

(9)
PRIME MINISTER

Fluoridation

Norman Fowler has sent the attached letter to H Committee colleagues seeking a final decision on the form of legislation on fluoridation.

When this subject was last considered, you were inclined to agree with the option now favoured by the Secretary of State, i.e. to give all water authorities a specific power to add fluoride to the water on the recommendation of the appropriate health authority. This would merely clarify the existing position. The main alternative would be to go further and impose a duty on water authorities to add fluoride if they were asked to do so by the health authority. The water authorities would prefer this, but it would be politically controversial.

Agree to maintain your support for legislation which clarifies rather than extends the present position?

Yes. - a power
only - NOT a duty,
not

Dub

13 March 1984



H Cttee:-

LPO	LPS
LCO	DHSS
HO	CDL
DES	D.Emp
NIO	Chief Sec
SO	D.Trans
WO	C.Whip
DOE	Capt. G.at A
	CO

10 DOWNING STREET

From the Private Secretary

14 March, 1984

FLUORIDATION

The Prime Minister has seen a copy of your Secretary of State's letter of 12 March to the Lord President about Fluoridation.

The Prime Minister agrees with your Secretary of State that the first option set out in his letter is to be preferred.

I am sending a copy of this letter to the Private Secretaries to the members of H Committee.

(David Barclay)

S. Godber, Esq.,
Department of Health & Social Security

CONFIDENTIAL

BTC



DEPARTMENT OF HEALTH & SOCIAL SECURITY

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

Telephone 01-407 5522

From the Secretary of State for Social Services

The Rt Hon Viscount Whitelaw PC CH MC
 Lord President of the Council
 68 Whitehall
 LONDON
 SW1

12 March 1984

Dear Willie.

FLUORIDATION

Following QL Committee's recent decision that I should take the lead on bringing forward an essential category Bill on fluoridation for introduction in the next Session, there is one issue of substance on which we did not reach final agreement during H Committee's consideration (H(83)20th Meeting) of George Younger's Paper (H(83)39) and on which a Ministerial decision is now needed before we can instruct Parliamentary Counsel. *See Pt II*

The issue is which of the three options for legislation, set out in paragraph 5 of H(83)39, should be adopted. The first option, which was favoured by a clear majority of H Committee members, is to give all water authorities a specific power to add fluoride to the water on the recommendation of the appropriate health authority. The second option was to impose on all water authorities a duty to add fluoride at the request of the health authority and the third option was to make it compulsory for all water authorities to add fluoride.

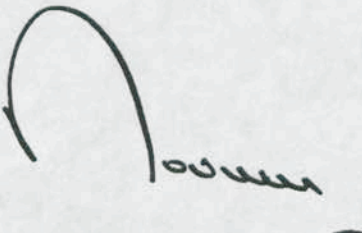
The third option of compulsory national fluoridation has been ruled out following the inclusion of a passage in the public statements made by George Younger and myself on 6 December making it clear that fluoridation would continue to be at the request of Health Boards and Health Authorities. Both I and other Ministerial colleagues are now on record as having said that the planned legislation on fluoridation will leave decisions on the implementation of fluoridation schemes to be taken at local level following consultation of local opinion. As I see it, the choice therefore lies between the first and second options. Whilst recognising that the second option would best meet the wishes of the water authorities and indeed be likely to result in the greater expansion, at least in the short term, of fluoridation

E.R.

schemes, I continue myself to believe that it would be politically unwise for us to seek to go further than the first option. This has the great advantage that it can be presented to both Houses as representing no more than a restoration of the status quo pre-Jauncey and of the policy of successive administrations. This should help to ensure substantial support in the House, particularly from our side. We could also not be accused, as would be the case under the second option, of seeking to 'gerrymander' the present system of local decision-making in order to produce results more favourable to fluoridation. At the same time the water authorities would have the absolute assurance, which they have sought and has been lacking in the past, that they were entirely within their legal rights if they fluoridated the water at the request of a health board or authority. Finally, the first option could be adopted throughout the UK, whereas I understand George Younger would not be able to accept the second option for Scotland as the water authorities are elected there. Whilst such a disparity could be explained in terms of existing differences in water authority structures between the two countries, I believe it will be far preferable not to have to focus attention on the non-elected status of the English water authorities during discussion of the Bill.

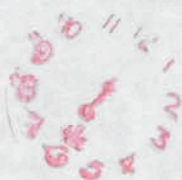
This is obviously an important and sensitive issue. In the light of the factors outlined above, I think there is little choice however but to adopt option one, and I strongly recommend this course. I would be grateful to know within two weeks whether colleagues are content.

I am copying this letter to the Prime Minister, in view of her office's earlier involvement, and to other H Committee members.

Yours ever


NORMAN FOWLER

PARLIAMENT
Legislation



(2)
PRIME MINISTER

CCP0070
1) Parliament PT12 Legislation

pa 1) National Health PT3
9/4 w/e box

Expenditure + Efficiency

mb

H Committee

At its meeting last week, H Committee considered two topics: fluoridation, and NHS recruitment advertising. Their conclusions ^{coincided} ~~agreed~~ with your views on both subjects, i.e., a power and not a duty to add fluoride, and an approach to the professional journals to try to persuade them to reduce advertising costs. The Committee agreed that if the latter tactic failed, the Secretary of State for Social Services should pursue the option of a national jobs register which would be put out to competitive tender among private publishing firms.

More parental influence over schools

At their meeting next week the Committee will be considering detailed proposals from the Education Secretary for increasing parental influence over schools. There are two main themes in his paper, a copy of which is at Flag A:-

- (i) Giving parents the right to elect a majority of governors from among their number.
- (ii) Legislating to define the respective roles of governing body, head teacher and LEA. Existing arrangements for church schools would not be affected.

If the Committee agrees, Sir Keith Joseph plans to publish his proposal as a Green paper in May with a view to legislation in 1985/8

Education support grants

The Committee will also be considering a paper summarising the Secretary of State's proposals for allocating education support

/ grants.

grants. He has £30 million to allocate. Nearly half would go towards the purchase of micro-computers and related staff training. Other main items will be the improvement of mathematics teaching, experiments in recording achievement for school leavers, and the provision of micro-electronic aids for handicapped children. Further details are in his paper at Flag B.

Dms

5 April, 1984.



SCOTTISH OFFICE
WHITEHALL, LONDON SW1A 2AU

CONFIDENTIAL

The Rt Hon Norman Fowler MP
Secretary of State for Social Services
Department of Health and Social Security
Alexander Fleming House
Elephant and Castle
LONDON
SE1 6BY

nbpm
JMS
26/3

26 March 1984

Dear Norman,

FLUORIDATION

Thank you for sending me a copy of your letter of 12[✓] March to Willie Whitelaw about the one issue of substance on fluoridation on which H Committee did not reach final agreement in considering my paper H(83)39 on 1 November last, namely which of the specific options for legislation should be adopted.

As you recognise, the second option (imposition of a duty on water authorities to add fluoride at the request of health authorities) would not be acceptable for Scotland where the water authorities are the elected Regional and Islands Councils. I therefore share your view that we should not proceed as quickly as possible on the basis of the first option (provision of a power to water authorities to add fluoride at the request of health authorities) which, as you say, was earlier favoured by a clear majority in H Committee.

Copies of this letter go to the recipients of yours.

Yours ever,

George

PARL: Leg. Proj. Pt 12.

26 MAR 1984



cepo



Secretary of State

Northern Ireland Office
Stormont Castle
Belfast BT4 3ST

The Rt Hon Norman Fowler MP
Secretary of State for Social Services
Department of Health and Social Security
Alexander Fleming House
Elephant and Castle
LONDON
SE1 6BY

26 March 1984

Mr Norman

FLUORIDATION

Thank you for copying to me your letter of 12 March to Willie Whitelaw about the option to be adopted for the legislation on fluoridation.

Now that Northern Ireland's first choice of compulsory fluoridation has been ruled out I would favour option 1 which gives water authorities power to add fluoride to the water on the recommendation of the appropriate health authority. Option 2 would create an anomalous situation in Northern Ireland as it would involve a Government Department - the Department of Environment (NI), which is the water authority for the Province - and its Minister having their actions determined by Health and Social Services Boards which are subordinate agencies appointed by another Department. If option 2 were chosen in Great Britain it is likely that, in order to avoid a constitutional anomaly, Northern Ireland would have to choose option 1 and so be out of step with the rest of the UK.

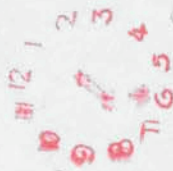
I am copying this letter to the recipients of yours.

Norman Fowler

Parliament #112

Legislative Programme

26 MAR 1984



CCX10



PRIVY COUNCIL OFFICE
WHITEHALL LONDON SW1A 2AT

23 March 1984

n bpm
JMK
26/3

Dear Norman

FLUORIDATION

Thank you for your letter of 12 March setting out three possible approaches which might be adopted in next Session's Fluoridation Bill and expressing a clear preference for the first one. You will have seen Patrick Jenkin's letter of 20 March arguing strongly for option 2, and Peter Rees' letter of 19 March suggesting that a decision should be preceded by a cost/benefit analysis. You are no doubt considering both those proposals and I think that it would be useful if you were to talk further to Peter Rees about his - which could affect the timescale for preparing the Bill - but it is clear that we will not resolve the main question without having a meeting. I suggest that we should take it at the H meeting arranged for 4 April and I should be grateful if you would circulate a memorandum to the Committee for that discussion.

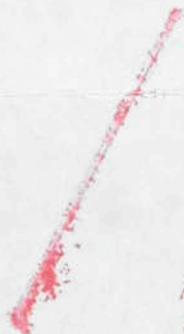
I am copying this letter to the Prime Minister, members of H Committee, the Attorney General, the Lord Advocate and to Sir Robert Armstrong.

Yours
Larkin

The Rt Hon Norman Fowler MP

Parliament Pt 12

Legislative Program



26 ME 1934





2 MARSHAM STREET
LONDON SW1P 3EB
01-212 3434

My ref: J/PSO/12131/84

Your ref:

20 March 1984

*abpm
DMS
20/3*

Dear Willie,

FLUORIDATION

Norman Fowler wrote to you and other H Committee members on 12 March about the one issue still outstanding on fluoridation.

I agree with him that compulsory national fluoridation has been ruled out, and that the planned legislation should leave decisions on fluoridation to be taken at local level following local consultation. But there are real problems in leaving the final responsibility for these local decisions as unclear between water undertakings and health authorities as does Norman's proposal.

As a dental health matter, the decision is naturally one for health authorities. The water undertakings obviously have to implement this decision, but they are in no way qualified to influence the medical decision. Nor do they wish to. I had confirmation of this recently in a letter from the Chairman of the Water Authorities Association, the main purpose of which was to ask that the legislation left the decision firmly with health authorities. I agree with his statement: "If there is to be debate about the merits on health grounds, then the water authority is utterly the wrong forum, and should not be placed in the position of having to arbitrate between conflicting views".

In England and Wales statutory water authorities and companies are essentially utilities, non-representative and run by businessmen on commercial lines. This was the basis of the Water Act 1983 which reconstituted water authorities in this mould. As far as the business like management of water is concerned, I have no worries about attention being focussed on their non-elected status. We have had an intense focus on this very subject over the last year, and have won the argument that in so far as the Water Authorities are utilities they should be run like industries, with a business structure. But to give them a role in medical matters would indeed reopen the debate, on very weak ground. I am sure this point would be seized on by opponents of the Bill, and by its supporters too.

Parliament AT 12
Legislation

CONFIDENTIAL

Double decision taking is a recipe for controversy and delay and these could well be exaggerated if the consumer consultative committees, newly established for each water authority, press the authority not to implement a health authority request. Faced with controversy the water authorities would be likely to use their discretion not to exercise powers. In that situation relationships between water authorities and health authorities will be sorely strained, and Ministers are likely to be drawn into local issues.

It is impossible to restore the pre-January position, because of the changes we have made in the water industry. The old, large water boards, made up mostly of elected local authority people were, arguably, more 'democratic' than the health authorities, and at least had some standing ground to resist the latter's medical expertise on the basis of an alleged understanding of local political opinion. That is no longer the position. Now the water authorities can only put their expertise as managers of a utility on the scales. That gives them nothing to say to the health authority in reality, and it would be far better to say so and take them out of the decision process. To do otherwise is a recipe for muddle and conflict.

As for any charges of 'gerrymandering' through using the second option, I understand that some who are advocating the first option also wish to couple with it "advice" from DOE/Welsh Office to water undertakings to implement health authority requests. If we were to follow this course, we would be open to much more substantial charges of gerrymandering, and of by passing Parliament at the same time.

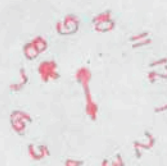
I do not see the second option as diluting or changing our "local option" policy, only as an entirely justifiable method of clarifying the respective roles of two quite differently constituted public authorities. I have no Departmental view on the issue of fluoridation but a strong Departmental view on not involving the new water authorities in the very sort of political conflict we have sought to free them from in our 1983 Act.

If correspondence does not lead to a clear decision to pursue the second option, I would like to discuss it once more in H Committee.

/ I am copying this letter to Norman Fowler and the recipients of his letter.

You are
Patrick

PATRICK JENKIN



20 MAR 1984

CONFIDENTIAL



AST 19/3
Mr Turnbull
To Sec. abpm
1st think

DMB
19/3

Treasury Chambers, Parliament Street, SW1P 3AG

Rt Hon Norman Fowler MP
Secretary of State for Social Services
Department of Health and Social Security
Alexander Fleming House
Elephant & Castle
LONDON
SE1 6BY

19 March 1984

Dear Secretary of State,

FLUORIDATION

Thank you for sending me a copy of your letter of 12 March to Willie Whitelaw.

I was surprised that your letter invites colleagues to decide on fluoridation policy without any attempt to assess the costs and benefits of the various alternatives. I note the political arguments that you put forward: but I do think these must be seen against a proper assessment of the alternatives.

I do not want to prejudge the political balance at this stage. I would only say that, since polls have suggested that 70% of the population support fluoridation, it is not self-evident that your recommendation will avoid political controversy, particularly with the medical professions.

Can I therefore ask that you produce for colleagues an assessment of costs and benefits? We can then consider in the light of this whether the matter needs to be discussed, or can simply be settled in correspondence as you propose.

I am sending copies of this letter to the recipients of yours.

Yours Sincerely
Paul Rees

PETER REES
(approved by the Chief Secretary
and signed in his absence)

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Parliament - legislation A12

Handwritten notes, possibly "Handwritten A12"

Handwritten notes, possibly "Handwritten A12"

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Handwritten notes, possibly "Handwritten A12"

Handwritten notes, possibly "Handwritten A12"

19 MAR 1984

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CONFIDENTIAL

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CABINET OFFICE,
WHITEHALL, LONDON SW1A 2AS

Chancellor of the Duchy of Lancaster

14 March 1984

*nbpm
Dms
15/3*

Chris Willie,

FLUORIDATION

with DB?

I have seen a copy of Norman Fowler's letter to you of 12 March.

I entirely agree with the recommendation that we should go for option 1. If the case for fluoridation is as compelling as is suggested, public opinion will gradually produce the right result - as it is with smoking - without the need for compulsion.

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

Chris
Arthur
COCKFIELD

The Rt Hon Viscount Whitelaw CH MC
Lord President of the Council
Privy Council Office
Whitehall
London SW1

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416

15 MAR 1984

