

Press release

Judicial Review proceedings launched in relation to DfE's current Oak National Academy plans

London, 30th November 2022: The British Educational Suppliers Association (BESA), the Publishers Association, and the Society of Authors have launched Judicial Review proceedings in respect of the Department for Education's proposed operating model for its new arm's length body, Oak National Academy.

The three organisations are co-claimants, with the National Education Union also participating in the claim as an "interested party." A formal judicial review claim was lodged with the court earlier this week.

This step results from growing concerns among authors, teachers, unions, publishers, tech innovators, and other educational suppliers and a fundamental lack of meaningful engagement from government in response. It also follows letters before claim issued by BESA and the Publishers Association earlier this year.

Caroline Wright, Director General of BESA, said:

"For decades, teachers have enjoyed the freedom of choice over how to deliver the curriculum supported by a dynamic and world-leading educational publishing sector. The Department for Education's establishment of a new curriculum body poses an existential risk to the future viability of the sector which, in its current form, will result in an erosion of teacher choice over how to deliver the national curriculum.

"Launching a legal challenge of the new curriculum body is the sector's option of last resort, we have tried to engage with the Department for Education over its creation of its new curriculum body for months, but they have refused any meaningful mitigations that would protect competition within the market."

Dan Conway, CEO of the Publishers Association, said:

"At every step of this process we have sought dialogue and compromise and this development is a last resort that we very much wanted to avoid. Unfortunately, we and our joint claimants felt we had no remaining course of action other than to challenge the Department for Education's plans via judicial review.

"The government's plans for Oak will be an unprecedented and unevidenced intervention that will cause irreparable damage to the education sector as we know it. The government is in effect creating a one-size-fits-all state publisher that promotes a single curriculum, controlled by the Education Secretary of the day. This will undo years of work by publishers who have invested expertise over many decades in creating a rich range of world-leading resources for school children across the country.

"There is simply too much at stake to let these plans proceed unopposed. The potential impact on teacher autonomy, learner outcomes, and curriculum diversity and quality is too significant. That is why authors, publishers, educational suppliers, school groups, teachers' unions, and others have all voiced strong concern over these plans."

Nicola Solomon, Chief Executive of the Society of Authors, said:

“Ever since the government first announced its intention to convert Oak National Academy into an arm’s length body to the Department of Education, we have worked with our industry partners to raise concerns about the impact this will have on educational authors and publishers, and on the students and teachers who need the tools they create. This action is only necessary because the government has chosen to ignore those concerns.

“If we don’t act now, educators will be left with one set of state approved online resources which will threaten diversity and choice, remove financial incentives, and damage the healthy competition which is at the heart of educational publishing. The result will likely be a weaker overall pool of resources, greater challenges for teachers, and a negative impact on students’ learning.”

Kevin Courtney, Joint Gen Sec, NEU, said:

“Converting Oak from an emergency response to Covid to a permanent part of government is a decision with ominous implications. Without consultation or parliamentary debate, the government has taken a long stride towards directing the detail of teachers' work. Unless its actions are challenged, what is now presented as an optional resource will soon become the norm in schools. The government should recognise its limits: it does not have the capacity, the imagination and the understanding to intervene in this way.”

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About the Publishers Association

We are the member organisation for UK publishing, representing companies of all sizes and specialisms. Our members produce digital and print books, research journals and educational resources across genres and subjects.

We exist to champion publishing to the wider world and to provide our members with everything they need to thrive. We have helped change laws, improved business conditions and inspired people to become publishers.

We are passionate about the capacity for books and reading to make life better for people.

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