

Prime Minister ①

22 April 1983  
Policy Unit

PRIME MINISTER

Agree to X?

MUS 22/4

Yes please mt

REVIEW BODY FOR NURSES AND MIDWIVES

Caroline Cox came to see me. She says that the entire Royal College of Nursing is furious about the coverage of our proposed Review Body. The nurses say that they were promised a Review Body which would take fully into account their refusal to strike and their professional qualifications and responsibilities. They say that they do not mind the physiotherapists and radiographers or student nurses being included. But they do most strongly object to the inclusion of nursing auxiliaries, for the following reasons:

- (a) the auxiliaries are unqualified and are not seeking qualifications;
- (b) a lot of them went on strike and behaved badly during the dispute, throwing an extra burden on the nurses;
- (c) they belong to NUPE and COHSE and thus offer the unions a foothold in the Review Body.

Norman Fowler wanted to include the unqualified auxiliaries on the grounds that they were included in the coverage of the Nursing Whitley Council and that we had made an implied commitment to them dating back to your meeting with the whole of the Whitley Council Staff Side in 1981. It was also argued at the time that involving at least some union members in the Review Body would make them behave more responsibly.

You reluctantly agreed. Subsequent experience suggests that you were right to be reluctant. By including the auxiliaries, we have lost the support of the real nurses, which was the purpose of the whole exercise.

The difficulty remains that it was to the entire Staff Side of the Whitley Council that you gave the commitment to "the search for agreed and durable long-term arrangements". And the Consultation Document has now pinned us to that commitment.

The only way out that I can think of would be some such formula as:

"After consultation with the nursing profession, the Government has decided that a Review Body should be set up along the lines



of the Doctors' and Dentists' Review Body, and that it should be confined to professionally qualified members of the nursing profession or those seeking such qualifications. Other unqualified categories of staff at present covered by the nursing Whitley Council (the auxiliaries and assistants) would in future have their pay determined by that Whitley Council only after taking into account the report of the Nursing Review Body, in order to ensure fairness and sensible relativities within the profession."

This imperfect compromise would probably satisfy the Royal College, and it might keep the auxiliaries quiet without dangerously extending the coverage of the Review Body. But I very much doubt it. I am afraid we are stuck with the Consultation Document.

+ | Could I at least let Caroline know of your sympathy with the nurses' argument and your determination that the coverage of the Review Body should certainly not be extended any further to include the porters and cleaners?

FERDINAND MOUNT

*fm*



FILE SW  
600: F. Mount.

10 DOWNING STREET

*From the Private Secretary*

25 April, 1983


Review Body for Nurses and Midwives

Mrs. Caroline Cox has made representations to the Prime Minister, through Ferdinand Mount, about the coverage of the proposed Review Body for Nurses and Midwives on familiar lines.

I thought that your Secretary of State would wish to know about this; and to know that Mrs. Cox is being told that, although the Prime Minister has much sympathy with these points, her conclusions are as set out in the consultation document; and that the Prime Minister is clear that the coverage of the Review Body should not be extended any further, to include, for example, NHS porters and cleaners.

M. C. SCHOLAR

S. A. Godber, Esq.,  
Department of Health and Social Security





Patrons: Her Majesty the Queen  
Her Majesty Queen Elizabeth the Queen Mother  
Her Royal Highness the Princess Margaret  
Countess of Snowdon



20 Cavendish Square, London, W1M 0AB  
Tel: (01) 409 3333  
General Secretary: Trevor Clay, MPhil, SRN, RMN.

Royal College of Nursing  
of the United Kingdom

Rcn COMMENTS ON THE CONSULTATION DOCUMENT ON A  
REVIEW BODY FOR NURSING AND MIDWIFERY STAFF AND  
PROFESSIONS ALLIED TO MEDICINE

Introduction

In welcoming the opportunity to put forward comments on the consultation document on a Review Body for nursing and midwifery staff and professions allied to medicine, the Royal College of Nursing of the United Kingdom (Rcn) regrets that its initial reactions are critical in three important respects:-

firstly, the delay between the announcement by the Secretary of State in the House of Commons on 9th November 1982 that the Government proposed to establish a review body and would shortly be launching a consultation document and the eventual publication of that document on 22nd February 1983;

secondly, the comparatively short period allowed for consultation; and thirdly, but very importantly, the brevity of the document and the broad nature of its proposals.

However, it has long been the view of the Rcn - and a major objective towards which it has been working - that there should be established a mechanism for the determination of nurses' pay which would recognise their worth as a special professional group within the National Health Service and would be capable of translating that recognition into fair and just levels of remuneration. Therefore, while not in agreement with all the proposals contained in the consultation document, the Rcn was pleased to receive it as an earnest of the goodwill and commitment of the Government towards the nursing profession.

Background

Before making specific comments, the Rcn would like to give a little background to the present situation, by drawing attention to its history as the leading protagonist on behalf of nurses and their pay since its establishment in 1916.

Far too frequently in the past the pay of nurses has fallen significantly behind that of other occupational groups with whom



They could be compared and it was only as a result of massive campaigns by the Rcn that various Committees or Commissions - from Rushcliffe in 1941 to Clegg in 1979 - were set up, resulting in pay awards to nurses which brought them, temporarily, more into line with other relevant groups.

However, other groups of workers, with more industrial muscle, were able to achieve higher pay awards and, inevitably, nurses' pay slipped back again, so that the "favourable" comparisons were of brief duration only. It was in an attempt to put an end to such "leapfrogging" that the Rcn established its case for "special treatment" for nurses, in the belief that the commitment of nurses to their patients and clients and their voluntary foregoing of the use of the weapon of strike action were, and are, sufficient grounds for them to be accorded such special treatment.

#### The Consultation Document

The Rcn is concerned that, despite being described as "consultative", the document implies that some major decisions have already been taken as to the nature of the Review Body. The Rcn believes this to be unfortunate, bearing in mind the profound implications for the nursing profession of the proposals, and reserves its right to question some of the underlying assumptions and to comment on the proposals even though it may not have been the intention that they should be the subject of consultation.

#### The Scope of the Review Body

As the major professional organisation and trade union for nurses in the United Kingdom, the Rcn holds strong views on:-

- i) the nursing grades which should properly fall within the remit of the Review Body; and
- ii) the principle that the Review Body should also determine the pay of other professions within the National Health Service.

Various terms have been used in the document, and elsewhere, to describe the grades within the nursing structure to be covered by the Review Body. These range from the Secretary of State's reference to "nurses, midwives and health visitors" to "all qualified and unqualified staff whose pay and conditions of service are currently negotiated by the Nurses and Midwives Whitley Council" (Para 6).

The Rcn is firmly of the view that the Review Body should be a "Nurses and Midwives Review Body" and should be concerned only with those staff within the National Health Service who hold or are in training for a statutory nursing qualification.



The former group constitute the profession; the latter, while technically not yet members of the profession, which they become on qualification, comprise, until such time as they are granted true student status, a significant portion of the nursing workforce and, for as long as that remains the case, should therefore have their pay and conditions of service determined in tandem with that of the profession as a whole.

The Rcn is opposed to the proposal that unqualified staff should come within the remit of the Review Body. The Council of the Rcn was unanimous in its view that a Review Body for Nurses and Midwives should not include nursing auxiliaries and assistants, who are unqualified staff who are not in training for a professional nursing qualification. The Rcn believes that the professionalism of nursing will be enhanced by the establishment of a Review Body and believes also that the manpower situation in the United Kingdom is such that it will be possible to move towards achieving a fully qualified nursing service for society by the end of this century.

The Rcn now has a policy document on a professional structure for nursing - this document advocates the removal of the word 'nursing' from the grade title of the nursing auxiliary and assistant and, in fact, to re-title the job as that of a Care Assistant, believing that this more accurately describes their role.

Furthermore, it is not always appreciated that the title "nurse" is protected in law and the Rcn feels bound to point out that the proposal in paragraph 6 of the document conflicts with the Statement by the Secretary of State quoted in the first paragraph.

For similar reasons, the Rcn is opposed to the principle that nurses, midwives and health visitors should "share" a Review Body with other professions, ie those "allied to medicine". The argument of the sheer size of the professional group comprising nurses, midwives and health visitors has already been advanced in support of their having their "own" Review Body; the Rcn would also submit that the very special, indeed unique, nature of their case demands no less than that they be accorded this recognition, which would follow more closely the pattern of the Doctors' and Dentists' Review Body, to which reference is made in paragraph 2 of the Consultation Document. The Rcn holds the view that the Nurses and Midwives Review Body should follow closely the Doctors' and Dentists Review Body, not merely "follow the same general pattern" and in this connection would point out that the terms of reference for the Doctors' and Dentists Review Body which have been quoted were the original ones, and not those currently in use.

#### The Review Body

In order that the Review Body may achieve and maintain credibility, it is essential that it is, and is seen to be, entirely independent. It should report direct to the Prime Minister and should be serviced by an independent secretariat.



As an independent entity the Review Body should be free to determine its own method of working; however, such discretion should not preclude consultation with appropriate staff organisations on the best way of achieving an acceptable and durable system. The Rcn looks forward to entering into discussions with the Review Body as soon as it is established and ready to start its work.

In this context the Rcn cannot emphasize too strongly the urgent need for the Review Body to be established as quickly as possible. There is a vast amount of work to be undertaken if it is to produce recommendations for implementation on the effective settlement date of 1st April 1984 and it will be remembered that it was on the clear understanding that this implementation date would be achieved that the nursing profession accepted the current pay settlement, of which the Review Body formed an integral part.

#### Membership of the Review Body

The Rcn has no specific comments to make on the numerical membership of the Review Body other than to urge that the calibre and mix of members is of greater importance than the absolute number. The Rcn acknowledges that there would be some value in common membership with other Review Bodies because of the expertise that would thereby be available, but it does not see this as a prerequisite and would certainly be opposed to a majority of members being drawn from such a source.

The Rcn considers it essential that the Chairman and members of the Review Body equally should be independent and totally unconnected with any other discipline within the National Health Service; further the Rcn believes strongly that they should be appointed on the basis of their proven expertise and individual qualities.

The Rcn welcomes the proposal that the Review Body will concentrate its energies on the pay of nurses; it has no fundamental objection to terms and conditions of service being negotiated elsewhere. The suggestion that they be negotiated directly with the DHSS is acceptable with two provisos:-

- i) that staff interests are adequately represented in that process; and
- ii) that Departmental officials nominated to negotiate are empowered to reach settlements.

However, the Rcn would emphasize that all appropriate staff organisations should be consulted on the form and procedure of any future negotiating machinery.

While on the subject of the Review Body itself, the Rcn would draw attention, in the light of its views as to the staff to be covered, to the need to amend the proposed terms of reference set out in paragraph 8 of the Consultation Document.



## Role of the Government

The Rcn recognises that the Government will inevitably wish to submit to the Review Body evidence on prevailing economic and financial circumstances. It assumes that this would be routed through the Health Departments and that it would be made available to the appropriate staff organisations for study and comment. Any evidence submitted to the Review Body, from whatever source, should be judged on its merits. Given an equal opportunity to present its case, the Government should have no reason subsequently to veto the recommendations of the Review Body.

In this context the Rcn was pleased to note that in reply to a question the Prime Minister recently assured the House of Commons that no distinction would be drawn between this Review Body and the Doctors' and Dentists' Review Body regarding Governmental acceptance of the recommendations "unless there were clear and compelling reasons not to do so".

## Conclusion

From the foregoing comments it will be seen that the Rcn is in broad agreement with the proposal to establish a Review Body for nurses and midwives. It regards this development as essential and one which should be implemented fully as a matter of urgency.

Frequent reference has been made, over the years, to a state of low morale within the nursing profession and such a statement was never more true than today. The members of the professional organisations for nursing, midwifery and health visiting bore the brunt of providing continuing and essential services to patients when other staff within the National Health Service were taking industrial action, including strike action. Those same nurses are undergoing severe trauma from yet another reorganisation of the service. They require a period of stability during which to consolidate these changes and plan for the future care of those patients and clients entrusted to them. An essential element in such a period of stability would be the freedom from anxiety about their pay and from the need to engage in the campaigns and demonstrations which have become such a feature in recent years.

The Rcn looks forward, therefore, to the early establishment of the Nurses and Midwives Review Body and to full co-operation with it in its mammoth task.

30th March 1983



PF

*Nat Health*



**DEPARTMENT OF HEALTH & SOCIAL SECURITY**  
Alexander Fleming House, Elephant & Castle, London SE1 6BY  
Telephone 01-407 5522  
*From the Secretary of State for Social Services*

Tim Flesher Esq  
Private Secretary  
10 Downing Street  
LONDON  
SW1

*GRZ  
pre type  
DES draft with +  
DSS para for Mrs  
signature*

*29/3/83*

*Dear Tim*

*DF 29/3*

Stephen Williams at DES sent me a copy of the Baroness Cox's letter of 16 March to the Prime Minister and asked me to reply direct on the points she raises in her confidential note. The note comments on our consultation document on the proposed review body for nurses, midwives and professions allied to medicine. A copy of the document is attached.

The main concern expressed by Lady Cox stems from the Government's proposal to include unqualified as well as qualified nursing staff within the review body's remit. She argues that to do so will undermine the review body's ability to take fully into account the professional qualifications and responsibility of trained nurses.

This was recognised as one of the major issues which needed to be resolved before finalising the consultation document. Following an exchange of minutes between my Secretary of State and the Prime Minister it was agreed that unqualified staff should be covered by the remit of the review body. The main arguments in favour of their inclusion are:

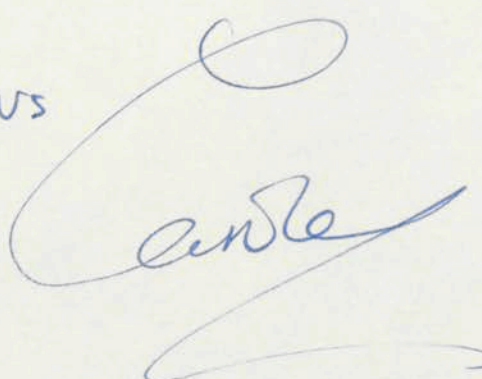
- i. The Government's commitment to long-term pay determination arrangements applied to all nursing staff. This was the basis on which the Prime Minister met the Staff Side of the Nurses and Midwives Whitley Council in December 1981. To go back on this would expose the Government to the charge of bad faith.
- ii. It would not be possible to wind up the Whitley Council if the pay of one-quarter of all nursing staff had to be negotiated outside the review body.
- iii. The effect of putting the unqualified staff within the remit of the review body would be to associate them with a very large body of qualified staff who do not take industrial action and thereby reduce the likelihood of militancy.

All of these reasons remain valid. In any event it would not be right to



E.R.

er r a debate on this issue whilst the Government's proposals are out for consultation. For this reason I suggest that a non-committal paragraph in response to Lady Cox's note is required and I attach a possible draft.

Yaws  


MRS C L SOUTER  
Private Secretary

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DRAFT PARAGRAPH IN REPLY TO LADY COX

Finally, I was most interested to read your comments on our consultation document on the proposed review body for nurses, midwives and professions allied to medicine. You have rightly raised some very important issues in relation to our proposals but I am sure you will understand if I do not enter into a discussion whilst they are out for consultation. Nevertheless I will ensure that Norman Fowler receives a copy of your note and is therefore able to take it into account when considering the outcome of the consultation process.



CONSULTATION DOCUMENT: REVIEW BODY FOR NURSING AND MIDWIFERY STAFF AND PROFESSIONS ALLIED TO MEDICINE

1. In a statement in the House of Commons on 9 November 1982, the Secretary of State for Social Services announced that the Government proposed the establishment of a review body which would have the task of making recommendations about the pay of nurses, midwives and health visitors and the professions allied to medicine, and that consultations with interested bodies would shortly be undertaken on the detailed arrangements.
2. The Government proposes that the new review body should follow the same general pattern as the Doctors and Dentists Review Body. It may therefore be helpful to recall that the Royal Commission on Doctors and Dentists Remuneration which reported in 1960 identified three broad objectives: to avoid disputes over the remuneration of doctors and dentists; to provide an assurance to the staff concerned that their pay would be determined on a fair basis; and to provide fair treatment for the taxpayer. In order to achieve them, it recommended the establishment of a Doctors and Dentists Review Body. This is an independent body, which reports to the Prime Minister. Its secretariat is provided by the Office of Manpower Economics. The Review Body is free to determine its own method of working, obtain any information it requires and take evidence from interested parties. The Government has given an assurance that its recommendations will be accepted unless there are clear and compelling reasons for not doing so.
3. There are three important aspects of the Government's proposals relating to the establishment of the new review body on which interested organisations may wish to express views. These are: its composition and membership; the staff to be covered by its remit; and the terms of reference. Further details are given below. The Government is anxious that the review body should be established as quickly as possible so that it may have sufficient time to carry out the necessary groundwork prior to the submission of its first report in April 1984. Comments are therefore requested within 6 weeks of the date of the covering letter and should be sent to John H James, Room 77 Hannibal House, Elephant and Castle, London SE1 6TE. A list of the bodies to whom the consultative document has been sent is in the appendix to this paper.

Composition and Membership

4. It is proposed that the review body should have a chairman and a maximum of seven other members, who would be appointed by the Prime Minister. The intention is that the review body should have some common membership with the Doctors and Dentists Review Body and the Armed Forces Pay Review Body.
5. Members of the review body would be appointed for their individual qualities. They should be completely independent, and none should be members of, or closely connected with, the professions whose pay is being reviewed. It is proposed that members should generally serve for a period of four years but may be reappointed for further terms.



## Coverage

6. It is proposed that the review body should make recommendations about the pay of all qualified and unqualified staff whose pay and conditions of service are currently negotiated by the Nurses and Midwives Whitley Council and the full Professional and Technical 'A' Council. This approach would maintain the long-standing association between these groups in respect of their pay determination arrangements. The pay of groups currently negotiated in the wholly autonomous Sub-Committees 'A' and 'E' of the PTA Council would continue to be negotiated in the existing or an amended Whitley framework.

7. The review body would deal only with the remuneration of the groups concerned, leaving their terms and conditions of service to be negotiated elsewhere. Because of the important links between pay and terms of service, however, it would be necessary to make arrangements, similar to those which apply in relation to the Doctors and Dentists Review Body, for the review body to be kept fully informed of agreed or prospective changes in the terms of service, so that it could have an opportunity, if appropriate, to express a view to the negotiators about the changes proposed in respect of their implications for pay. The Government proposes that the Department should be responsible for negotiating changes in the terms of service with staff interests and jointly with those interests, for keeping the review body informed. In exercising these functions the Department would look for advice to NHS management.

## Terms of Reference

8. The following terms of reference are proposed:-

"To advise the Prime Minister on the remuneration, with effect from 1 April 1984, and subsequently, of:

- i. Nursing Staff, Midwives and Health Visitors employed in the National Health Service;
- ii. Physiotherapists, Radiographers, Remedial Gymnasts, Occupational Therapists, Orthoptists, Chiropodists, Dietitians, Speech Therapists, and related grades employed in the National Health Service."

9. The Government will look to the review body to give due weight to economic and financial considerations, as well as to the recruitment, retention and motivation of the staff concerned, and will submit evidence to them on these matters.



APPENDIX

LIST OF BODIES TO WHOM THE CONSULTATION DOCUMENT HAS BEEN SENT

Association of Hospital and Residential Care Officers  
Association of Nurse Administrators  
Association of Supervisory Midwives  
Confederation of Health and Service Employees  
General and Municipal Workers Union (MATSA)  
Health Visitors Association  
National and Local Government Officers Association  
National Union of Public Employees  
Royal College of Midwives  
Royal College of Nursing  
Scottish Association of Nurse Administrators  
Scottish Health Visitors Association

Association of Clinical Biochemists  
Association of Scientific, Technical and Managerial Staff  
British Association of Occupational Therapists  
British Dietetic Association  
British Orthoptic Society  
Chartered Society of Physiotherapy  
College of Speech Therapists  
Federation of Professional Organisations  
Hospital Physicists' Association  
Society of Chiropodists  
Society of Radiographers  
Society of Remedial Gymnasts

Regional Health Authority Chairmen and Regional Administrators, Medical Officers,  
Nursing Officers and Treasurers,  
Chairmen of Boards and Authorities in Scotland and Wales  
Nurses and Midwives Whitley Council Management and Staff Side Chairmen & Secretary  
Professional and Technical (A) Council Management and Staff Side Chairman &  
Secretary  
National Association of Health Authorities in England and Wales  
Confederation of British Industry  
TUC Health Services Committee  
Scottish TUC

For Information

Association of County Councils  
Association of Municipal Authorities  
British Dental Association  
British Medical Association  
General Whitley Council  
Convention of Scottish Local Authorities



29 MAR 1950

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## DEPARTMENT OF EDUCATION AND SCIENCE

ELIZABETH HOUSE, YORK ROAD, LONDON SE1 7PH

TELEPHONE 01-928 9222

FROM THE SECRETARY OF STATE

Timothy Flesher Esq  
Private Secretary  
10 Downing Street  
London SW1

28 March 1983

Dear Tim,

Thank you for your letter of 17 March, enclosing this one to the Prime Minister from Baroness Cox.

Baroness Cox's letter covered three matters: the funding and activities of students' unions, examination results, and the proposed Review Body for Nursing and Midwifery Staff. I attach a draft reply covering the first two; the last matter is for DHSS and I agreed with your correspondence section that they should submit their part of the draft reply direct to you in order to prevent delay.

Yours ever  
Stephen.

STEPHEN WILLIAMS  
Private Secretary



DRAFT REPLY FOR THE PRIME MINISTER TO SEND TO BARONESS COX

Thank you for your letter of 16 March.

I share your concern about the situation at the Polytechnic of North London; so does Keith Joseph as you know. He has made his view plain to the CNAA (to whom Miss Jeffery addressed her complaint); They intend to mount an enquiry.

On the question of student unions, I agree that we have seen recently a number of disturbing examples of political activity. However, I am afraid that student unions cannot accurately be described, in the normal sense of the term, as closed shops. They are integral parts of their parent institutions and their constitutional position is defined in Articles of Government - or of Association in the case of London polytechnics - and the rules made under them. Under these Articles the ILEA cannot be prevented from earmarking sums in aid of union functions and Keith has very little power to intervene. Indeed his predecessor's announcement of the new funding system (which did not incidentally require legislation) acknowledged that it could be appropriate for local authorities to be concerned in the question of allocation. He is, however, currently considering whether it is open to him to write to the authorities of the Polytechnic of North London pointing out that, although they do not control the funding of their students' union, they have a responsibility under the Articles of Association to ensure that the monies made available to it are spent in ways consistent with its charitable status.

The use made by students' unions, however, of the public funds allocated to them has been the subject of a number of complaints, all of which are carefully investigated. Keith is in fact currently pursuing a complaint by the Federation of Conservative Students about the activities of the students' union at Bradford University which could give rise to further advice being given to institutions generally on the conflict between certain activities of students' unions and their charitable status. Not all unions have such status, although those of the London Polytechnics do. I realise that some of the public money made available goes on sabbatical officers with the



consequences in many cases which you describe. I know that Keith  
● considering the options.

I am glad to be kept in touch with the progress of the NCEA's research on examination results. I know that Keith Joseph and Rhodes Boyson look forward to seeing what the Council's report has to say.



Baroness COX



FILE

RM

28/3

10 DOWNING STREET

From the Private Secretary

17 March, 1983

I enclose a copy of a letter the Prime Minister has received from Baroness Cox, Director of the Nursing Education Research Unit of Chelsea College.

I should be grateful if you could let me have a draft reply for the Prime Minister's signature to reach me here by Monday, 28 March.

(Timothy Flesher)

S. Williams, Esq.,  
Department of Education and Science

VC