



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

11 12 13
0 1 2 3
4 5 6 7 8

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,
Imogen 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 ⁱⁿ ~~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.

* 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

