

PRESS RELEASE – Richmond Inclusive Schools Campaign

For issue 13th February 2012

COUNCIL CONSULTATION VIOLATES EDUCATION LAW

Richmond Council will be unable to go ahead with its current plans for Voluntary Aided Catholic schools on the Clifden Road site in Twickenham because they conflict with the new Education Act 2011.

Richmond Inclusive Schools Campaign has written to the Council's Chief Executive pointing out that the new Act requires Councils that need a new school first to try to set up a new Academy or Free School, not a Voluntary Aided school. There are transition arrangements for Voluntary Aided schools already in the pipeline, but these only apply if formal proposals were published by 1st February. That has not happened in the case of the Catholic schools proposed for Clifden Road.

The Catholic Diocese of Westminster received the Secretary of State's consent to publish proposals for a full-scale Voluntary Aided secondary school, along with a small primary, at the end of 2011. Its "pre-statutory consultation" finishes on 17th February. After that it will "decide whether or not to publish Statutory Proposals". So it has missed the 1st February deadline.

Meanwhile the Council's own consultation on the use of the Clifden Road site runs until 16th March. It proposes that the site should be used for the Catholic Voluntary Aided schools.

RISC spokesman Jeremy Rodell said *"The Council is now in the untenable position of consulting on a plan that doesn't comply with the law. They should end the current process and start a new one in line with the new legislation. What that means in practice is that they will have to try to establish an Academy or Free School. The Catholic Diocese can still propose a new Academy. In fact they are already planning to convert some of their existing Voluntary Aided schools to Academy status, such as Gumley House. The big difference is that brand new Academies can only have a maximum of 50% faith-based admissions."*

RISC argues that it is wrong for any new school set up in the borough to be able to turn children away because of their parents' beliefs. But Mr Rodell conceded that *"The best use of this valuable site would be for a high quality inclusive school. And we have recently seen that one of the Free School proposers, the New Local School for Twickenham, has said it would like to use the site for an inclusive secondary. Maybe there will be others. But if no inclusive options come to fruition, a Catholic Academy with 50% of places open to the community as a whole would be better than the exclusive Voluntary Aided school currently proposed."* This compromise was in fact suggested last year by Vince Cable, and would be in line with the Council's policy to turn all its schools into Academies. But it was rejected at the time by the Catholic Diocese.

Notes for editors:

1. For further details, contact Jeremy Rodell on home@jrodell.com or 07798 935569.
2. The Council's consultation on whether to go ahead with Voluntary Aided Catholic schools on the Clifden Road site is available here:
www.richmond.gov.uk/home/council_government_and_democracy/council/council_consultations.
3. The Diocesan consultation and accompanying document from which the quote about whether to "decide whether or not to publish Statutory Proposals" is available here:
www.rcdow.org.uk/richmondconsult/
4. A press release dated 31st Jan posted on the New Local School for Twickenham Steering Team website, makes clear their interest in the site:
www.newlocalschool4twickenham.org.uk/NewLocalSchoolPressRelease310112.pdf
5. This is the full text of the RISC letter dated 6th Feb 2012 to Gillian Norton (Council Chief Executive) and Nick Whitfield (Director of Education and Children's Services):

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 1st 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 17th 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