

PRIME MINISTER

Teachers' Pay - Arrangements for Arbitration

I enclose the detailed regulations relating to the arrangements for arbitration. The Chairman would be appointed by ACAS "after consultation with the two panels". The latter in effect means that both the unions and the management side are able to veto anybody whom they dislike. The Government of course have a member on the management panel, but he can be out-voted by the local authorities. The Secretary of State for Employment has no formal means of influencing ACAS's choice; and the Department of Employment tell me that ACAS are unlikely to take kindly to any informal pressures. In short, it seems unlikely that we could be at all confident of getting a tough <sup>Chairman.</sup> ~~arbitrator~~. The most that we could hope for would be to veto, through our representation on the management panel, a "give away" <sup>Chairman.</sup> ~~arbitrator~~.

The other two members of the arbitral body are selected by ACAS - from lists put forward by the teachers and management panels. There is thus a fair chance that at least one member - i.e. the management panel appointee - would be tough; but again, because we are in a minority on the management panel, we cannot guarantee to get the person we would like.

14 May 1979

12

ARRANGEMENTS FOR ARBITRATION

In exercise of the power conferred on me by section 3 of the Remuneration of Teachers Act 1965, after consultation with the bodies represented on the Committees constituted under section 1 of that Act, I hereby make the following Arrangements.

Arbitral body

1. An arbitral body shall consist of three members, a Chairman, who shall be an independent person appointed by the ~~Minister of Labour~~<sup>ACAS</sup> after consultation with the Panels, and two members who shall be selected by the ~~Minister of Labour~~<sup>ACAS</sup>, one from each of two lists of not fewer than four persons each considered suitable by the Teachers Panel and by the Management Panel respectively of the relevant Committee.
2. Civil servants; members and employees of local education authorities and their committees; and members, representatives and employees of organisations appointing members to any Committee under the Act shall be ineligible for appointment as members of an arbitral body.
3. Where the other members of an arbitral body are unable to agree as to an award, the matter shall be decided by the Chairman acting with the full powers of an umpire.
4. Subject to these arrangements, rules governing the procedure of the arbitration shall be determined by the Chairman of the arbitral body after consultation with the two Panels of the relevant Committee.

Nature of arbitrable issues

5. The issues to be arbitrable shall be limited to matters which fall within the competence of the relevant Committee, but once a salaries document has been put into effect by order no arbitration can take place on its contents.

Procedure for deciding whether reference shall be made to arbitration

6. Each Panel shall table before the relevant Committee all the proposals that it wishes to have considered and full opportunity for discussion and negotiation shall be allowed thereon before either Panel may propose that a reference be made to the arbitral body.
7. Where either Panel declares that in its opinion the conditions in the previous paragraph have been fulfilled and has proposed that a reference be made to the arbitral body and the other Panel agrees, such a reference shall be made.
8. Where a declaration and proposal as in the previous paragraph have been made by either Panel and the other Panel does not agree, the Chairman of the relevant Committee shall decide whether the conditions in paragraph 6 have been fulfilled and where he decides that they have been fulfilled, a reference shall be made to the arbitral body. The Chairman's decisions in these matters shall be binding.

Scope and references to arbitration

9. The reference to the arbitral body shall cover all matters that have been tabled before the relevant Committee and that have not subsequently been withdrawn unless the two Panels agree that it is desirable and practicable to cover particular matters separately from other matters, in which case the reference shall cover those particular matters only.

Invitation to arbitral body

10. When a reference to the arbitral body, and its scope, have been decided in accordance with paragraphs 6 to 9, the Chairman of the Committee shall inform the ~~Minister of Labour~~<sup>ACAS</sup> and invite him to convene an arbitral body for the purpose.

Terms of reference to be submitted to the arbitral body

11. The Chairman of the relevant Committee shall then submit terms of reference to the arbitral body. These shall be in such form as the two Panels may agree, or as the Chairman may settle in default of such agreement.

Evidence to be submitted to the arbitral body

12. Evidence whether oral or written or both shall be given, in such form as the arbitral body may require, on behalf of the Teachers Panel as a whole and of the Management Panel as a whole respectively. Each side shall receive copies of the written evidence, and oral evidence shall be given in the presence of each side.

13. Each Panel may give such evidence as it thinks fit irrespective of any statements it may previously have made in the course of negotiations.

14. Both Panels may, by agreement and at any time, make arrangements to inform the arbitral body of any issues within the terms of reference on which they are, or have become, agreed.

General

15. Nothing in these arrangements shall prevent the Chairman of the relevant Committee, either at the request of either Panel or at his own discretion, from using his good offices to help the two Panels to reach agreement on any matters in dispute.

16. These Arrangements shall remain in force until they are terminated by the Secretary of State.

ANTHONY CROSLAND.

Secretary of State for Education  
and Science

14th April, 1965.

*Note:*

*The above arrangements are made in accordance with § 3 of the Remuneration of Teachers Act 1965 as amended by paragraph 11, Part IV, Schedule 6 of the Employment Protection Act 1975 (the main effect of which is to substitute "RTAS" for "Ministry of Education" and delete the reference (in the RTA) to the Ministry of Education paying remuneration or allowances to the arbitrator).*