



HOME OFFICE  
QUEEN ANNE'S GATE  
LONDON SW1H 9AT

SIR BRIAN CUBBON GCB  
PERMANENT UNDER-SECRETARY OF STATE

13 May 1986

Dear Mr Evans

Following the Home Secretary's statement in Parliament on 1 May, NEC representatives and Home Office officials have held a series of discussions designed to achieve the objective of a simultaneous calling off of industrial action (which you have said would require a ballot of your members) and the start of substantive discussions between us about the issues for the future set out in the Home Secretary's letter of 22 April.

In the course of discussions you indicated that it would be helpful if we could clarify a number of points arising from the Home Secretary's letter. We completed those discussions yesterday. This letter records the clarifications we have made so that the NEC can start the process of calling off the industrial action. I look forward to hearing as soon as possible the NEC's response. It remains our wish to start discussions of the issues in the letter of 22 April as soon as the industrial action is called off.

Consultation about manning levels

You asked, on page 1 of the Home Secretary's letter, how the assurances would work about consultation on manning issues. We agreed in discussion that it would be premature to invoke the draft disputes procedure, which has yet to be considered by your Conference, and which we should anyway want to discuss further with you following that.

We agreed that page 1 of the Home Secretary's letter could usefully be clarified

D Evans Esq BA

in the following way:

"Pending the possible introduction of a national disputes procedure, where Governors or Local Branches seek to alter existing agreements they should first give 14 days notice of their intention to do so to the other party(ies) to the agreement in order to allow for discussion of the proposed change. Where such notice is given, due regard should be paid to the provisions of NTS 3/1984.

In the event of disagreement about the proposed change it will be open to either side, if it thinks fit, to seek the intervention of a higher level (Regional Office or the appropriate NEC member). But the aim of both sides will be for local disputes to be settled locally."

I understand that this procedural clarification is acceptable to the NEC and we shall be commending it to Governors on that basis. As the Home Secretary said in his letter, while reserving the final determination of these issues to ourselves, in the event of disagreement we have no intention of riding roughshod over prison officers or the POA on these matters.

#### This year's pay claim

You also sought clarification on a number of points on page 2 of the Home Secretary's letter, the first of which concerned a resumption of negotiations on this year's pay claim. I can confirm that these would be resumed as soon as industrial action was called off. The Treasury should be able to send a written reply to your claim, as previously envisaged, within a few days of the ending of the action. It would be the aim of the Official Side thereafter to conduct negotiations in such a way as to seek a settlement of this year's pay claim as quickly as might reasonably be done.

#### The 39 hour week

I am ready to confirm that the Home Secretary's letter of 7 April still stands. He then said that in the light of the progress made in 1985/86, the Government would follow through Mr Brittan's offer on the 39 hour week. He said that he hoped that the POA would conduct itself in a way which would enable him to convince other Ministers that the Association remained interested in the responsible conduct of business between us. If industrial action were formally called off, the Home Secretary would be ready to consult his Ministerial colleagues about moving to a

### 39 hour week.

Without prejudice to the result of that consultation, what a 39 hour week would mean in practice would need to be worked out in detail following the withdrawal of industrial action. As I have indicated to you, our assumption is that it would not mean that everybody would continue to work the same number of hours as they do now and receive an additional hour's overtime. The reduction in the working week would have to be effected at nil cost and would require some adjustments to the existing shift arrangements. The precise form of these would be determined at establishment level, on the basis of centrally laid down guidelines. We should be ready to discuss these guidelines with you if the industrial action were called off.

### Tax compensation on housing allowance

I can still confirm that tax compensation for 1985/86 will be paid as soon as the industrial action is called off. For the future, we envisage that the pay arrangements, consequent on a new shift and complementing system, would consolidate housing allowance. If this consolidation was agreed for introduction from April next year, we would be ready to make a further payment of tax compensation for 1986/87. If this consolidation were not then agreed, there would need to be separate discussions on phasing out tax compensation.

Phasing out would be our starting point in those discussions because we believe that the dropping of the general obligation to live in has altered the whole basis of housing allowance and we see no future for tax compensation under the present arrangements. You made clear that you would wish to challenge this view. As we have previously made plain, we should be ready to consider any arguments you might advance as to why tax compensation should continue. That would be something to be considered in the substantive discussions which would follow the calling off of industrial action.

### New working practices

In his letter of 22 April the Home Secretary said that he would ask the Prison Department to put to you within one month, ie. in time for consideration at your Association's Annual Conference, the outcome of the studies on working practices which his predecessor proposed at your Conference last year. The Home Secretary said in the debate in the House of Commons on 6 May that the report of the studies would

be published. Following those undertakings, the Report of the Shift and Complementing Study is published today. Copies of the Report are being sent to you, along with the text of the Home Secretary's statement covering publication.

The Home Secretary's statement says that the Government will now work up, on the basis of the report, a package of proposals and as part of that process will be looking at what needs to be done to modernise pay systems to provide fair levels of pay for prison officers. We intend to put these proposals to you as soon as we can following the ending of industrial action.

You asked whether the starting date we envisaged would be 1 April 1987 or, say, 31 March 1987. Our target for the new systems is April 1987. We understand the inwardness of your point and accept that the precise timing of any changes would be for discussion between us.

#### NEPOs and uniform

In the course of our last meeting, you mentioned that you would want early substantive discussions with the Department, following the calling off of industrial action, on NEPOs and uniform. We shall arrange a meeting as soon as industrial action is over.

Yours sincerely

Drian Cusson.



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# Home Office

## NEWS RELEASE

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May 13, 1986

### PRISON SERVICE INDUSTRIAL RELATIONS

Attached is a copy of a letter written today by Sir Brian Cubbon GCB, Permanent Under-Secretary of State at the Home Office, to Mr David Evans, General Secretary of the Prison Officers' Association.

Prison Minister 2

To an inexperienced eye, there  
are no signs of a climbdown here.

DWS  
13/5.

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