

Note

I passed the PMS comment
on to Mr Whitney's file.
The Lord President will be
concerning similarly. Rene's
situation after how others have
advised. BF in 1578 / BF
W

PRIME MINISTER

RAY WHITNEY AND THE DAILY MIRROR

You may recall that Ray Whitney got a letter published in the Daily Mirror as a counter balance to its campaign of scare stories on the NHS. The Mirror responded by publishing an editorial headed "You're a liar, Mr. Whitney". This is at Flag A.

Ray Whitney has now asked the Law Officers (as he is bound to do by Questions of Procedure for Ministers) about the possibility of an action for defamation.

A note by Bernard is at Flag B. Ministers are not required under Questions of Procedure to consult you before proceeding and we should obviously have to tread very carefully when a Minister feels, as in this case, that the press has over-stepped the mark of legitimate comment. If you wished, however, we could indicate informally to Norman Fowler's office that you hope that the Secretary of State will keep a close eye on the situation and ensure that an action against the Daily Mirror was taken only after the most careful consideration by Mr. Whitney and his advisers. The point is surely that the kind of scurrilous campaign being waged by the Daily Mirror has to be fought by political means and not by resorting to the courts. As Bernard has said politicians would seldom be out of the courts if they issued writs every time they are accused of not telling the truth.

Would you like us to give an informal indication to Norman Fowler's office as I have suggested?

W

TIM FLESHER
4 August 1986

VSCAAF

To sue would only land Ray
in months months of worry and
concerns about BF as well. We are all
enjoy when this happens - but I am sure it is
best not to resort to the courts. not

MIRROR COMMENT

You're a liar, Mr Whitney

ACCORDING to the man in charge, Mr. Ray Whitney, Parliamentary Under Secretary of State for Health, there are no shortages, no sufferings and no scandals in our hospitals. Millions of our readers know better. That is why we are writing an open letter to him:

Dear Mr. Whitney,

In the Commons last week, you said the Daily Mirror invented the story that Addenbrooke Hospital, Cambridge, didn't have enough cash for a machine to keep children alive.

YOU ARE A LIAR.

Using Parliamentary privilege, you defamed our reporter Jill Palmer.

She is accurate, honest and scrupulous in exposing the health service crisis. You are inaccurate, dishonest and unscrupulous in denying it.



HONEST: Reporter Palmer



UNSCRUPULOUS: Whitney

Your Commons lie wasn't your first. You pester The Editor with fiction about Jill Palmer.

FICTION: You said her March 3 report that Middlesex Hospital cuts led to a baby being sent home to die was untrue. **FACT:** It was true. We can prove it.

FICTION: You said her April 28 report that a baby nearly didn't make it into the world because of cuts was untrue. **FACT:** It was true. We can prove it.

FICTION: You said her July 3 report of Maudsley Hospital patients having to sleep in the corridor was untrue. **FACT:** It was true. We can prove it.

Shameful

If you want the truth first hand, talk tants, doctors, nurses. Jill Palmer does

In the interests of the sick, we shall go on exposing you and your Government's shameful neglect of Britain's health service.

No amount of lies will stop us.

*Yours sincerely,
The Daily Mirror.*

PS: For the latest cash-out scandal, read Jill Palmer's exposure of the £1 million life-saver a hospital can't afford to use—SEE PAGE 15.

MR FLESHER

MR WHITNEY - DAILY MIRROR

You sought my advice on Mr Whitney's proposal to:

- i. sue the Mirror Group; and possibly to
- ii. refer the Mirror to the Press Council.

My first point is that I think Mr Whitney should proceed with caution and in consultation with his Secretary of State. It is not clear to me that the DHSS has pursued the Mirror's campaign with consistent vigour, and you will recall that we had to urge them to set the facts on Parliamentary record - an action calculated, I believe, to put them in a strong position in relation to all critics and campaigners.

Second, Questions of Procedure for Ministers (Para 24) requires Ministers to consult the Law Officers before consulting their own solicitors "in order to allow the law officers to express a view on the handling of the case so far as the public interest is concerned or, if necessary, to take charge of the proceedings from the outset".

Para 122 is clear that Ministers who wish to make a complaint against a journalist, or a particular section of the media, to the Press Council "must have the authority of the Prime Minister". The nature of the complaint and the case for referring it should be set out in a letter to the Chief Press Secretary, copied to the Secretary of the Cabinet.

However, this does not affect my advice. I believe Ministers should think very carefully about legal proceedings, except in the most outrageous circumstances.

A great many writs would be issued if Ministers sued every time they were called a liar or their veracity was impugned.

I am less hostile to a reference to the Press Council for I think Mr Whitney has a good case against the Mirror's objectivity and balance on the evidence available. It is, however, the case that we cannot rely on a favourable Press Council finding. Much would, of course, depend on the precise nature of the complaint.



BERNARD INGHAM
4 August 1986

CONFIDENTIAL



DEPARTMENT OF HEALTH AND SOCIAL SECURITY

Alexander Fleming House, Elephant & Castle, London SE1 6BY

Telephone 01-407 5522

From the Parliamentary Under Secretary of State for Health

Mark Addison Esq
10 Downing Street

1 AUG 86

Dear Mark

THE DAILY MIRROR

You will wish to be aware that my Minister is contemplating the taking of an action against Mirror Group Newspapers for defamation. I am therefore copying the attached papers to you for information. A copy of this letter, and enclosures, also goes to Joan MacNaughton in the Lord President's Office.

yours ever

Mark Fisher

MARK FISHER
Private Secretary

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DEPARTMENT OF HEALTH AND SOCIAL SECURITY

SOLICITOR'S OFFICE, Room B905,
Alexander Fleming House, Elephant and Castle
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Telex: 22106

Telephone: 01-407 5522, ext. 6706

Your reference:

Our reference:

M Saunders Esq
Legal Secretary
Law Officers' Department
Royal Courts of Justice
Strand
LONDON WC2A 2LL

31st July 1986

Dear Saunders,

The Parliamentary Under Secretary (Health) has requested that I write, pursuant to paragraph 24 of "Questions of Procedure for Ministers", to seek the view of the Law Officers in connection with an action for defamation which he is contemplating taking against the Daily Mirror Group of Newspapers in respect of an editorial which appeared on 10th July (flag A in the bundle) entitled "You're a liar Mr Whitney". In accordance with the advice in paragraph 24 he has not yet sought advice from his own solicitors.

Over the past few months, the Daily Mirror has run a number of NHS "scandal" stories alleging in each case that these are further examples of the effect of NHS cuts. In each case, investigation has shown the stories to be completely untrue or very seriously distorted.

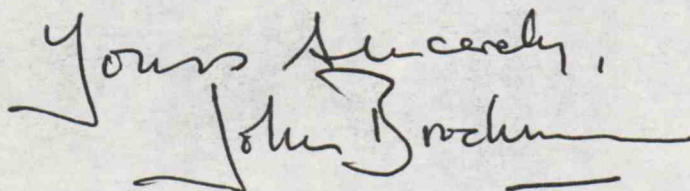
A summary of the main allegations, about incidents at the Middlesex, Maudsley, Addenbrookes and St George's hospitals, and of the true position, is set out at flag B of the bundle; the press cuttings relating to those, and other, cases are set out in flag C. At flag D are the unpublished responses respectively of the Middlesex (press statement), and consultants at the Maudsley (letter to Mirror of 9th July), and at Addenbrookes (letter to Mirror of 15th May).

At flag E is correspondence which has passed between PS(H) and the Daily Mirror Group, beginning with a letter of 14th March in which Mr Whitney pressed for the true facts concerning the case at the Middlesex to be published, and culminating

in his letter which was published on 11th July and subsequent correspondence. At no time since 10th July has the Mirror retracted its allegation of 19th July (flag A) that Mr Whitney was "a liar".

Reference is made in the correspondence to Mr Whitney's interview on TV am on 9th April; a transcript is enclosed at flag F. It is thought that the Mirror comment of 10th July may have been stimulated by Mr Whitney's reference to one of the allegations in an adjournment debate on 1st July (extract from Hansard at flag G). I should add that consideration is being given as to whether reference should be made to the Press Council concerning the Mirror's campaign.

In the light of these events, my Minister would welcome any view the Law Officers' may have on the handling of the matter so far as the public interest is concerned, and to know whether they would be prepared, as envisaged in "Questions of Procedure", to take charge of any proceedings.

Yours sincerely,


J St L BROCKMAN

MR. INGHAM

cc MR. NORGROVE ✓

DAILY MIRROR/DHSS

Following your minute of 17 July, I talked to Tony Laurence in the DHSS Private Office about progress for countering the continued misrepresentation of the NHS by the Daily Mirror. I particularly asked about the prospects of a series of Parliamentary Answers nailing the Mirror's stories.

Tony Laurence said he would investigate this further. His office tell me that drafts were circulated within the Department at the weekend. Tony Laurence will be in touch, later today I hope, with further news. Meanwhile, you may want to explore what is happening on your front.

N. L. WICKS

21 July 1986

nat. health exp.

CONFIDENTIAL

PC B/F NW
21 July

MR WICKS

DAILY MIRROR/DHSS

We have only a week left in which to employ the procedures of Parliament against the continued misrepresentation of the NHS by the Daily Mirror (further example attached) on the lines we discussed.

I do hope some action is being taken to table Questions and/or Early Day Motions.

I am copying to Romola Christopherson who has yet to take up her post at DHSS.

Spale banana
he is pursuing.

NW
17.7

[Signature]

BERNARD INGHAM

17 July 1986

● FOR THE PRIME MINISTER - THURSDAY 17 JULY 1986

MIRROR ARTICLE - 17 June 1986

Guy's Hospital

Children's Cardiac Unit

Line to Take

This is another example of a misleading and melodramatic press story which paints a false picture of the standard of health care in a London teaching hospital and is liable to cause unnecessary alarm to the parents of children awaiting treatment.

First and foremost, the Children's Cardiac Unit is not faced with cut backs. It has recently in fact expanded from two beds to four. The only delay in making it fully operational is the time it is taking to recruit the right calibre of paediatric nurses to staff the two extra beds. It is not, repeat not, a question of money. Meanwhile all emergency cases are being covered.

The temporary closure of 8 of Guy's 11 operating theatres has been brought about by the need to upgrade the air conditioning system. All emergency cases will be covered in the remaining 3 theatres. By early September all 11 theatres will be in full working order and even better able to provide health care facilities for patients.

2. Ground Note

It is totally false to claim, as the article does in its last but three paragraph on page two, that "the hospital can only staff two intensive care beds". Bed numbers in the children's cardiac unit have recently been doubled from 2 to 4. However paediatric nurses of the right calibre have not yet been recruited to staff these two extra beds. Guy's has the funds to recruit the additional staff, it is not a question of money, but, like other hospitals, it is finding it difficult at present to attract agency or NHS nurses in this particular specialism.

It is possible that the two staffed beds in the Unit were occupied in June when Hayley's operation was postponed. This delay was emphatically not due to cost cutting. No child will be asked to wait for an operation if by doing so their health will suffer. This applies to 'hole in the heart' children for whom a delayed operation will not be critical. Emergency cases must always take priority.

Temporary Closure of Operating Theatres

In June Legionella was discovered in the air conditioning system feeding 8 of the 11 operating theatres at Guy's. This system had to be replaced. Work on replacement will take over six weeks but by careful planning closure of the theatres will last for six weeks from 4 August.

Meanwhile, the remaining three theatres, fed by a separate air conditioning system, will be covering emergency cases.

EXPENDITURE FROM 1979

<u>Year</u>	<u>Net Cash Expenditure (Regional Allocation)</u>
1979/80	£61.2m
1980/81	78.3
1981/82	88.4
1982/83	93.3
1983/84	99.6
1984/85	102.5
1985/86	107.2

DAILY Mirror

17 III 1986

CRISIS IN THE NHS



Face that

shames

Thatcher's

Government

By JILL PALMER

JUNIOR Health Minister Ray Whitney wings that things aren't rally too bad in our hospitals. Tory chairman Norman Tebbit whines about "scurrilous" Daily Mirror reporting on the Health Service Crisis.

But here's a picture that shames them both — the face of a child who waits for life saving heart surgery which she can't get done oin the cash-starved NHS.

Twenty-month old Haley Knight must have the operation to mend a hole in her heart and repair

● Turn to Page 2

Tories' shame

● From Page One

an artery before she is two years old.

But Guy's Hospital in London, where she is a patient, is closed to all routine surgery for the next six weeks.

Now Haley's anxious parents are trying to raise £5,500 to have the operation done privately.

Her 25-year-old father Stephen, from Woolwich, South East London, said: "Haley keeps having blue spells where she can't breathe and has to be rushed into our local

"The doctors tell us they will consider her for the operation when they reopen in September. But by then there will be so many children on the waiting list that we are frightened she might not get it done.

Fear

"She needs the operation as soon as possible and if it means paying that is what we will do."

Haley should have had the operation in April but went down with a bug.

She was due to be readmitted to Guy's in June. But all children's heart operations — including emergencies — were stopped for two weeks because of cash cuts and a shortage of nurses.

The hospital can only afford to staff two intensive-care beds and both were occupied.

New Guy's is closing to all but emergency surgery for six weeks while work is done on the air conditioning.

Surgeon Max Rendell, clinical superintendent at Guy's, said: "Only three operating theatres will be in action so we will only do emergency surgery.

"Stopping admissions will save money, but that is not the primary purpose."