

## **LOCAL AUTHORITY ADVICE TO HEAD TEACHERS OF MAINTAINED SCHOOLS**

To: Headteachers and School Leaders

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### **NATIONAL EDUCATION UNION STRIKE ACTION**

The National Education Union (NEU) has announced that they will hold a further two days of strike action in England as follows:

- Thursday 27th April 2023: National Strike Day
- Tuesday 2nd May 2023: National Strike Day

These are in addition to the six previous National and Regional Strike Action in England, four of which previously affected our region.

The strikes are being held in relation to the dispute over Teacher's workload, pay and conditions. The result of the recent ballot has now been announced with a majority of voting members opting for strike action.

In these circumstances the school must try to sustain both its capacity to meet its statutory and social obligations to its pupils and students and its commitment to active and productive industrial relations with the members and representatives of its workforce to comply with the recent Department for Education (DfE) Guidance on [handling strike action in schools guidance](#).

This guidance is aimed at reminding Headteachers and School Leaders of the most important considerations that they need to keep in mind as they manage the situation before, during and after the industrial action. It should be kept in mind that this is a national dispute and not a dispute directly with the Council or with Governing Bodies.

### **Informing Parents, the Community and the Local Authority of School Closure**

You will of course need to alert parents/carers to the strike action and of any possible disruption that may result in the partial or full closure of the school to pupils. I would advise that you inform parents/carers of any planned closure as soon as possible. Alternatively, if you plan to keep the school fully or partially open you should inform parents/carers of this and how they may check prior to, or on the morning of 27<sup>th</sup> April 2023 that this will be the case.

Headteachers/School Leaders may conclude, in agreement with the Chair of Governors, that in the event of significant staff absence, they are unable to ensure the health and safety of pupils, and that therefore the school will be partially or totally closed.

**You are asked to use the "Closed Schools" function on 'Bradford Schools Online' to notify the Local Authority and media of the closure as soon as possible once the decision to close has been made. (This can be done at any time using the calendar facility).**

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*The Department for Education has requested Local Authorities to provide them with data about School closures. Therefore, we need to know whether your school is going to be open, partially open, or be closed on strike days.*

*You will need to conduct a risk assessment to determine whether you have the capacity to open the school or not.*

*A school is defined as partially open if a discrete group of pupils is not able to attend or is sent home from school.*

*This information will be taken from the “closed schools” section on Bradford Schools Online (BSO). Please could you ensure that the position for your School is recorded by noon on the following dates:*

<b>DATE OF STRIKE</b>	<b>NOTIFICATION TO BSO BY</b>
<i>Thursday 27<sup>th</sup> April 2023</i>	<i>Tuesday 25<sup>th</sup> April at 12.00 noon</i>
<i>Tuesday 2<sup>nd</sup> May 2023</i>	<i>Friday 28<sup>th</sup> April at 12.00 noon</i>

### **Providing work facilities for non-striking staff**

Even if it is not possible to open the school for pupils, it may be possible to open the school to staff who wish to attend for work providing that there is at minimum a person to open or partially open the premises (e.g. a Caretaker or a responsible manager) and a senior member of the teaching or administration staff who can be entrusted to run the premises safely and deal with any emergencies which may arise.

In these circumstances it would be reasonable to expect teachers to undertake planning, preparation and assessment work and that support staff would be engaged on appropriate work including the preparation of resources and agreed work on classroom displays.

### **Communication with the Media**

If you are contacted by a Journalist, you should direct them to the Councils press office [Press.Communications@bradford.gov.uk](mailto:Press.Communications@bradford.gov.uk)

### **Strike pay deductions**

For every day on strike a deduction of salary will be calculated at a daily or part daily rate based on the day's salary being 1/365th of a year.

#### **1. Before the Strike Action**

- 1.1 Do not attempt to dissuade individual union members from participating in the strike. Actions that could lead to accusations of intimidation are only likely to sour relations at a local level.
- 1.2 You should assume that every NEU member called out will take strike action: make contingency plans accordingly.
- 1.3 It is up to each individual union member to decide whether they wish to go on strike. The legal position is that they are not obliged to do so.

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Headteachers/School Leaders should not be seen to sway that decision one way or the other.

- 1.4 All employees have the right to work and this may involve crossing picket lines. Circumstances permitting, it is expected that Headteachers/School Leaders will provide support to staff who wish to attend work or cross picket lines.
- 1.5 In order to make contingency plans workable, you can ask employees not involved in the strike to vary their shifts, hours or work location. But you cannot compel employees to do so unless their contracts provide for such changes.
- 1.6 No employee should be compelled to undertake the role of a striking colleague if those duties do not normally form part of their own job; however, they may be willing to take on additional / different duties if they are qualified to undertake such duties and it is safe to redeploy such employees temporarily into that role.
- 1.7 If, owing to the absence of striking colleagues, some activities have to be suspended, you can redeploy employees who are at work to common or generic duties, but you should not assign them to jobs carrying different post titles, unless they are willing and qualified to undertake the duties of different posts and it is safe to redeploy such employees temporarily into that role.
- 1.8 Employees not called out on strike are expected to work normally, if a member of staff fails to attend work in the absence of a legitimate alternative reason, they should be deemed to be participating in the strike action.
- 1.9 Headteachers/School Leaders must make sure that they have taken appropriate measures to open and use buildings safely.
- 1.10 If you know that your school or service will be closed to pupils, please notify appropriate transport providers in advance.

**In the case of Special Schools which use Passenger Transport Services (PTS) please ensure that PTS are notified as soon as possible and no later than 12.00 noon the previous day.**

## 2. During the Strike Action

- 2.1 You must keep a record of all staff who attend work on the day of the strike action. The onus is on staff to inform their Headteacher/School Leader or nominated senior member of staff that they are available for work.
- 2.2 An employee not called out on strike or who has decided not to strike, irrespective of whether they are a union member, must work normally even if it means crossing a picket line to get into work. A failure to attend work, in the absence of a legitimate alternative reason, should be deemed to be participation in the action.
- 2.3 Employees not on strike are expected to work normally. "Partial performance" cannot be accepted. An employee who is unable to discharge a full day's duty on the day of the strike action must be reported absent and will be liable to one day's salary deduction. Exceptions cannot be made for individuals by sympathetic Head Teachers/School Leaders because this could lead to accusations of inconsistent and unfair treatment.

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- 2.4 Any restoration of salary in special circumstances would only be agreed by a Governing Body Committee decision following an appeal by the employee concerned using the proper procedure.
- 2.5 “Working at home” and “from home” are not arrangements to be used to enable employees to avoid the difficulty of crossing a picket line. It will only be acceptable if these arrangements are part of an employee’s normal working week, and employees must notify their Manager of their intentions.
- 2.6 Any member of staff who reports sick on the Thursday 27<sup>th</sup> April and Tuesday 2<sup>nd</sup> May 2023 must provide a Fit Note from a Doctor covering this absence and telephone in to their place of work in accordance with your school’s normal sickness absence reporting rules, otherwise they will be deemed to be participating in the action.
- 2.7 Your work location may be picketed and you must ensure that pickets remain outside the boundary of the school’s property.
- 2.7 The pickets at your school must comprise only persons employed at the same location and their trade union officials. If you become aware that the pickets include employees from other workforces, do not confront anyone over the issue but immediately report your observations to HR so that it can be taken up with the union through the proper channels.
- 2.8 The current Code of Practice on Picketing says that a picket line will comprise no more than six persons, identified by armbands or similar and supervised by an experienced trade unionist. The essential purpose of the picket, of whatever size or composition, is “peaceful persuasion”. There is no reason for any Head Teacher/School Leader to object unless the activity outside became so disturbing as to alarm members of the public, parents, pupils or occupants of the building. In such a case report your concern immediately to HR.

### **3. After the Strike Action**

- 3.1 Headteachers/School Leaders will be required to notify their Payroll provider of the names of those employees for whom strike deductions are to be made. For staff paid through the Bradford Council payroll you will be notified of the process for this separately.
- 3.2 Arrange to consider any individual requests for absence due to parental leave or other exceptional circumstances with the appropriate Governing Body Committee or Strategic Director for centrally employed Teachers.