

D.R.

Tessa, RF || 0936 19th Feb
- 10/15

You are arranging a
meeting with Mr Baker.

PRIME MINISTER

REORGANISATION OF SCHOOLS IN ILKESTON

N.W.
9-2

The DES letter below provides the detailed
chronology of events of this sorry story
and answers the particular questions which
I put to the Department.

The history of these events does not improve
with the explanation below - a catalogue of
errors on all sides. The sadness is that
the parents and pupils of the two schools
concerned will be the losers.

I fear that the decision to sanction the
reorganisation is beyond recall, following
the Department's letter to Derbyshire LEA
on 18 December 1987. I attach a draft
letter for you to send to Mr. Rost.
Alternatively, you may wish to discuss
with Mr. Baker first.

→ Yes not

N.L.W.

N. L. Wicks

8 February 1988



ELIZABETH HOUSE
YORK ROAD
LONDON SE1 7PH
01-934 9000

*DLW
B/W*

CONFIDENTIAL

N L Wicks Esq
Principal Private Secretary
10 Downing Street
London
SW1

8 February 1988

Dear Nigel

REORGANISATION OF SCHOOLS IN ILKESTON, DERBYSHIRE

This letter, which is sent with the Secretary of State's approval responds to yours to the Permanent Secretary of 1 February. *with NLW?*

I attach a detailed chronology of events, to be read in conjunction with the background note we have already sent you.

As regards your second question, ^{*}the usual procedure is that, having reached a view on proposals, Mr Dunn notifies the MP concerned in confidence of his intention to announce a decision before that decision is communicated to the Authority. Mr Dunn's office indicated orally on 22 June that he intended to approve the proposals. On 23 June, following a further conversation with the Private Office the official concerned (new to the Branch) believed mistakenly that she had authority to advise Derbyshire, who were pressing for news, to that effect. She telephoned the Authority accordingly. Mr Dunn spoke to Mr Rost on 24 June to tell him of his decision. As a result of that conversation Mr Dunn decided that he wished to reconsider. The Authority was accordingly informed by telephone on 24 June that the telephone call on 23 June had been made in error and that no decision had in fact been made. Subsequently Mr Dunn's Private Office made arrangements for a meeting between Mr Dunn and the Authority to discuss the proposals on the basis that he was "minded to reject" (it is normal practice in these circumstances for Authorities to be offered the opportunity of a meeting).

A formal letter of rejection was sent to the Authority on 28 July. The Authority then made their application for judicial review of the decision. It was not until legal advisers examined the papers

** Why was the Minister not advised by officials before he wrote on 6 July that, as was subsequently maintained, a decision on the reorganisation had in fact been reached? Was legal advice taken before the Minister wrote on 6 July?*

as a result of this application that it was appreciated that Mr Dunn's approval of the proposals, recorded on the file and communicated informally to the Authority, constituted a legally binding decision even although the Department had not formally notified this. In brief, during the period 22 June - 28 July, and acting without reference to the submission file, the Branch understood Ministers to have scope for reconsideration. No need to secure legal advice was therefore perceived.

My third paragraph above also answers your third question: the official concerned was acting on the basis explained above. *

You also asked what administrative action has been taken to prevent any repetition of the errors in this case. Officials of the Branch in the Department concerned, Schools I Branch, work to general procedures laid down in a Branch manual, particular aspects of which are highlighted from time to time in minutes from the Head of the Branch or the responsible Assistant Secretary. Since the events dealt with in the background note the standing instruction to officers of the Branch, that no information on decisions is to be communicated to LEAs until Ministers have conveyed a message to the MP concerned, has been repeated. Officers have further been instructed that they are not to communicate any decision to an LEA, whether formally or informally, without specific instructions in writing from the Private Office concerned.

I hope that this information gives full guidance to the Prime Minister in explaining why the Secretary of State recommends that a reply should go to Mr Rost on the lines of the draft enclosed with Chris de Grouchy's letter to Mark Addison of 27 January. The Secretary of State has asked me to confirm his earlier message that he is, of course, at the disposal of the Prime Minister should she wish to discuss the matter with him: he would himself welcome the opportunity to do so.

Yours,

Tom.

T B JEFFERY
(Private Secretary)

* what was the authority for the communication from the Department's official to the Yorkshire Education Authority on 22 or 23 June?

CONFIDENTIAL

CHRONOLOGY

DERBYSHIRE LEA'S STATUTORY PROPOSALS FOR THE REORGANISATION OF
POST-PRIMARY PROVISION IN THE ILKESTON AREA

CHRONOLOGY OF EVENTS DESCRIBED IN BACKGROUND NOTE

- 16 January 1987 Derbyshire LEA published proposals to cease to maintain Cantelupe County Secondary School (11-16) and Ilkeston County Secondary School (11-18) with effect from end of summer term 1988, and establish in their place a new county secondary school for 750 boys and girls (11-16) from the beginning of the autumn term 1988; post-secondary provision would be at an existing tertiary college.
- 6 May 1987 Submission to Mr Dunn recommending approval of proposals.
- 13 May 1987 Mr Rost brought deputations from both Ilkeston and Cantelupe schools to see Mr Dunn.
- 22 June 1987 Private Office informed Branch orally that Mr Dunn had approved the proposals but had yet to inform Mr Rost of this decision.
- 23 June 1987 Branch sought authority orally from the Private Office to inform Derbyshire, as the LEA had asked for a decision by 24 June. Branch understood mistakenly that they had the necessary clearance to tell the LEA in confidence and accordingly rang them.
- 24 June 1987 Mr Rost spoke to Mr Dunn and the Secretary of State by telephone. Branch informed that Mr Dunn wished to reconsider the proposals. LEA informed that the telephone call on 23 June had

been based on a misunderstanding, and that Mr Dunn had not reached a decision and wanted further time for consideration. The LEA was also invited to meet Ministers to discuss the proposals.

25 June 1987	Mr Rost wrote to the Secretary of State to protest at news he had heard locally that the proposals were to be approved.
6 July 1987	Mr Dunn <u>replied</u> to Mr Rost's letter of 25 June. <u> </u>
16 July 1987	Meeting between Mr Dunn, elected members and officers of Derbyshire LEA, and Branch officials.
27 July 1987	Proposals discussed by Secretary of State, Mr Dunn and officials. Mr Dunn asked to inform Mr Rost of decision.
28 July 1987	Letter of rejection sent to LEA.
29 October 1987	Derbyshire given leave to seek judicial review.
2 December 1987	Department's lawyers advised the papers indicated that the proposals had been approved not later than 23 June.
15 December 1987	Treasury Counsel advised that Derbyshire must be told the full facts if the Department did not concede that approval had been given.
16 December 1987	Submission to Mr Dunn and Secretary of State in light of that advice.
17 December 1987	Secretary of State and Mr Dunn spoke to Mr Rost informing him of position.
18 December 1987	Letter to Derbyshire LEA informing them of legal advice and approval of the proposals with effect from 23 June.

EDUCATION ; Ilkeston schools Dec 87



CONFIDENTIAL

Peter ROST MP

JD

file



8/2

checked 8/2

10 DOWNING STREET
LONDON SW1A 2AA

From the Principal Private Secretary

1 February, 1988.

Dear David,

REORGANISATION OF SCHOOLS IN ILKESTON, DERBYSHIRE

I explained to you on the telephone the Prime Minister's difficulties in agreeing the letter to go to Mr. Rost in answer to his of 28 December with which he enclosed one from Mr. A.J. Bridges about the reorganisation of schools in the Ilkeston area of Derbyshire.

I think that the Prime Minister would find it helpful to have the following:

1. A detailed chronology of the events, in tabular form.
2. An explanation of why the Minister was not advised by officials before he wrote his letter of 6 July that, as was subsequently maintained, a decision on the reorganisation had in fact been reached. Was legal advice taken before the Minister wrote on 6 July?
3. The authority for the communication from the Department's official to the Derbyshire Education Authority on 22 or 23 June.
4. The administrative action taken since the unfortunate events disclosed in these papers to prevent any repetition.

I should be grateful if you could let us have this information quickly. The Prime Minister will then, I think, wish to discuss the matter with your Secretary of State.

I am sending a copy of this letter to Tom Jeffery in your Secretary of State's Office.

Nigel Wicks

N.L. Wicks

Sir David Hancock, KCB,
Department of Education and Science.

CONFIDENTIAL

185