



Lord Nash

Parliamentary Under Secretary of State for Schools

Sanctuary Buildings Great Smith Street Westminster London SW1P 3BT  
tel: 0370 000 2288 [www.education.gov.uk/help/contactus](http://www.education.gov.uk/help/contactus)

Ms Gill Alexander  
Strategic Director for Children, Young People & Learning  
North Tyneside Council  
Quadrant East  
Cobalt Business Park  
The Silverlink North  
North Tyneside  
NE27 0BY

26<sup>th</sup> July 2013

*Dear Ms Alexander,*

As you are aware, following correspondence with North Tyneside Council, it was decided that the question of whether to enter into a funding agreement with Woodard Academies Trust in respect of Kings Priory Academy would be reconsidered afresh. As you are also aware, on behalf of the Secretary of State I previously decided to enter into such an agreement, which was duly entered into. However, in order to ensure that I (again on behalf of the Secretary of State) properly reconsider this matter afresh, I have put out of my mind my previous decision and I have ignored any consequences that might flow from my reaching a different decision now.

I have, however, based my reconsideration on all relevant factors, including the following.

- The Governing Body of Priory Primary School undertook consultation under section 5 of the Academies Act 2010, asking the question "Should Priory School merge with King's School and be converted to an Academy?"
- Woodard Academy Trust (WAT), the sponsor, undertook consultation under section 10 of the Academies Act 2010 on the question of "Whether WAT should enter into an agreement with the Secretary of State for Education to open an academy"
- WAT also undertook non statutory consultation on the proposals for the establishment of the academy and the offer for pupils.

In responding to the consultation, the Local Authority, eight out of the ten responding high schools, 21 of the 59 primary and middle schools, teaching organisations and both Diocesan Boards of Education argued against the proposals. Their main points were as follows:

- 1) The proposal would create additional surplus places, adversely affecting local schools and in particular Marden High School;
- 2) The consultation process should have taken place at an earlier stage when the proposal was at a developmental stage. The Local Authority thought that all parents and carers within the Local Authority should have been consulted; and
- 3) It was wrong to use public funds for the education of pupils of a former independent school.

By contrast, parents and staff of both schools were overwhelmingly in favour of the proposal. WAT and the Governing Body of Priory Primary School considered the responses and concluded that the overwhelming support from local parents should take precedence where the choice was between two very opposite views, as they and their children were the people whose interests the schools existed to serve.

I took careful note of the opposition to the proposal but also of support for it, and the reasons articulated in support of both positions, the duty to have regard to the general principle that pupils are to be educated in accordance with the wishes of their parents, so far as that is compatible with the provision of efficient instruction and training and the avoidance of unreasonable public expenditure.

In this regard I also took account of demand for the proposed new academy. I noted that there were 109 first preference applications for 75 places in reception and 78 applications for 35 places in year 7 at the academy, which demonstrates local demand for the proposed academy's offer. The Local Authority operated its normal admissions process to ensure all pupils applying for a maintained school place had an offer and the Trust made provisional offers of places at the academy.

I consider that there is a strong argument for increasing parental choice through the provision of high quality places in the area and I believe that the new academy is likely to provide high quality education. WAT is a proven sponsor which improved GCSE results (5A\*-C grades) in its existing academies by an average of 10 percentage points between 2011 and 2012 and I believe that the Kings Priory School will benefit from the strong leadership that the Trust will provide.

I have noted the performance of local secondary schools. Ofsted reports show that two of the four secondary schools closest to the academy (Marden and Monkseaton) have satisfactory Ofsted ratings. John Spence and St Thomas Moore RC are both rated as outstanding. All the schools have achieved above 50% 5A\*-C including English and Maths – 77% and 73% respectively at St Thomas More and Marden High; with 54% and 52% respectively at John Spence and Monkseaton. The 2012 results at the King's School were 93% 5A\*-C including English and Maths. I believe that the addition of the academy will help drive up standards at these schools.

I also considered the issue of surplus places. The Local Authority's analysis is that there are currently 14% surplus places at secondary level, which will rise to 18.1% by 2015-16, before decreasing. The Local Authority estimates that the effect of opening the academy would be to increase surplus places in the area to 20.1% by 2015-16.

The Academy will be adding to the number of surplus places and the Local Authority figures suggest the resulting increase will be 2 percentage points in 2015-16. I regard this as a moderate increase and I have no reason not to believe that the Local Authority would be able to manage surplus places going forward.

I have considered the analysis of the impact of the new academy contained in both the Department's and the Local Authority's Impact assessments.

These assessed:

- a) the overall impact of additional places being introduced into the maintained sector;
- b) the impact on the nearest schools to the academy;
- c) the performance of the schools most likely to be affected;
- d) the need for parental choice; and
- e) the introduction of competition into the system.

I consider that the impact at primary level is likely to be minimal as the primary admission number of 75 equates to the combined expected intake of the two predecessor schools. I have noted that the Local Authority also agreed with this view.

The Local Authority has highlighted specifically the impact on Marden High School as the closest secondary school and this concern was reflected in the consultation report produced on 31 March 2013.

The Local Authority believes this school will lose 35% of its expected intake this academic year with a consequent loss of £85k in funding. This assumption represents a loss of 1.7% of the school's overall budget. Data suggests that 87% of Priory pupils have transferred to Marden High School in the past. The Local Authority considers that there will be a significant detrimental impact on the school such that there will be a reduction of 264 pupils over the next 5 years, equating to 30% of the current school population. The satisfactory Ofsted rating for Marden High School may have an impact on parents selecting the school in future admissions rounds and instead choosing the academy.

Marden High School received a total of 304 applications (counting all preferences) for year 7 admission in September 2012. Of these applications 177 were 1st preference applications. Ultimately 173 places were taken up against a Published Admission Number (PAN) of 181. This represented 171 1st preference places and 2 2nd preference places. In September 2010 161 places were taken up and in September 2011, 176 places were taken up, in both cases against a PAN of 181. As at September 2012 Marden High School was undersubscribed by 0.9% as a whole and there were 8 surplus places in year 7 in 2012/13.

I note the Local Authority's view that a decline in pupil numbers and the associated financial impact is likely to result in reduced levels of staffing in neighbouring schools; this may restrict the ability of those schools to provide a broad and balanced curriculum and thus have a destabilising impact. However I believe that the provision of what I

expect to be high quality education at Kings Priory is likely to promote the increase of standards in the area which should stimulate improvements in standards at Marden High School.

The Local Authority has also raised concerns about the short-term impact on Year 9 admissions in particular for Monkseaton High School, the closest 13-18 school to Kings. It estimates that this could lead to a 12% decline in its expected intake in 2014 and 2015 but that the impact would reduce to 0% in 2019.

WAT does not have a defined catchment area and at the request of the Local Authority included 'random selection' in its oversubscription criteria. This has the potential to widen the area from which applications will be made and further reduce the impact on a single school.

I also considered whether the proposal represented value for money. The Department has agreed to fund the existing loan and overdraft of one of the predecessor schools by securing a charge against the assets of The Woodard Corporation on the land and buildings of The King's School, Tynemouth. This enables the continued all-through educational provision in the heart of the community of Tynemouth. In considering the costs of the proposal I have concluded that the overall project represents good value for money.

I am aware of my duties under section 149 of the Equality Act 2010. I have considered in detail the equalities analysis prepared for this purpose. In particular, I noted that if the new academy were to be established, it is expected that it would result in lower pupil numbers at neighbouring schools, which will have fewer pupils as a result, particularly Marden High School. I have taken into account the conclusion that there is likely to be a greater proportion of pupils with special educational needs and, therefore, probably pupils with disabilities and non-Christian pupils at those neighbouring schools than at the new academy.

In the short term at least I expect that the new academy may well offer a higher standard of education than Marden. This is because of the very high standard of the current provision at the two merging schools. Conceivably a fall in numbers at Marden may also affect standards in the near term though beyond this I would expect the academy to raise standards. As a result, the establishment of the academy could mean that there is an adverse effect on equality of opportunity between disabled and non-Christian children and other children.

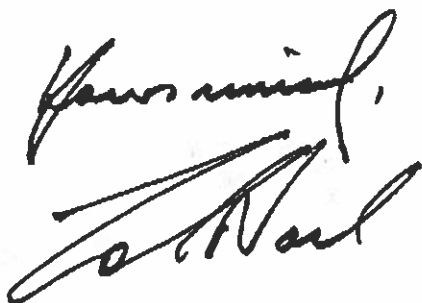
The establishment of the academy will foster good relations between persons who share a relevant protected characteristic and persons who do not because by fostering good relations in the school, the school will help to foster good relations in the community. I have also had due regard to the fact that although it is not possible to reach a positive conclusion that the establishment of the proposed academy would achieve any of the statutory objectives in relation to race, it is also unlikely that it would have an adverse impact on the achievement of the statutory objectives.

Exceptionally, because North Tyneside Council has previously expressed concerns about the approach adopted in relation to section 149 of the Equality Act 2010, a copy of the equalities analysis is attached to this letter.

In the material I considered, I recognised that there were some factors put forward by the Council against the creation of the academy, in particular the possible impact on local schools, at least over the near term, by the increase in surplus places and the cost of the project. I recognised the fact that a considerable number of consultees were strongly opposed to the proposal. But I came to the view that these factors were outweighed by the advantages. In particular I believe that the new academy is likely to provide high quality education in the state funded sector, add to parental choice and introduce the stimulus of competition to local education.

It is for the reasons set out above and after careful consideration that I consider that the Priory Primary School and the King's School should merge and become The Kings Priory School sponsored by the Woodard Academies Trust, opening on 1 September 2013.

My officials have asked the Governing Bodies of the two schools to inform staff and parents of the Secretary of State's decision and publish a copy of this letter on the schools' websites.

A handwritten signature in black ink, appearing to read 'John Nash', written in a cursive style.

**JOHN NASH**

Copies of this letter have also been sent to:  
David Bilton, Chief Executive, Woodard Academies Trust  
Geoff Ogle, Chair of Governors, Priory Primary School  
His Hon Judge John Evans, Chair of Governors, The King's School  
Alan Campbell, Member of Parliament for Tynemouth