# Speaker of the House accused of undermining crucial NAO report on private school fees



In a significant development regarding the treatment of private school fees, the Speaker of the House of Commons, Sir Lindsay Hoyle, has been accused of 'acting outrageously' after he called into question a pivotal report by the National Audit Office (NAO) in relation to a government challenge over VAT on private school fees. This unprecedented move has prompted the government to launch a late-stage effort to exclude key evidence from the landmark judicial review concerning the controversial tax.

The High Court has scheduled an emergency hearing on Monday to determine the admissibility of the NAO report, which scrutinises the 'broken' special educational needs (SEN) system in the UK. This hearing is anticipated to incur significant costs, amounting to tens of thousands of pounds in addition to the expenses already accrued from the original judicial review. The original legal teams, including a quartet of distinguished King’s Counsel (KCs) representing the government, will reconvene in court, alongside Sir Lindsay Hoyle who will be represented by prominent barrister David Manknell KC.

The NAO report, published in October 2024, was heavily relied upon by the parents of children with SEN and the Independent Schools Council during the initial proceedings. It outlined the inadequacies within the state education system to cater to the needs of SEN students displaced from private schools. Parents argue that the new tax, introduced by Chancellor Rachel Reeves, infringes upon their children's rights to receive adequate education, making it unaffordable for families to keep their children in private institutions.

In contrast, the government contends that every child affected could still receive a satisfactory education within state schools. The tension surrounding this issue has amplified since the Speaker questioned the reliability of the NAO findings during the early phase of the April hearing, which had originally proceeded without contention over the report's use.

An insider involved in the case reported that at the commencement of the hearing, the admissibility of the NAO report had not been a point of discussion. However, this changed abruptly when the government raised objections towards the end of the proceedings, catching observers and participants off guard. The insider remarked on what they perceived as "underhand conduct" from both the government and the Speaker, adding that it would be "a real injustice" for families to be barred from utilising the published data after the trial has concluded.

The NAO report was initially met with widespread acknowledgement from the government. It has been used by various officials, including Education Secretary Bridget Phillipson, to underscore the failures in SEN provision within the state sector. Despite the report's implications, the government has now questioned its relevance in this specific judicial review.

The Chancellor, known for previously referring to parents of private school students as "snobs," has assembled a team of high-profile KCs to contest the claims brought by families who have raised funds to support the case. This looming emergency hearing has inject uncertainty into the judicial process, which was expected to yield a judgement within weeks, potentially impacting the government's ability to sustain the tax that affects all 550,000 pupils enrolled in independent schools, including around 100,000 with special educational needs.

The legal representation for the claimant group, James Gardner of SinclairsLaw, has voiced concerns regarding the government's reluctance to allow the NAO report to be presented in court, questioning their motives and underlining the report's fundamental importance in highlighting the prevalent funding crisis affecting vulnerable pupils.

As the situation unfolds, the House of Commons spokesperson has refrained from commenting on the matter, leaving the public to observe the judicial developments in the coming days.

Source: [Noah Wire Services](https://www.noahwire.com)