



Treasury Chambers, Parliament Street, SW1P 3AG

13 March 1981

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

12

John Willie

EMERGENCY POWERS LEGISLATION

I have seen your paper CCU(81)22 covering your proposed draft minute to the Prime Minister. I am sorry to have missed your deadline.

I am generally content with the paper, but I am afraid I cannot accept the final sentence of paragraph 4. You are well aware of my views on this subject, and I need not deploy here the arguments which were I think generally accepted at Ministerial CCU. Certainly, as the beginning of paragraph 4 of the draft points out, CCU clearly accepted that we should press ahead with contingency drafting. Accordingly, though I entirely accept that E Committee must assess the balance between the views of CCU and those expressed by the Chancellor of the Duchy, I think it would be totally wrong for CCU to resile from its original position, and to accept the Chancellor of the Duchy's views without discussion.

I hope, therefore, you will agree to have the final sentence of paragraph 4 deleted, and replaced by a sentence which indicated that E Committee would need to assess the balance between the views of CCU and the difficulties raised by the Chancellor of the Duchy.

I am sending copies of this letter to CCU colleagues and to Sir Robert Armstrong.

John Willie *Nigel*

NIGEL LAWSON

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R H

Gore Mach

cc FCO D/T
HMT D/N
D/I CH SEC, HMT
LPO CO
D/EMP
MAFF

16 March, 1981

The Use of Volunteers During Industrial
Action

The Prime Minister has now had an opportunity to consider the Home Secretary's minute of 2 March and the report of the Civil Contingencies Unit which he enclosed with it. The Prime Minister is content with the conclusions of the report.

I am sending copies of this letter to the Private Secretaries to members of E Committee and David Wright (Cabinet Office).

T. P. LANKESTER

J Halliday, Esq
Home Office

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Treasury Chambers, Parliament
Street, SW1P 3AG

Mr Lankester

With the Compliments of the
Private Secretary to the
Financial Secretary

The Duty Clerk in 'Confidential' asked if the FST had comments on the Home Secretary's minute of 16 March to the Prime Minister. He has none as such, but you may like to see his letter to the Home Secretary on the latter's proposed draft. Roy Westwater 24/3/61



10 DOWNING STREET

Prime Minister

Water

The possible use of retired
managers is discussed and
recommended, in para 21. "Good
neighbour" schemes (para 8) would
also help in the case of a
water strike - viz. carrying buckets.

Can I now say
you are content?

Yes
12
18/7

ACTION

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Pratt

The Home Secretary would like to clear his report

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E(81) 26

2 March 1981

Nothing about wider?

COPY NO

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in compendium. Are you content with the conclusions?

CABINET

MINISTERIAL COMMITTEE ON ECONOMIC STRATEGY

R.

43

THE USE OF VOLUNTEERS DURING INDUSTRIAL ACTION

Note by the Secretary of State for the Home Department

1. At our meeting on 4 December 1979 (E(79) 17th Meeting, Item 4) colleagues approved my interim conclusions on the use of volunteers during industrial action (E(79) 71) and commissioned further work.
2. I now attach a report by the Civil Contingencies Unit (CCU) on the outstanding issues. This has been approved at a meeting of the Unit at Ministerial level under my chairmanship.
3. I conclude from this comprehensive review that there is scope for the employment of volunteers during industrial action in the road haulage industry, health services, local authority services and in telecommunications (paragraphs 6, 7, 8 and 14). CCU Ministers are clear that the Government should do all that is possible to demonstrate their sympathetic attitude to the use of volunteers during industrial action. There is a positive role to be played here. We are in general agreement however that the co-ordination of volunteer effort is best done in the first instance by the employers directly concerned with industrial action, rather than by the Government. A good example of Government attitude and local involvement is demonstrated in the guidance issued by Health Ministers to the National Health Service at the end of 1979 (paragraph 7). As regards the use of retired personnel with experience to assist 'supervisors' in industries affected by disputes, names and addresses are readily available from superannuation records. In the Civil Service, Ministers have now confirmed the

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limitations identified by officials on the use of such personnel (paragraphs 20 and 21). Consideration has also been given to the possible need and scope for changes in existing Emergency Powers legislation, and I am reporting separately on the conclusions reached.

4. I invite my colleagues to endorse this report and to note that CCU will draw on its conclusions when considering future contingency arrangements for ensuring in an emergency the supplies and services essential to the life of the community. In the absence of comment to the contrary by 16 March 1981 I shall assume that endorsement has been given and that no discussion in Committee is required.

W W

Home Department

2 March 1981

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THE USE OF VOLUNTEERS DURING INDUSTRIAL ACTION

Report by the Civil Contingencies Unit

INTRODUCTION

1. The Home Secretary reported to the Ministerial Committee on Economic Strategy (E) in November 1979 (E(79) 71) that there were six areas where the use of volunteers seemed most promising -

- i. driving road vehicles;
- ii. hospital ancillary tasks;
- iii. personal social service tasks;
- iv. 'good neighbour' schemes to cover services affected by strikes to water supply, refuse disposal and clearance of ice or snow from residential streets or pavements;
- v. safety tasks where gas supplies are threatened;
- vi. grave digging.

He also mentioned that the scope for volunteers was being further studied by Departments concerned in five further areas -

- vii. broadcasting;
- viii. Civil Service;
- ix. railways;
- x. docks;
- xi. telecommunications.

2. The Committee considered this report on 4 December 1979 (E(79) 17th Meeting, Item 4). They approved consultation with employers in every case except that consultation about driving road vehicles was initially to be with local authorities only; and they should not be approached until the outcome of the then current pay negotiations was known. It was agreed that the Home Secretary would consider further, in consultation with others where appropriate -

- a. The case for reviving the Civil Defence Organisation.
- b. The case for amending legislation to permit the use of the Territorial Army.
- c. Whether any further changes in existing emergency powers legislation were needed in the volunteer context.
- d. The question of the provision of premises for the use of volunteers, in the light of consultation with employers.

3. The Committee further noted that particular attention should be given to the preparation of lists of retired management personnel who might be able to assist with the maintenance of essential supplies in an emergency, particularly the water industry; and that similar action might be possible in the case of essential computer operations.

4. Articles by Peter Hennessy in the Times on 17 and 18 July 1980 had focussed public and parliamentary attention on the use of volunteers during industrial action. His further article on 19 November gave a mischievous account of the alleged course of Ministerial discussions.

5. A provisional report by officials on the outstanding issues was considered at a meeting of the Unit at Ministerial level under the Home Secretary's chairmanship on 30 October 1980 (CCU(80) 9th Meeting). This meeting concluded that the officials' report was unduly negative; that there was appreciable scope for using volunteers in some areas; and that the report should be re-cast accordingly. That has since been done, and the following paragraphs now represent the considered views of the Unit at Ministerial level.

PRESENT SITUATION

Driving Road Vehicles

6. The Secretary of State for Transport considers that in the event of a road haulage strike, opportunities for volunteers to step in and drive vehicles should be exploited to the full. The most effective way to provide such opportunities would be likely to be found in employers themselves making the necessary arrangements locally and informally. As well as being the most effective way to keep things moving, it would avoid problems of responsibility for the safety of vehicles and their loads since these would remain with transport operators who are best able to judge the risks involved. But if the circumstances were such that this approach was not appropriate or possible, the Secretary of State would decide, in the light of events at the time, whether his Department should initiate and manage directly a volunteers' scheme. To this end broad outline plans for using volunteers with or without requisitioned vehicles have been prepared. Because the circumstances of every dispute are so different the Secretary of State feels that more detailed contingency planning would be inappropriate and wasteful; and he does not feel that it would be appropriate to discuss such plans in advance with employers.

7. Hospital ancillary tasks eg catering, porters, cleaners, drivers, stokers and ward orderlies. Employers are Health Authorities. At the end of 1979 Health Ministers advised them by circular that they should feel free, if they saw fit, to make such use of volunteers as they felt necessary during a dispute, and that they should consider how best to tap the help the general public are usually and spontaneously prepared to offer in response to the needs of sick people. The Department of Health and Social Security (DHSS) have no information about the extent of Health Authorities' plans in this field and the Minister of Health has decided that it would be preferable not to seek it, since it would be difficult to ensure confidentiality in making such inquiries, and in view of the sensitivity of the subject any leaks could prove counter-productive. The position in Scotland is broadly similar. See also paragraph 4 of the attached Annex for reaction by trade unions and voluntary agencies to the DHSS circular.

Local Authority services

8. This group embraces personal social service tasks (eg residential homes, day centres, home helps, meals on wheels): 'good neighbour' schemes (water supply, refuse disposal, snow clearance); grave digging; and the driving of local authorities' own vehicles. The consultations referred to in paragraph 2 above were delayed for longer than was expected because of successive negotiations with water authority workers (who have a link with local authority workers) and with local authority staff. When the Department of the Environment were able to consult officials at the Local Authority Conditions of Service Advisory Board in confidence in May, the latter strongly opposed early consultations with employers in advance of any industrial action, on the grounds that it would be provocative. The Board's attitude is known to have been a long-standing one.

9. Despite this reaction Ministers feel that there is considerable scope for members of the public taking voluntary action to mitigate the worst effects of a local authority strike, and that everything possible should be done to encourage such a response. The major question for consideration is whether central organisation is needed or whether the matter is better left to local initiative led by local councillors. There have been Ministerial discussions with a number of sympathetic local authority members. They acknowledge that there is a role for volunteers during industrial action affecting their services but they are opposed to central organisation and prefer the co-ordination of volunteer effort to be arranged locally.

10. Gas Safety Tasks. The employer is the British Gas Corporation (BGC). They advise that volunteers would be unnecessary because their senior staff would probably be able to cope with emergency work, assisted as necessary by Servicemen under Operation VIBRATE. They also feel that the co-operation of junior supervisory grades could be jeopardised if volunteers were introduced and that there would be difficulties regarding the direction and management of untrained personnel, and the availability of BGC vehicles and equipment during a period of industrial action. Nevertheless the use of volunteers by the BGC in extreme circumstances should not be totally ruled out.

11. Broadcasting. Because of its highly technical nature broadcasting is not a promising area for the use of volunteers from the general public. The BBC remains confident, however, that a limited emergency radio service could be maintained by management during a period of industrial action or civil emergency. It might prove possible for management to operate some very limited BBC or ITV television services, but the difficulties involved would be such as to render these short lived. Independent local radio could be expected to provide a service of some kind for a limited period (including the possibility of a national news service through IRN), but could not be relied on to fill the role of national broadcasting. Consideration has been given to increasing the power of transmission of independent stations during industrial action affecting the national network; but this would be technically impracticable and also contrary to international agreements.

12. Civil Service. The possible use of retired Civil Servants during industrial action in the Civil Service is examined in paragraph 20 below.

13. Railways and Docks. The Secretary of State for Transport has concluded that there is no scope for the use of volunteers to operate the railways or docks in event of strikes.

Telecommunications

14. The Department of Industry sees some scope for the use of volunteers in maintaining emergency services (eg in operating the 999 service) should the unions depart from their past practice of co-operating in the maintenance of these services during industrial action. It is unlikely, however, that even the emergency services could be maintained by volunteers without co-operation from supervisors and junior management, and such co-operation could be put at risk if the unions came out openly against volunteers. British Telecommunications (BT) itself has developed contingency plans against industrial action, based on a back up computer system, which does not involve the use of volunteers. Given the rapid changes in technology, few retired engineers will be fully abreast of the latest technology.

15. At the same time, greater automation prolongs the likelihood of non-failure of the network. The private sector may take the opportunity of the relaxation of the monopoly to erect alternative telecommunication systems to provide themselves with immunity. Such systems will, however, take time to be established and even these may be vulnerable at the local end where they might interconnect with the BT network.

16. Civil Defence Organisation. OD Committee agreed in July, on the Home Secretary's recommendation (OD(80) 50, paragraph 3 and OD(80) 18th Meeting, Item 2), that the Organisation should not be revived.

17. Territorial Army. In consultation with the Defence Secretary, Home Secretary and Attorney General, reported on 24 March (E(80) 24) that they had considered the case for legislating to permit the use of the Territorial Army in industrial disputes. They concluded that even if the law were amended there were considerable doubts about the practicability and effectiveness of such a course. E Committee members accepted this conclusion in correspondence.

18. Changes in emergency powers. Officials have considered the need and scope for changes in the existing emergency powers legislation, and the Home Secretary is reporting separately to E Committee on the outcome of this review. Briefly, three possibilities have been examined. First, extending the range of circumstances in which a state of emergency can be proclaimed under the Emergency Powers Act 1920. Second, extending the existing powers to encompass not only disruption to the essentials of life but also to include grave industrial or economic damage. Third, new powers covering geographically limited emergencies.

19. The use of premises. In the light of the limited scope for pre-planning volunteer effort (other than in the National Health Service, who it is assumed will organise their own 'mobilisation centres') no plans have been made to earmark accommodation for volunteers.

Use of retired management personnel

20. In the case of strikes where managerial staff remained at work there may be scope for retired managers being invited in to help them, eg in local government and the water industry. But the employers concerned are not keen

on the idea. Departments have examined the possible use of retired Civil Servants but have concluded that the scope for using such personnel is limited and indeed that their use would precipitate an escalation of industrial action. In many areas there are no retired personnel with the necessary experience or expertise and in others there are better means of mitigating the effects of industrial action. Ministers have confirmed that they have been able to identify few tasks in their individual Departments in which retired civil servants could be used.

21. Despite the employers' attitude, the Department of the Environment feel that some retired managers with appropriate technical knowledge of local conditions and procedures may be able to assist during a strike in the water industry in England and Wales and hope that some of these would be willing to do so. Because of the local nature of the task the Department feel that where such help is seen to be of advantage the best course would be to ask water authorities to try to enlist it by getting in touch with retired personnel through local knowledge supplemented if need be with up to date addresses from superannuation records. Such records would no doubt also be available to other employers (eg in the gas industry and local government).

22. Registration of Volunteers. Consideration has been given to the possibility of maintaining a Register of Volunteers with contact addresses, skills etc, in order to help overcome the reluctance of employers to face up to the task of mobilising, screening and organising volunteers after industrial action had broken out. Such a procedure would have the advantage of filtering out undesirable persons whose motives for volunteering might be politically questionable. But on balance the idea was rejected. There would be great practical difficulties in maintaining up to date information on a Register. More importantly, it was recognised that, by nature, volunteers only come forward in significant numbers when an emergency arises and any pre-arranged Register would be unlikely to cover such spontaneous response by public-spirited persons. It was agreed, however, that if volunteers individually sought information from the Government on how they could offer their services in industrial disputes, they should be advised to write to the employers concerned.

Volunteers' Conditions of Service

23. Payment of volunteers' expenses would be a matter for the employer concerned in each case. Health Authorities, for example, have been officially encouraged to pay travelling and other out-of-pocket expenses and to provide meals and refreshments without charge. But there would be no entitlement to statutory compensation for injuries sustained at work, since in the view of the Department of Health and Social Security, volunteers could not be regarded as "employed earners" for the purposes of the Social Security Acts.

EXTERNAL OPINION

24. The Press articles in July 1980 (paragraph 4 above) attracted comment from the Volunteer Centre and the Trades Union Congress. Details are at Annex.

Cabinet Office
20 February 1981

EXTERNAL OPINION ON VOLUNTEERS AND INDUSTRIAL ACTION

(Note by Officials)

The Volunteer Centre

1. The Director of the Volunteer Centre, which is a publicly supported agency committed to the volunteer principle and to promoting volunteer work, wrote to the Home Secretary on 18 July in the light of the Hennessey articles published in the Times on that and the previous day. He argued that the use of volunteers in industrial action "actually undermines and damages the volunteer contribution..... alienates otherwise sympathetic paid workers..... makes it extremely difficult to maintain pre-dispute levels of voluntary work..... and poses a serious threat to the maintenance and expansion of voluntary work in this country". In his reply, the Home Secretary stressed that the Government appreciated the invaluable work of the Volunteer Centre in encouraging co-operation between paid staff and volunteers in community services and community involvement of many kinds and was keen for the co-operation which now exists to develop as widely as possible. He made the following additional points -

i. In the event of industrial disruption which threatens the essentials of life, the Government has a duty to take all appropriate steps to secure the maintenance of those essentials. This can sometimes involve difficult choices and the careful weighing up of where, in a controversial situation, the net advantage to the community may lie.

ii. The Government recognises that volunteers can, in certain circumstances, make a valuable contribution to helping to alleviate the distress that may otherwise be caused to those who, through no fault of their own, suffer harm as a result of the disruption of essential services.

iii. The Government is seized of the possible problems that may, because of other factors, be caused by the use of volunteers in industrial disputes and these would be taken into consideration in deciding whether it would be appropriate for the assistance of volunteers to be encouraged in a particular situation.

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2. The Volunteer Centre also prepared a paper for the CCU on the implications of, and constraints on, the use of volunteers in emergencies with particular regard to the health and social services. The general theme of the paper was that the quantity and quality of community services are enhanced by regular peacetime volunteer efforts which should be encouraged to grow. But increased activity by temporary volunteers at times of industrial unrest is counter-productive. It can intensify and prolong disputes by antagonising staff. Thus, increased voluntary activity should be a measure of last resort except when agreed by or acceptable to staff representatives. The paper stressed -

- the need for calls for volunteers to be specific and limited to the locality or service for which they are needed
- the need to understand the limitations of volunteers (in terms of hours of work, skills and endurance), to provide for induction training and to use them effectively
- the risk of damage through lack of skill to valuable equipment and machinery
- the scope for 'unpoliceable' good-neighbour activities to mitigate the effects of strikes on the most vulnerable members of the community
- the need to establish a well defined local point of contact for volunteer and press enquiries with full knowledge of the employers' policy, numbers required, skills etc
- management's responsibility to volunteers in terms of health and safety, insurance, expenses

3. The paper was given detailed consideration in the Whitehall Departments directly concerned. The general consensus of opinion was that the Volunteer Centre had made a helpful, reasonable and balanced analysis of the subject. A view was expressed by Department of Health and Social Security that the trend of argument in the paper reflected union opinion which had been much influenced by recent events, that is to say, the issue of guidance on the use of volunteers in industrial disputes to

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health authorities; the leak of a Scottish Office letter on the use of troops in National Health Service disputes; reference in The Times articles of 17/18 July on the CCU review of contingency arrangements; and Ministerial statements on volunteering by the unemployed. All of this led the paper to harp overmuch on the dangers of calling on volunteers rather than on the positive contribution which they can make. On the other hand, it was suggested by the Home Office's Voluntary Services Unit that the situation might be even more difficult than the Volunteer Centre supposes since those who co-ordinate the work of regular volunteers might themselves refuse to co-operate with temporarily enlisted volunteers and refuse to cross picket lines. Departments supported the Centre's advice that appeals for volunteers should be on a local rather than national basis, and it was noted that local radio stations should be able to make valuable contributions in this direction. It was also agreed generally that the value of regular volunteer work should not be endangered through the imposition of temporary volunteers for short term purposes.

4. The Department of Health and Social Security have also reported on their own recent contacts with the Volunteer Centre. The Centre had established a joint working party, consisting of trades unionists and representatives of voluntary and statutory agencies, to revise their 'Guidelines' on the relationship between volunteers and paid non-professional workers. In May this year the working party suspended their work and saw the Parliamentary Secretary (Health and Personal Social Services) to complain that the Department of Health and Social Security circular allowing health authorities to make use of volunteers as they saw fit made agreement on revised Guidelines difficult. They called for withdrawal or substantial 'interpretation' of the circular. Calls for withdrawal of the circular were also made at various health service trade union annual conferences; and the Volunteer Centre have suggested that the existence of the circular and the lack of revised Guidelines are causing difficulty over the use of regular 'peacetime' volunteers. Health and Social Services Ministers have declined the Centre's request to withdraw or interpret the Department of Health and Social Security circular to facilitate a resumption of work on revised guidelines.

Officials at the Volunteer Centre have said that because of the attitude of the trade unions and their objections to the advice about the use of volunteers given by Health Ministers, no further progress on the revision of the Guidelines is possible.

The Trade Union Congress

5. The General Secretary wrote to the Home Secretary on 29 August seeking Government views on the accuracy of the allegations in the Hennessey articles that private meetings had been held with representatives of the local authority associations on the possible use of volunteers in industrial disputes. The Home Secretary replied in the terms of paragraph l. i.-iii. above explaining that these well-established principles formed the basis of Government thinking on the subject.