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Public Bill Committee

EDUCATION AND ADOPTION BILL

Tenth Sitting

Tuesday 14 July 2015

(Afternoon)

CONTENTS

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Saturday 18 July 2015

STRICT ADHERENCE TO THIS ARRANGEMENT WILL GREATLY FACILITATE THE PROMPT PUBLICATION OF THE BOUND VOLUMES OF PROCEEDINGS IN GENERAL COMMITTEES

The Committee consisted of the following Members:

Chairs: † Mr Christopher Chope, Sir Alan Meale

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

Fergus Reid, Glenn McKee, Joanna Welham, *Committee Clerks*

† attended the Committee

Public Bill Committee

Tuesday 14 July 2015

(Afternoon)

[Mr Christopher Chope *in the Chair*]

Education and Adoption Bill

Clause 1

Coasting schools

2 pm

Kevin Brennan (Cardiff West) (Lab): I beg to move amendment 73, in clause 1, page 1, line 15, leave out "may" and insert "must".

This amendment would require the Secretary of State to make the regulations which define a coasting school.

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

Amendment 74, in clause 1, page 1, line 16, at end insert—

"(2B) The Secretary of State may use the power to make regulations under subsection (2) only once in any 12-month period."

This amendment would provide that the Secretary of State may only use the power to make regulations under subsection (2) once in any 12-month period.

Amendment 79, in clause 1, page 1, line 16, at end insert—

"(3B) In section 182 (Parliamentary control of orders and regulations) in subsection (3) before (a) insert—

"() regulations made under subsection (1) of section 60B (Coasting schools).""

This amendment would require regulations about notifying schools that they are coasting to be subject to an affirmative resolution of both Houses of Parliament.

Kevin Brennan: Mr Chope, welcome back for the final furlong of our race to the end of the Bill—via the beginning. This group of amendments relates to clause 1, but fear not: we have disposed of most of the rest of the Bill in your absence and are getting near the end.

Amendment 73 would require the Secretary of State to make the regulations that define a coasting school. Amendment 74 would provide that the Secretary of State may use the power to make regulations under proposed new section 60B(2) of the Education and Inspections Act 2006 only once in any 12-month period. Amendment 79 would require regulations about notifying schools that they are coasting to be subject to an affirmative resolution of both Houses of Parliament.

At present, all that we know about how Ministers intend to proceed comes mainly from Department for Education press releases and from some of the exchanges that we have had in Committee. No comprehensive draft of the regulations is available. Given this level of uncertainty and the savage criticism of the initial definitions received, there is a need to pin Ministers down on some clear and transparent procedures, which is what we are seeking to do now.

The amendments say that regulations should be made; it should not be an option that Ministers proceed on the basis of informal letters or other imprecise forms of guidance and discover what they have got wrong only after a couple of months have passed. Elsewhere in the Bill, as we debated earlier, the Ministers are very keen to use the word "must" in relation to what Ministers do. We encountered that in clause 7, which we debated before clause 1. Under clause 7, Ministers "must" make an academy order in certain circumstances, but in clause 1, Ministers seem to want to leave the options open in relation to making the regulations on coasting schools and having them subject to parliamentary scrutiny. At this point in the Bill, we have the word "may" instead of "must" and we would like to find out a bit more about why that is the case.

Given that the initial draft is a bit muddled—

The Minister for Schools (Mr Nick Gibb): May I give the hon. Gentleman the assurance that we will issue regulations? Indeed, that is why there is a draft of the regulations before the Committee for our information.

Kevin Brennan: I am grateful for that assurance, but it prompts the question why the word "may" was used here rather than "must" and the word "must" was used elsewhere rather than "may". Of course, these are draft regulations; they are not regulations themselves, although the Minister has put it on the record, helpfully, that it is at the very least the Government's intention that Ministers will issue regulations. We cannot just assume that things will come out all right on the night. We need to ensure that precise procedures are in place to ensure that the Government get this right.

As for amendment 79, if the Ministers, who may issue regulations, decide to go ahead and do so, there is a question about how those regulations will be used. Are they to be advisory for regional schools commissioners? Will the regional schools commissioner be able to overrule what the regulations say about a coasting school? Will the regional schools commissioner be able to notify a school that it is coasting on the basis of his or her professional judgment, even though regulations do not indicate that it is? What happens if the Secretary of State has not made regulations? Will the regional schools commissioner be able to notify a school that it is coasting on the basis of his or her professional judgment?

Interestingly, since this morning's proceedings, when we discussed the status of regional schools commissioners quite extensively and I predicted a problem because they were not properly set out in statute—the way they are selected is rather informal, like the bad old days of the quango state in the 1980s and 1990s when Ministers phoned their friends, members of the same club and so on to ask them to be the heads of various bodies—we have heard that one of the regional schools commissioners has been stood down. There are now not eight but seven in post. Will the Minister confirm that that is the case—I see that he is seeking inspiration as we speak—and shed some light on it? It is very pertinent to our discussion about the role of the regional schools commissioner in the regulations on coasting schools. What happens if all of a sudden they start falling like ninepins because they have not been through a rigorous, open and transparent selection process, but have been chosen at the whim of Ministers? We would be very grateful for any light that the Minister could shed on this breaking news from the Education and Adoption Bill Committee. We need to get this right and require Ministers to justify the final shape of the regulations to Parliament, hence the proposal for an affirmative resolution procedure.

Louise Haigh (Sheffield, Heeley) (Lab): Has my hon. Friend noted that education legislation passed under the previous Labour Government applied parliamentary accountability to regulations of this importance? The affirmative resolution procedure applies, for example, to the designation of a rural primary school, or repeal of school travel scheme provisions, under clauses 15 and 80 of the Education and Inspections Act 2006. These are important matters, but surely no more important or controversial than these regulations, with the sweeping changes that they imply to our school system.

Kevin Brennan: I am not surprised that my hon. Friend, with her usual copious research and command of detail, has spotted that. I am a big fan of the affirmative resolution procedure. I am not going to say that in every case the previous Government applied it as vigorously as they should have—I have made that point before—but I am a big fan of the affirmative resolution procedure because it is important that Parliament should scrutinise the Executive closely. It is something that you have done assiduously yourself, Mr Chope, on many a Friday and on other days of the week. It is important that we have the opportunity to debate these matters and have an enjoyable discussion, as we are having now, on the detail of Government policy. On that basis, I look forward to hearing the Minister's response.

Mr Gibb: Clause 1 creates a new category of schools eligible for intervention, as we discussed this morning—coasting schools. Clause 1 also gives the Secretary of State power to make regulations defining schools deemed to be coasting and therefore eligible for intervention. We have provided the Committee with draft regulations setting out our proposed definitions. Amendments 73, 74, and 79 relate to the process by which the Secretary of State will make these regulations.

Amendment 73 seeks to go further than the power provided by clause 1, by placing a duty on the Secretary of State to make regulations setting out the definition of "coasting". As I said in my intervention on the hon. Member for Cardiff West, the amendment is unnecessary. We have already said that we will make such regulations, and we have provided an indicative set of regulations to show precisely how we intend to use this power and give the opportunity for the details of those indicative regulations to be debated in Committee.

Amendment 74 seeks to restrict the number of times that regulations can be changed, so that they can be amended only once in any 12-month period. We intend to keep substantive revisions of the regulations to a minimum. The published draft sets out long-term definitions for both primary and secondary schools, based on reliable metrics. Schools need clarity and certainty about the circumstances in which they would be judged to be coasting. Making frequent substantive changes to the regulations would create confusion and an unnecessary workload for teachers, something we are trying to tackle with great energy at the moment.

It is important that the Secretary of State retains flexibility to amend the regulations in future if necessary. If we were to alter the coasting definition or make smaller, technical changes, the most sensible point to do so would be as the relevant performance data are published. Since primary and secondary data are published separately at different times, it could be necessary to alter the regulations twice in any one year to give schools clarity on the relevant coasting level as soon as possible. The amendment would therefore be too inflexible, leading to primary schools having to wait until secondary results were published before finding out their coasting level. However, as I said, we intend there to be some stability in the definition of coasting schools.

Amendment 79 seeks to make the regulations subject to the affirmative procedure, and so require parliamentary debate before the regulations are laid for the first time and before any subsequent amendments to them are made. The negative procedure is in keeping with much delegated legislation on education, and I see no reason to adopt the approach in the amendment. The hon. Member for Sheffield, Heeley gave some examples of education regulations that are subject to the affirmative procedure, but that is not consistently the case. For example, section 94(1) of the Education and Schools Act 2008 permits the Secretary of State to make regulations to prescribe the standards that independent schools must meet to be registered; the negative procedure applies to those regulations.

I have already set out plans for further public consultation on the draft regulations. Any future changes would also be subject to wide and comprehensive public consultation. The negative procedure provides the House with the opportunity to pray against amended regulations, something that I am sure the hon. Member for Cardiff West has done in the past, as I have. That leads to a debate in which any serious concerns can be discussed.

The negative procedure therefore provides the necessary flexibility that is appropriate for regulations of this kind while retaining an opportunity for debate whenever hon. Members feel that necessary.

Kevin Brennan: Will the Minister confirm—this was one of my questions—whether a school can be notified that it is coasting if the regulations have not been made? Or do the regulations have to be made before a school can be notified?

Mr Gibb: Proposed new section 60B(2) of the 2006 Act makes it clear that if "coasting" is to be defined, it will be defined in regulation:

> "The Secretary of State may by regulations define what 'coasting' means in relation to a school for the purposes of subsection (1)."

Subsection (1) of the proposed new section deals with whether a maintained school is eligible for intervention. So unless the word is defined in regulation, the regional schools commissioner will not have the power contained in the 2006 Act—in all those different sections; 60, 60B and so on—to intervene in such schools.

If, as suggested by the hon. Gentleman, the Government tried to define "coasting" in guidance or letters, that definition would not take effect for the purposes of the clause and would not give the regional schools commissioner the power to intervene if the school was eligible for intervention.

Kevin Brennan: Will the regional schools commissioner be able to notify a school that it is coasting in his or her professional judgment, even though the regulations indicate that it is not coasting? In other words, after the regulations are laid, is it possible for regional schools commissioners to exercise a judgment based on their professional beliefs, or do they have to rely on regulations in order to deem a school to be coasting?

2.15 pm

Mr Gibb: If the regional schools commissioner wants the powers that are available in the 2006 Act that apply when a school is eligible for intervention, a definition of coasting other than that which is in the regulations will not be sufficient. However, the regional schools commissioner may well feel, based on his experience and the experience of the headteacher board, that a certain school is causing concern, which may trigger an informal intervention with the school. We will be issuing for consultation revised guidance on schools that are causing concern.

However, we rely on regional schools commissioners to use their experience and therefore on the headteacher boards to talk to schools when they have a concern. If they want to use a specific power in the Education and Inspections Act 2006, the school has to fall into one of the following categories—first, a failing school, secondly, a school that has received a warning notice but has not met the conditions in it, or a coasting school. The school has to fall within one of those definitions for RSCs to be able to use the intervention power.

I hope that I have reassured the hon. Gentleman and that he will now be able to withdraw the amendments.

Kevin Brennan: I am disappointed that I did not think about tabling an amendment in relation to regional schools commissioners that are causing concern, given the breaking news that we heard earlier, to which the Minister did not refer in his response. Perhaps he needs a little bit more time to do so and by the end of our discussion of this clause we can have some more information, because it is entirely pertinent to the issues that we have under discussion. I think that the Committee ought to be told what is going on in relation to regional schools commissioners and why we hear today that one of them has either stood down or been stood down—I am not quite sure which it is and what the detail is. Perhaps the Minister will be able to tell us more very shortly.

Mr Gibb: Just to put the hon. Gentleman out of his misery, the regional schools commissioner to whom he is referring, has not stood down, but has resigned through his own choice. These people are very talented and we are very grateful to Paul Smith for the energy and enthusiasm that he has brought to his role. His contribution has been greatly valued. We will be advertising for a replacement, but people of his experience and talent are sought after in the educational world. I suspect that many of our regional schools commissioners will be approached by all kinds of educational institutions because of their ability and talent. I hope that that will not happen, but on this occasion it has happened and we are very grateful for the tremendous work that Mr Smith has carried out over the last period.

Kevin Brennan: I am grateful to the Schools Minister for his response, and I apologise. I did not realise that there was a distinction between standing down and resigning, but obviously there is. It is a subtle distinction that is lost on me, but I am sure that we will hear some more about why he stood down at some point in the near future. I congratulate Mr Smith if he has been poached by some other employer for his great talent. It is a wonderful thing if that is the case, although the timing seems a bit odd, while we are completing the Committee stage of the Bill, where we are discussing all these matters. As the Minister pointed out earlier, this is a very new system and regional schools commissioners have been in place for a very short period of time. However, if it is the case, as the Minister has intimated, that Mr Smith has been headhunted and offered a higher job elsewhere, we should all congratulate him on that. If there is any other reason behind his leaving his post, I am sure that we will find out what it is in due course.

Steve McCabe (Birmingham, Selly Oak) (Lab): How many regional schools commissioners does my hon. Friend think would have to be poached or stood down before the Bill completes its Parliamentary stages before it is a problem for the Minister?

Kevin Brennan: That is probably something that is for the Minister to answer, rather than for me to speculate on. I am not a mind reader, but he may well have something to tell the Committee about that in due course. It is a serious matter, and I accept there may be a very good reason for Mr Smith's departure. However, up-to-date information about regional schools commissioners is pertinent to the Committee's proceedings, given that they featured so much in our discussions—even though their role is not set out in statute—and that so many of the Bill's provisions will be implemented by them. It is right that the Committee has the most up to date, breaking news on regional schools commissioners and their current status.

It is not our intention to press matters to a vote on this particular group of amendments. Given that this is the last day of our proceedings, I hoped that the Minister might have felt generous enough to make a traditional Government-type concession on the negative resolution and affirmative resolution issue that we often debate, as a gesture towards the rest of Parliament. Perhaps further down the parliamentary line we might be offered that little titbit for all our efforts in Committee. However, at this stage, the Minister is obviously feeling that he needs to be a little tighter with his concessions than we had hoped for at this stage of the Bill. He is a good-natured and generous-hearted individual, so who knows—down the line we may be able to get that concession from him and others.

I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Kevin Brennan: I beg to move amendment 75, in clause 1, page 1, line 16, at end insert—

"(2C) The Secretary of State in making regulations under subsection (2) must use comparable definitions of coasting schools which are in use outside the United Kingdom."

This amendment would require the Secretary of State in framing regulations which define coasting schools to use international experience of defining coasting schools.

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

Amendment 76, in clause 1, page 1, line 16, at end insert—

"(2D) Regulations under subsection (2) must specify, if used in the definition of 'coasting'—

(a) the minimum pupil roll of a school,

(b) a school's admission arrangements,

(c) the age range of pupils in attendance at the school,

(d) the handling of data about pupils with special educational needs or a disability,

(e) information about the socio-economic characteristics of the area where the school is situated,

(f) the role of professional advice which the Secretary of State must consider."

This amendment would require specific factors to be included in the regulations which define a coasting school.

Amendment 80, in clause 1, page 1, line 16, at end insert—

"(3C) In section 182 (Parliamentary control of orders and regulations) after subsection (3) insert—

'( ) A statutory instrument which contains regulations under subsection (2) of section 60B (Coasting schools) may not be made unless—

(a) the Chairman of the UK Statistics Authority certifies that Official Statistics used to determine whether a school is coasting are used in a statistically correct manner, and

(b) a draft of the instrument and the certificate have been laid before each House of Parliament, and the draft instrument approved by a resolution of each House of Parliament.'"

This amendment aims to ensure that any Official Statistics used in the definition of a coasting school are used in a statistically correct manner and provides that a report is to be submitted to Parliament confirming that this is the case, and requires a draft of the regulations defining coasting schools to be approved by each House of Parliament.

Kevin Brennan: Amendment 75 would require the Secretary of State, in framing regulations that define coasting schools, to use international experience in defining coasting schools.

Amendment 76 would require specific factors to be included in the regulations that define a coasting school. Amendment 80 aims to ensure that any official statistics in the definition of a coasting school are used in a statistically correct manner—a recurring theme of the Committee's discussions—and would provide for a report to be submitted to Parliament confirming that that is the case. It would also require a draft of the regulations defining coasting schools to be approved by each House of Parliament.

Ministers are usually keen to make international comparisons, particularly in relation to the far east and jurisdictions such as the state of Singapore and the city of Shanghai in the People's Republic of China. The Minister for Schools will have read the recent blog from the Institute of Education, which addresses the broad issue of how areas such as Shanghai, Singapore and Hong Kong are moving away from the categorisation of schools simply according to academic results. The blog says:

"Whilst the systems of Shanghai and Singapore previously used public league tables to rank schools, these have been abandoned in favour of a more supportive and developmental role…In Hong Kong, Territory-wide System Assessments, as part of the accountability mechanism, is meant to inform policy and school improvement rather than make comparisons."

I commend this article. I am not going to read the whole thing, but it makes interesting observations about the changes that have been happening in places such as Singapore in recent years, which seem to contradict some of the categorisation of their approach that Ministers have outlined in recent years.

Much has been made of the need to base policy on best practice from around the world. Ministers need to be able to tell us which jurisdictions, if any, operate the kind of system that they are advocating here. Which jurisdictions operate the system based on a rather crude categorisation of schools according to their results, and on intervention that is based not on support and improvement, but on allocating blame and imposing structural changes including—preferably, from the Minister's viewpoint—academisation?

The Institute of Education at University College London recently established a unit to study the far eastern educational superpowers, as we might call them. The Government have a great interest in that work. The unit is staffed by Professor Paul Morris and Dr Christine Han, both of whom have spent a long time in the far east studying and helping develop school systems. We know about the Minister's love of international comparisons. During the passage of the Education Act 2011, we debated the subject many times in relation to, for example, standards in qualifications and participation in international surveys. Professor Morris and Dr Han have written about coasting schools and what can be learnt from international best practice. We would like to know where school systems like the one proposed in the Bill are used.

Amendment 76 would ensure that many factors are taken into account before a judgment is made about whether a school can be identified as coasting. For example, I think we all agree that statistical data are much less valid in a small school. Most obviously, the current draft criteria seem to make it almost impossible for a grammar school to be found to be coasting—rather difficult to believe, but that would appear to be the case—and much more likely that a secondary modern school in a grammar system would be found to be coasting, which seems to defeat the object. How many grammar schools does the Schools Minister expect to be coasting, under his definition? I assume that he has made some kind of assessment of how many are likely to fall into that category.

The nature of the challenge faced by a school as a result of its intake needs to be taken into account. Pupils with significant SEN are likely to make less than average progress. We know that and we debated it a little bit this morning. For example, the data for a primary school with a SEN specialism unit will be seriously affected as those pupils will be a significant proportion of the school roll. To what extent is that taken into account?

It is established that, statistically, pupils from more challenging socioeconomic backgrounds tend to make slower progress. We can discuss, as we did a little bit this morning, how we try to tackle that statistical reality. Nevertheless, it still features in our debate about the definition of a coasting school. The judgment on a school should not just be data-driven. There should be a requirement to seek professional advice about the quality of the school's work beyond pure data.

Amendment 80 would ensure that any official statistics in the definition of a coasting school are used in a statistically correct manner. We should all welcome and support that. It would also ensure that a report is submitted to Parliament confirming that that is the case. The amendment would require a draft of the regulations defining coasting schools to be approved by each House of Parliament. We have had substantial

[Kevin Brennan]

discussions about statistics, and more independent assessment of the way in which the Department for Education uses statistics would be very welcome. An amendment to ensure that official statistics in the definition of a coasting school are used in a statistically correct manner would be helpful to everyone—Ministers, Opposition Members, parents, governors, schools commissioners, pupils and local authorities—concerned with the running of a school and concerned about a coasting school in their area. I will be interested to hear the Minister's response. If he does not accept the amendment, what steps will he take to ensure that any statistics are used in a statistically correct manner?

Mr Gibb: Amendments 75, 76 and 80 apply to clause 1, which introduces new provisions to allow the Secretary of State to identify schools that are coasting, so that regional schools commissioners—all seven of them—can provide them with the challenge and the support they need to improve.

A coasting school is one that does not consistently ensure that children fulfil their potential. If we are to ensure that every child receives the best possible start in life, we should give regional schools commissioners the power to intervene so that these schools improve and offer a higher quality education to their pupils.

2.30 pm

The definition of coasting is based on published performance data, so that the basis for determining whether schools are eligible for intervention is objective and transparent to schools and the public. It will apply from 2016, looking back to data from 2014, 2015 and 2016. The definition for each of those years will be based on the same data and measures as the existing floor standards for the same years. These measures are already familiar to schools, and are already used for school accountability.

Amendment 75 would require the regulations that will define coasting schools to use definitions already in use in other countries. We want to compete with the best education systems in the world, and we look closely at other countries to learn from international best practice. International surveys show that reform is essential. Our 15-year-olds are on average three years behind their peers in Shanghai in maths, as assessed by the Programme for International Student Assessment survey. We are the only OECD country whose young people do not have better levels of literacy or numeracy than their grandparents' generation. This international evidence informed our recent announcement that when the new reformed GCSEs are taken for the first time in 2017, a good pass will be a grade 5 on Ofqual's new grading scale. This means that the new good pass will be more demanding than the present grade C, and broadly in line with what the best available evidence indicates is average performance in high-performing countries such as Finland, Canada, the Netherlands and Switzerland.

Peter Kyle (Hove) (Lab): The Minister mentions international comparisons and draws attention to the outcomes that are achieved by other countries. Is not the real lesson that these countries have a focus on standards, which has delivered their outcomes, whereas the Bill proposes a focus on organisational status?

Mr Gibb: The hon. Gentleman makes a very important point. It is always a combination of standards and structures. Structures do help. They give autonomy to professionals, they improve accountability, and they allow the types of intervention that are set out in the Bill and that were legislated for in 2006 by the then Labour Government. We have to do that together with a standards agenda, which is why we have rewritten the primary curriculum. There is now a much more rigorous and demanding curriculum for maths, English and science. That is why we have reformed GCSEs and A-levels to ensure that they are more demanding, and that they start to deliver the kind of education that employers and colleges demand. The hon. Gentleman is right that we need a combination of both. The Bill deals with the structural side of the reform programme, but we certainly need to do both and we cannot rely on only one or the other.

International benchmarks are valuable because they allow us to compare the performance of our education system as a whole with those in other jurisdictions. They are less suitable for underpinning comparisons of individual institutions between countries. PISA and other international benchmarking assessments are based on a sample approach. They would therefore be inappropriate for school-level accountability, including identifying individual schools that are coasting or failing. While international comparisons should continue to inform our expectations for young people and guide our reforms, as they have done, the amendment would require the Secretary of State to take an unworkable and inappropriate approach to the use of international evidence.

Amendment 76 seeks to require the regulations defining coasting schools to include other factors, such as the number of pupils in a school and their socioeconomic background.

Kevin Brennan: I am sorry to stop the Minister just as he was starting on amendment 76. Has he based his proposals on the approaches taken to coasting schools in any of the jurisdictions he admires?

Mr Gibb: Some other jurisdictions use performance data to evaluate school performance, but we are not aware of a definition of "coasting" in use internationally that could be used as the amendment proposes. Relatively few education systems internationally have the quality of reliable performance data in the public domain that we have in this country.

Amendment 76 would require the regulations defining coasting schools to include other factors, such as the number of pupils in a school and their socioeconomic background. Some of those factors are relevant when reaching a considered assessment about whether to intervene and what action to take, and that is what regional schools commissioners will do.

Although schools will not be identified as coasting until 2016, the Department already uses discretion and takes additional contextual school data into account when making decisions about school improvement. For example, Morgan's Vale and Woodfalls Church of England voluntary-aided primary school in Wiltshire applied to convert as a stand-alone academy. It was due to open in September 2013 but its key stage 2 results fell by 10 percentage points. As our policy is to allow only

schools that are performing well to convert without a sponsor, we looked carefully at the school's circumstances before deciding whether to allow it to open as an academy. It is a small school with fewer than 90 children on roll, and only 12 pupils took the test in 2013. The Department recognised that each child's performance would have a significant impact with such a small cohort. Given that context and that the school had a track record of performing above the national average in previous years, Ministers at the time decided to allow the school to convert. In 2014, 100% of pupils achieved level 4 or above at key stage 2.

While many of the factors proposed in the amendment are ones that regional schools commissioners will take into account when deciding what action to take for a coasting school, it would not be appropriate to specify them all in the regulations that define coasting. It is important that the definition of coasting is simple, transparent and based on established, published performance data, so that schools and others can easily identify whether they are coasting and understand the basis for determining that.

I am reminded of our debate this morning about schools in leafy suburbs and whether the attainment level is appropriate for pupils of those schools. In particular, the hon. Member for Hyndburn referred to the 85% attainment level. However, only a small proportion of primary schools would fall into the category above 85%. Only 16% of schools currently have 85% or more of their pupils achieving the new, higher expectation of an equivalent of level 4b. When we add to that the fact that a school needs to achieve that for three years, it becomes a very small proportion.

We want all pupils to reach the level of attainment that makes them ready for secondary school. We therefore make no apology for having an attainment level, because we want to push the level up so that more—in fact, all—pupils are ready for secondary school when they leave primary school.

Graham Jones (Hyndburn) (Lab): I am grateful to the Minister for raising that point. Will he explain what he intends to do for the 16%, or thereabouts, of schools that are above the 85% threshold?

Mr Gibb: It will be less than 16% because we have to take into account the three-year requirement. As my hon. Friend the Member for Portsmouth South pointed out, other tools can be used to ensure that those schools are performing well, one of which is Ofsted. Ofsted is quick to point out in its judgments when schools are not delivering for every ability range, which can lead a school to go into special measures despite having high attainment levels.

Amendment 80 would require a certificate from the UK Statistics Authority each time regulations are made, to certify that statistics have been used correctly. The data published in performance tables have been used for many years to assess schools' performance and hold schools to account for the outcomes that they achieve. Those are the data we have used for many years to set the floor standards that determine when schools are failing to achieve our minimum expectations, and the data used by Ofsted in inspections and by schools to evaluate their own performance relative to others and to identify areas for improvement. The data are classified as official statistics and published in official statistical first releases every year. The DFE is currently working towards the designation of the data as national statistics. That is the highest quality mark that the UKSA can give official statistics. I am, therefore, very clear that the data we will use to define coasting schools are robust and independently verified. In light of that and the other arguments I have made, I hope the hon. Gentleman will withdraw the amendment.

Kevin Brennan: That was interesting. We have discovered that, in bringing forward the proposals on coasting schools in clause 1, the Minister does not have any international model or comparisons in mind. He told us that, although other jurisdictions use data, he could not name one that took this approach towards coasting schools. That tells us that the Government are carrying out something of an experiment. It is not based on previous experiences elsewhere. Somebody always has to be first but, when embarking on an experiment with schools that will have an impact—one hopes, a positive impact, as the Minister intends—on the education of young people, it is wise and better to pilot it properly. That is especially so if it is a groundbreaking experiment that has no international example to call upon. At least amendment 75 has drawn out that fact; that this is a completely new approach that is not based on the high-achieving jurisdictions that Ministers are often keen to cite as evidence in support of their approach to education policy. That has been helpful.

In relation to data, no one doubts that these are official statistics; we understand that. It is not the raw data that count but how they are processed. We have seen that time and again during our discussions. What counts is the way data are contextualised and processed. That is why we called for a check on that from the body set up to verify statistics independently and appropriately by Government, namely the independent UK Statistics Authority. It might have been appropriate for the processed data rather than raw data to be subject to some stamp of approval from the UK Statistics Authority to ensure that the actions being taken are justified by the statistics. I will not press the amendment to a vote at this stage, but it has been a significant feature of our discussions.

We have also learned a little more from the Minister. We now have seven people holding the very important position of RSC. As our deliberations on the Bill progress, they expose the need for further scrutiny and transparency about the actions and work of regional schools commissioners. At this stage, in order to proceed and get on to the clause stand part debate, although there are many issues that we have not discussed, 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: As we have discussed, the clause enables the Secretary of State via the regional schools commissioners to identify schools that are coasting, and gives her and the relevant local authority power to intervene in those schools when necessary. The Government's manifesto was clear that, as well as moving more swiftly to tackle failure, a commitment to every child receiving a good education means that we must also tackle those schools that have been coasting.

[Mr Gibb]

The principles behind our coasting definition have been clear. We want to capture those schools where data show that over a three-year period they are failing to provide an acceptable level of education. Clause 1 would give us a regulation-making power allowing the Secretary of State to set out precisely what criteria sit behind the principles. The Committee has been able to consider the draft regulations in detail, but this debate has been helpful in reiterating some key points.

First, the draft regulations will not identify any school as coasting until after a school has performance results for 2014, 2015 and 2016. In answer to the hon. Gentleman's question about the number of grammar schools which fall into the definition, it is very difficult until we have the 2016 results.

2.45 pm

I should also point out to the hon. Member for Cardiff West that progress 8 and the new primary progress value-added measure compare pupils with others who have the same prior attainment. Grammar schools with a high-attaining intake will be compared against others with the same level of intake, as will schools with tougher and more challenging intakes. No school can be judged as coasting until 2016 results are available, so it would be wrong for us to try to estimate the number of grammar schools that might fall into the coasting definition.

Secondly, another principle established during this debate is that a school will only be coasting if it falls below the set level for three years. Thirdly, the draft regulations propose to set levels from 2016 against the new, robust accountability measures that will exist both for primary schools and, through progress 8, for secondary schools. For 2014 and 2015, prior to these new systems being in place, the regulations specify interim levels for these two years only. These levels have been set against the existing accountability measures that schools knew they were being held to in those two years. We are not applying the new accountability systems retrospectively.

We have committed to consulting publicly on the coasting definition in the regulations after the summer recess and will also use this opportunity to gather views on whether and how it might be possible to define "coasting" in pupil referral units and special schools.

The hon. Member for Cardiff West raised the issue of a school with a large special educational needs unit. Such schools will not automatically be excluded from the coasting definition. The presence and impact of a SEN unit is of course exactly the type of issue that we would expect the regional schools commissioner to consider when deciding whether a school that falls within the definition of "coasting" has the capacity to improve sufficiently or whether it requires support and challenge. The RSC will look at the data intelligently and at the circumstances of the school based on their experience and the advice of the headteachers' board.

Kevin Brennan: I am grateful to the Minister for referring back to that point. That almost seems to suggest that a school with a large unit of this kind is almost certainly to be categorised as "coasting" because of the rigid nature of the assessment. Does the Minister see how dispiriting it might be for a school that is doing work with children with special educational needs to find that it is deemed to be coasting due to the rather rigid definition in the regulations?

Mr Gibb: We want all pupils, regardless of their background or any special educational need, to do as well as possible. That is why it is important for the regional schools commissioner to look at the standard of SEN education as well as non-SEN education being delivered to pupils. So I do not apologise that a school with a large SEN unit will perhaps fall within the definition of coasting. Remember that the definition is based on prior attainment, and a school that takes a child with low prior attainment and manages to deliver a high-quality education will see very good progress levels recorded in their metrics.

Clause 1 provides that, once a school has fallen within the "coasting" definition and the Secretary of State has notified it, it will be eligible for intervention. We have been clear however that, unlike failing schools, in which intervention will be automatic and from day one, coasting schools will be given the opportunity to demonstrate that they can improve sufficiently.

Regional schools commissioners will take into account the context of the school—as I have just said with regard to schools with large SEN units—and will look at its capacity to improve sufficiently before deciding what support or intervention may be necessary. Some coasting schools may have the capacity to improve and, where this is the case, they should be given the opportunity to improve. Other coasting schools may require additional support and challenge from a national leader of education or a strong local school, but where a coasting school has no credible plan or is not improving sufficiently, the regional schools commissioner will be able to bring in an established academy sponsor.

Clause 1 reflects the Government's commitment to social justice alongside other measures in the Bill. The clause should ensure that schools improve and children get the education that they deserve. I therefore move that the clause stand part of the Bill.

Kevin Brennan: To reiterate what I said on the first group of amendments, we do not have a problem with the concept of trying to deal with coasting schools and schools that, although superficially doing well, are not meeting the needs of all their pupils in as effective a way as they can. There is a laudable aim behind what the Government are trying to do. The clause seems deceptively brief and simple, but it raises a series of issues that go to the heart of why there are flaws in the Government's approach to improving coasting schools and schools more generally.

At the heart of the approach, I am sorry to say, there is a degree of political posturing. It seems that Ministers can, by legislating at the stroke of a pen, transform thousands of schools because they have a unique insight into what needs to be done. It seems that they have an insight that the tens of thousands of heads, teachers, parents, governors and others involved in the schools have for some reason never discovered.

Before we go into the detail of the muddle that is in the clause, it is useful to stand back and look at the fundamentals of the approach. We have already heard in debates on the amendments that the most effective school systems internationally are realising that the

simplistic approach to ranking schools in order to praise some and blame others has had its day. We see that in Singapore, Shanghai and Hong Kong. Such approaches have had a part to play, but a lesson is emerging from the highest performing jurisdictions in Asia that perhaps times have moved on.

Nor do such effective systems agonise about school structures in the way that we seem to in this country as we try out different forms of governance. They get on with the fundamental task. The point that we have always made, which is at the heart of any attempt to improve our school system, is that we should try to improve the quality of teaching, learning and leadership within our schools. In other words, we need to design the systems to support teachers, rather than continually blame them. We need to focus on helping teachers to learn how to improve what they do.

I am afraid that we have been subject in recent years to the big man theory of education reform, which is that a great person will come along and transform everything. I prefer what I like to call the Sir David Brailsford approach to improvement. He was the coach of the very successful UK cycling team in the Olympics. He brought about that wonderful success through the accumulation of marginal gains over a period of time, and through understanding that we get improvement by tweaking what is wrong and improving the quality of staff and resources that are used to bring about improvement.

It is politically beguiling for Ministers to be able to claim to have transformed our schools system at the stroke of a pen, but it does not work that way. We all know it. Ministers in their heart of hearts know it. Certainly anybody who has ever worked in education and has been at the frontline in a classroom knows that improvements come about over a period of time. All the mantras and sloganising about instantly transforming schools overnight is a little misleading. We need quality leadership, quality local authorities and quality academy sponsors, and we need to work on developing those together, in partnership. That is the way forward.

It is instructive to look back at the coasting schools initiative started by our party at the latter end of the Labour Government, in 2008-09. No one can deny that some schools achieve well but do not do well enough. That is why we signalled our support for doing something about this, and we were in the process of doing so. The broad definition back then was that coasting schools had an intake that did not fulfil its earlier promise and could achieve more. We probably share some common ground with the Minister on that.

However, the current approach seems to have departed from that insight and is rather rigid. We thought that identification of coasting schools was better done by those who were close to the schools, which is why we wanted local authorities to be involved, taking into account local factors and individual circumstances. We heard earlier about schools with a large special educational needs unit. That should surely be taken into account in some way, shape or form before a "coasting" judgment is made, given the negative impact that the judgment could have if it is not justified.

Our proposals recognise that many factors can affect a school's raw data. The word "coasting" is not always a fair description of a school with relatively high attainment but below-average progression. It cannot be a one-size-fits-all strategy, and that is why we asked local authorities to get involved in identifying schools appropriately. Such an approach is very different from the simple data-driven exercise that seems to be at the heart of the regulations. It will be interesting to see how the consultation that the Minister outlined pans out over coming months.

It has been suggested that the Government's criteria will constitute guidance to regional schools commissioners—seven of whom, as we heard, are left out of the eight—rather than being applied automatically. We heard something about that from the Minister, but if it is the case, each commissioner will be asked to make judgments about several thousand schools, of which they can hardly have a detailed knowledge. We are concerned about regional schools commissioners' capacity to carry out those functions.

When we were in government, we selected criteria that would support the identification of schools to which the definition "coasting" might reasonably apply. The Government seem, at least initially, to have selected criteria that are almost perfectly designed to miss the very schools that they say they are targeting. When the "coasting" definition is first introduced, any secondary school with an attainment level of above 60% for the GCSE measure will be exempt, even if they should be getting 80%. Why are they exempt at the beginning of the process? If it is so urgent for us to get this right from day one, why are those schools exempt? Would it not mean that they were coasting if they got 60% but should be getting 80%? Any primary school getting 85% of students to level 4 will be exempt, even if they should be getting 95% and lots of level 5s. Why? If that is the case, does it not mean that the school is coasting?

As far as progress measures are concerned, we know from research—my hon. Friend the Member for Sheffield, Heeley raised this issue earlier—that pupils starting at a lower level make slower progress, even when they are taught in the same school as pupils starting at a higher level. The Government's measures, as outlined, will lead to the identification of schools with challenging intakes and will let off other schools with more favourable intakes, at least at the beginning.

3 pm

At the extreme, it seems virtually impossible for a grammar school to be found to be coasting, but the Minister was not able to tell us about any number crunching that the Department has done on that. Why? It does not seem logical to assume that grammar schools cannot be coasting. Does the Minister think that there are no grammar schools that are currently coasting? And if he does think there are some that are coasting, why has he not more quickly devised a means to attempt to identify them, using some other means than these data, which will not enable us to do so, particularly in the early years?

This is what the Secretary of State said about all this:

> "For too long, a group of coasting schools, many in leafy areas with more advantages than schools in disadvantaged communities, have fallen beneath the radar."

So, according to the Secretary of State, at the heart of this policy are those schools in the "leafy" suburbs, which have strong intakes. She gives a very strong impression in her remarks that this policy is all about dealing with those coasting schools, and that they are to be found mainly in "leafy" suburbs, and have strong

intakes. However, the point is that they will meet this measure, and yet they will still be failing their pupils in terms of their progress.

Mr Gibb: Some schools in "leafy" suburbs will meet the "coasting" definition, and some that are not in "leafy" suburbs will be above the "coasting" level. But many, many schools in "leafy" suburbs, which seem to be the hon. Gentleman's main concern, will fall within the definition of "coasting" schools, notwithstanding the attainment levels of 60% for secondary schools and 85% for primary schools.

Kevin Brennan: Well, we will see. By the way, "leafy suburbs" is not my phrase; that is the phrase of the Secretary of State. It is hardly fair of the Minister to describe it as my "main concern", since I am quoting the Secretary of State.

Peter Kyle: The Minister touched on the issue, saying that the Bill would pick up on underperformance and coasting in areas of affluence. I draw my hon. Friend's attention to the evidence given to the Committee by Rebecca Allen from the University of Central London. She said:

"My concern about the metrics that have been chosen to define coasting schools is that they display exactly the same type of what I call a social gradient. By that I mean that if a school serves an affluent community then it will not be judged to be coasting using these metrics."—[*Official Report, Education and Adoption Public Bill Committee,* 29 June 2015; c. 7, Q2.]

Does my hon. Friend agree that that is exactly the problem with this Bill?

Kevin Brennan: Yes, and my hon. Friend has cited in an exemplary way the oral evidence that we were given, in order to bring home that point. It is a real point, and I am sure it is one that will emerge very strongly during the discussion of the Government's draft regulations. That is because these schools are supposed to be the "coasting" schools, as defined by the phrases used by the Secretary of State, and not the ones with weaker-ability intakes, which seem to be destined, as per the evidence we heard from witnesses at the oral evidence sessions, to be hammered by the new definition.

However, there was a big difference in the approach that we had proposed previously. There was an interesting article recently in *Schools Week* by Laura McInerney, which I will quote from:

"Labour define coasting schools as those with GCSE scores *above* a threshold BUT have *below average* progress. Labour's plan specifically targets the schools doing well in terms of their GCSE pass rates but whose pupils, having come in with average-to-high ability rates, only come out with Bs or As – rather than A*s."

She went on:

"This compares to the current Conservative definition which specifically protects these sorts of schools by stopping any school above a 60% GCSE pass rate threshold from being considered as 'coasting'. As datalab's research shows this helps stop schools in wealthier areas – 'the leafy suburbs' – from being hit."

I know that the Minister will go on to argue that if this is a problem—he does not seem to accept that it is—it will all disappear after 2018, because at that time "coasting" schools will be defined only by a progress measure. So, if we have got a problem here, I assume he will say, first, that it is not really a problem, and secondly, that if it is a problem at all, it will go away in time.

The problem is that schools with high-ability intakes tend to progress more quickly than those without such intakes. We should all be passionately interested in why this is. I think we can agree that we want to find ways to tackle that. Presumably, the Minister is hoping that Government policy is the way to do that so that people from a lower start can progress as quickly as people who have started from a higher level. We can debate that and have different views about the best way to achieve it, but I am sure it is an aim that we all share. However, that is not what the Secretary of State was talking about in relation to coasting schools when she made her remarks. In the absence of any other approach to coasting, the Government will end up targeting only schools with poorer intakes, rather then those in the leafy suburbs, which I thought was supposed to be the central point of the policy, certainly according to what the Secretary of State said.

What do the Government intend to do about these schools once they have been identified? We are told:

"Those that can improve will be supported to do so by our team of expert heads, and those that cannot will be turned into academies under the leadership of our expert school sponsors".

The suspicion remains that forced academisation is really what this is all about, particularly in view of the academy performance targets that the seven remaining regional schools commissioners have, and of the point that was made in the Conservative manifesto.

There is also no sensible account in these proposals about the interaction between Ofsted and these measures. This came up in our oral evidence sessions. Are we going to get schools rated good and outstanding one week, only to be deemed to be coasting the very next week? How will staff, parents and pupils make any sense of it if they receive a letter from the school saying, "Our school has been rated 'good'" or "Our school has been rated 'outstanding'" one week, and the very next week they get a letter saying, "Our school is deemed to be 'coasting'"? How will they, let alone the general public or the media, make any sense of it? What kind of headlines would it produce in the local papers for Members of Parliament concerned about schools in their constituencies? Will the Minister explain how that kind of situation would be managed? Would it have been better for some kind of interaction to be thought through between Ofsted and the coasting regulations and the way in which regional schools commissioners react to the coasting definitions? Could they have been made to interact more effectively so that such apparent anomalies would not arise? Perhaps the Minister is not worried about it, but it seems to me that it will cause confusion in the system.

Graham Jones: My hon. Friend makes a point about the forced academisation of some schools in the "leafy" suburbs. Some schools in the "leafy" suburbs to the north of me are very small. We talk about class sizes of 30; I am not sure that some of these have school sizes of 30. Is an academisation process in those "leafy" suburbs unwelcome and perhaps financially unviable? Do they need to remain within the local authority education system?

Kevin Brennan: My hon. Friend is better placed than me to comment on the schools in his area and his constituency, but he makes a very valid point when he

say that the size of schools should be taken into account when considering these kinds of interventions and approaches.

A big difference between the approach that we favoured towards coasting schools and the current one is that we proposed a comprehensive package of support to help these schools improve.

Mrs Flick Drummond (Portsmouth South) (Con): Why does a coasting school have to be bigger? Why cannot we have coasting small schools, medium-sized schools and large schools? What is the problem with the number of pupils at a school?

Kevin Brennan: Of course, it is perfectly possible for a small school or a school of any size to be coasting. The problem is that if we define coasting simply in terms of data, we know that data can be skewed when there is a smaller sample. It commonly happens that a relatively small difference, for example in the nature of the intake, can make a big difference in smaller schools to the result of an Ofsted inspection or the coasting regulation. The hon. Lady is right that any school might be in that category and we need a little more subtlety in the way in which we apply the data.

There is also the question, which we have discussed elsewhere, of what will happen to coasting academies. It remains to be seen where all the experts, heads and sponsors are to be found. More importantly, nowhere in the Government's proposals is there any analysis of what will actually change in classrooms. Our concern was to focus on learning outcomes and approaches, rather than simply on structures. It was a serious attempt to address how to improve teachers and teaching and how to motivate and encourage pupils—and to have some resources to match that.

The initiative's intention is laudable, but the execution is flawed. It is based on the Government's view that change in structure is all that is needed. We do not think it will identify the right schools. We do not think it offers a proper analysis of why schools might be coasting or many useful suggestions about ways in which schools might be improved, other than the inevitable desire to force them to be academised.

Much of the Bill is less about action and more about seeming to act. Out in the real world it will make precious little difference, except to contribute more to the disillusionment that is so widespread in our schools, unless there is a better definition of coasting. I will quote Laura McInerney of *Schools Week*, who states that,

"if you truly want to find the real coasting schools then you wouldn't begin with a definition, as is currently proposed until 2018, which protects those schools above a certain GCSE threshold. Instead, you would go after schools that have high GCSE pass rates and very low progress rates, just like the Labour plan suggested in 2008".

Why have Ministers chosen to take this approach rather than an alternative approach, which truly would have identified those schools that the Secretary of State said she wanted to identify?

Mr Gibb: Let me briefly address some of the hon. Gentleman's points. On "coasting" and "outstanding" schools, Ofsted's judgments are a snapshot at any one given moment, whereas the definition of coasting takes into account three years of figures, so there will be discrepancies because of that, particularly if the Ofsted inspection took place some time ago.

Kevin Brennan: Ofsted's judgments may be a snapshot, but are they not supposed to take into account all the data that are available?

Mr Gibb: Yes, and the data two or three years ago may be very different. It is only over three years that the definition of coasting kicks in and the school may have been below the level of coasting for two of those years, but Ofsted will not have regarded it as coasting, because it felt that there was capacity to improve, although in the third year the school failed to improve sufficiently to be taken out of the definition. As the definition of coasting permeates the education system, I think we will find that more and more people will take it into account as part of their analysis of data, when this type of analysis of schools is conducted.

The hon. Gentleman talked about the 60% attainment level not being fair, because it will exclude schools in affluent areas that have poor progress from the definition of coasting. We could have taken the approach of retrospectively applying the progress 8 measure to the years 2015 and 2014, but we felt that was not the right approach in assessing and applying the definition of coasting. By 2018, three years of progress 8 data will be available to regional schools commissioners, of whom, by the way, there are still eight, notwithstanding my tongue-in-cheek comment about there being seven, because Paul Smith does not leave office until December 2015 at the very earliest. In 2018, there will be three years of data but we felt that it would be wrong to retrospectively apply that.

3.15 pm

We want primary schools to achieve the figure of 85% of students getting level 4s. If we had taken the *Schools Week* or the Labour party approach to looking only at schools above 85%, we would have ignored that whole tranche of schools with attainment that was above the floor but below the coasting definition—above 65% but below 85%. That would be a mistake because schools with between 35% and 15% of pupils not achieving level 4b in reading, writing and maths need to be addressed. We are keen to do that.

I hope that I have said enough to persuade the Committee to support this important clause. It is designed to deal with coasting schools and allows us to take the powers that we need to ensure that those schools receive intervention. If Opposition Members feel that we should include more schools in the definition of coasting or if they feel strongly that we should apply a retrospective measure to defining coasting in 2014-15, I urge them to respond to the consultation, or to respond now.

Kevin Brennan: It is a bit early to respond to the consultation. For the record, although it is not our intention to vote against clause 1, because we think that coasting is an important matter, we reserve the right to come back to some of these issues on Report when we have had more of a chance to look at the regulations and hear other people's responses.

Mr Gibb: On the basis of that intervention, I hope that Members agree that clause 1 should stand part of the Bill.

Question put and agreed to.

Clause 1 accordingly ordered to stand part of the Bill.

Clause 14

CONSEQUENTIAL REPEALS

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

Mr Gibb: The Bill is intended to improve the overall quality of education received by children in England, and to improve the efficiency of adoption services. Clause 14 sets out consequential omissions to legislation as a result of the amendments made by the Bill. Those omissions are to three Acts: the Apprenticeships, Skills, Children and Learning Act 2009, which was known as the ASCL Act to the irritation of the Association of School and College Leaders; the Education Act 2011; and the Children and Families Act 2014.

The Apprenticeships, Skills, Children and Learning Act 2009 includes a schedule that adds a subsection to the Education and Inspections Act 2006 relating to local authority powers to appoint additional governors where a school is eligible for intervention. This Bill removes that subsection. Consequently, the Apprenticeships, Skills, Children and Learning Act will now be changed because it has redundant provisions. The same schedule applies to the definition of "working day" in part 4 of the Education and Inspections Act 2006, which relates to intervention powers of the local authority and the Secretary of State. As the Bill removes the "working day" definition, it should likewise be removed from schedule 13 of the Apprenticeships, Skills, Children and Learning Act.

The second Act that requires changes is the Education Act 2011, which makes amendments to the power in the Education and Inspections Act 2006 for the Secretary of State to direct a local authority to give a performance standard and safety warning notice. It also inserts a new section into the Academies Act 2010, concerning consultation on academy conversion. It is necessary to remove these sections from the Education Act 2011 as the Bill removes the changes it makes to other Acts.

Finally, the Children and Families Act 2014 inserts a section into the Adoption and Children Act 2002 concerning the recruitment, assessment and approval of prospective adopters. As that section is removed by the Bill, it is necessary to remove this section from the Adoption and Children Act 2002. The changes are technical but they are required to avoid confusion.

Question put and agreed to.

Clause 14 accordingly ordered to stand part of the Bill.

Clause 15

TRANSITIONAL, SAVING AND CONSEQUENTIAL PROVISION

Kevin Brennan: I beg to move amendment 64, in clause 15, page 9, leave out lines 17 and 18.

This amendment removes the power to amend primary legislation without recourse to a new Act of Parliament.

The Chair: With this it will be convenient to discuss amendment 65, in clause 15, page 9, leave out lines 20 and 26.

This amendment is a consequence of the amendment on page 9, line 17 (amendment 64).

Kevin Brennan: Amendments 64 and 65 would empower the Secretary of State to make orders by statutory instrument consequential to the provisions of the Bill. Clause 15 specifically allows an order to make changes to previous primary legislation. This does require affirmative resolutions, and other orders are subject to the negative resolution procedure. Implementing the legislation through clause 15 includes a Henry VIII provision to amend other primary legislation, and with these amendments we are probing the Government's thoughts on that.

Mr Gibb: Clause 15 gives the Secretary of State the power to "amend, repeal or revoke" any existing legislation—including legislation made in this session—through secondary legislation, where changes are needed as a consequence of any provision of the Bill. Amendments 64 and 65 seek to remove this provision. Such powers of amendment are not unusual. For instance, they exist in the Education Act 2005 and the Education and Inspections Act 2006, both of which were passed by the previous Labour Government. They allow us to make changes to existing legislation that will be consequential to the new Act once it has Royal Assent. This will be necessary if, for instance, definitions in existing statute no longer make sense, or if a new legal provision makes existing law redundant. As I said, the Department has already identified some technical amendments to current legislation that will be needed as a result of the passage of the Bill.

The Committee will see that there is a complex chain of interactions between different pieces of education legislation. We want to ensure that we can identify other similar consequential changes that are necessary. The provisions that the hon. Gentleman seeks to remove enable this approach. Given these explanations, I hope that the hon. Member for Cardiff West will be prepared to withdraw his amendments.

Kevin Brennan: It is always worth pausing when there are Henry VIII-type provisions within a Bill. However, having heard the Minister's explanation of the Government's intent, it is not my intention to press these amendments to a vote. I beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Clause 15 ordered to stand part of the Bill.

Clause 16

EXTENT

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

Mr Gibb: With your permission, Mr Chope, I would like to consider clauses 16, 17 and 18 together. These are technical clauses which set out when the provisions in the Bill will come into force, their extent and the title by which the Act will be known, subject to Royal Assent. Clause 16 provides that the Bill applies to England and Wales only. As hon. Members will be aware, England and Wales are a single legal jurisdiction. However, as the explanatory notes set out, the provisions of the Bill apply only to schools and local authorities in

England, as education is devolved to Wales. It will be for the Welsh Government to take a decision to apply these new provisions in Wales. The Bill does not apply to Scotland and Northern Ireland, which have their own legal jurisdictions. They legislate for themselves upon educational matters.

Clause 17 provides for the commencement of the Bill, subject to Royal Assent. Clauses 1 to 14 will come into force on days appointed by the Secretary of State in commencement regulations. As we have discussed, the provisions for failing and coasting schools will come into effect at different times. No child should spend a single day in a school that is failing to provide an acceptable standard of education. For that reason, we will implement the provisions for failing schools as soon as possible after the Bill receives Royal Assent. For coasting schools, the draft regulations are clear that we will not identify any school as "coasting" until the 2016 results are available, and the relevant section will be commenced accordingly.

Clause 18 sets out that the Bill should be known as the Education and Adoption Act, should the Queen give her consent. That is considered to be a logical title. I therefore move that these clauses stand part of the Bill.

The Chair: I am happy to allow these three clauses to be debated together.

Kevin Brennan: Thank you, Mr Chope. I am happy to concur with your decision from the Chair to do that. I do not have much to say, other than to point out that we discussed earlier in the course of the Bill that the Government are now proposing to water down the proposals for so-called "EVEL"—English votes for English laws—and since they had two sets of proposals for EVEL, I said that this might be categorised as the lesser of two EVELs. Now it seems that that might be reversed and that some of the concessions given with regard to EVEL earlier in the course of our parliamentary procedures might be withdrawn because of a hissy fit from the Leader of the House following the SNP's decision to vote on the foxhunting regulations.

I raise that because clause 16—perhaps confusingly, for some Members—says that this Act extends to England and Wales, being the legal jurisdiction. That throws up why the Government's approach to all this could fall into confusion; perhaps it needs to be taken at a steadier pace, with some sort of constitutional convention. I raise the point that it could be technically possible under this Bill—although highly unlikely—that a school located in Wales could seek to open an academy in England. It might be technically possible; I do not know. Certainly, the issue of legal jurisdiction mentioned in clause 16 raises a lot of interesting questions; but I am not going to press them at this stage.

Question put and agreed to.

Clause 16 accordingly ordered to stand part of the Bill.

Clauses 17 and 18 ordered to stand part of the Bill.

New Clause 2

DUTY TO INSPECT ACADEMY SPONSORS AT PRESCRIBED INTERVALS

(1) After section 5 of the Academies Act 2010, insert—

"**Duty to inspect Academy sponsors at prescribed intervals**

(1) It is the duty of Her Majesty's Chief Inspector of Education, Children's Services and Skills—

(a) to inspect under this section every Academy sponsor in England to which this section applies, at such intervals as may be prescribed,

(b) to publish a report of the inspection,

(c) report on how far the education provided by the Academy sponsor—

(i) promotes high standards,

(ii) ensures fair access to opportunity for education and training, and

(iii) promotes the fulfilment of learning potential by every person in attendance at an Academy sponsored by the Academy sponsor,

(iv) meets the needs of disabled pupils and pupils who have special educational needs.

(2) The duty in subsection (1) does not apply where an Academy sponsor sponsors a single school."—*(Kevin Brennan.)*

Currently the law does not provide specifically for the Ofsted inspection on academy sponsors, sometimes referred to as Academy Chains, or Multi Academy trusts. This new clause corrects that omission.

Brought up, and read the First time.

Kevin Brennan: I beg to move, That the clause be read a Second time.

The Chair: With this it will be convenient to consider new clause 4—*Inspection of Academy sponsors in certain cases*—

After section 4 of the Academies Act 2010 insert—

"**4B Inspection of Academy sponsors in certain cases**

(1) The Chief Inspector of Education, Children's Services and Skills may inspect the overall performance of any Academy proprietor in performing their functions under an Academy agreement, and any ancillary functions.

(2) When requested to do so by the Secretary of State, the Chief Inspector must conduct an inspection under this section in relation to the person specified in the request.

(3) Such a request may specify particular matters which the Chief Inspector must inspect.

(4) Ancillary functions shall include any function that may be carried on by a local education authority.

(5) Before entering into Academy arrangements in relation to a school to which an Academy order under section 4(A1) has had effect with an Academy proprietor with whom the Secretary of State has existing Academy arrangements in relation to one or more other schools, he must receive a report from the Chief Inspector on the overall performance of the proprietor in performing their functions."—*(Louise Haigh.)*

Kevin Brennan: I apologise to anyone watching who might have got excited and thought that we had reached the end of the Bill when we got to clause 18. It is indeed the final clause in the Bill, but by convention we now move on to discuss any new clauses, of which there are two. They raise a substantial issue, on which we will be interested to hear the Minister's response. Opposition Members consider that this is a fundamental lacuna in the current arrangements regarding the inspection of schools. I will be speaking to new clause 2 and my hon. Friend the Member for Sheffield, Heeley has a new clause of her own, to which no doubt she will wish to speak.

The reluctance of Ministers to allow any normal public scrutiny of academy chains is of long standing. The Secretary of State and her predecessor consistently refused to allow Ofsted to inspect and make an overall

[Kevin Brennan]

judgment on chains. This new clause is intended to address that omission. The current Secretary of State sought to muddy the waters somewhat by arguing that,

"I am satisfied they"—

that is, Ofsted—

"can inspect constituent parts, they can particularly inspect school governance and support that chains are offering to schools within the chain. They can also do batch inspections."

However, Her Majesty's chief inspector's response to that observation by the Secretary of State was unambiguous. He said:

"I do not have the powers to inspect and report on the overall effectiveness of multi-academy trusts."

He went on to say:

"Of course it's not just accountability to Ofsted that the DfE has a problem with. When asked in a PQ to publish the internal grades given by the DfE to chains, the response was that 'The disclosure of this information would prejudice, or would be likely to prejudice, the effective conduct of public affairs.'"

When people want to find out what grades the DFE gives to academy chains—these organisations that are charged with looking after the schools that our children attend—it would seem that, almost uniquely in the education ecology, their grades are not to be exposed. Pupils' grades, schools' grades and teachers' grades are exposed but the chains' grades are not to be exposed because the disclosure would be likely to prejudice the effective conduct of public affairs.

3.30 pm

When asked through a freedom of information request for the same material, the reply from the Department was:

"Sponsor grades are subject to change"—

which is hardly surprising—

"and therefore the release of this potentially misleading information would not be in the public interest."

That is an astonishing statement. Because the grades are subject to change, it would not be in the public interest to release them, because the grades are potentially misleading. I just do not understand how that can be the case. Either the grade is correct or it is not. If the grade is correct, it is not misleading to release it. If the grade changes in due course, that is good, possibly, if it is an improvement, although it might be a deterioration in the grade if an organisation is having problems. To suggest that it is potentially misleading to release the information simply because it is subject to change is of course absolute nonsense. Just imagine a school trying to make that argument stick in arguing with inspectors or anybody else. I would venture to suggest that it is hard to imagine Ministers showing much sympathy with that argument if it was put forward by a school.

The reality is that disclosure would prejudice not the conduct of public affairs but the conduct of private affairs and the reputation of Ministers. A big question mark might be raised over their policies if that information were put in the public domain because we know from Department for Education data that hardly any academy chains are above average in relation to pupil progress. We know that if we combine local authorities and academy chains, 47 out of the best-performing 50 are local authorities. We know from what Ofsted has been able to dig out—despite the restrictions placed on it—how poor the performance of some of those chains has been, including chains such as AET, Kemnal, the School Partnership Trust and Oasis. We heard earlier about the focused inspection on schools in the Collaborative Academies Trust, which said:

"Too many academies have not improved since joining the trust. Of the five academies that have had a full inspection since joining the trust, only one has improved its inspection grade compared with its predecessor school. Two have remained the same and two have declined. This means that, at the time of the focused inspection, there were not yet any good or outstanding academies in the trust. Leaders fully accept that improvement has not been fast enough."

I accept that I could equally have read out a poor Ofsted rating for a poor local authority. I perfectly accept that that is the case. That is not the point. We want to know why Ministers are reluctant to allow Ofsted to do what it wants to do, in its independent capacity as an inspectorate, and inspect academy chains fully. We know that the DFE has had to stop 14 chains from taking any more schools. We have here a Bill that anticipates, according to the Prime Minister, more than 1,000 new sponsored academies being created during the course of this Parliament, but it does not provide any mechanism of public judgment on the quality of their sponsors who are ultimately all funded by the taxpayer.

There is no legitimate reason that we can see for Ministers not to accept this new clause. If they do not, it can only be that they do not have any confidence in those policies, and certainly no confidence that those policies would stand up to the kind of public scrutiny that we are calling for. Surely that is not the message that they want to send out to the public, who are, after all, ultimately bankrolling this brave new world that the Minister does not want to be subject to scrutiny. He may have seen an article that appeared in the *TES* last Friday under the headline, "Academy sponsors admit the schools 'are not a panacea'"—I mentioned it earlier in our proceedings, but it contains some further interesting observations. It states:

"Academisation has swiftly become the cornerstone of the new government's education agenda, with swathes of 'failing' and 'coasting' state schools facing conversion.

The expansion of the academies programme was always going to be controversial for those who argue that it represents a loss of democratic control and local accountability for state education. But a *TES* investigation has established that there are also serious doubts within the very organisations that ministers will be relying on to make their plans work."

So the article raises serious doubts from the organisations themselves. It goes on to say:

"Academy chains"—

many of them, in talking to the *Times Educational Supplement*—

"have revealed major misgivings about funding, capacity and the government's ability to manage the expansion."

Furthermore, it relates:

"The head of one large academy chain told TES that under the coalition government, 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."

I cited the same quotation earlier as well.

I raise a couple of further points from the article. It went on to say:

"'The two most successful academy chains, Ark and Harris, have also had the most investment,' they added. 'It's an interesting point. If you don't have a hedge fund or a Lord Harris, how do you grow as a chain? Where are they going to get these chains that will take on all of these schools rated inadequate?'"

It was a head of one of the smaller academy chains who made those remarks. Another person went on to say that the Education Funding Agency,

"don't know their left hand from their right".

The point I make is that there is a lot of criticism out there. Just how quickly the Government can respond remains to be seen, but one academy chief executive quoted in the article said:

"We're building a system as we go along, but the EFA, the DfE and Ofsted don't all agree on what good looks like. That needs to change—and quickly."

There are real issues out there in relation to the inspection of academy chains and different views about how well they are performing. The Department for Education's response, in that article, is inadequate. Judging by ministerial responses during the debate and the fact that the DFE cannot even publish consistent lists of free schools with the all-important ESTAB and URN numbers—let alone the name, charity number and company number of the academy trust behind each free school and academy—it seems, to me, to suggest that the DFE is having a problem with the administration of this system. Yet it claims to be up to running the two separate national education systems in this Bill. There is no reason why chains should not be inspected.

I refer briefly to the Education Committee, which looked into the matter of inspecting academy chains last year, and the exchanges that were reported on 15 October 2014 in *The Guardian*. At that time, the then Chair of the Education Select Committee, the hon. Member for Beverley and Holderness (Graham Stuart), was questioning the Secretary of State about allowing Ofsted inspectors to question the leadership of academy chains and, indeed, to inspect them. He said, as reported by the *Guardian*:

"It's absurd. It would be like trying to judge an army by only talking to people at the front line, and not having a meeting with the generals in charge".

That was the comment from the Chair of the Select Committee to the Secretary of State. The following exchanges are all as reported by *The* Guardian. The Secretary of State's reponse was:

"I'm not entirely sure that visiting the head office is actually going to yield more than going and talking to the people who are actually running the chains".

That was her response to the point from the Chair of the Select Committee. He responded:

"You're kidding me. If you wanted to know what was going on at Shell you'd be quite happy to be told: no, don't go to the head office, just go round and visit their refineries."

That is the Conservative Chair of the Select Committee on Education, speaking to the current Secretary of State last October. She again maintained that

"going to look at an office is not actually going to help".

The Chair responded:

"That's a bit trite, isn't it? It's not the office, it's the people. Trying to find out who runs the organisation."

There were further exchanges in that regard. The Secretary of State referred to the view of Her Majesty's chief inspector. She said:

"I've had one conversation when we discussed it—"

before the Chair cut in and said:

"Did you do any listening? I am sorry to be so rude."

There is clearly an issue of concern not just to Opposition Members. The Conservative Chair of the Education Committee was clearly exercised by the Government's position regarding the inspection of academy chains. Like the Conservative Chair of the Education Committee it seems, we see no good reason why Her Majesty's chief inspector should not be allowed to inspect the chains itself. Why is the chief inspector not allowed to inspect the chains? We need to hear more about that and a better response from the Schools Minister than we heard from the Secretary of State at the Select Committee. Does the DFE have something to hide? Why is it so intent on preventing the independent inspectorate from doing its job?

Louise Haigh: In another time and place, I was a fan of the original clause 4, but in this instance I prefer the new one. I hope that my hon. Friend the Member for Hyndburn notes that on this matter I am on message.

As hon. Members can see, new clause 4, in similar fashion to new clause 2, would place a new duty on the chief inspector of Ofsted to inspect the overall performance of any academy chain, to ascertain whether it is carrying out its functions appropriately, and give the Secretary of State power to direct the chief inspector to inspect any academy chain and specify which areas he may wish to inspect.

In addition, before an existing chain takes over a new school under the powers in the Bill, the chief inspector would have to produce a report detailing the proprietor's overall performance in performing its functions, including those that relate not only to the running of individual schools, but to the overall management of the group of schools and the support services it provides, in particular where those are equivalent to the roles performed by a local authority for other schools.

New clauses 4 and 2 go some way to opening up the accountability system within academies that have taken some time to catch up. The speed at which schools converted into academies or joined multi-academy trusts over the past three years has increased at a dramatic rate. In 2012-13, the Department opened three times as many sponsored academies as in 2011-12. By December 2014, 3,062 academies had converted to academy status, way in excess of expectations.

We heard in evidence session how some multi-academy trusts now provide their own shared services, even their own pupil referral units within the chain in the case of the Harris Federation. Some have their own training schools, replacing functions that universities perform, let alone local authorities. It is, therefore, reasonable to expect that proper rigorous accountability of the chains, which administer a significant proportion of the new schools, should follow such a rapid expansion. That is all the more important because, as the Committee has heard, performance levels between chains still suffer significant variation, with the Sutton Trust concluding in its report:

"The very poor results of some chains…for pupils…comprises a clear and urgent problem."

[Louise Haigh]

In that context, Sir Michael Wilshaw called for the specific power that we are trying to lay down in the new clauses: that Ofsted be given specific powers to inspect academy chains. Such powers are already available so that it can inspect children's services at a local council, for instance. The Secretary of State gave Ofsted directions within its existing powers to inspect academy chains, but not to pass judgment, instead focusing more narrowly on the group of schools within the chain. This is particularly concerning given the record of poor performance of some academy chains that the Sutton Trust rightly remarked upon.

3.45 pm

To be fair to the Minister and the Government, during the previous Parliament they produced a detailed analysis of the performance of both local authorities and academy chains, which demonstrated that of the 20 academy chains, only three had added value above the national average, and some showed signs of serious underperformance and, occasionally, even a dramatic fall in performance once a conversion had taken place.

The National Audit Office warned that Ofsted's inability to inspect academy chains means that

"there is no independent source of information about the quality of their work",

and it called on the Government to ensure that the Department has

"an independent source of information for assessing the quality, capacity and performance of academy sponsors."

Perhaps even worse, the funding arrangements by which academy chains receive all their public funding has also been found to be open to abuse and conflict of interest. The Education Committee said that the system of funding arrangements whereby the EFA acts as both a regulator and a funder

"lacks transparency, is heavily politicised and prone to favouritism".

The Committee's report concludes:

"Civil servants in the EFA have become very politicised",

and schools may then be given preferential treatment, leaving the EFA wide open to conflicts of interest. That is in the context, as we heard earlier, of an accountability system going directly back to the Secretary of State using private contract law rather than public law and parliamentary accountability, as applies to maintained schools.

Given that, it is important to raise another concern: the widespread involvement of Conservative party donors in a number of academy chains. For example, David Ross has donated more than £250,000 to the Conservative party. He runs the David Ross Foundation, which has 30 academies incorporating primary, secondary, grammar and special schools, and is looking to take over more, especially if the Bill is passed.

Arpad Busson, the founding chairman of Ark Schools, gave £75,000, perhaps from the taxes he avoided as a non-dom, and of course the former Conservative treasurer, Lord Fink, is also heavily involved in the Ark chain. The Minister will be aware of the concerns raised downstairs by my hon. Friend the Member for Norwich South (Clive Lewis) about the Inspiration Trust, an academy chain led by another Conservative party donor, Theodore Agnew, and whose Norwich federation board is chaired by a former Tory MP.

Mr Gibb: Is not the hon. Lady aware that all the gentlemen whom she listed are following in the footsteps of philanthropists in the United States in giving large sums of money and large amounts of their time and experience to the public good to raise academic standards in academy chains? She should applaud those individuals, not criticise them.

Louise Haigh: I absolutely applaud philanthropic activity. If that is genuinely the motivation of those individuals, I will certainly pass that on. My concern is around the conflicts of interest that independent auditors and the National Audit Office have raised about the Education Funding Agency, and those that are clearly apparent among these institutions. I do not think it is inappropriate to ask, as the Select Committee report did last year, what processes the Minister has in place to guard against certain trusts being given preferential treatment if, as we expect, the Government refuse to allow independent scrutineers to judge for themselves.

The context is important and demonstrates that the oversight and accountability of academy chains are far from ideal. Of course, some of the concerns are about wider issues, but our interest, especially in the Bill, is primarily in ensuring high quality education for all our children. New clause 4 goes some way to address that specific point.

A couple of examples from the Institute of Education report show the consequences of the lack of accountability directly for the management and oversight of schools. One interviewee described a case where a headteacher had spent more than £50,000 on a one-day training course run by a friend. In another case, one executive head was also the member of the wider chain, meaning that the executive head could appoint the board, which would then undertake performance management on their own school. Although the report states that that is clearly not widespread practice, it highlights how crucial it is to have an independent assessment and judgement of academy chains, and that is exactly what the new clauses seek to do.

Mr Gibb: New clauses 2 and 4 relate to inspection arrangements for academy trusts and sponsors. I agree that it is important that multi-academy trusts, including those led by sponsors, are held to account for their performance. The main way in which this should be done is through the individual Ofsted inspections of schools within their chain. The funding agreement with the Secretary of State allows the Department to take action where Ofsted finds that individual academies within the chain are failing.

The Secretary of State and the chief inspector at Ofsted agreed the arrangements for focus inspections of multi-academy trusts earlier this year. The agreement set out that there was no need to extend Ofsted's remit to provide them with additional powers to inspect multi-academy trusts. These arrangements enable the assessment by Ofsted of the overall performance of a multi-academy trust, including the contribution and role that the sponsor plays in supporting and leading the effective governance of the trust and the improvement of its schools.

The core of these inspections is based on the inspection of a group of individual academies governed by the trust. In addition, Ofsted can seek the views of all the academies under the trust on the support they receive

and use any data and information that they have about the trust and its academies. Ofsted uses this information to reach a view about the overall quality of the support and governance that the trust provides to its academies.

We therefore recognise the importance of holding academy chains to account, which is why we published a statistical working paper in March 2015 putting forward new measures for multi-academy trust educational performance. We have undertaken to make access to information about multi-academy trust performance more transparent and easier to access. We will improve the performance tables to ensure that they allow access to information on overall multi-academy trusts. A cycle of inspections is under way and Ofsted has so far inspected four multi-academy trusts and published reports on three.

The hon. Member for Sheffield, Heeley is enamoured of new clause 4, which also proposes requiring the chief inspector to provide a report on the performance of the trust before the Secretary of State can enter into a funding agreement with it in respect of an additional sponsored academy. This is also unnecessary. The Secretary of State already subjects sponsors and their trusts to thorough scrutiny through the regional schools commissioners before they are approved to take on sponsored academies. They consider all new sponsor applications in their regions, approving those that demonstrate that they have the capacity and expertise to turn failing schools around.

Kevin Brennan: Given that I pointed out earlier that about 3% of applications were rejected and yet there was quite a failure rate following that, does the Minister agree that more could be done to identify suitable sponsors more accurately?

Mr Gibb: We are always looking for more sponsors of academy groups. The vast majority of sponsors to which the hon. Gentleman refers are existing schools that are graded good and outstanding by Ofsted, so they have a track record of high academic performance. It is not surprising that when those schools apply to become sponsors, they get through the system, because they have already shown an exemplary track record of delivering good quality education to their pupils.

Regional schools commissioners apply a rigorous assessment process, benefiting from the advice of the headteacher boards. That ensures that prospective sponsors have a strong track record in educational improvement and financial management and that their proposed trust has high quality leadership and appropriate governance. The majority of sponsors are high-performing schools, which have been subject to rigorous assessment by Ofsted.

After sponsors are approved, they remain under careful monitoring by the Department, which takes account of the trust's capacity and track record in turning round the performance of academies, before allocating them to any new sponsored academies. Where academies are not making sufficient progress, this is challenged. Where it is clear that the trust is not improving the school, we will not hesitate to take action and re-broker it to another stronger trust.

The hon. Member for Cardiff West referred to the article by Warwick Mansell, in which he said that the DFE had published combined league tables of local authorities and academy chains and that the top 47 out of 50 were local authorities. He noted:

> "That might not be a fair comparison".

Mr Mansell's claim is based on a partial reading of the statistics. Actually, that is exactly the accusation that the hon. Gentleman has laid at my door in these sittings—erroneously, I should add.

It is not surprising that there are many more local authorities than sponsors in the list, but there are only 20 academy chains in the analysis, compared with 100 local authorities. The working paper refers to two aspects of performance—current performance and improvements—and, on improvements, academy chains make up 10 of the top 50 slots. Given their relative numbers, they are disproportionately more likely to be among the top performers.

Kevin Brennan: I may have misheard the Minister, but I thought that he said that the proportions were 20 out of 100 and 10 out of 50. Does that not mean that the proportions are exactly the same?

Mr Gibb: I am saying that there are 10 academy chains in the top 50, which is one fifth, compared with 20 out of 120. Therefore, they are disproportionately more likely to be in the top 50 than local authorities.

Kevin Brennan: I think that the Minister said something different, but I understand his subsequent point so I will not press that any further. He did say, however, that I had said that that was perhaps not a fair comparison. Would it not be helpful if he sometimes said that about some of the comparisons he has regularly made, which have been criticised by the UK Statistics Authority?

Mr Gibb: As I said, the UK Statistics Authority was confident that what had been said by Ministers in the media and in the House was fine. When I have referred to the statistic about the improvement in sponsored academies over the past four years, I have compared that with the national improvement just to put that number into perspective. I have not claimed what the hon. Gentleman said I had about that figure, but a 6.4 percentage point improvement in schools' GCSE results is stark compared with improvement of just over one percentage point in the system as a whole.

We are confident that the arrangements are effective and that they provide clear information about the effectiveness of the trust and enable appropriate decisions to be made in allocating sponsored academies. We are therefore clear that new clauses 2 and 4 are unnecessary.

Kevin Brennan: Before the Minister winds up, I know he says that it is unnecessary, but will he explain his philosophical objection to Ofsted inspection of academy sponsors?

Mr Gibb: The point is that they are being inspected by Ofsted, but through batched inspections of academies within a chain. It can also look at the quality of core services being provided by head office to those schools. It will look at the quality of the school improvement service and ask questions to the academies while it investigates the schools. On that basis, I urge the hon. Gentleman to withdraw the new clause.

Kevin Brennan: I thank the Minister for his response, but we remain unconvinced. We do not quite understand why the Government have not given way, because quite a lot of points have been made, including by the cross-party Education Committee, on that. I was not really convinced when the Minister said that academy sponsors could be inspected. After all, Sir Michael Wilshaw was quite clear that he was extremely keen to have this power, and it would be useful for Ofsted to be able to do that.

We had no explanation of why academy sponsors' internal grades, which are compiled by the DFE, are not made available to the public. Why should academy sponsors be allowed to coast and hide the assessment that has been made of their progress, achievement or attainment? Why are they exempt while everyone else has to be held to account, particularly when vast sums of public money are being given to sponsors to run schools and when the Government envisage a vast expansion of the money given to academy sponsors to run schools? That is the very purpose—or at least one of the likely consequences—of the provisions in the Bill. We therefore remain unconvinced that new clause 2 should not form part of the Bill.

4 pm

Steve McCabe: On that point, would the public not find it puzzling that we have a set of reforms in an age of transparency that rely on the Government concealing key information that could be crucial to the argument?

Kevin Brennan: My hon. Friend is right. We have seen a deep reluctance from the Department for Education to engage properly at times with the freedom of information legislation in its reaction to requests for information from members of the public, journalists, Members of Parliament and others.

We see that sometimes in the way in which parliamentary questions are answered, as I have highlighted. I appeal to Ministers to ensure, when they are going through their red boxes, that they send back inadequate responses if the drafting is the cause of the problem, or not to redraft them in a way that makes it necessary for Members such as myself to ask pursuant questions. That is a waste of public money, but it is what we will do until we get the answers. We could all save ourselves some time and misery by behaving differently.

The Government should publish the grades given to academy sponsors because that information is in the public interest and taxpayers' money is being spent. We are talking about the future of our children and people being given funding to run some of our schools. It is perfectly reasonable for Her Majesty's chief inspector to be given the power to inspect academy sponsors. The Education Committee has supported that request. On that basis, I would like to test the view of the Committee and ask my hon. Friends to join me in supporting new clause 2.

Question put, That the clause be read a Second time.

The Committee divided: Ayes 6, Noes 10.

Division No. 5]

AYES

Brennan, Kevin	Kyle, Peter
Haigh, Louise	Lewell-Buck, Mrs Emma
Jones, Graham	McCabe, Steve

NOES

Berry, James	James, Margot
Donelan, Michelle	Nokes, Caroline
Drummond, Mrs Flick	Tomlinson, Michael
Fernandes, Suella	Trevelyan, Mrs Anne-Marie
Gibb, Mr Nick	Walker, Mr Robin

Question accordingly negatived.

Mr Gibb: On a point of order, Mr Chope. As we have reached the end of these proceedings, I thank you and Sir Alan for your careful chairing of these 12 sittings. When I say the figure 12, I am slightly hesitant now about whether I have got the mathematics right. It is all to do with adding back the denominator and the numerator when calculating what the denominator is. I shall stop digging and say that it has been a very good series of sittings. I thank all hon. Members on both sides for their attendance and their contributions. The hon. Member for Cardiff West persistently seeks examples of high performance, and I think it fair to say that the Committee has been an example of detailed and effective scrutiny of an important Bill.

I know from personal experience how much the burden of these debates falls on the Opposition, particularly on the Front-Bench speakers. Some 80 amendments were drafted by the Opposition and a staggering zero made it into the legislation. A less generous person might define that as a metric that should lead to special measures, but I think that it would be grossly unfair to regard either the hon. Member for Cardiff West or the hon. Member for Birmingham, Selly Oak as anything other than outstanding performers in this Committee. There was nothing coasting about any of the interventions by my hon. Friends or Opposition Members. I particularly thank both Whips—the hon. Member for Hyndburn and my hon. Friend the Member for Stourbridge—for keeping us all on track.

I thank my hon. Friend the Member for Worcester for his efficiency in delivering in-flight refuelling, though on occasion, as just now, a little sooner would have been helpful. I thank both the Clerks and the Doorkeepers for managing the Committee. Last, but not least, I thank the officials from the Department, the lawyers and the Bill team who did so well in drafting the Bill that it leaves Committee as perfect as when it entered. Finally, I wish everyone a pleasant final week before heading off for a relaxing holiday and an intensive period in our constituencies over the summer Recess.

Kevin Brennan: Further to that point of order, Mr Chope, I thank the Minister for his very kind remarks. He is courteous, as always, and he knows what it is like to sit on this side of the House. I have to say that having a score of 0 out of 80 when you honestly could not have tried harder is probably the worst school report you could get. However, I am grateful that he leavened that assessment with his kind remarks and I sympathise with the few problems he had with his maths towards the latter stages of the Bill. Now he knows what it feels like when he goes round schools in the country testing children on their times tables as they wander innocently through the corridors. Perhaps he will have a little more sympathy for them in future if they stutter slightly at his now infamous testing when he goes around looking at schools, occasionally terrorising pupils—not intentionally, I am sure—by asking them to recite their times tables.

I, too, thank everyone whom the Minister thanked. I thank you, Mr Chope, and Sir Alan for your chairmanship of the Committee and for keeping us in order throughout our proceedings. I thank my hon. Friends, all of whom made a great contribution, especially my hon. Friends on the Front Bench. It takes a great deal of work to scrutinise a Bill in opposition and there is a degree of whipping as well as presenting of amendments to be done. I also thank the members of staff and volunteers, because in Opposition, as the Minister for Schools will know, we do not have the Rolls-Royce service of the civil servants available to us. I thank them for their contribution to our proceedings. We have to rely a little bit on our wits and on limited resources—rather like the schools commissioners—and also on volunteers in order to carry out our duties. I thank the volunteers who have helped us, and also the Clerks of the Committee, the doorkeepers, the police and everybody else who has helped our proceedings. I thank the members of the public who have attended and followed our proceedings from a distance for their kind interest. I also thank the witnesses who gave evidence in our oral proceedings, and those who have taken the trouble to submit written evidence, for which we have all been very grateful as it has helped us in our efforts to scrutinise the Bill.

The Minister said that the Bill was perfectly drafted, and it emerges from Committee unscathed. This is true, although it is not unusual in the Commons. It will be interesting to see what happens to the Bill as it progresses to Report after the summer recess, and then goes to another place. It may well be that some of the fruit that we have attempted to shake from the tree with our efforts here in Committee in the Commons may be picked up and bear further fruit in the other place at a later stage. When the Bill eventually returns to us, if it has not been amended on Report and Third Reading in the Commons, it may well be that their lordships in due course will come up with some suggestions as to how the Bill might be amended and improved. I hope that I have not forgotten anyone.

The Chair: I thank the Minister and the shadow Minister, and I shall report their kind and generous comments to my fellow Chairman, Sir Alan. Members of the Committee on both sides have made our collective job much easier than it might have been. It seems amazing that it is only 15 days ago at the first sitting that we were concerned about whether there would be space for us all to sit down. I can report that the Chairman of Ways and Means said today that from now on there will be a default seating arrangement in the Boothroyd Room. This means that it will be laid out for a Standing Committee to take evidence, and if it is changed the room will be put back into the original form, so no subsequent Committee will have that problem.

I add my thanks to the Clerks and particularly to the Scrutiny Unit, which had a big job to do on a Bill that was published very shortly after the general election. Without the Scrutiny Unit, we would not have been informed and able to ask questions during the oral evidence sessions. I thank the doorkeepers, *Hansard* and everyone else who has ensured that our proceedings have gone so smoothly. Thank you, too, to all Members, particularly new Members. I hope that they are wiser as a result of this experience of serving on a Standing Committee. There is a steep learning curve and, while I will not say that there is no room for improvement, I would certainly say that a lot of progress has been made.

Bill to be reported, without amendment.

4.13 pm

Committee rose.

Written evidence reported to the House

EAB 22 UNISON
EAB 23 NASUWT
EAB 24 Local Government Association
EAB 25 Peterborough Diocese Board of Education
EAB 26 National Governors' Association
EAB 27 St Helens Council
EAB 28 National Union of Teachers
EAB 29 David McNaught
EAB 30 Independent Adoption Panel Chairs
EAB 31 Richard Harris
EAB 32 Parents Want a Say
EAB 33 Coram
EAB 34 Local Schools Network
EAB 35 Stockport Education Partnership Board