



Policy Study No. 90

# Opting Out

a guide to why and how

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CENTRE FOR POLICY STUDIES

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# Introduction

The Education Bill before Parliament honours the promise made by the Government before the General Election to give state schools – secondary and the larger primary – the chance to opt out of local authority control and run themselves. The schools which do so will be funded by direct grant from the DES. They will be called ‘grant-maintained’ schools and will not charge fees. Funding will be in line with the number of pupils and what the schools would have received had they stayed under the local authority.

Capital funding will also be allocated by the DES, and schools may apply for up to 100% grant for capital projects. Thus – it is important to emphasise – no school will lose out on grant by virtue of having opted out.

Grant-maintained schools will break the LEA monopoly of state schools. Freed from the frustrations of local authority interference, heads and governors will be able to shape their schools as they see fit. They will choose and appoint the teachers. They will allocate funds where they are needed, e.g. on books and equipment, and apply for the services and support which they (not the local authority administrators) consider best for their schools. They will be able to develop the character of their school, unhindered by continual requests for form-filling and interference from the town hall. It is the head on whom responsibility for the quality of a school falls. Under these proposals he (and the governors) will have the powers to meet that responsibility.

For parents who want a good education for their children, grant-maintained schools will make for better quality and greater choice within the state system. Parents will now have the chance to send their children to state schools independent of the local authority which do not charge fees. No longer will getting a good education for their children depend on where they live or whether they spend money on school fees.

Many local authorities oppose this reform because they do not want their monopoly over schools infringed. But they will learn that the best way to protect their interests is to provide a good education in their remaining schools, and to co-operate with, rather than defy, those whom they are there to serve.

If the local authority hinders heads and governors from running their schools as they wish, and if it fails to provide parents with the education and schools they want and believe to be best for their children, then schools will choose to be rid of their shackles. More parents will trust their children's future to the independent grant-maintained school.

## Why opt out?

### Why this measure is necessary

Local authorities have, for too long, enjoyed a monopoly control of vast education budgets, with all the powers of running schools which go with that. Education has been the principal bastion of power in local government – accounting, as it does, for over 50% of local authority expenditure. Large and expensive bureaucracies which have grown up in the town halls have come to hinder, not help, heads and governors who want to run their schools, teachers who want to teach, and children who want to learn. Many authorities have shown themselves at best oblivious to the wishes of those whom they serve – and at worst, callous in their contempt of them. Heads and teachers have been driven out by hard-left authorities; and parents have had to send their children out of the borough in which they live in search of a good education.

But it is not only from the hard-left authorities that parents, teachers and schools need help to escape. Very few have not, at some stage, been thwarted by the local bureaucrat, who so often has defied or frustrated local wishes in his expensive schemes for 'rationalising the service'. Heads, parents and teachers might well ask why the authority, not they, should decide that a flourishing and popular school should close; why the authority can ride roughshod over their wishes in order to close popular sixth forms; why good grammar and secondary schools are closed despite the wishes of those concerned.

The expansion of local bureaucracy has led to greater, not fewer, demands on those who actually run the schools. It is ironic that instead of assisting the headteachers, the town halls have often hindered them. Paperwork and form-filling have been thrust upon them, as has also the obligation to go through the administrators for any service needed – whether teachers to teach, consultants to advise, help in maintenance to keep their schools going. Not only should heads and governors be given the right to choose the staff and services they need and to use their budgets in what they believe to be the best interests of their schools, but they should also be given the powers to match

their responsibilities. Heads, governors and teachers will all be glad of the opportunity to become independent of the wasteful and frustrating control of local authorities. Grant-maintained status will be welcomed by all who wish to rid themselves of unnecessary bureaucracy – and not just by those under the yoke of left-wing metropolitan authorities.

#### **Advantages and disadvantages**

Critics have attacked the proposal to allow schools to opt out both on grounds of principle and its practical application. The principle which they wish to uphold is that of a uniform local authority monopoly of state education, where all schools are the same (and, by inference, none is better than another). Seen in this light, the proposal is an attack on the whole system of state education; critics say it would lead to two tiers of education – good and bad. Grant-maintained schools would be good; but, the critics allege, they would benefit only the abler pupils or those whose parents care about their education. They might even introduce selection. All other children would be relegated to bad, 'sink' schools; they would be second-class pupils with second-class teaching and second-class prospects. Moreover the proposals would also lead to racially segregated schools.

But the critics are inconsistent. On the one hand they acknowledge that these schools will be good and popular; on the other hand they suggest that they will not survive. In this latter voice, they prophesy that, cut off from the local authority network of service and support such schools will wither, without their own funds to provide their own services. Critics also allege that heads will not be able to take on the extra administrative burden, saying that comparison with independent schools is false – since the funds available to the independent sector are far greater than those which will be at the disposal of the new opted-out schools. So how, critics ask, without the necessary funds, can the opted-out schools possibly flourish?

Opponents also suggest that opting out will make for greater inefficiency locally, and greater control centrally. How, they ask, can local authorities plan for the future, and cut school places in line with falling rolls? They warn that schools threatened with closure or a change of character may simply opt out; claiming, too, that any school which does so is merely

swopping one bureaucracy for another, since the Secretary of State will enjoy unlimited power.

#### **Answering the critics**

*The proposal is an attack on the whole system of state education.*

It is not an attack on state education but on the monopoly of local authority-delivered education. It will make for greater flexibility in the state system and give parents a wider choice of schools. Indeed, it will strengthen state education by leading to more, better, state schools.

*Grant-maintained schools will re-introduce selection into state education.*

Schools which opt out will do so under their existing character: a comprehensive school will become a grant-maintained comprehensive and a grammar school a grant-maintained grammar school.

Even at present, local authorities may apply under sections 12 and 13 of the 1980 Act to change the character of the school; and this right will not be denied to grant-maintained schools.

*It will lead to a two-tiered system – of good schools and sink schools. The best pupils will be 'creamed off' by grant-maintained schools; many of which will apply to change character and introduce selection. Only middle-class pupils will benefit and all the rest will be dumped in sink schools.*

A two-tiered system already exists in this country; for getting into a good school depends upon where the pupil lives. If his parents can afford, or are lucky enough, to live in a good area, he has a better chance of attending a good neighbourhood comprehensive – the top tier of state education. This reform will ensure that now, wherever the will exists, every pupil can have access to a good state school. No longer will it be a matter of money, or luck, whether a pupil lives near a good school. It is not the case that this is a measure only for the white middle-classes. It will be seized on by parents of ethnic minorities, many of whom have had to send their children out of the borough – or even (as in the case of the John Loughborough School) set up their own independent school so as to secure a good

education for their children. It is insulting to the majority of parents to suggest that only the middle-classes care about a good education. In addition grant-maintained schools will also encourage the local authorities to improve quality throughout their remaining schools.

*Grant-maintained schools will lead to racially segregated education.*

No school is, or will be, permitted to select pupils on the ground of colour or race. But the critics imply either that grant-maintained schools will benefit only the white middle – classes, or else that they will be shaped by parents from ethnic or religious communities in conformity with their specific ideals.

The critics are wrong on both counts. First, it is insulting to poorer parents to suggest that only the white middle classes care about a good education for their children. And it is also contrary to the guiding principle of the 1944 Act to suggest that children should *not* be educated in accordance with the wishes of their parents.

*Grant-maintained schools will be denied essential funds and services – and will wither away.*

Grant-maintained schools will receive the same level of funding as they would have done under the local authority. Their grants will be based on the itemised financial statement provided by the local authority – to ensure that they receive funds for the recurrent expenditure and services they would have received from the local authority. Capital funding will be allocated by the DES and schools may apply for up to 100 per cent grant. They will be free to use the money as the interests of the schools require. With good management, they may well find themselves better off than local authority schools.

*Heads will not be able to bear the extra burden.*

Already heads carry great responsibilities. The fact that grant-maintained status will give them the powers to match those responsibilities should hardly increase their burden.

*Grant-maintained schools cannot be like independent schools. They simply do not, and will not, have equivalent funds and endowments open to them.*

Some local authorities spend more per pupil than is spent

by parents sending a child to a local independent school. Certainly in ILEA many independent schools charge less per pupil than the amount spent by the Authority. Nor do all independent schools have huge reserves. Many rely on fee income alone.

*Allowing schools to opt out will make it impossible for local authorities to plan education for the area as a whole.*

There are two ways of matching supply to demand. In one, the centralised body (or local authority) attempts to predict demand, to determine what it should be and formulate a plan. The method to impose that plan is often cumbersome and inefficient. It used to be typical of Communist countries; even there it is now being abandoned because it does not work. The second way allows demand directly to determine supply. When opponents of the Bill talk of planning they mean planning by a centralised body. But this Bill will introduce provision of the second type, dependent on the wishes of those concerned not on the dead hand of the 'planners'. It is this which will determine what places are filled or created, and which schools are closed.

*The Audit Commission suggests that the introduction of grant-maintained schools will lead to a reduction in efficiency and duplication of effort. Schools threatened with reorganisation or closure will simply opt out.*

The Audit Commission expressly states that it does not oppose the shift to allowing 'the market mechanism' (rather than LEAs) to determine which schools should close. Its concern is that in the short term the proposals may slow down rationalisation because local authorities may shrink from closures for fear that threatened schools opt out.

But, in fact, the measure will help the local authorities to make intelligent decisions about cutting school places. The consultation paper makes it clear that the future viability and prospects of the school must be considered prior to its opting out. In this way the measure protects popular schools from arbitrary local authority reorganisation; and should ensure that it is only the unpopular schools which are reorganised or closed.

*The Bill gives arbitrary powers to the Secretary of State, and schools which opt out will merely be exchanging*

*domination by the local authority for domination by the Secretary of State.*

Far from giving arbitrary powers to the Secretary of State, the Bill sets out the precise framework which will secure the legal basis for grant-maintained schools. Schools will know exactly which functions and responsibilities lie where.

An unnecessary layer of local authority bureaucracy will be lifted away so that most decisions can be taken on the spot. Powers previously exercised by the local authority will be devolved to the schools themselves – not to the Secretary of State. There will be no surprises; the Instrument of Government will provide for the composition of the governing body on which parents, teachers and nominees will sit – not representatives of the local authority. The Secretary of State has a reserve power to appoint only two governors (out of upwards of 15 members), if the governing body fails in its responsibilities – though he can nominate members if the governing body is unable or unwilling to fill vacancies. The Articles of Government will set out clearly what the functions will be of the governing body, the Secretary of State and any groups or individuals who bear responsibility for the running of the school. They will also set out the arrangements and policy for admissions and appeals. There will be no mystery about how a school is run.

*In grant-maintained schools the governing bodies will be self-perpetuating élites: parents will have less say than under the 1986 Act.*

The 1986 Act changed the composition of governing bodies to allow for an equal number of parent and LEA governors, together with teacher and co-opted governors. In the new schools, parents will continue to play an important role; both as members of the governing body and (as such) in helping to appoint the 'first' governors, who will be drawn from the local community to uphold the interests of the school.

*If a large number of schools opt out, an 'elaborate and costly regional system of administration' will be needed to regulate its finance and police it.*

The purpose of the Bill is to devolve responsibility to individual schools – not to replace one 'elaborate and costly' system of administration with another. Few if any schools in the

independent sector would want or need such a system; indeed, grant-maintained schools will be opting out largely in order to free themselves from the unnecessary interventions of the administrators. In any case, the consultation document indicated that an association or trust independent of the DES would be created to promote the development of grant-maintained schools and act as a centre of advice.

*Parents should not have the right to bring a voluntary school out of local authority control if the trustees oppose.*

When the Churches brought their schools into the state system they became state schools and received state funding, while retaining their religious character. The new Bill expressly protects that character by providing for a majority of foundation governors. The foundation will also continue to own the property; the change to grant-maintained status will mean that individual schools will be responsible for running themselves. There is no justification for denying parents of pupils in these schools the rights which parents of pupils in other state schools enjoy. ^

Nor must it be assumed that hierarchical opposition to grant-maintained status is prompted by strictly religious considerations. Many of the recent pronouncements by the Bishops about education issues have shown how far they have come to share the views, assumptions and aspirations of the local education authorities.

## How to opt out

### Which schools can opt out?

Any secondary school – and any larger primary (with more than 300 pupils) – may apply for grant-maintained status, direct funding from the DES and independence from local authority control. No school should suffer financially from opting out. Maintenance grant, which includes an allowance for services and capital expenditure will be allocated by the DES (see 'finance' below).

### The procedure

If either the governing body or a number of parents equal to not less than one-fifth of the pupils at the school decide that the proposal should be put to the parent body as a whole, then a secret ballot must be arranged by the governing body. The governing body must also give notice to the local education authority of the impending ballot. The Bill stipulates that the governors must ensure that parents receive an explanation of the procedure for opting out, of the constitution and powers of the governing body, and of the proposed future conduct and funding of the school. Parents must be informed that they are entitled to vote; and the governors must arrange a secret postal ballot so that they have a chance to do so.

If a majority of parents voting decide in favour of opting out, then the governors must, within six months, publish proposals for grant-maintained status. This will be sent to the Secretary of State for his decision.

The proposals would :

- \* give the result of the ballot
- \* describe the type of school (for example, county, voluntary), and its character (grammar, comprehensive, sixth form)
- \* describe the proposed arrangements for admitting pupils and set out the numbers it intends to admit
- \* give the proposed date of implementation

- \* give the proposed membership of the governing body (including the proposed number of initial teacher and 'first' governors)

**What should parents, governors and teachers take into account in deciding to opt out of local authority control?**

The principal questions are these:-

Will greater autonomy help the head and governors to shape the school as they and the parents might wish? Will the grant-maintained status attract pupils? Will independence mean that the school can preserve those features which parents, pupils and teachers value and which might be lost were the school *not* to opt out? (Some schools might be threatened with a change of character by the local authority and some might fear loss of their sixth forms.) Will heads and governors welcome the chance to employ the teachers and staff they wish ; and, given that they can spend their grant as they see fit, how will they do it? Will the school be more likely to attract and keep good teachers, given that governors can exercise their discretion within the same statutory provision as the LEAs have (e.g. on the number of incentive allowances)?



## How grant-maintained schools will work

### Who will own the schools?

Ownership of grant-maintained schools will be transferred to the governing body of the new school from the LEA. All property rights and liabilities of the former authority will henceforth be vested in the governing body. No liability will be transferred in respect of any loan (either on principal or on interest).

The Bill also ensures that no local authority may sell off the land or assets of any school, in the period after it applies to opt out. Indeed, once the governing body gives notice to the local authority that it intends to hold a ballot, the authority will be prohibited from disposing of any property used partly or wholly by the school, without the governors' agreement. Nor may the LEA enter into a contract to dispose of such property.

Voluntary schools will remain the property of their foundations (see below for their position).

### Who will run grant-maintained schools?

The head will be responsible for the day-to-day running of the school, answering to the governing body, of which he will be a non-voting member.

The governing body will govern the school. It will include :

- \* five parent governors (elected from amongst parents with children at the school, by parents)
- \* one or two teacher governors (elected by teachers, from amongst teachers at the school)
- \* the head teacher (*ex officio*)
- \* a majority of governors appointed by the existing governing body from amongst members of the local community; these would be called 'first' governors and be in a majority on the new governing body.

OR

- \* a number of 'foundation governors' for voluntary schools, (appointed to ensure that the established character of the

school is preserved in accordance with the trust). Foundation governors would be in a majority.

- \* the Secretary of State may appoint up to two governors if it appears to him that the governing body is not carrying out its responsibilities. He may also appoint first governors if the governing body cannot or will not do so.

The procedure for appointing initial governors for the grant-maintained schools is set out in the Bill. Existing parent and teacher governors will become initial governors. If they outnumber the places they must choose amongst themselves who will stand down. If they are too few then there will be additional:-

- \* teacher governors elected under the supervision of the Authority responsible for election arrangements under the 1986 Act
- \* parent governors similarly elected.

First governors will be appointed by the existing governing body (foundation governors will be selected by the persons named in the Instrument of Government).

### What will define the responsibilities of the governors and what powers will governing bodies have?

The Instrument of Government for each school will provide for the procedure, the meetings and constitution of the governing body; for the election of officers, the proceedings of committees, and the delegation of functions. It will also set out the tenure of office for governors – four years for elected ones and between five and seven years for appointed ones.

In general governing bodies, while subject to the Articles of Government for their school, will have power to do 'anything which appears to them necessary or expedient for the purpose of, or in connection with, the conduct of the school'.

The governing body will receive the property transferred from the LEA. It will employ staff – both teaching and non-teaching. It will have the power to invest any sums not needed for the immediate running of the school. It can accept, hold and administer gifts. It can acquire and dispose of land and other property – though not grant any mortgage, charge or other security except with the written consent of the Secretary of State. It may not charge fees, and Section 61 of the 1944 Act (which

prohibits the charging of such fees) will apply.

While the Instrument of Government will set out the constitution of the governing body, the Articles of Government will set out how the school is to be conducted. These will:

- \* provide for the setting up of the necessary groups or committees to help run the school
- \* set out the functions to be exercised by the Secretary of State; the governing body and any other body or committee set up to help with the school
- \* set out the arrangements for the admission of pupils to the school and the policy for deciding admissions
- \* provide for implementing the national curriculum
- \* set out the procedures for appeals or complaints by parents against decisions on admissions, exclusions, expulsions, or the curriculum
- \* require the governing body to publish each year arrangements for the admission of pupils and procedures in respect of appeals.

#### **Staff – employment, transfer, payment**

Teachers and other staff whose work is wholly at the school will transfer automatically from employment by the LEA to employment by the governors of the new school. The employers' rights, powers, duties and liabilities will be transferred to the governing body of the new grant-maintained school. This will have wide powers and great flexibility in the employment and payment of staff. It will also, in some cases, be entitled to apply to the Secretary of State for help with some of the costs arising from premature retirements or dismissal in the first year of the school's new existence. The Bill specifically mentions the right of the governing body to enter into contracts for the employment of teachers and other staff. It will be for the governing body to decide policy, recruiting and staffing levels. Governors will have the same rights as the LEAs under the 1987/88 pay structure to pay over and above the main salary scale. Moreover governors will be permitted to employ teachers who have not completed the normal teacher-training course – provided they have relevant qualifications and experience. Just as LEAs at present may apply to the DES for such teachers to be accorded qualified teacher status, so too may the governors of grant-maintained schools.

The governors will be required to make arrangements to help new teachers – such as lighter timetables and support from senior staff.

Grant-maintained schools will therefore enjoy greater flexibility about whom they employ, the kind of qualifications they look for, and the allowances over and above the salary scales which they operate.

#### **Finance**

Ownership of schools and their assets will be transferred from the LEA to the new governing bodies. Funding will be by direct grant from the DES. It is emphasised that no school should suffer financially by virtue of its opting out. Each local authority will be obliged to submit detailed financial information, which will give the total amount for all its schools (excluding capital expenditure), the total for provision of services and a breakdown for each school of both. It will therefore be clear what each school and each pupil would have received from the local authority. The Secretary of State will then fund each grant-maintained school to the same level. Funding from the DES will be by:

- \* annual grant to the governing body for expenditure to be incurred in the course of the year. This will be in line with local authority spending as determined by the local authority financial statement. In addition (at the Secretary of State's discretion) the DES will provide:-
- \* grants in respect of expenditure incurred, or to be incurred for or in connection with educational purposes. Such purposes may either be specified in the regulations or they may be designed to meet the special needs of the area or those which the governing body could not reasonably meet from the maintenance grant.
- \* capital grants – the amount of which will be equal to 100% of the expenditure in respect of which it is made.

The DES will therefore fund each grant-maintained school at the level at which it would have been funded under the local authority. The cost of services which would previously have been provided by the LEA – such as calculation and payment of salaries, advisory services, welfare services, library services, financial, legal and medical advice, supply cover for long-term staff absences – will all have to be specified in the financial

statement and will form part of the new grant-maintained school's budget. The additional grant payable for specific purposes will be analogous to the Education Support Grant and other specific support available to LEAs. Schools may also apply to the DES for capital expenditure grants.

## How threatened schools will be protected

### Local authority schemes for reorganisation, and protection of grant-maintained schools

At the moment proposals by the local authority for schools (or sixth form) closure, amalgamation or change of character are governed by Sections 12 and 13 of the 1980 Act.\* The new Bill stipulates that no local authority is entitled to make any such proposal for any school which has opted out and received grant-maintained status. Nor may it do so in respect of any school eligible to opt out without first consulting the governing body. Should the parents wish to opt out and apply for grant-maintained status, then the school will be protected pending the final decision. The Bill stipulates that:

If, after a school applies for grant-maintained status, and before a decision is given, a local authority publishes a proposal under Sections 12 and 13 of the 1980 Act which affects the school,

OR

If after a local authority has already submitted proposals under Sections 12 and 13 of the 1980 Act, which will affect a school, and within a given period after the publication of the local authority's proposals that school applies for grant-maintained status

THEN

The Secretary of State will be obliged to consider both issues together, but decide first on the question of grant-maintained status. If such status is approved, then the local authority's proposals will fall.

This means that all eligible schools will be protected from unwelcome local authority schemes – and given the chance to apply to opt out.

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\* proposals to cease to maintain certain schools, or to make significant changes to the character of a school.

### Applying for grant-maintained status; protection from other local authority measures pending decision by the Secretary of State

The Bill will protect schools during the period of their application for grant-maintained status from interference by the local authority in other ways. Pending a decision by the Secretary of State no local authority will be permitted to take any steps which might substantially alter their character. In particular, the local authority may not, without the governing body's consent:

- \* dispose of any property used wholly or partly by the school.
- \* enter into a contract to dispose of it.
- \* fill any post which is part of the school's complement, or appoint anybody to work solely at any other post at the school.
- \* dismiss from any post an employee who is part of the school's complement.

## Voluntary schools

A voluntary school which becomes grant-maintained will remain the property of the charitable foundation. Its governing body will, like that of other grant-maintained schools, include:

- \* five parent governors (elected from amongst parents of children at the school, by the parents)
- \* one or two teacher-governors (elected from amongst teachers at the school, by the teachers)
- \* the head teacher
- \* up to two additional governors appointed by the Secretary of State if it appears to him that the governors are not carrying out their duties
- \* a number of foundation governors who will outnumber the other governors. These governors will be appointed for the purpose of securing that 'the established character of the school at the time when it becomes a grant-maintained school is preserved and developed and conducted in accordance with the provisions of any Trust Deed relating to it'.

Voluntary schools which become grant-maintained will be financed on the same basis as other grant-maintained schools (see 'Finance' above). This means that their position may be improved, since in addition to being funded on their present basis for recurrent grant and services, they will be eligible for a capital grant equal to 100% of the expenditure.

Many voluntary schools and their heads will be anxious to protect and develop the character of their schools – unhindered by what has often been an uneasy relationship with the local authority. They may well gain financially, as well as in terms of freedom to run their schools in accordance with the intentions of the Foundation.

Some Church bodies may object to the prospect of a small group of parents being in a position to force through an application for grant-maintained status where the trustees are opposed. They suggest that this would be especially worrying if, after the school opted out, a small number of parents (or others) wished to undermine the religious character of the

school. But the Bill protects the interests and aims of the foundation. The foundation or trust (be it the diocese or a religious order) will continue to own and run the school and to appoint a majority of the governing body. The Bill stipulates that foundation governors are appointed to secure that the established character of the school is preserved and developed, and that the 'school is conducted in accordance with the provisions of any trust deed related to it'. Thus there is specific provision to ensure that Church schools keep their religious character.

## Character, status and permanence of grant-maintained schools

### Character and status

Schools which opt out will do so under their existing character. Thus a comprehensive school will become a grant-maintained (GM) comprehensive; a sixth form college, a GM sixth form college; a grammar school, a GM grammar school; and a secondary school, a GM secondary school.

A grant-maintained school may, if it wishes, seek to change its character. In order to do so it has to publish its proposals and apply to the Secretary of State. The proposals must:

- \* set out the timetable of the proposed change.
- \* give details of the number of pupils it proposes to admit in each of the relevant age groups.
- \* set out procedures for any objections to the proposed change of character and their implications. (These objections could be made by any ten or more local government electors in whose area the school was situated; by the governing body of any school affected by the proposal; or by any LEA concerned.)

The Secretary of State may approve or reject the proposals as they stand; or he may approve them with modifications after consulting the governing body.

### Permanence

A grant-maintained school, once established, cannot be closed down either by the governing body or by a Secretary of State except in exceptional circumstances clearly stipulated in the Bill. Such circumstances could arise only from:

- \* an express request by the governing body. The governing body would have to apply formally to the Secretary of State and publish details of the suggested date of closure and of any proposals by an LEA to establish another school on the site. Objections could be submitted to the Secretary of State by local government electors, other governing bodies, and any LEA concern. After consulting

## The role of the LEAs

LEAs will continue to be responsible for providing enough schools, both secondary and primary, for their areas; and for ensuring both that children of school age attend school, and that their parents see that they do.

With regard to grant-maintained pupils LEAs will be obliged to continue to provide transport, or help with transport costs, wherever it was available before. All pupils must receive parity of treatment, irrespective of whether they attend a local authority school or a grant-maintained school. In the same way, LEAs will be required to provide clothing grants, and lodging/maintenance allowances which they would have provided had the pupil been at an LEA school.

The Secretary of State will recover from the LEAs the amount he has paid out in maintenance grant to grant-maintained schools for their areas.

the governing body, the Secretary of State could approve, reject or modify the proposal.

- \* a decision by the Secretary of State to cease paying grant on the grounds of insufficient pupil numbers, failure to implement the national curriculum, or failure by the governing body to comply with the requirements of the Act. (If the position can be remedied, the school may be asked to take measures to do so.)

The Bill will protect grant-maintained schools from arbitrary decision of closure by a Secretary of State in any subsequent government. It requires that at least five years' notice would have to be given of any such move – and the notice must follow consultation with the governing body. This will ensure that a general election would intervene. In fact, whatever noises it now makes, the Labour Party is not likely to court electoral disaster by threatening to close, and even less by closing, grant-maintained schools. Recently, Labour's threats to reverse popular measures have been abandoned when it came to office.

Also, Labour constantly threatened in the past to close down or interfere with independent schools. But it did nothing in office; and in the last election was forced to abandon its commitment to this course. So there is little reason to expect that it would try to execute its threats to grant-maintained schools in face of popular support. And, as has been said, the Bill will ensure that it could not do so during any first term of office.

## Conclusion

There is no secret about what makes for a good and popular school: a strong head teacher with a clear sense of purpose, supported by parents and governors alike in the direction he wants to take the school; teachers who are keen to teach and who provide the very best encouragement for children to learn; good discipline and a character with which children can identify and which means that learning can take place in an ordered background; and schools which reinforce the values which parents wish their children to have. Grant-maintained schools will be free to develop these qualities. Even opponents of opting out cannot conceal their view that the new schools will flourish and be popular. They rest their opposition on fear that some schools will be better than others, and distress at the challenge to LEA monopoly. In effect they would condemn children whose parents do not live near good schools, to a poor start in life. What have such sentiments to do with education?

## Checklist

Proposals for acquisition of grant-maintained status should:

### General

- \* Give the result of the ballot of parents and the number of votes cast each way
- \* State whether the school is a county, controlled, aided or special agreement school
- \* Describe the existing character of the school
- \* Describe the proposed arrangement for the admission of pupils
- \* Specify the number of pupils it is proposed to admit in each relevant age group in the school's first year
- \* Describe proposed arrangements for induction of newly-qualified teachers
- \* Specify the proposed date of implementation of proposals for grant-maintained status

### Governors

- \* Give the name under which the governing body will be incorporated (the proposed corporate name)
- \* Describe the requirements for membership of the governing body of the proposed school
- \* Specify the number of governors in each category
- \* Give their names and relevant particulars
- \* If there is a vacancy to a governorship at the time of publication of proposals, state that this is so and explain the procedure for filling the vacancy
- \* State that the head teacher will be a governor *ex officio*
- \* Give the name and address of the head at the time the proposals are published
- \* Explain the circumstances under which a named governor may be replaced and the procedure for replacing such a governor (as set out in the Act)
- \* Include a statement that objections to the proposals may be made to the Secretary of State within two months by those groups named in the Act as entitled to do so (any ten or more members of the local electorate, the trustees

of the school, the governing body and any school affected, and any LEA concerned.)

The proposals should be published, and a copy sent to the Secretary of State within six months of the result of the vote.

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