

PREM 19/1214

PART 2

Confidential Filing

Secondary School Education,

The Schools Council

Future Policy

29/

EDUCATION

PT 1 : May 1979

PT 2 : March 1982

Referred to	Date	Referred to	Date	Referred to	Date	Referred to	Date
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PART 2 ends:-

SS/OES Statement 25.5.84

PART 3 begins:-

H (84) 20 7.6.84



## Published Papers

The following published paper(s) enclosed on this file have been removed and destroyed. Copies may be found elsewhere in The National Archives.

House of Commons HANSARD, 12 April 1983, columns 671 to 672: Secondary Education (Scotland)

Command 8648: The Secondary School Curriculum and Examinations - Second Government Response to the Second Report from the Education, Science and Arts Committee, Session 1981-82. Published by HMSO September 1982. ISBN 0 10 186480 9

Command 8551: The Secondary School Curriculum and Examinations - Initial Government Observations on the Second Report from the Education, Science and Arts Committee, Session 1981-82. Published by HMSO. ISBN 0 10 185510 9

House of Commons HANSARD, 22 April 1982, columns 429 to 430: Schools Council

Signed J. Gray Date 16/9/2013

**PREM Records Team**



*With the Parliamentary Clerk's  
Compliments*

**DEPARTMENT OF EDUCATION AND SCIENCE**

Elizabeth House  
York Road  
London SE1 7PH

Telephone 01-928 9222

tomorrow, Friday  
25 May

Grant Thompson  
24/5/04

Tim  
I understand  
that it has now been  
agreed that this statement  
will be given at 11:00am

Se Press  
O. Letwin

THE GREEN PAPER "PARENTAL INFLUENCE AT SCHOOL"

1. With permission, Mr Speaker, I wish to make a statement about the Government's proposals for the governing bodies of maintained schools in England and Wales. The proposals are set out in a Green Paper which my rt hon Friend the Secretary of State for Wales and I published on Wednesday. Copies are available in the Vote Office.
  
2. The aim of the proposals is to raise standards. Since the Education Act of 1944 established the present basis of our decentralised school system much has been achieved by our maintained schools. The local education authorities, the voluntary bodies, and the teachers have each contributed as partners to that achievement. The Government now proposes to expand this partnership. We mean to give parents an increased role within it. Parents too are partners in education. They bring to this task unique responsibilities, a close knowledge of the children and a personal dedication to the full development of their qualities and talents. Our proposals build on the reforms initiated by my predecessor, my rt hon and learned Friend the Member for Warrington South.
  
3. We now propose that parents elected by their fellow parents should have the right to form the majority on the governing bodies of the 20,000 county schools and maintained special schools, and, together with the foundation governors, to form the majority on the governing bodies of the 3,500 voluntary controlled schools.
  
4. We also propose that, subject to the fundamental functions of the LEA, the governing bodies thus reconstituted should be assured of a powerful voice in the affairs of these schools. We plan to redefine the allocation of certain responsibilities for the curriculum and conduct of the school, the appointment and dismissal of staff, the management of its finances and the use of its premises. We intend that the local education authority,

the governing body and the teachers should each have adequate scope to contribute to the good education of the pupils in cooperation with each other. Governors would receive training for the effective discharge of their responsibilities.

5. Local Education Authorities have a long and proud record. Our proposals are deliberately designed to leave untouched the duty of each local education authority to secure the provision of sufficient and efficient schools for its area, and preserve those powers which it needs to discharge that duty. It will continue to be responsible for the character and pattern of the school system in its area; for formulating a curricular policy for its schools in the light of national policies and local needs; for employing the teachers and other staff and for managing them in the interest of all its schools; and for providing the necessary resources and deploying them effectively. On many important matters affecting the schools the local education authority will, as now, have the final say.

6. Our proposals protect the professional freedom of teachers, and in particular give a more secure foundation to the authority of the headteacher to manage the professional business of the school.

7. Our proposals seek to strengthen the dual system of county and voluntary schools which continues to serve the country well and to offer diversity and choice to parents. We shall retain the present arrangements for the composition of the governing bodies of voluntary aided and special agreement schools. We also propose to maintain those features of the system which give these schools a substantial measure of independence and to make certain changes designed to enhance the position of voluntary schools.

8. But a good school is more than an outpost of county or town hall, and more than a place where teachers go about their business. A good school develops its own identity and sense of purpose and serves its local community. We propose to achieve these ends by giving to every governing body, and to parents, an influence



over the life of the school which does justice to their commitment to the standard of education in their locality, and gives them scope to improve that standard.

9. My rt hon Friend and I will now consult widely and thoroughly on the proposals in the Green Paper. In this complex matter we are anxious to profit from the knowledge and experience of our education partners and of all others who are concerned to raise standards in our maintained schools. In the light of these consultations we intend in due course to bring before this House legislation to give effect to the Government's proposals.

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Subject: REGIONAL  
POLICY -  
Inner Cities Pt. 5

10 DOWNING STREET

C. MASTER SET.

From the Private Secretary

22 May 1984

LIVERPOOL CITY COUNCIL

The Prime Minister held a meeting today to discuss developments in Liverpool. Present were your Secretary of State, the Chancellor of the Exchequer, the Home Secretary, the Lord Privy Seal, the Secretaries of State for Defence, Education and Science, Trade and Industry, Social Services, the Chief Secretary, the Attorney General, Sir Robert Armstrong, Mr. Buckley and Mr. Redwood.

The meeting first discussed Liverpool's statutory proposals for the reorganisation of its County secondary schools. The Secretary of State for Education and Science said the choices remained as set out in his minute of 15 May. He could reject the proposals and seek to persuade Liverpool to produce a scheme closer to the wishes of parents; or he could seek to modify the proposals so that more single-sex schools with a proven record of success would be retained. If the reorganisation were to begin in September, his decision was needed by the end of May. Any delay would postpone the start by a year, though the saving in the first year was only £80,000. In his letter of 21 May, the Attorney General had advised that to modify the proposals to the extent of seeking four single-sex schools would run a real risk of successful challenge in the courts as being a different scheme rather than merely a modification.

In discussion, it was argued that accepting the proposals, subject only to insistence on two single-sex schools, was a lesser evil than rejecting the proposals. A refusal would cause delay and would perpetuate the present unsatisfactory structure of schools which was also damaging educationally. Refusal could also allow the Council to argue that it was being prevented from securing necessary savings. Against this it was argued that on educational grounds even the modified proposals suggested by the Secretary of State for Education and Science were

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/ unsatisfactory

unsatisfactory and that he should hold further discussions to seek greater provision for single-sex schools on the basis of the representations that had been received. Given the small savings in the first year, a delay of one year would be preferable to accepting the proposals as they stood.

Summing up this part of the discussion, the Prime Minister said that the meeting had noted the Attorney General's advice. In the light of this, she invited the Secretary of State for Education and Science to see whether he could persuade Liverpool Council to agree to further modifications which would provide up to four single-sex schools. HST

Your Secretary of State then gave an account of his recent meeting with Dr. Cunningham and the Labour Group on the Liverpool City Council along the lines set out in his minute of 21 May. He had detected a distinct change in attitude, though it was not clear how far this represented a genuine shift towards a more conciliatory approach and how far it represented tactical manoeuvring. He had made it clear that he could not re-open RSG or HIP allocations, nor could he divert resources to Liverpool from other local authorities, nor seek extra resources from the contingency reserve. The scope for providing additional resources was therefore extremely limited.

Your Secretary of State said he had identified £2½ m. so far unallocated in the Urban Programme which could be allocated to Liverpool. Although Urban Programme money could not replace existing programme expenditure, it could substitute for additional projects which would otherwise have been financed from the regular budget. Because of the operation of the hold-back scheme the benefit to the Council would be about £7 million. If Liverpool were to achieve a rate increase of no more than 25-30 per cent, it would have, through its own efforts, to make savings substantially greater than this.

In discussion, it was argued that an offer of this kind would be advantageous if it helped Liverpool out of the corner into which it had manoeuvred itself. While the Government should not be seen to be rewarding intransigent Councils, it should not be seen to turn its back on a Council which was prepared to help itself.

The Prime Minister said it was agreed that such an offer could be made, provided it was clear this was all that was available, that it was not being taken from other authorities and that Liverpool should bring in a legal rate as a matter of urgency.

/ The discussion

The discussion then turned to legal action. The previous meeting had considered a Liberal proposal that a ratepayer, with the support of the Attorney General, should bring a relator action against the Council for failing to rate or for introducing an illegal rate. To do this, however, the ratepayer would need sufficient to bear the costs of an action and to indemnify the Attorney General. Since then, the Liberals had failed to identify such a ratepayer and it was considered that this form of legal action was now unlikely. Should such a ratepayer come forward, however, the Attorney General should still be prepared to give his support.

The Attorney General set out a separate channel of legal action initiated by the District Auditor. Within the next ten days the latter was likely to determine that extra expenditure had been incurred as a result of borrowing rather than rating. The Councillors responsible would then be notified, giving them a chance to make representations or offer explanations. The District Auditor could issue a certificate around mid-July which would surcharge the Councillors responsible. They would be disqualified immediately unless they appealed. This process would alter the balance of the Council until the disqualified Councillors were replaced at by-elections. It was noted that this course would work more slowly than a relator action where the court itself could disqualify or surcharge Councillors for actions contrary to the law. The decision of the previous meeting that the Attorney General should not intervene in his own name was confirmed.

It was noted that Liverpool City Council probably had sufficient funds as a result of a large repayment by Knowsley Council and of new borrowing from the PWLB whose Commissioners were continuing to lend in the absence of an illegal rate. It was agreed that it was helpful that the Commissioners were taking this view.

Discussion then turned to the Commissioners Bill. The Prime Minister was concerned at its very sweeping powers which Parliament might find difficult to accept. One way to meet these concerns was to relate the Bill specifically to Liverpool, while passing a Motion in both Houses overruling the objection of hybridity. (It was noted that in the case of shipbuilding nationalisation the Conservative Party had fiercely opposed such a Motion when in Opposition). It would not be possible to predict exactly the circumstances in which the Bill might need to be introduced, and it would be prudent to have a draft of a specific Bill available. Another possibility was to set a time limit or require periodic renewal of the powers. A distinction was made between the period during which an affirmative resolution could be passed installing Commissioners in a new Council,

and the period allowed to the Commissioners to complete their work. It was essential that the latter were given a mandate of adequate length, as otherwise they would encounter delay and non-cooperation. A further distinction was between the circumstances in which Commissioners could be introduced, which should be tightly drawn, and the powers of Commissioners once installed, which would need to be extensive.

Summing up, the Prime Minister said the drafting of the Bill should be further examined to ensure that the powers taken were not greater than needed for the task in hand. Although the meeting felt that a general Bill, time-limited in some way, would be preferable, a draft of a specific Bill should be prepared as a precaution.

Your Secretary of State sought views on whether he should now begin to approach possible Commissioners in order to ensure that the Government was adequately prepared if it were necessary to go down this route. Against this, it was argued that these approaches would become known, which would be damaging while the Government was seeking to guide Liverpool back towards legality. The Prime Minister said your Secretary of State should continue to identify candidates, consulting colleagues as necessary, but no approaches to individuals should be made.

I am copying this letter to David Peretz (H.M. Treasury), Hugh Taylor (Home Office), David Morris (Lord Privy Seal's Office), Richard Mottram (Ministry of Defence), Callum McCarthy (Department of Trade and Industry), Elizabeth Hodgkinson (Department of Education and Science), Steve Godber (Department of Health and Social Security), John Gieve (Chief Secretary's Office, HM Treasury), Henry Steel (Law Officers Department) and Richard Hatfield (Cabinet Office).

Andrew Turnbull

John Ballard, Esq.,  
Department of the Environment.

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ROYAL COURTS OF JUSTICE  
LONDON, WC2A 2LL

01-405 7641 Extn

The Rt.Hon. Sir Keith Joseph Bt.MP.,  
The Secretary of State for Education and Science  
Department of Education and Science  
Elizabeth House  
York Road  
London SE1 7PH

21 May 1984

*Dear Keith.*

At our meeting on 17 May I was invited to advise you urgently upon the extent of your powers to modify Liverpool Education Authority's proposals under Section 12 of the Education Act 1980.

You have been advised, to my mind correctly, that you could properly modify Liverpool's proposals under Section 12(6) of the Act to secure the retention of two single-sex schools. The question now raised is whether you could impose a decision to retain four single-sex schools by way of "modification".

The only jurisprudence on the point is Megarry J's decision in LEGG. He draws a distinction between on the one hand changing a still recognisable original proposal and on the other hand in effect rejecting that proposal and replacing it with a different one. He expressly recognises that "to some extent the matter must be one of impression"; plainly, in determining upon which side of the somewhat indistinct boundary proposed "modifications" would fall regard must be had (as it was in Legg's case itself) not only to the ostensible change but also the impact which in practice the alteration would have on the actual workings of the originally proposed scheme.

I take the view that to require the retention of all four schools would be at the very margin of permissible modification if not indeed beyond it. Certainly you would be vulnerable to successful legal challenge.

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- page two -

Such alteration would, I am instructed, affect 20% of pupils subject to the overall scheme of reorganisation and would threaten its intended implementation in a number of important respects, most particularly in regard to admission arrangements and to the creation of a viable 6th form in certain schools.

In a sentence there would be a real risk of the required change being characterised by the courts as creating an essentially different scheme rather than a modification to the original one.

I am copying this letter to The Prime Minister and colleagues who attended the meeting on 17 May.

Yours Eva

Michael.



hcr

10 DOWNING STREET

*From the Private Secretary*

21 May 1984

The Prime Minister was grateful for and has noted your Secretary of State's two minutes of 17 May about raising standards in schools and the improvements in the 16+ examinations.

(David Barclay)

Miss Elizabeth Hodkinson  
Department of Education and Science

BSS



Prime MinisterC/O L  
C/S I

PRIME MINISTER

Content with  
this approach?

During our talk on 27 April we did less than justice to the improvement in the 16+ examinations which I announced in January with your approval.

The present position

2. Both the existing examinations are defective. O level, designed for the ablest 20% in each subject, succeeds broadly, but not completely, in identifying the most able and putting them in a ranking order. But since it is largely norm-referenced, grades are awarded to let a certain percentage of the age cohort "pass" without any assurance that those who pass have attained a defined standard of knowledge, understanding, skill or competence or that those who do not pass have not attained this standard. (And as norm-referencing is not thorough-going, the percentage of those who pass varies from subject to subject, being particularly high in English.) In some subjects those who pass are likely to have gained valuable understanding and skills eg in mathematics and physics. But far too often what O level tests is mainly the capacity for the orderly recall of facts.

3. Table 1 shows the percentage of school leavers (who include those who attempt the examination when they are older than 16) who attempt O level in given numbers of subjects, and the results.

4. The CSE was originally intended for the next 40% by ability below the O level aspirants and its lesser esteem reflects this. In practice it is now taken also by many of the ablest 20% and, in English and maths, by many of the least able 40%. Some CSE courses emphasise practical skills. But most, like O levels, put too much emphasis on factual recall. Like O level, CSE is largely norm-referenced: in particular CSE 4 is meant to be obtainable by the average pupil in the subject, without any accepted definition of what the standard to be attained means.

5. Table 2 shows the percentage of school leavers who attempt CSE in given numbers of subjects, and the results.

6. Table 3 shows that about 10% of school leavers obtain no grade in any O level, CSE, or joint examination (ie an examination which can lead either to an O level or a CSE award); and that a further 15% obtain only 1, 2, 3 or 4 grades; these are often at a low level.

7. The present situation has great disadvantages:

1. It encourages a narrow approach to learning - too much emphasis on factual knowledge, too little on understanding and skills. Some of those who 'pass' O level lack quite basic intellectual or practical skills in the subject.
2. Neither teachers nor pupils nor employers know what someone who obtains an O level or CSE grade can be expected to know or be able to do. Teachers and pupils lack a motivating target; employers can be reasonably sure only that those with higher grades will be abler than those with lower grades.
3. Norm-referencing means that some pupils, whatever their attainment, have to "fail", or get a poor grade, because others perform better. This is demoralising and unfair. Ever since I came to the DES I have said in public - and have not been contradicted - that about 40% of school leavers have learnt too little in knowledge, skills, attitudes and behaviour, from 11 years of compulsory schooling. I have also said, without contradiction, that boredom, in part due to an ill-defined and often inapt curriculum and in part to unsuitable examinations and ineffective teaching, is rife.

## The new policies

8. The Secretary of State for Wales and I are pledged to decide by the end of June whether to merge O level and CSE into a single system of 16+ examinations or to harmonise them.

Whatever that decision, we intend the examinations to be changed in two fundamental ways.

1. Examinations should differentiate between candidates of widely different abilities - by separate papers, separate questions, optional extra questions or otherwise - so that all are given the chance to do themselves justice and are rewarded on the merits of their performance: this means stretching the able more than happens now, and allowing the less able to show what they know and can do rather than what they do not know and cannot do.
  2. The examinations, instead of being largely norm-referenced, would be more nearly criterion-referenced. We aim to introduce grade-related criteria which would give a reasonable assurance that someone obtaining a grade has also acquired certain broadly defined understanding, competence and knowledge in specified aspects of the subject. The standard thus set would be, grade for grade, at least as high as now and, we intend, tighter for the ablest (though no exact comparison is possible between a system which specifies defined levels of attainment and one which merely allows a certain percentage to pass).
9. These changes should yield great benefits.
1. There will no longer be, as there has to be now, a limit to the number who can obtain a given grade; conversely, it will no longer be possible, as it now is, to get a good grade while lacking some understanding or skill which is basic to the subject.

2. Defining with some precision what is required to obtain a grade will make teachers more effective, and motivate pupils better, because both will have a clear target: they can themselves see whether they are reaching it.
3. This definition will give employers a much better idea of what they can expect someone with a given grade to know and be able to do: employers requirements for particular types of skill or knowledge could be made part of the requirement for obtaining a given grade.
4. The emphasis on skills and competence would support our policy for a broad and relevant curriculum so that every pupil would be taught practical as well as other skills. It would in particular give the intellectual a taste of technology and make the dexterous more proficient in English and maths.

10. I have claimed - without contradiction - that this policy for examinations, coupled with the policy for the curriculum, should enable 80-90% of school leavers to achieve standards now expected only of half, and to have their achievement acknowledged by the award of appropriate certificates.

#### Time-table

11. I expect to lay the foundation for 8(1) above (differentiation) in the autumn when I promulgate the national criteria for the 16+ examinations. As for 8(2), the Secondary Examinations Council (Chairman Sir Wilfred Cockcroft) have identified the first 8 subjects for which grade-related criteria should be published next year, and hope to introduce in September 1986 examination courses based on these criteria.

KJ

17 MAY 1984

TABLE 1

O LEVELS

Percentages of school leavers,  
1983, who in the numbers  
of subjects shown -

	(a)	(b)
	attempted the examinations	achieved higher grades(A,B or C) *
Numbers of subjects		
7 or more	24.7	14.6
5 or 6	9.5	7.7
3 or 4	10.5	8.3
1 or 2	18.0	15.6
None	37.3	53.7

\* equivalent to the old 'pass' grades

TABLE 2

CSE

Percentages of school leavers,  
1983, who in the number  
of subjects shown -

	(a) attempted the examinations	(b) achieved grades 1-5
Numbers of subjects		
7 or more	26.5	22.0
5 or 6	23.4	23.2
3 or 4	15.1	17.1
1 or 2	13.1	15.1
None	21.7*	22.7*

\*Note that these school leavers include those who take O levels only

**TABLE 3**

**ALL 16+ EXAMINATIONS** (O level, CSE and Joint 16+)

Percentages of school leavers,  
1983, who in the number  
of subjects shown -

	(a) achieved any graded result	(b) achieved higher grades(O level grades A-C or CSE grade 1)
Numbers of subjects		
7 or more	54.8	17.2
5 or 6	19.8	8.9
3 or 4	9.3	10.0
1 or 2	6.2	18.4
None	9.8	45.5

Note: (1) Where column (b) percentages exceed column (a) percentages, many of the candidates achieving higher grades in the number of subjects specified will have achieved lower grades in other subjects as well.

(2) Grades achieved in a given number of subjects may be partly in the O level and partly in the CSE examination.

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17 MAY 1984





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Prime Minister<sup>2</sup>

The Education Secretary is consulting the Law Officers, and will report to your meeting next Tuesday.

PRIME MINISTER

21/5

SECONDARY EDUCATION IN LIVERPOOL

1. I did not speak in the discussion today on Keith Joseph's paper. I had intended to make a contribution after those with Departmental responsibilities had spoken but we then ran out of time. I would, however, like to put on record my view that:-

i) The best course would be to examine the legal position to see if the Secretary of State has the authority to secure tangible changes to proposals submitted by the local education authority.

ii) If such authority does not exist, I feel that on balance the proposed action of the Secretary of State should be confirmed.

iii) I make this conclusion believing that the present educational arrangements are also unsatisfactory; that there is no prospect of early political change in Liverpool leading to better proposals; and that Commissioners are not really suited for the task of refashioning education in the City.

2. I am copying this minute to those present at the meeting.

W.J.B.

J.B.  
17.5.84

EDUCATION: Future  
Plan  
P12

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Prime Minister

To note.

PRIME MINISTER

Dms  
18/5

RAISING STANDARDS IN SCHOOLS

ms

In my minute of 4 May I undertook to give you a note about what we can learn from France and Germany about the school curriculum.

2. One important element of the new policies for making our schools better which you have approved is to improve the school curriculum so that every pupil has a programme throughout his school career which is broad and balanced and includes the basic things needed for our technological society; which is relevant to the adult world into which he is growing eg has a strong practical element; and which takes account of his ability and aptitudes. To that end I am seeking, in consultation with the local authorities and teachers, and with an eye to the views and needs of parents and employers, to achieve broad agreement on:

1. the pattern and content of the 5-16 curriculum as a whole;
2. the objectives for the main subjects - what the pupils should get out of each;
3. the standard to be attained at age 11 and at age 16 by pupils of varying levels of ability.

3. An agreement on these lines would give us a more closely defined and more uniform curriculum than we now have and would have a beneficial influence on teaching approaches and methods. But we should not go so far as to stifle local initiative or discourage flexibility and ingenuity.

4. Greater curricular definition and uniformity would bring us closer to what the French and Germans do. Given our decentralised system, we ought not to go as far as the French with their highly centralised one (which is however, being slowly decentralised). But we should get much nearer to German practice. In West Germany, each Land lays down fairly detailed guidelines for the curriculum of the main types of school. These guidelines do not vary fundamentally from Land to Land. They are in general known to and understood by parents. In some Länder schools have considerable freedom in how they apply the guidelines in detail.

5. In France and Germany pupils are obliged to follow a broad curriculum until at least age 16. They cannot opt out of essential subjects at age 13 as is still possible in England. Our new policies are designed to eliminate that possibility.

6. The French have nothing to teach us on differentiation according to pupils' abilities. They offer the same programme to all pupils in their primary schools and, up to about age 16, to 80% of pupils in their secondary schools, which are now mainly comprehensive. As a result many pupils repeat one or more years, the less able make too little progress at age 16, and the most able are not sufficiently stretched. The Germans who are concerned about the standards achieved by their most able pupils rely for differentiation mainly on a selective system after age 10, which involves three categories of school each catering for a different part of the ability range. As this approach is in general not open to us, we intend to secure proper differentiation in the definition of subject objectives and expected standards of attainment at age 11 and 16+; the latter will be reinforced by the new-style 16+ examinations outlined in my other minute of today's date.

7. Perhaps surprisingly, the French and Germans do not do as well pre-16 as they do post-16 in promoting practical and technical skills. Before age 16 their schools offer most pupils a broad general foundation for acquiring such skills subsequently. But in their teaching approaches there is generally less emphasis

even than the present inadequate emphasis in our schools on the practical applications of subjects and on relating their teaching to the world which the pupils know and will have to face.

8. Teaching approaches, particularly in Germany, have features which our schools will be encouraged to emulate, ~~more~~. For example, there is a healthy emphasis on oral work and on class discussion.

9. At the beginning of 1983 I arranged for a special visit by HMIs and officials to look at French and German secondary schools. At that time I told the then West German Ambassador Herr Rufus what I was doing. He commented 'I will predict what you will find: we teach the average and below average better than you do: and you teach the above average better than we do.' His prediction was borne out by what HMI reported to me.

10. I have made a point of maintaining our understanding of what is happening in French and German school education and will go on doing this, since there are lessons there for us. This applies not only to the school curriculum but to other matters, such as the training and status of teachers.

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17 MAY 1984

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10 DOWNING STREET

*From the Private Secretary*

17 May 1984

Dear Elizabeth,

EDUCATION IN LIVERPOOL

The Prime Minister chaired a further meeting this morning to discuss education in Liverpool. Those present, in addition to your Secretary of State, were the Lord President, the Lord Privy Seal, the Chancellor of the Exchequer, the Home Secretary, the Secretary of State for Social Services, the Secretary of State for the Environment, the Chief Secretary, the Attorney General, Sir Robert Armstrong and Mr Buckley.

The meeting had before it your Secretary of State's minute to the Prime Minister of 15 May.

Your Secretary of State said that in a very difficult situation his preference remained acceptance of the City Council's plans, with modifications intended to preserve some single sex provision. On further consideration, he now proposed to retain two different single sex schools: Holly Lodge Girls School and Derby Boys. These were among the most popular county schools and their reduction would go a modest way further to meeting parental aspirations.

The Prime Minister said that she had now seen the City Council's proposals in more detail, and they were even worse than she had feared. For example, Quarry Bank school was to be merged with Aigburth Vale, thereby producing much too large a school of 2,100 pupils. Admittedly this was to be reduced over five years to 1,000 pupils, but the net effect would then be to replace two popular schools with one, with a non-viable sixth form. Moreover, the Council proposed to preserve Speke School, one of the very worst, and indeed to amalgamate it with the relatively popular Hillfoot Hey, thereby dragging it down too. The school at Netherley, another unsatisfactory one, was to be arbitrarily increased.

Your Secretary of State agreed that this and other elements of the plan were deeply distasteful. But it was no longer legally possible for him to reach decisions on

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individual elements of the proposals put to him - he now had to consider the plan as a whole. In doing so, he as Secretary of State had to bear in mind how unsatisfactory was the present position, in which a dwindling supply of teachers was being spread over far too many schools.

In discussion, it was argued that the Council's plan did not cover the whole picture. There were a number of good Catholic schools in the City, which between them took 38 per cent of the school population. Church of England schools took a further 7 per cent, and if Holly Lodge and West Derby were preserved, they could cater for a further proportion. Taking account also of the independent schools which were available, and which took an active part in the Assisted Places Scheme, the majority of children in the City had access to satisfactory schools.

In discussion of what might happen if Commissioners had to be appointed to take over the Council's functions, different views were expressed on the extent to which they might be capable of putting forward revised proposals for secondary education. On the one hand, it should be possible to appoint one or two Commissioners capable of taking rational decisions on educational grounds. On the other hand, the Commissioners would have other priorities, and there was a lengthy process of consultation to be gone through which it would be difficult to complete during their term of office. The Government would be most unwise to put itself in the position where it could be criticised for appointing Commissioners to carry out educational policies which it preferred to those of the elected local authority.

The Secretary of State for the Environment reported that he had met representatives of the Conservative Group the previous day. They had made clear that they would prefer no change in the present arrangements to a plan being put forward by the City Council. They objected to it on educational grounds, and in particular because it meant diminishing the influence of the best schools and increasing the influence of the worst. They had asked for a meeting with the Prime Minister before a final decision was taken. As against this, the Secretary of State shared the doubts which had been expressed about the ability of Commissioners to put forward any different plan. The one thing that could be said for the Council's scheme was that it retained schools in the outer housing areas, where few if any other community facilities existed.

The Home Secretary said that the Council's plan would be very much more palatable if it could be modified to provide four rather than two single sex schools. It was important to establish whether such a modification would definitely mean the Secretary of State exceeding his powers,

SLHAAH



or whether it would simply mean going to their limit. The law in this field was notoriously uncertain. The Attorney General said that he had seen the advice provided by the Department of Education and Science lawyers and his informal view was that it was correct. It had been established that a modification had to be such that it ensured "the continued existence of what in substance was the original entity". He thought it unlikely that modifications which would affect one in five pupils, and threaten the viability of some of the schools which the Council proposed to retain, could pass this test.

The Chancellor of the Exchequer said that if the Council's plan were to be rejected by the Secretary of State, he would be profoundly disturbed on financial and political grounds. The Government was insisting that local authorities should make economies, and had indeed itself introduced very controversial legislation to secure this objective. Ministers would be in a very difficult position if local authorities were able to say that proposals for achieving savings had been rejected by the Government. They might draw the conclusion that they had only to put forward proposals which ran counter to the Government's philosophy in order to avoid having to make savings. They might also argue with some justice that the Government was not only asking for economies but saying where they should be made.

The Lord President associated himself with the views expressed by the Chancellor of the Exchequer, adding that if it were legally possible to preserve four single sex schools then it would be right to do so.

Summing up the discussion, the Prime Minister said that on educational grounds alone there was little doubt that the City Council's proposals should be rejected. Nevertheless, several Ministers had important reservations about this course on wider grounds. Your Secretary of State should urgently seek the formal advice of the Law Officers on the extent of his power to modify the Council's proposals. She would arrange for further collective consideration of the position in the light of that advice.

I am copying this letter to the Private Secretaries to those Ministers who attended the meeting, to Richard Mottram (Ministry of Defence), Callum McCarthy (Department of Trade and Industry) and also to Richard Hatfield and Mr Buckley (Cabinet Office).

*Yours ever,*

*David*

(David Barclay)

CONFIDENTIAL CMO

Miss Elizabeth Hodkinson,  
Department of Education and Science

F

Prime Minister 16/5 2

SECRET

16 May 1984

PRIME MINISTER

EDUCATION IN LIVERPOOL

Keith is still understating the appalling educational consequences of accepting Liverpool's proposals. His main argument in favour of acceptance is that this will improve the provision of 'O' and A' level courses. It is difficult to see how.

At present, there are six popular county schools in Liverpool with total sizes between 1,000 and 1,500 pupils: three of these have sixth forms of more than 150 pupils. In the less popular schools, sixth forms are small and diminishing. If nothing is done, the sixth-formers will congregate in the viable and popular schools; and this will be no bad thing. But under the plans, every school will be given a roughly equal size sixth form - about 100 pupils each. The council admit that these new sixth forms will not be viable on their own: co-operative arrangements will be necessary. How, then, can Keith use the present difficulty of co-operation as a reason for accepting the proposals?

The more one inspects the Liverpool plans, the worse they look. As you will see from the annex, most of the popular schools are to receive a double blow. For example, the popular Quarry Bank is to be merged with Aigburth Vale, also popular, to form a joint school of 2,100 pupils with a large sixth form: this monster is then to be reduced over five years to a mere 1,000 pupils with only 100 sixth formers. In other words, these two popular schools will be first disrupted by amalgamation, and then arbitrarily halved in size and deprived of a viable sixth form; and many parents' choices will be overridden. Meanwhile, Speke - a school that spells horror to Liverpoolians - is to be amalgamated with the relatively popular Hillfoot Hey to make what will doubtless prove a disastrous combination, with an undersized sixth form. And to add insult to injury, the ghastly Netherley will have its rolls arbitrarily increased - though its sixth form will still be too small to offer the much-prized range of 'A' levels.

In educational terms, the proper course of action would be to reject these proposals forthwith. As David Barclay points out, the Government could consistently explain that its commitment to reduce the level of spending remains undiminished, but that the necessary economies can and must be achieved in ways more acceptable to parents and pupils.

However, a rejection at this stage will be portrayed as another frontal assault on local democracy, particularly

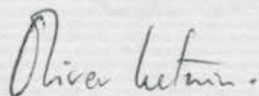
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damaging after the Labour Group has been strengthened in the main election. Fortunately, the rejection does not have to be announced at once. Indeed, it would be advantageous to delay any announcement for a month or two.

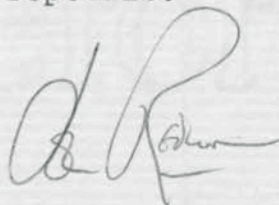
By the end of June, the council may have set some sort of rate. If the rate is legal, we shall be out of the present political impasse and will be able to reject the scheme. If, however, the rate is illegal and Commissioners are sent in, we can put the question of education into their hands. We must find one or two Commissioners who are sound, and who could be given the explicit task of producing a decent schools plan that pays more respect to parental preferences. No doubt this would cause additional difficulties for the Commission; but - as Michael Heseltine suggested at the last meeting - these difficulties should not prove insuperable.

Liverpool Council could apply for a writ of Mandamus to force a decision. But it is not certain whether they would do so, how long it would take, or whether they would succeed. And the Government could, of course, announce a decision at any point in the process, to limit this embarrassment.

We suggest that you should urge Keith to delay any announcement until the question of Commissioners is settled, and to make an interim statement setting out the reasons for his reluctance to approve the proposals.



OLIVER LETWIN



JOHN REDWOOD

LIVERPOOL: EFFECTS OF THE COUNCIL'S PROPOSALS

School	Popularity	Fate	I			II			III		
			Present no of pupils			No of pupils after reorganisation			No of pupils in 1990		
			11-16	16+	Total	11-16	16+	Total	11-16	16+	Total
1. Quarry Bank	Pop	] amalgamated	1200	200	1400	1800	300	2100	900	100	1000
2. Aigburth Vale	Pop		600	100	700						
3. Anfield	Pop	] amalgamated	1000	100	1100	2000	200	2200	900	100	1000
4. Stanley Park	Quite Unpop		1000	100	1100						
5. Breckfield	Unpop	] amalgamated	800	50	850	1450	100	1550	900	100	1000
6. Collegiate	Unpop		650	50	700						
7. Hillfoot Hey	Fairly Pop	] amalgamated	550	70	620	1050	75	1125	900	100	1000
8. Speke	V. Unpop		500	3	505						
9. Boys Institute	Pop	Closed (Boys to 10 & 11)	500	50	550						
10. Girls Institute	Pop	] amalgamated	300	30	330	1050	100	1150	900	100	1000
11. Paddington	V. Unpop		250	15	265						
12. Childwell Valley	Unpop	] amalgamated	600	50	650	1500	150	1650	900	100	1000
13. Holt	Fairly Pop		900	100	1000						
14. Carr Lane	Unpop	] amalgamated	700	50	750	1700	150	1850	900	100	1000
15. Queen Mary	Pop		1000	100	1100						
16. Alsop	Middling	No change	1000	50	1050	Same as Col I			900	100	1000
17. Fazackerley	Unpop	No change	700	50	750	Same as Col I			900	100	1000
18. Highfield	Unpop	No change	1175	75	1250	Same as Col I			900	100	1000
19. Netherley	V. Unpop	No change	600	50	650	Same as Col I			900	100	1000
20. New Heys	Middling	No change	1350	100	1450	Same as Col I			900	100	1000
21. Shorefield	Unpop	No change	900	50	950	Same as Col I			900	100	1000

22. Yew Tree	Unpop	No change	540	8	550	Same as Col I	900	100	1000		
23. Gatacre	V. Pop	No change	1500	150	1650	Same as Col I	900	100	1000		
24. Holly Lodge *	V. Pop	No change	1200	150	1350	Same as Col I	900	100	1000		
25. West Derby *	Pop	No change	1200	100	1300	Same as Col I	900	100	1000		
TOTALS			21,000	2,000	23,000	21,000	2,000	23,000	15,300	1,700	17,000

\*  
Saved by modifications.

N.B. ALL FIGURES ARE ROUNDED APPROXIMATIONS

CPL

(1)  
PRIME MINISTER

EDUCATION IN LIVERPOOL

I attach a minute from the Education Secretary reporting his conclusions following your meeting about secondary education in Liverpool.

Sir Keith still favours approval of the City Council's plan, with modifications to preserve some single sex provision. But on reflection he proposes the retention of a different pair of schools - Holly Lodge Girls and West Derby Boys. These are among the best schools in the City, and Sir Keith believes that their retention would go a modest way further to meet parental aspirations.

This is not a very substantial movement from Sir Keith's original position. The main alternative remains a response to the City Council which makes clear the Secretary of State's reservations about their scheme's unpopularity with parents, and invites them to submit fresh proposals. Sir Keith is probably right when he says that this amounts to a rejection of the current plans. It would delay economies, and the necessary reduction of surplus capacity. But I do wonder whether it would really be as difficult to present as Sir Keith fears: the Government could reasonably say that its commitment to reduce the level of spending remains undiminished but that it believes the necessary economies can be achieved in more acceptable ways.

If you judge that a further meeting is necessary it will have to be this week. Agree we set this up?

DMB

Yes not

David Barclay  
15 May 1984

u/s  
~~OT~~

PRIME MINISTER

## LIVERPOOL

I have reflected further on the decision which we need to take on Liverpool's statutory proposals for the reorganisation of its county secondary schools. Our discussion on 14 May narrowed down the options effectively to these:

- i. seek to persuade Liverpool to produce a scheme phasing out surplus school places in a way which is closer to the wishes of parents;
- ii. examine the scope for more extensive modification of Liverpool's proposals so that more single-sex schools with a proven record of success are retained.

2. It is a pre-requisite of the first option that the proposals are rejected. Until I have formally rejected their proposals, the City Council will continue to insist on the merits of their solution and demand a decision. The first step in the process of persuasion is to explain to Liverpool why I have had to reject their proposals and to indicate the broad directions in which I would wish Liverpool to go in considering fresh proposals.

3. But I remain of the view that we have no chance of Liverpool coming forward in the future with a substantially better scheme. The best that we might hope for is some presentational modification. The Labour majority will not change its basic design for which they have the backing of the teachers and which did not prevent them from increasing their majority on 3 May; and they will be acting within the law. To obtain a package that is closer to our own educational philosophy depends on an effectively cooperating Conservative/Liberal majority, now a very distant prospect.

4. So the first option means deferring indefinitely the prospect of securing financial savings. It would be clear that we had blocked off this route to savings in Liverpool's education service. The savings, though small initially, are substantial, amounting eventually to some 2% of Liverpool's total expenditure on education.

5. The first option also gives the children of Liverpool a still rawer deal than they are now getting.

- (1) The present county secondary schools are beginning to fail to provide a sufficient range of options for O level. Furthermore, the O level results at even the popular schools are not impressive - only two schools achieve an average pass rate of 2 subjects per candidate or better;
- (2) the picture for A level is similar. All but one or two schools - far from proliferating options - are having to curtail the choice of subjects and operate with very small uneconomic teaching groups. A level results at none of the schools reach the national expectation of a 70% pass rate. The FE system in Liverpool could not take over the A level responsibilities of the schools. Cooperation between schools and with FE is not easy to obtain in practice. A prerequisite is some degree of rationalisation of the secondary schools;
- (3) the continued fall in secondary pupil numbers - a further 22% by 1990 - will make these educational problems much worse. Some of the least effective schools will be further weakened and some of those which are just managing to cope, including some of those currently popular with parents, will begin to fail more noticeably. We cannot rely on schools closing themselves; although the least popular will become enfeebled, political pressures - as with the Croxteth saga - will prevent them vanishing.

6. I do not consider it likely, under the first option, that a Commission, whether including some educational expertise or not,



would wish to, or could easily, bring forward a more acceptable plan. Any scheme in Liverpool which means closing schools will get a hostile reaction from parents, as the Liberals found when they secured my support and approval for the closure of Croxteth, a half-empty and apparently unpopular school on a large housing estate. A Commission would find it difficult to consult adequately against a background of non-cooperation, particularly from the unions and, if it saw itself as performing a short term task, would probably not want the burden of preparing a new plan which yielded only small savings in the short term.

7. As regards the second option - a modification of the present proposals going beyond what I have suggested - the Courts have held that a change is more than a modification if the resulting proposal is in substance different from the original proposal. The essential design of the proposal must remain intact so as not to impose on the authority proposals not in substance their own or to invalidate the consultation which took place on the proposal. Where the proposals are interrelated, the Courts would also look at the effect of a change on the proposals as a whole.

8. There is no doubt that Liverpool's proposals fall to be treated as a single package of interrelated proposals. They relate to the provision of county secondary education throughout the Authority's area, proposing the establishment of a uniform system of 11-18 comprehensive schools and abandoning single sex provision. The area is geographically homogeneous and pupils commonly move across the whole area for secondary education. Against this background, the choices are these:

- i. A modification to secure the retention of 2 single-sex schools is within my powers: it would constitute an exception to the way it is proposed to provide county secondary schools in the area but it would not sufficiently breach the general scheme. Exempting Anfield Boys and Stanley Park Girls, as I have proposed, would affect 10% of the total number of pupils affected by the scheme; it would require some modest changes to the arrangements for

coordinating sixth form provision; and would enable the admission arrangements to the other schools in the scheme broadly to function as proposed.

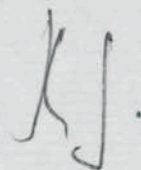
ii. On reflection, it seems to me that these are probably not the best pair of schools to retain. I picked them because they are most easily accessible from any part of the city. But it would be preferable to choose Holly Lodge Girls and West Derby Boys. These are both among the most popular schools; their examination successes at GCE O and A level are at the top of the Liverpool league; and Holly Lodge in particular attracted substantial parental objections to the closure proposal. At present these two schools cater for almost 12% of the total number of pupils affected by the scheme. Their retention would go a modest way further to meet parental aspirations.

iii. A modification designed to retain as many as 4 single-sex schools would have far more pronounced effects. Most significantly, it adds 1800 places or 10% to county secondary school provision, none of which is needed: with that amount of surplus capacity in the system many of the remaining schools in the scheme (particularly on the housing estates) could not recruit to anywhere near the size envisaged by the proposals. In other words they would be different schools to those envisaged by the proposals: some would be so much smaller as not to be viable 11-18 schools. The effect of such a modification would thus be to change the proposals in such a way as to enable parents to argue that, had they known, they would have wanted to object to the scheme as modified, and the authority to argue that they had proposed something substantially different. Such a substantial modification, affecting 1 in 5 pupils in the county sector, might also require detailed further changes to arrangements for post-16 cooperation and could render inoperable the present arrangements for secondary school admissions based on feeder primary schools.

9. On the legal advice available to me I have had to conclude that while I might envisage retaining two different single-sex schools, I could not with any reasonable degree of safety go for a modification retaining 4 such schools. In my judgement it would be unwise to chance my arm in the hope that matters would not end up in Court or that, if they did, a judgement might against the odds come down in the Government's favour. Apart from the political embarrassment of being taken to Court by this particular Council of all Councils and then losing on grounds that I had exceeded my powers, I do not believe that a government committed to upholding the law ought to pursue a course which it knows to be almost certainly beyond the limit of its powers.

10. Liverpool's county secondary schools are failing and will get worse until some positive and radical action is taken. That view is shared by all parties in Liverpool. I cannot impose my own solution. The combination of political circumstances which might lead to a scheme closer to what we would ideally like is too remote to be worth considering further. The educational and financial waste of a system of half-empty schools offends against our policies. Much to my distaste, I am forced back to the option of a modified approval. As I explained at our meeting, I should have to announce such a decision this week leaving the Authority sufficient time to consider the implications for the scheme as a whole of retaining two single-sex schools. The Holly Lodge/West Derby modification safeguards two of the strongest and most popular schools in the City and is as far as I could go legally by way of modification.

11. I am copying this minute to Leon Brittan, Nigel Lawson, Michael Heseltine, Norman Fowler, Norman Tebbit, Peter Rees, Michael Havers, Patrick Jenkin, John Biffen, Lord Whitelaw, Sir Robert Armstrong and Mr Buckley (Cabinet Office).



15 MAY 1984

EDUCATION: future Policy pr 2

15 MAY 1984





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10 DOWNING STREET

From the Private Secretary

14 May 1984

Secondary Education in Liverpool

The Prime Minister chaired a meeting today to discuss your Secretary of State's minute of 11 May about the proposed reorganisation of secondary education in Liverpool. In his minute, your Secretary of State had proposed to accept the plans put forward by Liverpool City Council, subject to modifications designed to preserve some single sex provision, and to put an extra school back into the system. Present at the meeting, in addition to your Secretary of State, were the Chancellor of the Exchequer, the Lord Privy Seal, the Home Secretary, the Secretary of State for Defence, the Secretary of State for the Environment, the Chief Secretary and Dr. Rhodes Boyson (Minister of State for Social Security).

The Prime Minister said that she had grave doubts about the course of action recommended by your Secretary of State. It would mean approving proposals which were deeply opposed to the wishes of parents. The better schools in the city would be closed, leaving many parents with no option but to use the thoroughly unsatisfactory estate schools. The result would be that families who really cared about their children's future would leave the city. The Government had refused to be blackmailed by the City Council over its budget - it should not be blackmailed over education either.

Your Secretary of State said that he understood and indeed shared the Prime Minister's disquiet. The Government was faced with a choice between two evils. There were no good county schools in Liverpool - it was simply that some were less bad than others. The City Council had reduced teacher numbers in line with the decline in pupil numbers; but they had failed to close schools. The result was that a dwindling force of teachers was being spread too thinly over too many schools. If nothing was done, the education offered to Liverpool children would deteriorate inexorably. Moreover, the Government would be in a very difficult

CONFIDENTIAL : CMO

DCAAT

position indeed if, having pressed the City Council for economies, it refused to agree to proposals which would achieve some savings.

In discussion, it was acknowledged that the Secretary of State was in a very difficult position. He did not have the legal power to originate proposals for reorganisation himself, nor could he secure their implementation without the co-operation of the local education authority. It was for the City Council to put forward proposals, and the Secretary of State could only approve, reject them or - after consultation - propose limited modifications. The situation might be different if and when Commissioners had been appointed, although they would have many other pre-occupations and might well have neither the time to prepare substantial new proposals nor the opportunity to consult the public effectively about them.

It was pointed out that the savings which would flow from the proposed reorganisation took some years to build up. In the first year, they amounted to only £80,000, though the eventual reduction in expenditure would be of the order of £2.5 million a year. Thus the financial penalty for deferring a decision until it was clear whether Commissioners were to be appointed was not substantial.

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Summing up the discussion, the Prime Minister said that your Secretary of State should give further consideration to the scope for achieving more substantial changes in the City Council's proposals, in order to meet more fully the wishes of parents. It was accepted that, insofar as the local authority could not be persuaded to make such changes, there might be an increased risk that they would challenge the Secretary of State in the courts for exceeding his powers. In the light of your Secretary of State's conclusions, the Government would need to decide whether to accept the Council's plans with modifications, or to reject them.

I am sending copies of this letter to the Private Secretaries to those Ministers who were present at the meeting, and in addition to Steve Godber (DHSS), Callum McCarthy (Department of Trade and Industry), Henry Steel (Law Officers' Department), Janet Lewis-Jones (Lord President's Office) and Richard Hatfield (Cabinet Office).

Yours ever,  
*David*  
David Barclay

Miss Elizabeth Hodkinson,  
Department of Education and Science.

CONFIDENTIAL : CMO

DCAAT



10 DOWNING STREET

*From the Private Secretary*

14 May, 1984

Green Paper on School Government

The Prime Minister was grateful for your Secretary of State's minute of 9 May, with which he enclosed a draft Green Paper on a New Framework for School Government.

Subject to the views of colleagues, the Prime Minister is content for your Secretary of State to proceed with publication of the Green Paper as drafted on 22 May.

DAVID BARCLAY

Miss C. E. Hodkinson,  
Department of Education and Science

869

SECRET

MR. BARCLAY

Prime Minister  
12/5

SCHOOLS IN LIVERPOOL

Keith Joseph's minute is rightly pessimistic both about the quality of Liverpool's schools and about the likelihood of yet further deterioration if no reorganisation is carried out.

His plan - to approve the Council's proposals, but to amend them as far as he is able - may be the best available solution. But before the Prime Minister accepts this, she should bear in mind some further points that are not brought out in the minute:-

1. The Council's proposal is not a dispassionate attempt to solve the problem of falling rolls; it is, rather, a blueprint for Socialist schooling, neighbourhood comprehensives for all, with no choice for anyone. In this sense, it exactly mirrors the Council's budgetary campaign: it uses a problem as a means of blackmailing the Government. If we refuse to submit to such blackmail on the budget, should we capitulate in the case of schooling?
2. Although it is certainly true that none of the Liverpool schools is good by national standards, one or two are half-respectable: the Quarry Bank School, for example, is in this class; and it is just the sort of school that the Council's plan abolishes. If, as Keith says, the new proposals provide "a stable and enduring system", then it will be one from which the best of the present schools have been removed.
3. The position in some of the 'estate schools' that will be preserved by the Council's plans is dire. Drugs, demoralisation, appalling academic standards, and bad teachers do not make for satisfactory schooling. Hence the urgent

/ desire



desire of parents to escape. It is surprising that Keith dismisses such parental preference as an 'uncertain guide to quality': uncertain it may be; but it is the best we have.

4. I cannot agree with Keith's views on Commissioners. If it proves necessary to install a commission - which I very much hope will not be the case - then we should at least take the opportunity to get the best possible results. Having taken such a frightening Bill through the House, we should surely expect it to provide not only a satisfactory resolution of the budget but also the prospect of a decent school-system in which parental preferences are given some weight. This argues for delay, rather than acceptance of the scheme.

In general, I wonder whether Keith's sense of urgency, though entirely understandable, is nevertheless misplaced. Another year's delay would certainly be unpleasant for this generation of Liverpool children, but if it offered any hope of a better solution for the following years, that present loss might be worth sustaining.

Against this, the Prime Minister will, of course, have to balance the genuine presentational disadvantages of rejecting the Council's proposals. We shall be accused of acting spitefully in education because of our general antipathy to the Liverpool socialists.

But the Prime Minister should, I think, be clearly aware that acceptance of the proposal - even if it is a political necessity - will be an educational disaster.

*Oliver*

OL

12 May, 1984.

(2)  
PRIME MINISTER

Education in Liverpool

Sir Keith Joseph has today circulated his proposed response to Liverpool's plans for reorganising secondary education (see the attached minute).

Since both the proposals and the context are so sensitive, you may well feel that a meeting with colleagues is required. Lord Whitelaw has said that he would certainly favour a discussion.

The Education Secretary is hoping for a decision by Tuesday. We have, therefore, made provisional arrangements for a meeting at 10 a.m. on Monday, which would mean cancelling your media meeting. If you could very kindly tell the Garden Room girl whether you are content to go ahead with a meeting on Liverpool, we will confirm the time with the usual group of Ministers.

*DMS*

*Agreed*

*Told DC 12/6  
to*

11 May 1984

PRIME MINISTER

LIVERPOOL

1. I now have to reach a decision on a controversial set of proposals from Liverpool to close all its existing 25 county secondary schools and to establish 17 new co-educational neighbourhood 11-18 comprehensive schools (including one based on the Croxteth Independent School) each of 1050 places and each coordinating its sixth form work with its nearest neighbour. In view of the wider context in which this decision will be seen, I thought that I should let you know what I propose.

2. It is common ground in Liverpool that a failure over many years to act to reduce the volume of surplus school places is having serious educational as well as financial consequences. The essential features of the position are these:

i. The number of pupils in county secondary schools has fallen by almost 7000 or 25% in the last 5 years. By 1990 it will have fallen by a further 5000 pupils. If nothing were done, nearly half the available county secondary school places would be unoccupied by 1990.

ii. This places an unnecessary and avoidable burden on Liverpool's ratepayers. In 1983-84 Liverpool budgeted to spend 8% above its GRE for all services but 16% above its education GRE. That overspend is very largely due to its excessive expenditure on unused school places (46% above the metropolitan district average) and on school transport (more than double the metropolitan district average). Liverpool freely subsidises parents who choose a school in another part of the city.

iii. It also has marked effects on the quality of education provision. Over half the schools now have under 750 pupils on roll and numbers continue to fall. As a result many schools are now failing to offer an appropriate range of courses in years 4 and 5 or in the sixth form for the full ability range taught by appropriately qualified teachers.

3. Liverpool's proposals respond to the need for a City-wide solution and offer the prospect of very substantial revenue savings, initially small but rising to £2.5m annually when the scheme is fully implemented. They have however raised widespread opposition from parents strongly supported by the Conservative party in the City.

4. In my view the wider interest points strongly towards approval of the proposals. We have to recognise that short of a remarkable turnabout in electoral fortunes, the only proposals that we shall get from Liverpool in the foreseeable future are those now before me. Alternative schemes, although widely canvassed by those who object to what is now proposed, have no realistic chance of securing a majority in the City Council. The Liberal and Conservative Groups were in disagreement about what to do when they had power and remain far apart. Simply to maintain the status quo will bring about a further decay in an already educationally defective school system. And it would remove the only realistic opportunity available to make sensible savings on the education budget.

5. The difficulty of rejecting the proposals is compounded by the possibility of having to put in Commissioners following financial collapse. It would be unrealistic to expect a Commission, given its other more immediate preoccupations, to attach an early priority to formulating its own proposals for schools rationalisation. It would indeed be a heavy extra task for them to formulate, consult on and propose a scheme which would be nearer to our educational preference. We could not prevent them from re-submitting the Labour scheme, which is at least ready-made. Moreover, to reject the proposals now before me would remove one of the more promising areas of economy - the easier for them to tackle because originated by a Labour Majority.

6. But I recognise that approval of a far from satisfactory scheme will be heavily criticised locally not least by our own Party who have campaignned energetically against it. They will argue that:

i. the scheme eliminates the choice of single-sex education within the county school sector in flat contradiction to our own policy;

ii. it is designed to destroy the most popular schools in the City in order to preserve and fill the least successful schools on the outer housing estates and in the Inner City. Thus, for example, 7 of the most popular schools at present catering for 44 forms of entry a year will be reduced under the scheme to 18 forms of entry. All but one of these schools will lose its separate identity or be closed completely - though some of the mergers of the respected schools are to be with other respected schools;

iii. by bringing the overall capacity of the system into line with the expected annual intake and by introducing admission arrangements based on neighbourhood catchment areas, the scheme will force many parents who can now exercise choice back into the estate schools from which they are seeking to escape.

7. I have much sympathy with these arguments which the Conservative Group have again put most forcibly to me as recently as 30 April. I believe that I can go part of the way to meeting them by using the powers of modification which the 1980 Education Act gives me to preserve some single-sex provision. This would have two effects:

i. it would permit me to keep a degree of choice for single-sex education amounting to 12 forms of entry out of a total of 108 forms of entry. To go further would on legal advice involve stretching my powers beyond the limit of what Parliament envisaged;

ii. by putting back an extra school into the system, it would provide a cushion of surplus capacity and so loosen up the proposed arrangements for admission as to ensure some measure of additional choice across the City.

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There is some risk that consulting Liverpool as I am legally obliged to do on such a modification to their proposals would lead them to withdraw the whole scheme. But my judgement is that they are more likely to acquiesce in this change in the interests of seeing the major part of what they propose accepted.

8. The choice is invidious and distasteful. But we can be certain about one thing. For every year that nothing is done to reorganise Liverpool's county secondary schools, those schools will get worse and their pupils will suffer more even than they do now. And falling school rolls continues to eat away at the quality of schools and the effectiveness of the teaching force. At present within the county sector of Liverpool none of the schools, whether popular or not, are performing well: popularity is an uncertain guide to quality when there are so many surplus places and subsidised transport to distant parts of the city. Approval of the proposals before me, modified as I propose, will guarantee a stable and enduring system with some prospect of producing a climate within which improvement can take place.

9. I need to announce my decision early next week. The need to consult the LEA formally on a modification and to allow them reasonable time to respond means that I must now proceed very quickly. Liverpool made it clear to me when I met them at the end of April that they could not begin to implement their scheme from this September unless they received final approval before the end of May. Even so, Liverpool will be hard put to complete adequate arrangements: to delay beyond then would pose severe problems for teachers, parents and pupils. Unless you consider that it would be useful for us to discuss this aspect of the Liverpool situation at an early meeting, I therefore propose to write to the Liverpool LEA on Tuesday announcing that I am ready to approve the statutory proposals before me and consulting them formally about a modification to preserve some single-sex education in the county school sector.

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10. I am copying this minute to Leon Brittan, Nigel Lawson, Michael Heseltine, Norman Fowler, Norman Tebbit, Peter Rees, Michael Havers, Patrick Jenkin, John Biffen, Lord Whitelaw, and to Sir Robert Armstrong.

RJ

11 MAY 1984

CONFIDENTIAL - CMO

9 May 1984

MR BARCLAY

SCHOOL GOVERNMENT: GREEN PAPER

Keith Joseph's Green paper admirably fulfils the remit agreed by the Prime Minister in December.

The most important change is:

- (i) to give parents majority control over the governing bodies of 'county' schools, and near-control of 'controlled' schools (paras 11-16).

The paper also proposes to enshrine and enhance the powers of such governing bodies and their head teachers by:

- (ii) giving governors and head teachers statutory power over the curriculum, subject to consultation with the LEAs (43);
- (iii) giving head teachers statutory power over discipline, subject to general advice from governors and to LEA powers in extremis (53);
- (iv) giving governors a statutory right to veto on appointments of head teachers (58);
- (v) giving governors and head teachers effective powers over the appointment of other teachers, except in special cases (60);
- (vi) requiring LEAs to give governors both an itemised statement of all expenditure on the school, and their own discretionary budget for books and equipment (72);
- (vii) giving governors statutory power over use of school premises outside school hours (77);
- (viii) requiring governors to report annually to parents, and to invite parents to an "annual general meeting" (86,88);
- (ix) giving LEAs a duty to provide governors with proper information and training (92-95);
- (x) giving LEAs the duty to alter the articles and instruments of government for schools in accordance with the new statutes (104-109);
- (xi) allowing voluntary-controlled schools to increase their independence by becoming voluntary-aided, subject to approval by the Secretary of State (110-116).

LASAAP



These proposals should, together, give parent-governors substantially more control over schools than they have so far enjoyed.

*Oliver Letwin*

OLIVER LETWIN

Prime Minister <sup>(2)</sup>

PRIME MINISTER

I do not think you need to read the draft Green Paper, but there is a summary at flag A. Overall, parents will have much more say.

In the policies for making schools better which you approved (my minute of 9 December) a key element is to give parents the dominant voice in the government of most schools. On 10 April H Committee approved the details of the scheme presented jointly by Nicholas Edwards and myself (H(84)15), and authorised us to consult on it via a Green Paper.

Edw  
11/5

I have sent H Committee the attached draft Green Paper for clearance. I think you will wish to see the draft now.

I intend to publish the Green Paper on 22 May and to make an Oral Statement in the House on that day - the date suits the Leader of the House. I shall send you a draft of the statement next week.

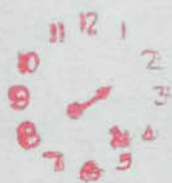
KJ.

mt

9 May 1984

EDUCATION  
Future Policy Part 2

29 Nov 1984



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## A NEW FRAMEWORK FOR SCHOOL GOVERNMENT IN ENGLAND AND WALES

1. Introduction
2. Composition of governing bodies
3. Powers and responsibilities
4. Curriculum, conduct and discipline
5. Staff
6. Finance and premises
7. Admissions
8. Governing body's annual report and parents' meeting
9. The effectiveness of governing bodies
10. The making of instruments and articles of government
11. The voluntary sector
12. Conclusion

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## CHAPTER 1: INTRODUCTION

1. Parents care about their children's progress - how they develop and what they learn. They share the general desire for higher standards of education. What they do for their children at home lays the foundation for their development at school and helps to sustain it. Yet parents are not now able to contribute to that development as fully and as directly as they could and would wish. The 1944 Education Act contained the principle that pupils are to be educated in accordance with the wishes of their parents. We have not yet given sufficient effect to that principle or allowed parents sufficient scope for discharging their unique responsibilities. Our education system is the poorer for this. The Government now intends to extend its policies for raising standards in schools by enabling parents to improve the work of the schools.

2. A school is successful if it has a life of its own, and forms a community commanding the loyalty of its members - the pupils, their parents and their teachers. Each school needs to have its own individuality which its members themselves build up, promote and develop. The schools in the State sector which are those maintained by the local education authorities (LEAs) have always been intended to be more than an agency of local government or a place where teachers exercise their professional skills in the interests of pupils. The Education Act 1944 provided for school governing bodies which were designed to play a substantial role in giving each school identity and purpose and in managing its affairs. The Education Act 1980 brought that objective nearer by ending the practice whereby the governing bodies of many schools were merely an offshoot of the LEA, and by giving parents and teachers a limited right to be represented on the governing bodies of their schools. But at present most governing bodies do not adequately serve the aim of promoting the school as a force for good in the life of the pupils, their families and the community which it serves.

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3. The Government therefore proposes to change the law in two fundamental respects:

(1) Parents elected by their fellow parents would be given the right to form the majority of the governing body in the case of a county school or maintained special school, and to form together with the foundation governors the majority in the case of a voluntary controlled school.

(2) All governing bodies of county, voluntary controlled and maintained special schools in England and Wales would have their functions clearly defined so that they can cooperate effectively with LEAs, heads and other teachers in promoting good education.

The proposals have been framed after consideration of the wide-ranging recommendations of the Taylor Committee ("A New Partnership for our Schools", HMSO 1977). Before it finalises its proposals the Government wishes to consult as widely as possible with its partners in the education service and with all others who are concerned with the work of the service. This Green Paper sets out the Government's proposals in detail and invites the views of all interested parties.

4. The Government does not intend to alter the basic structure of the dual system of county and voluntary schools which has served the country well since 1944, provides diversity within the maintained system and enables parents, if they wish, to send their children to schools which reflect their own religious beliefs. The proposals are concerned mainly with the 20,000 county and maintained special schools and the 3,500 voluntary controlled schools in England and Wales. In the case of voluntary controlled schools, the proposals preserve the features which make them a distinctive part of the voluntary sector.

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5. In general the proposals do not affect the position of the 4,500 voluntary aided (and the 100 special agreement) schools. The principal functions of the governing bodies of such schools are already defined by statute and reflect the fact that these schools are owned and in many important respects controlled by the voluntary body (often a religious body) which originally established them in accordance with its own educational philosophy. It is on the basis of these rights that the voluntary bodies in question have agreed to participate in the maintained school system. The Government does not intend to remove from them that measure of control over their schools which derives from the fact that the voluntary body appoints a majority of the governing body. Each such body is free to appoint more of its quota of governors from among the parents and to propose for any of its schools that its instrument should be varied to permit the number of elected parent representatives on the governing body to be increased above the minimum laid down in the 1980 Act.

6. The Government's proposals fully respect the responsibilities of the LEA for the schools which it maintains. In the Government's view, it is essential that each LEA should have the powers it needs for discharging its duty to secure efficient school education in its area and to make its full contribution to the achievement of higher standards in our schools. The functions now proposed for governing bodies are designed to complement at the level of each school those functions which need to be performed by the LEA in respect of its whole area.

7. The Government's proposals also respect in full the crucial professional responsibilities of the teachers. The proposals provide a secure legal foundation for the exercise of these responsibilities in a way which gives free play to the professional development and innovation essential for the improvement of standards. In particular they seek to clarify the role and to preserve the authority of the headteacher.

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8. The proposals in this Green Paper complement the Government's policies for the school curriculum, examinations and teaching quality. They build on what has been achieved over the years by LEAs and teachers in raising the standards of our maintained schools. In the Government's view, the changes now proposed will help LEAs, teachers and parents to work together in the most fruitful and effective way in the common task of giving to all children the best school education that the nation can afford.

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## CHAPTER 2: COMPOSITION OF GOVERNING BODIES

### The present position

9. The Government's proposals for radically changing the composition of the governing bodies of all maintained schools other than voluntary aided and special agreement schools take as their starting point the changes enacted by the Education Act 1980 in the composition and scope of the governing bodies of maintained schools. These changes were two-fold. First, the Act provides for the bringing to an end the widespread practice of grouping many schools together under a single governing body; second, it introduced governors directly elected by and from both parents and teachers. In view of the good progress made in the voluntary implementation of these changes the Secretaries of State for Education and Science and for Wales announced in January 1984 their intention to require full implementation by September 1985.

They will shortly consult all concerned on the terms of a circular about the details of this operation.

10. Thus by September 1985 each maintained school will (with certain limited exceptions) have its own governing body, and each governing body will include elected parent and teacher governors. The composition of a school's governing body is specified by law in its instrument of government which is made by the LEA or the Secretary of State in accordance with the school's status (Chapter 10 gives further details). By virtue of Section 2 of the 1980 Act the composition of a governing body and, hence, the terms of the instrument of government are subject to certain minimum requirements as follows:-

- (1) some governors must be appointed by the LEA;

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(2) in the case of a primary school (other than a maintained special school) serving an area where there is a minor authority, one governor must be appointed by that authority (where there is more than one such authority, they are required to act jointly in appointing the one governor);

(3) in the case of a voluntary school, there must be sufficient foundation governors (that is, governors appointed by the voluntary providing body) to constitute at least one fifth of all governors for a controlled school or, for an aided or special agreement school, to outnumber the other governors by two or, if the governing body has more than 18 members, by three;

(4) except for a special school established in a hospital, at least two or, in the case of a voluntary aided or special agreement school, at least one governor must be a parent governor i.e. elected by and from parents of registered pupils at the school; in the case of a voluntary aided or special agreement school one of the foundation governors must additionally be a parent of a pupil registered at the school.

(5) at least two or, if the school has fewer than 300 registered pupils, at least one governor must be a teacher governor, i.e. elected by and from teachers at the school;

(6) the head teacher has a right to be a governor, unless he decides not to be.

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LEAs usually avail themselves of the freedom under the 1980 Act to appoint the majority on the governing body of a county, voluntary controlled or maintained special school. As a result of this and the Act's broadly formulated provision for the inclusion of other categories of governor (eg. from the non-teaching staff, from pupils or from the wider community), the governing body of even the smallest school usually has about a dozen members. Most governing bodies have between 15 and 25 members, and some are larger still.

## The proposed new composition

11. The Government believes that it is in principle right that every maintained school should have a life of its own within the system of maintained schools in the area, and that this aim is best secured by assigning to the governing body important responsibilities for the school which it can discharge with a degree of independence from the maintaining LEA. Such independence is not compatible with the present unqualified right by the LEA to appoint the majority of members of the governing body of county, voluntary controlled and maintained special schools. For county and maintained special schools, that majority should, in the Government's view, be drawn from the parents of the pupils at the school, to reflect the position of parents as partners with the school in the education of their children. For voluntary controlled schools, the majority should be drawn from such parents plus the foundation governors, so as to preserve the present rights of the voluntary providing body without making the governing body unacceptably large. The governors who represent the parents of these schools should not merely be elected by the parents of registered pupils but, like the parent governors required by the 1980 Act, should also

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themselves be such parents. Those who represent the parents in the governing body will do so better if they bring to the task that concern and familiarity with the work of the school which flow naturally from having one's child among those directly and currently served by the school.

12. Consequently, it is proposed that the majority of governors of a county or maintained special school should normally be formed of parents elected by and from the parents of children attending the school in question. In the case of a voluntary controlled school, account should continue to be taken of the interests of the voluntary providing body: in such a case, it is proposed that the majority on the governing body should normally be formed of parent governors and foundation governors.

13. Section 2(4)(b)(i) of the 1980 Act provides for the foundation governors to be in the majority on the governing bodies of voluntary aided and special agreement schools.

It is not proposed to amend that requirement or the other requirements of that Act for the composition of such governing bodies. But the Act makes it possible for these governing bodies to contain more than one foundation governor who is a parent of a registered pupil and more elected parent governors than the statutory minimum, and it is open to the governing body of a voluntary aided or special agreement school to propose such changes in its instrument of government.

14. The Government's proposals for a new legislative framework for the composition of the governing bodies of county, voluntary controlled and maintained special schools are designed also to ensure that no such governing body is too large, having regard to the size of the school. The larger the governing body, the more likely it is to be unwieldy and costly in operation; the less likely it is to enable any individual

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member to make a significant and worthwhile contribution to its work; and the less likely it is that sufficient persons will come forward to serve as parent governors to secure the objective that parent governors should form the majority of the governing body of a county and maintained special school and, together with the foundation governors, of a voluntary controlled school. It is therefore proposed to prescribe in legislation the total size of the governing body in accordance with the size of the school, and, within that total, to prescribe how many persons may be elected or appointed for each category of governor. The detailed proposals are as follows:-

(1) for a school with fewer than 100 pupils; a total of 9 governors composed of:-

- 5 governors elected by and from parents of registered pupils at the school or, in the case of a voluntary controlled school, 3 such parent governors and 2 foundation governors;
- 2 governors appointed by the maintaining LEA or, for county and controlled primary schools in shire counties or Inner London where there are minor authorities, 1 such LEA governor and 1 governor appointed by the minor authority or authorities (in the latter case, acting jointly);
- the headteacher
- 1 governor elected by and from the teachers at the school (a teacher governor).

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(2) for a school with 100-299 pupils, a total of 11 governors composed of:-

- 6 parent governors or, for a voluntary controlled school, 3 parent governors and 3 foundation governors;
- 3 LEA governors or, where appropriate, 2 LEA governors and 1 minor authority governor;
- the head teacher;
- 1 teacher governor.

(3) for a school with 300-599 pupils, a total of 15 governors composed of:-

- 8 parent governors or, for a voluntary controlled school, 5 parent governors and 3 foundation governors;
- 4 LEA governors or, where appropriate, 3 LEA governors and 1 minor authority governor;
- the head teacher;
- 2 teacher governors.

(4) for a school with 600 pupils or more, a total of 19 governors composed of:-

- 10 parent governors or, for a voluntary controlled school, 6 parent governors and 4 foundation governors;
- 6 LEA governors or, where appropriate, 5 LEA governors and 1 minor authority governor;

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- the head teacher;
- 2 teacher governors

In every case the head teacher may elect not to serve as a governor. There may be a few governing bodies on which more than one head teacher will be in membership (see, for example, paragraphs 24 and 27(1)). So that the proposed balance of membership is preserved, it is proposed that each such head teacher should have an appropriate fraction of a vote. Generally, it is proposed that no-one should be ineligible to become a governor by one route because he is also eligible to become a governor by another.

15. Some modifications are needed to these proposals in the cases of residential schools and maintained special schools where special considerations arise. To meet these the following proposals are put forward for consideration:-

(1) for residential schools (which might be defined as those where at least half the registered pupils were boarders), it might be impracticable to require parent governors to be elected. Instead the LEA might be required to fill the "parent governor" vacancies by appointing persons who are neither elected members nor employees of the authority, nor coopted members of its Education Committee. In making such appointments, the LEA might be required to have regard to the desirability of appointing persons who have children attending the school or who have children of compulsory school age.

(2) for maintained special schools, representation would seem to be required, within the prescribed total of governors, of special interests as follows:-

- (a) in the case of a maintained special school established in a hospital, one governor appointed by the

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District Health Authority which maintains the hospital;

(b) in other cases, one governor associated with the voluntary body concerned most relevant to the school's character, to be appointed by the LEA.

16. Apart from changing the balance between governors appointed by the LEA and those elected by the parents, the Government's proposals generally preserve the entitlements of the various parties to representation on governing bodies conferred by the 1980 Act. In the interest of limiting the size of governing bodies, the proposals do not leave scope for appointing additional categories of governor and for co-option. But parent governors may be expected to reflect a wide range of backgrounds and occupations, including local industry and commerce, and LEAs will be free to nominate governors with experience of the affairs of the community served by the school. In addition, governing bodies would be free to tap additional expertise by inviting observers to their meetings and creating advisory committees.

## Procedure

17. It is proposed that the size of a school, for the purposes of applying the appropriate formula for the constitution of its governing body, should be determined initially by the number of registered pupils on the date when the new arrangements come into force or, in the case of a new school, by reference to the size approved by the Secretary of State either under Section 12 or 13 of the 1980 Act or, for a maintained special school, under the appropriate Regulations made under the 1981 Act.

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18. Except for head teachers and, in the case of a voluntary controlled school, any ex-officio foundation governors, it is proposed to specify a standard 3 year term of office for governors and to leave it open for instruments of government to provide for appointments to be staggered. The size of the school which will determine the size of the governing body - see paragraph 14 above - would fall to be reviewed immediately before fresh elections (other than by-elections) or, where arrangements had been made for rotating membership, every three years. Where such a review required a reduction in numbers, this could probably be accommodated by normal turnover. Should this not be the case, the instrument of government would indicate how the necessary reductions should be made among the serving parent and teacher governors. For LEA and foundation governors, this would be a matter for the appointing body; where there is more than one body responsible for appointing foundation governors, the instrument of government would indicate how any necessary reductions should be apportioned between the bodies, and would also indicate such apportionment if an increase in the size of the school required an increase in the number of foundation governors.

19. As under Section 2(9) of the 1980 Act, it is proposed that detailed arrangements for parent and teacher governor elections should be left to the LEA to determine, with the provisos that, as now, any contested election must be held by secret ballot and that any by-elections should normally be held not more than annually.

20. It is possible that in some cases fewer parents will stand for election than the number of vacancies for parent governors on the governing body. To ensure that the governing

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body always contains sufficient members to discharge its functions properly, it is proposed to require LEAs to make appointments to fill any such unfilled vacancies for the normal period. In making such appointments, LEAs would be constrained in the same way as indicated in paragraph 15(1). When such a special appointment expires, the place would again be available for filling by election in the usual way.

21. Section 21(1) of the 1944 Act enables any governor to resign from office and allows an LEA or minor authority to remove from office any governor they have appointed. Section 4(1) of the 1980 Act empowers the Secretary of State to make regulations concerning the proceedings of governing bodies and governors' tenure of office: the Education (School Governing Bodies) Regulations 1981 SI 1981/809, as amended by SI.1981/1180, provide, inter alia, for a parent governor to cease to hold office if, at the beginning of a school year, he has no child who is a registered pupil at the school; and for a teacher governor to cease to hold office on ceasing to be employed at the school. No change is proposed in these provisions, though some minor adjustments of the current regulations might be needed for other purposes.

#### Inner London

22. After the publication of "Streamlining the Cities" (Cmnd.9063), the Department of Education and Science issued a consultative paper on 21 November 1983 on proposals for involving the inner London Boroughs in Inner London education. One of these proposals was that the new education authority for Inner London should have a reduced role in appointing school governors with a correspondingly increased role for

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the relevant Boroughs. That proposal has been overtaken by the proposals in this Green Paper. The proposed directly elected education authority for inner London should have the same powers of appointing school governors as those now proposed for LEAs in the rest of England and Wales, and the inner London Boroughs should have the same powers as other minor authorities.

## Grouping of schools under one governing body

23. The Government's proposals for the composition of governing bodies are intended to apply also to those relatively few cases where the governing body is responsible for more than the school. The 1980 Act which abolished the widespread practice of grouping many schools under one governing body gives the LEA discretion to group two primary schools (provided neither is a special school) under one governing body, provided that, if a voluntary school is involved, the grouping has the agreement of its governing body. The Government proposes to amend the Act so as to confine the LEA's discretion to a situation in which the two schools serve the same locality, when the parents who elect parent governors can be expected to have some common interest. All other arrangements to group schools under one governing body would continue to require the approval of the Secretary of State. The Secretaries of State intend to continue to give such approval only in exceptional cases since the governing body makes an important contribution to the Government's aim to give every maintained school a life of its own. Approval is likely to be given only where two schools work together so closely that a single governing body would adequately meet the distinctive needs of both.

24. In the Government's view, where a governing body is responsible for more than one school its size and composition should in principle be the same as if the grouped schools

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were a single school. It is proposed to apply this principle by legislation where the grouping does not require the Secretary of State's approval, except that the head teachers of both schools would be entitled to be governors with fractional votes as proposed in paragraph 14. Where the grouping requires the Secretary of State's approval, he would himself determine the size and composition of the governing body on the same principle.

#### Shadow Governing Bodies

25. A governing body with the composition proposed in paragraph 6 above could not be constituted as proposed until the school was in operation. Before then, however, many important decisions need to be taken, such as the appointment of staff, which will fundamentally affect the school. Such decisions are currently taken by the LEA in respect of new county, voluntary controlled and maintained special schools and by the promoters in respect of new voluntary aided schools. (The law does not allow for the creation of new special agreement schools).

26. The promoters of a new voluntary aided school may reasonably be regarded as a proxy for the school's governing body before the school is in operation, since they are the foundation which will be responsible for the school, and will subsequently appoint the majority of the governors; and because the governing body will employ the staff of the school. But if the LEA were to exercise the functions of the governing body of a new county, voluntary controlled or maintained special school before the school was in operation, it would be excluding from matters of great importance to the school those interests whom the Government now proposes to associate with such matters through the governing body. It is therefore proposed to provide in legislation for the creation of a shadow governing body for a new county, voluntary

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controlled or maintained special school to hold office until the appropriate elections of parent and teacher governors can be held when the new school is in operation.

27. The composition of the shadow governing body would be determined principally on the basis of the formula applicable to the planned size of the school. As to membership, a distinction might be made between completely new schools and new schools formed from the closure and amalgamation of two or more existing schools.

(1) For completely new schools, it is proposed that the places allotted to parent governors should be filled by persons appointed by the LEA, which would be required to have regard to the desirability of appointing parents of children likely to attend the school and subject to the constraints set out in paragraph 15(1) above; the head teacher governor's place might be left vacant until the head teacher is appointed; and the teacher governor places would be unfilled: other appointments would be made by the appropriate bodies.

(2) For other cases, it is proposed that the parent and teacher governors should be nominated to the shadow governing body by the governing bodies of the schools from which the new school is to be formed in proportion to their size; that the head teachers might each have a right to membership until the head teacher of the new school is appointed; other appointments would fall to be made by the appropriate bodies.

28. It is also proposed that provision would be made for a shadow governing body so constituted to function without an instrument of government, but to be subject to the Regulations governing such matters as the conduct of meetings and items affecting the interest of particular governors.

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29. Similarly, it is proposed to specify the functions of a shadow governing body so that it can operate without articles of government. Insofar as any matter arises for which the governing body will have a responsibility, that responsibility, it is suggested, should be exercised by the shadow governing body.

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## CHAPTER 3: POWERS AND RESPONSIBILITIES

30. The LEA, the governing body and the headteacher all have functions in relation to a maintained school, some of which are specified in the Education Acts or in Regulations made by the Secretary of State. The Government considers that the proposed reconstitution of governing bodies for county, voluntary controlled and maintained special schools will enhance the discharge of those functions so allocated to governing bodies. The remaining functions, which are substantial in the case of county, voluntary controlled and maintained special schools, are left for allocation by each school's articles of government. These documents thus provide a substantial part of the legal framework within which the LEA, the governing body and the headteacher must operate in respect of such schools.

31. The 1944 Education Act provided that articles of government for primary and maintained special schools should be made by the LEA; for county secondary schools by the LEA subject to approval by the Secretary of State; and for voluntary secondary schools by the Secretary of State. In respect of county secondary schools, a set of model articles of government was issued as a broad guide to LEAs in 1945. Since that time, articles of government have come to vary widely and now often diverge, whether by the actions of LEAs or successive governments, from the general intention of the Act. The Taylor Committee, reporting in 1977, assembled widespread evidence of a general failure of governing bodies to live up to their intended role. The variation in articles partly reflects local differences in approaching complex issues. But power has often shifted to the LEA and away from the governing body. In particular, LEAs have in many cases secured for themselves in the articles a general power to override all other duties and functions assigned under the articles. The exercise of such a power effectively reduces the governing body to a cipher.

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32. The Government believes that the present position is confusing, unsatisfactory for parents and teachers, and harmful to good education. To enable the schools to do their work to best effect, it is necessary to establish a distribution of responsibilities between the LEA, the governing body and the head teacher which clearly defines the functions of the parties and encourages each party to make its distinctive contribution to the success of the school. The Government therefore proposes to legislate for a new framework of responsibilities covering county, voluntary controlled and maintained special schools. The general principles which have informed its approach are that:

(1) On many aspects of the character and the running of each school the LEA should continue to have the final say.

The LEA must have all the powers necessary to carry out its statutory duty to secure the provision of sufficient and efficient schools for its area. It needs in particular the power to prescribe general policies for the overall effectiveness and management of the school system in its area;

(2) Subject to (1) the governing body should be able to determine, in consultation with the headteacher, the main policies and lines of development of the school. The intention is to establish a clear and more uniform basis for the powers and responsibilities of governing bodies which strengthens their role in relation to the school and ensures that they cannot be overridden in the exercise of their own legitimate functions;

(3) the professional responsibilities of the headteacher and staff of the school need to be respected. The aim is to secure legal foundation for the role of the headteacher, which clarifies his responsibilities and preserves his authority.

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33. The following chapters set out in detail the Government's proposals in respect of the main functions of the LEA, the governing body and the headteacher which are currently left to be settled in articles of government. In some cases, the proposals envisage a uniform approach specified in legislation and required to be followed for all schools. In others, the Government proposes to confer by legislation certain functions on governing bodies, leaving LEAs at their discretion to confer more than this minimum within articles of government made by them. Generally, the proposals provide for the same relationship between the LEA and the governing bodies of both primary and secondary schools: the Government does not consider that it would be right or appropriate in today's circumstances to differentiate in this respect between these two categories.

34. The distribution of functions proposed in the following chapters between the LEA, the governing body and the headteacher reflects the fact that the work of each complements that of the others. Each must also be adequately informed about what the others are doing. The Government believes that, as at present, the LEA should be able to call for reports from the governing body or the headteacher and that the governing body should, for its part, be able to call for reports from the headteacher. It is therefore proposed that the governing body should have a duty to furnish the LEA with such reports relating to the discharge of its functions as the LEA may require; and that the headteacher should be placed under a similar duty to furnish reports to the governing body and the LEA.

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## Chapter 4: Curriculum, conduct and discipline

### The Curriculum

35. A school's task is to equip pupils for adult life by developing all their qualities and talents. It does this by delivering its curriculum during and outside the time-tabled periods of instruction. The quality of what the pupils are offered depends on how good the curriculum is and on how effectively it is conveyed to each pupil. Since the performance of publicly financed, compulsory education concerns everyone, responsibilities for the school curriculum arise at national and local level, as well as at the level of the school. The Secretary of State, the LEA, the governing body, the heads and the other teachers each have a responsibility which complements and interlocks with those of the others; this interdependence is reflected, often imperfectly and not always with precision, in the present legal framework.

36. One important aspect of the school curriculum - religious education and worship at maintained schools - is governed by statutory provisions in the Education Act 1944. The Government does not propose to disturb these arrangements. The rest of this chapter is concerned with the secular curriculum in the maintained schools.

37. The Secretary of State influences the nature and pattern of what pupils in these schools are taught through the exercise of many of his functions, including the power to approve proposals for the pattern and character of maintained schools; the power to make regulations in respect of schools and teachers; the duty to secure an adequate supply of teachers and adequate arrangements for their training; the duty to cause inspections to be made of schools; limited powers to make grants for specific purposes; and the power to cause LEAs and governing bodies to remedy a default in respect of a statutory duty and to prevent them from exercising a function unreasonably. By virtue of his

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office he also influences policy on school examinations and the school examinations system and practice. In exercising these functions, which reflect his duty to promote the education of the people, the Secretary of State cannot but have a view, from a national standpoint, of the school curriculum and policies for the curriculum based on that view; and he answers to Parliament for both.

38. Subject to the responsibilities vested in the Secretary of State and in governing bodies and head teachers, the LEA's statutory functions also bear on the curriculum of the schools which it maintains. In particular the LEA has a duty to secure the provision for its area of sufficient schools to provide efficient education for all pupils in accordance with their ages, abilities and aptitudes; has a duty to maintain those schools to that end; and employs the teachers and other staff of maintained schools (except for voluntary aided schools). Since the LEA is accountable to its electors and ratepayers, it performs its functions, including those relating to the school curriculum, with an eye to local needs and wishes.

39. At the level of the school, the legal division of functions in relation to the curriculum is governed by the provisions of Section 23 of the Education Act 1944 and the articles of government of each school taken together. Responsibility is normally distributed between the governing body, the LEA and the headteacher in county and voluntary schools other than voluntary aided secondary schools. But that division of responsibility is often blurred and the application of articles of government has led to wide variation in practice. In some cases, the LEA has assumed a general power which enables it to override other provisions within the articles of government and so (in principle) to determine the curriculum; and in most cases the headteacher is given wide discretion to determine the curriculum in detail. In practice, teachers are generally free to exercise their professional skills so as to select the detailed content, and

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to employ those methods and approaches they judge to be most suitable to their pupils.

40. The Government believes that it is now necessary, in the interest of good education, to ensure that the LEA, the governing body, and the head teacher are in every case assigned those responsibilities which each is best qualified to discharge in partnership with the others. Such a division of functions needs to have regard not only to the constitutional relationship between the Secretary of State and LEAs, and the principles which govern the dual system, but also to two other matters which the Government believes to be important.

41. First, the fact that responsibilities for the curriculum are divided means that policies for the school curriculum have to be formulated at national level, at local level and at the level of the school. These policies should be compatible, and differentiated by the degree of detail and specificity required to take account of the needs of those served by the LEA and the school. They should be developed on the basis of discussion and consultation between the partners of the education service and with full regard to the needs and wishes of those whom it serves. The Government has accordingly taken three policy initiatives:

- (1) It has embarked, in consultation with all concerned, on a definition of the objectives for the school curriculum by subject area and phase with a view to a broadly agreed national policy for a curriculum which is broad, balanced, relevant to the world into which pupils are growing and differentiated in accordance with the abilities and aptitudes of each pupil.
- (2) The Secretaries of State have asked each LEA, by 30 April 1984, to report on its policy for the school curriculum and on how it establishes and applies it.

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- (3) The Secretaries of State have asked that each school should set out its curricular aims and objectives in writing, and monitor its own performance by reference to these.

42. Second, the distribution of responsibility for the curriculum at a school needs, in the Government's view, to establish a proper balance between the professional and lay influences which make for good education. Teaching each pupil in school is a professional task, to be carried out by those possessing specialised knowledge and with the training and experience to develop personal qualities and motivation, to impart knowledge and to foster skills, competence, understanding and acceptable behaviour. The LEA's professional staff contribute to this task by support and guidance to the schools, including arrangements for in-service training. But these professional processes are publicly financed, and serve parents, employers and the community as a whole as well as the pupils. They ought therefore to be subject to a measure of lay oversight and control. This is in part achieved through the elected members of the LEA who have a responsibility for the good education of all those in the area of the LEA. But there has long been an important role also for lay people in relation to each maintained school. That role should be discharged by the governing body, to be composed, on the Government's proposals, of persons, especially parents, who may be expected to take a close interest in the affairs of the school in question and reflect the views of those whom the school serves most directly.

43. With these objectives in mind the Government proposes to set out in legislation the following distribution of functions in relation to the curriculum of county, maintained special and voluntary controlled schools.

- (1) The governing body would have a duty to determine the statement of the school's curricular aims and objectives mentioned in paragraph 7 (3) above

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and to review that statement from time to time. In drawing up and reviewing the statement, the governors would have a duty

- (a) to seek the advice of the headteacher and
  - (b) to consult the LEA (in order that it might consider how far the proposed aims and objectives were consonant with its curricular policy for the maintained schools in its area).
- (2) The governing body would also have a power to call for reports from the headteacher on any matter relating to the curriculum or organisation of the school (as on other matters within his responsibility).
- (3) The headteacher would have responsibility for the organisation and delivery of the curriculum, within the available resources, having regard to the statement of aims and objectives determined by the governing body. The headteacher will naturally continue also to have a direct relationship with the LEA on curriculum matters, eg through the local advisory service.
- (4) The LEA would continue to have the responsibility for formulating and implementing the curriculum policy for its area. It would have the power to call for reports from the governing body or the head on any matter relating to the curriculum or organisation of the school, as on other matters. Taken together with the LEA's general duties in respect of the provision of sufficient and efficient education, this would amount to a duty to keep itself informed about the curriculum and organisation of its schools, with a view to using that knowledge in exercising its functions as the provider of resources for each

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school and the employer of the school's staff.

44. The Government believes that a division of functions on these lines would enable the head and the other teachers at the school to determine the content of the programme for any pupil and the methods of teaching that programme. But these programmes would have regard to the views of the governing body about the aims and objectives of the school's curriculum to the extent permitted by the resources made available by the LEA; and the LEA, through its control of resources and as the employer of the headteacher and other staff, would be able to ensure that the pattern of programmes offered to each pupil, but not the details, was in accordance with its curricular policy for the area.

45. Under these proposals the LEA's curricular policy, formulated in the light of broadly agreed national policies for the school curriculum, would provide the framework within which the governing body exercised its responsibilities for the curriculum. That framework would leave the governing body scope to determine the range and pattern of the school's curriculum (but not its organisation and delivery) in a manner consistent with the governing body's responsibility for the conduct of the school (see paragraphs 48-50). It is to be expected that these proposals would normally lead to constructive cooperation between the governing body, the head and the LEA in curricular matters for the benefit of the pupils, each party taking reasonable account of the views of the others. If the statement of the school's curricular aims and objects, which only the governing body could determine, was unrealistic in relation to the LEA's resource management or otherwise wholly incompatible with the LEA's curriculum policy, it would be unlikely to be given practical effect in what the pupils were taught. But the consultation about the statement between the governing body on the one hand and the LEA and the head on the other would provide an opportunity for open debate on the school's curriculum in which parents and other interested parties could join.

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46. These proposals are not intended to affect the arrangements made for a pupil with special educational needs who is the subject of a statement under the Education Act 1981, whether or not the school which he attends is a special school. For such pupils, any conflict between, for example, the school's statement of aims and objectives and the content of the statement under the 1981 Act would be resolved in favour of the latter.

47. Section 23 of the Education Act 1944 vests the control of the secular curriculum in the governing bodies of voluntary aided secondary schools (unless, as is sometimes the case, the school's articles of government provide otherwise) but not voluntary aided primary schools or special agreement schools. The Government believes that it is reasonable that all voluntary aided and special agreement schools should have responsibilities in relation to the secular curriculum which reflect their distinctive status. It is therefore proposed that the law should be amended so as to give the governing body of every voluntary aided and special agreement school control over the school's secular curriculum. The Government would expect the articles of such schools to assign to the head responsibility for the organisation and delivery of the curriculum. It would look to the governing body to cooperate with the LEA in the implementation of its curricular policy for the area, and to the LEA to consult the governing body on this matter. The LEA may be expected to apply its curriculum policy to the determination of the resources which it makes available to the voluntary aided and special agreement schools that it maintains.

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## The conduct of the school

48. Although a school's work centres on the delivery of a curriculum to its pupils, there are aspects of its work which go beyond that delivery, although they affect it. These aspects include the general appearance of the school; the rules and conventions which govern the behaviour of pupils and the relationship of pupil and teacher, between pupils, and between teachers; the attitudes towards the school, and the support for and understanding of its work, of parents, pupils and the local community and the school's success in explaining its work to those whom it serves and in consulting them effectively about it. Such aspects of a school's work, and there are others in this category, are customarily regarded as part of "the conduct of the school", and responsibility for this has generally been thought appropriate to the governing body.

49. Yet this responsibility affects, and is affected by, responsibilities which are appropriately assigned to other parties. The Education Acts in effect make the LEA responsible for determining both the general educational character of the county and special schools which it maintains, and the place of county, voluntary controlled and maintained special schools within the system of schools in its area. It is moreover normal for the articles of government of such schools to assign to the headteacher the control of the school's internal organisation, management and discipline. It is therefore necessary so to define the governing body's responsibility for the conduct of the school as to make that responsibility more than a nominal one, or a mere residual responsibility for matters not specifically assigned to other parties.

50. The Government proposes that legislation should make the governing body responsible for the general direction of the conduct of a county, voluntary controlled or maintained special

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school. It is probably neither feasible nor desirable to define "conduct" in detail in the legislation. But the Government would expect governing bodies to give a wide interpretation to their duties in this respect, and intends to issue guidance to this end in connection with the proposed legislation. Such guidance would take account of the views expressed in response to this Green Paper. It might encourage governing bodies, in consultation with the headteacher, to exercise a general oversight over how well the school's working methods were fostering its aims and objectives; how successfully the school planned for and adjusted to changes in circumstances; how far the school held appropriate expectations of staff and pupils; how well the school capitalised on its strengths and identified and tackled its weaknesses; and how effectively it consulted parents and others on such issues as pupil behaviour, discipline and school uniform.

## Discipline

51. One aspect of the conduct of a school - discipline - is particularly pervasive and liable to cause difficulties if those concerned disagree and there is no clear allocation of responsibilities. Articles of government currently blur this allocation and often give an override power to the LEA. The present arrangements have often proved satisfactory in practice. But they cannot be relied upon to work well in certain situations. For example, ill-defined responsibility about pupils' debarment from school has sometimes left children at home, receiving no education, for too long.

52. The Government believes that in large measure it falls to the headteacher to secure acceptable standards of behaviour throughout a school. In any clarification of functions, therefore,

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it is important to leave headteachers with discretion to deal with individual problems of discipline as and when they arise.

The governing body, however, should have responsibility for establishing guiding principles within which the headteacher operates. As discipline is an aspect of standards, the LEA too has an interest in this area so that it can discharge its duties relating to the provision of efficient education. In the Government's view this interest does not warrant LEAs having unspecified and broad powers to override governing bodies and headteachers in matters of discipline; but it does mean, for instance, that in the last resort LEAs should be able to step in to prevent a collapse of order in schools. And in all circumstances, LEAs' statutory duties in relation to admissions and attendance and their responsibilities as employers make it necessary for them to have clear functions in relation to disciplinary matters.

53. In the light of these general considerations the Government considers that it would be appropriate to legislate for a framework of functions for county, voluntary controlled and maintained special schools on the following lines:-

(1) in the interest of promoting positive attitudes towards life and other people the headteacher would have the duty of securing acceptable standards of behaviour from pupils by formulating and promulgating rules and other necessary means, including the use of disciplinary sanctions, to that end, having regard to such principles and guidance as the governing body may offer;

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(2) the governing body and the headteacher would be under a duty to consult the LEA on any disciplinary issue which may involve additional public expenditure (e.g. the wearing of school uniform) or affect the LEA's responsibilities as employer (e.g. supervisory duties which may conflict with agreed terms and conditions of service).

(3) if the headteacher debar a pupil from school for more than 3 days in any term, or if any debarment for any length of time would prevent a pupil from taking any public examination, the headteacher would immediately have to inform the governing body and the LEA. The governing body or the LEA would have power to direct the head teacher to terminate the debarment; any direction by the LEA in this respect would be binding on the governing body and the headteacher.

(4) the LEA, if it is satisfied that order in a school has broken down or is about to do so, would have the power to take whatever steps it sees fit to secure order.

54. The Government believes that there would be advantages also to voluntary aided and special agreement schools if the responsibilities of the governing body, the headteacher and the LEA were clarified and defined on the line proposed in paragraph 53. Moreover it is desirable, in the interests of pupils' attendance at school, to ensure that the arrangements for debarring pupils from voluntary aided and special agreement schools were in line with those prescribed for other maintained schools, having regard to the difference in the status of each category of school. The Government invites views on both these matters from the voluntary bodies and others.

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## CHAPTER 5: APPOINTMENT AND DISMISSAL OF STAFF

55. The selection of teachers and other staff employed at a school, and their subsequent performance, are crucial to the standards of the school. These matters closely concern the LEA and the governing body. They bear on the LEA's general responsibility for securing the provision of sufficient and efficient schools for its area, and its resultant responsibilities in relation to the curriculum of these schools. They bear also on the governing body's responsibilities for the conduct and curriculum of the school.

56. In the case of county, voluntary controlled, special agreement and maintained special schools, the LEA is the employer of the staff and has therefore to discharge those functions which only the employer can perform. As employer, the LEA enters into a contract of employment with teachers and other staff; determines the terms and conditions of employment; takes action if disciplinary measures or dismissal are contemplated; and is responsible for responding to any complaint of unfair dismissal made to an Industrial Tribunal. Like any other employer, the LEA has to manage its employees; its statutory functions require that responsibility to be exercised in the interest of securing good education, within the resources available, in all the schools which it maintains.

57. The Government believes that legislation should ensure that both the LEA and the governing body have responsibilities in relation to the selection, appointment and dismissal of teachers and other staff which reflect, and are compatible with, their other responsibilities. Yet many articles of government, like the 1945 model articles, are now inconsistent with LEAs' responsibilities as employers. Many articles also do not do justice to the legitimate interest of the governing body or of the LEA. There is a need to define the respective responsibilities of the governing body and the LEA. The following paragraphs

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set out the Government's proposals for a new framework, to be established by legislation, to determine the relative responsibilities of the LEA, the governing body and the headteacher in matters concerning the appointment and dismissal of teaching and non-teaching staff. The arrangements proposed would apply to county, voluntary controlled and maintained special schools. Because the LEA also employs the staff of special agreement schools, such schools would also come within the scope of the proposals.

## Appointment and dismissal of Teaching Staff

### i. Headteacher appointments

58. The selection and appointment of a headteacher is among the most important acts affecting a school. The Government believes that it is right to ensure a powerful and effective influence for the governing body at every stage of the selection process.

It therefore proposes legislation to establish a uniform procedure leading up to the appointment of the head teacher of county, voluntary controlled, special agreement and maintained special schools on the following lines:

(1) The LEA would advertise the vacancy publicly. The Government believes that the need to secure the best possible person as headteacher should take precedence over any wish by an LEA to retain promotion opportunities for its staff in the interests of effective management and morale.

(2) The selection process would be managed by a joint panel comprising an equal number - not less than 2 - of governors and LEA nominees (although the LEA would be free to allow additional governor representatives to serve on the panel). The panel would control the process leading to the establishment of a list of persons for final interview. If agreement could not be reached on such a list, the governors

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and the LEA nominees would each collectively have the right to nominate not more than two applicants for inclusion in the list. The panel would be required to recommend one candidate to the LEA for appointment.

(3) The LEA would appoint the recommended candidate unless in its capacity as employer it declined to do so. In that event the panel would be required to recommend another candidate either from those already considered or after a fresh advertisement followed by the same procedure.

59. The only exception to these arrangements would be the case of appointments to be made as a result of approved statutory proposals for the reorganisation of school provision. In such a case it would seem sensible to enable the LEA, after consulting the governing body concerned, to appoint to a newly reorganised school a head teacher who would otherwise be displaced as a result of such reorganisation.

### ii. Appointment of Other Teachers (excluding Deputy Heads)

60. Although the appointment of the head teacher is the most critical for the school, the appointment of other teachers is also of great importance. In the Government's view, however, it is permissible and, if sensitively managed, educationally desirable for the management responsibilities of the LEA for deploying its teaching force economically and in the best interests of all the schools it maintains to take precedence over the interest of the individual school to secure the best possible teachers to fill vacancies as these arise. As school rolls continue to fall in many areas, effective career management and deployment of assistant teachers will be at a premium and it seems sensible at this level of appointment for the balance between the LEA and the school to incline towards the LEA's wider management needs. But account must be taken of the interests of the school and the Government, therefore, proposes a standard procedure on the following basis:-

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(1) When any teaching post becomes vacant, the LEA would decide whether it remained a complemented post and, if so, whether it should be filled by open advertisement or from a recruitment or redeployment pool or by the redeployment of a teacher from another school.

(2) Where the post is to be advertised, the governing body (delegating to the headteacher if they deemed it appropriate) would be responsible for short-listing, interviewing and recommending an applicant to the LEA for appointment. The LEA would have the right to participate through a representative at all stages in the selection process and, in its capacity as employer, could decline to appoint the recommended person. In that event, the governing body would recommend another person, following the same procedure if a new advertisement were needed.

(3) Where the post is not to be advertised, the governing body would have the right to draw up a specification for the post which the LEA would have a duty to take into account in offering candidates for consideration. If the governing body was unwilling to accept any of those offered for consideration, the LEA would have a duty to consider its representations. If the governing body persisted with its objection, a formal resolution of the Education Committee would be required to overrule it.

61. The proposals outlined above cover the appointment of almost all teachers, including part-time teachers employed exclusively at one school. There remain some who are not employed exclusively at one school, such as peripatetic staff and supply teachers. The governing body of an individual school has no formal locus in relation to such staff and it is proposed that their appointment and dismissal should be matters solely for the LEA.

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## iii. Deputy Headteachers

62. Existing articles of government normally make no distinction between deputy headteachers and other assistant teachers. Most schools have a designated deputy head (and some have more than one). The importance of the post varies greatly in scale and managerial responsibility. In many cases, particularly in secondary schools but also in some large primary and middle schools, the deputy head occupies a key position in the senior management team of the school. The appointment of deputy head teachers may also have significance for the LEA's policies for the professional development of future headteachers. In some cases it may be preferable for a deputy headteacher to be appointed by the same procedure as headteachers; in other cases, such a procedure may be over-elaborate. The Government inclines to the view that legislation should leave the LEA discretion to adopt either the headteacher or the assistant teacher procedure in accordance with the circumstances of the particular school or classes of school concerned.

## iv. Dismissal of Teaching Staff

63. Dismissal and the conduct of procedures leading to dismissal are an employer matter. Existing articles of government which state that the LEA cannot dismiss except on the recommendation of the governing body are incompatible with the LEA's responsibilities as employer. The Government considers that the interest of the governing body in the effectiveness of teachers employed in its school can best be recognised by placing a duty on the LEA when contemplating the dismissal of any teacher (including a headteacher) to consult the governing body. The LEA should also have a duty to consider any views put forward by a governing

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body that a teacher should be dismissed. Present provision in articles of government whereby a recommendation to dismiss the headteacher requires two resolutions of the governing body, the second not less than 14 days after the first, seems inappropriate given that it must be for the LEA itself subsequently to satisfy itself about the grounds for dismissal following any such view expressed by the governing body. The governing body should also have power to suspend a teacher, but only until such time as the LEA decides on the action to be taken. The headteacher should not be permitted to suspend an assistant teacher except with the agreement of the governing body.

## v. Other Teacher Management Issues

64. Some management decisions by the LEA, taken in the interests of the overall efficiency and quality of its teaching force, may mean the loss of a teacher's services to the school, particularly decisions about probation, premature retirement, redundancy and redeployment. In all these matters, the governing body has an interest and should be able to make its views known to the LEA. To ensure that the governing body can influence decisions about premature retirement, redundancy or redeployment, it is proposed to place the LEA under a duty to consult the governing body on such matters. In the case of probation for new teachers, it is proposed that the LEA should be required to consult the headteacher and the governing body before any decision is reached on the outcome of a new teacher's probation. The Government would expect regular consultation to take place between the LEA and the headteacher about the professional development of the teachers within the school, including in-service training.

## Non-Teaching Staff

65. Many of the considerations discussed in relation to teaching

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staff apply also to non-teaching staff. Many existing articles of government for county, voluntary controlled, special agreement and maintained special schools, like in the 1945 model, are no longer compatible with the LEA's employment responsibilities.

Moreover some articles of government unnecessarily restrict the role of the governing body or give it no role.

66. The Government believes that it is necessary to change the present arrangements on the following principles:

(1) As the employer of non-teaching staff in county, voluntary controlled, special agreement and maintained special schools, the LEA must have the responsibility to make appointments. Equally, while dismissal by the LEA could flow from a recommendation of the governing body, the LEA's powers of dismissal cannot be so confined that they may operate only on a recommendation from the governing body.

(2) The governing body should be closely involved in the selection of non-teaching staff for appointment by the LEA. In the case of certain specialised staff, including caretakers, laboratory assistants, librarians, child care staff and electronics and computer technicians, the governing body should consult the LEA before undertaking the process of selection, since knowledge of the LEA of such specialised posts may be essential for a satisfactory appointment. In such cases the LEA should also be able to require that the appointment be made from a pool of people already in the local authority's service, in the interest of effective staff management.

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(3) The responsibility of the governing body should not normally extend to non-teaching staff who do not form part of the normal complement of the school. For example, it is usual for school meals staff to be appointed centrally by the LEA and for the governing body to have no direct responsibilities in practice for meals provision. It is also common for maintenance staff (including groundsmen) to form part of a local authority direct labour organisation.

In such cases it would not seem appropriate for the governing body to have a role in the appointment process.

67. The Government proposes that the powers of the LEA and the governing body of county, voluntary controlled, special agreement and maintained special schools should be set out in legislation so that:

(1) Subject to the LEA's right to determine each school's complement of non-teaching staff, such staff would (subject to ii. below) be selected for appointment by the governing body after consulting the headteacher and the LEA; the LEA would then make the appointment unless it considered the person selected unsuitable.

(2) The LEA would be empowered to require that the governing body select from a pool of candidates already in the authority's service.

(3) Dismissal of non-teaching staff would be the responsibility of the LEA after consultation with the governing body and the headteacher. The LEA would have a duty to consider any recommendation for dismissal from the governing body.

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Clerk to the Governing Body

68. The 1945 model articles provided that the Clerk to the governing body should be the chief education officer or such other person as may be appointed by the LEA. The view at the time was that it would be usual in county, voluntary controlled and special agreement schools for the chief education officer or his representative to be the clerk and that, in view of the growing complexity of school business and the need for close cooperation with the LEA, there would be advantage in following the same practice in voluntary aided schools, particularly where the circumstances did not justify the services of a full-time clerk. In practice, some articles of government for county schools make no provision at all for the appointment of the clerk. Where they do, appointment is usually by the LEA, after consultation with the governing body in some cases. In the case of voluntary controlled and special agreement schools, most articles provide that the clerk should be appointed by the governing body after consulting the LEA and that dismissal should be by the LEA on the recommendation of the governing body.

69. The Government recognises that its proposals for the composition of the governing bodies of county, voluntary controlled, and maintained special schools will mean some immediate loss of expertise on governing bodies and fairly frequent changes of membership. This adds strength to the case for ensuring that the governing body can be assured of the services of a clerk with adequate knowledge and experience of the LEA's operations. On the other hand, the ability of the governing body to exercise the wide responsibilities proposed for it would be impaired if its clerk were imposed upon it by the LEA. Nobody's interests, least of all those of the school, would be served if the governing body was obliged to accept a clerk in whom it had no confidence.

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In the Government's view, it would seem necessary to recognise the position of the governors of county and maintained special schools by requiring the LEA to consult the governing body before appointing the clerk and by requiring it to consider a recommendation from the governing body to dismiss the clerk. In the case of those voluntary controlled and special agreement schools where articles of government now provide for the governing body itself to make the appointment after consulting the LEA, the Government would not wish to disturb the present practice, unless there is substantial evidence that this arrangement has worked badly. The Secretary of State would therefore expect to use his proposed power in relation to the making of articles of government for these schools to preserve the present position.

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## Chapter 6 Finance and Premises

70. The Education Acts place the LEA under a duty to defray the costs of maintaining the county, voluntary controlled and special schools for which it is responsible. In the Government's view the LEA should continue to determine the total expenditure which it should incur in respect of each such school in the light of all its statutory duties. But what is spent on a school and how it is spent affects the quality of the education offered by the school. Both these matters are therefore of concern to the governing body. The Government believes that means need to be found of reconciling the governing body's legitimate interest in the finance of the school with the LEA's duties.

71. To begin with, the governing body ought to be aware of what is actually being spent on the school. The Government therefore proposes that the LEA should be required annually to provide the governing body with an itemised statement of its recurrent expenditure on the school so as to enable the governing body to form a judgement on whether that expenditure was providing value for money.

72. The LEA can discharge its duty to maintain a county, voluntary controlled or special school without having itself to determine the distribution of expenditure within the school. It is normal for LEAs to allot a sum to individual schools eg by way of "capitation" which the school can then spend at its discretion on a specified range of purposes. The 1945 model articles envisaged the possibility that the governing body might in some measure determine the distribution of expenditure, but did not recommend that it should have this right. The Government now proposes to confer such a right on the governing body of a county, voluntary controlled or maintained special school, by requiring the LEA annually to allocate to each such governing body a sum which the governing body would spend, at its discretion, on books, equipment and stationery, subject

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to any financial rules which the LEA might draw up. The purpose of this proviso is to enable the LEA, for example, to prescribe maximum expenditure on one of these 3 items, to require purchases to be made under the LEA's central purchasing arrangements, or to reserve to the LEA the responsibility for supplying large or specialist items or items required for a particular aspect of its curriculum policy.

73. The proposed requirement would be a minimum. The Government intend the LEA to be free to allot to the governing body sums to be spent at its discretion on other items wherever the LEA considers, as many LEAs now do, that such an arrangement could increase value for money. It would be open to the governing body to delegate the expenditure of any allotted sum to the headteacher, who would account to the governing body for the exercise of that discretion.

74. Governing bodies may from time to time be asked to spend on behalf of the school money received from, for example, the parent-teacher association or a local community association. It is proposed to require a governing body formally to account for the use of such money; this might conveniently be done in the proposed annual report to parents (see chapter 8).

75. These proposals relate to county, voluntary controlled and maintained special schools. The Government believes that there would be advantage if the rights of governing bodies of voluntary aided and special agreement schools were to be similarly extended, and invites views on this from those concerned.

## Premises

76. Responsibility for the adequacy, safety, and upkeep of the premises of county, voluntary controlled and maintained special schools rest with the LEA under the Education Acts and the legislation governing health and safety at work. This should, in the Government's view, remain the position. But the condition of the premises affects the quality of what a school can offer and is therefore of interest to the governing body.

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The Government hopes that LEAs will continue to be ready to consider representations on this matter from the governing body and, in appropriate cases, to involve it in arrangements for keeping the school's maintenance needs under review and to authorise it to incur expenditure on urgent repairs within such arrangements as the LEA may make for allocating sums to be spent by the governing body at its discretion.

77. The Government also believes that governing bodies are well placed to ensure that the community served by the school is offered a reasonable opportunity to make use of the school's premises out of school hours so that this public asset is as fully utilised as is practicable within the resources available. It is therefore proposed to provide in legislation that the use of the premises of the county or maintained special school out of school hours should be under the control of the governing body. But this control would be subject to any direction which the LEA decided to give to the governing body, so that the LEA can safeguard its position in relation to resources and can itself use the premises for non-school purposes eg adult education or youth work.

78. Under this proposal the position in relation to county and maintained special schools would become similar to that which now obtains in relation to voluntary controlled schools under Section 22 of the 1944 Act, and which it is not proposed to change.

79. The position of voluntary aided and special agreement schools with regard to their premises is established by the Education Acts both in respect of repairs and maintenance and of use out of school hours. The Government has no proposal to change that position.

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## CHAPTER 7: ADMISSIONS

80. The admission of children to maintained schools (other than nursery schools and classes) has been the subject of two recent Acts. The Education Act 1980 relates to admissions to county and voluntary schools, except where the child is the subject of a statement of special educational needs under the Education Act 1981. That Act relates to the admission of such children to any school, including a maintained special school.

81. Sections 6 and 7 of the Education Act 1980 established for the first time that parents are entitled to express a preference as to the schools their children are to attend. Those preferences are required to be met except in certain specified circumstances (for example, where a school is over-subscribed) and parents may appeal against the admission decision under new local arrangements.

82. So that parents' preferences may be properly informed, Section 8 of the 1980 Act requires information to be published about the schools and their detailed admission arrangements. The Act allocates responsibility for publishing this information to the LEA in the case of county and voluntary controlled schools, and to the governing body in the case of a voluntary aided or special agreement school. The actual admission arrangements to be so published are those determined locally under the articles of government: typical articles for a county school provide for admissions to be in accordance with arrangements made by the LEA; in the case of a voluntary school, responsibility is normally vested in the governing body but with the requirement that it acts in accordance with arrangements agreed with the LEA. The consequent diversity of practice is accommodated by the 1980 Act.

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83. The Government does not propose generally to disturb the legal framework for admissions that has been established so recently. It does, however, propose one change. When the LEA determines (or agrees, as the case may be) admission arrangements for the county and voluntary schools it maintains, it does so in the discharge of its duty to secure the provision of sufficient and efficient education for its area. But admission arrangements also affect the life of each school, and the Government believes that each governing body should be guaranteed a voice in their formulation. It therefore puts forward two complementary proposals. First, before publishing the required information for parents, the LEA should be required annually to consult the governing body of every county and voluntary controlled school in its area on the admission arrangements affecting their schools; second, the governing body of a voluntary aided or special agreement school should similarly consult the LEA before publishing its admission arrangements.

84. In the Government's view, there is room for articles of government to be more explicit than at present in allocating admission responsibilities (perhaps particularly in differentiating between drawing up arrangements and administering them) without, in so doing, eroding any existing responsibilities of the governing body. The Government hopes that both these principles will be observed in the revision of articles of government entailed by the proposals in this Green Paper. The Secretary of State would expect to use his proposed power in relation to the making of articles for voluntary schools (see Chapter 10) to preserve the existing powers of governing bodies in relation to admissions.

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## Chapter 8 Governing body's annual report and parents' meeting

85. The proposals in this Green Paper will substantially increase the influence of parents in the life of county, voluntary controlled and maintained special schools. That influence will be exercised through a few parents acting as the elected representatives of parents whose children are registered at the school. In the Government's view, means should also be found of associating the whole parent body with the affairs of the school, and in particular with the work of parent governors. The Government proposes two new measures to this end. Both are designed to strengthen the accountability of the governing body to every parent; in some cases they would in effect formalise existing informal arrangements.

86. First, it is proposed to require the governing body of a county, voluntary controlled or maintained special school to issue free of charge an annual report to every parent about the discharge of its functions and about such other matters affecting the school which it thinks fit to include. The length, format and detail content would be left to the discretion of the governing body. But the Secretaries of State would issue guidance to governing bodies, which would, for example, encourage them to include in the annual report information about the membership of the governing body, the itemised statement of the costs of the school furnished by the LEA (see chapter 6), and, where appropriate, the results of public examinations. The report would also be expected to announce the arrangements for the next parents' meeting (see below) and the action taken on any resolutions or other matters arising from the last such meeting.

87. The report would be required to be sent to all parents whose children were registered pupils at the school. Copies would also have to be available for reference at the school by other persons. Governing bodies might also be required to have regard to the desirability of providing copies of the report in a language other than English or, where appropriate, Welsh.

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88. Second, the Government proposes to require the governing body annually to call a meeting of parents which the parents of every registered pupil would be entitled to attend. The purpose of the meeting would be:

- (1) to discuss the annual report and other matters relating to the life of the school;
- (2) to enable parents present to pass resolutions (by a simple majority of votes cast) which the governing body would be required to consider (or, as appropriate, pass to the LEA or headteacher for their observations), and then report back to parents on the action taken.

The meeting might also be an appropriate occasion at which to hold elections for parent governors.

89. Paragraph 15 noted the difficulty there could be for residential and hospital schools in electing parent governors and proposed alternative arrangements. There would be comparable difficulties in calling an effective annual meeting of the parents whose children attend such schools. It is proposed that, for these schools, the requirement for an annual parents' meeting should be waived. The governing body would still have to send the parents an annual report. It is also proposed that parents should have the right to submit any comments or suggestions in writing for consideration by the governing body or for transmission by it to the LEA or head teacher as appropriate. These proposals may require some modification in relation to hospital schools; the Government would be glad to receive comments on this aspect.

90. In the Government's view, there is a case for increasing the accountability of the governing body to the parents on the lines proposed also in relation to voluntary aided and special agreement schools. It seeks the views of all concerned on this possibility.

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## Chapter 9: The effectiveness of governing bodies

91. Membership of the governing body of a maintained school is an important form of public service, which the proposal in this Green Paper will make still more significant. It is in the public interest that those who perform this service should be adequately equipped for their task. Recent research has shown that governors of maintained schools are often inadequately informed or trained for the effective discharge of their responsibilities. The Government therefore proposes a number of measures to enhance the effectiveness of governing bodies of county, voluntary controlled and maintained special schools.

### Information

92. A governor of such a school needs to understand what his job is. For that he needs not only to be familiar with the school's instrument and articles of government, but also to be aware of those responsibilities of the governing body which arise from legislation, and to have some understanding of such matters as the nature of the maintained school system, the organisation and policies of the LEA and the pattern of school provision in the area. Many LEAs now take steps to inform governors on these lines, but practice is not satisfactory in all cases. The Government therefore proposes to place a duty on every LEA to give to every governor of a county, voluntary controlled or maintained special school, on taking office, a copy of the school's instrument and articles of government and such further explanatory material as the LEA considers requisite. The LEA would be required to supplement the formal documents with additional material but its nature and content would be left to the LEA's discretion, though the Secretaries of State would be ready to offer guidance on this point.

### Training

93. The responsibilities proposed in this Green Paper for governing bodies are so important and complex that a governor

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cannot be expected to discharge them effectively without some training going beyond the normal process of picking up the job by doing it. That process is by itself relatively slow to act and could in this case serve to perpetuate unsatisfactory practice. Some LEAs now provide some training for governors. The Secretaries of State propose to seek fuller information about present provision for this in the Circular which they intend to issue later this year about the implementation of the 1980 Act provisions on school government (see paragraph 9). But it is clear that the current arrangements for training governors are uneven and not everywhere satisfactory.

94. The Government therefore proposes to place a duty on LEAs to provide such training for governors of county, controlled and maintained special schools as they consider requisite. The training need be neither elaborate nor costly: the Government has funded developmental work on training materials through the Open University and is considering the possibility of offering financial support for pilot projects in order to develop models of good practice.

95. In the Government's view, it would be unreasonable to expect governors to pay for the information and training with which they need to be provided for the effective discharge of a voluntary public service. LEAs are best placed to estimate the total additional cost to LEAs of this provision: it might be about £2m a year, with a rather higher cost in the first year. The Government considers that this expenditure should be met within the resources available to authorities in the relevant years.

## Meetings of the governing body

96. Regulation 10(1) of the Education (School Governing Bodies) Regulations 1981, S.I. 1981/809, requires the governing bodies of a school to meet at least once a term. In many cases meetings are held no more frequently than this. The Government believes that such a practice is likely to do less than justice to the size of the task and to cause that task to be fulfilled in too mechanical a fashion, with standard agendas and a routine approach

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which discourages fresh thought. It is therefore proposed that, in addition to the meeting required each term, the governing body of a county, voluntary controlled or maintained special school should be required to hold a fourth meeting in each year. Governing bodies would be free, as now, to meet more frequently than is required by law.

97. Formal meetings of the governing body are only one way in which governors discharge their responsibilities. If a governing body is to be effective, its members should, in the Government's view, involve themselves individually with the activities of the school by a variety of informal means. Moreover much preparatory or detailed work can be done by sub-committees of the governing body, in which persons who are not governors can participate and so bring additional knowledge and experience to the work of the governing body. The Secretaries of State would propose to issue guidance on these matters when the proposed legislation comes to be implemented.

98. The Government recognises that lively and effective governing bodies, meeting at least 4 times a year, are likely to give rise to some additional administrative expenditure by LEAs. In the Government's view, this expenditure will contribute to improving standards in schools and should be met by redeploying resources from other purposes.

## Voluntary aided and special agreement schools

99. The Government sees advantages in applying the principle of the proposals in this Chapter also to voluntary aided and special agreement schools. It would welcome the views of all concerned on this possibility.

## Allowances for Governors

100. No allowance is currently payable to governors of schools or further education institutions as such. But where governors are also councillors or co-opted members of an authority, their service on governing bodies may be considered as "approved duty"

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under section 177(2)(b) of the Local Government Act 1972. This entitles them to receive attendance allowance, financial loss allowance and reimbursement of travelling and subsistence costs. Other governors have no entitlement to any such allowances.

101. To remove this invidious distinction between different categories of governor and because of doubts over the vires of present payments, the Government has already announced its intention to legislate at the first convenient opportunity for a new framework for allowances payable to governors of schools and further education establishments. This opportunity would appropriately be the legislation implementing the proposals in this Green Paper.

102. The general principle underlying the proposed framework is that service as a governor should be regarded as voluntary service without regard to the nature of any body which may have appointed him. At the same time it is accepted that governors should not be required to suffer financially because of such service and that travelling and subsistence costs, particularly in rural areas and in respect of further education establishments, could even be a disincentive to service as a governor. It is therefore proposed that:

- (1) LEAs will be empowered, but not obliged, to pay travelling and subsistence allowances to governors of maintained schools and further education establishments;
- (2) while there may be differentiations between different categories of institutions, there may be none between the governors of a particular institution;
- (3) LEAs will have discretion to disallow excessive and trivial claims by setting upper and lower mileage limits;
- (4) legislation will stipulate that service as a governor

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does not entitle councillors or co-opted authority members to any allowances in that capacity.

103. The Government believes that these arrangements will be broadly neutral as to cost: the extension of travelling and subsistence allowances (which will be discretionary) is likely to be offset by the removal of the more expensive attendance and financial loss allowances.

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## CHAPTER 10

### THE MAKING OF INSTRUMENTS AND ARTICLES OF GOVERNMENT

104. The proposals in this paper make it necessary to make new instruments of government (setting out the constitution of governing bodies) for the 23,500 county, voluntary controlled and maintained special schools, and new articles of government (allocating the functions to be exercised) for these schools and for many of the 4,600 voluntary aided and special agreement schools. This chapter is concerned with the procedures for making these two classes of document.

105. Under Section 17 of the 1944 Act and Section 2 of the 1968 (No.2) Act, instruments of government currently fall to be made by the LEA in respect of county and maintained special schools and by the Secretary of State in respect of voluntary schools. Articles of government are made by the LEA in respect of county and voluntary primary schools, all maintained special schools and, subject to the approval of the Secretary of State, county secondary schools. The Secretary of State makes articles of government for all voluntary secondary schools. Apart from the requirement to secure the Secretary of State's approval of articles of government for county secondary schools, the Education Acts do not specify the procedures to be gone through by the LEA before it makes instruments or articles of government. In the case of those instruments and articles falling to be made by the Secretary of State, Section 17(5) of the 1944 Act requires him before making the relevant order to consult the LEA and others concerned with the government of the school, and also to have regard to the manner in which an existing school has been previously conducted.

106. The proposals in this Green Paper would mean that the major issues concerning the constitution of governing bodies and their functions would be prescribed in statute for every category of maintained school. In the Government's view, this

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makes the present range of procedures for making instruments and articles unnecessarily elaborate. A simpler and more uniform set of procedures should be possible which would make for the coherent implementation of the new arrangements in each area.

107. It is therefore proposed to remove the requirement that county secondary school articles of government should be approved by the Secretary of State, and to devolve to the LEA the making of instruments of government for all voluntary schools and the making of articles of government for voluntary secondary schools. The LEA would thus become responsible for making instruments and articles of government for all the maintained schools in its area. But before making either document, the LEA would be required to consult the governing body of the school concerned, because of the importance of the document for the work of the governing body and of the school. Procedures on these lines would be straightforward to operate. Their initial application would require a temporary expansion of administrative effort.

108. However, the distinctive status of voluntary schools makes it essential, in the Government's view, to apply certain additional provisions to the procedures under which LEAs would make the instruments and articles of government of such schools. It is therefore proposed that LEAs would be required:

(1) in making or amending an instrument or articles of government for a voluntary school, to have regard to the way in which the school has been previously conducted and, before making the requisite order, to agree the proposal with the governing body or, in relation to a proposal dealing specifically with foundation governors, with the foundation governors then serving on the governing body;

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(2) to consider proposals from the governing body of a voluntary school for amending its instrument or articles of government.

In the absence of agreement under (1), it is proposed that the matter should be resolved with binding effect by the Secretary of State.

109. In the case of new schools, the duties placed on the LEA under paragraphs 107 and 108 in relation to the governing body would be exercisable in relation to the shadow governing body (see Chapter 2) or, in the case of a new voluntary aided school, to the promoters.

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## CHAPTER 11: THE VOLUNTARY SECTOR

110. The proposals in this Green Paper are designed to strengthen the dual system of county and voluntary schools established by the 1944 Act. The far-reaching changes proposed for the composition and functions of the governing bodies of county and voluntary controlled schools will, in the Government's view, help each category to improve the service it offers in accordance with its distinctive status, which the proposals preserve. As far as voluntary aided or special agreement schools are concerned, the proposals offer the possibility, on which the Green Paper invites views, of certain minor modifications in the legal framework relating to such schools which could enable these also to perform their distinctive role to still better effect.

111. The proposals so far described do not affect the pattern of provision of any category of school. The Government believes that this pattern should continue to develop in the light of the circumstances of each area, including the need to offer parents a choice of category to the greatest practicable extent. But there is one aspect of such choice where it might now be appropriate to introduce a small additional measure of flexibility. Under Section 15(4) of the 1944 Act, a voluntary aided school may become a voluntary controlled school, but the reverse change of status is not possible. The Government believes that the dual system would be strengthened if a change from controlled to aided status were to be permitted in certain circumstances, subject to appropriate safeguards, and seeks comments on whether this change might now be made on the basis of the scheme outlined below.

112. Many voluntary controlled schools assumed their controlled status following the 1944 Act because they could not then accept the financial obligations of a voluntary aided school. Other schools subsequently reverted from aided to controlled status

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because the governing body was unable or unwilling to carry out these obligations in the light of circumstances at the time. Changed circumstances or new resources available to the foundation might now permit the governing bodies of a few voluntary controlled schools to meet all the necessary financial conditions of aided status.

113. Changing a voluntary controlled school into an voluntary aided school would affect the balance of school provision in the area, since the character of the school would be changed.

The Government therefore believes it right that the procedure for acquiring aided status should not merely involve a proposal by the governing body of the voluntary controlled school and a decision by the Secretary of State but should also provide opportunities for public discussion within the area concerned.

It would seem appropriate to use procedures analogous to those under Section 13 of the Education Act 1980 (which applies where the governing body of a voluntary school wishes to change the character of the school). It is therefore suggested that:

(1) the governing body of a voluntary controlled school seeking aided status would be required to consult first with its maintaining LEA. The views of the LEA on the proposed change and its effects on local provision would be important, given its responsibility for its area. The LEA would not have the power to prevent the governing body from making the proposal, but the Government presumes that the governing body would not normally wish to proceed in the face of LEA opposition.

(2) If the governing body decided to proceed, it would publish statutory proposals enabling those in the locality (including the LEA and other voluntary schools) to make objections.

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(3) It would then be for the Secretary of State to consider the proposals in the light of any objections. Part of the evidence that the Secretary of State would require in support of the proposals would be a demonstration by the governing body that it could meet the immediate and continuing financial obligations of aided status.

(4) If the Secretary of State approved the proposals, the way would then be open for the making by him of an Order conferring aided status.

114. The Government envisages that during initial discussions with the LEA, the governing body would agree appropriate compensation to the LEA for their expenditure on the school over the years which, had it been a voluntary aided school, would have been the governors' responsibility. At most, if not all voluntary controlled schools, the LEA will have incurred some recurrent expenditure on ordinary maintenance. At some schools the LEA may also have undertaken capital work ranging from minor projects to major adaptations and extensions. In the case of a voluntary controlled school established under the 1953 Education Act, the LEA will have bought the school site and borne the whole cost of erecting the school premises. In these various circumstances, it would not be simple to settle the appropriate compensation. The Government believes that it would be reasonable not to require the LEA to be compensated for the recurrent expenditure incurred, but that it should be compensated in respect of capital expenditure by an amount agreed between a valuer appointed by the LEA and a valuer appointed by the governing body; failing such agreement, the amount would be determined by the Secretary of State after considering the report of an independent valuer appointed by him.

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115. Expenditure by the governing body of a voluntary aided school on the provision of a site or school buildings is normally eligible for up to 85% grant. The Government would not, however, consider it reasonable to pay grant to a governing body to buy out those parts of an existing voluntary controlled school which had already been provided from public funds. It would expect the initial costs of any proposal to seek aided status to be borne by the governing body of the voluntary controlled school. Any subsequent expenditure by the governing body would become eligible for grant.

116. The Government proposes thus to make possible a change from controlled to aided status in the belief that very few schools would in the event so change their status, but that where such a change was exceptionally desired by those mainly concerned, it would be beneficial to schools and parents to allow it to happen.

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## CHAPTER 12: CONCLUSION

117. The Government believes that the proposals in this Green Paper will do much to raise standards in our maintained schools. It will be necessary to bring to bear on the details of the proposals the knowledge and experience of all those concerned within and outside the education system so that the nation may reap the full potential benefit of the changes envisaged in a complex area of law and practice. The Government would welcome comments on every aspect of the proposals.

118. When the Government has considered these comments, it intends to proceed to legislation. Subject to the availability of Parliamentary time, this should be in the 1985-86 session, with a view to implementation beginning in September 1987.

119. Comments on the proposals from England should be addressed to Schools Branch 1 (Room 3/54), Department of Education and Science, Elizabeth House, York Road, London SE1 7PH, and from Wales to Schools Branch 1, Welsh Office, Cathays Park, Cardiff, CF1 3NQ. These should arrive not later than 1 October 1984.

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Prime Minister  
 Sir Keith might raise this  
 on Sunday

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PRIME MINISTER

## RAISING STANDARDS IN SCHOOLS

1. Your Private Secretary's letter of 27 April is an excellent record of our discussion on that day. I should like, however, to clarify one or two points.

2. In the fifth paragraph of the letter it is suggested that the negotiations with the teachers about performance-related pay have in view a system under which increments would be abolished and replaced by merit increases. This is not quite accurate. Under the proposed system increments would still exist but would not be automatic (as in practice they are now) and in addition there would be provision for merit pay and salary acceleration.

Quality of the Teaching Force

3. Of course I agree with you that one of the main obstacles in the way of our policy to raise standards in schools is the poor quality of some of the existing teacher force. It would be possible in theory for the Government to fund a programme to buy out the numerous mediocre teachers and expand the intakes to initial teacher training (where quality will now be monitored against the more exacting criteria that I have just promulgated). But the cost would be too great.

4. The policy aim is to improve the mediocre teachers at a reasonable cost - via systematic management of the teacher force by the local authority employers. It has three key parts:

- i. A professional appraisal system - local authorities cannot exercise their responsibilities for managing the teacher force properly without this.

- ii. A new salary structure - designed to enable employers to reward teachers who perform well, show commitment and accept responsibility: and to withhold increments from those who do not.
- iii. In-service training which - like the Open University mathematics teaching programmes to which you referred during our talk - is based on techniques that have been shown to work.

5. Of course you are right to say that good heads appraise their staff now and that all heads ought to do so. But the local authorities ought to require the heads to do so, using known criteria, and ought also to appraise their heads. It is the employer who must dismiss an incompetent teacher, and he must have a case which, if challenged, stands up before an industrial tribunal. A systematic professional appraisal system would certainly facilitate the process. This is one of the aims of the policy.

#### A Pilot Project

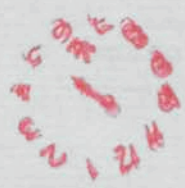
6. You suggested a pilot project to test the integrity of a professional appraisal system. I have now persuaded the LEAs to consider how we might seek hard evidence on this by examining the professional appraisal systems with which some authorities are experimenting. Our new Education (Grants and Awards) Act will provide the means of developing new and better ones.

7. I hope to be able to report back to you before the recess on progress.

8. I shall in addition be letting you have, in the near future, a note about what we can learn from France and Germany about the schools curriculum.

LY

Edward Arnold Pol. Pt 2



POST OFFICE  
LONDON

SUBJECT cc Master  
cc Econ Pol: Public  
Expenditure Pt 21



FILE

DA

B/C: OLY

10 DOWNING STREET

From the Private Secretary

27 April 1984

Dear Elizabeth

Raising Standards in Education

The Prime Minister held a meeting today with your Secretary of State. Mr. Hancock was also present.

Your Secretary of State set out the political background. The Sheffield speech had been extremely well received but the Government was still seen in a negative light as seeking to reduce the resources available to education. Government policy towards local authorities had caused the Shire counties in particular to cut educational provision though in large measure this was a justified response to falling school rolls. There was a danger that the Government's standards initiative would be taken over by other parties who would gild it with promises of more money.

The efforts of his Department were directed towards raising standards rather than the old battles about organisation. Many parts of the programme required little or no extra expenditure, for example improvements in curriculum, improved initial training for teachers, and increased influence for parents as governors. Two initiatives would require additional resources. Improvements in in-service training of teachers was required, particularly to make good the deficiencies in maths teaching identified by the Cockcroft Report, and to prepare teachers for the TVEI; improvements were also necessary in the management of teachers. The latter had two components - the establishment of a system of assessment and the establishment of a performance related pay structure for teachers.

Your Secretary of State said schools lacked any system of assessment such as existed in large companies, the Civil Service or the armed forces. Without it, there was no proper basis for promotion, for remedying the defects in mediocre teachers, or for weeding out inadequate ones. Managers, whether head teachers or Directors of Education Authorities, could not, for example, secure dismissal for incompetence without the evidence of a proper system of records. He was urging local authorities to establish systems of assessment at no extra cost and some authorities were already moving in this direction. It might, however, be necessary to offer some additional money to secure full acceptance of these proposals.

/ He said

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He said he would shortly be seeing local authorities on the question of performance related pay. The proposal was to seek a bargain with teachers under which increments were abolished and replaced by merit increases. Acceptance of a system of assessment was an essential precondition. It was unlikely such a package would be self-financing; the cost could be about £100-200 million a year. He had stressed to local authorities that he would not recommend to colleagues any proposals for performance related pay unless he was totally satisfied that they would be effectively administered. In order to find resources it was necessary to reconsider Government expenditure priorities. He recognised that a number of reviews were in hand which could identify the required savings.

The Prime Minister said she fully endorsed Sir Keith's objectives for raising standards but she was very sceptical about whether the methods he was considering would be cost-effective. Teaching standards had declined despite commitment of substantial additional resources. The duration of additional training had been increased, facilities improved, and the number of graduate teachers increased. She believed the key to improved management lay in the willingness of heads and Directors of Education Authorities to take responsibility for hiring and firing. Without this, assessment would become a bureaucratic exercise. It was generally known which the good and bad teachers were - what was lacking was the will to take action.

She doubted whether an increase in resources for performance related pay scales could be justified given the poor results achieved from past increases in resources. She doubted whether there would be sufficient commitment to manage such a structure rigorously. It might be better to employ teachers on time limited contracts (Sir Keith pointed out that decisions not to re-employ would not be taken if the evidence provided by assessment were not available). She suggested that rather than introducing assessment/performance related pay nationally, a pilot project could be considered. She also asked what were the features of the education systems in France and Germany which allowed them to achieve much higher standards.

BF | Your Secretary of State took note of these points and agreed to report back when the proposals were more fully developed. He repeated his assurance that he would only recommend a system of assessment and performance related pay and seek additional resources to finance it if he were totally satisfied that they would be cost-effective.

*Yours sincerely*  
*Andrew Turnbull*

Andrew Turnbull

Miss C.E. Hodkinson,  
Department of Education and Science,



H M Treasury

Parliament Street London SW1P 3AG

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J R Jameson Esq  
Department of Education and Science  
Elizabeth House  
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LONDON SE1 7PH

12 April 1984

*Dubs  
13/4*

*Now Richard*

DRAFT CIRCULAR ON TEACHER TRAINING

The Chief Secretary did not have the opportunity to consider your Secretary of State's letter of 10<sup>th</sup> April to Mr Jenkin before his departure for the States on official business. But I think he would have been anxious at least - given its circulation - to counter any impression it might have conveyed that the Treasury did not share the general concern of the Department of the Environment to avoid increases in the burden on local authorities which are not matched by identifiable offsets.

2. No doubt Sir Keith's letter was drafted before you received mine of 9 April. I think I can best set the record straight by copying our exchanges, with this letter, to Andrew Turnbull. Copies of this letter only go to David Timlin (Welsh Office), Robin Young (DOE), and Robert Culpin here.

*Your M  
Michael*

M J C Faulkner

*- will request if required.*





H M Treasury

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9 April 1984

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LONDON SE1 7PH

*John Arthur*

#### INITIAL TEACHER TRAINING

Thank you for your letter of 9 April - largely, indeed, as I had expected in the light of our conversation on Friday but in one important respect not.

It was my understanding at the time that the additional bill to the local authorities by the time the scheme became fully operational would only be £0.5 million. It did not register that there would be additional costs of the order of £2 million arising from use of existing school teachers in the selection of students and provisions of training in the institutions.

Hence my slight puzzlement at your Secretary of State's proposal to make a statement - a reaction which may in turn have puzzled you. A total bill of £2.5 million is still of course small in relation to total present or foreseeable provision, but enough to cause concern in present circumstances - as your Ministers were quick to point out in response to DTP's recent proposals for modification of the 'three for two' rule.

You will at once say that the present case is different in that the aim is to improve the cost-effectiveness of authorities' education spending. But we have the same problem that the Government will be imposing, and be seen to be imposing, a new direct cost on local authorities (and will be providing additional ammunition for Norfolk County Council!) - with no immediately identifiable relief on other fronts. I do not imagine that you have some other impending initiative conveniently to hand that will save authorities sums of this order; nor would authorities be receptive to exhortations to try even harder than they have already been asked to to reduce spending on, say, meals and milk or to improve the efficiency of their deployment of the teaching force. It may well be, therefore, that the draft statement as it stands is the best you can do for the moment. If so, we will have to return in the Survey to the question of where the £2.5 million is to come from - on which see paragraph 3 of my letter of 6 April.

I am copying to Robin Young and David Timlin.

*John Arthur*  
*Michael*

M. J. C. Paulman



Department of Education and Science  
Elizabeth House York Road London SE1 7PH

Telegrams Aristides London SE1 Telex 23171  
Telephone 01-928 9222 ext

15  
2/14

M J C Faulkner Esq  
HM Treasury  
Parliament Street  
London  
SW1

Your reference

Our reference

Date

9 April 1984

Dear Michael

INITIAL TEACHER TRAINING

We had a word about your letter of 6 April.

2. Our best current estimates of the answers to the questions about costs in your para 2 - in each case not until the scheme is fully operational in 1986-87 or even 1987-88 - are:-

	£m
Local authority institutions	0.5
Voluntary colleges	0.5
Universities	2.0
Mandatory awards	1.0

X In addition there may be by then some costs to local authorities, of the order of £2m, through making school teachers available to take part in the selection of candidates for teacher training and in the training of the students within the institutions; but there are no "coded messages", to use your phrase.

3. You accepted that these figures were "modest" in relation to the Government's existing or prospective plans for local authority expenditure in 1985-86 and beyond - indeed you thought that word might be inserted in the draft Answer after "incur" - and on this basis you were content with our proposals. As I told you, the Secretary of State hopes to issue the circular and answer the Question before Parliament adjourns at the end of this week.

4. Copy to Robin Young, DOE. I hope he will take into account both this exchange with you and also the Government's collective political commitment (Cmd 8836 and Election Manifesto, page 29, last two sentences) to the improvement of teacher training.

cc. Mrs Eather  
1. Mr Jurgent 2. Mrs Thomas  
Mr Jameson did not tell me  
about the 'additional £2m' at  
X - or I might have been less  
forthcoming

Yours sincerely

Richard Jameson

J R JAMESON

cclb 1. Mr Sargent (+ pps) 4  
Mr Harvey  
Miss Rutter (+ copy of  
Jameson letter)



*Mrs James*  
*to see*  
*July 9/4*

*PAP!*

H M Treasury

Parliament Street London SW1P 3AG

Switchboard 01-233 3000  
Direct Dialling 01-233 8481

6 April 1984

J R Jameson Esq  
Department of Education and Science  
Elizabeth House  
York Road  
LONDON SE1 7PH

*Dear Richard*

INITIAL TEACHER TRAINING: APPROVAL OF COURSES

Thank you for your letter of 2 April.

2. I would like to know rather more about your assessment of the resource implications of the new policies before coming to a firm view on the text of the proposed statement and on the desirability or otherwise of including a reference to resources in the circular itself. Clearly bringing all PGCE courses up to 36 weeks will cost something. What do you expect the direct effect to be on expenditure in local authority institutions, voluntary colleges and universities; and on mandatory awards spending? Otherwise, as I read it, the circular is asking local authorities and others to improve their teacher training courses rather than necessarily to make them any more expensive: but are there coded messages here which imply higher unit costs and, if so, what do you estimate their effects to be?

3. This all has a bearing, as you will appreciate, on the credibility of statements that any additional costs can be 'contained' within provision for future years. If the costs are going to be significant, we will need offsets to them - and in view of the difficulties of delivering savings on local authority current, we should look in the first instance to your vote-borne programmes to provide these. (You have been rightly critical of recent initiatives from other Departments which would have imposed identifiable new burdens on education authorities but given them no clear guidance as to how savings were to be made to pay for these.)

4. I have no comments on other aspects of the circular.

5. Copies of this go to Robin Young (DOE) and David Timlin (Welsh Office).

*Tom*  
*Richard*

M J C Faulkner

1984



610

ce 100

Note: Spoke accordingly to DES. The circular has been issued.



DEPARTMENT OF EDUCATION AND SCIENCE  
ELIZABETH HOUSE, YORK ROAD, LONDON SE1 7PH  
TELEPHONE 01-928 9222  
FROM THE SECRETARY OF STATE

Prime Minister (2)  
The Education Secretary proposes to publish this circular on Thursday. But the Environment Secretary still has doubts - see X overleaf.

Des 13/4

Des 10/4

10 April 1984

The Rt Hon Patrick Jenkin MP  
Secretary of State for the Environment  
2 Marsham Street  
London SW1P 3EB

I agree with the Environment Sec - but it is too late to stop the circular now

Dear Patrick.

DRAFT CIRCULAR ON TEACHER TRAINING

I am writing to you about an issue which is central to our policies to improve the quality of education, and also of great urgency.

In March 1983, with the approval of colleagues, Nick Edwards and I published a White Paper (Cmd 8836) on Teaching Quality. In paragraphs 63-68 and Annex B we set out new plans for the approval of teacher training courses (for which we have a statutory responsibility) and for the introduction into the colleges of experienced school teachers to assist with the selection and training of teachers. We followed this up in the Manifesto in May by saying (page 29) "We are not satisfied with the selection or the training of our teachers. Our White Paper sets out an important programme for improving teacher training colleges."

In December Nick and I consulted the local authority associations and others on a draft circular which announced our intention to establish a Council for the Accreditation of Teacher Education (CATE) to advise us on the approval of teacher training courses in England and Wales. The draft also set out criteria for the approval of courses, and emphasised the need for closer links between colleges and schools. The Department's covering letter said that "it is not intended that the new arrangements should lead to any net increase in the Government's plans for public expenditure" and referred to the redeployment of resources from less important activities. The Treasury and DOE had copies of both documents and offered no comments.

In January, with the Prime Minister's approval, I referred to these plans in a speech to the North of England Education Conference at Sheffield. I added "The aim is to complete the consultation process during next month February, with a view to the announcement of final decisions in time for the accreditation council to begin work in the spring."

Nick and I are now ready to make this announcement. The Prime Minister has approved the establishment and chairman of CATE. The circular has been amended in the light of comments from

the local authority associations (who, despite some misgivings about resources, generally support these plans) and others. When it is issued I propose to make it clear, in a Written Answer, that our intention is that the teaching force - which has declined already by 30,000 or 7 per cent in England alone since 1979 - should be better as well as smaller, in the words of the recent Green Paper on Public Expenditure, Cmnd 9189. I shall go on to say "To the extent that the policies set out in the circular may require local authorities and institutions to incur additional expenditure in future years ie after 1984-85, we will expect this to be contained within the provision for those years, including the cost of employing teachers." (It would not be appropriate to include these words in a circular to local authorities since some small additional costs will also fall on universities and other institutions which are not the authorities' responsibility.)

X | The Department sent the latest draft of the circular and of this Written Answer to the Treasury and DOE on 2 April and subsequently provided them with an estimate of the cost to local authorities ie about £3 million a year, mainly for the release of teachers from school to college, by the time the plans are fully implemented in 1986-87 or even 1987-88. The covering letter explained that we hoped to issue the circular before Easter. The Treasury acquiesced in the proposals. Your Department commented 9 April "We surely cannot keep piling extra duties and powers on to local authorities and expect to get away with the line that we expect authorities to contain extra expenditure within the existing PES provision." They went on to say that they would feel bound to advise you to question the need for our proposal in substance. They added that they would expect you to be particularly concerned about the proposal to issue the circular immediately when the Rates Bill is before Parliament.

I understand this concern, particularly since you and I both objected very recently to a proposal to change the rules about the numbers permitted to be carried on school buses in such a way as to add up to £10 million to the cost of school transport. But I think there is a crucial difference. The school bus proposal would have added substantially to costs without yielding any educational benefits. Our present proposal, as I have shown, lies at the heart of our educational policies; colleagues have endorsed it more than once; yet the cost to local authorities - only a fraction of £10 million - should be contained within our spending plans for 1985-86 and beyond. The Lords have now rejected by a good majority the amendment to the Second Reading of the Rates Bill; and it is time, over a year after Cmnd 8836, for us to make progress on teacher training.

The circular is now with the printers. We would propose to issue it on Thursday, after the Second Reading of the Paving Bill but before the House adjourns for Easter, so that CATE can be set up and start work. I would answer the Question on the same day. May I please ask you to let my office know by midday tomorrow, Wednesday, if you see any difficulty about this? I shall be grateful for your help in what I believe is a most important matter.

I am copying this letter to the Prime Minister, Nick Edwards and Peter Rees.

*Gordon Keir*

1934  
12 1 2 3 4 5 6 7 8 9 10 11

PRIME MINISTERMEETING WITH KEITH JOSEPH ON THURSDAY, 15 DECEMBER

Keith Joseph will wish to raise several issues, including:

- i. his new policy for schools;
- ii. proposed changes in the role of the MSC;
- iii. agricultural research.

i. Schools

*Flag A* You might begin by congratulating Keith Joseph on his new policies. But there is a real danger that his proposals will be watered down by the DES in the course of putting them into practice. We therefore suggest that you should dwell briefly on the need to avoid backsliding. In particular, we recommend that you should:

- stress the need for graded tests;
- press for firm and fast action to ensure that school governors are given proper financial information, and a proper amount of financial responsibility;
- *3* urge the DES to give governors a veto over all staff appointments;
- emphasise the importance of preventing LEAs from artificially limiting the intake of popular schools.

*Flag B* We attach a short paper explaining these recommendations.

ii. Changing the MSC

Keith Joseph will probably raise, once again, the possibility of bringing the MSC within the ambit of the DES. As well as rejecting the suggestion entirely, we suggest that you should:

- Emphasise the benefits of establishing a customer-contractor relationship between MSC and NAFE. Both employers and trainees in YTS schemes agree that the training offered by NAFE is at present lamentable: the only available way to improve it is to establish the MSC as an effective and demanding customer for NAFE.
- Insist that the point of making the MSC an effective customer would be lost if (as Robert Armstrong suggests) LEA employees were seconded to the MSC to run the NAFE programme. Why let poachers turn gamekeepers?



- Rebut the idea that a large transfer of funds to the MSC would make LEAs less willing to "co-operate" with the Government.  
You could make two arguments:

- a. LEAs that are running decent NAFE courses will continue to be funded, since the MSC will "buy" these courses.
- b. LEAs cannot, in the long run, fail to "co-operate" with Government policies: the Government can wield the big stick if it needs to; and you have already shown that you are willing to do whatever is necessary to bring local authorities into line.

iii. Agricultural Research

Keith Joseph is worried about the inefficient way in which MAFF deals with the Agricultural Research Council. In discussing this issue, we recommend that you should:

- State the need for reductions in spending on Agricultural Research. At present, the Government spends £170 million per annum on R&D in agriculture, of which some £45 million goes to the Agricultural Research Council. This represents roughly 2 per cent of the total value of agricultural produce. The corresponding figure for industry is only 0.5 per cent. Why should we spend so much on subsidising over-production?
- Support Keith Joseph's desire to make the Agricultural Research Council more responsive to industry. You may wish to refer to Mr Halstead's excellent letter of 30 November, which points out the dangers of leaving the scientists to decide how to spend the money.
- Support Keith Joseph's desire to keep MAFF at arm's length from the ARC. The Ministry should say what research it wants done, and how much it wants to spend. The rest should be left to the Research Council.
- Agree that the Chairman of the ABRC should investigate the size of headquarters staff in all research councils, but stress that you will want particularly firm action in the case of the Agricultural Council.

OLIVER LETWIN

You should have in mind that you are to have a talk with Mr. Topping, Sir Michael Franklin and Lord Rothschild next week about the organisation of agricultural research. Sir Keith Joseph knows about his meeting but is not attending it - hence his minute of 13 December (in the folder below) PERB

Flag C

Flag D

PRIME MINISTER

MAKING SCHOOLS BETTER

It is important to bolster Keith Joseph's enthusiasm for his new policies, in order to reduce the risk of DES backsliding. You may therefore wish to press home a number of points at your meeting on Thursday

1. "Standards" and "Objectives". Keith proposes to announce the standards that pupils should achieve in key subjects before they move from primary to secondary school. It is vital that this announcement should NOT consist of pious statements about "self-development". By the end of primary school, pupils should be literate and numerate: the meaning of this demand needs to be spelt out, so that every primary school teacher knows what he is aiming at. Much the same applies in the case of secondary schools: "agreed objectives" should not be allowed to turn into mush. We need specific, subjecty-by-subject descriptions of what a pupil should learn.
2. O-Level and CSE. Keith wants to make pass-marks depend on absolute standards rather than on the percentage of examinees obtaining the mark. This is splendid, but it must not become an excuse for letting the present standard of O-levels slip. No decision has yet been made about proposals to merge O-level and CSE. We strongly oppose a merger. And any "harmonisation" should leave intact the O-level system of external examinees: CSE mode 3 (marked in schools) is a disaster.
3. Records of Achievement. Keith himself recognises that a mere list of a child's achievements is not enough. He wants to ensure that children take graded tests in the key subjects, on the same principle as piano-exams: the child takes grade I when he is ready for it, and then moves on to grade II - so that even the stupidest have a ladder to climb. And Keith wants to put the results of such tests onto the "records of achievement". But in the relevant paragraph of the official paper (paragraph 11) there is no explicit mention of graded tests. In fact, DES officials are pretty unenthusiastic about such tests; and they are positively hostile to the idea of testing literacy - the most important area of all. You may wish to strengthen Keith's resolve, (a) by restating that "records of achievement" are not much use without grades tests; and (b) by asking for the DES to produce a timetable for the introduction of tests in key subjects, including literacy. (The Policy Unit is working on this, and will be in a position to argue with DES officials in January, if necessary.)

1. More effective governing bodies for schools. This is the most important part of Keith's package. Giving parents more power over governing bodies, and governing bodies more power over schools, is the most effective way of applying pressure for improved standards. You may wish to press for faster and more effective action than the officials' paper suggests:

- (i) Financial information for governors. The present situation is scandalous: many LEAs do not tell Councillors, let alone governors, what the unit costs of their schools are. We have a strong suspicion that many Chief Education Officers do not know these facts themselves. Keith quite rightly wants to remedy this deficiency. But the officials' paper (paragraph 18 iv) suggests that we should take no action until the autumn of 1984 - and then only in the form of a circular asking LEAs what they are doing to inform governors about the costs of schools. You may wish to press for a Circular as soon as possible, instructing LEAs to provide such information quickly.
- (ii) Delegation of financial responsibility to governors. Delegating some control over finances saves money: when Hereford and Worcester allowed schools to keep and use any money saved on heating, £500,000 was saved in the first year. And financial delegation also allows schools to order their priorities - more on books, less on repainting the cafeteria. But officials propose to delay even enquiring into LEA practice until the autumn of 1984. You may wish to press for speedier movement: a rapid enquiry, combined with the results of the survey of LEA accounting now being undertaken by the Audit Commission, would put us in a good position to take action in 1985.
- (iii) Governors' powers over staff appointments. We believe that Keith should go further than he proposes. Instead of merely "entrenching" governors' present rights, he should legislate to give governors a veto over the appointment of both the head-teacher and junior staff.

DES officials say: (1) that an LEA needs to "manage its teaching force"; and (2) that giving governors a veto would lead to a series of appeals to the Secretary of State. We

reply: (1) that an LEA which has to impose a given teacher on a school against the will of the governors is not "managing" its affairs very well; and (2) that something is seriously wrong if LEAs and Governors cannot agree on appointments without appealing to the Secretary of State. You may wish to press Keith to give governors a veto over staff appointments.

5. Protection of Popular Schools. At present, an LEA can keep popular schools at 20 per cent below their capacity, in order to prop up unpopular schools. Bob Dunn and Stuart Sexton have argued vigorously for this power to be reduced. Keith has accepted this view in principle; but officials are now arguing against any significant change. You may wish to strengthen Keith's resolve, by pointing out that this change will have an important effect on the ability of the system to respond to parental preference.

#### Principal Recommendations

We recommend that you should;

- stress the need for graded tests;
- press for firm and fast action to ensure that governors are given proper financial information, and a proper amount of financial responsibility;
- urge Keith Joseph to give governors a veto over all staff appointments;
- emphasise the importance of preventing LEAs from artificially limiting the intake of popular schools.

OLIVER LETWIN

CONFIDENTIAL



FILE

R57

10 DOWNING STREET

*From the Private Secretary*

12 December, 1983

MAKING SCHOOLS BETTER

The Prime Minister was very grateful for your Secretary of State's minute of 9 December on "Making Schools Better".

The Prime Minister considers that the policies set out in that minute are very exciting, and they have her full support.

(David Barclay)

J.F. Bird, Esq.,  
Department of Education and Science

CONFIDENTIAL

MR

9 December 1983

Policy Unit

Prime Minister

Agree to support  
Sir Keith's proposals?

PRIME MINISTER

MAKING SCHOOLS BETTER

Dub  
9/12

Our earlier comments were too pessimistic. Keith has come up with a genuinely exciting list of proposals (which Oliver Letwin has had a good deal to do with).

The important thing is to build on the splendid possibilities suggested in Keith's minute and not let them be eroded by the quibbles already surfacing in the officials' note.

We shall give you a detailed analysis later. But for the moment, we believe that the first step is to give Keith the most wholehearted backing.

FERDINAND MOUNT

fm

Very exciting

- full support

- don't let dept

water down your  
excellent proposals

mf

most grateful  
plus is very  
exciting, add this  
in PM 9/12

See  
minute  
attached.

PRIME MINISTER

Making Schools Better

## 1. My aims are:

- to raise standards for all pupils in our schools within the lifetime of this Parliament;
- to ensure that they go on rising thereafter;
- to increase parents' influence over, and sense of responsibility for, their children's education.

2. We hoped that vouchers would be a practical way to fulfil these aims. We have now abandoned that route. I have therefore developed a new set of policies, designed to affect all aspects of the maintained school system. These include:

- i. New standards for 11 year-olds. I shall be announcing standards which pupils across all abilities should have achieved in key subjects when they move from primary to secondary school. (9)\*
- ii. A target for 16 year olds. I shall announce a wholly new aim: that 80 - 90% of pupils should achieve at least the "average" standards now associated with CSE grade 4. (11)
- iii. Agreed objectives in key subjects. I shall develop objectives, to be applied by primary and secondary schools, which define the skills, competence and understanding to be acquired by pupils across the ability range in all the key subjects. (8-9)

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\*Numbers refer to paragraph numbers in the attached note by officials.

- iv. Improvement of 'O' level and CSE. The present academic level associated with O-level grades should be retained; but all examination grades should be linked with absolute standards, not with 'norm-referencing', so that pupils pass or fail because of what they can or cannot do, rather than because they fall into a given pecentage of those examined. (10-11)
- v. Records of achievement. I have already started the process of giving every child a record of his achievements at school. Graded tests should be one element in these records. (11)
- vi. Teaching methods. I intend to hammer home the need for a shift in classroom practice away from over-dependence on sterile written assignments and worksheets towards practical and oral work and improved whole-class teaching - differentiated within schools for different sorts of pupil. (12)
- vii. Improved training and management of teachers. I am acting to approve only good-quality, practical teacher-training courses; to avoid children being taught subjects by those not competent; and to get more teachers in post regularly assessed. (13-14)
- viii. A probationary period for head-teachers. I intend that head-teachers should be required to satisfy a rigorous assessment of performance after two years, before their appointments are confirmed. (16)
- ix. More effective governing bodies for schools. I intend:
- to give parents a majority on the governing bodies of county schools and, with the foundation governors, of controlled schools; (17-18)



- to ensure that governors are properly informed about the costs of their schools; (18(iv))
  - to get local authorities to delegate more financial responsibility to governors; (18(iv))
  - to entrench governors' powers over curriculum, discipline, and appointment of staff; governors of all maintained schools should have at least as much power as they were intended to have under the 1944 Act. (18(ii))
- x. Protection of popular schools. I am discussing with Philip Merridale the possibility of amending the current legislation to reduce LEAs' discretion to reduce the size of popular schools. (19)

3. I shall act through circulars, direct action with LEAs and through HMI's published reports (which are having a visible effect on good and bad schools alike). But we need a Bill on governors and parents in 1985/86. (24)

4. Extra costs should be met by offsetting savings. I have set in hand a review of school-staffing. (22) I am considering how to absorb, within the DES, the additional work which was not provided for in the staff numbers agreed to 1988.

5. These policies should in time raise standards of conduct among our young people - for instance, by reducing boredom and frustration and increasing success. (21)

6. I should be glad to know that you support the general thrust of this plan. I shall be announcing on 6 January, at the North of England Conference, the new aim in paragraph 2.ii and some of the means proposed. From then on I shall firm up the details of my plan. Over the next months I shall be consulting colleagues and outside interests with a view to a White Paper in the second half of 1984 and legislation in 1985/6.

K.J.

9 December 1983

## STANDARDS IN SCHOOLS

1. This note briefly summarises present deficiencies in the performance of the schools, and presents a programme of action to correct them. Some of the proposed actions can be taken relatively quickly. Their combined effect will inevitably take time to work through the system.

### Deficiencies

2. The surveys of schools carried out by HMI over the last few years, together with other work including the collection of evidence from other countries, now makes it possible to identify more precisely than before deficiencies in the schools and action likely to correct them; as well as those things that are good and which should be maintained and spread through the system. It is now possible to document the analysis in the next five paragraphs in such a way as to carry conviction within the education service, and with employers and the public. Despite the evidence of these deficiencies, which justifies the widespread criticism of recent years, it should also be recognised that many parents warmly support the schools their own children attend, and many employers say that they successfully recruit school leavers of the quality they require.

3. Many school pupils, especially but not only among those of average and lower ability, achieve less than they should throughout their primary and secondary schooling and across much of the curriculum. This is true of their ability to use language effectively, in speech and in writing; of their ability to apply basic mathematics; of their understanding of science and its applications, and of the development of practical/technological skills and understanding. The last of these is especially important in the case of higher ability pupils.

4. Many pupils, when they come to leave school, are not equipped with as broad an educational base as they should have, either in terms of learning and skills or in terms of the development of personal qualities, for employment, training or further and higher education. This is true even in the case of many with relatively high ability who are successful in obtaining employment or in further or higher education. Moreover, many school leavers are neither as well prepared for adult and working life as they could and should be nor are they equipped with an adequate understanding of its economic and other realities.

5. Evidence about the standards achieved by West German school leavers, reported by HMI who recently visited the Federal Republic, is important. HMI describe these standards as impressive, particularly those of less able pupils who appear to perform better across some seven or eight subjects than do similar pupils here. These higher levels of attainment appear to result in large measure from a combination of setting clear and attainable goals for the broad mass of pupils; the existence of agreed, broad curricular objectives and guidelines on which pupil assessment is based; and the linking of those to different levels of qualifications which are respected and understood by pupils, teachers, parents and employers.

6. Against this background, and in the light of HMI evidence, the deficiencies in English schools appear to result to a substantial extent from the following causes

- i. In many schools, and in many classrooms, learning objectives are not sufficiently clear, fail to differentiate sufficiently between levels of ability, and yet often fail to demand enough from all pupils, including those deemed to be most and least able.

- ii. This is true of primary and middle schools where, for example, some schools show a tendency for teachers' demands and expectations to focus on the average in a class. There is a widespread need for effective assessment, and for agreed targets for all pupils to fill the need which the eleven plus used to meet for some pupils. But it is also true for many secondary pupils, and is in marked contrast to some of our competitors.
- iii. Many primary schools also fail to exploit the potential value of actively involving parents in pursuit of specific targets, and more co-operation is needed between secondary schools and employers. Syllabuses and teaching methods for all secondary pupils are too heavily influenced by an examination system geared to pupils of high ability, and involve too theoretical and narrow an approach to the curriculum for many of them.
- iv. By comparison with our competitors schools overdo written copying and assignment work, which is often intended to match individual needs yet fails to do so, and provide too little whole-class teaching and oral work, varied in pace and style.
- v. Too often the examination system operates so as to deny pupils recognition for their achievements or to exclude them from further participation in some aspect of education or employment - in contrast to West Germany, for example, where the aim is to ensure that 90% of school pupils receive a certificate which qualifies them for further education or employment. Yet at the same time the standards achieved by our best pupils, within the limits of the relatively

narrow A level based curriculum provided for them, compare favourably with the best achieved in both West Germany and other European countries.

- vi. Too many of the teachers lack both the quality of academic background and some of the professional skills needed in the schools today, and there are weaknesses in management in some schools and local authorities. One particularly disturbing result of these weaknesses is that far too many teachers have too low an expectation for some or all of their pupils so that these are not sufficiently stretched in the interest of reaching their potential.

#### Proposals for action

7. To remedy the deficiencies described above will take time. We are seeking to improve the output from a process which takes at least eleven years for each individual pupil to pass through. Each stage makes its own important contribution. Moreover the remedial action must not damage what is currently good, particularly the standards associated with the higher O level grades and the A level examinations. What is needed is a curriculum, together with appropriate methods of delivery and assessment, which will stretch and motivate the great majority of children from the beginning of the primary phase to the end of their secondary education, and enable them to leave school properly prepared for employment or further education, and the responsibilities of adulthood, in accordance with their abilities and aptitudes. Such a curriculum would be welcome to parents and employers alike. The Government can harness their influence in the firm action it now needs to take to bring about the necessary changes.

#### Curriculum

8. Action is in hand to require LEAs to report on their policies for the school curriculum in the light of the guidance

given by the Department two years ago; by mounting pressure on the education system to make a reality of the recommendations of the Cockcroft Report on Mathematics; by developing guidance on science and foreign languages; by various current initiatives (including (i) the TVEI, (ii) the micro-electronics in education programme, and (iii) lower-attaining pupils programme) which will help to make the curriculum more practical and applicable; and by the introduction of the Certificate of Pre-Vocational Education. Every school should offer a curriculum which is broad but which concentrates on the essentials in each subject area, differentiates for variations in the ability of its pupils but stretches them all, and develops their personal qualities and standards of conduct, the competence needed to cope with a fast-changing world and the necessary grasp of its economic and other foundations.

9. The next step should be the rapid development of agreement between the Government, the education service and its users on the objectives to be pursued in each aspect of the curriculum, and on the levels of skill, competence and understanding to be secured by the end of the primary phase and at age 16. As regards the primary phase the development of objectives for the main subjects will enable the Secretary of State to announce overall objectives to be attained by pupils when they transfer to secondary education.

#### Examinations and assessment

10. The influence of the examination system on the schools is very strong and is crucial for standards in the later years of secondary education. The work now proceeding on national criteria for 16+ examinations will, once the criteria are applied in practice, improve both the examinations and the curriculum by clarifying and promoting the objectives outlined in paragraphs 8 and 9. But it is nevertheless desirable now to set a more ambitious target for pupils' attainments

at age 16, and to begin the task of reshaping the ground rules of the 16+ examinations so that these can reflect and acknowledge the higher attainments school pupils as a whole should achieve, while ensuring the retention of the standards associated with both A level and O level Grade C (the pass level).. At present the CSE Grade 4 is explicitly "norm-referenced" in that it is defined as indicating the standard of attainment in any subject expected from a candidate whose ability in that subject is average for the 16 year old age group as a whole. This explicit norm-reference, the only explicit "standard" in the present school examination system, carries an influence beyond its worth.

11. The move, already initiated, towards making the grades awarded in the 16+ examination more "criterion-referenced" ie to relate these grades more directly to specified, absolute levels of attainment, is of great significance in the longer term. In particular, it will make it possible to set the education service the target of bringing something like 80-90% of all pupils to a level of attainment not less than the level currently associated with CSE Grade 4, at least in English and mathematics, and preferably in other subject areas as well, and to give public recognition to progress towards that target through the award of examination certificates. This target also implies levels of attainment for pupils of average ability well above the obsolete standard now associated with CSE Grade 4, and the attainment by a higher proportion of pupils of the standard now associated with the O level Grade C (the "pass" grade for O level) and by O level grades A and B. The Government's initiative on records of achievement for all school-leavers, using Education Support Grants, will complement such an approach to examination attainment by encouraging schools and enabling employers to take other achievements of pupils more seriously, requiring teachers to assess pupil progress more systematically in relation to examinable and non-examinable learning, and helping to motivate pupils.

## Teachers and teaching methods

12. These improvements in the curriculum and its assessment will both encourage and need some changes in the working practices of schools. We now have strong evidence from HMI, experience in other countries, and the Cockcroft Report on Mathematics, that many schools would serve their pupils better if they adopted more clearly differentiated learning objectives for different groups of pupils, made explicit the progression and continuity needed for successful learning, and at the same time fitted teaching styles to the task in hand in particular in the better use of whole-class and oral work. There is at present too much indiscriminate use of individual worksheets within classes of pupils working at different speeds where the more able simply do more of the same rather than tackle something progressively more demanding. This points, particularly in secondary schools of all types, away from mixed ability approaches and towards organisation in relatively homogeneous groups. This organisational emphasis, moreover, is likely not only to facilitate higher overall educational standards but also to be less demanding on resources. The Secretary of State has no power to impose these changes, but a firm policy statement, based on solid evidence and resolutely followed up through the Secretary of State's power to require reports from LEAs and the publication of HMI reports, will have a strong influence, especially if school governing bodies, with much stronger parent representation (see paragraph 1g), are enabled and encouraged to take an active and informed interest in the work of the schools.

13. The Government's plans for teacher training and amendment of the teachers regulations set out in Teaching Quality (Cmnd 8836) will help to ensure that the skills and qualifications of individual teachers and their teaching programmes are properly matched. The Secretary of State intends shortly to announce the new arrangements for the approval of initial



teacher training courses, and the criteria to which they will have to be subject. These arrangements will make it much more difficult for unsatisfactory teachers to enter the profession, and ensure that training is more practical and school-based. Working them out in practice will require steady effort over two or three years.

14. The Secretary of State's minute of 25 October to the Prime Minister (endorsed in the 31 October letter from the Prime Minister's office) set out his proposals for improvements in the management of the teacher force.

15. Further action is however needed to help ensure that head teachers are the best that can be found, are trained to manage, and that those who prove unsatisfactory do not remain in post. The report from a DES-financed research project on the appointment of head teachers (the POST project) is about to be published, and is to be studied at a conference early in 1984. The findings are controversial, but nevertheless a cause for concern. There is also some evidence of undue political influence on some appointments, of assistant teachers as well as heads. Appointment procedures need to be made more open and more clearly dependent on professional suitability for the posts to be filled.

16. In addition, on the Secretary of State's instructions, the Department is giving urgent attention to the practicability of introducing a probation scheme for newly appointed head teachers of maintained schools. This would require the employing authority to inform the Secretary of State of such new appointments and to certify satisfactory performance in post on the basis of a proper assessment, over probably a two year period, before the head's appointment could be finally confirmed and taken off the probationary list. The authority would be required to dismiss from the post any head who failed this probationary assessment.

## Parents and governors

17. These initiatives should be complemented by making more effective the influence which parents and school governors exercise. It has already been decided to bring the school government provision of the 1980 Act fully into force by September 1985.

18. It is now proposed:

- i. to strengthen parental representation on the governing bodies of county and controlled schools to deny the majority to LEA appointments giving this instead to the parents of children at the school elected by their fellow parents together with, in the case of controlled schools, the foundation governors. (The composition of the governing bodies of aided schools would not be changed).
- ii. to legislate a new statutory framework for the government of county and controlled schools which will entrench the powers of governors in relation to the LEA in respect of the conduct and curriculum of the school and in relation to discipline. In all this the LEA would retain a limited role consistent with the duty to secure the provision of sufficient and efficient education. The legislation would also secure that (contrary to some present arrangements) governing bodies are always involved in the appointment of head teachers and (subject to any voluntary delegation to the head) of all other teaching staff, on the basis of broadly defined procedures which preserve the LEA's ultimate right to insist on the appointment of a particular person in the interest of fitness and the management of its teachers. Such arrangements could not prevent a determined attempt to politicise staff appointments but would introduce helpful safeguards.

- iii. Governing bodies should be required each year to circulate to all parents of pupils at the school a report on the discharge of their responsibilities; and to submit themselves subsequently to questions and discussions at a meeting open to all such parents.
  
- iv. In the Circular issued in the autumn of 1984 about the school government provisions of the 1980 Act, LEAs should be asked to report on what they are doing to ensure that governors are properly informed about the costs of their schools, on the scope for delegating more financial responsibility to governing bodies as one means of securing value for money, and on their arrangements for appointing suitable governors and ensuring that governors are fully aware of their powers and are appropriately trained to exercise them effectively. This would pave the way for more detailed guidance, following the legislation envisaged in (i)-(iii) above, about the functions of governing bodies in the light of that legislation.

19. In the interest of increasing parental choice:

- i. Subject to informal consultation yet to be carried out it is proposed to limit still further the freedom of LEAs to reduce the size of popular schools at a time of falling school rolls without the approval of the Secretary of State on the basis of a statutory proposal under Section 15 of the 1980 Act;
  
- ii. it is intended to consider for the years after 1984-85 the possibility of a modest extension of the Assisted Places Scheme, if resources can be found.

20. The Secretary of State is exploring with the Church of England whether they wish to seek a power to enable controlled schools to achieve aided status, with a view to further consideration of this possibility.

#### Standards of Conduct

21. There is research evidence to suggest that a school which offers good education has a beneficial effect on conduct in the community it serves, outside as well as inside the school. The Secretary of State intends shortly to issue a circular to LEAs as the first step in a sustained initiative to make the Education Welfare Service perform more effectively its main role of improving school attendance.

#### Resources

22. Some of these intended improvements will tend to increase the resources required for schools. TVEI schemes, for example, already point in the direction of more equipment and lower pupil/teacher ratios for some pupils at certain stages. At the same time it is clear that existing resources are not always used to best advantage. Too much of the overall improvement in pupil/teacher ratios from around 22:1 in the early 1970s to 18:1 today has been absorbed by uneconomically small schools and a general reduction in teaching group sizes. The Secretary of State has accordingly set in hand a Departmental review of the changes in working practices in the schools associated with this change in pupil/teacher ratios, and the extent to which these are justified by quality considerations and the inescapable effects of contraction. This, together with current work on the curriculum, may enable the Government to establish a clearer policy on what school staffing standards should be. Some of the cost of the necessary improvements can, and should, therefore, be found by economy and redistribution of local authority expenditure on schools; some of the improvements may take longer than desirable because of resource constraints.

### DES Manpower

23. The proposals set out above in relation to governing bodies and parents will add to the Department's workload. They will require the specific assignment of DES manpower for their initial introduction and subsequent administration, for which provision has not been made in existing plans for DES staff numbers to 1988. The Department's aim will be to find the resources to permit the proposals to go forward by compensating savings elsewhere in the DES programme.

### Legislation

24. The proposals in paragraph 18(i)-(iii), and in paragraphs 19 and 20 will require legislation, much of which is likely to be complex as well as controversial (in that it would diminish the powers of LEAs in favour of governors and parents) Thorough consultations and technical preparation would be essential. The Bill could be ready for the 1985-86 Session and its provisions in force in September 1987.



DEPARTMENT OF EDUCATION & SCIENCE

Elizabeth House York Road London SE1 7PH

Telephone 01-928 9222

The Permanent Secretary  
D.J.S. Hancock

note

Enclosures  
filed in  
separate  
folder.

610

Discussed with Mr. Hancock on 19.10.  
Pl. file letter on education file. Enclosures  
can be destroyed.

19 July 1983

Dear Robin,

FERS  
20.10

STANDARDS IN EDUCATION AND COMPREHENSIVE SCHOOLS

I am looking forward to meeting you for lunch on 3 August to continue our discussion about state education and standards. I am writing to register a few points in advance.

2. First, while large schools certainly present some distinct problems, I would not wish it to be thought that large comprehensive schools have destroyed the traditional relationship between teachers and pupils thus leading to a fall in standards and discipline and the problems of the inner cities. As a broad generalisation, a small school is well placed to promote a good ethos, discipline, and the right relationship between teachers and pupils; but a small school needs disproportionately more resources (particularly staff) if it is to provide education of sufficient breadth, depth and pace for the whole ability range. Conversely, a large school is well placed to offer the required curriculum for the whole ability range but has special problems of ethos, discipline and teacher/pupil relations; it is also harder to manage and organise. All this has implications for the inner cities, but most pupils of comprehensive schools do not live in the inner cities.

/3. To

F E R Butler Esq  
10 Downing Street  
LONDON SW1

3. To illustrate the points made in para 2 above, I enclose three documents:-

- i. a table showing the percentage of comprehensive schools with more than a thousand pupils in the metropolitan areas. The average for all England is 39.5%. You will see that Liverpool is about average, Merseyside as a whole below average, ILEA below average and Birmingham well below average;
- ii. a copy of the HMI paper; "Ten good schools". Please read the passages about large comprehensives on pages 10-11 and 12-13;
- iii. a copy of HMI's latest publication, which happens to be about art in secondary education. You will see on pages 2-3, 10-11, 30, 33, 46-47 and 54 examples of art work done by pupils of comprehensive schools with more than a thousand pupils.

4. Next, a few comments, if you will bear with me, on the merits of easing out very weak teachers and in-service training. You gave me the impression that you thought that the former was obviously more desirable as a policy than the latter. The main point I wish to make is that they are not alternatives: the best teachers, like the best civil servants, can benefit from in-service training; and there are also some in both professions whose performance justifies dismissal. It is perhaps less easy to conceal an ineffective teacher than an ineffective civil servant.

5. Local authorities agree with the Government that ineffective teachers should be dismissed, although opinions about the degree of ineffectiveness that merits dismissal no doubt vary. Some ineffective teachers are dismissed. If dismissal were easier to

/effect,

effect, no doubt more ineffective teachers would be dismissed, and this would be all to the good. Improvement of local authority performance here is one of the priorities in our work on the management of the teacher force, linked with our work on the teachers' salary structure. Complex negotiations between the local authorities and the teacher unions will be required both locally and nationally, and the current employment protection legislation is relevant. We should not expect rapid progress.

6. Even if we could bring about the dismissal of, say, the least effective 5% of the 400,000 strong school teaching force, it would be rash to suppose that this would transform the quality of the school system. Some of these teachers could indeed be quickly replaced by better teachers. There is currently a small surplus of newly trained teachers, and also a flow of returners to school teaching which could probably be increased. But some of the weaker teachers, particularly in secondary schools, are teaching subjects where there is little if any spare supply or are teaching in schools which still have difficulty in recruiting staff. (It simply is not true that there is an army of superb teachers lying waiting in the wings deterred only by rules that require mathematical geniuses to have PGCEs. The actual rules are set out in the note attached as an annex to this letter. Mathematics is a shortage subject so far as teachers are concerned, and, if a highly competent mature teacher of mathematics is rejected by a local education authority, it is certainly not because the rules prevent recruitment.)

7. The case for in-service training is that it is a way of improving the performance of the entire teaching force including the best. For example, suppose we were to manage to get rid of the worst 5% of our teachers and to replace them with superbly trained teachers of above average quality, we should still have some 400,000 existing teachers of varying ability, all of whom have something to gain from in-service training.



8. Among the benefits of in-service training I would stress the following:

- i. Keeping subject knowledge up to date, and strengthening the subject knowledge of those whose initial training was limited both in length and content. Although entry to teaching is now effectively an all-graduate matter, some half of the 400,000 teachers in our schools are still non-graduate.
- ii. Helping teachers to adapt to changes in the school curriculum made in the light of developments either within or outside the education system - for example, closer relations with industry; the near-universal desire to make the curriculum more practical for the whole ability range; and the implications of the microelectronic revolution.
- iii. Preparing teachers for promotion and special work (such as careers guidance, headships and deputy headships).

9. It is in-service training that provides some of the best opportunities for teachers to learn from and to be inspired by their colleagues in other schools. It is in-service training that provides some of the most effective dissemination of the massive accumulation of evidence of good practice which is contained in HMI reports and recent research into what children of different ages and abilities can be expected to be able to learn and what they find easy and difficult - eg the Cockcroft Report on Mathematics and the work of the Department's Assessment of Performance Unit. Appropriate in-service training is one of the crucial ingredients of our plans for making the school curriculum more practical, more stimulating, and more apt for pupils at either end of the ability range.

/10. I am

10. I am sorry to have inflicted such a long letter on such a busy man. But education policy is, like other policies, complex, and, as with other policies, misunderstandings can too easily arise because of different unspoken assumptions about the diagnosis of the problems and the relative merits of different ways of dealing with them. I therefore thought it worth setting out the above on paper before our talk.

*Yours,*

*David.*

D J S HANCOCK

## LIST OF LOCAL EDUCATION AUTHORITIES (for recording purposes)

Percentages of <sup>comprehensive</sup> schools with 1001 or over pupils in each LEA.

	A	B			
	No. of schools with 1001+	Total no. of comps.	A as %age of B.		
301	Barking				
302	Barnet				
303	Bexley				
304	Brent				
305	Bromley				
306	Croydon				
307	Ealing				
308	Enfield				
309	Haringey				
310	Harrow				
311	Havering				
312	Hillingdon				
313	Hounslow				
314	Kingston-upon-Thames				
315	Merton				
316	Newham				
317	Redbridge				
318	Richmond-upon-Thames				
319	Sutton				
320	Waltham Forest				
OUTER LONDON BOROUGHES					
427	Inner London	52	151	34.4	
GREATER LONDON					
330	Birmingham	22	100	22.0	
331	Coventry	17	21	80.9	
332	Dudley	5	27	18.5	
333	Sandwell	12	27	44.4	
334	Solihull	11	19	57.9	
335	Walsall	14	20	70.0	
336	Wolverhampton	11	21	52.4	
WEST MIDLANDS					
		92	235	39.	

		A	B			
		No. of schools with 1001+	Total no. of comps	A as a %age of B.		
340	Knowsley	6	19	31.6		
341	Liverpool	12	30	40.0		
342	St Helens	7	18	38.9		
343	Sefton	11	27	40.7		
344	Wirral	4	16	25.0		
MERSEYSIDE		40	110	36.4		
350	Bolton	5	11	45.5		
351	Bury	—	20	—		
352	Manchester	16	42	38.1		
353	Oldham	11	17	64.7		
354	Rochdale	6	18	33.3		
355	Salford	4	28	14.3		
356	Stockport	12	23	52.2		
357	Tameside	4	24	16.7		
358	Trafford	—	1	—		
359	Wigan	12	27	44.4		
GREATER MANCHESTER		70	211	33.2		
370	Barnsley	7	21	33.3		
371	Doncaster	12	19	63.2		
372	Rotherham	11	21	52.4		
373	Sheffield	22	38	57.9		
SOUTH YORKSHIRE		52	99	52.5		
380	Bradford	10	24	41.7		
381	Calderdale	4	7	57.1		
382	Kirklees	15	26	57.7		
383	Leeds	21	51	41.2		
384	Wakefield	12	20	60.0		
WEST YORKSHIRE		62	128	48.4		
390	Gateshead	8	17	47.1		
391	Newcastle upon Tyne	12	15	80.0		
392	North Tyneside	2	15	13.3		
393	South Tyneside	6	16	37.5		
394	Sunderland	12	24	50.0		
TYNE AND WEAR		40	87	46.0		
METROPOLITAN DISTRICTS ENGLAND		1325	3358	39.5		

## GRADUATES AND QUALIFIED TEACHER STATUS

Under present regulations (Education (Teachers) Regulations 1982) graduates of universities in the British Isles or of the CNAAs, who acquired their degrees before 1 January 1970, are eligible to teach as qualified teachers, without formal teacher training, in any maintained or special school in England and Wales. Those who graduated after 1969 but before 1 January 1974 are similarly eligible to teach in any maintained secondary school.

More recent graduates are in general required to have satisfactorily completed formal teacher training before taking up teaching posts in maintained schools, but graduates in shortage subjects (mathematics and science) who have been offered teaching posts in maintained schools are at present exempt from this requirement. As announced in paragraph 72 of the White Paper "Teaching Quality", however, the Secretary of State intends to remove this blanket exemption from training after 31 December 1983. It will still be possible for new and recent untrained graduates in mathematics and science to be recognised as qualified teachers, but in individual cases and on supply grounds on the recommendation of local education authorities. This change will not affect pre-1970 and pre-1973 graduates in any subject who will continue to be eligible for qualified teacher status as described above.

NOTE FOR THE RECORD

The Prime Minister discussed with Mr. Hancock on 6 July the paper "Education Policy in Perspective" submitted by Mr. Hancock to his Secretary of State after the election, which Sir Robert Armstrong had shown the Prime Minister.

The Prime Minister said that she had been worried about the paper, which did not seem to her to show sufficient recognition of the need to ensure that children achieved basic standards of literacy, numeracy and articulation. She had always felt that the achievement of these standards had been damaged by taking children out of primary school into "conveyor belt schools": if they were to be improved attention needed to be paid to size of schools, the the significance and importance of the child within them and continuity by teachers. It was not a question of a wider curriculum or smaller classes: it could be said that present education was too diffuse and research had shown that children often responded better, eg in learning to read, in large classes where they reacted to each other. Mr. Hancock's paper appeared to be looking only for more money in order to solve problems rather than tackling the underlying obstacles to improvement.

Mr. Hancock said that the paper was only one of several briefs put to the Secretary of State and that others covered, for example, value for money in detail. Some subjects, for example, graded tests, could only be covered in a very summary way in this paper. Measures were being taken to improve basic standards: for example, the Secretary of State would be introducing the concept of "benchmark standards" in a speech to the Council of Education Authorities in the following week. In order to get the improvement in teaching which the Prime Minister wanted, more would have to be spent on in-service training.

The Prime Minister commented that no amount of in-service training would turn a bad teacher into a good one. The best way of improving standards of teaching would be to find a means of getting rid of incompetent teachers: this would greatly improve

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- 2 -

the standards of the rest. Mr. Hancock said that the possibility of introducing a compulsory redundancy scheme was one which he would be considering.

Mr. Hancock said that the Secretary of State had a lever in approving teacher training because no teacher could be regarded as qualified except as a result of a course which the Secretary of State had improved. This power would be used to define standards for courses and withdrawal of the Secretary of State's approval from those which did not qualify. He wanted to expand the Inspectorate so that all teacher training courses could be covered within two years. Mr. Hancock added that falling rolls had made some grammar schools and village schools non-viable: a report was to be published in the following week on the Boys' Institute in Liverpool which would show that this had fallen to a deplorable standard. It would therefore be necessary to deal with some of these schools, as well as with inadequate comprehensives.

The Prime Minister said that she was not satisfied that teachers either in comprehensive schools or in further education spent enough of their time in teaching. There was more to be got out of the education system by approving value for money than by putting in extra funds. Children also needed to have more exposure to employers and their requirements. There were improvements to be made in the selection of Head teachers, and there were lessons to be learnt from the fact that Northern Ireland, which had not been reorganised, had the best academic results in the United Kingdom. Her feeling had been that the staff of the Department of Education and Science, with one or two exceptions, did not feel inclined or capable of tackling the basic problems of the education service.

Mr. Hancock commented by assuring her that these problems were being tackled, but it would take time.

F.R.B.

6 July 1983

PRIME MINISTER

Attached is a Research Report by the National Council of Educational Standards by, amongst others, Caroline Cox, which analyses the 1981 examination results from 2,000 schools and 57 local education authorities. The results are very striking:

- (i) There are very wide differences in examination results between LEAs, e.g. pupils obtained three times as many 'O' levels in some LEAs as others. Nor is this simply a reflection of social class. Some LEAs have twice as good results as others in the same social class group.
- (ii) Grammar and secondary modern schools did better in the survey than comprehensive schools. Between them they did about 50 per cent better in areas where the social class mix is near the national average. A particularly spectacular result is that pupils at secondary modern schools did better in English than all the pupils in some 17 LEAs.
- (iii) There are, nevertheless, radical differences between comprehensives. Some comprehensives obtained up to four times as many 'O' level passes per pupil as others within the same LEA. There are similar differences between different subjects within the same schools.
- (iv) According to the survey, more money and more teachers do not necessarily mean better examination results. In some cases, areas with lower expenditure and higher pupil:teacher ratios produced better results.

/ I imagine



I imagine that, given its source and its results, the Report is likely to come under heavy attack, partially from the Lobby which maintains that exam results are not important at all, and partially from those who will not believe its results and therefore will attack its scientific validity. It does, however, provide valuable support for the Government's emphasis on more accountability of teachers and more information about school performance so that parents can make proper choices. The report is being published at noon tomorrow (Thursday).

D

29 June 1983

WITH  
RB?

PERSONAL AND CONFIDENTIAL

Ref. A083/1812

MR BUTLER

Mr Hancock has sent me privately a copy of a note prepared in his Department during the Election period for submission to an incoming Conservative Secretary of State. Mr Hancock thought that the Prime Minister --- might like to see it.

ROBERT ARMSTRONG

ROBERT ARMSTRONG

23 June 1983

I have told Mr. Hancock about this date. *Robin* *CF*  
 FEBS 1.7. 14.00 on *for*  
 Misc Stephen Wednesday *me*  
 6<sup>th</sup> Ch 3016  
 Can you pl. suggest a time  
 for Mr. Hancock to come to talk  
 to the PM about the attached.  
 FEBS  
 29.6.

ms

This note (by the Permanent Secretary and the three Deputy Secretaries) offers some general comments for a new Secretary of State on the English education system and on science. It deliberately does not discuss at any length the particular policy proposals in the government's election manifesto on which separate and specific briefs have been prepared. Instead, it aims to give an impression of certain key issues and to identify a major tactical problem with which the Secretary of State will have to come to grips at an early stage - namely how to conduct relations with the local education authorities.

The English educational system - good, bad or indifferent?

2. Most people think that education matters; but it is not possible to give a simple answer to the question how far the public outside the education system is satisfied with its performance. In some quarters our education system is sharply criticised and even saddled with most of the blame for the disappointing performance of the British economy since World War II. Rather oddly, the system is far less often given credit for the virtues of English life, such as the quality of our learned professions, our financial institutions, our retail system, our theatre and our music, for our remarkable record of Nobel Prize winners or for the respect for the rights of individuals and minority groups which, despite much published lapses, still impresses foreigners who live here. Some parents strongly criticise our schools, particularly for low standards of work and behaviour; on the other hand many parents seem remarkably satisfied. Employers speak with many voices, partly no doubt because their requirements vary greatly and because some are much more successful than others in recruiting those whom they think they need.

3. We accept that there are grounds for concern about a

number of aspects of our education system. We believe that the scope for improvement is very great: the system would be transformed if what the best institutions do for their pupils and students were to be matched by the rest. The principal points on which we believe the critics are justified are the following:-

- i. the premature and excessive specialisation in the education of our pupils and students and particularly the more able; the failure of many schools to stretch pupils at every point in the ability range and to fulfill the potential of the least able 40% of the school pupils; and the excessively "academic" (or insufficiently practical) bias of much of the school curriculum;
- ii the quality of our teacher training system; and
- iii. our relative failure to produce able and literate technologists and engineers capable of non-specialist as well as specialist careers.

What about  
basic standards  
of literacy and  
numeracy?

PERB  
MHI

4. Our concerns about our system are paralleled by similar concerns of those responsible for the education systems of other industrial countries. We see no valid grounds for believing that standards have in general fallen in this country or that the performance of the English education system, taken as a whole, is seriously defective by comparison with other countries or with other parts of the UK. Much pioneering educational work of great value and potential is done in England and this is a judgment internationally acknowledged.

They should  
have risen  
substantially

#### A national service

5. Most of what happens in the education system is

conditioned by the relationship between central and local government. By comparison with most other local services, the discretion of local authorities in relation to education is heavily circumscribed by statutory duties and important statutory powers vested in the Secretary of State. The education service is in many respects a national service, but its general direction by the Secretary of State relies as much on influence as on the exercise of statutory powers. The result is that much education policy is a continual push-and-pull between the claims of local autonomy on the one hand and the pressure on Ministers to use their national authority to secure improvements on the other. We believe that the new government will be obliged to move further in the direction of central control along the lines already laid down by the 1979-83 administration; but that considerable skill will be needed in the process - see further paragraphs 16-18 below.

Value for money

6. The Department is in many ways seeking to increase the educational return from the vast sums invested in the education system by taxpayers and ratepayers. Important recent developments have been the decision to publish HMI reports on formal inspections; the "Teaching Quality" White Paper; the creation of a National Advisory Body for local authority higher education; and the general guidance given to the UGC about the management of the university sector. More could be achieved if the Government accepted the case for a modest increase in resources in order to secure greater value for money in the system as a whole - for example, by an increase in the complement of certain key DES branches and a significant (but not dramatic) increase in the size of HM Inspectorate.

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why-

## Teachers

7. The English education system's most important resource is teachers. We are lucky to have teachers ready to accept responsibility to educate the whole person and to adapt to changing needs without waiting for directives from government. But in a number of respects the training and management of the teaching force leaves much to be desired. The proposals in the White Paper "Teaching Quality" seek to improve the calibre and training of new entrants to school teaching, and to match what teachers are qualified and trained to teach with what they are expected to teach. These proposals make new demands on the local education authorities to manage their teaching forces and they will require substantial changes in attitudes among both the authorities and their teachers. These changes will not be easily or quickly effected and will call for great determination and persistence on the part of Ministers and officials.

8. Linked with these matters is a need to increase the professional competence of teachers in post and to raise morale. Much of this the teachers should do for themselves by self evaluation. But more in-service training will be needed and the expectations which the government rightly have of the teaching profession may be incapable of realisation without some longer term improvement in its relative pay position and a reformed salary structure which will enable local education authorities more adequately to reward professionalism and responsibility. (The Burnham Committee has relevant work in hand.)

### Too many or too few resources?

9. Exactly how important resources are to the performance of the education system will probably always be a matter for debate. An increase in resources is not always a necessary

condition nor often a sufficient condition for a real improvement in quality - but that statement does not take one very far. There are at the moment signs of strain in all sectors of publicly financed education and much of the scope for redeployment has been used up in the last few years. Opportunities available to different sections of the population have tended to become more unequal in recent years. The fall in the school pupil teacher ratio that has occurred is a necessary accommodation to falling rolls.

10. Most of the policies which are designed to improve the curriculum offered to pupils and students imply some increase in unit costs. For example, the aim of making the school curriculum broad, rigorous and apt for each pupil, and with a strong practical element at all levels, implies more and smaller teaching groups, more in-service training, more support for teachers from non-teaching staff and more books and equipment. If such an increase in resources were made available, the government could legitimately ask teachers in return to accept sharper standards of appraisal and wider differentials in pay between the high and low performers.

Who's aim?

This is not realistic

3 The unit? Or what system?

11. Another example of an increasing claim on resources results from greater participation in education both immediately following the end of the compulsory school period at 16 and also in later life. If this development is to be encouraged more resources will sooner or later have to be provided.

Scientific Research and Technology Transfer

12. The recent substantial reductions in the funding of universities, following on a previous period of steady decline, have provoked claims that the country's scientific research capacity has been seriously eroded. The cuts have not in fact seriously affected the "Science Vote", which is the source of funds for the Research Councils; but Science Vote spending is not the whole story. The long-term effects

of what has happened to UGC finance are inevitably hard to assess; the "harder times" have done some good by compelling the universities (and also the Research Councils) to look more rigourously at how they manage their affairs. However, there is some hard evidence that a significant amount of first class research work is not going ahead through lack of funds and that the quality of work in laboratories, even in some cases the best centres of research, is suffering from under-provision?. The Secretary of State may therefore need to consider, at an early stage, whether the planned level of funding of scientific research is adequate. → Ps. what?

13. At the applied end of the spectrum of scientific and technological research lies the vexed issue of technology transfer. It is widely believed that the achievements of pure science in this country are poorly translated into industrial products. Improvements in technology transfer are therefore being sought through a range of endeavours initiated chiefly by higher education institutions and the Science and Engineering Research Council. Ministerial support - from DES as well as DOI- can significantly enhance the efforts of those directly involved in higher education and in industry.

#### Priorities for early action

14. Among the many policy questions on which the new Secretary of State will need to take early decisions, we should like to call attention, in particular, to the following:-

- i. The proposal endorsed by the previous government for a new Act to give the Secretary of State power to make grants to local authorities in order to further particular national objectives (Education Support Grants).



- ii. Improvements in our system of examinations and qualifications and its effect upon the curriculum.
- iii. Securing a shift in the curriculum towards technical and vocational education.
- iv. Improvements in teacher training for primary schools, secondary schools, special schools and further education.
- v. The future development of non-advanced further education (NAFE) both in the provision which it is increasingly having to make for the less able post-16 year olds and in the developments needed to remedy shortages in vocational skills and knowledge.
- vi. Future provision for the many types of adult and continuing education.
- vii. Future provision for higher education on both sides of the so called "binary line" [ie that between the universities on the one hand and the public sector institutions on the other].

What movement  
can they make  
without

competent teachers in 3 years? If not, why not?

### Leadership

15. Over time, progress in achieving a government's educational objectives is much influenced by the nature and quality of the leadership which Ministers give to the education system. The Secretary of State is, by the nature of his office, at the apex of the system in England and his leadership sets the tone and to some extent the pace. He has at his disposal important statutory powers, and the influence of his office. HM Inspectorate also

constitute an important instrument for improvement and change. The Secretary State will need to give early and explicit attention to the way he intends to discharge his leadership role.

*So write P.U.S.!*

Relations with local authorities - an urgent tactical problem

16. Many of the issues mentioned briefly in this note pose important problems for the government's relations with the local authorities. They are displaying signs of anxiety about what they see as a series of indications of policy changes that are likely to erode their relative power, for example:

- i. the proposed limits on rate increases;
- ii. the abolition of the Metropolitan Councils and the GLC;
- iii. rumours of proposals for "voucher" schemes;
- iv. Education Supports Grants (which would undeniably restrict local freedom of choice);
- v. greater central guidance - for example, over the curriculum.

*no time to do with education*

17. A great deal of what the government wishes to achieve depends on the co-operation of the local authorities. For example, the Secretary of State will shortly receive a submission about making local authority advisory services more effective. This is important for raising standards in schools and colleges; but it is not realistic to suppose that real progress will be made on matters of that sort without the active cooperation of the authorities.

18. Policy towards the authorities must therefore be considered as a whole. Piecemeal decisions could damage the chances of overall success.

STATEMENT

TUESDAY 12 APRIL 1983

HOUSE OF COMMONS

REFORM OF SCHOOL CURRICULUM AND ASSESSMENT IN SCOTLAND  
STATEMENT BY THE SECRETARY OF STATE FOR SCOTLAND  
(MR GEORGE YOUNGER)

WITH PERMISSION, MR SPEAKER, I WISH TO MAKE A STATEMENT ABOUT SECONDARY EDUCATION IN SCOTLAND.

ONE OF MY MAIN CONCERNS SINCE COMING INTO OFFICE HAS BEEN TO ADVANCE A DEVELOPMENT PROGRAMME DESIGNED TO INTRODUCE RADICAL NEW ARRANGEMENTS FOR THE CURRICULUM AND ASSESSMENT OF ALL 14 TO 16 YEAR OLDS AT SCHOOL IN SCOTLAND, BUILDING ON THE RECOMMENDATIONS OF THE MUNN AND DUNNING REPORTS PUBLISHED IN 1977. I GAVE FULL DETAILS OF OUR PROGRAMME IN RESPONSE TO MY HON FRIEND THE MEMBER FOR ARGYLL ON 31 MARCH 1980.

I AM GLAD TO HAVE THIS OPPORTUNITY TO PAY TRIBUTE TO THE STERLING EFFORTS OF ALL THOSE WHO HAVE TAKEN ON THE BURDEN OF THE DEVELOPMENT WORK SINCE THEN AND WHO HAVE ENSURED THE SUCCESS OF THE PROGRAMME. THE RESULTS OF THEIR WORK WERE FULLY REPORTED IN THE CONSULTATIVE PAPER "THE MUNN AND DUNNING REPORTS: FRAMEWORK FOR DECISION", WHICH I PUBLISHED IN SEPTEMBER LAST YEAR. I RECEIVED SEVERAL HUNDRED COMMENTS UPON THAT PAPER AND I AM VERY GRATEFUL FOR THE TIME AND THOUGHT WHICH WAS PUT INTO THEM. THE RESPONDENTS OVER-WHELMINGLY SUPPORTED THE PRINCIPLE OF THE INTRODUCTION OF THE ARRANGEMENTS PROPOSED IN THE PAPER. I HAVE CONSIDERED THEIR COMMENTS AND I HAVE DECIDED TO IMPLEMENT THE NEW SYSTEM ALONG THE FOLLOWING LINES.

I BELIEVE THAT THE 8 MODES OF STUDY PROPOSED BY THE MUNN COMMITTEE PROVIDE A CURRICULUM FRAMEWORK WHICH ALL SCHOOLS SHOULD ADOPT, TAKING ACCOUNT OF THE PARTICULAR NEEDS OF EACH SCHOOL AND ITS PUPILS. WITHIN THIS FRAMEWORK ALL PUPILS SHOULD STUDY ENGLISH, MATHEMATICS AND SCIENCE, AND THERE WILL BE CONSIDERABLE SCOPE FOR PUPIL CHOICE

OF OTHER SUBJECTS. I ACCEPT THE DUNNING COMMITTEE'S PROPOSAL FOR ONE CERTIFICATE FOR ALL PUPILS BASED ON THE 3 LEVELS OF SYLLABUS OF FOUNDATION, GENERAL AND CREDIT. PUPILS WILL BE ASSESSED AGAINST PERFORMANCE STANDARDS RELATED TO THE SYLLABUSES THEY ARE STUDYING. PRACTICAL SKILLS WILL BE ASSESSED INTERNALLY AT ALL LEVELS WHERE APPROPRIATE AND INTERNAL ASSESSMENT WILL ALSO BE USED FOR OTHER ASPECTS OF THE SYLLABUS OF THE NEW FOUNDATION LEVEL COURSES. IN THE LIGHT OF FURTHER EXPERIENCE OF THE USE OF INTERNAL ASSESSMENT FOR CERTIFICATION PURPOSES, I SHALL AT A LATER DATE REVIEW THE PLACE OF INTERNAL ASSESSMENT IN RELATION TO ALL THREE SYLLABUS LEVELS. MY AIM IN ANY SUCH REVIEW WILL BE TO MAINTAIN AND INDEED RAISE STANDARDS AT ALL LEVELS.

MY CONSULTATIVE PAPER LAST AUTUMN SET OUT A 4-YEAR IMPLEMENTATION PROGRAMME COVERING MOST OF THE SUBJECTS IN THE SCHOOL CURRICULUM. SEVERAL RESPONDENTS COMMENTED THAT THIS WAS TOO SLOW. IN VIEW OF THIS EVIDENT ENTHUSIASM TO PROCEED MORE QUICKLY AND IN ORDER TO MINIMISE THE TRANSITIONAL PERIOD I HAVE THEREFORE DECIDED TO IMPLEMENT THE NEW SYSTEM IN THREE YEARS RATHER THAN FOUR. THIS WILL BE DONE BY BRINGING INTO THE THIRD YEAR OF THE PROGRAMME ALL THOSE SUBJECTS ORIGINALLY PLANNED FOR THE FOURTH. IN ADDITION TO THESE CHANGES I HAVE DECIDED TO INTRODUCE GERMAN AT ALL 3 SYLLABUS LEVELS AND TO INTRODUCE ITALIAN, RUSSIAN AND SPANISH AT GENERAL AND CREDIT LEVELS IN THE THIRD YEAR.

ONE IMPORTANT ASPECT OF IMPLEMENTATION IS THE RESOURCES AVAILABLE TO SUPPORT THE PROGRAMME. IN THE CONSULTATIVE PAPER WE STATED THAT THE IMPLEMENTATION PROGRAMME AND OTHER PRIORITY CALLS ON STAFFING COULD BE CARRIED OUT WITH OVERALL NATIONAL STAFFING ABOUT 4% TO 5% OVER THE BASIC LEVELS SET OUT IN WHAT IS FAMILIARLY KNOWN AS THE RED BOOK. I REMAIN OF THE VIEW THAT STAFFING AT ABOUT THIS LEVEL WILL BE SUFFICIENT ONCE THE IMPLEMENTATION PROGRAMME HAS BEEN COMPLETED. NEVERTHELESS I RECOGNISE THAT THERE WILL BE AN EXTRA BURDEN UPON TEACHERS DURING THE TRANSITIONAL PERIOD, PARTICULARLY NOW THAT WE HAVE SPEEDED UP THE PROGRAMME. I INTEND THEREFORE TO PROVIDE FOR STAFFING ABOUT 5% TO 6% OVER RED BOOK/<sup>\*</sup>PERIOD. I SHALL ALSO BE WILLING TO CONSIDER APPLICATIONS BY EDUCATION AUTHORITIES FOR REDUCTIONS IN THE SECONDARY SCHOOL YEAR FOR IN-SERVICE TRAINING AND SYLLABUS

\* LEVELS, EXCLUDING THE PROBATIONER ALLOWANCE DURING THE IMPLEMENTATION

DEVELOPMENT RELATED TO IMPLEMENTATION. WE WILL CONTINUE TO SUPPORT THE PROGRAMME THROUGH SECONDMENTS OF DEVELOPMENT OFFICERS, WHICH HAVE BEEN VERY SUCCESSFUL IN PREVIOUS WORK.

THE COMMENTS I RECEIVED FROM BODIES REPRESENTING PARENTS EMPHASISED THE NEED TO ENSURE THAT PARENTS FULLY UNDERSTAND AND ARE FULLY CONSULTED ABOUT THE NEW ARRANGEMENTS. I APPRECIATE THE ANXIETIES WHICH PARENTS WILL HAVE, PARTICULARLY IF THEIR CHILDREN ARE IN THE THIRD AND FOURTH YEARS OF SECONDARY EDUCATION DURING THE IMPLEMENTATION PERIOD. THE NEW ARRANGEMENTS WILL BE WIDELY PUBLICISED AND EXPLAINED TO PARENTS CHILDREN AND EMPLOYERS.

DETAILS OF OUR PLANS ARE SET OUT IN A CIRCULAR WHICH MY DEPARTMENT IS SENDING TO EDUCATION AUTHORITIES TODAY, COPIES OF WHICH HAVE BEEN PLACED IN THE LIBRARY. I HOPE TO MAKE FURTHER ANNOUNCEMENTS IN THE COURSE OF THE SUMMER.

THE MUNN AND DUNNING COMMITTEES RECOMMENDED MAJOR CHANGES IN SECONDARY EDUCATION. OUR PLANS OFFER ALL PUPILS FOR THE FIRST TIME A COMMON CURRICULUM STRUCTURE AND COURSES SUITABLE FOR ALL LEVELS OF ABILITY LEADING TO A SINGLE CERTIFICATE FOR ALL. THE IMPLEMENTATION PROGRAMME IS A MAJOR UNDERTAKING AND I DO NOT UNDER-ESTIMATE THE HEAVY BURDEN OF WORK STILL TO BE DONE, BUT I AM CONFIDENT FROM THE COMMENTS I HAVE RECEIVED THAT ALL INVOLVED ARE ANXIOUS TO SET ABOUT THE TASK AND WILL ENSURE THAT IT WILL SUCCEED. TOGETHER WITH THE PROGRAMME RECENTLY ANNOUNCED IN "16-18s IN SCOTLAND: AN ACTION PLAN", THIS REFORM WILL BRING ABOUT MAJOR IMPROVEMENTS IN THE EDUCATION OF ALL YOUNG PEOPLE IN SCOTLAND.

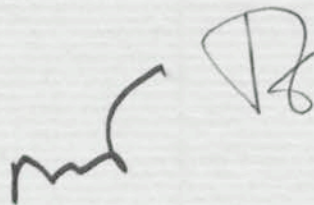
Vol 982 cols 25-27

EDUCATION. 2

PRIME MINISTER

H Committee: Reform of the Schools  
Council

The attached H paper by Sir Keith Joseph records the current state of the reorganisation of the Schools Council. You will recall that it was agreed that the Council should be replaced by an Examinations Council and a school curriculum development body. The way is now clear for the establishment of the first but local authorities are proposing that the latter should simply be constituted as a successor of the Schools Council largely because it would avoid the payment of redundancy pay to the staff of the Schools Council. Sir Keith's paper argues that we should stick to our existing policy of scrapping the Schools Council and establishing an entirely new body.

Handwritten signature and initials, possibly 'M' and 'D'.

28 January 1983



DEPARTMENT OF EDUCATION AND SCIENCE  
 ELIZABETH HOUSE, YORK ROAD, LONDON SE1 7PH  
 TELEPHONE 01-928 9222

FROM THE SECRETARY OF STATE

W Rickett Esq  
 Private Secretary  
 10 Downing Street  
 LONDON SW1

31 August 1982

*Dear Willie*

The Government's initial observations on the Second Report from the Education, Science and Arts Committee of the House of Commons, "The Secondary School Curriculum and Examinations: with special reference to the 14 to 16 year old age group" were published on 11 May (Cmnd 8551). They covered 24 of the 65 recommendations made in the Report.

My Secretary of State's colleagues on H Committee have now agreed the terms of the second, and final, instalment of the reply. This will be published tomorrow afternoon and I enclose a copy of the confidential final revised version of the text. Advance copies are being made available to the Select Committee in the usual way.

Copies of this letter and its enclosure go to the Private Secretaries to members of the Cabinet and Sir Robert Armstrong.

*Yours ever*

*Nick Cornwell*

N J CORNWELL  
 Private Secretary

*Education 2*

*Prime Minister*

*JF*

*31/8.*

*ms*

31 AUG 1982

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*Education*

DEPARTMENT OF EDUCATION AND SCIENCE  
ELIZABETH HOUSE, YORK ROAD, LONDON SE1 7PH  
TELEPHONE 01-928 9222  
FROM THE SECRETARY OF STATE

The Rt Hon William Whitelaw CH MC MP  
Secretary of State  
Home Office  
50 Queen Anne's Gate  
London  
SW1H 9AT

23 July 1982

*Sean Gillis.*

As you know, the Government's initial observations on the Second Report from the Education, Science and Arts Committee of the House of Commons, "The Secondary School Curriculum and Examinations: with special reference to the 14 to 16 year old age group" were published on 11 May (Cmd 8551). They covered 24 of the 65 recommendations made in the Report.

I am now in a position to complete the Government's response to the Committee's Report. I enclose the draft of a White Paper which I would wish to see published within the next month. It would be helpful if I could have any comments which you or our colleagues wish to make by close of play on 3 August.

I am copying this letter and enclosure to our other colleagues on H Committee, to Patrick Jenkin and to Sir Robert Armstrong.

*Evans.*  
*Kear*



DEPARTMENT OF EDUCATION AND SCIENCE

ELIZABETH HOUSE, YORK ROAD, LONDON SE1 7PH

TELEPHONE 01-928 9222

FROM THE SECRETARY OF STATE

The Rt Hon Nicholas Edwards MP  
Secretary of State for Wales  
Welsh Office  
Gwydyr House  
Whitehall  
London  
SW1A 2ER

23 July 1982

*Nicholas Edwards*

As you know, the Government's initial observations on the Second Report from the Education, Science and Arts Committee, "The Secondary School Curriculum and Examinations: with special reference to the 14 to 16 year old age group" were published on 11 May (Cmd 8551). They covered 24 of the Report's 65 recommendations.

... I am now in a position to complete the Government's response to the Committee's Report. I enclose the draft of a White Paper which I would wish to see published within the next month. As before, we intend to make it clear that the reply, like the Report, is essentially concerned with England. However, there is one response with which you may wish to be associated. Recommendation 64 of the Report calls for the reconstitution of the Central Advisory Councils, and recommendation 22 suggests that one of their roles should be that of "determining the national criteria for the 16+ examination system, and of providing continuing general guidance." Far from accepting these recommendations, we propose to reply that not only is there no need for separate and permanent Central Advisory Councils, but that in addition section 4 of the Education Act 1944, under which they ... were originally established, should now be repealed. I am enclosing a note setting out the background.

As you will know, the 1944 Act provided for the establishment of two Central Advisory Councils, one for England and one for Wales. You are of course now responsible for policy on the latter. Would you be content for the reply, and the proposed repeal, to apply to Wales as well?

Could I ask you to let me have your comments on this or any of the other proposed responses by close of play on 3 August please?

I am sending copies of the draft White Paper to our other colleagues on H Committee and Sir Robert Armstrong.

*Comerford*  
*Kear*



Prime Minister 2

WR  
23/7

DEPARTMENT OF EDUCATION AND SCIENCE  
 ELIZABETH HOUSE, YORK ROAD, LONDON SE1 7PH  
 TELEPHONE 01-928 9222  
 FROM THE SECRETARY OF STATE

W Rickett Esq  
 Private Secretary  
 10 Downing Street  
 LONDON  
 SW1

23 July 1982

Dear Willie,

As you know, the Government's initial observations on the Second Report from the Education, Science and Arts Committee, "The Secondary School Curriculum and Examinations: with special reference to the 14 to 16 year old age group" were published on 11 May (Cmnd 8551). I am writing to inform you that my Secretary of State has now consulted his H Committee colleagues on the second stage of the reply. I enclose a copy of his letter and the draft White Paper which accompanied it.

It is our intention to publish the second White Paper within the next month. The exact timing is being cleared with your Press Office and others in the usual way.

Yours ever,  
 Inogen Wilde

MRS I WILDE  
 Private Secretary

L820712ALCO (1)

DRAFT WHITE PAPER

THE SECONDARY SCHOOL CURRICULUM AND EXAMINATIONS: SECOND GOVERNMENT RESPONSE TO THE SECOND REPORT FROM THE EDUCATION, SCIENCE AND ARTS COMMITTEE, SESSION 1981-82

1. The Government's initial observations on the Committee's Second Report, Session 1981-82, "The Secondary School Curriculum and Examinations: with special reference to the 14 to 16 year old age group" were published on 11 May (Cmnd 8551). They covered 24 of the Report's 65 recommendations.
2. A number of the other recommendations concern the education of children from ethnic minority groups, on which the Secretary of State for Education and Science had initiated consultations, before the Committee's Report was published, in response to the Report of the Select Committee on Home Affairs on Racial Disadvantage. A response to these recommendations is being prepared separately.
3. The Government's reply to those recommendations which remain is set out below. ~~It is in two parts.~~ It first describes the Government's overall approach to the contraction of the school teaching force over a period of years, in a single response to a number of separate recommendations made by the Committee. The remaining recommendations are then dealt with individually.
4. Unless otherwise stated, the Government's responses are concerned with England only.

RECOMMENDATIONS 11, 12, 13, 41, 42, 45, 46, 47, 50, 52 and 63

"11. In providing a temporary "operating margin" or "cushion" for staffing schools with contracting populations local authorities should pay particular attention to the provision of qualified maths teachers."

"12. Much more should be done to attract the right people into teaching shortage subjects by offering additional financial incentives for training."

"13 . The CBI and the TUC should join in a widespread publicity campaign for the recruitment from industry of teachers of shortage subjects."

"41. Allocations for provision for early retirement of teachers should appear as separately identifiable sums in the Rate Support Grant settlement figures, and the total sum available for this purpose should be substantially increased."

"42. The DES, the local authorities and the Local Authorities' Conditions of Service Advisory Board should begin as a matter of urgency to draft a redeployment agreement for negotiation at the national level with the appropriate teacher unions."

"45. It will be essential for local authorities to have the ability to identify individual teachers for redundancy on the grounds of their importance for preserving the curriculum and on the ground of their effectiveness, and the DES, in conjunction with the local authorities, should seek to ensure that appropriate criteria, no doubt amongst other criteria, are available."

"46. As part of the revised conditions of service for teachers, serious consideration should be given to the introduction of some national system of sabbaticals for teachers."

"47. Serious consideration should be given to making a certain level of in-service training a contractual obligation for teachers."

"50. The government should, as a matter of urgency, publish examples of good practice in curriculum-led staffing."

"52. Concurrent with the government's publication of good practice in curriculum-led staffing policies HMI should report on the degree to which current resource levels in local authorities allow their implementation."

"63. A decision should be made, much as it is at present during ESG(E) discussions, on the total amount of local government "relevant" expenditure which should be devoted to in-service training. This amount should then be distributed between local authorities according, for example, to the size of the school populations, weighted according to some agreed formula by such factors as the incidence of falling rolls, minority ethnic groups and London weighting. The local authorities should receive full grant funding for any level of spending up to 85 per cent of their in-service teacher training allocation, while any spending above the total should be wholly rate borne. In this way local authorities would be free to spend as much or as little as they choose, but there would be very strong financial incentives to spend at the nationally agreed level."

RESPONSE: Since the combined effect of falling pupil numbers and financial restraint was first reflected in plans to reduce the school teaching force in the 1978 Public Expenditure White Paper, Governments and local education authorities have recognised the importance of measures to preserve and enhance the quality of the teaching force as its numbers fell, and to secure its most effective deployment. All these recommendations bear on aspects of those objectives. In preparing this response the Government have also had in view other recommendations by the Committee in this field (in particular 40 and 51) to which responses were given in the Government's initial observations (Cmd 8551).

After consultation with representatives of the LEAs, the Government decide the provision to be made in their expenditure plans for teachers in the maintained schools. In reaching this decision, the objectives of maintaining and developing the curriculum and of meeting the individual needs and wishes of pupils have to be weighed against a judgement of what the nation can afford at the time when pupil numbers are falling: reducing the numbers employed by the taxpayer, and hence the burden of public spending, increases the scope for jobs in the trading sector. The numbers of teachers assumed in the Government's Public Expenditure White Paper (Cmd 8494) fall broadly in line with total pupil numbers. The Committee points out that this allows no margin to cover the staffing diseconomies of falling rolls as they have been identified in discussion between the Government and the local authority associations. The

Government explicitly recognised <sup>in</sup> ~~the~~ Cmnd 8494 that some tightening of staffing standards was implied. The contraction of the teacher force will require hard decisions about priorities, the more so in the secondary sector because the decline in secondary pupil numbers will accelerate over the period of the expenditure plans. In the primary sector the decline will be slowing down, and indeed from 1986 onward there will be growth.

It is for LEAs to manage this contraction in their own areas and, in the light of local needs, of their policies for the school curriculum and of the resources available, to decide how many teachers should be employed in the schools which they maintain. The Government have no plans to issue guidance on these matters but are engaged in continuing discussion with the local authority associations and commend the efforts of some LEAs to take account in their staffing policies not only of pupil numbers but also of the desirability of providing for appropriate patterns of curriculum and organisation. It may be that a first attempt at curriculum-led staffing will indicate a total requirement for teachers higher than an authority is currently able to pay for. But this is not a reason to abandon this approach. On the contrary in such circumstances it will be all the more important for an authority to follow a curriculum-led approach in deciding the distribution and deployment of the number of teachers at its disposal.

The Committee recommends that the Government should publish examples of good practice in curriculum-led staffing and that HM Inspectors should monitor its implementation at local level. HMI observe the effects on the curriculum of local levels of staffing and of changes in levels of staffing. These observations are set out in reports on schools and more generally in reports on the effects on education of local authority expenditure policies. However, to date few LEAs have implemented a curriculum-led staffing policy and these have only been in operation for a short time. It is therefore too early to identify good practice which might be disseminated by HMI. The Department of Education and Science has made grants for research and consultancy in this field. Relevant publication of research so paid for include "Falling Rolls in Secondary Schools", "Costing Educational Provision for the 16-19 Age Group" and "The Management of Teachers: Problems of Contraction". Curriculum-led staffing is

also receiving some priority in the work of the Education Management Information Exchange established at the National Foundation for Educational Research for use by LEAs, teachers and others.

Within the framework set by decisions on the number of teachers to be employed and on the distribution of those teachers between schools, the local management of the teacher force requires a coherent approach embracing as appropriate arrangements for the recruitment, redeployment and in-service training of teachers, as well as schemes for early retirement and redundancy.

So far as recruitment is concerned, there will be a recovery in demand for primary teachers in 1985 and subsequent years. Stabilisation around the existing secondary pupil to teacher ratio entails a sharp drop in vacancies for secondary teachers. The Government share the Committee's concern that within this reduced total those who have recently qualified to teach the shortage subjects -including mathematics, physics and craft, design and technology - should find teaching posts. In 1980 the number of persons taking postgraduate training courses in most of the shortage subjects increased sharply. This improvement was maintained in 1981 and applications to start training courses this Autumn are again healthy. Enquiries made last summer indicated that a very high proportion of the increased crop of new teachers of shortage subjects were successful in obtaining teaching posts; similar enquiries will be made this year.

The Government described the financial incentives available to those wishing to train to teach the shortage subjects in their Initial Observations on the Committee's Fifth Report in the 1979/80 Session (Cmnd 8139, see response to Recommendation 36(b) and (c)). It is estimated that in the five years for which the Manpower Services Commission has been operating the training and re-training scheme almost 5,000 people have taken courses of initial training or re-training in mathematics, the physical sciences, craft, design and technology and business studies within the scheme. The scheme will continue in its present form in the academic year 1982/83; the Government are consulting the local authorities about arrangements for future years. The first scholars within the pilot scheme of National Scholarships for Priority Teachers will begin postgraduate training courses this Autumn. The scheme is designed to attract more mathematics,



physics and chemistry graduates of high calibre into teaching. The DES has commissioned research to evaluate the success of the scheme in its first year.

The training and re-training scheme has been advertised each year in the national press in order to draw the attention of mature people with experience in industry and commerce to the opportunities for a switch into a teaching career. The DES produces a range of leaflets about teaching, and in particular teaching the shortage subjects, as a career. The Government would welcome the involvement of the TUC and CBI in publicity campaigns of this kind; and they commend the short "introduction to teaching" courses which have been arranged by some training institutions and LEAs, in association with major companies, for staff who need to find a new career.

The Committee recommends that the management side of the education service should draft a redeployment agreement for negotiation at national levels with the teachers. Within the context of contraction redeployment is important as a means of securing a better fit between the skills of teachers and the curricular needs of schools. However the circumstances attaching to its use are essentially local, relating to the staffing positions in individual schools, the abilities and aspirations of individual teachers and the educational policies of employing authorities. It is for those authorities to decide whether and on what terms redeployment can contribute towards a better local service. The Government have no plans to promote a national agreement between employer and teacher associations on redeployment.

The Government endorse the Committee's view of the importance of suitable in-service training for teachers. The Government believe that in-service training should be maintained at least at its present level. The DES is discussing with the local authority associations how in-service training might more effectively reflect the needs of the teaching force, and will bear in mind the Committee's recommendation that special financing arrangements should be introduced for this purpose.

The Committee also recommend that consideration should be given to making a certain level of in-service training a contractual obligation for teachers, and to the introduction within conditions of service of a national system of

sabbaticals for teachers. Teachers' conditions of service are governed by contracts of employment, which commonly reflect national agreement or recommendations decided by representatives of employers and teachers. These recommendations fall to be pursued between those parties. Given that much in-service training is arranged in support of local initiatives or geared to the needs and wishes of individual schools or teachers, a first step, if the principle of contractual obligation commended itself to the interested parties, would be to define the kind and amount of in-service training which could sensibly be made obligatory. The term "sabbatical" is taken to mean a period of paid leave granted after a specified period of service in which the teacher undertakes a programme of professional development chosen by himself. The Government accept that sabbaticals could in principle form a valuable part of an in-service training programme but they must compete for scarce resources with other forms of in-service training directly related to the curricular aims of LEAs and schools. Other ways of refreshing teachers and enlarging their experience - such as head-for-head exchanges and unpaid leave - may prove cheaper. The Government therefore doubt whether the time is ripe to introduce a national system of sabbaticals.

The Government share the Committee's view of the importance of the early retirement scheme. It offers a benefit to older teachers and can make an important contribution to achieving systematically the necessary reductions in teacher numbers. In particular, carefully used, it can create new possibilities of improving the fit between the skills of the teacher force and its tasks, and help to introduce new blood into senior posts. In the annual discussions about local authority expenditure the Government and the local authorities seek to agree the likely number of early retirements in future years, and consider the likely financial consequences. The results of these discussions are to be taken into account in the preparation of the Rate Support Grant settlement. The fact that LEAs have increased the numbers of teachers and lecturers retired early in England and Wales from 1,300 in the financial year 1978-79 to 9,000 in the year 1981-82 would seem to point to the adequacy of the present financial arrangements.

It should be possible to secure the bulk of the present contraction of the teacher force through natural wastage and early retirement (sometimes itself on grounds of redundancy), together with the redeployment of serving teachers. But

the Government accept that, if LEAs are to provide the best possible curriculum taught by the most effective and best qualified teachers available, it may be necessary to make some teachers redundant against their will. The Government's expenditure plans make provision for such redundancies. Each redundancy requires two decisions - the post to be abolished and the teacher to be dismissed. It is for the LEA to decide the criteria on which these decisions will be made; and, in the event of a challenge, to defend the fairness of its decisions. It would thus be inappropriate for the Government to seek to prescribe what criteria should be used in particular cases. In general terms, however, the Government would expect considerations of curriculum and staffing standards to bear on the decision which post to abolish. Other factors, such as the length and quality of the teachers' service, their willingness to accept redundancy and the terms on which it may be granted, come into play in the selection of individuals for redundancy.

#### RECOMMENDATION 2

"2. The Education (Work Experience Act) 1973 should be amended to allow work experience during the last two years of compulsory schooling."

RESPONSE: This recommendation is based on the assumption (set out in paragraph 4.17 of the Report) that, as a result of the law on school-leaving dates, pupils who are not entitled to leave at Easter in their fifth year are debarred from undertaking work experience at the end of the summer term in their fourth year. In fact, the effect of the Education (Work Experience) Act 1973 and the Education (School-leaving Dates) Act 1976, taken together, is that pupils may undertake work experience courses at any time during the twelve months before the date on which they become eligible to leave school - which, depending on their date of birth, will be either the end of the spring term in their fifth year or the Friday before the last Monday in May of that year. It follows that it is already open to all pupils to undertake work experience not only at any time during their fifth year, but also during a substantial part (and in many cases throughout the whole) of the final term of the fourth year.

The Government recognise the value of work experience, and hope that a larger proportion of pupils will undertake work experience courses as part of their preparation for adult and working life. They do not believe that the existing

law is an obstacle to further developments in this field, and have at present no plans to amend it; but they are willing to review the position if difficulties should arise.

#### RECOMMENDATION 4

"4. The head, staff and the governors should have freedom to determine the disciplinary policy and practice of a school. Local education authorities should intervene only when absolutely necessary. In this way, parents could more readily assess the general character of schools when making their choice. LEAs however must retain the right of intervention to carry out their statutory duties or when good discipline in any of their schools breaks down."

RESPONSE: The Government agree with the view expressed in the Committee's report that the discipline of a school is an important part of its work and of the values and attitudes within it.

The allocation of functions concerning the conduct of a school (including matters of discipline) is determined by the articles of government of that school, which are made either by the Secretary of State for Education and Science in respect of voluntary secondary schools or, in other cases, by the local education authority (with the Secretary of State's approval in the case of county secondary schools). Articles therefore vary between authorities and between schools. Generally, the articles assign responsibilities for discipline within a school to the governors but also entail some sharing and overlapping of responsibilities, involving also the LEA and the head. Responsibility for day-to-day matters is normally assigned to the head. The Government are firmly of the view that, in matters of discipline, the head should have a central role, with wide discretion to deal with problems as and when they arise.

LEAs also have responsibilities outside the framework of articles of government as employers of the teachers in the schools they maintain (other than voluntary aided schools). In the Government's view, these responsibilities should be exercised in a way which is compatible with the intentions and provisions of the articles of government of the schools concerned. Where there are general

provisions in contracts of employment, the Government consider that they should not be used to re-allocate the division of responsibility for the conduct of the school set out in articles of government, and that such discretion as the articles of government give to governors and heads with regard to discipline or an aspect of discipline (such as corporal punishment) should not be reduced by the contracts.

As the Committee acknowledges, however, the LEA's role cannot be entirely passive. LEAs support schools through authority-wide services such as the educational welfare service or, in many cases, units for disruptive pupils. In addition, where the head and governors of a school are unable to satisfy a parent or others following a complaint of abuse of disciplinary powers by or within the school, the complainant should be able to approach the LEA in the expectation that the authority will investigate and, where appropriate, take measures of redress.

Because the breakdown of discipline is so damaging to the functioning of a school, there should be arrangements to bring in an LEA's advisory and other services at an early stage once the risk of breakdown has been perceived. This involves, on the one hand, acceptance by schools of a degree of monitoring by the LEA and, on the other hand, a willingness on the part of the LEA to support the governors and staff in the exercise of their respective functions. Where, exceptionally, the discipline of a school does break down, the LEA should, in the Government's view, do whatever it can to support the governors, head and staff of the school in their efforts to restore it.

As the Committee's recommendation underlines, in all of these matters relating to discipline, it is important that parents should be given full information. Under the Education Act 1980 and the Regulations made under it, LEAs must provide information on educational arrangements in their area, and they and the governors of voluntary aided and special agreement schools must provide detailed information about arrangements in individual schools, including information about discipline. This information should be as clear as possible so that there is no misunderstanding about the steps which might be taken in serious cases of indiscipline, including, in those involving suspension, the procedures under which parents have a right to appeal.

RECOMMENDATION 9

"9. LEAs should take the opportunities offered by falling rolls to set up teams of language specialists covering several schools where schools are obliged to cease to offer minority languages in contracting circumstances."

RESPONSE: The Government share the concern of the Committee that the range of foreign languages taught may become increasingly restricted as secondary school rolls fall. In "The School Curriculum" the Secretary of State for Education and Science stated his view that the available language teaching resources can be used to full effect, and the best balance achieved between languages on offer, only if modern language provision as a whole is planned by the local education authority across its area, taking account of the facilities available in both schools and further education. The Government do not consider that all the commonly taught languages should necessarily be available within every individual institution. Area language specialist teams offer one alternative but other approaches may also work well. In particular, there may be a case for languages other than French to be taught more commonly than they are now as the first foreign language in some schools. The Department of Education and Science intends to consult interested parties on this and other questions about the place of modern languages in the school curriculum.

RECOMMENDATION 20

"20. The Schools Council should continue its work on graded tests in modern languages, and extend it experimentally to one or two other subject areas, such as mathematics."

RESPONSE: On 22 April the Secretary of State for Education and Science announced in a Parliamentary statement the Government's proposal for the replacement of the Schools Council by an examinations council and a school curriculum development council; these proposals are now the subject of discussion with the local authority associations and other interests. That process of discussion will cover the future of the Council's existing work.

The Government recognise the potential value of graded tests in improving motivation and performance in certain areas of the curriculum. So far experience of their use is confined to music, sport and modern languages. The Committee of Inquiry into the Teaching of Mathematics in Schools under the Chairmanship of Dr W H Cockcroft recommended "that a study should be commissioned to consider whether it is possible to devise a means of providing evidence of achievement in mathematics for lower-attaining pupils in ways which will support, and not conflict with, the provision of suitable mathematics courses in schools". The Committee indicated that this might be done by means of graduated tests. The Government accept the Cockcroft Committee's recommendation, and are considering how it might best be carried forward.

#### RECOMMENDATION 21a

"21a. In addition to the conventional single subject examinations, any pupil who achieves three or more A grades amongst five or more passes should be entitled to an additional 'merit' certificate."

RESPONSE: The Secretary of State for Education and Science shares the view that additional certification of the kind recommended by the Committee may be a useful means of encouraging a broader and more balanced curriculum for pupils capable of reaching a good examination standard in a number of subjects. The task of taking this proposal further would fall mainly on the GCE boards. The Secretary of State wishes the boards to give first priority to the task, on which they are engaged jointly with the CSE boards, needed for the development of national criteria for the 16+ examinations. But he does not intend to lose sight of the objective of the Committee's recommendation.

#### RECOMMENDATION 22 and 64

"22. A reconstituted Central Advisory Council should have the role of determining the national criteria for the 16+ examination system, and of providing continuing general guidance."

"64. The Central Advisory Councils should be reconstituted."

RESPONSE: Successive Secretaries of State have continued to value the contribution of informed outside opinion on a wide range of policy matters over the 15 year period since the last Central Advisory Council reports were published. Their approach has been to charge committees of inquiry or independent individuals with specific remits, an approach which has the advantage that the constitution and duration of enquiries can be matched to the specific matters on which the Secretary of State is seeking advice. Not all such enquiries have, as the Committee suggests, been smaller in scale than the activities of the Central Advisory Councils. They have, moreover, been able where appropriate to initiate research: projects have, for example, been commissioned in recent years on behalf of the Cockcroft Committee on the teaching of mathematics and the Rampton (now Swann) Committee on the education of children from ethnic minority groups. The Government believe that this approach has worked well and have concluded that there is no need for separate and permanent Central Advisory Councils: they will therefore take the first legislative opportunity which presents itself to repeal Section 4 of the Education Act 1944.

The Government recognise that in respect of some limited functions a standing body is required. The Secretary of State has accordingly announced the Government's intention to establish a new examination council, to co-ordinate and supervise examinations at 16+ and 18+ and to advise the Secretary of State on how these examinations may best serve the interests of the education system and its clients. One of the proposed council's first tasks would be to provide independent advice on the draft national criteria for examinations at 16+. It would also be expected to keep the national criteria, if approved, under review; and to monitor examination syllabuses and assessment procedures.

#### RECOMMENDATION 37

"37. All examination boards should review their provision of modern language assessment to ensure that British community languages are available on the same base as other British and modern European languages."



RESPONSE: The examination boards already conduct examinations in many of the languages of the ethnic minority communities but demand for such examinations will inevitably be limited by the teaching resources available. The Secretary of State for Education and Science will ask the examination boards to consider whether anything could be done to improve the position, within the limit of existing resources.

#### RECOMMENDATION 38

"38. The DES should formally approach the Welsh Office and HMI in Wales so that existing policies developed in Wales for Welsh should provide a basis for developing policies for other minority languages."

RESPONSE: The Government note the Committee's observations on the lessons for the provision of minority language education in England that may be drawn from experience in Wales, and the evidence of the Commission for Racial Equality on this point. The Department of Education and Science maintains regular contact with the Welsh Office Education Department on matters of common interest, and is aware of the conclusions set out in the policy statement, "Welsh in Schools.\*

The position of Welsh differs in some important respects from that of minority languages in England. In mixed language areas of Wales, a central objective for schools is the provision of a curriculum which enables all pupils, whatever their mother tongue, to acquire a level of fluency in both English and Welsh such that they can take full part in the cultural life of their communities. One means of doing so is through bilingual education, where a variety of subjects may be taught through the medium of each language. In English-speaking areas, the Government's policy is that all pupils should be given the opportunity of acquiring sufficient command of Welsh to allow for communication in that language, while bilingual education should be available to pupils whose parents desire it for them.

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\* Welsh Office, July 1981

In England there is no single language which can lay claim to equal status with English. Nor is it practicable for schools to teach or to provide tuition through the medium of each of the many languages which are spoken within minority communities. Because of these differences of context and objective, experience in Wales does not provide a directly applicable model. Discussion in England has instead tended to concentrate on ways in which children from the larger ethnic minority groups in an area can master English whilst maintaining and strengthening their facility in their home language, or (in the case of young children) use their mother tongue as a temporary learning medium in the transition to English.

The Secretary of State for Education and Science has been considering these issues in the context of the consultations about the education of children from ethnic minority groups. He will also be looking for further advice from the Committee of Inquiry into the education of children from these groups, which is due to submit its final report in 1983.

In their memorandum to the Committee, the CRE also suggested that minority languages such as Bengali, Urdu, Mandarin, Turkish or Italian should be as legitimate as French or Russian as foreign languages taught to pupils of any ethnic origin. The Government do not dissent from this view in principle, but recognise that there are practical limitations to the extent of diversification of foreign language provision which is possible, and differences of opinion about the priority which should be accorded to such provision. This is a matter on which views will be invited during the forthcoming consultations on the place of modern languages in the school curriculum.

#### RECOMMENDATION 39

"39. Legislation should be introduced to put the Secretary of State's responsibility for the curriculum on the basis that where assessments of inadequacy are made by HMI, the onus should be on the Secretary of State to say why he does not accept the validity of such judgements in respect of his own responsibilities under the Act."

RESPONSE: Having regard to the statutory functions of all the parties concerned, primary responsibility for defining curricular policy and reviewing progress in carrying out that policy rests with local education authorities, in the light of policies and objectives defined by the Secretary of State, and in consultation with governors, teachers and others concerned. The Secretary of State takes account of the reports made to him by HMI in the formulation of his policies and objectives, in answering for these in Parliament, and in explaining them to his partners in the education service.

As the law stands, each LEA has a duty to secure sufficient and efficient provision for school education, including the provision of a curriculum which is adequate to the educational needs of the pupils, in its area. It is the ~~the~~ Secretary of State who has to be satisfied, having considered all the relevant information and advice, whether a LEA or governing body is in default of this statutory duty. In reaching a conclusion on this matter he needs to take into account all relevant factors and considerations, including the judgement of HMI on the quality of the curriculum offered by the schools in question. But he cannot substitute HMI's judgement for his own. It is he who must answer for his decision to Parliament and who - if occasion arises - must defend it in the Courts.

The Government believe this to be the proper form of Ministerial accountability in this matter. To give, as the Committee proposes, to HMI the prime responsibility for deciding whether a LEA or governing body is in default in relation to this important statutory duty would fundamentally change the relationship which HMI have with the Secretary of State, Chief Education Officers and the schools and other institutions which they inspect. In the Government's view such a change would derogate unjustifiably from the accountability of the Secretary of State to Parliament.

#### RECOMMENDATION 43 and 49

"43. The government should proceed with all haste to integrate the machinery for conditions of service and pay."

"49. HMI should be fully involved in Burham negotiations, and their advice should be sought on all issues which require an educational viewpoint."

RESPONSE: The Government have the negotiating machinery for teachers' pay and other conditions of service under review. The present machinery for negotiating pay was established under the Remuneration of Teachers Act 1965 and legislation would be needed before change could be introduced. For that reason if for no other, early integration within a single forum of the arrangements for negotiating pay and other conditions is not possible.

The advice of HMI on the educational implications of the teachers' pay system and structure is an important ingredient in the formulation of Government policies on teachers' pay generally, and is fully available to the Secretary of State's representatives on the Burnham Committees and their various Sub-committees.

#### RECOMMENDATION 55

"55. The financial provision for HMI and its activities should in future be managed independently of the Department's budget and the Senior Chief Inspector should be responsible for it."

RESPONSE: The policy statement to be published later this year following the Rayner scrutiny will set out HMI's relationship to Ministers and the Department. The Government are seeking to secure proper delegation of financial management within the Civil Service to those responsible for areas of work. This would increase the already considerable freedom which HMI enjoys in respect of the management of its manpower and budget for running costs.

#### RECOMMENDATION 56

"56. The decision as to whether any report on national levels of provision and quality by HMI should be published or not should rest with the SCI and not with the Secretary of State."

RESPONSE: Reports by HMI record their independent professional judgement and, by established privilege, are published only as written. No report by HMI is made public without the agreement of the Senior Chief Inspector or a delegated Chief Inspector. It is the present practice of the Secretary of State for

Education and Science to authorise publication and his prerogative to withhold such authorisation. Since 1981 the Secretary of State has authorised the publication of the HMI report on the observed effects of local expenditure policies.

RECOMMENDATION 57

"57. So far as local authority advisers/inspectors are concerned legislation should be introduced to oblige local education authorities to appoint a chief adviser or inspector, in the same way that they are obliged to appoint a chief education officer."

RESPONSE: The local authority advisory services have an important role not only in improving the quality of education in schools and colleges but also in the management and deployment of the teaching force. The majority of local education authorities appoint chief advisers.

In the Government's view, it is sensible to leave each LEA to decide in detail the level of staffing, organisation and management of the advisory service and its relationship with other professional officers (including the Chief Education Officer) in the light of its own policies, circumstances and priorities. Only for very cogent reasons should LEAs be required to adopt particular methods of organising that service.

Section 88 of the Education Act 1944 ensures appropriate professional leadership for the advisory service by placing a duty on each LEA to appoint a fit person to be the Chief Education Officer of that authority. How and at what level and in what number the Chief Education Officer is supported by other professional staff in order that he may adequately discharge his task of advising and assisting the authority in the discharge of their responsibilities for education is a matter for the internal management and organisation of the authority. In the Government's view, a statutory requirement for the appointment of a chief adviser would create a false and harmful distinction between the professional tasks of officers and advisers within an authority and in particular derogate from the proper functions of the Chief Education Officer. However, the

Government see advantage in exploring with the local authority associations whether there is a need for the Secretary of State for Education and Science to offer general guidance on the role of local inspection, having regard, inter alia, to the functions of HMI. The Department of Education and Science will shortly consult the local authority associations to that end.

RECOMMENDATION 58

"58. Early in each ESG(E) cycle a preliminary paper on the broad lines of Government policy in respect of local authorities for the coming financial year should be published in order to allow a fuller public discussion prior to the settlement of the Rate Support Grant."

RESPONSE: The annual Public Expenditure White Paper sets out the broad lines of Government policy for all areas of public expenditure including those for which local authorities have responsibility. This provides a basis for public discussion of the issues underlying the Government's decisions in the months leading to the settlement of the Rate Support Grant for the next succeeding financial year. The Government will however bear in mind for future years the suggestion that more might be published to assist further such public discussion.

RECOMMENDATION 62

"62. The DES should have the ability, or use existing powers where it has them, to fund direct such important new developments on a temporary basis as may seem to it to be desirable."

RESPONSE: The Department of Education and Science already has some powers to fund directly important new developments of certain types and has used them to promote, for instance, the Microelectronics in Education Programme, the National Scholarships for Engineering and for Priority Teachers and research into significant educational issues. The Government note the Committee's view that these powers should be extended, so as to enable the DES to "prime the pump" in conjunction with local authorities for experimental or innovative schemes which it considers of potential national importance.

The possibility of a general power of this sort is referred to in Annex B of the Green Paper, "Alternatives to Domestic Rates" (Cmnd 8449). Many comments have been received on the suggestions in the Green Paper both on the financing of the education service and on other matters. The Government are currently giving careful consideration to the views expressed before deciding what action to take.

23 JUL 1982



*Education Dept*

12 May 1982

The Prime Minister was grateful for your Secretary of State's minute of 10 May, giving her advance notice of the Government's reply to the Second Report from the Education, Science and Arts Committee.

M. A. PATTISON

Mrs. Imogen Wilde,  
Department of Education and Science.

*DS*



0.10

Prime Minister

PRIME MINISTER

*[Handwritten initials]*

*[Handwritten initials]*  
10/v.

EDUCATION, SCIENCE AND ARTS COMMITTEE: GOVERNMENT REPLY TO THE SECOND REPORT

The Education, Science and Arts Committee published their report on the secondary school curriculum and examinations on 16 February (HC116-1). The report ranges widely over policy in this field and this is reflected in its 65 recommen-  
dations.

Colleagues on H Committee have agreed that the Government reply should be in two stages as a number of the recommendations cover matters of some complexity to which it is not possible to respond straightaway. On others, however, it is possible to reply now and H Committee have agreed the terms of an initial response which is to be published tomorrow at 3.30pm.

I am enclosing a copy of the confidential final revised version of the response and am arranging for advance copies to be made available to the Select Committee in the usual way.

Copies of this minute and its enclosure go to Cabinet colleagues and to Sir Robert Armstrong.

*[Handwritten initials]*

May 10 1982



NBPM

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MS 27/4

Mrs I Wilde  
 Private Secretary to the Secretary of State  
 for Education and Science  
 Department of Education and Science  
 Elizabeth House  
 York Road  
 LONDON  
 SE1 7PH

27 April 1982

Dear Mogen

SCHOOLS COUNCIL

You sent me a copy of your letter of 19 April to Adam Peat about the statement which your Secretary of State planned to make on the future of the Council.

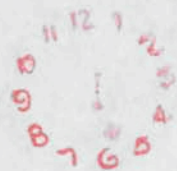
My Secretary of State saw the draft statement which you enclosed. He noted that your Secretary of State does not propose to describe in any detail the likely membership of the new Examinations Council and understands why this is not thought appropriate. But he would like to stress that it will in his view be most important to ensure adequate representation of industry and commerce on this body as well as on the proposed School Curriculum Development Council.

I am copying this letter to those to whom you sent yours.

Yours sincerely

ROSALIND MCCARTHY-WARD  
 Private Secretary

27 APR 1982



PRIME MINISTER

Education

ABOLITION OF THE SCHOOLS COUNCIL

Keith Joseph's statement was distinctly unpopular with the Opposition.

Neil Kinnock took about ten minutes to respond and put Questions. He was looking to get interrupted, so that he could respond that these were important matters, and that the Government had failed to give a specific day to debating education matters. Whilst the Opposition shared the welcome for Mrs. Trenaman's report, the Government had rejected the two main propositions. He had a number of detailed criticisms to make, dealing especially with growing centralisation, and with what meaning the consultations could have, when there had been none to date.

Other Opposition Members, such as Christopher Price, Nigel Spearing, Martin Flannery and Andrew Bennett, were particularly critical of the intention to move to Government appointees as a source of advice. They were unhappy with Sir Keith's suggestion that a move from, for example, trade union nominees to Government nominees might produce higher quality and more representative advice. The Opposition doubted that Government appointees would be robust in expressing merited criticism.

From the Government benches, there was a cautious welcome from Sir William van Straubenzee, James Pawsey, Harry Greenway and David Madel, among others. Philip Holland was alarmed to see two quangos arise from the ashes of one, and Nicholas Winterton wanted to see the end of the Schools Council "lock, stock and barrel". Sir Keith promised, after the transitional period, fewer employees overall, at lower cost.

Duty Clerk  
pp M. Pattison

22 April 1982



## DEPARTMENT OF EDUCATION AND SCIENCE

ELIZABETH HOUSE, YORK ROAD, LONDON SE1 7PH

TELEPHONE 01-928 9222

FROM THE SECRETARY OF STATE

Michael Scholar Esq  
Private Secretary  
10 Downing Street  
London  
SW1

*[Handwritten signature]*  
21 April 1982

*Dear Michael,*

## SCHOOLS COUNCIL

On the advice of the Leader of the House, it is now proposed that my Secretary of State's announcement on the future of the Schools Council should be made as an Oral Statement on Thursday 22 April. The announcement follows the decision reached in H Committee on 5 April.

I now attach a copy of the text of the statement, which is a suitably amended version of the statement circulated as a proposed draft Written Answer with my letter to Adam Peat (Welsh Office) of 19 April.

Copies of this letter and the draft statement go to the Private Secretaries to the Home Secretary, the Secretaries of State for Scotland and Wales, the Leader of the House, the Lord Privy Seal, the Paymaster General, the Commons Chief Whip, the Lords Chief Whip and the Secretary to the Cabinet and to the Chief Press Secretary at No 10.

*Yours sincerely,*

*Imogen Wilde*

MRS I WILDE  
Private Secretary

CONFIDENTIAL

Draft Oral Statement

1. Mr Speaker, I wish to make a statement about the future of the Schools Council for Curriculum and Examinations.
2. My rt hon Friend, the Secretary of State for Wales, and I have considered this matter in the light of Mrs Trenaman's report, which we published in October, and the comments on it. We are grateful to her for her review. It has prompted us to give fresh thought to the two functions of the Council and the best ways of performing them.
3. These functions concern the system of examinations at 16+ and 18+, and the development of the school curriculum. We have concluded that a single body, constituted as an elaborate network of committees on the lines of the Schools Council, is not well placed to carry out both functions.
4. On examinations, radical changes are required. Greater attention needs to be given to the coordination and supervision of examinations at 16+ and 18+. Ministers need independent authoritative advice on how these examinations might best serve national aims for education. We shall soon need advice on the national criteria now being developed for the 16+ examinations. The Schools Council is a large body constituted from the nominees of many interest groups. We need a small body comprising persons nominated by the Secretaries of State for their fitness for this particular important responsibility.

CONFIDENTIAL

5. My rt hon Friend and I will accordingly discuss with the local authority associations the establishment of an Examinations Council, appointed and funded by the Secretaries of State. I am circulating in the Official Report a note setting out the proposed composition and functions of this Council. Copies of the note are available in the Vote Office.

6. Curriculum development is a practical and professional activity which goes on continually throughout the education system. This activity needs to be reinforced by a national body with the limited task of identifying gaps, helping to fill them and assisting with the dissemination of curricular innovation. Such a body - a School Curriculum Development Council - needs to reflect the many interests concerned, particularly the teachers. Its constitution should promote the sensible ordering of priorities, and efficient operation. My rt hon Friend and I will discuss with the local authority associations the establishment of such a body. We envisage that it would be appointed by the Secretaries of State after consultation, that it would be financed jointly by local and central government, but on a more modest scale than the Schools Council, and that most of its members would be teachers. Details of its proposed composition and functions are also set out in the note circulated in the Official Report.

CONFIDENTIAL

7. We will also discuss with the local authority associations interim financial support for completing the necessary existing work of the Schools Council. As the new bodies come into operation, we would bring to an end our financial support of the Council. We hope that many of the expert staff of the Council will be ready to join the new bodies.

8. My rt hon Friend and I are ready to discuss our proposals with the teachers' organisations and the other bodies who nominate members to the Council's Committees. We hope that everyone will cooperate with the local authorities and ourselves in the new arrangements we propose. Our aim is to improve the quality of the examinations system and to promote the effective development of the school curriculum.



FUTURE OF THE SCHOOLS COUNCIL: PROPOSED NEW BODIES

1. This note gives details about the two bodies proposed in the statement made by the Secretary of State for Education and Science on 22 April.

Examinations Council

2. This would coordinate and supervise the conduct of examinations at 16+ and 18+. Its functions will be:

a. in regard to the activities of the GCE and CSE Boards:

- to ensure that syllabuses and procedures for assessment at 16+ are in accordance with the national criteria which are to be proposed by the boards and considered by the Secretaries of State,
- to approve new A level syllabuses and revisions to existing syllabuses,
- to monitor the comparability of standards of both 16+ and 18+ examinations,
- to engage in research necessary in support of these activities,
- to consider appeals by individuals;

b. to advise the Secretaries of State on the validity of national criteria for examinations at 16+ and generally on how the examination system, at both 16+ and 18+, can best serve the needs of the education service and its clients.

3. This body would be formed of about 10-15 people drawn from within and outside education, appointed in a personal capacity

and unpaid, of good standing in their fields and reflecting a broad spectrum of knowledge and experience. The body will carry out its difficult and important functions through an expert staff. The members will be appointed by the Secretaries of State, after consultation with the interests involved. The body will be funded by the Government.

#### School Curriculum Development Council

4. Its functions would be:
  - a. to inform itself broadly of what curriculum development is currently going on,
  - b. to judge its adequacy and to identify gaps and likely future needs,
  - c. to stimulate, within a modest budget, work to meet the identified needs, and
  - d. to promote the dissemination of curriculum innovation, whether stemming from its own work or from that of others, where adequate means do not already exist.
  
5. The body might have a majority of teachers in a total membership of about 20, appointed by the Secretaries of State in a personal capacity and unpaid. Some two-thirds of the teachers might be selected from lists of names submitted by the teachers' organisations, and these lists, together with names proposed by other bodies, would also be taken into account in appointing the remaining teacher members. Other members would be appointed to reflect appropriate interests: in particular the local education authorities, further and higher education, industry and commerce. Departmental officials would not be members of the Council, but the Secretaries of State would wish to appoint assessors.
  
6. The Secretaries of State propose that its funding will be partly by the Government and partly by the local authorities collectively. Some of the Government funding would be by way of specific commissions.



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20 April 1982

The Rt Hon Sir Keith Joseph Bt MP  
Secretary of State for  
Education and Science  
Elizabeth House  
York Road  
LONDON  
SE1 7PH

Dear Keith

MANAGEMENT OF LOCAL AUTHORITY HIGHER EDUCATION

Thank you for sending me a copy of your letter of 5 April to Willie Whitelaw; I have also seen Leon Brittan's letter of 14 April. *requested*

I agree that we should give the National Advisory Body for Local Authority Higher Education a chance to show its mettle, but I also agree with Leon that a reasonably early review is essential. I would therefore endorse his proposal that we should aim to reach a conclusion on the future structure not later than mid-1985. *requested*

Copies of this letter go to the recipients of yours.

*Yours ever*  
*Tanis*

BARONESS YOUNG

21 APR 1982



*Education*

*W/4*

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ODDI WRTH YSGRIFENNYDD  
PREIFAT YSGRIFENNYDD  
GWLADOL CYMRU

FROM THE PRIVATE SECRETARY  
TO THE SECRETARY OF STATE  
FOR WALES

20 April 1982

*Dear Imogen,*

SCHOOLS COUNCIL

This is to confirm that my Secretary of State is content with the draft written answer attached to your letter of yesterday.

/ I am copying this to recipients of your letter.

*Yours ever  
Adam*

A E PEAT  
Private Secretary

Mrs I Wilde  
Private Secretary  
Department of Education & Science  
Elizabeth House  
York Road  
LONDON

20 APR 1982



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*Oddi wrth Ysgrifennydd Gwladol Cymru*



Rt Hon Nicholas Edwards MP

*Wm 2/4*

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01-233 6106 (Direct Line)

*From The Secretary of State for Wales*

*20<sup>th</sup>* April 1982

*De Reile*

Thank you for sending me a copy of your letter dated 6 April addressed to the Home Secretary, about the Second Report of the Education, Science and Arts Committee, "The Secondary School Curriculum and Examinations: with special reference to the 14-16 year old age group".

I note that the report is essentially concerned with education in England and I am content with the draft White Paper which represents the first stage of the response to its recommendations. However, I would like a sentence included in the foreword to the White Paper to indicate that the Select Committee addressed its inquiry to the situation in England and that its recommendations are not directed to Education Ministers collectively.

I am copying this letter to colleagues on H Committee and to Sir Robert Armstrong.

*over*  
*Ned*

The Rt Hon Sir Keith Joseph  
Secretary of State for Education and Science  
Department of Education and Science  
Elizabeth House  
York Road  
LONDON  
SE1 7PH

20 APR 1982



10



CONFIDENTIAL



DEPARTMENT OF EDUCATION AND SCIENCE  
 ELIZABETH HOUSE, YORK ROAD, LONDON SE1 7PH  
 TELEPHONE 01-928 9222  
 FROM THE SECRETARY OF STATE

A Peat Esq  
 Private Secretary to the  
 Secretary of State for Wales  
 Welsh Office  
 Gwydyr House  
 Whitehall  
 LONDON SW1A 2ER

*Education*  
 Prime Minister  
 Sir Keith Joseph  
 hopes to answer  
 this written question  
 announcing the abolition  
 of the Schools Council,  
 and his intention to  
 discuss what should replace  
 it with the local authority  
 associations, on Wednesday  
 or Thursday. Content?

19 April 1982

*LM*  
 19/4

*Yes not*

*Dear Adam*

SCHOOLS COUNCIL

Following the agreement in H Committee on 5 April to my Secretary of State's proposals for the Schools Council, I now attach a draft statement (in the form of a Written Answer) on the future of the Council. My Secretary of State is aiming to make an announcement on Wednesday or Thursday of this week.

I should be grateful if you could let me know as soon as possible whether your Secretary of State is content with the terms of the draft. I should also be glad if David Heyhoe, to whom I am copying this letter, would let me know if the leader of the House is content that the announcement should be made by means of a Written Answer.

Copies of this letter and the draft statement also go to the Private Secretaries to other members of H, the Lord Privy Seal and the Secretary to the Cabinet and to Mike Pattison at No 10.

*Yours sincerely,*  
*Imogen Wilde*

MRS I WILDE  
 Private Secretary

CONFIDENTIAL

C O N F I D E N T I A L

Draft Question

To ask the Secretary of State for Education and Science what plans he has for the future of the Schools Council; and if he will make a statement

Draft Answer

1. My rt hon Friend, the Secretary of State for Wales, and I have been considering the future of the Schools Council in the light of Mrs Trenaman's report, which we published in October, and the comments on it. We are grateful to her for a review which has prompted us to think profoundly about the two functions of the Council and the best ways of performing them.
  
2. The functions concern the system of examinations at 16+ and 18+, and the development of the school curriculum. We have concluded that experience has shown that a single body, constituted as an elaborate network of committees on the lines of the Schools Council, is not well placed to carry out both functions. The Council has not successfully integrated the two functions; undue weight has been given to the curriculum development activities; and little attention has been given to the co-ordination and supervision of examinations at 16+. My rt hon Friend and I need independent, authoritative advice on how the system of examinations at 16+ and 18+ might best meet national needs; and the system's operation requires supervision and co-ordination. These jobs are best entrusted not to a large body constituted from the nominees of numerous interest groups but to a small body comprising persons nominated by the Secretaries of State for their fitness for these special and important posts.
  
3. My rt hon Friend and I will accordingly discuss with the local authority associations the establishment of an Examinations Council along the lines described in the Annex, which would be funded by the

C O N F I D E N T I A L

C O N F I D E N T I A L

Government. Its first task would be to advise us whether to approve the draft national criteria for 16+ examinations which are now being prepared by the GCE and CSE boards.

4. Curriculum development is a practical and professional activity which goes on continually throughout the diffused education system. It is desirably reinforced by a national body with the limited task of identifying and helping to fill gaps, and assisting with the dissemination of curricular innovation. Such a body - a School Curriculum Development Council - needs to reflect the many interests concerned, particularly the teachers, but should also be so constituted as to promote the sensible ordering of priorities and the expeditious transaction of business. My rt hon Friend and I will discuss with the local authority associations the establishment of such a body, on the basis outlined in the Annex; we envisage that it would be financed jointly by local and central government, but on a more modest scale than the Schools Council, and that most of its members would be teachers

5. The two proposed new bodies would work together as necessary.

6. My rt hon Friend and I will also discuss with the local authority associations interim support for the necessary on-going work of the Schools Council. Once the new bodies are in operation, we would bring to an end our financial support of the Council. We hope that the expert staff of the Council will be ready, as required, to take service with the new bodies.

7. My rt hon Friend and I are ready to discuss our proposals with the teachers' organisations and the others who nominate members to the Council's Committees. We hope that these organisations will for their part co-operate in the creation of arrangements designed to improve the quality of the examinations system and to facilitate the development of the school curriculum in a cost-effective way.

C O N F I D E N T I A L

## PROPOSED NEW BODIES

Examinations Council

1. This would coordinate and supervise the conduct of examinations at 16+ and 18+. Its functions will be:
  - a. in regard to the activities of the GCE and CSE Boards:
    - to ensure that syllabuses and procedures for assessment at 16+ are in accordance with the national criteria which are to be proposed by the boards and considered by the Secretaries of State,
    - to approve new A level syllabuses and revisions to existing syllabuses,
    - to monitor the comparability of standards of both 16+ and 18+ examinations,
    - to engage in research necessary in support of these activities,
    - to consider appeals by individuals;
  - b. to advise the Secretaries of State on the validity of national criteria for examinations at 16+ and generally on how the examination system, at both 16+ and 18+, can best serve the needs of the education service and its clients.

2. This body would be formed of about 10-15 people drawn from within and outside education, appointed in a personal capacity and unpaid, of good standing in their fields and reflecting a broad spectrum of knowledge and experience. The body will carry out its difficult and important functions through an expert staff. The members will be appointed by the Secretaries of State, after consultation with the interests involved. The body will be funded by the Government.

School Curriculum Development Council

3. Its functions would be:
  - a. to inform itself broadly of what curriculum development is currently going on,

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- b. to judge its adequacy and to identify gaps and likely future needs,
- c. to stimulate, within a modest budget, work to meet the identified needs, and
- d. to promote the dissemination of curriculum innovation, whether stemming from its own work or from that of others, where adequate means do not already exist.

4. The body might have a majority of teachers in a total membership of about 20, appointed by the Secretaries of State in a personal capacity and unpaid.

Some two-thirds of the teachers might be selected from lists of names submitted by the teachers' organisations, and these lists, together with names proposed by other bodies, would also be taken into account in appointing the remaining teacher members. Other members would be appointed to reflect appropriate interests: in particular the local education authorities, further and higher education, industry and commerce. Departmental officials would not be members of the Council, but the Secretaries of State would wish to appoint assessors.

5. The Secretaries of State propose that its funding will be partly by the Government and partly by the local authorities collectively. Some of the Government funding would be by way of specific commissions.

6. The Council would appoint its own staff.

April 1982

1 8 APR 1982





Noted ✓

Prime Minister (2) ✓  
ms 22/6

Treasury Chambers, Parliament Street, SW1P 3AG

Rt Hon Sir Keith Joseph MP  
Secretary of State  
Department of Education and Science  
Elizabeth House  
York Road  
London SE1 7PH

14 April 1982

*D. Kinn*

*[Handwritten signature]*

MANAGEMENT OF LOCAL AUTHORITY HIGHER EDUCATION

*- below*

Thank you for sending me a copy of your letter of 5 April to Willie Whitelaw.

With some reluctance I have to agree with your judgement that it is not feasible to pursue the option of central funding at this stage, though that remains my preferred structure. But as you suggest, the local authorities can effectively be put on trial under the interim arrangements, both providing an incentive to make the NAB work and, if it fails, strengthening the basis on which we can return to a central funding option.

While the interim structure should be given some time to demonstrate its effectiveness, a reasonably early review point is essential. Your letter implied that a review would be carried out within 3 years. I would support that and am firmly of the view that an assessment of the NAB's performance should certainly be left no later.

I am copying this letter to the recipients of yours.

*[Handwritten signature]*  
*[Handwritten signature]*

LEON BRITTAN

21 APR 1942

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0 2  
9 1 3  
8 4  
7 6 5





*Education*  
*Prime Minister*

*To be aware.*

DEPARTMENT OF EDUCATION AND SCIENCE  
ELIZABETH HOUSE, YORK ROAD, LONDON SE1 7PH  
TELEPHONE 01-928 9222  
FROM THE SECRETARY OF STATE

*MA*  
*8/4*

M Pattison Esq  
10 Downing Street  
LONDON  
SW1

*ms.*

7 April 1982

*Dear Mike*

EDUCATION, SCIENCE AND ARTS COMMITTEE: SECOND REPORT, SESSION 1981-82

You should be aware that my Secretary of State has consulted his colleagues in H Committee on the proposed Government reply to the Education, Science and Arts Committee's report on the Secondary School Curriculum and Examinations. I enclose a copy of my Secretary of State's letter and of the draft Government reply.

As you will see, it is proposed that the reply should be in 2 stages, the first as soon as possible after Easter and the second stage in the summer. The exact timing of publication will be cleared with your Press Office and others in the usual way.

*Yours ever.*

*Nick Cornwell*

N J CORNWELL  
Private Secretary



DEPARTMENT OF EDUCATION AND SCIENCE

ELIZABETH HOUSE, YORK ROAD, LONDON SE1 7PH

TELEPHONE 01-928 9222

FROM THE SECRETARY OF STATE

The Rt Hon William Whitelaw CH MC MP  
Secretary of State for the Home Department  
Home Office  
50 Queen Anne's Gate  
LONDON  
SW1H 9AT

6 April 1982

*Dear Lizzie,*

The Education, Science and Arts Committee of the House of Commons published its Second Report, Session 1981-82, "The Secondary School Curriculum and Examinations: with special reference to the 14 to 16 year old age group" (HC 116-1) on 16 February. Their inquiry had ranged widely over policy in this area and this is reflected in the recommendations which the Committee make.

Some of the recommendations raise issues of policy of some complexity to which an early reply cannot be made, and on these I should wish to take up to the 6 months' maximum set for replies to Select Committee reports. On others it is possible to move more quickly. I propose, therefore, that the Government's reply should be in two stages. The first stage would comprise the more straightforward recommendations. These are addressed principally to my area of responsibility but my officials have consulted other Departments as necessary.

I attach the draft of a White Paper which I should like to see published as soon as possible as the first stage of the Government's reply. Unfortunately it will be impossible to publish this within the Procedure Committee's recommended timetable of two months, but I hope that it can nevertheless be issued shortly. It would be helpful if I could have any comments which you or colleagues would wish to make by Friday 16 April.

I am copying this letter and enclosure to our colleagues on H Committee, and to Sir Robert Armstrong.

*Erin Keir*

DRAFT WHITE PAPER

INITIAL GOVERNMENT OBSERVATIONS ON THE SECOND REPORT FROM THE EDUCATION, SCIENCE AND ARTS COMMITTEE, SESSION 1981-82: THE SECONDARY SCHOOL CURRICULUM AND EXAMINATIONS

1. The Government attach great importance to the subject of the Committee's Second Report, Session 1981-82, "The Secondary School Curriculum and Examinations: with special reference to the 14 to 16 year old age group".
2. The Report contains 65 recommendations. Many of them raise issues of some complexity. The Government's reply to certain recommendations is set out below. The remaining recommendations are still under consideration and the Government will reply to these later.

Recommendation 1

"1. Courses should contain less emphasis on detail and should seek to bring together from each discipline the key concepts, skills and knowledge needed for the world of today."

Response: The Government share the Committee's concern that all pupils should be offered a broad curriculum up to 16. They agree with the Committee that such a curriculum is best achieved by the avoidance of premature or excessive specialisation which may limit subsequent educational and career opportunities. "The School Curriculum"\* notes that breadth is commonly defined in terms of subjects: it explains that the curriculum can, and desirably should, be analysed in several ways, but that subject titles are used in the document because secondary school timetables are almost always devised in subject terms, because they are readily recognised by parents and employers, and because most secondary school teachers are trained in subjects. The Government do not accept that the use of subject titles in "The School Curriculum" limits the value of this guidance, which draws schools' attention in particular to the analysis by areas of experience used in HM Inspectors' working papers on the 11-16 curriculum. They also

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\*The School Curriculum (Department of Education and Science and Welsh Office, 1981).

wish to emphasise that the absence of detailed discussion of the arts and humanities in "The School Curriculum" to which the Committee refers does not imply indifference to those areas of the curriculum.

One of the advantages of a broad curriculum is that it makes available to the pupil a wide range of skills and knowledge required for adult life and work in the modern world. Each discipline offers its own distinctive body of knowledge and encourages its own distinctive skills. Moreover the limits set by the school time-table mean that, if the curriculum is broad, each area of the curriculum is necessarily under pressure of time. This provides an incentive to concentrate on the essential elements in every course and to minimise detailed elaboration. Where a subject syllabus is overloaded or out of date, pruning is necessary. The Department of Education and Science intends to explore these aspects in its further work on curricular policy, for example in the forthcoming consultation paper on science and the follow-up to the Cockcroft report on mathematics.

### Recommendation 3

"3. The Curriculum in the last five years of compulsory schooling must take serious account of the wide variety of cultures to be found within any school."

Response: The Secretary of State for Education and Science has stated in "The School Curriculum" his belief that "what is taught in schools, and the way it is taught, must appropriately reflect fundamental values in our society ..... The work of the schools has to reflect many issues with which pupils will have to come to terms as they mature." One such issue identified in "The School Curriculum" is that "our society has become multi-cultural; and there is now among pupils and parents a greater diversity of personal values". These are matters which LEAs and schools should take into account when reviewing their curricular policies in pursuance of DES Circular 6/81.

#### Recommendation 5

"5. The Regulations relating to the information which schools are obliged to publish should be amended to include the requirement that schools should publish an explicit statement of curricular aims, and that full details of the curriculum offered should be given to parents of prospective pupils."

Response: The Education (School Information) Regulations 1981 give parents the right to much more information about their children's schools than has generally been made available hitherto. These regulations lay down minimum requirements which take into account the administrative and other burdens which requirements of this kind impose on local education authorities and schools. The regulations leave it open to schools to give a full account of the curriculum, including their curricular aims, in the information they provide for parents. The Government have no present intention to amend the regulations, which apply for the first time to arrangements in connection with the academic year beginning in the autumn of 1982. The content of the regulations will be kept under review in the light of their operation in practice.

#### Recommendation 6

"6. The model articles of government should be modified to allow for the inclusion of "principles" to which the governors shall have regard in exercising their oversight of the curriculum, that LEAs shall have the responsibility of ensuring that all schools should develop curriculum plans of this kind, and that the Secretary of State should embark upon the necessary consultations with a view to imposing duties on LEAs and governors in accordance with a general outline of what we have proposed."

Response: The statutory framework for responsibility for the curriculum in county and voluntary schools in England is defined in Section 23 of the Education Act 1944 and in the Articles of Government of individual schools. For secondary schools, these are approved by the Secretary of State (or, in the case of a voluntary school, made by him). The model Articles published by

the Secretary of State are intended to guide local education authorities and governors, but the Secretary of State exercises his powers in relation to school articles only after taking due account of local wishes.

The Secretary of State welcomes the principles for governing bodies which the Committee has outlined and these are reflected in "The School Curriculum". He has asked local education authorities and schools to review their curricular policies in the light of this document, which recommends inter alia that every school should state its curricular aims in writing. It would not, however, in the Secretary of State's view, be appropriate to incorporate any such statement of principles in a school's Articles of Government, partly because these are concerned with defining how the responsibilities of Governors, the staff and the local education authority relate to each other rather than with the nature of the curriculum, and partly because the principles offered by the Committee cannot be regarded as constituting a complete basis on which the Governors could exercise their curricular responsibilities. But if pursuant to the review requested in DES Circular 6/81 local education authorities or Governors of voluntary schools wish, after consultation, to propose a revision of a school's Articles with a view to clarifying or amending the distribution of responsibility for its curriculum, the Secretary of State will be ready to consider each such proposal on its merits.

#### Recommendation 7

"7. The DES should take on responsibility for the Foreign Language Assistants programme and should make arrangements for this to be funded centrally."

Response: The Department of Education and Science, jointly with the local authority associations, is now obtaining the views of local authorities and of university and polytechnic language departments on whether action should be taken nationally in relation to the number of foreign language assistants places in the schools. If these consultations reveal a general desire for changes in the

administrative and financial arrangements, the Government will consider the possibility of central funding or other national arrangements, having regard to the resource implications.

Recommendation 8

"8. The DES should explore means of funding exchanges with pupils from other countries."

Response: The Department agrees that it is desirable that more pupils should have an opportunity to go on an exchange to another country. It already provides, through the Central Bureau for Educational Visits and Exchanges, a large range of information and advice services to help local authorities, schools, teachers and parents take full advantage of all possible opportunities at the minimum cost.

The Bureau is also able to provide some financial help for experimental schemes of exchange eg to help the disabled; and the British Council offers grants for youth group exchanges with some countries. But it is not Government policy that exchanges generally should be financially assisted from public expenditure. The member states of the European Community have not so far been able to agree on a basis for Community action designed to fund pupil exchanges or similar arrangements.

Recommendation 10

"10. HMI should monitor the provision of craft, design and technology in schools, with particular reference to the take-up by girls, and make the results available on an individual basis to LEAs."

Response: HMI seek to gain a national picture of the provision and take-up of Craft, Design and Technology through individual inspections and surveys of schools. Their findings are made known to the schools and LEAs concerned. Publications such as "Craft, Design and Technology: some successful examples", which was published in 1980, make specific reference to the needs of girls and boys and give examples of schools that have developed appropriate curricula.

Recommendation 14

"14. The phrase "religious instruction" should be replaced by "religious education" in the 1944 Act."

Response: The Education Act 1944 distinguishes religious instruction and the act of worship under the general heading of "religious education in county and voluntary schools". "Religious education" has long been the term generally used in schools and in Agreed Syllabuses. The Government have noted the views expressed to the Committee. The Government would not wish to amend this or any other provision of the Act which relates to religious education unless they were convinced that such amendment was generally regarded as essential. The Government are not at present satisfied that an amendment is desirable.

Recommendations 15 and 16

"15. The Secretary of State should now begin discussions with all interested bodies, including the church authorities, about guidance to schools on the school act of worship. These discussions should include the possibility that legislative changes may be necessary."

"16. HMI should survey current practice in schools regarding acts of worship as an aid to furthering the discussions recommended above."

Response: The Government recognise that a variety of practice has grown up in the form and content of the act of worship. The Government believe that this reflects the complexity and variety of present-day society and differences in the organisation of schools. They do not believe that it would be helpful to seek to standardise practice in this respect, but they are ready to receive representations about the act of worship from the Churches and others at any time. HMI frequently attend assemblies in the course of their inspection of schools. They are aware of current practice regarding the act of worship in secondary schools, and they are in a position to contribute information to any discussion about the collective act of worship.



Recommendation 17

"17. More properly qualified Religious Education teachers and inspectors should be appointed."

Response: Local education authorities are responsible for the appointment of their advisers and inspectors, and local education authorities and the governing bodies of schools for the appointment of teachers to maintained schools. It is for them to decide, having regard to the statutory provisions, to their policies for the curriculum and to the resources available, how many religious education teachers and advisers and inspectors to appoint. It is also for local authorities to consider among the priorities for in-service training the need for some of those currently teaching the subject to improve their qualifications. The Secretary of State has a responsibility for the supply of teachers. At present the number of specialist religious education teachers available appears to be broadly sufficient to meet the demands of appointing bodies.

Recommendation 18

"18. Those authorities which have not already done so should prepare revised religious education syllabuses in consultation with the religious leaders in their communities."

Response: In "The School Curriculum" the Secretary of State for Education and Science called on local education authorities to "reconsider from time to time the appropriateness of the Agreed Syllabus for their area in the light of the needs of particular groups of pupils and changes in the society in which the pupils are growing up". A substantial number of revised Agreed Syllabuses have been brought into use: over one-third of local education authorities in England are using syllabuses adopted since 1970 or are currently revising their syllabuses. The Government hope that this process will continue.

Recommendation 19

"19. The continued existence of voluntary denominational schools within the maintained sector should be guaranteed."

Response: Voluntary schools play an essential part in the dual system of county and voluntary schools established by the 1944 Education Act and reinforced in subsequent legislation. The Education Acts already provide a full guarantee for the place of voluntary schools in this system, and the Government are firmly committed to sustaining that guarantee. They agree with the Committee that voluntary schools contribute an important measure of diversity within the maintained system and offer choice to parents who wish to educate their children in schools which reflect their own religious beliefs. The present numbers of voluntary schools and the number of pupils educated in them is an indication of their significance: there are over 8,000 voluntary schools (about one-third of all maintained schools in England) and 1.1 million pupils are educated in them.

In the light of falling school rolls, the Secretary of State has asked in Circular 2/81 that the governors of voluntary schools should co-operate fully with local education authorities in reviewing how they might best rationalise their primary and secondary schools in the light of the staffing and curricular needs of their school population and in the interest of good education. Any resultant statutory proposals in respect of voluntary schools made under Sections 12-16 of the Education Act 1980 require the approval of the Secretary of State. The Secretary of State will continue to exercise his powers under those Sections within the broad objective of sustaining a balance between voluntary and county provision appropriate to the needs and circumstances of each area.

Recommendation 21

"21. The Schools Council should take the lead in developing "criterion referencing" in conjunction with the examination boards, the National Foundation for Education Research and representatives of industry."

Response: The Secretary of State for Education and Science has invited the Joint Council of GCE and CSE boards to include in the draft national criteria for assessment procedures in examinations at 16+, which they are now preparing, proposals for grade descriptions which would indicate to users of examination certificates the likely levels of competence and knowledge that might be expected from those who obtain a particular grade. The Secretary of State is also giving the examination boards the longer-term objective of making the award of all grades conditional on evidence of attainment in specific aspects of a subject. This longer-term objective of introducing "criterion referencing" would represent a radical departure from present procedure and the Secretary of State will play his part in ensuring that the necessary research and development is undertaken. In his view it would be appropriate for the examination boards to take the lead in a task which is closely linked to the development of national criteria for assessment procedures, but other bodies are likely to contribute to the work. The Secretary of State has undertaken to consider detailed proposals from the Joint Matriculation Board for financial assistance towards the cost of a feasibility study of criterion referencing.

Recommendation 23

"23. Once the detailed proposals for the new examination system have been drawn up by the Examining Boards' Joint Council, they should be the subject of very wide public discussion."

Response: The preparation of draft national criteria for examinations at 16+ is providing an opportunity for public debate. Many organisations and individuals, including a large number who have not previously been associated with the work of the examination boards, have taken an opportunity to comment on the preliminary proposals from the working parties of the Joint Council. The Secretary of State will take the views of these organisations and individuals into account when the Joint Council submits the draft criteria for his approval.

Recommendation 24

"24. The use of profiles for all levels of ability and achievement should be encouraged by the DES; a national, standardised form of presentation should be developed; and steps should be taken to make employers and further education aware of their content and purpose."

Response: The Secretary of State shares the Committee's belief in the value of introducing a record of achievement for all school leavers, including those who do not obtain examination certificates. Many benefits could be secured if such a record could be successfully established. Records of achievement could, for example, serve as an aid to selection for employment or further education and as a means of recognising and recording achievements and qualities which cannot be assessed in formal examinations. Records of achievement should not replace examinations: they should provide evidence of educational attainments (including those which take the form of examination qualifications) and other achievements, including those which reflect personal qualities. Further study and development work are required before detailed plans could be formulated for the general introduction of such records. The Secretary of State is now considering the way in which the necessary preparatory work should be taken forward.

Recommendation 40

"40. The annual rate of reduction of teachers allowed for in Cmnd 8175 should be preserved, and their actual over-provision in 1980-81 should be written off."

Response: The Government have accepted the spirit of this recommendation. In framing their new expenditure plans (Cmnd 8494), The Government took into account the actual number of teachers employed in 1980-81 as well as the estimated number for 1981-82. As the table below indicates, despite the higher 1980-81 total, the new plans provide for broadly the same reduction in total numbers as in Cmnd 8175 by 1982-83 as well as 1983-84.

ENGLAND, as at January in each year

Nursery, primary and secondary teachers thousands (full-time equivalents)

	1980	1981	1982	1983	1984	1985
Cmnd 8175	438	* /424	411	398	383	-
Cmnd 8494	438	<u>429/</u>	418	405	390	380

\* Numbers to the left of the stepped line are actual; to the right projected.

Recommendation 44

"44. The arrangements for the probation of teachers should be considerably more thorough than they are at present and the existing one-year probationary period should be extended to two or three years."

Response: The Government agree with the need to improve arrangements for the assessment of probationers. To this end the Department of Education and Science is already consulting the local authority and teacher associations about the terms of a code of guidance for authorities on the handling of probationary teachers. The Education (Teachers) Regulations 1981 (SI 1982/106) provide in Schedule 6 for clearer definition of the probationary period and the timescales within which probation procedures should be operated.

All teachers trained in England and Wales undergo supervised teaching practice as part of their training, and training undertaken abroad is accepted only if it includes comparable teaching practice. The probationary period is one year for teachers trained in England and Wales (those trained in Scotland and Northern Ireland are similarly treated) and two years for untrained graduates or those trained overseas. There is provision, however, for these periods to be extended in cases where a local education authority is not satisfied with a probationer's progress, or shortened or waived in the light of a probationer's previous teaching experience (usually in an independent school).

In the Government's view, provided that a satisfactory code of guidance can be established, this together with the powers available to local education authorities to extend or waive probation where necessary should enable all probationers to serve the term appropriate to their own abilities as teachers. This is preferable to a general lengthening of the probation period.

Recommendation 48

"48. The DES should prepare a set of proposals for the restructuring of teachers' salaries as a matter of urgency."

Response: The Department is already involved in a review of the teachers' salary structure. Under the Remuneration of Teachers Act 1965 it is the Burnham Committee which is responsible for considering pay matters. That responsibility covers salary structures as well as levels, and the 1981 pay settlement included an agreement to consider salary structures. A review is now being undertaken by a joint working party made up of representatives appointed by both panels of the main Burnham Committee. The Department is in membership of the working party; it is to and through the management panel of that working party that the Department's views on salary structure matters are most appropriately expressed. The Department has played a full part in discussions to date and expects to continue to do so in the future.

A discussion paper has been offered by the management side. That suggested a new career scale for teachers, with provision for faster than average progression for the most able teachers. It also envisaged arrangements for entry to that career scale which would require teachers to show long-term career potential before admission. Teachers who undertook heavier responsibilities would be paid at levels above the career scale. The teachers' side has yet to respond to those suggestions. Complex issues arise, particularly over the assessment of professional and classroom performance and the identification of levels and kinds of responsibility which would merit above-scale salaries. It would be unrealistic to expect agreement to be reached quickly, but the Government have expressed general support for the proposals and the hope that agreement can be reached in due course on a salary structure which will fairly reward the best and most committed teachers.

Recommendation 53

"53. HMI should monitor in-service provision and initiate regular surveys of good practice in in-service training and publish the results."

Response: Priorities for in-service training are largely determined at LEA level, through authorities' own provision and through their policies for teacher release. The annual programme of DES/Regional courses reflects the agreed priorities of several LEAs in one region. HMI provide a programme of short courses and invitation conferences for those in the education service each year, and these often reflect national issues and policies.

HMI regularly review the level, quality and nature of in-service training provision and report their findings in occasional publications and conferences.

Special surveys of the volume and cost of in-service training in the maintained sector of education and of local authorities' policies towards in-service training have been carried out by the Department in 1978 and 1979. Results published in DES Statistical Bulletins 8/78 (for the 1978 survey) and 9/80 (for the 1979 survey) gave volume and cost figures for different types of local authority and summaries of local authority policies. These have assisted the Department and local authorities in recognising good practice in this area and in agreeing the appropriate levels of resources required. The Department and the local authorities have agreed that comprehensive annual surveys would not be justifiable. A survey of local authorities' policies towards in-service training is being held in 1982, and it is expected that there will be a survey of the volume and cost of local authority in-service training provision in 1983. The Department will continue to review, in consultation with the local authorities, the need for data in later years.

Recommendation 54

"54. The 1944 Education Act should be amended in such way as

to give the Secretary of State powers to intervene in circumstances where a nationally agreed guaranteed provision appears to be at risk."

Response: The Government have considered this recommendation in the light of Section 9 of the Committee's report, and particularly the views expressed in paragraphs 9.16 and 9.17. The Government note that the Committee has based the recommendation on a particular interpretation of the relevant provisions of the Education Act 1944. The Government do not believe that the provisions have the effect suggested by the Committee, and consider that provisions having that effect would be an undesirable arrangement.

In the Government's view, the provisions of the 1944 Act on schools are based on a carefully judged division of powers and duties between the Secretary of State; the local education authorities; school governors, heads and teachers; and parents; and the Government believe that the terms of this recommendation conflict with that allocation of responsibilities. The Committee appears to take "a nationally agreed guaranteed provision" as embracing a national minimum standard both for the provision of educational facilities, and for coverage of the curriculum. That concept seems to the Government to be alien to the variety of locally-determined provision which Parliament envisaged in the 1944 Act; and to give the Secretary of State additional powers to prescribe curricular provision in detail would be an undesirable shift in a well-tried and well-understood distribution of functions.

The Government believe that the present statutory framework, which in this context includes Sections 1, 7, 8, 17 and 23 of the 1944 Act, has proved itself since that Act came into force. The Committee recognises in Section 2 of its report that "The system envisages that the Secretary of State would in general only have influence over the curriculum, and that this influence should be mediated by a series of mechanisms, each of



which enjoys a measure of independence from political control". That formulation seems to the Government to be consistent with the stance taken in "The School Curriculum", and in DES Circular 6/81, where, having regard to the statutory functions of all the parties concerned, primary responsibility for defining curricular policy and reviewing progress in carrying out that policy is placed on the local education authorities, in the light of policies and objectives defined by the Secretary of State, and in consultation with governors, teachers, and others concerned. It should be noted that the powers conferred on the Secretary of State by Section 27 of the Education Act 1980 do not extend to the curriculum.

The Committee has devoted attention to the circumstances in which the Secretary of State might use his powers under Section 99 or (possibly) Section 68 of the 1944 Act when a local education authority was in breach of its statutory duty under Section 8 of the 1944 Act. The DES evidence on this issue made it clear that authoritative decisions on the interpretation of the relevant sections of the 1944 Act could be made only by the Courts, and that any individual case would have to be judged on its own facts. For those reasons it did not seek to set out an exhaustive set of circumstances in which the Secretary of State might be expected to use his powers, nor would it be possible to do so. The minimum standard of provision in England is prescribed by the Education Acts only in general terms, and the meaning of "education" is nowhere defined in these Acts: the interpretation of the Acts involves a substantial element of judgement, and requires also the consideration of general factors, including the spectrum of current educational practice in England.

The Secretary of State will continue to consider any complaint made to him of unreasonable action, or of a breach of statutory duty, on the part of a local education authority or a school governing body in accordance with the Education Acts and in the light of all the relevant factors. The Secretary of State has powers to act under Section 68 and 99 in relation to the circumstances of one or more individual schools and institutions,

the treatment of an individual pupil or student, or a local authority's provision as a whole. Section 68 allows the Secretary of State to give directions where an action of a local education authority or of a governing body is unreasonable; a Court decision in 1976 made it clear that the Secretary of State's powers to intervene are very limited (to cases where, for example, an authority's decision was perverse or taken in bad faith), and the section does not allow him to substitute his own view of the matter for that taken by the authority or governing body. Section 99 is a power to be used only in cases of breaches of the law: the Government believe that local education authorities and governors seek to work within the framework of the law, and therefore expect the use of the Secretary of State's powers under Section 99 to be rare.

The Government believe that it is instructive to look back at the passage of the 1944 Act through Parliament. Section 99 was largely a repetition of existing powers; and Section 68 was added at a late stage to replace a provision withdrawn in the House of Lords which would have given the Minister much more sweeping powers to substitute his judgement for that of local education authorities in determining how they should carry out their duties. The Government believe that the balance of function which resulted has proved both sensible and workable, and should not be changed.

#### Recommendation 59

"59. The DES should publish as soon as is practicable a summary of the major findings of the 1977 Secondary Staffing Survey, and should make available to the local authorities the full set of data on which these were based."

Response: Selected results from the 1977 Secondary Staffing Survey have already been published in a statistical bulletin in 1980 (DES Statistical Bulletin 6/80) and a further bulletin completing the summaries of the main topics covered by the survey was published in March 1982 (5/82). One of the purposes of such a detailed survey is to serve as a quarry for illuminating particularly policy issues. The survey has been used extensively for this purpose: for example, the statistical appendix to the

Cockcroft Report includes the results of special analyses prepared for that committee. Other analyses are available. In the Government's view it is preferable, and in accordance with the White Paper on Government Statistical Service (Cmnd 8236), to make information available in response to particular clearly directed requests rather than to publish extensive reference documents. The Department is ready to respond to such requests on the basis of its revised procedures for the dissemination of statistics outlined in Statistical Bulletin 10/81.

Recommendations 60 and 51

"60. The DES should have a much greater involvement than we deduce they have at present in the decisions about the national level of educational Grant Related Expenditures, and should have full control over the formulation of individual GREs."

"51. The DES should begin feasibility studies aimed at converting the calculation of education GRE to a method based on a curriculum-led system."

Response: The Government endorse the view of the Committee (paragraph 9.26) that the "sheer complexity of the education service requires an exceptionally high level of involvement on the part of the specialist department in the forming of expenditure plans". The national total of the education grant-related expenditure (GRE) is derived from the Government's plans for local authority expenditure on the education service. The methodology for calculating the education GRE for each LEA has been developed by the Government in consultation with representatives of the local authority associations and continues to be refined by that process. The major part of the development work on the methodology for calculating education GREs is done within the DES in consultation with representatives of central government departments and the local authority associations through the Grants Working Group which operates under the auspices of the Consultative Council on Local Government Finance. Final decisions about the methodology for calculating education and other components of GRE assessments are taken by Ministers collectively.

The existence of clearly defined client groups for the main sectors of the education service has facilitated the development of a better founded methodology for education GREs than is possible for the GREs for some other services. The present method of calculating education GREs seeks to take account of differences between LEAs arising from such factors as the higher costs of providing school education in sparsely populated areas, and the proportion of children with additional educational needs. Insofar as curriculum-led staffing would lead to differences in relative staffing needs between authorities, the differences are likely to be reflected through these factors. Converting the calculation of GRE nationally to a basis of curriculum-led staffing would presuppose the adoption for this purpose of a particular national curriculum pattern, and this seems neither desirable nor necessary at this stage in the development of GRE.



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FROM THE SECRETARY OF STATE

The Rt Hon William Whitelaw CH MC MP  
Secretary of State for the Home Department  
50 Queen Anne's Gate  
LONDON  
SW1H 9AT

5 April 1982

*Dear Willie,*

MANAGEMENT OF LOCAL AUTHORITY HIGHER EDUCATION

I wrote to you on 18 November about the interim machinery for managing local authority higher education that I hoped to establish before Christmas. I was able to make a statement in the House on 23 December, announcing the establishment of this new machinery - now known as the National Advisory Body for Local Authority Higher Education (NAB) - and giving its terms of reference. I made a further announcement about its membership on 28 January, and its Committee and Board both met for the first time on 1 February.

The NAB is now embarked upon a programme of action; it will first be looking at three particular aspects of provision (engineering, art and design, and pharmacy) and reviewing its data requirements and present regional arrangements for course approval.

I have appointed the Board's chairman and members for a three-year period; I believe this to be about the right timescale to enable an assessment to be made of the success or otherwise of the NAB and its effectiveness as a piece of machinery for co-ordinating and rationalising non-university higher education provision.

The Department has now received somewhere in excess of 150 comments on the consultative document "Higher Education Outside The Universities: Policy, Funding and Management" that Mark Carlisle issued last July. Not surprisingly, these reveal no clear consensus about the right way forward in the long-term; but there is a strong body of opinion against central funding of the major institutions - Model B in the document which the Department favoured - and it is obvious that a proposal to proceed immediately on these lines would be highly contentious. There is also no consensus on the proposal favoured at the time by the local authorities, and no convincing compromise solution has emerged. (That this was the probable outcome was of

course one of the factors which prompted me to propose what is now the NAB as an interim arrangement.)

I am therefore proposing to defer active consideration of the long-term policy for the management of non-university higher education until some assessment of the effectiveness of the NAB can be included as a factor in these deliberations. I believe that, if the NAB succeeds, something developed from it may turn out to be an appropriate means of co-ordinating and shaping higher education in the public sector; it has the major advantage of having been established with the full agreement of the local authority associations, and they have a strong interest in ensuring that it does the job it has been set up to do. If the NAB should prove inadequate for the task, then it would be very hard for the authorities to oppose a solution on the lines of Model B, and we would have learned valuable practical lessons through the operation of the NAB that would help us in drawing up new proposals.

... If you and colleagues are content, therefore, I would propose to make the attached short statement in the House by way of a written reply to an arranged PQ.

I am copying this to members of H Committee and to Sir Robert Armstrong.

*Lawson,*

*Kirk.*

To ask the Secretary of State for Education and Science, what is his long-term policy for the management and funding of higher education in England outside the universities.

The consultative document\* issued in July 1981 by my Rt Hon Friend the then Secretary of State for Education and Science invited reactions to two approaches to the future management and funding of higher education in England outside the universities. Since the issue of the document my Department has received over 150 responses: these have demonstrated that there is widespread acceptance of the need for improved co-ordination and rationalisation of the higher education system, but no clear consensus as to the right way to achieve this.

In recognition of this need, and without prejudice to consideration of long-term policy in this area, I have established an interim body, the National Advisory Body for Local Authority Higher Education (NAB), to advise me on the academic provision in local authority institutions of higher education. The NAB met for the first time on 1 February and is now embarked on an urgent programme of work.

I propose to review my policies for the longer term management and funding of higher education institutions outside the universities when we have had an opportunity to assess the effectiveness of the NAB. In doing so, I shall take into account all those comments already received together with any further comments offered in the light of experience of the NAB's activities.

\*Higher Education in England outside the Universities: Policy, Funding and Management.

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10 DOWNING STREET

Prime Minister 2

Sir Keith Joseph proposes to abolish  
the Schools Council, and to replace  
it with two smaller bodies: One  
to supervise the conduct of 16+ & 18+  
examinations, and to advise on the  
effectiveness of the examinations system;  
The other to work on curriculum  
development.

Nicholas Edwards feels that these  
proposals will be extremely controversial  
and that any gain will not be worth  
the fuss with the teachers & local authorities.  
He will speak against them at H.  
He feels we will have a sufficient  
argument with the teachers over pay.

WM  
25/3

PART 7 ends:-

DES to WR 14.10.81

PART 2 begins:-

H (82) 14 24.3.82

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