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*Copied to Cllr Paul Hodgins; Cllr Malcolm Eady*

6 February 2012

Dear

## **CLIFDEN ROAD SITE PROPOSALS IN CONFLICT WITH SECTION 6A OF THE EDUCATION AND INSPECTIONS ACT 2006 INSERTED BY THE EDUCATION ACT 2011**

I am writing on behalf of the Richmond Inclusive Schools Campaign about the process currently taking place to determine the type of schools that will occupy the Clifden Road site.

The Education Act 2011 inserted a new section 6A into the Education and Inspections Act 2006. Section 6A provides that, “if a local authority think a new school needs to be established in their area, they must seek proposals for the establishment of an Academy”. Section 6A was brought into force by The Education Act (Commencement No.2 and Transitional and Savings Provisions) Order 2012 which was made on 12 January 2012.

Article 3 of the Order brings into force section 6A on 1 February 2012. Article 4 contains transitional provisions. Paragraph (b) provides that, despite the coming into force of section 6A, that section shall not have effect in relation to a case where “proposals have been published ... by any persons under section 10(1) or (2) of the EIA 2006 (publication of proposals with consent of the Secretary of State) before 1<sup>st</sup> February 2012” (*my emphasis*).

On 20th December 2011, the Secretary of State for Education consented to applications from the Diocese of Westminster to publish proposals for a primary and a secondary school on the site. But, as stated in the Pre-Statutory Consultation document issued by the Diocese of Westminster (consultation period 20th January to 17th February 2012), it is only after the Pre-Statutory Consultation process has been completed that “the promoters [i.e. the Diocese] must decide

whether or not to publish Statutory Proposals". **The Diocese did not publish Statutory Proposals before 1 February 2012.** Therefore the transitional provision does not apply.

Under the revised Section 6A, the Council is therefore required first to seek the establishment of an Academy/primary and secondary Academies if it thinks a new school needs to be established.

There is clear evidence that the Council thinks that a new primary and a new secondary school need to be established. For example, the Council's education strategy set out in the Education White Paper "Provision of High Quality Places in Education" (December 2010) and other documents including the "Consultation with Richmond upon Thames residents on use of the Clifden Road Site, Twickenham" (20 January to 16 March 2012) make clear that the Council sees a need for additional school places and this was the justification for the decision (July 2011) to spend an as-yet-undisclosed amount of Council capital to purchase the site, which the consultation document confirms is "an ideal location in Twickenham for further high-quality school place provision to meet increasing local demand for school places" (page 18). The Council's view that there is a need for a new (Catholic) secondary school in the borough has been expressed in documentation and verbally on numerous occasions (for example, in the Council's Corporate Plan 2011-12). The need for additional primary school capacity has similarly been expressed in various documents, including the "Educational Priorities" paper issued to the Education & Children's Services Overview & Scrutiny Committee on 17<sup>th</sup> October 2011, in which a new primary school at Clifden Road was specifically mentioned, and in the current "Consultation with Richmond upon Thames residents on use of the Clifden Road Site, Twickenham" document, which states (p19): "As the Council has a basic need for additional primary school places, it would meet the cost of the proposed Catholic primary school".

The Council's current proposal, as described in the above consultation document, which is to use the site for two new Voluntary Aided Catholic schools without first seeking to establish Academies, is therefore in conflict with the Education Act 2011. The failure to comply with the obligation in section 6A or to mention it in the Consultation Paper means that the consultation is very seriously flawed.

**We therefore request your confirmation that:**

- The current process will end immediately.
- The Council will ensure that any subsequent actions and processes are fully in line with the section 6A and all other relevant legislation and the general law relating to consultation by local authorities.

Yours sincerely,

Jeremy Rodell  
on behalf of Richmond Inclusive Schools Campaign