

To: Head Teachers and Managers

## **STRIKE ACTION – THURSDAY 10 JULY 2014**

As you are aware, NUT have announced that they intend to hold a one day national strike on the 10<sup>th</sup> July in relation to their dispute over pay, pensions, working conditions and jobs. The local government trade unions (UNISON, GMB & UNITE) are taking strike action regarding the national pay offer and this is now planned to take place on 10 July. It is likely that there will also be further action on 9 & 10 September 2014.

In these circumstances the Council must try to sustain both its capacity to meet its statutory and social obligations to its clients and its commitment to active and productive industrial relations with the members and representatives of its workforce. I am therefore reminding Head Teachers and Managers 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.

There will be a corporate strike team available on the day to respond to any queries or concerns regarding the strike. The number to contact is **07582100696**.

### **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 10<sup>th</sup> July 2014 that this will be the case.

Head Teachers/Managers 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).**

*The Department for Education have requested local authorities provide them with data about School closures. Therefore we need to know whether your school is going to be open, partially open, or closed on the 10<sup>th</sup> of July. A school is defined as partially open if a discrete group of pupils is not able to attend or is sent home from school.*

*An update will be required by noon on Monday 7<sup>th</sup> July 2014 and by 2.00pm on the strike day itself. This information will be taken from the “closed schools” section on Bradford Schools online. Please could you ensure that the position for your School is recorded by noon on 7<sup>th</sup> July if known.*

## **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 non-striking 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 classrooms displays, for instance.

## **Communication with the Media**

Local Authority employees should refrain from making comments to the media which could be construed as speaking on behalf of the Council. If you are contacted by a Journalist, you should direct them to the Councils press office on 01274 433526.

### **1. Before the 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 NUT, UNISON, GMB & UNITE union 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. Head Teachers/Managers 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 Head Teachers/Managers 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 Strike pay deductions

#### **Teachers:**

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.

## **Support staff:**

For any strike action, the Authority's policy is that pay will be deducted from those employees on strike on the basis of the actual hours not worked on the day of the strike action. This is a Council rule not a collective agreement.

Therefore, deductions will be calculated in relation to the employee's contracted work hours. These principles also apply to manual/craft workers.

- 1.9 Employees not 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 action.
- 1.10 Head Teachers/Managers must make sure that they have taken appropriate measures to open and use buildings safely.
- 1.11 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 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 Head Teacher/Manager or nominated senior member of staff that they are available for work.
- 2.2 If an employee has decided not to strike, irrespective of whether they are a union member, they 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/Managers 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 Strategic Director for centrally employed Teachers) decision following an appeal by the employee concerned using the proper procedure.
- 2.4 "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.
- 2.5 Any member of staff who reports sick on the 10<sup>th</sup> July 2014 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 (or other workplace) normal sickness absence reporting rules, otherwise they will be deemed to be participating in the action.
- 2.6 Your work location may be picketed. You must ensure that pickets remain outside the boundary of the school's property.

- 2.7 The pickets at your work location 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 your HR Service provider 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/Manager 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 your HR Service provider.

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

- 3.1 Head Teachers/Managers 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, notification should be made via AnyComms to Payroll.
- 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.

**If you have any queries please do not hesitate to contact your HR provider.**

*George McQueen.*

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