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DEPARTMENT OF EDUCATION AND SCIENCE
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FROM THE SECRETARY OF STATE

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let D's have some
comments of my own.
DUB
25/10

The Rt Hon Nicholas Edwards MP
Secretary of State for Wales
Gwydyr House
Whitehall
LONDON SW1A 2ER

24 October 1984

Jan Morris

CORPORAL PUNISHMENT IN SCHOOLS

will request if required

In my letter of 14 August I mentioned my intention of making a further report to the House about corporal punishment legislation during the spill-over period. George Younger subsequently confirmed that he was content with this arrangement and that he intended to make a simultaneous announcement regarding the position in Scotland.

I now attach, together with a copy of my earlier statement, a draft of the further report which I propose to make, and I should be grateful for any comments which you or copy recipients might wish to offer. It was always my intention to make this report through a pursuant Answer and I would prefer to keep to this, subject to John Biffen's views. But this does mean that it would be desirable to give the Answer by the end of this week.

I am copying this letter to the Prime Minister, Willie Whitelaw, Geoffrey Howe, George Younger, John Biffen, Norman Fowler and Douglas Hurd.

Jan Morris

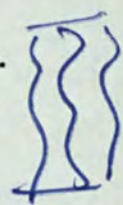
CORPORAL PUNISHMENT LEGISLATION

DRAFT PARLIAMENTARY QUESTION AND ANSWER

MR RICHARD RYDER (Mid Norfolk): To ask the Secretary of State for Education and Science, what plans he has in relation to corporal punishment in schools: and if he will make a statement.

SIR KEITH JOSEPH [Pursuant to his reply on 28 July 1983 (Col 545)]

My rt hon Friend the Secretary of State for Wales and I issued a consultative document on 28 July 1983 inviting comments on the practical issues involved in introducing arrangements which would allow parents to exempt their children from corporal punishment in schools. Over 100 organisations and individuals responded, and it is clear that there is concern about an exemptions system. We remain of the view, however, that decisions on the use of corporal punishment should be left to the schools themselves and informed by the views of parents.



After careful consideration of all the comments, we have concluded that the legislation envisaged in the consultative document should require schools to seek the views of parents of all children who might be subject to corporal punishment. The alternative of leaving the initiative to parents to make their wishes known to schools would involve too great a risk of mistakes and misunderstandings.

The legislation will apply to all maintained schools and to non-maintained special schools. It will also impose comparable obligations on independent schools in relation to local authority placements, to places in the Music and Ballet Scheme and to places provided under the Assisted Places Scheme.

We propose to introduce the necessary legislation in the next Session.

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Hansard 28/7/83 Vol 46 N:32
Col. 548

Corporal Punishment

Mr. Ryder asked the Secretary of State for Education and Science what plans he has in relation to corporal punishment in schools; and if he will make a statement.

Sir Keith Joseph: As a party to the European Convention on Human Rights since 1951 the Government are bound by the decisions of the European Court of Human Rights in any case under the convention to which they are a party. In the Campbell and Cosans case the court decided that where a parent holds a philosophical conviction against corporal punishment at school this must be respected by the state. My right hon. Friend the Secretary of State for Wales and I intend to give effect to the court's judgment in England and Wales proposing in due course legislation which will grant to parents who hold a conviction against corporal punishment the right to have their children exempted from corporal punishment in maintained schools. We believe that parents will exercise this right responsibly.

We are concerned to allow schools the maximum freedom, consistent with such a right of exemption, to employ for the maintenance of discipline such sanctions, including corporal punishment, as they judge to be appropriate. We also wish to maintain the tradition under which teachers act in loco parentis and concern themselves with the personal and social development of pupils; and to preserve the balance of responsibilities, in relation to school discipline, between LEAs, governors and head teachers.

There are several possible ways in which these objectives might be met. In order to develop a detailed scheme which can be embodied in legislation, my right hon. Friend and I will consult widely on the practical issues involved. We have today published a consultation document with a request for comments by 30 November 1983. Copies are available in the Vote Office. My right hon. Friend the Secretary of State for Northern Ireland will be issuing a similar document.

When these consultations have been completed we intend to make a further report to the House.

24 OCT 1984

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