

From: THE PRIVATE SECRETARY

PRIME MINISTER

2.



Background on a matter raised at the media meeting. There is still time in hand.

HOME OFFICE Mr Whitehead is well aware of the danger.

11 June 1979

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MAP 11/79

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Dear Auke.

You asked me this morning to let you have some information about the background to Press reports that magistrates' courts staff represented by the Association of Magisterial Officers (AMO) are intending to take industrial action.

... I enclose a background note setting out in some detail the nature of the present pay claim and the course of the negotiations so far.

Although the Government has no place at the negotiating table, its role as the provider of 80% specific grant for the magistrates' courts service gives it considerable influence over the negotiations. The difficulty is that AMO are not only influenced by the belief that the Government's commitment to "law and order" gives them a special status but are also disputing (and there may be some good points in what they say) that they should be regarded as "followers" of the local authority APT and C grades. The APT and C negotiations, moreover, will not even be started for some weeks.

The Management Side have already made an offer on the APT and C analogue that has been rejected by the staff as "an insult". The Joint Negotiating Committee constitution provides that in the event of failure to reach agreement, either side may refer the matter in dispute to the Secretary of State for Employment for submission to any appropriate form of arbitration. In practice any such reference is nowadays made direct to ACAS who pass it on to the Central Arbitration Committee. Although AMO have been encouraged by the Home Secretary to return to negotiations with the Management Side, we understand that the prospects of reaching a substantive settlement within the JNC are at present nil. It seems likely that both sides would favour a reference to the Clegg Commission but they clearly cannot be encouraged to take that line unless and until the Government has formed a clear view on the future of Clegg and, in particular, on whether the APT and C claim should be referred to it. Equally, we should not want to steer the negotiations towards arbitration now if there is a real prospect of putting the matter to Clegg a little later on.

/There

M. Pattison Esq.

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11 JUN 1970



There seems at present to be very little room for manoeuvre, but we cannot discount the possibility that AMO mean what they say about selective industrial action if their claim is not met by the end of July. That would not only be politically embarrassing in itself, but disruption of the courts could have difficult operational implications for the prison service. In these circumstances the Home Secretary will probably want to take the matter to the Ministerial Committee on Economic Strategy before long.

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Yours sincerely

Tony Butler

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A. J. BUTLER

JUSTICES' CLERKS' ASSISTANTS: PAY CLAIM

1. The salaries of magistrates' courts staff (ie, "justices' clerks' assistants) are negotiated by the Joint Negotiating Committee for Justices' Clerks' Assistants (the JNC) on which the Government is not represented. The staff are represented by the Association of Magisterial Officers (AMO) who earlier this year submitted a salary restructure and pay claim to take effect from the settlement date of 1 July.

2. The claim is on behalf of some 6,000 staff in nine grades with salaries ranging from £1,821 to £8,034. They are employed by the 87 magistrates' courts committees in England and Wales who are financed by non-metropolitan county and metropolitan district councils who receive 80% specific grant from the Home Office.

3. The staff in the Inner London magistrates' courts have the same gradings and pay scales but for historical reasons are administered separately and are not covered by the JNC.

4. Traditionally, the justices' clerks' assistants have been regarded as "followers" of the local government APT & C grades on whose behalf negotiations are due to begin on 25 June.

5. The claim by AMO is in two parts:-

(a) restructuring of the pay scales; and

(b) revaluation of the pay scales.

The restructuring proposals have been in preparation since 1971; their main components are the elimination of overlapping scales and the provision of a minimum salary for court clerks (ie, those who sit in court to give lay magistrates professional advice on the law, practice and procedure). The revaluation proposals are supported by three main arguments:-

- (a) increased workload and greater complexity of work;
- (b) the deterioration of courts pay scales relative to earnings generally and specific groups of staff (particularly the police); and
- (c) comparison with Crown Court clerks (who are civil servants).

The Management Side Secretariat estimate the total cost of the AMO claim to be more than 40% on the present annual salary bill of £18m; at least 7% being attributable to the restructuring claim.

6. The two sides met in the full JNC on 1 May. The Officers' Side amplified their written claim and the Management Side, in response, made a statement saying that they needed more time to formulate a specific offer and that before doing so they would wish to consult the Home Office, bearing in mind the 80% specific grant for the service. The Officers' Side took this amiss, stating that the Management Side were abdicating their negotiating responsibilities. They withdrew from the negotiations and sought a meeting with the Home Secretary. The Home Secretary declined to receive a deputation and urged the Officers' Side back to the negotiating table. Subsequently both sides of the JNC agreed to meet again on 1 June.

7. The Management Side took the opportunity to analyse further the claim. They were sympathetic to the aims of the restructuring, particularly the provision of a career structure for court and administrative staff. On the other hand, they saw no justification for some of the more expensive aspects of the restructuring claim and favoured a variation which would reduce the cost in the first year to less than  $2\frac{1}{2}\%$  of the salary bill, rising over the next four to five years to between 4% and 6%. They asked the Government to express a view about the terms of an offer and, on the advice of the Official Committee on Pay Negotiations, were told that

- (1) the Government hoped that the existing link with the APT & C grades would be preserved and
- (2) the final settlement would have to take into account whatever might have been agreed in respect of the salary restructure.

8. On 1 June, the Management Side offered a "going rate" settlement from 1 July in line (they said) with the expected local government APT & C staff settlement of around 9% and added that any APT & C reference to Clegg might result in a further award which the Officers' Side would no doubt "claim with some justice". In addition, pay scales would be restructured and a minimum scale for qualified court clerks introduced. Since the Government view was that the cost of restructuring had to take account of the "going rate" increase, the Management Side invited the staff to make a joint approach to the Government to gain support for the offer.

9. The Officers' Side stressed their resentment of a link with the APT & C staff, their view that too little weight was attached to the comparison with Crown Court staff, and that the offer could not be reconciled with the recent civil service settlement. When told that the Management Side did not feel justified in increasing the offer at this stage, the Officers' Side formally rejected it and stated they would seek an independent appraisal of the merits of their claim. After the meeting AMO asked for an early meeting with the Home Secretary but were again informed that he remained of the view that the right way to proceed was through the normal negotiating machinery.

10. The matter was fully discussed at the Annual General Meeting of AMO on 9 June. In particular, a resolution was carried as follows

- "(a) That, if the pay claim/salary restructure has not been implemented by 31 July 1979, the Association of Magisterial Officers should apply sanctions until such pay claim/salary restructure has been implemented.
- (b) That a committee be formed to decide the nature of the sanctions to be applied in the event of non-implementation of the pay/claim/salary restructure by 31 July 1979 and to advise the various branches of the Association of Magisterial Officers accordingly".