupil performance to special schools. At present, for instance, we do not apply floor standards to special schools. Our explanatory statement was explicit that we do not intend to apply the same coasting definitions to

special schools as are proposed for mainstream schools. We intend, however, to consult on whether and how to identify special schools that are coasting.

Some 1,100 academies and free schools are rated outstanding, and 2,231 are rated good. I think the hon. Member for Sheffield, Heeley referred to this, but only 3%, or 144 institutions, are inadequate. Many of those have come from challenging low starting points, having previously been failing schools.

Maintained nursery schools fall within the definition of maintained schools to which proposed new section 60B applies. However, in practice, maintained nursery schools do not fall within the coasting definition in the draft regulations. Our proposed definition is based on key stage 2 and key stage 4 results—assessments pupils take at the ages of 11 and 16.

The 16-to-19 institutions do not fall within the proposed coasting definition, nor the wider intervention powers that exist in the 2006 Act or the Academies Act 2010. Amendment 77 would exclude 16-to-19 schools from the definition and is therefore unnecessary.

We are tackling underperformance in 16-to-19 provision through other approaches. We have committed to introducing new headline performance measures and more rigorous minimum standards in 2016 so that accountability is based on robust performance data. Those measures focus on: progress, attainment, progress in English and maths GCSEs, retention, and destination data. That provides a comprehensive and rigorous way to compare schools and colleges and to hold them to account. Given that rather long explanation, I hope that Opposition Mems will withdraw their amendments.

The Chair: May I point out to all hon. Members that while we have had a lively, informative and questioning debate, with a lot of participation, we have only three and three quarter hours to go? We have 15 amendments, six clauses and the Bill itself to debate before we conclude by 5 o'clock this afternoon. I question whether Members should spend a lot of time on stand parts. It is entirely up to you, but we should try not to repeat ourselves so that we can draw out more information on the Bill.

Kevin Brennan: You are quite right, Sir Alan, to point out the time restrictions on us, although I am confident that we can have a thorough debate on clause 1, including clause stand part, and dispose of some other clauses more swiftly than we will necessarily dispose of this clause, which is at the heart of the Bill. The Minister said a number of things—more general points about the nature of the progress measure and so on—that will form part of the clause stand part debate, so I will not respond to them now.

The Chair: Order. Mr Brennan, may I point out that it is the job of the Chair to ensure that the House is informed as much as possible on any particular Bill? What you do with the Bill in Committee is entirely up to you, on either side, but it might best serve the House if we became more informed of the contents of the Bill.

Kevin Brennan: Thank you, Sir Alan. Of course I will follow your guidance. I am sure that we will manage to get through with your help and assistance.

[Kevin Brennan]

I notice that in the Minister's response to this group of amendments, he departed somewhat from the promise he made last week to adopt a one-in, one-out policy when mentioning the performance of schools. I am afraid that when he did mention the performance of an academy school, we did not get a similarly balanced response, highlighting a high-performing maintained school, although I mildly teased him about naming a maintained school that, in fact, was an academy.

I hope that the Minister instructs his officials to give him plenty of briefing material on high-performing maintained schools because that matters. It sends a signal to teachers, pupils, parents, communities and so on that Ministers care about it when their schools do well. It sends the message that Ministers think it is important, significant and should be celebrated, whatever kind of publicly funded school it is. Whether it is a maintained school or an academy, achievement needs to be celebrated equally, particularly as there are many examples, as the statistics have shown.

We can argue about the exact nature of the performance of the two different sectors, but there are many examples of great performance from schools in the maintained sector, as there are from academy schools. We should hold that achievement on an equal basis and be even-handed. I am happy and pleased to celebrate the performance of any school that is doing well by its pupils, whatever its structure. I hope that the Minister agrees with me.

Mr Gibb: I totally agree with the hon. Gentleman. In September, I will write to every primary school in the country that gets 100% of its pupils through the phonic check that ensures that those children are reading fluently. I will also write to every primary school, regardless of whether they are an academy or a maintained school, where more than 95% of pupils achieve well in the phonic check.

Kevin Brennan: Any praise that is equally and fairly distributed to schools for their performance will be most welcomed, I am sure, by everybody concerned.

Earlier, I indicated that amendments 67 and 77 really just probe the Government's thinking. I think that the Minister understood that. It is not our intention to divide the Committee on those amendments. However, we remain concerned that there is not really a credible explanation of the way forward in relation to how academies will be included in the new regime of coasting schools. An opportunity has been missed to ensure that we have a robust system that would be applicable to all schools, regardless of status.

The Minister said that we need an education system that is needs-blind. I agree with that. We also need an education system that is, in a sense, structurally blind to the type of school that we are talking about. If a school is deemed to be eligible for intervention because it falls under the coasting regulations—we will argue later about whether the definitions are right—that eligibility should apply to all publicly funded schools.

Although the Minister said that he wants academies to be regulated as private schools are, there is one huge difference between academy schools and private schools:

academy schools are funded by public money. We have to ensure that taxpayers' money is being equally well scrutinised and spent on education in one form of taxpayer-funded school as in another.

In the absence of a credible explanation of how the coasting schools definition will apply and be enforced in relation to academies, and given that the Minister has admitted that it is impossible to amend the thousands of funding agreements for academies to achieve that, and that we have already brought academies into the public law system where there have been issues in the past, I will ask my hon. Friends to support a vote on amendment 66.

Question put, That the amendment be made:

The Committee divided: Ayes 7, Noes 11.

Division No. 4]

AYES

Brennan, Kevin
Haigh, Louise
Jones, Graham
Kyle, Peter

Lewell-Buck, Mrs Emma
McCabe, Steve
Pugh, John

NOES

Berry, James
Donelan, Michelle
Drummond, Mrs Flick
Fernandes, Suella
Gibb, Mr Nick
James, Margot

Nokes, Caroline
Timpson, Edward
Tomlinson, Michael
Trevelyan, Mrs Anne-Marie
Walker, Mr Robin

Question accordingly negatived.

Kevin Brennan: I beg to move amendment 68, in clause 1, page 1, line 11, after "notified", insert "in the prescribed manner as set out in regulations made under subsection (1A)"

The Bill does not address how and in what manner a school will be informed that it is coasting, or who should advise the Secretary of State on whether to notify a school that it is coasting. This amendment requires the Secretary of State to set out in regulations referenced in a new subsection (1A) how this will be done.

The Chair: With this it will be convenient to discuss the following:

Amendment 69, in clause 1, page 1, line 14, at end insert—

"(1A) The Secretary of State must make regulations to define the manner in which a school governing body will be notified that he considers the school to be coasting.

(1B) Regulations made under subsection (1A) will require the Secretary of State to submit the advice of Her Majesty's Chief Inspector of Education, Children's Services and Skills and the Regional School Commissioner to the school governing body."

Amendment 70, in clause 1, page 1, line 14, at end insert—

"(1C) Regulations under subsection (1A) must—

- (a) give the governing body and the maintaining local authority fifteen working days' notice of the Secretary of State's intention to notify the school that it is eligible for intervention,
- (b) give the governing body and the maintaining local authority five working days to respond to the notice, and

- (c) require the Secretary of State to consider any responses before confirming or otherwise the notice.”

This amendment aims to ensure there is a procedure of prior notification of an intention to notify the school it is coasting, and to provide for time for the local authority and school governing body to send responses for consideration by the Secretary of State.

Amendment 71, in clause 1, page 1, line 14, at end insert—

“(1D) Regulations under subsection (1A) must—

- (a) require the governing body to inform all parents of registered pupils of the Secretary of State’s intention to notify the school that it is coasting,
- (b) require the Secretary of State to convene a meeting for parents to explain the implications of the school being notified that it is coasting.”

This amendment aims to ensure parents know that the Secretary of State is intending to notify the school that it is coasting and to provide them with an opportunity to have their questions answered about a coasting notification.

Amendment 72, in clause 1, page 1, line 14, at end insert—

“(1E) The Secretary of State may not make an Academy Order under section 4(1)(b) of the Academies Act 2010 in respect of a maintained school he has notified under subsection (1) until two calendar years after the school was notified.”

This amendment prevents the Secretary of State requiring that a school be academised immediately after it has been notified that it is coasting.

Amendment 81, in clause 1, page 1, line 14, at end insert—

“(1F) Regulations under subsection (1A) and meeting the requirements at subsection (1B) relating to the advice of Her Majesty’s Chief Inspector of Education, Children’s Services and Skills may include a requirement to take account of surveyed views of parents of registered pupils at the school about the quality of education provided by the school, and also those of parents in the immediate vicinity of the school whose children are not registered pupils at the school.”

The amendment allows Ofsted in advising whether a school is coasting to report the views of parents who choose not to send their child to the local school.

Amendment 78, in clause 1, page 1, line 16, at end insert—

“(3A) In section 73 (Interpretation of Part 4), at the appropriate place insert—

‘Regional Schools Commissioner is an official appointed by the Secretary of State, or in an area of a combined authority, and if so requested by the mayor, the mayor elected under arrangements made under Section 107A (Power to provide for election of mayor) Cities and Local Government Devolution Act 2016.’”

Legislation does not define the Regional Schools Commissioner. This definition provides such a definition and for the devolution of responsibility for the function to combined authorities with elected mayors.

Kevin Brennan: Amendment 68 reflects the fact that the Bill does not address how and in what manner a school will be informed that it is coasting, or who should advise the Secretary of State to notify a school that it is coasting. Amendment 69 would require the advice of Her Majesty’s chief inspector to be taken into account.

Amendment 70 aims to ensure a procedure of prior notification of intent to notify a school that it is coasting and provide time for responses. Amendment 71 aims to ensure that parents know that the Secretary of State intends to notify the school that it is coasting and provide an opportunity to have questions about a coasting definition answered.

Amendment 72 would prevent the Secretary of State from requiring that a school be academised immediately after it has been notified that it is coasting. Amendment 78 reflects the fact that legislation does not define the regional schools commissioner. It would provide for that and the devolution of responsibility for the function to combined authorities with elected mayors.

Amendment 68 is intended to probe the Secretary of State about requiring him or her to set out in regulations how and in what manner a school will be informed that it is coasting. Amendments 69, 70 and 71 address the fact that the Bill gives us no indication how the Secretary of State will actually carry out the process of deciding that a school is coasting and informing a school of that decision.

10.45 am

Amendment 69 requires the process to be included in the regulations, then requires the Secretary of State to share the advice of Her Majesty’s Chief Inspector and of the regional commissioner with the school concerned. Amendment 70 allows the school to make representations and requires the Secretary of State to consider them. Amendment 71 requires the governing body to inform parents of the decision and to explain in a public meeting the grounds for the decision and its implications for the school and parents.

That seems to us to be the basic process to which the Government should commit. The proposed criteria for coasting are at present entirely data-driven. It is universally recognised that they are flawed and I think the Minister has admitted that a lot more work has to be done on them in the months to come. In the 2009 initiative that I mentioned earlier, the Labour Government at that time asked local authorities to identify their coasting schools, taking into account local factors and individual circumstances, and to commission the right support in each case for those schools. That was not a crude data-driven exercise; it was a matter of considered educational judgment on the basis of a range of criteria. We believe that is how it is best done and why the views of professionals, such as Her Majesty’s Chief Inspector, should be sought.

The Parent-Teacher Association in its written evidence has expressed its concern. It argued in its submission, initially in relation to clause 8 but also applying to amendment 71, that the Bill:

“signals to parents that their views aren’t to be considered and positions them as unimportant, despite the prevailing research that confirms their engagement as important to their child’s education”.

The voice of parents seems to be completely missing from the debate, except where parents have been characterised as dark forces trying to undermine the Government’s intentions during the course of our debate.

This is an opportunity for Ministers to say what the role of parents is in helping their schools to improve, especially given the Secretary of State’s speech to the National Governors Association conference in 4 July, which looks to excluding parents from school governing bodies. For example, will the Government adopt the idea that we put into legislation in the Education and Inspections Act 2006 of having a mandatory parents’ council in trust schools? We would really like to hear from the Minister what he thinks is the parents’ role, other than to be obstructive to Government policy.

Amendment 72 prevents the Secretary of State requiring that a school be academised immediately after it has been notified that it is coasting. This is another probing amendment. Ministers have said that schools should have the opportunity to demonstrate that they can improve. We believe that if this initiative is just seen as a short cut to academisation, it will lose its value and credibility. The Government should come clean about this, because the Conservative manifesto stated on page 34 that coasting schools would be forcefully academised. It said:

“We will turn every failing and coasting secondary school into an academy”.

From what the Minister has said and from what the Bill explicitly says, that manifesto commitment is not, apparently, being brought into play by this piece of legislation—or is it? This amendment is probing to find out whether that commitment is lurking in the background surreptitiously in relation to this Bill, or whether the Government are serious in that they do not intend to implement that part of the Conservative manifesto word for word. I will be interested to hear what the Minister has to say about that.

Regarding amendment 78, devolution to cities in the form of combined authorities has been trumpeted by the Government—as we have heard at earlier stages of the Bill—particularly by the Chancellor of the Exchequer at every opportunity, but in many respects this policy is likely to create even more confusion. It is unclear whether it applies outside cities. There is no coherent plan for combined authority areas, but merely a piecemeal development as to which areas pick up the proposals, so we will probably end up with weird boundaries and perhaps some areas left out. There is no consistency about the responsibilities that combined authorities will have. As a result, central Government will have responsibility for various services in some areas, but not in others, and that will be constantly changing. And, of course, it is a process that is not seen as a constitutional principle, but as a favour from the Chancellor of the Exchequer if and when he feels like granting it.

Nevertheless, precedents have been set for the devolution of transport, economic development, health, police and fire services to combined authorities. Programmes through the Skills Funding Agency are also proposed to be devolved, which are in the education area, and yet here we are, considering a Bill that goes in totally the opposite direction. This is a further step towards a totally centralised education system, with every significant decision being taken by Ministers or their appointees. We need to know why our great cities can be trusted to run their own affairs in so many areas but there is no suggestion that they should be allowed any say over schools and the education system in their area.

Mr Gibb: May I take the hon. Gentleman back to amendment 72? His amendment says that there should be a delay of two calendar years between an academy order being issued and a funding agreement being entered into. Is he saying that we should wait two years before we take action? Is the Labour party not as impatient about improving standards as we are on the Government side? Is two years, as far as he is concerned, an adequate and sufficiently short period of time in which a school can languish as a coasting school before action is taken?

Kevin Brennan: No, the amendment does not say that. As I said at the outset, we tabled the amendment to probe the Government’s real intentions, because the Government have said that they want to give schools an opportunity to improve if there is a coasting finding under the regulations, and yet that seems to be at a disjuncture with what was said in the Conservative party manifesto. So we want to know whether the Minister has changed his mind about what is in the Conservative party manifesto, or whether the Bill will implement what is in the manifesto, but not say that that is what it is doing. I want to hear what the Minister has to say about that. I am as impatient as he is to make sure that we improve schools—all schools, as I said earlier, including maintained schools and academies—on an equal basis.

Amendment 78 says that we should consider whether using combined authorities is a good way forward. It provides for mayors of combined authorities to exercise the responsibilities that have been delegated to regional schools commissioners, just as they will take on the role of police and crime commissioners. Such a change would go with the grain of what the Government claim is one of their central strategies. It is surely clear by now that running an education system through central control is not the way forward. Even academies find the EFA and the Department for Education a source of endless frustration, because they really do not have a grip on what is going on.

There was an article in *The Times Educational Supplement* on 13 July, in which academy sponsors talked about their qualms about the rapid expansion of the academies programme and how they were being pushed to take on schools at a rate that they did not think appropriate:

“DfE officials were ‘queuing up’ to hand over schools in special measures to willing academy sponsors. At one stage, officials even lost track of the number of academy orders that had been signed off.”

So there is concern out there in relation to that level of bureaucracy and centralisation, as expressed in the article in *The Times Educational Supplement*. Interventions can also promote conflict between Government and local communities. We have just had an example of regional schools commissioners allowing a school in Redditch to change its age range in a way that will completely disrupt the local three-tier school system, despite 92% of consultees being opposed to that change. There is an interesting article about that in *Schools Week* of 10 July, which shows the kind of tension that can emerge between central Government and local communities unless there is a better relationship than has been outlined so far in relation to the Bill. This is what happens when there is no accountability to local communities, so we would like to see a step towards stronger local accountability.

There is also the issue of the commitment given in the schools White Paper issued by the Government in the previous Parliament—“The Importance of Teaching”, published in November 2010, on the commissioning role of the local authority. I asked the Secretary of State when she planned to implement the commitment that was given in paragraph 5.39 of the White Paper to consult with local authorities and academy sponsors on what role local authorities should play as strategic commissioners when all schools in an area have become academies. I asked on 22 June in a written question,

No. 2886, which areas have no maintained secondary schools and when the Secretary of State was going to start the consultation. The Committee might, I think, be quite shocked to hear that the Schools Minister's reply was not entirely forthcoming. Can the Minister state whether the 2010 White Paper commitment still stands, what conditions are likely to be opposed, and whether it would be better for consultations to start now, as local authorities might then encourage the remaining maintained schools to academise in order to be in a commissioning role? I should be grateful if the Minister would clarify the status of that White Paper commitment—has it been abandoned or does it still stand?

Amendment 81 proposes that the Ofsted framework contain an additional requirement for the inspection of schools. It would require Ofsted to survey parents who live within a school's catchment area but have chosen to send their child to a different school. It is intended to provide Ofsted and the school with richer information about the views of local parents—views that seem to be largely absent from the Bill. It would apply to both primary and secondary schools and we propose a consultation process for determining the weighting and reporting of the survey data within the final inspection judgment report.

Steve McCabe: It occurs to me that this would be a perfect opportunity to address some of the points raised earlier by our hon. Friend the Member for Hyndburn. If parents are having to pay for additional services to compensate for the inadequacies of the school, it might be masked, as we have heard, by the assessments. If parents were able to reveal that information it would give the Minister access to a whole new range of data that we might otherwise miss.

Kevin Brennan: Yes, indeed. My hon. Friend is right. It seems to me that it is important to understand what parents think about local schools and why it is that parents might choose to send their children to schools other than the one in their local area. It would give a bit more contextual information that could be useful for school improvement, a positive purpose. I wonder whether the Minister has considered this approach; it was something that was mentioned in our 21st century schools document some time ago. I should be grateful for the Minister's response on that.

Mr Gibb: Amendments 68 to 72 and 78 all relate to how the Secretary of State will notify a school that it is being considered to be coasting. Clause 1 would insert proposed new section 60B into the Education and Inspections Act 2006. This provides that where a school has met the definition of coasting and the relevant regional schools commissioner acting on behalf of the Secretary of State has notified the governing body of that school that it is considered to be coasting, then the school will be eligible for intervention. The Bill takes the power for the Secretary of State to convert all coasting schools into academies. We are fulfilling the manifesto pledge to ensure that all failing and coasting schools become academies, unless of course the regional schools commissioner is convinced that the school has the ability to turn itself around so that it is no longer coasting.

11 am

Graham Jones: The Minister refers to all coasting schools. However, in my experience and drawing on my past comments, I do not believe that all coasting schools will fall under this remit or fall foul of the guidelines and regulations, because they are themselves subjective. These are the Government's regulations and the Government's definition of what it means to be coasting. I must place it on the record that this is a subjective measure, and some schools in affluent areas where there are excellent parents will be coasting. It is to my disappointment that those schools will probably not cross the Minister's desk.

Mr Gibb: I understand the hon. Gentleman's point that there are some schools in affluent areas where the attainment level is so high that they will not fall within the definition of coasting. His argument is of course that those children have high attainment because of their parental and family backgrounds. However, this will be caught in due course, particularly at secondary level when the only measure to define a coasting school will be the progress measure.

Graham Jones: The Minister's answer is illuminating. He says that this will eventually be caught at secondary school level. Surely that is unacceptable, and those children should also be given the best education at primary school level. Primary schools that are coasting should be caught too, because early years education is fundamental. We should not have to rely on coasting schools being caught at secondary school level. It seems to me that the Minister has highlighted a flaw in his own argument.

Mr Gibb: At primary school we have an attainment level as well as a progress measure. The attainment level is 85% of pupils at the school achieving the expected level in reading, writing and maths. That is a very high level of attainment, and in due course that level can be raised. We spent the previous Parliament tackling failing schools. As a result of measures that were regarded by many Opposition Members as controversial, centralising and draconian, 60% of secondary schools and a rising percentage of primary schools are now academies. More than a million pupils are now in "good" or "outstanding" schools as a consequence of that policy. In this Parliament we are continuing that remorseless tackling of failure. That is why the Bill brings in an automatic academy order in the case of a school in special measures.

We are also now turning our attention to coasting schools, which is a development of what happened in the previous Parliament. We are taking it a stage further. As a first stage we have an attainment level of 85% and a measure of progress, so that schools with lower attainment but very significant progress will not fall within the definition. If the hon. Member for Hyndburn wants to press us to have an even more rigorous definition of coasting—and I hope he will respond to the consultation measure—we are always happy to be pushed to do more faster when it comes to tackling failure and underperformance in our schools. We felt that this was a fair definition, with a very high level of attainment in the first instance.

Michael Tomlinson (Mid Dorset and North Poole) (Con): Does my hon. Friend agree that although Labour members of the Committee have mentioned the Conservative party manifesto, this is but one measure in a package with which the Conservative party aims to drive up standards and improve schools? Other measures such as fairer funding will also help in this area. Fairer funding for our schools in Dorset will certainly be a welcome measure as part of a package.

Mr Gibb: My hon. Friend never misses an opportunity to advocate on behalf of his constituency. He did it within days of arriving in this place and he continues to do it, arguing for fairer funding for those local authorities which, for historic reasons, have an unfair system. In fact, I am surrounded by hon. Members who continue to make this point, which has not failed to register with me and with the Secretary of State.

Graham Jones: The Minister rightly makes a clear distinction between primary and secondary schools. Secondary schools have larger catchment areas, are under greater scrutiny and are more likely to be identified as coasting. He draws on the issue of primary schools and I concur with his comments. I am deeply concerned that this is an issue about deprivation when, actually, it should be about schools in affluent areas. That is where coasting occurs and the Bill should be targeted at affluent areas where coasting schools exist. There are smaller schools, primary schools with small intakes in affluent areas, where the parents are doing the bulk of the work and the teachers, in some cases, are not stretching themselves and stretching the middle-class, or more wealthy, affluent pupils. I want the Minister to focus on that. He is right to say that the greatest problem of coasting may occur at primary school level in affluent areas. Let us move away from deprivation and focus on affluence, because coasting primarily occurs in affluent areas, in my experience.

Mr Gibb: The hon. Gentleman makes an important point. These are issues we have addressed and considered. A step-by-step approach is needed to tackle underperformance in our schools. We tackled failure in the last Parliament; we continue to tackle failure in this Parliament. We now have a definition of coasting for primary schools that includes attainment, but it is a very high level of attainment: 85% is a high measure of attainment in reading, writing and maths, combined with a progress measure. We think that that is the right approach for now.

Of course, we are always open to people responding to the consultation process, but our focus has been and remains on areas of deprivation. If Members are as concerned as we are—and I do not doubt that the hon. Member for Hyndburn is—about social justice and ensuring that young people from deprived areas get the best education possible, they will accept that it is necessary to focus the resources of the Department on areas of deprivation. That has been and remains our focus, but we are also open to hearing responses to the consultation process.

Graham Jones: My view is that we should be stretching all children—those in deprived areas as well as those in affluent areas.

Mr Gibb: I do not disagree: that is why we are looking at the progress measure of schools in affluent as well as more deprived areas. Regional schools commissioners will be looking at all schools where there is underperformance—we are determined to tackle coasting schools wherever they occur.

Mrs Drummond: Does the Minister agree that we also have Ofsted? If we do not pick this up through the regional schools commissioners, Ofsted will be there to pick up on schools in more affluent areas, as it is already doing.

Mr Gibb: My hon. Friend is right. There is more than one way to skin a cat, more than one club in the golf bag, more quivers in the—whatever the thing is. More arrows in the quiver.

Kevin Brennan: It is good that having abandoned the foxhunting vote, the Government are now moving on to skinning cats.

Mr Gibb: The hon. Gentleman, as always, makes a pithy intervention. The hon. Member for Hyndburn makes the very valid point that we have to address coasting schools and failure wherever they exist, but my hon. Friend the Member for Portsmouth South is also right to say that we can use tools other than the definition of coasting to tackle underperformance. There are other measures that help schools deal with underperformance that do not always use the accountability regime but show how good schools around the country are delivering high standards of education. They include using synthetic phonics approaches to teach reading, Shanghai maths or a knowledge-based curriculum. Those measures and our other reforms to the curriculum and the examination system are all designed to raise standards right across the board.

Amendments 68, 69 and 70 would require the Secretary of State to specify in regulations exactly how and when she will make the notification. They would also add several procedural requirements to the notification process.

The measures that we have used in the definition of coasting are objective and transparent; they are not, as the hon. Member for Hyndburn said—or it may have been the hon. Member for Birmingham, Selly Oak—subjective. As the Secretary of State set out on Second Reading, the coasting definition is based on several principles. First, it is based on pupil performance data, not a single Ofsted judgment. Secondly, it takes into account the progress pupils make and whether they achieve their potential based on their starting point. Finally, it will be based on performance over three years—identifying schools that have been coasting for a period of time—rather than on the basis of a single set of results. The coasting definition is therefore based on data with which schools will already be familiar, and which headteachers and governors will already be monitoring each year. Schools will be able to assess for themselves whether they meet the coasting definition and most coasting schools are likely to identify that they meet the definition as soon as they receive their assessment or GCSE results, even before they receive notification from the relevant regional schools commissioner.

The regional schools commissioner's notification to a school is the beginning of a process. Where headteachers and governors have an effective plan to ensure sufficient improvement, they will be given the time and space to do so. Only where the capacity to improve sufficiently is not evident will the regional schools commissioner require the school to accept additional support. Academisation with a sponsor will not be the right decision for every coasting school and some will have the capacity to bring about sufficient improvement themselves so that they are no longer coasting and need no further intervention.

Once schools have been notified that they are coasting, they will be allowed time to develop an improvement plan and to discuss it with the regional schools commissioner. If the regional schools commissioner agrees that the plan is likely to deliver improvements in academic standards, they will be allowed time to implement it. We will publish a new version of the statutory guidance on schools causing concern for consultation, reflecting the changes in the Bill and setting out how regional schools commissioners will exercise their discretion to support schools and decide when further intervention is necessary. Where appropriate, regional schools commissioners may signpost coasting schools to sources of school improvement support such as national leaders of education or the NAHT's Aspire programme.

Amendment 69 proposes that the advice of Ofsted should be provided together with the advice of regional schools commissioners to governing bodies of schools that are considered coasting. The coasting definition is based on data, not Ofsted judgments. Ofsted judgments will of course remain significant for other purposes, as my hon. Friend the Member for Portsmouth South said. They will determine when a school is failing and help to identify where other interventions may be necessary. Regional schools commissioners will want to consider recent Ofsted findings when deciding what action may be needed in a coasting school. In my view, amendments 68, 69 and 70 are therefore unnecessary.

Amendment 71 would require the governing body to notify parents when a school is deemed to be coasting. It would also require the Secretary of State to convene a meeting with parents to explain the implications.

The coasting definition uses performance data that the Department publishes. Parents are able therefore to monitor a school's performance and challenge it if they are concerned that it is not performing well enough or that it meets the definition of coasting. Where a school is taking action to raise standards, it will want to engage staff and parents in discussions. We do not believe that it is necessary to include this requirement in legislation or require the regional schools commissioner to convene meetings directly. Schools should have the flexibility to engage with parents in the way most suitable to their circumstances. There is no requirement for local authorities or the Secretary of State to interact with parents in this way when schools become eligible for intervention via any other route under current legislation or elsewhere in the Bill.

I take the point that the hon. Member for Cardiff West raised about the importance of parental involvement. Parents have a very important role to play: they hold school leaders and governing bodies to account locally for what the school is doing to ensure that it makes progress. They challenge headteachers and governors where they do not think that enough is being done. As I

said, performance data are available, so they can be used to hold schools to account. Schools will want to engage parents locally in their actions to bring about improvements. We believe that it is right for schools to make that decision about how and when to consult parents and that it is not a matter for legislation.

11.15 am

Amendment 81 would require the regional schools commissioner, when deciding whether a school should be considered to be coasting, to take account of views gathered through surveys of parents of pupils at the school, and also parents of pupils not at the school but who live in the immediate vicinity. Regional schools commissioners will have discretion to use additional information to make their judgments about whether and how to act in coasting schools. That may often include the views of parents and the local community. However, it would not be appropriate to specify in regulations exactly what information they will take into account. The regional schools commissioners must have discretion and flexibility to make their own judgments.

Amendment 72 would prevent regional schools commissioners from making an academy order in respect of a coasting school until two calendar years after the school was notified that it was coasting. Where headteachers and governors have a robust plan to ensure sufficient improvement, they will be given the time and support to do so. Only where the regional schools commissioner judges that a school does not have a rigorous plan and sufficient capacity to improve, and that the school's becoming a sponsored academy is the best way to bring about improvement, will the regional schools commissioner make an academy order.

The regional schools commissioner must have discretion and flexibility to make that judgment. Where he or she judges that a sponsored academy solution is necessary, there should not be a delay of up to two years before that improvement can happen. That delay would do nothing to benefit pupils. I therefore oppose the amendment, although I take the point that, so far as the hon. Member for Cardiff West is concerned, it is a probing amendment and does not reflect any real desire for a two-year delay in taking action to deal with a coasting school.

Amendment 78 would insert a definition of regional schools commissioners, defining them as officials appointed by the Secretary of State. It also proposes that an elected mayor of a combined authority should be able to appoint the regional schools commissioner for their area in place of the Secretary of State, if they request that power. It is not necessary for regional schools commissioners to be defined in the Bill, because in all cases the powers and duties are held by the Secretary of State. The regional schools commissioner will exercise those powers and duties on her behalf. The accountability for decisions remains unchanged—the Secretary of State remains fully accountable to Parliament for decisions made by the regional schools commissioners.

Opposition Members have proposed that elected mayors should be able to appoint regional schools commissioners. They already receive local support and advice. Each regional schools commissioner is advised by a headteacher board of academy headteachers to ensure that local knowledge and expertise informs their decisions. They operate locally: they are based in their regions, and are

on the ground visiting schools and meeting local authorities and dioceses. They often run events locally for schools and sponsors in their regions. Regional schools commissioners also operate openly and are accessible to the public, and parents can and do write directly to them with local issues and concerns. Regional schools commissioners and headteacher boards have been operating for less than a year, but we have already seen the substantial benefits of their work with academies and sponsors for their regions.

The current structure for regional schools commissioners, with eight large regions, has been designed to spread expertise and experience in improving schools across wider geographical areas. For example, London has a strong track record of school improvement concentrated within the city, with some very experienced sponsors working there. Dividing London into three different regional schools commissioner regions, along with wider areas outside London, has enabled the spread of that expertise into those wider areas. The Committee has already heard about this in oral evidence from Tim Coulson, the regional schools commissioner for the east of England and north-east London. Aligning regional schools commissioners with the potentially much smaller areas covered by elected mayors might make that spread of expertise more difficult. Regional schools commissioners already work closely with local authorities in their regions, so we would expect them to work just as closely with combined authorities under an elected mayor. We therefore regard amendment 78 as unnecessary. I hope that, following those remarks, the hon. Member for Cardiff West will not press his amendments.

Kevin Brennan: One could observe that the last example is not a very good one, because in the case of London, the elected Mayor would cover all three of the regional schools commissioners that the Minister said were responsible for parts of London. However, I accept his point about his intentions for areas that should be covered by regional schools commissioners.

The issue of accountability will inevitably return. History shows us that Ministers being responsible for appointing officials with a great deal of influence and power is not ultimately an effective or appropriate way to run public services. We found that in the 1980s and 1990s with the quango-isation of a lot of the state. Appointing people to positions of great influence and power with command over public resources simply through a phone call from the Minister to someone they happen to know, have met down the club or think are particularly good is not a sustainable system in the longer term.

I accept that the system that the Minister has set up is new. However, with the powerful positions that he is creating outside statute, simply by virtue of their being appointed by the Secretary of State in a not terribly transparent manner, accountability will have to be more than accountability to a group of academy heads. Having said that, the amendments are probing, so I do not intend to press them to a vote.

We did not hear much from the Minister about the status of the White Paper from 2010. Will he respond to my points in writing?

Mr Gibb: I apologise for omitting that. The commitment in the schools White Paper was to consult on local authorities' role in school improvement when they do not have any maintained schools left. As yet, there are no local authorities where all maintained schools have become academies, so there has been no need to consult in the way set out in "The Importance of Teaching" White Paper. We continue to consider the important evolutionary role of local authorities. We will consult on how the role has changed in the statutory guidance on schools causing concern, and discuss that with local authorities at a national and local level.

Kevin Brennan: I thank the Minister for that. It is helpful to know that the matter is still under consideration and that the White Paper commitment has not been completely wiped out as a result of subsequent changes. I will certainly reflect on his comments, which I welcome.

I would also like the Minister to consider my point about the role of parent councils. We feel that parents are largely missing from the Bill. They have been referred to as more of a hindrance than a help to the educational system, and he needs to reflect on that.

On academisation, there is likely to be a rapid expansion as a result of the Bill. Although the Minister said that the Government were implementing the manifesto commitment, that commitment appeared to be an assumption of automatic academisation of coasting schools. I welcome the fact that, according to the Minister's remarks, that is not his plan. There are real concerns about the system's capacity to deal with a rapid increase in the number of schools eligible for intervention, and there is a potential problem.

The *TES* article I mentioned earlier pointed out that only 3.6% of sponsorship applications have been rejected by the DFE. That is a very low percentage of rejections and suggests that the DFE is so desperate for sponsors that its quality control is not high enough. That is reflected in the failure rate among some sponsors. We cannot gamble with our children's futures.

Mr Gibb *rose*—

Kevin Brennan: I hope to conclude at this point. I therefore beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

The Chair: We will deal next with amendment 73 to clause 1. However, we have reached the witching hour of Question Time.

Ordered, That further consideration be now adjourned.—(*Margot James.*)

11.24 am

Adjourned till this day at Two o'clock.