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26 August 2009

Dear Mr Turnbull

**APPLICATION TO PUBLISH PROPOSALS FOR A NEW 3-11 VOLUNTARY
CONTROLLED, CHURCH OF ENGLAND PRIMARY SCHOOL**

Thank you for your application, received on 5 June, for consent to publish proposals, under section 10 of the Education and Inspections Act 2006, (EIA 2006), to establish a new 3-11 voluntary controlled Church of England, primary school from September 2010.

The Department has considered the application very carefully and in exercising the powers, conferred by section 10 of the EIA 2006, for reasons explained below, has decided to **grant consent** to publish the proposals for a new voluntary controlled 3-11 Church of England primary school in Eastham.

Section 10 of the EIA 2006 does not constrain the exercise of the Department's discretion when determining applications for consent to publish proposals for new schools without holding a competition. This is subject, of course, to the usual public law principles of reasonableness, rationality and procedural fairness.

Part B of the Department's guide "Establishing a New Maintained Mainstream School" states that a competition, as provided for by section 7 of the EIA 2006 and the School Organisation (Establishment and Discontinuance of Schools) (England) Regulations 2007, is expected to be the usual route by which most new schools will be established. However, the guide also confirms that Ministers have indicated, during debates in Parliament, that they may be prepared to give consent, to publish without a competition where an independent proposer proposes a new school to increase diversity in the area.

Accordingly, the Department has looked very carefully at your application and in determining whether there is good reason to depart from the principle that a competition should normally be held, has considered the criteria as set out in paragraphs 9-10 of Part B of the guide. The Department's conclusions are as

follows:

1. The contribution the school would make to the level of local diversity

The Department recognises that the proposal to establish a 3-11 Church of England primary school will restore diversity in Eastham and, as such, enhance local diversity of provision and parental choice.

2. Views of interested parties

The Department notes that the latest consultation has been wide ranging and part of a larger exercise dating back to 2005. The latest consultation revealed that parents in the area were agreeable or ambivalent to the Church of England School. It is suggested that the ambivalence is due to the length of the consultation and a wish for a speedy end to the on-going uncertainty about primary provision. It is also recognised that both the LA and governing body of Millfields School support the proposal. It is also noted that there has been no expression of interest from any other proposer during the consultation.

3. Local standards

The Department recognises that the development of the new 3-11 Church of England school is aimed at raising standards by developing strong values, having a clear defined ethos and having the additional support from Diocesan education officers and other Church of England schools in the Diocese. The Department expects that the new school will build on the best practice and strengths of Millfields Primary School.

In summary, taking into account all the above factors, and the fact that Ministers have previously indicated they would be prepared to give consent in such cases, the Department accepts that holding a competition would not be appropriate in the particular circumstances of this application.

You may now proceed to follow the statutory process as set out in section 10 of the EIA 2006. Further guidance and information is available on the Department's website www.dcsf.gov.uk/schoolorg.

I must emphasise that this consent does not provide approval for the establishment of the new school. The final decision on your proposal will be a matter for the Local Authority.

If you wish to discuss this letter further please do not hesitate to contact me as above.

Yours sincerely



Simon Powell
School Organisation & Competitions Unit