

PRIME MINISTER

**TEACHERS' PAY DISPUTE**

I attach a note prepared by my officials on last Friday's Burnham meeting. I think that colleagues should read the note as a vivid illustration of our problems. Burnham resumes at 2.00pm today and I shall up-date the position at tomorrow's meeting.

I think that the three key points in the current position are as follows:

- i. the NUT continues to oppose the ACAS agreement and is putting every obstacle that it can in the way of its implementation. It is now threatening a legal challenge and remains determined to continue to disrupt the schools if the ACAS agreement is adopted;
- ii. NAS/UWT are putting a narrow construction on their undertaking to cease disruptive action. The union is not going to instruct its members to resume goodwill; nor will it tell its local branches to withdraw letters to about 70 LEAs which threaten local disputes unless those employers back down and withdraw offending LEA statements on the range of teachers' contractual duties;
- iii. in the face of the position taken by the two biggest unions, the LEAs were unwilling (as of 7.30pm on Friday) to proceed with the implementation of the ACAS provisional agreement.

I cannot say what the prospects are for an accommodation between the employers and the unions at today's Burnham meeting. I am sure that the Labour-led employers will have spent the weekend looking for a formula which might allow them to concede the pay increase despite the threat of continuing disruption and

the absence of any real hope of delivering longer-term reform.  
(Labour have 14 out of the 27 votes on the Burnham management  
panel.)

Copies of this minute go to members of MISC 122 and to Sir  
Robert Armstrong.

**AK**

KJ

Department of Education and Science  
(Approved by the Secretary of State  
and initialled in his absence)

**3** March 1986

CONFIDENTIAL

THE TEACHERS' DISPUTE

1. The employers recognised at the beginning of the management panel meeting that they faced two major difficulties. First, they must get some assurance of an early resumption of normality in schools. They recognised that the NUT is committed to continue disruption (but not strikes, which cost their members pay) even if the agreement was adopted by Burnham with a 1985 pay settlement resulting. However, they hoped that if all other teachers returned to normal working, the NUT could be isolated and their disruption caused to melt away over time. It was therefore essential to their purpose that the other unions, NAS/UWT in particular, returned to normal working. Secondly, they were very conscious of the problem involved in sealing the pay element of the ACAS deal in Burnham without any certainty that the conditions element would subsequently be delivered in CLEA/ST.

2. The employers produced early on the following text which had been agreed at ACAS with all the teacher unions except the NUT.

"In response to a request by the Management Side for clarification of their attitude regarding Clause IV of the agreement of 24th January the teachers' organisations have confirmed that all instructions and advice issued in connection with the 1985 pay dispute have been or will be withdrawn forthwith so that the position of each organisation reverts to that in force before the dispute began."

3. Members noted that this wording meant that union headquarters would not be instructing or advising members to return to the pattern of work existing before the dispute began. That omission attracted sharp comment from employers of all parties. They agreed to seek clarification from the NAS/UWT at the

first possible opportunity during the day's proceedings. What emerged was worse than they had feared. Not only did the NAS/UWT not intend to advise or instruct their members to return to the previous patterns of working, but they also regarded the threat of local industrial action against employers which have issued statements setting down the range of teachers' contractual duties as beyond the scope of the ACAS words quoted in paragraph 2. (A copy of a typical local NAS/UWT letter is attached.) The employers' leader was staggered by this news and went off at once to see ACAS. They could not or would not seek to suggest what the words might mean. As one Labour employer put it, they faced the prospect of trading a national dispute with the NAS/UWT for 104 local disputes. That was clearly recognised by the employers as an impossible basis on which to agree the first (pay) leg of the ACAS provisional agreement.

4. While explorations proceeded about the threat of continued NAS/UWT disruption, the management panel turned to the second question, getting the provisional agreement through Burnham in a form which would allow optimists to regard the question of its subsequent adoption by CLEA/ST as of less than vital importance. The panel considered the following wording, again penned at ACAS in the early hours of Friday morning:

"In Burnham today we REGISTER that the parties have already RATIFIED the agreement and thereby we ADOPT it. We note that this therefore requires the independent chairman to convey Section II of the Memorandum to the Secretary of State. We further note:

1. that ACAS has now set in motion arrangements under Section III and it is anticipated that the first meeting with the independent panel will take place on 7th March; and
2. that the parties intend to adopt the agreement in CLEA/ST on 6th March."

This text was not discussed substantively. But my representatives believe that had it not been for the stumbling-block of continued NAS/UWT disruption, there would have been strong pressure within the management panel to adopt this wording. This would have meant retreat from the employers' earlier firm insistence that the provisional agreement should be adopted in both Burnham and CLEA/ST before the pay aspects should come into force. (It would have given the NUT their objective - continued separation of pay and conditions, with a pay deal and pay talks but negligible prospect of reform in duties and conditions.)

6. Meantime a furious dispute was going on in the teachers' panel, with the NUT claiming that the joint approach to pay and conditions of service involved in the ACAS agreement was ultra vires. We are not aware of the basis of that charge but understand that the Burnham Chairman, Sir John Wordie QC told the NUT that he saw no substance in their assertions. They say they will seek an injunction. We do not know whether they believe they have a case or whether they merely seek to impede progress. Whatever their purpose, it was clear that the NAS/UWT leadership felt under seige and unable to lead the other teacher unions to an improvement in the words in paragraphs 2 and 3 above which might have satisfied the employers and allowed the ACAS provisional agreement to be formally adopted in Burnham. The day ended without a formal meeting of the Burnham Committee.