



department for
children, schools and families

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16 December 2009

Dear Mr Hall

Thank you for your application on behalf of the RC Diocese of Middlesbrough, received on 12 November 2009, for consent to publish proposals under section 10 of the Education and Inspections Act 2006 (EIA 2006), to replace English Martyrs' Roman Catholic and Our Lady's Roman Catholic Primary Schools, on 1 September 2011.

The Department has considered the application very carefully and in exercising the powers conferred by section 10 of the EIA 2006, for reasons explained below, has decided to grant consent to publish the proposals for a new 3-11 Voluntary Aided Roman Catholic school.

Section 10 of the EIA 2006 does not constrain the exercise of the Department's discretion when determining applications for consent to publish proposals for new schools without holding a competition. This is subject, of course, to the usual public law principles of reasonableness, rationality and procedural fairness.

Part B of the Department's guide "Establishing a New Maintained Mainstream School" states that a competition, as provided for by section 7 of the EIA 2006 and the School Organisation (Establishment and Discontinuance of Schools) (England) Regulations 2007, is expected to be the usual route by which most new schools will be established. However, the guide also confirms that Ministers have indicated, during debates in Parliament, that they may be prepared to give consent, to publish without a competition, where the proposals are for the amalgamation of primary schools.

Accordingly, the Department has looked very carefully at your application and in determining whether there is good reason to depart from the principle that a competition should normally be held, has considered the criteria as set out in paragraphs 9-10 of Part B of the guide. The Department's conclusions are as follows:

1. The contribution the school would make to the levels of local diversity

The Department notes the proposal will not increase local diversity of provision or parental choice. However, the Department does recognise the wishes of the Diocese to amalgamate schools which are successfully federated.

2. Views of interested parties

The two schools federated in 2006 with a view to amalgamating once funding became available. Extensive consultation took place at this time with the governing bodies of both schools. Initial stages of consultation have been carried out with parents, staff and governors on the proposal with the general consensus being in favour of the proposals. Due to the new school being funded through the Primary Capital Programme no other potential proposers have been sought.

3. Local standards

KS1 and KS2 standards at English Martyrs' are above both the LA average and England average as is KS1 standards at Our Lady's, but KS2 standards at Our Lady's are below both the LA and England averages. One of the aims of the schools federating was to help improve attainment levels at one of the schools – this has proved successful. The Department expects the new primary school to build on the current best practice and strengths and address any weaknesses of the predecessor schools.

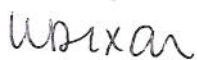
In summary, taking into account all the above factors, and the fact that Ministers have previously indicated they would be prepared to give consent in such cases, the Department accepts that holding a competition would not be appropriate in the particular circumstances of this application.

You may now proceed to follow the statutory process as set out in section 10 of the EIA 2006. Further guidance and information is available on the Department's website www.dcsf.gov.uk/schoolorg.

I must emphasise that this consent does not provide approval for the establishment of the new school that you propose. The final decision on your proposals will be a matter for the Schools Adjudicator.

If you wish to discuss this letter further please do not hesitate to contact me as above.

Yours sincerely



Kathryn Dixon

