

PRIME MINISTER

POLITICAL INDOCTRINATION IN SCHOOLS

You will remember that the Lord President was unhappy with the line Sir Keith Joseph was planning to take on Baroness Cox's amendments to the Education Bill.

The attached letter to DES (Flag A) sets out the Lord President's views. I think you will be happy with the line he is taking. In particular, you will note that the Lord President will be meeting Lady Cox and telling her that every effort would be made to produce some proposals for the Bill, on indoctrination, on which she could be consulted before the Report Stage.

Also attached (Flag B) is a letter from the Lord Chancellor which confirms the Law Officers' view about the dangers of involving the judiciary in the arbitrating on the question of political indoctrination.

MEA

Mark Addison
16 April 1986

JALAPQ

010

CCBG

CONFIDENTIAL



PRIVY COUNCIL OFFICE
WHITEHALL, LONDON SW1A 2AT

16 April 1986

Dear Mr Smith

EDUCATION BILL

Your Secretary of State came to see the Lord President this morning about amendments relating to political indoctrination. Lord Denham and Lord Swinton were present.

As I explained, the Lords Ministers outlined to Sir Keith the breadth and vigour of feeling in support of legislative provision to deal with a problem whose existence was generally acknowledged from all quarters of the Lords. There could be no prospect of avoiding defeat on any particular amendment that might be pressed by Lady Cox and her supporters at Report Stage. Indeed, the vote against might well be derisory, given the likelihood of abstention by the official Opposition and given the known position of prominent Alliance peers. Although the various methods of increasing support for the current Government position were explored, it was agreed that the prospects of success were minimal even if the disadvantages attaching to such action could be overcome: and they were considerable.

The Lord President said to Sir Keith that the consequences of such a defeat extended far beyond the Education Bill, to the whole management of the Government's programme. He could not run the risk of those consequences without first reporting back to the Prime Minister. He and Lords Denham and Swinton also took the view, which Sir Keith accepted, that using the Commons to overturn such a decision was hardly viable. There were likely to be difficulties anyway with Government backbenchers on the issue; and such difficulties would be stoked up by those at the centre of the very effective coalition in the Lords. Indeed it was Lord Denham's strongly held view that only use of the Parliament Acts could deliver a Bill without the kind of amendment favoured by Lady Cox and others.

The Lord President reiterated that he was fully seized of the difficulties of making legislative provision in this controversial area. The undesirability of putting the judiciary in the position of having to make judgements on these questions was evident; though there were precedents of areas where policy questions merged into political ones; areas in which the courts had a role. However, for all that, Sir Keith accepted the hard fact that some provision would be in the Bill, and the choice was whether it was of Lady Cox's or the Government's devising. He

Rob Smith Esq

CONFIDENTIAL

would do his utmost to ensure it was the latter. He undertook to examine whether placing a responsibility for making directions on the Secretary of State for Education might produce improved scope for action against the political indoctrination. Alternatively, allegations of partisan political teaching might be referable to an independent board or tribunal, say of three "wise men", which might have as chairmen or members retired senior judges or former members of HM Inspectorate of Schools. It ought not to be impossible to devise some such scheme which avoided involving the courts in the first instance. This would have advantages notwithstanding that it would be impossible to oust their jurisdiction in relation to judicial review. Clearly the details of any scheme would be for further discussion in a more suitable forum; the Police Complaints Authority or the Board established under the Legal Aid (Scotland) Bill (see Clauses 24 and 31) have been mentioned in this context.

It was agreed that, not least in order to facilitate the passage of Government business, the Lord President would see Lady Cox; would stress how concerned the Government were to meet her desire for some provision in the Bill to deal with the problem of political indoctrination; and that he would ensure every effort was made to produce some proposals on which she could be consulted before Report Stage.

Sir Keith was informed that the Lord President would convene a further meeting before then, to which Lady Cox would be invited.

I am sending a copy of this letter to the Private Secretaries to the Lord Chancellor and the Solicitor General as you requested.

*Yours sincerely
N. Gubbins*

mp

JOAN MACNAUGHTON
Private Secretary

Edme; Gen Policy Pt 6

