



Lord Nash

Parliamentary Under Secretary of State for Schools

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Ms Gill Alexander
Strategic Director of Children,
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10 July 2013

Dear Ms Alexander

As you are aware, the Secretary of State decided to proceed with the proposal for the Kings Priory Academy to open on 1 September 2013 and signed the Funding Agreement on 5 July 2013. I write to confirm that in making his decision, the Secretary of State considered all the relevant factors in this case, which include:

(a) Outcome of the Consultation

The governing body of Priory Primary School consulted under section 5 of the Academies Act 2010 on whether Priory Primary School should convert to academy status. The consultation included:

- a full consultation document on the proposal which was sent to those on the extensive consultation list provided by the Local Authority;
- feedback forms for all those consulted to fill in and send back either by email or post;
- the governing body answering the questions raised by staff and parents at meetings and in writing; and
- correspondence with other consultees.

The governing body received 324 responses from parents and staff in response to the consultation - a 91% return rate. Of these:

- 94% (306) were in support of Priory Primary School becoming an academy;
- 2% (7) were against Priory Primary School becoming an academy;
- 3% (11) were neither for nor against the proposal.

36% (20) of the 55 local First and Primary Schools returned the feedback forms. One response was neither for nor against the proposal and the remainder were against.

The Woodard Academies Trust (WAT) consulted as per section 10 of the Academies Act 2010 on the question of 'Whether Woodard Academies Trust should enter into an agreement with the Secretary of State for Education to open an academy'. The Trust also undertook non-statutory consultation on the proposals for the establishment of the academy and the offer for pupils. This included details of the proposed admissions oversubscription criteria.

WAT received 303 responses from staff and parents at The King's School. This is 50% of those consulted. Of these:

- 83% (251) were in support of The King's School becoming an academy;
- 8.5% (26) were against The King's School becoming an academy;
- 8.5% (26) were neither for nor against the proposal.

Of the 14 local Middle and High Schools 9 (64%) replied and all were against the proposal.

A total of 16 local organisations and representatives were sent the consultation documents. These included the Local Authority, MP, trade unions and Diocesan Authorities. Eight responses (50%) were received three (37%) were neither for nor against the proposal and five (63%) were against.

From a total of 1,053 consultees there was an overall response of 664 (63%). Of the total responses 557 (84%) were supportive (all from parents and staff at the schools), 41 (6%) were neither for nor against and 66 (10%) were against. The responses that were against the proposal consisted of 24 (10%) of parental responses at Kings; 7 (3%) parental responses at Priory Primary School; 2 (2%) responses from staff at Kings; 28 (97%) responses from local schools and 5(63%) responses from local organisations.

The Local Authority, local teacher organisations and both Diocesan Boards of Education argued against the proposals. The Secretary of State has considered these fully. The main arguments made against the proposal in the responses to the consultation were that there were already surplus places in the area and that the introduction of new places would have a detrimental effect on other local schools, particularly Marden High. The Local Authority raised some concerns about the scope and timing of the consultation and has the view that it should have included all parents in the Local Authority individually.

The Secretary of State also considered that the duration of the consultation period (which was three calendar months from December 2012 to March 2013) was a reasonable one and that the scope of the consultation was sufficient given that it provided opportunities for parents, carers, other schools in the area, the local Diocesan Authorities and the Local Authority, as well as staff

and unions to access information about the proposal, ask questions and express their views. In reaching his decision to enter into a Funding Agreement with WAT, the Secretary of State has taken account of all the responses, including the overwhelming support of King's and Priory Primary School parents and staff for the proposal.

(b) Local demand for Kings Priory Academy, parental choice and surplus places

The Secretary of State has considered the demand for high quality provision in the area together with the analysis of pupil projections and the need to ensure parents have a genuine choice. In particular the Secretary of State has considered the duties set out in section 9 of the Education Act 1996, namely 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.

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.

The Secretary of State considers there is a strong argument for increasing parental choice through the provision of high quality places in the area and he considers that the new academy will provide high quality education. WAT is a proven sponsor which improved results in its open academies by an average of 11.5 percentage points between 2011 and 2012 and the Secretary of State believes that the Kings Priory School will benefit from the strong leadership that the Trust will provide.

The Secretary of State has 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, however, Local Authority figures suggest the resulting increase will be 2% in 2015-16. The Secretary of State regards this as a moderate increase that is expected to reduce over time. On balance, therefore, the Secretary of State does not consider this increase in surplus places to outweigh the significant advantages that this proposal brings, particularly in terms of parental choice and availability of high quality provision in the area.

(c) Impact on local schools

The Secretary of State has considered fully 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.

The assessment of the impact at primary level is considered to be minimal as the primary admission number of 75 equates to the combined expected intake of the two predecessor schools. The Secretary of State notes 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 Secretary of State considers the impact to be moderate on Marden High School. The Local Authority has said that the impact on Marden High School will be a 35% decline in its expected intake this academic year with a consequent loss of £85k in funding. However this is a popular school and clearly oversubscribed with 304 applications for places in September 2012 against a Pupil Admission Number of 181. The Secretary of State expects that in future years any impact would be spread across a number of schools because of Marden's popularity and would therefore be less significant than has occurred in this first year. WAT does not have a defined catchment area and at the request of the Local Authority WAT 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.

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 – 76% and 73% respectively at St Thomas More and Marden High; with 53% and 52% respectively at John Spence and Monkseaton. The 2012 results at the King's School were 93% 5A*-C including English and Maths. The Secretary of State believes there is a strong argument for increasing quality provision in the area which will have a positive impact on the standards at existing schools.

(d) Value for Money

The Secretary of State 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

the Secretary of State has concluded that the provision of 980 additional state sector places represents good value for money.

(e) Public Sector Equality Duty

The Secretary of State has also had due regard in accordance with section 149 of the Equality Act 2010 to the need to (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010; (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it. In exercising his powers under the Academies Act 2010, the Secretary of State is implementing a policy the impact of which is directed at achieving these statutory objectives and the impact of which was measured in Equality Impact Assessments carried out in 2010 and 2011.


Conclusion

The positive impact of introducing high quality places into the maintained sector to give parents a real choice of schools and the introduction of competition into the sector are compelling factors for supporting the proposal. The Secretary of State has considered the factors that weigh against the proposal, in particular the impact on local schools, the increase in surplus places and the cost of the project, and the fact that some consultees were strongly opposed to the proposal, but on balance he does not believe that those factors are sufficient to outweigh the benefits of entering into the Funding Agreement.

It is for the reasons set out above and after careful consideration that the Secretary of State considers 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.

I 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.

Yours sincerely,



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 Kings School

Alan Campbell, Member of Parliament for Tynemouth