

file 792CNU



10 DOWNING STREET
LONDON SW1A 2AA

From the Principal Private Secretary

14 March 1988

Joe David,

OPTING OUT IN SCOTLAND

The Prime Minister has seen your letter of 8 March about the introduction of provisions for schools in Scotland to opt out of local authority control.

The Prime Minister is glad that your Secretary of State is now going to develop, for inclusion in next Session's Scottish Education Bill, a scheme whereby schools in Scotland can opt out of local authority control. She suggests that he should circulate his proposals to E(EP) Committee. She hopes that these can be cleared in correspondence without a meeting.

The Prime Minister agrees, too, that the Government's future policy should be spelled out in response to the amendment which Allan Stewart is expected to put down to this Session's School Boards (Scotland) Bill. Your Secretary of State will no doubt wish to ensure that Mr. Stewart does indeed table a suitable amendment which could prompt the Secretary of State's statement about future policy.

The Prime Minister hopes that your Secretary of State's proposals about future policy will be approved by E(EP) before he makes his statement on Mr. Stewart's amendment. She thinks that, in any event, the terms of your Secretary of State's statement ought to be circulated to the members of E(EP). She would also be interested to be kept in touch with the progress of your Secretary of State's discussions of this matter with the senior members of the Roman Catholic hierarchy in Scotland.

I am copying this letter to the Private Secretaries to the Lord President, the Lord Privy Seal, the Chief Whip and the Secretary of State for Education and to Sir Robin Butler.

Nigel Wicks

N. L. Wicks

David Crawley, Esq.,
Scottish Office.

QTS

Garden House 1
 Pl type letter
 NW

PRIME MINISTER

If you agree, I will send Mr. Rifkind's Private Secretary the letter attached in reply to his letter of 8 March about opting out.

The Scottish Office's reply was very wobbly - read carefully, the one firm point was the Secretary of State's agreement that opting out should not be included in this Session's Bill. The letter includes no explicit statement that next Session's Bill will include the opting out provisions.

The draft letter below adopts the old trick of pretending that Mr. Rifkind's letter said more than it actually did. But if he disagrees with the approach you want, it is now up to him to say so.

Content with the draft letter?

N.L.W.

N. L. Wicks

11 March 1988

Yes - Thank you
 NW

CONFIDENTIAL



Mark Addison Esq
Private Secretary
10 Downing Street
LONDON
SW1A 2AA

SCOTTISH OFFICE
WHITEHALL, LONDON SW1A 2AU

Mr. Wides.
This looks very wobbly.

MEAT 9/3

8 March 1988

Dear Rick,

Asap

I refer to your letter of 29 February about the introduction of provisions for schools in Scotland to opt out of local authority control.

My Secretary of State agrees with the conclusion that opting out could not be dealt with in the current session's School Boards (Scotland) Bill. So far as future policy is concerned, he feels that the best opportunity to spell this out will be in response to the amendment which Allan Stewart is expected to put down.

Before the content of the response to Allan Stewart's amendment is decided, Mr Rifkind proposes to pursue with senior members of the Roman Catholic hierarchy in Scotland the question of what substance there may be in the indications we have had that they are considering support for opting out in particular cases. If they give a positive response, my Secretary of State would want to encourage them to make their position clear publicly.

I am copying this letter to the Private Secretaries to the Lord President, the Lord Privy Seal and the Chief Whip.

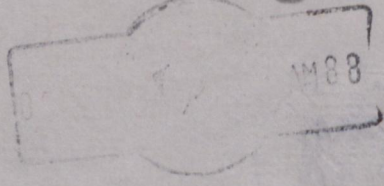
Yours sincerely
David Crawley

DAVID CRAWLEY
Private Secretary

CONFIDENTIAL

HMP06827

EDUCATION: Policy P137



EDUCATION: Policy P137

CONFIDENTIAL

PRIME MINISTER

OPTING OUT IN SCOTLAND

I agree with Mark's manuscript comment on the Scottish Office letter below that their reply looks "very wobbly".

I suggest that during tomorrow's discussion in Cabinet of the legislative programme, you make the point, in connection with next Session's Scottish Education Bill, that it will be somewhat larger than indicated in the Cabinet paper on account of the inclusion of the opting out clauses. This should get it firmly into the Cabinet record that next Session's Bill will extend opting out to Scotland.

N.L.U.

N L WICKS

9 March 1988

CONFIDENTIAL

CONFIDENTIAL



10 DOWNING STREET
LONDON SW1A 2AA

File
cc NLW
cc Mr Poydard

From the Private Secretary

29 February 1988

The Prime Minister and your Secretary of State spoke last week about introducing provision for schools in Scotland to opt out of local authority control. The Prime Minister this morning had an opportunity to discuss with the Business Managers the possibility of amending this Session's Scottish Education Bill accordingly.

In view of the very great pressure on the legislative timetable this Session, and the number of extra clauses which would be required, the Prime Minister has concluded that the better option would be for your Secretary of State to announce during the debates on the Bill that next Session's Scottish Education Bill would include the necessary clauses. Next year's programme is also likely to be very heavy but the change was sufficiently important to justify making a commitment at this stage.

I am copying this letter to the Private Secretaries to the Lord President, the Lord Privy Seal and the Chief Whip.

(MARK ADDISON)

David Crawley, Esq.,
Scottish Office.

CONFIDENTIAL

PRIME MINISTER

OPTING OUT FOR SCOTTISH SCHOOLS

At your meeting with Scottish Office Ministers earlier this week, you pressed Mr Rifkind to include provisions in the Scottish Education Bill which would permit, in due course, Scottish schools to opt out. The legislation might take the form of a power, exercisable by Order, whereby the Secretary of State could, when he so decided bring into effect the opting out provision. Such provisions could be tabled on Report, if there was a risk that they would be defeated in Committee. Mr Rifkind was extremely resistant and I am sure that he will not take action here unless he is pressed further.

Before deciding how to pursue this you will wish to consider the Lord Privy Seal's minute below in which he explains the pressures on this year's legislative programme in the Lords. He suggests, among other things, that the scope of the Scottish Education Bill should be narrowed to 25 clauses so that it omits the provisions on some miscellaneous changes in higher education.

This pressure on the programme makes it more difficult to insist that opting out provisions are included in the Bill. These took up 40 clauses in the English Bill, and I assume (but do not know for certain), would take up a similar amount of space in the Scottish Bill. They would more than double the size of the Bill. The business managers would object.

I suggest that in these circumstances we have two courses:-

- 1) Insist that the opting out clauses are included in the Bill and that something else should, if necessary, be deleted from the legislative programme in order to accommodate them. (We would need to check that it is procedurally possible to table 40 clauses on Report.);

- 2) Obtain an absolutely copper bottomed assurance from Mr Rifkind and the business managers that the next session's Scottish Education Bill would include the necessary clauses and ask Mr Rifkind to make this clear, in as catagorical words as possible, in the House during the debates on this session's Scottish Education Bill.

I believe that the second course is acceptable provided that we can be certain that the clauses will be included in the next session's Bill and Mr Rifkind announces this session the intention to legislate. This course would not necessarily delay the creation of grant maintained schools in Scotland since they cannot be created, so I understand, straightaway until the school councils (effectively boards of governors) have been created under this session's legislation. This second course will not be wholly welcome to the business managers or Mr Rifkind. It will increase pressure on next session's legislative programme which is already under a heavy pressure as a separate minute from the Lord President in the box shows. Nor may Mr Rifkind welcome it in view of his apparent lack of enthusiasm about opting out. But it represents a reasonable way forward.

I suggest that you have a preliminary discussion with the business managers on Monday and that we then write to Mr Rifkind seeking his agreement to the course you choose.

N.L.W.

N.L. Wicks

26 February 1988