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SCOTTISH OFFICE  
WHITEHALL, LONDON SW1A 2AU

CONFIDENTIAL

The Rt Hon Sir Keith Joseph Bt MP  
Secretary of State for Education and Science  
Department of Education and Science  
Elizabeth House  
York Road  
LONDON  
SE1 7PH

*Dub*  
*22/6*

*21* June 1984

*Dear Keith,*

CORPORAL PUNISHMENT IN SCHOOLS

I understand that you intend to announce shortly your proposals for legislation to allow parents of pupils in maintained schools in England and Wales the option to exempt their children from corporal punishment but that you have still to decide on what action, if any, should be taken with regard to pupils in assisted places.

I too will have to announce similar intentions and ideally we should make the announcements simultaneously. However, I fear that waiting for decision on assisted places pupils, on which I think we must be agreed, is likely to pose difficulties for me. As you know I have, in pursuit of voluntary action by Scottish education authorities, suggested publicly on a number of occasions that I considered the end of the 1983/84 school session this month to be a reasonable target date for completion of the process of voluntary elimination. If I do not make an announcement before the end of June it seems to me to be very likely that I shall have to face Questions anyway about the position in Scotland. In doing so I do not think I could avoid making clear my intention to introduce legislation.

Naturally I would prefer to announce my intentions in the normal manner by reply to an Arranged Question and I propose to do so as soon as possible. This will doubtless mean leaving aside the question of the assisted places pupils but, in the circumstances, this is unavoidable. I do not in any event think that it is vital to say anything at this stage about the assisted places scheme. I am enclosing for your information the text of what I propose to say.

I hope you will feel able to make your announcement simultaneously and, if so, our officials can make the necessary arrangements. If on the other hand you prefer to delay your announcement I hope you will accept that what I propose will not cause you any difficulty particularly since your intention to legislate was made clear in the consultation document you issued last year.

I am copying this letter to the Prime Minister, the Lord President of the Council, the Lord Chancellor and Nicholas Edwards.

Yours very,  
George.

DRAFT ARRANGED QUESTION AND ANSWER

----- to ask the Secretary of State for Scotland what is the position with regard to compliance in Scotland with the judgement of the European Court of Human Rights in the case Campbell and Cosans v. the United Kingdom concerning the use of corporal punishment in schools; and if he will make a statement.

SUGGESTED REPLY:

Compliance with the Court's judgement means that there must be respect in schools for the philosophical convictions of parents against the use of corporal punishment. It remains my view that this would be best secured by completion of the voluntary process of elimination of corporal punishment in education authority schools which has been the long standing general aim in Scotland. Most education authorities have taken positive steps to this end, though not all will meet the target date of the end of the 1983/84 school session which I suggested. I will continue to press those few authorities which have not yet taken steps to eliminate corporal punishment in their schools to do so.

Most education authorities have also taken measures to ensure that, until the process of elimination is completed, there will be respect in their schools for the philosophical convictions of parents against the use of corporal punishment. The Court's judgement is binding upon the Government and I have decided that it is now right for me to take steps to support those authorities which have already acted and to ensure through legislation ~~minimum~~ compliance throughout Scotland with the judgement.

It is therefore my intention to introduce <sup>when Parliamentary time permits</sup> ~~as soon as possible~~ a Bill to provide for parents of pupils in education authority schools to have the option to exempt their children from corporal punishment.