

PREM 19/252

Pay of Magistrates' courts Staff.

Home Affairs

PART 1

Part 1

June 1979

Referred to	Date	Referred to	Date	Referred to	Date	Referred to	Date
12.6.79.		22.9.80					
22.6.79		13.10.80.					
28.6.79.		ends					
6.7.79.							
20.7.79							
24.7.79							
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26.3.80							
15.5.80							
21.7.80.							
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15.8.80							
27.8.80.							

PREM 19/252

●PART 1 ends:-

PM to Clegg 13.10.80

PART 2 begins:-

Home Secy to ChEx 24.11.80

TO BE RETAINED AS TOP ENCLOSURE

Cabinet / Cabinet Committee Documents

Reference	Date
E(EA)(79) 18	28/06/79
E(EA)(79) 6 th Meeting, Minute 3	04/07/79
CC(79) 13 th Conclusions, Minute 3	10/08/79
CC(79) 14 th Conclusions, Item 5	30/08/79
CC(79) 15 th Conclusions, Minute 4	13/09/79

The documents listed above, which were enclosed on this file, have been removed and destroyed. Such documents are the responsibility of the Cabinet Office. When released they are available in the appropriate CAB (CABINET OFFICE) CLASSES

Signed A. Wayland

Date 27 April 2010

PREM Records Team

Published Papers

The following published paper(s) enclosed on this file have been removed and destroyed. Copies may be found elsewhere in The National Archives.

Cmnd. 8061 Standing Commission on Pay Comparability: Justices' Clerks' Assistants
Published by HMSO, October 1980

Signed Wayland Date 27 April 2010

PREM Records Team



Home Affairs

cc: HO

Press office

10 DOWNING STREET

THE PRIME MINISTER

13 October 1980

Dear Professor Clegg,

Standing Commission on Pay Comparability

Thank you for your letter of 30 September enclosing the Commission's Report on justices' clerks' assistants outside Inner London.

Arrangements are being made to publish the Report shortly. I am most grateful to you and the members of the Commission for your work on this reference.

Yours sincerely
Margaret Thatcher

Professor Hugh Clegg

289



10 DOWNING STREET

From the Private Secretary

13 October 1980

PAY OF JUSTICES' CLERKS' ASSISTANTS

The Prime Minister has now read your letter of 7 October and is content for the Standing Commission's Report on the Pay of Justices' Clerks' Assistants to be published on 14 October. She is also content with the draft Press Notice, and has written to Professor Clegg in the terms of the draft which you provided.

I am sending copies of this letter to John Wiggins (HM Treasury), Richard Dykes (Department of Employment), Godfrey Robson (Scottish Office), Jim Buckley (Lord President's Office), and David Wright (Cabinet Office).

J. P. LANKESTER

Stephen Boys-Smith, Esq.,
Home Office.

27

Prime Minister 21
Another Clegg report -
this one uncontroversial.

CONFIDENTIAL



HOME OFFICE *Content for*
QUEEN ANNE'S GATE LONDON SW1H 9AT

*cc Mrs Morris
Mr Deputy
Mr Verke*

7 October 1980

Dear Tim,

*publication next
Tuesday?
Draft letter to Clegg
at Flag A.*

PAY OF JUSTICES' CLERKS' ASSISTANTS

Thank you for your letter of 2nd October enclosing a copy of the Report by the Standing Commission on Pay Comparability on the pay of justices' clerks' assistants.

The Commission's main recommendation is that there should be no revision in the pay scales operating up to 1st July this year. The implication of this is that all the staff in the group should keep the payments made on account prior to the Commission's Report and that there is therefore no problem of awarding back pay or of clawing back 'on account' payments. The Commission does, however, recommend a revised pay structure, based on a survey conducted by the Civil Service Pay Research Unit, to be introduced as rapidly as possible. The Commission takes the view that there may be scope for minor adjustment towards this in the final 1980 settlement and that the introduction of the new pay structure should be completed by 1982.

The Commission also makes a number of suggestions about future pay negotiating arrangements: they include the suggestion that the parties should consider introducing links with local authority A.P.T.&C. pay when the pay structure has been revised in accordance with the Commission's recommendations.

Both sides of the Joint Negotiating Committee for Justices' Clerks' Assistants agreed in advance to regard the Commission's recommendations as binding, and the Government undertook to pay its share of implementing any award recommended by the Commission to take effect from 1st December 1979. The character of the main recommendation means that there is no action for the Government to take. It remains to be seen how the parties will respond to the Report when they meet to consider a final settlement for 1980.

Meanwhile we recommend that the Report should be published and placed in the hands of the parties as soon as possible; unless we hear to the contrary by the end of this week, the Report will be published on 14th October.

/I attach

T. P. Lankester, Esq.

CONFIDENTIAL

CONFIDENTIAL

... I attach for your consideration a draft press notice to be issued upon publication of the Report, together with a draft letter for the Prime Minister to send to Professor Clegg.

Copies of this letter go to the recipients of yours.

Tom.
Seyla

S. W. BOYS SMITH

CONFIDENTIAL

Draft letter to Professor Hugh Clegg

SR

Hugh Clegg

STANDING COMMISSION ON PAY COMPARABILITY

Thank you for your letter of 30 September enclosing the Commission's Report on justices' clerks' assistants outside Inner London. // Arrangements are being made to publish the Report shortly. I am most grateful to you and the members of the Commission for your work on this reference.

R.
DRAFT PRESS NOTICE

PAY COMPARABILITY COMMISSION REPORT NO 11

JUSTICES' CLERKS' ASSISTANTS

The Government today published the report of the Standing Commission on Pay Comparability on the pay of justices' clerks' assistants outside Inner London. The Commission's recommendations on pay, which the negotiating parties have agreed in advance to accept, are for no further increase in pay for 1979-80, but for some revision of the salary structure.

10 Downing Street

Notes for editors

1. The Standing Commission on Pay Comparability was set up in March 1979 to examine the terms and conditions of employment of groups of workers referred to it by the Government and to make recommendations on pay in the light of comparisons with other groups. On 4 August the Prime Minister announced that the Commission would be wound up once it had reported on its outstanding references.
2. Questions about the content of the report should be addressed to Mr M Peaks, Office of Manpower Economics (tel: 01-405 5944 ext 312).

- 8 OCT 1980





File

J.F.

BF 16.10.80

10 DOWNING STREET

From the Private Secretary

2 October 1980

PAY OF JUSTICES' CLERKS' ASSISTANTS

We have now received the Clegg Commission's report on the pay of Justices' Clerks' Assistants. I would be grateful for advice on the substance and handling of this report.

Please could you also let me have in due course a draft letter for the Prime Minister to send to Professor Clegg in reply to his of 30 September (copy enclosed).

I enclose a copy of the report; other copy recipients of this letter will no doubt be able to obtain copies of the report directly from the Office of Manpower Economics.

Copies of this letter go to John Wiggins (Treasury), Richard Dykes (Department of Employment), Godfrey Robson (Scottish Office), Jim Buckley (Lord President's Office) and David Wright (Cabinet Office).

T. P. LANKESTER

J.F. Halliday, Esq.,
Home Office.

GB



10-DOWNING STREET

From the Private Secretary

2 October 1980

I am writing on the Prime Minister's behalf to acknowledge your letter of 30 September, with which you enclosed two copies of Report No. 11 on Justices' Clerks' Assistants.

T. P. LANKESTER

Professor Hugh Clegg

From Professor Hugh Clegg, Chairman, Standing Commission on Pay Comparability



OFFICE OF MANPOWER ECONOMICS

22 KINGSWAY
LONDON WC2B 6JY

Telephone 01-405 5944

The Rt Hon Margaret Thatcher MP
10 Downing Street
London SW1A 2AL

30 September 1980

Dear Mrs Thatcher,

STANDING COMMISSION ON PAY COMPARABILITY

We have now completed work on the justices' clerks' assistants reference and I have pleasure, therefore, in submitting the attached report.

Yours sincerely

Hugh Clegg



Home
Affairs

Treasury Chambers, Parliament Street, SW1P 3AG

The Rt Hon William Whitelaw CH MC MP
Secretary of State
Home Office
50 Queen Anne's Gate
London SW1H 9AT

22 September 1980

Dear Willie,

R 23/9

MAGISTRATES' COURTS STAFF PAY

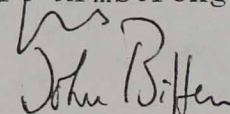
Thank you for your letter of 27 August to Geoffrey Howe. I have also seen Jim Prior's letter dated 15 August.

You will already be familiar with the concern expressed by Geoffrey and I, about certain features of the settlement; and I have little further of substance to add. As regards the pay of staff outside Inner London, I accept that, however regrettable, we are faced with a fait accompli. But in the present climate, I do not think it follows automatically from the arguments in your second paragraph that the 'interim' award should be adjusted if the APT & C grades arbitration proves generous. By the time the Standing Commission has reported, we should be better placed to take an informed decision. I agree therefore with your conclusion that no further action is necessary, until the Commission's Report is available, when we will need to review the position.

As regards the position in Inner London, I share your desire to maintain broad equivalence between Inner London and national rates. But there can be no guarantee that Inner London staff will retain their existing relativity. The question turns on what is meant by a 'significant' deterioration in this context; and the potential implications of reopening the settlement. The problem may not arise. I suggest therefore that we await the Commission's report.

On the question of finance, I have nothing of substance to add to Geoffrey's letter of 11 August. As he pointed out, we attach considerable importance to maintaining the existing financial provision.

I am copying this letter to the Prime Minister, Members of E(EA), the Lord Chancellor and to Sir Robert Armstrong.


JOHN BIFFEN

Home Affairs



QUEEN ANNE'S GATE LONDON SW1H 9AT

VMS

27 August 1980

Dear Sir,

MAGISTRATES' COURTS STAFF PAY

Thank you for your letter of 11th August about the pay of magistrates' courts staff. I have now seen Jim Prior's letter of 15th August.

As regards the pay of the staff outside Inner London, there were two reasons why the recent J.N.C. agreement was described as an interim settlement. First, if - as the management side have been arguing before the Clegg Commission (and as we have consistently agreed) - the pay of court staff is to remain linked with that of the local authority APT & C grades, the management side obviously could not conclude a final settlement at a time when the APT & C grades had not settled. Secondly, there are some loose ends which cannot be tied up until Clegg has reported. Moreover, treating the settlement in this way was an influential factor in persuading the staff - given their high expectations - to accept a settlement at that level at that time. Whether there will be anything to add in the final settlement will therefore depend on other developments; in the management side's judgement, however, the APT & C grades are most unlikely to settle at less than about 13 per cent even if the matter goes to arbitration. If that is the case, and subject of course to what Clegg may say, it would be contrary to the line we have so far taken to seek to impose a less generous settlement on the court staff.

Meanwhile, perhaps my earlier letters failed to make it clear that the J.N.C. interim settlement is a fait accompli and the award is already being paid to the staff. I was not a party to the award and have no means of interfering with it now. The only course open to me is the extreme one of withholding specific grant from individual local authorities in respect of any features of the settlement we thought objectionable. But that is very much an instrument of last resort which I take it you are not proposing should be used in this case; indeed, at present all the signs are that the final 1980 settlement will easily accommodate the on-account payments to which you refer. In these circumstances I take it you do not disagree that I should leave the matter to rest where it lies until Clegg reports. That will be the appropriate time to review the position.

/As regards

The Rt. Hon. Sir Geoffrey Howe, Q.C., M.P.

As regards the Inner London staff the position is, as I have explained, different, in that an award needs my confirmation before it can take effect. I am grateful for your agreement and that of Jim Prior to my confirming an immediate increase of 12 per cent from 1st July, and this is being done. I entirely agree that there can be no presumption of a further increase once the Clegg Report is published; however, it remains our objective to keep Inner London broadly in line with the rest of the country, so there can clearly be no going back on my statement to the C.P.S.A. and S.C.P.S. earlier this year that I would not be prepared to confirm a final settlement for Inner London until I knew what Clegg had to say. Since I wrote to Jim Prior on 6th August I have received the formal Inner London determination, in which the Committee of Magistrates explicitly recognises that the settlement may have to be reviewed if the combined effect of Clegg and the 1980 settlement for courts elsewhere leaves Inner London significantly behind.

Finally, I should add that although I shall do my best to absorb the effect of the awards within the existing provision for 1980-81, I cannot guarantee to do so in advance of receiving from local authorities revised estimates of expenditure on the services.

I am sending copies of this letter to the Prime Minister, members of E(EA), the Lord Chancellor, the Lord President and Sir Robert Armstrong.

M. J. P. S. A.
W. H. M.

29 AUG 1980



CONFIDENTIAL



Home Affairs

Caxton House Tothill Street London SW1H 9NA

Telephone Direct Line 01-213 6400

Switchboard 01-213 3000

Rt Hon William Whitelaw MP
Home Secretary
Home Office
50 Queen Anne's Gate
LONDON
SW1H 9AT

15 August 1980

Dear Sir

MAGISTRATES' COURTS STAFF PAY

Thank you for your letter of 6 August.

I am content with your proposal for an interim increase of 12% for the Inner Court Staff.

I am copying this letter to the Prime Minister, members of E(EA), the Lord Chancellor, the Lord President and Sir Robert Armstrong.

Yours faithfully
W. Whitelaw



Home Affairs

Treasury Chambers, Parliament Street, SW1P 3AG

01-233 3000 // August 1980

NBPM

The Rt Hon William Whitelaw CH MC MP
Secretary of State for the Home Department
Home Office

MS

Dear Willie

MAGISTRATES' COURTS STAFF PAY

Thank you for copying your letter of 21 July to John Biffen, in whose absence I am replying. I have also seen Jim Prior's letter dated 30 July, with which I entirely agree; and your reply dated 6 August.

will request if required
will request if required

I see no objection to the proposed increase in payments on account from 5 to 7½ per cent, provided the employers accept in principle that it may be necessary to clawback part of the increase once the Commission's findings are known. This is by no means inconceivable. Although the lowest rate of increase arising from the APT & C "in-house comparability" study was 9.5 per cent, it would be a mistake to equate this dubious exercise with an independent assessment by the Standing Commission. It follows that it would be premature to apply an annual increase now to payments on account.

Like Jim Prior, I was surprised to see you describe the proposed 12 per cent annual increase as an interim award. Obviously once the Commission's Report is published, it will be necessary to adjust the findings to post July 1980 levels by reference to the annual 1980 settlement, but this is a purely mechanical exercise. The proposed figure of 12 per cent is undoubtedly generous in context of our current policies; notwithstanding that the settlement relates to the 1979-80 pay round, and it would be hard to justify a higher figure. The local authorities offer to their APT & C grade staff - with whom I note there is an historical link - is already at 13 per cent uncomfortably high. As far as Inner London is concerned I have little to add to John Biffen's letter of 15 May. I see no

/objection to an

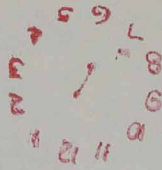


objection to an increase of 12 per cent, but there can be no presumption that this will be increased once the Clegg Report is published: indeed my initial reaction is that this would almost certainly prove undesirable. I am advised that the impact of your proposals on the 1980-81 Estimates is relatively small. I should therefore expect you to contain it within existing provision. That would no doubt be made the easier if you follow the line Jim Prior and I advocate.

I am copying this letter to the Prime Minister, Members of E(EA), the Lord Chancellor and to Sir Robert Armstrong.

GEOFFREY HOWE

Handwritten signature and initials, including a large stylized 'L' and a signature that appears to be 'Jim Prior'.



11 AUG 1980

cc 40

Home Affairs



QUEEN ANNE'S GATE LONDON SW1H 9AT

6 August 1978

Dear Jim

ABM
π 7/8

MAGISTRATES' COURTS STAFF PAY

will request if required

Thank you for your letter of 30th July.

I naturally take your points, though I think we must recognise that Clegg's slowness in producing a report faced the Management Side with a very real problem.

My people have, as you suggest, checked with the employers' representatives, who assure them that they indeed know the position.

I think that we shall now have to leave the matter to rest where it lies until Clegg reports. I quite agree with you that in an ideal world we would not have pay awards with the features to which you draw attention. But this settlement has now been made between the two sides, and I do not think that I could really contemplate using the only sanction that is open to me - that is, the ultimate weapon of withholding specific grant from the amount of the magistrates' courts' pay bill that is attributable to the features you mention. Quite apart from the question whether it would be reasonable to use that power without warning, there would be endless time-consuming disputes with individual local authorities about the calculation of the small amounts of money at stake in each case.

So far as regarding the settlement as a final one is concerned, the fact is that these settlements are negotiated between the two sides. It is only in respect of Inner London that my confirmation is needed before a settlement takes effect.

That brings me to a new point of substance, which if I were not in correspondence with you I would have addressed to Keith Joseph as Chairman of E(EA). On 5th August the Committee of Magistrates for Inner London (or, rather, the sub-committee they have set up to deal with these matters) met the unions to discuss their pay claim. Leaving aside two points that only affect small groups of staff and with which I need not trouble you, they made a formal determination to increase the pay of their court staff represented by C.P.S.A. and S.C.P.S. by 16½ per cent from 1st July. They were much influenced by the high

/rate of

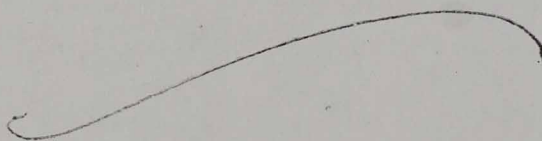
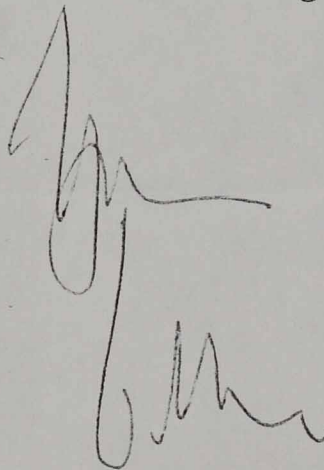
The Rt. Hon. James Prior, M.P.

rate of wastage from which they suffer, especially in the lower-paid grades. I know that to be a real problem.

I have already told the unions that I would not be prepared to confirm a final settlement for the Inner London courts until I know what Clegg has to say about the rest of the country. There can be no question of my confirming the Committee of Magistrates' offer as it stands. I am, however, inclined to think that the balance of advantage would lie in my immediately modifying the Committee of Magistrates' determination to 12 per cent, making it clear that this was an interim measure pending Clegg. The reason why I say that is that it is common ground amongst all our colleagues that we want to maintain as much linkage as we can between the magistrates' courts in Inner London and those in the rest of the country. It seems to me that we would be in a much stronger position to press that point of view later in the year if we follow the logic of our own argument now. In moving towards this approach I naturally have last year's five week strike in mind: it is a fact that the S.C.P.S. and C.P.S.A. have funds that could keep a strike going in the Inner London courts for a very long time if that was what they wanted. I should be very glad to know if you, and our colleagues most concerned, agree with this line of thought. If the gesture of confirming an interim 12 per cent is to have its maximum effect it needs to be done quickly.

Just for the record, the 1979 Inner London pay settlement was, of course, finalised without any on-account payments, so the points that you mention in the second and third paragraphs of your letter of 30th July do not apply here.

I am copying this letter to the Prime Minister, members of E(EA), the Lord Chancellor and Sir Robert Armstrong.



1-7 AUG 1980





QUEEN ANNE'S GATE LONDON SW1H 9AT

MBM

21 July 1980²⁷

Dear Keith

MAGISTRATES' COURTS STAFF: PAY

You will remember that a year ago we had a good deal of trouble with the pay of magistrates' courts staff in England and Wales outside Inner London. The pay negotiations are a matter for the two sides of the Joint Negotiating Committee for Justices' Clerks' Assistants (the J.N.C.), and I am not a party to them. I have an interest in them, however, because of the local authorities who finance the magistrates' courts do so with the help of an 80 per cent specific grant from the Home Office. Last year, following difficult negotiations and under threat of imminent widespread industrial action in the courts, a settlement was achieved on the following terms, as Leon Brittan explained in his letter of 24th August to you:

- (a) an increase of 9.6 per cent across the board from 1st July 1979, together with some limited restructuring;
- (b) 5 per cent on account from 1st October 1979 to be deducted from the settlement finally reached as a result of the Clegg reference (see below);
- (c) reference of the whole claim to the Clegg Commission with backdating of the award to 1st December 1979.

What finally clinched this agreement last year was the undertaking which my colleagues enabled me to give that the Government was prepared to pay its share of the cost of implementing this settlement.

When the two sides of the J.N.C. agreed to the reference of their dispute to the Clegg Commission, it was expected that the Commission would be able to report in March or April this year. However, the Commission's programme of work has gradually slipped and its report on this inquiry is not now expected to be available until some time in September. The normal pay settlement date for magistrates' courts staff is 1st July, and last month their union, the Association of Magisterial Officers (A.M.O.), submitted a claim for an increase of 23 per cent on the salary levels prevailing at 30th June 1980. This claim was considered at a full meeting of the J.N.C. on 11th July, and I understand that after lengthy negotiation agreement was reached on an interim pay settlement. The ingredients of the settlement are:

/(a) the 5

The Rt. Hon. Sir Keith Joseph, Bt., M.P.

- (a) the 5 per cent payment on account of the Clegg award (see above) is to be increased to $7\frac{1}{2}$ per cent of July 1979 salaries and backdated to 1st December 1979, at the same time absorbing the on-account payment made during October and November 1979;
- (b) with effect from 1st July 1980 there will be an increase to salary scales in force at 1st July 1979 of 12 per cent of gross salaries being paid at 30th June 1980, including on-account payments.

This interim agreement is without prejudice to the conclusion of negotiations following publication of an agreement on the results of the Clegg Commission's inquiry.

I understand that in coming to this agreement the Management Side of the J.N.C. have attempted, in the light of the six month delay in receiving the Clegg report and the need to preserve morale in the courts, to strike a balance between giving a reasonable money increase and not undermining the Management Side's case before Clegg Commission. There has been a longstanding link between the pay of magistrates' courts staff and that of local authority A.P.T. & C. grades, and the Management Side have been arguing before the Clegg Commission in favour of maintaining this link. (That link was, you will recall, a factor which we ourselves took into account last year.) Whatever the view Clegg takes of the matter, and of the counter arguments by A.M.O. that its members should not be treated as local authority workers, I think it is inconceivable that Clegg will award significantly less than the courts staffs' traditional analogue has received. Accordingly, since the lowest level of increase arising from the A.P.T. & C. in-house comparability study earlier this year was 9.5 per cent, the enhanced payment on account for magistrates' courts staff should be safely covered by whatever Clegg recommends. As to the interim payment of 12 per cent from 1st July, this is a little below what I understand the local authority employers have already offered to the A.P.T. & C. grades in the current round (and that offer relates of course to final 1979 salaries). The cost of the J.N.C. interim award for 1980 is estimated at £3.2m in a full year.

My conclusion is that the Management Side have steered a difficult course and done rather well to achieve an interim settlement on these terms. Subject to your views, and those of our colleagues, I would propose to take no steps to interfere with this settlement.

/I am

I am sending copies of this letter to the Prime Minister, members of E(EA), the Lord Chancellor and Sir Robert Armstrong.

*Agnes
Lithi*

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22 JUL 1980

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Home Affairs



Caxton House Tothill Street London SW1H 9NA

Telephone Direct Line 01-213 ⁶⁴⁰⁰
Switchboard 01-213 3000

Z 2011

The Rt Hon Sir Keith Joseph Bt MP
Secretary of State
Department of Industry
Ashdown House
123 Victoria Street
London SW1

Arbon

R 16/5

18 May 1980

[Handwritten signature]

INNER LONDON MAGISTRATES' COURTS : PAY

Requested

I have seen a copy of William Whitelaw's letter of *7* May about magistrates' courts staff in Inner London.

The further delay now likely before the Comparability Commission's report on magistrates' courts staff outside Inner London is received is indeed unfortunate. In the circumstances I am content with the line proposed.

I am copying this letter to the Prime Minister, other members of E(EA), William Whitelaw, the Lord Chancellor and Sir Robert Armstrong.

[Large handwritten signature]

15 MAY 1960





3995

Treasury Chambers, Parliament Street, SW1P 3AG

Rt Hon William Whitelaw CH MC MP
Secretary of State
Home Office
50 Queen Anne's Gate
London SW1H 9AT

15 May 1980

NBM

R 145

Dear Willie,

INNER LONDON MAGISTRATES' COURTS: PAY

Thank you for sending me a copy of your letter of 7 May to Keith Joseph.

I am most reluctant to make further concessions to this group which has already been treated with exceptional generosity. In view of the previous delay in completing the Clegg report, it is a pity that it was not made clear to the staff side that, in the event of a further delay in publication, the Government would look with disfavour on any request for full implementation of the recommendations made by the Committee of Magistrates, in advance of the Commission's report. This, of course, was the line that you had earlier hoped to hold.

But I think we have to take an objective view of this issue. The key point to my mind is whether it is likely to be cheaper to settle now or later. On the basis you propose in your letter, I think it is likely to be cheaper to settle now. The industrial relations arguments point to the same conclusion.

I therefore agree to your proposal provided that:

- a) as indicated in your letter, your earlier assurance that at the end of the day, the Inner London staff will be no worse off in the 1979 pay round than those in the rest of the country is withdrawn as a condition of the settlement;
- b) if Clegg ultimately produces a settlement for the rest of the country lower than that conceded to the Inner London staff, we should aim to offset the excess against the 1980 settlement (this will mean delaying this year's negotiations until after Clegg has reported);

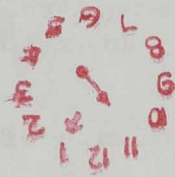
- c) our objective should be to maintain broad equivalence between the Inner London staff and those in the rest of the country, and to resist any link to civil service rates.

I am copying this letter to the recipients of yours.

7
JWS

John Biffen

JOHN BIFFEN



16 MAY 1960



QUEEN ANNE'S GATE LONDON SW1H 9AT

7
May 1980

Dear Keith

R
16/5

INNER LONDON MAGISTRATES' COURTS: PAY

I last wrote to you about this on 20 March and I was grateful to you and colleagues on E(EA) Committee for your agreement that I should confirm a settlement costing half of what had been put to me by the Committee of Magistrates.

This offer was considered at a mass meeting which the Unions called on 27 March. The meeting responded by passing a resolution calling for confirmation of the settlement, in full, within a month. The Union leaders made it clear to my officials at a meeting convened by the Committee of Magistrates recently that their members could be expected to turn to industrial action to obtain what they had negotiated with their employers.

We decided that the half settlement should be offered because of the unexpected and unwarrantable delay in getting the Clegg report on the 1979 settlement for the magistrates' courts' staff outside Inner London. It would not have been reasonable to ask the Unions to wait for Clegg before I approved any part of the Inner London settlement. But at that time we were, at least, hoping for the Clegg report at the end of June. I am now told that it is not expected before August. Translating Clegg's recommendations into an Inner London settlement would take a little time, so we are probably now talking of keeping the Inner London people waiting until September for the last slice of their 1979 money.

I think that this is asking too much of this low-paid group, and that if they now take industrial action public sympathy will not be with the Government. Furthermore, we now know (which we did not when I wrote on 20 March) that the APT & C grades, which are the traditional analogues for magistrates' courts' staff, have completed their 1979 pay settlement at almost 24%. This is the same as the total increase proposed by the Committee of Magistrates in Inner London. Unless Clegg were to recommend lower pay for court staff than for the APT & C grades - which is almost inconceivable - confirmation of the Committee of Magistrates' determination will not conflict with Clegg.

/In these new circumstances

The Rt Hon Sir Keith Joseph Bt MP

In these new circumstances I believe that the right thing now would be for me to confirm the Committee of Magistrates' determination and so complete the 1979 pay round in the Inner London courts. But I should make it clear that the inevitable corollary of my acceptance of the magistrates' determination would be the withdrawal of my previous assurance that at the end of the day the Inner London staff would be no worse off in the 1979 pay round than those in the rest of the country. I should be grateful to know by close of business on 15 May that I have my colleagues' agreement to my proceeding as proposed above.

I am copying this letter to the Prime Minister, members of E(EA) Committee, the Lord Chancellor and Sir Robert Armstrong.

*Yours
L. H. H.*

10 MAY 1960



15 MAY 1960





Home Affairs

Treasury Chambers, Parliament Street, SW1P 3AG

MSM

Rt Hon William Whitelaw CH MC MP
Secretary of State
Home Office
50 Queen Anne's Gate
London SW1H 9AT

Dr
26/3

26 March 1980

Dear Home Secretary

INNER LONDON MAGISTRATES' COURTS: PAY

Thank you for sending me a copy of your letter of 20 March to Keith Joseph.

I am instinctively reluctant to make further concessions to a group that have already been generously treated. However, I recognise that the problem arises through the unexpected delay in Clegg reporting, and I do not see that your proposal will cause undesirable repercussions. I would feel happier if the expenditure confirmed were cash limited, but since I understand there is ample expenditure provision to cover your proposal, I do not think this is a major difficulty. I am therefore content for you to proceed as you propose.

However, I do think we need to have at the back of our minds the (perhaps unlikely) possibility that your proposal for this group, added to what they have already received, might result in their receiving more than Clegg recommends for the outer London court staff. In spite of the long standing argument by the inner London unions for parity with civil service rates, I do not think we, or you, would wish the inner London rates to get out of line with those in outer London, unless this is absolutely unavoidable. Nevertheless, given that Clegg is now expected to report at the end of June, it seems to me that the sensible thing is to sweep up any remaining problems into this year's pay negotiations, where settlement for the inner London staff is due on 1 July. This may not be easy in view of the union commitment to parity with the civil service, but should be easier this year than last year, now that civil service 'catching up' is out of the way.

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

Yours sincerely

PP R. W. B.
JOHN BIFFEN

[Approved by the Chief Secretary
and signed in his absence]

26 MAR 1960





Caxton House Tothill Street London SW1H 9NA

Telephone Direct Line 01-213 6400
Switchboard 01-213 3000

The Rt Hon Sir Keith Joseph Bt MP
Secretary of State for Industry
Ashdown House
Victoria Street
London SW1

R
S
2473

25 March 1980

Dear Sir

INNER LONDON MAGISTRATES' COURTS: PAY

I have seen a copy of William Whitelaw's letter of 20 March proposing a provisional settlement for magistrates' courts staff in inner London.

I accept his judgement that another interim payment is necessary to keep the peace with this group. He is clearly right to want to avoid an interim payment which could exceed the increase that the Comparability Commission may make to magistrates court staff outside inner London. At this stage there is no knowing what the Commission may recommend, but I would agree that the proposed increase of 3.9 per cent is unlikely to prove excessive.

I am copying this letter to the Prime Minister, other members of E(EA), the Home Secretary, the Lord Chancellor and Sir Robert Armstrong.

Yours
T

FROM THE PRIVATE SECRETARY

24/3

Home Affairs

HOUSE OF LORDS,
SW1A 0PW



25th March 1980

TVM ✓

J.A.Chilcot Esq.,
Principal Private Secretary to the
Secretary of State
Home Office
Queen Anne's Gate
London SW1H 9AT

HO say everyone

happy. Are we?

MF

Dear John,

yes

PA
26/3 13

INNER LONDON MAGISTRATES' COURTS; PAY

The Lord Chancellor has seen a copy of the letter dated 20th March from the Home Secretary to the Secretary of State for Industry.

He fully supports the Home Secretary's proposal to offer the Inner London Magistrates' Courts staff immediately a provisional settlement of half of what has been put to him.

I am copying this letter to the Private Secretary to the Prime Minister, to the Private Secretaries to the members of E(EA) Committee and to David Wright at the Cabinet Office.

Yours sincerely,

Alastair Cook

PP I.H. MAXWELL

7 6 5 4
3 2 1
9 8 7 6 5 4 3 2 1

25 MAR 1960



QUEEN ANNE'S GATE LONDON SW1H 9AT

20 March 1980

*Treasury and CSD
are content.*

MBM

*R
26/3*

INNER LONDON MAGISTRATES' COURTS: PAY

You will remember that last year we had considerable trouble with the pay of magistrates' courts staff, particularly the staff in the Inner London courts whose pay awards require my confirmation, and who are represented by civil service unions. The detailed sequence of events last year is set out in Annex A. But the essential point is that we were able to end the 5-week strike in Inner London only by combining a little extra money at the time with an assurance that, at the end of the pay round, the Inner London people would be no worse off than the staff in magistrates' courts elsewhere whose claim had been referred to the Clegg Commission. I should emphasise that what we are talking about in all this is the completion of the 1979 pay round and not the pay round beginning next July.

When I gave my assurance to Inner London last year it was generally expected that the Clegg Commission would be able to report in March or April, so that the Inner London staff would not be kept waiting for very long before I was in a position to confirm the final stage of their settlement, which they hoped would be dated from 1 January. But, whilst the Inner London negotiations between the staff and their employers have progressed so quickly that a settlement was put to me for confirmation on 23 January (see Annex B), it has now become apparent that Clegg will not be able to report on the rest of the country until late June at the earliest. This situation was simply not foreseen last year.

Last week the union representatives came to see me and put it to me that they would be quite unable to contain their members' impatience for anything like as long as another three months. One naturally looks at such assertions with healthy scepticism. But my judgement is that we would be wise to take them seriously on this occasion.

One point that I think we must bear in mind is that the Inner London court staff are a small group having the capacity to embarrass us very considerably in the law and order field and susceptible to manipulation by the civil service unions involved.

/I am sure we

The Rt Hon Sir Keith Joseph Bt MP

I am sure we would be prudent to do anything we reasonably can to take them out of the area of possible confrontation in the coming months.

While we are waiting for Clegg I have no intention of confirming the settlement that has been put to me as it stands. But I think that if I were to tell both sides in Inner London that I would be prepared, as a provisional measure, to confirm a settlement costing half of what has been put to me there is a very good chance that the situation would be defused. I would propose to leave it to them to decide how to distribute the cash, though the simplest way would obviously be to halve all the increases that are proposed.

As you will see from Annex B, the cost of my confirming half of the current proposal would be about £80,000 in a full year, representing less than 4 per cent of last year's pay bill. (There is also a standard superannuation provision that would involve some few £100s.) For my proposed provisional settlement to raise problems vis a vis Clegg one has to assume that he will award less than 8 per cent to the court staff outside Inner London (see Annex C). That seems to me to be highly unlikely.

I therefore seek your agreement, and that of our colleagues on E(EA) Committee to my offering Inner London the provisional settlement I have described above. If this is agreed, there is every advantage in doing it quickly. As there is to be a mass meeting of Inner London staff on 27 March I should be grateful to have reactions to this letter no later, please, than close of play on Tuesday 25 March.

I am copying this letter to the Prime Minister, members of E(EA) Committee, the Lord Chancellor and Sir Robert Armstrong.

INNER LONDON MAGISTRATES' COURTS
1979 PAY NEGOTIATIONS

1. The Home Secretary has been asked to give effect to a pay agreement for 636 middle and junior administrative and clerical staff (and 16 court clerks) of the Inner London Magistrates' Courts Service (ILMCS) who are represented by the Civil and Public Services Association (CPSA) and the Society of Civil and Public Servants (SCPS).

Background

2. The magistrates' courts in Inner London are administered by the Committee of Magistrates but the Committee's determinations on pay are of no effect unless confirmed with or without modifications by the Home Secretary. The Receiver for the Metropolitan Police District has statutory responsibility for meeting the Committee's expenditure, on which he receives 80 per cent specific grant from the Home Office and precepts for the remainder on the Inner London Boroughs.

3. Since the ILMCS was established in 1965 the pay of the chief clerks and their deputies has been related to the scales recommended for the rest of England and Wales by the Joint Negotiating Committee (JNC) for Justices' Clerks, and the pay of the supporting staff has generally been related to the scales recommended by the JNC for Justices' Clerks' Assistants. For historical reasons all ILMCS staff are, however, subject to civil service conditions of service apart from pay and, unlike their counterparts in the rest of England and Wales, are represented by civil service unions.

1979 Pay Settlement

4. JNC pay settlements normally take effect from 1 July. In 1979 however negotiations in the JNC for Justices' Clerks' Assistants were unusually difficult and accompanied by threats of industrial action. Agreement was eventually reached on 22 August, and quickly endorsed by the Government: it provided for an increase of 9.6 per cent plus some limited restructuring and reference of the whole claim to the Clegg Commission. The Clegg award would be backdated to 1 December, and 5 per cent on account would be paid from 1 October.

5. Meanwhile, the CPSA and SCPS had made it clear that they wished to break the Inner London pay link with JNC scales and to substitute a link with civil service rates of pay (though not grades). Following agreement in the JNC for

Justices' Clerks' Assistants ~~the~~ Committee of Magistrates offered a similar settlement for the comparable ILMCS staff but the unions rejected it and called a strike from 27 August.

6. In further discussions the unions manoeuvred the Committee of Magistrates into making a determination giving their members an increase from 1 July of 9 per cent plus £1 a week for staff on grades with a maximum of £5,172 a year or less, with a further increase of 5 per cent from 1 October. The other element in the agreement was that a working party should be established, under independent chairmanship, to recommend the size of the final stage of the 1979 pay increase, to apply from 1 January 1980, and to recommend the future basis of determining the pay of CPSA and SCPS members in the ILMCS. Following a meeting chaired by the Prime Minister on 3 September, the Home Secretary confirmed the determination subject to the modification that the second stage was deferred to 1 November. He also made it plain that he completely reserved his position in respect of any proposals based on the working party's deliberations.

7. The unions regarded the Home Secretary's modification as unreasonable and remained on strike.

8. After a further meeting under the Prime Minister's chairmanship on 26 September, the Home Secretary saw the Committee of Magistrates and the CPSA and SCPS on 27 September and suggested the terms of a settlement which were immediately accepted. The additional ingredients of this settlement were a small improvement of the 1 July instalment (from 9 per cent to 9.6 per cent) and an assurance by the Home Secretary that the staff represented by the CPSA and SCPS would, at the end of the current pay round, be no worse off than the comparable groups in magistrates' courts in the rest of the country. The ILMCS resumed normal working on 1 October.

THE INNER LONDON PAY AGREEMENT

The Inner London joint working party comprised representatives of the Committee of Magistrates and of the CPSA and SCPS, under the chairmanship of Professor Sir John Wood. The working party reported in January, and made recommendations on pay and also on the future arrangements for negotiating pay in the ILMCS and for establishing consultative procedures.

On 23 January the Committee of Magistrates considered the working party's report and formally determined that the recommendations on pay should be implemented with effect from 1 January and that for superannuation purposes in respect of staff retiring between 1 July 1979 and 30 June 1980 on reaching retirement age or through ill health the full 1979 pay award should be deemed to apply as from 1 July 1979.

The determination proposes further pay increases averaging about 7.7 per cent on 1978-79 levels, at a cost of £0.16m in a full year. The overall effect of the 1979 settlement if the latest determination were confirmed would be to raise salaries, on average, to about 24 per cent above the rates paid in June 1979, at a full year cost of £0.5m on a total of £2.1m for the year ended 30 June 1979. However, if the latest determination were modified as proposed it would give increases of no more than 3.9 per cent on 1978-79 levels, at a cost of £0.08m in a full year. This would reduce the overall effect of the 1979 settlement to an increase of about 20.2 per cent, at a full year cost of £0.42m.

COMPARISON OF SETTLEMENTS IN INNER LONDON AND ELSEWHERE

A. Settlement outside Inner London

- (a) 1 July 1979 9.6 per cent across the board plus some restructuring: total effect about 12.25 per cent in a full year.
- (b) 1 October 1979 5 per cent on account (and therefore to be disregarded, as it will be recouped from the Clegg award payable from 1 December 1979).

B. Inner London settlement

- (a) 1 July 1979 9.6 per cent across the board plus £1 a week for almost everybody represented by CPSA and SCPS: total effect about 11.3 per cent in a full year.
- (b) 1 November 1979 5 per cent across the board not on account: total effect in a full year of (a) plus (b): about 16.3 per cent.
- (c) 1 January 1980 7.7 per cent proposed by Committee of Magistrates or 3.9 per cent proposed provisional settlement.

Summary

In essence, the current Inner London proposal - if modified as proposed - would achieve a total increase of about 20.2 per cent. As the staff outside Inner London have only got 12.25 without clawback, Clegg would have to award less than 8 per cent for them if the modified Inner London settlement were ^{not} to be accommodated within the levels of increase applying to the rest of England and Wales.

All percentages are based on 1978-79 rates of pay.



29
18
11 12
1981
21 MAR 1981

Home Affairs
2



HOME OFFICE
QUEEN ANNE'S GATE LONDON SW1H 9AT

28 September 1979
received 10.4

Prime Minister

Confirmation that the
strike is over.

Dear Tim

12
1/10
nr

INNER LONDON MAGISTRATES' COURTS DISPUTE

...

I enclose a copy of the statement which was agreed with the representatives of the CPSA and the SCPS following their meeting yesterday afternoon with the Home Secretary to discuss the Inner London magistrates' courts dispute. After discussion, the Union representatives indicated to the Home Secretary that on the basis of the proposals and undertakings which he had put forward they would be prepared at their meeting today to recommend their members to return to work forthwith. We have learned this morning that at this meeting the Unions voted to return to work on Monday.

The Home Secretary has asked me to say that he was extremely grateful to his colleagues for enabling him to put forward proposals to the Unions which in the event have succeeded in bringing the strike to an end. I am sending copies of this letter to Jim Buckley (Lord President's Office), William Arnold (Lord Chancellor's Office), Andrew Duguid (Department of Industry), Ian Fair (Department of Employment), Alister Pirie (Chief Secretary's Office) and Martin Vile (Cabinet Office).

Yours sincerely

Tony Butler

(A J BUTLER)

T P Lankester Esq

INNER LONDON MAGISTRATES' COURTS DISPUTE

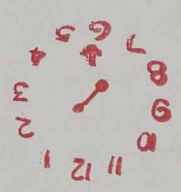
At meetings on 27 September with the Committee of Magistrates for the Inner London Area and with the Civil and Public Services Association and the Society of Civil and Public Servants, representing the court staff currently in dispute, the Home Secretary gave the following undertakings:-

- (i) He would be prepared to confirm a determination having the following effect:-
- (a) payment dated from 1 July of an increase of 9.6% for the staff concerned plus £1 a week for staff on grades up to and including grades with a maximum of £5,172 per annum (excluding London Weighting) on the scales as at 30 June;
- (b) payment dated from 1 November of an increase of 5% on the original scales.
- (ii) He welcomed the fact that future negotiating machinery would be considered by the Working Party agreed between the Committee of Magistrates and the Unions, and would consider how the Home Office might best assist the Working Party on that aspect.
- (iii) In recognition of the Unions' concern about his attitude to the Working Party's recommendations, he gave his guarantee that he would be prepared to confirm a determination that would secure that, at the end of the current pay round, the staff represented by the Civil and Public Services Association and the Society of Civil and Public Servants would be no worse off than the comparable groups in the magistrates' courts in the rest of the country; and that if there were any disagreement at the time about the implementation of this undertaking, he would be ready to discuss its resolution with both sides.
- X | (iv) He also undertook that before final decisions were taken on future negotiating machinery, Home Office officials, and if necessary the Home Secretary himself, would be available for discussion with both sides.

X Home Office felt me that the Home Secretary told the unions that, in his view, the inner London clerks would have to be put on the same basis as the outer London clerks. R.

27 September 1979

CC. The [unclear]
The [unclear]
The [unclear]
The [unclear]
The [unclear]
The [unclear]
The [unclear]



- 1 OCT 1979

CONFIDENTIAL

FILE

DS

Home Affairs

Copied to
Master set



10 DOWNING STREET

From the Private Secretary

26 September 1979

Dear Mr.

Inner London Magistrates' Clerks

The Prime Minister held a meeting at 0945 this morning to discuss the Inner London magistrates' clerks' dispute. The Home Secretary, the Lord President, the Lord Chancellor, the Secretaries of State for Industry and Employment, and the Chief Secretary were present.

The Home Secretary said that the situation in the London courts looked better than it actually was. Essential cases were being dealt with, but there was a growing backlog of other cases. The overall position was just manageable, though this was due to the excellent co-operation of the justices' clerks; but it was likely to deteriorate, and it was therefore very desirable that the current dispute with the clerks should be ended provided this could be achieved at a reasonable cost.

In trying to achieve a settlement, he recognised that it was essential that the Inner London clerks should, at the end of the day, be treated no better than the clerks outside London, and that there should be no undesirable repercussions on the current dispute with the Industrial Civil Servants. It should be possible, in his view, to improve the terms of the existing offer to the Inner London clerks without prejudicing these two objectives. In the first place, he proposed to be rather more forthcoming on the Working Party which it had been agreed should be set up to make recommendations on the third stage of the settlement: instead of simply reserving his position on the Working Party's recommendations, he would like to say that at the end of the day his determination would be such that the Inner London clerks would be no better and no worse off than the Outer London clerks. In addition, it would be worth considering increasing the first stage payment to 9.6% + £1 so as to bring the basic percentage into line with the Outer London clerks but he would not want to offer this extra small amount unless it were likely to win a settlement, or if it were likely to repercuss on to the Industrial Civil Servants' dispute. His own view was that these concessions would probably not bring a settlement, but they would be worth trying. If after having offered them, the London clerks still refused to settle, the Government's case would be seen to be a good deal stronger: the

/issue

CONFIDENTIAL

HS

Issue was a very complex one, and at present it appeared to some that the Government was being unnecessarily intransigent.

In discussion, it was argued that it would be far better to push the Inner London clerks in the direction of the Outer London clerks' settlement, and also towards similar negotiating procedures. The union was pressing for a link with the Civil Service, but this would be highly undesirable - not least because it would go against the Government's objective of trying to decentralise public service pay negotiations. The Working Party could certainly make recommendations on future negotiating procedures and the question of linkage, but it would be helpful if the Home Secretary could make it clear that, as far as he was concerned, the Inner London clerks must move after this pay round on to a common negotiating basis with the Outer London clerks.

If the medium term objective was to put the Inner and Outer London clerks on to the same footing, there seemed no objection to the Home Secretary's proposed formula in relation to the Working Party. As for the suggestion that the Inner London clerks might be offered 9.6% for their first stage, Lord Soames said that a carry-over into the dispute with the Industrial Civil Servants must at all costs be avoided; he suggested that this might be done by the Home Secretary making it clear that the 9.6% was being offered specifically in order to put the Inner London clerks on to a par with the clerks outside London. In order to establish as close a link in this pay round to the Outer London clerks as possible, it might also be desirable to bring forward the second stage payment to October and also to apply claw-back to it. On this last point, the Home Secretary responded that, having already made a determination that the second stage should be in November, he could not now reverse this. Nor did he think that imposing claw-back would be credible: and in any case, the claw-back provision in the Outer London settlement was very unlikely to have any effect in practice.

Sir Keith Joseph asked what contingency plans the Home Office had prepared in case the dispute continued, and in particular whether it might not be possible to legislate on similar lines to the legislation which had been brought in to deal with the dispute in the Scottish courts earlier this year. The Lord Chancellor pointed out that the Scottish legislation could not be emulated to deal with the London courts situation since the system of justice in Scotland was quite different. The Lord Chancellor said that he was more worried about making up the backlog of work in the courts after a settlement, and he hoped the Home Secretary had plans for dealing with this. Mr. Whitelaw replied that the Home Office were indeed working on this, and he would let the Lord Chancellor have a paper shortly setting out their plans.

Summing up the discussion, the Prime Minister said that the Home Secretary should now be authorised to proceed on the following basis:

/(i)

(i) He should continue to reserve his position on the Working Party's recommendations, but he should say that at the end of the day the Inner London clerks would be no worse off than the Outer London clerks (and the calculation of the comparison would take into account the slightly different percentage increases in the first two stages and the different timing of these stages); he should also make it clear that, while the Working Party was welcome to make recommendations about future negotiating procedures, his own view was that these procedures would eventually have to be the same as those for the Outer London clerks.

(ii) The Home Secretary should allow the negotiators to offer 9.6% + £1 for the first stage if he felt this was likely to reach a settlement, but in doing so he should make it clear that this was intended to provide a direct link with the Outer London clerks.

(iii) The second stage payment should be 5% from 1 November without claw-back as before.

I am sending copies of this letter to Jim Buckley (Lord President's Office), Ian Maxwell (Lord Chancellor's Office), Andrew Duguid (Department of Industry), Ian Fair (Department of Employment), Alistair Pirie (Chief Secretary's Office) and to Martin Vile (Cabinet Office).

Yours etc.

Tim Lamm.

John Chilcot, Esq.,
Home Office.

CONFIDENTIAL

Home Affairs.

Ref. A0297

MR. LANKESTER

Inner London Magistrates Courts Strike

The Prime Minister is discussing this with Mr. Whitelaw and other Ministers on Wednesday and you asked for a short brief.

2. The main issue is whether to make further concessions in order to end the dispute, or to stand firm. Mr. Whitelaw earlier reported that the present minimum level of operations could in theory be continued without disaster. If this is right, standing firm remains a viable option though Mr. Whitelaw (and the Lord Chancellor) may prefer to bring the dispute to an end by making some concessions.

3. There are three possible concessions:-

(i) Bringing forward the 5 per cent offered for November to October. This was one of the two main sticking points with the unions. The real difficulty is the possible repercussive effect on the industrial Civil Service. It may be that the settlement would still look sufficiently different from the Civil Service offer (e.g. with a different final stage) to avoid repercussions. This is essentially a matter of judgment, on which the Prime Minister will want Lord Soames' views.

(ii) A commitment to the implementation of the results of the ACAS inquiry (the other main sticking point with the staff). Mr. Whitelaw suggested at the meeting last week that he should tell the staff that following the inquiry they would be no worse than the staff outside London. Clearly the Government would be reluctant to go further than this and the Prime Minister had doubts whether it should go so far. What is needed is a judgment about the minimum the staff would accept so that the Government can decide whether the price of peace is too high. Mr. Whitelaw is best placed to offer advice on this.

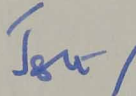
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(iii) To agree that the results of the separate inquiry should be implemented for the next settlement - i. e. in July 1980. For the current round the staff would be expected to follow the settlement outside London - i. e. including the Clegg recommendations. We understand Lord Soames may be ready to agree to this, as it avoids most of the immediate repercussions on the Civil Service. On the other hand it defers rather than solves the underlying issues.

4. So in order of decreasing firmness, the main options are:-

- (a) standing firm;
- (b) option (iii) above, perhaps combined with option (i);
- (c) a combination of options (i) and (ii) above.

5. One final point. If Ministers are minded to make concessions, the question of their timing needs careful consideration. Arguably any signal of "softening" by the Government would be maladroit until after the engineers' dispute has come to an end.


(John Hunt)

25th September, 1979

CONFIDENTIAL

*Copied to
Walter set
Home Affairs*

NOTE FOR THE RECORD

The Home Secretary called on the Prime Minister at 1100 hours to discuss the London Magistrates' Clerks' strike.

Mr. Whitelaw said that he was very anxious about the prospect that the strike would continue. Although it was alleged that the Government would be able to "sweat it out", he doubted whether it would be possible to win this particular dispute. There were only some 700 people involved in the strike, and the union were only too willing to continue paying strike money. Justice was no longer being done in the Courts: for example, Magistrates were only inflicting fines which they thought offenders could pay up immediately, for without the Clerks there was no way of pursuing them for later payments. He was worried that some of the lay Magistrates would soon refuse to sit. There was a real risk, in his view, that a "bad case" would soon hit the Press, and this would backfire on the Government. The Prime Minister interjected that, on the contrary, it would backfire on the union: if news stories started to appear that standards of justice were deteriorating, the Government could castigate the union for it.

Turning to the pay proposal which the Clerks had rejected, Mr. Whitelaw said that he thought the sticking point with them was his totally non-committal statement on the results of the Working Party. He thought they might accept the November staging, but they would insist on a more forthcoming statement in respect of the Working Party's conclusions. He thought it might be right to modify his position so as to say that following the Working Party's report, the Clerks would not be worse off than Clerks outside London. This would at least give them confidence that the Working Party's conclusions would not be wholly overturned by the Government.

There was also the question of the final staging. If the Inner London Clerks were to be treated like the industrial civil servants, then the final staging should be in April. But if they were to be treated no worse than the Outer London Clerks, there would need to be back-dating of the Working Party's findings to December. One might possibly agree to this on condition that next year the Inner London Clerks returned to the same negotiating procedure as the Clerks outside London.

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/The Prime Minister

CONFIDENTIAL

The Prime Minister commented that it would have been far better if the Inner London Clerks had agreed to be referred to Clegg. If Mr. Whitelaw were to modify his position in the way he had suggested, he would also have to insist at the end of the day that London Clerks should be paid no more than the amounts recommended by Clegg for those outside London.

No decisions were taken, and it was left that there should be a further discussion next Wednesday when the Lord President will be available.

19 September 1979

cc: M.J. Vile, Esq.,
Cabinet Office.

CONFIDENTIAL

Prime Minister

1



The Home Secretary wants 5 minutes with you on this after MISC 7. 1

Treasury Chambers, Parliament Street, SW1P 3AG
01-233 3000

Have said you will be prepared to listen, but no decisions until Lord Soames gets back on Monday.

PRIME MINISTER

AM

INNER LONDON MAGISTRATES' COURTS STRIKE

DL
18/9

The Home Secretary sent me a copy of his minute to you of 17th September.

2. Whilst we must all be concerned about the continuing industrial action in the Inner London courts (and grateful to those who are doing their best to keep them going in very difficult circumstances), we must also recognise, however reluctantly, that nothing has occurred to change the assessment reached at your meeting on 3rd September (recorded in your Private Secretary letter of that date). Indeed the Home Secretary's minute sets out cogently the difficulties in the way of any concession. Unless we are to contemplate an about-turn (and I believe the time for this, if there ever was one, is now past), we must stand firm - particularly since we are facing even more serious industrial action by the industrial civil service on what is basically the same issue.

3. The prospect must now be of a lengthy dispute, and I am sure that our right course is to stay silent on the pay aspects. I therefore think that, if they have not already done so, the Home Secretary and the Lord Chancellor should draw up contingency plans for maintaining the basic administration of criminal justice in Inner London in the event of the strike causing magistrates' courts to grind to a halt. I am sure that if you decide to hold a meeting, these considerations should be on the agenda.

CONFIDENTIAL



4. I am sending copies of this minute to the Home Secretary, the Lord Chancellor, the Lord President, the Secretaries of State for Industry and for Employment, and to Sir John Hunt.

A handwritten signature in black ink, appearing to be "G.H.".

(G.H.)

18 September, 1979

CONFIDENTIAL

CONFIDENTIAL

Prime Minister



PRIME MINISTER

INNER LONDON MAGISTRATES' COURTS STRIKE

This really ought to be a matter for E(LA); but the Home Secretary wants to discuss it again with you. He wants a mtg. either tomorrow or Wednesday. Shall I arrange - with other Ministers as in the last para of this minute?
 TL

As we noted in Cabinet last week, this strike throughout the Inner London Magistrates' courts has serious implications for us. So far the day-to-day situation has been held, and press interest avoided, by the praiseworthy efforts being made by the senior court staff, who are not in dispute. But the underlying position is grave, and steadily getting worse.

The courts concerned are maintaining the bare essentials of a criminal justice system. People arrested by the police are being bailed or remanded in custody, according to law. Where it is possible to deal with a case forthwith, this is being done. But it is only the simpler cases that can be dealt with in this way. Any case that involves much paperwork (and this includes all cases where the courts wish to fine a defendant more than he has on his person, to make a compensation order, or to order the endorsement of a driving licence) are simply being adjourned. The backlog of cases that has already piled up would tax the courts to the utmost even if the strike ended now. If it goes on much longer, I see no way in which the courts could deal with the backlog whilst avoiding unacceptable delays in dealing with new business. All these problems are most acute in the juvenile courts.

As for non-criminal work (which, incidentally, includes such things as licensing) the most worrying problem is that maintenance payments are simply not being made.

I am advised that the present minimum level of operations could be sustained for the foreseeable future. This is clearly an option that is theoretically before us. But the unions involved have ample strike funds and I do not think that - committed as we are to the maintenance of an effective criminal justice system - we can easily contemplate simply sweating it out. The Party conference is not far off. We shall come under rigorous scrutiny when Parliament resumes. An individual case could go wrong and hit the headlines any day.

/The report of

CONFIDENTIAL

I think the Home Secretary is very stupid. I can meet - when I can be available - the latter part of the week.

17/9



The report of the May Inquiry is expected in October, and thereafter the passivity of the Prison Officers' Association is not to be assumed. All this leads me to conclude that we should give very urgent consideration to settling the dispute as soon as possible.

The background considerations could hardly be more difficult to unravel.

- (i) The statutory framework within which I have to operate is very difficult. The pay of the staff is, in the first place, determined by the Committee of Magistrates for Inner London, but these determinations do not take effect until I confirm them, with or without modification. The Committee of Magistrates has no financial responsibility for the decisions it takes, is quite out of its depth in pay bargaining, and has been out-manoeuvred by the unions at every end and turn.
- (ii) The pay of magistrates' courts staff outside Inner London has been settled on a package that hinges on a reference to the Clegg Commission. We cannot risk doing anything for Inner London that will jeopardise that settlement. And I cannot sensibly consider the appropriate pay comparisons, and hence pay levels, for Inner London without knowing what Clegg has to say. But that will not be known until, say, March.
- (iii) As in all public sector pay negotiations, we clearly have to keep in mind the interaction between this claim and all the others that are jostling for position. In the present case, the situation is made worse by the fact that the staff in dispute have civil service links for matters other than pay, and are aiming to achieve a civil service link for pay too.

/As you know,



As you know, the unions had won from the Committee of Magistrates a formal determination for a pay increase staged at July and October plus an informal agreement to establish a joint working party to consider both the third stage and the general basis of future settlements. At the request of my colleagues, who were concerned about the repercussions of this determination on other claims, I modified the formal determination so as to postpone the October stage to November, and I made it clear that I was in no way committed to implement anything that flowed from the working party's recommendations.

At a meeting with ACAS on 13 September the Committee of Magistrates and the unions agreed to invite Sir John Wood to chair the proposed working party, on the basis of terms of reference as at Annex A. I am informed that the unions' position was that they would not be prepared to recommend calling off the strike unless

- (a) they had the second stage of their pay restored to the October date that the Committee of Magistrates had originally determined (or, failing that, some convincing explanation why they could not have the date restored); and
- (b) some form of commitment on my part towards the working party.

In seeking this, the unions are seeking a great deal. It is no easy thing to restore a staging date that has been overruled by a Minister (though it is fair to comment that the unions do not appear, in their discussions with the Committee of Magistrates and ACAS, to have suspected any connection whatsoever with the question of civil service industrial grades which weighed with us when the decision to modify the determination was taken). As for the working party, I cannot easily associate myself with a pay review of this kind - under whatever chairmanship - that is undertaken simply by the

/parties involved.

It was the non-unionist freedom.



parties involved. I do have sympathy for the staff insofar as they have no effective negotiating machinery for their pay or any other aspect of their conditions of service. But an Inner London working party's recommendations on the future basis for determining pay there might well prove incompatible with Clegg, to whom I am already committed.

In Annex B I have set out for illustrative purposes some of the options that could be considered. I believe that there is little chance of an early end to the strike unless we can offer something on both of the fields at (a) and (b) above. That is, the strike will go on unless we can find some improvement on the instalments that I have already approved and some movement as regards the third stage and/or future negotiating machinery.

If you share my assessment of the risk of acute political trouble unless we act very soon, you may think that the best way forward would be to have an early discussions with me and the colleagues to whom I am copying this letter. They are the Chancellor of the Exchequer, the Lord Chancellor, the Lord President, the Secretary of State for Industry and the Secretary of State for Employment. I am also sending a copy to Sir John Hunt.

W.S.I.W

17

September 1979

CONFIDENTIAL



ANNEX A

PROPOSED TERMS OF REFERENCE FOR ACAS-NOMINATED CHAIRMAN OF
PROPOSED WORKING PARTY, AS AGREED BETWEEN ACAS, THE COMMITTEE
OF MAGISTRATES AND THE UNIONS

"To assist the parties by acting as chairman of a
working party set up

- have
read to?*
- (i) to recommend the size of the final stage of the
1979 pay increase to apply from 1 January 1980;
and
 - (ii) to consider and make recommendations on the
future basis of determining the pay of staff of
the Inner London Magistrates' Courts of such
grades as are represented by the SCPS and CPSA."

CONFIDENTIAL



This note discusses the options that seem most worthwhile considering in the light of the parties' known positions. The components of the options are framed to take account of, on the one hand, the JNC settlement for magistrates' courts outside Inner London and, on the other hand, the staging dates sought by the unions with the civil service in mind.

Option 1: Maintain the staging date of 1 November and try to persuade the unions that there is a reason for it that they can accept.

Comment: As the reason (civil service industrials) cannot be revealed, this option will certainly not end the strike.

The Home Secretary doesn't regard the CS industrials as relevant - I can't see why not (though the outer London clerks have October staging)

Option 2: Maintain the date of 1 November for the second stage but increase either the 9 per cent payable under the first stage or the 5 per cent payable under the second in order to compensate the staff for the deferment of the second stage to 1 November.

Comment: The cost would be negligible (about £10,000 - the cost of the 5 per cent increase for October). However, it would seem strange to substitute for a month's backdating of the second stage and increase in the first stage. And if the second stage were increased the need for the payment to be squeezed into the period before the third stage would mean that the 5 per cent would have to be increased quite substantially. Moreover the unions have not suggested any such alternative and there is no certainty that such an alternative would settle the dispute.

/Option 3:



Option 3: Bring forward the staging date to 1 October.

Comment: The unions want it and are warmly supported by the employers. It would bring Inner London into line with the timing of the JNC settlement for magistrates' courts staff elsewhere (5% from 1 October but subject to claw-back). The cost (about £10,000) is negligible. But it has hitherto been considered that this concession would have unacceptable implications for civil service industrials.

Option 4: While reserving the Government's position on quantum, accept that there will be a third stage to be dated from 1 January 1980.

Comment: Wanted by both unions and employers. Unless Inner London magistrates' courts are to drift quite apart from those in the rest of the country there will have to be some third stage dated not too far from 1 December 1979 (the effective date of the final stage of the JNC settlement).

Since quantum and implementation date would have to be reserved so that the Government can take account of Clegg, the unions may not see much advantage in this concession.

Option 5: As option 4 but with an additional undertaking that, without prejudice to whatever may be decided on the working party's recommendations, the Government will ensure that the staff of Inner London are not worse off overall than staff covered by the JNC settlement.

/Comment:

CONFIDENTIAL



Comment: This would be regarded as reasonable by any group that recognised that the Government inevitably had to have regard to the position in the country as a whole. But the unions are set on breaking the link with national JNC settlements that has traditionally been applied to their members in Inner London. They probably hope that the establishment of a civil service link would improve their pay and they might see this option as a threat rather than a reassurance.

Option 6: As option 4 or 5 but staging date for final stage brought forward from 1 January 1980 to 1 December 1979.

Comment: This would give Inner London the same effective date as the JNC final stage. But the unions have not suggested that this is the kind of improvement they seek (it would, so far as staging is concerned, treat them better than the non-industrial civil service).

CONFIDENTIAL



17 SEP 1979

FILE

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Home Affairs

17 September 1979

The Prime Minister was grateful for the Lord Chancellor's minute of 13 September and the enclosed note on the Inner London Magistrates Courts staff strike.

T. P. LANKESTER

Ian Maxwell, Esq.,
Lord Chancellor's Office.

S. J. M.

FROM:

THE RT. HON. LORD HAILSHAM OF ST. MARYLEBONE, C.H., F.R.S., D.C.L.



CONFIDENTIAL

HOUSE OF LORDS,
SW1A 0PW

Prime Minister

*Mr Whitclaw will be
minuting you shortly
with proposals (concessions?)
for settling the dispute.*

Thompson

Prime Minister

R 1379


As promised orally in Cabinet this morning I am circulating
colleagues with an up to date report on the state of work in
Magistrates Courts in Inner London as the result of current
industrial action.

We are getting on better than might have been expected. But
the underlying situation is serious and potentially damaging to
the Government in the administration of justice and the maintenance
of law and order. I think colleagues should be kept informed of
the position.

H: of S: M.

13 September 1979

CONFIDENTIAL


INNER LONDON MAGISTRATES' COURTS STAFF STRIKEThe Present Effect of the Strike on the Courts

The situation with regard to the amount of work being carried on in the courts during the strike varies from court to court. Multicourtroom courthouses have greater flexibility in their ability to deploy the small staff available effectively. The quality of the senior staff in the courthouses is also a variable factor.

The position in respect of the various classes of judicial work varies, but can be summarised as follows.

Charges

Remands of arrested persons, and issues of bail, are so far being dealt with fairly normally. This also applies to contested cases, but sentencing is effectively limited to custodial sentences, served or suspended, absolute or conditional discharges, or small fines with the alternative of one day custody. Except in a very limited number of cases, where it has been possible to collect fines on the spot, the imposition of fines has thus become virtually impossible. This is due to lack of staff to operate any accounting procedures. For the same reason, the courts are not able to order compensation, unless the money is immediately available. Even this gives rise to difficulties about the custody of money. It is generally possible to remand defendants for Social Enquiry and Probation Reports, although there is the possibility that at a later stage the Social Service and Probation Departments may "black" this work. This would be particularly deplorable, because the work now being done is being performed almost exclusively by persons who are not covered by the



unions who are on strike.

Overall some 40% of charges on arrest cannot be dealt with, and are therefore being adjourned. Even of those which are being dealt with, many are the subject of distortion of ordinary sentence patterns, because the courts are giving conditional discharges where a fine would be the normal appropriate sentence.

Committals

In some courts it is possible for committals to be made to the Crown Court. In others this is not possible, and the defendants have to be remanded, and as in custody cases they have to come up at intervals of eight days with the possibility of fresh arguments about bail this can delay other work. In the light of the present delays in the Crown Court in Inner London, the delays in committing will not create short-term difficulties, but are bound to increase the backlog of work later.

Traffic Summonses

Some 90% of all traffic summonses are not being dealt with, otherwise than by adjournment, which means that in this field matters are largely at a standstill.

Legal Aid

Very limited legal aid applications are being processed.

Matrimonial Cases

In the magistrates' courts matrimonial cases are mainly concerned with money, and the bulk of this work is therefore

-3-

at present paralysed. Women are unable to obtain payment under existing maintenance orders, and as a result some will be compelled to seek Supplementary Benefit. Even where orders can be made, their implementation may later be "blacked".

Means Inquiries

No summonses are being issued in this field, and the hearing of present cases is largely paralysed, which means that existing fines or money payments are not being enforced.

Juvenile Courts

This is probably the field which is worst affected. Only ten out of the twenty-five normal weekly juvenile court sittings are operating. Even the courts that are sitting are only able to adjourn cases, except for the very urgent care cases. There is again the risk of subsequent "blacking" by social workers of court orders now being made in the juvenile courts.

Licensing

This is almost totally paralysed. Applicants whose applications are adjourned will in some cases suffer serious financial consequences.

Post

Postmen are not crossing the picket lines, and as a result no postal payments or other correspondence is reaching the courts.

The Effect of Prolongation of the Strike

The general level of the present restriction on work being disposed of would continue as now, provided that the senior staff are able to maintain the very heavy extra work load which they have accepted, but the huge backlog of work will steadily accumulate.

The Eventual Disposal of the Backlog

In the light of the heavy backlog of work which existed in many Inner London courts before the strike, the disposal of the backlog will pose very large problems. Factors that have to be considered are:

- (a) The degree of co-operation of the staff on return to work. This would be a vital factor in terms of overtime, and cannot at present be estimated.
- (b) The deplorable possibility of "blacking" the implementation of orders made during the strike, as mentioned above.
- (c) Lack of additional courtrooms, or the staff to operate them.
- (d) The willingness of the police, the probation services and other court services to co-operate.

Having regard to the above factors, it would be unrealistic to think that we would be able to dispose of much of the backlog by longer sittings, or more sittings on Saturdays. The present arrangement for Saturday sittings is that those court staff who participate on Saturday have time off during the week. Further sittings would be

CONFIDENTIAL

-5-

dependent on their willingness to work the extra time, although in most cases overtime rates would be applicable. There is also the question of obtaining the co-operation of the other court services, the police and the legal profession.

Although it is impossible to evaluate the relevance of the various factors identified above when it comes to disposing of the backlog of work, the general picture is not encouraging. Each Chief Clerk will have to work out a plan for his own court, and I would expect fairly wide variations.

I do not think that there would be any difficulties as far as the magistrates themselves are concerned in getting their full co-operation in applying themselves to the backlog. The practical restrictions are those mentioned above. The magistrates could no doubt expedite much of the backlog by taking short cuts, but this will mean distorting sentencing consistencies considerably. The position may prove so difficult that the police will have to contemplate some sort of amnesty in certain classes of case, and may even have to withhold prosecution.

PRIME MINISTER

Magistrates' Clerks Strike

Lord Hailsham intends to give a sit.rep. on the state of affairs in the administration of justice in central London after Item 2 in Cabinet, ~~tomorrow~~. I do not think he has any proposals: he just wants to tell Cabinet about the seriousness of the situation. He says he will be minuting you after Cabinet.

12

12 September 1979



QUEEN ANNE'S GATE LONDON SW1H 9AT

10 September 1979

Prime Minister

Handwritten initials

To note - the strike
still goes on.

INNER LONDON MAGISTRATES' COURTS DISPUTE

Handwritten initials and date
11/9

I am writing to keep my colleagues in touch with the situation.

As had been agreed at the meeting with the Prime Minister on the evening of 3rd September, I used my powers under the Administration of Justice Act 1964 to modify the Committee of Magistrates' determination so as to postpone from 1st October to 1st November the second stage of 5 per cent. I also made it clear that my position was completely reserved in respect of any proposals put to me as a result of the deliberations of the working party that the Committee of Magistrates proposed to set up.

Events justified my assessment that there was a substantial risk that the unions would not accept a modification to the Committee of Magistrates' determination. The staff concerned held a meeting on 7th September and voted to continue the strike. I understand that the voting was 337:6.

The strike in the Inner London courts is therefore still in full swing and, as of today, I see no ready way out of the impasse. I believe, however, that the unions are to see the Committee of Magistrates again on Wednesday, and I will let my colleagues know if anything useful emerges from this. In any event, I will continue to keep my colleagues informed of the situation on the ground. As I have said already, the longer the strike goes on the more damaging its effects are bound to be.

I am sending copies of this letter to the Prime Minister, the Lord Chancellor, the Lord President, the Paymaster General, the Financial Secretary to the Treasury, E(EA) Members and Sir John Hunt.

Handwritten initials
W.W.

11 SEP 1970

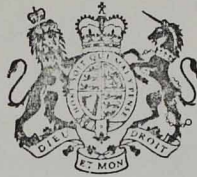
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CONFIDENTIAL

*cc: D. Wolfson
Minto set*

trw



Home Affairs

c.c.	LCO
	Ld.Pres
DN	PMG
Ch.Sec	Fin.Sec.
Cab.Of	DI
HMT	DM
	DOE
	SO
	VO
	DTrade

10 DOWNING STREET

From the Private Secretary

3 September 1979

Inner London Magistrates' Courts Staff

The Prime Minister held a meeting at 2230 this evening to discuss the inner London magistrates' courts staff dispute. The Home Secretary, the Chancellor of the Exchequer, the Lord President and the Secretary of State for Industry were present. They had before them as background your letter of 31 August.

The Prime Minister said that the settlement for the magistrates' courts staff in inner London should either be on the same basis as the settlement for the magistrates' courts staff outside London, or else it should be on a similar basis to the settlement for the civil service industrials. At present, the unions appeared to be asking for the best of both worlds.

The Home Secretary explained that he would very much have preferred the settlement to have been on the same basis as for staff outside London. But the unions had refused this, and although his long term aim was to arrive at a negotiating procedure which would put the inner London staff on the same footing as the staff outside London, the only possibility of a settlement in the current round was something on the lines of the terms which the negotiators had already agreed. This involved 9% + £1 from 1 July; a further 5% from 1 October; and a reference to a working party which would make specific recommendations as to the timing and amount of a final stage. He well understood that a settlement on these lines could cause difficulty for the Lord President insofar as the second stage was more favourable in terms of timing than the second stage for the civil service industrials. Contrary to the earlier advice which he had received, which had been that he could only veto the terms of a settlement, he was now advised that he could modify them. Although there was a substantial risk that any such modification would be unacceptable to the unions, he was prepared to insist that the second stage be advanced to 1 November so as to bring it into line with the civil service industrials. He was also prepared to reserve the Government's position totally on the recommendations of the working party in respect of the third stage. If in the event the working party recommended a final award more favourable than Clegg in respect of the outer London staff, he would veto it.

/In discussion,

CONFIDENTIAL

In discussion, it was argued that it would have been far better for the inner London staff's case to have been referred to Clegg. There was a clear risk that, on the Home Secretary's formulation, the working party's recommendation would be unacceptable, and that there would be strike action in January. However, given that the unions had resolutely refused a reference to Clegg and that the Home Secretary had no way of vetoing the setting up of a working party, the approach suggested by the Home Secretary represented the best way forward. On the other hand, when it came to considering the recommendations of the working party, it would be necessary to consider not only the amount but also the timing of the third stage: if the working party recommended a third stage payment in January (as seemed most likely), this would have to be vetoed since it would be more favourable by three months than the third stage payment for the civil service industrials.

It was agreed that the Home Secretary should authorise a settlement on the following basis:

- i. 9% + £1 from 1 July.
- ii. 5% from 1 November without any clawback.
- iii. The Home Secretary would state that he wished to make it clear that he completely reserved his position in respect of the working party's recommendations for the third stage.

I am sending copies of this letter to the Private Secretaries who were in receipt of your letter of 31 August.

T. P. LANKESTER

J.A. Chilcot, Esq.,
Home Office.

R

MR. LANKESTER FROM JIM BUCKLEY, LORD PRESIDENT'S
OFFICE

Inner London Magistrates' Courts Staff

I failed to give you a complete explanation of the differences between inner and outer London. Those outside London have a Clegg award and the 1 October payment is on account only, that is it has to be repaid out of the final stage. The difference for inner London is that the proposal is for a firm second stage of 5% (on the same date, 1 October) which will be clawed back. So the choice seems to be between a parallel arrangement to outer London (that is 9%, 5% on account and Clegg) and the Civil Service link which the staff involved seek, implying 9% + £1, 5% on 1 November and the final stage nine months after the first.

3 September 1979

NOTE FOR THE RECORD

The Prime Minister spoke on the telephone with the Home Secretary at 1620 hours about the Inner London Magistrates Court strike. They discussed the proposals set out in Mr. Chilcot's letter of 31 August.

Mr. Whitelaw said that the union and management sides had reached agreement on Friday. This involved paying out less money, at least initially, than for the clerks outside London. The only difficulty, as far as he was concerned, was that they had agreed the setting up of a working party to make recommendations on the timing and amount of a final stage for the settlement. However, he felt that the Government's position would be fully protected if he were to reserve totally his position on the working party's recommendation. This meant that there was still the risk of a strike in January when the working party reported; but he and the Lord Chancellor were convinced that it was best not to veto the settlement which the two sides had agreed and take this risk of further industrial action later. The Lord Chancellor in particular was worried that the courts would soon come to a standstill. If he were to veto the settlement now, the Government would certainly be blamed.

Mr. Whitelaw went on to say that the C.S.D. were naturally worried about the possible repercussions for the industrial civil servants. However, the court staff were not industrials, and therefore he could not see that there was much substance in their worry. He therefore proposed:

- (i) to accept the amounts of money in the settlement;
- (ii) to state that the Government had an absolute right to refuse to accept the recommendations of the working party.

/ The Prime Minister

The Prime Minister said that she could not accept this. Even though the Home Secretary might reserve his position on the working party's findings, nobody would take this seriously. But in fact, she was less concerned about the working party than about the staging in the proposed settlement. The second stage payment in October was more favourable than the second stage for the industrial civil servants; and this was bound to have the repercussions which the C.S.D. feared.

Mr. Whitelaw said that he could only veto the offer, which was in fact more or less in line with the settlement for the clerks outside London. The Prime Minister responded that there was no case for necessarily copying another bad settlement. If the Inner London offer was approved, this would put C.S.D. Ministers in an impossible position with the Civil Service industrials - who would then ask for similar treatment. The Prime Minister asked that the issue be put to E(EA) Committee, which was meeting on Thursday.

Mr. Whitelaw then said that if there was any delay in confirming the settlement, the matter would immediately be blown up in the Press. It would be much better to reach a decision at once. He therefore hoped that the Prime Minister would agree to a much earlier meeting.

The Prime Minister said that she would be willing to hold a meeting later that evening, but she did not hold out any hope that she would change her view.

~

3 September 1979

PRIME MINISTER

Magistrates Courts' Staff in Inner London

Last Thursday, the Home Secretary reported that he was trying to reach a settlement with Inner London Courts' staff on the same basis as the settlement reached with staff outside London. The latter was as follows:-

- (i) 9.6% from 1 July plus some restructuring bringing the total increase in the wage bill to over 12%.
- (ii) Reference to Clegg, with the results to be paid in full from 1 December 1979.
- (iii) 5% payment on account from 1 October, to be recouped from the Clegg award.

The letter at Flag A now proposes a settlement for the Inner London staff on the following lines:

- (i) 9% plus £1 from 1 July.
- (ii) A further 5% from 1 October.
- (iii) Reference to a working party (not Clegg) which would recommend a further basis of pay determination for the Inner London staff, and make a specific recommendation as to timing and amount for a final stage of this year's award.

The Home Secretary is trying to get agreement to this package this afternoon, and will almost certainly wish to speak to you about it.

The Financial Secretary (in Sir Geoffrey Howe's absence) has been consulted, and has said that he is content subject to the Lord President's views. The Lord President is away, but Mr. Channon has now told Mr. Whitelaw that the proposed settlement is objectionable because of its likely repercussions on the industrial Civil Servants. His point is that the staging is more favourable than for the industrial Civil Servants on two counts:-

- (i) Whereas the industrials have their second stage in November, the Magistrates clerks would get theirs in October. (The second stage for the clerks outside London is in fact October, but their settlement was concluded by the local authorities against the Government's advice which was that the second stage should be November. The Home Secretary is responsible for the Inner London clerks, and therefore an October staging for them would be seen as having the Government's full authority behind it.)
- (ii) The timing of the final stage is indeterminate; by contrast, the industrials following a similar pattern to the non-industrial Civil Servants and Clegg groups will get their final payment next April.

Sir Keith Joseph has also been consulted, and he too is against the proposed settlement - partly for the same reasons as CSD, but also because he feels that we should not cave in in response to industrial action so soon, and because he feels - rightly I am sure - that the case should be referred to Clegg, and not to the ad hoc working party. Sir Keith Joseph has suggested that the issue be taken in (EA) - there is a meeting scheduled for Thursday.

The Home Secretary has also spoken to Mr. Prior, who I understand is content with his proposals.

This is all very difficult, and I would have hoped that it could have been settled by other Ministers without your having to be brought in. Having taking a tough line with CSD Ministers on the Civil Service industrials, I think you will want to support them now - at least until there has been an opportunity for collective discussion. Another three days of disruption of the Courts should be bearable in the meantime.

12



Treasury Chambers, Parliament Street, SW1P 3AG

3 September 1979

The Rt Hon William Whitelaw CH MC MP
 Secretary of State for the Home Department
 Home Office
 Queen Annes Gate
 LONDON
 SW1

W. Whitelaw *MSM*
W 3/9
 INNER LONDON MAGISTRATES' COURT STRIKE

We discussed over the telephone your Private Secretary's letter of 31 August.

As you are well aware, our main concern must be over the proposed working party and its terms of reference. We would be in grave difficulties both in agreeing that such an 'in-house' study would be acceptable in principle and, in view of our opposition to any civil service link not validated by independent study, in accepting such biased terms of reference. You told me however that you would be prepared to make it clear in the strongest terms that you could in no way be committed at this stage to accepting the findings of such a working party as the basis for a subsequent determination.

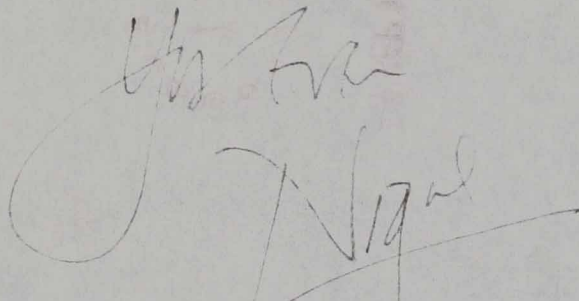
There are, of course, still potential difficulties in the way of a determination now in respect of the first two stages of the proposed settlement. These are framed to follow the civil service settlement rather than that for provincial justices' clerks' assistants, save that the staging of the 5% is more favourable. The timing thus follows that for the provinces, except that the 5% is not subject to clawback. You said that in practice clawback will not occur because Clegg is certain to award more than 5%. However this may be, there is still a presentational difficulty by comparison with the civil service staging. This must be a matter for Christopher Soames to consider, and my agreement to your issuing

the determination as you propose was conditional upon his being satisfied that it will not prejudice in any way the current delicate negotiations over the staging of civil service industrials' pay.

We agreed that the wording of your statement should be cleared between officials.

Finally, I mentioned to you my concern over the lack of effective financial responsibility in these negotiations. Your Private Secretary's letter indicates that you share this concern, and you confirmed this to me. No doubt you will be considering how best to carry this forward. Meanwhile, if a settlement is reached, your officials will no doubt be in touch with their Treasury counterparts over its financing and on possible offsetting savings.

I am copying this letter to those whose Private Secretaries received your Private Secretary's letter.

A handwritten signature in dark ink, appearing to read 'Nigel Lawson', with a large, sweeping flourish extending from the end of the signature.

NIGEL LAWSON

SEP 1973

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CONFIDENTIAL

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HOME OFFICE
QUEEN ANNE'S GATE LONDON SW1H 9AT

31 August 1979

INNER LONDON MAGISTRATES' COURTS STRIKE

As the Home Secretary explained at Cabinet yesterday, the strike that has been running from Monday, 27 August has been contained to the extent that the courts have been able to deal with remand cases. This has ensured that no citizen has been detained in custody without lawful authority, and that the police have not been reduced to the expedient of re-arresting previously remanded prisoners. But, as the Home Secretary also made clear, the backlog of other work is rapidly building up, and the general position is bound to grow progressively worse.

The Home Secretary is more than grateful for his colleagues' help in enabling him to underwrite a settlement that resolved the dispute outside Inner London. For convenience, I attach at Annex A a summary of that settlement. The Home Secretary's aim throughout has been to obtain a settlement for Inner London that was fully in line with the settlement for the rest of the country. But the negotiating machinery for Inner London is on a different basis from that for the provinces. And the Inner London staff in dispute are represented by the CPSA and the SCPS.

Yesterday the Committee of Magistrates for Inner London met representatives of these unions. Home Office officials were asked to be present as observers and the Home Secretary instructed them to make themselves available as he felt that any failure to respond on this score would inevitably be distorted to our detriment. Officials were instructed to make it quite clear that the only settlement for which Government approval could be assumed would be one that was in line with that already reached outside Inner London. They also stressed that, as the Minister of State (Mr. Brittan) had indicated to both sides last week, any formal determination by the Committee of Magistrates (i.e. any determination that required the Home Secretary's confirmation before coming into effect) would be unacceptable if it involved the reference of any aspect of the matter to a body other than the Clegg Commission.

In the event, the unions put it to the Committee of Magistrates that there was a difference between - on the one hand - the Committee's determinations of "terms and conditions of employment of all officers employed by the Committee" (which require my confirmation by virtue of section 15(5) and (6) of the Administration of Justice Act 1964) and - on the other hand - any decisions by the Committee to set up any sort of open-ended deliberative body, which was purely a matter between the Committee and the staff, in which the Home Secretary had no formal locus. The Chief Metropolitan Magistrate, who chairs the Committee, and Home Office officials consider that interpretation of the 1964 Act to be correct.

CONFIDENTIAL

Going on from there, the unions asked the Committee of Magistrates to make a simple determination, which would require the Home Secretary's consent, providing for the following two things:

- (i) 9 per cent across the board from 1 July with an additional £1 per week for staff on grades up to and including those with a maximum of £5,172 excluding London weighting;
- (ii) a further increase of 5 per cent across the board, on the original scales, from 1 October 1979.

These propositions are closely in line with the first two stages of the "without prejudice" offer that the Committee found itself making last week, as described in Mr. Brittan's letter of 24 August.

It was part of the package that the third stage of the proposed settlement should be referred to a working party established, under independent chairmanship, with terms of reference on the lines set out at Annex B. It was common ground between the Committee of Magistrates and the unions that the members of the working party should be nominated by the Committee of Magistrates, the SCPS and the CPSA, though officials naturally reserved their position on the unions' suggestion that the Home Office itself should be represented.

In accordance with instructions, officials made it clear that agreement to the proposed payments from 1 July and 1 October should not be assumed. They also put it clearly on record that, whilst the Home Secretary had no statutory ability to veto the establishment of whatever discussion group might be agreed between the two sides in Inner London, he would be bound to have regard to the pay of magistrates' courts staff in the rest of England and Wales if and when a determination based on the recommendations of such a discussion group came before him to confirm or modify. Having heard what officials had to say, the Committee of Magistrates proceeded forthwith to make a formal determination on the 1 July and 1 October pay increases described above, and this is now before the Home Secretary. The Committee also gave the unions to understand that a working party on the lines that had been proposed would be acceptable to them.

The unions then said that they would be holding a further meeting of their membership today, when they confidently expected to secure a mandate to call off the strike as soon as the Home Secretary confirmed the determination made by the Committee of Magistrates on the July and October pay increases.

Annex C sets out the estimated maximum cost, in the first full year, of the two stages proposed by the Committee of Magistrates. It also sets out, for comparison, what the cost would be of applying to Inner London the settlement reached elsewhere. The difference between the first stage, payable on 1 July, of the agreed settlement outside London, and the first two stages, payable on 1 July and 1 October, taken together of what is now proposed for Inner London, is two percentage points (about £47,000), but the additional 5 per cent already awarded from 1 October to those outside London removes this difference. Admittedly, that 5 per cent is on account of what Clegg may eventually award and is therefore subject

to claw-back. But in any event the opportunity finally to align the two settlements cannot come until the New Year.

Naturally the Home Secretary recognises that this raises a number of questions. First, is there a risk that his confirmation of the Committee of Magistrates' determination might unstitch the settlement agreed outside Inner London? His assessment on this - based on soundings taken today - is that, provided we stress that any consideration of the third tranche of the settlement is bound to have regard to the position outside Inner London, we should not be at risk on this score.

Second, would the confirmation of what is now before the Home Secretary imply the acceptance of a radically different arrangement for settling Inner London pay from that in the provinces? This is clearly a point that needs to be considered with extreme care. But, again, provided that we stress our position on the third tranche, the Home Secretary thinks that we will have protected our flank.

Third, is it acceptable that we should proceed in the knowledge that a body over which we have no control is considering the basis of pay negotiation for the Inner London staff? The Home Secretary himself does not think that the Government's stance is prejudiced by a deal that has been reached between the employers and the employees without any encouragement by his Department, and in view of the fact that there is a reservation on his part about the outcome, which leaves him completely free to implement the Government's policy on the rates ultimately payable.

In any event, the Home Secretary considers that the current statutory framework, under which the Committee of Magistrates make determinations of pay although they have no responsibility whatsoever for finding the necessary money, is radically flawed and that its deficiencies have been masked over the last few years solely because successive incomes policies have left both sides with virtually no room for manoeuvre. Be all that as it may, the present situation is that a formula has been devised between the two sides for bringing the staff back to work, and the responsibility for giving or withholding approval to it now rests with the Home Secretary. He is very conscious that if he were to confirm the limited determination that is now before him there will still be problems to be settled at the turn of the year when some new proposal is put to him for the settlement of the third tranche, doubtless associated with some suggestions for Inner London pay negotiation machinery itself. But, balancing that against the steadily increasing disruption that will be caused by a continuing strike, the Home Secretary believes that he should seize this chance of ending it. If he did not confirm the determination, or if he sought to modify it in a manner that the staff would not accept, the strike would run on. The Home Secretary thinks that there would not be another chance of settling it for some weeks at least, and that the blame for the situation would be laid squarely at the Government's door.

The Home Secretary therefore intends to confirm the determination, and at the same time to make it absolutely clear that anything that he decides on the third stage of the settlement will have regard to the pay of magistrates' courts staff outside Inner London.

CONFIDENTIAL

4.

The Home Secretary had hoped, on an issue of this magnitude, that his senior colleagues would have been able to meet him on Monday to discuss it. But he understands that this is not possible and believes that he must not delay action. He will, however, naturally be available on Monday to discuss the matter in person or on the telephone with any of his colleagues who wish to do so.

I am sending copies of this letter to the Private Secretaries to the Prime Minister, the Lord Chancellor, the Lord President, the Paymaster General, the Financial Secretary (Treasury), the members of E(EA) and to Martin Vile (Cabinet Office).

J. A. CHILCOT

A. A. Duguid, Esq.

CONFIDENTIAL

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BASIS OF SETTLEMENT OUTSIDE INNER LONDON

1. 9.6% across the board on 1 July, plus restructuring bring the total increase of the wage bill to rather more than 12%.
2. Reference of the staff's claim to the Clegg Commission, the results to be paid in full with effect from 1 December 1979.
3. Payment on account from 1 October 1979 of 5% across the board, to be recouped from the Clegg award.

CONFIDENTIAL

PROVISIONAL TERMS OF REFERENCE OF WORKING PARTY AGREED BETWEEN
INNER LONDON COMMITTEE OF MAGISTRATES AND OFFICERS' SIDE

"To recommend the future basis of determining the pay of staff of Inner London Magistrates' Courts who are represented by CPSA and SPCS, taking into account that the pay and conditions of service of some Inner London Magistrates' Courts grades are identical with the civil service and the majority of the conditions of service of the remaining staff are civil service-based, and also recommend the size of the final stage of the 1979 pay increase, to apply from 1 January 1979.

The working party [~~to~~/must] report not later than 1 January 1980".

ESTIMATED MAXIMUM COST OF COMMITTEE OF MAGISTRATES'
DETERMINATION IN INNER LONDON

Estimated salary bill, excluding London weighting,
of grades affected £2,295,000

- (i) 9% from 1 July 1979 to 30 June 1980£206,000
- (ii) 5% from 1 October 1979 to 30 June 1980£ 86,000
- (iii) £1 per week for grades affected from
1 July 1979 to 30 June 1970£ 36,000

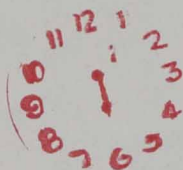
£328,000

= 14.3% of salary bill

Estimated cost of applying JNC settlement to
Inner London staff

9.6% plus restructuring from
1 July 1979 to 30 June 1980£281,000

31 AUG 1979



CONFIDENTIAL

MR LANKESTER ✓

Prime Minister

For Cabinet -

CABINET OFFICE
P 97
29 AUG 1979
FILING INSTRUCTIONS
FILE No.

cc Mr Vile.

TL
29/8

MAGISTRATES COURTS' STAFF PAY DISPUTE

We understand that Mr Whitelaw may seek to report to Cabinet colleagues tomorrow on the position now reached in the Magistrates Courts' Staff pay dispute. His purpose, so we are told, would be to inform colleagues and not to seek decisions.

Flag A

A full account of the state of play as at the end of last week is contained in Mr Brittan's letter of 24 August to Sir Keith Joseph, which was copied to the Prime Minister. Briefly a settlement had been reached with the staffs concerned outside Inner London but no settlement had been reached in London and industrial action was expected to begin this week - and indeed has now begun. The Home Secretary, who has statutory duties in relation to the salaries of the staffs in question in Inner London, may wish to report on the nature and severity of that action and the prospects for the administration of justice.

If the Home Secretary or any other colleagues wish to develop the discussion into questions of substance on the dispute the Prime Minister would no doubt wish to refer the subject to the Ministerial Committee on Economic Affairs (E(EA)) for consideration.

P Le CHEMINANT.

29 August 1979.

CONFIDENTIAL

29 AUG 1979





A. HOME OFFICE
QUEEN ANNE'S GATE
LONDON SW1H 9AT

24 AUG 1979

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28/8

D. K. J.

MAGISTRATES' COURTS STAFF PAY DISPUTE

In the Home Secretary's absence from the office (though he has of course been kept fully in touch with developments) I am writing to tell colleagues of the current situation.

A settlement has been reached in respect of the staff outside Inner London, and the threat of industrial action by the Association of Magisterial Officers has been called off. The ingredients of the settlement were

- (i) a general increase of 9.6 per cent from 1st July, as described in the Home Secretary's letter of 14th August, together with the restructuring previously agreed;
- (ii) five per cent on account from 1st October to be deducted from the settlement finally reached as a result of the Clegg reference (see below);
- (iii) reference of the whole claim to Clegg with back-dating of the award to 1st December.

Against the threat of industrial action, the Government's response to the initiatives taken in the Joint Negotiating Committee had to be formulated extremely quickly in bilateral discussions between the Home Secretary and myself, and the colleagues most concerned. In particular, the settlement reached in the J.N.C. on 22nd August made it clear that the back-dating of the Clegg award to 1st December rather than 1st January 1980 as previously authorised was conditional on the Government being prepared to underwrite its share of the cost. The Chief Secretary, perfectly understandably, wishes to make it clear that his ^{acquaintance} ~~acquaintance~~ in such a settlement was "grudging and uneasy", and I can readily appreciate why this should be so. The Home Secretary, however, has asked me to say that he is extremely grateful to have been enabled to inform the J.N.C. this morning that the backdating was acceptable to the Government, and so conclude the settlement. The Home Secretary is very conscious of the difficulties surrounding such a back-dating, but he feels that without a concluded settlement outside Inner London the Government would have been in an impossible situation. As described below, the position in Inner London is looking serious, and the Home Secretary is sure that we would have been unwilling to face a simultaneous fight on two fronts.

The procedural background for Inner London pay determinations is summarised in the Home Secretary's letter of 14th August. Yesterday the Committee of Magistrates offered the unions a settlement in line with the one that had been agreed in the J.N.C.

/the

the previous day, but the unions rejected this. The unions persist in seeing direct linkage with the Civil Service as their essential point of principle and they have repeatedly said that they are not prepared to see this issue being referred to the Clegg Commission. At the meeting yesterday, at which my officials were present (only as observers), the Committee of Magistrates were frankly manoeuvred by the unions into undertaking to consider "without prejudice" a determination that would comprise

- (i) nine per cent (plus £1 for those earning less than £4750) payable from 1st July;
- (ii) five per cent payable from 1st October;
- (iii) the establishment of a working party of representatives of the Committee of Magistrates, the Home Office, the C.P.S.A. and the S.C.P.S. to recommend the future basis for determining the pay of the relevant staff in Inner London, and also to recommend the size of the final stage of the 1979 pay increase, to be payable from 1st January 1980.

My officials made it plain that the Home Secretary's confirmation of such a determination (and without confirmation it does not take effect) could by no means be assumed, and this afternoon I saw, separately, the Chief Metropolitan Magistrate and representatives of the two unions.

The unions' argument is essentially that since the magistrates' courts staff in Inner London are, for matters other than pay, on Civil Service conditions of service, it follows that a direct Civil Service pay link is eminently reasonable, and that this is something to be negotiated direct with the employers without bringing in an outside body such as Clegg. I, for my part, made it clear that I did not dissent that there might be substance in this claim, but that an issue of this sort could be decided only after thorough independent investigation. As to the body that should do such an investigation, the Clegg Commission was the obvious candidate, and it would make no sense to refer magistrates' courts staff outside Inner London to Clegg while leaving Inner London staff to be negotiated without reference to any outside body. Whilst the unions showed some awareness that the Government had to keep the national picture in mind in considering Inner London, they were not prepared to budge from their basic position despite the fact that the settlement outside Inner London had now been confirmed. Accordingly, I am afraid that we must assume that the threatened strike will start on Monday. I find it hard to see what new factor we can introduce at this stage to break the deadlock. In the meantime, I have had the attached press statement issued from here.

As for the operational situation, in Inner London, fortunately there are a substantial number of court clerks who belong to grades that are not in dispute. In addition we have the advantage in London of the stipendiary magistrates who are more capable of dealing with emergencies than a lay bench would be. Close liaison has been established between the courts and the Metropolitan Police, and we hope that each court house will have at least one court room operating in order to deal with the cases of people in custody, so as to ensure that people whom the courts want to see detained are kept in custody under lawful authority. That is, however, the bare minimum for maintaining the criminal justice system, and it is inevitable that any prolonged

/disruption

disruption will have progressively severe effects on bringing cases to summary trial or committing them to the higher courts.

U The field where disruption may hit the public hardest, however, is not the criminal one. Magistrates' courts are responsible for dealing with the vast bulk of maintenance orders, and women who customarily get their maintenance money from courts that are on strike will have to turn to the Supplementary Benefits Commission. This will be a considerable hardship, but I see no way round it.

n The Home Secretary will keep his colleagues in touch with the situation during the course of next week.

I am sending copies of this letter to the Prime Minister, to the other members of E(EA), the Lord Chancellor and the Paymaster General and to Sir John Hunt.

Yours,
Leon

(LEON BRITTAN)

Mr. Leon Brittan, Minister of State at the Home Office, today met the Chief Metropolitan Magistrate and, separately, representatives of the Civil and Public Service Association and the Society of Civil and Public Servants who have called for their members in the Inner London magistrates' courts service to strike from Monday 27th August in pursuance of a pay claim.

Mr. Brittan informed the two sides that the Government was willing to pay its share of the pay settlement reached for the staff of magistrates' courts in England and Wales outside Inner London on 22nd August. The main features of the national settlement were:

- (a) immediate pay restructuring and a general pay increase with effect from 1st July 1979 together worth rather more than 12% of the pay bill;
- (b) reference of the staff's claim to the Clegg Commission, the results to be paid in full with effect from 1st December 1979, and
- (c) payment on account from 1st October 1979 of 5% across the board.

The Government was prepared to support a settlement in similar terms for the Inner London magistrates' courts staff. The two unions however told him that their members wanted a direct pay link with the civil service and were not prepared to submit their case for examination by the Clegg Commission.

Mr. Brittan said that the Government had an open mind on the appropriate pay comparisons for magistrates' courts staff and considered the Clegg Commission to be the obvious body to investigate the issue. He very much regretted that the staff would not consider what he believed to be a fair and reasonable offer and were prepared to jeopardise the administration of justice in Inner London.

Mr. Brittan added: "If the Inner London magistrates' courts staff went to the Clegg Commission it would be on a separate reference. They would be fully entitled to seek to persuade the Commission that their pay should be linked with the civil service. Meanwhile they have received a good offer which the Government is prepared to support only because of the importance it attaches to law and order services. If there are long term problems to be sorted out, why should the magistrates' courts staff refuse to put their case to a body which is acceptable to nurses, teachers, and local authority and university manual workers as well as magistrates' courts staff throughout the rest of England and Wales."



2
Home
Affairs

10 DOWNING STREET

PRIME MINISTER

I understand that negotiations with the Inner London Magistrates Clerks broke down late this afternoon, and that there will definitely be industrial action next week. Leon Brittan is writing around to members of E Committee reporting the situation. I have asked the Duty Clerk to attach his letter to this note if it is received in time for inclusion in your box.

24 August 1979



MAP
Home Affairs

Treasury Chambers, Parliament Street, SW1P 3AG

A J Butler Esq
PS/Secretary of State for the
Home Department
Home Office
Queen Anne's Gate
London SW1H 9AT

22 August 1979

Dear Tony

MAGISTRATES' COURTS STAFF PAY DISPUTE

As you know, the Home Secretary discussed with the Chief Secretary on the telephone this morning, the terms of the offer which the management side are proposing to put to the Association of Magisterial Officers later today.

The Home Secretary explained the importance he attached to concluding a quick settlement with the AMO in order to defuse the more explosive situation in Inner London and described the two further concessions which the management side believed would be sufficient to secure agreement on the revised offer at today's meeting. Both Ministers agreed that in view of the possible repercussions, the Government could not accept the first of the management side's proposals which involved back-dating the Clegg award to either 1 November or 1 December. If the management side persisted in offering this concession against the Government's express wishes, it would be necessary to consider whether the Home Secretary should apply his veto to any settlement in which it was incorporated.

The second of the proposed concessions related to the offer of a 5 per cent payment on account from 1 October. The Home Secretary acknowledged that this would imply increases for certain of the justices' clerks assistants well above the figure of £2.50 which the Financial Secretary had set as a maximum in his letter of 20 August. He was nevertheless disposed to give the management side a small degree of flexibility to negotiate above the £2.50 ceiling if they judged that this would enable them to secure a settlement. The Chief Secretary expressed his concern about the repercussions of this aspect of the offer also but accepted that the management side might be permitted some further limited room for manoeuvre in the absence of any effective Government control over their conduct of the negotiations other than the Ministerial veto.

The Home Secretary did not raise the question of recoupment of the payment on account this morning but the Chief Secretary understands from officials that you see some difficulty in meeting the Financial Secretary's requirement that the full sum should be clawed-back within the current financial year, if Clegg does not report on this group until March. He nevertheless believes it important the payment should be recouped as soon as possible and that it would be reasonable to expect the full cost to be repaid within three months of the date on which Clegg makes his report.

The Chief Secretary will, of course, be interested to hear the outcome of today's negotiations in due course.

I am copying this letter to Tim Lankester, to the Private Secretaries of other members of E(EA) and to Martin Vile.

Yours sincerely

Roger Watts

R J T WATTS



NBPM - await
repat on outcome.

MAP
23/10

H. Affairs

Treasury Chambers, Parliament Street, SW1P 3AG

20 August 1979

The Rt Hon William Whitelaw CH MC MP
Secretary of State for the Home Department
Home Department
Home Office
Queen Anne's Gate
Petty France
LONDON
SW1

ZPPS

MAGISTRATES' COURTS STAFF PAY DISPUTE

As John Biffen is on holiday, I am replying to your letter of 14 August to the Secretary of State for Industry on the latest claim which the Association of Magisterial Officers have put to their management side.

As I said in my recent letter on the pay of justices' clerks, I do appreciate the difficulties you face from the threat of industrial action in the courts. Nevertheless, I am sure that we should be quite wrong to support an offer of the size you describe, even in the interests of a quick settlement.

I can accept the general increase of 0.2 per cent from 1 July which you propose but I recognise that this in itself is unlikely to be sufficient to avert the risk of industrial action. I am therefore prepared to contemplate some payment on account from 1 October. However, I consider your figure of 5 per cent to be far too generous. The most we have offered by way of such payments to any other group referred to Clegg is a flat rate increase of £2.50 (as paid to the more highly qualified nurses). Many groups have been promised no more than £1 a week on account. By contrast, a justices' clerks' assistant earning in the region of £3,000-£4,000 a year would on your proposal receive a weekly payment ranging from £2.90 to £3.85, while those on higher salaries would receive larger payments still. I do not see how we could justify this when the nurses, whom we have traditionally regarded as a particularly deserving case, will be receiving substantially lower sums.

I would therefore suggest that you advise the management side to express their offer in cash terms and to concede a payment of no more than £1 on account in the initial stages of the negotiation next week. I myself should be inclined to stick to this figure for the present

but if you judge that the management side should be given and additional degree of flexibility, I should be prepared to accept some increase in the payment, subject to a firm upper limit of £2.50 a week. Any larger figure would not only be quite unjustified but could also be highly reprecussive on other groups (eg the teachers) referred to Clegg and the management side should be given no hint that we might subsequently be prepared to see the offer increased in this respect. Similarly, I should be willing to concede the payment of sums on account from the staff's annual settlement date of 1 July rather than 1 October if the management side considered during the course of negotiations that this offer would secure a Settlement.

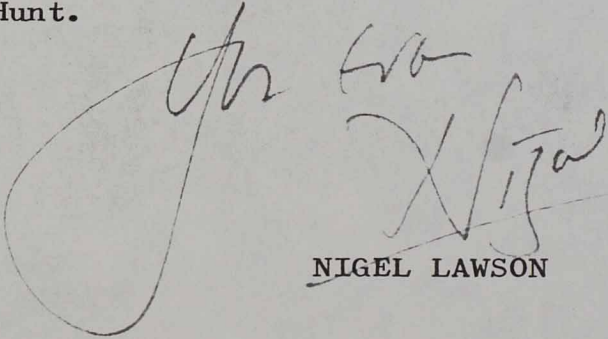
I note your assurance that the cost of the payments on account would be deducted from the final settlement. I attach considerable importance to this point and given the public expenditure constraints we currently face, I would stress the need to recoup the full cost within the present financial year. I think the management side should be made aware of this requirement since they may well then see some trade-off between the size of the payment on account they offer and the date of its implementation. Although the sums at stake in this case may not be large, substantially greater amounts could be at risk in other areas if the principle were conceded here. Incidentally, I have seen no estimate of the cost of the proposed offer and I should be grateful if you could provide details of the total sum involved once agreement has been reached on the form the new offer should take. I should also be grateful if you could consult us on the terms of reference to Clegg before you enter into substantive negotiations on them with the AMO.

However, on the question of backdating the Clegg award, I am afraid that I can see no room for movement. As you know, the staff have already been offered exceptionally favourable treatment in the form of a commitment to implement their award in full from 1 January without staging. I do not believe we should go any further than this.

The management side may ask about the Government's intentions regarding their share of the cost of the settlement. If so, your officials should say that the Government will of course bear their full share of the specific grant and that as far as the RSG element is concerned, the position remains that stated by the Chancellor in his Budget Speech.

Finally, I note the difficulties you are feeling in the separate negotiations relating to Inner London. My officials tell me that you intend to play this long in the hope that agreement can be reached with the provincial staff before substantive discussions with the Inner London unions begin: I am sure this is the right tactic.

I am copying this letter to the Prime Minister, the other members of E(EA) and to Sir John Hunt.



NIGEL LAWSON



2 MARSHAM STREET
LONDON SW1P 3EB

My ref: H/PSO/14662/79

Your ref:

17 August 1979

See letter

~~reported~~

It seems to me that the improvements sought by the AMO, which you describe in your letter to Keith Joseph of 14 August, represent an arbitrary selection of the best features they could find in any other settlements with which they might claim to have connections, albeit tenuous ones, irrespective of whether the underlying conditions are analogous. I understand, for instance, that the £6 supplement for this group has already been consolidated, and the probation officers staging related to circumstances which do not apply here.

It is not clear whether the 5% on account is to be clawed back in the current financial year as has been the case in other references with similar 'on account' arrangements. If so, the implications of this should be examined carefully; the recovery of the more modest £1 per week on account is, I understand, causing problems for those groups on whom Clegg has reported.

While I prefer that the management side should not improve the offer beyond the terms we have agreed so far for APT&C follower groups, I do not think that a new offer based on your proposals would have any serious repercussions on the local authority and other groups of my concern. In the circumstances, unless colleagues raise substantive objections, I am content that the management side should proceed on the lines you propose, except that they should continue to aim initially to limit the back-dating to 1 January 1980.

I am copying this to those to whom you sent your letter.

you can
[Signature]

The Rt Hon William Whitelaw MP
Home Secretary
50 Queen Anne's Gate
London

MICHAEL HESELTINE

17 AUG 1979





QUEEN ANNE'S GATE LONDON SW1H 9AT

14 August 1979

MAGISTRATES' COURTS STAFF PAY DISPUTE

As you will know, negotiations in the Joint Negotiating Committee (JNC) broke down on 20th July. I made a statement on 27th July in answer to a Written Question setting out the details of the management side's offer and, among other things, making it clear that the Government regarded it as fair and were prepared to underwrite it.

On 1st August branches of the Association of Magisterial Officers (AMO) held meetings to discuss the offer. This action caused some disruption of court business, mainly in the form of delaying court sittings, although in a few areas it was more severe and courts had to be cancelled altogether. AMO have told the management side that the voting was in favour of sanctions (although it is thought that the majority was probably a narrow one) and that they intend to take industrial action from 23rd August unless they receive an improved offer by then (the management side has arranged to meet again on 22nd August). The improvements they wish to see are as follows:

- (i) a general increase from 1st July of 9.6 per cent instead of 9.4 per cent (this claim is made on the basis that the APT and C grades have received 9.6 per cent, the extra 0.2 per cent being accounted for by consolidation of the old £6 a week pay supplement);
- (ii) five per cent on account from 1st October to be deducted from the settlement finally reached as a result of the Clegg reference; and
- (iii) back-dating of the Clegg award to 1st November (this claim is based on an analogy with probation officers, who are getting the second part of their catching up increase on 1st November).

The management side has not yet considered this claim, which is something of a climb down from the position when I saw both sides of the JNC on 20th July. Then the officers' side was arguing for back-dating of the whole of Clegg to 1st July. The indications are

/that

that the management side will wish to make some concession in order to avert industrial action, which would be very damaging to the courts and could cause serious disruption; this would be in the direction of giving AMO what they want, but possibly with a back-dating of Clegg to 1st December. I am sure that, if the management side decide to make such a move, we could support them, and my purpose in writing is to invite my colleagues agreement to this. I understand that there are precedents for a payment on account to groups referred to Clegg, and, although five per cent is more than for other groups, I hope that we need not dissent if the management side negotiate within that limit. It would, of course, cost very little because it would be clawed back from the eventual settlement. I am not sure how valid the analogy with the APT and C grades is for the additional 0.2 per cent, but I hope that, in the interests of a settlement, we need not quibble over such a small amount. The back-dating of a Clegg award to 1st December may present more difficulty because of its repercussions on other groups; but if the management side is prepared to concede this in order to avert industrial action, I would not wish to object.

I should be grateful for my colleagues agreement to these proposals, by noon on Friday 17th August so that we can give some indication to the management side of the attitude the Government would take if they should decide to make some improvements to the offer on these lines.

Inner London is not a party to the JNC. Pay is formally determined by the Committee of Magistrates, subject to my approval but the rates in Inner London have traditionally followed the JNC settlement. The Committee of Magistrates has offered the unions a settlement on essentially the same terms as the present JNC offer, and this has been rejected. The unions want linkage with the civil service and regard a reference to Clegg for this purpose as inappropriate. Home Office officials yesterday saw representatives of the unions concerned informally and I may need shortly to write to you separately about the Inner London position.

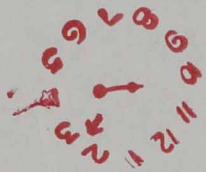
/As

As my colleagues will appreciate, industrial action in Inner London could have serious consequences for the work of the magistrates' court there, and I am sure that the prospect of a settlement outside London will help to weaken the pressure for such action.

I am copying this letter to the Prime Minister, to the other members of E(EA) and to Sir John Hunt.

(Approved by the Home Secretary
and signed in his absence by
A. J. Butler)

c. Mr. Butler
Mr. Underwood
Mr. Brennan
Mr. Langdon - o.r.
Mr. Peach
Mr. D. Grant
Mr. Butcher - o.r.
Mr. Rawsthorne



20 AUG 1979



WITH
THE COMPLIMENTS OF THE
PRIVATE SECRETARY

HOME OFFICE
50 QUEEN ANNE'S GATE
LONDON SW1H 9AT

As requested



Home Affairs MS
QUEEN ANNE'S GATE LONDON SW1H 9AT

14 August 1979

Dear Secretary of State

MAGISTRATES' COURTS STAFF PAY DISPUTE

As you will know, negotiations in the Joint Negotiating Committee (JNC) broke down on 20th July. I made a statement on 27th July in answer to a Written Question setting out the details of the management side's offer and, among other things, making it clear that the Government regarded it as fair and were prepared to underwrite it.

On 1st August branches of the Association of Magisterial Officers (AMO) held meetings to discuss the offer. This action caused some disruption of court business, mainly in the form of delaying court sittings, although in a few areas it was more severe and courts had to be cancelled altogether. AMO have told the management side that the voting was in favour of sanctions (although it is thought that the majority was probably a narrow one) and that they intend to take industrial action from 23rd August unless they receive an improved offer by then (the management side has arranged to meet again on 22nd August). The improvements they wish to see are as follows:

- (i) a general increase from 1st July of 9.6 per cent instead of 9.4 per cent (this claim is made on the basis that the APT and C grades have received 9.6 per cent, the extra 0.2 per cent being accounted for by consolidation of the old £6 a week pay supplement);
- (ii) five per cent on account from 1st October to be deducted from the settlement finally reached as a result of the Clegg reference; and
- (iii) back-dating of the Clegg award to 1st November (this claim is based on an analogy with probation officers, who are getting the second part of their catching up increase on 1st November).

The management side has not yet considered this claim, which is something of a climb down from the position when I saw both sides of the JNC on 20th July. Then the officers' side was arguing for back-dating of the whole of Clegg to 1st July. The indications are

/that

that the management side will wish to make some concession in order to avert industrial action, which would be very damaging to the courts and could cause serious disruption; this would be in the direction of giving AMO what they want, but possibly with a back-dating of Clegg to 1st December. I am sure that, if the management side decide to make such a move, we could support them, and my purpose in writing is to invite my colleagues agreement to this. I understand that there are precedents for a payment on account to groups referred to Clegg, and, although five per cent is more than for other groups, I hope that we need not dissent if the management side negotiate within that limit. It would, of course, cost very little because it would be clawed back from the eventual settlement. I am not sure how valid the analogy with the APT and C grades is for the additional 0.2 per cent, but I hope that, in the interests of a settlement, we need not quibble over such a small amount. The back-dating of a Clegg award to 1st December may present more difficulty because of its repercussions on other groups; but if the management side is prepared to concede this in order to avert industrial action, I would not wish to object.

I should be grateful for my colleagues agreement to these proposals, by noon on Friday 17th August so that we can give some indication to the management side of the attitude the Government would take if they should decide to make some improvements to the offer on these lines.

Inner London is not a party to the JNC. Pay is formally determined by the Committee of Magistrates, subject to my approval but the rates in Inner London have traditionally followed the JNC settlement. The Committee of Magistrates has offered the unions a settlement on essentially the same terms as the present JNC offer, and this has been rejected. The unions want linkage with the civil service and regard a reference to Clegg for this purpose as inappropriate. Home Office officials yesterday saw representatives of the unions concerned informally and I may need shortly to write to you separately about the Inner London position.

/As

As my colleagues will appreciate, industrial action in Inner London could have serious consequences for the work of the magistrates' court there, and I am sure that the prospect of a settlement outside London will help to weaken the pressure for such action.

I am copying this letter to the Prime Minister, to the other members of E(EA) and to Sir John Hunt.

Yours sincerely

A. J. Butler

(Approved by the Home Secretary
and signed in his absence by
A. J. Butler)

15 AUG 1979
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15 AUG 1979

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Prime Minister
To Home Affairs
note.
R 25/7
mf

PRIME MINISTER

JUSTICES' CLERKS' ASSISTANTS' PAY: PROSPECT OF DISRUPTION
IN THE MAGISTRATES' COURTS

Magistrates' courts in England and Wales are run by magistrates' courts' committees, financed by local authorities. 80% Of the expenditure is met by specific Home Office grant. The pay of the court staff has long been linked to that of local authority workers and is negotiated in the Joint Negotiating Committee for Justices' Clerks' Assistants (JNC). The Government is not a party in the JNC. Justices' clerks' assistants (ie the staff who work under the direction of the 350 or so justices' clerks) are represented by the Association of Magisterial Officers (AMO) which has grown increasingly militant about the present negotiating machinery and the linkage to local authority pay.

At a JNC meeting on 20 July the Officers' Side (composed of AMO members) rejected the Management Side's offer (see annex for details), and is now committed to industrial action from 1 August.

The Management Side's offer was generous. I am grateful to my colleagues concerned for agreeing that although this offer went further than other recent public sector pay offers I could make it plain to both sides of the JNC that the Government would underwrite a settlement based on it. I made it clear that the Government's attitude was conditional on responsible behaviour by the AMO leadership and that our support for such a settlement could not be guaranteed if the offer were rejected.

AMO has about 60% membership of the 6,000 or so relevant staff, but its support varies from region to region and court to court, so industrial action will undoubtedly be patchy. But we must expect significant disruption in at least some areas, probably by way of one day "lightning strikes".

Magistrates' courts dispose of 98% of criminal cases; have to commit the remaining 2% before they can be tried in the Crown Court; are responsible for bailing or remanding in custody defendants awaiting trial, and enforce fines. They also have important functions outside the criminal law (notably care proceedings for juveniles and the collection and payment of monies due under maintenance orders). The potential damage from industrial action is therefore considerable.

There is a special problem in Inner London, where the equivalent staff are members of Civil Service unions which, unlike AMO, have strike funds. These unions are seeking a separate settlement and have also threatened industrial action from 1 August. It is possible that in Inner London (because of the availability of strike funds) industrial action would be more severe than elsewhere.

/My Department is

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My Department is making what contingency plans it can for dealing with the most urgent consequences of industrial action - in particular ensuring that defendants whom the courts want detained in custody are held under lawful authority. I shall keep my colleagues informed of developments. Meanwhile I am arranging to give a Written Answer on Thursday, which will bring out how far the Management Side's offer went towards meeting AMO's aspirations, and will provide a peg for briefing the press accordingly.

I am sending copies of this minute to Cabinet colleagues and Sir John Hunt. If you would like me to raise the matter at Cabinet on Thursday, I should of course be willing to do so.

Wolfe

24

July 1979



JUSTICES' CLERKS' ASSISTANTS' PAY
DETAILS OF MANAGEMENT SIDE OFFER OF 20 JULY

1. The logic of the Management Side's offer is that it was linked, so far as was practicable, to the provisional settlement reached earlier for the local authority APT & C grades that had traditionally been the leaders for magistrates' courts staff.
2. The offer was made up of three elements as follows:
 - (i) 9.4 per cent payable from 1 July 1979.
Comment. This is in line with the provisional APT & C settlement.
 - (ii) Restructuring estimated to cost about 2.5 per cent.
Comment. This was the result of negotiation in the JNC over many years. In particular it would have given court clerks (who, as the staff who sit in court to advise the justices on matters of law, practice and procedure, have the strongest claim to be regarded as a specialist group without true analogues in APT & C grades) minimum salaries for the first time. At present some court clerks are paid at low points on APT & C-related pay scales.
 - (iii) Reference of the whole claim to the Clegg Commission, with any money flowing from that to be dated, without staging, from 1 January 1980.
Comment. This was a very advantageous offer. No reference to Clegg has yet been made that does not include staging of the award at dates fixed in the reference itself.
3. AMO's claim, which there would be no hope of meeting in full, totalled more than 40 percent, comprising about 8 per cent for major restructuring and about 34 per cent as a straight pay increase, by loose analogy with the police and the Civil Service in particular.

24 JUL 1979



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*JL to see
MAD
Home
Affairs
R*

Treasury Chambers, Parliament Street, SW1P 3AG

Rt Hon William Whitelaw CH MC MP
Home Secretary
Home Office
50 Wueen Anne's Gate
London SW1H 9AT

20 July 1979

Dear Secretary of State

PROBATION SERVICE PAY

JUSTICES' CLERKS' ASSISTANTS' PAY

Thank you for your very full and helpful letter of 18 July. In the circumstances, I would not seek to criticise in any way the way in which you acted. It was however unfortunate that your letter of 13 July to Keith Joseph arrived in the Treasury too late for me to respond before your meeting with the Staff Side took place.

So far as justices' clerk's assistants are concerned, it is undoubtedly true that it will constitute a most awkward precedent, and one which all other groups which have gone to Clegg may seek to emulate. Nevertheless it seems to me that the pass has already been sold by what has happened on probation officers. I therefore endorse your proposal: we must then seek to avoid any repercussions.

I am sure you will continue, in spite of the difficulties, to seek offsetting savings on the basis already agreed by E(EA).

I am copying this letter to the Prime Minister, members of E(EA) and Sir John Hunt.

Yours sincerely,

John Biffen

P.P. JOHN BIFFEN
[Approved by the Chief Secretary
and signed in his absence]

RESTRICTED

19 JUL 1979





8 ST. JAMES'S SQUARE LONDON SW1Y 4JB

Telephone Direct Line 01-214 6025...

Switchboard 01-214 6000

12

The Rt Hon William Whitelaw MP
Home Secretary
Home Office
Queen Anne's Gate
LONDON SW1

19 July 1979

William Whitelaw

PROBATION SERVICE PAY

JUSTICES CLERKS ASSISTANTS PAY

You sent me a copy of your letter of 18 July to John Biffen about these issues.

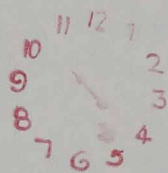
On probation officers we must accept the commitment you gave the Staff Side on 16 July, that in addition to the staged catching-up award they would get whatever the local authority social workers get from the general APTC settlement including the outcome of the in-house comparability study.

I also think we have to go along with your proposal for justices clerks' assistants; you suggest that they should have an award by the Standing Commission which would be paid in one instalment from 1 January 1980, on the grounds that like probation officers they too are in the law and order category. But to avoid any misunderstanding, it should be made clear to the parties that there is no likelihood of Clegg reporting by 1 January so that backdating, possibly for a lengthy period, will be unavoidable.

I am copying this reply to the recipients of yours, and to Mark Carlisle and Christopher Soames.

Yours sincerely
William Whitelaw

19 JUL 1979



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QUEEN ANNE'S GATE LONDON SW1H 9AT

18 July 1979

Dear John

12/17

PROBATION SERVICE PAY
JUSTICES' CLERKS' ASSISTANTS PAY

I was very grateful to you for your understanding of my position in the probation pay negotiations when I spoke to you on the telephone earlier today. My officials were at that moment setting out for the crucial meeting of the Joint Negotiating Committee and as I explained to you events had moved on since my letter to Keith Joseph of 13 July. In accordance with the arrangements mentioned in that letter I saw a deputation from the Staff Side on Monday who had come to express their objections to staging. At that meeting it was essential that I should spell out unequivocally to the Staff Side the Government's firm position, including the commitment on comparability which as I explain below appeared to me to be necessary and to have the authority of my colleagues. After seeing the Staff Side I wrote to the Chairman of the Official Side, which was also objecting to staging, to similar effect. I should be very sorry if you were left with any feeling that I had exceeded the bounds of what had been agreed, and I should like therefore to set down the history of events in order to establish this point to my own satisfaction and I hope yours also.

I first brought the problem of the probation pay negotiations to your notice in my minute of 15 May. I explained that the settlement was due to take effect on 1 July and I set out what has always been and still is the central point namely the need to restore the relationship of probation pay to that of local authority social workers. This was originally established by our previous Administration on the recommendation of the Butterworth Inquiry in 1972. I set out the kind of settlement that I thought was required and gave a calculation of the total cost. I pointed out that no increase in cash limits would be necessary because the service is financed by an 80% specific grant.

In the replies to that letter various reservations were expressed by my colleagues. In the light of them and of official discussions, I submitted a paper to the Ministerial Sub-Committee on Economic Affairs which was considered on 7 June. In that paper I pointed out the importance to us politically of the probation service as a vital part of the criminal justice system, mentioned the worrying rate of wastage from the service, gave an estimate of the cost of a 20% "catching-up" settlement and recommended that we should be prepared to approve an award of this size with the addition of a percentage

/reflecting the current

The Rt Hon John Biffen MP

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reflecting the current level of settlements. Summing up the discussion the Chairman said "that the Government accepted the need for the current year's settlement for probation officers to be achieved along with the forthcoming negotiations for local authority white collar workers including social workers" and "without commitment, that the wider local authority settlement might involve a comparability study by the Standing Commission and that if this occurred the Government would be prepared to see an investigation by the Commission into the pay of probation officers". Finally, as an interim measure "the Government were prepared to authorise the employers to negotiate the preliminary settlement with the probation officers which would establish the basic rates on which the overall comparability study would operate." Staging of the interim settlement of up to 20% was agreed to be desirable.

I understood the words "without commitment" in relation to the comparability study simply to reflect that, at that time, we did not know whether the local authority settlement would involve a comparability study by Clegg; it would not have occurred to me that there was any doubt among my colleagues, since this was the essence of the case, that, whatever was done for the local authority social workers, the probation officers would have to follow.

At a meeting of the JNC on 11 June a provisional settlement was reached after nine hours of negotiation. The Staff Side refused to accept the staging proposal which is why the settlement was provisional only. The Employers Side showed considerable sympathy with them. At a further meeting of the Committee on 21 June my representative again explained the Government's requirement of staging and the Staff Side again expressed their disagreement and said that they would ask me to receive a deputation. The Employers Side declined to join in the deputation but undertook to express to me the anxieties they felt particularly because of the rate of wastage. The Official Side Chairman duly wrote to me on 22 June and on 26 June the Staff Side addressed a letter to me requesting me to see them. Unfortunately this letter was held up in the post and it was not until a copy was delivered by hand on 2 July that we had confirmation of the proposed deputation which eventually came on Monday last.

It was only last Thursday 12 July, when the arrangements for the deputation to come on Monday had already been made, that the Official Committee suggested to my representative in the context of discussion of the APT and C settlement that it might not be appropriate for the in-house comparability study to be applied to the probation service. This suggestion came as a complete surprise to me since the principle of allowing the probation service to "keep up" with the local authority social workers had, it seemed to me, been clearly accepted by my Ministerial colleagues. This development was what prompted me to write urgently to Keith Joseph and as I made clear in my letter it seemed to me to be unthinkable that we should go through the "catching-up" exercise on 1 July only to abandon it next January. I regarded it as essential that I should be able to tell the Staff Side

/on Monday

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on Monday that they would get whatever the local authority social services get in the course of their settlement and, in the absence of any contrary representations from my colleagues, that is what I did.

May I now turn to the magistrates' courts staff about whom even more crucial negotiations are imminent?

I fully appreciate that staging of settlements has been a feature of all previous references to Clegg, though I think you will agree that your letter is not quite right where it refers to "the earlier agreed staging". No staging has been agreed, or even discussed, for the proposed reference of justices' clerks' assistants. What I am sure you mean, and I would not dispute this, is that we would need to discuss the fine print of the reference before it was made and that, other things being equal, the reference should contain staging provisions similar to those included in earlier references.

The question is whether other things are equal. I cannot stress too strongly that the threat of disruption in the courts is a very real one. The courts are plainly an integral part of the criminal justice system and, however courts staff may be regarded by the ordinary public in normal times, I am absolutely sure that they would be generally accepted as a necessary part of "law and order" if their grievances attracted much public attention. It would be politically very damaging to the Government as a whole if we could be represented as not having done all within our power to avert the disruption of the courts that dispose of the overwhelming bulk of criminal cases. And widespread disruption would, of course, present us with acute operational problems that might well not be confined to the courts.

As you know, the Joint Negotiating Committee for Justices' Clerks' Assistants (JNC) is meeting this Friday (20 July). I regard it as absolutely essential that I should do all that I can to encourage a settlement. If the meeting broke down and the Officers' Side went away committed to industrial action at the end of the month the prospects for retrieving the position would look very grim. I therefore propose to see both sides of the JNC separately on Friday morning, before the JNC convenes. Given that the Management Side have offered full implementation of Clegg in one instalment with effect from 1 January 1980 - albeit without consulting us first - and given that the Officers' Side would argue that the imposition of staging would lead to their being treated less favourably than the APT & C grades, it is my judgement that nothing less than our underwriting the Management Side's offer has a chance of winning the day. We must remember that we have insisted that the justices' clerks' assistants be treated as followers of the APT & C grades (and I think that Clegg too may very well regard APT & C grades as appropriate analogues for many types of court staff). I would therefore be grateful if you would urgently reconsider this question and agree to the proposal in my letter of 13 July in time for me to act on it on Friday.

/I do take on board

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I do take on board the fact that a Clegg reference without staging would set a precedent, and the only reason that I am pressing for it is my assessment that the "law and order" damage of disruption in the courts would be a greater evil. I would propose to make it quite clear to both sides that the offer I have described is the most that the Government would contemplate and that it will be withdrawn if it does not provide the basis of a very early settlement.

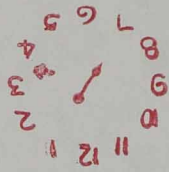
You asked in your letter for an indication of costs. All that I can quantify is the minor adjustment to the top of the scale. The additional cost flowing from that would be about £25,000. Clearly I cannot quantify the cost of a Clegg award in advance. Outside Inner London the overall salary bill is about £18 million, so each 1 per cent costs £180,000. But Clegg is likely to look more favourably on court clerks than on office staff. The total salary bill for court clerks is about £6.3 million.

Copies of this letter go to the Prime Minister, members of E(EA) and Sir John Hunt.

John
W. Hill

P.S. I have just heard that a settlement was reached on the 1979 pay claim in the JNC for the Probation Service this evening which accords with the terms I was prepared to agree, though I will have to impose the staging on it.

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18 JUL 1979



Heare Affairs

Treasury Chambers, Parliament Street, SW1P 3AG

Rt Hon William Whitelaw, CH MC MP
Home Secretary
Home Office
50 Queen Anne's Gate
London
SW1H 9AT

17 July 1979

Dear Wilki,

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W7

PROBATION SERVICE PAY
JUSTICES' CLERKS' ASSISTANTS' PAY

Thank you for sending me a copy of your letter of 13 July to Keith Joseph.

My understanding is that increases in probation officers' salaries are put into effect by order signed by you. Given the view we have reached, and conveyed to the local authorities, about the unacceptability of 'in-house' comparability studies, I simply do not see how you could consistently authorise the application of the resulting rates to probation officers.

On justices' clerks' assistants, I would not object to the minor changes: but I can see no way that we can accept the proposed staging without calling into question decisions reached by us and our predecessors on the staging of all other references.

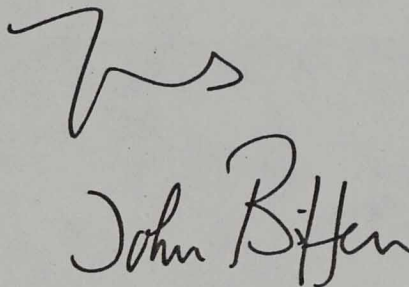
In the case of justices' clerks' assistants, therefore, the Management Side should be told firmly to stick to the earlier agreed staging, and that the Government will not be prepared to agree to a reference on the basis of anything else. For probation officers, I find it difficult to see how you can make any offer until we have had a chance for further discussion in the light of developments on the APT & C settlement. It may be that a reference to Clegg in their own right is the inevitable answer: but in this case, it might be inevitable to discard the 'catching-up' element. No doubt you will bring forward new proposals.

I note that your paper gives no indication of the costs and financial effects of the proposed settlements. This in any event

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would have made it very difficult for me to take a view on your proposals. No doubt, in accordance with Keith Joseph's request, you will ensure that full information is provided if you wish to take these cases to E(EA).

I am copying this letter to the Prime Minister, members of E(EA) and Sir John Hunt.

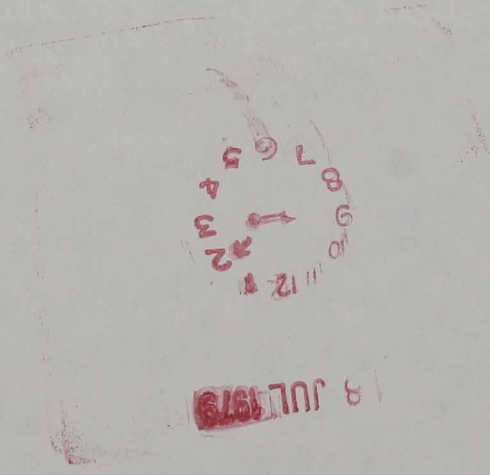
A handwritten signature in cursive script, appearing to read 'John Biffen'. The signature is written in dark ink and is positioned above the printed name.

JOHN BIFFEN

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Faint, illegible text at the top of the page, possibly bleed-through from the reverse side.

Faint handwritten text, possibly a signature or name.



RESTRICTED

Original on: Home Affairs
Probation Pay: June 1979



QUEEN ANNE'S GATE LONDON SW1H 9AT

13 July 1979

Dear Keith

R 1317

PROBATION SERVICE PAY
JUSTICES' CLERKS ASSISTANTS PAY

I need to raise both these issues with you urgently. Although they have some common features, it will be simplest if I deal with them separately.

Probation Service Pay

At the meeting of E(EA) on 7th June, it was decided that I should agree to a settlement of the probation officers' pay claim on the basis of two components:

(a) a "catching-up" element of under 20% to bring probation officers' pay into line with what social workers have been receiving since the second quarter of this year: this part of the award to be staged in two phases

and (b) a "current" element based on the settlement effective from 1st July for the local authorities administrative, professional, technical and clerical group (APT & C), of which the social workers are part.

Agreement on (a) is now near though, understandably, there has been substantial resistance to staging on which I am receiving a staff side deputation on 16th July. On (b) I had assumed that the matter would be fairly straightforward.

It is now clear that the essential terms of the provisional APT & C settlement are for an immediate 9.4% increase and an in-house comparability study, the results to be available by Christmas and payment made from 1st January 1980. As you know, Government advice had been that for the APT & C group, reference to Clegg was to be preferred to an in-house study but our view has been disregarded by the Employers' Side negotiators.

/At

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The Rt. Hon. Sir Keith Joseph, Bt., M.P.

At the Official Committee meeting on 12th July, it was suggested that in view of the in-house comparability study provision, we should reconsider our decision to allow the probation service to have the full APT & C increase which will be enjoyed by social workers. This seems to me to be tantamount to suggesting that we should reverse the decisions already taken by Ministers. Whether the APT & C settlement is to be based on a Clegg study or an in-house study is beside the point, so far as the probation service is concerned: what we decided was that the probation officers must catch up with the local authority social workers and stay caught up. I am sure ~~that that is right and we must stick to it.~~

I am absolutely clear that failure to grant the probation service the full amount of the APT & C increase would immediately destroy the improvements in probation service wastage, recruitment and morale which are in the process of being effected by the provisional settlement on the "catching up" increase. It would be ludicrous to redress the present imbalance between the pay of probation officers and social workers and then set this important front-line law and order service at a disadvantage again from 1st January 1980. I therefore propose to go ahead on the basis of our decision that we must give the probation service from 1st January 1980 any increase that results for the local authority social workers from the APT & C comparability study as well as the 1st July 1979 9.4% increase.

This is a matter of urgency because, as I have said, I am due to see the Staff Side about probation service pay on Monday 16th July, and what is expected to be the final meeting of the Joint Negotiating Committee has been arranged for Wednesday 18th July. In view of the doubts which the Official Committee on Pay Negotiations has raised, I must therefore ask for the earliest possible response.

Justices' Clerks' Assistants Pay

You will remember that E(EA) agreed on 4th July that we could authorise the Management Side to make an offer comprising

(i) Nine per cent

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- (i) Nine per cent from 1st July;
- (ii) topping up to the initial interim APT & C settlement if that was over nine per cent;
- (iii) limited restructuring costing 2.4 per cent in the first year;
- (iv) reference to the Clegg Commission.

This was conveyed to the Management Side but, in the event, they found that the APT & C front had overtaken them in some respects. First (and I am sure we cannot cavil at this) they decided that (i) and (ii) above could now be taken together as meaning the 9.4 per cent on which APT & C appear to have settled. Second, and this is the major issue, they thought that, in order to keep reasonably in step with APT & C, anything coming from Clegg should run from 1st January 1980 (i.e. the implementation date for the outcome of the APT & C "in-house" comparability study).

The Management Side also decided that the proposed new scale for court clerks and principal administrators should be extended by four points from £8,034 to approximately £8,700. The purpose of this adjustment was to give a little more room at the top of the scale since otherwise the proposed new minimum salary for court clerks would result in unacceptable squeezing of differentials. The initial cost of this adjustment depends on regradings of particular posts. But it could immediately affect only some 40 people and is estimated at about 0.14% of the present salary bill. I do not think that we should strain at this gnat.

The present position is that the Officers' Side have been informally told by the Management Side of what they have in mind, save for the minor point described in the previous paragraph. Press

/reports -

reports - presumably flowing from some leak in the Officers' Side - say that the offer will not be accepted and that there will be selective one-day strikes from the beginning of August. But the two sides have agreed to meet formally in the Joint Negotiating Committee on 20th July.

It is clearly essential that we should do all that we reasonably can to ensure that a settlement is reached on 20th July. I, for my part, cannot see that the Management Side could, in the light of APT & C, have taken any other attitude towards the dating of a Clegg award. The logic of their position is that (subject to the restructuring that is justified on its merits) they are proposing to preserve the linkage with APT & C in the interim, and to synchronise the implementation of the comparability exercises that are envisaged for the two groups. Although we agreed that the justices' clerks' assistants could go to Clegg at a time when we thought APT & C might be treated in the same way, I do not think that there can now be any going back on that simply because of what has happened in the N.J.C.

I do not regard it as a foregone conclusion that the Officers' Side will accept the offer that the Management Side want to make and call off their threatened action. But I do believe that the offer is a reasonable one and that anything less will guarantee disruption.

I therefore seek agreement to my officials informing the Management Side that we can underwrite an offer in the terms the Management Side have in mind. That is; the offer previously authorised but with the minor adjustment to the top of the scale and with anything due from Clegg to be dated from 1st January 1980.

I am afraid that in the circumstances I must again ask for a very prompt response.

I am sending copies of this letter to the Prime Minister, members of E(BA) and Sir John Hunt.



WITH
THE COMPLIMENTS OF THE
PRIVATE SECRETARY

HOME OFFICE
50 QUEEN ANNE'S GATE
LONDON SW1H 9AT

*please substitute for copy
circulated earlier today*

QUEEN ANNE'S GATE LONDON SW1H 9AT

6 July 1979

Dear Keith

Ma

JUSTICES' CLERKS' ASSISTANTS' PAY

I have read the minutes of E(EA)'s discussion of this topic on Wednesday (E(EA)(79)4th Meeting) and I think I must record one comment.

I fully appreciate E(EA)'s desire to find offsetting savings wherever practicable. So far as the magistrates' courts are concerned I shall be glad to consider with the Lord Chancellor what scope there may be for increasing efficiency and cost control. I am, however, abundantly clear that there are no savings available to us in the short term in this field, which I need hardly say is one that is central to the maintenance of law and order. Neither do I think that it would be right to look for offsetting savings in other parts of the law and order programmes, to which we are so firmly committed. My people will naturally give their full co-operation to the Treasury in an attempt to identify where in other Home Office services some offsetting savings might be found. But these non-law and order services do not represent a large proportion of Home Office activity, they have already been rigorously reviewed, and I am bound to say that I do not believe that savings of any significance are available to us.

On the pay offer itself, I was glad to see that E(EA) approved my proposals, and my officials are conveying our authorisation of the offer to the Management Side straightaway.

I am sending copies of this letter to the Prime Minister, members of E(EA) and Sir John Hunt.

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-9 JUL 1979

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FILE

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	LPO	CST	CO
	D/M	LCO	

10 DOWNING STREET

From the Private Secretary

25 June 1979

Dear Tony,

The Prime Minister has read your letter of 21 June about the pay negotiations for magistrates' courts staff. She suggests that the Home Secretary should bring proposals on this issue to E(EA) Committee.

The Prime Minister, however, has commented that there is no reason why the magistrates' courts staff should expect to be considered on the same basis as the police because they are "part of law and order". She has pointed out that the police - and of course the Armed Forces - were given exceptional treatment because they undergo risks on behalf of the rest of the community; and this does not apply in the case of magistrates' staff.

I am sending copies of this letter to the Private Secretaries to members of E Committee, the Lord Chancellor, the Secretaries of State for Scotland and Northern Ireland, the Paymaster General and Sir John Hunt.

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A. J. Butler, Esq.,
Home Office.

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The point about accepting the problem - related Jones |
under 'law order' - in that they undergo
risks on behalf of the rest of Prime Minister
Ref. A09850 vs. There is no risk Agree but the Home
MR. LANKESTER - my notes would Secretary should put this
- indeed - it is not a problem to E(EA)?
- exactly a head
1.0h out of the net.
Justices' Clerks' Assistants' Pay 22/6

Flag A

In his minute to the Prime Minister of 21st June, Mr. Whitelaw warns again of the threat of industrial action (from the end of July), by magistrates' courts' staff. He is not seeking authority for any specific proposals; but suggests that the employers would expect some further advice from the Government before their next meeting on 10th or 12th July. Although the staff are seeking to break their link with local authority APT & C staff, he thinks a promise of a reference to the Standing Commission along with the APT & C staff could remove the threat of industrial action.

2. The main problem about this is that there is no early prospect of a precise proposal being put to the Government by LACSAB on the APT & C claim. (This seems partly because LACSAB seem themselves unsure about the Government's line.) There seem three possible alternative ways forward. One is to await the outcome of the APT & C negotiations despite the risk of disruption. Second, the Government could accept that the link with the APT & C staff could be broken. Third the magistrates' staff could be the subject of a separate reference to the Commission who could be asked to make proposals on the most suitable links. Home Office officials are now to discuss these options further with the Department of the Environment before seeking the views of the Home Secretary.

3. On present plans the local authority APT & C grades claim is likely to be considered by E(EA) in the week beginning 2nd July. The simplest course might therefore be to suggest that the Home Secretary brings his problem to E(EA) at the same time so that the two issues can be looked at together.

M.J.V.

M. J. VILE

22nd June, 1979

in the Times



Prime Minister

HOME OFFICE

QUEEN ANNE'S GATE LONDON SW1H 9AT

21 June 1979

~~To note. Although the Home Secretary has no concrete proposals at the moment, this will probably have to go to E(LA) in due course. T 22/6~~

Dear Mike

In your letter of 12th June you said the Prime Minister would like to be kept informed about the pay negotiations for magistrates' courts staff.

We understand that the Management Side of the Joint Negotiating Committee (the J.N.C.) propose to meet next on 10th or 12th July. As I said in my letter of 11th June, they have been left with virtually no room for manoeuvre and they are hoping that by the time they meet again there will have been sufficient progress in the negotiations on the local authority A.P.T. and C grades to enable the J.N.C. to reconsider its offer. The officers' side of the J.N.C. have been informed of these plans but have said they do not wish to attend unless there is a fresh offer for them to consider.

i.e. the main local authority settlement

Meanwhile, we have received a further letter from the Association of Magisterial Officers restating their view that magistrates' courts staff are "part of law and order" and appealing to the Home Secretary to intervene in the negotiations "by, for example, appointing an independent arbiter." In addition, the Prime Minister has received a letter (on which you have sought our advice) from the editor of the Association's official journal asking for an interview with her. The Home Secretary has also received a joint letter from the Society of Civil and Public Servants and the Civil and Public Servants Association, who together represent the grades of staff of the Inner London magistrates' courts who are elsewhere represented by A.M.O. Since the inception of the integrated magistrates' courts in Inner London in 1965, the pay of the staff has been fixed by reference to the scales negotiated by the J.N.C. in respect of staff outside Inner London. The S.C.P.S. and the C.P.S.A. have asked to see the Home Secretary to press their claim to

Their claim is worth about 40%.

- (a) establish separate negotiating rights, so as to
- (b) link the Inner London Staff to "their Civil Service counterparts".

Drawing attention to the breakdown of negotiations in the J.N.C. the two Unions go on to say that in the absence of an offer from their employer (the Committee of Magistrates for Inner London) it will be very difficult for them to recommend any alternative course to their members but to join in any industrial action taken by magistrates' courts staff elsewhere. The Home Secretary has, by statute, a special direct involvement in the Inner London pay settlement since a "determination" by the Committee of Magistrates regarding the pay of their staff cannot take effect unless confirmed, with or without modifications, by the Secretary of State.

The Home Secretary is deeply concerned to avoid trouble in the magistrates' courts: industrial action could not only be damaging to the administration of justice - in his view it could also be very damaging politically as the courts are of course an integral part of the machinery of law and order. The canard that the Government does not so regard them is already doing damage.

The Home Secretary also believes that time may be beginning to run out. He thinks it has now become clear that the only way of reaching a settlement in this case will be by some form of arbitration. In these circumstances the Home Secretary

/would

would wish to see decisions taken in good time when some goodwill may yet be salvaged rather than when matters have reached the brink. If for example there were any prospect of the A.P.T. and C claim being referred to the Clegg Commission, the Home Secretary would see advantage in referring the magistrates' courts staff claim at the same time: it could then be argued before the Commission whether or not the A.P.T. and C link was one that should be sustained. On the other hand, if it were decided to keep the options open on the future of the Clegg Commission and not to refer the A.P.T. and C claim to it - at least for the time being - the Home Secretary would hope that this decision was made in sufficient time to enable consideration to be given to some kind of arbitration for the magistrates' courts staff claim before attitudes became even harder. Specifically, a way should be found through the impasse well before the threatened industrial action in the courts from 31st July.

In present circumstances the Home Secretary does not think the time is yet ripe to bring any proposals before his colleagues. However, he hopes that his difficulties will be recognised by them and that very early consideration will be given to the future of public sector negotiations.

Copies of this letter go to the Private Secretaries to members of E Committee, the Lord Chancellor, the Secretaries of State for Scotland and Northern Ireland, the Paymaster General and Sir John Hunt.

Yours sincerely

A. J. Butler

A. J. BUTLER

21 JUN 1979





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Home Affairs

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10 DOWNING STREET

From the Private Secretary

12 June 1979

The Prime Minister has seen your letter to me of 11 June, providing information about the background to reports that magistrates' courts staff represented by the Association of Magisterial Officers (AMO) are intending to take industrial action.

She has noted that, whilst there is still some time in hand, the Home Secretary is well aware of the difficulties that could arise from such action, and that he has it in mind to bring the matter to E Committee before long. She was grateful for this report, and would like to be kept informed.

I am sending copies of this letter to Richard Prescott (Paymaster General's Office) and Martin Vile (Cabinet Office).

M. A. PATTISON

A. J. Butler, Esq.,
Home Office.

A. J. Butler

From: THE PRIVATE SECRETARY

PRIME MINISTER

2.



Background on a matter raised at the media meeting. There is still time in hand.

HOME OFFICE Mr Whitehead is well aware of the danger.

11 June 1979

Mr Whitehead is well aware of the danger.

MAP 11/79

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Dear Auke.

You asked me this morning to let you have some information about the background to Press reports that magistrates' courts staff represented by the Association of Magisterial Officers (AMO) are intending to take industrial action.

... I enclose a background note setting out in some detail the nature of the present pay claim and the course of the negotiations so far.

Although the Government has no place at the negotiating table, its role as the provider of 80% specific grant for the magistrates' courts service gives it considerable influence over the negotiations. The difficulty is that AMO are not only influenced by the belief that the Government's commitment to "law and order" gives them a special status but are also disputing (and there may be some good points in what they say) that they should be regarded as "followers" of the local authority APT and C grades. The APT and C negotiations, moreover, will not even be started for some weeks.

The Management Side have already made an offer on the APT and C analogue that has been rejected by the staff as "an insult". The Joint Negotiating Committee constitution provides that in the event of failure to reach agreement, either side may refer the matter in dispute to the Secretary of State for Employment for submission to any appropriate form of arbitration. In practice any such reference is nowadays made direct to ACAS who pass it on to the Central Arbitration Committee. Although AMO have been encouraged by the Home Secretary to return to negotiations with the Management Side, we understand that the prospects of reaching a substantive settlement within the JNC are at present nil. It seems likely that both sides would favour a reference to the Clegg Commission but they clearly cannot be encouraged to take that line unless and until the Government has formed a clear view on the future of Clegg and, in particular, on whether the APT and C claim should be referred to it. Equally, we should not want to steer the negotiations towards arbitration now if there is a real prospect of putting the matter to Clegg a little later on.

/There

M. Pattison Esq.

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11 JUN 1970



There seems at present to be very little room for manoeuvre, but we cannot discount the possibility that AMO mean what they say about selective industrial action if their claim is not met by the end of July. That would not only be politically embarrassing in itself, but disruption of the courts could have difficult operational implications for the prison service. In these circumstances the Home Secretary will probably want to take the matter to the Ministerial Committee on Economic Strategy before long.

Yours sincerely

Tony Butler

A. J. BUTLER

JUSTICES' CLERKS' ASSISTANTS: PAY CLAIM

1. The salaries of magistrates' courts staff (ie, "justices' clerks' assistants) are negotiated by the Joint Negotiating Committee for Justices' Clerks' Assistants (the JNC) on which the Government is not represented. The staff are represented by the Association of Magisterial Officers (AMO) who earlier this year submitted a salary restructure and pay claim to take effect from the settlement date of 1 July.

2. The claim is on behalf of some 6,000 staff in nine grades with salaries ranging from £1,821 to £8,034. They are employed by the 87 magistrates' courts committees in England and Wales who are financed by non-metropolitan county and metropolitan district councils who receive 80% specific grant from the Home Office.

3. The staff in the Inner London magistrates' courts have the same gradings and pay scales but for historical reasons are administered separately and are not covered by the JNC.

4. Traditionally, the justices' clerks' assistants have been regarded as "followers" of the local government APT & C grades on whose behalf negotiations are due to begin on 25 June.

5. The claim by AMO is in two parts:-

(a) restructuring of the pay scales; and

(b) revaluation of the pay scales.

The restructuring proposals have been in preparation since 1971; their main components are the elimination of overlapping scales and the provision of a minimum salary for court clerks (ie, those who sit in court to give lay magistrates professional advice on the law, practice and procedure). The revaluation proposals are supported by three main arguments:-

- (a) increased workload and greater complexity of work;
- (b) the deterioration of courts pay scales relative to earnings generally and specific groups of staff (particularly the police); and
- (c) comparison with Crown Court clerks (who are civil servants).

The Management Side Secretariat estimate the total cost of the AMO claim to be more than 40% on the present annual salary bill of £18m; at least 7% being attributable to the restructuring claim.

6. The two sides met in the full JNC on 1 May. The Officers' Side amplified their written claim and the Management Side, in response, made a statement saying that they needed more time to formulate a specific offer and that before doing so they would wish to consult the Home Office, bearing in mind the 80% specific grant for the service. The Officers' Side took this amiss, stating that the Management Side were abdicating their negotiating responsibilities. They withdrew from the negotiations and sought a meeting with the Home Secretary. The Home Secretary declined to receive a deputation and urged the Officers' Side back to the negotiating table. Subsequently both sides of the JNC agreed to meet again on 1 June.

7. The Management Side took the opportunity to analyse further the claim. They were sympathetic to the aims of the restructuring, particularly the provision of a career structure for court and administrative staff. On the other hand, they saw no justification for some of the more expensive aspects of the restructuring claim and favoured a variation which would reduce the cost in the first year to less than 2½% of the salary bill, rising over the next four to five years to between 4% and 6%. They asked the Government to express a view about the terms of an offer and, on the advice of the Official Committee on Pay Negotiations, were told that

- (1) the Government hoped that the existing link with the APT & C grades would be preserved and
- (2) the final settlement would have to take into account whatever might have been agreed in respect of the salary restructure.

8. On 1 June, the Management Side offered a "going rate" settlement from 1 July in line (they said) with the expected local government APT & C staff settlement of around 9% and added that any APT & C reference to Clegg might result in a further award which the Officers' Side would no doubt "claim with some justice". In addition, pay scales would be restructured and a minimum scale for qualified court clerks introduced. Since the Government view was that the cost of restructuring had to take account of the "going rate" increase, the Management Side invited the staff to make a joint approach to the Government to gain support for the offer.

9. The Officers' Side stressed their resentment of a link with the APT & C staff, their view that too little weight was attached to the comparison with Crown Court staff, and that the offer could not be reconciled with the recent civil service settlement. When told that the Management Side did not feel justified in increasing the offer at this stage, the Officers' Side formally rejected it and stated they would seek an independent appraisal of the merits of their claim. After the meeting AMO asked for an early meeting with the Home Secretary but were again informed that he remained of the view that the right way to proceed was through the normal negotiating machinery.

10. The matter was fully discussed at the Annual General Meeting of AMO on 9 June. In particular, a resolution was carried as follows

- "(a) That, if the pay claim/salary restructure has not been implemented by 31 July 1979, the Association of Magisterial Officers should apply sanctions until such pay claim/salary restructure has been implemented.
- (b) That a committee be formed to decide the nature of the sanctions to be applied in the event of non-implementation of the pay/claim/salary restructure by 31 July 1979 and to advise the various branches of the Association of Magisterial Officers accordingly".

