

## **DETERMINATION**

**Case reference:** STP/000574

**Proposal:** To revert Boston High School, Lincolnshire to a single sex school for girls

**Proposer:** The Governing Body of Boston Grammar Schools Federation

**Referrer:** Lincolnshire County Council

**Date of Determination:** 26 April 2012

### **Determination**

**Under the powers conferred on me in section 21 of the Education and Inspections Act 2006, I hereby approve the proposal to revert Boston High School, Lincolnshire to a single sex school for girls.**

### **The referral**

1. On 2 March 2011 a school organisation planning officer of Property and Technology Management of Lincolnshire County Council, the local authority (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, which is a selective Foundation School, from a co-educational school to a single sex girls' school with effect from 1 September 2012.

### **Jurisdiction**

2. On 16 November 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 28 December 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 2 March 2012 because it did not consider that it would be able to determine the matter within the prescribed timescales of two months from the representation period. The prescribed timescales for the LA to have made the decision had in any event passed and I consider the matter to have been properly referred to me in accordance with paragraph 31 of Schedule 3 to the Regulations.

5. I am satisfied that this proposal has been properly referred to me and that, therefore, I have jurisdiction to determine this matter.

## **Procedures**

6. In considering this matter I have had regard to all relevant legislation and guidance.

I have considered all the papers put before me including the following:

- the referral from the LA;
- prescribed information from the proposer as set out in the relevant Regulations;
- admission information for BGSF;
- minutes of BSFG governing body meetings;
- the adjudicator's determination of 7 June 2011;
- a variety of other papers submitted by the head teacher of Boston High School including a commentary on the previous determination;
- a list of those consulted;
- letters and forms to consultees together a numerical summary of those who voted in favour and those against;
- the statutory notice dated 16 November 2011;
- data from the original consultation in 2007;
- additional information from the LA.

## **Background to the Proposal**

7. In 2007, a hard federation, Boston Grammar Schools Federation (BGSF) was formed of Boston High School for Girls (BHS) and Boston Grammar School for boys (BGS). The plan was to make BHS a co-educational school from September 2009 and that a new co-educational grammar school would be built on the site of BGS. The funding for this was expected from a national scheme, the Building Schools for the Future Project (BSF).

8. As part of this plan, BHS admitted boys as well as girls in September 2009. At some time during that autumn term, it came to light that permission to convert to co-educational status had not been sought; it was agreed with the LA that consent could be given retrospectively and the consultation for amalgamation could serve as the consultation required for the alteration of status.

9. The LA and BGSF governing body 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 2010.

10. Meanwhile, on 2 February 2010 the BGSF governing body had decided to withdraw the application, but the LA did not become aware of that decision until after the LA approval had been given.

11. The withdrawal of BSF funding stopped plans for a new school building and BGSF governing body decided that it should continue with two single sex schools. It offered the boys who were admitted to BHS a place at BGS. Approximately half the cohort undertook to transfer. There were at the time of this proposal, 32 boys in Year 9. No boys were admitted to BHS in September 2010 nor September 2011.

12. The BSGF admissions policy, dated 7 December 2011 gives the combined admission number of the two schools as 232 (BGS 112, BHS 120). It indicates that for ages 11-16, boys will be taught at BGS and girls will be taught at BHS. For September 2012 100 places have been offered for girls for entry to BHS, no male student has applied. No female students have applied to BGS. The sixth form is mixed in both schools.

13. The BGSF governing body sought consent to revert the School from co-educational to single sex in the first half of 2011; this proposal was rejected by the schools adjudicator. He judged that the proposals lacked key information and that the processes laid down in the regulations were not followed.

14. The BGSF governing body began the consultation process again to change from co-educational to single sex status in September 2011. This process commenced with guidance, advice and support from the LA's school organisation team in the preparation of the timeline for the process; letter to commence consultation; the response form; the list of interested parties and how to proceed to Statutory Notice. However, difficulty arose about the timescales required by the LA to consider the matter. The LA advised that the preferred date for the Statutory Notice would be 4 January 2012 giving an end date for the representation period of 15 February 2012, requiring a final decision by 15 April 2012. This would have enabled the deadlines to be met by the LA's scrutiny meeting in March and the final decision at the Executive Council meeting on 3 April 2012.

15. The LA informed the governing body that if the Statutory Notice was published 16 November 2011, it would result in an end date of the representation period of 28 December 2011. Following this it would not have been possible to produce the necessary report in time to meet the deadlines for the scrutiny committee in January 2012. The next scrutiny committee after that was on 9 March 2012 which would then enable the Executive Council to take the decision in April. This would be outside the two month required for decision making.

16. The BGSF governing body decided to publish the Statutory Notice on 16 November 2012; the LA was not able to make the decision within the two month period and referred it to the Schools Adjudicator

## The Proposal

17. The proposal is to change the status of Boston High School, which is a selective Foundation School, from a co-educational school to a single sex school for girls.

18. The proposer contends that the potential benefits of reverting back to a single sex school are:

- It has the support of the governing body, the parents, the pupils, the local Member of Parliament and the vast majority of respondents to the consultation.
- There would be a beneficial impact on local diversity. Parents who wish to choose co-educational selective school provision for their sons and daughters may choose to send them to Queen Elizabeth's Grammar School, Horncastle or Skegness Grammar School. Another co-educational school would effectively remove one aspect of parental choice.
- Both schools have different needs; their school improvement plans indicate that each school has distinct development priorities. Further structural change such as might be occasioned were significant numbers of parents to decide to choose BHS as the destination for their sons would not be in the interests of either school and might serve to distract attention from work likely to improve the quality of teaching and learning.
- If a small but significant number of parents to choose BHS as the destination for their sons, equal opportunities might well arise. It would be exceptionally difficult to ensure that a small number of boys in any particular year group had access to, for example, physical education lessons in the same manner that they might in a fully co-educational school, or in a single sex boys school.
- The boys who choose to remain at, and who are, currently on roll at BHS will not be adversely affected by a determination to revert to single sex admission. They will remain able to attend the school, and their presence in the year group constitutes a significant enough minority so as to enable the school to retain in place pastoral and academic arrangements that ensure they enjoy equal opportunities.
- Resolution of this issue will allow both schools in the BGSF to apply for conversion to academy status on the basis of there being two separate single sex schools within a multi-school, each with its own governing body. The LA wishes all Lincolnshire schools to convert and therefore all interested parties would, it is imagined, welcome the opportunity to resolve this matter.

19. The LA has not objected to the proposal and has made the following comments:

- The decision was taken in February 2010 by the Executive Councillor of the LA to approve the change from single sex to education to co-educational grammar school in Boston using Building Schools for the Future (BSF) funding which would make better use of resources and address the consequence of falling rolls and surplus grammar capacity within the locality and was supported by both the governing body (subject to BSF) and the LA. The decision was made for the following reasons;
  - It complied with the wishes of parents and community;
  - The first mixed intake had already taken place;
  - It would be a step towards one mixed school in Boston which would have enhanced sustainability as compared to two single sex schools.
- Following the subsequent withdrawal of BSF funding the governing body decided that the two schools should remain as separate single sex federated schools and commenced consultation on this basis.
- The LA did not receive any responses on the proposal on this occasion.
- The LA has not seen the written responses to the consultation and cannot make an informed comment on the proposal to revert to single sex at the High School. However, the LA does accept that the governing body will act in the best interests of the children and young people of Boston and would not therefore seek to veto this current proposal.

### **Consideration of Factors**

20. I have considered the proposal to ensure it meets the requirements of Part 1 Schedule 3 and part 1 of Schedule 5 of the Regulations and taken into account the relevant statutory guidance.

21. The proposal contains basic information of school and governing body's details, implementation date and a statement of how and to whom objections or comments should be made. The objectives of the proposal are somewhat simply stated as "to revert back to the Boston Grammar School admitting boys and Boston High School admitting girls only. There are, no longer, any plans to amalgamate the two schools onto one site (as there is no longer any funding for the building of a suitable school)."

22. Information about the consultation is meagre, it should have evidence of the consultation before for the proposals were published including:

- a. A list of persons who were consulted
- b. Minutes of all public consultation meetings
- c. The views of persons consulted
- d. A statement to the effect that all applicable statutory requirements in relation to the proposals were complied with; and
- e. Copies of all consultation documents and a statement of how these documents were made available.

23. The proposal has summarised these with a statement that relevant people were consulted by letter or email and the views of interested parties were considered by the governors. There is however evidence that the consultation was to the appropriate persons and that the documents were of appropriate format.

24. The other key element of this proposal is the change from an establishment which admitted pupils of both sexes to an establishment which admits pupils of one sex only, in this case the proposal should include

- a. Details of the likely effect which the alteration will have on the balance of the provision of single sex education in the area; and
- b. Evidence of local demand for single sex education.

25. This is addressed in the proposal thus

“Boston High school was a single sex school (admitting girls only) until recently where there was a change to co-ed because the Boston Grammar School (single sex boys only) and the Boston High School were planning to merge two schools together on one site with a major rebuilding and expansion of one site to cater for the two schools. The situation has changed and there is no funding for this project. Therefore the High School is intended to revert back to girls only and the Grammar school to continue to admit boys only. Therefore, as only one year of mixed intake occurred at the High School, there is expected to be no change in the balance of single sex education in the area.”

26. In considering whether this is sufficient, I am mindful that the original alteration took place only once in September 2009 and this proposal will have no effect in practice on the balance of provision of single sex education in the area.

27. I have considered the views of interested parties. In addition to staff and parents of BGSF, 32 Councillors, various relevant bodies listed in the Regulations, the local Members of Parliament and the staff and parents of pupils of 21 secondary schools and 23 primary schools were consulted.

There were 77 responses of which 54 were in favour, 15 against and eight offered no view. Of the 15 who were against the proposal, three were from the Old Girls Association and three were from parents of pupils at other secondary schools. Two parents at BHS and one parent at BGS were opposed. This is a very small minority of consultees who indicated they were against the proposal.

## **Conclusion**

28. On 1 September 2007, BGS and BHS formed the Boston Grammar Schools Federation. As part of the BSF project a plan was formed to create a new co-educational grammar school on the site of the boys' school, BGS. The girls' school, BHS, became co-educational to facilitate this. There is not agreement between the BGSF and the LA about the details in this venture. While this is regrettable, I do not consider any area of disagreement relevant to the decision to be made. The LA has indicated that it will not seek to veto the governing body's proposal.

29. The withdrawal of BSF funding meant the plan for a new, single co-educational school could not proceed and BGSF governing body have sought to restore the status of the schools to that which they held before the plan was formulated. It is in this context that I have considered the proposal afresh taking careful account of the arguments and evidence put to me by the proposer.

30. I consider that the proposal is somewhat meagre in terms of content, but despite this I am of the view that adequate consultation was undertaken. The list of consultees offered met the requirements as did the format and time scales. There were comparatively few responses as might be expected when the consultation would appear to be about making a change to a situation which had already reverted back to the former arrangements. The head teacher reports that some consultees objected on the grounds of the condition of the building without realising that the building of a new school was no longer possible.

31. The proposal contains rather sparse objectives; however I am of the view that the educational advantages identified by the head teacher are considerable. Indeed no argument to continue as co-educational was put to me. This is not surprising as in practice BHS was co-educational only for a single cohort in 2009. I consider the need for clarity in the schools' status to be important for all concerned, to give stability and enable appropriate planning. It is particularly necessary to be clear to parents and carers in the admissions process.

32. No boys been admitted since 2009, no boys have applied for admission to BHS for September 2012. My view is that the most sensible outcome is that Boston High School for Girls should become a girls' only school from September 2012.

## **Determination**

33. Under the powers conferred on me in 21 of the Education and Inspections Act 2006, I hereby approve the proposal to revert Boston High School, Lincolnshire to a single sex school for girls.

Dated: 26 April 2012

Signed:

Schools Adjudicator: Miss Jill Pullen