Key Facts and FAQ Answers for NUT Representatives
Autumn Term 2013

The NUT and NASUWT are continuing the joint industrial action to defend teachers and the education service against Government attacks which include:

- **pay**: dismantling the national pay structure, extending PRP and extending pay restraint;
- **pensions**: imposing unfair contribution increases and changes to pension ages;
- **workload pressures**: damaging teachers’ health and threatening educational standards;
- **conditions**: attacking national terms and conditions of service, including through the academisation of schools;
- **inspections**: creating workload and stress through punitive and frequent inspections; and
- **job security**: increasing job losses through funding cuts and curriculum reforms.

Our continuing joint action short of strike action which began in the autumn term 2012 is sending a clear message to the Government that its attacks on our conditions of employment and our professionalism are unacceptable. We are working together with our colleagues in the NASUWT to unite and defend the profession. We’ve already held a well-supported day of action in the North West Region, but we now need to step up our action to stop the Secretary of State, Michael Gove’s, attacks on our pensions, pay structure and working conditions. Regional strike action will continue on 1 and 17 October and unless Mr Gove starts to negotiate seriously with us this will be followed up by a one-day, all-out national strike before the end of the autumn term.

**NUT representatives are playing a vital role in making the joint campaign a success. In every school, academy and college, NUT representatives should:**

- attend any local NUT representative meetings;
- arrange joint school meetings with other reps and members;
- organise members to take part in strike action;
- organise members to attend regional Rallies for Education;
- continue to organise members to take part in action short of strike action;
- use the materials at www.teachers.org.uk/protect-teachers to brief members about the action we are asking them to take;
- recruit any non members to the NUT.

This document offers advice and guidance on the most common questions about strike action and action short of strike action. More detailed briefings on the issues involved can be found on the NUT website at www.teachers.org.uk/protect-teachers

Any questions about the NUT’s action should be directed in the first instance to your local NUT secretary whose contact details are on your NUT membership card.
THE ISSUES

Why are we taking action?

Teachers are under attack with regard to workload, pensions, pay, conditions and job security. Our professional status is being denigrated and undermined.

The NUT and NASUWT have reached an historic agreement to act together in defence of teachers and education. We will not allow our pay and jobs to be cut and our pensions, professional practice and working conditions worsened. We have won concessions through our pensions campaign – the Government has improved its offer and proposed protection for many teachers. Now we need the Government to withdraw its proposals on pay and working conditions as well.

The NUT and NASUWT have declared industrial disputes with the Secretary of State for Education (Michael Gove) about the pressures on our members in schools and academies. We have also declared a separate dispute about the pressures on our members in sixth form colleges.

We have repeatedly requested that the Government enters into urgent discussions about the concerns of the teaching profession. We have made it very clear that we want to talk and we are willing to do so at any time but the Government has not made any attempt to enter into constructive negotiations with us.

We will continue to seek constructive negotiations but because of the Government’s refusal to enter into talks we have no choice but to ask you to back your unions by supporting further joint action - initially by taking part in a rolling programme of selective strike action and then by taking national strike action if the Government persists in ignoring us.

The NUT and the NASUWT are in negotiations with the Welsh Government concerning the performance management regulations in Wales. We will keep you informed as to whether the Welsh Government position is considered to be sufficient to call off the October strike action in Wales. We expect news on this to come soon. Whatever the progress in these discussions, members in Wales will be called upon to take strike action when the national strike day takes place after the half term holiday.

Details of the areas that are being called out on strike in October are available on the NUT website at: www.teachers.org.uk

What will be happening before the planned strike days?

We are writing to all NUT members to tell them about the attacks that we are facing and to set out our joint strategy with the NASUWT. We are continuing our programme of Rallies for Education in major cities. The next Rallies are in London and Nottingham on 14 September and Cambridge and Exeter on 21 September – keep an eye on the NUT website for future dates. They will be addressed by head teachers, governors, parents and NUT and NASUWT leaders. We have already been taking action short of strike action and this will continue. We are jointly promoting a pay policy that we want all schools to adopt. We will be working school by school to secure agreement to our policy which will protect teachers against the worst effects of the Government’s proposals.

Why is now the right time to plan to take further strike action?

This Government is more aggressive towards teachers than any we have known. It shows no sign of backing down on its attacks on the teaching profession. It is not taking teachers’ concerns seriously.
The NUT and NASUWT have agreed that we must continue to try and talk to the Government but we are taking action to help us get a fair deal for teachers. By taking strike action you can help persuade the Government to abandon its attack on our profession.

Who is being called on to take strike action?

All NUT members in maintained and academy schools and sixth form colleges in England and in maintained schools in Wales are taking part in the strike action. Action short of strike action involving all these members started in autumn 2012.

Do we need to hold a further ballot before we can take strike action?

No - the summer 2012 NUT ballot on pay and conditions in schools and academies (and the similar ballot on pay and conditions in sixth form colleges) allows us to take action alongside the NASUWT. These ballots remain in force. The General Secretary is authorised to call for either action short of a strike or strike action at any time in order to further the dispute. Members who have joined the NUT since the ballots can also take part in any action called. The ballot results were strongly in favour of both forms of industrial action. The results are in “The Ballot” section at the end of this document.

In addition our summer 2011 ballot on strike action against the Government's attacks on the Teachers’ Pension Scheme, also remains in force whilst the pensions dispute continues and also provides authority for the General Secretary to call further strikes.

Will our action have any effect?

Yes - the NUT firmly believes it will. It is important that the Government sees the strength of feeling amongst teachers. United action between the NUT and the NASUWT - whether strike or action short of strike action - is the best way to achieve this. We have already won concessions by taking action in the pensions campaign, and our campaign of action short of strike action has raised awareness and aggravated the DfE. Together, the NUT and NASUWT represent 85 per cent of the teaching profession in England and Wales. We are a formidable force.

What does the Government have to do for the NUT and NASUWT to call off action?

To secure negotiations and agreement we need to take effective industrial action. If the Government offers negotiations and we can reach an agreement, then we will call off the action. We have written to Michael Gove outlining the steps he needs to take to avoid strike action going ahead. The letter is on the NUT website but in summary we are asking him to:

1. Declare a moratorium on his damaging pay proposals, writing to governing bodies to tell them not to proceed with them whilst real talks take place at national level.
2. Commit to carrying out the long overdue valuation of the teachers’ pension scheme and then negotiate about the pension age and the relationship between the huge increase in pension contributions and the on-going pay restraint.
3. Recognise the facts about teacher workload and morale and begin serious talks about a fixed limit to weekly working hours and reinstatement of the maximum of 3 observations per year with a fair appraisal process.

What are the issues on pay?
The pay freeze and pension contribution increases have already cut the value of teachers’ pay by 15 per cent in real terms. The 1 per cent pay cap for 2013 and 2014 will result in further real terms pay cuts for teachers, as inflation continues to increase by significantly more than 1 per cent. Now the Government has announced that it plans to break up the national teacher pay structure. Automatic incremental progression has ended, and there are no more mandatory fixed pay points on the Main and Upper Pay Scales (which will become pay ranges).

All pay progression will be based on performance and the outcomes of appraisal. It will be harder to get onto the upper pay range. Teachers will no longer have the right to keep existing pay entitlements when moving schools – not even their UPS status. These changes threaten much greater inequality and discrimination in teachers’ pay, with pay decisions taken on the basis of factors outside teachers’ control such as the school’s funding position or simply whether or not a teacher’s face fits. You can read more about these issues on the NUT website at: www.teachers.org.uk

**What are the concerns about workload pressures?**

Much of our oppressive workload is caused by excessive requirements which prevent teachers from focusing on teaching more useful and exciting lessons. This betrays a real lack of trust in teachers and treats us all as though we are failing.

At the same time the Government has removed existing protections such as the statutory limits on the number of observations. We are asking Government to provide protections and limits on workload and to start trusting teachers. You can read more about these issues on the NUT website at: www.teachers.org.uk

**What are our demands on working conditions and job security?**

We want to talk to the Government about schools and teacher accountability. No one thinks teachers shouldn’t be accountable - but we need systems based on trusting teachers which encourage rather than de-motivate. We want the Government to re-introduce statutory limits on observations; reduce the number of Ofsted inspections; and introduce a range of measures to reduce overall workload. We also want teachers in academies to be covered automatically by national pay and conditions so that academies cannot impose worse terms and conditions.

In relation to job security, funding cuts are causing widespread job losses and higher workload for those who remain. The NUT is supporting members in any school where job losses are proposed. You can read more about these issues on the NUT website at: www.teachers.org.uk

**What about the pensions campaign?**

The continuing fight for teachers’ pensions is a central part of the joint NUT/NASUWT campaign. The NUT’s summer 2011 pensions ballot gives us a mandate to take further strike action on the pensions issue while the dispute remains unresolved. The summer 2012 pay and conditions ballots allow us to take industrial action on other issues as well.

We have won concessions through our pensions campaign. The Government has improved its offer and proposed protection for many teachers. But the concessions did not go far enough. The NUT will not accept that teachers should work until they are 68, pay 50 per cent more for their pensions and get less in retirement. The joint declaration by NUT and NASUWT on acting together to protect teachers and defend education means the pensions campaign has entered a new phase. You can read more about these issues on the NUT website at: www.teachers.org.uk
What are the issues in sixth form colleges?

The issues in sixth form colleges, where funding cuts are much greater than in schools, are slightly different. The NUT wants pay and conditions for sixth form college teachers to be at least equivalent to those for school teachers and funding to be restored and improved.

The NUT’s sixth form colleges campaign has already highlighted the problems facing the sector. The joint campaign now encompasses the large majority of teachers in the sector. Any strike action by members in sixth form colleges would take place at the same time as strike action in schools. You can read more about these issues on the NUT website at: www.teachers.org.uk

Where can I find out more about the issues?

You can download the joint declaration between the NASUWT and the NUT and read more information about each of the issues on the NUT website at: www.teachers.org.uk/protect-teachers

We don’t have an NUT representative – what should we do?

This is an ideal time to elect an NUT representative and to get yourselves better organised to secure a stronger voice in your workplace. The role of NUT representative is not onerous – it can be shared - and is very rewarding. You can rely on the full support of the Union at all levels to assist you. To be a school representative you will need to be elected by the members in your workplace. If you would like advice on setting up a school meeting and election, please contact your NUT division or association or regional/Wales office.

TAKING PART IN THE INDUSTRIAL ACTION

What forms of industrial action are we being asked to take?

NUT members have been taking part in action short of strike action – “sanctions short of strike action” – alongside NASUWT members. Now the NUT and NASUWT Executives have decided it is necessary to escalate the dispute by taking strike action. The ballots we have already done will allow us to do so. The action short of strike action will continue indefinitely.

Will the NUT tell my employer and head teacher / principal that I’m taking part in strike action and action short of strike action?

The NUT is required by law to give employers 7 days’ notice of the number and description of members it is calling upon to take action in each workplace. NUT HQ sends this information to each employer (the LA, governing body, college corporation or academy trust) as required by law. NUT HQ also sends a copy to each head teacher or principal. This is the only information which the law requires to be provided by anyone. The NUT does not have to provide the names of individual members to the employer. Individual workers are not required to provide any information whatsoever.

Do I have to tell my head teacher / principal whether I personally intend to take industrial action?

Individual NUT members do not have to tell their employer whether they personally intend to take part in action short of strike action or go on strike. If your head teacher or principal asks you to tell them or sign a form, you DO NOT have to do so. The law does not require you to do so, no matter what you
are told. The NUT nationally, as required by law, gives employers 7 days’ notice of the number of members it is calling upon to take action in each workplace. If individual NUT members are asked whether they personally intend to take strike action, the NUT representative should advise the head teacher / principal that the information legally required has been provided by the NUT nationally and should advise NUT members to ignore any such request.

**Will the other teacher unions be taking industrial action alongside the NUT and NASUWT?**

Other teaching unions have not balloted and have no plans to join our action at this stage.

**Are there enough of us to make an impact in my workplace?**

This is a national campaign by the two largest unions representing 85 per cent of teachers in England and Wales. Our joint industrial action maximises the possibility of making an impact in every school or college. However, even if the number of NUT and NASUWT members in your workplace is small, every one of them will be part of a national declaration of teachers’ strength of feeling which will have an impact well beyond your own workplace.

**How can we support our colleagues who are taking part in strike action in other areas of the country?**

On days when strike action is happening in other areas you can show your support through wearing our campaign stickers (which will be sent to every school) and taking photos of you and your colleagues – send your pictures and messages of support to photos@nut.org.uk and they will be posted on the NUT website.

**Can new members of the NUT take part in the industrial action?**

Any new members can participate in strike action or action short of strike action with the same protection as all other NUT members provided they join the NUT before taking action. They should contact the NUT Records & Subscriptions Helpline on 0845 300 1666 or 020 7380 6369 (open Monday - Friday, 9am - 5pm) or by visiting the NUT website www.teachers.org.uk.

**Can lapsed members, as opposed to new members, join the industrial action?**

Only if they re-join the NUT first. Any lapsed members can participate in strike action or action short of strike action with the same protection as all other NUT members provided they re-join the NUT before taking industrial action. They should contact the NUT Records & Subscriptions Helpline on 0845 300 1666 or 020 7380 6369 (open Monday - Friday, 9am - 5pm) or by visiting the NUT website www.teachers.org.uk. They should be prepared to enter into direct debit or pay their subscriptions by credit or debit card over the telephone.

**What about non-union members?**

Suggest that they join the NUT - maybe they aren’t fully aware of the scope of the Government’s attacks on teaching. All NUT members are encouraged to help recruit new members.
Can I join in the industrial action if I didn’t vote in the ballot or if I voted against?

Yes, you certainly can. The majority vote in the ballots gives legal authority for you to take part in the strike action as well. We want the action to be supported by everyone authorised to take action - including those who didn’t vote and those who voted against but accept the democratic majority decision.

Do I have to join in the industrial action as an NUT member?

The NUT does not instruct members to take industrial action and individual members have a legal right to decline any call to take industrial action. The NUT always uses industrial action as a last resort but we believe that this action is essential to make the Government understand teachers’ determination to defend their profession and to persuade the Government to enter into constructive negotiations. The collective decision by NUT members was to support the action. We hope you will join in the action - by acting together we are more effective.

Are members who work in central LA services being called on to take industrial action?

The NUT’s ballots covered teachers employed in schools, academies and colleges. Members employed in central LA services were not automatically included in the ballots. Any such members who undertake teaching work in schools as part of their job were, however, able to be included in the ballots and can take part in the action. Soulbury-paid members were not covered by these ballots and they are not being called on to take part in the action short of strike action or the planned strike.

Can supply teachers join in the industrial action?

Supply teachers are equally affected by the issues underlying the dispute. All NUT supply teacher members were included in the 2012 pay and conditions ballot for schools and academies. However, they can only take part in strike action or action short of strike action where they are employed directly by local authorities or schools and academies. They cannot take part where they are undertaking work for which they are employed by a supply teaching agency.

The NUT would welcome the support of all supply teachers not already contracted to work on the day the strike takes place. They can participate in local activities on the day instead of accepting work. Although (as with all members) the NUT won’t pay anything towards lost wages, the NUT’s advice on hardship payments applies to supply teachers as well.

I am an NUT head teacher. Can I join in the industrial action?

A very definite YES. The NUT recognises the particular position of its head teacher members but believes that it is in all members’ interests for our action to be as effective as possible. As an NUT head teacher member you can join in and support strike action both by taking the steps which apply to you and your own work and by ensuring that the directions which you issue to your staff are consistent with the terms of the NUT’s advice to members about acceptable working practices.

I’m employed on my Academy’s own contract, which is different to the national contract in schools - can I take part in the industrial action?

Yes you can. The Union’s industrial action covers all NUT members in state funded schools, whether local authority schools or academies. Our dispute is with the Secretary of State for Education. On pay
and conditions, one of our key demands is that the national terms and conditions for school teachers should apply by law to teachers in academies as well. Our instructions on strike action and action short of strike action apply to all NUT members in academies, whether on TUPE transferred contracts or academy contracts, and we have sent notice of our action to all academy employers. The fact that some members may have accepted an academy contract does not mean they have excluded themselves from the industrial action. Even though academy contracts may include some differences (e.g. in working time obligations), this should not affect NUT and NASUWT members’ ability to implement the action short of strike action instructions across the academy.

Is there any reason why NQTs should not join in the industrial action?

NUT members who are NQTs are not prevented by any term of their contracts from taking part in strike action or in action short of a strike action. NUT advice on action short of strike action applies to NQTs in the same way as other teachers, except in relation to classroom observations. NQTs in their induction year should comply with classroom observations arranged as part of their induction. They should not, however, be subjected to unlimited and excessive observation - a reasonable benchmark would be an observation in the first four weeks in post and then one observation per half term, totalling six observations during the year (and pro rata for those working part time). Any NQT receiving more observation should contact the local NUT secretary. With regard to absence due to strike action, the Induction Regulations provide that teachers may have up to 30 days absence in the induction year without any effect upon the induction process.

Can teachers on the Graduate, Overseas or Registered Training Programmes take part in the industrial action?

Yes, they can take part in strike action in the same way as other members. NUT advice on action short of strike action applies in the same way as other teachers, except in relation to classroom observations. These teachers should comply with classroom observations arranged as part of their qualification process, subject to the same limits on reasonable numbers.

Can teachers on capability procedures take part in the industrial action?

Teachers on capability procedures can take part in strike action. The NUT advice on action short of strike action applies to members on capability procedures except in relation to classroom observations. Members on formal capability procedures should be offered a defined amount of classroom observation with structured feedback. The amount of observation should have been discussed with the member and their union representative.

Can fixed term or part time teachers take part in the industrial action?

Yes, they can take part in both strike action and action short of strike action.

I am employed on a fixed term contract for a year and worried I may not get a renewed contract. Should I join the industrial action?

It is not lawful for your employer to select you for dismissal or to decide not to renew your contract because you have taken part in industrial action, so you should not be victimised for taking part. You can participate in the strike action and action short of strike action in the same way as your colleagues. If there were to be any suggestion that your contract is not to be renewed because of this you should contact your local NUT secretary. The NUT would take any such move by an employer very seriously.
STRIKE ACTION

What does it mean when you go on strike?

Strike action means you do not go into work on the day the action is taking place. You do not have to phone your school on the day to tell them you are not coming in.

What should I do on a strike day?

You can take part in NUT and NASUWT organised activities on a strike day which will demonstrate your support for our cause and for the principles and values which brought you into teaching. Information will be distributed locally and via the Union’s website at www.teachers.org.uk - please find out about local activities and join in.

Will my workplace close on a strike day?

That’s up to the head teacher or whoever else is responsible. They need to decide (having conducted proper risk assessments) whether the health, safety and satisfactory education of students can be guaranteed in the absence of the teachers taking strike action. They will also need to take into account that other unions’ members will be asked not to undermine our action by undertaking our members’ work. Many school and college leaders who are themselves NUT and NASUWT members will also be taking part in the action.

Will I lose money for going on strike?

You will be likely to have a day’s pay deducted from your wages. School teachers will lose 1/365th of annual pay, while some other members may have different deductions specified in their contracts. The NUT believes this is a sacrifice worth making. More details can be found in the section on “Impact on Pay, Pensions & Benefits”.

Can disciplinary action be taken against me for striking?

We don't expect that any member will be threatened with disciplinary action for taking part in NUT industrial action. Our ballots and action are organised in accordance with all of the relevant laws. Industrial action is accepted as a legitimate means of expressing opinion and workers have legal protection against any action being taken against them selectively due to participation in industrial action.

Any member who does experience threats or pressure from their head teacher, line manager or governing body should contact their local NUT secretary immediately. The NUT is very well equipped to assert your legal rights and will give you strong support.

What if I come under pressure from colleagues to work on a strike day?

The NUT does not instruct members to strike and we equally resist members being put under pressure not to strike. The decision is yours and you should be able to make it freely. In our view there are good reasons why you and your colleagues should join in strike action. If the Union's campaign succeeds, it will benefit all teachers and the education service in which they work. Any attempt to victimise, threaten or bully you should be drawn to the attention of your local NUT secretary.
Can other unions’ members or non-union members take part in the strike too?

Only NUT or NASUWT members should join the strike. Anyone else who is not a member of a union which has balloted for action could be subject to disciplinary action and would not be able to rely on their own union for support. Anyone who wants to participate in the strike as an NUT member can legitimately do so if they join the Union before a strike day.

Will there be picket lines outside my school on a strike day?

The NUT does not have a fixed policy on picket lines – it’s entirely a tactical question, not a matter of principle. If your school or college will be closed, there is no point in a picket line. If it will be open, however, you and your members (and NASUWT colleagues) may want to hold a picket line.

Remember that only NUT or NASUWT members should join the strike. Anyone else who refuses to cross a picket line could be subject to disciplinary action and would not be able to rely on their union for support. Anyone who wants to participate in the strike as an NUT member can legitimately do so if they join the Union before or on a strike day, so remember to have some membership forms with you if you are holding a picket. And whether or not you hold a picket line, you should encourage all members to attend any local march or rally on the day.

Can our classes be covered by other teachers or support staff?

The NUT would not expect staff not taking part in the action to be asked to undertake the work of colleagues taking strike action. Other unions have advised their members of the usual convention that their members will not undertake work normally undertaken by those who are taking strike action.

UNISON’s advice to its members is as follows: “School support staff should not be expected to provide cover for or take classes, where this would normally be done by teachers who are on strike. In particular, HLTAs 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 should not be pressured to provide cover on health and safety grounds to avoid closure of a workplace. Employers should be reviewing any risks and health and safety procedures, including evacuation of workplaces taking account of the impact of staff taking strike action.”

Can my head teacher bring in supply teachers to cover my work on a strike day?

“Employment businesses”, such as supply agencies which supply teachers they employ, are forbidden by law from supplying workers to cover the work of regular workers taking industrial action. Under Regulation 7 of the Conduct of Employment Agencies & Employment Businesses Regulations 2003, it is unlawful for such a business to supply or introduce a worker to cover the duties of someone who is on strike, or even to cover the duties of another worker who has been moved to fill a gap when someone else is on strike. Any infringement should be reported to your local NUT secretary. Tell your head teacher that the NUT will press for action against those agencies, which could include criminal proceedings and their licence to operate being suspended, if they breach the regulations.

I am a supply teacher – what should I do if I am asked to cover for strike action?

Any supply agency which sends you to undertake work covering for strike action is likely to be in breach of the law. If you are asked by your agency to cover for strike action, you should refuse to do
so. If you realise during the day that you are covering the work of someone on strike, you should ask to be given other work.

If you have been working at the school on a longer term basis for reasons unrelated to strike action (e.g. covering a vacancy or long term absence), the situation is different. You are not being engaged to cover the duties of a striking teacher so these provisions would not apply in the same way.

**Can the absence of striking NUT members be covered by aggregating classes for sports activities and/or in large groups in the hall?**

Head teachers must make their own judgments having conducted proper risk assessments. It would be very unwise for any head to be influenced in this judgment by a desire to try to minimise the effect of the strike. The NUT has advised its own head teacher members that the safety of children on the premises must be the deciding factor.

**What about off-site trips / school events organised for the day of a strike?**

The NUT accepts that, in some exceptional circumstances, disruption to planned events would be undesirable. For some off-site trips or events on school premises, schools may have entered into contracts which cannot be cancelled without substantial costs. Where NUT members who are due to be involved wish to take strike action, they should inform the head teacher of their intention to take strike action. For that event to go ahead as planned, the NUT will expect every effort to be made to secure alternative staffing permitting minimum requirements to be maintained without those NUT members’ involvement. Only if this has not proved possible – and substantial costs would be incurred by cancellation - should those NUT members agree to forgo their right to take strike action. Any NUT member who works as a consequence on a strike day is encouraged to support the NUT by donating their pay to an NUT local association hardship fund or the Teacher Support Network.

**What happens if there are OFSTED or ESTYN inspections on a strike day?**

The Union has asked that no inspections take place on a strike day. Should this be ignored, members are free to take action and this should not adversely affect any inspection report.

**What about parents’ evenings already being arranged for a strike day?**

You should seek to have the date changed. Your head teacher or principal will need to recognise that if it goes ahead NUT and NASUWT members who are on strike will not be present. If there are particular difficulties please seek guidance from your local NUT secretary.

**What about public examinations arranged to take place on a strike day?**

The Union does not wish to disturb pupils’ examinations. Timetables for strike action are drawn up with the intention of avoiding any risk of doing so. Members should co-operate with the exams calendar in the event of any clash.

**What if I am due to be on a training course / at a job interview on a strike day?**

Strike action means refusing to carry out your employment duties. Attending a job interview would not fall within that, although you should check whether the interview is being rearranged in case other applicants are absent or the establishment closed. Attendance at a training course related to your job will be covered by your action, so you should ask for it to be rearranged.
Should NUT student members attend school / go into college on the day of a strike?

As an NUT student member, you cannot be balloted and cannot be on strike yourself. If your school is open and you are scheduled to be there on the day of a strike, the head teacher may ask you to come in and carry on your teaching practice but you should not be expected to cover classes or teach classes where the teacher is on strike. If your school is closed on the day of the action and you have no other college commitments that day or your college term has finished, please join in with any locally organised NUT activities. If you are due to be at college or have some other college commitment, we are not asking you to boycott lectures or miss those commitments. The NUT website will have information about events taking place on a strike day or you can ask your NUT school representative for details.

ACTION SHORT OF STRIKE ACTION

What is action short of strike action and is it having any effect?

Action short of strike action takes place while you are continuing to teach as normal. It involves you refusing to do other parts of your job or take other steps to oppose unreasonable working demands. These “non-strike” sanctions are very effective and should not be underestimated. The action short of strike action we have been taking alongside our colleagues in the NASUWT since the 2012 autumn term is already having an impact. The action is successfully raising awareness of the attacks we are facing and shows the Government that we are serious about our campaign. You can read positive reports about the victories we have won so far on the NUT website at: www.teachers.org.uk

Action short of strike action is aimed at enhancing teaching/learning while hitting out at excessive accountability. The NUT’s detailed advice on action short of strike action can be found on the NUT website at: www.teachers.org.uk. Here are some examples of actions that are taking place in schools, academies and colleges:

- refusal to hand in short term planning (even Michael Gove says this is not necessary and many outstanding schools require no such handing in)
- refusal to attend more than one management directed meeting per week.
- refusal to cooperate with more than 3 observations per appraisal cycle.

Action short of strike action is freeing teachers to think about teaching and learning instead of form filling. Both unions will offer support to members in situations where head teachers are being difficult.

Do I have to take part in action short of strike action?

The NUT does not instruct members to take industrial action, just as we resist members being put under pressure not to take action. The decision is yours. We believe that we stand the greatest chance of bringing about a culture change in schools and colleges if as many members as possible take part. There may be sanctions which you decided collectively are not appropriate in your school because arrangements there are satisfactory. For example, if teachers’ lesson plans aren’t subject to scrutiny by management then there is no need to refuse to hand in lesson plans. You can read reports on successes and examples of action short of strike action from NUT representatives on the NUT website at: www.teachers.org.uk
Will I lose pay for taking part in action short of strike action?

The agreed actions stop short of strike action and as you are still available for other duties we don’t expect you to suffer a loss of pay. Most employers have accepted participation in this action and have not made any deductions from pay as it does not impede on the majority of teachers’ daily work. However, we are aware that some schools and local authorities have threatened to make deductions from pay based on the assertion that these actions amount to breach of contract and partial performance of duties.

In our view these threats are simply an attempt to bully and intimidate members into not participating in this industrial action and so any threats of deductions from teachers’ pay in this regard are being robustly challenged. If your head teacher suggests that deductions may be made, please contact your local association or division secretary immediately. The Union has robustly defended members from these threats, through supporting escalated action where it has proved necessary.

Can disciplinary action be taken against me for taking part in action short of strike action?

NUT members should not be threatened with disciplinary action for taking part in NUT industrial action. Our ballots and action are organised in accordance with all of the relevant laws. Industrial action is accepted as a legitimate means of expressing opinion and workers have legal protection against any action being taken against them selectively due to participation in industrial action.

The DfE has issued guidance to head teachers on the contractual and legal position of action short of strike action. The NUT believes this guidance to be unhelpful and inflammatory. Any member who does experience threats or pressure from their head teacher, line manager or governing body should contact their local NUT secretary immediately. The NUT is very well equipped to assert your legal rights and will give you strong support.

What if I am deemed to be in breach of contract and my head teacher threatens me with disciplinary action in relation to any of the action short of strike action?

Any member who is threatened or put under pressure by their head teacher, line manager or governing body should contact their division or association secretary.

Can any work I refuse to do be covered by other teachers or support staff?

The NUT does not expect staff not taking part in the industrial action to be asked to undertake the work of colleagues taking part in action short of strike action. Other unions have advised their members of the usual convention that their members should not undertake work normally undertaken by those who are taking action.

Where can I find out more about the action short of strike action?

You can read more detailed information and instructions on the action short of strike action in a separate briefing available at www.teachers.org.uk/protect-teachers
INDUSTRIAL ACTION - IMPACT ON PAY, PENSIONS & BENEFITS

Will the NUT pay me anything towards wages I lose for taking action?

Non-strike sanctions stop short of strike action and you are still available for other duties, so we don’t expect you to suffer a loss of pay. Contact your local NUT secretary if this does happen.

You won’t be paid by your employer for a day on which you take strike action. Your contract of employment anticipates that you may at some time be on strike and the Burgundy Book national agreement provides that for each strike day full or part time teachers will be subject to a pay deduction of 1/365th (one calendar day) of annual pay. Members in sixth form colleges may find that their employer makes a higher deduction at 1/260th of annual salary for each strike day. Part time teachers should not expect their employer to make deductions for any day they are not contracted to work.

The Union cannot compensate members for loss of pay when they take part in strike action. The loss in take home pay would be around £70 for teachers on UPS3 and around £35 to £40 for NQTs on M1 (after tax and other deductions). The Union believes this is a sacrifice worth making. There is a lot at stake - the attacks on your pay and higher pension contributions are costing you much more.

NUT Associations may have hardship funds to assist any members suffering particular hardship as a result of losing a day’s pay - contact your local NUT secretary if you wish to seek such assistance.

What impact will strike action have on my teachers’ pension?

Very little – any loss would probably be between £1 and £2 a year at most. Your pension is based on your pay at retirement and your total length of service in years and days. For most teachers, the impact of going on strike will be negligible - you will simply lose the pension you would accrue for the day you take strike action.

For example, if your pensionable salary is £36,000:

- If you joined the TPS on or before 31 December 2006, each day of strike action will reduce your annual pension by just £1.23 a year and reduce your lump sum payment by £3.70.
- If you joined the TPS on or after 1 January 2007, each day of strike action will reduce your annual pension by just £1.64 a year (there is no automatic lump sum payment).

I’m in my last years of teaching before retiring: if I strike, will there be any extra effect on my pension?

Under the 2007 pension changes, your pension is based on the higher of your total pay received over the last 365 days of service or the best three consecutive years in the last ten years re-valued in line with inflation.

When you go on strike, a strike day is simply disregarded and these calculations are worked out by going back one day further. For teachers who are within ten years of retirement, going on strike adds only a further negligible cut in pension - in most cases as little as 10p a year or even less. Since this system of calculating your pension came into effect in 2007, the NUT has been able to withdraw its previous advice that teachers in their final years of service should not go on strike.
I am pregnant – will going on strike affect my entitlement to maternity leave and pay?

Most pregnant teachers can join a strike without affecting their maternity entitlements. Your continuity of employment isn’t broken by taking strike action. The week of the strike will not be included in your total length of service for the purpose of qualifying periods but this will not affect the vast majority of pregnant teachers. More detailed information on Statutory and Occupational Maternity Leave & Pay and Maternity Allowance is available on the NUT website in the School Teachers’ Conditions section.

Will going on strike affect my entitlement to Statutory Paternity and Adoption Pay?

The answer is no for the majority. More detailed information is available on the NUT website in the School Teachers’ Conditions section.

I am on long term sick leave. How will the strike affect me?

If you are on long term sick leave that covers a strike day, you will be treated as if you are on sick leave. If you are off sick on just a strike day, it is likely that your head teacher may ask you some further questions about this. Any NUT member who receives sick pay for a strike day is encouraged to support the NUT by donating that pay to an NUT local association hardship fund or to the Teacher Support Network.

Will my continuous service be broken by taking strike action? How will any future redundancy payment be affected?

Continuous service is not broken by strike action but days of strike action are not counted towards your final length of service. Since redundancy payments are based on full years of service, they can be affected if strike action reduces the number of full years of service completed at the date of dismissal - if you have worked as a teacher for exactly 20 years, for example, your redundancy payment might be based on 19 full years of service not 20 full years of service.

This point is relevant to any teachers who know they will be dismissed on redundancy grounds from the end of the academic year. Some employers, however, will agree to extend service for one or more days to take account of this problem. It is also possible for employers to give ‘notice of extension’ requiring you to extend your service by one day to replace the day of strike action and, if you fail to comply, reduce or even refuse to pay you a redundancy payment. If you are in this position, you should seek advice from your local NUT secretary.

THE BALLOT

Who was balloted for action?

The NUT pay and conditions ballots took place in summer 2012. Three separate ballots were held:

• the first covered all NUT members working in maintained and academy schools in England;
• the second covered all NUT members working in sixth form colleges; and
• the third covered all NUT members working in maintained schools in Wales.

What questions did the ballot papers ask?

The ballot papers asked two questions:
• in order to seek to persuade the Secretary of State for Education to protect pay and working conditions are you prepared to take discontinuous strike action?
• in order to seek to persuade the Secretary of State for Education to protect pay and working conditions are you prepared to take part in industrial action short of a strike?

In Wales, the ballot questions referred also to the Minister for Education and Skills in Wales.

**What was the ballot result?**

NUT members overwhelmingly supported the call for joint action with the NASUWT on pay and working conditions. On a turnout of 27 per cent the results were as follows:

**England**

- Question 1 (discontinuous strike action) 83.4 per cent in favour
- Question 2 (action short of strike action) 93.1 per cent in favour

**Wales**

- Question 1 (discontinuous strike action) 81.0 per cent in favour
- Question 2 (action short of strike action) 92.9 per cent in favour

**Sixth Form Colleges**

- Question 1 (discontinuous strike action) 81.2 per cent in favour
- Question 2 (action short of strike action) 93.1 per cent in favour

**Why were NUT members in sixth form colleges involved in a separate ballot?**

The NUT had to hold a separate pay and conditions ballot because sixth form college teachers are not on the same pay and conditions as teachers in schools and so the issues are slightly different. The NUT’s dispute with the Secretary of State calls on him to ensure, inter alia, that the pay and conditions for teachers in sixth form colleges are at least equivalent to those for school teachers. We have aligned the strike action in sixth form colleges and schools in order to present a united response to the attacks on the teaching profession as a whole.

**What was the 2011 pensions ballot result?**

This ballot covered two groups: independent/fee paying schools; and those within the state sector.

Members voted overwhelmingly in support of discontinuous strike action on pensions. On a turnout of 40 per cent (state schools) 27 per cent (independent schools) the results were as follows:

**NUT members in Local Authority, central services, sixth form colleges, academies and post 1992 Universities**

- 92 per cent in favour

**Fee paying independent and private schools**

- 89 per cent in favour
AND FINALLY

Where can I find more information on the issues we are in dispute about?

Go to www.teachers.org.uk/protect-teachers to find more information and a range of resources

National Union of Teachers
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