

ecno



CONFIDENTIAL CMO

PRIME MINISTER

LIVERPOOL SECTION 12 PROPOSALS

1. As we agreed at our last meeting I met representatives of Liverpool LEA and asked them to provide me with information on the practical implications of three possible modifications to their Section 12 proposals so as to retain respectively four, three and two single sex schools. The Authority have now provided me with detailed information of the likely impact on the admissions to the proposed schools of retaining in the system the additional places consequent upon the three possible modifications. The Authority in their response argue that any of these modifications would render the proposals unworkable because of the differentially severe effect that they would be likely to have directly or indirectly on the admissions to the least popular schools. In effect the Authority argue that all three modifications are beyond my powers.

2. I have considered the options again in the light of the information supplied by the LEA and have had the benefit of further advice from the Attorney General. He notes that the adoption of either of the modifications to retain two pairs of schools retaining respectively four or three single sex schools is likely to lead, sooner or later, to other schools recruiting at a level of less than 3FE, which is below the minimum level indicated in Circular 2/81 for a viable comprehensive school without disproportionate resourcing. In the light of this the Attorney General has confirmed his original view that a modification requiring the retention of four schools would run the risk of successful legal challenge.

3. The practical effects of a modification to retain two single sex schools, West Derby (Boys) and Holly Lodge (Girls), are much more difficult to assess. The Authority argue that in practice the effects would be not very different from the other two modifications since the pattern of admissions in the last two years to the two schools to be retained has been such as would be likely, if maintained, to deplete severely (directly or indirectly) the entry to two unpopular schools. These schools might as a result fail to recruit up to the level of 4FE and therefore continue to need disproportionate resources to be viable. However in my view these arguments fail to take sufficient account of the overall reduction in the capacity of the system which would be brought about by the proposals even when modified to retain two single sex schools; they also fail to take account of the likely increase in competition for places at the two single sex schools because they would be the only single sex schools;

CONFIDENTIAL CMO

and of the impact of the Authority's proposed admission arrangements. All these would in my view tend to reduce the likely impact on the two unpopular schools. The Attorney General remains of the view that this modification is within my powers. Although the matter cannot be entirely free from doubt the Attorney General considers that a court would be most reluctant to overrule my decision to insist upon this minimum provision of single sex education.

4. I am therefore left with three choices - to approve the proposals, to modify them to retain West Derby and Holly Lodge as separate single sex schools or to reject the proposals. I am not prepared to approve without modification a proposal which completely flouts the Government's declared policy that opportunities for single sex education should be retained where parents wish it.

5. As between rejection and modification I remain of the view that the latter is to be preferred. Rejection would mean the loss of an opportunity to secure substantial financial savings with the virtual certainty that the present City Council would not come forward with more acceptable proposals. Despite their defects the proposals (as modified to retain an element

of single sex education) do offer some prospect of limited improvement as against doing nothing. Doing nothing has to be seen in the following light:

- (i) the outer housing estate schools will not wither away since they do enjoy the allegiance of some parents - each attracted some 2-3 FE of first choice applicants in 1983;
- (ii) the Authority already have problems in deploying the available teachers between the secondary schools so as to maintain an adequate curriculum in the least popular schools. Five schools currently have very favourable pupil teacher ratios (better than 15:1 compared to the average of 16.3:1 for all county secondary schools) at the expense of four popular schools which have pupil teacher ratios substantially less favourable than the average; and
- (iii) the effect of this less generous staffing of the popular schools together with the schools' own efforts to retain an adequate range of O and A level options is to make the average class size for all groups in the first three years well over 25. This means over-large groups for practical and science subjects, and far too much mixed ability teaching in all subjects. This bodes ill for future performance at O and A level.

6. As pupil numbers decline further, Liverpool, given their

general financial predicament, will increasingly rob the popular schools of resources in order to keep the unpopular ones going. That is bound to make the popular ones decline in quality.

7. The modification course is not without risk. I am required formally to consult the Authority about the modification that I propose. They may at that stage simply withdraw the proposals or seek to mount a legal challenge. But that is a chance that we must take.

8. There is one further point. The proposals are for implementation this September, and the Authority have always made clear to me that, if they were to implement them, they would need my approval by the end of May at the latest. Approval with modification now would rule out implementation this September. I need therefore to propose an additional modification to defer the start of implementation until September 1985.

9. To avoid the criticism of unreasonable delay I ought to announce the decision within a few days and propose to do so on 18 June. There is an opportunity for further discussion at your meeting on 13 June.

10. I am sending copies of this to Leon Brittan, Nigel Lawson, Michael Heseltine, Norman Fowler, Norman Tebbit, Peter Rees, Michael Havers, Patrick Jenkin, John Biffen, Lord Whitelaw, Sir Robert Armstrong and Mr Buckley (Cabinet Office).

KJ

11 June 1984

Reg. PO Inner
Cities P+S