

DETERMINATION

Case reference: STP/000541

Proposal: To change Boston High School from a co-educational School to a single sex school

Proposer: The Governing Body of the Boston Grammar Schools Federation

Objector: Lincolnshire County Council

Date of Determination: 7 June 2011

Determination

Under the powers conferred on me in paragraph 32 of Schedule 3 to the Prescribed Alterations to Maintained Schools) (England) Regulations 2007, I hereby reject the proposal to change Boston High School from a co-educational school to a single sex school

The referral

1. On 14 March 2011 the Head of Property and Technology Management of Lincolnshire County Council (the LA) wrote to the Office of the Schools Adjudicator (OSA) referring a proposal made by the Governing Body of the Boston Grammar Schools Federation (BGSF) to change the status of Boston High School (the School), which is a selective Foundation School, from a co-educational school to a single sex school with effect from 1 March 2011.

Jurisdiction

2. On 12 January 2011, having carried out a consultation, the proposer formally published the proposal. The notice was in the form required by the Education and Inspections Act 2006 (the Act).

3. The representation period ended on 23 February 2011, and, as required by Schedule 3 part 2 section 30 of the School Organization (Prescribed Alterations to Maintained Schools) (England) Regulations 2007 (the Regulations), the proposal was passed to the LA as the decision maker.

4. The LA referred the proposal to the Adjudicator on 14 March 2011 because it did not consider that it would be able to determine the matter within the prescribed timescales. The prescribed timescales for the LA to have made the decision have in any event now passed and I consider the matter to have been properly referred to me in accordance with paragraph 31 of Schedule 3 to the Regulations.

Procedures

5. In considering this matter I have had regard to all relevant legislation and guidance.
6. I have considered all the papers put before me including the following:
 - a. The letter of objection from the LA dated 14 March 2011.
 - b. The minutes of the meeting of BGSF Governors held on 12 October 2010 agreeing to the consultation.
 - c. A list of people consulted.
 - d. The letter to parents and carers dated 10 November 2010 together with a summary of the responses.
 - e. The minutes of the meeting of BGSF Governors held on 14 December 2010 agreeing to the publication of the proposals and statutory notice.
 - f. Prescribed information from the proposer as set out in the relevant School Organisation Regulations dated 12 January 2011.
 - g. The statutory notice dated 12 January 2011.
 - h. The views and information submitted by the LA.
 - i. A variety of other papers submitted by the Chair of Governor.
7. The LA and I received a request from the Chair of BGSF to delay a round table meeting I had proposed for personal family reasons. So it was on 20 May 2011 that I held a meeting attended by representatives of the BGSF and the LA at Boston Grammar School. I have considered information and the representations put to me at that meeting.

The Proposal in context

8. The proposal is to change the status of Boston High School (the School), which is a selective Foundation School, from a co-educational school to a single sex school.
9. However, this proposal must first of all be seen in its historic context. Put very briefly and factually:
 - a. In September 2007, the BGSF was established as a federation of Boston Grammar School for boys and Boston High School for girls. There was a plan for a single mixed sex grammar school on a single site from September 2009. It was expected that new school buildings would in time be on the Grammar School site and would be funded under the Building Schools for the Future programme.
 - b. As a first step, the School decided to admit a mixed sex intake In September 2009
 - c. Having been advised that the necessary legal processes had not been followed, the LA and BGSF issued statutory notices in December 2009 and on 3 February 2010 the Executive Councillor for Children's Services of the LA approved the decision. That decision became effective on 10 February.

- d. Meanwhile, on 2 February 2010 the BGSF had decided to withdraw the application, but the LA did not become aware of that decision until after the LA determination had been made.
- e. During the next few months, the Executive Head resigned, and a new chair and vice-chair of governors were elected.
- f. The current governors know that money for a new school will not be forthcoming under the Building Schools for the Future programme. They see the future of the federation as two single sex Grammar schools on two sites.

10. At the round table meeting I held on 20 May, it became clear that the LA and BGSF had very different understandings of this story. There is an immense amount of distrust of the LA by the current BGSF governing body. It is not therefore surprising that the current proposals were drawn up and processes followed by the governors without consultation with or guidance from the LA. Indeed, the LA only discovered the proposals when an officer saw the statutory notice in the local newspaper.

11. By the end of the meeting both the LA and BGSF agreed that it would be acceptable for Boston High School to revert to a single sex intake at Year 7. There also seemed to be a general acceptance that all concerned needed to begin to repair their damaged relationship, and to work together for the good of the children and the schools in the Federation.

The Proposals and Objections

12. The proposer contends that the potential benefits of this proposal include that

- a. the school will revert to its original format as a single sex school, which it had been for many years until September 2009
- b. it reflects the wishes of the parents and the local community.

13. The LA is not opposed to the proposal but argues that, contrary to the Regulations and Statutory Guidance,

- a. There was not adequate time allowed. The consultation process was shorter than the minimum of six weeks that is strongly advised by the Department for Education (DfE).
- b. The governors consulted all parents, carers and pupils of the school, all staff of the school and heads of feeder schools. However, they did not consult with other interested parties named in the Regulations.
- c. No formal notification of consultation was sent to the Chief Executive or the Director of Children's Services at the LA.
- d. Questions in the full proposal are left unanswered, and no evidence is given of local demand for the reversion to single sex education.
- e. No evidence is given of other factors, such as the resource implications, which might cause the decision maker to reverse a decision made early in 2010

- f. There is nothing in the proposal about the first mixed intake that has already taken place.

Consideration of Factors and conclusion

14. I have considered the proposal afresh taking careful account of the arguments put to me by the proposer and the LA.

15. Both the governors and the LA want what is best for the school and its pupils, and both are prepared to accept that the purpose of the proposal is acceptable.

16. However, I am convinced that my only course of action is to reject these proposals. I do so on two grounds arising from the details above.

- a. The proposals are lacking information that is required both for those consulted and the decision maker to understand whether or not the proposal is to be supported. In particular there is no evidence of
 - i) the effect on standards and school improvement
 - ii) the impact on local diversity
 - iii) any equal opportunities issues that arise
 - iv) the views of interested parties
 - v) how those admitted under current mixed sex arrangements will be affected
 - vi) how the situation has changed from the previous decision of February 2010.
- b. The processes laid down in the Regulations were not followed.
 - i) The timing of the process was incorrect (see paragraph 14.a above).
 - ii) Not all interested parties recommended by the Regulations were consulted.
 - iii) The LA as decision maker was not given adequate time to make the decision.

The LA also argued that no formal notification of consultation was sent to the Chief Executive or the Director of Children's Services at the LA. However, this is not required by the Regulations, and I do not accept this aspect of their objection.

17. In addition, the current governors of the school clearly believe that previous legal processes, particularly the last one changing the intake from single sex to mixed sex, were not followed correctly. The LA strongly refutes that, but the result is a lack of trust on both sides. It seems imperative, therefore, that if these or similar proposals are put forward again the governors and the LA should work together to ensure the outcome which they both desire. Following the Regulations and the statutory guidance has a crucial role in ensuring that further potential for mistrust is avoided.

18. So I am clear that the most appropriate solution is for me to reject

these proposals, thereby enabling those involved to work together to formulate such new proposals as they think fit.

Determination

Under the powers conferred on me in paragraph 32 of Schedule 3 to the School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2007, I hereby reject the proposal to change Boston High School from a co-educational school to a single sex school

Dated: 7 June 2011

Signed:

Schools Adjudicator: Dr Stephen Venner