

DETERMINATION

Case reference: STP/000559

Proposal; Linked Statutory proposals to discontinue St Louis Catholic Middle School and to expand St Benedict's Catholic School and St Edmunds Catholic Primary School, Bury St Edmunds.

Proposer: Suffolk County Council

Initial Decision Maker: Suffolk County Council

Objector: Governing Body of St Louis Catholic Middle School

Date of Adjudicator's Determination: 16 December 2011

Determination

Under the powers conferred on me by the Education and Inspections Act 2006 and the Regulations made thereunder, I hereby uphold the appeal against the proposal to discontinue St Louis Catholic Middle School and to expand St Benedict's Catholic School and St Edmunds Catholic Primary School, Bury St Edmunds. I reject the proposal.

The referral

1. On 11 October 2011 Suffolk County Council, the local authority (the LA) wrote to the Office of the Schools Adjudicator (OSA) on behalf of the governing body of St Louis Catholic Middle School (the School) referring a decision it, the LA as decision maker had made to cease to maintain St Louis Catholic Middle School from 31 August 2013, to extend the age range of St Edmund's Catholic Primary School and increase its permanent capacity from 300 to 420 places from 1 September 2012 and to alter the lower age range of St Benedict's Catholic School to 11 and increase its permanent capacity from 606 to 900 places with effect from 1 September 2013. These proposals are linked and I shall consider them as such.
2. The governing body of St Louis Catholic Middle School, the objector, has appealed against the decision on the grounds that the development of the diocesan proposal was flawed and failed to take account of changing circumstances, that the LA consultation was cursory and that the

proposal itself is of indifferent quality and fails to deliver on statutory requirements.

Jurisdiction

3. On 17th June 2011, having carried out a consultation as required for making a statutory proposal, the proposer formally published the proposal. The notice was in the form required by the Education and Inspections Act 2006 (the Act).
4. At a Cabinet meeting held on 12 September 2011 the proposer resolved to proceed with the proposal.
5. The objector lodged a request that the proposal be referred to the adjudicator within the prescribed timescales. The proposer forwarded the referral and its comments on it to the OSA, in accordance with the provisions of the Act and also the relevant Regulations, the School Organisation (Establishment and Discontinuance of Schools) (England) Regulations 2007 and the School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2007 (together the Regulations).
6. I am satisfied that this proposal has been properly referred to me in accordance with the Act and the Regulations and that, therefore, I have jurisdiction to determine this matter.

Procedures

7. In considering this matter I have had regard to all relevant legislation and guidance.
8. I have considered all the papers put before me including the following:
 - the agenda and supporting papers for the meeting of Suffolk County Council Cabinet held on 12 September 2011;
 - prescribed information from the proposer as set out in the relevant Regulations;
 - copies of objections received after publication of the proposals;
 - the proposer's response to the objections and comments received;
 - the information and views submitted by the objector;
 - the information and views submitted by the Stop–Listen–Rethink group, an organised parental group;
 - comments made by the proposer in response to the objection;
 - information and views from St Edmund's Catholic Primary School and St Benedict's Catholic Upper School and their respective governing bodies;

- information and views from the Roman Catholic Diocese of East Anglia;
 - the Ofsted inspection reports of the three schools involved in these linked proposals;
 - additional data about school admissions in Bury St Edmunds and the surrounding areas;
 - maps showing the location of the Catholic pyramid schools;
 - additional information about the current organisation of schools in Bury St Edmunds and the surrounding area;
 - a ground plan of the St Edmund's site showing the additional land purchased and the proposed building; and
 - a very large number of letters and other material from parents and other interested parties.
9. On 24 November 2011 I visited the three schools directly affected by the proposal to view at first hand the accommodation and locality. I met with the head teachers and the chairs of the governing bodies. I also held a meeting with representatives of the Diocese, an officer of the local authority and the lead elected member.
10. On the evening of the same day I held a meeting attended by over 200 parents, pupils and others at St Louis Middle School. I have considered all the information and the representations put to me at that meeting and subsequently.
11. On 25 November 2011, at their request, I met with representatives of the Stop-Listen-Rethink group and with a former student of the Bury St Edmund's Catholic schools who is now at university. Local authority officers attended all meetings on both days.

The Proposal

12. The proposal is as follows
- The governing body of St Edmund's intend to make prescribed alterations to the school by September 2013 by altering the upper age limit of the school to 11 (making the range 4-11) and increasing the permanent capacity of the school from 300 places to 420 places. The number on roll at the school at January 2011 was 298. The current admission number for the school is 60. There is no proposal to alter the admission number. Additional playing field space is to be made available from land that is owned by the Diocese adjacent to the current school site.
 - The governing body of St Benedict's intend to make prescribed alterations to the school from September 2013 by altering the lower

age limit of the school to 11 (making the range 11-18) and increasing the permanent capacity of the school from 606 places to 900 places (including Sixth Form). The current admission number for the school is 150. There is no proposal to alter the admission number. Subject to approval of the proposal in Part Three of this notice the current St Louis Catholic Middle School site and buildings will be available to the school as an annex.

- Suffolk County Council intends to discontinue St Louis (Voluntary Aided) Catholic Middle School from 31 August 2013. Parents of pupils attending the school will be able to apply for places at St Benedict's Catholic School or other schools with places available in Years 7,8 and 9 for the start of the autumn term, 1 September 2013. No pupils will be admitted to Year 5 at St Louis Middle School in the 2012-13 academic year.

Background and Context

13. Suffolk County Council began the process of school reorganisation in 2006. In March 2007 principles were agreed. The reorganisation, which involved a change from a two tier to a three tier system, was intended to lead to improved outcomes for children and young people, the best use of resources and a 21st century pattern of schools. Proposals were approved for the first three groups of schools and implementation is underway.
14. In 2007 the Diocese consulted and agreed on a preferred option of moving to a two tier system in line with reorganisation by the local authority.
15. There are Catholic primary schools in each of the three groups of schools where proposals are being implemented. St Felix Catholic Primary School in Haverhill now teaches children up to the age of 11. St Louis Catholic Primary School in Newmarket now includes children aged up to 10 and will take 11 year olds from September 2012. St Joseph's Catholic Primary School in Sudbury will begin to take older children from September 2012 and will have the full primary age range from September 2013.
16. These three schools, that is St Felix, St Louis and St Joseph's, together with the three Bury St Edmunds Catholic schools named in the proposal, form the Catholic pyramid centred on Bury St Edmunds. This pyramid provides Catholic education for children in the St Edmunds deanery, which covers the whole of West Suffolk and the Norfolk parishes of Thetford and Diss.
17. Schools in Bury St Edmunds were expected to move to two tier in September 2013. However, in 2010 the Building Schools for the Future programme was cancelled and the funding for reorganisation in Bury St Edmunds disappeared. Phase three in Bury St Edmunds was put on

hold. At the moment it is not known when, if ever, funding will be available to proceed as planned. The LA is now looking at alternative ways of achieving reorganisation in Bury St Edmunds.

18. In addition, the changed policy context has resulted in two middle schools and an upper school in Bury St Edmunds coming together as an Academy. One middle school has federated with an upper school. In the surrounding areas, a number of free school proposals are under discussion and one has been agreed.
19. Another relevant factor is the decision by the local authority to withdraw travel subsidies for children travelling to Catholic schools.
20. The Diocese has been deliberating on its way forward since 2007. A number of discussions took place at Catholic pyramid meetings of head teachers and chairs of governors between 2009 and 2010. On the 15 November 2010, a diocesan letter was sent to parents informing them of the impending reorganisation and closure. I quote; "During the last few months, the Diocese has been working closely with all the Head teachers and Governing Bodies within the pyramid, and particularly those within Bury St Edmunds, to determine the options for the future organisation of the Bury St Edmunds Catholic schools. These options were considered by the Diocesan Schools' Service Commission(DSSC) on Thursday 11th November 2010.....the Commission decided that statutory proposals should be published in order that the Bury St Edmunds Catholic schools become part of a two tier education systemSt Edmunds will become a 4-11 primary school...St Louis Middle will cease to be a Middle School....St Benedict's will become an 11-18 high school and will also have access to the facilities on the current St Louis site".
21. A number of parents, parishioners and teachers were taken by surprise by this letter which seemed to them to indicate that a decision had been made. A group of parents came together and formed the Stop-Listen-Rethink (SLR) group. There were meetings, including one with a local MP, and a petition was launched. In response, on 6 January 2011, the Diocesan Schools Service sent out a letter to parents and parish priests explaining the background to its decision, outlining the formal consultation process that would be taking place in March and April, announcing parents' meetings to be held at each of the three schools later in the month and stating that, "Upon reflection, it is apparent that the way the DSSC's decision was communicated could have been handled differently".
22. The statutory consultation process then took place as planned. It drew over seventy written responses, many of them offering detailed analysis of the proposal. Most opposed the Diocesan proposal and a considerable number proposed alternatives. The governing body of St Louis Catholic Middle School responded with its own proposal for an all through school.
23. The SLR group held an open meeting on 10 May and a local authority

officer and the lead member attended. The Diocese did not but on 13 May 2011 it issued a statement concerning the alternative proposal and all other representations relating to Catholic Schools Reorganisation in Bury St Edmunds. This stated that the SSC would consider all the material in detail and respond in due course.

24. In an undated Diocesan letter sent later in the month the Chair of the DSS rejected the alternative proposal on the basis that; "The Commission accepted that the all-through school did have some merits, but they did not believe that these outweighed the benefits of the preferred option. For our children and young people across the pyramid we believe that the preferred option brings consistency of approach and transfer. It is clear that during the next few years many other schools within Bury St Edmunds will be adopting a similar approach".
25. The Diocesan decision to press ahead was now in the public domain. On 26 May, a planning application to expand St Edmunds was posted.
26. Statutory notices were published on 17 June 2011 by the governing bodies of St Edmund's and St Benedict's. At the request of the Bishop of East Anglia, the Director for Children and Young People published the notice for the closure of St Louis. The published proposal had not changed in the light of public comments received during the consultation. The governing body of the School then made a representation on the publication of the statutory notices. It urged Cabinet to reject the Diocesan proposals on the basis that the consultation had been flawed and that the proposals fail to deliver on statutory requirements.
27. On 13 September 2011, Cabinet was asked to approve the statutory proposals. It was informed that there had been 349 responses to the consultation, 85% of which opposed implementation in its present form. In addition, it was told that there had been two petitions promoting alternative options. Some questions were taken. Cabinet then approved the proposals.
28. On 6 October 2011 the governing body of St Louis Catholic Middle School referred an appeal against the Cabinet decision to the Office of the Schools Adjudicator.

The Proposal

29. The proposer states that raising standards is the primary aim of these proposals. The proposer argues that research shows that children make better progress where schools are organised in a two tier system, since changing schools affects children's progress adversely. Under the proposals, accountability for the whole of each key stage of the curriculum would be in one school and pupils would only need to change school once.
30. The proposer maintains that students at St Benedict's achieve amongst the best GCSE results in Suffolk at the age of 16. However, in 2010, achievement at age 11 was below local and national averages and

progress from age 7 to 11 has been below the expected level for some years. The proposer believes that this indicates that achievement at age 16 could and should be even higher if children were making more progress up to the age of 11.

31. Although the original proposals for school reorganisation under which all the schools in Bury St Edmunds would have moved to two tier in September 2013 are no longer realisable, three of the outlying Catholic primary schools that form part of the Bury St Edmunds Catholic pyramid have either already reorganised or are in the process of doing so. If the Catholic schools in Bury St Edmunds do not move to a two tier pattern, pupils from outlying Catholic primary schools would either have to transfer to St Louis Catholic Middle School at age 9 or at age 11. Either option would pose difficulties for schools and parents. The proposer also states that the non Catholic schools in Bury St Edmunds have publicly declared the intention to move to a two tier system when resources are available to do so.
32. According to the Diocese, there is no evidence of additional demand for Catholic school places and these proposals retain the number of places for Catholic children in the area.
33. St Edmund's operates on a constrained site and independently of these proposals the Diocese would have taken the recent opportunity to expand the site. Investing in capital work to bring all of Key Stage 2 teaching on to one site will benefit children's progress. The capital cost of providing the four additional classrooms at St Edmunds is £1m. Of this, £500,000 will come from the LA's school reorganisation capital budget.
34. Arguments in favour of continuing the present arrangements until such time as the other schools in Bury St Edmunds are in a position to change do not recognise the potential for higher achievement according to the proposer. Moreover, arguments in favour of an all through school were considered by the Diocese and the governing bodies of all the schools in the pyramid and were not supported by the majority of schools. The proposer believes that the organisational difficulties of operating over three sites would outweigh the advantages and it would be traumatic for children from the outlying pyramid schools to join an all through school at the age of 11.

The Objection

35. The objectors argue that both the consultation process carried out by the Diocese and the statutory process carried out by the LA were flawed in a number of respects. They contend that the proposal was in fact "a done deal" prior to consultation and point to the Diocesan letter of 15 November 2010 which stated that; "St Edmunds will become a 4-11 primary school...St Louis Middle will cease to be a Middle School....St Benedict's will become an 11-18 high school and will also have access to the facilities on the current St Louis site".
36. They maintain that the Diocesan proposals, which are those put forward

by the proposer, were developed over a number of years by the governing bodies of the six schools in the West Suffolk Pyramid and the Diocesan Schools Commission. Whilst the governing bodies have members who are parents, the lengthy and wide ranging discussion of options did not engage the broader body of parents. Nor did they engage the broader body of governors because the vast majority of meetings were between the head teachers and chairs of governors.

37. The protestors cite the need for the Diocese to hold a series of initially unplanned and rapidly convened pre-consultation meetings in Bury St Edmunds prior to the statutory process as evidence of the concern amongst parents about the proposals. They go on to note that, in spite of the rejection of the plans by many parents, the Diocese changed nothing before moving to formal consultation.
38. The protestors contend that the consultation paper did not contain all the information necessary for people to understand the proposals (for instance, concrete information about the planned development at St Edmunds), it did not place all the options on the table (the all through option had already been rejected and was not presented as an option) and it failed to consult pupils as it is required to do under Section 176 of the Education Act 2002. The design of the questionnaire was poor with the potential to confuse.
39. In the opinion of the protestors, these proposals, which are not shaped by parents and involve closing an outstanding school, as judged by Ofsted, are the obverse of the government's aim "to create a school system shaped by parents.... a dynamic system in which the best schools are able to expand and spread their ethos and success".
40. Moreover, in spite of major changes to the educational landscape both in Bury St Edmunds and nationally since the overall Suffolk plan for changing to two tier education was adopted, the proposals were not reconsidered. The cancellation of Phase 3 funding for reorganisation in Bury St Edmunds, together with the federation of two middle schools and an upper school into an Academy chain and the federation of Hardwick Middle School and St Edward's Upper School has radically altered the educational landscape in Bury St Edmunds but this has not been taken into account.
41. Another new factor is the decision of the local authority to withdraw transport subsidies for children attending Catholic schools over the next few years. This has the potential to impact on Catholic admissions in Bury St Edmunds.
42. Against this backdrop of significant change, the protestors contend that the all through proposal, which was rejected by the Diocese prior to the statutory consultation, should have been given further consideration.
43. It is their contention that, under the current changed circumstances, this proposal, which would not involve any additional expenditure and removes the Key Stage 2 transition thus offering the potential for even

greater improvement in standards, should be given detailed discussion and consideration.

Consideration of Factors

44. I have considered the statutory process and the proposal afresh taking careful account of the arguments put to me by the proposer and the objector as well as the very large number of parents and interested parties who have written to me or made submissions.

45. The quality of much of what I have received has been exceptional and I would like to express my appreciation of the time, the thought and the care that has gone into the many submissions. I have read and carefully considered everything that has been sent to me and the considerations below take account of the views of interested parties

46. The factors I have taken into consideration include:

- the consultation process;
- standards issues and outstanding schools;
- the current school organisation context in Bury St Edmunds and the surrounding area as well as the national policy context and its potential implications;
- admissions patterns and travel;
- site related issues;
- finance;
- community cohesion; and
- staffing issues and disruption to children's education.

The consultation process

47. It is clear that the proposals have been under discussion and consideration by the Diocese together with head teachers and chairs of governing bodies since the original decision to go for reorganisation was made in 2007. It is understandable that by the autumn of 2010 the differential arrangements within the Catholic pyramid as a result of the phasing of the reorganisation and changes within Bury St Edmunds were a cause for concern to some of the schools affected and to the Diocese. To quote one of the head teachers; "it was the schools who drove the process by which the option was agreed".

48. Nevertheless, the way in which the decision made by the Catholic Schools Commission was presented and communicated to parents was unfortunate. This has been acknowledged by the Diocese. It clearly led a considerable number of parents to feel that their views had not been sought or taken into consideration and that the proposals would proceed

irrespective of what they thought. This was not a good basis on which to proceed.

49. The documentation I have been given, the meetings I have had and the representations I have read all make it clear that a proper professional consultation process took place with schools and chairs of governing bodies and that their views were central to shaping the Diocesan proposals. But there is scant evidence of such a process taking place with the wider parent body.
50. At the point when the proposer embarked on the statutory consultation process, it would be understandable in the light of the Diocesan letter if some parents had felt there was no point in engaging since the matter had already been decided. I do not consider the consultation to be flawed on the technical grounds of insufficient information since it is not usually possible to spell out concrete details in such proposals, nor is it a requirement for a consultation to present multiple options, but I do consider it to be flawed in not engaging more dynamically with the wider parent body or indeed with pupils.
51. There were many thoughtful, analytical and well argued responses to the consultation, but I have not been given any evidence of attempts by the proposer to engage with these or consider modifying the proposal in any way. Once the alternative all-through model proposed by the objector had been rejected by the Diocese, the proposer gave it no further consideration. In response to a question at the Cabinet meeting that considered the proposal, the response was; "Had Cabinet been asked to consider a proposal to create a single school from all three, it would have considered that proposal on its merits. I am aware that the Diocese and all the schools in the pyramid considered the option of an all-through school, but did not decide to promote it." Where is the space for parent and pupil voice in this closed circle of decision making ?
52. Ultimately schools exist to serve parents and children. National policy aspires to support a system shaped by parents. This consultation process did not reflect that aspiration.

Standards

53. One of the schools under discussion in this case has been judged good and two have been judged outstanding. At the summit of the existing pyramid St Benedict's achieves exceptional GCSE and "A" level results, building in many cases on the foundations laid by the other two schools.
54. The proposer has argued that, within the three Bury St Edmunds Catholic schools; " in 2010, achievement at age 11 was below local and national averages and progress from age 7 to 11 has been below the expected level for some years. The proposer believes that this indicates that achievement at age 16 could and should be even higher if children were making more progress up to the age of 11".
55. I have looked at the Ofsted inspection reports for all three schools and at

the Key Stage 2 data from St Louis Catholic Middle School for the last four years. In the year quoted, 2010, the results suffered a one year blip. For the other three years, achievement went up year on year and was well above the Suffolk average and above the England average. In 2011 it was eight per cent above the England average. The selective use of evidence in the Cabinet report on the proposals undermines confidence in the LA's argument that what is being proposed will raise standards.

56. The 2010 Ofsted inspection report for St Louis Catholic Middle School says; "by the end of Year 6, attainment in the Key Stage 2 national tests are clearly above average in English, mathematics and science." The report also states that "progress accelerates in Years 7 and 8 where there is particularly strong teaching and learning across all subjects. Pupils with special educational needs and/or disabilities make similarly good or better progress. The few pupils at an early stage of English language acquisition quickly adjust and achieve well." "St Louis is an outstanding school."
57. St Louis has been judged outstanding on a range of criteria. The good or better progress made by children with special educational needs is particularly important. Many parents of such children have written to me with evidence, some of these children spoke at the public meeting and I met some of them. Some have also referenced the excellent practice of the school in dealing with bullying. In the light of this evidence, it is hard to see how closing this outstanding school rather than finding a way of building on its excellence in a reconfigured system will raise standards.
58. On the general question of school transitions, research shows that transitions depress achievement, so the fewer a child has, the better.
59. If it is the case that transitions depress standards and the proposer wishes to raise them, logically it must be the case that the best system would have no transitions. Yet what is being proposed is a two tier system with a transition, whilst the proposal for an all through school has been rejected.

School organisation context

60. The Diocese and Suffolk County Council embarked on reorganisation and the move to two tier in 2007. Much has changed since then. Reorganisation has not gone ahead in Bury St Edmunds and there is no date for it to go ahead. Two middle schools and an upper school in Bury St Edmunds have now formed an Academy chain. King Edward's Upper School and Hardwick Middle School have formed a soft federation. One free school has opened in the county and three more are in the pipeline. In the current policy context it is not easy to predict how much more change there might be in the near future.
61. Meanwhile, the Catholic pyramid schools outside Bury St Edmunds are at varying points in the reorganisation process. Enacting the proposals would result in a two tier Catholic system in Bury St Edmunds that would mesh in well with the outlying primary schools but be out of step with the

Bury St Edmunds schools. I have had a significant number of letters from parents with children in the outlying primary schools. For these reasons they are understandably keen for the proposals to go ahead, as are the outlying schools.

62. Given these circumstances, the current arrangement makes for easy though multiple transitions for Bury St Edmunds children. The problems arise for outlying children wanting to transfer at 11. Were the proposal to go ahead, this situation would be reversed, with non Catholic Bury St Edmunds children or Catholic Bury St Edmunds children who do not attend St Edmund's having difficulties with transitions into the Catholic system at Years 5 and 9. Either way, a group of children will be disadvantaged.
63. A significant objection to the all-through school proposal was the difficulty of incorporating children from outlying schools at the age of 11. But there are precedents and ways of doing this and the final result would be that some children would have no transitions whilst others would only have one.

Admissions patterns and travel

64. The Bury St Edmunds area is projected to have falling rolls for the next three to four years after which they will rise again. St Benedict's is currently 75% Catholic and 25% non Catholic with 40% of its children coming from Bury St Edmunds and 60 % from the wider county. It has a published admission number (PAN) of 150. In 2009-10 it had 136 applications, in 2010-11 it had 187 and in 2011-12, 150.
65. St Louis has a similar breakdown of Catholic and non Catholic children. Fifty per cent of its pupils come from Bury St Edmunds and 50% from the wider county. It had a PAN of 140. In 2009-10 it had 186 applications, in 2010-11, it had 162 and in 2011-12, when its PAN dropped to 110, it had 115 applications.
66. Eighty to eight five per cent of St Edmund's pupils are Catholic. It draws on a ten mile radius with 40 of its pupils coming from Thetford. It has a PAN of 60. In 2009-10, it had 72 applications, in 2010-11, it had 63 applications and in 2011-12 it had 58 applications.
67. Given the number of pupils coming in to these schools from outside Bury St Edmunds, the withdrawal of subsidies for travel to Catholic schools has the potential to impact quite significantly on applications. Non subsidised travel will cost £800 per year per child. This is a lot of money . Even though parents clearly greatly value these Catholic schools and will make sacrifices for the sake of their children's education, there will be those who are simply not able to afford such a cost.
68. Parents have pointed out that this could pose problems in the future, particularly for St Benedict's which draws 60% of its pupils from outside Bury St Edmunds. They have also mentioned rapid improvement to secondary schools in some of the areas from which St Benedict's

currently draws pupils. In theory it would be possible for any reduction in applications from outlying districts to be offset by an increase in applications from Bury St Edmunds. But under these proposals, Bury St Edmunds children from schools other than St Edmund's who wanted to go to St Benedict's would have to move to a middle school in Year 5 and then move again at the end of Year 6. This could well be a disincentive.

69. The application figures for St Benedict's over three years have fluctuated and it is very difficult to predict the impact of the withdrawal of subsidy. Nevertheless, on balance it seems reasonable to assume that going ahead with the proposal would present some degree of risk to the roll of St Benedict's.

Site related issues

70. The proposal envisages building on the St Edmund's site to house Years 5 and 6 and use of the St Louis site by St Benedict's for a shortened two year Key Stage Three.
71. The diocesan purchase of additional land adjoining the St Edmund's site will greatly enhance the facilities of what is currently a cramped campus. There are plans to build a new classroom block to accommodate the extra year groups. Nonetheless, the addition of an extra 120 children and extra staff will place a strain on areas such as the staffroom, hall, administration offices and library.
72. In addition local residents have raised concerns about traffic and parking. The school has sensible proposals for managing parking and minimising the impact of the additional traffic, but doing so will not be easy.
73. The proposals envisage the 11-18 St Benedict's operating as a split site school, with an abbreviated Key Stage 3 housed on the current St Louis site. The two sites are too far apart for pupils to move between them on a regular basis but some staff movement is planned. Key Stage 3 pupils could gain some access to better sporting facilities but the distance is too great for them to benefit from enhanced specialist facilities, for instance for science, on a day to day basis. There is some evidence nationally that split site secondary schools with significant distance between sites can prove challenging.
74. Though pupil movement during the school day between the St Benedict's site and the current St Louis site is not practicable because of the distance, the St Edmunds site is very close to St Louis and movement of pupils, if well managed, would be perfectly practicable.

Finance

75. The estimated cost of the proposed building work at St Edmunds is just over a million pounds. Fifty thousand pounds of this is to come from the diocese, £250,000 from capital funding for voluntary aided schools, £237,500 from devolved funding capital contributions from schools and £500,000 from the LA.

76. Interested parties have queried the need for this expenditure at a time of straitened resources, arguing that there are other possible ways forward such as the all through school, that would not require any major expenditure.

Community cohesion

77. As it stands, the proposal would bring the Catholic schools in Bury St Edmunds into line with the outlying Catholic schools in the pyramid. It would also, also as a result of the changed circumstances, put those schools out of line with the other Bury St Edmunds schools. This could impact unfavourably on community cohesion in the town. A significant number of non Catholic Bury children currently attend all three schools and the proposal would disadvantage them. A number of letters have raised these issues.

Staffing issues and disruption to education

78. The proposed changes will impact on staff at the schools as reorganisation generally does. Given that these are good and outstanding schools, all concerned have expressed a will to retain as many of the existing staff as possible. Parents have expressed particular concerns about the loss or dilution of the staff expertise built up at St Louis Catholic Middle School.

79. A not inconsiderable group of parents have expressed the view that they would like the uncertainty resolved almost irrespective of the outcome, because of its damaging impact on children.

Conclusion

80. I have considered this case with great care. I am well aware of its urgency and of the practical difficulties already created by the appeal. I understand the anxiety of parents confronted by uncertainty about the educational future for their children and their desire to see those uncertainties resolved. I have set all this against the view I have reached that the proposal before me is not good enough and that the consultation leading up to its adoption was flawed.

81. The proposal is not justified well enough for me to be confident that it will lead to improvement. To justify closing an outstanding school that has strong parental support would require very strong evidence that what is being proposed would lead to improvement. No such evidence has been presented to me.

82. A good enough proposal would find some way of preserving and building on the existing excellence, spreading the ethos and success of an outstanding school rather than closing it down.

83. In principle I agree with the view that a two tier system usually produces better results. But the argument from the general to the particular is flawed in this instance because it fails to take account of the particular circumstances. This proposal has been overtaken by events.

Reconsideration of the best way forward in the light of key changes to the organisation of schools in Bury St Edmunds and nationally is now needed. The impact of the withdrawal of transport subsidies must also be considered. At this stage, where there are a number of uncertainties to contend with, a flexible solution is required.

84. I have not been provided with a cost benefit analysis of this proposal which is costed at over one million pounds. The question of cost and its justification at a time of financial constraints also requires further consideration. The all-through option was not considered in the consultation but it could be cost neutral or even provide savings and should feature in any future consideration of options.
85. Nor am I convinced that the proposed use of the existing sites is sufficiently well thought through.
86. The consultation process leading up to this proposal was significantly flawed in its failure to seek and take sufficient account of the views of parents and pupils. The Diocese sees its prime responsibility as being to the full Catholic pyramid of schools but the LA has a broader responsibility to the wider population. In this case, the quality of the analysis and critique carried out by parents as well as the balance of representations against the proposals should have led the LA to at least consider whether what it was proposing would lead to “a system shaped by parents”.
87. I would like here to quote the words of one parent who wrote to me; “I understand fully and accept that I do not necessarily have to like the decision that is finally made. I do however want to be convinced that it is the right decision, arrived at on a sound basis. Currently, I am not convinced that this is the case”. Convincing this parent and others is now a necessary part of the solution.
88. Thus though many people would now like to see a swift resolution to this situation, I am not persuaded that driving through a mediocre solution against a backdrop of fundamental disagreement and dissension within the local Catholic community (as well as some others in the wider community) would lead to better outcomes for education in the area.
89. I therefore believe that a new and very different process of consultation and engagement is now needed, one that can heal the current fractures in the Catholic pyramid and arrive at some degree of consensus. This process must take account of the radically changed and still changing situation in the area. It will require a greater degree of objectivity and openness and greatly enhanced opportunities for parental engagement and input to balance the voices and interests of the schools.
90. For the reasons given above, I have been convinced that the proposal has significant shortcomings and should not be approved and therefore I uphold the appeal against the LA’s decision to approve the proposal

Determination

Under the powers conferred on me by the Education and Inspections Act 2006 and the Regulations made thereunder, I hereby uphold the appeal against the proposal to discontinue St Louis Catholic Middle School and to expand St Benedict's Catholic School and St Edmunds Catholic Primary School, Bury St Edmunds. I reject the proposal.

Signed:

Schools Adjudicator: Janet Mokades

Dated: 16 December 2011