



DEPARTMENT OF EDUCATION AND SCIENCE

ELIZABETH HOUSE, YORK ROAD, LONDON SE1 7PH

TELEPHONE 01-928 9222

FROM THE SECRETARY OF STATE

12 April 1984

Jan Willie

CORPORAL PUNISHMENT

As I mentioned to you recently, we have been studying reaction to the consultative document issued jointly last Summer by this Department and the Welsh Office Education Department on the use of corporal punishment in schools. The document, you will recall, expressed our intention to allow maintained schools in England and Wales to retain corporal punishment as a sanction but, in order to comply with a judgment of the European Court of Human Rights in 1982, undertook to give parents the right to exempt their children from such punishment.

The primary purpose of the document was to seek views on the practical implications of an exemptions scheme. As I anticipated, the scheme was criticised on the grounds that having two kinds of pupils in a school - those who can be given corporal punishment and those who cannot - will cause difficulties. Indeed, the criticism was so strong that I suspect that many schools will not give the scheme even a chance to get off the ground; they will sidestep the legislation by banning corporal punishment altogether.

On the basis of replies to the consultative document and of informal soundings, and bearing in mind that a number of local education authorities have already banned corporal punishment in schools throughout their areas, an informed guess would be that, even before the legislation took effect, the sanction would have been withdrawn except in a small minority of schools. So, for the sake of a comparatively small number of institutions (possibly five to ten per cent), we would be taking through the House a Bill which even some of our supporters will attack on the grounds of impracticality.

/My own

The Rt Hon Viscount Whitelaw PC CH MC
Lord President of the Council
68 Whitehall
London SW1A 1AT

RESTRICTED

My own views on this are unchanged. I believe that the public large is not opposed to corporal punishment in schools and that, within the limits set by the European Court of Human Rights, we should give schools the right to choose whether they wish to use it or not. We shall be criticised for bringing in the scheme but it seems to me that we should be even more criticised if we actually banned the practice, removing all choice. I felt, however, that I should warn colleagues that we can expect the Bill to receive a stormy reception next Session, and at the end we could see corporal punishment disappear from all but a minority of maintained schools. I am more sanguine about being able to leave independent schools with a free choice on this issue, because for these schools our intention is to confine the impact of exemption arrangements to those children who are placed there by local education authorities or through the Assisted Places or similar Schemes.

I am copying this to the Prime Minister, members of H Committee, the Attorney General and Sir Robert Armstrong.

Yours ever,

Keir

CC MR GLICKMAN
 MR COLLEY
 MISS GROWN
 MR ULRICH
 MR BIRD
 MR HALSEY
 SCI
 MR COLEMAN
 MR JAMGSON
 MR STUART
 CI MR LORD
 MR BAISH
 MR INGHAM
 MR WALMSLEY
 MR SERTON