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Stephen Elliott Esq.
Parental Alliance for Choice in Education
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Our Ref: CRW/B2/SM

18 February 2010

Dear Mr Elliott

Re: Our Client: The Headmaster & The Governors of the Bangor Grammar School

We act on behalf of the above noted clients and we are instructed that an article about them has been posted on the Pace N. Ireland Education Weblog, a copy of which is attached. It is understood from the context of correspondence which you have had with our client that you are responsible for the weblog content. Perhaps you would confirm this is the case.

In your weblog you make two trenchant criticisms of the School. The first is in the following terms:

“This disturbing information is made public to parents to take into consideration when seeking information about how the results of transfer tests such as the AQE Common Entrance Assessment or GL Assessment are to be used to determine admission to a grammar school”.

The “disturbing information” appears to be that the School did not respond to your freedom of information request of Monday 21st December 2009 within the normal 20 working day period permitted under the legislation. You state that “No such rely [sic] was received”. You further comment that Bangor Grammar School has “now joined the company of other schools who seem to have failed to have learned the lessons given by their Education and Library Board’s FOI officer on their duties and responsibilities.”

The School does not know what you have in mind when you refer to parents seeking information about how the results of transfer tests are used to determine admission to a grammar school. In common with all grammar schools, Bangor Grammar School publishes its transfer criteria at the outset of each year’s transfer cycle and the criterion also set out the arrangements made for special circumstances and special provisions. Whatever point is being made, however, a clear implication to the average reader would be that the School can in some way be expected to fall down in its obligations to parents in relation to transfer information. This is a completely unwarranted attack and defamatory of the School and its Officers.



We should make it clear that the School fully accepts that it is subject to criticism wherever justified. It is not seeking to stifle comment or debate about its activities but it cannot accept statements about it which are neither justifiable nor within the bounds of fair comment.

So far as your freedom of information request is concerned, we would point out that most of this was not in fact a valid freedom of information request at all. That Act entitles a request to be made to schools but this can only be for information held in material form.

The School did not hold in material form answers to questions such as the distinction between general and applied courses, nor what the Headmaster meant by particular phrases in his speech, nor as to whether Bangor Grammar offer Key Stage 3 tests to pupils. The Headmaster nevertheless did provide answers to these questions. Only the question concerning results for Key Stage 3 tests would appear to have been valid as these results are held by the School in material form and it is accepted that a response to this was sent outside the 20 working day time limit.

We should point out that our instructions are that the other questions were responded to on 3rd February 2010 which was before your weblog was posted. Your weblog of 8 February 2010 however suggests that no response had been received. Please explain why no reference is made in your weblog to the School having made a response. Whilst it is correct that a full answer had not been received it is misleading to suggest that there had been no response to your FOI request. Your weblog suggests that the School had completely failed in all respects to respond to your FOI request or to have regard to FOI requirements which was not the case. The wording "No such rely [sic] was received" is incorrect and defamatory.

Your weblog secondly goes on to comment on the School's transfer criteria and in particular the rationale for the criteria which it has adopted. Of itself, this is entirely unobjectionable.

However, you then state "Perhaps instead of giving weight to the Minister's desire the Principal should concentrate in compliance with the law." The inter-relationship between this comment and the initial complaint about non-compliance with freedom of information is completely unclear. It is however reasonable to conclude that the average reader of your piece would understand this criticism to mean the School has in some way not complied with the law in relation to fixing transfer criteria. This is a serious unwarranted defamatory accusation, particularly in the current climate where sensitivities and difficulties surrounding these changes in the law relating to transfer to secondary schools will be well known to you.

The School has taken considerable lengths to ensure that its transfer criteria are lawful and to have it suggested publicly that this may not be the case is unacceptable.

Please provide by return of post an explanation of the identity and legal standing of Pace N. Ireland together with a list of the names and addresses of its Officers and a copy of its Constitution.

The School requires that you take immediate steps to amend your weblog to remove the offending references. You should make clear that you have received responses and remove those portions of your weblog which suggest that the School in some way would not fulfill its obligations in relation to parents and the transfer process or that it has acted unlawfully or that it has failed to comply with the law in relation to the fixing of its transfer criteria.

Pending action by you, the School, the Headmaster and its Governors reserve all of their legal rights in respect of this matter.

Yours faithfully

A handwritten signature in black ink, consisting of a stylized, cursive 'P' followed by a series of wavy lines.