

The Education and Inspections Bill's second day in Report

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The Education and Inspections Bill's first day in Report on 23 May produced the largest Report Stage rebellion since Labour first returned to power in 1997.¹ The Bill's second day in Report (24 May) then saw a further three sizeable revolts, followed by the largest Third Reading rebellion ever suffered by a Labour Government. This short briefing paper details the rebellion during the bill's final day in the Commons before being sent to the Lords, as well as listing all those Labour MPs to have rebelled so far during its passage.

Report Stage revolts

There were three Labour rebellions during the Bill's second day at Report.² The largest saw 61 Labour MPs support a clause moved by David Chaytor that would have abolished England's remaining grammar schools. Despite its size, this revolt went largely unreported in the press – being overshadowed both by the rebellion the day before, and the (numerically smaller, but more significant) Third Reading rebellion later in the day.

Earlier on in the afternoon, 25 Labour MPs supported a Liberal Democrat clause that would have forbidden foundation schools from appointing foundation governors to a point where they outnumber elected parent governors. A second Lib Dem clause, which proposed giving local authorities or some more independent body responsibility for allocating places to all maintained schools, by considering applications against published admissions criteria, attracted a rebellion of 34 Labour MPs.

Third Reading

Then, just before 7pm, the Bill gained a Third Reading by 422 votes to 98, a Government majority of 324. Analysis of the voting lists is complicated by the fact that the no lobby (including tellers) actually comprised 101 MPs, not 100 as claimed in *Hansard*, meaning that the majority should have been 323, not 324.³

The aye lobby comprised 258 Labour MPs voting alongside 159 Conservatives, 6 DUP and one SDLP MP. Fifty-five Liberal Democrat MPs joined 46 Labour rebels in the no lobby.

Did the bill achieve its Third Reading only because of the support of the Conservatives, as it had its Second Reading? If we take the names listed as

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¹ Philip Cowley and Mark Stuart, 'The Education and Inspections Bill's first day in Report', available from www.revolts.co.uk.

² There was also one Conservative rebellion: Bob Spink, the only Tory dissenter on the Bill (in addition to some abstentions at Second Reading), voted against a Conservative frontbench attempt to relax the code for school admissions.

³ Curiously, the four divisions from yesterday that involved Labour dissent, all had apparent errors, either the fault of the clerks or the tellers, in either the aye or the no lobby. In addition to the mistake at Third Reading, in division 251 the no lobby should have read 433 not 434, in division 252 the aye lobby should have read 88 not 87, and in division 253 the no lobby should have read 416 not 415.

being accurate, and if the 159 Conservative MPs who voted had switched their votes to opposition, and all other votes had stayed the same, then the government can claim it would have won by five votes (265 to 260). It could therefore be claimed that the bill did *not* rely on Tory votes, and that this was a 'Labour bill', as its supporters were keen to claim.

However, there is one complicating factor: the Democrat Unionist party. The DUP currently almost always vote with the Conservatives, and if the Conservatives had been voting against, then (almost certainly) so too would the DUP. And if you switch the 159 Conservatives and the six DUP MPs who voted from aye to no, then the government would have lost by seven (266 to 259). So whilst the bill did not rely on Tory votes alone, it did rely on opposition votes - and was therefore not after all a Labour bill.

At this point, someone from the government can argue that if the Conservatives had been voting against, some Labour MPs might have changed their votes. And indeed they might have done. But then if there had been a realistic chance of defeating the bill, more Conservatives would have turned up, along with more of the rebels, some of whom were away. And on we would go, drowning in claim and counter-claim about what might have happened in some alternative universe. And of course, without Conservative support at second reading the bill wouldn't even have reached its third reading anyway.

The rebels

Of the 46 Labour backbenchers who rebelled at Third Reading, 39 had similarly voted against the Bill at Second Reading. However, two MPs who had voted for the Government on Second Reading – Jim McGovern and Ian Stewart – waited until Third Reading before casting their first rebellious votes against the Bill. In doing so, McGovern, a member of the 2005 intake, broke his rebellion virginity.⁴ Up until Third Reading, Stewart, elected as an MP in 1997, had remained completely loyal to the Government in the last Parliament and this, although he had cast three rebellious votes against the Government during the course of the 1997 Parliament.

More curiously, Stewart was (and appears to still be) the Parliamentary Private Secretary to Alan Johnson, the Education Secretary. The scale of backbench dissent experienced over the last few years has forced the Government to relax the conventions of collective responsibility as they apply to PPSs somewhat – beginning with Iraq, where PPSs who failed to back the Government were not immediately dismissed as would have been normal, through to the recent pronouncements of both Ashok Kumar and Stephen Pound – but if Stewart's vote is genuine, and not simply a Hansard mistake, then it will be a qualitative step up in what is considered acceptable. The idea that a senior minister's own PPS could vote against one of that minister's key bills and yet remain in post would be a novel constitutional development if it turns out that this is what has happened.

There have now been seven rebellions during the Bill's passage so far, involving a total of 85 MPs, whose voting patterns are listed at the end of this paper. As well as McGovern and Stewart's dissenting votes on Third Reading, the following

⁴ Seven Members of the 2005 intake of Labour MPs have now voted against the Government. In descending order of rebelliousness they are: Linda Riordan (21), Katy Clark (18), Sir Peter Soulsby (7), Sian James (2), Sadiq Khan (2), Emily Thornberry (2), Jim McGovern (1). Jim Devine, the by-election winner in Livingston following the death of Robin Cook in August 2005, has now cast four rebellious votes against the Government.

seven Labour MPs used the opportunity of some of the Report stage votes to cast their first dissenting votes against the Bill: Janet Dean, Roger Godsiff, Patrick Hall, David Hamilton, Brian Iddon, Rudi Viz and Alan Williams. Of these, Hall, Dean and Iddon were casting their first rebellious votes against the Government this Parliament, although all three had a rebellious record dating from the last Parliament. Some 112 Labour backbenchers have now defied the Government in the division lobbies since the general election a year ago.

The rebellions at the final stages of the Bill also means that there had been 77 separate rebellions against the Government by Labour MPs (the highest rate of dissent ever experienced during the first session of a Labour Government, surpassing the 76 rebellious votes cast in the 2001-02 session of the last Parliament), averaging 13 MPs per rebellion. That amounts to one rebellion in roughly every three House of Commons votes (77 out of a possible 255 divisions or 30 per cent).

1. Backbench rebels, Education and Inspections Bill

<i>Name of MP</i>	<i>2R</i>	<i>Prog</i>	<i>Ballots</i>	<i>Governors</i>	<i>Admissions</i>	<i>Selection</i>	<i>3R</i>
Abbott, Diane	X	X	X			X	X
Austin, John			X			X	X
Berry, Roger			X			X	
Betts, Clive			X	X		X	
Burden, Richard			X				
Burgon, Colin	X	X	X	X	X	X	X
Campbell, Ronnie	X						
Caton, Martin	X		X			X	X
Challen, Colin			X			X	
Chaytor, David			X		X	X	
Clapham, Michael	X		X		X	X	X
Clark, Katy	X		X				X
Clelland, David	X					X	X
Cohen, Harry	X		X			X	
Connarty, Michael	X	X					
Corbyn, Jeremy	X	X	X	X	X	X	X
Crausby, David			X		X	X	
Cruddas, Jon	X		X				X
Cummings, John			X				
Davidson, Ian	X	X	X	X	X	X	X
Dean, Janet						X	
Devine, Jim			X		X	X	X
Dismore, Andrew			X	X		X	
Dobbin, Jim	X		X		X	X	X
Dobson, Frank	X	X	X		X	X	X
Drew, David	X		X			X	
Dunwoody, Gwyneth	X	X	X				X
Eagle, Angela			X				
Efford, Clive	X	X	X			X	X
Ellman, Louise			X				
Farrelly, Paul		X	X	X	X	X	
Fisher, Mark		X	X	X	X	X	
Flynn, Paul	X	X	X	X		X	X
Gerrard, Neil	X		X			X	
Gibson, Ian	X		X		X	X	X
Godsiff, Roger					X	X	X
Grogan, John	X	X	X	X	X	X	X
Hall, Patrick					X	X	
Hamilton, David					X	X	
Hamilton, Fabian	X		X				
Havard, Dai	X		X		X	X	X
Henderson, Doug	X	X					
Heyes, David	X		X	X	X	X	X
Hopkins, Kelvin	X	X	X		X	X	X
Hoyle, Lindsay			X			X	
Humble, Joan	X		X			X	X
Iddon, Brian						X	
Illsley, Eric			X			X	
Jackson, Glenda	X	X	X		X	X	X

Jones, Helen	X	X	X	X		X	X
Jones, Lynne	X	X	X				
Keen, Alan	X						
Kilfoyle, Peter	X	X	X				X
Lloyd, Tony	X		X				
Marris, Rob			X				
Marshall-Andrews, Bob		X	X				
McCafferty, Chris			X		X	X	
McDonnell, John	X	X	X	X	X	X	X
McGovern, Jim							X
Meacher, Michael	X		X				X
Mitchell, Austin	X						
Mudie, George	X	X	X	X	X	X	X
Murphy, Denis			X				
Prentice, Gordon	X	X	X	X	X	X	X
Prosser, Gwyn			X			X	X
Purchase, Ken	X		X	X	X	X	X
Riordan, Linda	X	X	X	X	X	X	X
Salter, Martin			X				
Short, Clare	X	X	X	X	X	X	
Simpson, Alan	X	X	X	X	X	X	X
Skinner, Dennis	X		X			X	X
Smith, Geraldine	X	X	X				X
Smith, John	X					X	X
Soulsby, Sir Peter			X	X	X	X	X
Stewart, Ian							X
Taylor, David	X	X	X	X		X	X
Trickett, Jon	X	X	X	X	X	X	X
Truswell, Paul	X		X	X	X	X	X
Turner, Desmond	X		X	X		X	X
Viz, Rudi					X	X	
Walley, Joan	X		X		X	X	
Wareing, Robert	X	X	X	X		X	X
Williams, Alan						X	
Wood, Mike	X	X	X	X	X	X	X
Wright, Anthony			X			X	