

CONFIDENTIAL



CCB G  
 cc: SS  
 Prime Minister

DS  
 12/5.

PRIME MINISTER

**FUTURE ARRANGEMENTS FOR DETERMINING SCHOOL TEACHERS' PAY AND CONDITIONS**

1. One of the issues which will inevitably be raised over the next few weeks is future pay determination arrangements for school teachers.
2. I think we should take a robust line, following my announcement last week that we shall publish a Green Paper on future pay determination arrangements. The Burnham arrangements had broken down. Even with ACAS help Burnham did not deliver an acceptable settlement. The Teachers' Pay and Conditions Act was essential to enable us to settle pay and conditions in 1987, and to provide for an interim committee and a breathing space. But the Government is determined to move to effective permanent arrangements.
3. I attach some notes which colleagues might find useful. The "positive" section provides ammunition to rebut any woolly charge that we are unreasonably overriding teachers' "rights".
4. Copies of this minute go to members of Cabinet, the Chief Whip and Sir Robert Armstrong.

KB

Department of Education and Science

12 May 1987

CONFIDENTIAL

## SCHOOL TEACHERS' PAY AND CONDITIONS FUTURE PAY DETERMINATION ARRANGEMENTS

### Factual

1. Teachers' Pay and Conditions Act received Royal Assent on 2 March. It was necessary to provide for a) a pay increase for teachers in 1987, b) clarification of conditions of employment of teachers and c) the setting up of the Interim Advisory Committee. The Act expires in 1990.
2. On Pay Government's intention is that teachers should receive a pay increase on average of 16.4% - half with effect from 1 January, half from 1 October. An Order now approved by Parliament provides for the first half. Teachers will receive back pay in May or June covering first half of pay increase. Back pay will be about £300 for a teacher on top of Scale 1 and £600 for some deputy heads. There will need to be consultation after the election about the second Order which will provide for the 1 October component.
3. On duties and working time the Order made under the Act and now approved by Parliament is based closely on proposals developed by unions and local authority employers in ACAS. The Order sets out what conscientious teachers have been doing for years. It is a major step forward in protecting pupils and parents from 'so called' 'withdrawals of good will'.
4. For the future:
  - a) the Government is committed to set up the Interim Advisory Committee to advise on the April 1988 pay settlement.
  - b) in a speech on 5 May the Secretary of State for Education and Science promised a Green Paper surveying the issues and setting out possibilities for the longer term.

### Positive

5. In last 12 years only 4 settlements were negotiated in Burnham Committee. In its final months Burnham needed the prop of ACAS to stagger from endless meeting to meeting.
6. Burnham produced chaos and breakdown. There was no agreement on what to replace it with. Hence short-term solution of Interim Advisory Committee to allow breathing space to work out new and effective permanent arrangements.
7. The Secretary of State for Education should not be the determiner of teachers' pay. Government is determined to move to effective permanent machinery. There needs to be real thought, reflection and analysis to find a long-term solution that is fair not only to teachers, but to parents, taxpayers, ratepayers and children.
8. Not simply question of one group's rights. It is question of finding machinery which fairly reflects interests of all these groups. Can be no going back to negotiating brawl of Burnham.
9. Government will be publishing Green Paper carefully surveying the issues and setting out a variety of alternative approaches.
10. Union and local authority leaders need to be open-minded and not hidebound by past arrangements. Continuing disruption is short-sighted and opposed by parents.
11. The Government intends on the basis of the Green Paper to enter into detailed discussions later in the year with all those with an interest - the local authority associations, teacher unions, churches and parents.
12. Because of firmly entrenched and conflicting views general agreement involving all interested parties will not be easy to achieve. Government hopes that over the months ahead agreement can be reached by all parties.

## Defensive

13. Will the Interim Advisory Committee be independent? The Committee will be composed of independent-minded people and will advise on the April 1988 pay settlement. Its members will be appointed during the summer.
14. Will the unions have any role in the April 1988 pay settlement? The Committee is required by Teachers' Pay and Conditions Act to seek evidence and representation from the teacher unions. The Secretary of State for Education and Science is required by the Act to consult the teacher unions before putting any proposals before Parliament.
15. Why cannot new permanent arrangements be in place by April 1988? Given the divisions between the various parties on what should be the long-term replacement of Burnham, it is unrealistic to argue that agreement can be reached by all concerned with legislation enacted in time for April 1988.
16. Is not the Secretary of State making difficulties where none exist? Huge differences exist between the unions. One union leader described Burnham as a recruiting tent not a negotiating forum. One of the head teacher unions wants separate arrangements for heads and deputies: the other head teacher union does not want separate arrangements.
17. Will the Government give a firm commitment to return to free collective bargaining? The Government are committed to seeking new permanent arrangements for determining school teachers' pay and conditions that are fair to all those with an interest including teachers and parents. New arrangements must be effective. The Burnham Committee did not work: there can be no going back to a re-vamped Burnham.
18. What options will the Green Paper consider? There are a wide range of possibilities. The Green Paper will look at statutory and non-statutory negotiations. It will look at possible developments from the Interim Advisory Committee machinery. It will need to consider suggestions from the National Association of Head Teachers (NAHT) for a separate arrangement for heads and from the National Confederation of Parent Teacher Associations (NCPTA) for a review body.
19. When will the Green Paper be published? The Secretary of State for Education and Science has given a commitment that consultation on permanent arrangements will begin early in the autumn. Publication of the Green Paper will be an important first stage of that consultation.
20. When will permanent machinery be in place? Much will depend on how long it takes for all those with an interest to reach agreement. It is unrealistic to expect an agreement on new legislation to be enacted in time for April 1988. But that does not mean that we will not be able to get it in place by April 1989 - that is, before 1990 - and the Government will strive to do that.
21. Is the Government afraid to put its views before the ILO? The ILO has received various representations on the Teachers' Pay and Conditions Act which refer variously to different conventions. The Government will give a full and considered reply for the November meeting of the Committee of Freedom of Association. The Government does not believe that the Act is in breach of international conventions.
22. Is not the Government underestimating the militancy of teachers? Most teachers must have been saddened to see the parade of militants on TV screens over Easter. Thankfully militancy does not pay. According to the unions' own ballot figures membership of the NUT fell by 26,000 between December 1984 and this March, and that of the NAS/UWT by 5,000. It is no coincidence that in the same period membership of the AMMA, which voted against strike action, rose by 22,000, and that of the PAT, who do not strike, rose by some 15,000.
23. Will the second Order be proceeded with if disruption continues? We very much hope that disruption will not continue now that the Government has made its intention clear of publishing a Green Paper. The Government's plan is to provide for the 1 October component of the 1987 pay increase through a second Order. Parliament will have, of course, the last word in the light of the situation as it develops.