

Extract from "More Good School Places" by James O'Shaughnessy & Charlotte Leslie
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The Brighton and Hove Montessori School

The trials of the Brighton and Hove Montessori School (BHMS) exemplify perfectly the problem independent schools have in entering the state system. For 12 years the BHMS has been bidding to become the first state sector Montessori school in the UK. They already operate their school on a not-for-profit basis, and want to become 'free at the point of use' so as to be able to offer places to all, regardless of ability to pay.

In February 2004, the DfES approved their Target Capital Funding bid to buy land and build a fully accessible, eco-friendly, Voluntary Aided School (VAS). The requirements of VAS status are that the school or associated trust must provide 10 per cent of the capital funding. For the sake of procedure, the school was classified as new, i.e. additional. The team included award-winning architects and the DfES rated their case as among the top five cases across the country in terms of quality of application and desirability of outcome. Initially the local authority Brighton and Hove City Council supported their bid but, despite the DfES's enthusiasm, soon became far less co-operative.

Trouble at the bottom – local opposition

Brighton and Hove School Organisation Committee (SOC) refused the BHMS's application for Voluntary aided status, to the bewilderment of the school and the apparent frustration of the DfES. The SOC put forward several objections. The BHMS exercised their right to appeal against the decision and to take their case to an Adjudicator. The SOC objections were based on the following concerns:

- Surplus places in the area – 7 per cent
- Level of parental demand
- Admissions arrangements
- Educational standards of provision
- The source of the remaining 10 per cent of the funding

The BHMS responded to the SOC's concerns in a letter to the Adjudicator, pointing out that:

- DfES Guidance states that surplus places cannot be used as an argument in rejecting an application by a proposer if there is sufficient parental support for the scheme
- They had over 700 petition signatures and a full waiting list
- They had followed the advice of the head of admissions team at the DfES
- Ofsted reports on the school were "very good" across the board and Montessori method has an excellent reputation

However, although the DfES were sufficiently impressed by their bid to agree to provide 90 per cent of the capital funding, the school's application foundered on its inability to secure the final 10 per cent of funding – around £600,000. The independent Adjudicator rightly pointed out that the DfES Guidance forbade him from approving a bid on condition of the remaining funding being found. The LEA's rejection of the bid on other grounds (such as surplus place considerations) discouraged the bank from granting the necessary loan. One of the staff described how they had found themselves caught in a vicious circle; the bank with whom they were negotiating a loan was supportive, but was not prepared to go ahead without more positive input from the LEA as to the likelihood of the bid being approved.

Adjudicator's Report

Given that the DfES guidance is full of brave new rhetoric and states that the presumption should be to approve a new bid, some of the grounds on which BHMS's was contested appear dubious to a disinterested reader of the documentation. The Adjudicator's report demonstrates the conservatism of the system and the protection it affords existing state schools:

"Although I am not in a position to prove that income would not be generated as envisaged, I can only use my judgement and experience in reaching my conclusion that the income figures may prove over-optimistic"

"it is not therefore possible to be certain that present qualities [i.e. the high quality education available in the existing independent school] would apply to the proposed school"

"I must if anything err on the side of caution"

"With its new facilities, it [the new maintained school] might prove attractive to more local families who might indeed find places to be available. If this were to be the case, then the anxieties expressed by the LEA, schools local to the proposed site and other objectors would prove to be well founded"

The implication of these statements should not be underestimated. The decision of the Adjudicator comes down squarely on the side of existing state schools and, despite explicitly recognising the likely success and popularity of the new school, prefers to protect the cosy position of these schools at the cost of the education of local children.

Summary

Although the level of funding of independent schools varies, they all share one advantage over state schools – a radically lower regulatory burden. All independent schools we talked to valued this aspect of their business model more than any other because it allows them to innovate and improve, tailoring their educational offer to the children in their schools. Most state schools would thrive with similar freedoms. For those independent schools with fees at or around the level of state funding, which could be as many as 145, taking on the onerous regulatory burden of the state sector is the primary disincentive to transferring. This is despite the fact that many independent schools would be interested in operating within the state school 'family', both for financial and for social or philanthropic reasons.

But as Elizabeth Steinthal, head teacher of the Educare Small School in Surrey points out: "We could apply for funding but this would require the school to comply with criteria which do not align with our aims and objectives".

Even when independent schools are willing to enter into the state system, the process for transferring into the maintained sector is lengthy and complicated and gives too much discretion to the LEA and SOC, in neither of whose interests it is to see new schools enter the sector. As the story of the Brighton and Hove Montessori School demonstrates, this is often despite the explicit wishes of parents. The self-serving attitudes of LEAs and SOCs are once again apparent.