

Revd Nigel Genders
Director of Education
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Direct line: 01325 735626

18 March 2011

Dear Reverend Genders

APPLICATION TO PUBLISH PROPOSALS FOR A NEW 4-11 VOLUNTARY CONTROLLED CHURCH OF ENGLAND PRIMARY SCHOOL (INCLUDING A 2-4 NURSERY)

Thank you for your recent application, for consent to publish proposals, for a new Church of England VC primary school and nursery, under section 10 of the Education and Inspections Act 2006, (EIA 2006), to replace Diocesan and Payne Smith Church of England VA School and Kingsmead Community Primary School.

The Department has considered the application very carefully and in exercising the powers, conferred by section 10 of the EIA 2006, has decided to **grant consent** to publish the proposals. This decision has been made due to the exceptional circumstances surrounding this new application and drawn from your previous application which was made on 23 October 2007. This original application was approved on 18 December 2007 by the Secretary of State.

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.

All applications are considered on their individual merits taking into account relevant factors. Accordingly, the Department has looked very carefully at your new application and also the previous application made in 2007.

Section 7 of the EIA 2006 and the School Organisation (Establishment and Discontinuance of Schools) (England) Regulations 2007 make clear that most new schools will be established by competition. The Department considered your application against the criteria set out in *Establishing a New Maintained Mainstream School* and determined there is good reason to depart from that principle.

The Department therefore 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 EIA 2006. Further guidance and information is available on the Department's website <http://www.education.gov.uk/schools/leadership/schoolorganisation>

Please note that, in granting consent for your proposals the Department is not approving the establishment of the proposed new school. That is for the local authority to decide or the schools adjudicator if there was an appeal under paragraph 14 of Schedule 2 to the EIA 2006.

Please feel free to contact me if you wish to discuss this letter further.

Yours sincerely



Patricia Meredith
School Collaboration, Organisation and Competitions Unit