



John Kyrle High School ("JKHS") response to the Dene Magna School ("DMS") Admissions Statement dated 3 September 2018 and the corresponding consultation and proposed admissions arrangements regarding the proposal for a new sixth form at DMS

DMS proposes to increase the age range of students taught at DMS by operating a sixth form from the new Gloucestershire College campus building in the Northern Quarter (the "DMS Proposal").

DMS is consulting on changing its admissions arrangements to increase the age range of students taught at DMS to enable it to operate the proposed sixth form. This consultation comprises the Admissions Statement dated 3 September 2018 and the proposed admissions arrangements referred to in the letter and included on the DMS website (the "Admissions Consultation"). The Admissions Consultation opened on 3rd September and ends on 16th October 2018, as confirmed by the DMS consultation letter dated 3rd September 2018.

JKHS has already submitted business case and regulatory responses to the DMS Proposal which DMS consulted on between 15 June and 13 July 2018 (the "DMS Consultation"). **We now place on record our objections to the Admissions Consultation as follows:**

1. The Admissions Consultation **does not comply** fully with either the DfE guidance "*Making a significant change to an open academy*" ("SCG") or the School Admissions Code published on 19 December 2014 (the "SAC").
2. The Admissions Consultation **contradicts** (and casts doubt on the validity of) statements made in the DMS Consultation.
3. The Admissions Consultation is **confusing and difficult** to follow and does not allow stakeholders to make a fully informed response, as required by the SAC.
4. The DMS website is contradictory and indicates that the DMS sixth form application under the SCG and the Admissions Consultation are **procedurally incorrect**.

We present evidence in support of these points as follows.

1. We have already submitted evidence that the DMS Proposal does not satisfy the stipulation in section 4 of the SCG that a fair and open local consultation must be undertaken. We argued that the four-week consultation undertaken by DMS was flawed because it did not contain any consultation on changing admissions criteria, which requires a *six* week consultation and which is required by the SCG. To run the separate Admissions Consultation *consecutively*, rather than *concurrently* with the DMS Consultation, means that any responses to the DMS Consultation could not be fully informed. There are also sections of the Admissions Consultation which are confusing (see point 2 below) and contentions which are at variance with the DMS Consultation. Therefore, the DMS Consultation, as well as the Admissions Consultation, are flawed.

The evidence for this variance is that the DMS Consultation did not make it clear whether the proposed sixth form will be for DMS students only or for external applicants. Parts of the DMS Consultation referenced DMS students only (see section "Why will opening a sixth form benefit *our* (our italics) students", p3, where point 1 states that the sixth form will "extend the choice open to our



students"). Yet elsewhere there is the implication that the provision will be open to external applicants in order to meet an alleged demand from the wider Forest of Dean area (see Q2 of the FAQs section which references "*a healthy cohort who, we know, are not all accessing the wider provision*"). These points have been covered in detail in our business case and regulatory responses to the DMS Proposal.

Yet the Admissions Consultation, specifically the proposed admissions arrangements, includes a *limit* of only 40 external students who may be admitted to the sixth form (see point 2 below) while allocating up to 85 places for existing DMS students. This runs counter to the contention in the DMS Consultation that the Forest of Dean area needs a new sixth form to meet unfulfilled demand. Yet the DMS Admissions Consultation limits places to external students.

This limiting of places is compounded by the proposed admissions arrangements given that the DMS Consultation argued that the sixth form was necessary to reduce those who are NEET (*Not in Education, Employment or Training*) by raising aspiration and engaging the allegedly viable number of students in the wider area who are not engaged in A Level study.

This is why the Admissions Consultation *should have been part of the DMS Consultation*, as any responses to the DMS Consultation could not have been aware of the proposed limit on the admission of external students to the sixth form.

Crucially though, the allocation of up to 85 places for existing DMS students (while allocating only 40 places to external students) gives DMS students preferential treatment and so would breach the SAC, for example SAC section 1.9(b) which provides that an admission authority 'must not take into account any previous schools attended'. **The proposed admissions arrangements may not therefore be approved.**

The DMS Consultation also stated that DMS would "*...mirror similar entrance criteria currently in operation at local A level providers*". In this regard, the nearest A level provider is JKHS and our admissions criteria for A level study is 5 grade 5s at GCSE, including English and Maths. In contrast, the Admissions Consultation says that the entrance requirement to the new sixth form will be 3 grade 5s and 2 grade 6s. This is contrary to the DMS Consultation and, given the low attainment levels of nearby Forest of Dean high schools, positions the proposed sixth form as an elite provision, rather than the inclusive sixth form described in the DMS Consultation.

The DMS Consultation closed on 13 July 2018 but the Admissions Consultation opened on 3 September and closes 16 October 2018. It was, therefore, not possible for consultees to make an informed response to the DMS Consultation given that the Admissions Consultation contradicts statements included in the DMS Consultation. **For these reasons, the DMS Consultation and the Admissions Consultation are not aligned and are flawed.**

2. The Admissions Statement published by DMS on 3 September 2018 (the "Admissions Statement"), and the proposed admissions policy included on the DMS website, are **misleading**. While the Admissions Statement refers to 'the Admissions Code 2014 (last updated in September 2015)', the section of the proposed admissions policy headed 'Introduction' refers to the 'School Admissions Code dated 17 September 2015'. Given that the correct document is the School Admissions Code dated 19 December 2014, and that it was an explanatory note about school places for children of public officials returning from overseas that was published on 17 September 2015, the references in the Admissions Consultation and the proposed admissions policy need to be corrected so that those being consulted can correctly refer to the document being referred to.

The section of the proposed admissions policy headed 'Applications for Sixth Form Entry states:

“Dene Magna School operates a sixth form for a total of 250 students. 125 places overall will be available in Year 12 (the Year 12 ‘capacity’)

While the admission number is 40. (sic) This is the number of places available to eligible external applicants...”

This is unclear and confusing not least because the 125 places for Year 12 is not the 'capacity' but rather the published admission number ("PAN") for Year 12 which is required by SAC section 1.2.

The above section of the proposed admissions policy goes on to explain that the number of places available to external applicants will rise if fewer than 85 students apply from DMS. The wording in this section is difficult for stakeholders to respond to because of the lack of clarity. This is compounded in a later section on oversubscription. This states:

“Where there is space within Year 13 (i.e. where there are fewer than 125 students in the year group) Dene Magna School will admit additional students up to this number using the oversubscription criteria...”

Admit to what, exactly? Presumably this will be into Year 13 until such time as the total number of 250 sixth form students is reached? The DMS Consultation is clear that the proposed sixth form will be academic and offer A-levels. All A-levels are two year courses. How can students therefore be admitted to the second year of a course in Year 13? Is this, in fact, a way of admitting more students into Year 12? Either way, the position is **not clear**.

The above section of the proposed admissions policy also refers to what will happen where 'fewer than 85 of Dene Magna's own Year 11 students transfer into Year 12'. However, this gives a misleading impression that DMS students will transfer 'as of right' to the sixth form and so receive preferential treatment. Again, this is incorrect.

The section of the proposed admissions policy headed 'Introduction' also refers to 'the admission of students to Dene Magna School, either on transfer from Primary School or as an in-year admission' but does not refer to admission into the sixth form in Year 12.

3. To add to our disquiet that the DMS Consultation was **procedurally flawed**, the Admissions Statement says that the outcome of the process “...will determine the submission of our full business case including our admissions policy to the RSC”.

Yet the DMS website includes a letter from the Parliamentary Under-Secretary of State for the School System, Lord Agnew, to the Member of Parliament for the Forest of Dean, Mark Harper, which states that:

“Dene Magna have submitted the significant change application to the department and the South West RSC officials are completing their relevant processes in order that the case can be submitted to the September Headteacher board for an RSC decision”.

Our initial thought was that if Lord Agnew is correct, not only is the Admissions Statement incorrect and misleading but DMS has also breached the SCG which requires confirmation, on submission of the full business case, that a fair and open local consultation has been undertaken (for example, section 4 of the SCG). We understand from the S-W RSC that the DMS proposal will now be considered at the November meeting of the S-W Headteacher board, yet the contradictory statements are still present on the DMS website. This makes it harder for interested parties to make

a fully informed response to the consultation as the information presented gives the impression that a decision will be made before the Admissions Consultation ends. This adds to the sense of presumption which we have raised in our responses. **We contend that a fair and open local consultation has not been undertaken as the timing of the decision has not been clarified.**

4. The timing of the Admissions Consultation also **breaches the SAC and the School Admissions (Admission Arrangements and Co-ordination of Admissions Arrangements) (England) Regulations 2012 (the "School Admission Regulations") and so is procedurally flawed.** Sections 15(b) and 1.43 of the SAC and Regulation 17 of the School Admission Regulations require an admission authority to consult on changes to its admissions between 1 October and 31 January of the school year **before** the arrangements are to apply (the 'determination year'). This means that DMS was required to consult on the proposed change to its age range between **1 October 2017 and 31 January 2018** for entry to the sixth form in September 2019. While the section headed 'Admissions-related changes' in the SCG does state that 'where it is not possible to follow the normal admissions timetable, academies must seek a 'variation' of their admissions arrangements at the same time as they submit their final business case for the significant change', the SCG (unlike the SAC) is not statutory guidance and so does not impose legal requirements or a statutory framework. Instead, it is 'advice' and 'guidance' and is confirmed as an 'advice document' (see section 1 of the SCG). **Regulation 17 of the School Admission Regulations also requires an admission authority to determine their admission arrangements on or before 28 February in the determination year, which requirement DMS has already breached.**

JKHS contends that the DMS Consultation was flawed. We have already submitted extensive evidence in our business case and regulatory responses. We believe that the proposed sixth form is unnecessary, unviable and would impact negatively on provision in the area which is already outstanding. JKHS A level results this summer were again outstanding, with 61% of all grades being A*-B and with 100% pass rate. Progress for our cohort will, once again, be above / significantly above the national average. Section 2 of the SCG is clear that any new provision must not compromise the education of children in the area, as a whole. The proposed sixth form will, if it opens, mean reduced numbers and courses in JKHS *and in the DMS sixth form*. We also believe that the documents each forming part of the DMS Consultation and the Admissions Consultation are flawed. A sense of presumption runs through them and they lack clarity and precision. **It is impossible for stakeholders to properly evaluate the DMS Proposal for the purposes of consultation under both the SAC and the SCG.**

We enclose our earlier business case and regulatory responses again here. We trust that the S-W Headteacher Board will review the DMS application to extend its age range and operate a sixth form in the light of all of our submissions and will share our serious concerns at the process which has been followed and the negative impact on learners across the area and will therefore reject the proposal.



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Chair of Trustees



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