

F0246

11/12
Mr Wilson
through Mr Monger

EDUCATION BILL

In my minute to you of 27 November I said I would explore further clauses 82-95 (higher education) and clauses 130-136 (academic tenure).

2. On higher education, the Bill seems to me to be consistent with the consultation document issued by Mr Baker in April (copy attached).

3. On academic tenure, the Bill seems consistent with Mr Baker's proposals as set out in H(87)9 and approved at H(87)4th Meeting of 12 March (copies of H paper and minutes attached).

4. One minor point. I have now obtained a copy of the 1980 Education Act, which bears on paragraph 13 of the Note attached to my earlier minute. This drew attention to Clause 104(4) of the Bill dealing with appointments of staff at colleges of further and higher education where there is financial delegation. Clause 104(4) states that "the (local education) authority shall not be required by virtue of subsection 3(b) above to appoint any person if they are not satisfied that he meets any requirements of any regulations made under Section 27 of the 1980 Act (school and further education regulations) which are applicable in relation to his appointment." Section 27 of the 1980 Education Act (attached) seems to me to make it possible for an LEA to act in a restrictive fashion on this point, though clearly much will depend on the regulations passed under this head. Mr Baker's paper E(EP)(87)4 said on this (paragraph 3iv) that "as to staff, the Governing Body, as in the school delegation proposals, would have the power to choose new staff, including the Principal, for appointment by the LEA. They would also have the power to require the LEA to dismiss a member of staff...". You might want to bear this in mind when you meet Professor Griffiths.

D P Walker

D P WALKER

1 December 1987