

**A talk on the dispute between CVMS and the Diocese
by Sir Adrian FitzGerald, former Chairman of Governors.**

This talk was first given to the Order of Malta on 25th January 2011 and repeated to parents on March 8th 2011. Sir Adrian was Chairman of Governors at CVMS for four years is now the local authority representative on the Governing Body.

Introduction

I wonder if you have noticed a rather curious modern phenomenon. I suspect only those of a certain age will have spotted it. I refer to the change that has taken place in the meaning of certain words. So that the new meaning attached to these words becomes almost the exact opposite of the received meaning as found in the Oxford English Dictionary. For instance, the word “discriminate” once meant to “observe a difference between”. To speak of a man or a woman of “discrimination” was to ascribe a virtue. Now it has taken on the quite opposite and negative sense of “treating unfavourably”. I am sure you can think of other examples. One such is “elite” which means “the best” and “elitism” means “the practice of the best”. So elite institutions such as Oxford and Cambridge, the crack regiments, the Royal Academy, the top schools were once held up as both admirable and praiseworthy, and things, where possible, to be emulated. But now “elite” conjures up concepts of unfair advantage and undeserved privilege, to be suppressed. Twice since the beginning of this year I have heard “elite” used in this totally negative sense by contributors to the *Thought for the Day* slot on BBC Radio 4 – once by the Catholic editor of *The Tablet* and once by the Anglican Bishop of Liverpool. I submit that it is time to challenge these intellectually subversive areas of sloppy thinking and to begin the fight back. A start must be made somewhere and I can think of no better place than the controversy surrounding a Catholic secondary school in West London with which I am quite familiar.

The Elite School

It is called the Cardinal Vaughan Memorial School and it is located in the Holland Park area of West Kensington. The school was founded in 1914 as a Catholic Boys Secondary School serving London as a whole and West London in particular given its ease of access to that part of the capital. It is a Comprehensive School with admission of boys at age 11 but with an expanded 6th Form with further admissions of both boys and girls. In the last 35 years there have only been two Headmasters, Tony Pelegrini and Michael Gormally, both of whom have led the school from strength to strength. The school is on a split site with a public road in between. Most of the buildings on the larger site have been modernised in recent years, the last phase being the completion of a state of the art Music

Department which is the envy of the whole of London. Although the available space is tight this has not prevented the school from increasing its roll from 600 to 900 in the last decade thus attempting to reflect the huge demand for places.

In line with earlier years examination results in 2010 were excellent:

94% pass rate at GCSE A* -C Grades

80% pass rate at A level A* - B Grades

The national press judged the school “top Catholic Comprehensive in the country” at both GCSE and A levels.

12 places were secured at Oxford and Cambridge.

This all reflects the standard of teaching. And so does the musical achievement which is not surprising given the opportunities available: the Schola, School Orchestra, and Big Band for example. Choral concerts, oratorios, musicals and the stunning annual Carol Concert are ample confirmation of the school’s excellence in music. Tours in Europe and America have put the school’s music onto an altogether international footing.

Sporting achievements have also traditionally been a feature of the school.

But what the school emphasises above all else is the ethos of the school: it is unashamedly Catholic:

Weekly Mass

Regular Services of Reconciliation

Voluntary Recitation of the Rosary

High quality of religious education

These are indicators of this noble aspiration: “the formation of the whole man, his intellect, his heart, his will, his character, and his soul”. This ethos, unlike exam results, is hard to mark objectively. But priests, who visit in substantial numbers, to say Mass and to hear Confessions, are loud in their praise and support of the school.

So this must be ranked an “elite” school – obviously in the old and correct use of the word. Bear in mind, though, that the Vaughan is still a Comprehensive School – in other words there is no admission by competitive selection. As you may imagine there is strong demand for admission and in very recent years around 700 applications are received for only 120 available places at age 11.

How then have the admissions criteria operated?

First proof of Baptism is required

Second a Priest's confirmation of regular attendance at Mass

But the vast majority of applicants are able to meet these two requirements and the school very reasonably wishes to offer places to committed Catholics who are likely to fall in with the school's ethos, which I have already described, rather than to lapsed members of the Church who are willing to "play the system". So confirmation that applicants have made their First Confession and First Communion was also required. And in addition indications of "involvement" in Church activities were taken into consideration both in respect of pupils and parents: membership of the Church choir, Catholic Scouts, serving on the Altar, Eucharistic Minister etc. A points system awarded each candidate accordingly and this encouraged applications from wider London including those parts of the capital where provision of Catholic secondary education for boys is either thin or (as in the London Borough of Richmond) non-existent.

This system was reinforced by a robust and fair appeals process to which quite a large number of disappointed parents resort each year. But I have to say in my experience very few letters of complaint are received outside the appeals process which would seem to imply that the Catholic community generally accepted this scheme as fair and transparent.

Stance of the Diocese

So there is a brief profile of the school and one would hope, and indeed expect, that the Diocese, and especially the Diocesan Education Service would show its support of the school, recognise it as a centre of excellence and commend it as a beacon and an exemplar for other Catholic schools to try to emulate. Well, sadly I have to report that this is far from the case. For over 20 years the Diocese has tried to interfere in the school's management in a manner which is increasingly becoming little more than a cause for scandal.

First, in the late 1980s the Diocese tried to remove the whole of the Vaughan's 6th form along with the 6th forms of another 7 West London Catholic secondary schools and to consolidate 6th form teaching in a single and separate college building in North Kensington. At that time the Governing Bodies of both the Cardinal Vaughan School and the London Oratory School opposed this move and at the same time they also both applied for Grant Maintained status which the then Government had placed on offer. The advantage of Grant Maintained was that schools were given greater

freedom from bureaucracy both in term of their day to day management and their ability to plan capital expenditure on their buildings.

The Oratory School was in the stronger position because the constitution of its Governing Body meant that the Oratory Fathers were in control. In the Vaughan's case a narrow majority of the Governors were, and still are appointed by the Diocese, but all the Governors were found to side with the School. So the Diocese exercised its perceived powers to remove those Governors who opposed it and to reappointment its own placemen. But that didn't work because some of the new appointees went native and others went to law. Then, as now, the Diocese seems to allow its actions to be driven by its Education bureaucracy. Cardinal Hume ill-advisedly threatened to go to jail rather than withdraw. Nevertheless the Diocese lost in court on both counts and the Cardinal, realising he had been poorly served by his Education Service, made a public apology to the school and to Tony Pelligrini, its then Headmaster. Not surprisingly the Head of the Diocesan Education Service "retired" shortly afterwards.

Needless to say one might reasonably expect that at this stage the Diocese would have tried to mend fences. But whether from a sense of "unfinished business" or for other more dogmatic reasons, after a period of about fifteen years of smothered war the Diocese came back for more about three years ago. The latest spat began following the decision to ban interviews as part of the Admissions process. The great advantage of interviews is that for parents with English as a second language the process of form filling can prove a considerable burden. In such cases an interview can help to fill in gaps on the form, allow the child to express himself and enhance the chances of his application succeeding. As a result of the ban on interviews Governors of the school adopted the "involvement" criteria which, like interviews, were fiercely opposed by the Diocese as "subjective". The Diocese instructed the school to drop the "involvement" criteria, use geographical proximity as the main oversubscription criterion, and go out to robust public consultation. This we did and the public response (that is to say the feeder schools, parishes etc) was almost unanimous that we should return to the "involvement" criteria and we did. Incidentally, the existing parents of pupils at the school went ballistic and besieged the Diocese with letters objecting to Diocesan interference. The Diocese responded by reporting the school to the totally secular Schools Adjudicator as it had threatened to do for a year or more.

This is where St. Paul enters the picture. In his 1st Letter to the Corinthians Chapter 6 he is rather explicit about Christian bodies shopping each other to secular authorities:

Dare any of you, having a matter against another, go to law before the unjust, and not before the Saints?

I suppose reminding the Diocese about this only rubbed salt into the wound but it had to be said. The adjudicator partially upheld the Diocese's complaint. Then the parents started legal proceedings against the Diocese over the 6th Form Admissions and the Diocese promptly withdrew on that particular issue.

A common factor in this long running battle has been the hire and fire policy the Diocese conducts in the case of its Foundation Governors. Bear in mind that these are Governors appointed by the Diocese after what is supposed to be a rigorous assessment procedure. So to then deselect them on a whim simply because they are following their consciences and fulfilling their fiduciary duties to the school on which they serve is really an outrage. But this is exactly what has happened in September 2009 and again in 2010 so that a total of 7 Governors, including 2 sitting chairmen, have been despatched by the Diocese in the space of 12 months. I suppose there is a finite number of suitable candidates to replace those they sack. Because in the last two years one new appointment was John Prescott's spin doctor.

The one and only serving Foundation Governor they reappointed in the last 2 years is a case study in itself. He is already chairman of the Governing Body of another Catholic secondary school in the Diocese – in fact it is the Vaughan's neighbouring secondary school in North Kensington, Sion Manning. This school is judged satisfactory in academic terms, but in Catholic terms there is another story. In the last 4 years the number of Moslem pupils on the school roll has shot up from 7% to 20%. In September 2010 only 90 of the 120 available places were filled at age 11 leaving 30 vacancies and a prospective reduction in annual grant of over £200,000. But perhaps the most telling figures are the applications for admission to the school. The system requires parents to apply to 6 schools in order of preference. In 2010 Sion Manning received merely 38 first preferences which compares with Cardinal Vaughan's 700 plus. So Catholic parents are voting with their feet by walking away from Sion Manning. Would it not be reasonable to expect the Diocese to ask the Chairman of Governors at this failing school to sort out its problems before asking him to take on the additional chairmanship of Cardinal Vaughan as they have just done?

Governors Duties

Since September 2010 the Diocese has taken the precaution of calling in their newly appointed Governors presumably to brief them on how to vote and who to vote for. In addition they will doubtless have been told to obey the "Bishop's policies". Likewise a group of us were summoned in 2009 and reminded that we had undertaken to "respond to the needs of the Catholic community as a whole as represented by the Archbishop". But this overlooks every school governor's primary duty

to his school. Indeed it is his fiduciary duty to take into account the interests of the school he serves as his very first priority. This is the legal position and no huffing or puffing of the Diocese can get round it because it has been tested at law on at least two occasions – once in the Court of Appeal and once in the House of Lords. “A Foundation Governor is not a delegate of the Foundation, (in other words of the Diocese). He must exercise his judgment independently. He may not agree with the views of the Foundation on issues affecting the day to day conduct, or the long term future of the school. If so he must act in the interests of the school, and not follow the Foundation’s wishes”.

Stance of the Church

I want at this point to examine the policies of the Diocese, which the Archbishop claims to be a “coherent vision and strategy for Catholic Education”. This strategy spreads across a number of quoted documents, the most recent of which is a talk given by Bishop Hopes to the staff of Cardinal Vaughan School in 2009. This talk emphasised the mission of the Church in its priority towards educating the poor – a commitment first made by the Hierarchy upon its restoration in 1850. We need to look at the context. This was a period when hundreds of thousands, if not millions, of my fellow countrymen were arriving on these shores to escape the Great Irish Famine of 1846-48. They were penniless and homeless but for the most part devout Catholics to whom the Church rightly wished to minister. The Church’s provision at that time was confined to primary education; moreover Catholic practice among the Irish was probably nearly 100%.

But where the Diocese seems to remain silent is the important teaching of Canon Law. I now quote:

Canon 793

“Parents, and those who take their place, have both the obligation and the right to educate their children. Catholic parents have also a duty and the right to choose those means and institutes which in their local circumstances can best promote the Catholic education of their children.”

Canon 797

“Parents must have real freedom in their choice of schools. For this reason Christ’s faithful must be watchful that the civil society acknowledges this freedom and, in accordance with the requirements of distributive justice, even provides them assistance.”

Canon 802

“If there are no schools in which an education is provided that is imbued with a Christian spirit, the Diocesan Bishop has the responsibility of ensuring such schools are established.”

When the Diocesan Director of Education states, as he has, that Canon Law “is not necessary” in the matter of admissions alarm bells should start ringing. And they should continue ringing when the same source states that “available places” are best “distributed equitably” by a combination of schools and diocese. Mark well! There is no mention of parental duty and choice here. Far from it: the language is reminiscent of that once used to promote a command economy. Nor is there any hint that the Diocese intend to respond to the choices made by parents as clearly indicated by the very high levels of applications received at Cardinal Vaughan.

Conflict of Interest

I now come to a rather murky aspect of the tussle. When this row first broke out some 20 years ago the Diocese contrived to remove sufficient numbers of the Foundation Governors to render the Governing Body inquorate. The result was that for an extended period the Governing Body was unable to meet, and during this period the Diocese, acting as Trustee, chose to take an extraordinary decision. Quite unilaterally they disposed of part of the school premises without recourse to any form of consultation with the school authorities which were hamstrung. There is no clear indication as to where the monies raised by this transaction were applied.

Details of this curious deal only reemerged in the last 3 or 4 years, and persistent efforts by the school bursar during this period to obtain some sort of explanation, let alone restitution, on behalf of the school have been parried at every turn by the Diocese. This stand off culminated in a letter to the Diocese from the School’s solicitors in July 2010 clearly laying out in some detail the nature of this dispute, warning the Diocese of the Governors potential liability in the matter and seeking an early response. Other than a form of acknowledgment no substantive reply has been received. In fact the only serious response on the part of the Diocese is the astonishing and very recent decision to appoint as one of the new Foundation Governors the Diocesan Director of Education, Paul Barber, who is also the principal on the Diocesan side in this property dispute. The first and immediate result of Barber becoming a Governor is the refusal of the school’s lawyers to attend future meetings of Governors to give further advice on property owing to Barber’s blatant conflict of interest. But why has he appointed himself a Governor of a hugely successful school which is

massively oversubscribed. The only logical explanation is that he wishes to block the property investigation and to interfere in the selection process for a new Head Teacher which is ongoing as I speak.

What does the Diocese really want?

Constructive debate with the Diocese, such as it was, dried up over 18 months ago. My two requests for a meeting in 2009 were turned down and a further request over a month ago remains unanswered. This lack of communication is not unique to me. The recently retired headmaster experienced the same problem and so have numerous parents who write to the Diocese and never receive a reply. So interpreting the policies of the Bishops, and what lies behind these policies, is largely a matter of guess work.

Several years ago the then Labour Government proposed that all Faith Schools should be forced to admit 25% non Faith pupils. At that time Archbishop Nichols was Head of the National Catholic Education Service and he succeeded in getting the Government to back down. But was there a quid pro quo – a secret deal to get the Government off the back of Catholic Education? When they were still prepared to talk I asked the Bishops about this point blank and all I got was a wry smile. What follows is mere conjecture but if there was a deal it was almost certainly an assurance by the Archbishop that the Catholicity of Church schools would be diluted in order to meet “secular” expectations.

It was also at this time that new Catholic Guidelines on Religious Practice were published by the Dioceses for inclusion in Admissions criteria. For instance regular attendance at Mass was defined as “more often than not” – or to you and me 27 Sundays out of 52. So a watering down process appears to have been at work. Hand in hand with this watering down of practice we have seen the Diocese attack the elite schools such as Cardinal Vaughan, the London Oratory and Coloma Convent in Croydon as “schools for super-Catholics” working “out of an alternative model” whatever that means. The Bishops intention is that children should attend their local school and in the case of oversubscription priority should go to those living closest as the geographical crow flies. So Cardinal Vaughan, which happens to be in a street of substantial freestanding villas marketing at around £25 million apiece would be offering places not necessarily to “super-Catholics” families but definitely to “super-rich” ones on a first to arrive at the school door basis. This may seem a fairer system to the social engineers of the Diocese but not necessarily to you and me. This whole “local comprehensive school” model is becoming discredited and outdated exactly because it is inherently unfair to people

who cannot afford to move house into the catchment area of a good school. In other words the very people the Diocese claims to care so much about: the poor.

Where do we go from here?

The immediate priority must be to obtain a judgment in the case which the elected parent governors of the school have brought against the Diocese. They have challenged the right of the Diocese to appoint two parent governors neither of whom has a child in the school, and to appoint their Director of Education to the Governing Body in view of his conflicted position. The parents were granted permission to go to the Court of Appeal last week. [NOTE: The Appeal Court heard the case on March 9th ; judgment was reserved and is currently awaited.] Whichever way this is decided the Diocese has a major uphill struggle to resume normal relations with a parent body which is seething. From my personal experience in having chaired an Education Authority for three years in the 1990s I would advise them as follows

- 1) Paul Barber should be replaced. It is frankly bizarre to employ a litigious barrack room lawyer as Director of Education.
- 2) The post should be filled by an educationalist or at least someone who has some experience in that field – rather than a mere legal adviser.
- 3) The Diocese should appoint a layman to chair the Westminster Diocesan Education Commission (Barber's employers). Arguably a clerical chairman (currently Bishop Stack) has neither the experience, the time nor the inclination to run such an organisation as well as fulfilling his other onerous duties.
- 4) The Diocese must be clearer about what it expects of its schools. Does it wish to build on the performance of its best schools using their professional expertise to raise standards across the Catholic sector offering parents the genuine choice which Canon Law insists is their right and duty? OR does it wish to continue its present cosy option of the bog standard comprehensive – the one size fits all?

I think I know what the vast majority of Catholic parents want and it is not what they are getting at the moment.

The events over the last number of years at Cardinal Vaughan Memorial School have been traumatic and particularly so to staff and parents. The staff, for the large part, have had to suffer

in silence. The parents have, as is their right, been united, articulate and vociferous. Although their letters have remained unanswered they have not ceased writing to challenge the Diocese. Both staff and parents are to be greatly admired. But this business has taken its toll and it would be unrealistic to suppose that there are not some whose faith has been shaken by the way they have been treated and have even been labelled disloyal and disobedient.

Broken Vows

I am just back from Dublin whose great literary hero is James Joyce. Nearly a hundred years ago Joyce published a book of short stories called 'The Dubliners'. The last story in the book - 'The Dead' - is a masterpiece. Many years later John Huston made a film of it - also a masterpiece. The story is around an Epiphany party and it is a character study of the hostesses and their guests. The book is only 60 pages long so Huston adds a number of touches which are very much in the spirit of Joyce. A guest recites a poem, a translation from the Irish, called 'Broken Vows'. It is a haunting piece of verse and not least the last few lines:

'You have taken the East from me; you have taken the West from me;
You have taken what is before me, and what is behind me;
You have taken the moon; you have taken the sun from me,
And, my fear is great, you have taken God from me'."

I hope and pray that is not how the Diocese and its Education Service will be remembered in the years to come.