



Lord Hill of Oareford

Parliamentary Under Secretary of State for Schools

Sanctuary Buildings Great Smith Street Westminster London SW1P 3BT
tel: 0870 0012345 ministers@education.gsi.gov.uk

Baroness Morgan of Drefelin
House of Lords
Westminster
SW1A 0PW

2nd July 2010

Dear Delym,

THE ACADEMIES BILL: SELECTION

During Committee on 28th June, you raised concerns that our plans for allowing selective schools to convert to become Academies might be 'a Trojan Horse' for increasing selection. I am sensitive to your concerns in this area, so I want to do what I can to reassure you.

Clauses 1(6)(c), 5(3) and 5(4) of the Academies Bill, taken together, prevent any schools, other than those maintained schools which already select by ability, from becoming selective. And, as with all Academies, those schools which currently select by ability and convert to become an Academy will be bound (through their funding agreements) to continue to comply with admissions law and the Admissions Codes.

Admissions law (section 39 of the Education and Inspections Act 2006 – 'the EIA') prohibits maintained schools from having admission arrangements which provide for selection by ability unless they make provision for one of the permitted forms of selection or the school is a grammar school. The permitted forms of selection are: (i) where there were pre-existing arrangements for selection so long as they do not increase the proportion of selected children as at the 1997-98 year of admission; (ii) pupil banding, which ensures that a comprehensive intake of pupils of the full range of all abilities among those applying is admitted.

In addition, schools can select by aptitude either where there were pre-existing arrangements or where the school has a particular specialism of one or more prescribed subjects and may select up to 10% of its pupils in any relevant age group by reference to their aptitude for those subjects (e.g. sport, music, ICT).

Since Admissions law and the Codes apply to Academies through their funding agreements, they are covered equally by these provisions. Where a maintained school was selective they will be able to maintain their selective admissions policy on conversion to an Academy. Similarly where the school selected by aptitude that selection will continue. Where a school did not have an admission policy which provided for selection by ability the school will not be able to adopt such admissions arrangements on conversion to an Academy. As with all maintained schools new Academies which were

not previously selective will only be able to adopt admissions arrangements that provide for permitted forms of selection: selection by aptitude of 10% of pupils for particular specified subjects or pupil banding. Any selective independent school which sought to convert to Academy status would have to give up selection. None of this, I hope you will agree, adds up to a move to selection by the back door. There is nothing in this Bill which increases selection and save for existing selective schools converting to Academies, the Bill specifically prohibits Academies selecting by ability under clause 1(6)(c).

For the sake of completeness, just as the previous Government allowed selective maintained schools to expand by up to 25% without publishing statutory proposals (and by more if they were to publish proposals under sections 18 and 19 of the Education Inspections Act 2006), we will allow selective Academies to expand where a strong business case has been made and where there has been local consultation. We will not, however, agree to the percentage of selective places increasing within partially selective schools.

I do hope this helps address your concerns and provides you with the reassurance you seek.

I am copying this letter to all Peers who spoke during Committee and placing a copy in the Library of both Houses.

Yours,

A handwritten signature in black ink, appearing to read 'J Hill', with a long horizontal stroke extending to the right.

LORD HILL