



Proposal to increase the age range of students taught at Dene Magna School by adding a sixth form and teaching A-level students in the new campus building in the northern quarter

John Kyrle High School Response to the Dene Magna School Consultation

John Kyrle High School ("JKHS") opposes the proposal by Dene Magna School ("DMS") to open and operate a sixth form at the new Gloucestershire College ("GC") campus in Cinderford (the "Proposal"), a copy of which accompanies this paper. Our opposition is based on the following three grounds.

1. Business case

We believe the case put forward by DMS is flawed and is contrary to the Department for Education ("DfE") guidance "*Making significant changes to an open academy*" ("SCG"), March 2016. We have submitted our response under this heading directly to DMS and include a copy here.

2. Procedural

We believe the consultation process followed by DMS is flawed. Our evidence to support this is included here.

3. Regulatory

There is evidence to suggest that DMS has used General Annual Grant funding allocated to it by the Education and Skills Funding Agency ("ESFA") otherwise than for the purpose for which it was provided by ESFA to DMS in breach of the funding agreement between DMS and the Secretary of State for Education (the "SoS") dated 1 September 2011 (as varied by a Deed of Variation between DMS and the SoS dated 18 June 2015).

All three grounds are covered in our submission here. We have already responded to an initial four-week consultation by DMS on the sixth-form proposal which ran from 12 March to 9 April 2018. However, we have found that concerns we raised in that response resulted in corresponding amendments being made by DMS to its proposal. For example, we queried DMS' initial estimate of numbers of students as being too low. In the latest DMS proposal, this has simply been increased. However, we query the legitimacy of this and other changes made by DMS following our response for the reasons set out in our accompanying submission to DMS.

As we already have concerns about the consultation process (set out below under the heading 'Procedural'), we are directing these elements of our response to the ESFA and RSC directly to give you proper sight of our concerns.

2. Procedural

Section 4 of the SCG stipulates that DMS will need to confirm that a fair and open local consultation has been undertaken. We question whether the consultation is truly fair and open as the Proposal includes statements in support of the Proposal and cites supporting evidence but does not always include that evidence or confirm where it can be found to enable consultees to properly review and assess it. For example, the Proposal fails to include or provide sufficient information on the supporting evidence in the following areas:

- page 2, paragraph 3 says 'many students leave the Forest of Dean for other providers';



- page 2, paragraph 3 also says 'It is the belief of the Headteachers, District Council, County Council, Foresters, local businesses and our MP that this development, and in that, the provision of A-Level teaching in the new building is absolutely vital'. Objections were also raised. These include from JKHS, Herefordshire LA and schools locally whose sixth form provision proved too small to be viable, as well as Hereford Sixth Form College, and these are not mentioned here;
- the section headed 'Pre Consultation' refers to their 'extensive research';
- the answer to Q2 in the Initial Frequently Asked Questions states that 'Local Authority forecasts of pupil numbers .. and analyses of projected numbers of students .. show ... a healthy cohort who we know are not all accessing the wider provision';
- the answer to Q2 in the Initial Frequently Asked Questions refers to their research showing that 'transport was a major issue on students ... not continuing to A-level';
- the answer to Q2 in the Initial Frequently Asked Questions also says 'parents/carers and local businesses have told us that they want more choice'.

These are generic, assertive statements which are not accompanied by the necessary supporting evidence or by information on where the evidence can be accessed.

Alongside the above, section 4 of the SCG states that, where there are any changes requiring a change to admission arrangements, there must be a six-week consultation on the admissions arrangements with the parties set out in the School Admissions Code (the "Code"). The DMS consultation is only for a four-week period. In this regard, the final bullet of section 4 of the SCG does say that, where a school adds a sixth form, there is no need for changes to be made to admissions arrangements unless the intention is to admit external pupils. While the Proposal indicates the intention to admit only DMS students to the sixth form, the Proposal also contradicts this by arguing that there is a need for a sixth form to serve the Forest of Dean. The intention must therefore be for the new sixth form to admit external pupils, otherwise it will not be viable. We, therefore, hold that the consultation must be for a **six-week** (not four-week) period and that the current consultation is flawed on this basis.

Given that the Proposal will require a change to the DMS admissions arrangements, DMS must also consult on these arrangements in accordance with the Code which requires (among other things) that, for the duration of the consultation period, they must publish a copy of their full proposed admissions arrangements on their website. This is not available on their website. Also, it is not included in the Proposal which, we argue, is entirely necessary to enable consultees to properly evaluate the Proposal for the purposes of the consultation under the SCG and the Code.

We also have concerns about aspects of the DMS consultation given what it reveals about the relationship between DMS and Gloucestershire College ("GC"). The Proposal states that:

“Teaching will be based in the new campus. As a state of the art building, specialist classrooms will be available for A-Level teaching. These include spacious, modern Science laboratories and excellent classrooms. Other features include pastoral support offices, independent study spaces and a meeting area for students. The A-Level provision will only be accessed by the A-Levels staff and students and will have that ‘Dene Magna’ feel.”

This is clear that the facilities have already been constructed in the new GC campus. If that is the case, there is a presumption that A-level teaching is going to happen there. This raises the question of whether the current DMS consultation is a sham. If it is not, and the Proposal is rejected, what happens to the redundant facility within the new GC campus? How much did the A-level facilities add to the cost of construction? How have GC planned for the loss of rental income, which we understand DMS would pay, if the Proposal is unsuccessful?

We have serious concerns about the openness, transparency and fairness of the DMS consultation process.

3. Regulatory

It would appear from the Proposal that DMS has been using its General Annual Grant ("GAG") to train and develop its staff for the purposes of the sixth-form proposal and so not for the purposes for which the GAG was provided by the ESFA (ie for the 11-16 DMS). The DMS Proposal says:

"All of the staff at Dene Magna have been preparing for A-Level teaching. Appropriate training has been given and staff have been visiting other providers to ensure they provide A-Level teaching to the same level and quality as KS3 and 4 teaching." (DMS proposal, FAQ, Q9)

We bring this to your attention as it will be a relevant consideration in your considering whether DMS is competent to operate a sixth form when there appear to be concerns regarding its operation of the 11-16 DMS.

Summary

JKHS objects to the Proposal to open and operate a sixth form on the new GC campus in Cinderford. The SCG states, among other things, that the Proposal must be assessed against the following four quality criteria.

- **Size**
There is an expectation in the SCG that a new sixth form should have over 200 students. As we show in our accompanying business case response to DMS, this is not a realistic or achievable number in this locality. Should DMS open a sixth form, the result will be two A-level provisions of less than 200, rather than one cost-effective one, as JKHS numbers will fall.
- **Breadth**
The expectation in the SCG is for around 15 A levels across a range of subjects to be offered. The arts are under-represented in the subjects proposed by DMS, limiting breadth. Our accompanying business case response to DMS shows that the finite student numbers available would make some subjects unviable at *either JKHS or DMS*.
- **Demand**
There is no evidence of a shortage of places for post-16 students and the quality of providers in the surrounding area is high, including our own Ofsted *Outstanding* sixth form. Indeed, over-capacity in the system was cited by GC when it withdrew its own A-level provision in the spring of 2017. The proposal threatens the numbers and standards in institutions nearby. Our accompanying business case addresses our assessment of the quality of level 3 provision overall in the area and the impact of the new provision on other providers.
- **Financial viability and value for money**
The limited student numbers available make this a very risky project. Small sixth forms have closed across the country, including in Gloucestershire and Herefordshire. A-level provision has been unsuccessful in the Forest of Dean already. DMS' published academy accounts for 2016-17 make no mention of this venture and one would have expected to see this considerable change to the academy planned for in that document.

The DMS consultation has not followed due process and the proposal is fundamentally flawed.

We are happy to provide any further information which may be required and we hope that, when the DMS application and business case is reviewed, our objections are sufficiently strong to allow it to be rejected - to the benefit of post-16 learners in our school and across the whole Forest of Dean area.

Yours sincerely

Handwritten signature of Dennis Skutt in cursive script.

Chair of Trustees

Handwritten signature of N. Griffiths in cursive script, with a horizontal line underneath.

Headteacher