

**August 2018**

**Management Circular No. 34**

To Heads of all educational establishments

### **Industrial Action by Teachers**

1. Any school can be affected by industrial action, and it is essential that all Heads of Establishment are aware of the action they would be expected to take if their school is affected by industrial action.
2. The guiding principle which should constantly be borne in mind when faced with industrial action is that the service should be maintained at as high a level as possible in the circumstances. Every step should therefore be taken to ensure that the provision made is commensurate with the staffing resources available, however depleted they might be by withdrawal of service.
3. When industrial action is planned, you should try to ascertain which teachers are involved as well as the nature and likely duration of such action. In the light of this information you should decide how you can best achieve the highest level of educational provision with the resources available to you. In formulating alternative arrangements care should be taken to avoid exacerbating matters. For example, no attempt should be made to insist that any teacher take over the class of a colleague who is taking industrial action.

You may wish to consider the following points on reaching your decision:

a) **Primary and ASL Schools**

Headteachers and Depute Headteachers who do not normally have a regular teaching responsibility would not be expected to teach the classes of teachers who withdraw their services.

b) **Secondary schools**

Consideration should be given to:

- i. instructing certain class/year groups to attend and arranging for them to be taught the subjects professed by any of their own teachers who are present. Care should be taken to observe national agreements with regard to class size and class contact time for the teachers concerned. With such an arrangement it would be possible for the limited educational provision available to be shared by all the children and young people, and no one group would be more disadvantaged than another. It may also be appropriate to prioritise particular year groups.

- ii. arranging for children and young people to follow their normal timetables as far as possible, or instructing children and young people to attend only those class groups some or all of whose teachers have indicated their intention to work. At a period when no teacher was available the children and young people could have supervised/unsupervised study/ recreation or they could be asked to attend only at the times their teachers are available, if this is practical.
4. When you have decided on a course of action you should:
- a) Notify the relevant Head of Service by email to inform him/her of the situation and of your proposed action to deal with it. You must not close the school without the agreement of a member of the Directorate.
  - b) Inform parents/carers, in writing, of any industrial action which will affect the school and the action you propose to take. Your letter should be couched in positive terms and should stress that you require those children and young people to attend for whom you have been able to make provision. You should also indicate that school meals will be available.
  - c) Inform support staff and any external agencies likely to be affected (catering service, transport, Police, school crossing patrols, etc.).
5. For the day of strike action and each subsequent day on which industrial action continues to affect the normal running of the school you should report the position in your school to the Education Services by sending the attached proforma by email before 10.00 hours detailing the following information. A dedicated email address will be arranged for this purpose and will be issued in advance of the day of industrial action.
- a) school roll;
  - b) number and year groups of children and young people instructed NOT to attend;
  - c) number and year groups of children and young people sent home in the course of the day;
  - d) an indication of the extent to which the education of children and young people in attendance throughout the day was disrupted;
  - e) number of teachers in establishment;
  - f) number of teachers taking action;
  - g) the nature of the action taken by teachers; and

It is recognised that Heads of Establishment may from time to time face situations which are particularly confusing and where the precise number of teachers taking action and number of children and young people affected cannot quickly be determined. Such circumstances should not inhibit the submission of an early report to Education Services giving a broad outline of the situation, backed up by a further report as soon as matters are clarified later in the day.

6. Salary will be deducted by the authority where teachers take action which places them in breach of contract. You should therefore submit a list of teachers who took industrial action to the notified email address by the following day. It should state the teacher's full name and employee SAP number to avoid possible confusion and should confirm the number of hours/days salary deduction to be made.

If you intend to take industrial action and withdraw your services you should advise the Director of Education immediately.

7. You should take all reasonable steps to ensure the safety and welfare of the children and young people and staff for whom you have an overall responsibility.

### **Industrial Action by Support Staff**

Where notification is received that support staff in education establishments are taking industrial action, the Headteacher/Head of establishment will require to consider the following:

- How many employees are likely to be involved in the action
- The nature of the industrial action
- Is it safe and reasonable to continue with education provision in the circumstances
- Can some young people attend school/nursery.

### **General advice**

In all cases of potential industrial action, the safety of children and young people is paramount.

Employees who are participating in Industrial Action have the right to form a picket line at their workplace. This is governed by a code of practice and should normally be no more than 6 people at the entrance to a workplace. In some circumstances the impact of industrial action may be exacerbated by employees who are not the subject of the action refusing to cross a picket line.

Headteachers/Heads of establishment should continue to monitor the situation throughout any period of industrial action, and may decide to review an original decision if they believe that the safety /wellbeing of young people may be at risk.

Maureen McKenna  
Executive Director of Education



# School Record of Report on Industrial Action by Teachers

|                       |                            |
|-----------------------|----------------------------|
| Name of Establishment | Date on which action taken |
|-----------------------|----------------------------|

| <b>Information Required</b>   |  |  |
|---|--|--|
| a) school roll  |  |  |
| b) number and year groups of children and young people instructed NOT to attend   |  |  |
| c) number and year groups of children and young people sent home in the course of the day   |  |  |
| d) an indication of the extent to which the education of children and young people in attendance throughout the day was disrupted |  |  |
| e) number of teachers in establishment  |  |  |
| f) number of teachers taking action   |  |  |
| g) the nature of the action taken by teachers   |  |  |
| h) the reason for the teachers' action  |  |  |
|   |  |  |
| Information approved by _____ <i>Signed</i> Date _____  |  |  |