

D. R.

Prime Minister ①

Agree with
Chancellor and
Policy Unit in rejecting
Mr Younger's proposal.

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- Yes, we can't handle it
that way. Under the T.U. legal -
can we sue

MR TURNBULL

AT
12/2

15 February 1985

SCOTTISH TEACHERS DISPUTE

the unions for
damages?

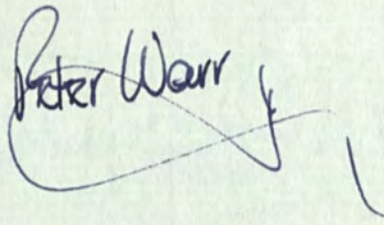
George Younger's proposal to provide grants to parents in
Ministers' constituencies to educate their children during
the continuation of the strike looks like the thin end of a
very fat wedge - and one that could have implications not
just in Scotland. Worse, far from alleviating the political
pressure it could increase it:

- Giving money to Ministers' constituents - particularly when he virtually admits it can only be of cosmetic value - will look like buying votes.
- If the money is tightly controlled it will take too long to have any educational impact, but if the strings are looser one can anticipate stories of Bermudan holidays on the taxpayer.
- Those parents that do get the money will complain about the strings, and the majority outside the system will demand it be extended to them.
- The unions will be enraged and change their tactics creating demands for grants in new areas once this particular dyke has been breached.
- The English teachers (also in revolt) watching the chaos will be tempted to copy the tactics for English Ministers' constituencies.
- But worst of all it would place the apparent responsibility for the disruption on the Government rather than the union.

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If George Younger has to make a gesture then it should be offering the funds (within PES totals) to the employers to hire volunteer teachers or provide alternative teaching facilities. If the authorities are unwilling to do this, or unwilling to hire non-union teachers, then the odium should rest with them.

A handwritten signature in blue ink that reads "Peter Warry". The signature is written in a cursive style with a large, sweeping flourish at the end.

PETER WARRY

CONFIDENTIAL

MJQADN

bc MV Warry



10 DOWNING STREET

From the Private Secretary

18 February 1985

Scottish Teachers Dispute

BT

The Prime Minister has seen your Secretary of State's letter to the Chancellor of 13 February and the latter's reply of 15 February. She shares the Chancellor's doubts about your Secretary of State's proposal. She has asked whether the teachers' union can be sued for damages under existing trade union legislation.

I am copying this letter to Rachel Lomax (HM Treasury), Janet Lewis-Jones (Lord President's Office), Elizabeth Hodgkinson (Department of Education and Science), David Normington (Department of Employment), Richard Broadbent (Chief Secretary's Office), Colin Jones (Welsh Office) and Richard Hatfield (Cabinet Office).

Andrew Turnbull

John Graham Esq
Scottish Office.

ECC

CONFIDENTIAL

Prime Minister (2)

cc NO

AT 28/2



SCOTTISH OFFICE
WHITEHALL, LONDON SW1A 2AU

Andrew Turnbull Esq
10 Downing Street
London

27 February 1985

ms

Dear Andrew,

SCOTTISH TEACHERS' DISPUTE

Thank you for your letter of 18 February giving the Prime Minister's views on my Secretary of State's letter of 13 February to the Chancellor. My Secretary of State is now reviewing the position and will write again to his colleagues shortly.

On the legal liability of the Teachers' Unions in Scotland, I am advised that their industrial action, which followed balloting of the membership of the three unions involved, is likely to be regarded by the courts as in furtherance of a trades dispute. In the absence of a test case however we cannot be certain whether the striking teachers would be immune from liability: it would depend on the court's view on whether the balloting was properly carried out, about which we ourselves cannot give a definitive view.

If, however, the teachers take any action which might constitute a breach of contract or fail to undertake duties which they should undertake, then the employing authorities may have grounds for disciplinary action against them. We assume that strike action by the Educational Institute for Scotland, much the largest of the unions, is so targeted on the constituencies of the Government Ministers that the maximum political advantage may be gained without unduly stretching the resources of their strike fund to compensate those teachers who are losing 3 days' pay for several weeks. There accordingly appears to be little prospect of the Teachers' Unions incurring sufficient financial penalties, as a result of either litigation or loss of salary, to bring an end to the industrial action.

I am copying this letter to Rachel Lomax (HM Treasury), Janet Lewis Jones (Lord President's Office), Elizabeth Hodgkinson (Department of Education and Science), David Normington (Department of Employment), Richard Broadbent (Chief Secretary's Office), Colin Jones (Welsh Office) and Richard Hatfield (Cabinet Office).

Yours sincerely,
John Graham

J S GRAHAM
Private Secretary

Education : Teachers pay 4/4.

SCOTTISH OFFICE
WILTBHALL GARDENS, EDINBURGH



29 FEB 1985

