

**PS/EID**

Copy to: Mr Gordon  
Director, InD  
Mr Irvine, EID  
Mr Baird, InD  
Mr Sutherland, InD  
Mr Kelly, InD

hlc

FB  
CIB/3/1/4**DEVOLUTION INFORMATION PACK FOR SCHOOLS**

1. I refer to the minutes of earlier today from Director InD and Mr Wilson commenting on Mr Kelly's draft minute of yesterday and to my conversations with Mr Kelly, Director InD and Mr Wilson.
2. I strongly agree with Ms Drummond on this matter. The decision to authorise an unsolicited mail-drop on every household in Scotland was an exceptional one taken only after very careful consideration and it is specifically justified by the need to inform people who will be expected to exercise their vote in the forthcoming referendum. There is no comparable justification for an unsolicited mail-drop to every school in Scotland. To carry out such a mail-drop would contravene the rules in a way I would not personally be prepared to defend and would cause Ministers unnecessary embarrassment. There is of course no difficulty about making copies of the video or the information leaflet available free of charge on demand and we can no doubt find ways of ensuring that every school knows what is available and how to get hold of it. For example, EID could no doubt send a letter at official level to the Director of Education noting the interest already being expressed by schools and giving a contact number for the ordering of bulk supplies of the leaflet and copies of the video. In my opinion it would be quite wrong for the Secretary of State to write personally to individual schools about this in the middle of the referendum campaign (or indeed at any point until we have a Scotland Act on the statute book). It is most important that the Government does not put itself in a position where it appears to be involving schools in matters of political controversy (which the Government's proposals for a Scottish Parliament undoubtedly are).
3. We now come to the matter of the proposed free issue of copies of the White Paper. The White Paper is of course on sale to the public at a price of £6.50 and I presume that the Scottish Office will be charged (at a discounted rate) for any bulk supplies which we might intend to issue free. If a White Paper is produced for sale we do not normally issue it free to outsiders unless they have a particularly strong specific interest in its contents or, for example, we are specifically inviting them to comment on it. I believe it would be hard to justify issuing free copies on demand to Scottish schools; I think there is probably an Accounting Officer point here. If the information leaflet is not thought to be entirely adequate it might be possible to produce bulk copies of the Executive Summary of the White Paper (which has a fuller statement of functions which are to be devolved and reserved).

4. The difficulties which I see in Mr Kelly's original proposals arise because we are still in a pre-legislative stage (with a referendum campaign in progress). I do not think it is proper for the Government to be making special efforts to inform schools of its proposals until they have finally become law. Once we have a Scotland Act on the Statute Book (assuming that stage is eventually reached) I can see a good case for producing material specifically aimed at schools to help explain what is going to happen. Until then we really are quite seriously inhibited in what we can do.

*RHS*

**RUSSELL HILLHOUSE**

19 August 1997