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FIRST CLASS

Treasury Solicitor
One Kemble Street
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FAO Mr Tom Bullmore

Our Ref: VMG(LW)/JH

Date: 26 July 2013

Dear Sir

North Tyneside Council v Secretary of State for Education and Others – letter before action in respect of the Kings Priory Academy Proposals

I acknowledge receipt of your letter dated 25 July 2013 sent by e-mail at 18.57 last night.

The Authority was initially reassured by the positive indications that the decision would now be looked at afresh and taken in a proper manner. Louise Watson, Senior Manager Legal Services telephoned your office this morning to indicate that the Authority would be responding to the letter today and would be seeking some further assurances and clarification with regard to the proposed decision making process as unfortunately your letter did not address all of the matters raised in the pre action letter. However, in light of the Department's conduct this morning, the Authority is now reserving its position and awaits your urgent response to this letter.

The Authority is surprised and disappointed to note that at 10:30 this morning, the Department for Education e-mailed Gill Alexander, Strategic Director for Children, Young People and Learning to state that the Secretary of State has “considered the matter afresh” and decided to enter into a funding agreement with the Woodard Academies Trust. There are no reasons or other information provided in support of this decision, which again is very disappointing. The reasons should of course be apparent and readily available at the time the decision is made rather than prepared in retrospect, particularly in circumstances such as these where time is of the essence. I request that the full reasons and supporting information and analysis data are provided to the Authority by **16:00** today to enable the Authority to consider its position. If the information is not forthcoming, the Authority may be forced to take further action to secure full disclosure. The Authority would seek to recover the costs of any action from the Department for Education.

The timeframe within which this decision has been made (between 8:57 last night and 10:30 this morning) raises serious concerns to the Authority as it tends to suggest that the decision has been pre-determined and that mere lip service has been paid to the concerns raised by the Authority’s Elected Mayor and councillors. The timing of the correspondence also frustrates the opportunity for the Authority to consider and respond to your letter of 25 July.

At 10:14 Department for Education e-mailed Gill Alexander, Strategic Director for Children, Young People and Learning to reject the Authority’s request for information relating to the Department’s detailed impact assessment and the supporting statistical analysis. The e-mail stated that it would take “3 1/2 working days for a member of staff to locate, retrieve and extract the information”. Again, this is surprising and worrying as the Authority would expect this information to be readily to hand to enable the Department to properly consider the issues. The Department’s stance that the impact assessment would not be released at this stage as it will be published following the opening of the school is unhelpful and appears to be designed to thwart any questions about the approach taken.

I look forward to hearing from you by 16:00 today.

Yours faithfully



Vivienne Geary, LL.M Solicitor
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