

CONFIDENTIAL

Education



C. J. V. (2)
Prime Minister

Treasury Chambers, Parliament Street, SW1P 3AG | have asked
01-233 3000

6 April 1982

for Sir K Joseph's
considered view of
the legal position on
teachers' over-ride.

The Rt. Hon. Sir Keith Joseph Bt MP
Secretary of State for Education and Science
Department of Education and Science

In view

Mes 7/4

MS

TEACHERS' PAY IN ENGLAND AND WALES

See
Pt. 2

Thank you for your two letters of 31 March.

On teachers' pay in England and Wales, I take it that we will need to consider shortly what issues arise for the Government in connection with the arbitration arrangements, giving of evidence, and so on. No doubt you will keep colleagues in touch with developments.

Meanwhile, I have read with interest the comments of the Attorney General which you enclosed with your letter. Much will obviously depend on the nature of the arbitration award. But I note in particular his view that we need not limit the use of the override procedure under the 1965 Act to times of economic crisis or near crisis, and indeed that its use is not ruled out even in an improving economic situation. In view of this I would want for the record to question the view recorded in the minutes of E(PSP) on 1 April (E(PSP)(82) 2nd meeting Item 2 that the Government's powers to override arbitration awards to the teachers were legally very circumscribed. My conclusion is that we must keep an open mind on the possibility of override until we have the arbitration award.

We had a brief word about your letter about F.E. teachers in Scotland at E(PSP) on 1 April. As I explained, my agreement to George Younger's proposal to go as high as 5½ per cent in this case was subject to strict conditions, particularly that there should be a near certainty that it would lead to settlement. This condition did not apply in the case of the teachers; indeed your letter of 23 March said explicitly that the ACC would not be prepared to enter into negotiations "with a 5 per cent ceiling or even a 5½ per cent ceiling."

/I am copying

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I am copying this letter to the Prime Minister, the Secretaries of State for Scotland, Wales, and Northern Ireland, the Attorney General, members of E(PSP), and Sir Robert Armstrong.

GEOFFREY HOWE

Handwritten signature and initials in black ink, appearing to be "J.H." with a large flourish above it.

17 APR 1982

