

response

PRIME MINISTER

Richard Holt MP

May I consult you please on a rather difficult request that we have had from the above. You may recall that in May last year Richard Holt asked you a question on which he had given us notice about the activities in a school for disabled children near his constituency of teachers who withdrew from lunchtime supervision leaving the Headmaster to cope alone. I attach a copy of the Hansard exchange. Your reply was based on enquiries which we had made through DES.

As is often the case with these reports there were differing accounts of what was really going on. Although it seems that what both Richard Holt and you said was essentially true the local teachers' union put a different interpretation on events at the school. They accused Mr Holt, in an article in the magazine "The Teacher" of giving a false impression and leading you into making an untrue response. Mr Holt subsequently decided to sue the magazine and the authors of the article for libel.

That is the background. The nub of our problem is that Mr Holt wishes to strengthen his side of the case by saying that the facts in his question were verified by an independent check carried out by the Prime Minister's office. The first and relatively minor problem is that we had no independent

source of information other than through the DES and the local education authority. That is relatively easily resolved.

The second and much more difficult problem is that if Mr Holt's solicitors place in their formal evidence before the court a formula along the lines which he is suggesting there is a possibility, which Treasury Solicitors have confirmed, that a member of No. 10 staff will be called to give evidence about internal workings of this office. This is all the more likely since the teachers' lawyers will be far more interested in causing embarrassment than in seeking truth.

Neither Nigel nor I believe this risk to be acceptable. Even if this were a well-founded libel action (and I must say that it looks like a pretty eccentric one) I would still be extremely reluctant to get this office involved in a way which would expose members of the Prime Minister's personal staff (which essentially means Nicky Roche or myself in this case) to the risk of being asked questions in court about how we brief you for Prime Minister's Questions. In the present case I can see no advantage whatsoever in doing so. This does however mean that No. 10 would be turning down a request for help from a Conservative backbencher and for that reason I seek your agreement to the line that we are proposing.

Agree to instruct Treasury Solicitors to turn down the request from Mr Holt's solicitors for No. 10 to be ^{prayed in aid} ~~pray in aid~~ on his libel action?

Yes - the information came essentially from him and DES. is our only source of information.

MR. WICKS

MR. RICHARD HOLT MP

*R. W. Wicks,
I agree, but
let us talk
Thorp. N.C.W.
24.4*

As agreed I wrote to Treasury Solicitors along the lines set out in my minute to you of 17 April. Treasury Solicitors have now replied as attached. As you will see, Treasury Solicitors judge that the chances that a member of No. 10 staff will be called to give evidence in Mr. Holt's libel action are increased by the inclusion of a paragraph along the lines discussed in previous correspondence. We therefore have to decide whether, in the cause of being helpful to Mr. Holt, we should accept the risk that someone from here will be called to give evidence.

*Nicky Roche
T.*
I do not think this risk is acceptable. I am not inclined to expose Nicky Roche to such a risk and I am not keen on accepting it on my own behalf. I believe therefore that we should instruct the Treasury Solicitors that we are not prepared to help Mr. Holt.

If you agree to this, I think we shall have to consult the Prime Minister, since what I propose involves withholding assistance from a Parliamentary colleague. Indeed even if we go ahead and help Mr. Holt, I think we should have to consult the Prime Minister in view of the risk which Treasury Solicitors have identified.

*Or the
Establishment
offices.*
Perhaps we could discuss. It may be that there are other sources of advice to which we ought to look, e.g. the Cabinet Secretary. I do not, however, see any way out of a choice along the lines I have indicated earlier.

W
Timothy Flesher
24 April 1986

(RAMAFQ)