



PRIME MINISTER

1. Attached to this minute is a draft reply to the letter you have received from the President of the Prosecuting Solicitors' Society of England and Wales (PSSEW) concerning the Crown Prosecution Service. It is as reassuring as we can make it. But the process of establishing the Crown Prosecution Service in the required time has run into serious, though not insuperable, difficulties. I think you should be aware of them and of the steps I am taking to overcome them.
2. You will recall that the Prosecution of Offences Act 1985 provides for an independent prosecution service. This fulfils an undertaking we gave during the passage of the Police and Criminal Evidence Bill. We are committed to 1 April 1986 as the introduction date for the six Metropolitan counties and to 1 October 1986 for London and the remainder of England and Wales. The Service will be headed by the Director of Public Prosecutions under the superintendence of the Attorney General.
3. Prosecuting solicitors are mostly employed by local authorities. We look to them to transfer into the new Service. Their three ostensible reasons for the discontent which Mr Timmons describes are centred as follows:

(i) Terms and Conditions of Employment:

Only the basic components (grading and associated salaries) have as yet been agreed as between the DPP and the Treasury. The resulting career structure proposed to the PSSEW and unions is seen by them as markedly inferior and unattractive. At the bottom end, pay scales are said to be too low to



attract recruits. Higher up, the posts are seen as a down-grading of their work, although "pay protection" for 10 years will apply.

(ii) Lack of Information:

Ancillary terms and conditions have not yet been determined, eg seniority, allowances and mobility requirements. In the absence of proposals PSSEW and unions have not been able to see how posts in the new Service will compare with their existing jobs.

(iii) Lack of Consultation:

The need to dovetail the establishment of the Service with the abolition of the Metropolitan county councils has imposed a tight timetable upon consultation, eg upon selection procedures for posts and on the content of the transfer regulations. Instructions to the Chief Crown Prosecutors designate for the Metropolitan counties as to staffing levels in their areas have had to be issued by the DPP without consultation.

4. On 2 October NALGO put out a press statement referring to their grievances and indicating withdrawal of cooperation with the DPP. They seek thereby to secure consultation. There is general support for a Crown Prosecution Service, but disgruntlement over the above matters.
5. It will be necessary to commence the transfer procedures for the Metropolitan counties not later than 1 January 1986. By that date we must notify individual local government employees



of the available posts and grades in the Service, together with the terms and conditions which will govern their transfer and assimilation into the civil service. The transfer regulations (negative resolution procedure) must by then be in place.

6. I have taken the following steps:

- (i) I have instructed the DPP that the Service must be established on time. (The DPP is himself anxious to secure this).
- (ii) I have arranged to meet the Crown Prosecution Service Trade Union Group on 8 October. I shall listen with sympathy and explain.
- (iii) I have asked the Director to seek immediately the cooperation of central departments to form a working group of officials to hammer out a package of ancillary terms and conditions which can be put to the unions within two or three weeks. In my view, it is essential we proceed in this way rather than by the more conventional method of separate negotiations between the Director and departments concerned on each aspect that has to be covered.
- (iv) I am preparing briefing for our backbenchers, with the approval of the Chief Whip, in view of the campaign about to be conducted by the PSSEW and the unions.

7. It would be extremely damaging if we postponed the starting date, or if the Service started inefficiently and with an uncommitted staff. I am resolved that this shall not happen. The DPP advises me that we can keep the date, but only if we



promptly determine internally the outstanding components of the package and are then prepared to drive resolutely ahead without necessarily attaining the agreement of the unions. I have instructed that this course be followed.

8. My provisional assessment is that, while the unions have no seriously troublesome grievance over information or consultation, given the political need to start on 1 April 1986, the reverse may well be true as regards some of the pay and grading proposals put forward. I am well aware that the unions will naturally try their hardest for the best terms possible. We, for our part, while going no further than necessary, must offer terms that will suffice to attract, and retain in good heart, staff of the necessary quality - something we have always accepted in the House and outside. This is a matter for careful judgement.

9. To this end I am engaged in an urgent assessment of whether, in order to achieve the minimum attractive power necessary, our present proposals need to be improved and, if so, in what respects. It is likely that the unions' real focus will be on pay and grading, rather than on the ancillaries. If I conclude that we must improve our proposals in any respect before inviting transfer in January 1986, I shall at once seek Treasury approval, and I have notified the Chief Secretary of this possibility.

Patrick Aashew

4 Oct 85

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LETTER FROM: THE PRIME MINISTER

TO: THE PRESIDENT OF THE PROSECUTING
SOLICITORS' SOCIETY OF ENGLAND
AND WALES

Thank you for your letter of 24 September 1985, enclosing a copy of the resolution passed by members of your Society concerning the implications for the career structure of the Crown Prosecution Service arising out of the present proposals as to salary scales and grading.

I reaffirm my view that the provision of adequate resources for the maintenance of law and order must be a fundamental priority for any Government. Our intention is that the staff who will serve in the Crown Prosecution Service should receive fair and reasonable remuneration, having regard both to ~~market rates~~ ^{the job to be done} and the need to attract and retain staff of the requisite calibre. This is completely in accord with what the Solicitor General told the House of Commons in April.

I understand that the Law Officers received a delegation from your Society early in September when these and other areas of difficulty were discussed. Officials also attended your recent

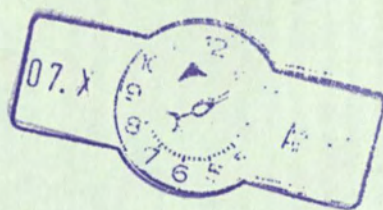
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- 2 -

annual Conference. The Government shares your concern for the efficiency and effectiveness of the new Service. The Solicitor General is giving careful consideration to all which was said to him and to officials, and will also give full weight to the more detailed information you have agreed to collate and provide as to the practical effect on your members of the present proposals.

In these circumstances I do not think that the meeting you seek would serve any useful purpose, but I can assure you that I do take a close interest in these matters and shall continue to do so.



J. M. TIMMONS

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10 DOWNING STREET

From the Private Secretary

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30 September 1985

I attach a copy of a letter the Prime Minister has received from Mr J.M. Timmons, President of the Prosecuting Solicitors' Society of England and Wales.

I should be grateful if you could let us have a draft Private Secretary reply, to reach us by Monday 14 October.

I am copying this letter and enclosure to Claire Pelham (Home Office).

Tim Flesher

Henry Steel, Esq., CMG, OBE.,
Law Officers' Department.

6