

*in the Times*



Prime Minister

HOME OFFICE

QUEEN ANNE'S GATE LONDON SW1H 9AT

21 June 1979

~~To note. Although the Home Secretary has no concrete proposals at the moment, this will probably have to go to E(LA) in due course.~~

*TL 22/6*

Dear Mike

In your letter of 12th June you said the Prime Minister would like to be kept informed about the pay negotiations for magistrates' courts staff.

We understand that the Management Side of the Joint Negotiating Committee (the J.N.C.) propose to meet next on 10th or 12th July. As I said in my letter of 11th June, they have been left with virtually no room for manoeuvre and they are hoping that by the time they meet again there will have been sufficient progress in the negotiations on the local authority A.P.T. and C grades to enable the J.N.C. to reconsider its offer. The officers' side of the J.N.C. have been informed of these plans but have said they do not wish to attend unless there is a fresh offer for them to consider.

*i.e. the main local authority settlement*

Meanwhile, we have received a further letter from the Association of Magisterial Officers restating their view that magistrates' courts staff are "part of law and order" and appealing to the Home Secretary to intervene in the negotiations "by, for example, appointing an independent arbiter." In addition, the Prime Minister has received a letter (on which you have sought our advice) from the editor of the Association's official journal asking for an interview with her. The Home Secretary has also received a joint letter from the Society of Civil and Public Servants and the Civil and Public Servants Association, who together represent the grades of staff of the Inner London magistrates' courts who are elsewhere represented by A.M.O. Since the inception of the integrated magistrates' courts in Inner London in 1965, the pay of the staff has been fixed by reference to the scales negotiated by the J.N.C. in respect of staff outside Inner London. The S.C.P.S. and the C.P.S.A. have asked to see the Home Secretary to press their claim to

*Their claim is worth about 40%.*  
*TL*

- (a) establish separate negotiating rights, so as to
- (b) link the Inner London Staff to "their Civil Service counterparts".

Drawing attention to the breakdown of negotiations in the J.N.C. the two Unions go on to say that in the absence of an offer from their employer (the Committee of Magistrates for Inner London) it will be very difficult for them to recommend any alternative course to their members but to join in any industrial action taken by magistrates' courts staff elsewhere. The Home Secretary has, by statute, a special direct involvement in the Inner London pay settlement since a "determination" by the Committee of Magistrates regarding the pay of their staff cannot take effect unless confirmed, with or without modifications, by the Secretary of State.

The Home Secretary is deeply concerned to avoid trouble in the magistrates' courts: industrial action could not only be damaging to the administration of justice - in his view it could also be very damaging politically as the courts are of course an integral part of the machinery of law and order. The canard that the Government does not so regard them is already doing damage.

The Home Secretary also believes that time may be beginning to run out. He thinks it has now become clear that the only way of reaching a settlement in this case will be by some form of arbitration. In these circumstances the Home Secretary

/would ....

would wish to see decisions taken in good time when some goodwill may yet be salvaged rather than when matters have reached the brink. If for example there were any prospect of the A.P.T. and C claim being referred to the Clegg Commission, the Home Secretary would see advantage in referring the magistrates' courts staff claim at the same time: it could then be argued before the Commission whether or not the A.P.T. and C link was one that should be sustained. On the other hand, if it were decided to keep the options open on the future of the Clegg Commission and not to refer the A.P.T. and C claim to it - at least for the time being - the Home Secretary would hope that this decision was made in sufficient time to enable consideration to be given to some kind of arbitration for the magistrates' courts staff claim before attitudes became even harder. Specifically, a way should be found through the impasse well before the threatened industrial action in the courts from 31st July.

In present circumstances the Home Secretary does not think the time is yet ripe to bring any proposals before his colleagues. However, he hopes that his difficulties will be recognised by them and that very early consideration will be given to the future of public sector negotiations.

Copies of this letter go to the Private Secretaries to members of E Committee, the Lord Chancellor, the Secretaries of State for Scotland and Northern Ireland, the Paymaster General and Sir John Hunt.

Yours sincerely

A. J. Butler

A. J. BUTLER

21 JUN 1979

