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CC NO.



PRIVY COUNCIL OFFICE
WHITEHALL, LONDON SW1A 2AT

20 March 1985

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Dear Keith

TEACHERS' PAY: BRIEFING AND PUBLICITY

Thank you for your letter of 12 March. I am content for your office to undertake the circulation of briefing material on teachers' pay.

will request if required

I am sending copies of this letter to the Prime Minister, members of Cabinet and Sir Robert Armstrong.

*Yours
L.M.*

The Rt Hon Sir Keith Joseph Bt MP

21 MAR 1985



CC 110

PRIME MINISTERS' QUESTIONS : 21 MARCH UPDATE

TEACHERS' PAY DISPUTE : INDUSTRIAL ACTION IN SPECIAL SCHOOLS

Speaking Note

NUT members have been on strike in 9 special schools this week: 5 of them have been closed for 3 days. Two special schools appear in the list of schools chosen for strike action next week. The NUT selects these schools. There are over 27,000 nursery, primary and secondary schools in England and Wales for them to choose from. To select special schools seems to me to represent a deliberate and vindictive attack on the education of those children most in need of uninterrupted schooling.

Background Note

1. 9 special schools with a total of some 1200^{pupils} have been affected by NUT strike action for 3 days (Tuesday-Thursday) this week. Of these 5 have been closed completely for the whole 3 days; 3 have been closed to over half their pupils, and only one has managed to avoid sending children home. Altogether about 900 pupils have lost lessons, almost all of them for 3 whole days. This information has been supplied by the maintaining LEAs this morning.
2. In addition NAS/UWT guerilla action affected at least one special school, in Dorset, which was closed on Tuesday 19 March - no action was however taken yesterday or today. NAS/UWT gave sufficient advance warning of Tuesday's closure to enable parents to keep day pupils at home: boarding pupils were cared for by hostel staff.
3. NUT's list of a reported 466 schools to be hit next week, published today, contains only 2 schools described as special schools. We have confirmed that they are indeed special schools and that the maintaining LEAs are expecting strike action there next week. The schools are reported in today's "Express" as for mentally handicapped pupils; that is essentially correct although in current terminology they are for pupils with severe learning difficulties (Reynolds Cross Special School in Solihull - some 70 pupils aged 13-18) and both severe and moderate learning difficulties (Pitcheroak Special School, Redditch - approximately 130 pupils aged 4-18). The "Express" article however implies physical handicaps too, in the case of Reynolds Cross: the school is not in fact approved for physically handicapped pupils, but it is possible that it might contain some pupils with multiple handicaps.
4. The complete 466 schools NUT list is said to affect 355,000 children in 52 LEAs in England and Wales; NUT is reported as claiming that 8,500 members in their schools will be called out.

'The Daily Express' - Thursday 21 March 1985.

Teachers' strike hits mentally handicapped

By NICK WOOD Education Correspondent

TEACHERS were attacked last night for extending their strike to schools for the mentally handicapped.

The National Union of Teachers admitted yesterday that 10 special schools were being hit by the walk-out this week. More will be affected next week.

Five teachers are planning to strike next week at a school where some of the children are unable to walk, feed or dress themselves.

Only three staff will be left at the 66-pupil Reynaulds Cross School, in Solihull, West Midlands.

Parents have been told the school will close during the walk-out.

The NUT has also called out teachers at Pitcheroak special school, in Redditch, Worcs.

The school caters for 130 pupils with moderate to severe mental handicaps.

Parliamentary Clerk* ✓

Copy to: PS/S of S
PS/Mr Stewart
PS/US of S
PS/SED
PS/CS
Mr Pagett, SIO
Mr Lindsay, SIO

TEACHERS' PAY DISPUTE

I attach background briefing for the Prime Minister's use at Question Time today.

You will wish to note that Central Region has confirmed that special schools in its area were affected by EIS industrial action last week. Paragraph 2 of the background note now makes this point. However, Scotland is not alone in this according to a report in yesterday's Times about NAS/UWT action affecting a special school in Dorset on Tuesday of this week.

Mrs E Lewis
21 March 1985

Room 5/09
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Ext 5232

TEACHERS' PAY DISPUTE IN SCOTLAND

LINE TO TAKE

MY RT HON FRIEND THE SECRETARY OF STATE FOR SCOTLAND MADE THE TEACHERS A MOST GENEROUS OFFER. HE MADE CLEAR HE WAS PREPARED TO ADJUST SPENDING PRIORITIES IF THE SCOTTISH JOINT NEGOTIATING COMMITTEE HAD PRODUCED A SUFFICIENTLY ATTRACTIVE PACKAGE ON PAY AND CONDITIONS OF SERVICE. I FAIL TO SEE WHAT MORE MY RT HON FRIEND COULD REASONABLY HAVE PROPOSED.

I UNDERSTAND THAT AT A MEETING OF THE NATIONAL COUNCIL OF THE EDUCATIONAL INSTITUTE OF SCOTLAND ON 18 MARCH, THIS VERY FAIR OFFER WAS OVERWHELMINGLY REJECTED. THE EIS HAS NOW CALLED FOR ESCALATION OF THE INDUSTRIAL ACTION WHICH IS HARMING SO MANY SCOTTISH SCHOOL CHILDREN.

I CERTAINLY SYMPATHISE WITH PUPILS AND THEIR PARENTS AFFECTED BY THIS ACTION, ESPECIALLY THOSE IN EXAMINATION YEARS. THE TEACHERS SHOULD ENTER INTO REALISTIC NEGOTIATIONS WITH THEIR EMPLOYERS SO THAT PROGRESS CAN BE MADE AND THIS DAMAGING DISPUTE QUICKLY BROUGHT TO AN END.

BACKGROUND NOTE

1. Following a 4½ per cent pay increase in April 1984, Scottish teachers have asked for an independent review of pay and have backed up their case with disruptive action in schools. In response, the Secretary of State for Scotland turned down the idea of an independent pay review but indicated that he would be prepared to adjust spending priorities in the programmes for which he is responsible in order to secure a settlement if the negotiating machinery for teachers' pay - the Scottish Joint Negotiating Committee for Teaching Staff in School Education - produced a sufficiently attractive package of proposals on pay and conditions of service. The teachers' employers - on the Management Side of the SJNC - were reluctantly prepared to accept this proposal in order that negotiations could begin. We understand that two of the teachers' associations - the Scottish Secondary Teachers' Association and the Professional Association of Teachers - would also have been prepared to co-operate. Despite meetings with both sides and letters in which the Secretary of State clarified his proposal, the Teachers' Side as a whole have repeatedly refused to accept his offer. The Secretary of State therefore wrote to the Teachers' Side on 28 February noting with regret that his proposal has been finally rejected. When it was made clear that the Secretary of State would not be prepared to accept anything other than a substantive review of conditions of service, the national council of the largest teachers' union - the Educational Institute of Scotland - voted overwhelmingly on 18 March to maintain its campaign for an independent review of pay alone.

2. In support of its claim for an independent pay review, the EIS initiated at the beginning of the year a campaign of selective strike action including both short-term sporadic strike action in all regions in Scotland and continuous and progressive strike action for three days of every week in schools in the constituencies of all Government Ministers. In February alone some 17,600 teacher days were lost. Nearly 300,000 pupils will have their education interrupted to a greater or lesser degree this week. The targeted action on schools in Ministers' constituencies is seriously disrupting the education of pupils, particularly those who are sitting examinations this year, and parents of the children affected are becoming increasingly concerned. The Prime Minister may be interested to know that 10 special schools in Central Region were affected by EIS action on 14 March. Six were completely closed, and 228 pupils had their education disrupted.

3. Following a ballot, the EIS also instructed its members to withdraw from procedures for the 1985 SCE examinations although it has since limited the effect of the withdrawal on the conduct of practical tests and the submission of internally assessed marks. The Scottish Education Department in consultation with the education authorities and the Scottish Examination Board are taking all possible steps to ensure that the examinations go ahead. Contingency measures were announced on 4 February and 7 March. In particular loss of teaching time will be taken into account as grounds for appeal and appeals can be made for 'A' and 'B' band awards as well as simply against failure. The success of any appeal will, however, depend on actual evidence of performance available. The Scottish Universities Council on Entrance has stated that the effects of the dispute will be taken into account in considering the examination results of candidates for entrance. The Universities desire to see that no candidate for entrance should suffer as a result of the disruption.

4. The Secretary of State has received complaints from parents alleging that the education authorities are in default of their statutory duty to provide adequate and efficient school education. Before taking any action, he must satisfy himself that there has been a default. As a first step he has therefore

given the authorities an opportunity to comment. If the Secretary of State is then satisfied that an education authority has failed to discharge its duty, he may make an Order declaring them to be in default. If the authority does not take action, the Secretary of State may either make arrangements for the discharge of the duty or the Lord Advocate may apply to the Court of Session to order specific performance of the duty. The Scottish Education Department has written to Chief Executives of Education Authorities expressing the Secretary of State's concern at the prospect of continuing damage to school education throughout Scotland, and suggesting steps which could be considered to limit the harm done to those who are to sit public examinations this year and next.

TEACHERS' PAY DISPUTE IN SCOTLAND

LINE TO TAKE

MY RT HON FRIEND THE SECRETARY OF STATE FOR SCOTLAND MADE THE TEACHERS A MOST GENEROUS OFFER. HE MADE CLEAR HE WAS PREPARED TO ADJUST SPENDING PRIORITIES IF THE SCOTTISH JOINT NEGOTIATING COMMITTEE HAD PRODUCED A SUFFICIENTLY ATTRACTIVE PACKAGE ON PAY AND CONDITIONS OF SERVICE. I FAIL TO SEE WHAT MORE MY RT HON FRIEND COULD REASONABLY HAVE PROPOSED.

I UNDERSTAND THAT AT A MEETING OF THE NATIONAL COUNCIL OF THE EDUCATIONAL INSTITUTE OF SCOTLAND YESTERDAY EVENING, THIS VERY FAIR OFFER WAS OVERWHELMINGLY REJECTED. THE EIS HAS NOW CALLED FOR ESCALATION OF THE INDUSTRIAL ACTION WHICH IS HARMING SO MANY SCOTTISH SCHOOL CHILDREN.

I CERTAINLY SYMPATHISE WITH PUPILS AND THEIR PARENTS AFFECTED BY THIS ACTION, ESPECIALLY THOSE IN EXAMINATION YEARS. THE TEACHERS SHOULD ENTER INTO REALISTIC NEGOTIATIONS WITH THEIR EMPLOYERS SO THAT PROGRESS CAN BE MADE AND THIS DAMAGING DISPUTE QUICKLY BROUGHT TO AN END.

NOTES FOR SUPPLEMENTARIES

DISRUPTION IN SCHOOLS?

THE GOVERNMENT SHARES THE DEEP CONCERN OF PUPILS AND THEIR PARENTS ABOUT THE DISRUPTION WHICH THE TEACHERS' ACTION IS CAUSING IN SCHOOLS. THE SCOTTISH EXAMINATION BOARD HAS ARRANGED APPROPRIATE MEASURES TO SAFEGUARD THE 1985 EXAMINATIONS.

DEFAULT ACTION?

I UNDERSTAND THAT MY RT HON FRIEND HAS RECEIVED COMPLAINTS FROM PARENTS ALLEGING THAT EDUCATION AUTHORITIES ARE IN DEFAULT OF THEIR STATUTORY DUTY TO PROVIDE ADEQUATE AND EFFICIENT SCHOOL EDUCATION. HE HAS GIVEN THE EDUCATION AUTHORITIES AN OPPORTUNITY TO COMMENT, BEFORE DECIDING WHETHER ANY ACTION IS CALLED FOR. A LETTER HAS ALSO BEEN SENT TO EDUCATION AUTHORITIES SUGGESTING THAT THEY CONSIDER A NUMBER OF MEASURES TO LIMIT THE DAMAGE TO CHILDREN'S EDUCATION.

HAS THE SECRETARY OF STATE WITHDRAWN HIS PROPOSAL?

MY RT HON FRIEND HAS NOT WITHDRAWN HIS PROPOSAL BUT HAS NOTED WITH REGRET THAT THE TEACHERS HAVE FINALLY REJECTED IT.

SECRETARY OF STATE'S STATEMENTS CONTRADICTIONARY/ DELIBERATELY WRECKED CHANCES OF AGREEMENT?

CERTAINLY NOT. MY RT HON FRIEND HAS MAINTAINED THE SAME LINE FROM THE BEGINNING. HE IS LOOKING FOR A SUBSTANTIVE AND WORTHWHILE REVIEW OF TEACHERS' PAY AND CONDITIONS OF SERVICE.

CASE FOR PAY INCREASE FOR
TEACHERS UNANSWERABLE?

THE GOVERNMENT DOES NOT ACCEPT THAT SALARY INCREASES SHOULD BE INDEXED TO EITHER THE RATE OF INFLATION OR SOME STANDARD OF COMPARABILITY WITH OTHER EARNINGS. THAT WOULD BE TOTALLY INCONSISTENT WITH EFFORTS TO KEEP DOWN INFLATION AND CONTROL PUBLIC EXPENDITURE. BUT THE AVERAGE SALARY INCREASES OF TEACHERS SINCE 1979, AS PUBLISHED BY THE EDUCATIONAL INSTITUTE OF SCOTLAND, ARE IN FACT COMPARABLE WITH THOSE OF CIVIL SERVANTS AND OTHER LOCAL AUTHORITY EMPLOYEES.

WHY NOT AN INDEPENDENT
REVIEW?

THE EXISTING STATUTORY MACHINERY IS ENTIRELY ADEQUATE. THE SJNC WAS SET UP BY PARLIAMENT WITH EXPRESS RESPONSIBILITY FOR CONSIDERING PAY AND CONDITIONS OF SERVICE, AND IT IS THE MOST APPROPRIATE BODY TO UNDERTAKE SUCH A REVIEW. THE LOGIC OF THE TEACHERS' ARGUMENT IS THAT IF AT ANY TIME ANY GROUP ASKS FOR AN INDEPENDENT PAY REVIEW IT SHOULD RECEIVE ONE. THAT IS CLEARLY ABSURD.

WHY INCLUDE CONDITONS OF
SERVICE?

A REVIEW OF PAY ALONE WOULD BE A VERY ONE-SIDE BARGAIN. IF THE TEACHERS ARE SO CONFIDENT OF THEIR POSITION, WHAT HAVE THEY TO FEAR FROM A REVIEW WHICH INCLUDES CONDITIONS OF SERVICE?

EDUCATIONAL EXPENDITURE?

FOR BOTH PRIMARY AND SECONDARY PUPILS, EXPENDITURE PER HEAD IN SCOTLAND HAS NEVER BEEN HIGHER. THE GOVERNMENT PLANS AN INCREASE OF

5½ PER CENT IN CASH TERMS IN THE PERIOD 1984-85 TO 1986-87. THIS COMPARES WITH A PROJECTED 5½ PER CENT DROP IN PUPIL NUMBERS.

PRIME MINISTER'S REMARKS ON HOUGHTON IN 1979?

THE HOUGHTON REPORT SAID THAT THE "TEACHING PROFESSION IN COMMON WITH THE REST OF THE COMMUNITY MUST EXPECT DUE REGARD TO BE PAID TO CONSIDERATIONS OF NATIONAL INTEREST IN THEIR PAY SETTLEMENT". I QUITE ACCEPT THIS. I DO NOT ACCEPT THAT COMPARABILITY OR RESTORATION OF PAST RELATIVITIES IS A SOUND BASIS FOR DETERMINING PAY LEVELS.

SIR KEITH JOSEPH SAID THAT A 7% INCREASE WAS COMPLETELY OUT OF THE QUESTION FOR ENGLISH TEACHERS: DOES THAT APPLY IN SCOTLAND TOO?

THE SECRETARY OF STATE FOR SCOTLAND HAS DECLINED TO DISCUSS FIGURES OR PERCENTAGES IN THE ABSENCE OF ANY PROPOSALS: I THINK HE IS RIGHT: BUT PAY FOR TEACHERS CANNOT BE CONSIDERED IN TOTAL ISOLATION FROM THE PAY OF OTHERS IN THE PUBLIC SECTOR.

PRIME MINISTER'S QUESTIONS

TEACHERS' PAY DISPUTE - 19 MARCH UPDATE

Line to take

[Despite my statement yesterday, it seems that some still seek to make capital out of what arose from an error by the NUT.] I understand that 9 special schools are among the 434 schools reported to the newspapers by the NUT as those where 3-day strike action is to start today. The NUT selects these schools. There are over 27,000 nursery, primary and secondary schools in England and Wales for them to choose from. To select special schools seems to me to represent a deliberate and vindictive attack on the education of those children most in need of interrupted schooling. Or does the union [or the hon Member] consider this action to be somehow less callous and despicable because most of the children concerned are not physically handicapped but have learning difficulties of other kinds?

Background note (NOT FOR USE)

1. The NUT is reported as having listed 434 schools with 325,000 children for 3-day strikes this week. 47 of the 104 English and Welsh LEAs are affected, and NUT claims that 7,000 members (about 1.5% of the teaching force) will be on strike.

2. The list includes 10 schools described as special schools, in Berkshire (2), Buckinghamshire, Leicestershire (2), Solihull, Enfield and ILEA (3). The Enfield school is however a primary school - that has been checked with the LEA. It is too early to obtain a comprehensive picture of the impact from the authorities concerned. It is possible that last week's publicity may have affected the teachers' resolve. We understand however that at least 4 of the schools are completely closed today, and seem likely to remain closed for 3 days. In addition one school is described as open but receiving no children; at others, half or more of the teachers are on strike and a high proportion of pupils will be losing lessons. In all, it seems likely that at least 900 of the 1200 children in these schools will miss lessons for up to 3 days. This estimate is however necessarily made on the first morning of the strike. The situation may change - it is even conceivable, though unlikely, that teachers will report for work this afternoon. It would be preferable not to make direct use of the information until Thursday, when a more complete and up-to-date picture should emerge.

3. A press release dated 15 March from the other union taking industrial action (NAS/UWT) indicates that 6 LEAs will be added this week to the 16 already suffering from the association's "guerrilla action" - short notice strikes by small numbers of "key" teachers in each school, lasting for between about an hour and half or perhaps a whole day. The release says that the action so far has affected 350,000 pupils in over 1,000 schools.