



House of Commons

Children, Schools and Families Committee

The Work of the Committee in 2008–09

Third Report of Session 2009–10

Report, together with formal minutes

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The Children, Schools and Families Committee

The Children, Schools and Families Committee is appointed by the House of Commons to examine the expenditure, administration and policy of the Department for Children, Schools and Families and its associated public bodies.

Membership at time Report agreed

Mr Barry Sheerman MP (*Labour, Huddersfield*) (Chairman)
Annette Brooke MP (*Liberal Democrat, Mid Dorset & Poole North*)
Ms Karen Buck MP (*Labour, Regent's Park & Kensington North*)
Mr Douglas Carswell MP (*Conservative, Harwich*)
Mr David Chaytor MP (*Labour, Bury North*)
Mrs Sharon Hodgson MP (*Labour, Gateshead East & Washington West*)
Paul Holmes MP (*Liberal Democrat, Chesterfield*)
Fiona Mactaggart MP (*Labour, Slough*)
Mr Andrew Pelling MP (*Independent, Croydon Central*)
Helen Southworth MP (*Labour, Warrington South*)
Mr Graham Stuart MP (*Conservative, Beverley & Holderness*)
Mr Edward Timpson MP (*Conservative, Crewe & Nantwich*)
Derek Twigg MP (*Labour, Halton*)
Lynda Waltho MP (*Labour, Stourbridge*)

The following members were also members of the Committee during the session:

Ms Dawn Butler MP (*Labour, Brent South*)
Mr John Heppell MP (*Labour, Nottingham East*)
Mr Andy Slaughter MP (*Labour, Ealing, Acton and Shepherd's Bush*)

Powers

The Committee is one of the departmental select committees, the powers of which are set out in House of Commons Standing Orders, principally in SO No 152. These are available on the Internet via www.parliament.uk

Publications

The Reports and evidence of the Committee are published by The Stationery Office by Order of the House. All publications of the Committee (including press notices) are on the Internet at www.parliament.uk/csf/

Committee staff

The current staff of the Committee are Kenneth Fox (Clerk), Anne-Marie Griffiths (Second Clerk), Emma Wisby (Committee Specialist), Judith Boyce (Committee Specialist), Jenny Nelson (Senior Committee Assistant), Kathryn Smith (Committee Assistant), Sharon Silcox (Committee Support Assistant), and Brendan Greene (Office Support Assistant).

Contacts

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Conclusions and recommendations

1. We are not convinced of the worth of involving select committees in public appointments unless Ministers are expected to give greater weight to the views of committees on the merits of a particular candidate. Also, as we said in our report on the appointment of the Children’s Commissioner, we found it impossible to give a fully informed view on whether to endorse the preferred candidate, as we had no means of comparing her with other applicants. (Paragraph 25)
2. In general, if the Department does not agree with a recommendation, it should say so and provide a proper rationale. This would be more open than simply avoiding the issue or concealing non-acceptance with warm words. We also remind the Department that the Committee’s reports are informed by opinion which may be more current than that which helped to form Government policy when it was first drawn up. The Department should not merely restate policy without re-examining fresh evidence such as that amassed by the Committee. (Paragraph 36)
3. We believe that in advocating a reduction in the size and number of committees and ending overlapping remits, the House of Commons Reform Committee—the “Wright Committee”—has proposed a way forward which deserves the support of the House. (Paragraph 37)

1 Introduction

1. This Report summarises the Committee’s work in the 2008–09 Session. It is intended to inform all those who have an interest in the Committee’s work, including Members of the two Houses of Parliament, Ministers and officials in the Department for Children, Schools and Families, agencies and organisations working in the children and schools sectors, and interested members of the public. In preparing this Report, we have borne in mind the requirements of the Liaison Committee,¹ which customarily publishes a report each year on the work of the House’s scrutiny select committees.

2. Alongside the narrative, we attach as an Appendix the statistical information about the Committee’s activities which is compiled on a sessional basis and which forms the Committee’s entry in the Sessional Return.²

3. This Report follows our usual custom and divides into two main sections: the first sets out the ways in which our work corresponds to the Objectives and Core Tasks defined by the Liaison Committee for departmentally-related select committees. The second provides a short commentary on matters which we would particularly like to draw to the attention of the Liaison Committee.

4. We take this opportunity to thank all of those who have contributed to our work during this Session, whether by providing oral or written evidence, or by meeting us informally either on visits or at Westminster, or by providing specialist advice. Without that input, we would not be able to fulfil our remit.

1 The Liaison Committee considers general matters relating to the work of select committees

2 Sessional Return for 2008–09 to be published as HC 1, Session 2009–10.

2 Meeting the Objectives

5. The Liaison Committee has defined Objectives and Core tasks for departmentally-related select committees. These are based upon the House's Standing Orders, which require those committees to examine the expenditure, administration and policy of the Government department concerned and its associated public bodies. Table 1 below sets out those Objectives; Table 2 matches them to the Committee's activities during the 2007–08 Session. Subsequent paragraphs provide supporting detail.

Table 1: Liaison Committee Objectives for departmentally-related select committees

Objective A: to examine and comment on the policy of the Department:

- proposals from the UK Government and European Commission in green papers, white papers, draft guidance etc.;
- areas of emerging policy, or where existing policy is deficient;
- any relevant published draft Bill;
- specific output from the Department expressed in documents or other decisions;

Objective B: to examine the expenditure of the Department:

- the expenditure plans and out-turn of the Department, its agencies and principal non-departmental public bodies (NDPBs);

Objective C: to examine the administration of the Department:

- the Department's Public Service Agreements, the associated targets and the statistical measurements employed;
- the work of the Department's executive agencies, NDPBs, regulators and other associated public bodies;
- major appointments made by the Department;
- the implementation of legislation and major policy initiatives;

Objective D: to assist the House in debate and decision, producing reports which are suitable for debate in the House and its committees, including Westminster Hall.

Table 2: Liaison Committee criteria and the Committee's inquiries in 2008-09

	Policy proposals	Emergent/deficient policy	Draft legislation	Departmental output*	Public Expenditure	Public Service Agreements	Agencies and NDPBs	Major Appointments	Implementation of Legislation and	Debates in the house
Review of Services for Children with Speech, Language and Communication Needs		X								
Appointment of the Children's Commissioner								X		
Sure Start Children's Centres									X	
The Work of Ofsted	X	X		X	X	X				
Looked-After Children		X							X	X
Allegations Against School Staff		X								
Training of Children and Families Social Workers		X								
Early Years Single Funding Formula					X				X	
Social Mobility		X								X
Diversity of School Provision									X	
Lord Laming's Progress Report on the Protection of Children						X			X	
Child Health Strategy	X					X				
National Curriculum		X					X			
School Accountability	X	X		X						
Elective Home Education	X									
National Curriculum Testing							X		X	
Public Expenditure				X	X	X				
Academies									X	
Sustainable Schools and Building Schools for the Future					X		X		X	
Draft Apprenticeships Bill			X							X
Teacher Training							X		X	
Young people not in education, employment or training									X	
21 st Century Schools White Paper	X									
Early intervention		X			X	X				

* Includes Ofsted as a non-Ministerial Department

Policy

6. The year's work has been dominated by our continued examination, begun in 2008, of the three main pillars supporting education provision in England and rooted in the Education Reform Act 1988: testing and assessment of children's levels of attainment, the national curriculum, and school accountability. Our inquiry into the first of these themes—testing and assessment—led to publication of a Report in 2008. Our inquiry into the national curriculum spanned eight oral evidence sessions and resulted in a Report which was highly critical of the degree of prescription in the existing Curriculum. The Government has since adopted recommendations made by Sir Jim Rose following his review of the primary curriculum, undertaken at the Department's request. Although we were not convinced that Sir Jim Rose's proposals necessarily offered the best basis for reducing the burden and complexity of the National Curriculum, we note the Government's acknowledgement that greater freedom for teachers to use their professional judgment and a move away from an over-prescriptive curriculum are desirable aims in themselves.³

7. The third and final inquiry into the fundamentals of the education system in England has examined the differing methods by which schools are accountable to those who use and fund them. Both written and oral evidence taken during the inquiry has sometimes, inevitably, explored the connections between school accountability and school improvement; but the inquiry has centred upon self-evaluation, inspection and performance tables. Halfway through the inquiry, the Government published detailed proposals for a new School Report Card, to replace the Achievement and Attainment Tables currently compiled. It envisages that the Report Card would be a clear and comprehensive account for parents and would offer a broader picture of school performance than one based purely upon performance. The Government has taken the Report Card used by the Education Department of New York City as a model, and we were able to travel to the United States to meet officials responsible for its design and operation. We plan to publish our Report on school accountability early in the current Session.

8. Alongside our work on school accountability, the Committee has undertaken a major inquiry into teacher training. This is a subject which has had a bearing on almost all of our inquiries into different aspects of schools policy during this Parliament. Accordingly, we drew the remit for the inquiry widely to encompass training for teachers in early years settings, primary schools, secondary schools, and further education. We plan to publish a Report in the New Year.

9. The two other substantial inquiries held during the 2008–09 Session concerned children's services. Most of the evidence for the first inquiry, into looked-after children, was taken during the 2007–08 Session; but we arranged further oral evidence in the light of the trial of those found responsible for the death of Baby Peter in Haringey in 2007, in order to learn more about the pressures upon local authorities in deciding whether or not to apply for a child to be taken into care. Our Report was published in April 2009 and was well received by organisations representing children's interests and by the press. Both *The Independent* and *The Times* ran leading articles based upon the Report's

recommendations, and *The Times* described our visit to children’s homes in Denmark as “a case of taxpayers’ money well spent”.⁴ The Committee’s report was debated on the floor of the House on 2 July and attracted contributions by backbench Members from outside the Committee from each of the three main parties.

10. The inquiry into looked-after children led directly to our second major inquiry into children’s services, which considered the training of social workers who work with children and families. Looked-after children told us that they valued good social workers very highly but that vacancies and high turnover in the workforce often denied those children the opportunity to forge long-lasting relationships with them. Evidence from local authorities suggested that social workers were not always well equipped by their training to intervene when necessary and protect children. We recommended that universities and local government should do more to provide high quality college courses, relevant practice experience and acceptable levels of support from good managers to social workers on the front line. Our Report was published in July and is being taken into account by the Social Work Taskforce, established by the Government to conduct “a nuts and bolts review of social work”.

Short inquiries

11. In amongst these more substantial investigations which aimed to survey particular areas in depth, we continued our standard practice of holding occasional shorter inquiries, some leading to reports, some not. Some, such as those examining the failure to mark Key Stage 2 and Key Stage 3 National Curriculum tests on time, or the Early Years Single Funding Formula, were particularly topical and took up issues of immediate concern. Others, such as the inquiries into the Child Health Strategy, Lord Laming’s Progress Report on the Protection of Children, and the Department’s White Paper on schools, published in June 2009 and generally known as the “21st Century Schools White Paper”, gave us a chance to dig a little deeper into the thinking behind recent policy publications and reviews.

12. In June, we held an evidence session on Social Mobility with the Rt Hon Alan Milburn MP, who had chaired a Panel on Fair Access to the Professions. The Panel’s report was published in July⁵ but its main themes were debated in June on the floor of the House shortly after the Committee’s evidence session; the transcript of Mr Milburn’s evidence to the Committee helped to inform the debate.

13. Two of our smaller inquiries attracted particular attention inside and outside the House. Many Members of the House will have been contacted by teachers or other school staff who believe that they have been unfairly accused of improper behaviour with children but who find themselves struggling to clear their names or lead a normal life while the allegations are investigated. Some Members have raised particular cases during Adjournment debates, and we held a short inquiry on the subject. In some cases, allegations will be true and the perpetrator should be duly punished; but we were left in no doubt that many had no foundation at all but nonetheless caused far-reaching damage to

4 *The Times*, 20 April 2009

5 *Unleashing Aspiration*, Cabinet Office, June 2009

the wellbeing and career of the person accused. Bearing in mind the basic principle of justice that a person remains innocent until proven guilty, our recommendations sought to tilt the balance more in favour of the accused while retaining the necessary protection for children subject to abuse.

14. Our inquiry into Graham Badman's Review of Elective Home Education, commissioned by the Department, has generated huge interest among home educators. More than 150 submissions were received from home educating parents and groups. Most were fiercely critical of the Review's proposals for the establishment of a register of home-educated children and powers for local authority officers to monitor the education and welfare of home-educated children. The essence of the Review's proposals has been incorporated into the Children, Schools and Families Bill introduced in the House on 19 November 2009, and we intend to publish a Report before Second Reading of the Bill.

Draft legislation

15. No draft Bills have been published by the Department for Children, Schools and Families during the 2008–09 Session. As we noted in our report on the Committee's work in 2007–08, parts of the Draft Apprenticeships Bill, published in July 2008, fell within our remit, and we and the then Innovation, Universities, Science and Skills Committee published Reports on the Draft Bill on 5 December 2008.⁶ The Draft Bill's provisions were incorporated into the Apprenticeships, Schools, Children and Learning Bill, published in February 2009. While we recognised the enthusiasm in the evidence for the Draft Bill in seeking to raise the status and standards of apprenticeships, we had grave doubts about whether a statutory duty upon particular bodies to secure sufficient apprenticeship placements could be met, or met without compromising on quality. Despite the Government's assurances, those doubts have yet to be assuaged.

16. Our Report on the Draft Bill also criticised the Bill's failure to require schools to give any prominence to apprenticeships in the careers advice which they gave to pupils; and we recommended that the draft Bill should be amended to include such a requirement. Despite further criticism of this aspect of the Bill from all quarters in both Houses, in some cases citing the Committee's Report, the Government continued to resist pressure for change. At Report Stage in the House of Lords, however, the Government finally conceded the weight of opinion and introduced an amendment to give effect to the gist of the Committee's recommendation.

Public expenditure

17. The Committee and its predecessors have traditionally taken oral evidence on public expenditure. We took evidence in October 2009 from the Secretary of State and the Permanent Secretary, examining the Department's top-level policy on use of the funds available to it. Much of the session dwelt on the Department's plans for efficiency savings in order to meet targets set by the 2007 Comprehensive Spending Review and the 2009 Budget. One important point which the Committee identified and which the Secretary of

⁶ *The Draft Apprenticeships Bill*, Fourth Report from the Children, Schools and Families Committee, HC 1082, Session 2007–08; *Pre-legislative Scrutiny of the Draft Apprenticeships Bill*, Seventh Report from the Innovation, Universities, Science and Skills Committee, HC 1062-I, Session 2007–08

State admitted during the evidence session was the lack of a detailed breakdown of spending on children’s services in the Departmental Annual Report. The Secretary of State made a commitment to improve substantially the data provided for the 2010–11 Report.⁷

18. The Committee also holds regular evidence sessions on the Building Schools for the Future (BSF) programme, for which £9.3 billion has been allocated for the period 2008–09 to 2010–11.⁸ One of the consequences of the so-called “credit crunch” was to cast doubt over whether finance would be readily available for individual BSF projects funded using the Private Finance Initiative. In the light of oral evidence in January from Partnerships for Schools, the Non-Departmental Public Body with direct responsibility for overseeing Building Schools for the Future projects, and amid considerable media speculation about prospects for the programme, the Committee Chairman raised the matter with the Prime Minister when he gave evidence before the Liaison Committee on 12 February 2009. In the remaining months of this Parliament, we shall continue to assess the scale of the Government’s commitment to the programme.

Sponsored Bodies

19. The largest public body for which we have a scrutiny remit—other than the Department itself—is Ofsted, now properly titled the Office for Standards in Education, Children’s Services and Skills. HM Chief Inspector is neither a member nor a servant of the Government: she is accountable to Parliament principally through this Select Committee.⁹ We receive regular correspondence from members of the public relating to the exercise by Ofsted of its duties.

20. Ofsted is a non-ministerial Department which performs its functions on behalf of the Crown.¹⁰ Ofqual, likewise, will perform its functions on behalf of the Crown and will be accountable to Parliament through this Committee’s successor, rather than to the Government.¹¹ Although we do not seek to bind our successor committee, we would expect that it would carry out a role in overseeing the work of Ofqual similar to that which we fulfil in our scrutiny of Ofsted.

21. Our inquiry into school accountability has examined some of the larger questions about Ofsted, such as its purposes; and senior Ofsted officials gave oral evidence to us during the course of that inquiry. But we have also continued our practice of holding regular scrutiny sessions based upon HM Chief Inspector’s Annual Reports and Ofsted Departmental Annual Reports. The first of these hearings in this Parliamentary Session, in December 2008, followed soon after the trial of those responsible of the death of Baby Peter in Haringey; and our discussions then were dominated by discussion of Ofsted’s role in reporting on standards in safeguarding of children. A second session in February 2009 ranged more widely and explored Ofsted’s budget, inspectors’ priorities during school

7 *Public Expenditure*, oral evidence taken on 21 October 2009, to be published as HC 174 [incorporating HC 1043-i of Session 2008–09], Session 2009–10, Q 44.

8 Comprehensive Spending Review 2007

9 See HL Deb, 25 October 2000, col 406

10 Education and Inspections Act 2006, section 112(3)

11 See www.ofqual.gov.uk

inspections, diversity within the Inspectorate’s workforce, and its approach to struggling schools.

22. Other sponsored bodies have given evidence during the course of policy-based inquiries and evidence sessions, for instance:

- Partnerships for Schools, on the Building Schools for the Future programme;
- the Children’s Workforce Development Council, on the training of children and families social workers; and
- the Training and Development Agency, on teacher training.

Scrutiny of appointments

23. The Government proposed, in its Green Paper *The Governance of Britain*, that select committees should play a role in scrutiny of public appointments, particularly where the officeholder exercises statutory or other powers in relation to protecting the public’s rights and interests.¹² Four posts within the remit of the Department for Children, Schools and Families were identified following discussions between the Government and the Liaison Committee:

- The Children’s Commissioner for England
- Chair of the Qualifications and Curriculum Development Agency
- HM Chief Inspector of Education, Children’s Services and Skills
- Chair of Ofqual

24. We duly held a pre-appointment hearing in October 2009 with the Government’s preferred candidate to succeed Professor Sir Al Aynsley-Green as Children’s Commissioner: Dr Maggie Atkinson, currently Director of Children’s Services at Gateshead Council. While we had no doubts about Dr Atkinson’s professional competence, we would have liked to have seen more sign of a determination to assert the independence of the role, to challenge the status quo on children’s behalf, and to stretch the remit of the post, in particular by championing children’s rights. Our Report therefore declined to endorse her appointment. The Secretary of State considered our Report but proceeded to appoint her nonetheless, giving his reasons in a letter to the Chairman, which we print as an Appendix to this Report.

25. We were well aware that our opinion would not be binding on the Secretary of State in deciding whether or not to proceed with appointment, and we note the full explanation given in Mr Balls’ letter for rejecting our advice. However, we were surprised by the terminology used by the Cabinet Office in its guidance for Departments on pre-appointment hearings by select committees. Paragraph 7.1 of the guidance suggests that, on receipt of a Committee’s report on a proposed appointment, a Minister will take into

12 *The Governance of Britain*, Cm 7170

account “new, relevant facts about the candidate’s suitability for the post” such as an undisclosed conflict of interest; and it adds that

“there may also be occasions when a candidate’s performance in front of the select committee is considered relevant to the post in question—although this should be exceptional. ‘Relevant considerations’ does not include any comments or recommendations which are clearly partisan in nature or which are not directly related to the post in question”.¹³

There seems to be no provision for a Minister to take into account the Committee’s overall view on suitability other than in “exceptional” circumstances. **We are not convinced of the worth of involving select committees in public appointments unless Ministers are expected to give greater weight to the views of committees on the merits of a particular candidate. Also, as we said in our report on the appointment of the Children’s Commissioner, we found it impossible to give a fully informed view on whether to endorse the preferred candidate, as we had no means of comparing her with other applicants.**

Post-legislative scrutiny

26. The Government published a Command Paper in March 2008 setting out a new approach to post-legislative scrutiny.¹⁴ Under the new procedure, which the Liaison Committee has described as having the potential to make “a valuable difference to the scrutiny of legislation”¹⁵, Government departments will publish memoranda on the operation of Acts between three and five years after Royal Assent. The relevant select committee would then decide, on the basis of the memorandum, whether to undertake post-legislative scrutiny on the operation of the Act. The Committee Chairman therefore wrote to the Secretary of State on 10 June 2009, pointing out that the Education Act 2005 would be covered under the new procedure. A memorandum on the operation of the Act is awaited.

13 *Pre-appointment hearings by select committees: guidance for Departments*, Cabinet Office, August 2009

14 *Post-legislative Scrutiny—The Government’s Approach*, Cm 7320, March 2008

15 *The work of committees in 2007–08*, First Report from the Liaison Committee, Session 2008–09, HC 291

3 Reflections on working methods

Formats for Committee meetings

27. The Committee held 51 meetings in Session 2008–09, taking formal evidence at 33 of them and producing eight reports (with two substantial reports due to be published early in the 2009–10 Session based on work done in the 2008–09 Session). We have met twice a week for virtually every week in which the House has sat.

28. For the two main inquiries begun in 2008–09, we held seminars to help scope our inquiries and set terms of reference, and to explore in a relaxed forum some of the main issues.

29. We have built upon our experience in 2007–08 of holding informal meetings to hear from individuals directly affected by an inquiry. We held four such sessions in 2008–09, with groups numbering between ten and thirty, representing:

- Recently-qualified social workers (to inform the inquiry into the training of children and families social workers);
- Recently-qualified teachers (to inform the inquiry into the training of teachers);
- Home-educated children and their parents (to inform the inquiry into the review by Graham Badman of elective home education); and
- Local authority officers responsible for liaison with home-educating families (to inform the home education inquiry described above).

In each case the visitors introduced themselves and their point of view before participating in a fairly free discussion, led by the visitors as much as by the Committee. The style of the meetings was similar to those held by the Committee when undertaking visits within the UK.

30. In informal feedback, those who attended welcomed the chance to discuss sensitive subjects in depth, in private and without a verbatim record; and we note that the Committee came across as being “in listening mode”. In each case, Committee staff made a fairly full note of proceedings, with all views being unattributed to any individual. Those notes were treated as annexes to the reports subsequently agreed by the Committee and were duly published. Now that we hold such meetings almost as a matter of course, we would in many cases feel less confident when preparing a Report that we had really “got under the skin” of the inquiry without work of this kind. We are grateful to those who agree to take part in discussions and to those who act as brokers in facilitating such meetings.

Government replies

31. Each Committee Report is the result of a great deal of work by Committee members, staff, Specialist Advisers and contributors. The aim of almost every report is to inform or influence Government, and Government responses are keenly awaited by the Committee and by witnesses alike. In our opinion the mark of a good response is that it should treat

each recommendation as a fresh contribution to a debate and should acknowledge the evidence on which each is based. What is unsatisfactory and, in some cases, simply lazy, is for the Government simply to restate a position without recognising the extent of external opinion underlying a Committee's recommendation, and without really addressing the point being made.

32. The quality of the Department's responses, when measured against this standard, has been variable. Typically they have been full rather than cursory and have welcomed the Committee's contribution to the debate, even when the Committee's conclusions have not accorded with the Department's thinking. The Department's response to our Fifth Report, on Allegations against School Staff, showed evidence of a genuine reappraisal of policy, even if the Government chose to disagree with the Committee on some points. However, we have occasionally been disappointed by responses containing vague answers which give an impression of accord but which, on closer inspection, do not accept or even address some of the detailed points being made. In the Government's response to the Committee's Report on Looked-after Children,¹⁶ several responses to individual recommendations simply refused to engage with the evidence; and some recommendations were overlooked altogether.

33. The Department fundamentally disagreed with much of the thrust of the Committee's Fourth Report, on the National Curriculum. The Committee's Report co-incided with two major studies of the primary curriculum, by Sir Jim Rose (on behalf of the Department) and by the Cambridge Primary Review team led by Professor Robin Alexander. The field was therefore fairly crowded with comment and opinion, and the Department was perhaps a little defensive as a result. However, we were very disappointed with the tone of the response, which appeared to re-iterate "off the shelf" arguments rather than take into account fresh evidence to the Committee.

34. We therefore invited all those who had contributed to the inquiry—by providing written or oral evidence—as well as media commentators to come to an informal meeting to discuss both the Committee's report and the Government response. Approximately 30 people contributed to a wide-ranging discussion, during which it became clear that we were not alone in our disappointment with the Department's response. To the Department's credit, its Director-General for Schools also attended, listened, and replied to some of the points made. We regard this as a useful model for testing reaction to a report, and we intend to hold similar meetings in future.

35. The Department's responses have generally been provided in good time. In some cases, by agreement with the Committee, responses were delayed, for instance to allow receipt on a day when the House was sitting. We also agreed to a longer delay for a detailed response to the Committee's Seventh Report, on the Training of Children and Families Social Workers. This was to allow the Department to consider the Committee's Report alongside that of the Social Work Taskforce, which was considering parallel issues, and to align its responses.

16 *Looked-after Children*, Third Report of Session 2008–09, HC 111.

Conclusion on Government replies

36. In general, if the Department does not agree with a recommendation, it should say so and provide a proper rationale. This would be more open than simply avoiding the issue or concealing non-acceptance with warm words. We also remind the Department that the Committee's reports are informed by opinion which may be more current than that which helped to form Government policy when it was first drawn up. The Department should not merely restate policy without re-examining fresh evidence such as that amassed by the Committee.

Select committee membership

37. In our Report last year on the Work of the Committee in 2007–08, we noted the growth in the number of places on select committees and in the tasks which select committees were being expected to undertake; and we warned that care would need to be taken if standards of scrutiny were not to be put at risk by placing excessive burdens on Committee members. We note that the Liaison Committee shared some of our concerns,¹⁷ and we believe that in advocating a reduction in the size and number of committees and ending overlapping remits, the House of Commons Reform Committee—the “Wright Committee”—has proposed a way forward which deserves the support of the House.

17 *The work of committees in 2007–08*, First Report from the Liaison Committee, Session 2008–09. HC 291, para 80

Annex: Session 2008–09 Committee Sessional Return entry

Children, Schools and Families

For website access click on www.parliament.uk/parliamentary_committees/csf.cfm

The Committee was nominated by the House of Commons on 8 November 2007.

Members	Meetings attended
Sheerman, Mr Barry (Chairman)	51 out of 51
Brooke, Annette	41 out of 51
Buck, Ms Karen (added 2.11.09)	1 out of 3
Butler, Ms Dawn (discharged 26.1.09)	0 out of 8
Carswell, Mr Douglas	15 out of 51
Chaytor, Mr David	37 out of 51
Heppell, Mr John (discharged 29.6.09)	27 out of 36
Hodgson, Mrs Sharon	6 out of 51
Holmes, Paul	35 out of 51
Mactaggart, Fiona	34 out of 51
Pelling, Mr Andrew	19 out of 51
Slaughter, Mr Andy (discharged 2.11.09)	14 out of 48
Southworth, Helen (added 29.6.09)	11 out of 15
Stuart, Mr Graham	36 out of 51
Timpson, Mr Edward	36 out of 51
Twigg, Derek (added 26.1.09)	26 out of 43
Waltho, Lynda	3 out of 51
Overall Attendance:	54.9 %

Total number of meetings:	51
Of which:	
Number of meetings at which oral evidence was taken	33
Number of times oral evidence was taken partly or wholly in private	0
Number of wholly private meetings	18

Other activities

Informal meetings (including meetings with overseas visitors)	7
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Staff

Details of the permanent staff of the Committee during the Session can be found in the Committee's publications.

Specialist Advisers during the Session

Mr John Coughlan CBE, Professor Brian Fidler, Professor John Gray, Professor Bob Hudson, Professor Christine Pascal OBE, Dame Gillian Pugh, Professor Peter Roberts OBE, Teresa Smith, Professor Alan Smithers, Professor Kathy Sylva OBE, Mr Tony Travers, Dr Sharon Vitali, Professor Geoff Whitty and Professor Dylan Wiliam.

Witnesses

Oral evidence was given during the Session by the following categories of witnesses:

Number of appearances by:	
Cabinet Ministers	6
Other Ministers	8
Members of the House of Lords (of whom 1 was also a Minister)	3
Members of the House of Commons	2
Number of appearances by officials from, or representatives of:	
Department for Children, Schools and Families	8
Department of Health	1
Children and Family Court Advisory and Support Service (CAFCASS)	1
Children's Workforce Development Council	1
General Teaching Council	4
Office for Standards in Education, Children's Services and Skills (Ofsted)	3
Partnerships for Schools	1
11 Million (Office of the Children's Commissioner)	1
Training and Development Agency for Schools	1
Appearances by other witnesses	104

Overseas Visits

Date	Destination	Members	Staff	Purpose	Cost
10-15.5.09	New York and Washington DC	Sheerman, Brooke, Chaytor, Heppell, Holmes, Mactaggart, Stuart	2	Inquiries into School Accountability and Training of children and families social workers	£41,072.74

Visits to European Institutions

None.

UK Visits

Date	Destination	Members	Staff	Purpose	Cost
30.7.09	York ^A	Sheerman	0	National Science Learning Centre	£132.60

^A Travel in a representative capacity

Reports and Oral and Written Evidence

Title	HC No. (2008–09)	Date of publication	Government reply
First Report: <i>Public Expenditure</i>	46	7.1.09	Received 24.3.09: published as Second Special Report Session 2008–09
Second Report: <i>The Work of the Committee in 2007–08</i>	47	27.1.09	Not required

Title	HC No. (2008–09)	Date of publication	Government reply
Third Report: <i>Looked-after Children</i>	111-I	20.4.09	Received 18.6.09: published as Fourth Special Report Session 2008–09
Oral and Written Evidence: <i>Looked-after Children</i>	111-II	20.4.09	Not applicable
Fourth Report: <i>National Curriculum</i>	344-I	2.4.09	Received 4.6.09: published as Third Special Report Session 2008–09
Oral and Written Evidence: <i>National Curriculum</i>	344-II	2.4.09	Not applicable
Fifth Report: <i>Allegations Against School Staff</i>	695	16.7.09	Received 22.9.09: published as Fifth Special Report Session 2008–09
Sixth Report: <i>Policy and delivery: the National Curriculum tests delivery failure in 2008</i>	205	23.7.09	Received 8.10.09: published as Sixth Special Report Session 2008–09
Seventh Report: <i>Training of Children and Families Social Workers</i>	527-I	30.7.09	Awaited
Oral and Written Evidence: <i>Training of Children and Families Social Workers</i>	527-II	30.7.09	Not applicable
Eighth Report: <i>Appointment of the Children's Commissioner for England</i>	998-I	19.10.09	Not required
Oral and Written Evidence: <i>Appointment of the Children's Commissioner for England</i>	998-II	20.10.09	Not applicable
First Special Report: <i>The Draft Apprenticeships Bill: Government Response to the Committee's Fourth Report of Session 2007–08</i>	259	18.2.09	Not applicable
Second Special Report: <i>Public Expenditure: Government Response to the Committee's First Report of Session 2008–09</i>	405	27.4.09	Not applicable
Third Special Report: <i>National Curriculum: Government Response to the Committee's Fourth Report of Session 2008–09</i>	645	16.6.09	Not applicable
Fourth Special Report: <i>Looked-after Children: Government Response to the Committee's Third Report of Session 2008–09</i>	787	29.6.09	Not applicable
Fifth Special Report: <i>Allegations Against School Staff: Government Response to the Committee's Fifth Report of Session 2008–09</i>	1000	2.11.09	Not applicable

Title	HC No. (2008–09)	Date of publication	Government reply
Sixth Special Report: <i>Policy and delivery: the National Curriculum tests delivery failure in 2008: Government Response to the Committee's Sixth Report of Session 2008–09</i>	1037	2.11.09	Not applicable
Oral and Written Evidence: <i>The Work of Ofsted</i>	70	13.5.09	Not applicable
Oral and Written Evidence: <i>Sustainable Schools and Building Schools for the Future</i>	192	30.4.09	Not applicable
Oral Evidence: <i>The Work of the Department for Children, Schools and Families</i>	232-i	19.5.09	Not applicable
Oral Evidence: <i>Early Intervention</i>	327-i	4.6.09	Not applicable
Oral Evidence: <i>Child Health Strategy</i>	356-i&-ii	3.7.09	Not applicable
Oral Evidence: <i>The Protection of Children in England: Lord Laming's Progress Report</i>	379-i	21.5.09	Not applicable
Oral and Written Evidence: <i>Diversity of School Provision</i>	432	5.5.09	Not applicable
Oral Evidence: <i>Social Mobility</i>	624-i	22.7.09	Not applicable
Oral Evidence: <i>Academies</i>	831-i	6.10.09	Not applicable
Uncorrected Oral Evidence published on the Internet: <i>School Accountability</i>	353-i	18.3.09	Not applicable
Uncorrected Oral Evidence published on the Internet: <i>School Accountability</i>	353-ii	3.4.09	Not applicable
Uncorrected Oral Evidence published on the Internet: <i>School Accountability</i>	353-iii	24.4.09	Not applicable
Uncorrected Oral Evidence published on the Internet: <i>School Accountability</i>	353-iv	6.5.09	Not applicable
Uncorrected Oral Evidence published on the Internet: <i>School Accountability</i>	353-v	8.5.09	Not applicable
Uncorrected Oral Evidence published on the Internet: <i>School Accountability</i>	353-vi	13.7.09	Not applicable
Uncorrected Oral Evidence published on the Internet: <i>Teacher Training</i>	369-i	24.3.09	Not applicable
Uncorrected Oral Evidence published on the Internet: <i>Teacher Training</i>	369-ii	22.4.09	Not applicable
Uncorrected Oral Evidence published on the Internet: <i>Teacher Training</i>	369-iii	1.5.09	Not applicable

Title	HC No. (2008–09)	Date of publication	Government reply
Uncorrected Oral Evidence published on the Internet: <i>Teacher Training</i>	369-iv	11.6.09	Not applicable
Uncorrected Oral Evidence published on the Internet: <i>Teacher Training</i>	369-v	19.6.09	Not applicable
Uncorrected Oral Evidence published on the Internet: <i>Sure Start Children's Centres</i>	799-i	6.11.09	Not applicable
Uncorrected Oral Evidence published on the Internet: <i>Sure Start Children's Centres</i>	799-ii	11.11.09	Not applicable
Uncorrected Oral Evidence published on the Internet: <i>Elective Home Education</i>	999-i	15.10.09	Not applicable
Uncorrected Oral Evidence published on the Internet: <i>Elective Home Education</i>	999-ii	16.10.09	Not applicable
Uncorrected Oral Evidence published on the Internet: <i>Public Expenditure</i>	1043-i	26.10.09	Not applicable
Uncorrected Oral Evidence published on the Internet: <i>21st Century Schools White Paper</i>	1044-i	26.10.09	Not applicable
Uncorrected Oral Evidence published on the Internet: <i>Early Years Single Funding Formula</i>	1065	29.10.09	Not applicable
Written Evidence published on the Internet: <i>Young People not in education, employment or training (NEETs)</i>		9.2.09	Not applicable
Written Evidence published on the Internet: <i>School Accountability</i>		6.5.09	Not applicable
Written Evidence published on the Internet: <i>Teacher Training</i>		12.5.09	Not applicable
Written Evidence published on the Internet: <i>Elective Home Education</i>		3.11.09	Not applicable

Government replies to Reports for Session 2007–08

Reply to the Committee's Fourth Report: The Draft Apprenticeships Bill, received 10.2.09 and published as the Committee's First Special Report, Session 2008–09.

Formal Minutes

The Formal Minutes of the Committee were published electronically after each meeting of the Committee. They are available on the Committee's website at http://www.parliament.uk/parliamentary_committees/csf.cfm

Divisions

Date	Subject
11.3.09	One, on an Amendment to the Question that the Chairman's draft Report on <i>National Curriculum</i> be read a second time.

Debates

Committee reports were debated on one occasion in the House of Commons. Uncorrected Oral Evidence was tagged on the Order Paper as being relevant to a debate in the House of Commons on one occasion. Further details can be found in the Committee's Sessional Report.

Number of oral evidence sessions for each inquiry during the Session

Inquiry	Number of oral evidence sessions
21st Century Schools White Paper	1
Academies	1
Allegations Against School Staff	1
Child Health Strategy	2
Early Intervention	1
Early Years Single Funding Formula	1
Elective Home Education	2
Looked-after Children	1
National Curriculum Tests	3
Pre-Appointment Hearing: Children's Commissioner for England	1
Public Expenditure 2009	1
School Accountability	6
Social Mobility	1
Sure Start Children's Centres	2
Sustainable Schools and Building Schools for the Future	1
Teacher Training	5
The Protection of Children in England: Lord Laming's Progress Report	1
The Work of Ofsted	2
The Work of the Department for Children, Schools and Families	1
Training of Children and Families Social Workers	4
Total	38^A

^AOn five occasions the Committee's meeting comprised two separate oral evidence sessions. Therefore, the total in this table does not match the figure given earlier for the number of meetings at which oral evidence was taken.

Appendix: Letter to the Chairman from Rt Hon Ed Balls MP, Secretary of State for Children, Schools and Families

18 October 2009

Dear Barry

Thank you for your letter and the embargoed copy of your report on the appointment of the Children's Commissioner for England which I received on Friday.

The Children's Commissioner is an important Government appointment and as such was identified as being suitable for a pre-appointment hearing; a new process which Government has introduced on a pilot basis. I have considered your report very carefully and I am now writing to you to give you my response and the reasons for my decision.

A rigorous Nolan selection process was undertaken to recruit to this position. Over 40 applications were received, each of which was assessed against the personal specification for the job, confirming the strength of the field. Over ten candidates were identified for a preliminary interview and four went forward for a final interview with the independent panel, and separately with a group of children and young people. The results of both interviews were then taken into account by the independent panel in making their recommendations.

At the conclusion of this process the independent panel identified Dr Maggie Atkinson as clearly the most outstanding candidate from the field and they recommended her for appointment to the post. I accepted their recommendation and I wrote to you on 6 October to explain that I had nominated Maggie Atkinson to be the next Children's Commissioner and that I was inviting the Children, Schools and Families Committee to hold a pre-appointment hearing. The hearing took place on 12 October.

Cabinet Office guidance sets out the criteria against which Ministers should consider reports from pre-appointment hearings and I have attached the relevant sections to this letter. The guidance makes clear that I should take into account any relevant considerations contained in your report before deciding whether to proceed with this appointment, with 'relevant considerations' meaning any new, relevant facts about the candidate's suitability for the post. The guidance also says that there may also be occasions where a candidate's performance in front of the select committee is considered relevant to the post in question, but that these occasions will be exceptional.

In your report you state that you were satisfied that Maggie Atkinson demonstrated a 'high degree of professional competence'. You go on to say that you 'would have liked to have seen more sign from her of determination to assert the independence of the role, to challenge the status quo on children's behalf, and to stretch the remit of the post, in particular by championing children's rights'. You conclude that you are 'unable to endorse her appointment'.

Having considered your report I will respond by taking each of these points in turn.

I am pleased the committee thought that Maggie Atkinson demonstrated a high degree of professional competence, but on the basis of all the evidence before me and, indeed, before the committee, I would go considerably further. In my view, her career history, much of which is included in section three of your report, provides ample evidence that Maggie Atkinson is one of the most outstanding Directors of Children's Services (DCSs) in this country, and is thus an excellent candidate for the post of Children's Commissioner.

Through her achievements both in her own local authority area of Gateshead, and as the first ever sole President of the Association of Directors of Children's Services (ADCS), she has made an exceptional contribution to the development of this new but crucial strategic role for children and young people, setting a challenging benchmark to which I hope the next generation of DCSs will aspire.

She has undoubtedly brought the DCS role of 'champion for children' to life, both locally in Gateshead and, through her ADCS role, nationally too. And, as she explained in an answer to a question from you, there are many parallels between what a DCS is charged with doing locally and with the Children's Commissioner role for England nationally.

This record of achievement has made Maggie Atkinson a highly respected figure across the voluntary and statutory children's sectors. Her demonstrable success in chairing a number of different national working groups and committees, bringing sometimes divergent views together to advance the best interests of children, is testament both to her skills as a leader in her field and to the high regard in which she is so widely held.

Your report says that you would have liked to have seen more sign from her of 'determination to assert the independence of the role...'. During the pre-appointment hearing Maggie Atkinson was challenged on a number of occasions about how independent she would be in the post of Children's Commissioner. In her response she made it clear that she would deal with situations on their merits, making reference to her leadership of ADCS, where her approach was to welcome policy 'when policy has been right-minded, and being extremely robust when it (was) not'. She also unambiguously asserted that she was 'fearlessly independent' and would 'speak truth to power'.

The question you raise in your report about Maggie Atkinson's willingness to 'challenge the status quo on children's behalf' was put to her in a number of different ways during the pre-appointment hearing. She responded to these questions at some length, but I note especially the following comments from her which set out how she expects to carry out the role:

"Without fear or favour, and whoever's flag is flying over Whitehall, the Children's Commissioner has to be one of the people in the system who says, "It's not good enough," "It won't do," "Are you aware it isn't legal?""

In the pre-appointment hearing Maggie Atkinson made it clear that she intended to be vociferous in putting forward the views of the most vulnerable children and young people about how they are treated, including those in youth offender institutions. In respect of this group she said, "The commissioner has a right and a duty to say something very strong about that, but this should be as informed as possible by the voice of the child and the

young person, and it should not simply be because the commissioner has a bee in her bonnet. The campaigning that the commissioner does is strongly limited by the fact that she is speaking not for herself but on behalf of the nation's children and young people."

Your report makes specific reference to you wishing to have seen more sign from her of 'stretching the remit of the role, in particular by championing children's rights'. The Children Act 2004 makes clear that the Children's Commissioner is to promote awareness of the views and interests of children, and is to have regard to the relevant provisions of the UN Convention on the Rights of the Child in their consideration of what the interests of children are. I note that in answer to questions put to her during the pre-appointment hearing about the UN Convention Maggie Atkinson says, "We celebrate [the Convention's] 20th birthday on 20 November at Lancaster House—rightly so, I think.there are elements of the United Nations convention that are such common sense and ingrained into our civil rights that there is no argument; but to be slavishly connected to it would be as limiting a factor as taking no notice of it at all." This answer seems to me to reflect exactly the approach which the Children's Commissioner is required by the words of the statute to take towards the Convention.

And finally, on the issue of 'stretching the remit of the role', as you know the remit of the Children's Commissioner as set by Parliament in the Children Act 2004 is not within the gift of the person occupying the post to extend. I do note, however, that in her evidence to you Maggie Atkinson made reference to her intention to venture into some areas of policy that the Children's Commissioner has so far largely overlooked. In particular, she said, "I think that the next five years will potentially be really exciting for the role and will see a broadening of its spectrum and focus, and it will do that under the positive contributions strand". By this I understand her to have been referring to the Every Child Matters outcome of this name, which concerns the opportunities for children to give something back to our society as good citizens; something I think is extremely important and that I am sure your committee does too.

In accordance with the Cabinet Office guidance on pre-appointment hearings, I have now considered whether to proceed with Maggie Atkinson's appointment in the light of your report and the specific issues you have raised concerning her preparedness to assert her independence and to challenge the status quo on behalf of children; her commitment to championing children's rights; and her willingness to extend the remit of the role."

I have considered what Maggie Atkinson said at the hearing itself about these matters; her career history; and other evidence from the rigorous recruitment process, which as you know was validated by an independent OCPA (Office for the Commissioner of Public Appointments) assessor and which identified Maggie Atkinson as clearly the strongest candidate for the post. I have also taken into account the fact that when interviewed by representatives of the DCSF's Children and Youth Board she is reported to have done extremely well, demonstrating excellent rapport with children. They rated her highly, felt she understood their issues and liked her direct and engaging style.

My duty is to appoint the best person to this important job. Having considered your report, I have concluded that it does not put forward new relevant facts concerning Maggie Atkinson's suitability for the post such as to cause me to alter my nomination of her to the post of Children's Commissioner, thereby rejecting the recommendation of the

independent panel established as part of the standard Nolan recruitment process. Nor do I consider that her performance at the hearing comes into the ‘exceptional’ category set out in the guidance. On the contrary, the transcript of the hearing leads me to the view that Maggie Atkinson gave robust and intelligent responses to the questions put to her, and in so doing further demonstrated her suitability for the role. I continue to have every confidence that Maggie Atkinson’s professional and personal credentials will ensure that as Children’s Commissioner she will be a strong, effective and independent voice for the children and young people of our country, which is what they need and deserve.

It is for these reasons that I have decided to appoint Maggie Atkinson to be the next Children’s Commissioner for England and I am delighted that she has accepted that appointment. I look forward to her taking up office on 1 March 2010. I am sure that she will appear regularly before the Committee in her capacity as Commissioner and that if she appears early on in her tenure, she will demonstrate that she is indeed an excellent, independent and deeply committed appointee to the post.

The clerk to the Committee has kindly given us advance notice that you intend to publish your letter and report at midnight Sunday. To avoid any uncertainty, I will place this letter on the DCSF website at the same time.

I am copying this letter to Opposition spokespersons and will ensure a copy is placed in the House of Commons library.

ED BALLS MP

Formal Minutes

Monday 14 December 2009

Members present:

Mr Barry Sheerman, in the Chair

Annette Brooke	Mr Andrew Pelling
Karen Buck	Mr Graham Stuart
Mr David Chaytor	Mr Edward Timpson
Paul Holmes	

Draft Report (*The Work of the Committee in 2008–09*), proposed by the Chairman, brought up and read.

Ordered, That the draft Report be read a second time, paragraph by paragraph.

Paragraphs 1 to 37 read and agreed to.

Annex agreed to.

A Paper was appended to the Report as Appendix 1.

Resolved, That the Report be the Third Report of the Committee to the House.

Ordered, That the Chairman make the Report to the House.

[Adjourned till Wednesday 16 December at 9.15 am

List of Reports from the Committee during the current Parliament

The reference number of the Government's response to each Report is printed in brackets after the HC printing number.

Session 2009–10

First Report	School Accountability	HC 88-I and -II
Second Report	The Review of Elective Home Education	HC 39-I and -II
Third Report	The Work of the Committee in 2008–09	HC 187

Session 2008–09

First Report	Public Expenditure	HC 46 (HC 405)
Second Report	The Work of the Committee in 2007–08	HC 47
Third Report	Looked-after Children	HC 111-I and II (HC 787)
Fourth Report	National Curriculum	HC 344-I and II (HC 645)
Fifth Report	Allegations Against School Staff	HC 695 (HC 1000)
Sixth Report	Policy and delivery: the National Curriculum tests delivery failure in 2008	HC 205 (HC 1037)
Seventh Report	Training of Children and Families Social Workers	HC 527-I and II
Eighth Report	Appointment of the Children's Commissioner for England	HC 998-I and II

Session 2007–08

First Special Report	Creative Partnerships and the Curriculum: Government Response to the Eleventh Report from the Education and Skills Committee, Session 2006–07	HC 266
Second Special Report	Special Educational Needs: Assessment and Funding: Government Response to the Tenth Report from the Education and Skills Committee, Session 2006–07	HC 298
First Report	Children and Young Persons Bill [Lords]	HC 359 (HC 711)
Second Report	The Department for Children, Schools and Families and the Children's Plan	HC 213 (HC 888)
Third Report	Testing and Assessment	HC 169-I and II (HC 1003)
Fourth Report	The Draft Apprenticeships Bill	HC 1082 (HC 259 of Session 2008–09)