MT

PART 9

SECRET

CONFIDENTIAL FILING

Teachers' Pay

EDUCATION

PT 1: May 1979

PT 9: November 1986

Referred to	Date	Referred to	Date	Referred to	Date	Referred to	Date
~~4.11.86~~		~~2.3.87~~					
~~6.11.86~~		~~10.3.87~~					
~~11.11.86~~		~~16.3.87~~					
~~12.11.86~~		~~20.3.87~~					
13.11.86		30.3.87					
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~~10.2.87~~							
~~23.2.87~~							
~~26.2.87~~							

PREM 19/2128

PART 9 ends:-

SS/DES To PM 30.3.87

PART 10 begins:-

DRN To DES 2.4.87

TO BE RETAINED AS TOP ENCLOSURE

Cabinet / Cabinet Committee Documents

Reference	Date
CC(86) 36th Conclusions, Minute 2	06.11.86
CC(86) 37th Conclusions, Minute 2	13.11.86
CC(86) 38th Conclusions, Minute 2	20.11.86
CC(86) 39th Conclusions, Minute 1	27.11.86
CC(86) 40th Conclusions, Minute 2	05.12.86
CC(86) 41st Conclusions, Minute 1	11.12.86
CC(86) 42nd Conclusions, Minute 1	18.12.86

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 M Wayland Date 29 September 2015

PREM Records Team

ES

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PRIME MINISTER

Prime Minister

Are you content with the action which Mr Baker describes in paragraph 8? DCR 31/3.

DN 6/5

Yes

TEACHERS' PAY AND CONDITIONS: SITUATION REPORT

It is now possible to see rather more clearly the reactions to the Government's proposals on teachers' pay and conditions which I announced on 2 March.

2. As we expected, the two large teacher unions have opposed the statutory imposition of a settlement covering pay and conditions, and have mounted a campaign of disruption against them; and the Labour-dominated local education authority employers have also stated their opposition to the imposition of the Government's package. But the other teachers' associations have not joined the NUT and the NAS/UWT in promoting disruption, with the membership of AMMA rejecting by a clear majority their leadership's advice to stage a single token half-day strike.

3. The response of NUT and NAS/UWT members to their leaderships' calls for half-day strikes has been variable. Less than 50 per cent of the membership of the two unions actually voted for strike action, and my Department's best guess - on the basis of the information we have so far been able to secure from the local education authorities - is that not much more than a third of all teachers actually took half-day strike action during the first phase.

4. The two unions will continue with some form of disruption at least until the Easter holiday, as they want to keep the issue in the news by selective action in certain schools. The proportion of the country's schools affected by selective strikes last week was only about 1-2 per cent of the total.

5. I have received comments on my proposals for pay and conditions from all the main interests, other than the NUT and NAS/UWT, during the consultation period and I have met three of the unions and the Labour, Conservative and Liberal

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leaders of the local education authority employers. Some useful comments have been made on the draft Order which will result in some useful improvements in the practical detail of the Order, without affecting the substance of the overall approach agreed by the Cabinet.

6. I believe we have been reasonably successful in keeping public opinion behind us, and in preventing the leaders of the teachers' unions from attracting any significant support from parents. We need to press steadily ahead, without giving the unions any new weapons to use against us. The facts are clear: teachers are going to receive a generous pay increase; the duties and working time are based broadly on those negotiated last year under the auspices of ACAS; and the impossibility of reaching a negotiated settlement acceptable to all parties, including the Government, has been clearly shown.

7. But for many teachers there is a sense of grievance about the loss of negotiating rights. For the profession it has become a point of principle. I will continue to show that the abuse of negotiation rights over the last 10 years has led to chaos but there is a concern about negotiating rights that is felt more widely than just by those who have taken strike action. For example Peter Dawson, the General Secretary of the Professional Association of Teachers, who has robustly supported us, has emphasised to me the concern of some of his members on this issue.

8. I propose to take the following next steps:

(i) That there should be no delay in making and laying the Order dealing with the 1 January component of the pay increase and conditions of service. To delay would run a very serious risk of losing the support of public opinion and parents, and the acquiescence of the majority of teachers. I therefore propose to make and lay this Order before Easter.

(ii) I intend to publish a consultative paper before Easter about the use of the new £500 allowance of which 25,000 are to be available from 1 October 1987. These incentive allowances will have a crucial part to play in rewarding outstanding classroom teachers as well as assisting in recruitment to posts difficult to fill and in recruiting and retaining teachers in shortage skills.

(iii) We need to be ready to announce the Chairman and Deputy Chairman of the Interim Advisory Committee on Teachers' Pay and Conditions soon after Easter. The Easter Conferences of the NUT and NAS/UWT will almost inevitably be focussing on possible future strike action or work to rule. We will need to give a clear signal at the start of the summer term that we will be setting up the Advisory Committee and that it will be independently minded and unbiased. We will also need to re-emphasise that the Interim Advisory Committee is an interim body which provides a cooling off period in which we would be seeking permanent arrangements for determining teachers' pay and conditions.

9. I am sending copies of this minute to the other members of MISC 122 and to Sir Robert Armstrong.

KB.

KB

Department of Education and Science

30 March 1987

ESD11BM01

ELIZABETH HOUSE
YORK ROAD
LONDON SE1 7PH
01-934 9000

David Norgrove Esq
Private Secretary
10 Downing Street
London
SW1A 2AA

Prime Minister NBPM.
20/3.

20 March 1987

Dear David,

TEACHERS' PAY AND CONDITIONS

You might like to see the attached copy of an article which is to appear in this Sunday's edition of The Observer. It sets out in some detail the Government's position on teachers' pay and conditions, and on the current disruption in schools.

I am sending copies of this letter and the attachment to private secretaries to all Cabinet Ministers, to Murdo Maclean and to Trevor Woolley.

Yours sincerely,

Rob Smith

R L SMITH
Private Secretary

Article for the Observer - Sunday 22 March

"I think that your recent document represents such a sensible set of proposals that its opponents are running around like headless chickens trying to find valid objections."

This is how a secondary school head teacher recently described criticism of my proposals on school teachers' pay and conditions. It is a fair and accurate comment on the current scene.

2. My proposals are part of a much wider purpose to create a well-trained, well-managed, well-motivated and well-paid teaching force. I believe that many parents and teachers see these proposals - which will mean an average 25% pay rise over eighteen months - in that light.

3. **So why then have these proposals been met with renewed disruption of children's education?** From the unions' claims you might think the schools have been suffering universal disruption. Any loss of education due to strikes is to be condemned. But the call to action has met with a variable response. For example, in two counties only one in five teachers joined the half-day strikes. The plain fact is that many teachers have been working normally, showing the care and responsibility for the children in their charge expected by parents.

4. The divisions between the six school teacher unions are well known. Having failed to agree on proposals between themselves for so long, two of the unions are taking action which continues to hurt children and their parents. I am not in the least bit surprised that the Professional Association of Teachers, which has pledged itself against strikes, has had a surge of enquiries about membership. The Assistant Masters and Mistresses Association has also attracted moderates from the two militant unions - as is shown by AMMA's rejection of strike action.

5. **Why then are teachers striking again?** The leaders of the NUT and the NAS/UWT say that the disruption is directed against the Teachers' Pay and Conditions Act which Parliament passed just three weeks ago. This new Act abolished the Burnham Committee which negotiated teachers' pay for nearly 70 years. By common consent it has outlived its usefulness and has few friends even among the unions. As a replacement to Burnham the Act requires me to set up an Interim Advisory Committee to consider school teachers' pay and conditions of service. It empowers me to set out in statutory documents details of school teachers' pay and conditions. That decision is then subject to the approval of Parliament.

6. This is now the law of the land. Dr Owen underlined this when he said that "a systematic programme of disrupting children's education is not only challenging an Act of Parliament but is guaranteed to put parents and teachers at loggerheads." Mr Smithies, General Secretary of NAS/UWT said last week that action would continue until the election. That was a shocking example of political cynicism: children should not be used as political cannon fodder.

7. **Are the strikes against my pay proposals which are now the subject of consultation?** Those proposals are generous and, what is more, they take serious account of views expressed by the unions and the employers since I made my original proposals. I have moved closer to their position; - they have remained entrenched.

8. The proposals will give teachers, on average, a 16.4% increase in pay in two stages on 1 January and 1 October 1987. This amounts to a 25% increase between March 1986 and October 1987.

9. The incentive allowances will be paid to teachers for taking on extra responsibilities; for outstanding classroom teaching; for shortage skills; or to assist recruitment to posts difficult to fill. The maximum salary for teachers other than heads and their deputies will thus be £17,500. No longer will outstanding classroom teachers have to take on extra adminis-

trative duties in order to earn more.

10. From October this year, the starting pay for good honours graduates will be £8,500. After 5 years, and with the award of a £1,000 incentive allowance, a good honours graduate could be earning £12,850. These are career prospects which will bring good people into teaching.

11. **Are the strikes against the proposals for teachers' working time and duties?** These proposals are closely based on what emerged from last year's protracted discussions between the unions and the local authorities. To a large extent they do no more than set out clearly those duties which most teachers have done for many years; for example attending staff meetings and parents' evenings. Teaching can be a tough job, but I do not see any union leader persuading working parents that the teachers' new contract is too onerous.

12. It is not a simple matter to define precisely the job of a large body of professional people. In past years there have been destructive disputes about what teachers can be required to do, and what they may undertake on a voluntary basis. That is why we have had to act to clarify the teachers' contract. Employers, heads, parents and the teachers themselves will benefit from this clarification.

13. **There is a particular problem about "cover" for absent colleagues.** In recent years teachers have sometimes refused to cover as a form of industrial action, claiming that it is not a contractual obligation. The courts decided, last year, that there was a contractual duty on teachers to cover.

14. My proposals set a three day limit on this obligation. I believe that this is reasonable. It is in line with long-standing practice in a number of local education authorities. It is an improvement on practice in others. But I emphasise that it is a limit. Local authorities can choose to operate below the three day limit. It will be their management decision, taken in the light of their budgets.

15. **The unions want a new negotiating committee.** I understand that. The problem is to find a formula for a new negotiating committee in which we could have confidence. It would be easy, but disastrous, to set up a new committee no more effective than the late, unlamented and discredited Burnham Committee.

16. The Interim Advisory Committee, later this year, will consult before making recommendations for teachers' pay and conditions from April 1988. I in my turn am required by the Act to discuss their recommendations with the unions and the authorities before putting proposals before Parliament. **These discussions will inevitably have something of the character of negotiations.**

17. **It was essential to break out of the Burnham negotiating deadlock.** Meetings over five years had failed to deliver a new career structure and a new definition of the teacher's job. As one union signed up, another signed off. The NAS/UWT is now proclaiming the virtues of a negotiated settlement. Yet that union consistently refused to put its name to any of the so-called agreements reached in the last nine months. Always the battle for members seemed to take precedence over the search for a sensible deal. Burnham became an arena for the misuse of negotiating rights.

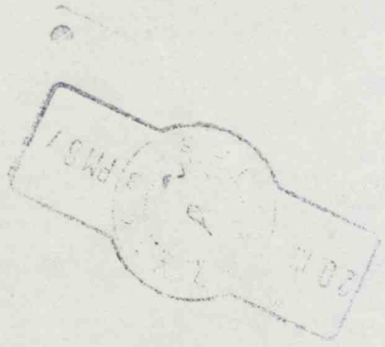
18. So the Government intervened and put £608m on the table. That huge extra sum allows for an average pay increase of 16.4%. Teachers have never had such a good offer, an offer which was made with inflation right down.

19. With their usual imagination, the Burnham negotiators declared that they would go ahead as if I did not exist! They came up with proposals which exceeded the substantial extra sum put up by the Government. Not content with adding a further £85m to the bill for teachers' pay, they also added on changes in working conditions costing a further £105m in the academic year 1987-88.

20. The Interim Advisory Committee will bring a welcome respite to the breakdown in sensible negotiations. It will provide a cooling off period during which we can learn from the experience of the interim machinery.

21. I cannot emphasise strongly enough that the arrangements set up by the Act are interim. The Act will expire in 1990. It can only be extended beyond that date for a year at a time by approval of both Houses of Parliament. I understand teachers' concern about negotiating rights. I hope that they will be reassured by the fact that the Act is a temporary measure introduced to escape from a negotiating cul-de-sac. But for the Act the endless wrangling on pay would still be going on.

22. As Secretary of State, it is my responsibility to seek a long-term solution that will be fair to teachers, parents, taxpayers, ratepayers and, above all, children. It is to get the breathing space to work out such a solution that the interim arrangements have been approved by Parliament. I appeal to the teachers to operate within those arrangements. The unacceptable alternative is for them to take it out on the children. I cannot believe that anyone sees that as the right way forward.



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SECRETARY OF STATE FOR EDUCATION AND SCIENCE

ccBG

ELIZABETH HOUSE
YORK ROAD
LONDON SE1 7PH
01-934 9000

Prime Minister 2

DRN 16/3.

The Rt Hon Nigel Lawson MP
Chancellor of the Exchequer
Treasury Chamber
Parliament Street
LONDON SW1P 3AG

16 March 1987

Dear Nigel,

TEACHERS' PAY

Thank you for your letter of 11 March.

I set out my approach on this point in the minute to the Prime Minister of 23 February which I circulated to Misc 122 in which I said that I was sure that our strategy towards the teachers should be to mobilise public opinion against disruption, rather than overtly threaten to withhold the 1 January pay increase. I do not think anything has happened to date to change the balance of those arguments.

Last week we had 3 days of rolling half-day strikes. The provisional returns show that the response has been variable. The teacher unions have not managed to attract as much media attention as they would have wished and I doubt if they will fare any better this week, other than possibly this evening after the half-day strikes in London, unless I give their campaign a new focus.

I shall circulate a further analysis of the position next week when the extent to which disruption is likely to continue becomes clearer.

I am copying this letter to the Prime Minister and other Members of Misc 122.

Yours ever

Kenneth

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cc CST
Sir P Middleton
Mr F E R Butler
Mr Anson
Mr Kemp
Mr Gilmore
Mr Hawtin
Mr Pirie
Mr Fellgett
Mr Gilhooly
Mr Halligan
Mr Tyrie

Treasury Chambers, Parliament Street, SW1P 3AG
01-270 3000

11 March 1987

The Rt Hon Kenneth Baker MP
Secretary of State for Education and Science

TEACHERS' PAY

The threat from NUT and NAS/UWT to start another campaign of widespread and prolonged industrial action is deplorable. I strongly support your weekend remarks condemning those threats.

It seems to me that if the campaign does receive widespread support from the rank and file - and I very much hope it does not - we shall have to consider very carefully whether or not we go ahead with the proposed pay increases. Clearly we should wait to see how extensive the industrial action is before deciding. But if it is extensive, I believe we must seriously consider the case for holding up the pay rises, which I am satisfied we are able to do. Indeed, we need to consider whether it would be wise to make the teachers aware that the money would be withheld in the event of widespread disruption: this might be the best way of preventing such disruption.

I am copying this letter to the other members of MISC 122 and to Sir Robert Armstrong.

NIGEL LAWSON

16. III.
PMS

-012-

CABINET OFFICE

With the compliments of

J. B. UNWIN

70 Whitehall, London SW1A 2AS
Telephone 01 233

CCBG

RESTRICTED

P 02565

From: J B UNWIN
10 March 1987

MR MONGER

cc Mr Wells
Mr Norgrove No 10

COPY FOR

TEACHERS PAY

I had a word with Philip Halsey at DES to see whether they thought that the developments on teachers pay could require MISC 122 consideration before Easter.

2. The DES assessment is still a fairly confident one. Although the vote in favour in the recent ballots was higher than they had expected, the poll was lower and means that less than half the teaching force have actually voted to authorise the two main unions to call for strike action or "action short of that" (whatever that may mean). Their guess is that there might be a fair amount of support for the first round of half day action, but that it could tail away thereafter. They will, however, monitor developments closely and let us know if there is any cause for concern. The Secretary of State is, of course, committed to paying the first tranche of the pay increase (from 1 January) by Easter if possible whatever action the teachers take.

J B UNWIN

FM87

DEPARTMENT OF EDUCATION AND SCIENCE
ELIZABETH HOUSE YORK ROAD LONDON SE1 7PH
TELEPHONE 01-934 9000

FROM THE SECRETARY OF STATE

2 March 1987

Dear Colleague, DRS 4/3.

I have today announced to the House new proposals on the pay and conditions of employment of school teachers in England and Wales.

You may find it helpful to have the enclosed material explaining this new package:

- a note outlining the proposals
- three charts which illustrate the proposals
- a booklet which gives more details of the proposals, and which I am sending to all schools in England.

I would be very happy to supply you with further copies of the notes and charts should you wish to send them to anyone who raises this with you.

Yours sincerely,

Kenneth Baker

JPM05D8

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cc BG
QU
Press
MEA
D/C

DEPARTMENT OF EDUCATION AND SCIENCE
ELIZABETH HOUSE YORK ROAD LONDON SE1 7PH
TELEPHONE 01-934 9000

FROM THE SECRETARY OF STATE

David Norgrove Esq
Private Secretary
10 Downing Street
London SW1

2 March 1987

Dear David

SCHOOLTEACHERS' PAY AND CONDITIONS

I attach a copy of the statement which my Secretary of State will be making in the House this afternoon.

I am copying this letter and the statement to the private secretaries to members of MISC 122 and the Captain of the Gentleman at Arms, to Trevor Woolley and to Bernard Ingham.

Yours ever

Shirley

MRS S J TRUNDLE
Private Secretary

CONFIDENTIAL

DRAFT 2/3/87

CONFIDENTIAL

STATEMENT BY THE SECRETARY OF STATE ON SCHOOL TEACHERS' PAY AND CONDITIONS OF EMPLOYMENT

1. With permission Mr Speaker I wish to make a statement about teachers' pay and conditions of employment in England and Wales.

2. The Teachers' Pay and Conditions Act has now received Royal Assent. The Government wants school teachers to receive an average increase of 16.4%, half with effect from 1 January 1987 and half on 1 October 1987. I am today sending a draft Order for this purpose to those I am required to consult under the Act seeking their comments. The Order covers the 1 January pay increase and sets out the conditions which will become part of school teachers' contracts of employment. I am placing copies of the consultation letter and attachments in the Vote Office.

3. I have considered carefully the responses to the proposals for teachers' pay and conditions which I set out in October and to those which emerged from the ACAS discussions. I have also taken into account the settlement in Scotland, and I am now bringing forward revised proposals to apply in full from 1 October. The main features are:

First, the top of the basic salary scale will increase from £12,700 to £13,300, which is £600 higher than the figure in my October proposals;

Secondly, there will be five levels of incentive allowances ranging from £500 to £4,200;

Thirdly, the 105,000 teachers on scales 3 and 4 and the senior teachers' scale will receive allowances of £1,000, £3,000 and £4,200 respectively;

Fourthly, there will be scope for 25,000 new promotions in October 1987 with an increase in the number of teachers qualifying for an allowance to about 165,000 in 1990 - this is 20,000 more than in my previous proposals;

Fifthly, there are no changes to my original proposals for heads or deputies.

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4. These proposals recognise the view put by the teacher unions in support of a better basic salary scale and I have moved toward their position. I have however retained a pay structure which provides good differentials and I have increased the number of incentive posts so that the proportion of teachers in them will rise to 55% overall in 1990.

5. The Order also covers teachers in special schools and unqualified teachers. I recognise the distinctive position of teachers in special schools and the basic allowance for them will be £1000 as against £855 in the ACAS proposals.

6. In my statement of 30 October I said that the increased expenditure of £608m on teachers' pay must be matched by a clear definition of school teachers' duties and conditions of employment. On 27 November I recognised the useful progress in the ACAS discussions on the definition of a teacher's job and on the length of the teachers' working year. The list of teachers' duties set out in the draft Order are based closely on the ACAS proposals. The Order provides for a working year of 195 days, of which 5 days are beyond the pupil year, and states that a teacher may be required to work for 1265 hours a year at the direction of the headteacher: these requirements are consistent with the ACAS proposals.

7. The ACAS document proposed levels of cover for absent teachers but recognised that this depended both on finance and the availiability of suitably qualified teachers. The Government believes that the ACAS proposals would have created difficulties for many local authorities. We have therefore decided that teachers should not normally be required to provide cover after a colleague has been absent for 3 consecutive days, nor to provide cover in the case of planned absences of more than 3 consecutive days. The question of cover will be among the matters to be taken into consideration in the consultations I shall shortly be initiating about the numbers of school teachers needed and how their time can be used to best advantage.

8. I am asking for responses to my consultative letter by Monday 23 March at the latest. Ministers or my officials will be willing to meet with those who are being consulted. I regard it as essential for these discussions to be completed before the end of this month. We can then lay the Order before the Easter recess so that teachers will receive their backpay without delay.

9. I wish to confirm that the Government proposes to increase education GREs in England and Wales by £118m for 1986-87 and £490m for 1987-88, with an increase in block grant to local authorities of £56m and £200m for those years. On that basis the local authority associations have already been sent information about the likely change in individual GREs and block grant entitlements. Formal consultation will be started shortly.

10. These proposals will improve the career prospects of teachers and give local management new scope to raise the quality of education. Teachers are being given a substantial pay increase combined with a clear definition of their responsibilities. I believe that parents will expect teachers to respond by giving their commitment to uninterrupted and effective education for all our nation's children.

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DEPARTMENT OF EDUCATION AND SCIENCE
ELIZABETH HOUSE YORK ROAD LONDON SE1 7PH
TELEPHONE 01-934 9000

FROM THE SECRETARY OF STATE

David Norgrove Esq
Private Secretary
10 Downing Street
LONDON SW1

Prime Minister
Content?
DLS
26/2

26 February 1987

Dear David

SCHOOLTEACHERS' PAY AND CONDITIONS

Kenneth Baker's minute of 23 February to the Prime Minister set out his strategy for dealing with the matter once the Bill receives Royal Assent. I now attach the text of the statement he intends to make in the House on Monday 2 March. I would be grateful for any comments by 4.00 pm tomorrow.

I am copying this letter and the draft statement to the private secretaries to members of MISC 122, the private secretary to the Captain of the Gentleman at Arms and to Trevor Woolley.

Yours ever

Shirley

MRS S J TRUNDLE
Private Secretary

CONFIDENTIAL

DRAFT 25/2/87

CONFIDENTIAL

STATEMENT BY THE SECRETARY OF STATE ON SCHOOL TEACHERS' PAY AND CONDITIONS OF EMPLOYMENT

1. With permission Mr Speaker I wish to make a statement about teachers' pay and conditions of employment in England and Wales.

2. The Teachers' Pay and Conditions Act has now received Royal Assent. The Government wants school teachers to receive an average increase of 16.4%, half with effect from 1 January 1987 and half on 1 October 1987. I am today sending a draft Order for this purpose to those I am required to consult under the Act. The Order covers the 1 January pay increase and sets out the conditions which will become part of school teachers' contracts of employment.

3. I have considered carefully the responses to the proposals for teachers' pay and conditions which I set out in October and to those which emerged from the ACAS discussions. I have also taken into account the settlement in Scotland, and I am now bringing forward revised proposals which will apply from 1 October. The main features are:

First, the top of the basic salary scale will increase from £12,700 to £13,300, which is £600 higher than the figure in my October proposals;

Secondly, there will be five levels of incentive allowances ranging from £500 to £4,200;

Thirdly, the 105,000 teachers on scales 3 and 4 and the senior teachers' scale will receive allowances of £1,000, £3,000 and £4,200 respectively;

Fourthly, there will be scope for 25,000 new promotions in October 1987 with an increase in the number of teachers qualifying for an allowance to about 165,000 in 1990 - this is 20,000 more than in my previous proposals;

Fifthly, there are no changes to my original proposals for heads or deputies.

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4. These proposals recognise the view put by the teacher unions in support of a better basic salary scale and I have moved toward their position. I have however retained a pay structure which provides good differentials and I have increased the number of incentive posts so that the proportion of teachers in them will rise to 55% overall in 1990.

5. The Order also covers teachers in special schools and unqualified teachers. I recognise the distinctive position of teachers in special schools and the basic allowance for them will be £1000 as against £855 in the ACAS proposals.

6. In my statement of 30 October I said that the increased expenditure of £608m on teachers' pay must be matched by a clear definition of school teachers' duties and conditions of employment. On 27 November I recognised the useful progress in the ACAS discussions on the definition of a teacher's job and on the length of the teachers' working year. The list of teachers' duties set out in the draft Order are based closely on the ACAS proposals. The Order provides for a working year of 195 days, of which 5 days are beyond the pupil year, and states that a teacher may be required to work for 1265 hours a year at the direction of the headteacher: these requirements are consistent with the ACAS proposals.

7. The ACAS document proposed levels of cover for absent teachers but recognised that this depended both on finance and the availiability of suitably qualified teachers. The Government believes that the ACAS proposals would have created difficulties for many local authorities and some of them confirmed this was the case. We have therefore decided that teachers should not normally be required to provide cover after a colleague has been absent for 3 consecutive days, nor to provide cover in the case of planned absences of more than 3 consecutive days. The question of cover will be among the matters to be taken into consideration in the consultations I shall shortly be initiating about the numbers of school teachers needed and how their time can be used to best advantage.

8. I am asking for responses to my consultative letter by Monday 23 March at the latest. I or my officials will be willing to meet with those who are being consulted. I regard it as essential for these discussions to be completed before the end of this month. We can then lay the Order before the Easter recess so that teachers will receive their backpay without delay.

9. I wish to confirm that the Government remains ready to increase education GREs in England and Wales by £118m in 1986-87 and £490m in 1987-88, with an increase in block grant to local authorities of £56m and £200m in those years. Local authorities have already been sent information about the likely change in their GREs and block grant entitlement. Formal consultation about these arrangements will be started shortly.

10. These proposals will improve the career prospects of teachers and give local management new scope to raise the quality of education. Teachers are being given a substantial pay increase combined with a clear definition of their responsibilities. I believe that parents will expect teachers to respond by giving their commitment to uninterrupted and effective education for all our nation's children.

CONFIDENTIAL

JD

File

CBG

10 DOWNING STREET

LONDON SW1A 2AA

From the Private Secretary

26 February, 1987.

Dear Bob,

TEACHERS' PAY AND CONDITIONS

The Prime Minister has seen your Secretary of State's minute of 23 February, and is content with his proposals on teachers' pay, pay structure and conditions of service.

I am copying this letter to the Private Secretaries to the members of Misc 122 and to Sir Robert Armstrong.

Yours,

David.

(David Norgrove)

R.L. Smith, Esq.,
Department of Education and Science.

CONFIDENTIAL

DR

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CONFIDENTIAL

CMO until 31.3.87

PRIME MINISTER

Prime Minister
The Treasury and Policy Unit are content.
DLS
25/2

TEACHERS' PAY AND CONDITIONS

We will need to announce the Government's decisions on teachers' pay, pay structure and conditions of service immediately following the enactment of the Teachers' Pay and Conditions Bill. As I explained at Cabinet on 19 February, my intention is to make a statement presenting my proposals on Monday 2 March, assuming the Bill receives Royal Assent on that day.

Content of my proposals

2. I have considered carefully all the representations made to me in recent weeks following my October 30 announcement and the proposals which emerged from the Nottingham meeting in November. I have been very much influenced by the settlement in Scotland, with which my revised proposals are closely aligned. The main elements are:

i. a basic salary scale running up to £13,300 (ie the same as in Scotland);

ii. 5 rates of allowance for promoted teachers (£500, £1,000, £2,000, £3,000, £4,200);

iii. a guarantee that all teachers on scales 3 and 4 and the Senior Teacher Scale would receive allowances of £1,000, £3,000 and £4,200 respectively;

iv. an increase in the number of holders of posts graded above scale 2 from about 105,000 now to about 160,000 by 1990, so providing substantial promotion opportunities, and making it possible to give clear recognition for good classroom performance.

This new structure will apply from 1 October 1987. As from 1 January 1987, teachers will move halfway from their previous salary to their 1 October 1987 salary.

3. As compared with the 30 October proposals, the basic scale maximum is £600 higher, with a substantial part of the costs being recovered by relatively minor adjustments lower down the scale. The £17,500 maximum for the senior teacher is retained, but for scales 3 and 4 the maximum is £200 lower than in October. On the other hand, the increase in the number of promoted posts is higher, and the provision of the small allowance of £500 makes possible the immediate promotion this October of a considerable

number of teachers now at the top of scale 2. Annex A below sets out the salary scales and the numbers and levels of incentive posts.

4. On duties and conditions of service, my proposals closely follow those which emerged from the Nottingham meeting, which I endorsed as broadly acceptable in my statement of 27 November. Specifically the order will provide on conditions of service for

- the working year of 195 days, of which 5 days are beyond the pupil year;

- 1265 hours a year to undertake specified tasks at a specified place at the direction of the head teacher;

- duties for teachers based closely on those in the ACAS document, which covers all necessary tasks;

- the Scottish formula on cover, ie local authorities would be able to require teachers to cover for absent colleagues for 3 days except in the case of planned absences of more than 3 days.

5. I confirm that the costs will be within the financial envelope agreed in MISC 122 last October of an average increase of 16.4

per cent in two stages on 1 January and 1 October 1987, rising to 19.3 per cent by 1990-91 as the proposed additional promotions take effect.

Consultation and implementation

6. The legal and political aspects of bringing the proposals into effect are closely interrelated. The Bill requires me to consult the local authority employers, the teachers' associations and the voluntary school interests before I make any Order. Accordingly I intend writing to those concerned on 2 March, attaching a draft of the Order prescribing salaries from 1 January and setting out the codified conditions of service. As regards salaries, this first order will cover 1 January only, since that can be done simply by amending the existing Burnham document. A later Order will cover the 1 October increase. I shall make clear my readiness to discuss my proposals with those whom I am statutorily obliged to consult, and invite written representations by 23 March. I shall aim to conclude discussions before the end of March, and thereafter make the Order before Parliament rises for the Easter recess. It would formally come into effect by about the end of April so as to allow time for its consideration by the Joint Committee on Statutory Instruments, with most teachers receiving the first instalment of the increase in their May pay packets.

CONFIDENTIAL CMO until 31.3.87

7. At the same time as I send out the draft Order for consultation I shall write to all head teachers with full details of new salaries to be paid from 1 January and 1 October, together with the full conditions of service. It seems to me essential that every teacher should have immediate access to information about exactly how he or she will be affected by the Government's proposals. The Chief Education Officers of each local authority will also receive this material directly from my Department. I also intend to place advertisements in the national press on Tuesday or Wednesday 3 or 4 March, summarising the main elements of the package; as last October I envisage that these will take the form of a factual "Dear Teacher" letter over my signature.

8. The political aspects will need very careful handling. The local authority employers' leader, Mr John Pearman, has written again both to you and to me requesting meetings to discuss the situation. There is nothing fresh to say. His purpose is to make difficulties for the Government, not least by giving credence to the threat of further serious disruption by some of the teacher unions. I have arranged for the employers to meet me on Monday 2 March, before a meeting Mr Pearman has arranged of representatives of all 104 local education authorities. I shall, of course, let them know of my statement later that day, but I shall not reveal its content; my main objective will be to remind them of their duty to manage their schools and their teacher employees in accordance with the law. This means that they must

CONFIDENTIAL CMO until 31.3.87

take steps to enforce teachers' contracts in accordance with the conditions of service set out in the Order - it cannot be acceptable to parents and to the wider public for them to connive at, and even encourage disruption, while imposing no penalty on the teachers concerned.

9. As we discussed at Cabinet, I am sure that our strategy towards the teachers should be to mobilise public opinion against disruption, rather than now overtly threaten to withhold the 1 January pay increase. Apart from the possible legal pitfalls, we would risk giving the teachers a publicly credible cause, thus losing our friends among them and mobilising a much wider range of opinion against us. As things stand a number of factors will work in our favour. The ballot now under way in the NUT and NAS/UWT will generally have been concluded before my statement, although it is not expected that the results will be announced until 6 March. We shall be able to argue that the announcement of my revised proposals - which can be presented as going some considerable way to meet teacher concerns, for example through the treatment now provided for teachers at the top of Scale 2 - make the ballot result meaningless. Thereafter the teachers are unlikely to be able to generate large scale public support for any strike action against a pay increase of 16.4 per cent and a package of conditions closely aligned with these which emerged from last year's ACAS process. Nor would the local education authorities find it easy to explain to parents and

the public why they were failing in their duty to manage their schools properly.

10. I am copying this minute to other members of MISC 122 and to Sir Robert Armstrong.

K.B.

KB

23 February 1987

Department of Education and Science

8

CONFIDENTIAL CMO until 31.3.87 ANNEX A

PROPOSED STRUCTURE FOR TEACHERS' PAY FROM 1 OCTOBER 1987

I: TEACHERS OTHER THAN HEADS AND DEPUTIES

SCALE £		ALLOWANCES	
		ORDINARY SCHOOLS	SPECIAL SCHOOLS AND CLASSES
7600	Entry point for non-graduates	£500	£1000
7900	Entry point for graduates	£1000	£2000
8200		£2000	£3000
8500	Entry point for good honours graduates	£3000	£4200
9200		£4200	
10000			
10600			
11200			
11850			
12600*			
13300			

Progression up the scale is by annual increments on 1 September

*Teachers on Point 12 of Scale 2 at 30 September 1987 will be paid £12800 from 1 October 1987

II: HEADS AND DEPUTIES

SPOT SALARIES

DEPUTIES		HEADS	
SCHOOL GROUP	£	SCHOOL GROUP	£
		1	15500
		2	16000
BELOW 4	14750	3	16500
4 and 3(S)	15000	4 and 3(S)	17000
5 and 4(S)	15375	5 and 4(S)	17750
6 and 5(S)	15750	6 and 5(S)	19000
7 and 6(S)	16250	7 and 6(S)	20000
8 and 7(S)	17000	8 and 7(S)	21250
9 and 8(S)	18000	9 and 8(S)	22750
10 and 9(S)	19000	10 and 9(S)	24250
11 and 10(S)	19750	11 and 10(S)	26000
12	20750	12	27750
13	21500	13	29000
14	22250	14	30500

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8

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INCENTIVE ALLOWANCES

Shown below are approximate numbers of teachers with incentive allowances in ordinary schools in October 1987 and in September 1990. Progression from one to the other would be by 3 equal steps at September 1988, September 1989 and September 1990. During this period primary teacher numbers are forecast to rise and secondary numbers to fall: the estimated numbers of incentive allowances in each sector at September 1990 take account of these movements.

PRIMARY

	OCTOBER 1987	SEPTEMBER 1990
£2000	-	4000
£1000	16000	17000
£500	14000	34000

SECONDARY

	OCTOBER 1987	SEPTEMBER 1990
£4200	6500	11000
£3000	28500	24000
£2000	-	24000
£1000	53000	24000
£500	11000	27000

The Government will make finance available for this expansion in incentive allowances and will lay down rules about the range of allowances to be available in different sizes of school.

In special schools there are about 1500 teachers on Scale 3(S) or the Senior Teacher scale. The available resources would allow by 1990 a further 1500 promotions, from the £1000 basic special school allowance to the £2000 allowance, or from £2000 to £3000 or through to £4200.

CONFIDENTIAL CMO until 31.3.87

C/F
Do you wish to keep?
JP 23/2

1 G2 BTF

cc DES

10 DOWNING STREET

THE PRIME MINISTER

23 February, 1987.

Dear Mr. Pearman,

Thank you for your letter of 11 February.

I understand that arrangements have been made for you and a number of your colleagues among the local education authority employers to meet the Secretary of State for Education and Science shortly, to discuss the issues raised in your letter to me. I doubt, therefore, whether a separate meeting with me would be of any help.

Let me reassure you that the Government are no less anxious than the employers for the dispute to be resolved in an enduring way, in the interests of the nation's children. As Government Ministers have repeatedly made clear in the course of discussions in Parliament of the Bill, we would have preferred a settlement to have been reached by agreement with all the parties on a package which met the Government's concerns. For reasons which you well understand, neither the Government nor a number of the teachers' associations was able to endorse the package arrived at by majorities of the Management and Teachers Panels.

Under the provisions of the Bill the Government will shortly be putting forward draft Regulations on teachers' pay and conditions, for consultation with the employers, teachers' associations and voluntary school interests. Following those consultations, statutory force will be given to the new arrangements, including the first stage of the 16.4 per cent pay increase backdated to 1 January 1987.

I believe the general public, and parents in particular, would greatly resent continuing disruption by teachers in the face of such a pay increase. They will surely be looking to the local education authorities to see that the law is observed and to manage the education service effectively in accordance with it.

Yours sincerely

Margaret Thatcher

J. D. Pearman, Esq.

B1SS35

DEPARTMENT OF EDUCATION AND SCIENCE

ELIZABETH HOUSE YORK ROAD LONDON SE1 7PH

TELEPHONE 01-934 9000

FROM THE SECRETARY OF STATE

HEA

DN

Andy Bearpark Esq
Private Secretary
10 Downing Street
LONDON SW1

19 February 1987

Dear Andy

TEACHERS' PAY AND CONDITIONS BILL

My Secretary of State reported to Cabinet this morning on his next moves following completion of the passage of the Bill through Parliament.

One outstanding point is the request made by the Labour-led local education authority employers for meetings with the Prime Minister and the Secretary of State. As my Secretary of State explained, arrangements have been made for him to see Mr Pearman and a number of his colleagues on Monday 2 March. There is therefore no need for the Prime Minister to meet Mr Pearman. In these circumstances my Secretary of State suggests that the Prime Minister should now reply to Mr Pearman's letter to her of 11 February on the lines of the attached draft, declining his request, and emphasising the responsibility of local education authorities to act firmly against any disruption of the schools by teachers.

Yours ever

Shirley

MRS S J TRUNDLE
Private Secretary

DRAFT LETTER FROM THE PRIME MINISTER TO

Please type.

Cllr J D Pearman
Employers' Chairman
Burnham Primary and Secondary Committee (Management Panel)
41 Belgrave Square
London
SW1X 8NZ

Teachers' Pay and Conditions Bill

Thank you for your letter of 11 February.

I understand that arrangements have been made for you and a number of your colleagues among the local education authority employers to meet the Secretary of State for Education and Science shortly, to discuss the issues raised in your letter to me. I doubt, therefore, whether a separate meeting with me would be of any help.

Let me reassure you that the Government are no less anxious than the employers for the dispute to be resolved in an enduring way, in the interests of the nation's children. As Government Ministers have repeatedly made clear in the course of discussions in Parliament of the Bill, we should have preferred a settlement to have been reached by agreement with all the parties on a package which met the Government's concerns. For reasons which you well understand, neither the Government nor a number of the teachers' associations ~~were~~ has been able to endorse the package arrived at by majorities of the Management and Teachers Panels.

Under the provisions of the Bill the Government will shortly be putting forward draft Regulations on teachers' pay and conditions, for consultation with the employers, teachers' associations and voluntary school interests. Following those consultations, statutory force will be given to the new arrangements, including the first stage of the 16.4 per cent pay increase backdated to 1 January 1987. I believe the general public, and parents in particular, would greatly resent continuing disruption by teachers in the face of such a pay increase. They will surely be looking to the local education authorities to see that the law is observed and to manage the education service effectively in accordance with it.

J. PEARMAN

25/2

10 DOWNING STREET
LONDON SW1A 2AA

From the Private Secretary

18 February 1987

I attach a copy of a letter the Prime Minister has received from Mr. J. Pearman of Burnham Primary and Secondary Committee.

I should be grateful if you could provide an urgent draft reply for the Prime Minister's signature to reach me by Wednesday 25 February.

(P. A. BEARPARK)

Mrs. Shirley Trundle,
Department of Education and Science.

R12

BURNHAM PRIMARY AND SECONDARY COMMITTEE
(MANAGEMENT PANEL)

? Name ~~D Leman?~~
J. D. Pearman.

41 BELGRAVE SQUARE
LONDON SW1X 8NZ

TEL: 01-235 6081

FROM THE EMPLOYERS' CHAIRMAN

CS? NT-CS.

QF?

11th February 1987

The Prime Minister replied to this on 23 February. pa.

DAN
20/3

Dear Prime Minister

Teachers' Pay and Conditions Bill

Now that the Bill is returning to the House of Commons from the Lords substantially unamended, I am writing to you to ask once again that heed is given to all that the employers of teachers have been saying over the last three months. Our views have been put to Mr. Baker on many occasions and would have been put direct to you had you agreed to my two requests to meet you. So far those views have been ignored but I remain convinced of their validity and will continue to press them so long as there is an opportunity for a change of heart on the part of the Government.

We all share the same objective of securing a talented and motivated teaching force. That objective cannot be achieved and sustained over the heads of the teachers' representative bodies. The only sure route to that objective lies through agreement between the parties to the contract: the teachers and their employers.

Such an agreement already exists, having been reached on 21st November 1986 under the auspices of ACAS and ratified conditionally in the appropriate negotiating bodies on 7th January. It is supported by the majority of the employers and by unions representing the overwhelming majority of teachers. Modifications which I believe would be acceptable to the unions would have the effect of making the agreement acceptable to the Secondary Heads' Association whose members manage the largest, most difficult and most complex schools. By contrast all of the unions oppose the package announced by the Education Secretary on 30th October last year.

The agreement secures most of the aims that the Government and many others think essential to achieve: a properly defined contract which for the first time stipulates teachers' duties and hours; the teachers' commitment to appraisal; the overdue acceptance by the teachers that pay and other conditions should be considered alongside each other. As I made clear to the Secretary of State for Education and Science in a letter to him on 28th January (attached) the agreed package can readily be altered to come within the Government's cost constraints and to provide a grading structure more in line with Government preferences.

It is of great concern to the employers that the major unions are now threatening further disruption in the schools. We have consistently warned of our fears that this would happen, but it cannot be surprising that the unions should react in this way to a Bill which suspends their established negotiating rights. The differences between the Government and the parties to the ACAS agreement relate not to the all-important contract, nor to the overall cost of the pay increases but to their distribution. Set in perspective those differences are surely not of a nature as to require or justify unilateral imposition of a settlement over the heads of the employers and the teacher unions. I hope therefore that at this late stage the House of Commons pulls back from passing the Bill.

Parents require this dispute to be sorted out in the interests of their children. They want an enduring settlement, not a temporary truce. That requires the commitment of both employers and of teachers. To secure a solution based on such a commitment, I would of course be willing to do whatever I can, and would therefore welcome a meeting with you to discuss the issues.

I am copying this letter to the leaders of the opposition parties and to the Secretary of State for Education and Science.

Yours sincerely

The Rt. Hon. Mrs. Margaret Thatcher, MP,
The Prime Minister,
10 Downing Street,
London, SW1.

BURNHAM PRIMARY AND SECONDARY COMMITTEE
(MANAGEMENT PANEL)

41 BELGRAVE SQUARE
LONDON SW1X 8NZ

TEL: 01-235 6081

FROM THE EMPLOYERS' CHAIRMAN

28th January 1987

Dear Secretary of State,

Thank you for your replies of 22nd January on the issues of salary structure and negotiating machinery. I am afraid that I have to say that I find both replies less than fair and, while neither of us would welcome a long and sterile correspondence on these matters, it is necessary for me to put the record straight.

On structure, I differ from your view that our proposed adjustments were 'slight'. You have never acknowledged the very considerable difference in the number of principal teacher posts between the original 'Coventry' agreement (60,000) and the ultimate ACAS agreement (77,000). The further adjustments we had in mind would have increased the number of principal teachers to 83,500 (ie nearly 40% more than the Coventry figure); introduced a third tier of principal teacher; significantly improved the proposed differential for the existing senior teachers (17.9% rather than 13.8% in the agreement); allowed for flexibility in the allocation of principal teacher posts; and introduced the concept of converting principal teacher posts to senior teacher posts in a 1:2 ratio, thereby enabling promotion without the attachment of additional responsibilities. All of this amounted in my view to considerable change to the agreement. You have persistently argued that the ACAS agreement by providing fewer 'incentive' posts than presently exist is 'flat and egalitarian'. But it is not a comparison of like with like to compare the main professional grade and the responsibilities attaching to it with the existing Scale 1. Nor do the Employers understand how a system in which a third of posts are promotion posts, yet eighty per cent of teachers work in schools with fifteen or fewer staff, can be categorised as 'egalitarian' with all the implied connotations I believe you attach to that word.

It is true that we have not pressed the structure proposals on the teachers to the point of decision, nor the associated delay in implementation in order to get within your cost envelope. But that is attributable entirely to your rejection of the proposals. Should you after all indicate that those changes to the 21st November agreement would secure Government acceptance of the package, I am confident that the agreement would be amended accordingly. But there seems little point in pressing the teachers for no purpose. That consideration, rather than any withdrawal from what I said to you on 12th December, explains the position.

On negotiating machinery, it is ironic that a Government which has been so much slower than the Employers to recognise the need for repeal of the RTA, should be saying that the present negotiating machinery does not work satisfactorily in the same month that what many people thought inconceivable, namely the reaching of collective agreements on teachers' duties, working time, appraisal, negotiating machinery and structure, has finally been achieved. The process of collective bargaining is rarely smooth for any group of employees, and it would be idle to pretend that it is not difficult, time consuming and occasionally turbulent. But collective bargaining does have the virtue of committing the parties to its outcomes in a way that external solutions do not.

The difficulties of recent years, which the 21st November 1986 agreement would overcome, are of course not attributable to the complexities of the Burnham machinery but to the belatedness with which the Government has recognised the need for substantial new money to be channelled to teachers' pay. Given the teachers' historic acceptance that pay and conditions should be considered together, that it is accepted that your department and Parliament should have a proper role, and that there is to be substantial new money I see no reason why our proposed NJC, the principle of which has wide support among the teachers' unions, should not be seen as credible. The conclusion that I am forced to is that because the Government objects to parts of the 21st November 1986 agreement, principally on structure, the process of collective bargaining between teachers and employers which gave rise to that agreement is considered to be suspect and therefore any machinery involving negotiation is unacceptable.

I recognise that you are familiar with the arguments and at this late stage unlikely to change your mind. It is important though for me to register on behalf of the Employers my disagreement with much of the contents of your letters of 22nd January. What saddens me most of all is my belief that our differences over structure should have led you to put before Parliament a Bill whose consequences may well include the loss of the teachers' commitment to what had been achieved in our agreement on conditions of service, appraisal and future negotiating machinery. That loss will be a very heavy price to pay for your objectives on structure, which in themselves are far from resolving the underlying pay dispute with the teachers.

Yours sincerely,

Employers' Chairman

The Right Hon. Kenneth Baker MP,
Secretary of State for Education and Science,
Elizabeth House,
York Road,
London, SE1.

Duty Clerk

STATEMENT BY SECRETARY OF STATE IN RESPONSE TO THREATENED RENEWED CLASSROOM DISRUPTION BY LEADERS' OF NUT AND NAS/UWT Tuesday 10 February 1987

On hearing about the strike threats issued today by Mr Fred Smithies on behalf of the NAS/UWT in combination with the NUT, Education Secretary Kenneth Baker said:

"I have made clear that under my proposals teachers will get an average pay increase of 8.2% backdated to 1 January.

Then they will get another 8.2% from 1 October.

That is in addition to increases already received last March and April. Taken together, teachers will be getting a massive average increase of 25%.

I believe that with such a generous increase, teachers will work normally and look after the best interests of their pupils.

The provisions of the Pay and Conditions Bill which is now going through Parliament offers us a breathing space to find a sensible way of sorting these things out.

Today's threats show just how badly we need that breathing space. We need the cooling off period which the Bill affords. Parents and the public will share my disappointment that the NAS/UWT and NUT leadership should respond by reviving the spectre of disruption in our schools.

That threat is not what people expect of a profession. Parents will look to ordinary teachers to adopt a more sensible and responsible approach than some union leaders are advocating."

OID

CC BG

SECRETARY OF STATE FOR SCOTLAND

Prime Minister 2

DRS

22/1

MR

TEACHERS' PAY : SCOTLAND

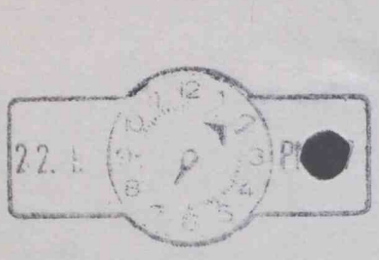
The result of the EIS ballot on the agreement reached last month has now been published. On a 91% return 24,869 members voted for the settlement and 9,561 against. The EIS has an absolute majority on the teachers' side of SJNC : moreover these Yes votes, taken with some 3,800 PAT members who have voted for the settlement, represent over half of all Scottish teachers. The result is therefore decisive, and I expect SJNC at its meeting tomorrow, 22 January, to ratify the agreement, thus bringing the dispute formally to an end. Once the agreement is ratified I shall withdraw the present RSG Order (which has not yet been debated) and lay a new one taking account of the additional resources and grant which I announced on 30 October.

Copies go to members of MISC 122 and to Sir Robert Armstrong.

MR

21 January 1987

HMP02204



CONFIDENTIAL

F0129

MR UNWIN

cc Mr Norgrove - No 10
Mr Monger

Teachers' Pay

I discussed the present position on Teacher's Pay with Ian Langtry (DES). In England and Wales, the Burnham Meeting provisionally arranged for 22 January has been cancelled, and DES are not now expecting any developments in the immediate future. They believe that Mr Baker's message to Mr Pearman has finally got through, and he now shows signs of accepting that Mr Baker's package is all that is on offer. DES have also had some success recently in convincing the press that this is the case. Meanwhile, Mr Baker is considering the proposals from the PAT, but I understand that these are likely to be too expensive to be acceptable.

2. In Scotland, the result of the EIS ballot is due on Wednesday with a meeting of the JNC arranged for Thursday. If the outcome of the ballot is favourable, that should effectively conclude the Scottish teachers' pay dispute.

3. DES see no need for a Ministerial meeting in the near future, providing that there are no unexpected developments. They envisage Mr Baker minuting the Prime Minister and other members of MISC 122 next week, ie after the result of the Scottish ballot is known and the English Bill has completed its committee stage in the Lords.

J E ROBERTS

20 January 1987

CONFIDENTIAL

CBG

PRIVY COUNCIL OFFICE
WHITEHALL, LONDON SW1A 2AT

19 January 1987

WBM

Dear Kenneth

TEACHERS' PAY AND CONDITIONS

Thank you very much for your letter of 16 January about the Teachers' Pay and Conditions Bill.

I really am most grateful to you for agreeing that the amendments set out in paragraph 3 of your letter may be made to the Bill. I fully share your desire to secure Royal Assent for the Bill at the earliest opportunity possible and I am hopeful that the concessions which we are now able to offer will assist the Bill's passage in the Lords.

I am also entirely content with the approach you propose on the three other amendments you considered, subject only to the proviso in relation to (e) and (g) that we should not rule out these two changes until we are able to judge the mood of the House at Committee stage. You do indeed say that on (e) you would reluctantly be prepared to concede if absolutely necessary. On (g) I would just ask that John Belstead should have the discretion to say, if the Government comes under great pressure on the point, that we will look at it between Committee and Report. On (f), my present inclination like yours is that we must defend the position for negative resolution for Orders coming into force before October 1987.

I know that John Belstead takes the same view on these points.

I understand we are meeting on Wednesday, together with my business manager colleagues, to consider the implications for the Bill's handling when it returns to the Commons.

I am sending a copy of this letter to the Prime Minister, the members of MISC 122, the Chief Whip, Lords, John Belstead, Gloria Hooper and Sir Robert Armstrong.

Yours

The Rt Hon Kenneth Baker MP

CONFIDENTIAL

EDUCATION

TEACHERS PAY

PTA

CONFIDENTIAL

CC/BG

1

DEPARTMENT OF EDUCATION AND SCIENCE
ELIZABETH HOUSE YORK ROAD LONDON SE1 7PH
TELEPHONE 01-934 9000

FROM THE SECRETARY OF STATE

16 January 1987

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

Prime Minister 2

DRS
16/1

Dear Willie.

TEACHERS' PAY AND CONDITIONS BILL

1. I understand that the level of resistance to the teachers' pay and conditions Bill in the Lords is somewhat greater than you had expected and that, in your view, it is now questionable whether it will be possible to have the report stage in the week immediately following the Committee stage, with this risk being reduced if the Government is prepared to accept some amendments to the Bill.

2. It is important that we have Royal Assent for the Bill as early as possible in February as we will have to allow reasonable time for the formal consultations required by the Bill about the content of orders. It is imperative that we are in a position to lay and bring into effect order covering the 1 January pay increase and conditions of employment before the Easter recess.

3. In order to ensure that we are able to meet this timetable I am prepared to accept that the following amendments be made to the Bill:

a. any negotiations about pay and conditions at national level for further education teachers should include those teacher unions presently in membership of the Burnham Further Education Committee: this would preserve the position of the Association of Polytechnic Teachers on whose behalf Max Beloff argued strongly in the Lords second reading and would respond to concerns expressed by Kenneth Clarke about the need to preserve the position of this minority union.

b. all reports from the Advisory Committee to be published by the Secretary of State: this would put on the face of the Bill a commitment that I have already given.

CONFIDENTIAL

c. it would be a requirement that the Advisory Committee should include members with relevant knowledge of the education service: you had suggested that an amendment in general terms could be helpful while acknowledging that there should be no question of members of the interim Advisory Committee being representatives.

d. any year by year extension of the provisions of the Bill from 31 March 1990 should require the affirmative rather than negative resolution procedure.

4. It was clearly very helpful at second reading that Gloria Hooper in her introductory speech was able to say that the Government would be bringing forward amendments to provide for consultation with the voluntary school interests. The Bishop of London helped ensure a reasonable balance in the debate in welcoming these amendments and endorsing the need for a central Government initiative on teachers' pay and conditions. There will be 4 amendments covering the voluntary school interests: therefore we will have 8 amendments in total to table or accept which will demonstrate a considerable willingness to take account of House of Lords concerns. I am ready to be guided by you about whether the 4 amendments suggested in paragraph 3 above should be tabled by the Government or given to backbenchers. (In addition there will need to be a Government 'technical amendment' defining 'other provisions' in clause 3(5)(a)).

5. I have considered 3 other possible amendments:

e. any order implementing a report from the Advisory Committee would be subject to affirmative resolution whether or not the Committee's recommendations are materially modified (at present the affirmative precedure is only required if the recommendations are materially modified) I am not persuaded that such a change is necessary if the holder of my Office is not modifying an Advisory Committee report and I am reluctant to further add to problems of the Parliamentary timetable through committing ourselves to debates in both Houses: however I would very reluctantly be prepared to concede on this change if it became absolutely necessary.

f. any order with provisions coming into force before 1 October 1987 should be subject to the affirmative procedure: as this could delay the coming into effect of an order for the 1 January 1987 pay increase for teachers resulting in the additions to the salary cheques not being made until the end of May or possibly even the end of June I have concluded that this could well be a counterproductive concession.

g. a final end date would be set for the provisions of the Bill at say 31 March 1993 so that any year by year extension from 1990 could only be for a maximum of 3 years: there will clearly be pressure for modifications to the expiry arrangements beyond the change from the negative to the affirmative procedure. Our intention is to identify permanent new arrangements for the 1990s but I would have grave reservations about setting a final expiry date now. I acknowledge that we will need to take stock after the Committee stage but I must emphasise that I would be very reluctant indeed to limit the possibility of extending the interim arrangements until it is clearer which should take their place.

6. I am also considering what might be said in the House of Lords about the consultation arrangements between the receipt of an Advisory Committee report and the laying of an order. We had agreed that we should not be aiming to amend the Bill to define such arrangements but it may well be helpful if I set out in more detail how the arrangements would operate.

7. I am copying this letter to the Prime Minister, all members of MISC 122, Bertie Denham, John Belstead and Gloria Hooper. A copy also goes to Sir Robert Armstrong.

PM 8 7

cc: MISC 122:
Ld. Pres.
Ch. Sec. HMT
Ex.
S/S Wales
LPS
S/S Soc. Services
Ch Duchy of Lancaster
S/S NI
S/S Env.
S/S Emp.
Paymaster General
S/S DES (top copy)
S/S Scotland
Chief Whip

CONFIDENTIAL

file DG2BQF
bcBG

10 DOWNING STREET

LONDON SW1A 2AA

From the Private Secretary

12 January 1987

Dear Rob,

TEACHERS' PAY AND CONDITIONS: ENGLAND AND WALES

The Prime Minister was grateful for the report on last Wednesday's meeting of the Burnham Committee set out in your Secretary of State's minute of 9 January.

I am copying this letter to the Private Secretaries to members of MISC 122, Lord Belstead, Lady Hooper and to Trevor Woolley (Cabinet Office).

Yours,

David.

David Norgrove

R. L. Smith, Esq.,
Department of Education and Science.

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Prime Minister 2
for information.
DRS
9/1

PRIME MINISTER

TEACHERS' PAY AND CONDITIONS: ENGLAND AND WALES

On Wednesday there were meetings of the Burnham Committee and the parallel non-statutory committee dealing with teachers' conditions of service. The outcomes were broadly as I expected. The Burnham Committee held off from making a formal agreement on the pay aspects, to which I would have to give statutory effect under present law. Instead I expect to receive from the Burnham Chairman a letter stating the wish of both sides to adopt the ACAS November agreement as regards pay, if the Government is willing to fund that.

The votes were close in both panels - the Conservatives and one Independent opposing the proposition, and only two of the six teacher unions supporting. In the parallel committee the rest of the package was adopted by similar majorities, subject again to Government agreeing to funding. I expect a letter from the Chairman of the employer side reporting that position and asking for a further meeting with me. There was no visible progress towards any alternative negotiating model which might be paraded next Monday during Lords Second Reading.

Clearly I must send considered responses to the expected letters. But I am taking the opportunity today in my speech to the North of England conference to damp down expectations. A copy of the relevant paragraphs of my speech is annexed to this minute. I am giving that to the press: they have not seen Wednesday as any kind of breakthrough by employers and unions.

On balance, I think Wednesday produced no immediate difficulties for Lords Second Reading on Monday. Opposition to the Bill may increasingly focus on the removal of employer-employee negotiating rights, rather than on pay structure and teachers' duties. I saw Norman Willis yesterday. He was silent on pay and duties but pressed

cont...

me on negotiating rights. I told him that I would reflect on what he and others had said, while the Bill was before the Lords. Even the Professional Association of Teachers, which is generally sympathetic to the Government position, is concerned about future negotiating machinery.

I have met the Anglican and Roman Catholic bishops who chair the Church of England Board of Education and the Catholic Education Council, offering them Government amendments* giving voluntary school interests the right to appropriate consultations by the interim advisory committee and by myself before I proceed to make an order. I have also said that we will amend to allow for different provisions for county and voluntary schools, in cases where the general county school provisions might not fit comfortably with the voluntary school interest. Both welcomed these commitments and neither voiced any major concerns about the proposals in the Bill. The Bishop of London told me that he did not intend to move any amendments at committee stage, though he may nudge a bit towards an Independent Review Body in his speech.

Copies of this minute go to members of MISC 122, Lord Belstead, Lady Hooper and to Sir Robert Armstrong.

* the concern was of course that there should be no amendments in the Commons which would have required a report stage.

KB

Department of Education and Science
(Approved by the Secretary of State and initialled in his absence)

9 January 1987

NORTH OF ENGLAND CONFERENCE

FRIDAY 9 JANUARY 1987

SPEECH BY THE SECRETARY OF STATE

FOR EDUCATION AND SCIENCE

EXTRACT: TEACHERS' PAY

24. The most topical instance is of course the negotiation of teachers' pay and duties. Wednesday's meetings of the Burnham and CLEA/ST negotiating committees seem to have made no real progress. The local authority employers with a sizeable proportion dissenting and the teacher unions, with 4 out of 6 dissenting confirmed that they wished to adopt the draft

agreement reached last November, without amendment, but only if the Government agreed to very large expenditure increases. I am expecting formal communication from both committees setting out the Wednesday position. I will of course consider carefully replies to both committees in due course but I must at this stage express my dismay at the continuing inability of the parties to settle this long-running and unjustifiable dispute on an acceptable basis and within the resources available.

25. Wednesday's outcome was not a settlement. The employers and unions have long known very well that the November package does not meet the Government's condition for the additional £608m which we want to spend on improved teacher pay this year and next. That large sum would allow for very substantial increases - an average of 16.4% by 1 October. This will be on top of increases agreed for March and April 1986 - making a cumulative 25% increase over the period. But in return the Government wants to see a substantially improved career structure with many more incentive posts. What is now proposed would compress differentials and reduce incentives for good teachers and those

who take on additional responsibilities. Minor cosmetic adjustments to the superstructure have been considered at various stages. I have made it clear that those will not serve. As they stand, the proposals involve expenditure well above the £608m earmarked - £85m over this year and next. And neither the employers nor the unions seem to have thought about the further costs involved in their proposals on conditions of service. The employers' estimate of those last November was £105m for this coming academic year and £165m for 1988/89.

26. Lastly, there is the issue of future arrangements for determining pay and conditions. It is clear that the present arrangements have failed. Nor is it credible to imagine that anything like them would serve for the immediate future. That is why the Government has brought forward a Bill to settle these matters - for an interim period - on the basis of advice from an independent advisory committee. If the holder of my office should want to depart from the advice of that committee, for any reason, express approval of both House of Parliament will be needed. There will be full opportunity for consultation, by the advisory

committee and before any consequent order is made. Local authorities and unions are not being excluded from the determination process.

27. I shall continue to seek a pay structure which will better meet the needs of our schools and which will provide fair rewards for teachers. I shall also continue to seek the long-needed clarification of teachers' professional duties and contracts. Last Wednesday seems not to have carried the business forward in any material way, but I remain very ready to have further discussion on possible improvements with the local authorities and the teacher unions.

AC I. ( ) 1987

CONFIDENTIAL

10 DOWNING STREET

LONDON SW1A 2AA

From the Private Secretary

22 December 1986

Dear Robert,

TEACHERS' PAY AND CONDITIONS: SCOTLAND

The Prime Minister has seen your letter to me of 18 December about the agreement reached by the SJNC working parties on pay and conditions of service. The Prime Minister knows that this owes a great deal to the efforts of your Secretary of State and officials. She has asked me to pass on her warm congratulations.

I might record for the avoidance of doubt that your Secretary of State intends to release the extra resources for the pay settlement only after the agreement is accepted by the members of the unions concerned. (As we discussed, the first sentence of your last paragraph compresses this point.)

I am copying this letter to the Private Secretaries of members of MISC 122 and Trevor Woolley (Cabinet Office).

Yours,

David.

DAVID NORGROVE

Robert Gordon, Esq.,
Scottish Office

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CONFIDENTIAL

cc. BG

ECL

10 DOWNING STREET
LONDON SW1A 2AA

From the Private Secretary

19 December 1986

Dear Bob,

ENFORCEMENT OF TEACHERS' CONTRACTS

The Prime Minister has seen your Secretary of State's minute of 8 December which argued against including a new clause on contract enforcement in the present Bill on teachers' pay. The Prime Minister is, subject to the views of colleagues, content that such a clause should not be included.

I am copying this letter to the Private Secretaries to members of MISC 122, Michael Saunders (Law Officers' Department) and Trevor Woolley (Cabinet Office).

Yours,
David

(David Norgrove)

R.L. Smith, Esq.,
Department of Education and Science.

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ECL

CONFIDENTIAL

SCOTTISH OFFICE
WHITEHALL, LONDON SW1A 2AU

David Norgrove Esq
Private Secretary
10 Downing Street
LONDON

Prime Minister

Agree to congratulate Mr Rifkind and his negotiators, but also to say the money should not be released until the membership have accepted the deal?

(I have already made it quite clear to his office.)

Yes no DCV 19/12

18 December 1986

Dear David

TEACHERS' PAY AND CONDITIONS: SCOTLAND

Thank you for your letter of 16 December. The SJNC Working Parties on pay and conditions of service have now reached agreement substantially on the lines which my Secretary of State reported to the Prime Minister earlier this week. There have been one or two marginal amendments on the salaries side, mainly to improve differentials, but they will be fully contained within the cost envelope and are largely self balancing in the longer term. It was made very clear that the Government could not be committed to any agreement on class sizes and the local authorities accept that they must take full responsibility for any consequences of the agreement they have reached.

The unions now face a considerable task in selling the agreement to their membership: it is much closer to Main than many of their members would like and there are elements within the EIS who will be looking for any opportunity to subvert it. It is vital therefore that the leadership should keep control of the presentation of the agreement and that there should be no premature leaking of the details. Accordingly the SJNC meeting which had been planned for 23 December has been brought forward to tomorrow afternoon, 19 December. We expect that the teachers' representatives will then put the draft agreement to the several union executives immediately with a view to balloting their members as soon as the schools return from the Christmas break.

The Secretary of State proposes therefore to authorise his representatives to indicate that if the agreement is accepted by SJNC he will release the extra resources which he has said would be made available to finance a pay settlement. As for publicity, Mr Rifkind would intend to release a statement to the press giving a warm welcome to the progress made so far and urging teachers to support the settlement in the following ballots. He thinks it will be advisable to let the unions make most of the running in the presentation of the agreement in their own way initially: and it will not improve the chances of getting favourable ballot results if either the Government or the employers appear to anticipate the outcome.

Copies of this letter go to the Private Secretaries to members of MISC 122 and to Trevor Woolley (Cabinet Office).

Yours ever

Robert Gordon

ROBERT GORDON
Private Secretary

HMP35208

EDUCATION

TEACHERS PAY

PT 9

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cc BG

Treasury Chambers, Parliament Street, SW1P 3AG

The Rt Hon Malcolm Rifkind QC MP
Secretary of State for Scotland
Scottish Office
Dover House
Whitehall
London
SW1A 2AU

NBPM

18 December 1986

Dear Malcolm,

TEACHERS' PAY AND CONDITIONS: SCOTLAND

Thank you for sending me a copy of your minute of 15 December to the Prime Minister.

I am content with your proposed course of action if the agreement described in your minute is concluded at the SJNC on Wednesday. I note that the draft agreement makes certain concessions on pay structure and conditions of service, including new limits on composite class sizes and cover, compared with your original proposals. I accept that the new pay structure, although less satisfactory in some respects the Main proposals, is within our agreed cost envelope both initially and in the long-term. But, if agreement on it is reached in Scotland I imagine that Kenneth Baker will come under great pressure to modify his own proposals to bring the Main Professional Grade into line with the Scottish basic scale. I should therefore say now that if such modifications were made they would have to be financed within the extra provision we have announced for teachers' pay in England and Wales, both initially and in the longer-term. I would be grateful for Kenneth Baker's assurances on that point.

I am grateful for your assurance that any costs associated with arrangements on class size would have to be financed within the resources we have already announced for education; and that this has been and will continue to be made clear. I understand

EDUCATION: Teachers' Pay: Pt 9.

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that Kenneth Baker is content that these will not have a read-through effect south of the Border, but were there to be any such read-through the entire cost would also have to be met within existing resources.

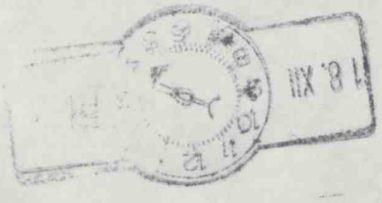
Finally, I think that there is a real risk of union members rejecting this agreement. Even if this happens I think it will have been worthwhile trying to get a negotiated agreement as we would then be in a stronger position to impose our own solution. But given this risk, it follows that our endorsement of this agreement should, as the Prime Minister has commented, be in cautious terms so that we are not committed to precisely these proposals if the union ballots reject them and we then have to impose our own solution. But it does look a solution worth trying for.

I am copying this letter to the Prime Minister, members of MISC 122 and to Sir Robert Armstrong.

Yours ever,

JOHN

JOHN MacGREGOR



MJ

cc CS, HMT HMT Mr Beaupark.
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10 DOWNING STREET

LONDON SW1A 2AA

16 December 1986

From the Private Secretary

Dear Robert,

TEACHERS' PAY AND CONDITIONS: SCOTLAND

The Prime Minister has seen your Secretary of State's minute of 15 December which described the package which is virtually agreed between employers and teachers' unions in Scotland.

The Prime Minister would, subject to the views of colleagues, be content for the Government to support an agreement on these lines, but she wishes first to be reassured on two points. These are the points in paragraph 3(v) and (vi) of your Secretary of State's minute which record that the employers are likely to offer agreements in principle on maximum class sizes for composite classes in primary schools and on absence cover, and that the proposed review of secondary staffing standards will be extended to cover primary as well. The Prime Minister would wish to be assured unequivocally that the costs of these parts of the agreement will be contained within the overall provision and, equally important, that there will be no knock-on effects in England and Wales. She would not for example want to see a Scottish agreement on maximum class size being used as the basis for a similar limit in England and Wales.

I am copying this letter to the Private Secretaries to members of MISC 122 and to Trevor Woolley (Cabinet Office).

Yours,

David

David Norgrove

Robert Gordon, Esq.,
Scottish Office.

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10 DOWNING STREET

LONDON SW1A 2AA

From the Private Secretary

16 December, 1986.

TEACHERS' PAY AND CONDITIONS: SCOTLAND

The Prime Minister, in the context of another meeting, today had a word with your Secretary of State about his minute of 15 December on teachers' pay and the Prime Minister's views recorded in my letter to you of earlier today.

The discussion concentrated on the proposed limits on class sizes. Your Secretary of State said that these were a matter for the employers, and the Government could not prevent an agreement being reached to impose them. On this basis, the Prime Minister said she would be content, if other colleagues were also content, for the Government to support the package set out in your Secretary of State's minute. It should, however, be made clear that the Government did not recognise or support the proposal for limits on class sizes, and would not be prepared to provide finance to bring class sizes within the limits.

I might also record a further point which has been put to the Prime Minister, that the form of your Secretary of State's response to the outcome of the SJNC meeting on 23 December should take account of his best assessment of how the subsequent ballot is likely to go. Were he to make a forthcoming and explicit public statement, and the ballot went aainst the SJNC package, he would have conceded a great deal without achieving anything. So if there is any reason to believe that the ballot result might be unfavourable, his endorsement of the SJNC package should be suitably cautious.

I am sending copies of this letter to the Private Secretaries to member of MISC 122 and to Trevor Woolley (Cabinet Office).

David Norgrove

Robert Gordon, Esq.,
Scottish Office.

CONFIDENTIAL

JB

CONFIDENTIAL

P 02412

From: J B UNWIN
16 December 1986

MR NORGROVE - No - 10

TEACHERS PAY AND CONDITIONS: SCOTLAND

Mr Rifkind's minute of yesterday seeks authority to indicate agreement to a settlement which he thinks likely to emerge from a meeting of the SJNC on 23 December.

2. As described, the package is close to that recommended by Main. There are, however, some differences. The most serious is the increase in the maximum of the common basic scale (for both primary and secondary teachers) to £12,800 from 1 October 1987, and then to £13,300 from October 1988. There is also a certain amount of "fuzziness" on some other issues (eg assessment and staffing standards). However, Mr Rifkind asserts that the total cost would be within the Government's cost envelope, and it would clearly be a great prize for the Government if a settlement that can truthfully be described as essentially that recommended by Main could be reached early in the New Year. Despite the absence of early parallel legislation in Scotland (although legislation for the longer term arrangements will be needed later), such a settlement should surely make it easier for the Education Secretary to carry through his legislation and his settlement in England and Wales.

3. I understand that, while they are a little uneasy about the higher maximum scale rate (which it would be very difficult to resist accepting also in England and Wales), DES officials are not advising Mr Baker to object to Mr Rifkind's proposal. I am told also that the Chief Secretary has expressed himself content, although the Chancellor has not yet considered the papers.

4. If Treasury Ministers confirm their agreement, there will be no need for any collective discussion (our provisional ring round has revealed that it would be extremely difficult to assemble MISC 122 anyway). On that basis I would recommend that the Prime Minister gives her agreement to Mr Rifkind's proposal, but perhaps subject to the two following provisos:

(i) that the total cost of the package is kept within the agreed cost envelope; and

(ii) that the form of Mr Rifkind's response to the outcome of the SJNC meeting on 23 December takes account of his best assessment then of how the subsequent ballot is likely to go. If he made a very forthcoming and explicit public statement, and the ballot went against the SJNC package, he would have given a great deal away without achieving anything. So if he has any reason to believe that the ballot result might be unfavourable, his endorsement of the SJNC package should be suitably cautious.

J B UNWIN

Cabinet Office

EDUCATION

TEACHERS PAY

PT 9

CONFIDENTIAL

PRIME MINISTER 15 December 1986

Teachers' Pay and Conditions: Scotland

The Secretary of State for Scotland's minute relates to an expected not an actual package between employers and teachers unions.

By and large it is close to Main and subject to DES and especially Treasury agreement should be accepted.

The major differences from Main are:-

(i) the SED has conceded a reduction in the teacher year from 201/2 to 195 days and in the pupil year from 200 to 190 days - roughly equivalent to the position in England and Wales: in return the Unions have agreed Main type conditions of service.

(ii) The unions and employers have accepted a Main type pay structure, with 48% of all teachers in promoted posts (Main in fact argued for around 60%) and with proper procedures for promotion but in return for one further increment in pay from October 1988.

Both of these seem not unreasonable. ?

The areas in which it is important that the Secretary of State does not make an open ended commitment are para 3(v) and (vi),

3(v) - maximum class size and cover, and

3(vi) - review of staffing standards.

The Secretary of State argues that 3(v) "will be on the basis that the cost will be met within existing resources"

CONFIDENTIAL

and that 3(vi) can only be "within the resources" made available for local authorities.

The Scottish authorities are already staffing schools at 5-6% above the levels laid down by SED in the early 70's. You need to press the Secretary of State on both these points, so as to ensure that however well intentioned he may be, there will not be a cost overrun.

Subject to both these points you should agree to the settlement.

BRIAN GRIFFITHS

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CONFIDENTIAL - CMO UNTIL 31 DECEMBER 1986

Prime Minister

TEACHER'S PAY AND CONDITIONS : SCOTLAND

1. My minute of 11 December promised a fuller assessment early this week of the prospects for a negotiated settlement of the teachers' dispute in Scotland. I am glad to be able to report that there are now clear signs that the employers and unions will be able to reach agreement on 23 December on a pay and conditions package acceptable to the Government on which the unions can then ballot their membership.

2. The main features of the likely package are described in the Annex and are summarised below:

i. The costs will lie within the resources I announced on 30 October.

ii. Main's recommendations on teachers' duties and the length of the teachers' week will be accepted in substance, thus correcting at last the most damaging features of the disastrous 1976 agreement on Scottish teachers' conditions of service.

iii. The unions will accept a pay structure very much as Main recommended, with good differentiation between the basic scale and the pay of promoted teachers, a full range of promotion levels above the basic grade and the introduction of 6000 new promoted posts for capable classroom teachers, which will increase the proportion of teachers in promoted posts from 35% to 48% by the early 1990's.

iv. Employers and unions are likely to agree to a pilot study of staff development and career review which will be an important step towards a full system of teacher assessment.

3. There have of course had to be some adjustments to the detail, and some undertakings by the employers on matters lying outside the terms of the Main Report.

i. The employers have said that they are willing to operate a 190-day pupil year and a 195-day teacher year (as agreed for England and Wales).

ii. The 80 hours a year outwith the normal school day which Main recommended is accepted but is to be split into two tranches of 30 hours for parental contact etc and 50 hours for other duties. The '80 hours' issue has generated great hostility and it will be a major achievement to have this change accepted.

iii. There is to be a common basic scale for primary and secondary teachers with a maximum of £12,800 from 16 October 1987. A further increment of £500 is to be introduced, but only from 1 October 1988; it can be financed from within the available resources.

iv. A number of self-financing adjustments have been made to the scales recommended by Main, producing a more even progression on the basic scale, with small reductions in the increases (many of which were very large) proposed for some promoted posts. An alternative approach has been devised for implementing the restructuring of the Principal Teacher scale; this will make better management sense and will be more acceptable to teachers as well.

v. The employers are likely to offer agreement in principle on maximum class sizes for composite classes in primary schools and on absence cover; these will reflect what is already standard practice in many areas and will be on the basis that the cost will be met within existing resources.

classes of mixed ages

vi. As part of an overall settlement the proposed review of secondary staffing standards will be extended to cover primary as well. My own officials would carry out this review, in consultation with the education authorities and the unions, between now and a point well into 1988; my officials have made it clear that implementation of its results would have to be within the resources I have already made available for local authorities.

I regard these features of the agreement which is now emerging as well worth accepting in order to secure a peaceful settlement which so fully delivers our objectives within our cost envelope.

4. Colleagues may be wondering how the negotiations can have made such good progress despite the EIS ballot result. The main reason seems to be that John Pollock, a strong personality in a ramshackle union, had perceived from the outset that Main offered a basis for settlement. Indeed he was clearly preparing the ground for a campaign to sell Main to his members before the announcement that the pay increases would be phased. In the aftermath of the ballot result he seems to have set out to identify a number of key points which might change his members' attitudes and which Government and the employers might be able to accept; and he seems to have had a shrewd appreciation of the points on which the Government could not move at all. The SSTA and PAT leadership have supported him, though not the (tiny) NAS/UWT. The COSLA leadership have been surprisingly resolute and have been much more willing than usual to listen to my officials. Both sides have clearly been sobered by Kenneth Baker's Bill and have been left in no doubt that I have such a Bill ready to introduce if the present efforts fail and we are threatened with a renewal of chaos in our schools.

5. I seek your agreement and that of colleagues that, if the other parties arrive at a settlement along the lines I have described at the SJNC meeting on 23 December, I should indicate that such an agreement would be satisfactory to me and would release the resources I offered on 30 October.

6. I am sending a copy of this minute to the members of MISC 122 and to Sir Robert Armstrong.

M R

15 December 1986

ANNEX

OUTLINE OF AGREEMENT FOLLOWING WORKING PARTY MEETINGS ON 12 DECEMBER 1986

SALARIES

Basic Scale

A common basic scale for all unpromoted primary and secondary teachers in Scotland with an eventual 11 points. Assimilation at October 1987 will be to the following scale:

	£	
Point 0	8,000	
	8,300	(Entry point for ord. graduates)
	8,700	(Entry point for hons. graduates)
	9,100	
	9,500	
	10,000	
	10,600	
	11,200	
	11,850	
Point 9	12,800	

For those moving from point 8 to point 9 at or after August 1988 (the standard incremental date for all teachers) the value falls back to £12,600. From October 1988 a point 10 is added and those with salaries of £12,800 will move forward to new point 10, the scale maximum of £13,300. (These values will be increased by any pay award made from 1 April 1988).

Existing Promoted Posts

In Primary, all Assistant Headteachers would receive £15,500. Deputy Headteacher posts would be created for the largest primary schools with salaries of £15,750 or £16,250. For Primary Headteachers salary levels related to rolls would be:

	£
Up to 19	15,000
20 - 50	15,500
51 - 180	16,500
181 - 450	17,500
451 - 600	19,250
Over 600	20,500

In Secondary, salary levels for Headteachers and Deputies would be:

Roll	Headteacher	DHT
	£	£
Up to 180	17,650	16,250
181-450	20,000	17,900
451-800	23,500	18,650
801-1300	26,000	19,750
1300+	27,500	21,000

The increases proposed for Headteacher posts vary from 16 to 30% in primary (average 19.6%) and 11 to 33% in secondary (average 14.7%).

Assistant Headteachers would be paid on a single salary point of £18,000.

At Principal Teacher, the major promoted grade in Scotland, there would be a 4 or more salary points in the range of £15,000-£17,500, with an average salary for the grade of at least £16,200.Because these changes involve a major restructuring which both the authorities and the Headteachers will need time to work out, there would be an interim award for this group of 14% from October 1987, with each teacher moving to the point in the new salary structure appropriate to his post on 1 April 1988, with salary conserved as a cash basis thereafter if necessary.

At Assistant Principal Teacher there would be a three point incremental scale £13,700-£14,100-£14,500.

Additional Promoted Posts

New posts would be created in primary and secondary with salaries equivalent to those of Assistant Principal Teachers (secondary) viz £13,700-£14,100-£14,500.

The authorities envisage creation of 5000 of the new posts between 1988 and 1990, moving to a target of 6000 thereafter. Such a figure would mean at least 48% of all teachers being in promoted posts by the early 1990's, some 12.5% higher than the current level, with a particularly marked increase in primary schools.

The new posts would involve proper competition and promotion and carry duties above those of the basic grade teacher. Introduction of such additional posts will be exceedingly valuable in improving career prospects for able classroom teachers and assisting effective running of schools.

We have calculated that those various salary proposals can be paid for within the costs defined for Main both in 1986/87, 1987/88 and in subsequent years into the 1990s. The changes from Main among payments for existing posts are self balancing. Savings on the numbers at the Senior Teacher grade and the introduction of an incremental scale for that grade allow for the increase of the maximum of the basic scale to £13,300 from October 1988.

In accordance with the proposals in the Parliamentary statement half of the increases proposed for individuals at October 1987 will be paid from 1 January 1987.

Conditions of service

Main's formulation of duties is accepted, as is his recommendation that it be incorporated into conditions of service. It is also agreed that duties of headteachers should be codified and incorporated into contracts.

The school year for pupils is to be 190 days and the working year for teachers 195 days. The figures now agreed bring the school year into line with what it has long been in England and Wales; and 195 days is the figure for the teacher year accepted by the Government for England and Wales.

Main's recommendations on the school week for teachers, for class contact time, an additional 80 hours a year programmed activities under management control, and a 35 hour week for planning purposes are all provisionally accepted. The teachers' side have proposed that the 80 hours be divided between parental liaison (30 hours) and other activities (50 hours) and management have accepted this.

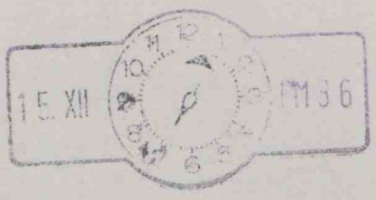
7. No general reduction is being sought in the maximum class sizes which are laid down in conditions of service at present; but management has agreed to work towards a limit of 25 in the size of composite classes in primary schools (ie classes which contain pupils from more than one year).

The teachers' side are seeking a national agreement on cover (there are only local agreements at present). It would probably be to the effect that cover should be provided after 3 days in the case of unforeseen absences, and immediately for foreseen absences of more than 3 days. Management accept this in principle but will not be committed to immediate implementation.

Main recommended, as one of the starred items which the Government has accepted, that there should be an immediate review of staffing standards in secondary schools. It is proposed that the review be extended to primary (which under Main would in any case follow later).

Main's recommendations on staff development and assessment are unstarred. Even so, a clause in the agreement is being drafted which would pave the way to pilot studies and the development of schemes of staff development and career review nationally.

Scottish Office
15 December 1986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DEPARTMENT OF EDUCATION AND SCIENCE
ELIZABETH HOUSE YORK ROAD LONDON SE1 7PH
TELEPHONE 01-934 9000

FROM THE SECRETARY OF STATE

PM

Mark Addison Esq
Private Secretary
10 Downing Street
LONDON SW1

15 December 1986

pa

Dear Mark

MR PEARMAN'S REQUEST FOR A MEETING WITH THE PRIME MINISTER

Mr Pearman's 12 December letter was written immediately after a meeting with my Secretary of State. There is nothing new in it. He has already deployed his arguments against the Bill to Mr Baker and we have already advised that it should be Mr Baker rather than the Prime Minister who meets Mr Willis of the TUC who wrote to the Prime Minister on 11 December asking for a meeting with senior members of the TUC General Council and representatives of the TUC affiliated teachers' unions.

Mr Pearman suggested this morning that he might be willing to move towards the Secretary of State's position. We will not know whether any such shift will be significant until after a meeting of the Burnham Management Panel called for 19 December. But there may well be a case for further conversation between my Secretary of State and Mr Pearman after that date. Meantime Mr Baker continues to see teacher unions.

My Secretary of State's view is that it will be best if Mr Pearman's exchanges with the Government continue to be handled by him, for the present at least. If the Prime Minister agrees with that view, you might wish to reply to Mr Pearman in the terms of the attached draft.

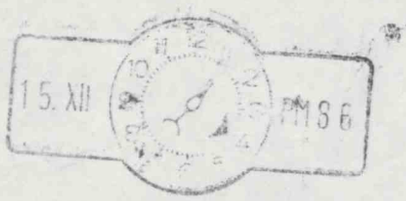
Yours sincerely

Shirley Trundle

MRS S J TRUNDLE
Private Secretary

DRAFT LETTER FOR PRIVATE SECRETARY TO SEND TO MR PEARMAN

The Prime Minister has asked me to thank you for your letter of 12 December about the teachers' pay and conditions Bill, which has now been introduced in the House of Lords. She is of course quite familiar with your position throughout these negotiations and on the Bill, from press reports and the Secretary of State's reports to Cabinet. She takes the view that it will be best if the Government-employer relationship continues on its usual basis of meetings between the Secretary of State and you and your colleagues, at the request of either party. I understand that you made a full presentation of your position on the Bill to the Secretary of State on 12 December and, against that background, have to say that no real purpose would be served by the Prime Minister's arranging to meet you as a matter of urgency, as you request.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DEPARTMENT OF EDUCATION AND SCIENCE
ELIZABETH HOUSE YORK ROAD LONDON SE1 7PH
TELEPHONE 01-934 9000

FROM THE SECRETARY OF STATE

Prime Minister

Agree not to meet the TUC?

DR 12/12

Mark Addison Esq
Private Secretary
10 Downing Street
LONDON SW1

12 December 1986

Dear Mark

TEACHERS' PAY AND CONDITIONS BILL
TUC LETTER TO PRIME MINISTER

1. The TUC, in their letter of 11 December, have asked for an urgent meeting with the Prime Minister because, in the view of the TUC, the Bill proposes an unacceptable increase in the power of the Secretary of State and the abolition of teachers' collective bargaining rights.

2. So far, neither of the teacher unions affiliated to the TUC - the NUT and the NAS/UWT, has asked for a meeting with my Secretary of State on this subject. In his view this approach from the TUC should be met by an offer of a meeting with the Government but that the meeting should be with him. We see no reason why the unions should be offered a meeting with the Prime Minister, especially since at this stage neither the TUC nor any of its constituent unions has discussed the issue with the responsible Secretary of State.

3. I attach a draft reply for you to send Mr Willis.

Yours sincerely

Shirley Trundle

MRS S J TRUNDLE
Private Secretary

PREM 19/2128

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Shirley Trundle

MRS S J TRUNDLE
Private Secretary

CC BG

CONFIDENTIAL

Prime Minister

Prime Minister 2
for information.
DHS
12/12

TEACHERS' PAY AND CONDITIONS: SCOTLAND

1. My minute of 3 December promised a further report this week.

2. The two working parties set up by the SJNC met on Tuesday and made a very good start.

Salaries

3. There has been an explicit acceptance by the teachers' unions that agreement must be found within the cost envelope and phasing which I proposed and there is already acceptance of almost all the structure of promoted posts which Main recommended (including the establishment of 8 levels between the top of the basic scale and deputy head). The two sides are now examining some possible adjustments to the detail of the scales (including the establishment of a common basic maximum for primary and secondary, as has been the practice for many years in England and Wales) and for the assimilation arrangements for certain promoted posts (where a number of anomalies have been identified). A problem which has still to be resolved is Main's proposal for a senior teacher grade immediately above the top of the basic scale. The unions want more or less automatic progression, the employers are standing firm on the principle of promotion for a limited number of teachers but may need to look at the possibility of some minor improvement at a later date at the top of the basic scale.

Conditions of Service

4. A major hurdle appears to have been cleared already, in that the teachers have agreed to the extra 80 hours beyond the school day which Main proposed and it looks as though the other Main recommendations on hours will be accepted. In return the employers have agreed that the pupil year should be 190 days and the teacher year 195 days (the balance to be used for in-service training) - both figures in line with what has now been agreed for England and Wales. All the signs are that the teachers will accept the specification of duties which Main proposed.

5. The teachers have asked for a national agreement on cover and for further improvements on class sizes (where we already have a collective agreement) but are unlikely to be offered much more than a statement of intent by the employers which can be met within existing resources. The working party has still to discuss how to tackle Main's recommendations for a review of secondary staffing standards which the Government has already accepted in principle. My representatives will be making clear that the outcome of such a review will have to be contained within the

CONFIDENTIAL

planned levels for local authority spending which I have already announced.

6. There is still a good deal to be done before I can assess whether an acceptable deal has emerged but the signs are much more promising than we expected after the EIS ballot result. The EIS leadership are clearly very anxious to reach a deal which I can accept so that they can avert legislation. A deal on the basis which now appears to be emerging would embody all the principal features of Main within the level of resources we have already made available.

I hope to be able to circulate a fuller assessment early next week.

I am copying this to other members of MISC 122 and to Sir Robert Armstrong.

MR

M R

11 December 1986

EDUCN: Teachers pay pt 9.

APPOINTMENTS IN CONFIDENCE

RLE
DAS

10 DOWNING STREET

LONDON SW1A 2AA

From the Private Secretary

11 December 1986

Dear Bob,

ADVISORY COMMITTEE ON TEACHERS' PAY

Mr Jack Peel, a longstanding acquaintance of the Prime Minister, has proposed himself for consideration as a member of the Interim Advisory Committee on Teachers' Pay. Mr Peel was formerly General Secretary of the National Union of Dyers, Bleachers and Textile Workers and a member of the General Council of the TUC.

The Prime Minister would be content for his name to be put forward as a candidate to be considered against other possible candidates.

When you get to this stage, you might like to telephone me and I can give you some other background information.

Yours,

David.

D N NORGROVE

R. L. Smith, Esq.
Department of Education and Science

APPOINTMENTS IN CONFIDENCE

CONFIDENTIAL

P 02395

From: J B UNWIN
9 December 1986

MR NORGROVE - NO 10

TEACHERS PAY (MISC 122)

As I mentioned to you the other day, I think it would be prudent, at least on a contingency basis, to set up a MISC 122 meeting shortly before Christmas.

2. The position in England at present seem to be developing in the Education Secretary's favour. Four of the unions have now detached themselves from the recent "agreement", although the two remaining - the NUT and AMA - still hold between them more than half the voting power. Mr Pearman's present plan is to hold a further meeting between employers and unions on 19 December, but - touch wood - there is still no sign of any move to convene a formal Burnham meeting before Christmas.

3. In Scotland, the EIS still seem to be in some disarray, and unable to make up their mind on whether to come forward with counter proposals or to negotiate. A meeting of the SJNC has, however, been arranged for 23 December; and the Secretary of State has made it clear that, if necessary, he will introduce legislation parallel to that in England and Wales.

4. In the light of the above, I think it would be prudent, before Ministers and officials disappear for the holiday, to plan for a meeting of MISC 122 early in Christmas week (say, on Monday 22 December). If nearer the time it appears unnecessary, we can always stand it down. But it would provide an opportunity at least to take collective stock of the situation (including the outcome of the meeting in England between the unions and employers on 19 December); and possibly also, if necessary, to give any

further collective authority that the two Secretaries of State may require.

5. I should be grateful to know whether the Prime Minister would agree to provisional arrangements for a MISC 122 meeting being set up on this basis.

J B UNWIN

Cabinet Office

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Prime Minister
No Minister has reacted to this.
Agree that, subject to colleagues, a clause should not be introduced in the Lords?
ARN 18/12 Yes ml

PRIME MINISTER

ENFORCEMENT OF TEACHERS' CONTRACTS

1. At MISC 122 on 26 November I was asked to consider further, in conjunction with the Paymaster General and Attorney General, what provision might be made to ensure enforcement of contracts.

2. The real problem is not enforceability but the reluctance of local education authorities to enforce. Enforcement of present contracts, whether express or implied, is possible under existing law if the will is there on the employers' part. The Scott judgment on cover has shown us that contract need not be interpreted narrowly, in terms of express contract. However, LEAs have long explained their reluctance to enforce contract in terms of the lack of a proper definition of the teacher's job.

3. We need to be clear what we mean by enforcement. At the extreme it would mean that employers would have to enforce every last detail of contract, leaving them without discretion to decide not to pursue a particular breach, even though that might be in management's best interests. Such a duty would not remove the "good cause" defence, if an employer were called upon to explain non-enforcement before the courts. And to set LEAs apart from all other employers in this way would seem very difficult to justify to public and Parliament, despite the recent lamentable record of teacher disruption.

4. The paper circulated last September as Annex A to MISC 122(86)13 explored two options for imposing a new framework of obligation on local authorities. The first was to put them under a statutory duty to prepare and apply a code covering industrial action, which would be approved by the Secretary of State. The second was to put them under a duty to apply the doctrine of "equitable set-off" to teachers who commit certain specified breaches of contract. That is, they would have to make deductions

from salary equal to the amount of damage caused by the foreseeable consequences of the breach. The covering paper by officials noted the possibility of some progress through legislation but stated that legislation could not guarantee that contracts would be enforced by LEAs so long as education remains essentially in their hands. In MISC 122 discussion we noted that what was lacking was the will to enforce and that new legislation could not guarantee this.

5. I believe that we must seek answers through routes other than legislation. It is true that we might force LEAs to draw up approved codes of practice. But that would not stop them from deciding not to enforce and justifying that before a court on "good cause" grounds. If a significant number resisted, perhaps on a concerted political basis, we should have no further remedy. We need to look for other solutions, in my view.

6. The fact that we will soon have a proper definition of the teacher's job, and of the days and hours during which a teacher can be required to work at the reasonable direction of the head teacher, will help. True, that will not compel LEAs to apply contract with full rigour. But the new explicit contract will make it much more difficult for them to explain away managerial weakness. The employers' leader has told me that in his view LEAs will enforce the duties as now agreed. We shall be giving effect under the new legislation to the main elements of that agreement and will be well placed to attack them for any default. I would expect parents and public to be similarly severe on employer weakness.

7. So we can reasonably hope for an improvement on the recent past, following from the explicit statement of teachers' duties. That will be short of guarantee. If the position remains unsatisfactory in the future we may have to look again at the specific grant option, giving grant support selectively

to those LEAs which manage their schools best. But that could not be done quickly, nor could selectivity be applied without evidence of intended or actual practice. Last time we looked at the option we concluded that it should be left aside until our reforms of local government finance are in train.

8. In the last resort a full solution may not be possible while LEAs control our schools, but may lie further down the road, in a system where the employment of teachers is at school level. That must be for the future.

9. The immediate question is whether we should contemplate an additional clause on contract enforcement in the current Bill. I judge not. First, I am not convinced that a new duty on LEAs would serve us better than increased clarity of express contract, with parents and public more easily able to see through any persistent employer weakness. Secondly, I am conscious of the possible impact on the Bill. We have agreed that it should be taken through the Commons without amendment, to save time. Thus any Government amendment would have to be introduced in the Lords. It would be very controversial to single out teachers' employers in this way. There must be doubt whether the Lords would carry such an amendment. At best, there would be a delay to the Bill, which we have agreed must go through with all possible speed to get rid of Burnham.

10. I am strongly disposed against a new clause in the present Bill, for these reasons. I am clear however that enforcement of contract may remain a necessary focus of our attention - immediately in terms of presentation of the new contract, perhaps later in a specific grant context, but ultimately as an important consideration in the future financing and organisation of schools.

11. The Paymaster General is in total agreement with my conclusions, although he does not agree with all the arguments

which lead me to them. He believes, for example, that we should consider making the Government joint employers with the LEAs so that we are parties to a contract which we can, in extremis, enforce. We are both agreed that these are major issues for the future and cannot be addressed in the present Bill.

12. The Attorney General agrees with my conclusions.

13. I am sending copies of this minute to members of MISC 122, the Attorney General and Sir Robert Armstrong.

k.b.

KB
Department of Education and Science

8 December 1986

CONFIDENTIAL

Prime Minister

TEACHERS' PAY: SCOTLAND

1. I should like to report on developments since the announcement of the result of the EIS ballot, in which 84% of those voting (in an 89% poll) rejected the Government's pay and conditions offer.

2. At yesterday's meeting of the SJNC the 2 Sides agreed to set up 2 working groups, one dealing with pay, one with conditions, to see whether a basis can be found for an agreed settlement of the pay dispute which will be acceptable to the unions, the local authority employers and the Government. The groups are to report to a further meeting of the SJNC on 23 December, with the possibility of an extension of time to early January if there still appears to be a prospect of success. My officials will be present; they will report fully to me on the progress of discussions. There appears to be a tacit understanding between the other parties that any deal will be dependent on the willingness of the Government to release the resources I have already offered and that this will require the deal to be acceptable to me.

3. Given the gulf which appears to exist between my position and that of the unions I am sceptical of the chances of success but I cannot do other than allow the possibility of a settlement to be carefully explored in view of the conciliatory position Kenneth Baker is continuing to take and the great public pressure on all parties to the dispute to find an agreed solution. There is no doubt however that the publication of Kenneth's Bill has had a salutary effect; and I have left the other parties and the Scottish public in no doubt that I will introduce similar legislation if the negotiations fail and disruption is to be resumed.

4. There are some cautious grounds for hope. I had a useful discussion with the EIS leadership on Monday to ascertain what their position was in the light of last week's ballot result. John Pollock (General Secretary) made an unexpectedly conciliatory statement the import of which was that his union badly wanted a negotiated deal and knew that I would otherwise legislate to impose the Government's proposals. The EIS would therefore be putting forward detailed proposals of their own for a settlement of the dispute which could, after negotiation, meet the Government's objectives in a manner which might win the support of their membership in a ballot. In particular he appeared to accept that the costs of any deal would have to be contained within the resources I had already announced and to recognise that it would have to provide a pay structure with adequate differentials to reward those bearing greatest responsibility (a point on which the EIS's position may be reasonably sound, given the large number of headteachers and teachers in promoted posts who belong to it).

5. We are unlikely to see the details of what the EIS and the other unions have in mind until tomorrow and it will be the middle of next week (after the first meeting of the working parties) before I can begin to assess how genuine the scope for reaching an acceptable deal might be. Meanwhile the EIS have made it clear that they will go ahead with the one day symbolic strike planned for tomorrow. I have told them and will say publicly that such an action is wholly unjustified and that it makes the need for legislation more likely. Legislation is already in preparation but I shall postpone a decision on whether we need to legislate until I have a clearer idea where the SJNC's exercise is leading.

6. I shall circulate a further report next week.

7. I am sending a copy of this minute to the members of MISC 122 and to Sir Robert Armstrong.

M R

3 December 1986

HMP33721

Teachers' Pay and Conditions

3.47 pm

The Secretary of State for Education and Science (Mr. Kenneth Baker): With permission, Mr. Speaker, I wish to make a statement about teachers' pay and conditions of service in England and Wales.

For more than two years now there have been protracted and unsatisfactory negotiations and—sadly—extensive disruption of children's education. To end that situation I announced in the House on 30 October that the Government would make an additional £600 million available over this year and next for a new pay structure. The structure should contain differentials to reflect the varying responsibilities of teachers and the need to recruit, retain and motivitate teachers throughout the school system and at all stages of their careers. I made it clear that this generous Government support for such a pay structure would also depend on a clear definition of teachers' duties carrying through into contracts of employment.

There have been many long hours of negotiations since 30 October. So far, what has been achieved is a document which last Friday the local authorities by a majority vote and four of the six teacher unions agreed to put to their constituent bodies for consideration and ratification. Clearly opinion in the profession is divided. Many teachers concerned for the future of our school system have substantial reservations about the proposals in that document.

However, there has been some useful progress. There is now a clear definition of the teacher's job. Parents, local authorities, heads and teachers themselves all need this, so that there can be no doubt about what can be required of teachers within their contracts. The teachers' working year is to be fixed at 195 days, allowing five days beyond the pupil year. It is also agreed that teachers shall be available for work at the direction of the head teacher for 1,265 hours a year. That is a little less than the figure which the local authorities themselves took to the Coventry negotiations last July, but it is a figure which the Government judge sufficient, and which the Government would be willing to accept. There is progress too on teacher appraisal and yesterday I approved extra funding for development work in six local authorities. Lastly, it is now accepted by all that Burnham must go.

Last Friday's document also addresses complex issues about the ways in which the available teacher time should be deployed in schools. The best broad measure of staffing is the pupil-teacher ratio. That has fallen from 18·9 to 1 in 1979 to 17·6 to 1 this year. Our expenditure provision for 1987-88 and our plans for later years allow for a further fall. There are competing claims, between teaching classes, examination and assessment work, curriculum development, and the professional development and in-service training of teachers. My Department and the local authority associations have been examining those questions in some detail over recent years. I intend to undertake further consultation with local authorities and unions about those matters. But I should make it clear that future changes will have to be accommodated within our expenditure plans for education which the Government have already announced.

Progress has therefore been made in a number of areas, but I have also to tell the House plainly that Friday's document contains some features which the Government cannot accept. First, we cannot accept the excess costs of the proposals on pay. The phasing and distribution mean that the proposals cost an extra £15 million for the three months of January to March next year and another £70 million for the next financial year. The Government's offer, worth £600 million, is for 16·4 per cent. to be implemented in full by next October. That offer stands. It is very generous by any standard.

Secondly, I must leave the House in no doubt about the unacceptability of the proposed pay structure. We have not been given a sensible structure for the profession. Instead we have a reiteration of earlier ideas with higher figures and only minimal movement towards the Government's criteria. The Government want a pay structure for the teaching profession which will provide more incentive posts and there is considerable professional support for that view. Those posts will reward good classroom teaching and extra responsibility. They will also pay for skills in short supply and attract good teachers to demanding posts which might otherwise be difficult to fill —for example, in inner city schools. My proposals are based on 140,000 incentive posts in a profession of 400,000 teachers. Today there are 105,000 such posts. Friday's proposals would provide only 80,000. That would mean that 25,000 teachers who are now on the higher scales would not hold promoted posts come September. My aim is that half of the profession should hold promoted posts or be heads or deputies. Theirs is that only about one third should hold such posts. This is a huge gap and a fundamental point of principle. We must enhance the career prospects of good teachers and give management the flexibility it needs to improve the quality of education in our schools.

Lastly, there is the question of future negotiating machinery. All are agreed that Burnham must go. Friday's document would in effect perpetuate arrangements similar to those which have so signally failed in recent times. The Government hold to the view that for an interim period we need an advisory committee and I shall tomorrow introduce the Bill announced in the Queen's Speech to establish such a committee.

I have been and remain willing to see the local authorities and the unions about these matters. But I am not willing to allow this highly unsatisfactory situation to continue. Our children are entitled to better schooling and that has often been denied them over the past two years. The House, the public and all parents will understand that the Government must put our children first.

Mr. Giles Radice (Durham, North): Is the Secretary of State aware that, although we are in favour of reform of the Burnham machinery, we shall strongly oppose any legislation which removes bargaining rights? We welcome the fact that, despite all the press reports, there is no mention of imposition in his statement. But is he aware that we shall also strongly oppose any attempt to impose a settlement, either now or in the future? The nation wants decent pay for teachers, an improved education service and, above all, peace in the classroom.

The question that each hon. Member has to answer is whether these objectives are more likely to be secured by an agreement that has already been negotiated by employers and teachers, and that is supported by at least two thirds of the profession, or by an imposed settlement

question as a written question at the Table Office? If it is a security question, the Table Office will refuse to accept that question, but if it is not a security question, although it has been blocked as a supplementary question today, will the Table Office accept it as a written question?

Mr. Speaker: Order. That is a hypothetical question. If a question is tabled, it will be screened as to whether there is a block upon it, in the usual way.

Mr. Forth *rose*——

Mr. Hickmet *rose*——

Mr. Nicholls *rose*——

Mr. Marlow *rose*——

Mr. Speaker: Order. As I mentioned yesterday, this tendency to pursue Question Time through points of order is a bad habit. I said yesterday, and the House agreed, that we should stop it, and I hope that we shall.

Mr. Forth: Further to that point of order, Mr. Speaker. Yesterday, you said that you were not prepared to take points of order today on what had happened the day before. You also said:

"I will take points of order only on matters that do not refer back to what happened yesterday."—[*Official Report*, 26 November 1986; Vol. 106, c. 271.]

I ask for your guidance because it must be evident to all that, for two reasons, this must not be the case. The first is that colleagues are not always here when a matter arises in which they may have a role to play. Secondly, *Hansard* often gives guidance and clarification on something that may have been missed in the heat of the moment. Are you prepared to guide the House as to whether it is possible to "refer back" to what may be in *Hansard* dealing with a previous occasion, to seek clarification or guidance? Are you able to give the House this guidance?

Mr. Speaker: It is a question of the context in which these things are done. If it is a legitimate matter, that is one thing, but if it appears to be what I can only describe as part of a general excuse to seek to get things raised, it is a different matter. This House would be in chaos if the Chair allowed points of order to arise on matters that had arisen several days in the past. That has always been the rule.

Mr. Gow: Further to that point of order, Mr. Speaker. I ask for your ruling on a specific matter. Have not you and your predecessors ruled consistently that an answer given by a Minister is not a matter for you, and that Ministers and not the Chair are responsible for the content of their answers? Therefore, is it not the case that the point raised by the Shadow Leader of the House, who sought to raise a point of order arising out of the reply given by my right hon. Friend the Prime Minister, was no point of order because answers given from the ministerial Dispatch Box are not a matter for you?

Mr. Speaker: Order. That is entirely the case, but the hon. Gentleman has been here long enough to know that a great many points of order are spurious, as many have been today.

Mr. Nicholls: Further to that point of order, Mr. Speaker. Reference has been made in a number of questions to the content of the Order Paper. You will have seen a number of motions down in the names of Labour Members dealing with various security matters that seem to have attracted a great many names. When one puts in an early-day motion in these terms, in the names of many hon. Members, perhaps even Front Bench spokesmen, is it necessary for those people to have signed the paper, or is it sufficient for the hon. Member for Workington (Mr. Campbell-Savours), to have a list of hon. Members who are prepared to help him in his muckraking efforts——

Mr. Speaker: Order. I do not know about things like that. The hon. Gentleman well knows the rules regarding the tabling of questions.

Mr. Heffer: You referred, Mr. Speaker, to "the tendency". Could you please explain to the House to which tendency you are referring?

Mr. Speaker: Order. I think not the same one as the hon. Gentleman has in mind. Now we will have the statement.

Mr. Hickmet *rose*——

Mr. Marlow *rose*——

Mr. Speaker: Order. Points of order are taking up a great deal of time. I shall take these two points of order and then we must move on.

Mr. Hickmet: Further to that point of order, Mr. Speaker. You ruled some days ago that the proceedings in South Africa—Australia—*[Interruption.]*

Mr. Speaker: Order. Let me help the hon. Gentleman. Mr. Hickmet.

Mr. Hickmet: You ruled, Mr. Speaker, some days ago that the proceedings in Australia were not sub judice. However, would you rule on this point: in a case to which the British Government are a party overseas is it in order for Members of this honourable House to cross-examine Front Bench spokesmen on behalf of counsel who act for parties against whom the British Government are appearing? I refer in particular to the cross-examination carried out by the Leader of the Opposition this afternoon of the Prime Minister on behalf of counsel acting for Peter Wright in Australia.

Mr. Speaker: Order. The hon. Gentleman is a lawyer, as I understand it. He knows that this matter, as I ruled previously, is not sub judice under our rules. It may be sub judice under the rules of the Australian Parliament but it is not sub judice under ours.

Mr. Marlow: Further to that point of order, Mr. Speaker. We are confronted now with this very vexed issue of names being named outside this House. You have said that this is something that the Select Committee on Procedure might be minded to look into. May we ask you, Sir, as the guardian of privilege in this House to put it before the Select Committee? Could you say whether you would be minded to give evidence? If you did so, would that evidence be published?

Mr. Speaker: Order. If I am invited by the Select Committee to give evidence, I shall certainly do so.

Mr. Michael Brown: Would it be helpful at this stage——

Mr. Speaker: No. We shall now take the statement of the Secretary of State for Education and Science.

that will not only be accompanied by severe technical difficulties, but is also highly likely to lead to renewed disruption?

I welcome the fact that the Secretary of State has at last recognised the substantial advantages and achievements represented by the deal. It establishes decent pay for classroom teachers, provides a clear definition of teachers' duties, lays down a minimum number of duty days, sets up a system of appraisal, establishes negotiating machinery that links together pay and conditions—the right hon. Gentleman did not mention that — and defines, for the first time, a maximum class size.

I accept that there are still differences between the Secretary of State's position and the agreement, particularly over structure and costs. Indeed, what I heard the right hon. Gentleman say about both of those matters was somewhat exaggerated. Is he really telling the House that those differences are insurmountable — *[Interruption.]* He said that they were huge. Did not the employers make it abundantly clear last night to the Secretary of State that they are prepared to discuss the differences in a flexible and responsible manner? So far, the Secretary of State's handling of the dispute has been inept: his ham-fisted intervention at Nottingham, and his unfortunate comment to the House on 13 November about the talks being a fiasco just 36 hours before there was a settlement.

Is the Secretary of State aware that he still has a chance to redeem his reputation if he talks seriously and constructively to the employers and teachers, and reaches an agreement with them? Will he confirm that he intends to do that? Parents will not forgive him or his Government if he fails to grasp this opportunity for lasting peace in our schools.

Mr. Baker: When, about six weeks ago, I did not make the Government's position clear, the hon. Gentleman accused me of dithering, and when I made the Government's position clear, he accused me of being ham-fisted and inept. On 30 October I set out the Government's position, and the framework against which an agreement that would have been acceptable to the Government could have been reached. The document that the hon. Gentleman flourished a few moments ago is an agreement to submit the proposals to the members of the unions. That process is now under way, and may well run for some weeks into December.

Let there be no doubt that there are real worries within the unions. So far, I have seen the Secondary Heads Association and I know of its anxieties on the question of structure. On Monday its members told me that they were very worried about the structure. The Professional Association of Teachers has written to me, and I shall be seeing that association and the National Association of Headteachers again. Yet again the hon. Gentleman has tried to pass off as agreement a situation characterised by serious disagreement, but yet again he has failed.

As I pointed out in my statement, I am certainly willing to hear further representations. Councillor Pearman came to see me last night, and we discussed principally the cost and the structure. The structure is not a minor point, as the hon. Gentleman might like to think. It is the structure to be laid down for the teaching profession for, in effect, the rest of this century. Perhaps I can cite an example. A large comprehensive school that has 75 or 80 teachers may commonly have about 50 of them in some sort of incentive or promotion posts. The proposal that Councillor Pearman confirmed to me last night would be to reduce the number of posts in such a school to 15 to 20. One cannot run a large secondary school on that basis as it does not provide incentives for good teachers.

I cannot accept this flat-earth pay structure. There are insufficient incentive posts and hopelessly inadequate differentials, which means that heads will have a reduced ability to manage their schools. I am prepared to listen, but I want to hear less pretence about marginal differences and more about real movements away from what I regard as an entirely mistaken and misconceived pay and career structure for the teaching profession.

Mr. J. F. Pawsey (Rugby and Kenilworth): I ask my right hon. Friend to confirm the differences between the Nottingham pay scales and his. I congratulate him on the abolition of the Burnham committee and ask him to reject the unfounded but predictable criticism of Opposition Members. Parents will respect what is being done and will acknowledge that the pay on the table for teachers represents a good deal for the profession, for schools and for children.

Mr. Baker: The amount of money available is the largest that has ever been offered to teachers in a pay deal. About £600 million is available and it is a grave disappointment that the negotiators at Nottingham and London took that sum, added to it and spread it in a way which intensifies the flat-earth approach of their pay structure. It would mean that certain teachers at the lower end of the scales would receive substantial increases of 40, 50, and 60 per cent., which would mean wage increases of £40, £50, £60 and, in some instances, £70 a week. These are substantial increases.

I can demonstrate the difference between us most significantly by taking as an example a good honours graduate of 22 years of age who wants to become a teacher. Under the local authorities' proposals, he would receive only £1 extra, but under my proposals he would receive another £13 a week. If he did well in the profession, however, at the age of 28, for example, he would be earning £12,700 a year under the Government's proposals, but £20 a week less than that annual sum would produce under the local authorities' proposals. That is because the local authorities' proposals do not recognise and reward good, able and energetic teachers.

Mr. Clement Freud (Cambridgeshire, North-East): Does the Secretary of State genuinely feel that this negation of the negotiation procedure will bring long-lasting peace to the classroom? Will he accept that the partnership on which he is so keen does not involve either party getting all that it wants? Given the substantial shift in the teacher' position, would it not become the right hon. Gentleman to be more magnanimous than he is? Will he accept that pupil-teacher ratios are no longer the important criteria and that class sizes are?

Mr. Baker: There can be no justification for disruption. The amount of money that the Government have made available is uniquely generous and I hope very much that there will be no disruption. Unfortunately, it is not clear, even if the Government were to accept the proposal, that there would not be disruption. The National Association of Schoolmasters/Union of Women Teachers speaks of the schools being made a battlefield.

[Mr. Baker]

I was depressed when I read an article that appeared in *Education* last week. I refer to the reported remarks of Mrs. Christine Keats, who is the local secretary in Birmingham of the NAS/UWT. She said on behalf of her union that it would work strictly to the rule book and cause as much disruption as possible. She added:

"We are well known for our ability to find ways of making life difficult for LEAs and that is what we will do if either deal goes through."

I find that attitude deplorable and disgraceful.

Mr. Cranley Onslow (Woking): When my right hon. Friend encounters that mood among the leaders of teachers' unions, does he remind them sometimes that the primary purpose of the school system, for which ratepayers and taxpayers pay, is to provide children with the opportunity of a good education, and that all teachers employed in our schools have an equal duty to provide that service?

Mr. Baker: Our children deserve an uninterrupted education, and over the past two years teachers, many of them with heavy hearts, as I recognise, have engaged in disruption. I hope that this will not occur again. As I have said, there has been progress, and the definition of teachers' duties is an example of that. I must re-emphasise that we must use this opportunity to ensure that there is a proper pay structure with proper incentives and rewards for good classroom teaching.

Mr. Jack Dormand (Easington): Does the Secretary of State appreciate just how far the teachers have moved in coming to this agreement, given their long, strongly-held and properly-held views? I have to tell the right hon. Gentleman, in spite of what he has said, that his proposals —this does not apply only to the National Association of Schoolmasters/Union of Women Teachers — are a recipe for further disruption in the schools. The right hon. Gentleman makes great play of the fact that the Government are offering the biggest increase that there has ever been, but I remind him that the proportion is not as great as that which was offered and readily agreed under the Houghton report. Although the right hon. Gentleman talks, and rightly so, about the quality of teaching and the reward for teachers, will he tell the House how he intends to implement the assessment of teachers? Whether the assessment is of head teachers, local government inspectors or HMIs, it is an exceedingly difficult task, and nothing like as easy as he is trying to make out. He had better comment on that.

Mr. Baker: In our discussions with local education authorities and the unions we have agreed that there will be six pilot projects, which I agreed to fund yesterday. I hope that they will get under way. I agree with the hon. Gentleman that there is not one set method of appraisal of teachers. I recognise that there are different methods.

The hon. Gentleman referred to the Houghton report. When the Conservative Government took office in 1979, teachers' pay under the Labour Government had fallen in real terms by 13 per cent. below the levels of the Houghton award. That is what we inherited. If my proposal goes through, and taking inflation at 3·5 per cent. per annum, by October 1987 teachers' pay will, on average, be 10 per cent. higher in real terms than it was in 1974.

I hope that the hon. Gentleman will exercise the influence that he has in his party and in the country to ensure that there will not be disruption. I do not believe that parents will forgive anyone who says that there should be disruption. There is no justification for it. We have provided an extra £600 million for the resolution of this dispute, and that sum was not on the table a year ago.

Mr. Alan Haselhurst (Saffron Walden): Does my right hon. Friend accept that any pay dispute is capable of settlement if we fall into the trap of believing that another few tens of millions of pounds do not matter? Does he agree that it is crucial that we arrive at a structure for the profession that will stand the test of time and will be inviting to entrants into a long-term career in teaching, and that it is worth struggling for that?

Mr. Baker: I could not agree more with my hon. Friend. We are dealing with the fundamental issues of the definition of a teacher's job and the structure of the profession and not only the resolution of a pay dispute for the rest of this year and next year. I must emphasise how important that is. It will condition the attitudes of those who want to enter the profession. We must make the profession attractive to young people by ensuring that they can obtain proper rewards and differentials for good classroom teaching and for teaching subjects for which there is a shortage of teachers, and not only through promotion.

Mr. Mark Wolfson (Sevenoaks): Does my right hon. Friend agree that, if the leaders of the teachers' unions are genuinely interested in increasing the professional standing of their members, they should support an incentive-based pay structure?

Mr. Baker: I agree entirely. I do not see how many schools can be operated without such a structure. I shall give my hon. Friend one example. Under the ACAS document, deputies of smaller primary schools with an average of about 75 pupils would have a salary of £15,300, just £242 more than the maximum salary on the basic scale. If the differential is squashed to that extent, why should anyone want to take on the extra responsibility for such a small reward? No one would want to do so.

Mr. Jack Ashley (Stoke-on-Trent, South): Before the Secretary of State proceeds with the line of action he has just outlined, will he bear in mind that a loss of bargaining rights and an imposed settlement failed to work at GCHQ and caused a great deal of bitterness? Unless he changes his mind now, his policy will create even more bitterness in the schools and create precisely the sort of disruption he says he is anxious to avoid.

Mr. Baker: I hope that the right hon. Gentleman will not underestimate the degree of professional support one has for an incentive-based system. According to the advice that is available to me, to central Government and local government, there is a great deal of support for an incentive-based system. Since I announced the framework on 30 October the unions and the Labour-led local authority employers have not really moved towards that structure in any significant way. As I said, I am prepared to listen to them if they still wish to talk.

Mr. Ian Wrigglesworth (Stockton, South): Will the Secretary of State say what he intends to do about the differences he has with the teachers and local authorities? Will he continue to exhort them to change their mind? Will he negotiate a settlement with them, or will he impose it?

Mr. Baker: There is obviously an indication on structure from the Secondary Heads Association, which is the only union I have seen so far. We will have to see what the other unions say.

Mr. Robert Key (Salisbury): Will my right hon. Friend clarify a point he made during his statement when he referred to an interim advisory committee? Clearly we are all anxious to move forward from this debacle. Am I right in thinking that my right hon. Friend's proposal is to lay a Bill before the House to abolish Burnham and then immediately to institute an interim committee which could be the body to find a way out of this impasse? Would it be that body which had that task?

Mr. Baker: I do not envisage that. The Bill will repeal the remuneration of Teachers Act 1965 and set up an interim advisory committee — I stress interim advisory committee — which will make recommendations to me on the pay and conditions of teachers which I shall then discuss with the unions and local authorities. I shall bring forward the recommendations to the House in statutory instruments. That is rather similar to my powers under the existing Act in that I have parliamentary powers to lay down the levels at which teachers should be paid and at which local authorities have to pay them. Under the Act there is no particular parliamentary procedure to do that; the orders are just announced. I would not envisage the differences on structure being addressed to the interim advisory committee. I hope that we can find a way through that before the committee is appointed and begins its work.

Mr. Martin Flannery (Sheffield, Hillsborough): Will the Minister accept that all Opposition Members agree with him that our children deserve an uninterrupted education? However, if he had sat down and planned disruption, he could not have done it more brilliantly than the statement he has just made. Will he further accept that if he persists in the attitude he has shown in his statement there is not the slightest doubt that the teachers will react? They have behind them the attitude of the Scottish teachers who, by an 84 per cent. majority, have rejected the offer. Therefore, the teaching profession in Scotland, England and Wales is now unified against what the Government are doing to the teaching service.

Mr. Baker: The hon. Gentleman cannot say that the teaching profession is unified on this matter in England or Scotland.

Mr. Flannery: The right hon. Gentleman knows what I mean.

Mr. Baker: If words have any precision and meaning — I sometimes wonder whether they do for the hon. Gentleman — one cannot possibly describe as a unified position a draft agreement which is signed by only four unions; and subsequently they are even expressing reservations about parts of the draft agreement. I deplore the extravagant phraseology and language used by the hon. Gentleman in talking about disruption and trouble in the schools. I emphasise that there would be no justification for that whatsoever. A substantial sum of money has been provided for a teachers' pay settlement in the immediate future. It is a much larger sum than has ever been provided in the past. Many working parents, who are not likely to see the sort of increases which are available under the proposals, will resent it if teachers walk out on their classes.

Mr. Harry Greenway (Ealing, North): I welcome the flexibility shown by my right hon. Friend in being prepared to go on talking. That is very important. In my experience, unless there are adequate differentials, a large number of important jobs in urban areas and many other deprived areas in every school in the country will not be filled because teachers will not have the incentive to undertake what can often be very difficult work in problem areas. Has my right hon. Friend observed that in the conditions he is considering today — the condition requiring assistant teachers to undertake such extra duties as head teachers may require — has been deleted from the agreement? Can he think of any other institutions which heads are required to run without that sort of back-up?

Mr. Baker: On the latter point, teachers will be available for work under the direction of the head for 1,265 hours each year, which is 32½ hours per week. There will be the usual requirements of a profession. It is accepted by the unions that teachers often work longer hours; it is a great tradition of the profession.

On the first point, I draw considerable support from my hon. Friend's experience as a teacher. I agree entirely with what he says. It would be difficult to attract into the profession the calibre of people we want in order to improve the quality of education in our country, especially in our towns and cities, unless there were adequate differentials and awards. That is the nub of the difference between us.

Mr. Derek Fatchett (Leeds, Central): The Secretary of State has talked about his willingness to listen and be flexible. Are we to conclude from that that his statement this afternoon is not his final word on this pay settlement.

Mr. Baker: Ever since I have held this post I have been asked to clarify the position of the Government and to say what would be my position. I have done so and I have been attacked for doing so. I certainly do not look upon the draft document which came out on Friday as the last word from the employers. I must emphasise again that the Government are convinced that we need a pay structure which has a large number of differentials, more than the two on offer from the unions and employers of £750 and £2,000. I have recommended five — from £900 up to £4,800. There must be real incentives which will encourage people to take on added responsibility and incentives to reward the good classroom teacher.

Mr. Peter Lilley (St. Albans): Does my right hon. Friend recall that last week, when he met 350 people comprising teachers, parents and governors from nearly every school in my constituency, all the teachers, including several heads and deputy heads, supported my right hon. Friend's proposals and urged him to reject the ACAS proposal? Did he get the impression that many of the trade unions are out of touch with many of their members?

Mr. Baker: I drew considerable comfort from the meeting I addressed in my hon. Friend's constituency. It was a large meeting of teachers. My hon. Friend reports quite correctly that everyone who spoke supported the Government's proposals and condemned the unions' proposals.

Mr. David Young (Bolton, South-East): I should say to the Secretaryof State that Opposition Members have been trying to re-establish peace in the classroom since the dispute began. It has not been helped by the intransigence of his predecessor or an imposed settlement from him. Will he clarify concisely that he will not impose a settlement but will reopen negotiations? As a former teacher, may I ask him, in the interests of peace in the classroom, to stop referring to "good" classroom teachers? We do not hear about "good" policemen when police settlements are discussed, so let us stop that kind of divisive talk from the Government.

Mr. Baker: The comments of the hon. Gentleman clearly demonstrate the great gulf betwen the two philosophical approaches.

On the question of imposing a settlement, I have laid down the Government's preconditions. As yet, those preconditions have not been met. There is a £85 million overshoot and a pay and career structure at odds with the Government's wishes for more incentive posts. As I have said, my door remains open, but there is a large gulf of principle of philosophy on the shape of the structure. Serious proposals would entail a fundamental shift in the shape of the structure on behalf of the Labour employers and the unions.

Mr. Robert Adley (Christchurch): Is not the use of the word "employer" a misnomer in these discussions? Will my right hon. Friend confirm that the employers to whom he refers are almost entirely party politicians and almost entirely working hand-in-glove with the trade unions? Indeed, many of them share the views of the hon. Member for Durham, North (Mr. Radice). If my right hon. Friend accepts that proposition, does he agree that the relationship between the funding of education by local authorities and central Government now bears little relationship to the words which are used to describe it? It is about time that a paper was presented to explain the costs and procedures that might be involved if teachers' salaries were transferred from local authority to central Government responsibility.

Mr. Baker: I certainly have no proposals to do that. During the negotiations the Conservative employers eventually walked out because they felt they were not party——

Mr. Radice: They did not walk out.

Mr. Baker: They walked out at one stage, then returned, and walked out again. However, although they were representing the employers' interests, they did not feel that they were part and parcel of the process. That demonstrates the totally unsatisfactory nature of the existing Burnham arrangements. They are utterly unsatisfactory.

Mr. Dennis Skinner (Bolsover): Does the Secretary of State agree that one of the characteristics of this Government during the past seven years has been their claim of non-intervention in industrial matters? Even as late as last night one of the right hon. Gentleman's ministerial colleagues claimed that, even where the Government have a direct interest in the provision of appliances and limbs for people without legs or arms, they cannot get involved in a dispute and the Secretary of State and his colleagues have said roughly the same thing on many other occasions. Does he not think that teachers may think that they are being picked out for special treatment at a time when most of the people involved in the dispute have, at arm's length from the Secretary of State, almost managed to get the ink dry on a settlement. Does that not suggest to the teachers that the Government are trying not to find an agreement but to stir up trouble?

Mr. Baker: The hon. Gentleman does not appreciate the position. As the representative of the taxpayer in all this, I have to find a very large sum of money for negotiations to which I am not party. I am then presented with the bill and told to sign for it. That is an absurd procedure. There was an arrangement two years ago whereby my predecessor had a direct involvement, but that accord was torn up and now I am not a party to the agreement. That shows the fantasy and unreality of the present negotiations. It is absurd of the hon. Gentleman to claim that we are interfering. We are involved as we have to provide a large part of the settlement money.

Mr. Alan Howarth (Stratford-on-Avon): Has my right hon. Friend noted an authoritative academic study that finds that the average British school leaver in the lower half of the ability range is two years behind his German counterpart in mathematical attainment? Can he confirm that last year only 45 per cent. of mathematics lessons in schools at secondary level were taught by teachers with a main qualification in that subject and that the loss of mathematics teachers to the profession in that year rose to 10 per cent.? Does he accept that the majority of people will deplore the persistent failure of the Burnham negotiators adequately to respond to the crisis in mathematics teaching and will support him in altering the arrangements so that we are able to tackle problems effectively?

Mr. Baker: My hon. Friend has made a good and important point. There is a serious shortage of mathematics and physics teachers and a less serious shortage of craft, design and technology teachers. Earlier this week I was told by professor Black, the chairman of the Association of Science Education, that we need 2,500 extra physics teachers. How will we get those teachers? We will get them by offering good graduates the prospect of a career with sufficient incentives. I have proposed five incentive allowances that can be used to attract and retain the people with skills that are in short supply and heavy demand such as mathematics. We must recognise the operation of the market. If we do not, we shall deny children the expert tuition to which they are entitled. I thoroughly support my hon. Friend's comments.

Mr. Alex Carlile (Montgomery): I have sympathy with the Secretary of State's plight, and as a parent I believe that there is an overwhelming need to restore equilibrium in the classrooms, but what does the Secretary of State think that his statement today will achieve? What steps will he now take to bring about an agreement that will bring about the equilibrium?

Mr. Baker: I have already contributed a great deal to the resolution of the settlement as I have provided some £600 million over the rest of the year and for next year. I have suggested a pay structure that will improve the quality of education in our classrooms. The unions and Labour-led local authorities have not moved to that position at all. They have increased the money and spread it in a way that is not in the long-term interests of the teaching profession.

Mr. Peter Bruinvels (Leicester, East): Does my right hon. Friend accept that many teachers are not at all happy with the draft employers' agreement and want genuine promotion prospects? They feel that the agreement is too loaded against new entrants and does not encourage true, genuine flexibility and differentials. Does my right hon. Friend agree that we want to see quality through appraisal rewarding the best teachers? My right hon. Friend's decisions so far are dead on to help our children.

Mr. Baker: That is true. Of course, the unions have agreed to the concept of appraisal. That is why they have agreed, together with the local education authorities to have six pilot projects. There must be an acceptance that there should be teacher appraisal. The profession has not had appraisal so far and it would provide a basis for distinguishing those who should get better rewards as good teachers in the classroom. I agree that many teachers have already expressed strong support irrespective of their union membership for the proposals that I have put forward.

Mr. Tony Baldry (Banbury): Can my right hon. Friend confirm that the simple ambition is to restore the quality of teaching in our schools by rewarding teachers who teach well and that that ambition is supported by parents? That ambition is also clearly supported by the majority of teachers, as was evidenced by last week's Gallup poll.

Mr. Baker: There is a great deal of support for the Government's proposal. I noticed a television poll a fortnight ago which revealed that 60 per cent. of those who were asked said that the Government's offer was generous. Twelve per cent. said that it was too generous. Therefore, 72 per cent. of the poll said that the offer was either generous or too generous. Only 23 per cent. thought that we were not generous enough. That reflects the feeling in the country. Many parents, members of the public and grandparents will be surprised that, with all the money being provided by the Government, the unions and local authority employers cannot reach an agreement.

Mr. Tony Marlow (Northampton, North): My right hon. Friend may well be aware of the fact that children were told not to turn up at a school in south London today until 12.15 pm because of a teachers' meeting. It seemed that it was impossible to hold the teachers' meeting outside school hours. Would my right hon. Friend, when considering the new contract, take account of the fact that some local education authorities are unable or unwilling — because they are dominated by teacher unions — to enforce proper contracts? Therefore, will he give power over the contracts to school governors through headmasters?

Mr. Baker: My hon. Friend records what is unfortunately only all too common in schools in several parts of London today, where there is intermittent disruption. The House should be under no illusion that disruption is not taking place in schools. Indeed, it certainly is happening in many ILEA schools. On my hon. Friend's point about enforceability, both the ACAS document of last Friday and the Government proposals envisage that definitions of teachers' jobs should be incorporated in proper contracts. My hon. Friend, however, goes further than that. Yesterday Councillor Pearman, the leader of the local authority side, told me that he would expect each LEA to implement, honour and seek to secure the observance of these contracts.

Mr. Radice: Will the Secretary of State clarify whether the Bill that he is to introduce tomorrow will enable him to impose a settlement?

Mr. Baker: The Bill that I will introduce tomorrow will, first, repeal the Remuneration of Teachers Act 1965. It will end the powers that I have to issue parliamentary orders requiring local authorities to pay teachers at a certain level. It will also set up an interim advisory committee and give me renewed powers, to issue regulations. Following the recommendations of the intermediary advisory committee, and discussions of the recommendations with the unions and local authority employers, there would have to be powers similar to those that I have now, to issue regulations requiring local authorities——

Mr. Radice: What powers does the right hon. Gentleman have now?

Mr. Baker: I am always anxious to increase the hon. Gentleman's knowledge, so I just fleshed out the full powers that I shall have.

Business of the House

4.30 pm

The Lord Privy Seal and Leader of the House of Commons (Mr. John Biffen): With permission, Mr. Speaker, I should like to make a statement about the business for next week.

MONDAY 1 DECEMBER — Until about seven o'clock Second Reading of the Advance Petroleum Revenue Tax Bill followed by Second Reading of the Norfolk and Suffolk Broads Bill.

Afterwards there will be a debate on a Government motion to take note of EC documents on emergency measures in the dairy sector. Details of the documents concerned will be given in the *Official Report*.

TUESDAY 2 DECEMBER—Opposition day (2nd Allotted Day), until about seven o'clock there will be a debate entitled "The Scandal of Insider Dealing". Afterwards there will be a debate entitled "The Misery of Fuel Poverty". Both debates will arise on Opposition motions.

There will be a debate on EC documents relating to the multi-fibre arrangement, new protocol and bilateral agreements. Details will be given in the *Official Report*.

Motion on the House of Commons Disqualification Act.

Motion on the European Assembly elections Regulations.

WEDNESDAY 3 DECEMBER — Opposition day (3rd Allotted Day). Until about seven o'clock there will be a debate on the need for a Select Committee of Privy Councillors to oversee the security services. Afterwards there will be a debate on defence. Both debates will arise on motions in the names of the Leaders of the Liberal and Social Democratic parties.

Afterwards there will be a debate on an EC document relating to research and technological development. details will be given in the *Official Report*.

THURSDAY 4 DECEMBER — Remaining stages of the Advance Petroleum Revenue Tax Bill.

Motions on the Appropriation (No. 3) (Northern Ireland) Order and the Health and personal Social Services and Public Health (Northern Ireland) Order.

FRIDAY 5 DECEMBER—Private Members' motions.

MONDAY 8 DECEMBER — Second Reading of the Education Bill.

[Debate on Monday 1 December

Relevant European Documents:

(a) 9161/86 Emergency measures in Milk Sector

(b) Unnumbered Emergency measures in Milk Sector

Relevant Reports of European Legislation Committee:

(a) HC 21-xxvii (1985-86), para. 19

(b) HC 22-i (1986-97), para. 1

Debate on Tuesday 2 December

Relevant European Documents:

(c) 9809/86

Multi-Fibre Arrangement: Extension of protocol

(d) Unnumbered

Multi-Fibre Arrangement: Bilateral Agreements.

Relevant Reports of European Legislation Committee:

(c) HC 22-ii (1986-87), para. 5

(d) HC 22-ii (1986-87), para. 11

Debate on Wednesday 3 December

Relevant European Document:

(e) 8764/86

Joint Research Centre: Amended Programme.

Relevant Report of European Legislation Committee

(e) HC 21-xxviii (1985-86), para. 7]

Mr. Neil Kinnock (Islwyn): I am grateful to the right hon. Gentleman for his statement.

Does he accept that yesterday's announcement of 1,500 redundancies at Scott Lithgow is a devastating blow to the people of the lower Clyde and underlines the urgent need for support for the Scottish economy, initiatives to deal with the effects of the reduction in the North sea oil industry and action on the long-term decline in the shipbuilding sector which has been accelerated by the Government's policy of malign neglect? In view of the tragic results for workers losing their livelihood in an area where male unemployment is already more than 25 per cent., does the right hon. Gentleman agree that there is a strong case for the Government to provide time for a debate very soon on this and related issues?

It has become apparent that the Government are injecting £100 million of taxpayers' money to assist the privatisation of Rolls-Royce 1971. This follows the writing off in 1985 of £372 million of losses since the company's collapse as a private operation in 1971. When will the House be able to debate this further attempt by the Government to use public resources to promote the selling off of public assets?

The Government have imposed a £1·3 million cut on the Sports Council budget although the council requires extra help for schemes specifically related to work in deprived areas. Will the right hon. Gentleman arrange time for a debate as soon as possible so that the Government can answer for their mean and entirely negative policy towards the Sports Council?

Finally, there is to be a debate next Wednesday evening on research and technological development. May I remind the Leader of the House of my question on 30 October asking that time be given to debate the widely supported idea of an office of technology assessment for Members of the House of Commons? On that occasion, the right hon. Gentleman said that he would examine the possibility of a debate. Has he done so, and what is the result?

Mr. Biffen: I thank the Leader of the Opposition for putting those four points. I shall take them in the order presented.

I am sure that the whole House is united in appreciating the difficulties arising from the proposed redundancies at Scott Lithgow. I note the request for a debate on that and related matters, covering heavy engineering generally and in Scotland. Perhaps that could be looked at through the usual channels.

I assure the right hon. Gentleman that our approach to the privatisation of Rolls-Royce will be characterised by the same strong sense of fiscal rectitude and general imagination—*[Interruption.]* The right hon. Gentleman must not get too emotional about these things. One of the Government's striking successes has been our record on privatisation and I have no reason to suppose that it will not be sustained in respect of Rolls-Royce. Meanwhile, I note the right hon. Gentleman's interest in giving the topic wider publicity through a debate in the House and I will take account of that.

Moved, That the Bill be now read a second time.—(*The Lord Chancellor.*)

School Teachers' Pay and Conditions

3.49 p.m.

Baroness Hooper: My Lords, with the leave of the House, I should like to repeat a Statement being made in another place by my right honourable friend the Secretary of State for Education and Science. The Statement is as follows:

"With permission, Mr. Speaker, I wish to make a Statement about teachers' pay and conditions of service in England and Wales. For more than two years now there have been protracted and unsatisfactory negotiations and, sadly, extensive disruption of children's education. To end that situation I announced in the House on 30th October that the Government would make an additional £600 million available over this year and next for a new pay structure. The structure should contain differentials to reflect the varying responsibilities of teachers and the need to recruit, retain and motivate teachers throughout the school system and at all stages of their careers. I made it clear that this generous government support for such a pay structure would also depend on a clear definition of teachers' duties carrying through into contracts of employment.

"There have been many long hours of negotiations since 30th October. So far what has been achieved is a document which last Friday the local authorities by a majority vote and four of the six teacher unions agreed to put to their constituent bodies for consideration and ratification. Clearly opinion in the profession is divided. Many teachers concerned for the future of our school system have substantial reservations about the proposals in that document.

"However there has been some useful progress. There is now a clear definition of the teacher's job. Parents, local authorities, heads and teachers themselves all need this so that there can be no doubt about what can be required of teachers within their contracts. The teachers' working year is to be fixed at 195 days, allowing five days beyond the pupil year. It is also agreed that teachers shall be available for work at the direction of the head teacher for 1,265 hours a year. That is a little less than the figure which the local authorities themselves took to the Coventry negotiations last July, but it is a figure which the Government judge sufficient and which the Government would be willing to accept. There is progress too on teacher appraisal and yesterday I approved extra funding for development work on six local authorities. Lastly it is now accepted by all that Burnham must go.

"Last Friday's document also addresses complex issues about the ways in which the available teacher time should be deployed in schools. The best broad measure of staffing is the pupil-teacher ratio. That has fallen from 18·9 to one in 1979 to 17·6 to one this year. Our expenditure provision for 1987–88 and our plans for later years allow for a further fall. There are competing claims between teaching classes, examination and assessment work, curriculum development, and the professional development and in-service training of teachers. My department and the local authority associations have been examining these questions in some detail over recent years. I intend to undertake further consultation with local authorities and unions about these matters. But I should make it clear that future changes will have to be accommodated within our expenditure plans for education which the Government have already announced.

"Progress has therefore been made in a number of areas, but I have also to tell the House plainly that Friday's document contains some features which the Government cannot accept. First, we cannot accept the excess costs of the proposals on pay. The phasing and distribution mean that the proposals cost an extra £15 million for the three months of January to March next year and another £70 million for the next financial year. The Government's offer, worth £600 million, is for 16·4 per cent. to be implemented in full by next October. That offer stands. It is very generous by any standard.

"Secondly, I must leave the House in no doubt about the unacceptability of the proposed pay structure. We have not been given a sensible structure for the profession. Instead we have a reiteration of earlier ideas with higher figures and only minimal movement towards the Government's criteria. The Government want a pay structure for the teaching profession which will provide more incentive posts and there is considerable professional support for our view. These posts will reward good classroom teaching and extra responsibility. They will also pay for skills in short supply and attract good teachers to demanding posts which might otherwise be difficult to fill—in inner-city schools, for example. My proposals are based on 140,000 incentive posts in a profession of 400,000 teachers. Today there are 105,000 such posts. Friday's proposals would provide only 80,000. That would mean that 25,000 teachers who are now on the higher scales would not hold promoted posts come September. My aim is that half of the profession should hold promoted posts or be heads or deputies. Theirs is that only about one-third should hold such posts. This is a huge gap and a fundamental point of principle. We must enhance the career prospects of good teachers and give management the flexibility it needs to improve the quality of education in our schools.

"Lastly, there is the question of future negotiating machinery. All are agreed that Burnham must go. Friday's document would in effect perpetuate arrangements similar to those which have so signally failed recent times. The Government hold to the view that for an interim period we need an advisory committee and I shall tomorrow introduce the Bill announced in the Queen's Speech to establish such a committee.

"I have been and remain willing to see the local authorities and the unions about these matters. But I am not willing to allow this highly unsatisfactory situation to continue. Our children are entitled to better schooling and that has often been denied them over the past two years. The House, the public

[BARONESS HOOPER.]

and all parents will understand that the Government must put our children first."

My Lords, that concludes the Statement.

Lord Irving of Dartford: My Lords, I should like to thank the noble Baroness for repeating the Statement made by her right honourable friend in another place. Will she bear in mind that imposing a settlement—even abandoning Burnham—would be a recipe for further conflict? Therefore, will she not work with her right honourable friend for an accommodation that will make peace possible in our schools so that children can have the education to which they are entitled?

Does the noble Baroness not think that yesterday's ballot result from Scotland, where more than 90 per cent. of secondary school teachers rejected the Government's proposals, indicates a united and strong feeling among teachers? More importantly, does she agree that the Nottingham settlement is conspicuous for the moderation of its terms? It has clearly been drawn up with the urgent desire to end this dispute as swiftly as possible, although not at the expense of standards in schools.

Does the noble Baroness agree that an agreement providing incentives for all teachers, as in the Nottingham plan, is more likely to secure higher educational standards than one which appeals only to the top rungs of the profession? Does she not think that, as the Nottingham agreement does not slam the door in the face of half the teaching profession, it would be wise to find the 0.3 per cent. additional to the 16.4 per cent. already promised?

We sincerely hope that the Minister will not ignore the major steps forward that have been taken at Nottingham and thereby prolong this destructive strike.

Lord Ritchie of Dundee: My Lords, I too should like to thank the noble Baroness for repeating the Statement made in another place. It is devoutly to be hoped that we are getting nearer to an agreement in this appalling conflict. The TUC and the parents have endorsed the agreement recently made between employers and employees. Teachers are at this moment involved in their own democratic processes. I believe that the NUT will start to ballot its members on Monday and the Assistant Masters and Mistresses Association is doing so at the moment. I should like to reiterate the words of the noble Lord, Lord Irving. I too hope that the Secretary of State will not feel it necessary to intervene at any point directly in the settlement of the pay dispute.

Nearly all the outstanding issues have been covered in the agreement as regards conditions. Children, for example, are no longer to be sent home in the event of industrial action; there is to be an appraisal system. Most matters have been satisfactorily covered. Two issues only remain outstanding. One is the actual salary structure. I should have thought that compromise would be possible here as between the views of the Government that more incentive posts should be offered and of the unions that adequate motivation should be given to ordinary classroom teachers. I think it is their hope that there should be adequate incentives for ordinary classroom teachers in order to keep the best teachers in the classrooms.

The other point at issue is that there is a desire on the part of the teachers to limit class sizes and to have adequate non-contact time during the school year. Both those matters are, in fact, very much related to good teaching. They are especially applicable with the new exam, the GCSE, where the structure of the exam is very much directed towards more individual attention to pupils proceeding at their own rate and in their own way. Surely these difficulties can be surmounted, despite the possibility of additional funding being necessary, so that we can finally resolve this terrible dispute for the sake of the children and their parents.

4 p.m.

Baroness Hooper: My Lords, I am grateful to the noble Lords, Lord Irving of Dartford and Lord Ritchie of Dundee, for their comments on this extremely important subject. Both noble Lords have suggested that the attitude of my right honourable friend the Secretary of State in making this Statement was perhaps a recipe for conflict. However, I have to say that we have all heard on previous occasions the promise of imminent peace and calm if only there is no interference. There have been no fewer than three agreements this year.

In January the ACAS panel was set up to create "immediate steps" towards,

"the cessation of all industrial action with a return to full normal duties".

That was in January of this year, but what has happened since then? In May an interim 5·5 per cent. pay deal was agreed. The unions gave an assurance of,

"a return to peace and calm in our schools immediately"—

but what has happened? In July the so-called historic Coventry agreement declared that there was no dispute between the parties, but we are still seeing dispute not only between the parties but between the unions themselves.

Therefore disruption has rumbled on throughout the year, sometimes under the guise of local disputes, sometimes on specific issues such as covering, and sometimes an attempt to demonstrate continued union muscle and militancy. But in whatever way disruption takes place and is presented it hurts pupils and their parents who are now owed an urgent return to uninterrupted school education. That is why my right honourable friend the Secretary of State has made his position unequivocal.

As regards incentives, mentioned by both noble Lords, we feel that there must be incentives for teachers so that they perform well in the classrooms, are prepared to take on extra responsibilities, and encourage scarce skills and qualifications to schools in the face of heavy competition from outside. In addition, they must be encouraged to move and to work in difficult schools; for example, in the inner cities.

The Government now believe that the incentives they are proposing will help. What are the present incentives? As was said in the Statement, there are some 105,000 scale 3, scale 4 and senior teacher posts.

My right honourable friend proposes to increase the number of incentive posts to cover 43 per cent. of all teachers, excluding heads and deputies. That means some 145,000 incentive payments, ranging from £900 to £4,800.

The ACAS document offers two allowances of £779 and £2,077 available to 23 per cent. of teachers, excluding heads and deputies. That amounts to only 80,000 promotion posts available for extra responsibilities. We do not feel that that is adequate, or sufficient to meet the needs that I have already outlined.

Taking these real incentives with the salary structure to which the noble Lord, Lord Ritchie of Dundee, referred, perhaps I may add to what I have already said by saying that we believe the incentive provided by the extra allowances proposed by the Government is very valuable. The scale allowances which the Secretary of State is proposing, ranging from £900 to £4,800—from 7 per cent. to 38 per cent. of the basic scale maximum of £12,700—will be a real incentive.

The noble Lord, Lord Ritchie of Dundee, also referred to the size of classes. The Government feel that their record in that respect is good. Since 1979 the proportion of classes in secondary schools with more than 33 pupils has fallen from 2.1 per cent. to 0.9 per cent. The average secondary school class size is now under 21 pupils. Over the same period the proportion of classes in primary schools with more than 33 pupils has fallen from 10.5 per cent. to 6.4 per cent. The average primary school class is now under 26 pupils. That is hardly the record of a government who favour big classes.

I agree with both noble Lords in that what the Government are seeking in resolving these problems is to have good teachers who will benefit the pupils and therefore the future of the country.

Lord Parry: My Lords, while the noble Baroness has given the House a great deal of detail relating to incentive awards, I should like to ask her whether she will caution her right honourable friend the Secretary of State not to be too optimistic that incentive awards will create the sort of peace within the classrooms on which he is determined, and which we applaud he should seek. Incentive awards are divisive. The basic qualifications of people entering teaching in the past have varied greatly, as the noble Baroness will appreciate. It is not always possible to equate high standards of academic attainment, desirable though they may be, with good teaching.

In the apportioning of incentive awards it is absolutely essential that these awards should represent the highest quality of teaching and that opportunity should continue to be given for enhanced training while in service. I appreciate that we have had detail, which we will assimilate later, on the in-service education programme. However, will the noble Baroness insist when speaking to her right honourable friend the Secretary of State that these two matters are completely understood?

Baroness Hooper: My Lords, I shall happily pass on the noble Lord's comments to my right honourable friend the Secretary of State. All that the noble Lord said about incentives is fully appreciated and is being taken into account. Of course what the Government are aiming at is a package to solve the present problems; and that package embraces not only the incentives planned but also enhanced training in service and advanced training.

Lord Murray of Epping Forest: My Lords, does not the noble Baroness agree that the difference between the present situation and situations which have existed earlier in the course of this dispute is that there is now in existence an agreement which has been accepted by the represenatives of the overwhelming majority of teachers? That includes the union—the Professional Association of Teachers—which has received the seal of approval from her right honourable friend the chairman of the Conservative Party. It has been agreed by the represenatives of the employers and it has been welcomed by representatives of parents—the national confederation.

Will the noble Baroness explain to the House why her right honourable friend, having by her own account achieved in this agreement so much of what he wanted and having gone so far to persuade the unions and the employers to come together and reach an agreement, is now prepared to hazard his own great degree of success in securing changes in conditions and in negotiating machinery which he himself said he wanted?

Finally, will the noble Baroness give the House an indication of how the Government propose to impose on teachers and employers the Secretary of State's own views? How does the Secretary of State propose to secure the willing and enthusiastic co-operation of teachers, on which the noble Baroness herself laid so much emphasis when replying to a Question earlier this afternoon?

Baroness Hooper: My Lords, I thank the noble Lord, Lord Murray, for his intervention, but it is not right to say that the agreement signed on Friday by four out of the six unions involved has provided an open door for progress. The Deputy General Secretary of NAS/UWT has been ready to portray our schools as battlefields. Indeed, I read in *Education* how matters are perceived by the local secretary of that union in Birmingham, and I shall quote what he says:

> "We are well known for our ability to find ways of making life difficult for local education authorities and that is what we will do if either deal goes through".

So it is either deal—the ACAS document or the Government's proposals; it matters not.

Against this background I think that we can utterly reject any logic which puts the blame for disruption on the Secretary of State, or indeed on the Government. I should like to reiterate what was said in the Statement; namely, that the Secretary of State always has been, and continues to be, available and ready to pursue further discussions with representatives of all the parties involved. In terms of imposing his views, we have evidence which leads us to believe that we have the support of the many good and dedicated teachers in this country who are keen on getting on with their job and making sure that their pupils are getting the best possible education that is available.

Viscount Eccles: My Lords, this a very serious day for British Education. It is immensely important that the local authorities should remain in the full sense the employers of the teachers. Still more important is the education of our children, and for that we must have a structure of pay and conditions which will attract and retain men and women of the quality needed as education becomes more complicated and encompasses new subjects. When I look at the difference between the proposal of the local authorities and that of my right honourable friend, I have no doubt that the proposal of my right honourable friend takes the longer view and is firmly more in the interests of the children. Therefore I should like to ask the Minister whether talks will take place to try to persuade the local authorities that it is not worth sacrificing their position in relation to the teachers when such a good offer is on the table.

Baroness Hooper: My Lords, I thank my noble friend for his remarks. Perhaps I can best answer him by emphasising that it is the improvement of the quality of teaching in schools at which the Secretary of State's package is aimed. From the Statement let me again quote what he said:

"I have been and remain willing to see the local authorities and the unions about these matters. But I am not willing to allow this highly unsatisfactory situation to continue. Our children are entitled to better schooling and that has often been denied them over the past two years".

The Secretary of State is indeed ready and willing to continue discussions, and we hope that his powers of persuasion will convince the reluctant to accept the package.

Lord Howie of Troon: My Lords, I hope that the noble Baroness will accept the sympathy of all sides of the House on her being obliged to bring such miserable news to us on this matter. Do the Government realise that school teachers are miserably paid, and that our high technological society depends upon education and teachers and the ability to attract people into the profession? Does the noble Baroness realise that many Members of this Chamber employ secretaries and that these secretaries are paid more than we pay to the average teacher? Secretaries are important, but they are less important than teachers. Is there no way in which the Government can be induced to recognise that education is important, that it costs money, that the key to education is teachers and that teachers ought to be paid more?

Baroness Hooper: My Lords, I am prepared to agree with the noble Lord, Lord Howie of Troon, that the key to education is good teachers. From that point on I have to differ with him, because of course we believe that the differentials which the Government offer, and which I have already outlined, will provide the necessary key and a career structure for those who are in the teaching profession.

4.15 p.m.

Lord Alexander of Potterhill: My Lords, in my opinion this is the most important issue that has come before Parliament for a very long time. I think it was Disraeli who said that on the future of the education service depended the future of the nation. That was true then and it is true now. The noble Viscount, Lord Eccles, and I have had experience of negotiating with teachers over many years. I negotiated with them over a period of 30 years, reaching agreement on all occasions and without encountering a strike. Your Lordships will remember that the Plowden Report recommended the setting up of an independent committee to review teachers' salaries, in the same way as obtains for other professions, such as the Civil Service, the police, and the Services, but the then Government of the day rejected that recommendation.

A body with which I am concerned has recently published a book, a copy of which some of your Lordships may have received. It is entitled *Education Committees* and it reiterates a statement that I have believed all my life; namely, that partnership in education is vital and distribution of power in education is vital if freedom is to be enjoyed in a democratic society. Therefore I very much hope that the Secretary of State will make every possible effort to find a compromise which is acceptable to the local education authorities and the teachers, and that he will not seek to take a major step toward central control and direction by imposing a settlement on the profession.

Baroness Hooper: My Lords, I thank the noble Lord, Lord Alexander of Potterhill, for his remarks and I can assure him that they will be drawn to the attention of my right honourable friend the Secretary of State. However, as I have already said, the Secretary of State is, and continues to be, very willing to consult all parties and to have discussions with them. He is seeking a speedy conclusion to the problems and is doing everything in his power to achieve that end.

Lord Ross of Marnock: My Lords, does the noble Baroness realise the importance of the Statement that she has made? Like the noble Viscount, Lord Eccles, and the noble Lord who has just spoken, I believe that one will never achieve the right atmosphere in schools—be they in England, Wales, Scotland or anywhere else—unless they contain a profession that is prepared to negotiate and co-operate. If one lays down the law to teachers or to anyone else they may obey that law, but they will not offer that extra word or give that extra inch that makes all the difference to the quality of education and to the school itself.

As I understand the Statement, it seems that the Secretary of State will get rid of Burnham and that there will be an advisory (but not an independent) committee. An advisory committee means that the last word will rest with the Secretary of State, so we are writing into legislation a guarantee of confrontation.

I should like to remind the noble Baroness that the Secretary of State for Scotland, in connection with a dispute that has gone on even longer than the English one, eventually decided to set up an independent committee, the Main Committee. The Main Committee reported. The first person to depart from that report was the Secretary of State. His proposals, parting from the independent commission, created the vote we had in Scotland yesterday where 89 per cent. of the teachers voted and 84 per cent. of them said "no" to the Secretary of State. Nothing in England and

Scotland will replace proper negotiations and an understanding of the importance of education.

Baroness Hooper: My Lords, we all want to see teachers regarded as a responsible professional body. We recognise that many are behaving professionally. We must begin to put in place new machinery which will allow this dispute and would have allowed previous disputes to be brought to a close. There is no point in perpetuating a negotiating process which has produced never-ending talks, but which even after so long still falls short of delivering a final agreement. The Secretary of State intends to hold to his plans as outlined in the Queen's Speech. To do otherwise would leave us with no means of breaking the deadlock. It would be imprudent for any government, mindful of the course of the dispute, to sit on their hands. Progress will be made toward disbanding Burnham.

Lord Somers: My Lords, is not half the trouble the fact that we are negotiating not with teachers who belong, on the whole, to a responsible profession, but with organised unions whose whole business is to try to stand in the way of any solution? If only we could find some way of communicating with teachers, a solution might be found.

Baroness Hooper: My Lords, there are always difficulties in negotiating with representatives of any group of people because there are always people who suggest that they are not truly representative. From our direct contact with teachers, we believe that the Government's proposals have the support of the vast majority of teachers.

Family Law Reform Bill [H.L.]

Second Reading debate resumed.

4.23 p.m.

Lord Mishcon: My Lords, I am confident that your Lordships will remember the lucid speech made by the noble and learned Lord the Lord Chancellor in introducing this important Bill. As he rightly said, there are various esoteric elements in it which I still believe will be understood by your Lordships. It must be so, if I have persuaded myself that I understand those esoteric matters.

About one thing there will be no doubt: we are looking at the principle that those children who, through no fault of theirs, have been born, as we have described them in the past, as illegitimate, have absolutely no rights other than to expect that a civilised society will not punish them for some crime that they have never committed. That has been the story of the past with regard to inheritance and many other provisions. So it is right that a Bill of this kind should come before your Lordships.

In saying that, one cannot take it for granted that there are no disadvantages to society in passing such a Bill. It is a question of deciding that the advantages and the rights exceed the disadvantages and the wrongs.

One of the disadvantages may well be a decrease in the number of marriages. Marriage, an instrument of great value in our society, has been degraded over the past years. There are parents who decide that they will marry, despite the fact that they do not believe in the institution, because they say, "It is wrong, is it not, that our child should suffer some defeat of rights by virtue of the fact that we are not married? We had better go through the ceremony and get married." Such parents may now decide that as the same rights, in principle, are being granted to legitimate and illegitimate children, there is no need to go through that marriage ceremony.

If that is taken account of in our assessment of the Bill, but not to the extent, I submit, that it defeats the main principle, we shall have acted responsibly, because it is something which must be taken into account. Against the backgound of that principle, with which, as I say, I believe that most if not all of us will agree, there have been two examinations by the Law Commission with regard to how to implement that principle in legislation.

I do not quarrel with a commission which changes its mind. I respect that commission. The English Law Commission, as the noble and learned Lord said, issued a working paper and then, in 1982, a report. As recently as October 1986, it issued a second report. May I say, in passing, that we are seeing a historic moment in parliamentary matters when we have a commission report dated October 1986 and we are considering the draft Bill attached to that report in November 1986. May that record be repeated in the future?

The Lord Chancellor: My Lords, I shall do my best.

Lord Mishcon: My Lords, the noble and learned Lord always does his best, and usually it is a good best.

The commission found certain matters in its working paper as being worthy of recommendation. Then, in its first report, it had some second thoughts. In its second report issued last month, it made some modifying recommendations with regard to those first thoughts. I am not going to submit that there is a muddle anywhere; I shall suggest that there are certain aspects of this Bill which, in the course of its passage through your Lordships' House, deserve definite consideration by your Lordships.

I say that because if the commission had some doubts before coming to final conclusions, and then came to different conclusions in the course of deliberations, your Lordships may feel that these are matters that deserve our intense consideration, because last thoughts are not always best thoughts.

May I turn to a few of the matters about which I believe there may still be a little doubt. The first is that it was thought, and rightly so, that we should be careful how we describe, in legislation, legal instruments and possibly, in our everyday conversation, the difference between those who were known as legitimate children and those who were known as illegitimate children.

I am perfectly sure that the noble and learned Lord will know that I lose no reverence for his use or pronunciation of the English language if I pronounce it marital with a short "i" and he pronounces it marital

[LORD MISHCON.]

with a long "i". It was a recommendation of the first report of the Law Commission, in order that there should be no suggestion of illegality—the word "illegitimate" in lay language does seem to have the odour of some sort of illegality about it—that these children should be called either marital or non-marital children. The Scottish Law Commission did not like that idea at all.

In discussing this, the Law Commission in the second report acknowledged in paragraph 2.2 on page 2 that the Scottish Law Commission did take rather a different view, arguing that:

"labels of any kind applied to the child are unnecessary, given that in future 'it should . . . rarely be necessary to discriminate', and also undesirable, because they would 'rapidly take on old connotations' ".

Instead the Scottish law Commission recommended that:

"future legislation distinguish, where distinctions based on marriage are necessary, between fathers rather than between children",

and that,

"where it is thought necessary to distinguish between people on the basis of whether or not their parents were married to each other at any relevant time . . . this should be done expressly in those terms".

I do not frankly know what that means. I am sure that that is my fault. But how is one supposed, in the light of that language, to describe those we had previously described as illegitimate children? Am I to say in reference to an illegitimate child, "That is Charles, the son of John Jones and Mary Smith"? Is that how I would have to describe the child, or is some other way being recommended to us? I thought that the Explanatory Memorandum would have taken advantage of that recommendation to define these children. I find, however, that throughout the Explanatory Memorandum they are defined as illegitimate children. I derive, therefore, no guidance, and I turn to the noble and learned Lord to ask whether in his reply he will be good enough to clarify the matter, at least for my sake.

I move to the next examination of this principle. The principle is that parents and citizens of this country, in regard to legal rights, should regard the legitimate child and the illegitimate child on one basis and one basis only; and that is the same. I wanted to see what the Government did in acknowledging that principle. One of the most vital factors in regard to a child's right and status is that of nationality. That was indeed recognised by the Law Commission, which was most precise in regard to the matter. Indeed, paragraph 3.22 on page 13 of its first report states:

"A legitimate, legitimated or adopted person can derive British citizenship under the new British Nationality Act 1981 from his mother or from his father. An illegitimate person can only derive citizenship from his mother because for the purposes of the Act 'father' means only the father of a legitimate or a legitimated person".

So the commission goes on in the course of its report. I shall not have time to give your Lordships all the quotations but I paraphrase the report, very fairly I am sure, when I say that it recommends that the same rights in regard to nationality should apply to the illegitimate child. The report outlines the reasons given by the Government so far for that not having been done. It says, after all, that the English Law Commission was dealing only with English children and that the Scottish Law Commission had still to sit. Well, the Scottish commission has sat, and it has certainly not advised against the grant of nationality status in the same way for both sets of children. When the Bill came before us, I looked immediately to see whether the Government had followed the same principle that is advocated for the rest of the country. I see nothing in regard to this change so that the illegitimate child will have the same rights in regard to nationality and citizenship.

I turn rapidly to the issue of domicile. Domicile in our law follows that of the father, the illegitimate child that of the mother. Are the Government prepared to say, as they should say, that in regard to domicile the rights and status of the legitimate and the illegitimate child should be the same?

I come now to a slightly technical point, although it is not difficult to understand. The commission in its first report decided that it should look at the safeguard given to trustees; executors and trustees in regard to a will or executors and trustees where someone had died intestate. There was already in existence a statutory provision which said that trustees in those circumstances could distribute an estate without having—again, I paraphrase—to inquire as to whether or not there was illegitimate issue that might inherit or have certain rights. The commission in its first report decided to recommend that the right of trustees and the protection given to the trustees—because the rights of illegitimate children were extended in regard to inheritance—should be extended to cover all the other contingencies that would now be present by virtue of the increased rights of inheritance of an illegitimate child. That was its first recommendation.

In the second report issued last month, the commission instead of extending the right has removed the right. Although the commission gave certain reasons, the removal of the right has been imported into the Bill now before the House. I ask the noble and learned Lord whether this is not a matter that will have to be looked at closely. The removal of the protection of trustees is a most serious matter. It is no use, as the first report of the Law Commission recognised, talking about the ability to advertise. An advertisement in regard to some small estate is quite expensive. But apart from the expense, one does not usually see in advertisements the requirement that any right or claim against the estate should be made by a certain date. A claim against the estate would hardly occur to an illegitimate child as being something that constitutes a claim. That is usually interpreted as being a claim of a creditor, not a right to inherit.

If, however, there is no proper protection, one can imagine the embarrassing inquiries, in order to be certain that the trustee has acted responsibly, that would have to be made, for example, of a testator who has left a legacy to "All my grandchildren living at the date of my death". Presumably one would have to enquire further as to whether any of the children of that testator had any illegitimate children. I merely point that out as something that has to be looked at.

I move, if I may, to a matter that the noble and learned Lord touched on very lightly. It was right that he should. He said that he had answered certain questions of the noble Lord, Lord Sudeley, in regard to

10 DOWNING STREET

Prime Minister

In view of the urgency Mr Baker suggests this might be decided at Cabinet.

DCS
27/11

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CCB

CONFIDENTIAL

PRIVY COUNCIL OFFICE
WHITEHALL, LONDON SW1A 2AT

Can we not have Affirmative of H of C only? [illegible]

26 November 1986

Prime Minister
The Chancellor has decided now not to pursue his proposal for a negative resolution procedure.
DRN 26/11

Dear David,

Following this morning's meeting of MISC 122, the Lord Privy Seal has considered further the Parliamentary procedure which should be followed in relation to the Advisory Committee's recommendations. He notes that the Education Secretary proposes that the Negative Resolution procedure should be followed where the Committee's recommendations are accepted by the Government but that Affirmative Resolutions of both Houses should be required if the Government seeks to substitute alternative provisions. He notes also the Chancellor of the Exchequer's preference for using the Negative Resolution procedure in all circumstances.

He believes that a prime consideration in addressing this point must be the importance of avoiding amendments during the Commons Committee Stage of the Bill, since if no amendments are accepted at Committee Stage, there is no need for a Report Stage. Even one amendment, however, would necessitate a Report Stage and thus delay the passage of the Bill for some days. He is not sure that the arguments for the use of the Negative Resolution procedure for the Advisory Committee's recommendations in all circumstances could easily be maintained during Committee Stage of the Bill, and he therefore takes the view that it would be better to provide from the outset for the Affirmative Resolution procedure in certain circumstances, as proposed by the Education Secretary.

I am copying this letter to the Private Secretaries to members of MISC 122, to the Attorney General and to Sir Robert Armstrong.

Yours,

Alison

ALISON SMITH
Private Secretary

David Norgrove Esq
Private Secretary to the
Prime Minister

LM

CONFIDENTIAL AND PERSONAL

until 3.30pm on 27 November 1986

DEPARTMENT OF EDUCATION AND SCIENCE
ELIZABETH HOUSE YORK ROAD LONDON SE1 7PH
TELEPHONE 01-934 9000

FROM THE SECRETARY OF STATE

David Norgrove Esq
Private Secretary
10 Downing Street
LONDON SW1

26 November 1986

Prime Minister

An excellent statement.

Content?

DLR
26/11

Dear David

TEACHERS' PAY

Following the discussions at MISC 122 this morning, I attach a copy of the statement which my Secretary of State proposes to make tomorrow.

Copies of this letter go to the Private Secretaries to Cabinet Ministers, the Attorney General, the Parliamentary Secretary and the Captain of the Gentlemen at Arms, and to Trevor Woolley and Bernard Ingham.

I have sent to MISC 122 not Cabinet.

Yours ever

Shirley Trundle

MRS S J TRUNDLE
Private Secretary

CONFIDENTIAL AND PERSONAL
until 3.30pm on 27 November 1986

CONFIDENTIAL AND PERSONAL
until 3.30pm on 27 November 1986

DRAFT STATEMENT 27 November 1986

With permission, Mr Speaker, I wish to make a statement about teachers' pay and conditions of service in England and Wales. For more than two years now there have been protracted and unsatisfactory negotiations and - sadly - extensive disruption of children's education. To end that situation, I announced in the House on 30 October that the Government would make an additional £600m available over this year and next for a new pay structure. The structure should contain differentials to reflect the varying responsibilities of teachers and the need to recruit, retain and motivate teachers throughout the school system and at all stages of their careers. I made it clear that this generous Government support for such a pay structure would also depend on a clear definition of teachers' duties carrying through into contracts of employment.

2. There have been many long hours of negotiations since 30 October. So far all that has been achieved is a document which the employers by a majority vote and 4 of the 6 teacher unions have agreed to put to their constituent bodies for consideration and ratification. Clearly opinion in the profession is divided. Many teachers concerned for the future of our school system have substantial reservations about the proposals in that document.

3. However there has been some useful progress. There would seem to be a real prospect of a clear definition of the teacher's job. Parents, local authorities, heads and teachers themselves all need this, so that there can be no doubt about what can be required of teachers within their contracts. The teachers' working year is to be fixed at 195 days, allowing 5 days beyond the pupil year. It is also agreed that teachers shall be available for work at the direction of the head teacher for 1265 hours a year. That is a little less than the figure which the local authorities themselves took to the Coventry negotiations last July, but it is a figure which the Government judges sufficient, and which the Government would be willing to accept. There is progress too on teacher appraisal and

CONFIDENTIAL AND PERSONAL
until 3.30pm on 27 November 1986

CONFIDENTIAL AND PERSONAL
until 3.30pm on 27 November 1986

I am today approving extra funding for development work in 6 local authorities. Lastly it is now accepted by all that Burnham must go.

??!

4. Last Friday's document also addresses complex issues about the ways in which the available teacher time should be deployed in schools. The best broad measure of staffing is the pupil teacher ratio. That has improved from 18.9 to 1 in 1979 to 17.6 to 1 this year. Our expenditure provision for 1987/88 and our plans for later years allow for further improvement. There are competing claims betweem teaching classes, examination and assessment work, curriculum development, and the professional development and in-service training of teachers. My Department and the local authority associations have been examining these questions in some detail over recent years. I intend to undertake further consultation with local authorities and unions about these matters. But I have to make it clear that future changes will have to be accommodated within our expenditure plans for education which the Government has already announced.

5. Progress has therefore been made in a number of areas, but I have also to tell the House plainly that Friday's document contains some features which the Government cannot accept. First, we cannot accept the excess costs of the proposals on pay. The phasing and distribution mean that the proposals cost an extra £15m for the 3 months of January to March next year and another £70m for the next financial year. The Government's offer, worth £600m, is for 16.4% to be implemented in full by next October. That offer stands. It is very generous by any standard.

6. Secondly, I must leave the House in no doubt about the unacceptability of the proposed pay structure. We have not been given a sensible structure for the profession. Instead we have a reiteration of earlier ideas with higher figures and only minimal movement towards the Government's criteria. The Government wants a pay structure for the teaching profession

CONFIDENTIAL AND PERSONAL
until 3.30pm on 27 November 1986

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until 3.30pm on 27 November 1986

which will provide more incentive posts and there is considerable professional support for our view. These posts will reward good classroom teaching and extra responsibility. They will also pay for skills in short supply and attract good teachers to demanding posts which might otherwise be difficult to fill - in inner city schools, for example. My proposals are based on 140,000 incentive posts in the profession. Today there are 105,000. Friday's proposals would provide only 80,000. That would mean that 25,000 teachers who are now on the higher scales would not hold promoted posts come September. My aim is that half of the profession should hold promoted posts or be heads or deputies. Theirs is that only about one third should hold such posts. This is a huge gap and a fundamental point of principle. We must enhance the career prospects of good teachers and give management the flexibility it needs to improve the quality of education in our schools.

7. Lastly, there is the question of future negotiating machinery. All are agreed that Burnham must go. Friday's document would in effect perpetuate arrangements similar to those which have so signally failed in recent times. The Government holds to the view that for an interim period we need an advisory committee and I shall tomorrow introduce the Bill to establish such a committee.

8. I have been and remain willing to see the local authorities and the unions about these matters. But I am not willing to allow this highly unsatisfactory situation to continue. Our children are entitled to better schooling and that has often been denied them over the last 2 years. The House, the public and all parents will understand that the Government must put our children first.

CONFIDENTIAL AND PERSONAL
until 3.30pm on 27 November 1986

OW

CC BS
CC B/UP

SECRETARY OF STATE FOR SCOTLAND

Prime Minister Mr Rifkind will report at Cabinet on this.
DRN
26/11

TEACHERS' PAY: SCOTLAND

1. The EIS ballot result, which was announced this afternoon, produced a very poor result:

Yes	5,262	15.7%
No	28,257	84.3%
Total	33,519	(89% turnout)

The number voting "no" represents slightly more than half of all teachers in education authority schools in Scotland.

2. The "no" vote means:

Rejection of the settlement proposed on 30 October.

A one day national strike in early December.

The continued boycott of certain activities and the preparation of a further campaign of industrial action (unlikely to take effect until January).

The Employers' Side of the SJNC and the Government to be urged to enter into negotiations.

The EIS input to those negotiations to be in line with existing policy.

3. In fact no one knows what the EIS will seek in negotiations since the only consistent thread in their policy had been the demand for an independent pay review. They will be thrashing out a new negotiating line over the next few days but it is unlikely to result in anything I could possibly accept. I therefore expect to have to resort to legislation; drafting instructions are being finalised and will shortly be put to the draftsman.

4. Before I embark publicly on legislation I must however be seen to have explored to the full the possibility of reaching an acceptable settlement, just as Kenneth Baker has been doing. I shall be interested to see what impact the publication of Kenneth's Bill will have. I shall report further as soon as the attitudes of the other parties become clear.

5. I am sending a copy of this minute to the members of MISC 122 and to Sir Robert Armstrong.

26 November 1986

Robert Gordon
for M R
Approved by SofS and signed in his absence

HMP33013

P 02377

PRIME MINISTER

**SCHOOL TEACHERS PAY AND CONDITIONS OF SERVICE:
(CABINET ON 27 NOVEMBER)**

DECISIONS

The Education Secretary will report orally on this in Parliamentary Affairs. You will wish:-

(i) to secure Cabinet confirmation of the MISC 122 conclusion that the Education Secretary should announce later in the day that the proposed pay structure agreed by the unions and employers is unacceptable to the Government, and that he should introduce the new Education Bill on Friday;

(ii) to consider whether any immediate further decisions need to be taken on Scotland in the light of the outcome of the EIS ballot.

See R Lyndh's minute below.

ENGLAND AND WALES

2. In brief, Mr Baker's statement (which he will have circulated to MISC 122, and on which any comments by colleagues should be sent direct to him) will make it clear that while some parts of the ACAS led "agreement" are acceptable (conditions and duties, and abolition of Burnham), the proposals on pay structure (too egalitarian) are not acceptable; and that no further resources would be available (either for pay or for extras) beyond those already included in the recent Autumn Statement on public expenditure. Although Mr Baker will continue to be willing to talk to the employers and unions (though without any implication

that the Government's position is negotiable), he will introduce on Friday the new Education Bill with a view to the earliest possible enactment (provided there are no amendments in the Commons, it should be possible to enact it by mid-February so as to preempt any attempt to implement the provisional "agreement" through the Burnham machinery).

3. Although several points are under urgent consideration following the MISC 122 discussion (notably the possibility of including in the Bill a provision on the enforcement of contracts, probably at the Lords Committee stage), you will not wish to get into a discussion of these at Cabinet. You will, however, no doubt want to stress the great importance of the Bill going through as quickly as possible, and of the fullest possible public backing being given by all members of the Cabinet to the Government's proposals. The battle to win the support of parents, teachers and the general public in the coming weeks will be crucial; and you may wish to invite Mr Baker to circulate another brief for use during this coming weekend.

SCOTLAND

4. The news of the EIS ballot is bad. On a 89 per cent turn-out, 84.3 per cent have voted against the Main recommendations and the Scottish Secretary's 30 October proposals. You will want to have Mr Rifkind's assessment of this, but it must clearly greatly reduce the prospect of negotiating Main voluntarily into place, and by the same token increase the need for Scottish legislation. It is too late to tack this on to the existing Bill; and the Lord President and Business Managers are very strongly opposed to this. But it increases the urgency of pressing on with preparation of a separate Scottish Bill, and you will want to assure yourself that this is well in hand. My own information is that good progress has been made, and that the Scottish Office are virtually ready to instruct Counsel.

HANDLING

5. You will want to invite the Secretary of State for Education and Science briefly to report his proposals, as endorsed by MISC 122, and the Secretary of State for Scotland to give his assessment of the position in Scotland in the light of the EIS ballot.

J B UNWIN

Cabinet Office
26 November 1986

BIBLIOTECA

PS/32

CONFIDENTIAL - CMO

COPY NO. 1 OF 17.

Prime Minister 2

DRN 25/11

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

PRIME MINISTER

EDUCATION BILL - SCHOOL TEACHERS' PAY, DUTIES AND CONDITIONS OF SERVICE

WITH DRN?

I have seen the draft Bill attached to Kenneth Baker's minute of 20 November.

The draft of clause 3(3) provides that after 1 October 1987 an Order which makes material alterations to the recommendations of the Advisory Committee should be subject to affirmative resolution.

I believe that it would be much more consistant, as well as more desirable, to subject such an Order to Negative Resolution only, as is envisaged for orders made before 1 October 1987. If Parliamentary pressure forces us to reconsider, then so be it; but I see no virtue in volunteering the Affirmative Resolution procedure which could well make life more difficult for us in the event.

There are two other matters, which although rightly not covered by the present Bill, we should bear in mind. First, it is possible that, between now and passage of the Bill, the authorities and unions will convene a meeting of Burnham or the conditions of service body (CLEA/ST) and enact new agreements on pay and/or conditions of service against our wishes. If this happens the Secretary of State will need to use his powers to make orders restoring the status quo ante thereby unscrambling such agreements as soon as the Act received Royal Assent.

CONFIDENTIAL - CMO

Second, this Bill does not apply to Scotland. However, we may need legislation there as well and it is essential that the necessary contingency planning is put in hand.

I am copying to the other members of MISC 122, the Attorney-General and Sir Robert Armstrong.

N.L.

25. XII
AM 8 6

CCB/UP

PRIME MINISTER 25 November 1986

TEACHERS' PAY

The main thrust of Kenneth Baker's paper is first rate.

The only point on which I am doubtful is paragraph 7 which deals with class size. It proposes consultations between Government, teacher unions and employers on reducing size, even though it recognises (a) that any movement in this direction is very expensive in terms of public expenditure, and (b) that nothing can be added to public expenditure in 1987/88.

Class size is a terrible wicket on which to choose to bat. The teacher unions will use it to increase teacher training places and hence their future membership. But there is no evidence to suggest it will lead to improved educational standards. It is nothing more than the introduction of a restrictive practice in an industry which is being granted a high pay award.

If we are going to take on the unions over the issue of pay structure - and we clearly have to - then I see no value in making concessions to them on class size. This will in no way temper their attitude to the disruption of schools or make them more amenable to accept other aspects of our package.

Recommendation

The Secretary of State should not enter into consultations with employers and unions over class size.

BG

BRIAN GRIFFITHS

CC B/UP

CONFIDENTIAL

P 02374

PRIME MINISTER

School Teachers' Pay and Conditions of Service
(MISC 122(86)18)

CONCLUSIONS

You will wish the Group to reach conclusions on

i. the substance and timing of the Government's definitive response to the 'Agreement' reached by a majority of the employers and four of the six teachers' unions under the auspices of ACAS;

ii. the terms of the Government's Bill to repeal the Remuneration of Teachers' Act and institute new machinery for determining teachers pay and conditions of service (including the question of whether it should be extended to cover Scotland); and

iii. the Government's plan of campaign for introducing the new arrangements.

The Group's conclusions will then need to be put before Cabinet for endorsement on 27 November, prior (if agreed) to a Parliamentary Statement by the Education Secretary that afternoon.

THE GOVERNMENT'S RESPONSE TO THE AGREEMENT

2. The 'Agreement' contains four elements:

i. duties and conditions of service;

ii. pay and pay structure;

iii. limits on class size and provision of time for curriculum development, etc.

iv. replacement of the statutory Burnham machinery and the non-statutory CLEA/ST by new voluntary machinery from which the Government would in effect be excluded.

3. The provisions on duties and conditions of service (including hours worked, the length of the school year, requirements to attend parents' evenings, write reports, etc) essentially meet the Government's conditions. The pay provisions are broadly in line, but exceed the financial envelope stipulated in the Government's statement of 30 October by £70 million in 1987-88, and by £100 million overall for the four years to 1989-90. The main problem is that the pay structure is excessively egalitarian, with all unpromoted teachers on a scale going up to more than £15,000 a year, as against the Government's proposals (consistent with Main) for the basic scale to run only to £12,700 a year. The effect of this is to reduce the number of promoted teachers (other than heads and deputies) from 105,000 at present to 80,000, as compared with the Government's proposals which would allow an increase in the number of promoted posts to 145,000. Thus the effect of the proposed structure is to confine promoted posts to teachers who undertake specific additional responsibilities, so removing all flexibility from the system to reward good classroom performance or attract teachers of shortage subjects.

4. The provisions relating to class size, curriculum development, etc could also cost an extra £70 million in 1987-88, and at least twice as much in subsequent years. As Mr Baker points out, the Government's White Paper Better Schools (Cmnd 9469) contemplated some further limited improvement in the overall pupil/teacher ratio to achieve curriculum and examinations objectives; his proposal is to rule out any additional expenditure on these

grounds in 1987-88, and to put the issues out to consultation without commitment. This may be the best that can be done in present circumstances; but it would, of course, store up pressure for additional expenditure later.

5. On the main substance of the issue, Mr Baker's proposal (paragraph 10 of his paper) is now explicitly to reject the 'Agreement' on the grounds that the pay structure is wrong and the negotiating machinery unacceptable. This conclusion follows directly from the terms of the Government's 30 October statement. Although Mr Baker wishes not to be "wedded to every last detail" of the 30 October proposals, it removes any prospect that the Government would trade acceptance of the unsatisfactory pay structure proposals for the teachers' acceptance of the Government's position on duties and conditions of service. Rejection of the Agreement also means that the Government's legislation will have not simply to abolish Burnham but provide for the imposition without delay of the Government's specific proposals on pay and conditions of service.

TERMS OF THE BILL

6. Subject to their views on the substance of the Government's response, the Group will wish to consider specifically the following points on the draft Bill:

a. Restrictions on the remit of the Advisory Committee
Clause 2(3) empowers the Secretary of State to give directions to the Committee 'as to considerations to which they are to have regard and financial or other constraints to which their recommendations are to be subject'; sub-section (4) empowers the Committee to make such enquiries as they think fit, and sub-section (6) allows them to incorporate such other advice in their report to the Secretary of State as they think fit. It might be argued that this formulation does not precisely require the Secretary of State to set the financial envelope in advance, and leaves the Committee some freedom to take into account considerations like

'comparability'. A delicate balance has to be struck. Clearly it is desirable to ensure that the Committee has to take account of 'affordability' to a greater degree than the existing Review Bodies; but its authority could be unduly compromised if it were seen to have practically no independent role, and there could in any event be serious difficulties in getting very restrictively-drawn provisions through the House of Lords.

b. Parliamentary procedure in relation to the Committee's recommendations. Mr Baker proposes the Negative Resolution procedure where the Committee's recommendations are followed by the Government, but Affirmative Resolutions of both Houses if the Government seek to substitute alternative provisions. We understand that the Chancellor of the Exchequer would prefer to have only the Negative Resolution procedure in all circumstances. This is really a question of what is acceptable to Parliament; if an amendment allowing for the Affirmative Resolution procedure had to be conceded as the only change made in Committee (probably on the floor of the House), this could delay enactment of the Bill for several days.

c. Exclusion of Further Education. Mr Baker proposes that the Bill should cover only primary and secondary schools, and not further education colleges run by Local Education Authorities (LEAs). The arguments are that there have been no difficulties in further education comparable with those in schools; that further education already has a satisfactory pay structure; and that LEAs could not avoid some of the consequences of the Government's Bill by moving resources from schools to further education, since such re-organisation would require the authority of the Secretary of State. You will wish to satisfy yourself that the example constituted by freely-bargained pay in the further education sector is unlikely to have an adverse impact on what happens in schools; hitherto (salary structure apart) further education has generally been dealt with as a consequential on pay

settlements in schools rather than as a precedent for such settlements.

d. Enforcement. The Bill will prevent LEAs from paying teachers on salary scales other than those set in place under its machinery. But it will not lay on LEAs a specific duty to enforce teachers' contracts as they will be re-defined by means of Orders made under its provisions. Mr Baker notes that he will consider further whether to add such a provision to the Bill. This issue was considered in paragraph 7 of MISC 122(86)13, and discussed at MISC 122(86)11th meeting on 15 September. The fundamental problem remains that even if such a duty were imposed on LEAs (so giving parents grounds for litigation in the event of failure to enforce contracts), there can be no cast-iron way under the present division of responsibilities of coercing hostile LEAs to comply with Government policy. There seems to be no advantage at this stage in further consideration of the possibility of introducing a new specific Grant to induce LEAs to follow Government policy, given that the Education Bill removes their discretion about duties and conditions of service. But if LEAs were to ignore the Government's objectives on a wide scale, such a device would remain a possibility for later years.

e. Pension entitlements. You have yourself raised the question of the implications for pension entitlements if a new salary structure were implemented contrary to the Government's intentions before the Bill becomes law, which had subsequently to be rolled back. DES are considering how to meet this possible difficulty; although the amounts at stake would be small (because pensions are based on earnings during the final year of service) it is a further argument for going ahead quickly, so that the new legislation is in place before the Secretary of State can be obliged to promulgate any new Burnham agreement.

f. Scotland. A particular difficulty arises on whether the Bill should be extended to cover Scotland. The result of the EIS ballot on the implementation of Main in accordance with Mr Rifkind's statement on 30 October is now expected to be known tomorrow afternoon (26 November). But it will be a further week at least before Mr Rifkind can reach conclusions on the prospects for achieving a negotiated solution in Scotland. If amendments in Committee are to be avoided (so as to remove the need for a Commons Report stage) there seem to be two options:

(i) to delay the introduction of the present Bill until the Scottish position has been settled;

(ii) to introduce a later separate Scottish Bill.

Option (i) would risk damaging delay in introducing the England and Wales Bill, making it even more difficult to impose a settlement before being forced, under present law, to promulgate a settlement properly agreed in Burnham. On the other hand, option (ii) would obviously add to the problems of an already contentious legislative programme. Unless Parliamentary consideration are overriding, option (ii) seems the lesser of the two evils. But you will wish to have the views of the Business Managers (who are to discuss the problem further in advance of MISC 122) and also Mr Rifkind's best assessment of when he is likely to be in a position to judge whether early legislation in Scotland will be necessary.

THE GOVERNMENT'S PLAN OF COMPAIGN

7. Mr Baker's proposal is to publish the Bill on Friday, and then take it through Parliament as quickly as possible. We understand that the Business Managers consider it may be possible to secure Royal Assent around 12 February. This timetable would minimise the risk that the LEAs and unions might agree an

unacceptable pay structure in Burnham in the meanwhile which the Secretary of State would be obliged to promulgate. In practice, given the unions' requirement to consult their members before they could make a pay deal in Burnham under the provisions of the recent 'Agreement', Burnham could probably not meet until mid-December; thereafter some weeks would elapse before the Secretary of State could be taken to court for failure to promulgate a new pay structure, and it might thus be possible to delay matters until the new legislation was in force.

8. Whether the LEAs would seek to move in conflict with the Government's wishes is not yet clear. I understand that, contrary to the advice previously given, Counsel has just advised DES and DOE that the Government cannot properly threaten to withhold additional finance if the pay structure is not to their liking. Under Section 54 of the Local Government Planning and Land Act the Secretary of State for the Environment is required, in determining RSG, to have regard to the latest information about remuneration. Since there would be relatively little difference in the costs arising under the Government's own proposals and those arising from the recent 'Agreement', if the latter were legally promulgated under Burnham, and if the new Education Bill failed to make progress, Mr Ridley would be obliged in due course to increase RSG so as to accommodate it.

9. In practice, however, the problem is unlikely to arise in this way. Because of the need for new legislation to define 'total expenditure' no RSG order will be made until next March, after that legislation has been enacted. The difficulty would thus only arise if the Education Bill were not law by next March. (As a further complication, the Local Government Legislation is likely to need to provide for some delay in the Orders setting the limits for rate-capped authorities and for the ILEA precept, which at present need to be made by mid-February or before.)

HANDLING

10. You will wish to invite the Secretary of State for Education and Science to introduce the discussion of his paper, and the Secretary of State for Scotland to report on the position North of the Border. Thereafter the Chancellor of the Exchequer will wish to comment on financial and other aspects of the legislative proposals. The Lord President of the Council and the Lord Privy Seal will wish to comment on the Parliamentary handling in relation to the remainder of the Government's legislative programme. The Secretary of State for the Environment may wish to comment on the relationship between the Education Bill proposals and future action in the field of local authority finance, and the Attorney General on possible steps to oblige LEAs and teachers to comply with the Government's decisions. The other territorial Ministers may have specific points they wish to raise, and a number of other Members of the Group (including the Chancellor of the Duchy of Lancaster, the Paymaster General and the Chief Whip) will wish to express their views.

NEXT STEPS

11. Subject to the outcome of the discussion, you may wish to ask the Cabinet Office to prepare a short report from MISC 122 to Cabinet, and Mr Baker to circulate to Cabinet a copy of his proposed draft statement.

J B UNWIN

Cabinet Office.
25 November, 1986

cc BLUP

24. ix .86

10 DOWNING STREET

Prime Minister.

This Gallup poll shows three interesting views

(a) all teachers except NUT tend to favour greater incentives

(b) the ACAS settlement is more highly thought of than the Baker offer, and

(c) teachers are equally divided as to whether to strike showed Kenneth Baker imposed a settlement.

MT

GALLUP

GALLUP SURVEY OF TEACHERS ATTITUDES TO THE CURRENT PAY TALKS

Gallup interviewed a sample of 503 teachers in Primary and Secondary schools in England, Wales and Scotland between 19-21 of November 1986, on their attitudes towards the current pay dispute.

An outright majority (53%) were in favour of additional rewards for good teaching in the classroom and extra responsibility compared to just over one in four (28%) in favour of an equal spread of the available increase to all teachers.

There were significant differences between the different unions with more NUT members in favour of equally spreading the increase (42%) than using it for an incentive payment (35%). This was the only union to differ from the other unions.

For example amongst the National Association of Schoolmasters/Union of Women Teachers there were strong majorities for incentive payments (62%) and there was even more support amongst the Assistant Masters' and Mistress's Association (69%), Professional Association of Teachers (71%) and the Associaton of Head Teachers (70%).

Secondary school teachers were more in favour of incentive payments (58%) than Primary school teachers (46%) and it was only amongst the more inexperienced teachers (less than 5 years experience) where they favoured equality rather than incentive payments.

GALLUP

"Which do you think should be the most important feature of any new pay structure?"

	Total %	NUT %	NAS/ UWT %	Prof Assoc Of Teachers %	Assist Mast/ Mist Assoc %	Assoc of Head Teachers %
1) An equal spread of the available increase to all teachers	28	42	20	18	13	16
2) Additional rewards for good teaching in the classroom and extra responsibility	53	35	62	71	69	68
3) Both	12	15	7	6	12	0
4) Neither of these	5	4	6	2	4	16
5) Other	3	3	4	3	1	0

In spite of their preference for an incentive scheme compared to annual pay rises most teachers favour the ACAS settlement (46%) - nearly one in two, compared to less than one in five (19%) who favour the Baker proposals. All the members of the different unions favoured the ACAS solution except for the Professional Association of Teachers where there was a narrow proportion favouring Baker's proposals (43%).

These results were found in both Primary and Secondary schools and amongst teachers with widely different lengths of service.

The survey also found that teachers were fairly evenly divided on whether to call for a strike if Baker decides to legally impose his settlement on the teachers - 46% were in favour and 42% were against, and the rest were undecided.

Both the NUT and the NAS/UWT were very much in favour (65% and 63% respectively) of a strike but the other unions were solidly against a strike.

In addition Primary school teachers were against a strike (55%) whereas Secondary school teachers were in favour (55%)/

Sample Details

Approximately half the interviews were conducted by telephone and half by personal interview. The results were weighted to take into account the correct proportions of male and female teachers within Primary and Secondary schools. Teachers at special schools and private schools were excluded.

Further enquiries contact:

Gordon Heald
Managing Director
Gallup 01-794 0461
Home 01-670 2003

MR RL SMITH

cc Mr Hillier
Mr Spearing
Mr Marston
Mr Stuart Mr Halsey
Mr Adamson Mr Langtry
Mr Perks
Mr Wye
Mr Burt MP

ACAS "AGREEMENT"

1. Text attached. The Secretary of State will wish to note that the parties have signed the flyleaf to an agreement – they have agreed to submit the agreement proper to their constituents for "consideration and decision on ratification".

2. Then there are sections 10, agreement dependent on new money from Secretary of State, and 11, agreement then to be formally adopted. Still some way to go yet.

3. Just before the vote, Mr Langtry got answers on two cost questions:
   (i) the employers' advisers accepted the range of extra pay cost exemplified in the table immediately below tabled by the Essex County Council Treasurer – this is very much in line with the figures the Secretary of State gave to Sir John Wood on Wednesday;
   (ii) the extra teachers needed as a result of the agreement was given as 8,800 or £105 million in academic year 1987/88 and 13,825 or £165 million in academic year 1988/89.

Add both items and convert to financial years and we have an excess cost over the 16.4% envelope of the order of:

1987/88 ~~£75 million~~
1988/89 ~~£210 million~~ £130m

4. Mr Langtry & I did not receive any formal request for a meeting with the SofS from Mr Pearman.

[signature]

BURNHAM (P & S) MANAGEMENT PANEL
21 November 1986

Teachers' Salaries Restructuring

Pay Bill effect of new scales (excluding Conditions of Service)

includes (a) Employers' contributions + 16.6% on salaries
(b) Part Time and Special School staff + 12½% on Base pay bill.

	Government Proposals		Negotiated Proposals		Difference	
	%	£m	%	£m	%	£m
1986/87 Financial Year						
8.2% for 3 months =	2.05	118				
Per LACSAB letter para. 6 lines 3 & 5			2.3	118.1		
add 12½% for (b) above				14.7		
				133	+.25	+15
1987/88 Financial Year						
8.2% for 12 months	8.2					
8.2% for 6 months	4.1					
	12.3	708				
Per LACSAB letter para 6 lines 3 & 5			13.5	692		
add 12½% for (b) above				86		
				778	+1.2	+70*
Excess cost of pay proposals in years 1 and 2					+1.45	+85*

* The cost to ratepayers will be increased by Block Grant clawback in 1987/88.

County Treasurer's Department
Essex County Council.

19 November 1986.

Signed at ACAS
at 5.30pm on
Friday 21 Nov 1986

TEACHERS (ENGLAND AND WALES)

Arising from discussions held under the auspices of the Advisory, Conciliation and Arbitration Service between representatives of the Local Education Authorities and of the Teachers' organisations listed below, the parties agree to submit to their constituent bodies for their consideration and decision on ratification:

1. proposed terms and conditions for the remuneration of teachers in England and Wales, and

2. other proposed terms and conditions

as set out in the agreement annexed hereto.

FOR THE TEACHERS' ORGANISATIONS

.....
D McAVOY
Deputy General Secretary, NUT

.....
E G BEYNON
Joint General Secretary, AMMA

.....
P DAWSON
General Secretary, [redacted] PAT

.....
T P SNAPE
General Secretary, SHA

FOR THE EMPLOYERS

.....
J D PEARMAN
Employers' Chairman

WITNESSED BY:

.....
SIR JOHN WOOD
Chairman
ACAS Independent Panel

Date 21 November 1986

withdrawn - included in this set to show the change which got PAT & SHA to sign

TEACHERS (ENGLAND AND WALES)

Arising from discussions held under the auspices of the Advisory, Conciliation and Arbitration Service between representatives of the Local Education Authorities and of the Teachers' organisations listed below, ~~and subject to subsequent ratification by constituent bodies, the parties jointly~~ agree ~~to~~ .... see first page as finally signed

1. proposed terms and conditions for the remuneration of teachers in England and Wales, and

2. other proposed terms and conditions

as set out in the agreement annexed hereto.

FOR THE TEACHERS' ORGANISATIONS

.....
D McAVOY
Deputy General Secretary, NUT

.....
F SMITHIES
General Secretary, NAS/UWT

.....
E G BEYNON
Joint General Secretary, AMMA

.....
P DAWSON
General Secretary, PAT

.....
D M HART
General Secretary, NAHT

.....
T P SNAPE
General Secretary, SHA

FOR THE EMPLOYERS

.....
J PEARMAN
Employers' Chairman

WITNESSED BY:

.....
SIR JOHN WOOD
Chairman, ACAS Independent Panel

Date:.....

(DRAFT) AGREEMENT ON TEACHERS' PAY AND CONDITIONS OF SERVICE

1. The duties of teachers

   1.1 basic contractual requirements
   1.2 school-based job description
   1.3 voluntary activities

2. Working time of teachers

   2.1 days per year
   2.2 hours per week
   2.3 working time of headteachers and deputy headteachers

3. Contractual limitations on teachers' workload

   3.1 class size and teaching support time
   3.2 cover for absent colleagues
   3.3 entry grade teachers
   3.4 teacher supply

4. Grade structure

   4.1 general description of new structure
   4.2 implementation from 1.9.87
   4.3 interim arrangements

5. Pay

   5.1 levels applicable from 1.9.87
   5.2 assimilation at 1.1.87 and 1.9.87
   5.3 special education
   5.4 starting salaries
   5.5 incremental progression

6. Appraisal

   6.1 ACAS working party report
   6.2 Steering Committee on pilot studies
   6.3 entry grade assessment

7. Negotiating machinery

   7.1 NJC for teachers' pay and conditions
   7.2 delivery of agreements
   7.3 composition of the NJC
   7.4 role of Secretary of State
   7.5 local disputes

8. Other matters

   8.1 employer responsibilities
   8.2 safeguarding
   8.3 social priority allowance
   8.4 remaining salary issues

9. Duration of the agreement

10. Funding

11. Adoption of the agreement

21st November 1986

1. THE DUTIES OF TEACHERS

1.1 Basic Contractual Requirements

The basic contractual requirements of the jobs of different grades of teacher are defined in Appendices 1(a), 1(b),1(c) and 1(d) and in Appendix 3.

1.2 School-Based Job Description

1.2.1 Each teacher shall be given an individual job description specifying his or her particular responsibilities. The job description shall be consistent with the contractual duties laid down in this agreement. The job description should be reviewed annually, and more frequently if circumstances so require and where necessary amended, subject to any agreed requirements of consultation and notice and having regard to the teacher's previous role, experience and potential.

1.2.2 In preparing the job description the head teacher shall ensure that no teacher shall be given a job description which requires him or her to undertake duties which in combination cannot reasonably be discharged.

1.3 Voluntary Activites

There are some activities in which teachers engage over and above what ~~can be~~ contractually required. Those activities are greatly valued and should be regarded as part of the full professional role. No such additional work ~~should~~ shall be taken as implied agreement to, or modification of, the individual contract, nor ~~should~~ such additional work, however widespread among teachers, be taken as implied variation of the terms of this agreement.

2. WORKING TIME OF TEACHERS

2.1 Days per year

The maximum number of days per year for which teachers shall be under the direction of the head shall be 195 days, comprising 190 days during which the school is in session and 5 days beyond the pupil year on school related activities and in-service training.

2.2 Hours per week

2.2.1 Class contact time is defined as time when teachers are in contact with pupils for the purpose of tuition and related activity including invigilation. Class contact time per week shall not exceed 23½ hours, subject to the individual teacher's teaching support time allocation (see paragraph 3.1.4 (ii) and (iii)).

2.2.2 In addition, up to 5 hours per week shall be available for attendance at school or year assemblies, pupil registration and supervision before, in the middle of, and after school sessions. This allocation assumes that teachers will normally be notified in advance for the performance of supervision duties and that not all teachers will be required to attend all assemblies. A teacher shall not be required to undertake mid-day supervision and shall be entitled to a clear lunch break of the length customary at the school between sessions or at some time between the hours of 12 noon and 2.00 p.m.

2.2.3 A teacher may also be required to attend staff and departmental meetings, curriculum development and pastoral meetings, parental consultation meetings which have to be carried out on the school premises, mentorship, appraisal, and school based INSET, for an average over the pupil year of not exceeding four hours per week and subject to a maximum of five hours in any one week.

2.2.4 The hours worked by teachers during the 5 days beyond the pupil year will total an additional 30 hours per year.

2.2.5 In order effectively to discharge the balance of their duties both on and off the school premises including the essential tasks of marking pupils' work and preparing lessons, material and teaching programmes, teachers will be required to spend additional working time beyond the time which is formally controlled. It is neither possible nor desirable to define precisely the amount of time to be spent on these activities nor the hours at which they are to be performed. The fulfilment of the duties required must be judged by reference to the work done. The headteacher shall ensure a proper balance for each teacher between the work carried out in school and elsewhere.

2.3 Working time of headteachers and deputy headteachers

The specific limits on the working time of MPG teachers are not appropriate for headteachers or deputy headteachers. It is equally neither reasonable nor efficient for headteachers and deputy headteachers to be expected on a regular basis to work hours well in excess of those laid down for MPG teachers.

3. CONTRACTUAL LIMITATIONS ON TEACHERS' WORKLOAD

3.1 Class Size and Teaching Support Time

3.1.1 The commitment to the negotiability of maximum class sizes and of minimum teaching support time is reaffirmed.

3.1.2 Implementation of agreement on these issues depends crucially on the availability of sufficient suitably qualified teachers and of sufficient classroom space.

3.1.3 Agreement needs also to be based on a clear analysis of educational needs in respect of the various types of class and school, with particular reference to the needs of special education, nursery and infant reception classes, and practical classes. Such an analysis requires careful research which the parties to this agreement agree should be conducted on a joint basis. To this end the parties will undertake joint study reviews:

(i) to examine and validate statistics of teacher availability and supply. Particular attention should be paid to the effect of the use and retention of teachers on fixed term contracts [and the effect of increases in the hours worked by part-time teachers].

(ii) to examine the extent to which changes in the curriculum, new examination methods and increased demands for practical work may require a further reduction in class sizes or an alternative approach to measuring secondary school staffing need.

(iii) To examine the deployment of teachers and support staff in nursery schools and classes and in the reception classes of primary schools. The study will focus on the education for children of nursery age and make recommendations for expanding and enhancing the educational opportunities for children under five. It will take account of:

(a) the present disparities of provision;

(b) the already stated wish of the employers and teachers to increase the number of places and improve in particular physical standards of provision;

(c) the evidence of a current shortage of nursery teachers; and

(d) present constraints upon effective collaboration between teachers and support staff.

The study reports on these items should be completed by 31st March 1987. As soon as they are ready, the reports should be presented to the appropriate negotiating bodies, with a view to agreeing a programme of implementation starting on 1st September 1987 of such changes in teachers' conditions of service as the statistics on teacher availability and supply will have shown to be possible and will have been jointly agreed.

The study group will remain in existence to continue to monitor teacher supply, to consider how additional teacher supply identified can be used to improve teachers' conditions of service, to encourage increases in teacher supply, and undertake such other duties as the negotiating bodies may require.

3.1.4 While the conclusions to be drawn from those studies cannot be anticipated in advance it is agreed[as an earnest of good intent] that the following provisions should operate from the dates shown below:

(i) An overall class size limit* of 33 to be implemented as soon as possible and not later than 1.9.87 subject to the availability of sufficient suitably qualified teachers and of sufficient classroom space.

(ii) A minimum of 5 periods (each of 35 or 40 minutes) per pupil week of teaching support time for all secondary school teachers to be implemented as soon as possible and no later than 1.9.88.** This may require some redistribution of such periods within a school.

(iii) From no later than 1.9.88, and subject to the availability of sufficient suitably qualifed staff, teachers in primary schools shall be entitled to time free from assigned teaching commitments in order to enable them to further their professional development and to coordinate and consult on curriculum matters and other related activities. This entitlement shall be calculated in such a way as to allow such teachers to have the equivalent of 5 days' teaching support time over the school year. The headteacher shall be responsible for the planning and coordination of the distribution of this time.

3.1.5 It is further agreed that an overall class size limit of 30 should be the first priority for implementation after the 1990 review referred to in Section 9.

*The overall class size limit shall operate on the basis that no timetabled class shall be planned to exceed 33 pupils, other than in emergencies. This maximum may be exceeded so as to allow for unplanned additions to the school roll during the school year and to permit educationally desirable combinations of classes or groups of pupils. In applying this maximum, each LEA shall ensure that there is no worsening of planned class sizes for pupils with special educational needs under the Education Act 1981, in remedial classes, in infant reception classes and in practical classes.

**Within the context of the teacher supply review implicit in paragraph 3.4, consideration will be given to the possibility of introducing a minimum of six rather than five teaching support time periods from 1.9.88 for secondary teachers.

3.2 Cover

3.2.1 LEAs have a responsibility to ensure that pupils' education is not interrupted as a result of the absence of teachers. Every teacher has a responsibility to cover for absent colleagues. The parties to this agreement acknowledge that reasonable limitations should be placed on this duty so as to minimise the burden of cover.

3.2.2 LEAs shall make financial provision to provide cover in all schools for absences as shown in the following schedule (see diagram). The implementation of these arrangements is dependent upon the availability of teachers in sufficient numbers and with suitable qualifications.

3.2.3 Where financial provision has been made as in paragraph 3.2.2 above but a supply teacher cannot be obtained, cover will be provided by a teacher within the school when required by the headteacher. ~~[This will~~ ensure that no pupil(s) is excluded from the school.~~]~~ The purpose of this is to

3.2.4 Dividing and combining classes as a consequence of absence is recognised to be undesirable on educational grounds. The practice shall be adopted only as a measure of last resort and LEAs shall give priority to its avoidance in their allocation of supply teachers.

3.2.5 Whenever cover is provided from within the school the headteacher shall ensure that the burden shall be shared equitably in a manner which takes account of the extent of individuals' contact time and other duties.

3.2.6 Where as a result of applying the above arrangements a teacher has covered for more than three periods in any one week, then at a subsequent date the teacher shall be entitled to have restored the time in excess of those periods, the timing to be at the discretion of the headteacher.

SUPPLY ARRANGEMENTS

TYPE OF SCHOOL	NATURE OF ABSENCE	SOURCE OF COVER		
		DAY 1	DAY 2	DAY 3 and subsequently
PRIMARY	Planned*	supply/ school**	supply	supply
	Unforeseen	school	supply	supply
SECONDARY	Planned	school	school	supply
	Unforeseen	school	school	supply

* Planned absence is that which has been notified to the LEA and known to have been authorised at least two working days in advance.

** LEAs shall provide a supply teacher only when not to do so would involve the combining of classes or the loss of teaching support time.

3.3 Entry Grade Teachers

3.3.1 The final assessment of a teacher's potential to progress to the main professional grade shall be based on the performance of full teaching duties. Given the need for adequate induction and support the teaching load of the entry grade teacher shall be as follows with effect from 1.9.87:

During the first year of service	90% of the normal teaching load of an MPG teacher in the school.
During the second year of service	The normal teaching load of a full-time main professional grade teacher in the school, subject to release being available for any planned induction arrangements during this period.

3.3.2 LEAs shall develop their own induction arrangements save that under this agreement they shall provide the capacity for schools to release teachers to take part in structured schemes which include visits to other educational establishments, out of school in-service training and provision for guidance and counselling from the designated mentor. This will involve appropriate release from class contact for mentors.

3.3.3 In the longer term when sufficient numbers of teachers are available, the lightened teaching load in the first year shall be reduced to 80% and to 70% as soon as practicable thereafter.

3.4 Teacher supply

The parties to this agreement acknowledge that progress in the implementation of improvements in the areas of maximum class size, teaching support time and limitations on cover is constrained by the availability of teachers in sufficient numbers. During the period of the agreement the joint review referred to in 3.1.3 will seek to bring about an improvement in the training and supply of teachers both to meet the problems of shortages in subject areas and to increase the numbers of teachers qualified in early years teaching and to meet special educational needs.

4. GRADE STRUCTURE

4.1 General description of new grades

4.1.1 For the purposes of pay, duties and responsibilities a teacher will be classified as:

an entry grade teacher
a main professional grade teacher
a principal teacher (level 1 or level 2)
a deputy headteacher
or a headteacher

4.1.2 New entrants to teaching who take up their first appointment after 1st August 1987 will be placed on the entry grade. Service on the entry grade is a period of induction into the profession and the service, during which teaching and other professional skills can be consolidated and developed. Procedures for the assessment of entry grade teachers are dealt with in Appendix 2.

4.1.3 On satisfactory completion of two years' service on the entry grade in accordance with the provisions set out in Appendix 2 a teacher will transfer to the main professional grade.

4.1.4 Not less than 23% of teachers (excluding heads and deputies from the calculation) paid by a local education authority will be classified as principal teachers. Not less than 9.25% will be classified as principal teacher 2 and not less than 13.75% will be classified as principal teacher 1. Those so classified shall be teachers on the main professional grade. Guidance on the identification of posts to be classified as principal teacher is set out at Appendix 3. The parties will consider further national guidelines for the allocation of such posts to schools.

4.1.5 Very small schools will continue not to require a deputy headteacher. Larger schools may require more than one deputy headteacher. All schools require a headteacher in accordance with regulation 7(2)(a) of the Education (Teachers) Regulations, 1982.

4.2 Introduction of principal teacher posts

Principal teacher posts will be introduced from 1st September 1987 in order to allow time for promotion posts to be allocated to schools and principal teachers selected.

4.3 Interim arrangements

In the meantime, teachers will continue to hold their existing scale appointments, as appropriate carrying out existing duties and responsibilities in addition to those laid down elsewhere in this agreement for main professional grade teachers.

5. PAY

5.1 Levels applicable from 1.9.87

The scales operative from 1.9.87 are as follows

Entry Grade £7,893, £8,308

Main Professional Grade £9,970, £10,385, £10,800, £11,216, £11,631, £12,047, £12,462, £12,877, £13,293, £13,708, £14,124, £14,539, £15,058.

Principal teacher allowances

Level 1 £779
Level 2 £2077

Deputy and headteachers

School Group*	Heads £	Deputies £
1	16,100	
2	16,600	15,300
3	17,150	
4	17,650	15,550
5	18,450	16,000
6	19,450	16,450
7	20,500	16,900
8	21,800	17,400
9	23,100	18,175
10	24,400	19,000
11	26,000	19,750
12	27,750	20,750
13	29,000	21,750
14	30,600	22,750
3(S)	17,700	15,900
4(S)	18,400	16,150
5(S)	20,100	16,900
6(S)	20,700	17,200
7(S)	22,000	17,700
8(S)	22,750	18,100
9(S)	23,750	18,900
10(S)	24,500	19,500

*Headteachers and deputy headteachers will be allocated to salary groups in accordance with the procedures laid down for this purpose in the Burnham document. Local Education Authorities will have discretion to pay headteachers and deputy headteachers on higher salary groups than those provided for under the Burnham document.

5.2 Assimilation at 1.1.87 and 1.9.87

5.2.1 For teachers below deputy head, the table below shows the new salaries to which they will be assimilated with effect from 1.1.87 and 1.9.87.

	Current Salary £	MPG Salary at 1.1.87 £				MPG Salary at 1.9.87 £	Total salary if appointed to:- PT1 £	PT2 :- £
	6,423	9,600				10,385		
	6,696	9,600				10,385		
	6,900	9,600				10,385		
	7,107	9,600				10,385		
	7,302	9,600				10,385		
	7,560	9,600				10,385		
	7,824	9,600				10,385		
	8,085	9,600				10,385		
	8,364	9,600	Sc. 3			10,385		
	8,637	9,600	£			10,385	+ 779	+2077
	8,910	9,600	10,200			10,385	11,164	12,462
	9,204	10,000	10,600			10,800	11,579	12,877
	9,501	10,400	11,000			11,216	11,995	13,293
Max Sc. 1	9,804	10,400	11,000	Sc. 4		11,216	11,995	13,293
	10,170	10,800	11,400	£		11,631	12,410	13,708
	10,533	11,200	11,800	12,400	ST	12,047	12,826	14,124
Max. Sc.2	10,986	11,600	12,200	12,800	£	12,462	13,241	14,539
	11,349	12,000	12,600	13,200	14,000	12,877	13,656	14,954
	11,778	12,400	13,000	13,600	14,400	13,293	14,072	15,370
	12,201	12,800	13,400	14,000	14,800	13,708	14,487	15,785
Max. Sc.3	12,627	13,200	13,800	14,400	15,200	14,124	14,903	16,201
	13,503	13,600		14,800	15,600	14,539	15,318	16,616
	13,656	14,500		15,700	16,500	15,058	15,837	17,135
Max. Sc.4	14,151	14,500		15,700	16,500	15,058	15,837	17,135
	14,838	14,500			16,500	15,058	15,837	17,135
ST	15,330	14,500			16,500	15,058	15,837	17,135

5.2.2 Between 1.1.87 and 31.8.87 inclusive Scale 3 teachers will be paid a temporary allowance at an annual rate of £600, Scale 4 teachers a temporary allowance at an annual rate of £1200, and Senior Teachers a temporary allowance at an annual rate of £2,000. From 1.9.87 the Principal Teacher 1 allowance will be £779 p.a. and the Principal Teacher 2 allowance will be £2077 p.a.

5.2.3 Headteachers and deputy headteachers will be paid the salary shown in paragraph 5.1 from 1.9.87. From 1.1.87 they will be paid salaries half way between their present salaries and those shown below:

School Group	Heads £	Deputies £	School Group	Heads £	Deputies £
1	15,500		3(S)	17,000	15,250
2	16,000	14,750	4(S)	17,700	15,500
3	16,500		5(S)	19,400	16,250
4	17,000	15,000	6(S)	19,900	16,500
5	17,750	15,375	7(S)	21,200	17,100
6	18,750	15,750	8(S)	21,900	17,400
7	19,750	16,250	9(S)	22,900	18,200
8	21,000	16,750	10(S)	23,500	18,750
9	22,250	17,500			
10	23,500	18,250			
11	25,000	19,000			
12	26,500	19,750			
13	28,000	20,500			
14	29,500	21,250			

5.3 Special education

5.3.1 Teachers currently in receipt of the special class allowance and those on existing Scales 2(S) and 3(S) will from 1.1.87 receive an annual allowance at the rate of £855 and will continue to receive it while serving in special education. Assimilation to the main professional grade of those on existing Scales 2(S) and 3(S) will be on the basis of the equivalent incremental point of Scale 2 or 3 as the case may be. For example, a teacher on Scale 2(S) at £11,778 would be assimilated to the main professional grade as though he or she were at the maximum of scale 2 (i.e. £10,986).

5.3.2 Principal teachers in special schools will be paid the same principal teacher allowances applicable in ordinary schools.

5.4 Starting salary

Note : figures quoted in this paragraph relate to rates applicable from 1.9.87.

5.4.1 Although the £7,893, £8,308 Entry Grade will be used for the majority of newly appointed teachers, in cases of mature new entrants to the service authorities should have discretion to determine the starting salary but not beyond the fourth point of the main professional grade.

5.4.2 For this purpose shadow salary points of £8,723, £9,139 and £9,554 would be available. This would enable such a teacher to be appointed on an entry scale of £8,308, £8,723; or £8,723, £9,139; and so on up to £10,800/£11,216. On satisfactory completion of two years' service the mature entrant would proceed to £9,970 or the point on the MPG immediately above their entry grade salary. Authorities would have discretion to enhance the point to which a teacher re-entering service would normally return on, to take into account the length and nature of the break in service.

5.4.3 Where teachers are appointed or transferred in the same grade to another school, authorities would have discretion to advance their incremental position by up to two points.

5.4.4 The parties will consider national guidelines for the exercise of discretion referred to in this section.

5.5 Incremental progression

Incremental progression will continue to be dependent upon 6 months' service. Authorities will retain the power to withhold increments when a year's service is viewed as being unsatisfactory.

6. APPRAISAL

6.1 The parties endorse the recommendations of the ACAS Working Party on appraisal.

6.2 They welcome the fact that the Steering Committee monitoring pilot studies in the schools has been established.

6.3 Progression of entry grade treachers to the main professional grade will be determined in accordance with the provisions of Appendix 2.

7. NEGOTIATING MACHINERY

7.1 National Joint Council

The parties will establish a National Joint Council for the purpose of negotiating pay and other conditions of service for all teachers in maintained schools in England and Wales.

7.2 Delivery of agreements

7.2.1 The parties will seek the introduction of a legislative requirement obliging LEAs to implement the salary scales agreed by the NJC.

7.2.2 Otherwise, the agreements of the NJC will be made binding both on LEAs and on teachers through incorporation by the LEAs of national agreements into the contracts of individual teachers.

7.3 Composition of the NJC

The NJC will be composed of representatives of the local education authorities in England and Wales and of the six unions presently represented on the Burnham Primary and Secondary Committee. The balance of representation on each side will be determined with the assistance of ACAS.

7.4 Role of Secretary of State

The parties will seek discussions with the Secretary of State on his role in the new machinery.

7.5 Local disputes

In drawing up the detailed constitution of the proposed NJC the parties will make arrangements for dealing with local disputes over the interpretation and application of national agreements and for access to those arrangements.

8. OTHER MATTERS

8.1 Employer responsibilities

8.1.1 LEAs are responsible under statute for staffing schools adequately, and for providing adequate school accommodation and teaching material.

8.1.2 It is accepted that where professional help (e.g. legal or financial) is needed for effective discharge of teachers' duties then the LEA is responsible for providing the necessary professional support.

8.1.3 As employers, LEAs are of course bound by very wide-ranging obligations under employment legislation and the common law.

8.1.4 For teachers to do their job properly their employers will have to make their contribution by fulfilling these obligations.

8.2 Safeguarding

8.2.1 The existing provisions will remain for safeguarding teachers' salaries in the event of either closure, reorganisation or in other circumstances at the LEA's discretion or falling rolls.

see page 12A for 8.2.2

~~8.2.2~~ So far as individual conditions of service, other than salary, are concerned ~~the~~ Employers consider that questions of safeguarding might arise only in cases ~~where~~ the provisions of the intended agreement taken as a whole (i.e. including ~~salaries~~) are worse than existing local provisions taken as a whole. [In the light of ~~the~~ Employers Chairman's remarks on 15/11/86 this will be discussed further on ~~21.11.86~~]. ~ tabled on the day.

8.3 Social priority allowance

8.3.1 With effect from 1.1.87 the social priority allowance will no longer be paid.

8.3.2 Existing recipients of the allowance will be protected through their assimilation to the main professional grade on 1.1.87 taking account of the allowance.

8.4 Remaining salary issues

The parties will consider further as soon as possible the pay of:

irregular teachers,
unqualified teachers and
part-time teachers

8.2.2 In relation to conditions of service other than pay the following is agreed:

(i) In order to implement the provisions of this agreement relating to class size LEAs should at least maintain their current staffing policies for the authority as a whole and for individual schools except in relation to teachers who are additional to the authorised establishment. This does not preclude adjustments to staffing policies in order to recognise factors such as demographic change.

(ii) This agreement does not of itself reduce the number of teaching support time periods available to an individual teacher where those periods exceed the national minimum, although paragraph 3.1.4 (ii) of this agreement acknowledges the practice of such periods being redistributed between teachers. The allocation of TST periods to individual teachers will, subject to the national minimum in paragraphs 3.1.4 (ii) and (iii), remain a matter for the head teacher to determine; in doing so the head teacher will bear in mind the balance in the individual teacher's duties between teaching and other responsibilities, the total teaching establishment of the school and the needs of the school.

21.11.86

9. DURATION OF THE AGREEMENT

10.1 The parties ~~intend~~ agree that this agreement and any associated issues considered to be relevant ~~to~~ should be subject to a fundamental review during 1990 with a view to reaching agreement in time for implementation in April 1991 and following years. That ~~The next~~ fundamental review will consider, amongst other issues, the relative position of the main professional grade.

10.2 Between the ratification of this agreement and the next fundamental review, salary reviews (starting with April 1988) will pay regard to information presented by the joint secretaries on outside pay movements, price inflation, local authorities' finances and other matters which either side considers may be relevant. Particular consideration will be given to full data on the recent salary movements for occupational groups considered to be comparable with teachers.

10.3 In reaffirming their commitment to the process of collective bargaining the parties accept that the advances secured by this agreement are the best that can be achieved in the current circumstances. It is accepted that in the course of subsequent negotiations, collective bargaining will take into account the objective of avoiding the deterioration of the salary levels now achieved.

10. FUNDING

This agreement entails progressive commitment of additional finance and teacher numbers from 1st January 1987 and beyond. Implementation of this agreement is therefore dependent on the Government providing adequate new money in this year and thereafter to all LEAs and in particular recognising that special expenditure provision and government grant over and above base expenditure levels must be taken in order to enable those LEAs no longer receiving block grant or subject to selective rate limitation under Rates Act 1984 to implement this agreement in full.

[The Professional Association of Teachers and the Secondary Heads Association express a reservation concerning this section, which assumes that the government will be prepared to underwrite implementation of this agreement.]

11. ADOPTION OF THE AGREEMENT

The parties to the agreement recommend it for adoption by the Burnham Primary and Secondary Committee and CLEA/ST.

THE CONTRACTUAL DUTIES OF MPG TEACHERS

1. Under the reasonable direction of the head teacher and the employing authority and in accordance with the limits set out elsewhere in this agreement, a main professional grade teacher may be required to perform duties consistent with the following:

1.1 Plan and prepare lessons and courses, teach assigned classes and groups according to the educational needs of the pupil(s), set and mark work of the pupil(s) and assess, record and report on the development, progress and attainment of the pupil(s).

1.2 Promote the general progress and welfare of a class or group of pupils; provide initial guidance/counselling on educational, social and career matters and record and report on these matters and on the personal and social needs of pupils; liaise and consult with parents and outside agencies, and attend meetings arranged for these purposes.

1.3 Provide or contribute to oral or written assessments and report on individual pupils or groups of pupils.

1.4 Participate in the agreed formal performance appraisal scheme.

1.5 Review as necessary personal teaching methods and work programmes. Participate in arrangements for in service training and professional development.

1.6 Advise and cooperate with colleagues on preparation and development of courses of study, teaching materials, team planning, teaching programmes, methods and pastoral arrangements.

1.7 Maintain good order and discipline among pupils and safeguard their health and safety when they are the responsibility of the school.

1.8 Participate in staff meetings related to the administration, organisation and curriculum of the school.

1.9 Cover for absent teachers when required by the headteacher in accordance with the provisions of Section 3.2 of this agreement.

1.10 Participate in arrangements for preparing, presenting and assessing pupils with regard to public examinations.

1.11 Contribute to the appointment, professional development and assessment of junior colleagues, including the induction of new entrants to teaching.

1.12 Coordinate the work of other teachers and undertake a defined role in the review, development and management of assigned curriculum, pastoral and organisational activities.

1.13 Carry out an appropriate share of administrative and organisational tasks related to the above duties including the supervision of teaching support staff, and ordering and allocating equipment and materials.

THE CONTRACTUAL DUTIES OF ENTRY GRADE TEACHERS

1. Under the reasonable direction of the head teacher and the employing authority and in accordance with the limits set out elsewhere in this agreement, an entry grade teacher may be required to perform duties consistent with the following, but the allocation and extent of such duties shall, as in the case of normal teaching load, be less for entry grade teachers than for main professional grade teachers.

   1.1 Plan and prepare lessons and courses, teach assigned classes and groups according to the educational needs of the pupil(s), set and mark work of the pupil(s) and assess, record and report on the development, progress and attainment of the pupil(s).

   1.2 Promote the general progress and welfare of a class or group of pupils; provide initial guidance/counselling on educational, social and career matters and record and report on these matters and on the personal and social needs of pupils; liaise and consult with parents and outside agencies, and attend meetings arranged for these purposes.

   1.3 Provide or contribute to oral or written assessments and report on individual pupils or groups of pupils.

   1.4 Participate in the agreed formal performance appraisal scheme.

   1.5 Review as necessary personal teaching methods and work programmes. Participate in arrangements for in service training and professional development.

   1.6 Cooperate with colleagues on preparation and development of courses of study, teaching and materials, team planning, teaching programmes, methods and pastoral arrangements.

   1.7 Maintain good order and discipline among pupils and safeguard their health and safety when they are the responsibility of the school.

   1.8 Participate in staff meetings related to the administration, organisation and curriculum of the school.

   1.9 Cover for absent teachers when required by the head teacher in accordance with the provisions of section 3.2 of this agreement. Save where the only alternative would be to send pupils home any arrangements for cover shall not include any use of the additional teaching support time provided specifically for entry grade teachers.

   1.10 Participate in arrangements for preparing, presenting and assessing pupils with regard to public examinations.

   1.11 Carry out an appropriate share of administrative and organisational tasks related to the above duties.

DUTIES AND RESPONSIBILITIES OF HEAD TEACHERS

1. The headteacher's job is to be performed in accordance with the Education Acts and other relevant statutes, Regulations made thereunder, the articles of government of the school and the rules and regulations of the LEA. In that context, the head's prime role is to give leadership to the school community. The head is also the school's principal representative to the wider community, in particular to parents, and is responsible for the internal organisation, management and control of the school.

2. The head is responsible to both LEA and governing body, working in accordance with their respective policies and procedures. Each head's responsibilities must be set down in more specific terms in the form of a job description which shall reasonably include the duties set out below. In carrying out his/her duties the head is required to consult, as appropriate, the LEA, governors and staff at the school.

   2.1 To formulate the school's overall aims, objectives and policies for their implementation.

   2.2 To participate fully in the selection and appointment of staff. To deploy and manage all teaching and non-teaching staff, defining staff tasks - including the delegated responsibilities of senior staff - and providing individual staff members with clear job descriptions.

   2.3 To respect conditions of service laid down for staff and maintain relationships with unions representing staff.

   2.4 To develop and implement an appropriate curriculum, having regard to pupils' needs, experience, interests, aptitudes and stage of development, the resources available to the school.

   2.5 To keep the work and organisation of the school under review, including evaluating standards of teaching and learning through appropriate criteria and instruments.

   2.6 To ensure that appropriate professional and performance standards for staff are established and maintained. To oversee the school's system of appraisal. To ensure that all staff have access to systematic advice and training appropriate to their needs and in accordance with the LEA policies on staff development.

   2.7 To ensure that by evaluation and appraisal the progress of pupils is monitored and recorded.

   2.8 To determine, and ensure the implementation by the staff of the school of, a policy and organisation for pupils' pastoral care, behaviour and discipline. To be responsible for ensuring the maintenance of good order and discipline on the school premises, throughout the school day including the midday break.

2.9 To make arrangements to consult parents and give them regular information about the curriculum, about each pupil's individual progress and about other matters to promote a mutual understanding of aims. To secure effective working relationships with appropriate specialist agencies and other appropriate outside bodies.

2.10 To advise and assist the governing body in the fulfilment of its responsibilities, including attendance at and reporting to governors' meetings.

2.11 To provide for appropriate liaison and cooperation with the LEA's officers, including making such returns as the LEA may from time to time properly require, and with other schools and colleges with which the school relates.

2.12 To deploy, allocate, control and account for all the financial resources available to the school.

2.13* To make provision, in accordance with locally agreed procedures, for the security and effective supervision of buildings and grounds, and the prompt reporting of maintenance needs to the LEA.

2.14 To participate in the agreed scheme for appraisal of his or her own performance and in identification and meeting of training needs.

2.15 To ensure that a deputy or (in the absence of a deputy) other suitable member of staff is nominated to take part or all of the head teacher's responsibilities in the absence of the head teacher.

2.16 To contribute as appropriate to the teaching of pupils.

*In some LEAs other arrangements may be made and this duty will not apply.

DUTIES AND RESPONSIBILITIES OF DEPUTY HEAD TEACHERS

1. In addition to a teaching commitment and to responsibilities consistent with those of MPG and principal teachers (where appropriate), a deputy head teacher:

1.2 will assist the head teacher in managing all or part of the school;

1.2 under the delegation of the head teacher will undertake any duty drawn from Appendix 1(c);

1.3 may be required to assume any or all of the head teacher's responsibilities in his/her absence.

Appendix 2

Entry grade assessment

1 Throughout service on the entry grade the performance of the teacher will be monitored and assessed by the teacher's immediate supervisor, who may be the Head Teacher, or other experienced teacher designated by the Head Teacher, who will liaise with the teacher designated as the mentor to the teacher on the entry grade and with the designated LEA inspector/adviser.

2 Assessment will culminate each year in a discussion between the entry grade teacher and the assessor which will cover the whole content of the teacher's duties and responsibilities. The discussions will take into account the nationally agreed 'prompt sheet' and the assessment profile form. A handbook will be provided to give more detailed notes of guidance. This handbook will be available to the teacher for reference throughout his service the entry grade.

3 Prior to the annual assessment discussion, the entry grade teacher and the assessor will separately use the 'prompt sheet' to prepare a preliminary draft of the assessment profile. During their discussions both parties will be free to advance any information relevant to the performance of the teacher's duties and responsibilities and shall be free to call upon the mentor to contribute on particular issues. After the discussions, the assessor will complete the profile and overall summary and give it to the teacher who has the right to add to it any comments or reservations.

4 The assessment interview reports will be kept by the Head Teacher and the entry grade teachers and will be available to the assessor and the officers designated by the Chief Education Officer of the authority, on the basis that the normal conventions of confidentiality will be observed.

5 It is open to the local education authority at any point during a teacher's entry grade service to form the opinion that there is no realistic prospect that the teacher will attain the required degree of professional development or performance and to terminate the appointment. Such a decision must have due regard to the dismissal procedures applicable to the teacher and the provisions in paragraph 2.6.7 on appeals procedures in the entry grade.

6 On receiving the third report, the authority will consider whether the teacher has demonstrated the professional development, performance and potential for a teaching career and if so satisfied shall transfer the teacher to the main professional grade.

7 Where an adverse recommendation is contained in the third assessment, the teacher shall have a right to appeal to a panel comprised of :-

- An Inspector or Adviser or LEA officer

- A Head Teacher

- A main professional grade teacher

appointed by, or on behalf of, the LEA. The recommendation from this body will go to the LEA who shall retain the right to make the final decision. This right of appeal shall also be made available to any teacher where the authority proposes to terminate the appointment before completion of the entry grade service.

8 Teacher associations locally shall be entitled to nominate Head Teachers and main professional grade teachers to serve on such panels. The 'mentor' designated for an entry grade teacher shall attend and provide information to any appeal panel to which he or she is invited.

9 Where an authority concludes that an entry grade teacher has not attained the required development or demonstrated the required potential the authority shall be entitled to terminate the teacher's employment. This procedure does not set aside the teacher's rights under statute in relation to unfair dismissal.

10 Where, during service on the entry grade, the teacher transfers to the service of another authority, he or she shall be entitled to reckon service with the first authority for the purposes of salary determination and the first employing authority shall send to the second authority any completed assessment reports. In other circumstances, the retention of the assessment reports are to be determined in local discussions between the teacher organisations and the authority. These discussions should determine the extent to which records need to be retained to allow sufficient information to be available to build up a profile of the teacher's career development.

11 Termination of employment as an entry grade teacher shall not debar a teacher from obtaining further employment as a teacher, as does failure to complete probation satisfactorily.

GUIDANCE ON THE IDENTIFICATION OF

PRINCIPAL TEACHER POSTS

1. Teachers paid principal teacher allowances shall continue to have a teaching commitment and be subject to the contractual duties of MPG teachers. Areas of significant additional responsibility falling to principal teachers may, according to circumstances, be of the following kinds:-

   1.1 supervising, directing and monitoring the work of a group of MPG teachers, possibly but not necessarily as a head of department; this could involve responsibility for the quality and methods of work of the teaching group and also the development of the curriculum and associated assessments and schemes of work for particular subjects;

   1.2 coordinating the curriculum and assessment practices in the school;

   1.3 coordinating the examinations used by the school;

   1.4 *acting as a curriculum consultant in a primary school;

   1.5 overseeing the guidance and structured induction of all teachers in the induction years;

   1.6 coordinating the production of records and achievement (or schemes of this kind) and other records within the school;

   1.7 coordinating the school's arrangements for pastoral care;

   1.8 overseeing the specialist support arrangements for pupils with special educational needs;

   1.9 leading a school's guidance and careers education programme;

   1.10 coordinating liaison with external agencies on behalf of the schools, e.g. industry, other schools, FE colleges;

   1.11 taking the lead in developing liaison with parents;

   1.12 identifying in-service training needs of the school and plans for meeting them;

   1.13 monitoring the operation of the school's teacher appraisl process;

   1.14 taking responsibility for various physical resources within the school;

   1.15 taking responsibility for the management of support staff such as technicians;

   1.16 taking responsibility for 'whole school' policy areas such as equal opportunities;

   1.17 coordinating policies on split-site schools.

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* inclusion of this responsibility in the final list remains to be agreed.

File BM

10 DOWNING STREET

MR. SHERBOURNE

The point in the draft letter below came up yesterday in a meeting that the Prime Minister took on education. It is not a point that I can ~~recall~~ record in a normal Private Secretary letter. I wonder, therefore, whether you might write as I have drafted to the DES Special Adviser and to whomever in Central Office.

(N.L. WICKS)
21 November 1986

SECRET

2

DRAFT LETTER FROM STEPHEN SHERBOURNE TO THE SPECIAL ADVISER, DES, copied to ? Central Office

I understand that at a meeting yesterday between the Prime Minister, your Secretary of State, the Chairman and certain other Ministers, it was suggested that Central Office should produce a list of some 200 sympathetic State teachers who would be ready to write letters to local papers, appear on quiz shows etc. in support of the Government's approach on teachers' pay and conditions.

I should be grateful if you and ? in Central Office could follow up this point.

SECRET

JA2AGH

SECRET AND PERSONAL

SUBJECT
co master

Pte JA/BM

cc BG 1

10 DOWNING STREET

LONDON SW1A 2AA

From the Principal Private Secretary

20 November 1986

Dear Rob,

TEACHERS' PAY AND CONDITIONS

The Prime Minister held a meeting this afternoon with the Lord President, the Chancellor of the Exchequer, the Chancellor of the Duchy of Lancaster, the Secretary of State for the Environment, the Secretary of State for Scotland, the Chief Secretary, the Chief Whip and your Secretary of State about the latest state of play on teachers' pay and conditions. Professor Griffiths of the No.10 Policy Unit was also present.

Your Secretary of State reported that four out of six teachers' unions were expected to sign the final agreement. The Government had gained much in the definition of teachers' duties, but had made less progress with the structure of teachers' pay. The unions' approach to structure was much too "bottom loaded" with insufficient incentive for career teachers. This was unacceptable because it would not provide sufficient improvement in the quality of the profession. He was convinced that the Government needed the powers in the proposed Bill, a draft of which would be circulated tonight. Clause 3 of the draft to be circulated would need redrafting.

The meeting then discussed, on the basis of a chart which your Secretary of State showed those present, the timetable for the passage of the Bill. He pointed out that he would have to promulgate the order implementing any agreement in Burnham around the middle of February. He would say at the same time that he was not prepared to fund the pay scales promulgated in the order. He would confirm with the Attorney General that this would not be subject to a judicial review on the grounds that it was inconsistent for a Secretary of State to promulgate an order for pay scales and at the same time to refuse to fund the Government's share of the cost. The local authorities' reaction was unclear. They might pay the Burnham scales in anticipation of money which they expected to receive later to fund the Government's scales. Once the Government scales were implemented, it would be necessary to reduce the scales of certain teachers. In discussion, it was pointed out that this procedure could involve an additional cost to the

Government because teachers whose salaries were reduced could not be expected to repay their previous "overpayments". These considerations underlined the importance of achieving the fastest possible progress with the Bill. Your Secretary of State would discuss this with the business managers.

Your Secretary of State then pointed out that disruption in schools had to be anticipated and there was little that the Government could do about it. In such circumstances it was important for the Government to mount a vigorous publicity campaign to convey, especially to parents, the strength of their case. This should include leaflets, posters and advertisements. It would need money which could not be found from within the DES budget. The Prime Minister said that it was essential that such a publicity campaign was in accordance with normal conventions on the use of taxpayers' money for publicity. This should be discussed urgently with the Treasury, Cabinet Office/MPO and the COI. It was pointed out that the Departments' freedom to spend taxpayers' money on publicity might be greater once the Bill had its Second Reading. This point needed further investigation.

Your Secretary of State explained the mechanics for implementing the new pay scales and terms and conditions in the Bill. This would contain a power to issue a Statutory Instrument, similar to the arrangement for implementing the Burnham agreement, which would promulgate pay scales. There would be a separate power for a Statutory Instrument setting out terms and conditions which the local authorities would be obliged to put into teachers' contracts. In discussion, it was pointed out that the Government had no sanction to prevent authorities paying teachers above the statutory scales, except that many of the authorities concerned would already be rate-capped. It was suggested that it would help the enforcement of terms and conditions, as well as its presentation to parents, if the Bill laid a general duty upon the authorities to see that contracts were enforced. Parents might go to court to compel authorities to enforce such a duty.

In further discussion it was pointed out that one possibility, if there was a total impasse between the Government and the employers/teachers, would be to pay an 8.2 per cent pay increase from 1 January while remitting the disposal of the remaining 8.2 per cent to the Advisory Committee. Alternatively, differences on pay structure could be remitted to a committee of three wise men for their advice. It was agreed that such courses were clearly inconsistent with the Government's published approach and would renege on what had been said. They should not be pursued.

Other points made in the discussion were:

i) Some authorities might attempt to recruit more teachers in order to reduce class sizes. Limits on grant ought to go some way to prevent this.

ii) It was confirmed that the interim Advisory Committee would not cover further education teachers.

Summing up the discussion the Prime Minister said that the meeting reaffirmed the Government's existing approach. The Bill as originally engisaged was essential. Your Secretary of State should discuss urgently its timetable with the Government's business managers in the Lords and the Commons. He should agree with the Treasury the cost of the package to be put forward by the employers and teachers, both inclusive and exclusive of add-ons. The two Departments should also estimate the cost of the unrecoverable overpayments to those teachers whose pay was reduced once the Government's pay scales had been implemented. The Government should base the presentation of its public case on the importance of achieving a pay structure which provided for a career service which would raise the quality of the profession. The education departments should plan a detailed campaign for conveying the Government's case, both to parents and to the country generally. Your Secretary of State should discuss with the Treasury, the COI and the Cabinet Office/MPO the propriety and the financing of the publicity campaign in support of the Government's approach, bearing in mind the importance of sticking strictly to the established conventions. Urgent consideration should be given to including in the Bill a provision which put the local education authorities under a general duty to enforce the statutory terms and conditions. Your Secretary of State should seek the Attorney General's advice on how best to proof the Government from an adverse verdict in judicial review proceedings in connection with the strategy which he had in mind.

I am sending a copy of this letter to the Private Secretaries to the Lord President, the Chancellor of the Exchequer, the Chancellor of the Duchy of Lancaster, the Secretary of State for the Environment, the Secretary of State for Scotland, the Chief Secretary, the Chief Whip, and Trevor Woolley (Cabinet Office).

Yours ever

Nigel Wicks

(N.L. WICKS)

Rob Smith, Esq.,
Department of Education and Science

JPM01

010

RESTRICTED

DEPARTMENT OF EDUCATION AND SCIENCE
ELIZABETH HOUSE YORK ROAD LONDON SE1 7PH
TELEPHONE 01-934 9000

FROM THE SECRETARY OF STATE

David Norgrove Esq
Private Secretary
10 Downing Street
London SW1

20 November 1986

NBPM.

Dear David

TEACHERS PAY AND CONDITIONS - LINES TO TAKE

I am circulating herewith for the information and use of Misc 122 Ministers, the briefing on teachers' pay and conditions which we provided for Prime Minister's Questions today. The second section concentrates particularly on pay structure.

Copies of this letter go to Private Secretaries to Misc 122 Ministers and the Private Secretary to Sir Robert Armstrong. A copy also goes to the Private Secretary to the Attorney General.

Yours sincerely

Shirley Trundle

MRS S J TRUNDLE
Private Secretary

RESTRICTED

TEACHERS' PAY AND CONDITIONS

LINE TO TAKE

There is still not a full agreement between employers and unions on teachers' pay and conditions in England and Wales. I understand that they are meeting again at ACAS tomorrow. I hope that they will think again about the pay structure which they propose. It is a matter of mere common sense that no profession could operate effectively with such a structure.

TEACHERS' PAY - STRUCTURE - LINE TO TAKE

1. The money that the Government is willing to make available for teachers' pay will mean an average 16.4% increase by next October - making an average 25% increase over the 18 months to then.

2. The Government has made clear that in return for this there must - for the sake of our children's education - be a pay structure which would allow for the effective management of schools, and reward good teaching in the classroom and the acceptance of additional responsibilities. A structure which would provide real professional career opportunities for teachers - including good classroom teachers.

3. The draft agreement produced by Mr Pearman and some of the unions does not do this. There is one long main grade and only two relatively small promotion allowances. No profession could operate effectively with such a structure. For example:

(i) it provides an insufficient number of promotion allowances to meet the needs across the whole of the school system.

(ii) half of all deputy heads would receive very little more - £1,000 or less - than an ordinary teacher at the top of the scale.

4. Many teachers, especially senior teachers, are saying that there must be a structure which has sufficient rewards for good teaching and additional responsibility and allow effective management of schools.

DES
19.11.86

TEACHERS' PAY AND CONDITIONS

BACKGROUND NOTE

1. A draft agreement was endorsed but not signed by the local authority employers and 4 teacher unions (NUT, AMMA, SHA, PAT) early on Saturday morning at ACAS. NAHT and NAS/UWT did not endorse the draft agreement.

2. Yesterday the Secretary of State saw Sir John Wood, Chairman of the ACAS Panel, and told him that the proposed pay structure was not acceptable to the Government. He asked that the parties should think again. Sir John reported this to the unions and to the employers' officials, and subsequently saw each union separately. We understand that he has asked for a response by tomorrow morning. We do not know what suggestions he may have made to improve the structure.

3. The parties meet again at ACAS tomorrow, and we understand that at present a majority on each side still intend to sign an agreement then.

4. MISC.122 is due to meet next Wednesday to consider the position and Ministers' future course of action.

CONFIDENTIAL

1

DEPARTMENT OF EDUCATION AND SCIENCE

ELIZABETH HOUSE YORK ROAD LONDON SE1 7PH

TELEPHONE 01-934 9000

FROM THE SECRETARY OF STATE

The Rt Hon Nigel Lawson MP
Chancellor of the Exchequer
Parliament Street
LONDON
SW1P 3AG

20 November 1986

NIBP7

Dear Nigel.

TEACHERS' PAY

Thank you for your letter of 5 November about regional pay variation for teachers and others. My officials are in touch with yours and will be watching closely to see how progress can be made in the case of the Civil Service and the NHS, where the Government is the employer.

I fully share your view about the desirability of introducing flexibility to allow for regional pay variation. I do not think I should make any overt reference to such possibilities for teachers at present. But the legislation I am proposing for an interim advisory committee would permit me to require that committee to consider regional pay variation as soon as the time is ripe.

I am copying this to the Prime Minister and other members of MISC 122 and to Sir Robert Armstrong.

Yours ever

Kenneth

CONFIDENTIAL

PERSONAL AND CONFIDENTIAL

TR/BCU file

bc. B.G.

SUBJECT cc MASTER

10 DOWNING STREET

LONDON SW1A 2AA

From the Private Secretary

17 November 1986

Dear Bob,

TEACHERS PAY

The Prime Minister this morning held a small meeting to discuss the latest position on teachers pay. There were present your Secretary of State, the Chief Secretary, Professor Brian Griffiths and Mr. Brian Unwin.

Your Secretary of State said that a draft text had been agreed by the majority of the unions in the early hours of Saturday morning. The final version was unlikely to be received before Friday this week. The agreement represented a considerable advance, in a number of ways. A definition of teaching duties had been agreed and this was to be part of the contract. Appraisal had been accepted. The cost was to be held within 16.4 per cent, and phased. It had been agreed that Burnham should be abolished and replaced by other machinery. Pay and conditions of service were to be negotiated together. There had been agreement on a year of 195 days. The pay structure was not however acceptable to the Government.

Continuing your Secretary of State said that add-ons did not seem as bad as had been feared earlier, for example agreement had been reached on moving to a maximum class size of 33, but this was hedged with careful words. Mr. Baker said his aim was to try to separate class size from the present discussions. The Government could not be seen as being in favour of large classes, but limits on class size would not be acceptable: their imposition would restrict the room for manoeuvre on education reform and parental choice. Mr. Baker noted that a substantial part of the package was acceptable, and the more the Government could accept, the easier the legislation would be to carry through.

In discussion it was noted that the more the Government accepted the greater would be the risk of undermining the position that no government money would be provided without acceptance of the full package.

It was agreed that your Secretary of State would answer a PNQ today rather than convert the PNQ into a statement. He should take a holding line, but say that the Government's conditions were clear. He should agree to meet employers, unions, Sir John Wood, and any others who might wish to see him this week. The importance of keeping the head teachers out of the weekend agreement was noted. They were concerned about the shape of the future negotiating machinery. It was agreed that your Secretary of State should emphasise that the proposals were for interim arrangements.

As you know, ~~the~~ a meeting of a small group of Ministers is to be held later this week, followed by a meeting of MISC 122 early next week.

I am sending copies of this letter to Jill Rutter (HM Treasury) and to Trevor Woolley (Cabinet Office).

Yours,

David.

(DAVID NORGROVE)

R. L. Smith, Esq.,
Department of Education and Science.

CONFIDENTIAL

To: Mr D Norgrove
From: J B Unwin

Teachers' Pay: Cabinet on 13 November

The Education Secretary is likely to report on this at Cabinet tomorrow. Decisions may be necessary on whether he should announce in his speech in the Debate on the Address tomorrow afternoon the Government's reaction to the latest proposals by the employers and teachers' unions. The main issues are summarised below.

Latest Developments

2. The situation is still far from clear and may not crystalise until the early hours of tomorrow morning. DES believe, however, that some sort of agreement is likely to emerge between the majority of the employers and teachers. This could contain four elements:-

i. on teachers' duties, based on the 19 points. This will probably be broadly acceptable;

ii. on pay levels. This is likely to be deliberately constrained within the cost of the Government's offer;

iii. on pay structure. It is far from clear what will emerge. It could be a modified Coventry - but few details have yet emerged;

iv. add-on costs - stemming from reductions in class size, contact time etc. These will probably be phased in over a period starting next academic year, but the long-term costs could run into £ hundreds of millions.

CONFIDENTIAL

Issues for decision

3. Mr Baker will report the latest position to Cabinet. If his view is that he should declare the Government's position in tomorrow afternoon's Debate, he will want to seek clearance for it. The main options could well be as follows:-

a. the package might be acceptable on points (i) to (iii) above (i.e. including pay structure), but unacceptable (on cost grounds) on (iv). If so, it would be open to the Government to say that they accept items (i) to (iii) of the agreement, as being consistent with the Government's own proposals, but that they reject (iv), which could be an issue for consideration by the proposed new Advisory Committee. This course would avoid the Government having to impose a pay settlement by legislation immediately; and it would be difficult for the teacher unions to command support for widespread industrial action against it. But before adopting this response it would be necessary to be fully satisfied that items (i) to (iii) of the package were acceptable, particularly the proposals on pay structure;

b. If it is clear that the pay structure proposals, or any other elements of (i) to (iii) are unacceptable, then the right course would presumably be for Mr Baker to make this quite clear tomorrow and to announce that the Government will proceed with the legislation it has foreshadowed. There would seem little advantage in delaying such a response.

HANDLING

4. The Prime Minister will want to ask the Education Secretary to speak first, and then to invite other colleagues closely concerned to contribute, starting with the Chancellor of the Exchequer and/or Chief Secretary, and then the Welsh Secretary

and the Scottish Secretary. If it is not possible to reach conclusions at Cabinet, it may be necessary to see whether a further separate meeting of the Ministers primarily concerned can be arranged later in the day.

J B UNWIN
Cabinet Office
12 November, 1986

DAVID

TEACHERS

The following has just been printed on the PA tape:

Employers leader announced a majority of teachers unions have agreed a new pay deal. He refused to say how many of the six unions had backed the deal, and refused to give details of agreement. But he believed that even those unions which had expressed reservations would agree to the deal before the night was out.

Debbie G
12 November

CONFIDENTIAL

PRIME MINISTER

I promised to report further today on the talks on teachers' pay and conditions of service in Nottingham.

My representatives reminded Sir John Wood yesterday, on my instructions, that proposals costing more than the Government's offer or proposals based on the Coventry pay structure would not be acceptable to the Government. You will have seen the result in this morning's Press. Both the employers' leader John Pearman and McAvoy of the NUT have made known their intention to conclude a deal on their own terms regardless of what I may say. Their hostile reaction will have made it very clear to the public that they were considering outcomes incompatible with the Government's proposals.

They may seek to table tomorrow a pay structure based on Coventry which comes within the Government's cost for the first 2 years, but will have a much higher long term cost. I judge it necessary therefore to emphasise the longer term costs of our package which are £2.4 billion for 4 years and £3.3 billion for 5 years.

The talks in Nottingham adjourned this morning without any agreement. They always had to finish today since hotel accommodation was not available for tonight. ACAS have issued a holding statement saying that some progress has been made and talks will resume tomorrow morning at ACAS headquarters in London.

I will continue to keep colleagues in touch with developments. Copies go to members of MISC 122 and to Sir Robert Armstrong.

KB
Department of Education and Science
(Agreed by the Secretary of State
and initialled in his absence)

11 November 1986

CONFIDENTIAL

P 02346

From: J B UNWIN
10 November 1986

Prime Minister 2

DLS 10/11

The paras on England are overtaken by Mr Baker's minute. But see paras 6 and 7 on Scotland. DLS

MR NORGROVE

TEACHERS PAY

You may like to have the following summary of where matters stand, based on conversations I have had this afternoon with DES and the Scottish Office.

pro

England and Wales

2. The Nottingham meeting has spent most of the weekend discussing the 19 points, and questions of class size, contact time and cover for absent colleagues. Changes to the 19 points are claimed to be semantic rather than of substance, but DES are sceptical about this. On class size and contact time, there is a report that Mr Pearman may have persuaded the employers to do business on terms that could prove very expensive (as much as £300 million a year when fully implemented has been mentioned, but there are so far no details or authority for this).

3. On pay structure, DES now expect Mr Pearman or Sir John Wood to seek a vote among the union representatives on whether they wish to start formulating proposals on the basis of the Coventry agreement, or the Government's proposals. With the exception of secondary school heads, there is likely to be an overwhelming majority in favour of Coventry. With the changes that can be expected, the outcome is likely to be even worse for differentials than the original package.

4. Discussions are likely to go on late into tonight, and may well continue tomorrow. On the basis of the above reports (which are necessarily sketchy because much of the crucial discussion is taking place in separate groups and rooms from which the DES

representatives are excluded), a very unsatisfactory majority package could emerge. DES officials are therefore considering with Mr Baker whether their representatives should now be instructed to ensure that it is made absolutely and openly clear again to all the parties concerned that any package with extra costs or with the Coventry pay structure and differentials would simply be unacceptable to the Government. I have encouraged DES to take this course. There is a risk that such intervention could be portrayed as wrecking the negotiation; but the Government would be in a much more difficult position if an unsatisfactory agreement did emerge and it were claimed that Government representatives had been present throughout and had not blown the whistle.

5. I have also suggested to DES that the Secretary of State should circulate later tonight or tomorrow an assessment of developments to the Prime Minister and to MISC 122.

Scotland

6. Events there are moving more slowly. As you will have seen from press reports, the EIS executive have rejected the Government's proposals and announced their intention of putting the issue to a ballot. The way in which this is to be organised is not yet known, but the Scottish Office do not expect the results to be available for around another 2 weeks. They cannot, of course, predict the outcome; but the feeling among the Scottish Office officials most closely concerned seems to be that the EIS will probably win, but not by all that big a majority. If this is the case, it would not give them a very strong mandate for further strike action, particularly since the second largest union, the Scottish Secondary Teachers, have themselves indicated that they wish to start negotiations soon on the Government's proposals.

7. The Scottish Secretary is apparently getting a good press. Today's Glasgow Herald, for example, has a front page story very critical of the EIS. In order to keep up the pressure, Mr Rifkind has also made it clear that he would be ready to legislate if there is no satisfactory voluntary agreement. There are some welcome indications too that parents are beginning to support the Government's stance.

J B UNWIN

Cabinet Office

10 XII
PM

DIO

cc BG

Prime Minister 2

DLS
10/11

PRIME MINISTER

You will have seen Press reports on the talks on teachers' pay and conditions of service which are still going on in Nottingham.

The Labour leader of the employers, John Pearman, is deliberately playing something of a lone hand. He has been negotiating mainly with McAvoy of the NUT, in the presence of Sir John Wood, and reporting back infrequently and incompletely to his colleagues. Neither my representatives nor the Conservative elected members who are present have full knowledge of what has been going on.

It appears however that a redraft has been arrived at between Pearman and McAvoy of the 19 duties which we want to see teachers carry out. Pearman claims that while the wording has been altered the meaning is intact. We shall have to study the new wording when it is available.

There have also been discussions on teachers' working hours and on class sizes. It seems that Pearman may be going to offer a maximum class size of 32, and unspecified concessions from the 1300 hours worked at the direction of the head and on remission from teaching. It has been suggested by LACSAB officials that the cost might be as much as £300 million a year when fully implemented.

Pearman apparently asked the teachers this morning whether they wanted to negotiate a pay structure based on the Coventry heads of agreement or one based on the Government's proposals. The voting among the teachers was apparently 24 for the Coventry basis, 2 abstentions including NAHT and PAT and 1 against - SHA. Pearman now intends to make a new offer on pay this afternoon. He claims that this will cost the same as the Government's offer in 1986-87 and 1987-88. He has however acknowledged privately to my officials that the offer will not accord with my views. It is likely to contain a long

basic scale and inadequate differentials. Press reports suggest that the basic scale may go as high as £15500. In that case the offer would have a huge deferred cost as teachers rose up the scale.

There is a clear risk that this process will lead to an "agreement" between a majority of the employers and a majority of the teachers costing more than our proposals and with inadequate Coventry-type differentials. I have therefore instructed my representatives formally again to tell Sir John Wood, and to ask him to tell the employers and the teachers that he has received the message, that proposals costing more than the Government's proposals or proposals based on the Coventry pay structure will not be acceptable to the Government. It is just possible that this message will bring the negotiations to a halt. That would be better than their leading to an unacceptable agreement which Pearman could say my representatives had not objected to.

Conservative elected members have already told me of their unhappiness with what is going on. It may be that once Pearman's full offer is on the table they will want to walk out. Any such action would need to be coordinated with what my own representatives do. I shall not hesitate to withdraw them if it appears that their continued presence would lend credibility to an unacceptable package proposed by Pearman.

I shall report again tomorrow.

Copies go to colleagues in membership of MISC 122 and to Sir Robert Armstrong.

ELS

p.p. KB
Department of Education and Science
(Approved by the Secretary of State and initialled in his absence)

10 November 1986

H1SS17

DEPARTMENT OF EDUCATION AND SCIENCE

ELIZABETH HOUSE YORK ROAD LONDON SE1 7PH

TELEPHONE 01-934 9000

FROM THE SECRETARY OF STATE

NBPM.

6 November 1986

Dear Colleague,

TEACHERS' PAY AND CONDITIONS

I thought you would like a copy of my letter which was delivered to the head teacher of every school in England yesterday.

I wrote this letter, enclosing five copies for distribution within each school, so that all teachers should have the facts about the proposals I announced in the House last Thursday.

Parents, school governors, and indeed all taxpayers and ratepayers will also be interested in these facts, and I anticipate that you will receive numerous inquiries from your constituents. I hope therefore that the enclosures to this letter will be of assistance in dealing with such inquiries. Further copies are available in the Vote Office.

Yours ever,

Kenneth Baker

DEPARTMENT OF EDUCATION AND SCIENCE
ELIZABETH HOUSE YORK ROAD LONDON SE1 7PH
TELEPHONE 01-934 9000

FROM THE SECRETARY OF STATE

4, November 1986

Dear Headteacher,

I consider it most important that head teachers and their staff should have direct access to the full and precise details of the proposals which I sent to the leader of the management panel of the Burnham Primary and Secondary Committee on 30 October.

I am therefore sending you five copies of that letter together with its attachment for you to pass on to your staff as you feel appropriate. I am also enclosing five copies of tables which spell out the assimilation arrangements outlined in paragraphs 4 and 7 of the attachment.

Sir David Hancock is writing today to your Chief Education Officer, enclosing a copy of this letter and its attachments.

Yours sincerely,

Kenneth Baker

DEPARTMENT OF EDUCATION AND SCIENCE
ELIZABETH HOUSE YORK ROAD LONDON SE1 7PH
TELEPHONE 01-934 9000

FROM THE SECRETARY OF STATE

John Pearman Esq
Chairman of the Management Panel
Burnham Primary and Secondary Committee
LACSAB
41 Belgrave Square
LONDON SW1

30, October 1986

Dear John,

SCHOOL TEACHERS' PAY AND DUTIES

When we met on 23 October I expressed my concern about the absence of progress towards an acceptable package covering teachers' pay, professional duties and contracts which the Government would be willing to support. You have long made it clear that such support was an essential condition for finalising any deal with the teachers. It is important that you should know precisely where the Government stands before the negotiating process takes up again, in Nottingham on 8 November. To that end, I have now set out the Government's position in a statement to the House, a copy of which I attach. This letter explains the considerations underlying the Government's proposals and offers further details.

I do not regard the shape of the "Coventry" salary structure as satisfactory. It compresses differentials, cuts back on promotion opportunities for better teachers and those who carry additional responsibility, and fails to provide the flexibility which management must have if it is to deal with subject shortages, transfers between schools and the staffing of difficult schools. I am concerned about the list of additional pay demands presented by the teachers two weeks ago despite their earlier majority support for your Coventry heads of agreement. I note that all are chipping away at that understanding and I have had to conclude that further negotiations starting from the position reached at Coventry cannot yield a final bargain which properly reflects the needs of schools.

You have long known that the Government is willing to see increased expenditure on teachers' pay, on stated conditions. The first is that there must be a pay structure with adequate differentials to reflect the varying responsibilities of teachers and the need to recruit, retain and motivate teachers throughout the school system and at all stages of their careers. The second is that school teachers' contracts and conditions of service should be brought into line with the 19 points discussed at Coventry. Contracts must leave no room for ambiguity about teachers' duties and must expressly provide for school teachers to cover for absent colleagues and for them to be available to work at the direction of head teachers for 1,300 hours over 195 days each year.

You also know that the Government has had the Main Report for Scotland under consideration for some weeks now and that we have been taking a close interest in the negotiations in England and Wales. I have to tell you plainly that the Government has concluded that the employers and unions in England and Wales should reach agreement on a pay package based on the relevant Main recommendations, with such adaptation as is needed to accommodate differences in the educational systems North and South. If a Burnham agreement on that basis can be reached, within the 16.4% cost envelope of the Main Report, for implementation in two equal stages on 1 January 1987 and 1 October 1987 respectively, and if a satisfactory parallel agreement on duties and conditions of service is concluded in CLEA/ST – within the same cost envelope – then the Government will be willing to make additional expenditure provision for teachers' pay this year and next. Fuller details of the basis of agreement which the Government would be willing to underwrite are given in the attachment to this letter. The Government is not willing to provide for any additional expenditure for teachers' pay on any other basis or for any other changes beyond the terms of this letter and its attachment.

Agreements of this kind would involve substantial additional expenditure on teachers' pay. That cost would fall to be shared between tax-payers and rate-payers. For its part the Government would be willing to increase education GREs by the full costs of the changes in pay levels and structure envisaged in the attached proposals – £118m for 1986/87 and £490m for 1987/88. It would increase block grant to local authorities by £56m and £200m in those years.

I recognise that the Government's proposals will involve substantial further work at Nottingham to draw up appropriate agreements which will command our support and justify release of the additional resources. I am confident that with goodwill on all sides that work can be completed swiftly, the agreements formally concluded and parents and pupils assured of uninterrupted education of high quality. I must make it clear that the matter must now be resolved on all the terms and conditions I have set out. For teachers the benefits are great – clarity about the nature of their professional task and cumulative average pay increases of 25% over the 2 years to October 1987.

Lastly, I should give you early warning of my intentions regarding the future of Burnham. The last few years have shown that there is wide acceptance that the present negotiating machinery should be replaced. The Government therefore intends to legislate to end Burnham and to bring forward proposals for new machinery involving an interim committee to advise the Secretary of State on school teachers' conditions of service and the distribution of pay within the resources available at the appropriate time.

Yours sincerely

Kenneth Baker

TEACHERS' PAY AND DUTIES: GOVERNMENT PROPOSALS

1. The Government believes that the salary structure recommended for Scotland by the Main Committee should be adopted for England and Wales, with such adaptation as is needed to reflect the different education system in England and Wales. The new structure should give a much improved scale maximum for the unpromoted classroom teacher. That maximum would be reached after 6 to 9 years' service, depending on entry qualifications. The availability of promoted posts should be much increased, with new principal teacher posts being phased in over a 3-year period so that in the primary sector 40% of all teachers would be heads, deputies or holders of promoted posts, with a corresponding secondary figure of 60%. The Government believes that the availability of such promotion opportunities within teaching is essential to provide proper rewards for good teaching and additional responsibility. It is also important for staffing and career management reasons – to allow schools to attract teachers in short supply, to facilitate changes of school where that is in the best interests of teacher and school and to provide a management tier within the school which involves a substantial proportion of the school staff.

2. Accordingly, the Government proposes that the present structure should be replaced by a 9-point scale as follows:

SCALE POINT	£
1	7,900
2	8,200
3	8,500
4	9,200
5	10,000
6	10,800
7	11,400
8	12,000
9	12,700

Trained graduates without teaching or other valuable experience would start at point 1, trained good honours graduates at point 3. Employers would have discretion to fix higher starting salaries if they judged that appropriate – examples would be teachers who had undertaken further post-graduate study or research or who offered qualifications or experience of special relevance to teaching. The few non-graduates still entering teaching would start at a sub-scale salary of £7,600, proceeding to point 1 after 1 year's service. The proposed new induction arrangements currently favoured by employers, unions and the Government could be retained, to apply for the first 2 years of service but without a separate induction scale.

3. For promoted teachers, the Government proposes 5 rates of allowance to be added to the scale salary: £900, £1,800, £2,800, £3,800 and £4,800. The first 3 levels of promoted post would be available for primary schools, all 5 for secondary. The resulting maximum salaries for primary teachers other than heads and deputies would be £13,600, £14,500 and £15,500: for secondary teachers 2 further maxima would be available, £16,500 and £17,500.

4. Assimilation to the new scale would be as follows: Scale 1 teachers on points 0–2 of the present Burnham structure move to £7,600, all others to points 1–7 of the new scale: points 3 and 4 to point 1, point 5 to point 2, point 6 to point 3, points 7 and 8 to point 4, points 9 and 10 to point 5, points 11 and 12 to point 6, point 13 to point 7. Scale 2 salaries would be assimilated in the same way, except that those on the 3 highest points of scale 2 would be assimilated to points 7, 8 and 9 of the new scale.

5. Scale 3 and 4 salaries below the present scale 2 maximum would be assimilated as above. Other scale 3 and 4 and all Senior Teacher points would be assimilated to the new scale maximum. Scale 3 and 4 and Senior Teachers would receive the following additional allowances – scale 3 to receive £900 or £1,800, scale 4 £2,800 or £3,800 and Senior Teacher £3,800 or £4,800.

6. The Main Committee recommended that the availability of promoted posts in Scotland should be increased over a 3-year period. The Government proposes that for England and Wales the availability of promoted posts, including heads and deputies, should be increased over 3 years from September 1987 to 40% for primary and 60% for secondary education.

7. Main recommended single-point salaries for heads, deputies and assistant heads in Scotland. In England and Wales there are no assistant heads and rather more deputies. Also, in England and Wales heads and deputies are on salary scales. The Government would propose a single-point pattern for England and Wales, but retaining the present arrangements for determining school group. The salaries for schools in various groups would be as follows:

SCHOOL GROUP	HEADS £	DEPUTY HEADS £
1	15,500	–
2	16,000	14,750
3	16,500	14,750
4	17,000	15,000
5	17,750	15,375
6	19,000	15,750
7	20,000	16,250
8	21,250	17,000
9	22,750	18,000
10	24,250	19,000
11	26,000	19,750
12	27,750	20,750
13	29,000	21,500
14	30,500	22,250

8. The Government proposes that these new scales should be fully in place by 1 October 1987, with half of the increase payable from 1 January 1987. (For the period to 31 August 1987 that half would be calculated after applying the assimilation rules above to the individual teacher's present salary. For 1–30 September inclusive, the calculation would also take account of any further increment which the teacher would have been due on 1 September under the present salary arrangements.)

The Government attaches great importance to the delivery of uninterrupted education for all school pupils. This means that teachers' professional duties must be set down clearly and linked with individual contracts. Parents, public and teachers themselves are entitled to know exactly what can be expected. The Government considers that the list of duties identified in the report of the relevant ACAS working party should be adopted as describing those matters which fall within the professional obligation of all teachers. Those are as follows:

"1. Plan, prepare, determine and review as necessary personal teaching methods and work programmes.

2. Teach and ensure the discipline and safety of assigned timetabled classes and groups, with the different educational needs of pupils in mind.

3. Set, mark and record pupils' work.

4. Promote the general progress and welfare of a class or group of pupils, and provide initial guidance or counselling on educational, social and career matters.

5. Assess and record pupils' personal and social needs, development, progress and attainment; provide or contribute to oral or written assessments and reports on individual pupils and groups.

6. Contribute to and participate in formal performance appraisal and review, team planning, self-evaluation, in-service training and professional development in assigned areas of the curriculum, and pastoral arrangements.

7. Advise and co-operate with colleagues on teaching programmes, methods, equipment and materials within assigned areas of the curriculum.

8. Co-operate with appropriate specialist agencies and other appropriate outside bodies.

9. Ensure the safety and good order of pupils by carrying out an appropriate share of supervision on pupils' arrival at and departure from school, on dispersal and assembly at the beginning and end of the midday break, whenever pupils are authorised to be on school premises – with the exception of the midday break – and elsewhere when pupils are the responsibility of the school.

10. Consult and liaise with parents, attending meetings arranged for that purpose.

11. Participate in staff meetings and activities.

12. Undertake an appropriate share of the collective staff responsibility to substitute for an absent colleague when required, within limits as agreed.

13. Carry out an appropriate share of such administrative and organisational tasks as flow naturally from the above duties.

14. Take part in arrangements for presenting pupils in public examinations, and contribute expertise to the preparation and development of courses of study and teaching materials in response to changes in public examinations and assessment procedures.

15. Contribute as required to the appointment, induction, professional development and assessment of junior colleagues, including new entrants to teaching.

16. Co-ordinate the work of other teachers, as required, taking a leading professional role in the review, development and management of assigned curricular, pastoral or organisational activities.

17. Supervise ancillary staff where designated to do so.

18. Order and allocate appropriate equipment and materials.

19. Carry out such other related duties and responsibilities at the school as may reasonably be allocated, as need arises, by the Head Teacher."

10. Not all teachers will be called upon to carry out all of these duties. Some of the duties listed are inappropriate to new teachers, for example. What is important is that no teacher should be able to decline a reasonable request to undertake such tasks which in aggregate are essential for the uninterrupted well-being of the school and its pupils.

11. Not all the teacher's work need be done on school premises and not all can be accommodated within the pupil's timetabled week or year. The Government does not propose that the teacher's total commitment should be expressed numerically or that it all be met on school premises. But within the full job a substantial proportion must be carried out in accordance with school policies, at the direction of the head teacher. The Government considers that time at the direction of the head, for performance of duties as listed in paragraph 9 above should be set at 1,300 hours a year over 195 days. 1,300 hours is the period favoured by the employers, having regard to schools' needs, and 195 days were agreed at Coventry, allowing 5 days a year beyond the minimum pupil year for in-service training and other school purposes.

12. The list of duties would be subject to more exact expression in the job descriptions of individual teachers, particularly promoted teachers taking on specific responsibilities attaching to the promoted posts concerned. The general statement of responsibilities and the time for which teachers will be available for work at the direction of the head must be specified in individual contracts.

The duties of head teachers and their deputies extend beyond those of other teachers. The Government would again agree the list of duties identified in the relevant ACAS working party report, coupled with such statement of hours and days of service as may be set by the employing authority at the time of appointment. For heads and deputies responsibilities must be set down in specific terms and incorporated into contracts of employment.

What will teachers earn in October 1987?

SCALES 1 AND 2		SCALE 3		SCALE 4		SENIOR TEACHER	
Present Salary	New Salary	Present Salary	New Salary	Present Salary	New Salary	Present Salary	New Salary
6,423	7,600	8,910	10,900	10,533	14,800	11,349	16,500
6,696	7,600	9,204	11,700	10,986	15,500	11,778	16,500
6,900	7,600	9,501	11,700	11,349	15,500	12,201	16,500
7,107	7,900	9,804	12,300	11,778	15,500	12,627	16,500
7,302	7,900	10,170	12,300	12,201	15,500	13,053	16,500
7,560	8,200	10,533	12,900	12,627	15,500	13,656	16,500
7,824	8,500	10,986	13,600	13,053	15,500	14;151	16,500
8,085	9,200	11,349	13,600	13,656	15,500	14,838	16,500
8,364	9,200	11,778	13,600	14,151	16,500	15,330	17,500
8,637	10,000	12,201	13,600				
8,910	10,000	12,627	14,500				
9,204	10,800						
9,501	10,800						
9,804	11,400						
10,170	11,400						
10,533	12,000						
10,986	12,700						

For each of Scales 3 and 4 and Senior Teacher two levels of allowance are proposed. In general, teachers below the top of scale would be assimilated to the lower allowance and those on the top of scale to the higher allowance.

What will teachers earn in October 1987?

SCHOOL GROUP	DEPUTY HEADS		HEADS	
	Present Scale Maximum	New Salary	Present Scale Maximum	New Salary
1	—	—	12,195	15,500
2	11,163	14,750	12,675	16,000
3	11,163	14,750	13,203	16,500
4	12,000	15,000	14,175	17,000
5	12,846	15,375	15,243	17,750
6	13,179	15,750	16,236	19,000
7	13,878	16,250	17,148	20,000
8	14,517	17,000	18,273	21,250
9	15,288	18,000	19,587	22,750
10	16,185	19,000	20,766	24,250
11	16,929	19,750	22,332	26,000
12	17,820	20,750	23,700	27,750
13	18,324	21,500	24,903	29,000
14	19,104	22,250	26,259	30,500

New salaries are spot salaries. Heads and deputies would receive them whatever their position on the current salary scales.

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CONFIDENTIAL AND PERSONAL

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

5 November 1986

The Rt Hon Kenneth Baker MP
Secretary of State for Education and Science

Dear Kenneth

TEACHERS' PAY

You are, I know, giving urgent consideration to the draft legislation on future arrangements for settling teachers' pay. My reason for writing now is to pick up a point to which I attach great importance, and which has been discussed at various times in MISC 122: the desirability of introducing more flexibility in the teachers' pay system to allow for different rates of pay not only for teachers of subjects in short supply but also to allow for the varying ease of difficulty of recruiting teachers in different parts of the country. I understand, for example, that Newcastle Royal Grammar School (where a 1930's semi-detached house would cost about £25,000) has no difficulty in attracting maths teachers; whereas a similarly good school in Tonbridge (where a comparable house would cost three times as much) has great difficulty in attracting any maths teachers at all.

National pay scales, varied at best by London Weighting, create difficulties in other public services; they result in shortages in some areas and pay above what the market requires in others. They are thus costly and inefficient at the same time. Looked at more widely, national pay scales in the public sector help push up rates in the private sector in areas where labour demand is weak. My officials have work in hand to see what can and should be done in the case of the Civil Service, and I understand that Norman Fowler's officials are considering much the same issues as may arise in the NHS.

I am concerned that we should not miss the opportunity to make progress on this issue with the teaching force, and the references to flexibility in your statement and your letter to John Pearman give a sound basis for doing so. We cannot, of course, expect anything helpful to come out of the Nottingham negotiations, but I hope that in the preparations for events after Nottingham, including draft legislation, this aspect of the teachers' pay issue will be given full weight.

I am copying this to the Prime Minister and other Members of MISC 122.

Yours ever
NIGEL

NIGEL LAWSON

CMAM12D10

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BG

DEPARTMENT OF EDUCATION AND SCIENCE

ELIZABETH HOUSE YORK ROAD LONDON SE1 7PH

TELEPHONE 01-934 9000

FROM THE SECRETARY OF STATE

David Norgrove
Private Secretary
10 Downing Street
LONDON
SW1

4 November 1986

Prime Minister 2

DLS
4/11

Dear David,

TEACHERS' PAY AND CONDITIONS

I attach a copy of a letter which is issuing today to headteachers in England. The Secretary of State has also made arrangements for the national daily newspapers to carry on Thursday a factual "open letter to teachers" setting out the Government's proposals.

I am copying this letter and its attachments to private secretaries to Cabinet Ministers and to Trevor Woolley.

yours sincerely,

Rob Smith.

R L SMITH
Private Secretary

DEPARTMENT OF EDUCATION AND SCIENCE
ELIZABETH HOUSE YORK ROAD LONDON SE1 7PH
TELEPHONE 01-934 9000

FROM THE SECRETARY OF STATE

4, November 1986

Dear Headteacher,

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Chairman of the Management Panel
Burnham Primary and Secondary Committee
LACSAB
41 Belgrave Square
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30 October 1986

Dear John,

SCHOOL TEACHERS' PAY AND DUTIES

When we met on 23 October I expressed my concern about the absence of progress towards an acceptable package covering teachers' pay, professional duties and contracts which the Government would be willing to support. You have long made it clear that such support was an essential condition for finalising any deal with the teachers. It is important that you should know precisely where the Government stands before the negotiating process takes up again, in Nottingham on 8 November. To that end, I have now set out the Government's position in a statement to the House, a copy of which I attach. This letter explains the considerations underlying the Government's proposals and offers further details.

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2. Accordingly, the Government proposes that the present structure should be replaced by a 9-point scale as follows:

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4. Assimilation to the new scale would be as follows: Scale 1 teachers on points 0–2 of the present Burnham structure move to £7,600, all others to points 1–7 of the new scale: points 3 and 4 to point 1, point 5 to point 2, point 6 to point 3, points 7 and 8 to point 4, points 9 and 10 to point 5, points 11 and 12 to point 6, point 13 to point 7. Scale 2 salaries would be assimilated in the same way, except that those on the 3 highest points of scale 2 would be assimilated to points 7, 8 and 9 of the new scale.

5. Scale 3 and 4 salaries below the present scale 2 maximum would be assimilated as above. Other scale 3 and 4 and all Senior Teacher points would be assimilated to the new scale maximum. Scale 3 and 4 and Senior Teachers would receive the following additional allowances – scale 3 to receive £900 or £1,800, scale 4 £2,800 or £3,800 and Senior Teacher £3,800 or £4,800.

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8. The Government proposes that these new scales should be fully in place by 1 October 1987, with half of the increase payable from 1 January 1987. (For the period to 31 August 1987 that half would be calculated after applying the assimilation rules above to the individual teacher's present salary. For 1–30 September inclusive, the calculation would also take account of any further increment which the teacher would have been due on 1 September under the present salary arrangements.)

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6. Contribute to and participate in formal performance appraisal and review, team planning, self-evaluation, in-service training and professional development in assigned areas of the curriculum, and pastoral arrangements.

7. Advise and co-operate with colleagues on teaching programmes, methods, equipment and materials within assigned areas of the curriculum.

8. Co-operate with appropriate specialist agencies and other appropriate outside bodies.

9. Ensure the safety and good order of pupils by carrying out an appropriate share of supervision on pupils' arrival at and departure from school, on dispersal and assembly at the beginning and end of the midday break, whenever pupils are authorised to be on school premises – with the exception of the midday break – and elsewhere when pupils are the responsibility of the school.

10. Consult and liaise with parents, attending meetings arranged for that purpose.

11. Participate in staff meetings and activities.

12. Undertake an appropriate share of the collective staff responsibility to substitute for an absent colleague when required, within limits as agreed.

13. Carry out an appropriate share of such administrative and organisational tasks as flow naturally from the above duties.

14. Take part in arrangements for presenting pupils in public examinations, and contribute expertise to the preparation and development of courses of study and teaching materials in response to changes in public examinations and assessment procedures.

15. Contribute as required to the appointment, induction, professional development and assessment of junior colleagues, including new entrants to teaching.

16. Co-ordinate the work of other teachers, as required, taking a leading professional role in the review, development and management of assigned curricular, pastoral or organisational activities.

17. Supervise ancillary staff where designated to do so.

18. Order and allocate appropriate equipment and materials.

19. Carry out such other related duties and responsibilities at the school as may reasonably be allocated, as need arises, by the Head Teacher."

10. Not all teachers will be called upon to carry out all of these duties. Some of the duties listed are inappropriate to new teachers, for example. What is important is that no teacher should be able to decline a reasonable request to undertake such tasks which in aggregate are essential for the uninterrupted well-being of the school and its pupils.

11. Not all the teacher's work need be done on school premises and not all can be accommodated within the pupil's timetabled week or year. The Government does not propose that the teacher's total commitment should be expressed numerically or that it all be met on school premises. But within the full job a substantial proportion must be carried out in accordance with school policies, at the direction of the head teacher. The Government considers that time at the direction of the head, for performance of duties as listed in paragraph 9 above should be set at 1,300 hours a year over 195 days. 1,300 hours is the period favoured by the employers, having regard to schools' needs, and 195 days were agreed at Coventry, allowing 5 days a year beyond the minimum pupil year for in-service training and other school purposes.

12. The list of duties would be subject to more exact expression in the job descriptions of individual teachers, particularly promoted teachers taking on specific responsibilities attaching to the promoted posts concerned. The general statement of responsibilities and the time for which teachers will be available for work at the direction of the head must be specified in individual contracts.

13. The duties of head teachers and their deputies extend beyond those of other teachers. The Government would again agree the list of duties identified in the relevant ACAS working party report, coupled with such statement of hours and days of service as may be set by the employing authority at the time of appointment. For heads and deputies responsibilities must be set down in specific terms and incorporated into contracts of employment.

What will teachers earn in October 1987?

SCALES 1 AND 2		SCALE 3		SCALE 4		SENIOR TEACHER	
Present Salary	New Salary	Present Salary	New Salary	Present Salary	New Salary	Present Salary	New Salary
6,423	7,600	8,910	10,900	10,533	14,800	11,349	16,500
6,696	7,600	9,204	11,700	10,986	15,500	11,778	16,500
6,900	7,600	9,501	11,700	11,349	15,500	12,201	16,500
7,107	7,900	9,804	12,300	11,778	15,500	12,627	16,500
7,302	7,900	10,170	12,300	12,201	15,500	13,053	16,500
7,560	8,200	10,533	12,900	12,627	15,500	13,656	16,500
7,824	8,500	10,986	13,600	13,053	15,500	14,151	16,500
8,085	9,200	11,349	13,600	13,656	15,500	14,838	16,500
8,364	9,200	11,778	13,600	14,151	16,500	15,330	17,500
8,637	10,000	12,201	13,600				
8,910	10,000	12,627	14,500				
9,204	10,800						
9,501	10,800						
9,804	11,400						
10,170	11,400						
10,533	12,000						
10,986	12,700						

For each of Scales 3 and 4 and Senior Teacher two levels of allowance are proposed. In general, teachers below the top of scale would be assimilated to the lower allowance and those on the top of scale to the higher allowance.

What will teachers earn in October 1987?

SCHOOL GROUP	DEPUTY HEADS		HEADS	
	Present Scale Maximum	New Salary	Present Scale Maximum	New Salary
1	—	—	12,195	15,500
2	11,163	14,750	12,675	16,000
3	11,163	14,750	13,203	16,500
4	12,000	15,000	14,175	17,000
5	12,846	15,375	15,243	17,750
6	13,179	15,750	16,236	19,000
7	13,878	16,250	17,148	20,000
8	14,517	17,000	18,273	21,250
9	15,288	18,000	19,587	22,750
10	16,185	19,000	20,766	24,250
11	16,929	19,750	22,332	26,000
12	17,820	20,750	23,700	27,750
13	18,324	21,500	24,903	29,000
14	19,104	22,250	26,259	30,500

New salaries are spot salaries. Heads and deputies would receive them whatever their position on the current salary scales.

TEACHERS' PAY AND CONDITIONS - ADVERTISEMENT

(L)

1. Following the meeting with the Secretary of State this afternoon, we suggest that the "Dear Teacher" letter embodied in the advertisement should read as follows:

Dear Teacher — Manuscript

"I think it most important that you should have the precise details of what I have said on school teachers' pay and conditions of service.

I ~~have proposed~~ announced in the House of Commons on 30 October that on average teachers' pay should be increased by 16.4% by 1 October 1987, with the first 8.2% of that increase payable from 1 January 1987. By 1 October 1987 the existing pay scales would be replaced by new scales:

- A nine point incremental scale rising from £7,900 to £12,700
- Five additional allowances - £900, £1,800, £2,800, £3,800, £4,800
- Deputy heads' salaries, according to size of school, of £14,750 to £22,250
- Head teachers' salaries, according to size of school, of £15,500 to £30,500.

The chart below shows how existing salaries would be assimilated to the new structure.

Teachers' professional obligations should be clearly defined, so that teachers, head teachers and employers know exactly where they stand. The panel below sets out the definition I propose.

Yours sincerely

Manuscript — Kenneth Baker"

2. The opening sentence is then brought into line with the letter to all head teachers: "I consider it most important that ....".

David

I presume you have already seen this.

Jim Cole

A

CODE 18-77

3. As for the panel containing the nineteen points, we suggest that there should be an additional introductory sentence. For ease of reference I set this down below with all of the other items in the list:

- All teachers will be available, at the reasonable direction of the head teacher, for the 19 duties set out below. (2)
- Individual teachers will not all be called upon to carry out all these duties
- Teachers' work cannot all be carried out within pupils' timetabled hours
- Teachers' work need not all be carried out on school premises
- But a substantial proportion of a teacher's work must be carried out at the discretion of the head teacher
- The teacher time available for work at the direction of the head teacher should be 1300 hours a year spread over 195 days.

4. If the Secretary of State is content, could Mr Millwood be informed immediately so that he can get on with the production.

DW

D WILKINSON
3 November 1986

"1. Plan, prepare, determine and review as necessary personal teaching methods and work programmes.

(3)

2. Teach and ensure the discipline and safety of assigned timetabled classes and groups, with the different educational needs of pupils in mind.

3. Set, mark and record pupils' work.

4. Promote the general progress and welfare of a class or group of pupils, and provide initial guidance or counselling on educational, social and career matters.

5. Assess and record pupils' personal and social needs, development, progress and attainment; provide or contribute to oral or written assessments and reports on individual pupils and groups.

6. Contribute to and participate in formal performance appraisal and review, team planning, self-evaluation, in-service training and professional development in assigned areas of the curriculum, and pastoral arrangements.

7. Advise and co-operate with colleagues on teaching programmes, methods, equipment and materials within assigned areas of the curriculum.

8. Co-operate with appropriate specialist agencies and other appropriate outside bodies.

9. Ensure the safety and good order of pupils by carrying out an appropriate share of supervision on pupils' arrival at and departure from school, on dispersal and assembly at the beginning and end of the midday break, whenever pupils are authorised to be on school premises – with the exception of the midday break – and elsewhere when pupils are the responsibility of the school.

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(3)

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6	13,179	15,750	16,236	19,000
7	13,878	16,250	17,148	20,000
8	14,517	17,000	18,273	21,250
9	15,288	18,000	19,587	22,750
10	16,185	19,000	20,766	24,250
11	16,929	19,750	22,332	26,000
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13	18,324	21,500	24,993	29,000
14	19,104	22,250	26,259	30,500

New salaries are spot salaries. Heads and deputies would receive them whatever their position on the current salary scales.

PERSONAL AND CONFIDENTIAL

File

bc: Mr. Ingham
Mr. Norgrove

10 DOWNING STREET

From the Principal Private Secretary

SIR ROBERT ARMSTRONG

Thank you for your minute of 31 October concerning the stories that had reached you about press handling of the teachers' pay last week. Since your minute made serious allegations about the conduct of the No. 10 Press and Private Offices, I thought it right to take written statements from those concerned. I now attach statements from Mr. Norgrove, Mr. Coe and Mr. Ingham, as well as an earlier minute from Mr. Ingham.

I make the following points:

i) Mr. Norgrove's minute indicates that there was indeed some confusion about the line to be taken by the Press Office on Tuesday, 28 October. It seems from Mr. Coe's minute that this confusion, which concerned the phasing of the teachers' pay deal, was quickly sorted out.

ii) Possibilities of legislation had featured in the press almost a week before the meeting of Misc 122 on 27 October; indeed, Mr. Baker had himself referred publicly to the possibility of legislation, in connection with the replacement of the Burnham machinery, as long ago as 18 July. Despite these earlier indications, neither the Private Office nor the Press Office here knows where the reports in the newspapers on Tuesday 28 October came from.

iii) I do not believe for one moment that Mr. Norgrove, a highly experienced Treasury official, would give instructions for briefing to the effect that Ministers were close to agreement of a package which would cost "£2½ billion over four years" in view of the obvious market sensitivities.

iv) The two points in the penultimate paragraph of Mr. Ingham's minute of 3 November seem to me, both from experience generally and from the evidence of the minutes below, to be an accurate description of the position.

Finally, I cannot forbear from noting in respect of your contacts' information on the actions of the No. 10 Private Office that they have not spoken to any Private Secretary

here, nor spoken to anyone who has spoken to a Private Secretary here, but have spoken only to someone who has spoken to someone who has spoken to a Private Secretary here. It reminds me a bit of what the first chap in the trench said to the second chap in the trench said to the third chap in the trench .....

N.L.W.

N.L. WICKS
3 November 1986

CONFIDENTIAL

10 DOWNING STREET
LONDON SW1A 2AA

From the Private Secretary

3 November 1986

INDUSTRIAL ACTION BY THE NAS/UWT

At a meeting this afternoon it was agreed that your Secretary of State should consider whether teachers taking industrial action should suffer penalties on their pensions as well as loss of pay.

DAVID NORGROVE

Rob Smith, Esq.,
Department of Education and Science

CONFIDENTIAL

PERSONAL AND CONFIDENTIAL

cc Mr Ingham

MR WICKS

TEACHERS

I should like to comment on paragraph three of Sir Robert Armstrong's note to Mr Wicks, which refers to contacts between the DES Press Office, No 10 Private Office and me.

On the morning of Tuesday, 28 October I telephoned Mr Perks, DES Chief Press Officer, and asked him what he could tell me about the reports in the Telegraph, Times and other papers. He said he was as much in the dark as anyone.

I pointed out that we could not be expected to face that morning's Lobby without a line to take. I was pursuing the matter with our Private Office but urged him in the meantime to follow up with his people.

A little later Mr Perks telephoned to say that he had spoken to a Deputy Secretary in the Department and had been told that he should describe the press reports as "speculation". Mr Perks was not satisfied with this and was proposing to put a minute in to the Secretary of State asking if he was prepared for the DES Press Office to take this line. He had also asked for a meeting with the Secretary of State pointing out that No 10 were anxious to agree a line in time for the 11 am Lobby.

I said that the response from the Secretary of State might come too late for the Lobby. I had spoken to our Private Office and the line was prepared to take for the time being was:

PERSONAL AND CONFIDENTIAL

- there had been no split among members of the Committee discussing teachers. Naturally, there were different views, but this was not unusual. As far as we could see Ministers were moving towards agreement;

- if asked about the reported cost of £2.5bn we would say that we couldn't help in terms of the exact amount involved but obviously it would be higher than the figure of £1.25bn that had already been talked about;

- if pressed about the cost of the deal we would point out that it was spread over four years. (Note: after a telephone call from Mr Norgrove, we agreed that this point should not be part of our briefing);

- if asked about the possibility of legislation we would say that legislation was not necessarily the way forward although obviously it was one option. We would have to see;

- for the rest, we would maintain our general line on teachers, ie discussions continuing; Main has reported and has implication for England and Wales as well as Scotland; this is a complicated issue and can't be rushed.

Mr Perks noted that this was our line.

JIM COE
Deputy Press Secretary

3 November 1986

MR WICKS

Sir Robert's account is not correct chronologically.

The position is that I had lunch with Elinor Goodman, Nick Comfort (Telegraph) and Philip Webster (Times) last Monday (October 27) - not Tuesday, October 28 as Sir Robert's note implies. I was struck in retrospect - ie when I saw the Tuesday morning pieces by George Jones (Telegraph) and Nick Wood (Times) - how Messrs Comfort and Webster had let Elinor Goodman make all the running on teachers' pay. I reached the conclusion that they knew that their colleagues had got well sourced information on teachers' pay either over the weekend (as seems likely) or on Monday morning.

I was personally astounded at the detail in George Jones' October 28 front page lead and felt that once again we were being put in an impossible position. I felt this all the more keenly since I knew that the previous week George Jones had information about the dropping of "copyright" legislation to make way for something else which I knew he suspected or believed was an Education Bill.

However, the Secretary of State for Education telephoned me before the 11am Lobby on October 28. We agreed a line and I was able to report to him later that I thought I had got away with the issue of legislation. The press officer's notes show that I said legislation was not the only way to do things though inevitably it was an option. The press officer's notes of the 4pm Lobby on October 28 show we were able to avoid the issue.

I was unable to escape the matter entirely at the morning lobby on October 29 but I was able to get away with saying I could not absolutely knock the idea of legislation on the head; it was an option which had been canvassed. There was no 4pm Lobby on October 29 because of the Westland debate.

In other words, I believe that I got away with the absolute minimum consistent with my credibility, bearing in mind the quite explicit briefing which had clearly been going on during the previous week (presumably to rally support for copyright, tapes levy etc) and on education either over the weekend or on Monday morning.

The facts are that consistently throughout the teachers' pay piece I, and my colleagues in No 10, have found ourselves:

1. trying to hold a line which was being given away selectively elsewhere;

2. being used in a pincer operation with the media playing two ends against the middle, and with journalists trying to bounce DES into confirming briefing falsely alleged to have been given by No 10. As you know I pursued two journalists over this and complained to the Lobby chairman.

Mr Coe is putting in a separate note on aspects of Sir Robert's minute.

BERNARD INGHAM
3 November 1986

PART 8 ends:-

DN to NLW 31/10/86

PART 9 begins:-

B1 to NLW 3/11/86

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22
A B C D E F G H I J K L
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