



**Lord Hill of Oareford**

Parliamentary Under Secretary of State for Schools

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Baroness Massey of Darwen  
House of Lords  
London  
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20th . October 2011

*Dear Baroness,*

## **EDUCATION BILL: CONSENT TO PUBLISH NEW SCHOOL PROPOSALS**

In advance of the Report stage debate on the amendments you have tabled to Schedule 11 (amendments 71, 72 and 73), I thought it might be helpful to clarify the purpose of the parts of the Schedule you are seeking to amend, which deal with proposals for a new school outside a competition.

At the moment, new schools can generally only be proposed outside a competition with the Secretary of State's consent. Schedule 11 removes this consent requirement from certain kinds of proposals. These comprise proposals for new primary schools where they are replacing infant and junior schools, proposals for new voluntary aided schools, proposals for new faith schools resulting from the reorganisation of faith provision in an area, and proposals for a new school resulting from a faith school changing or losing its religious character.

Your amendments seek to reverse this change in cases involving faith schools. Based on our exchanges at Committee, I think you may be concerned that, without your amendments, our proposals would remove a safeguard against unsuitable proposals for new faith schools. I would like to reassure you that this is not the case.

The requirement to seek the Secretary of State's consent was not designed as, and does not operate as, a safeguard against inappropriate or undesirable faith school provision. Consent has been given to all 71 requests to publish proposals for new maintained schools with a religious character that have been made. We are removing the requirement on the basis that it is additional and unnecessary bureaucracy.

The necessary safeguards are instead built into the statutory process which proposals must go through once the Secretary of State has given his consent. This process begins with consultation with those who are likely to be affected by the proposals. The proposals are then published and there is a representation period in which comments and objections can be submitted. Depending on the circumstances, the local authority or the Independent Schools Adjudicator then decide whether the proposal should be approved and the school established. In doing so they are required to consider the case in its entirety, taking into account any objections or comments submitted. Finally the proposals are implemented and the school established. **Our changes to Schedule 11 would leave the safeguards built into this statutory process in place.**

I hope you find this information helpful. Do let me know if you have any further questions.

Yours,

A handwritten signature in black ink, appearing to read 'J Hill', with a long diagonal stroke extending downwards and to the left from the end of the signature.

LORD HILL