



Baroness Barran

Parliamentary Under-Secretary of State for the School System
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30 June 2022

To All Peers,

My Lords,

Re: Schools Bill: Amendments for Report to Clauses 1-18

I am writing to set out the Government's position in relation to Clauses 1-18 and Schedule 1 and 2 of the Schools Bill. You will recall my commitment on Day 3 of Committee to reflect and update you on this matter.

Clauses 1-4 and Schedule 1 establish Academy Trust Standards, which would enable regulations to be made to set out the standards to which academy trusts must adhere to. Clauses 5-18 and Schedule 2 establish a suite of intervention powers in relation to academy proprietors' operation of their academies.

The Government is grateful for the scrutiny that the House has provided to the Schools Bill and, in particular, welcomes the many statements of support for its potential to improve the lives of children in England. The Bill has benefitted from a high-quality and well-informed debate during Committee Stage.

It is right to highlight that concerns have been expressed across the House regarding the clarity of the policy intent underpinning the Academy Standards provisions, Clauses 1-4, and Schedule 1, and on the breadth of the delegated power in Clause 1. In particular, the Delegated Powers and Regulatory Reform Committee have recommended that both Clause 1 and Clause 3 should be removed from the Bill.

The Government has carefully considered the views of the House and as such intends to remove Clauses 1-4 and Schedule 1 from the Bill. Noting that amendments have been tabled to oppose that Clauses 1,3 and 4 stand part of the Bill, the Government intends to support the removal of these Clauses, and table further amendments to remove Clause 2 and Schedule 1, which also form part of the measure.

There have also been concerns on the Academy Trust Termination and Intervention powers (Clauses 5-18 and Schedule 2). This concern is reflected in the amendments that have been tabled to oppose that these Clauses and Schedule 2 stand part of the Bill. I can confirm that is also the Government's intention to support these amendments.

The Government will support these amendments at this stage and bring forward revised proposals in the House of Commons. Whilst taking the time to get these measures right is clearly the right way forward, the Government is also clear that

these measures are essential to secure the path to a system in which all schools can benefit from being part of strong multi academy trusts.

The Academy Standards measure will establish the foundations for moving away from a largely-contract based system to a statutory framework that is fit for a school system in which every school is an academy. It will ensure that the same minimum standards apply consistently to all academies, providing clarity and transparency to the sector. The Government recognises the concerns about the possible future use of these powers that are not in line with our intention of preserving academy freedoms.

We will be using the Regulatory and Commissioning Review, announced in March in the Schools White Paper and launched today, to develop revised clauses that address these concerns. The first set of concerns raised by a number of noble Lords and the DPRRC and Constitution Committees were about the 'excessively wide' powers in Part 1 of the Bill. We will develop an approach that is more tightly defined, and I can confirm that this will not include the delegated power in Clause 3. The second set of concerns were about our engagement with the sector. As I have set out below, the review will give us the opportunity to work closely with the sector and with noble Lords across the House. Through this approach, we are seeking to provide both Parliament and the sector with confidence and clarity on the scope and detail of our plans to set academy standards.

It is also of paramount importance that the Government has proportionate and effective tools to address trust failure where it arises, including in relation to the safety of children and the appropriate use of public funds. The present system does not allow for a ladder of intervention covering all areas of potential failure, and instead relies too heavily on disproportionate intervention. The intervention powers we have been seeking through this Bill are a necessary part of a system based on strong multi academy trusts. It is right, however, that these powers are considered within the context of clarity on our approach to Academy Standards.

I am delighted to use this letter to provide you with more detail on the Regulatory and Commissioning Review, on which we have today published Terms of Reference. This review will consider academy trust standards, regulation and associated matters as we move towards a school system where all schools are in multi-academy trusts. Crucially, we will use the review to undertake the necessary policy work and engagement with the sector and key parliamentarians to be in a position to bring back revised clauses across the Academy Trust Standard, Intervention and Termination provisions (Clauses 1-18) during Commons Committee.

I will act as chair for the review and I intend to work closely on the detail of the proposed clauses with an external advisory group comprising education, academic and regulatory experts. Members of the group will include the Ofsted Chief Inspector Amanda Spielman, Confederation of School Trusts Chief Executive Leora Cruddas and LSE Professor of Political Science and Public Policy Martin Lodge, alongside further representatives from the academy trust sector to be confirmed shortly. I shall meet with this group regularly starting in July. We will also be engaging sector representatives throughout July, August and September, including through regional events, and have an open mailbox so that anyone who is interested can engage with the review. We welcome engagement and input from your noble Lords from the

beginning of the Review and throughout so that your views and expertise can inform the revised approach to the clauses.

It is right that we consider further how best to deliver important policy that will ensure the regulatory system for schools is prepared for thousands of schools within academy trusts, rather than the hundreds of standalone schools it was originally designed to deal with. I would welcome the involvement of colleagues from across the House in this work and I intend for our revised proposals to set out our intended policy and the restraints on the use of any delegated powers more comprehensively.

I intend to share a further letter to detail the Government's position for the remainder of the Schools Bill in advance of Report Stage. I wanted to set out the position in relation to these Clauses to pay tribute to Committees of the House for their work in challenging Government to make changes in this area and to provide advance sight to noble Lords.

I will place a copy of this letter in the House library.

Yours sincerely,

A handwritten signature in cursive script, reading "Diana Barran".

BARONESS BARRAN

PARLIAMENTARY UNDER-SECRETARY OF STATE