

CONFIDENTIAL

Mark, You wanted to see the report of this meeting.

Minute of Meeting held on Thursday 24 April 1986
at 4.30 pm:

JP
3014

Education Bill

MGA

Present: Lord Chancellor; Seaton, Gladwell,
Secretary of State for
Education and Science; Ulrich,
Solicitor-General; Inglese

The Secretary of State opened the meeting by saying that the Government was facing a huge campaign, led by Lady Cox, to include a provision in the Education Bill against indoctrination in schools. He accepted the noxiousness of indoctrination but said that the problem was securing evidence. He had been urged by the Lord President if humanly possible to come up with an amendment which would satisfy Lady Cox, Lord Home and others.

2. The Lord Chancellor indicated that he did not have the same objection to judicial review as he would have to the direct involvement of the judiciary: before that it would anyway be necessary to have delicate consultation with the judges. Although it would not be possible to keep the Courts out altogether [Anisminic] some sort of a Tribunal might be considered. The Secretary of State however questioned the effectiveness of such a tribunal and its likely cost.

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3. The Lord Chancellor thought it impracticable to ask judges to decide what was indoctrination, or to give them an objective set of criteria. He would like to avoid the suggested statutory duty on LEAs and schools to promote a responsible approach to political issues (see Annex), though he considered that the Act might contain an objective statement of a positive duty on those lines: on the LEA and the teacher to approach political issues responsibly (subject to guidelines to be issued by the Secretary of State), failure to observe it amounting to professional misconduct to be determined by an impartial tribunal. The more insidious problem was the persistently indoctrinating teacher against whom the LEA could get no evidence. Although he did not like tribunals [Occam's razor], as protector of the judiciary he felt there should be a green baize door between them and politics. If they were directly involved it would be difficult to keep them out of controversy and individual judges would rapidly get political reputations. But on judicial review, vires and Wednesbury would provide alibis. He would be prepared to appoint members to a tribunal, after consultation with the Secretary of State.

4. The Solicitor-General suggested that the test might be, 'professionally' responsible manner.

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6. The Secretary of State said he would report the outcome of this meeting to the Lord President who would have to negotiate with Lady Cox. If the tribunal-idea failed it would be necessary to consider the direct approach. The Lord Chancellor said that the cost/effectiveness argument against a tribunal was always one which had to be met.

D.J.

D J Gladwell

Private & International
Law Division
SO/02 (HL)
219 -5648

25 April 1986

POLITICAL INDOCTRINATION

Draft new clause - fourth version

BEFORE CLAUSE 37

Insert the following new Clause-

("Duty to
secure
responsible
treatment
of political
issues.

. The local education authority by whom any county,
voluntary or special school is maintained, and the governing body
and head teacher of the school, shall take such steps as are
reasonably practicable to secure that where political issues are
brought to the attention of pupils while they are-

(a) at the school; or

(b) taking part in extra-curricular activities which are
provided or organised for registered pupils at the
school by or on behalf of the school;

those issues are dealt with in a responsible manner.")

Education: Policy Pt 6

