

**Mr Richard SIMPSON - Chair of the Board of Governors - Caedmon College Whitby**

IN THE PUBLIC INTEREST

Richard,

**Appeal for Internal Review of FOI Response 2016/09 (ref: Response 2016/07)**

**Formal Complaint against the Principal**

I refer you to the thread of correspondence appended to the foot of this present message.

You will see that the Principal has informed me that he has referred my Appeal for Internal Review of his FOIA Response **2016/09** to you, in your capacity as Chair of the Governing Body.

Briefly, I have requested information from Caedmon College Whitby, under the terms of the Freedom of Information Act 2000. The individual questions are included below, in *blue cursive bold script*.

You will find a clear exposition of my grounds for Appeal [here](#).

Dealing with my requests in numerical order:

***1) The names and credentials of each individual member of the so-called 'shadow' Governing Body assembled to undertake the transition to The Whitby School, pursuant to the amalgamation of Caedmon College Whitby and Eskdale School.***

To my first question, the Principal has determined to withhold information concerning the identities of the members of the Joint Steering Group. It is my contention that to have done so was unlawful. I am formally requesting you to review the Principal's response, and to reverse it. In the interests of transparency, I make known to you that, should you determine to uphold the Principal's response, I shall pursue the matter with the Information Commissioner's Office.

***2) The number of recorded Safeguarding issues in each of the following School years:***

In regard to my second point in my Appeal for Internal Review (please refer to the numbering in my Appeal email - 13th April 2016), I take issue with the figures provided by the Principal in his FOIA response **2018/09**, insofar as it conflicts with information provided by the Principal in his FOIA response **2016/06**. I present both of those responses here, for your convenience of reference.

Both of these FOIA responses have been signed off by the Principal.

Given that bullying forms only a part of the Safeguarding spectrum, these figures lack all credibility. They bespeak disingenuousness, if not deception.

### **FOIA Reference 2016/09**

The number of recorded Safeguarding issues in each of the following School years:

- *September 2014 – July 2015:* **29**
- *September 2015 – the present day:* **48**

and

### **FOIA Reference 2016/07**

The number of recorded concerns/incidents relating to bullying have been as follows:

- *September 2014 to August 2015 - **189** incidences/concerns logged*
- *September 2015 to March 2016 - **70** incidences recorded*

You may be aware that any given response to any given FOIA request is a response published into the public domain - it is a response 'to the world'. Clearly, the Principal, by issuing such wildly conflicting figures, has misled the public, thereby bringing himself - and, by extension, the school - into disrepute.

**I hereby lodge a Formal Complaint against the Principal on these grounds.**

Please acknowledge my Formal Complaint by return, attaching a copy of the school's current Complaints Procedure document. Thank you.

I formally request the Governing Body to investigate the sequence of events that gave rise to the Principal's actions. As the Principal's employers, the Board may find it appropriate to sanction his conduct. To make a lawful determination on this point, you may find it necessary to take independent legal advice. I would urge you to do so.

### ***3) The number of unrecorded Safeguarding issues in each of the following School years:***

In his FOIA response 2016/09, the Principal states that all Safeguarding issues are recorded (logged); that there have been no unrecorded Safeguarding issues.

Unfortunately, this information does not appear to tally with witness evidence collated by me in recent weeks, from parents. In the interests of transparency, I can inform you that I am in correspondence with Ms Nicky MORGAN (the Secretary of State for Education), Sir Michael WILSHAW (Her Majesty's Chief Inspector, OfSTED) and Professor Nick Frost (independent Chair of the North Yorkshire Children's Safeguarding Board).

Again, as the Principal's employers, the Board may find it appropriate to sanction his conduct. To

make a lawful determination on this point, you may find it necessary to take independent legal advice. I would urge you to do so.

***4) The salaries of each individual member of the present Caedmon College Whitby Senior Management Team, together with their names and 'official' position titles.***

The Principal's refusal to comply with the Freedom of Information Act 2000 is plainly unsafe. Caedmon College Whitby is a public institution mandated by Act of Parliament. It has long been recognised that Senior Management salaries in such institutions are required, by the transparency imperative, to be accessible to public scrutiny. There is no justification for secrecy in the matter of paid public servants in relation to their paymasters. This is why the salary of the Corporate Director: Children & Young Peoples' Services at North Yorkshire County Council is in the public domain; it is presently £129,600.

I am formally requesting you to review the Principal's response, and to reverse it. In the interests of transparency, I make known to you that, should you determine to uphold the Principal's response, I shall pursue the matter with the Information Commissioner's Office. The Principal has indicated that the school has no adopted procedure for conducting Internal Reviews of Freedom of Information requests. In consequence, we are now treading the road of unratified procedure, I would therefore helpfully suggest that the Board turns its attention to this as a matter of urgency, lest the school continues unprepared for an eventuality that is by no means uncommon in the world of FOIA requests.

There is one other matter:

I have been provided with a document asserted to be a true copy of a letter sent to OfSTED by 'Cxxxxxxx Pxxxxxx'. The letter is purported to have been sent, during the period immediately following the January 2014 OfSTED inspection of Caedmon School (as it then was) and the publication of the Report, by post to the following address:

**Ofsted**  
Piccadilly Gate  
Store Street  
Manchester  
M12WD

The letter contains an allegation of conspiracy to pervert an OfSTED inspection of a Whitby school, with a view to obtaining a better Report. I cannot comment on the authenticity of this copy document and do not in any way support the allegation concerning affairs of which I know nothing. However, if such a document was received by OfSTED, it will be held on record. I have asked [the question](#).

I would urge the Governing Body to confer with Senior Management to provide a statement for publication regarding what is known by the school on this subject within the coming seven clear working-days, terminating on Friday 29th April 2016.

Please provide acknowledgement of receipt of my Appeal for Internal Review and my Formal Complaint against the Principal, by return. Thank you.

Finally, Richard, I am given to understand that you enjoy a particularly close working-relationship with the Principal. For that reason, it is imperative that you conduct my Appeal for Internal Review and my Formal Complaint against the Principal without fear or favour.

Please be aware that I reserve the right to share my correspondence with the school with whomsoever I please. I also reserve the right to publish said correspondence, in whole or in part, into the public domain.

I look forward to hearing from you.

Yours, with very kind regards,

Nigel

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

**Subject:** RE: Appeal for Internal Review of FOIA response 2016/09

**Date:** Tue, 19 Apr 2016 07:25:15 +0000

**From:** Keith Prytherch <[K.Prytherch@ccwhitby.co.uk](mailto:K.Prytherch@ccwhitby.co.uk)>

**To:** Nigel

Dear Mr Ward

Thank you for your email dated 13 April, in response to our reply to your request for information. Whilst we do not have an official review procedure specifically for Freedom of Information requests, we intend to deal with your request for an internal review as follows:

- 1) the Chair of the Governing Body will carry out a review and consider the comments you have made regarding the information provided to you
- 2) the Chair will respond to you within 20 working days.

Kind regards,

**Keith Prytherch**

**Principal**

**Caedmon College Whitby**

**Tel: 01947 602406**

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From: Nigel

Sent: 13 April 2016 11:52

To: Keith Prytherch

Subject: Appeal for Internal Review of FOIA response 2016/09

**Mr Keith PRYTHERCH - Principal - Caedmon College Whitby**

IN THE PUBLIC INTEREST

Keith,

Thank you for your emailed responses to my Freedom of Information request.

Please record the following as a request for **Internal Review**.

Dealing with your responses numerically:

1) It is indeed the case that I am a contributor to the *North Yorks Enquirer*, and that the identities of the Joint Governors' Steering Group are now in the public domain. This does not in any way diminish your duty to disclosure in response to my request; I am seeking official confirmation.

What remains unclear is the nature of the "good reasons" (to which you have referred) that it was felt necessary (and by whom?) to maintain secrecy on the matter at a time when there exists exceptionally cogent and compelling grounds for transparency. Please explain the "good reasons" for your earlier secrecy, as a matter of public interest. Thank you.

2) I note, with interest and considerable alarm, the dramatic rise in reported Safeguarding issues which, *pro rata*, suggest a greater than doubling of the previous year's figures.

3) I see that we will presently be at issue over your response to this Item.

4) For clarity, I have not requested the salaries of identified individual human beings; I have requested the salaries of individual Senior Management Team *positions*. These do not fall within the ambit of s.42 of the Freedom of Information Act. You should be aware that Councils disclose the salaries of Senior Management as a matter of course. For example the NYCC Director of Childrens' & Young Peoples' Services is, quite rightly, in the public domain. Please provide the requested information in respect of the positions of Principal, two Senior Assistant Principals and three Assistant Principals. Thank you.

Clearly, there is at present a significant public interest in the extent of the burden on the public purse imposed by the employment of the Senior Management Team, whose performance is, in the light of recent events, a proper subject for public scrutiny. This militates strongly in favour of disclosure. I repeat, I have not sought *personal* information of any kind. I am seeking to establish

the summed cost to the public purse of the six-strong Senior Management Team. This information can, and must, be disclosed without further prevarication. Thank you.

You will be aware that responses to Freedom of Information requests are responses to the public at large. In particular, the apparent doubling of recorded Safeguarding issues is of significant public interest and will, no doubt, influence public opinion in respect of parents' enthusiasm for sending their children to your school. Thank you for that information. You may wish to re-visit your response in respect of Item 3. I would urge you to do so. It would be better coming from you than from others.

I look forward to your timely and transparent response to my appeal for **Internal Review**.

Regards,

Nigel

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On 13/04/2016 10:45, Keith Prytherch wrote:

Dear Mr Ward

**Our FOI Reference: 2016/09**

Further to your request, I can provide the following information.

- 1) The names and credentials of each individual member of the so-called 'shadow' Governing Body assembled to undertake the transition to The Whitby School, pursuant to the amalgamation of Caedmon College Whitby and Eskdale School.

I believe the 'shadow' Governing Body you are referring to is our joint governors' steering group – a small group of governors from Caedmon College Whitby and Eskdale School who are considering suitable ways forward should the two schools amalgamate. As you will be aware, the membership of this group is now in the public domain and have been published on a website with which I believe you are involved - the NY Enquirer. Whilst we had good reasons for not making these names public, now that they have been made public by a third party, we can no longer protect the identity of the governors who have freely given their time to help the two schools to make the best plans for the young people in this area. The 'credentials' of the people on this group, as stated above, are that they are the Headteacher from Eskdale School, myself – the Principal of Caedmon College Whitby, the Chair of Governors from each school, plus additional Governors from each Governing Body.

- 2) The number of recorded Safeguarding issues in each of the following School years:

September 2014 - July 2015: 29

September 2015 - the present day: 48

3) The number of unrecorded Safeguarding issues in each of the following School years:

- September 2014 - July 2015: 0
- September 2015 - the present day: 0 (all incidents are recorded).

4) The salaries of each individual member of the present Caedmon College Whitby Senior Management Team, together with their names and 'official' position titles.

The 'Senior Management Team' you refer to would be our 'Strategic Team' which comprises myself as Principal, the two Senior Assistant Principals and three Assistant Principals. These are named in the teaching staff list which is on our website, along with their post titles. In response to your request for the salaries of each individual member of the senior management team, I can confirm that we hold this information. Unfortunately, I am unable to provide you with this information, as salary data for staff is considered to be exempt from disclosure under Section 40(2) of the Freedom of Information Act 2000, where disclosure would breach one or more principles of the Data Protection Act 1998. I consider that disclosure of the data would breach the first principle - namely that personal information must be fairly and lawfully processed and must meet one of the conditions for processing as provided by Schedule 2 of the Act. In this case, I consider that the disclosure would be unfair and none of the conditions for processing would be met.

Kind regards,

**Keith Prytherch**

**Principal**

**Caedmon College Whitby**

**Tel: 01947 602406**

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From: Nigel

Sent: 24 March 2016 10:45

To: <mailto:post@ccwhitby.co.uk>

Subject: Freedom of Information request

Importance: High

**Caedmon College Whitby**

## IN THE PUBLIC INTEREST

Hello,

Under the terms of the Freedom of Information Act 2000, please provide the following information. You have 20 working-days in which to provide a full response. However, you may find it less disadvantageous to full comply with this request more quickly. Much more quickly.

1) The names and credentials of each individual member of the so-called 'shadow' Governing Body assembled to undertake the transition to The Whitby School, pursuant to the amalgamation of Caedmon College Whitby and Eskdale School.

2) The number of recorded Safeguarding issues in each of the following School years:

- September 2014 - July 2015
- September 2015 - the present day

3) The number of unrecorded Safeguarding issues in each of the following School years:

- September 2014 - July 2015
- September 2015 - the present day

4) The salaries of each individual member of the present Caedmon College Whitby Senior Management Team, together with their names and 'official' position titles.

Should you require any clarification regarding any of these questions, please make this known to me no later than close-of-play today Thursday 24th March 2016.

Please be aware that this Freedom of Information request will be forwarded to a number of relevant institutions.

Please do me the courtesy of acknowledging this Freedom of Information request by return. Thank you.

Kind regards,

Nigel

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