


Grammar schools revisited?

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Selective education has long been a divisive topic in the schools sector, with some people considering they drive educational excellence and improve social mobility while others believe grammar schools are inequitable. Following years of debate and differing opinions, law was passed in 1998 by the Labour Government that whilst current grammar schools could remain, it would become unlawful for new grammar schools to be created.

“...abolishing the law preventing the creation of new grammar schools”

Following this, there have been some Conservative Prime Ministers who have mooted abolishing the law preventing the creation of new grammar schools, most recently Theresa May. Equally, there have been some Conservative Education Secretaries who have sought to circumvent the ban. For example, in 2015, Nick Morgan discovered an alternative way to get around the legal ban by approving new grammar school “annexes” which allowed for property expansions on current grammar schools. This was legally sound as when the law was passed in 1998, existing grammar schools were allowed to expand if there was sufficient demand. However, there was controversy when some new grammar school annexes were created geographically quite separate from the school in question whilst maintaining that they were still part of the same school.

Following the recent Conservative Party leadership election campaign from new Prime Minister Liz Truss, there are now reports that Truss has directly asked her new Education Secretary Kit Malthouse to start looking into plans to introduce law that would permit the creation of new grammar schools. One possible alternative avenue is the Schools Bill, which is currently under review. However, any lifting of the current ban would require primary legislation, a potentially difficult task for ministers, and whilst the proposal might potentially pass smoothly through the House of Commons due to large Tory backing, it might be expected to struggle in the House of Lords.

Having already recently had a bruising experience in trying to pass the original Schools Bill, it remains to be seen whether the government has the appetite to attempt a major legislative change in this controversial area.

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