

## Teachers' Strike Action in Schools and Sixth Form Colleges – advice for school support members

NEU have announced that they will be taking strike action in schools and sixth form colleges over pay and funding, starting on 1 February. They have announced a series of days of strike action in England and Wales for teachers. The planned dates of action are:

- Wednesday 1 February (England and Wales)
- Tuesday 14 February (just Wales)
- Tuesday 28 February (Northern, North West and Humber)
- Wednesday 1 March (East Midlands, Western, Eastern)
- Thursday 2 March (London, South East, South West)
- Wednesday 15 March (England and Wales)
- Thursday 16 March (England and Wales)

### NEU Ballot of Support Staff Members

Despite not being a recognised union for support staff in schools and sixth form colleges, NEU balloted their support staff members for strike action. In England they did not meet the turnout threshold for industrial action for either group and therefore they will not be calling on their support staff members in England to take part in the strike action.

For the small number of members that the NEU balloted in Wales, they did meet the threshold and they will be calling on their support staff members in Wales to participate in the strike action.

UNISON members in schools and sixth form colleges both voted in their respective pay consultations to accept the pay offer for 2022/23 and therefore were not balloted for strike action. UNISON is now focused on the pay campaign for 2023/24 pay, and our pay claim should be submitted to the national employers this month.

Nonetheless, we would encourage branches and members to support teaching colleagues wherever possible.

## **UNISON Advice**

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

*However, UNISON members in schools and sixth form colleges have not been balloted for strike action or action short of strike action on this occasion and are therefore advised to continue with their normal duties and responsibilities. UNISON members should not take on any additional responsibilities being given to them directly as a result of other unions' industrial action.*

*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. Staff should not be moved from the duties they would normally have carried out in order to cover work and frustrate the industrial action of colleagues. This includes any staff employed as either HLTAs or Cover Supervisors. In Cymru/Wales, in workplaces where NEU members who are support staff are taking strike action, UNISON members should not be moved to cover those colleagues' duties either. Members who are under pressure to provide cover for striking colleagues should contact their UNISON rep, branch or region for further advice and support. Branches should also ensure that schools work with local reps to conduct a risk assessment of the risks posed to pupils and staff by reduced staffing levels.*

*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.*

### **HLTAs and Cover Supervisors**

*Higher Level Teaching Assistants (HLTAs) should only do 'Specified Work' with the support and/or supervision of a Qualified Teacher. Cover Supervisors supervise students who are working to a lesson prepared by a Qualified Teacher, usually a classroom teacher. If you are in either of these roles you should not be expected to take whole classes on the day of a strike if the teacher that normally supervises, supports or prepares your work is on strike.*

### **Childcare**

*UNISON understands that arranging childcare should your child's school be closed as a result of the industrial action is challenging and potentially expensive. Therefore, if you are unable to arrange childcare in this situation, your employer should offer you paid dependents' leave.*

*Please contact your [local UNISON branch](#) should you need further advice or support.*

## **DfE Guidance on Industrial Action in Schools (England only) – UNISON response**

The DfE have updated and recirculated their [guidance on industrial action in schools](#). The guidance is non-statutory, this means that schools are not obliged to follow the guidance.

The advice makes clear that for maintained schools the decision on whether to close a school or not is the responsibility of the headteacher, and for academies it rests with the Trust. However, this decision is usually delegated to the headteacher.

The guidance is aimed at headteachers advising them on ways that they can try and keep their school open. This includes guidance on the recent government legislation allowing agency staff to cover strike action. UNISON is currently challenging the legality of this legislation and it is not accepted by many agencies. The head teacher unions are also advising schools against using agency staff in this way. If you are aware of any instances of agency staff being brought in to cover striking colleagues, please report this to your regional office.

The guidance also suggests that schools can use some of the emergency measures introduced during the Covid pandemic to keep schools open, including asking staff to provide remote learning. We do not think that this would fall within the definition of normal work for support staff and they should not be called on to deliver remote learning on strike days.

The headteacher union NAHT have advised their members the following when making decisions about whether to open or close schools:

*“...the health and safety of the school community will continue to be the primary concern and will take precedence over any non-statutory guidance issued by the government on handling strikes. Such decisions will, of course, be subject to appropriate risk assessments and as such are specific to each.”*

Should you need further advice or support relating to your personal situation, please [contact your local UNISON branch](#).