

The latter stages of the Education and Inspections Bill How to judge it – and who to watch

PHILIP COWLEY and MARK STUART*

The Second Reading of the Education and Inspections Bill saw the Government relying on the support of Conservative MPs. Having emerged from Committee, the Bill now returns to the Commons for its Report Stage and Third Reading. Although there are concerns amongst the Labour whips (and others) of a Conservative ambush – suddenly withdrawing support, thus enabling the Labour rebels to defeat the Government – a more real concern is the symbolism of yet further large rebellions, either at Report or Third Reading, with the Government perhaps yet again relying on Conservative support to get the legislation past its Third Reading.

This briefing paper sets out some simple comparisons for both Report Stage and Third Reading rebellions, as well as providing a list of MPs to watch.

How to judge any Report Stage rebellions

Before Third Reading comes nearly two days of Report Stage debate. Here's a simple ready-reckoner to help judge the scale of any rebellions at Report Stage:

- Any Report stage rebellion of 51 Labour MPs voting against their whip would equal the largest Report stage rebellion so far this session, back in November, over 28 day amendment to the Terrorism Bill
- Any Report stage rebellion consisting of 52 Labour MPs would equal the largest rebellion this session, and match the rebellion at the Bill's Second Reading.
- Any Report stage rebellion of 57 would equal the largest Report stage rebellion since the Higher Education Bill in March 2004, when the rebels tried to limit the variability of top-up fees.
- Any Report stage rebellion of 62 would equal the largest Report stage rebellion since the Health and Social Care Bill in July 2003 (over foundation hospitals).
- Any Report stage rebellion of 67 would equal the largest Report stage rebellion since May 1999 during the passage of the Welfare Reform and Pensions Bill (over cuts in disability benefit).
- A rebellion of 68 Labour MPs would be the largest suffered at Report Stage by the Blair Government, and would be the largest by a Labour Government since that in July 1977, when 68 Labour MPs voted in favour of a new clause to the Criminal Law Bill.
- A rebellion of 110 Labour MPs would equal the largest Report stage rebellion against a Labour Govt since 23 July 1976 when 110 Labour MPs supported a Report stage amendment in the name of Joan Maynard.

The last outcome will not occur – but one of the leading rebels is talking about a rebellion of 70+, so all the other options are realistic.

* University of Nottingham. This paper draws on research funded by the Economic and Social Research Council. Further details are available from www.revolt.co.uk.

How to judge the Third Reading rebellion

Large Third Reading rebellions are much rarer than large Report Stage (or Second Reading) revolts. The usual pattern of backbench revolts is for the real battles to be fought out during the earlier stages of the Bill; by Third Reading even many of those still opposed to a piece of legislation will often not see the point in voting against it. It is therefore quite common for even relatively controversial pieces of legislation to see no rebellion at Third Reading.

As a result, since Labour first entered government in 1924, there have been only 40 rebellions against the Third Reading of their own legislation (compared to 68 Second Reading revolts for the same period). All 40 are listed in the Appendix to this paper.

Even when Third Reading rebellions do occur, relatively few Labour rebels participate. For the whole of the period 1924 to 2006, an average of only 12 Labour MPs voted against their Government at Third Reading. Moreover, the largest ever rebellion by Labour backbenchers in Government, which took place over the National Service Bill on 22 May 1947, involved only 37 Labour MPs. Even in the Blair period, the largest Labour rebellion on Third Reading, which occurred on the Prevention of Terrorism Bill in February 2005, involved only 30 MPs.

So here's the easy comparisons for the Third Reading vote:

- If it consists of more than 30 Labour MPs voting against their whip, it will be the largest Third Reading revolt since Blair came to power.
- More than 37 Labour MPs, and it will be the largest since Labour first entered Government in 1924.
- And if it consists of more than 41 MPs, it'll also be larger than the Conservative rebellion against the Third Reading of the Maastricht Bill, on 20 May 1993.

The potential for a record breaking rebellion at Third Reading is clearly present. As the data in the Appendix shows, Labour MPs have become more willing to vote against a Bill's Third Reading in recent years, with decent-sized revolts at Third Reading over much less controversial issues than the Education Bill. The Gambling Bill saw 24 Labour MPs revolt, ID cards saw 25, and 30 Labour MPs voted against the Third Reading of the Prevention of Terrorism Bill just before the 2005 election.

Much could depend on what happens at Report Stage. A series of large revolts at Report may take the sting out of any Third Reading rebellion. If there are a number of key Report stage amendments around which rebellious Labour MPs coalesce, then it is possible that when these amendments go down to defeat (which, in the absence of Tory support, they will), then the Third Reading vote will end up being a damp squib. However, if Report Stage does not see those dissatisfied with the legislation letting off enough steam, then be prepared for Third Reading to see a record-breaking revolt.

Who to watch

It is possible to identify three groups of key Labour MPs, with the potential to vote against the Government:

Group 1 are those Labour MPs who voted against the Government after the Bill's Second Reading debate in March. This is both the 52 who voted against the Bill's Second Reading, along with another three MPs - Paul

Farrelly, Mark Fisher and Bob Marshall-Andrews – who abstained on Second Reading but then voted against the Bill's programme motion, making a total of 55 Labour rebels. This group are the most likely to vote against the Government.

Group 2 are those who abstained in March. It is possible to be certain about the identity of seven of these MPs, those who abstained at Second Reading, and then voted for the Government on the programme motion: Clive Betts, David Crausby, Ann Cryer, John Cummings, Lindsay Hoyle, Eric Illsley and Albert Owen. And on top of these, there were another thirteen MPs who were absent from both votes: John Austin, Tom Clarke, Frank Cook, Bill Etherington, Roger Godsiff, David Hamilton, Chris McCafferty, Julie Morgan, Sir Peter Soulsby, Gavin Strang, Graham Stringer, Rudi Viz and Betty Williams.[†] Not all of these MPs were abstaining (some may have been merely absent), but many were known to be unhappy with the Bill, and most have 'form'.

And Group 3 are the 34 backbenchers who signed the Alternative White Paper earlier in the Parliament but who were persuaded to vote for the Government on Second Reading. Some of these were completely persuaded by the nature of the changes made to the Bill, but some were not. During the Second Reading debate, several of these MPs indicated that while they would reluctantly be supporting the principle of the Bill, they still had problems about its detail, and reserved the right to vote against the Government on Report.

Taken together, these various groups amount to some 109 Labour MPs. Not all will rebel – and not all at the same time – but they constitute the pool from which the rebels will be drawn. We have ranked them below according to the total number of votes cast against the Government so far in the Parliament, which is usually a reliable guide to the likelihood of rebelling over an issue.

Based on past practice, one group to watch are those who rebel at Third Reading having not done so during any of the other preceding stages of the Bill. It is perfectly possible that the Government whips have done deals with Labour backbenchers in which they have been previously persuaded not to vote against Second Reading or over an amendment, in return for a blind eye being turned when it comes to Third Reading. This was a feature of the Higher Education Bill's Third Reading in March 2004: the Third Reading rebellion then included six MPs who had not rebelled at Report stage; of these, four had not cross-voted at the second reading either. So, expect the 'odd' name to appear in Third Reading.

[†] This list excludes three absent ministers.

Labour MPs to watch, in descending order of rebelliousness

<i>Name of MP</i>	<i>Signed AWP</i>	<i>Second Reading vote</i>	<i>No of rebellions, 2005-06</i>
McDonnell, John	Yes	X	47
Corbyn, Jeremy	Yes	X	45
Jones, Lynne	Yes	X	37
Wareing, Robert	Yes	X	33
Fisher, Mark	Yes	a	29
Marshall-Andrews, Bob	Yes	a	29
Hopkins, Kelvin	Yes	X	29
Simpson, Alan	Yes	X	29
Short, Clare	Yes	X	28
Jackson, Glenda	Yes	X	26
Gibson, Ian	Yes	X	19
Flynn, Paul	Yes	X	17
Abbott, Diane	Yes	X	16
Clark, Katy	Yes	X	16
Riordan, Linda	Yes	X	16
Taylor, David	Yes	X	15
Dunwoody, Gwyneth	Yes	X	13
Wood, Mike	Yes	X	13
Prentice, Gordon	Yes	X	11
Clapham, Michael	Yes	X	11
Skinner, Dennis	Yes	X	11
Gerrard, Neil	Yes	X	10
Grogan, John	Yes	X	9
Kilfoyle, Peter	No	X	9
Drew, David	Yes	X	7
Mudie, George	No	X	7
Smith, Geraldine	No	X	7
Dobson, Frank	Yes	X	6
Love, Andy	Yes	G	6
Smith, John	Yes	X	6
Trickett, Jon	Yes	X	6
Austin, John	Yes	-	6
Cohen, Harry	Yes	X	6
Meacher, Michael	Yes	X	5
Vis, Rudi	Yes	-	5
Burden, Richard	Yes	G	4
Caton, Martin	Yes	X	4
Challen, Colin	Yes	G	4
Cook, Frank	No	-	4
Cryer, Ann	Yes	a	4
Hamilton, David	No	-	4
Henderson, Doug	No	X	4
Lloyd, Tony	Yes	X	4
Campbell, Ronnie	Yes	X	3
Connarty, Michael	No	X	3
Davidson, Ian	No	X	3
Mitchell, Austin	Yes	X	3

Strang, Gavin	No	-	3
Etherington, Bill	Yes	-	3
Burgon, Colin	Yes	X	2
Cruddas, Jon	Yes	X	2
Efford, Clive	Yes	X	2
Godsiff, Roger	No	-	2
Jones, Helen	Yes	X	2
McCafferty, Chris	Yes	-	2
Morgan, Julie	Yes	-	2
Mullin, Chris	Yes	G	2
Raynsford, Nick	Yes	G	2
Soulsby, Sir Peter	Yes	-	2
Berry, Roger	Yes	G	1
Clelland, David	Yes	X	1
Dobbin, Jim	No	X	1
Farrelly, Paul	No	a	1
Hamilton, Fabian	Yes	X	1
Havard, Dai	Yes	X	1
Heyes, David	Yes	X	1
Humble, Joan	Yes	X	1
Keen, Alan	Yes	X	1
Owen, Albert	Yes	a	1
Purchase, Ken	Yes	X	1
Ruddock, Joan	Yes	G	1
Truswell, Paul	No	X	1
Turner, Desmond	Yes	X	1
Walley, Joan	Yes	X	1
Allen, Graham	Yes	G	0
Anderson, Dave	Yes	G	0
Betts, Clive	Yes	a	0
Chaytor, David	Yes	G	0
Clarke, Tom	No	-	0
Crausby, David	No	a	0
Cummings, John	No	a	0
Dean, Janet	Yes	G	0
Denham, John	Yes	G	0
Eagle, Angela	Yes	G	0
Ellman, Louise	Yes	G	0
Foster, Michael J	Yes	G	0
Francis, Hywel	Yes	G	0
Gilroy, Linda	Yes	G	0
Griffith, Nia	Yes	G	0
Hoyle, Lindsay	No	a	0
Iddon, Brian	Yes	G	0
Illsley, Eric	Yes	a	0
Jones, Kevan	Yes	G	0
Jones, Martyn	Yes	G	0
Lepper, David	Yes	G	0
Mallaber, Judy	Yes	G	0
Murphy, Denis	Yes	G	0
Naysmith, Doug	Yes	G	0
O'Hara, Edward	Yes	G	0

Osborne, Sandra	Yes	G	0
Prosser, Gwyn	Yes	G	0
Robinson, Geoffrey	Yes	G	0
Salter, Martin	Yes	G	0
Seabeck, Alison	Yes	G	0
Stringer, Graham	No	-	0
Todd, Mark	Yes	G	0
Whitehead, Alan	Yes	G	0
Williams, Betty	Yes	-	0
Wyatt, Derek	Yes	G	0

Appendix: 3rd Reading revolts against Labour Governments, 1924-2006

Title of Bill	Date	Size
1924		
None		
1929-31		
Land Drainage (No. 2) Bill	28-Jul-30	1
Education (School Attendance) Bill	21-Jan-31	1
Unemployment Insurance (No. 3) Bill	21-Jul-31	14
1945-51		
National Service Bill	22-May-47	37
Supplies and Services (Transitional Powers) Bill	11-Aug-47	1
Attempted Rape Bill	05-Feb-48	17
National Service (Amendment) Bill	06-Dec-48	18
1964-70		
Commonwealth Immigrants Bill	28-Feb-68	16
1974-79		
Prevention of Terrorism (Temporary Provisions) Bill	28-Jan-76	11
Freshwater and Salmon Fisheries (Scotland) Bill	02-Mar-76	7
Weights and Measures Etc. (No. 2) Bill	02-Nov-76	13
European Assembly Elections Bill	16-Feb-78	29
Scotland Bill	22-Feb-78	7
Civil Aviation Bill	28-Feb-78	1
House of Commons (Redistribution of Seats) Bill	17-Jan-79	18
1997-01		
Social Security Bill	10-Dec-97	5
Immigration and Asylum Bill	16-Jun-99	7
Northern Ireland Bill	08-Jan-00	8
Terrorism Bill	15-Mar-00	3
Football (Disorder) Bill	17-Jul-00	3
Criminal Justice (Mode of Trial) Bill	25-Jul-00	28
2001-05		
European Communities (Amendment) Bill	17-Oct-01	2
Anti-Terrorism, Crime and Security Bill	26-Nov-01	17
Nationality, Immigration and Asylum Bill	12-Jun-02	12
Community Care (Delayed Discharges) Bill	15-Jan-03	1
Criminal Justice Bill	20-May-03	2
Fire Services Bill	03-Jun-03	27
Licensing Bill [Lords]	16-Jun-03	3
European Parliamentary & Local Elections (Pilots) Bill	16-Dec-03	1
Asylum and Immigration (Treatment of Claimants) etc Bill	01-Mar-04	12
Higher Education Bill	31-Mar-04	18
Civil Partnership Bill	09-Nov-04	2
Mental Capacity Bill	14-Dec-04	18
Gambling Bill	24-Jan-05	24
Identity Cards Bill	10-Feb-05	19
Prevention of Terrorism Bill	28-Feb-05	30
2005- (as at 21 May 06)		
Racial and Religious Hatred Bill	11-Jul-05	4
Identity Cards Bill	18-Oct-05	25
Health Bill	14-Feb-06	1
Legislative and Regulatory Reform Bill	16-May-06	6