



# Priory Primary School

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Dear Gill

26<sup>th</sup> April 2013

## **LA CONSULTATION RESPONSE TO PRIORY PRIMARY SCHOOL'S SECTION 5 ACADEMIES ACT 2010 CONSULTATION**

Thank you for submitting your response to the statutory consultation which was considered by the Priory Governing Body on 25<sup>th</sup> March 2013 alongside the other responses. Following consideration of the consultation responses, the Governing Body (GB) held a secret ballot on the proposals which were the subject of that consultation. Thirteen Governors voted and the vote was 13-0 in favour of the proposal that Priory Primary School should merge with King's School Tynemouth and convert into an Academy.

The Governing Body noted that North Tyneside Council (NTC) opposes the proposals due to the anticipated impact upon other schools and the perceived lack of evidenced educational benefit.

As part of NTC's consultation response, a number of matters relating to correspondence were also raised. Please consider this as the Governing Body's feedback to the issues and queries raised in NTC's consultation response.

### Pecuniary Interest & Conflicts of Interest

This has been raised a number of times by the Local Authority (LA) and also by a number of respondents. My letter of 25<sup>th</sup> March 2013 addressed yet again this issue. The GB acknowledged that the LA does not like the answer, but it is the answer. The DfE and Priory GB were satisfied that there was no pecuniary interest because the only issue being discussed was whether to merge with King's to become an academy. The King's School Governing Body had already made the decision to move to academy status and not charge fees prior to any approach to Priory Primary School. There simply could not be a pecuniary interest as there was no awareness or involvement in the original King's decision to become an academy.

As far as I am aware, you have not, in your correspondence, indicated any other possible conflict of interest.

### Accuracy of Financial Information

Again this was addressed in my letters of 25<sup>th</sup> March but there are some further points we have addressed. The LA was approached for information prior to the

decision on 26<sup>th</sup> March 2012 as you have been informed. On a per pupil income basis, Priory was the worst funded primary school maintained by the LA and indeed we note that for 2013/14 the per pupil income has reduced again to £2,621 per child. Priory has the joint highest teacher/pupil ratio, one of the lowest back office and energy costs per pupil and the most children taking KS2 SATS. This position has been achieved not through the support of the LA but because the school has been run in an efficient and effective manner delivering results well above the LA average. The GB is not prepared to put at risk those achievements. Downgrading the school performance to nearer the LA average is not something we are prepared to accept, nor contemplate.

As part of our consideration on 25<sup>th</sup> March 2013, we made it clear that we would review the financial position and did so. That we are funded at a level so much worse than the LA median has not changed; nor has our position as being the worst funded per pupil in the LA; nor has the perspective that other schools still appear to be getting significantly better funding without delivering results. Our analysis also shows that this funding is not always linked to FSM either. The school also has the highest teacher to pupil ratio at 25.3 in the LA and is again above the national average of 21.

The LA also asserted in reference to the 7<sup>th</sup> September 2012 meeting and minutes that "*the decision for the academy application was purely financial for both schools...*". As the LA must be aware that was not accepted as an agreed position in any respect by either me, Sue Melbourne or David Bilton. I refer you to the response on behalf of the LA via your email of 03/10/2012 at 14.16 which included a revised version of the meeting as amended by David Bilton. In that you stated "*...and I am happy that this is a record of our conversations on 7<sup>th</sup> September 2012....*". There is no reference at all to the LA quote above in the revised and agreed note and therefore the LA's assertion in its response in this regard is utterly false, inappropriate and indeed entirely misleading.

The Priory GB has never denied that the financial issues were a consideration. Of course they were, but they have never been, nor were they, the sole or predominant basis for our decision.

In the correspondence during the consultation period, the Priory GB invited the LA to provide any financial information that it wished to provide as part of the LA consultation response. The fact is that the LA has chosen **not** to do so despite being in the best position to undertake a comparative financial analysis. The GB also noted that the reason for achieving surpluses in previous years was precisely because of careful financial management and the LA approach of looking at reductions to balance the budget was not accepted because of the impact on standards. Given such a wide disparity in per pupil funding within the LA, the GB's conclusion was clearly that further efficiencies could be gained through control of LACSEG funds and how that was used.

You also refer to the fact that the funding was not in the format anticipated. The caveat in the motion of the 26<sup>th</sup> March 2012 was "*Confirmation of the funding formula for the primary school, ie following the academy/free-school calculation and not a 'hybrid' model...*"

The DfE confirmed to me, WAT and the LA that the funding would be on a free school calculation basis. In her reply of 7<sup>th</sup> November to you, Sheila Milnes from the DfE stated " *I can confirm that the Academy will be treated as a Free School for funding purposes. However as you say in your letter the arrangements from 2013-2014 means all maintained schools, academies and Free Schools will be funded on the same basis.* ". Given these changes, the GB agreed that there should be a clear assumption that the financial assessment of revenue income should be assumed to be neutral and that when voting governors should vote on that basis.

However, on capital income, the GB noted the views of the LA and the plans set out in Appendix 1. The GB view was that calling this "investment" is stretching what it actually is. The £670k is essentially "repair and maintenance" provision and not investment. Proposals to remove the portacabins as a part of the basic need investment programme has no commitment and is both insufficient and inadequate compared to the £3m committed by the DfE as part of this project. The project offers a significant capital investment that is long overdue and not likely to be matched by the LA. The GB noted that portacabins had existed on the site for over 17 years which meant the LA had had ample opportunity to address the issue but Priory Primary School has not been prioritised by the LA for this much needed investment. The commitment of capital was clearly considered to be a major financial benefit by Priory GB.

### Educational Benefits

You make reference in your response to the suggestion that there is no need for this academy as there is sixth form provision in the Tynemouth area. However, what the response fails to address is the attainment and performance of that provision. The DfE website confirmed that TyneMet achieved 11% of pupils with 3 A levels at A-E. The GB does not regard that as excellent, nor even good provision. The GB also noted that overall the LA performance for sixth form provision was 51.8% achieving A-E for 3 A levels which is below the national average and is not therefore considered by Priory GB to be "excellent". King's School's achievement of 88% is just 1% below Whitley Bay High but King's School's performance is significantly better than TyneMet, our nearest Sixth Form provision. The GB took account of the change in the socio-economic circumstances and still believed that the school can achieve much better than 11% achieved by Tynemet. It was also noted that Whitley Bay High is significantly over-subscribed and indeed is applying oversubscription criteria to applicants for its A level intake. The fact is that A level provision in North Tyneside is inconsistent and variable and too much of a lottery: results range from 8% to 89% for 3 A levels at A-E. It is Priory GB's view that the proposed academy provides a far more attractive proposition to Priory pupils than the LA's current approach to sixth form delivery.

The GB noted your comments in Appendix 2 but the points above address many of those points. The GB was surprised at the comment in relation to LA support to Priory with regard to KS2 and assumed this is referring to the school improvement partner's input; the GB could not identify any LA KS2 input to which you refer. The LA provided support to improve EYFS, following the Assisted Review in 2010, but it is unclear why current priorities include improving performance in the Early Years and Foundation Stage, improving

standards in reading and writing for pupils entitled to Free School Meals (FSM) and improving standards for pupils with SEN. These were taken from the School Improvement Plan for 2011-12, and were achieved / surpassed in 2012, as exemplified by the data and regarding to 'outstanding' by the School Improvement Partner.

Finally, the GB is of the opinion that a key benefit from this proposal will be the reduction of impact of multiple transitions. Our consideration of this proposal included information on some of the research on the impact of transition. Essentially, the research suggests that transitions typically result in a plateau effect upon achievement which the inheriting school then has to make up as it looks to address variable standards from different exporting schools, and that the impact of transitions is felt most in children with additional needs. The GB noted that, despite it repeatedly raising the issue of transition again the LA has made **no** comment whatsoever on the current LA provision which means currently a minimum of three transitions from the age of 3 to 18 for Priory pupils. Our considered view was that the all through school provides significant advantages for pupils and most importantly makes it easier for those pupils who find transition most difficult such as children with SEN. The lack of recognition of this issue by the LA was noted by the GB.

#### Governing Body Minutes and Notes of Meetings

The Priory GB has already supplied minutes of its meetings to the LA, including the minutes of the meeting of 26 March 2012. However, I will be providing the minutes and reports/documentation supplied to all meetings of the GB at which the Kings Priory Academy proposals were discussed.

#### Consultation Process

The GB fulfilled its obligation to consult on its proposals under Section 5 of the Academies Act 2010. We also noted that there is no statutory obligation to specify in the consultation documentation the reasons behind, or the rationale for, the GB decision to convert to academy status. The focus on the consultation is whether the school should convert to an academy.

The DfE guidance was followed by the GB:

#### ***"Do I need to conduct a consultation before converting?"***

*Yes. All schools are required to carry out a consultation but it is up to them to decide whom and how to consult. Typically that will include staff, parents, the local community, and the parish council. The methods can vary from newsletters, questionnaires, features or adverts in local papers, and meetings. There is no specified length of time for the consultation and schools have flexibility over 'how it is conducted.'*

The GB noted your reference to "R v Brent ex parte Gunning 1986" and also considered HM Guidance on consultation.

The GB developed its proposals in the period up to its meeting on 25<sup>th</sup> October 2012 when it decided that its proposals were sufficiently developed to go out to consultation. The GB's decision to go ahead with the proposals, having taken

account of the responses to its consultation, was taken on 25<sup>th</sup> March 2013. Consultation took place when the proposal was still at a formative stage.

The GB carefully considered the information to be provided to consultees, taking into account guidance from the DfE on the matter. The range and diversity of comments on different subjects suggests that there was more than sufficient information for consultees to allow intelligent consideration and response. Comments were also received from a range of different interested parties, including parents, other schools, the local MP and other interested parties. The GB noted that there was also the facility for organisations or individuals to make contact if they wanted further information. Only a handful of further queries were received during the consultation process. No other schools asked for further information and as for the LA letter of 4<sup>th</sup> February, our conclusion was that the points raised were not new points and had been answered previously. Twelve weeks was given to consultees for consideration and response. No representations were received from consultees seeking a longer period of time for consideration and response.

A full extended GB meeting was held on 25<sup>th</sup> March 2013. It was dedicated to the tasks of the consideration of all responses to the consultation and the GB's decision in respect of its proposals taking account of the responses from consultees.

I can confirm that the GB, at its meeting on 25<sup>th</sup> March 2013, spent a considerable time discussing the consultation responses in detail, to an extremely high degree of diligence, and all views were considered. In particular, we noted the significant parental support for the proposal (95% in agreement from 91% of parents who responded) and the significant opposition from those schools that replied. Of the 41% of the schools that replied 97% were against the proposal but it was also the case that 59% of schools decided not to comment on the proposal. As Governors our view is that our primary responsibility is to the school, its pupils, staff and parents. While the schools which commented were against, it was a minority that replied compared to a significant majority of parents\carers of children from our school that contributed a view. Although the majority of schools who commented were against the proposal, the GB is not bound to accept a "majority" view especially where the contribution is less than 50% of those who could have responded.

### Impact Assessment

From the consultation responses, it is clear that there is no substantive impact from the GB's proposals on primary schools in the area.

However, it is also clear that there is likely to be an impact on the closest secondary school, Marden High School. The Governing Body was of course conscious of the impact of its proposal on Marden and indeed this has probably caused more concern and consideration for governors than any other issue. The GB noted the improving position of Marden and also noted the Headteacher's comments both in his letter to parents and his consultation response. He wrote to all parents after the announcement and stated "*...Marden is going from strength to strength and I am confident that we will more than withstand the very sudden introduction of another state funded secondary school in the*

*locality.*” The GB view was that its proposal supported the competition that already exists within the LA, with Marden taking children out of its catchment. Clearly, with this proposal, it is possible that Marden can offer places to children that might have gone to other schools but if this facilitates parental choice around higher standards that is a benefit to all children.

GCSE performance of schools varies from 52% achieving 5+ A\*-C to 93% in King’s School. The LA average is 61.9% and for state funded schools only, performance is below the national performance level. The LA has suggested we consider the wider impact and in our view that wider impact is that better performing schools will attract pupils and poorer performing schools will need to focus on improvement. On that basis, an improving performance of Marden would increase parental choice and improve standards. Primary school age children at the proposed Academy will not be ‘tied in’ to remain at the Academy – parents will have been given greater choice, and will presumably base their decisions on performance of schools as well as other factors, such as their level of desire to send their child to a school within their own community.

The development of the draft admissions policy for the new school was undertaken in full consultation with the LA. Indeed, changes were made specifically to address LA concerns to minimise impact on local schools.

With regards to middle schools, there are **no** proposals to have a year 9 intake in this school. There should therefore be a minimal impact on middle schools. Year 7 is planned to have 125 pupils. The school will have up to 75 pupils progressing from the primary phase, leaving a 50 pupil intake at Year 7. While the overall figure is not expected to change, the balance may vary if parents decide to leave the new school at the end of year 6. There are 9 other high schools in North Tyneside so that is an average of just over 5 pupils per school that could be taken in. That does not suggest a significant impact across the LA and the issues the LA has (eg Monkseaton High’s falling roles and performance) are not related to this project and it should not be suggested that it is. Issues in this and other schools are most likely related to school performance supported by a continuing approach of such a high number of sixth form pupils in Whitley Bay High which is consistently over-subscribed and skewing parental preferences.

#### Considerations of Priory Staying as a Maintained School

The GB has given careful consideration to the submission from the LA as it has done to the responses from the other consultees. This is evidenced by the structured approach which it adopted in addressing the matters raised by consultees.

As described above, the GB did consult at a formative stage. It has considered and rejected two further alternative options for the reasons given below.

Firstly, the GB considered the impact on Priory if the GB did not proceed with a merger. As already stated, the King’s School had already decided to become an academy and would have proceeded on its own. This would have had two effects: first, it would put Priory and indeed other primaries in the vicinity in direct competition with another school on its doorstep offering all the educational

benefits already identified: second, it would still have created the same pressure on secondary provision. In other words, if Priory lost pupils to a King's only academy, then either its roll would have fallen or it would have attracted pupils from other primaries. The current proposal of 75 children into primary materially mitigates the impact on other primary schools in the LA: namely Cullercoats and King Edwards.

Secondly, the GB also considered staying as a maintained school. Our conclusions on that option are summarised below:

- One of the greatest benefits of the proposal around transitions would not be addressed and pupils in Priory would still have a minimum of three transitions. There was no indication from the LA that there are any plans to rectify this unsatisfactory position for children in our school
- Sixth form provision would remain skewed towards Whitley Bay High (which is consistently over-subscribed) and Tyne Met's academic results are simply not as good as King's
- The school would not have the freedom in education delivery that comes with being an academy, nor could we offer the range of staff development and opportunity that now exists with this proposal
- It would not address the overwhelming expressed preference of parents of the children in our school in favour of this proposal
- The GB noted that it had already assumed a neutral position with regards to funding as an academy, but considered the funding position if it were to remain as a maintained school. Our conclusion was that we did not get the advantages of the LACSEG and the capital commitment. Given the continuation of the schools position of being the lowest funded per pupil, better VFM could be obtained with this proposal. A move to an academy be no worse than the funding position with the LA except that we would have more control on use of resources;
- Finally, and most importantly, a King's only all through academy would create additional pressure on Priory putting us in direct competition and indeed pose more of a threat to other primary schools and would still not resolve what appears to be the LA's over-riding concern which is the impact on Marden. In other words, staying as we are does not remove the impact on Marden.

We also noted that despite being best placed to do so, the LA has not presented any other alternatives. In fact, the LA did not show any consideration in its response of the impact on Priory of a King's only academy. Actually, it was quite the reverse; it is our opinion that no real interest was shown in Priory or our concerns other than the consequential impact on Marden High School. If the LA had presented credible, alternative proposals with regards to Priory to address the issues of concern (i.e. transition, sixth form provision, premises), then the GB would have considered them. However, the primary focus of the LA's response was focused not on Priory School but on the wider consequences for other schools in the LA which we believe is not the primary consideration for Priory Governing Body.

The LA's proposal to defer the project until September 2014 was rejected by the GB which considered that would cause an unacceptable level of uncertainty for the current pupils; feedback from parents and pupils indicates strongly that

there is a wish for the uncertainty to be brought to an end and for planning and provision to be finalised. The GB is confident the intended changes to the school structure will be implemented in time for the opening of the proposed academy in September 2013. I have been advised that the sponsors of the new academy, Woodard Academies Trust, would be pleased to meet with representatives of the LA to outline the new school's structure, its operational arrangements and how they will be implemented.

### Conclusion

The GB conclusion is that, given the range of factors we have considered, this merger is definitely in the best interests of the school, its pupils, staff, parents and local community. Finally, the LA should note that a secret ballot was held on the decision. Thirteen Governors voted and the vote was 13-0 in favour of the merger. We completely reject the LA assertion that there has been a lack of proper decision making or consideration of all the issues.

The Priory GB has after due consideration of the consultation responses on 25<sup>th</sup> March 2013 has decided to seek the agreement of the Secretary of State for Education to open an Academy, Kings Priory School, through the merger of Priory Primary School with The King's School, Tynemouth

Yours sincerely

Geoff Ogle  
Chair of Governors