

CONFIDENTIAL

Prime Minister

Mr Younger has made his opening bid in the discussions between Education Minister (and I suspect yourself) which Cabinet called for. The Chancellor (and I suspect yourself) are unlikely to accept. Agree though to await outcome of ministerial discussions?

MR TURNBULL

1 March 1985

We must discuss

SCOTTISH TEACHERS' PAY

I assume that any increased pay would come out of the existing education budget.

George Younger is in a difficult position with Scottish teachers striking mainly in Ministerial constituencies. His latest proposal to settle the problem is to offer the teachers a pay settlement significantly over the norm in return for them undertaking inter alia preparation of new courses, in-service training for such courses, assessment of pupils and supplying information to the examination board.

Such a fudged settlement cannot be sensible without first:

- a. testing in the courts whether these duties are already implicit in their employment contracts, (the Solihull teachers court case gives some comfort).
- b. waiting for the outcome of discussions with Keith Joseph and other interested Ministers as agreed in Cabinet. (Any action in Scotland would undermine our position with English teachers where very much more substantial changes have been discussed).
- c. trying to force the education authorities (through the courts if necessary) to do more to alleviate the situation. Even if unsuccessful it will show we are trying to help.

We recommend you should not agree to his proposal. It could only be possible if it encompassed changes comparable with those required of English teachers.

Peter Warry

PETER WARRY

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cc Peter Warr
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From the Private Secretary

4 March 1985

Dear John.

SCOTTISH TEACHERS PAY

The Prime Minister has seen your Secretary of State's letter of 1 March to the Chancellor of the Exchequer. She is concerned that any initiative in Scotland could cut across the position being taken by other Education Ministers. She assumes that the Secretary of State's proposal will be discussed by the Group of Ministers who will be meeting to follow up the remit from last Thursday's Cabinet. She has commented that any increase in pay should come out of the existing education budget.

I am copying this letter to the Private Secretaries to members of E(PSP), Colin Jones (Welsh Office), Neil Ward (Northern Ireland Office) and Richard Hatfield (Cabinet Office).

Yours sincerely

Andrew Turnbull

ANDREW TURNBULL

John Graham, Esq.,
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The Rt Hon Nigel Lawson MP
Chancellor of the Exchequer
HM Treasury
Parliament Street
LONDON

1 March 1985

Dear Chancellor of the Exchequer

SCOTTISH TEACHERS' PAY

In my letter of 12 February about Scottish teachers' pay I said that I would write to you again when there were any further significant developments to report.

At that time I was awaiting reactions from the Teachers' Side of the Scottish Joint Negotiating Committee for Teaching Staff in School Education (SJNC(SE)) to my suggestion that, instead of the independent review of pay for which the teachers had asked and which I had firmly refused, the SJNC(SE) might itself undertake a review of pay and conditions of service and produce a package of proposals for my consideration - without of course any advance commitment on my part that additional resources would be available. The Management Side had agreed that my proposal was constructive, but the teachers had asked for more time to consider their position.

At a further meeting of the SJNC(SE) on the morning of 15 February the teachers took the line that, before making a response, they would welcome clarification from me on certain matters, and I agreed to see a small group of their leaders (along with the Chairman and Secretary of the Management Side) later that same day. At that meeting I took the opportunity of explaining in more detail the sort of conditions of service items which I would expect to see covered in any package. I emphasised once again, however, that I could give no advance guarantees on resources. I undertook simply that, if the SJNC(SE) were to produce a negotiated package which I found sufficiently attractive, I would be prepared to consider some re-ordering of priorities within the public expenditure programmes for which I am responsible, although such re-ordering would be a difficult process both for the local authorities and for me. My position on these matters was subsequently confirmed in an exchange of letters with the Teachers' Side Secretary. In a letter of 25 February to the Management Side Secretary, however, the Teachers' Side Secretary indicated that, after the most careful consideration, the Teachers' Side had decided against participating in a review within the statutory SJNC(SE) framework of the sort which I had suggested. The implication is that they will keep up their pressure for an independent review of pay alone, but this I shall continue to refuse.

Meanwhile, the various forms of industrial action which I described in my letter of 12 February have been continuing and intensifying. It is clear that the already serious position in Scottish schools (in which industrial action started several months before that in England and Wales) will get still worse - particularly in the

constituencies of Government Ministers in Scotland, which are being specifically targeted and where many schools are now being subjected to strike action for 3 days in each week. I must emphasise the gravity of a situation in which many children are now quite certainly at risk in the context of the forthcoming Scottish Certificate of Education examinations, upon which their future job prospects and possibly entry to higher education will crucially depend. Parents throughout the country are - with good reason - becoming more and more alarmed and restive. Children of my own constituents have now lost most of their schooling for 6 weeks.

I have received a number of formal complaints from parents that authorities are failing to provide education for their children and I have referred these complaints to the authorities concerned for their comments in the first instance; once I have their views I shall have to decide whether they are, as the parents allege, in default of their duty. But the procedure open to me to make a default order, if I so decide, is only useful if any way can be seen by which an authority could fulfil its duty. Any authority ordered to provide education for the affected children is likely to argue before the Courts that it is unable to fulfil its duty without the cooperation of the teachers and that any measures it might take, for example, to provide tuition by unqualified staff, would worsen rather than remedy the position by bringing more teachers out on strike. I would not rate the chances of success in default action very highly.

Even more serious are the long term implications of the teachers' action. Since early autumn last year members of the Educational Institute of Scotland have been boycotting all development work, and particularly that connected with my major reform of school education for 14 to 16 year olds. The new Standard grade courses in English, Mathematics, Science, and Social and Vocational Skills began for 14 year olds throughout the country last August; but the guidelines issued by the Scottish Examination Board require a good deal of work by teachers to develop new teaching methods and materials appropriate to each school, and because this has not been done in most schools it is likely that I shall have to announce within the next few weeks that the old Ordinary grade examinations will be run in parallel with the new Standard grade in 1986. I am not sure that it will be possible thereafter to get back on course and persist with our aim of introducing more emphasis on practical skills, practical applications, problem solving, vocational relevance, etc, given that the teachers have discovered this powerful and cost-free weapon of refusing, in pursuit of a pay claim, to carry out essential reforms which can only be delivered with their cooperation.

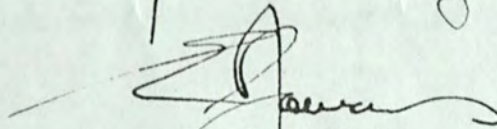
Scottish local authorities have not so far taken a firm line with teachers who are not carrying out the duties normally expected of them but in any case it is doubtful whether they would be able to enforce duties, such as the preparation of new courses, which are not specifically spelled out in their contracts of employment. I may be forced within the next week or so to put pressure on employing authorities to examine their teachers' contracts of employment and take what action is open to them where these are being broken, but few of them are on our side in political terms and, again, the chances of successful legal action by those authorities which are willing to move against their employees may not be high. Meantime the withdrawal of cooperation in development work and the strikes are causing very great damage to the education of all pupils, but are costing the unions' strike funds comparatively little. I see no prospect of winning the battle - certainly in the sense of reverting to a situation in which we can hope to obtain delivery of the educational reforms which the country needs - by attrition.

In these circumstances the only solution which I can see which will prevent irrecoverable damage to our aims for Scottish education would be for new conditions of service for teachers to be negotiated which make it clear that their duties include among other things the preparation of new courses, in-service

training for such courses, the assessment of pupils and supplying the required information to the Examination Board. If that can be achieved, it would place our reforms of the school curriculum on a secure basis and at the same time remove a powerful weapon from the teachers in any future industrial dispute. In my view it would be well worthwhile to offer a pay settlement significantly over the norm in order to achieve improvements of this kind. I should be glad to have an urgent discussion with you and other interested colleagues about this.

As before, I am sending copies of this letter to the Prime Minister, Members of E(PSP), the Secretaries of State for Wales and Northern Ireland and Sir Robert Armstrong.

Yours sincerely



E S GOWANS

Private Secretary

Approved by the Secretary of State and
signed in his absence

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