

RESTRICTED



*Prime Minister*  
*To Home Affairs*  
*note.*  
*R 25/7*  
*mf*

PRIME MINISTER

JUSTICES' CLERKS' ASSISTANTS' PAY: PROSPECT OF DISRUPTION  
IN THE MAGISTRATES' COURTS

Magistrates' courts in England and Wales are run by magistrates' courts' committees, financed by local authorities. 80% Of the expenditure is met by specific Home Office grant. The pay of the court staff has long been linked to that of local authority workers and is negotiated in the Joint Negotiating Committee for Justices' Clerks' Assistants (JNC). The Government is not a party in the JNC. Justices' clerks' assistants (ie the staff who work under the direction of the 350 or so justices' clerks) are represented by the Association of Magisterial Officers (AMO) which has grown increasingly militant about the present negotiating machinery and the linkage to local authority pay.

At a JNC meeting on 20 July the Officers' Side (composed of AMO members) rejected the Management Side's offer (see annex for details), and is now committed to industrial action from 1 August.

The Management Side's offer was generous. I am grateful to my colleagues concerned for agreeing that although this offer went further than other recent public sector pay offers I could make it plain to both sides of the JNC that the Government would underwrite a settlement based on it. I made it clear that the Government's attitude was conditional on responsible behaviour by the AMO leadership and that our support for such a settlement could not be guaranteed if the offer were rejected.

AMO has about 60% membership of the 6,000 or so relevant staff, but its support varies from region to region and court to court, so industrial action will undoubtedly be patchy. But we must expect significant disruption in at least some areas, probably by way of one day "lightning strikes".

Magistrates' courts dispose of 98% of criminal cases; have to commit the remaining 2% before they can be tried in the Crown Court; are responsible for bailing or remanding in custody defendants awaiting trial, and enforce fines. They also have important functions outside the criminal law (notably care proceedings for juveniles and the collection and payment of monies due under maintenance orders). The potential damage from industrial action is therefore considerable.

There is a special problem in Inner London, where the equivalent staff are members of Civil Service unions which, unlike AMO, have strike funds. These unions are seeking a separate settlement and have also threatened industrial action from 1 August. It is possible that in Inner London (because of the availability of strike funds) industrial action would be more severe than elsewhere.

/My Department is

RESTRICTED



My Department is making what contingency plans it can for dealing with the most urgent consequences of industrial action - in particular ensuring that defendants whom the courts want detained in custody are held under lawful authority. I shall keep my colleagues informed of developments. Meanwhile I am arranging to give a Written Answer on Thursday, which will bring out how far the Management Side's offer went towards meeting AMO's aspirations, and will provide a peg for briefing the press accordingly.

I am sending copies of this minute to Cabinet colleagues and Sir John Hunt. If you would like me to raise the matter at Cabinet on Thursday, I should of course be willing to do so.

*Wolfe*

*24*

July 1979



JUSTICES' CLERKS' ASSISTANTS' PAY  
DETAILS OF MANAGEMENT SIDE OFFER OF 20 JULY

1. The logic of the Management Side's offer is that it was linked, so far as was practicable, to the provisional settlement reached earlier for the local authority APT & C grades that had traditionally been the leaders for magistrates' courts staff.
2. The offer was made up of three elements as follows:
  - (i) 9.4 per cent payable from 1 July 1979.  
Comment. This is in line with the provisional APT & C settlement.
  - (ii) Restructuring estimated to cost about 2.5 per cent.  
Comment. This was the result of negotiation in the JNC over many years. In particular it would have given court clerks (who, as the staff who sit in court to advise the justices on matters of law, practice and procedure, have the strongest claim to be regarded as a specialist group without true analogues in APT & C grades) minimum salaries for the first time. At present some court clerks are paid at low points on APT & C-related pay scales.
  - (iii) Reference of the whole claim to the Clegg Commission, with any money flowing from that to be dated, without staging, from 1 January 1980.  
Comment. This was a very advantageous offer. No reference to Clegg has yet been made that does not include staging of the award at dates fixed in the reference itself.
3. AMO's claim, which there would be no hope of meeting in full, totalled more than 40 percent, comprising about 8 per cent for major restructuring and about 34 per cent as a straight pay increase, by loose analogy with the police and the Civil Service in particular.

24 JUL 1979

