

To: Secretaries of Local Government branches with members in education,
Education Convenors (England)

Wales, Northern Ireland and Scotland for information only

education@unison.co.uk

ED/02/14

28 June 2016

Dear Colleague

NUT Industrial Action

The NUT have recently announced that they are calling on their members to take strike action on 5 July in response to the threat to the pay, terms and conditions of teachers, linked to funding

Details of the NUT campaign can be found here;

<https://www.teachers.org.uk/campaigns/stand-up-for-education>

Branches should be aware that the DfE has sent revised guidance to schools on industrial action. The guidance can be found here;

<https://www.gov.uk/government/publications/handling-strike-action-in-schools>

This guidance is non-statutory. This means that schools do not have to heed the guidance. In particular, branches should be aware that the guidance advises schools that;

‘Cover supervisors, or teachers who are employed wholly or mainly to provide cover and are not taking industrial action themselves, can be directed to provide cover during industrial action.’

However it goes on to say that, ‘The Specified Work Regulations 2012 require classes to be taught by qualified teachers in maintained schools and some academies.’

UNISON does not agree with the DfE’s interpretation of the ability of schools to direct staff to undertake duties of striking colleagues and members should continue to follow UNISON advice.

UNISON Advice

UNISON respects the rights of other trade unions to take industrial action and supports the NUTs action. We urge members to support legal protests and rallies organised by the NUT that take place outside your contracted hours of work.

However UNISON members in schools have not been balloted for strike action or action short of strike action and are therefore advised to continue with their normal duties and responsibilities. Nonetheless, UNISON members should not take on any additional responsibilities being given to them directly as a result of the teachers' industrial action.

School support staff should not be expected to provide cover for or take classes, where this would normally be done by teachers who are taking action. In particular, Higher Level Teaching Assistants or cover supervisors should only be taking classes or providing cover where they are contracted to do so, it is timetabled or part of their normal duties. Staff should not be moved from the duties they would normally have carried out in order to cover classes and frustrate the industrial action of colleagues. Members who are under pressure to cover should contact their UNISON rep, branch or region for further advice and support.

Members are reminded that due to industrial relations legislation only those employees who have been involved in a legal ballot are allowed to take industrial action.

Future UNISON action

At UNISON's recent Local Government Conference, it was agreed that we should work closely with other trade unions to campaign against the government's proposals laid out in the white paper 'Educational Excellence for Everyone'. We will produce additional materials and call on sister unions to work together to organise joint public events, lobbies and rallies. It was also agreed that should the proposals in the white paper not be withdrawn, that we will work with the other school unions to explore the possibility of taking co-ordinated strike in the autumn term.

Yours sincerely

A handwritten signature in black ink that reads "J. Richards". The signature is written in a cursive style with a large, stylized initial "J".

National Secretary
Education and Children's Services