

Response of King Edward VII School to Cabinet Report on the Future of the School 9 March 2010

As you would expect, Governors, staff and students at KEVII are deeply disappointed with the report that Gareth Williams and his colleagues have prepared for the Cabinet Meeting on 9 March. We are not only disappointed by the proposals themselves but are gravely concerned that they are based on such poorly constructed arguments. **The report does not provide a sound basis for the Cabinet to make such an important decision.** We have commissioned an independent consultant to review the report and his analysis is included as the **Appendix** to this response.

Outcome of the consultation

The recent consultation on the future of KEVII focused on two issues:

- A surplus of school places for pupils aged 11-16 in Melton and
- Governance and leadership for the partnership post-16 centre that is currently under construction on the KEVII site.

The consultation shows that a clear majority of those who responded want to see KEVII continue. Only slightly more than a quarter of respondents supported the closure of KEVII, yet this is the option that the Director recommends. Consultation is not a referendum, but when the results of consultation are so clear they should be taken into account in formulating any proposals for the future. **The current proposal of the Director rejects the results of consultation.**

At least one of the schools in the Melton Partnership, Long Field, encouraged pupils to respond to the consultation as part of their citizenship curriculum. This should provide a useful opportunity for students to learn about the democratic process 'for real'. This student engagement though does place a duty on councillors and officers to treat the outcome of the consultation with due care. To reject the majority view without very sound, clearly articulated reasons would have the unintended consequence of reinforcing alienation and disengagement from the democratic process.

In the light of our serious reservations concerning the validity of the Director's report, and in giving due regard to the majority views expressed in response to the consultation, we urge the County Council to take very careful thought before adopting weakly formulated proposals that could further disrupt the stability of education provision for young people in the Melton area. **We therefore recommend to the County Council:**

- **Firstly** our preferred option of maintaining KEVII as an 11-19 school with a relatively small 11-16 department with up to 400 pupils and providing leadership and on-site management for the post-16 provision for the Melton & Belvoir Partnership to be located in a centre on the KEVII campus.

- **Secondly**, that if, in the face of all the contrary evidence, Cabinet does decide to close 11-16 provision at KEVII, the Governing Body of KEVII would reluctantly accept that decision, **providing that the Cabinet returns to its “original preferred option”** as a more effective way to establish the new post-16 centre in Melton and Belvoir.

The rationale underpinning these recommendations is given below:

11-16 Provision

In response to the consultation, we put forward a proposal to reduce the size of the 11-16 provision at KEVII and to re-configure the 11-16 unit at KEVII as a small school that would be organised in a different way to meet the needs of individual learners. We continue to believe that this would offer a genuine choice for parents in Melton while addressing the issue of surplus places.

Our response set out in some detail how we would organise a small 11-16 school to meet the requirements of the national curriculum. We also explained how we would develop the ethos of a small school to provide high quality learning experiences for all our pupils. Neither the other submissions, nor the Director’s report, explain how their proposals would meet the overriding aim of raising standards more effectively.

One erroneous point that is repeated in the Director’s report concerns the level of small school subsidy (estimated at £750,000 pa) that a small 11-16 unit at KEVII would attract. The school would **not need** anything like that level of additional support: it is simply the subsidy that the current Leicestershire funding formula would allocate. As detailed in our response to the consultation, this is anomalous in comparison with other authorities and we would support a review of the formula to make it more equitable in this regard.

One of the key reasons for maintaining 11-16 provision at KEVII is the link with Birch Wood Special School. This very successful partnership, through which pupils from each school take part in lessons in the other, enhances learning opportunities for both groups. Pupils can walk across the campus from one school to the other, which promotes the independence and self reliance of vulnerable learners. A partnership between Birch Wood and any other school would require escorted, motorised transport, which would both add expense and reduce learner independence.

We appreciate there is a balance to be struck between, on the one hand, maintaining a choice of schools with a different ethos in Melton and, on the other, promoting curriculum choice for pupils within larger schools. This is a genuine dilemma for the local authority. While we do not believe that closing KEVII is the right choice for the LA to make, we do understand that a reasonable case for making it could be made.

Post-16 Governance

The arrangements for post-16 education proposed in the Director’s report do not resolve any of the existing problems. It proposes that “further work in relation to governance arrangements of the Post-16 Centre be noted, in particular for this to be delivered through collaborative arrangements between” five schools and colleges. When the County Council agreed the re-structuring of secondary education in Melton and Belvoir in 2007, they established four 11-19 schools with a post-16 centre to be run in partnership. At that stage, exactly how this would operate was not explained. Two years later, neither the County Council nor the members of the partnership have been able to come up with a workable model. The present recommendation simply

continues with this “wishful thinking” approach; the only advance being the proposal that any arrangements should be underpinned by a legally binding agreement. Whilst agreeing in principle with the proposal for a legally binding agreement, we understand that a draft of such an agreement has yet to be prepared.

The submissions from John Ferneley College and from Long Field School do not offer any further detail on how their proposal of joint governance between the two schools would operate, with or without the involvement of other partners.

The KEVII submission put forward a model for the governance and management of the Post-16 centre that would engage all the partners in governance and operational management. It would also meet the criteria that Cabinet set at its meeting in December for governance and management of the Post-16 centre. This is close to the County Council’s ‘original preferred option’ that KEVII become a post-16 school.

Criteria for Management and Governance of the Post-16 Centre

Members of the Melton and Belvoir Partnership have agreed that any arrangement for the post-16 centre should:

- Ensure that the Post-16 Centre remains within the Melton Partnership and not be externalised to management outside the area or partnership.
- Retain the expertise of the King Edward VII school and its staff and reassure those staff, as well as parents, about their role in the future of Post-16 education in Melton.

In addition, when the matter was discussed by County Council Cabinet on 15 December 2009, councillors made the following points that they expected to be taken into account in developing proposals for the future:

- The partnership for the post-16 centre should include all the schools and colleges in Melton and Belvoir that provide secondary education, including Brooksby Melton College and Birch Wood along with Belvoir, KEVII, Long Field and JFC
- Birch Wood School was built on the KEVII campus in order to promote inclusive education. An effective link between Birch Wood and KS4 and KS5 provision should be retained and developed
- The Post-16 Centre should have its own Head Teacher and Deputy Head Teacher
- The Post-16 Centre should have an independent governing body (within the framework of the partnership).
- We must build on success of the Hub, not throw it away.

The County Council’s ‘original preferred option’ that KEVII take on the leadership of post-16 education on behalf of the partnership would meet most these requirements. Some of the advantages of this option are that it

- Ensures that the post-16 centre will have its own head teacher and deputy
- Ensures maximum retention of existing expertise in the management and delivery of post-16 education

- Ensures that there will continue to be a school on the KEVII campus to take lead responsibility for the continued management of community sports facilities.
- is supported by key partners including Belvoir, Brooksby Melton, Birch Wood
- Will enable the post-16 centre to recruit additional students from outside the partnership schools.
- Allows the partnership to benefit from KEVII technology and training school specialisms.

Proposal for Governance and Management of Post-16 Centre

While KEVII will provide the foundation upon which the post-16 centre is developed, we appreciate that current management and governance arrangements will have to be amended to ensure that all members of the Melton and Belvoir partnership are fully involved. One issue on which all of the partners are agreed is the need to retain the expertise of KEVII staff in the Post-16 Centre. Staff have expressed concerns about the prospect of moving to a different employer within the partnership; this proposal would provide them with stability. Current and prospective students have also expressed concern about joining a sixth form whose future is uncertain.

We have developed an approach to the Governance of the post-16 centre that will enable all these criteria to be met. This builds upon the County Council's 'original preferred option' for KEVII to become a 16-19 school, although with some modifications to ensure that in streamlining the organisation of secondary education we do not lose key features of KEVII that make significant contributions to educational and community life in Melton and Belvoir.

The model for governance and management will have these key features:

- A restructured governing body for KEVII to reflect its role as the site of the partnership post-16 centre
- A post-16 committee of the governing body to make key decisions regarding post-16 provision. This will ensure that all partner schools and colleges can be represented in the governance of the post-16 centre, as the rules relating to the structure and composition of committees are more flexible than those for full governing bodies. Such a committee will include representatives of all partner schools.
- We will establish written protocols outlining the terms of reference and powers of the post-16 committee. This will include a proviso that while the committee is, in law, advisory to the full governing body, the governing body of KEVII will accept the advice of the post-16 committee. In the event of disagreement, matters will be referred to and agreed by the full governing bodies of partner schools and colleges before any decision is taken. In the event of deadlock, the decision would be referred to an agreed external arbiter – for example the Director of CYP or his representative.
- An executive group of senior staff from partner schools and colleges, chaired by the head of KEVII, will have responsibility for operational management:
 - Planning the post-16 curriculum

- Selecting and assigning staff from partner schools to teach courses in the post-16 centre
- Planning timetables across partner schools and colleges so that partnership arrangements can work
- Recruiting students from partner schools to the post-16 centre
- Ensuring curriculum continuity between KS5 and KS4.
- Day to day management of the post-16 centre will be the responsibility of the Principal and Deputy Principal of KEVII.

Melton Learning Hub

KEVII has developed the Melton Learning Hub as an off-site facility offering an alternative curriculum to young people who are not thriving in a traditional school environment. A plan is developing to form a social enterprise/charity to manage the Hub in future. The Hub is an important facility in Melton and recognised as such by both borough and county councils. KEVII will continue to maintain close working relationships with the Hub.

Community Use of the Campus

At present KEVII supports a wide range of sports and community activity on the KEVII campus including:

- Melton Rugby Club –
- Melton Hockey club –
- Competition Line – modern gymnasium and fitness centre
- Kestrels, clubs and coaching activities –self-funding activities that add value for young people in Melton

If KEVII continues as the core of the Post-16 Centre, these arrangements will be able to continue

David Davies

Chair of the Governing Body of King Edward VII School

5 March 2010

Appendix: Analysis of the Report submitted by the Director of Children and Young People's Service for the Cabinet Meeting of 9 March 2010

The purpose of the Report is to report on the outcomes of consultation on the future of King Edward VII School, Melton Mowbray and to make recommendations on a way forward for secondary provision within the Melton and Vale of Belvoir Schools Partnership.

Paras 2-6 Recommendations and Reasons

- Eight recommendations are provided as sub-paras (a) to (h).
- Four reasons are given for the eight recommendations (a) to (h).
- Reason 1 (para 3) relates to recommendations (b) and (c) and refers to the lack of consensus among the Partnership Schools as to how to proceed. However, there is no definition of what would constitute a 'consensus' in this case. Since two of the schools in the partnership have already made a substantial investment of resources on the basis that King Edward would close (see the submission from the governors at John Ferneley College), it is obvious that there could never be 'consensus'. Therefore, to establish 'consensus' as a considered basis for a recommendation in these circumstances is unacceptable because the process of obtaining 'consensus' was contaminated even before it began.
- Views of the Partnership schools. Belvoir High School expresses no view relating to 11-16 provision at King Edward but expresses serious concerns about the capacity of John Ferneley and Long Field in terms of high quality post-16 provision. Brooksby Melton College is against closing King Edward's 11-16 provision and also expresses concerns about the capacity of John Ferneley and Long Field post 16. Birchwood is against the closure of King Edward. John Ferneley and Long Field are in favour of closure.
- The value of using 'no consensus' as a reason for closing King Edward is highly spurious. John Ferneley and Long Field, by their own admission, are highly partisan and have strong vested interests in advocating the closure of King Edward. John Ferneley states quite clearly that it has appointed staff and issued contracts on the basis of King Edward closing. They therefore have committed themselves heavily, both financially and in other ways, to the closure of King Edward. Their response to any proposal that involved the closure of King Edward would inevitably be a foregone conclusion. Whether their stance is in the wider interests of young people in the Melton area has to be a moot point.
- It is surely only fair to include King Edward as a voice in the attempt to reach a consensus. Interestingly, this would make 4 out of the 6 institutions in the Melton Partnership opposed to the closure of King Edward, which in the current Ofsted parlance constitutes 'a large majority'.
- Reason 2 (para 4) pertains to (a) in the recommendations, namely the outcomes from public consultation. We are told that 'views are divided'. This seems to be an extraordinary basis on which to close a school. Ofsted inspectors will tell you that there is hardly a school in the country on which views are not divided, even those judged by Ofsted to be outstanding.

- The 'views' referred to are the responses to the public consultation. 1413 responses were received. 57% of the responses supported the remaining open of King Edward. 28% were opposed to it remaining open, in Ofsted terms 'a small minority'. 11% supported the option whereby King Edward would provide only post-16 education. Even if we add these last two together, i.e. to close the 11-16 part of King Edward, we arrive at only 39% - i.e. a minority in Ofsted terms. So, although views may have been 'divided', they were divided 57-39 in favour of King Edward's 11-16 section remaining open. That is a substantial margin by any standards.
- To summarise, we have a large majority of the Melton Partnership supporting King Edward and a significant majority of the responses from the public supporting King Edward.
- The third reason given for recommending the closure of King Edward (para 5) is that the proposal to close the school requires a statutory notice.
- The fourth reason given for recommending the closure of King Edward is not in fact 'a reason' but a proposal. It relates to (g) in paragraph 2, which simply asks that 'further work in relation to the governance arrangements of the Post-16 Centre' be noted. A reason for a recommendation should be precisely that, a reason not a proposal. Of the five institutions named in 2(g), three clearly have grave concerns about this development. There are further comments about this issue later in this document, presaged by the extreme fuzziness in paragraph 6 about 'the wider Partnership' being 'fully engaged in matters of strategy, curriculum and standards'. It is never explained as to what it might mean to be 'fully engaged in matters of standards'?
- It should be clear from the above comments that the Reasons given for the Recommendations provided in section 2 of the report to Cabinet are flimsy in the extreme. As well as the lack of system in relating reasons to recommendations, the reasons in themselves lack the kind of weight or substance that would justify a decision so serious as the closure of a school.

Part B

Part B sets out the background to the proposal to close King Edward school.

- In March 2007, Leicestershire County Council's Cabinet agreed the development of three 11-19 schools in Melton Mowbray, each with 800 places for 11-16 year olds.
- The stated key aim of this decision was to raise standards of achievement and attainment for all pupils and students'.
- This was to be achieved by:
 - removing the perceived barriers to student progress between KS3 and KS4
 - providing a wider curriculum choice through the development of a schools' partnership.
- In other words, in 2007, the Local Authority identified the two key weaknesses in the Melton area as the transition between Key Stage 3 and Key Stage 4 and the need to offer a wider curriculum choice to students.
- A fundamental question to ask is how the closure of King Edward could help to address either of these two key weaknesses in educational provision in the Melton

area, which were identified by the Local Authority itself. In the Report to be submitted to Cabinet on March 9th, neither of these issues is addressed in terms of arguing for the closure of King Edward. One can only infer, therefore, that there must be other, non-educational reasons.

- The first of the identified weaknesses is transition between Key Stages 3 and 4, and the means for addressing this is a structural one – i.e. moving away from the longstanding Leicestershire model of high schools.
- The second identified weakness is about the breadth of the curriculum and is a more directly educational issue. Nowhere in the Cabinet Report, however, is a case argued that the closure of King Edward could address this weakness.
- To summarise. Since these two weaknesses are the issues identified in March 2007 to be addressed in the reorganisation of secondary education in Melton and the Vale Of Belvoir, presumably these are the issues identified by Local Authority officers as the main reasons for standards of achievement and attainment for all pupils and students not being as high as they could be in the Melton area.
- As an addition, it was also proposed to provide dedicated resources for post-16 students in the Melton area through the development of a new centre.
- Since March 2007, numbers at King Edward have dropped significantly. Part B refers to 'a lack of popularity' leading to low student numbers in KS3.
- At this point, it is worth referring to the report of the Ofsted inspection of King Edward that took place in September 2009. The first 3 paragraphs, the 'Main Findings' are particularly interesting, in that they contain some highly unusual comments from the Ofsted inspection team. It is the practice of Ofsted to use measured language and yet they use language such as 'upheaval', 'destabilising' and 'considerable turbulence' with reference to the Local Authority's restructuring of education, amplified by changes in the senior leadership team at King Edward. The Ofsted report even goes so far as to identify the restructuring as a key reason for a drop in results in the school in 2007 and 2008.
- To recap. Ofsted in September 2009 pinned much of the responsibility for the drop in standards at King Edward on the Local Authority's handling of reorganisation. To then punish the school for poor outcomes resulting from Local Authority actions seems to be considerably perverse.
- It is also worth reiterating at this point that the Local Authority in 2007 identified the two reasons for insufficiently high standards in the Melton area as being problems of Key Stage 3 to Key Stage 4 transition and a curriculum that lacked breadth and richness. This needs to be borne in mind in the following sections.
- During 2009, the Governing Bodies of John Ferneley and of Long Field School proposed the closure of King Edward in order to address what they proposed as the 'two fundamental problems facing the Partnership', namely:
 - to remove surplus places
 - to achieve a satisfactory joint governance arrangement for the Post-16 Centre.
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- There is no reference here to raising standards of achievement and attainment for all pupils and students in the Melton area, nor to KS3/4 transition problems, nor to an insufficiently broad curriculum. These two schools shifted the terms of the

debate completely, making no reference to the issues identified previously by the Local Authority

- By focusing on these more technical issues, the debate about reorganisation and the fate of King Edward was shifted towards one about technical rather than educational issues and in doing so rather conveniently distracted attention from the educational strengths of King Edward, as identified by the Ofsted inspection team:
 - commendable resilience:
 - much improved KS4 results
 - the high morale and confidence of staff and students
 - impressive sixth form performance.
- In December 2009, the Cabinet agreed to consult on 5 options for the reorganisation of secondary education. At this stage, the Governing Bodies of John Ferneley and Long Field made clear that they would refuse to consider any proposals other than their own. So, here we have a minority holding a gun to the head of the clear majority, a clear majority both in terms of Partnership institutions and the general public. In circumstances where the two schools concerned refused to engage in discussion and debate, consensus was never going to be an option. Therefore, to give lack of consensus as a substantive reason for closing King Edward goes against natural justice. 'Consensus' implies a situation where the parties concerned are prepared to negotiate, discuss and debate, which John Ferneley and Long Field explicitly refused to do. It cannot be right and fair that two schools should force the closure of a third. Indeed, far from conceding to what is little short of blackmail, rather it is surely the role of the Local Authority to act as an honest broker in the best interests of the whole community.
- A public consultation on a series of options for the reorganisation of secondary education was held between 16 December 2009 and 12 February 2010. As previously stated, this resulted in a very clear 57-39 majority in support of King Edward.
- This outcome is represented as providing (again) no 'clear consensus' but that would have been very unlikely in the light of the positions taken by John Ferneley and Long Field. Further, in the Local Authority's commitment to raising the achievement of all pupils and students in the Melton area, that 'all' is very important. It points to the general good of every single child and young person as central to educational decision-making, rather than the partisan views of John Ferneley and Long Field. Further, if we refer to the John Ferneley Governing Body submission, what is striking is that there is not a single educational reason presented for the closure of King Edward, in a lengthy 6 page document.
- Paragraph 34 begins a section entitled 'The recommended solution'. Once again, there is a reference to the lack of a 'clear consensus', that 'consensus' which it should now be clear was always going to be a spurious undertaking.
- Nevertheless, what is good about paragraph 34 is that at last there is a clear statement that 'the overriding factor in determining a recommended solution for the future of secondary education in Melton and the Vale of Belvoir must be what best supports the needs of learners'. Note the phrase 'overriding factor'.
- The paragraph then goes on to state that the 'fundamental aim' of the reorganisation is to 'raise standards' It is symptomatic of the intellectual incoherence in this report that the precise relationship between 'an overriding factor' and a 'fundamental aim' is never made clear. Again, it is worth stating that

in a report with the very serious aim of closing a school, this poor quality of thinking has to be a great concern. Further, one would have expected 'an overriding factor' and a 'fundamental aim' to have come much earlier in the report, to act as structuring principles in the argument about the way forward for education in the Melton area.

- Paragraph 37 is an extensive one, which deals with post-16 provision. Concerns about the quality of post-16 arrangements form the first three of the six key issues identified in paragraph 31 as major concerns of respondents to the public consultation. Interestingly, the report shifts into a different mode in this paragraph. After stating that all five institutions in the Partnership should be involved in the governance of post-16 provision – and commendably referring to 'proper consideration of young people with special educational needs' i.e. our most vulnerable young people - the report states that 'the Local Authority could also have some involvement in these arrangements'. This 'could' involve the development of a Trust. This 'could' offer benefits to post-16 education.
- That final 'could' is startling. After 37 paragraphs, it becomes clear that the Local Authority has no clear vision of post-16 education in the Melton area and even that the Local Authority is very uncertain as to whether the proposed changes will bring 'benefits' to the young people of the area. This is a startling admission and surely an unacceptable position which in itself brings into question the whole basis of the report. After all, if there is no assurance that these changes will bring benefits to young people, why go ahead with them?
- Revealingly, the mode of paragraphs 35 and 36 is quite different. These are the two paragraphs where the option 6 proposal from the Governing Body of King Edward is rejected. In these two paragraphs, the word 'would' is used seven times – i.e. these paragraphs state with some certainty what would happen if option 6 is implemented. How curious that when the report starts to address its own view of the future for post-16 provision, it shifts into all the uncertainties of 'could' and shows no confidence that things will be better post-16 for the young people of Melton. It confidently damns option 6 but expresses no confidence in its own proposals. This is a quite bizarre proceeding. The report is certain that it should close a school and then expresses major uncertainty as to whether this will improve things. So why do it?
- **Financial Issues**
- Surprisingly for a local authority that is facing such a difficult financial position there is very little attention to financial issues in the Director's report. The only specific cost given is the potential cost to the school's budget not the LA of supporting a small 11-16 unit at KEVII. There is no estimate of comparative cost given for each of the different options. Nor are any of the following costs estimated:
 - The potential cost of demolition, site works and maintenance of redundant buildings at KEVII
 - The cost of building additional capacity at Long Field and JFC
 - Redundancy costs for KEVII staff
 - Additional costs of supporting pupils from Birch Wood to access mainstream provision in other schools
 - The costs of managing any transitional arrangements
- **Cabinet Report Conclusions**

- In the light of all the above, it is somewhat ironic that paragraph 51 can state that the closure of King Edward will ensure that all pupils within the Melton and Vale of Belvoir partnership are treated 'fairly and equitably'. This is patently false. In Appendix A, the Extract from the Minutes of the 8th February meeting of the Children and Young People's Services Overview and Scrutiny Committee, it is pointed out that Long Field School sets its own admissions policy and criteria. It therefore cannot possibly be the case that the Local Authority is able to ensure fair and equitable treatment for all its young people.
- Paragraph 52 refers to a 'long-term commitment by the County Council to raise standards for the pupils' in the schools in Melton and the vale of Belvoir.
- Paragraph 53 says that closing King Edward is about 'putting the needs of learners first'. There has been a reference in paragraph 34 to the 'needs of learners as an 'overriding factor' but in fact there is singularly little in the report about 'the needs of learners'. Certainly, it would be impossible to maintain that this is a report that demonstrates why the closure of King Edward is about 'the needs of learners' and yet in paragraphs 34 and 53, we are told that this is the main consideration in reorganising secondary education. By now, it should be absolutely clear that the report completely fails to establish a case for the closure of King Edward.
- Paragraph 53 purports to be very certain that the closure of King Edward will 'enable higher standards'. And yet this is the same report that in paragraph 37 is so lacking in confidence that the closure of the school will bring any benefits to young people of the area.
- What has been amply demonstrated throughout this document is that the Report to be submitted to the Cabinet on March 9th is muddled, confused and incoherent. To close a school on this basis would be an act of gratuitous educational vandalism.