

Email correspondence between Nigel WARD and County Councillor Arthur BARKER, Executive Member for Schools, 16-19-year-old Education and Early Years Provision, North Yorkshire County Council. 24th - 29th January 2016.

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----- Original Message -----

**Subject:** Transparency

**Date:** Sun, 24 Jan 2016 20:51:19 +0000

**From:** Nigel

**To:** cllr.arthur.barker@northyorks.gov.uk

**CC:** Barry.Khan@northyorks.gov.uk

**County Councillor Arthur BARKER - Executive Member: Children & Young Peoples Services - North Yorkshire County Council**

IN THE PUBLIC INTEREST

Arthur,

I hope you are well.

As you are aware, I have been covering what I might term 'the Eskdale saga' for the [North Yorks Enquirer](#). As shall be doing so again.

I was interested to see a report in the [Whitby Gazette](#) of 14th January 2014.

Of some concern was the remark attributed to you:

- ***"We have been in discussion with the secondary schools in the Whitby area about the benefits of joining together to become one school for some time."***

I would be interested to learn how, in your perception, the rather vague words "*for some time*" should be quantified. Six months? A year? longer?

Could I ask you, please, to clarify that for me? Thank you.

As the 'decision-maker', your position must be absolutely transparent and must, above all, remain uncontaminated by even the faintest whiff of predetermination.

Within the same [Whitby Gazette](#) article, Mr Keith PRYTHERCH is reported thus:

- ***"The intention of the merger was to remove the school transfer at ages 14 and 16, which interrupts pupils' education."***

Mr PRYTHERCH is not quoted as identifying any other strands to the intention.

The [Eskdale School website](#) includes a statement from the Board of Governors which asserts:

- *"In their meeting on 2 July 2015, the governors of Eskdale School unanimously decided to change the age range of the school to 11-16 with effect from September 2016. The governors considered all the responses to their consultation and made their decision having carefully considered the range of views."*

Thus, the interruption to pupil's education at age fourteen would appear to eliminate Mr Keith PRYTHERCH's primary concern, for to transfer at age sixteen is a commonplace arrangement throughout the land; for many, it represents the norm. As an obstacle to Eskdale's continued existence, it may safely be disregarded.

Without resorting to the Freedom of Information Act, I would also be grateful if you could provide me with a copy of any Risk Assessment which may (or may not) have been conducted with regard to road traffic and road safety in respect of vehicles turning off or into Mayfield Road under the circumstance of any increased vehicular activity, contingent upon the significantly enlarged pupil role that must be anticipated should Eskdale School cease to exist. Thank you.

Concern - and support - for the continued existence of Eskdale School is the talk of the town at present. Clearly, any reluctance on your part to offer a transparent public comment would fan the flames of suspicion that the closure of Eskdale School is indeed a 'done deal' - and has been for some years. So I hope you will rise to the occasion and offer a concise statement for publication. I should be most grateful for that. People do need to know. I need to know; the more so since disturbing reports have been coming in that would indicate an increasing degree of unrest at Caedmon College Whitby - which I will be covering in the near future. Anything less than 100% transparency would clearly risk being interpreted as a reticence to tell Whitby people the whole story.

One other question, if I may:

The [Eskdale School website](#) asserts, in a section entitled 'Governing Body 2016 - 2016'[sic] that the term of tenure of the Chair of the Eskdale School Board of Governors expired in September 2015. If such is the case, I am concerned that important documentation may have been signed off in a way that has no legal validity. Could I ask you, please, Arthur, to confirm that no such nonsense has occurred? Thank you.

I look forward to your response, Arthur. I hope we can work together to ensure a democratically supported outcome.

Yours, with very kind regards,

Nigel

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----- Original Message -----

**Subject:** RE: Transparency

**Date:** Fri, 29 Jan 2016 17:37:58 +0000

**From:** Cllr.Arthur.Barker@northyorks.gov.uk

**To:** Nigel

**CC:** Barry.Khan@northyorks.gov.uk

**Dear Nigel,**

**I refer to your recent email regarding transparency in matters connected to Eskdale School.**

**For about three years now the Council has considered that a single secondary school would be the best way of providing good or outstanding education in Whitby and has promoted discussions aimed at bringing about federations or amalgamations. Although I have supported that aspiration I am not predetermined on any particular outcome and retain an open mind on the way forward. I will make any decision based on my assessment of the situation at that time and in what I consider to be the best interest of children in Whitby. I will soon be considering whether or not to agree to a consultation on any recommended changes in status of the two secondary schools in the town. If consultation commences, I will be interested in all views put forward as part of the consultation process and in such circumstances the responses to the consultation will be considered at a future meeting of the Council's Executive Committee.**

**If it is decided to consult I will request that a risk assessment of the traffic management issues you have mentioned is undertaken during any consultation period. I will also ensure the concerns you have raised regarding election of Chair are looked into.**

**Kind regards**

**Arthur**

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----- Original Message -----

**Subject:** Re: Transparency

**Date:** Fri, 29 Jan 2016 20:47:53 +0000

**From:** Nigel

**To:** Cllr.Arthur.Barker@northyorks.gov.uk

**CC:** Barry.Khan@northyorks.gov.uk

**County Councillor Arthur BARKER - Executive Member: Children & Young Peoples Services - North Yorkshire County Council**

**Cc: Barry KHAN - Monitoring Officer - NYCC**

IN THE PUBLIC INTEREST

Arthur,

Thank you for your email stating your position in regard to the potential closure of Eskdale School.

I hope that you will not find it too disagreeable to bear with me while I make certain that I have understood you correctly.

Your statement that the single-School solution has been under consideration for about three years is instructive. Thank you for that.

I remain unclear as to how your past support for the proposal could have resulted from you having no opinion, since you would hardly have been so rash as to express support without first forming an opinion. It follows, then, that you did have an opinion, and that your opinion led you to make the informed decision to support the proposal. In my view, the forming of an opinion in the past, followed by the explicit expression of that opinion in public statements, also in the past, is indistinguishable from a predetermination. You may argue otherwise, but I hope you will be mindful that matters of law are often finely drawn and much may depend upon fine distinctions, should the process ever be challenged.

In the circumstances, no one could criticise you if you were to recuse yourself from this particular process.

I accept that any decision you do make will be made in good faith.

But I am struggling fully to comprehend your form of words "*whether or not to agree to a consultation*", which causes me some concern. The implication must be that for you to "*agree to a consultation*", the proposal must have been laid before you in the form of a Recommendation, signed off by an Officer of the County Council, that amalgamation/closure should take place (in which case, consultation is a statutory requirement) and that it is within your gift, as Executive Member, to dispose of it as you judge fit.

I believe that, in the circumstances, the terms of that Officer Recommendation (and could you confirm that it is signed off by Pete DWYER, please?) should be published prominently in the public domain, so that the people of Whitby obtain full transparency on the arguments placed before you and the conclusions drawn the Officer in question. If you would be so good as to send me a PDF copy of the report I will submit it for publication on the *Enquirer*, in the public interest.

Thank you for acknowledging the importance of the traffic risk assessment in regard to the Mayfield Road junction. May I take it that none exists, to date? If I am mistaken in that inference, and a risk assessment already exists, please could you provide me with a copy of that document? Thank you, Arthur.

Equally, I thank you for your recognition of my concerns regarding the status of the Chair - Sue VERRILL. It is important to air the matter; many have commented on the fact that it was Deputy Chair Bob McGOVERN who made the announcement, though Chair Sue VERRILL was present. Many interpreted that fact as evidence that Sue VERRILL had resigned her position and some went so far as to speculate that she had done so as a gesture of dissent.

I am sure that you share my insistence on transparency, Arthur, and I am encouraged to think you will ensure that every facet of this process is minutely elucidated, in the public interest.

My very kindest regards to you,

Nigel