

PRIME MINISTER

EDUCATION REFORM BILL: PROVISION FOR FURTHER EDUCATION
STUDENTS WITH SPECIAL EDUCATIONAL NEEDS (SEN)

Earlier in the month Kenneth Baker (minute of 10 June) proposed an amendment to the Education Reform Bill to "clarify" LEAs duties in relation to further education students with special educational needs. He claimed this was a nil cost amendment.

You expressed doubts as to whether this would be nil cost (my minute of 15 June and letter of 16 June) and the Chief Secretary also expressed some reservations (letter of 16 June).

Mr. Baker has now written again to the Chief Secretary (letter of 23 June), with a side letter of the same date from his office to me. He attaches the text of the amendment he still wishes to table. Although he does not say so in so many words, he does now accept that the amendment could lead to upward pressures on expenditure. But he rests his case for the amendment on the argument that, if this Government proposal is not put forward, more damaging amendments will be approved by the Lords. Lord Denham supports this assessment in his letter of 21 June.

I think it probably is necessary to accept the assessment that some concession has to be made in the Lords. The Treasury are however arguing that the words "in particular" in the second line of the amendment go too far; I think there is force in that objection.

Content now to agree the proposed Government amendment, subject to deleting "in particular" in the second line?

PRCG.

PAUL GRAY
23 June 1988
DCAALG

Yes
mt



free @ts
bc=bc

10 DOWNING STREET
LONDON SW1A 2AA

From the Private Secretary

Dear Tom,

PROVISION FOR FURTHER EDUCATION STUDENTS
WITH SPECIAL EDUCATIONAL NEEDS

Thank you for your letter of 23 June which the Prime Minister has seen, together with your Secretary of State's letter to the Chief Secretary of the same date.

The Prime Minister is now content for the proposed Government amendment to be tabled, subject to the deletion of the words "in particular" in the second line.

I am copying this letter to the Private Secretaries to members of E(EP), the Captain of the Gentlemen-at-Arms and to Sir Robin Butler.

Yours,
Paul

PAUL GRAY

Tom Jeffery, Esq.
Department of Education and Science



N.B.A.M

P.116

24/6

Treasury Chambers, Parliament Street, SW1P 3AG

The Rt Hon Kenneth Baker MP
 Secretary of State for Education and Science
 Department of Education and Science
 Elizabeth House
 York Road
 London
 SE1 7PH

24th June 1988

Dear Secretary of State,

EDUCATION REFORM BILL: PROVISION FOR FURTHER EDUCATION FOR STUDENTS WITH SPECIAL EDUCATIONAL NEEDS (SEN) with PG?

Thank you for your letter of 23 June. I have also seen Bertie Denham's of 21 June which confirmed his, and John Belstead's, view that failure to table a Government amendment along the lines you propose would expose us to a real risk of defeat on a damaging and significantly more expensive amendment.

On that basis, as presaged in my earlier letter, I am reluctantly content to agree to the amendment enclosed with your letter subject to its being revised, as discussed between officials, to require LEAs only "to have regard to" the requirements of students with SEN rather than, as currently drafted, to have regard to those requirements "in particular".

I remain concerned, however, about the expenditure implications even of this limited amendment. I am grateful for your undertaking to ensure that the need for expenditure on FE as a result of clause 122, as amended, to be accommodated within planned provision is registered in ESSE. But I am not convinced that that on its own will be enough. I must therefore ask you to look for some additional opportunity, ideally in the guidance I understand your department is preparing for local authorities about their planning role for FE, to put the point on the record directly to all LEAs. I suggest that our officials should explore this option further.

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I am copying this letter to the Prime Minister and other members of E(EP), to Bertie Denham and to Sir Robin Butler.



Yours sincerely,

for JOHN MAJOR

(Approved by the Chief Secretary
and signed in his absence)



ELIZABETH HOUSE
YORK ROAD
LONDON SE1 7PH
01-934 9000

The Rt Hon John Major
Chief Secretary to the
Treasury
Treasury Chambers
Parliament Street
LONDON SW1P 3AG

23 June 1988

Jim Munn

EDUCATION REFORM BILL: PROVISION FOR FURTHER EDUCATION FOR
STUDENTS WITH SPECIAL EDUCATIONAL NEEDS (SEN)

Thank you for your letter of 16 June commenting on my minute of
10 June to the Prime Minister.

I quite understand your concern to avoid placing LEAs under any
pressure to incur additional expenditure. Nevertheless, I hope
that in the light of Bertie Denham's letter of 21 June and the
risk, to which he refers, of significantly greater expenditure if
alternative amendments, such as 369, were adopted by the House,
you will be able now to agree to my proceeding as I proposed.

It may help if you can see the enclosed text of the proposed
amendment, which we have now received from Parliamentary Counsel.
This has been drafted in as low key a form as practicable and
specifically to avoid any suggestion that the provisions of the
1981 Act are thereby extended or that the students in question
are entitled to any particular level of provision.

As for your suggestion that I should make it clear to LEAs that
expenditure on FE as a result of clause 112 will need to be
accommodated within planned provision, I should say that I have
no plans to issue guidance to LEAs on the implementation of
clause 112, but I can ensure, as necessary, that the point is
registered in ESGE.

Fidy
The amendment will be taken on Monday. We need therefore to
table it before the end of today (Thursday). I should be
grateful if you could let me know as soon as possible that you
are content for me to proceed to have it tabled.

copy
I also enclose a copy of the reply my Private Secretary has sent

to the letter dated 16 June from the Prime Minister's Private Secretary.

I am copying this to the Prime Minister and to other members of E(EP), to Bertie Denham and to Sir Robert Armstrong.

Turner

Armstrong

EDUCATION REFORM BILL: PROVISION FOR FURTHER EDUCATION FOR STUDENTS WITH SPECIAL EDUCATIONAL NEEDS (SEN)

Text of draft Government amendment to Clause 112

Page 111, line 15, at end insert-

("(8A) In fulfilling that duty a local education authority shall also, in particular, have regard to the requirements of persons over compulsory school age who have learning difficulties.

(8B) Subject to subsection (8C) below, for the purposes of subsection (8A) above a person has a "learning difficulty" if-

- (a) he has a significantly greater difficulty in learning than the majority of persons of his age; or
- (b) he has a disability which either prevents or hinders him from making use of facilities of a kind generally provided by the local education authority concerned in pursuance of their duty under subsection (1) above for persons of his age.

(8C) A person is not to be taken as having a learning difficulty solely because the language (or form of the language) in which he is, or will be, taught is different from a language (or form of a language) which has at any time been spoken in his home.").



ELIZABETH HOUSE
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Paul Gray Esq
Private Secretary to the Prime Minister
10 Downing Street
LONDON SW1 2AA

23 June 1988

Dear Paul

PROVISION FOR FURTHER EDUCATION STUDENTS WITH SPECIAL
EDUCATIONAL NEEDS

DP'S ATTACHED

Thank you for your letter dated 16 June addressed to Chris de Grouchy, in which you questioned whether the amendment proposed by my Secretary of State in his minute of 10 June to the Prime Minister would add nothing to the Education Reform Bill.

The position is that clause 112 of the Education Reform Bill, as drafted, does not distinguish between students with and students without special educational needs. Clause 112 lays a general duty on LEAs to provide for all students whatever their needs. To that extent it maintains the previous position as displayed to E(EP) last year. What it does not do, and what my Secretary of State's proposed amendment would also not do, is to specify the manner in which the general duty should be carried out in relation to students with special educational needs. It was the possibility that legislation should so specify which was discussed, and rejected, by E(EP) last summer.

The point which you raised was discussed between Treasury officials and officials of this Department before the Chief Secretary wrote his letter of 16 June to my Secretary of State. On the basis of the advice offered by the Government Chief Whip in the House of Lords in his letter of 21 June, my Secretary of State has now written to the Chief Secretary (copy letter enclosed) seeking confirmation that he is content for the proposed amendment to be tabled later today.

I should be grateful for your confirmation that the Prime Minister is also content.

Yours,
Tom.

T B JEFFERY

not copied
not necessary
until
Friday.

PLG.