

P 02044

PRIME MINISTER

THE PRISON OFFICERS' DISPUTE
[MEETING AT 4.30 pm WEDNESDAY 7 MAY 1986]

CC BC / B/JP.
FLAG B — [MINUTE OF 6 MAY FROM THE HOME SECRETARY; SITUATION REPORT OF 6 MAY
FLAG A — BY DEPUTY CHAIRMAN OF THE CIVIL CONTINGENCIES UNIT].

Main Issue and Decisions

1. The purpose of the Meeting is to review the current situation in the Prison Officers' Dispute. Subject to the discussion you will wish the meeting to:

1. Invite the Home Office to continue talks with the Prison Officers' Association (POA) with a view to resuming substantive discussions
2. To note that one MOD camp is now available, and to agree that further physical preparations to bring a second to operational readiness can be deferred until required;
3. To agree that emergency legislation can also be held on ice;
4. To agree that the Home Secretary should not at this stage proceed against the POA for inducing a breach of contract, and should not withdraw 'checkoff' facilities;
5. To defer any decision to establish an independent inquiry into manning levels, overtime and pay until the results of current negotiations are clear.

Current Position

2. My situation report of today's date summarises the current situation. The prisons are quiet, prison officers are working normally, and the first military camp has been brought to operational readiness. The Government's contingency plans are in place, but while the situation remains calm there is no case for introducing emergency legislation or for further expenditure on bringing a second camp to operational readiness. There is sufficient spare capacity within the prison system itself (up to some 2000 places) and in police cells to give the Home Office a little grace before military camps would be required. Rollestone camp could receive prisoners within about 48 hours (allowing time for the emergency legislation), and Nescliffe camp within 5-7 days.

Negotiations with the POA

3. The POA agreed last Thursday to suspend their industrial action, and prison officers (including those who had been suspended) have returned to normal working. The POA had exploratory talks with the Permanent Under-Secretary at the Home Office on Friday, and these are to be resumed tomorrow morning.

4. The aim of these talks is to secure the simultaneous termination of industrial action by the POA and the start of substantive discussions on manning levels and also the 1986 pay settlement. Although there does not seem to be any legal requirement, the POA believe that their rule book requires them to ballot before calling off the action, and this they will set in hand if the Home Secretary clarifies a number of points about his negotiating position.

5. You will wish to ask the Home Secretary to report on tomorrow mornings talks. Subject to that, it does now seem that the Government will have a little more time, and that no emergency measures need be introduced. The prison officers themselves have clearly been

shocked by the repercussions of their previous action. The Home Secretary is not seeking any change of substance in his negotiating position. The only change in circumstances is that with the settlement of the 1986 Civil Service Pay Claim the way will be clear to open negotiations on pay with the prison officers their (increase follows almost automatically from that agreed with the Civil Service.) This will require co-ordination between the Home Office and Treasury officials, and appropriate arrangements are in place.

Government Response to any further Industrial Action

6. If the POA were to resume industrial action, there are two specific avenues which the Government could take in response. The first is to exploit the fact that, due to a drafting error in the Trade Union and Labour Relations Act 1974, the POA have no immunity for civil actions for damages as a result of industrial action (this does not apply to the Scottish POA). The other is to suspend the automatic deduction from pay of union members' subscriptions ('check-off'). The Home Secretary in his minute explains the difficulties of using either of those approaches, and concludes that they should only be used in extremis. Given that industrial action is not likely for the time being, it seems prudent to defer a decision on whether either weapon could be used. At the Lord President's meeting last Thursday evening, Ministers saw little attraction, and a number of disadvantages, in either course, although they agreed that they should not be ruled out completely.

An Independent Inquiry

7. The Home Secretary explains in his minute that he had considered the possibility of an independent inquiry into working practices and manning levels and the procedures for determining them. The Home Secretary is not seeking an immediate decision to announce an inquiry, but wishes to keep the possibility in reserve against any further industrial action.

8. The Home Secretary's argument is that the Government case is so overwhelming that a public inquiry would be virtually certain to support it, and that this would make the achievement of the Government's objectives easier. But the arguments against an inquiry are well known. It would appear to be a concession in the face of industrial action; the Government could be criticised for not launching it earlier if it thinks it right now; and it would invite (yet again) a third party to pronounce on issues which the Home Office, with its responsibility to manage the prisons, should themselves determine. It could also increase the pressure for inquiries in other industrial disputes (eg teachers in England and Wales). While the Home Secretary does not seek an immediate decision, you may nevertheless wish to explore the advantages and disadvantages of an inquiry so as to guide him in his planning.

Handling

9. You will wish to invite the Home Secretary to report on the situation in prisons generally and on tomorrow morning's exploratory talks with the POA. The Minister of State for the Armed Forces can confirm the readiness of the military camps to receive prisoners. All Ministers will have views on the handling of discussions with the POA, particularly the Secretary of State for Employment on the Employment law aspects, and the Chief Secretary, Treasury on the Civil Service and pay aspects.

J. E. Roberts
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6 May 1986
Cabinet Office