

PRESS RELEASE – Richmond Inclusive Schools Campaign

10th October 2012

RISC HITS BACK - SAYS COUNCIL IS WRONG TO CLAIM GOVE SUPPORTS SCHOOL

There is no evidence to support the Council's claim that the Secretary of State for Education has confirmed their decision on Catholic Schools is lawful, or the headline ["Gove support for Catholic school"](#).

The government has intervened on the Council's side in the case being brought against them by Richmond Inclusive Schools Campaign (RISC) and the British Humanist Association (BHA). But that is on a legal point that has already been raised. It introduces a different emphasis, and will complicate the court hearing, but it may well not sway the outcome.

According to RISC, neither side has so far produced a statement by Michael Gove saying that he either supports or does not support a Catholic school in Twickenham.

They point out that the main reason the Department for Education (DfE) has given for intervening in the case is because they think the Council's lawyers have not focussed on the correct argument. And they disagree on a specific interpretation of the law made by the judge who granted permission for the Judicial Review. They are concerned about the precedent the case will set. But the DfE's position is not actually stated in the law, it is simply their interpretation. A judge will decide which position is correct on the basis of the legal arguments, not by whether the Secretary of State is on one side or the other.

RISC also point out that this is not the only issue they are arguing. And the DfE's legal submission states explicitly that "The Secretary of State does not seek permission to address all of the issues raised in the claim".

RISC say that "Lord True wants to get on with his cherished plan for an exclusive Catholic Voluntary Aided school, and would prefer these important points not to be tested. But the new school will be on a 125 year lease. It is only right that these important issues are considered by the courts."

The legal debate is based on the introduction by the Education Act 2011 of two changes to the previous law: a new "section 6a", which says that a Council that thinks it needs a new school must first seek proposals for an academy/free school, and a "section 11" which says that a proposal for a voluntary aided (VA) school can be made without first getting permission from the Secretary of State. RISC and the BHA are arguing that the Council thought there was a need for a new school but failed to seek proposals for an academy/free school before going ahead with the Catholic VA schools. The DfE is arguing that a local authority does not have to seek proposals for an academy/free school before it can approve proposals for a VA school.

This is significant as free schools are not allowed more than 50% faith-based selection, while VA schools can go to 100%. That's the plan for the VA secondary at Clidfen Road until 2020, when it

drops to a minimum of 93.5%. If the court decides that the DfE is right, then any religious body will be able to get together with a Council and agree to get round the 50% rule by proposing a 100% VA school, instead of allowing a proper competition between proposals for an academy/free school. That implies more religiously-exclusive schools, not only in Twickenham, but nationally. It is this national angle that underlies the involvement of both the BHA and the DfE.

Meanwhile, the Council's grounds for defending their decision already refer to the DfE's position. But their main argument is that there was no "need" for a new school in the first place. However, RISC and the BHA claim that, if there was no need for a new school, then the Council's consultation on the use of the Clifden Road site was carried out on a misleading basis, as they had decided to spend £8.45million on the site for "school provision". That is the second basis of their claim and is not being contested by the Secretary of State.

Overall, the case remains wide open.

Notes for editors

- The Council decided in July 2011 to purchase the Clifden Road site and buildings from Richmond Adult and Community College for £8.45million. The purchase has now been completed. RACC will continue to use part of the site until 2014.
- On 24th May 2012 the Council decided to lease the site to the Catholic church and accept proposals for a 150 place/year secondary school and a 30 place/year primary, planned to open in September 2013. Children from Catholic families will be given priority at 20 of the places at the primary. The remaining 10 will be "community" places with selection on the basis of distance. Some of these places are also likely to be taken by local Catholic families. The main issue is the secondary, where children from Catholic families will be given priority for all the places, and demand is such that no children of non-Catholics will be able to get in, even if they live within sight of the school. The only exception will be the children from the "community" places at the primary, who will have a priority. The first batch of these will reach the secondary in 2020, at which point the proportion of children for Catholic families is expected to drop from 100% to a minimum of 93.5%.