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Education

22 April 1980

Your Secretary of State, accompanied by Lady Young, this afternoon spoke to the Prime Minister about outstanding Section 13 proposals, as set out in his minute of 21 April.

Mr. Carlisle explained the background to his intentions in respect of the two proposals relating to secondary provision in Islington and the proposals for Tameside. He said that he proposed to announce these on 6 May, unless events in the next few days led him to conclude that the proposals involving Highbury Grove required an earlier decision. The Prime Minister was content with these arrangements.

In respect of the proposals relating to Sutton Coldfield, Mr. Carlisle explained the background to his decision to accept. He intended to make the announcement tomorrow, 23 April. In the event of a change of political control on the Birmingham Council, it would be open to a new Council to submit a new Section 13 proposal, and this would be the cleanest means of dealing with the issue, although it was possible that a new Council would choose to deal with the matter in a different way involving further court action. The Prime Minister concurred with Mr. Carlisle's proposals in respect of Sutton Coldfield.

M. A. PATTISON

Peter Shaw, Esq.,
Department of Education and Science

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PRIME MINISTER

SUTTON COLDFIELD, TAMESIDE AND Highbury GROVE

I honestly think that Mr. Carlisle has got this wrong, at least as far as Sutton Coldfield is concerned.

There is no dispute anywhere about the merits of the decisions he is proposing, but only about their timing. If he goes ahead and announces Sutton Coldfield before the election, he has in mind that he is responding to the wishes of the local electorate in the catchment area of the school concerned, and I believe that he also has in mind the possibility of trying to force a Labour education committee in Birmingham to implement his decision. My guess is that what would actually happen is that the new administration in Birmingham would - with lots of publicity - simply sit back and say that they are not going to implement the proposal to change a comprehensive school into a grammar school when they are determined to complete comprehensive re-organisation in Birmingham as a whole.

Mr. Carlisle would then be faced with the choice of letting them defy him or trying to enforce his wishes by going to Court (under Section 99). I would have thought that Birmingham had a pretty good defence in any Court action, and the record of the DES lawyers over the years gives me little confidence that they would be reliable advisers in such a contentious case.

All my instincts are to suggest that, rather than Mark Carlisle laying himself open for this sort of trouble, he would do better to announce Highbury Grove before the local election (and therefore to take credit for a popular decision), and to defer both Tameside and Sutton Coldfield until after the elections on the grounds that he had not yet made his mind up. If pressed, he could with a straight face say that he was not going to play politics by announcing Section 13 decisions a couple of days before the elections. If Labour take over in Birmingham, they could then withdraw the proposal (assuming that a decision had not been announced) and there would be no great publicity about it.

there are no local elections in London, which helps

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It is very important, it seems to me, that there should be a successful act of converting a comprehensive school back to a selective school if the Government is to give its supporters evidence that it is willing to help all forms of secondary education, and to allow selection to be restored where that is the local wish. It is equally important that the very first example of such a change should be one where there is every prospect of a smooth transition, and not one where there is a chance - and perhaps a very significant chance - of the enterprise ending in humiliation.

MS

21 April 1980

cc: Mr. Pattison

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I have
added a further
note MS
21/4

10 DOWNING STREET

PRIME MINISTER

Mr Carlisle's note (A)
confirms the proposals
which Nick summarized
for you on Friday (B).

Mr Carlisle will discuss
these with you at 16.00
on Tuesday.

MAF
21/4.

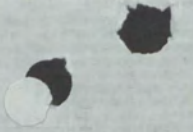
PRIME MINISTER

OUTSTANDING SECTION 13 PROPOSALS

1. As you know I have to make decisions on 4 sets of very difficult section 13 proposals. I am grateful to you for agreeing to see me tomorrow since I am now clear about what I wish to do and would like to discuss with you what I propose and the timing of the announcements that have to be made.
2. All 4 are highly political and it is relevant to the first and the last that the local elections are on 1 May. The first is Birmingham's proposal to change Sutton Coldfield Girls School, which is at present a Comprehensive, into a Grammar School which I am intending to accept so that girls will then be given the opportunities for grammar school education now available to boys in the area. I think I should announce this before the elections.
3. The second and third are the first instalment of ILEA's proposals to rationalise secondary provision in Islington as a result of falling pupil numbers. I am disposed to approve their proposal to create a new girls school by amalgamating Highbury Hill and Shelburne. As for the proposals involving Highbury Grove, however, I consider ILEA's intention to reduce the size of a popular and over-subscribed school to be contrary to our undertakings at the election. I intend to turn this down while approving the closure of Sir Philip Magnus, which is the other school involved in the Highbury Grove proposals and is under-subscribed as well as being on a limited site.
4. Tameside, the fourth, is the most difficult as I have to decide where the balance of the argument falls as between the proposals of the duly elected Council and the views of a very substantial group of objectors. Since these proposals are a hotly contested issue in the local elections I intend to delay any announcement until after 1 May. I am bound to say, however, that unless Labour do badly I would have little option but to approve the proposals. The Tameside electorate will then have had two opportunities to express their views on them through the ballot box.

M.C.

MARK CARLISLE
21 April 1980



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PRIME MINISTER

Mark Carlisle would like to come and have a word about three contentious Section 13 decisions which he has now made his mind up about. They are Highbury Grove, Tameside (where the Labour Council want to go comprehensive) and Sutton Coldfield (where the existing - Conservative - Birmingham District Council want to turn a comprehensive school into a grammar school).

Mr. Carlisle intends to turn down the ILEA's proposal on Highbury Grove, approve Tameside's re-organisation and approve Birmingham's proposal on the Sutton Coldfield school.

The reason he wants to see you is that he is worried about the politics of the timing of the announcements of these decisions. His present scheme is to announce Sutton Coldfield as soon as he has seen you, so that it will be publicly known before the local elections; to announce Highbury Grove the following week; and to announce Tameside a week after the local elections.

I also gather that he is at present minded to follow what could turn out to be a rather dangerous path so far as Sutton Coldfield is concerned. Birmingham is almost certain to go over to Labour control at the elections, and the incoming Labour Council will have to submit fresh Section 13 proposals, since the 1976 Act places a duty on authorities to implement approved proposals and they can no longer simply be withdrawn. Mr. Carlisle intends privately to turn down any such proposal from the new Birmingham Labour Council, assuming that there is sufficient local protest. I would not be at all surprised if Birmingham felt compelled to take him to court over any such decision, but I am told that he is confident that he could win the case.

Your diary is very full on Monday, but you could see him after Questions on Tuesday. Are you willing to see him at, say, 1600 on Tuesday 22 April? *Yes out.*

* or they could refuse to implement the approved proposals and challenge him to take s99 action against them. This would be uncharted legal territory. *MJS*

17 April 1980

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