



SECRETARY OF STATE FOR ENERGY  
THAMES HOUSE SOUTH  
MILLBANK LONDON SW1P 4QJ

26 June 1985

*Revised*

I thought it important to write to you on three major issues that are emerging connected with the coal industry.

First, the treatment of working miners. It is vital that those who courageously worked throughout the dispute do not suffer for their courage now that the dispute has been ended. David Hunt and myself have taken up every individual complaint that has been brought to our attention by a working miner. The Coal Board have examined these and in every case appropriate action has been taken. If you know of any detailed complaint which has not been dealt with I can assure you that we will immediately and effectively have it investigated.

Secondly, there is the charge that the Coal Board have unreasonably sacked striking miners without considering their cases in an objective way. I told the House of Commons this week that more than 7,000 miners have been charged with offences. Of the 5,653 cases that have so far been heard, 4,318 have been convicted and yet only 1,019 were originally dismissed and of those 414 have been re-employed. The Coal Board are continuing to review cases individually, and in my judgement there is no way in which it can be argued they are acting in an unreasonable way. To re-employ people who have been guilty of violence and ruthless damage to Coal Board property would, of course, be an absurdity.

The third and major point is that during the dispute the Coal Board entered an agreement with NACODS that there should be a modified review procedure. It is vital that this is fulfilled. I am pleased to say that in negotiations the Coal Board have proposed a procedure, which as yet has not been accepted by the unions, which I think you will agree fully and reasonably fulfils that agreement. I enclose the Coal Board press release about it, giving details of what is on offer. I think it is very important that both the public and the mining community recognise that this genuine offer has been made after patient negotiation with the unions to fulfil the agreement made with NACODS.

With best wishes

Yours sincerely

*Peter Walker*

PETER WALKER



NCB'S CONTINUOUS EFFORTS TO AGREE A MODIFIED COLLIERY REVIEW PROCEDURE'The Board will operate within the framework of the draft proposals'

The National Coal Board are determined to do everything possible to reach agreement on a new Modified Colliery Review Procedure, which they and the industry's trade unions are committed to achieve.

As it has not been possible so far to reach agreement, the Board will operate meanwhile within the framework and spirit of the draft procedure (attached) prepared after detailed discussions with union leaders at six meetings of the joint sub-committee set up by the Coal Industry National Consultative Council.

The last joint meeting (on June 20) ended without agreement being reached on two main issues:

- \* The use of the modified review procedure for closure or partial closure of a colliery on economic grounds. (See paragraph 1 of the attached draft).
  
- \* The composition of the proposed new Independent Review Body. (The Board have already agreed to give full weight to its findings before the Board announce their final decision on a colliery under review).



Following the meeting, NCB Deputy Chairman Mr. James Cowan has written to the National Secretaries of the three unions.

Referring to the Independent Review Body Mr. Cowan's letter states:

"The Board stand ready at any time to discuss with the unions our proposal that the Independent Review Body should comprise a single individual of relevant capability and of such eminence as to assure its credibility and independence. I suggested that the scope of the issues that might be considered by the Independent Review Body was such that our proposal that a Planning Appeal Inspector be appointed would ensure that the relevant capability and experience was brought to bear. Assistance could be provided by Assessors appointed by both sides."

Referring to the purpose of the Review Procedure, Mr. Cowan's letter states:

"Whilst the purpose of both Area Review and Reconvened Meetings is to seek constructive ways of improving results, and to secure the maximum efficiency and optimum future for the industry and those who work in it, the Board consider that some pits will have to close, through exhaustion, on safety grounds or because of heavy financial losses or marketing considerations. I must emphasise that the Board will, therefore, continue to propose closure for economic reasons, as part of our drive to create a high volume, low-cost industry, consistent with market requirements by replacing high cost capacity through investment in the development both of new mines and of additional capacity at existing mines."



When the Board arrive at a conclusion that a colliery cannot continue in production, the Board hope that after full local discussion there will ultimately be local agreement.

Mr. Cowan's letter states: "However, in the event of an appeal, the Board will not take action, including significant manpower rundown, to prejudice the outcome of the appeal. This will not, however, preclude local agreement on immediate actions in the light of circumstances at the colliery involved - for instance, to meet an emergency situation. If one or more of the unions accept at local level that their members will continue to request transfer to other pits or to request redundancy, the Board do not consider it proper to deny those requests, but will maintain the fabric of the colliery until the outcome of any appeal is decided."

The Board have no doubt that they have honoured the agreement reached with NACODS last October to re-examine the Colliery Review Procedure and to seek agreement with all three unions.

The proposals they have made at six meetings of the joint sub-committee are, in the Board's view, fair and reasonable and reflect the realities of operating an efficient industry which is in the best interests of all the people employed in it.

June 25 1985

Press Office (2083)



20th June 1985

NEW MODIFIED COLLIERY REVIEW PROCEDURE

1. The new modified Colliery Review Procedure, which will supersede the existing Colliery Review Procedure, will be used to establish regular discussions on how colliery results can be improved. It will also be used where the Board propose the closure or partial closure of a colliery for exhaustion or economic reasons or other reasons germane to their responsibilities to manage the industry effectively.
2. Discussions under the Procedure will take place at "Area Review Meetings" between the Area Director and Area representatives of the three Mining Unions.
3. In the course of the Area Review discussions, the Area Director may identify for separate discussions, particular collieries where results are causing concern and/or where special action is required. The existing Colliery Consultative procedures provide an "early warning system" whereby Area Union representatives may similarly identify for separate discussions any particular colliery where major decisions are being taken affecting its future which, in their view, would shorten its life expectancy.
4. The Unions will have the opportunity to make a technical inspection and will have access to all plans, financial results and any other material pertinent to the future of the colliery.
5. These separate discussions will be held at "Reconvened Meetings" under the Procedure, with the first such meeting taking place within three weeks of the Area Review Meeting. The appropriate colliery management and Union representatives may be invited to attend. Area management and/or Union representatives will have the opportunity of visiting the colliery.
6. The Area Director may at a Reconvened Meeting explain that he cannot justify keeping the colliery open and present to the Unions a written statement of the reason for his decision together with proposals for any redundancies which may arise as a result. Copies of this statement will be sent to the Area offices of the Unions concerned.
7. If the Board and Unions cannot agree at local level, either on a particular proposal from the Board concerning closure or other major decisions affecting a colliery's future which in the Union's view would shorten its life expectancy, the Unions nationally would be notified of the Area Director's announcement.
8. The Unions may request a national meeting (to be held within one month of being notified of the Area Director's decision) to put their views forward.



9. The Board will not take action, including significant manpower rundowns, that would prejudice the outcome of the appeal. The Board at National level will notify the Unions of their decision within two weeks of the national meeting. The Unions will notify the Board within two weeks whether they accept the decision or wish the matter to be referred to an Independent Review Body at a hearing to be held within four weeks.
10. The Terms of Reference of the Independent Review Body are set out in the Annex. The Independent Review Body will present its report within four weeks of the hearing. The National Coal Board will give full weight to the findings of the Independent Review Body prior to announcing its final decision. Where closure is involved, the date of closure will be announced locally by the Area Director.
11. The timetable for stages in the procedure is attached.



NEW MODIFIED COLLIERY REVIEW PROCEDURE  
TIMETABLE

	<u>Time From Start</u>
(1) Area Colliery Review Meeting (Quarterly) Colliery identified for separate discussions.	-
(2) Reconvened Meeting to discuss to a particular colliery.	3 weeks
(3) Area Director announces that continued operation cannot be justified. Unions nationally advised of Area Director's announcement.	-
(4) If the Unions wish, they may make a technical inspection.	-
(5) The Unions may ask for a national meeting.	2 months
(6) The National Coal Board consider points made at national meeting, decide whether to close and, if so, inform the unions it will take place on a date to be announced locally.	2.5 months
(7) If the Unions disagree, they may refer the case to the Independent Review Body.	3.5 months
(8) Independent Review Body considers evidence from the Board and the Unions and presents report.	4.5 months
(9) The National Coal Board, having given full weight to the findings of the Independent Review Body, take the final decision. If the decision is that closure must proceed, the date of closure will be announced locally by the Area Director.	5 months
(10) Time to final closure, taking into account process of interviews, transfers, redundancies and statutory notice periods.	9 months



NEW MODIFIED COLLIERY REVIEW PROCEDURE  
INDEPENDENT REVIEW BODY

1. The Terms of Reference of the Independent Review Body shall be:-

"To consider arguments put forward by the parties to the Colliery Review Procedure relating to:-

- (i) the proposed closure of a colliery;
- (ii) proposals in regard to major decisions which, in the view of one or more of the parties, would significantly shorten the prospective life of the colliery

and to report its views".

2. The final decision on any matter referred to the Independent Review Body shall rest with the National Coal Board who, in taking their decision, shall give full weight to the view expressed by the Independent Review Body.