

## **Background**

The National Education Union (NEU) has announced that they will hold six days of strike action with **four days affecting our region as follows:**

The NEU has announced national and regional action in England on the following dates:

- Wednesday 1st February 2023: National Strike Day
- Tuesday 28th February 2023: Regional Strike Day
- Wednesday 15th March 2023: National Strike Day
- Thursday 16th March 2023: National Strike Day

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.

It should be noted that this strike is a national dispute and not a dispute directly with any Councils, Governing Bodies or Multi Academy Trusts.

In these circumstances schools and academies 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](#).

## **Guidance for Headteachers and School Leaders**

This guidance is to provide Headteachers and School Leaders with useful information as they manage the situation before, during and after the industrial action.

## **Guidance for Employees**

Accompanying this Briefing Note is a guidance note to all employees which should be sent out on school letterhead or via school email to ensure that all staff receive a copy.

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

### **Parents / Carers**

Parents / Carers will need to be alerted as soon as possible to the strike action and any disruption that may result in the partial or full closure of the school to pupils as soon as possible. If a school is being kept fully or partially open, parents / carers should be informed as to how they may check prior to, or on the morning of, the day of strike action.

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

## Registering a School Closure

All schools, regardless of whether they are a Local Authority Maintained School, Voluntary Aided School or an Academy, must report any school closures to the media and the Local Authority via Bradford Schools Online through the “Closed Schools” Function ( [Bradford Schools Online Closed Schools](#) ). Schools are required to conduct a Risk Assessment to determine whether they have capacity to open the school or not. Decisions to close should be relayed as soon as viably possible. This can be progressed at any time using the calendar facility. For schools and academies which fall outside of the Bradford Local Authority District, please follow the guidance provided by your Local Authority.

## Collecting Data for the Department of Education

The Department of Education have requested local authorities provide them with data about school closures. All schools/academies should record their status of whether they are to open, partially open\*, or close as soon as they are aware and within the possible timeframes:

<b>Date of Strike</b>	<b>Bradford Schools Online notification by:</b>
Wednesday 1st February 2023	Friday 27th January at 12.00 noon
Tuesday 28th February 2023	Friday 24th February at 12.00 noon
Wednesday 15th March 2023	Friday 10th March at 12.00 noon
Thursday 16th March 2023	Friday 10th March at 12.00 noon

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

## Providing work facilities for non-striking staff

In the event of a full closure of school to pupils it may be feasible to remain open to staff wishing to attend for work. In order to remain open or partially open to staff, at a minimum, there must be a nominated person to 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 for support staff to be engaged in appropriate work such as the preparation of resources and agreed work on classroom displays.

## Communication with the Media

School employees should refrain from making comments to the media which could be construed as speaking on behalf of the school, Local Authority or Multi Academy Trust. If you are contacted by a Journalist, you should follow your normal School / Trust arrangements regarding press handling.

## 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 1/365<sup>th</sup> of a year.

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## **Handling of the Strike Action Process**

The following provides advice as to how to handle key stages of the strike action and what Headteachers / Senior Leaders of Schools / Academies need to do. Should you require further advice and are a PACT HR customer, please contact your allocated HRBP.

### **Before the Day(s) Strike Action**

- 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.
- You should assume that every NEU member called out will take strike action: make contingency plans accordingly.
- 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. Headteachers / Managers should not be seen to sway that decision one way or the other.
- All employees have the right to work and this may involve crossing picket lines. Circumstances permitting, it is expected that Headteachers and school leaders will provide support to staff who wish to attend work or cross picket lines.
- In order to make contingency plans workable, you can ask employees not involved 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.
- 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.
- 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.
- 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.
- Headteachers/ School Leaders must make sure that they have taken appropriate measures to open and use buildings safely.
- If school or services will be closed to pupils, please notify appropriate transport providers in advance. **In the case of 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.**

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## **Arrangements during the Strike Action**

- A record of all staff who attend work on the day of the strike action must be completed. The onus is on staff to inform their Headteacher / School Leader or nominated senior member of staff that they are available for work.
- 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.
- 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 Headteachers / School Leaders because this could lead to accusations of inconsistent and unfair treatment.
- Any restoration of salary in special circumstances would only be agreed by a Governing Body Committee or appropriate Trustee Board Committee following an appeal by the employee concerned using correct procedure.
- “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.
- Any member of staff who reports sick on the 1st February, 28th February, 15th March and 16th March 2023 must provide a medical certificate 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.
- The work location may be picketed and the Headteacher / Senior Leader must ensure that pickets remain outside the boundary of the school’s property.
- The pickets at a 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 seek advice from PACT HR if you are a PACT HR customer. If you are a Bradford Council Maintained School, please report the matter to the Local Authority’s HR Department using email address: [HRServiceDesk@bradford.gov.uk](mailto:HRServiceDesk@bradford.gov.uk), so that it can be taken up with the union through the proper channels.
- Headteachers / School Leaders may ask staff who are in work to work at a different location and undertake other duties not within their job role or which form part of another person’s job role, however, staff are not obliged to do undertake such duties.

- 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 be 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 Headteacher / 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.

### **After the Action**

- 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 can obtain information as to how to complete this by following this link: [CBMDC Payroll and Pension Liaison Service Resources | Bradford Schools Online](#)
- Schools/Academies which use Bradford Council’s Payroll Services will need to complete an “Unpaid Absence Spreadsheet”; being the standard template schools use each month. Further information and a link to this spreadsheet, can be accessed here: [Bradford Payroll Unpaid Guidance and Spreadsheet Link for Completion](#)
- Arrange to consider any individual requests for absence due to parental leave or other exceptional circumstances with a Governing Body Committee or Trustee Board Committees as appropriate.

### **Further information**

Further information regarding the strike action process can be obtained from your designated PACT HR Business Partner, if you subscribe to PACT HR services. Alternatively, further information can be obtained here:

- DofE Guidance: [Handling strike action in schools guidance](#)
- Bradford Schools Online School Closures: [Bradford Schools Online Closed Schools](#)
- Bradford Payroll Services: [CBMDC Payroll and Pension Liaison Service Resources | Bradford Schools Online](#)
- Information for unpaid payroll actions: [Bradford Payroll Unpaid Guidance and Spreadsheet Link for Completion](#)
- Bradford Authority Corporate HR Representative: [HRServiceDesk@bradford.gov.uk](mailto:HRServiceDesk@bradford.gov.uk) (for Bradford Council Maintained Schools):

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