

DETERMINATION

Case reference: STP/000460

Proposals: To discontinue Castle Hall School from 31st August 2013 and to enlarge Mirfield Free Grammar and Sixth Form from 1st September 2013, both in Kirklees

Proposer: Kirklees Council

Date of decision: 12 January 2010

Determination

Under the powers conferred on me by the Education and Inspections Act 2006 and the Regulations made thereunder, in relation to the proposals published by Kirklees Council, I do not approve the proposals to discontinue Castle Hall School - a Specialist Language College from 31st August 2013 and to enlarge The Mirfield Free Grammar and Sixth Form from 1090 to 1500 places for pupils aged 11 to 16 (the sixth form size remaining unchanged) from 1st September 2013.

The referral

1. On 19th October 2009 Kirklees ('the Council') wrote to the Office of the Schools Adjudicator to refer its own approval of certain proposals on 24th September 2009, at the request of the governing body of Castle Hall School – a Specialist Language College ("CH") and at the request of the governing body of The Mirfield Free Grammar and Sixth Form ("MFG"), both of which are non-selective foundation schools, under the Education and Inspections Act 2006 ("the Act") and Regulations made thereunder.
2. The proposals in question, which were published by a notice on 3rd July 2009 (replacing an earlier notice published on 19th June 2009), were:
 - a. to discontinue CH (a foundation school with 870 places) from 31st August 2013; and
 - b. to enlarge MFG (a foundation school) from 1090 to 1500 places for pupils aged 11 to 16 and increase the admissions number from 218 to 300 (the sixth form size remaining unchanged) from 1st September 2013.
3. I will, for simplicity, refer in this adjudication to the Council's determined proposals as 'proposals'.

Jurisdiction

4. The proposals have been referred to me for decisions to be made about both proposals because of requests by CH and MFG for the decisions to be referred to the Adjudicator.

5. I have noted the Council's explanation of the technical mistake that led to its publication of a revised notice of its proposals on 3rd July. I have also noted the Council's acceptance that there was a typographical error in the second notice, so that the notice referred to the CH site being intended to continue in use until '2107'. With regard to the latter mistake, it is clear from the context that '2017' was intended, and I am therefore accepting the notice as valid.

6. I am satisfied that I have jurisdiction to determine the proposals in accordance with the Act and the Regulations made thereunder, namely the School Organisation (Establishment and Discontinuance of Schools) (England) Regulations 2007 and the School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2007.

Procedures

7. I have considered the proposals afresh as required by Act and the Regulations made thereunder. In considering this matter I have had regard to all relevant legislation, guidance and the School Admissions Code.

8. I have considered all the papers put before me including:

papers describing the Council's processes of consultation and decision-making, including the results of its consultation exercise and other documents;

the public notice and specified information from the Council, as set out in the Regulations;

a letter and other papers sent on behalf of CH;

a letter and other papers from MFG's governing body,

a large number of representations from parents, pupils and others with an interest;

replies from the Council to questions I posed, including a significant response with enclosures of 11th December 2009, and further submissions of data;

further responses from CH and MFG;

replies from councillors and a headteacher serving the Ravensthorpe area to a question I posed, and responses from parents (some in the form of a petition) to an extended consultation for parents in that area;

a representation by the Mirfield Town Mayor on behalf of Mirfield Town Council;

representations from the local Member of Parliament (“MP”);

Ofsted reports and Department for Children Schools and Families (“DCSF”) attainment tables for the two schools, supplemented by 2009 GCSE results supplied by the Council.

9. I visited CH and MFG on 2nd and 3rd December 2009, respectively. I held a meeting (“the roundtable meeting”) on 3rd December to seek clarification of a number of points and to hear the views of SC, MFG and the Council through their representatives, and a meeting with the local Member of Parliament and representatives of SC, MFG and the Council on the same day to consider the MP’s views. I held a public meeting at each school on 2nd and 3rd December 2009, respectively. I have considered the information and representations put to me at all the meetings, and the information sent to me after the meetings.

The Proposals

10. The Council’s proposals are aimed at contributing to, among other things, a high quality of education, a full curriculum, financial viability, removal of eventual over-provision of secondary school places and local secondary education for most children. The Council believes that the optimum size for its 11-16 schools is 1200-1500 pupils, and that they should be in the best locations to serve the population of Kirklees. On this basis, it proposed to close CH, and to enlarge the capacity of MFG from 1090 to 1500 11-16 places (the sixth form remaining with around 400 places), both from the beginning of the 2013-2014 school year. During the transitional period, the Council has predicted that the number of 11-16 pupils at MFG would rise temporarily in 2013 to around 1872, with existing pupils from CH transferring to MFG, but then fall back gradually to 1500 in 2017. Provision for the temporary increase in the number of pupils would be made by the CH premises being used during the interim period as an annex to the main MFG site.

11. MFG and others have suggested that the proposals should have been linked formally with proposals relating to other secondary schools in the wider area. While I accept that there may be some interplay between the various patterns of admissions, I do not agree that a formal link with other proposals should necessarily have been established.

Views on the Proposals

12. I am satisfied that the Council carried out a thorough process of consultation prior to its decision to publish the proposals (with a consultation document widely distributed and several consultation meetings held), although I do have some misgivings as to the success of efforts to engage Ravensthorpe parents in the process. I believe that the notice of the proposals met the statutory requirements. The Council had been advised by a School

Organisation Advisory Group (“SOAG”), which consists of equal numbers of councillors and stakeholder representatives.

13. The Council has said that the proposals were approved for reasons that included:

raising standards for all pupils (since, in the Council’s view, ‘children in north Kirklees are not all achieving their full potential’) and offering more diversity and viability of provision in north Kirklees;

matching pupils places to areas of need;

encouraging local community integration, particularly between Mirfield and Ravensthorpe, and producing a more diverse school population than exists at MFG;

reducing vehicular traffic in the Mirfield area; and

enhancing provision for children with special educational needs (“SEN”) and for young people aged 14-19.

14. In response to the appeals against its approval of the proposals, the Council has claimed advantages for larger schools in terms of curriculum breadth (particularly in diploma courses), staff flexibility, cost effectiveness and energy savings in buildings. Its aim is to remove surplus places in the Mirfield area. The Council claims that the two existing schools have a combined capacity of twice that needed for the local 11-16 population, and that the schools are filled by drawing children from a wider area. Enlarging MFG’s Priority Admissions Area (“PAA”) to include Ravensthorpe would help to raise standards in a disadvantaged area and relieve pressure for places in the Dewsbury area. The Council has argued that the MFG site, unlike that at CH, is large enough to accommodate the size of school that is proposed, and has a recently enlarged sixth form.

15. The Council considered an alternative plan to federate CH with a school at Thornhill and move them to a new site midway between the existing sites, but found that the capital cost implications would have been prohibitive.

16. The Council’s consultation exercise drew several hundred written responses from parents and carers, pupils, staff, residents, local primary schools and others, and from CH’s governing body, the majority opposing the closure of CH. The reasons for opposing closure were diverse, but a significant number related to the current standards and language specialism of CH, the perceived disadvantages of larger schools and the traffic problems that would arise from a larger MFG.

17. The consultation exercise also drew a very large number of written responses from similar groups of people opposing the enlargements of MFG, again with few supporting it. Much of the opposition to the proposal was on grounds of perceived risk to the standards and reputation of MFG, the perceived disadvantages of larger schools, the reduction of opportunities for expressions of parental preference and the likelihood of traffic congestion.

18. There is evidence that the SOAG carefully noted and recorded the very large number of representations and the petition sent in response to the publication of the actual proposals. The situation was complicated by multiple representations from some respondents and other factors. The SOAG noted that the proportions of parents of present pupils at CH and MFG who responded were around 11%, and that the proportion of parents of pupils in Mirfield primary schools was around 5%. However, the overwhelming number of responses indicated opposition to the proposals.

19. Following the publication of the notice of its proposals, the Council received a very large number of representations from a wide range of people opposed to the proposals. These were made on a variety of grounds, which I have considered.

20. Solicitors acting for CH have made a detailed submission in support of its appeal against closure. The main points in the submission are as follows.

a. The proposals and decisions were ill-considered, in that closure of an oversubscribed and successful school would reduce choice for local parents and prejudice standards of education by putting undue pressure on MFG. Financial considerations should not outweigh parental wishes and educational standards.

b. CH has remained oversubscribed, CH and MFG each has a distinct ethos, and parental opposition to closure has been consistently strong.

c. CH's 2009 score for 5 GCSEs A*-C including English and Maths of 73% was the highest in Kirklees, with a Contextual Value Added Measure ("CVA") score of 997. Its rating by Ofsted was 'outstanding'. CH and MFG both believe that the proposals would prejudice standards. (In its own submission to the Council in August 2009, before the 2009 GCSE results were known, CH acknowledged its 'poor CVA figures' and that standards had remained static for some time, but insisted that, through the Gaining Ground programme, it intended to eradicate the charge of 'coasting'.)

d. The co-existence of CH and MFG offers a distinct ethos and curriculum at each school, with further variety for CH pupils through access to all the diploma courses in the Kirklees Collegiate Programme.

e. The Council has not demonstrated how the proposals would enhance the Every Child Matters principles.

f. The proposals would lead to a reduction from the present combined admissions number of 384 to one of 300, thus reducing local opportunity to benefit from attending the two schools. There is no argument for closure in terms of surplus places; 99% of CH's pupils live within 3 miles of the school and 57% within 1 mile. The proposals are based on an arbitrary redrawing of the PAA, with displaced children then attending less popular schools.

g. The proposed redrawing of the PAA for the sake of social and racial inclusivity is unnecessary. CH already draws pupils from Mirfield and Ravensthorpe, CH's ethnic minority population has risen from 13.3% in 2004-05 to 21.5% in 2008-09, the number of pupils from a Pakistani or Indian background has doubled in the last six years, and racial difficulty at CH is rare. It is difficult to understand how social cohesion will be improved by the proposals.

h. Traffic around MFG would increase as a result of the proposals, and the Council has given insufficient attention to the impact on traffic and the local infrastructure.

i. There has been almost unanimous opposition (described) to the proposals from local stakeholder groups and individuals.

21. An organisation opposing the closure of CH, 'Retain Education at Castle Hall' ("REACH") has submitted to me the statement it had previously supplied to the Council on 14th August 2009. Among the reasons advanced for retaining CH were that:

among non-selective secondary schools in north Kirklees, CH is the highest achieving school, and has the lowest absenteeism rate;

it is the only specialist language college in north Kirklees;

it is of optimum size for community and individual wellbeing;

it is financially stable;

95% of pupils live within three miles;

with MFG, it provides choice between two successful schools; and

standards would drop during the five years' transitional period (with a 'massive intake' at MFG until admissions have stabilised).

22. REACH has further argued that enlarging MFG is undesirable because:

standards would decline;

the site and existing buildings are too small, and crossing roads to playing fields is unsafe; and

roads around MFG are too small to provide for extra traffic, including pupils' bicycles.

23. The MFG governors have made a detailed submission in support of its appeal against the enlargement decided by the Council. The main points in the submissions are as follows.

a. The proposals and decisions were invalid, because:

i. the proposals relating to other schools affected by the

proposals under consideration should have been published at the same time (which MFG has elaborated by reference to a perceived lack of provision for children from the Ravensthorpe PAA during the transitional period following leading to 2013);

ii. the proposals do not explain what will happen to future pupils displaced from CH and MFG by the proposals; and

iii. the proposals fails to state that the reason for enlarging MFG is the addition of the Ravensthorpe PAA to the Mirfield PPA.

b. The Council has failed to take parental preference into account, as expected by the Government's guidance for decision makers. It is failing to allow for parents choosing places away from their areas of residence. Separating siblings will undermine the ethos of schools. CH is closer to Ravensthorpe than MFG, and no consultation has taken place with Ravensthorpe parents as to their views of travel distances of 1.5-2.5 miles distances to MFG.

c. The anticipated size of MFG is inappropriate for children with the deprivation and low achievement that characterises much of north Kirklees. A rigid, formulaic insistence on schools of 1200-1500 pupils fails to take into account appropriateness for individual schools.

d. The MFG site is unsuitable for the proposed enlargement, and the Council's assessment has proved to be based on a projected school of 1600, rather than 1900, places. Managing the transitional period will be made more difficult with the additional task of managing the CH site 1.1 miles away.

e. By 2018, more secondary school places will again be needed, so the present surplus in north Kirklees will be of short duration.

f. 'Standards at [MFG] will undoubtedly fall', due to the proposed building programme, enlargement and 'bringing together of different cultures'.

24. MFG's submission disputes a number of other statements by the Council. I have considered them all, and will, when appropriate, mention them as the issues occur in my further consideration. MFG has described an alternative plan for the future of the Kirklees secondary school, which includes the retention of both schools under current consideration, each with a marginally increased number of places.

25. Mirfield Town Council, after considering the Council's proposals, wrote to the Council to record its objections in August 2009, and has reiterated its concerns to me: it remains unconvinced by the Council's arguments.

26. At my meeting with the local MP, he drew attention to what he believes is a finance-driven, formulaic, top-down approach on the part of the Council. He criticised the Council's approach to achieving greater ethnic integration,

which he believes should be achieved by slow degrees and local consent, rather than by instant imposition with the attendant risk that problems may follow from a sudden change in the ethnic composition of the MFG population. The MP indicated that he did not believe there had been effective engagement over the proposals with the population of Ravensthorpe. The Council responded to the MP that community cohesion has been one of its central themes, and that it had a duty to achieve sustainable schools as well as enhancing opportunities for parental preference.

27. At the two public meetings I held, with between 600 and 650 adults and pupils at each, all speakers except those representing the Council spoke against the Council's proposals. Many tributes were paid by parents, past and present pupils and others to the benefits that both schools had given. Contributions included expressions of concern at potential results from implementing the proposals, including a possible drop in standards, the loss of a successful school, the restricted size of the MFG site, the possible overwhelming size of MFG with the proposed enlargement, the possible effect on provision for children with special educational needs ("SEN") and the traffic congestion that might arise in the vicinity of MFG.

28. Before and after the meetings I held, I received a very large number of letters and emails from parents, pupils, staff, governors and local residents, all but a very few opposing the Council's proposals for similar reasons to those expressed by the two schools and at the public meetings. I have considered all of these representations.

Consideration of Factors

29. I have considered the proposal afresh, taking account of the arguments put to me by the Council and other interested parties.

Standards of Attainment

30. MFG was judged by Ofsted in 2008 to be an 'outstanding school', with individual judgements largely of 'outstanding' with some of 'good'. MFG's results for A*-C GCSEs including and not including English and Maths have been rising steadily over the last four years (to 2008) and have exceeded the Kirklees and national averages in 2007 and 2008 (at 51% including English and Maths and 78% excluding English and Maths in 2008). MFG's 2008 CVA of progress between Key Stage 2 and Key Stage 4 results) was 1004.2.

31. CH was judged by Ofsted in 2008 to be providing a 'satisfactory education', with individual judgements largely of 'satisfactory' with some of 'good'. CH's results for A*-C GCSEs including and not including English and Maths have been fluctuating around similar points over the last four years (to 2008), but have exceeded the Kirklees and national averages in 2007 and 2008 (at 57% including English and Maths and 66% excluding English and Maths in 2008). CH's 2008 CVA was 981.6. The Council has acknowledged improvements of standards at CH reflected in the 2009 results, that it does not view CH as a weak school and that 'standards are not a reason for the proposed closure of [CH]'.

32. The Council has commented that for CH, compared with other comprehensive schools in north Kirklees:

pupils' average KS2 scores on entry are the highest;

the free school meals percentage is the lowest;

GCSE results including English and Maths were the highest in 2008, but below expectation when CVA factors are taken into account; and

the trend in GCSE results is fairly static.

33. The Council has commented that for MFG, comparing with other comprehensive schools in north Kirklees:

pupils' average KS2 scores on entry are below those at CH;

the free school meals percentage is well above CH's;

GCSE results not including English and Maths were above expectation in 2008 when CVA factors are taken into account (with a CVA Measure consistently above the national average); and

the trend in GCSE results is one of continuous improvement.

34. My view is that the Council's commentary is consistent with the pre-2009 data I have examined. I note that, although the CVA score for CH was not high, CH's attainment results were nevertheless good.

35. Since the Council wrote its commentary, provisional data for 2009 has become available. These show CH's proportions for 5 A*-C rising from 65.9% in 2008 to 81.3%, and for 5 A*-C including Maths and English from 56.5% to 73.5%, and its CVA score to 997.4. MFG's proportions for 5 A*-C rose from 78.5% to 80.7%, and for 5 A*-C including Maths and English from 51.2% to 57.5%, and its CVA score has declined slightly to 1003.7. Particularly with the improvements in the 2009 results, I am of a clear view that there is no need on grounds of standards to consider the closure of either school.

36. The Council has acknowledged that there is no clear evidence as to whether smaller or larger schools are more likely to produce high standards, and I agree with that assessment. At the roundtable meeting, in response to my enquiry as to why its preference was for secondary schools of between 1200 and 1500 11-16-age pupils, the Council explained that, with a norm of 1350 pupils, the Council believed it was adopting a size that would balance the need for a critical mass to ensure curriculum breadth and value for money with the need to preserve effective pastoral care and a personalised curriculum. The Council has supplied a thorough description of the ways in which it believes larger schools will: best serve the needs of curriculum breadth and flexibility, including the new vocational diplomas (without the need for 'collegiate' arrangements); preserve pastoral care through operating with internal units; provide better value for money in capital and revenue terms (with a comparison of current revenue costs of £440 per secondary

pupil in a 1200-place school and £630 in an 800-place school); be more sustainable against fluctuating intakes; and use spaces more effectively.

37. It is undeniable that, the larger a school, the greater the opportunities there must be for curriculum breadth and value for money. However, since schools cannot be of such a large size that other facets of school life suffer, a balance has to be struck, as the Council has acknowledged. The Council stated that there was a consensus among Kirklees secondary headteachers about the optimum size for secondary schools that supported its own view, but has since modified that statement slightly to indicate that its originally preferred upper size limit was reduced to 1500 in the light of comments by stakeholders. Both schools, particularly CH, despite its smaller size, are currently providing an acceptable or better standard of education. I accept that the Council intends that raising standards should be one outcome from its proposals. I am persuaded by the Council's arguments as to the benefits that would be gained from creating a larger school, certainly in terms of financial economies of scale and probably in terms of curriculum variety. No evidence has been presented to me as to whether overall standards would improve as a result of the proposals and the existence of one, larger school. Some objectors have suggested that standards could decline, at least in the short term of transition, particularly while MFG was of a temporarily very large size and on two sites. Although that is possible, I have no means of assessing the likelihood with certitude. I have noted the Council's intention that MFG should be able to provide a range of the new diploma courses without reliance on the local 'collegiate' arrangements. However, some interdependence among educational institutions for diploma course provision is, in my understanding, part of the Government's expectation. I find it difficult to envisage an enlarged MFG remaining self-sufficient in this respect, given the range of available diplomas and the limited size of its sixth form.

Diversity, Balance of Provision and Need for Places

38. The Council has stated that 88% of pupils living in the Mirfield PAA attend one of CH or MFG. The remaining 12% attend a selective school (5%), a Catholic school (3%), special schools (1%) or other Kirklees schools (3%). So, on the assumption that these proportions would remain static, the Council has predicted that demand for secondary school places from families resident within the Mirfield PAA will fall steadily from 943 11-16 year olds in the 2008-09 school year to 803 in 2018-19. However, the number of eligible children from Ravensthorpe (which the Council is proposing should in future be included in the Mirfield PAA (i.e. in MFG's future PAA) is expected to rise from 537 in 2008 to 606 in 2013 and again to 731 in 2018. The total eligible population within the proposed enlarged PAA would thus be 1429 in 2013 and 1534 in 2018. Based on its preference for secondary schools of 1200 to 1500 pupils, the Council has proposed the closure of CH and the enlargement of MFG to approximately this size.

39. MFG has provided figures (produced by the Council) that seem to demonstrate a higher level of need by 2018 and a potential shortfall of places in the area by 2028. When, at the roundtable meeting, I raised this matter with the Council, along with the Mayor's prediction (at the public meeting at CH) of

one thousand houses being planned for the area, the Council responded that predictions up to 2019 are based on actual birth figures, whereas predictions beyond that are subject to considerable variations, and that no account could reasonably be taken of housing plans which remain indefinite. The Council has, since the meeting, sent further supporting data, and I accept the rationale it has offered for its predictions of local demand.

40. The CH pupils (estimated as up to 175 in each year group) would transfer on its closure to MFG (unless parents chose other schools with vacancies), the CH premises being used as temporary additional MFG accommodation while permanent additional accommodation was provided at MFG during 2013 to 2017. The Council has provided a table to illustrate how the MFG year groups would be expected to increase temporarily above the ultimately intended sizes (with the use of the CH premises) but then drop to 300 as the enlarged year groups left MFG. The total 11-16 MFG population would rise to a maximum of 1872 in 2013, before dropping to the intended 1500 in 2017, on the basis of enlarging the PAA to include also the Ravensthorpe PAA. The present and proposed positions at MFG would be as follows.

Present total capacity	1360	Proposed total capacity	1900
Present 11-16 provision (1100 on roll)	1090	Proposed 11-16 provision	1500
Present 11-16 admissions number	218	Proposed 11-16 admissions number	300
Present 6 th form number on roll	341	Proposed 6 th form provision	400

41. The Council has supplied numbers of first, second and third parental preferences as follows.

	CH – admissions no. 174			MFG – admissions no. 218		
	1 st	2 nd	3 rd	1 st	2 nd	3 rd
2007	152	209	107	178	252	144
2008	180	259	130	242	308	152
2009	119	247	137	254	349	197
2010	97	242	132	226	318	202

Both schools have been consistently over subscribed, taking all preferences into account, in recent years. Demand for places at CH has been declining for places in 2009 and 2010, but this is probably due to the ‘threat’ of closure. Demand for places at MFG increased in 2008 and again in 2009, but has moderated for 2010. The total number of preferences at the two schools taken together has fluctuated over the four years, but remains buoyant.

42. I am satisfied on the basis of the evidence the Council has supplied that sufficient provision of secondary school places would be made under the proposals in the overall area. However, I note the continuing overall popularity of CH and MFG, (with that of CH probably now being disguised by the effect of possible closure). MFG in particular has argued for the principle of parental choice, with sufficient capacity to allow for children to attend schools other than those in whose PAAs they live. It seems to me unlikely that sufficient 'slack' would remain to meet any additional parental preferences if all projected eligible pupils in the wider PAA requested places at an enlarged MFG.

43. MFG has stated that 40.3% of its pupils came from its (present) PAA in 2008, and has argued that the Council has failed to state the secondary school destinations for future children who would be displaced from MFG and CH by the proposals. In response, at the roundtable meeting, the Council expressed confidence that places would be available for notionally displaced children. I can only rely upon the Council's overall predictions and planning in accepting that explanation.

44. I have considered the objection by MFG that no provision has been made for Ravensthorpe children enrolling at secondary school after the proposed removal of this area from Westborough High School's PAA in 2011 and its proposed addition to MFG's PAA in 2013. The Council has assured me that adequate capacity would continue during this period at Westborough School and at other Dewsbury schools, and has explained that Westborough's capacity would be increased in 2011, such that the admissions number would rise from 180 to 240. The Council has explained how this increase, along with spare capacity at other Dewsbury schools would provide sufficiently for all children who might otherwise be without school places. It remains, however, that Ravensthorpe families would lose preferential admissions entitlement at any secondary school through the PAA route during the transitional period between 2011 and 2013.

45. The Council has argued that there would be no loss of diversity of provision in the area, since there would be compensation for the loss of foundation school places at CH in the form of additional places at MFG. The Council has said also that there would be compensation for the loss of the language specialism at CH through developing a second equivalent specialism at Heckmondwike Grammar School in north Kirklees and perhaps by an equivalent specialism being adopted at the proposed new secondary school to serve Birkenshaw, Birstall and north Batley. Further diversity, the Council says, would be preserved or provided through its strategy for implementing the Government's Building Schools for the Future ("BSF") programme (with its list of projects provided). However, I note that Heckmondwike Grammar School is a selective school, with its likely second specialism therefore available only to children who gained entry through the selective tests, and that the other equivalent specialism mentioned by the Council is at present indefinite. The range of languages offered at CH is impressive, and CH provides language teaching support to local primary schools. Objectors to the proposals have argued that each of the two schools has a different ethos, and this coincides with my impressions from my visits to

the schools. So removing one of the two present schools in the area would inevitably entail reducing diversity and opportunities for expressions of parental preference. I conclude that there would be a significant loss of diversity arising from the closure of CH, through the removal of one of two local secondary schools, each with its distinct ethos, but even more by the removal of a successful language specialism with its benefits to pupils and surrounding primary schools.

Admissions arrangements

46. I have examined the 2010 admissions arrangements for both schools. I have found them both to be compliant with the School Admissions Code (an initial appearance of a breach at CH being caused by a local misunderstanding).

47. The Council has stated one of its intentions in the proposals to be greater community cohesion between Ravensthorpe and Mirfield, which would be achieved, to the benefit of Ravensthorpe and MFG, by including Ravensthorpe in an enlarged MFG's PAA for admissions purposes. MFG's admissions arrangements already include some preference for children within its PAA (in order, after children in care and siblings of children attending the school). However, as a foundation school, its governors determine the admissions arrangements. The MFG governing body would not be able for legal reasons to commit to any position the future governing body which would determine the arrangements for 2013 admissions. At the roundtable meeting, I learnt that the present governing body was in any case reserving its position, and had not given any indication as to whether it would encourage its successor body to determine a PAA which would include Ravensthorpe. That being the case, the statement in the Council's proposal to enlarge MFG, 'It is proposed to add the PAA from the Ravensthorpe area to the Mirfield PAA to sustain the proposed 1500 places for 11-16 year old pupils', is somewhat presumptuous, particularly as it forms part of the Council's basic case in terms of demand for places in the area. Representatives of the Council subsequently told me at the roundtable meeting I held that it views the enlargement of the PAA as, if necessary, a longer-term aim.

48. A local authority is not in fact required to state the future admissions arrangements for a school whose enlargement it is proposing, and indeed cannot arrange for them to be determined in advance as part of its proposal. So, despite the wording in the proposal for the enlargement of MFG, which is, 'It is proposed to add the PAA from the Ravensthorpe area to the Mirfield PAA to sustain the proposed 1500 places for 11-16 year old pupils . . .', the wording cannot in fact denote its inclusion in the formal enlargement proposal. Neither could the Council in fact determine, nor can I now determine, the 2013 admissions arrangements.

49. CH does not include any PAA provision in its admissions arrangements. It emerged at the roundtable meeting that the possibility was not something the governors had considered. Whether or not the CH governors chose now or in the future to do so, it is difficult to see why either the MFG governors or the CH governors or both could not be encouraged to,

or decide to, include Ravensthorpe families for some preference in either or both of their admissions arrangements, even if the proposed closure and enlargement did not proceed. With the greater capacity that exists in the two schools together than would exist in an enlarged MFG, there would in fact be as much scope under the present arrangements for including Mirfield and Ravensthorpe children as there would be under the proposals.

50. A chart supplied by the Council shows 7% of current MFG pupils and 9% of current CH pupils as being from Ravensthorpe. Conversely, if the proposals are approved but the MFG governors do not in due course determine admissions arrangements for the enlarged school that includes Ravensthorpe in a PAA, Ravensthorpe parents would not be denied the right to state a preference for places at MFG: they just would not have the same degree of preferential treatment for admissions to MFG. Whether or not I approve the proposals, it would certainly support the principle of community cohesion for Ravensthorpe, with its higher proportion of families from Asian origins than is the case in Mirfield, to be included in whatever PAAs for the Mirfield area are determined for 2013

51. The Council has told me that it held 'drop-in' sessions at the Ravensthorpe primary schools for parents to discuss the proposed changes to PAAs, but that only very small number of parents had attended. The Council told me that it had consulted with the two Ravensthorpe primary schools' governors and staff, but has not provided evidence of the outcome of that consultation. (The Council's literature in fact refers variously to a consultation meeting at Ravensthorpe Community Centre on either 3rd or 11th or 25th October 2008, and I have not been able to verify which of these scheduled meetings in fact occurred.) Realising that I had no specific evidence of the views of Ravensthorpe parents on the matter, I wrote, with the prior knowledge of the Council, MFG and CH, to the three ward councillors and the headteachers of the Ravensthorpe junior and infant schools to seek their views about parents' wishes in the matter. Two councillors replied to indicate that the proposed change would have beneficial effects in reducing the high proportion of children from Asian backgrounds at Westborough High School and providing a better ethnic mix at MFG, and to express their confidence that parents would welcome a greater opportunity for their children to attend MFG. However, one councillor wrote to express the misgivings of many Ravensthorpe parents about the proposals, the implications of which had only very recently become clear to them. Many, he has said, were glad to send their children to the Mirfield schools for the sake of cultural integration, but many have a distinct preference for CH for its size, ethos and quality of education. One headteacher indicated a belief that parents were tending to assume that the present arrangements would continue into the future.

52. In response to correspondence from the MP, I extended the deadline for expressions of views from Ravensthorpe parents and asked him, as well as the three councillors and two primary headteachers, to make this opportunity known. It appears that a meeting was held for Ravensthorpe parents, and as a result I received a large number of representations, some in the form of a petition, from parents in Ravensthorpe, all opposing the proposed closure of CH and many opposing what the respondents viewed as

a proposed limiting of their choices to one school. A consistent 'message' has been conveyed to me by one of the councillors, the MP and many of the responding parents that, for cultural and linguistic reasons, most Ravensthorpe parents were not engaged by the Council's consultation process or understood the issues involved. It is not unusual in dealing with statutory proposals to hear views about alleged inadequacies in the proposer's consultation process, and indeed many such views have been expressed to me in the case of these proposals. However, I am struck by the relatively few Asian faces visible at the public meetings I held – though there were some – and the paucity of representations from Ravensthorpe parents, particularly those of Asian origin, prior to the later efforts by the local MP. I conclude that, whatever efforts were made by the Council in terms of consultation with this community, they were not sufficiently successful for me to have previously gained any impression of its views.

Every Child Matters and Community Cohesion

53. The Council has explained the ways in which its Building Schools for the Future ("BSF") programme promotes the Every Child Matters principles, and will encourage community cohesion. In particular, it believes that 'larger centres for learning could bring together a wider range of families and smaller community clusters to break down social and community barriers'. In the case of the proposals under consideration, the Council proposed to amalgamate the Mirfield and Ravensthorpe PPAs in order to increase community cohesion. MFG has provided me with data that indicate the social changes that would probably result from the proposals in terms of children from the extended PAA. Of significance are: an increase from 135 to 687 children from the worst 20% of areas of multiple deprivation; an increase from 1,023 to 1,133 of white British children; and an increase from 57 to 499 of non-white British children. Although I do not have the means to check these figures, I have noted that they correspond, at least roughly, with the percentages shown on charts that the Council has provided. I note also from one of the charts that the Council estimates that the proportion of non-white pupils at an enlarged MFG with an enlarged PAA would rise to around 35%. I conclude from this that, provided the Council's aspirations for the admissions arrangements at an enlarged MFG were fulfilled, the proposals could have the proposed benefit for ethnic cohesion that the Council intends. However, I also note that, with admissions arrangements at the two schools (with both schools continuing) that supported the Council's intentions, those intentions could still be met.

54. I have already noted, however, that the proposed enlargement of MFG's PAA to include Ravensthorpe is not actually dependant on the approval and implementation of the proposals under consideration. So I consider the proposals to be of neutral possible effect in this respect.

55. The Council has stated that MFG provides, and would continue to provide, services of childcare, out of school activities, support for parents and referrals to specialist support services. The Council envisages the current community access at CH continuing for up to four years after the closure of the school. These include childcare from 8.00 am to 6.00 pm, a breakfast

club, after school activities, study support for Year 11 pupils, support sessions for parents, referrals to specialist services, and use of ICT, sports and arts facilities for adult and community use. The Council has said that 'if the demand for these services continued then it is reasonable to expect that their equivalent or better would be made available at [MFG] or other locations in the area. The community would therefore be likely to experience no reduction in these services . . .'. Being concerned at the indefinite nature of this expectation, I raised the matter at the roundtable meeting. MFG said that it has similar provision to some of that at CH, but that development of its community work would probably need to be set aside temporarily if it were to be preoccupied with enlargement matters. CH described new efforts it is making to support the Asian community and its work, on the basis of its languages specialism, in primary schools, and expressed concern as to the future of its community outreach activities.

56. I have no reason to suppose that at least the present level of extended school provision would not be maintained, given MFG's record in this respect, although there would inevitably be some disruption to the whole provision when the local CH provision ceased. I believe that the enhanced overall facilities, including sporting facilities, at an enlarged MFG could lend themselves to a higher degree of community and adult participation than is possible at MFG at the moment. However, I acknowledge the success of the efforts already being made in these respects by both existing schools, that could continue to be made at both schools if they were to be retained, and could be enhanced with the provision of a sports hall at CH.

Travel

57. MFG has provided me with data from the January 2009 school census showing the usual modes of travel by pupils to CH and MFG. Of particular note from these data are the facts: that 52.1% of CH pupils and 41.2% of MFG pupils walk to school; that 22.3% of MFG and 3.5% of CH pupils travel by bus; and that 35.3% of MFG and 34.5% of CH pupils travel by car. I have noted the excellent bicycle storage facility that exists at MFG, and that school's desire to encourage safe cycling to school.

58. The Council has stated that the two schools are 1.1 miles apart (by road or on foot, that the majority of CH pupils live in the central Mirfield urban area and would be able to walk to MFG, and that CH pupils living further away would have their journeys lengthened by up to 1.1 miles. Since, the Council claims, the number of journeys being increased by up to 1.1 miles would roughly balance the number of journeys being decreased by the same amounts, the impact from implementing the proposals on travel by existing pupils would be neutral. Some CH pupils from outside Mirfield might decide to transfer to nearer schools, and I note that their successors would be more likely to do so if an enlarged MFG reached capacity from within its PAA. Enhanced bus services, the Council says, would be provided for the larger number of pupils travelling to MFG from the Ravensthorpe area. I have found no reason to question the Council's assertions.

59. At the same time, it is undeniable that traffic in the vicinity of MFG

would increase as a result of enlargement. The plans for the proposed enlargements would need planning approval (on which my approval, if I am able to give it, would be conditional) and I am confident that the planning consideration process would take traffic and parking issues into account. Nevertheless, the roads around MFG are, I believe from my observations, of restricted width, and I sympathise with local residents and others who have expressed concern about road safety and access to their homes following such a major expansion of the school population as is being proposed.

60. The Council has provided data which suggest that the majority of Ravensthorpe families live closer by road to MFG (and to CH) than they do to Westborough High School (which the largest number of their children presently attend). It has shown that the route from Ravensthorpe to MFG would not entail adding to congestion on the main Huddersfield Road, whereas the Huddersfield Road forms an inescapable part of the route from Ravensthorpe to Westborough High School. So one result from the implementing the proposals could be an overall reduction in traffic congestion.

Special educational needs

61. CH currently has 20 (2.3%) pupils on roll with statements of SEN, 106 pupils at School Action and 33 at School Action Plus (a total of 16.2% on the SEN register but without statements). MFG has stated that its percentage of pupils with statements of SEN is above the national average. It currently has 17 pupils with statements of SEN (around 1.5%), 163 pupils at School Action and 32 at School Action Plus (a total of around 17.7% without statements). I conclude that there is little significant difference in the individual school profiles in terms of SEN.

62. The Council believes that the provision for children with SEN would be improved overall with enhancement at MFG, with increased specialist staff, facilities and accommodation. Although this is certainly a possible outcome, I have no reason to question the quality of the SEN provision that is already being offered by the two schools.

Staffing arrangements

63. The Council has devised a strategy to support the overall process of change for all schools that will be affected by its BSF programme, and has supplied details of that strategy.

64. The Council has said that it has developed principles and protocols to support schools in managing staffing changes. With a growth in the overall secondary age population forecast for the next 10 years in Kirklees, the Council envisages a commensurate need for staff across the whole of Kirklees. The Council has supplied a copy of its booklet, 'H R Framework, Schools for the Future' that has, the Council says, been issued to all school staff in Kirklees following consultation with all trade unions. Among other features, the booklet envisages that all posts, other than those for headteachers and deputy headteachers, will be ring-fenced for staff working in schools which are to be reorganised, and that consideration will be given for voluntary early retirement in accordance with relevant pension schemes. A

set of principles and priorities is set out for considering affected staff for vacant posts. I have not been made aware of any issues I should consider, apart from those common to staff whose schools are proposed for reorganisation or closure. The Council told me at the roundtable meeting that around two thirds of schools have signed up to the Framework, and MFG has told me that it has partially agreed it. I am satisfied that the Council is taking responsible steps to ensure fair treatment for staff, although it is disappointing that full agreement about the contents of the Framework has yet to be agreed with MFG and some other schools. CH has raised concern about a possible problem over short-term retention of staff, and about MFG's failure to agree the whole of the Framework.

Buildings, Sites and Funding

65. My observation is that the premises of neither school are ideal, and therefore that improvements under the BSF programme would be beneficial. At CH, I have noted in particular the absence of a sports hall, a deficiency that the school itself has attempted to remedy without success, and the nuisance of a public footpath running between the main playing fields and the main school. At MFG I have noted the provision of a sports hall, but that the two detached playing fields are separated from the main school, in one case by the road at the front of the school and in the other case by a distance along three local roads and a footpath. I have noted too the cramped nature of the main MFG site, where most land has been used for buildings and hard surface amenities.

66. Objectors to the proposals have questioned whether the MFG site is sufficiently large to accommodate the projected enlarged school, and indeed MFG has complained that the Council's planning for the MFG site has been based on a school capacity of only 1600 (as opposed to 1900) pupils. My own observations led me to share this anxiety in terms of the capacity of the main site, as opposed to the two playing fields areas. I have examined the data which the Council has supplied to me about the MFG areas, and compared the Council's data with the recommendations in the Government's 'Building Bulletin 98' ("BB98"). On that basis, I am satisfied that the main site (of 3.48 hectares) is technically adequate to contain the school population envisaged by the proposal. The Council has described in outline terms how it envisages the demolition of areas of single storey accommodation and the poorest quality two storey accommodation, which would be replaced by new two-storey buildings, and has provided alternative outline plans indicating possible options for this.

67. I note also that the whole site (of 11.67 hectares, including the two playing fields) is also adequate. At the same time, I recognise the undesirability of playing fields that are detached and, in one case, across a busy road, and I recommend that, whatever my decision about the proposals, MFG and the Council aim at a formal, marked pedestrian crossing point across that road. I also recognise the fact that the main site is of limited size, and believe that considerable skill would be needed in planning the refurbishment and enlargement programme. Although the site is, on the basis of the information supplied to me, technically adequate for a school of the

proposed new size, my anxiety remains, from a commonsense point of view, of its suitability for such enlargement. The BB98 recommendations of site sizes relate to brand new buildings as much as, if not more than, buildings under improvement, and it is clearly more beneficial and efficient in area terms to undertake totally new building that enlargement work. As I have already noted, the site is cramped. Despite the orderly conduct of the school, the existing buildings and site are congested. I have serious doubts about the practical feasibility of containing satisfactorily the proposed greater number of children and staff on such a constrained site, and about the temporary effect on the operation of the school of the significant demolition and replacement work that is planned. I am concerned also that, should any of the housing developments materialise that are tentatively planned for the Mirfield area and that have been mentioned to me, there would be little physical scope for further enlargement of MFG, even if this were felt to be desirable in ethos and management terms. It would be unfortunate if, in a few years' time, the enlarged MFG proved unable to provide even for all Mirfield and Ravensthorpe secondary school 11-16 children. I appreciate that the proposal is that the CH premises should remain in service for a number of years as part of the enlarged MFG, but have not seen any feasibility study as to how the combined school population – that would be temporarily considerably larger than the proposed eventual MFG population – would be contained satisfactorily without major disruption to children's education. I believe that, with the management skill and experience that exists at MFG, it would be possible for MFG to operate for the transitional period with a total of around 2272 pupils (including the sixth form) across two sites. However, this would temporarily be with an extremely large and unwieldy roll, and believe that the disruption could indeed contribute to a decline in standards, if the general disruption and staff travel were to interfere with the teaching and learning process.

68. I have enquired about the suitability of the CH site (particularly as it is nearer to Ravensthorpe as well as being central to Mirfield) for the development of an enlarged school, and CH has supplied a copy of a feasibility study that it has had conducted. The Council has reported on an external assessment of condition, suitability and sufficiency of north Kirklees schools that was carried out in 2007. It has told me that CH was ranked lowest, with around 80% of buildings needing replacement. Certainly from an examination of the Council's figures and BB98, it is clear that the overall site size (of 6.2 hectares) is of a smaller area that would be recommended for a school that is envisaged in the proposal relating to enlarging MFG. The main site at CH is only of 1.1 hectares, and, even if a decision were made to build on the front playing field, there would still only be 2.8 hectares available, with playing field areas then restricted to the 3.4 hectares of the main playing field across the public footpath. I conclude from all this that, while the MFG site is technically sufficient for the proposed enlarged school, the CH site is not.

69. In relation to capital funding, I have discussed with the Council whether the expectations of the Government's Decision Makers' Guidance have been fulfilled. The Council has supplied a letter from Partnership for Schools confirming that the Council has demonstrated its readiness to enter the BSF programme, and that an indicative sum of £190m has been set aside for the

Kirklees BSF programme (of which, the Council has told me, £19m has been provisionally allocated to MFG). I accept this as evidence of funding approval in principle, but have been concerned as to the appropriateness of the ultimate date for the condition, which I will therefore modify if I am able to approve the proposals. Approval of the proposals, if I am able to give it, would also be subject to a revised condition with a new ultimate date for planning consent, and an additional condition relating to the Council's acquisition of the CH site from the CH governors, so that it might be available for temporary use by the enlarged MFG.

70. The Council has asserted that its total BSF grant is unlikely to be sufficient to improve both schools, and that the most cost-effective use of the Mirfield allocation would be to improve and enlarge MFG. However, I have not been – and would not expect to be – presented with the details of alternative methods of allocation. So, although I note the Council's assertions, I have no means of verifying or falsifying the Council's assertions in comparative terms.

71. In terms of future revenue costs, the Council has produced evidence as to the per capita costs of educating children in different sized schools, which are compelling in terms of the cost effectiveness of larger schools. The mechanism of Government funding of schools through the Dedicated Schools Grant means that savings would be solely to the benefit of schools within the local authority area, and therefore of the quality of local education.

Alternative approaches

72. At the roundtable meeting, I enquired as to why the Council had proposed closing of one school and enlarging the other, since it seemed to me that proposing the closure of both schools and the establishment of one new school, albeit in one of the existing premises, might have avoided at least some of the present antagonism to the proposals (though there is no acrimony between the two schools), and certainly would have offered parity of treatment and opportunity for the staff of the two schools. The Council explained that it had followed this alternative course elsewhere, and the decision with regard to the Mirfield schools was made solely on the basis of the relative degrees of attainment at the two schools two years ago, when the process began. Although I understand the Council's reasoning, I conclude that this reason would not now apply, in view of progress in attainment at both schools, and most notably at CH.

73. An alternative proposal, the 'Dewsbury and Mirfield Schools and Communities' Action Plan', was presented to the Council in November 2008, supported by CH, MFG, all other local secondary schools and the local MP (who reiterated its main points when I met with him). The Plan was concerned with the wider group of secondary schools, and recognised the level of vacancies and underperformance at some of those schools. It envisaged retaining the present capacities of 870 (11-16) places at CH and 1090 at MFG and improving the facilities on the present sites. Alternative proposals were also submitted by MFG, by CH and by other schools, which also supported retaining the status quo. The Council evaluated these and provided brief summary comments, which drew attention to concerns that it felt had not been

mentioned or had been given limited attention. Since these three alternative plans amount, so far as they relate to CH and MFG, to opposition to the Council's proposals and retention of the status quo (perhaps with slightly increased pupil numbers), I have concluded that I have been, and will continue to be, considering their main characteristics in the course of my consideration of the proposals. MFG has also submitted its 'Alternative Plan 2' to me. This again comprises a scheme for a much wider area. It is not within my jurisdiction to determine matters relating to schools other than those that are the subject of the proposals under consideration. The most I could do would be to reject the current proposals if, among other factors in my consideration of the merits of the case, I did not feel that adequate attention had been given to alternative schemes that I felt were viable and worthy of more examination. Although I cannot consider directly the future of schools other than those that are the subject of the proposals before me, I shall certainly continue in this adjudication to consider whether I should or should not approve these particular proposals.

Conclusion

74. I have no doubt that the Council's proposals have been formulated in the interests of long-term sustainability and social cohesion. It would be imprudent of a local authority not to take into account the long term demand figures that it is able to predict with some certainty, and it must take into account the long term viability of schools. It is undeniable that larger size secondary schools must be in a position to give better value for money (although I will return, below, to the matter of prospective school size). It would have been easier to achieve the Council's ends if the starting point in Mirfield had been the utilisation of a fresh site, and its proposal to establish a school of the size now envisaged would probably then have been more acceptable to parents, pupils, staff, governors and local residents than the current proposals have proved to be, as well as providing the opportunity of a purpose-provided site of more generous dimensions than the MFG site offers. I have considered whether to reject the proposals in order to give the Council an opportunity to publish fresh proposals to close both schools and open a new school on the MFG site of the proposed size. However, I do not believe that prolonging the matter on this ground alone, and prolonging the distress and anxiety that are already very apparent, would be warranted by the benefits of putting both schools and both staff teams on the same footing.

75. I find it quite understandable that local reactions from most people have been of opposition to the proposals. The prospective size for MFG is daunting for those who have not experienced such a school; the nature of the MFG site makes it difficult to envisage a school of the proposed size being physically developed or acceptable to teach and learn in; and, above all, the closure of CH, a successful and popular school, is a difficult prospect for those belonging to it or associated with it to understand or accept. I have noted the loyalty of former and present pupils, and the huge regard that parents, pupils and staff have for CH. I understand the concern that has been expressed to me about the potential for a dip in standards that could occur during the transitional period of change (while, additionally, two sites are in use).

76. So I recognise the strength of feeling for retention of the status quo, particularly on the part of parents, whose views should figure strongly in the decision-making process. The DCSF's guidance for decision makers considering proposals to close schools and the guidance for those considering proposals to expand schools both refer to the Government's aim 'to create a school system shaped by parents which delivers excellence and equity', as a number of respondents have reminded me. I recognise how unusual it is for the closure to be proposed of a successful and popular school, and one that is not of so small a size as to make it an obvious target for closure for that reason. CH has achieved a locally-high performance and MFG has achieved Leadership Partner status. It is undeniable that a reduction in opportunities for parental choice would follow from closure, and that diversity would also be reduced by the loss of a valuable modern languages specialism. I accept that the changes that would affect families and, above all, the CH staff would be painful, despite the Council's intention to provide good support for change management and individual staff welfare. I recognise, were both schools to be retained: the likelihood that the two schools would continue to draw children from a wider area than Mirfield-Ravensthorpe (whether or not Ravensthorpe was included in any future PAA), with the consequent effect on other schools; and the likelihood that pupil travel might not be reduced as much as is desirable. The availability of BSF funding – which is unlikely to recur in the foreseeable future – is an opportunity that must be seized for the benefit of secondary education in Mirfield. However, that is not to say that, even if not so cost-effective, no way could not be devised to improve the facilities at both schools if they were to be retained.

77. The matter of Ravensthorpe families has been important for me to understand. I regret that some Ravensthorpe parents did not feel they were adequately consulted by the Council, and I have provided an additional opportunity for any who wished to send me their views. Indeed, I have formed an opinion that consultation with the Ravensthorpe community was sketchy, taking into account the particular needs of many in that community. Matters of community and racial coherence are of high importance, and so, therefore, is any means by which diverse communities can be drawn together and schools made more representative of their wider neighbourhoods. The definition of PAAs can therefore be an important factor in supporting or failing to support community cohesion, and the future Mirfield school or schools will be making a useful contribution to cohesion in the wider area and in the schools themselves, if they can, in 2012, see their way to determining admissions arrangements that include Ravensthorpe in whatever PAA is defined. However, I do not believe that the proposals in themselves stand or fall on the basis of that addition. The MP has stressed for me the importance of ethnic integration being achieved by slow degrees and consent, rather than by official decree. The inclusion of a certain area in a PAA would not, however, be a means of dragooning children from that area into the school or schools in question, but rather of giving them a higher entitlement to attend than would otherwise be the case. Ravensthorpe parents would still, whether or not the existing PAA were to be extended, be able to opt for other schools, including Westborough High School, provided there were places available. The Council

has supplied data relating to Ravensthorpe parental preferences for secondary schools in recent years, but the small shift in the preferences for 2010 in favour of MFG probably only reflects the uncertainty about the future of CH. Although the Council has presented the enlargement of the MFG PAA as part of its formal proposals, it cannot be so (for the reasons explained above), and in any case I believe that it is not integral to the proposals. The future extent of PAAs has therefore not formed part of my decision-making on the proposals. The future admissions arrangements for local schools will be the subject of public consultation, and I advise the respective admissions authorities to ensure that the consultation is thorough to a greater degree than is required by law, and pays particular attention to the Ravensthorpe community.

78. In a letter to me following my visit and the meetings I held, the Council has said to me:

'Additionally I would like to emphasise our willingness to be flexible in two areas.

'First, the detail and approach to transitional arrangements. We have always made it clear that we would wish to engage both schools in the implementation of transitional plans and would wish to maintain flexibility in the precise approach and timing of changes.

'Secondly, there is scope for revisiting the proposed increase in size at the [MFG].'

79. These were helpful concessions, and I gave the Council an opportunity to explore them further and return to me with any developments that might give rise to modifications that I might make if I were approving its proposals. However, in the event, it is most unlikely that these possible concessions, even if developed, would have been sufficient to alter the decision I was beginning to feel was right.

80. My position on the proposals can now be summarised as follows.

- a. Greater curriculum breadth and opportunity could – but might not necessarily – result from the proposals.
- b. It is not clear to me one way or another whether the Every Child Matters aims would be enhanced by the proposals.
- c. It is not clear to me one way or another whether provision for SEN would be enhanced by the proposals.
- d. There is no evidence that standards would rise or all, either temporarily or in the long term, from the proposals.
- e. The proposed capacity is in accordance with likely immediately-local demand, but there is no evidence that the two schools, if retained, would not continue to be fully subscribed.

- f. Local diversity would be significantly reduced by the closure of CH, and seriously so in terms of the languages specialism there.
- g. There would be major disruption from implementing the proposals in the lives of the CH staff, and some disruption for the CH pupils who would be displaced.
- h. Despite the management skills apparent at MFG, major challenges would be presented during the transitional period that could affect children's education.
- i. The quality of the MFG buildings and facilities could be enhanced through the proposals, but with the constricted site restricting the nature of the kind of improvements that could be achieved, and with the present constricted site and buildings becoming even more crowded in terms of buildings and people.
- j. Improving and enlarging MFG alone might well prove to be a better use of BSF funds than improving MFG and CH; however, I have no data to confirm this, and must in any case balance this factor with other considerations. The proposals would lead to considerable ongoing savings in revenue funding.
- k. Although the proposals might reduce traffic into Mirfield (particularly along the Huddersfield Road, there would be a significant increase in traffic in the roads of restricted size around MFG, were it to be enlarged).
- l. The possible inclusion of Ravensthorpe in the Mirfield PAA (though not a legitimate part of the proposals and beyond my jurisdiction) has proved not to be directly relevant (since it could in theory be achieved with the retention of both schools).
- m. It is difficult to estimate whether or not the proposals would lead to a higher degree of community use of school premises as a result of the proposals being implemented.
- n. Retaining both schools would cause a knock-on effect at other schools, but the Council assured me at the roundtable meeting that, if I were not to approve the proposals before me, it would if necessary return to other statutory proposals recently approved by the Council with a view to compensating modifications.

81. I have taken all these factors into account in reaching my decision. As an individual correspondent has pointed out to me, it is important that the views of one particular group of people at one point in time should not necessarily prevail, however sincere and vociferous they might be, but that the decision should be based largely on 'an assessment of how best to serve the long-term interests of education for the whole community'. I agree. However, although in chronological terms the present set of parents cannot

represent their successors, it is the practically total unanimity (as far as I have evidence) of view among present parents and those of children likely to transfer soon to secondary education, as well as that of staff, governors and others with an interest, that has struck me. It is clear to me from the evidence presented to me that the proposals have failed to capture the imagination and support of all but a tiny number of local people, with unanimous opposition from both schools and staffs, almost all pupils, and almost all parents, others with an interest and (in terms of MFG) local residents. With such virtually-unanimous opposition, and however diligent the Council's planning and presentation, it is doubtful whether the proposals should be approved, particularly in view of the Government's desire for 'A System Shaped by Parents'. I have, however, carefully balanced all the factors set out above. Although I recognise the strength of the Council's case in terms of value for money and the extent of future local demand for secondary school places, I have found some other aspects of the Council's case to be unconvincing, and in any case must balance these particular factors with others that favour retaining the two schools with their particular strengths. I am not approving the proposals.

82. As an alternative to retaining exactly the *status quo* or developing fresh statutory proposals, the two schools and the Council may wish to consider the opportunities that an informal or formal partnership arrangement between the two schools might achieve in terms of: curriculum breadth; sharing of expertise, facilities and resources; and value for money.

83. I recommend the MFG governors and the Council to aim at approval for a pedestrian crossing across Kitson Hill Road to the nearer of the playing fields. I recommend that the CH governors and the Council aim at the provision of a sports hall at CH and, if possible, the closure or rerouting of the public footpath between CH and its playing fields.

84. Finally, I wish – unusually – to place on record my thanks to the Council and both schools for the high quality of the information they have provided and of their responses to queries, and the courtesy to me and to each other that has invariably been shown.

Determination

Under the powers conferred on me by the Education and Inspections Act 2006 and the Regulations made thereunder, in relation to the proposals published by Kirklees Council, I do not approve the proposals to discontinue Castle Hall School - a Specialist Language College from 31st August 2013 and to enlarge The Mirfield Free Grammar and Sixth Form from 1090 to 1500 places for pupils aged 11 to 16 (the sixth form size remaining unchanged) from 1st September 2013.

Signed: 

Schools Adjudicator: Canon Richard Lindley

Dated:

12 January 2010