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Dear Stan

EDUCATION (CORPORAL PUNISHMENT)

Mr Dunn met the Lord President of the Council, the Lord Privy Seal, the Chief Whip (Commons) and the Chief Whip (Lords) today to discuss further action following the withdrawal of the Education (Corporal Punishment) Bill.

It was pointed out that the House of Lords would probably wreck the exemption Bill again if it was reintroduced next Session; but they would accept an abolition Bill. The House of Commons would find great difficulty with either type of Bill and particularly with an abolition Bill; and divisions would be opened up within the Government side. Even if it were possible to carry an exemption Bill, the European Court of Human Rights might well ultimately direct the Government to abolish corporal punishment. Since there was little advantage and much disadvantage to be gained from a further attempt to legislate, the Government should first explore the alternative of taking administrative action to comply with the Court's judgement. A circular to education authorities would not be mandatory, and experience in Scotland suggested that full compliance was unlikely; but the failure of the Government's attempt to legislate constituted sufficient justification for making a genuine effort to proceed by administrative means. Some urban education authorities had already discontinued corporal punishment, so evidence of progress could be demonstrated to the European Commission.

The Lord President of the Council, summing up the discussion, said that education authorities and other bodies as appropriate should be consulted about the possibility of the Government issuing a circular allowing parents an individual right of exemption. If the consultations failed to result in issue of a circular, or a circular was issued but ultimately proved ineffective, the Government would at that stage need to return

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to the question of legislation which might itself require further consultation. All this would take time, which was no disadvantage in the circumstances.

I am sending copies of this letter to the Private Secretaries to the Prime Minister, the Secretaries of State for Education and Science, and for Scotland, the Lord Privy Seal, both Chief Whips and Sir Robert Armstrong.

*Yours Sincerely
Rm Lawrence*

PP

JOAN MACNAUGHTON
Private Secretary

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Corporal Punishment

The following questions stood upon the Order Paper:

2. **Mr. Andrew F. Bennett:** asked the Secretary of State for Education and Science, if he will make a statement about corporal punishment in schools.

The Secretary of State for Education and Science (Sir Keith Joseph): The Government will not proceed further with the Education (Corporal Punishment) Bill during this Session and will now consider the appropriate course for the next Session.

Mr. Bennett: Will the Secretary of State confirm that at the moment any teacher who applies corporal punishment to any pupil without the parents' consent would be extremely foolish and would be unprofessional, as he would be in contempt of the European Court ruling? Will he also confirm that it could lead to the Government spending anything up to £120,000—the equivalent of 13 or 14 teachers' salaries—in defending such a case, and to the pupil receiving substantial damages? Will the Secretary of State make it clear that no teacher should apply corporal punishment where the parents disapprove? As the Conservative party claims always to be the upholder of law and order, what steps will the right hon. Gentleman take to implement the court ruling, as the Government have already had four years to consider this matter?

Sir Keith Joseph: The teachers, along with all other citizens, are subject to the law of the land. As for the options before the Government, I have told the House that we are considering, for the next Session, which of the options to take.

Mr. Robert Key (Salisbury): Does my right hon. Friend accept that a large number of hon. Members on both sides of the House, many people in the teaching profession and many parents are pleased that the Bill is going no further? Does he further accept this does not represent some silly, Left-wing plot, and that corporal punishment is not the prerogative of the far Right? Is it not time that far more sense was talked about this issue in the House.

Sir Keith Joseph: I must say in support of my hon. Friend—although only to a limited extent—that there are many parents and teachers who, on the whole, would prefer that the right of moderate corporal punishment should remain within the decision of parents and teachers. That having been said, we have an obligation to the Court, to which we have subscribed, and the Government are considering the options.

Mr. Clement Freud (Cambridgeshire, North-East): Now that the Bill is not going through, which we welcome, will the Secretary of State for Education and Science devote the time that he would have spent on Third Reading and Report to resolving the teachers' pay dispute?

Sir Keith Joseph: I wish that my time alone could solve the teachers' pay dispute.

Mr. Fred Silvester (Manchester, Withington): Will my right hon. Friend confirm that, contrary to the suggestion of the Opposition, the present law is as it always was and that nothing that has come out of Strasbourg changes the position of this country?

Sir Keith Joseph: That is what I tried to say in answer to the hon. Member for Denton and Reddish (Mr. Bennett) who asked this question.

Mr. Martin Flannery (Sheffield, Hillsborough): Is it not utterly disgraceful that the Government should have introduced such an unworkable Bill which everybody knew, ultimately, they would have to be dragged, kicking and screaming, to get rid of? I see that on the Front Bench Ministers are smiling, but did we not in the Standing Committee warn them of the unworkability of the Bill? Is this not proof that the vast majority of the Government's policies are similarly unworkable and that they should withdraw all of them?

Sir Keith Joseph: In fact, the Bill passed its Second Reading in the other place without a Division.

Mr. Michael Latham (Rutland and Melton): Now that he is quite rightly dropping this ludicrous Bill, will my right hon. Friend look at another option that he rejected at Second Reading, which is to do nothing?

Hon. Members: Hear, hear.

Sir Keith Joseph: My hon. Friend gets a certain amount of support for suggesting that which this country has never done, that is, to break a treaty obligation.

Mr. David Young (Bolton, South-East): Has the Secretary of State taken on board the fact that he was warned on Second Reading that his Bill was completely unworkable? Now that he has had recourse to common sense, will he give instructions that no corporal punishment will take place until there has been another debate in this House?

Sir Keith Joseph: Even if I wished to do so, I have no such power. It is this House that controls, subject to the courts, the law. As for common sense, I never pretended that the exemption proposals that lay behind the Bill were without problems. But abolition has its problems, too, since we should not like to override the views of a large minority, if it be a minority, of parents and teachers who would prefer to keep the option.

Mr. Nicholas Winterton (Macclesfield): Does my right hon. Friend not accept that corporal punishment is an essential and vital sanction in schools? Does he not also accept that, without discipline and structure, little progress can be made in education? Will he therefore introduce legislation into this House to enable corporal punishment to continue in our schools, in accordance with the wishes of the majority of teachers and parents?

Sir Keith Joseph: I should like to agree with my hon. Friend, but there are two reasons why I cannot do so. First, many schools seen to achieve order and discipline without the use of corporal punishment. Secondly, we have a treaty obligation.

Mr. Tam Dalyell (Linlithgow): Would it not be fair to say that the Secretary of State has deserved and got, in his own words, a moderate thrashing on this subject? What has he learned?

Sir Keith Joseph: I have learned a proper sense of respect for the decisions of both Houses of this sovereign Parliament.

Mr. Geoffrey Dickens (Littleborough and Saddleworth): Does my right hon. Friend accept, without

Is it not intolerable that British criminals now residing in Spain will get away with their crimes because the legislation is not retrospective? Will my right hon. Friend call an urgent meeting with the Prime Minister of Spain to arrange for such criminals to be booted out, to come back to this country to face the consequences of their illegal acts?

The Prime Minister: I congratulate my right hon. and learned Friend the Home Secretary, and his team of officials on the way in which they have negotiated this extradition treaty with Spain. Although, as my hon. Friend said, it will not be retrospective, it will apply to anyone who enters or re-enters Spanish territory after it comes into force. Some of the United Kingdom fugitives in Spain may have to leave the country and re-enter to renew their residential permits. Others may be affected by a new law which gives the Spanish authorities stronger powers to expel undesirable aliens, so it should be an effective treaty.

Mr. Molyneux: Has the Prime Minister read early-day motion No. 921, and if so does she accept the constitutional principle that it asserts?

The Prime Minister: The right hon. Gentleman is referring to talks that are at present continuing between the Government in Dublin and the Government in the United Kingdom. He will be aware of the communiqué that was issued after Chequers, and of the full constitutional position, which protects the Unionists in Northern Ireland. Discussions continue, and should any agreement be reached, it will be a matter for debate in the House.

Later—

Sir Kenneth Lewis: On a point of order, Mr. Speaker.

Mr. Speaker: Is the hon. Member's point concerned with questions?

Sir Kenneth Lewis: Yes, Mr. Speaker. With your permission, may I revert to the question that was put to the Prime Minister by my right hon. Friend the Member for Brighton, Pavilion (Mr. Amery), when he sought to cane hon. Members for doing rather well out of the previous pay review body? In case it may be misunderstood, may I put it on the record—

Mr. Speaker: Order. That is a continuation of Question Time, and the hon. Gentleman, who has been here much longer than I have, must know that that is not in order.

Sir Kenneth Lewis *rose—*

Mr. Geoffrey Dickens: On a point of order, Mr. Speaker.

Mr. Speaker: Order. The hon. Member for Stamford and Spalding (Sir K. Lewis) knows that the whole House disapproves of the practice of continuing Question Time. I am sorry that the hon. Gentleman was not called.

Mr. Dickens: On a point of order, Mr. Speaker. I know that we have a great deal of work ahead of us this week, and there is an end of term atmosphere in the Chamber today, but you may have noticed, as I did, that during the early questions on education, when there were few Members in the Chamber, it was nevertheless very difficult to hear the contributions of one or two Members. I am sure that other hon. Members had the same difficulty. Similar difficulties must have been experienced in the Public and Press Galleries. That being so, is it possible to remind hon. Members that they are professional public speakers, and that everyone is entitled to hear what they have to say.

Mr. Speaker: Order. I do not think that the House has any difficulty in hearing the hon. Member.

Sir Kenneth Lewis: Further to my point of order—

Mr. Frank Cook: On a point of order, Mr. Speaker. If I were to be successful in catching your eye during Question Time and were to pose a question related to someone else's supplementary question and tried to introduce a new topic, you would rightly correct and admonish me.

Bearing in mind the fact that there were howls of outrage from Conservative Members when my hon. Friend the Member for Stoke-on-Trent, Central (Mr. Fisher) merely mentioned the name of an American card game, will you, Mr. Speaker, as guardian and protector of the Chamber, do something when the Prime Minister waffles on ad nauseum about any topic other than the subject of the question? Can you constrain her to confine herself to the subject?

Mr. Speaker: I am protector of the Back Benches, but today the Prime Minister was called upon to answer a somewhat lengthy question from the Opposition Front Bench. That is fair enough.

Sir Kenneth Lewis: On another point of order, Mr. Speaker.

Mr. Speaker: Well, a totally different point of order?

Sir Kenneth Lewis: Yes, Sir. Can you confirm for me that we had to wait five years, because our pay rise was phased over a whole Parliament?

Mr. Speaker: I cannot remember.

ancing words, that one of the root causes of football crowd disorder and complete lack of respect for authority is the lack of discipline in the home and definitely in the schools? If that is accepted, would it not be sensible, for once, to defy the conventions of Europe and reintroduce corporal punishment into our schools to try to restore order and discipline to this country?

Sir Keith Joseph: I agree with my hon. Friend's objective but I do not quite share his self confidence in the diagnosis.

Mr. Robert MacLennan (Caithness and Sutherland): Does the Secretary of State not agree that the freedom of parental choice in these matters, which was secured by the European Court, should not be put in question by any further decision of the Government about the right of petition to the Commission which the Government will have to take in the next Session of Parliament? Will he give a guarantee that whatever may be the Government's views about renewing the right of individual petition, he will bring the law of this land into conformity with the judgment of the European Court?

Sir Keith Joseph: If we did not accept such an obligation, we would not have introduced the Bill and I would not have spoken of deciding which option we should follow next Session.

Mr. Eric Forth (Mid-Worcestershire): Does my right hon. Friend agree that the whole episode is a tribute to the wisdom of the other place, and that the role played by the Upper House in our constitution has been more than amply fulfilled by this excellent example? Therefore, will he give very long and careful thought before introducing any other Bill which could run into the same common sense in the Upper House?

Sir Keith Joseph: I say yes, with qualifications, to the first part of my hon. Friend's question, but I can agree with the second part.

Mr. Reg Freeson (Brent, East): In all seriousness, is it not a sad commentary on Britain, which has such a proud record of civilised values and standing, that almost alone among west European countries we should still be debating this issue? Why does not the right hon. Gentleman introduce a one clause Bill to abolish corporal punishment, and fall in line with all other civilised practices?

Sir Keith Joseph: That would run against the views of a substantial minority of parents and teachers, and I think that this House should hesitate before encouraging the Government to do that.

Mr. Peter Thurnham (Bolton, North-East): Does my right hon. Friend agree that his job would be much easier if we gave six months' notice to leave the EEC?

Sir Keith Joseph: My hon. Friend's comment would be more suitably addressed to my right hon. and learned Friend the Foreign Secretary, but I have heard it.

Mr. Harry Greenway (Ealing, North): Does my right hon. Friend accept that the vast majority of parents and teachers are opposed to the abolition of corporal punishment, particularly until suitable alternatives have been thought out? Will he resist Labour and Liberal party pressure which is designed to take us to a Swedish situation in which five-year-old children are encouraged to take their parents to court for smacking them?

Sir Keith Joseph: There is ample evidence from this short debate that the differences of opinion here are reflected in the country as well.