

Children & Young People's Services

**HEADTEACHERS OF ALL DEVON SCHOOLS/
COLLEGES & CHILDREN'S CENTRES**

Director's Office
County Hall
Topsham Road
Exeter
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URGENT

Fax: 01392 382203

4 April 2008

Dear Colleague

NUT INDUSTRIAL ACTION: 24 APRIL 2008

You will be aware that members of the National Union of Teachers have voted for a national strike in response to the School Teachers' Review Body's recommended pay increases for school teachers. The proposed pay deal would see an increase of 2.45% in September 2008 followed by increases of 2.3% in 2009 and 2010. The industrial action will be for one day and will take place on Thursday, 24 April 2008.

The NUT's position is that teachers' salaries should be increased to keep pace with inflation and that they are not keeping up with those of other graduate professions.

The other teacher trade unions did not ballot for industrial action and therefore staff from unions other than the NUT will be expected to attend for work as normal on 24 April 2008. Nevertheless, Headteachers will need to consider the resources available to them on the day of the strike.

The guidance provided under the key areas below is based on Local Authority policy in relation to community schools. Foundation and Aided schools are advised of the Local Authority's policy and the associated guidance.

Please ensure that that this guidance is communicated to all staff employed at your school.

Participation in the Industrial Action

Headteachers will need to establish with their teaching staff, in advance and as far as possible, whether or not they propose to participate in the industrial action, although no pressure should be placed upon staff to respond.

It will also be necessary for you to ensure that employees not taking part in the industrial action are instructed to report for work as usual on 24 April 2008.

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Any employee who is a member of a union not taking part in the official strike will have no legal protection if they participate in the action.

Deductions from Salary

Teachers will need to be notified that strike action is regarded as a breach of contract and that deductions from salary will be made where such action is taken.

For teachers employed within community schools who participate in the strike action, the Authority will deduct salary, in accordance with Burgundy Book conditions, at a daily or part daily rate based on the daily salary being 1/365th of a year for each day of the period of absence. Please ensure that Payroll is notified as detailed below.

Foundation and Aided schools are advised of the Local Authority's policy in respect of deductions from salary.

Sickness absence

The right to self-certify for sickness absence will be withdrawn on 24 April 2008 and pay will be withheld for any absence not supported by a medical certificate. Where an employee incurs a charge in obtaining a medical certificate for sickness absence on 24 April 2008, any financial assistance agreed by the school will need to be met from the school's budget.

Annual leave

Where annual leave forms part of the contract of employment, all requests for annual or flexible leave for 24 April 2008 which were not approved before Friday 4 April 2008 should be refused.

Picket lines

For those taking part to retain immunity from legal proceedings, picketing must be in contemplation or furtherance of a trade dispute and consist only of peacefully obtaining or communicating information, or peacefully persuading any person to work or abstain from working.

Employees who refuse to cross picket lines where they have not been balloted are likely to be regarded as taking unofficial industrial action. There are a number of legal consequences for such action, which is why trade unions tend to advise against it. Where it is known that non-attendance is in support of the action, a record should be made of the absence and a deduction from salary will be made as if the employee had taken official strike action. For non-teaching staff, the salary deduction will be made in accordance with the conditions of service applicable to the relevant employment group.

Cover for absent colleagues

Staff who refuse to undertake duties normally performed by absent colleagues might be viewed as having refused a reasonable request. We are aware, however, that the other teacher and support staff unions are advising their

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members not to undertake cover for colleagues participating in the strike action. Given the need to avoid further escalation, the Authority's advice is that duties should be reallocated only where employees volunteer to undertake additional duties transferred to them from striking colleagues for the duration of the strike action.

Use of County Council resources

The use of the County Council's resources and equipment (such as internal e-mail systems) for communicating any industrial action will not be permitted. Any such use will be treated as a matter of conduct/discipline.

General conduct

As under normal circumstances, any acts of violence, intimidation, harassment or damage to property during the course of the industrial action will be treated as potential misconduct and will be subject to conduct/disciplinary procedures.

Payroll notification

You must ensure that a record is made of staff participating in strike action and notify Payroll accordingly. Discussions are currently taking place with ICT with a view to establishing a direct link to the PRISM payroll system. If this is possible you will be advised.

Implications Under the Teachers' Pension Scheme

Absence due to industrial action cannot be classed as pensionable service within the Teachers' Pension Scheme regulations and will be shown as days excluded.

School Closure

Governing Bodies and Headteachers must endeavour to keep schools open in order to maintain the continuity of educational provision. Whilst it is hoped that disruption to normal school activity will be kept to a minimum, there may be some situations where specific requirements, for example in respect of Health & Safety, dictate that serious consideration needs to be given to school closure.

In order to decide whether to close the school to pupils and other service users, Headteachers will need to consider all the options and assess risks. If, having established the likely effect of the action, you feel that it may be necessary to close your school, then please contact Andy Wood by e-mail (andy.wood@devon.gov.uk) or by telephone on 01392 383369.

In the event that a decision to close your school is taken then the following services should also be notified soon as possible, if you or your pupils use them:

- CYPs Transport Coordinator: please telephone 01392 383882
- Devon Catering and Cleaning Services (to cancel meals): please contact your local DCCS manager

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I know that you may be faced with some difficult decisions, and I trust that this letter clarifies the position for you. If you require further information, please contact the Schools' Personnel Helpdesk on 01392 384567.

Yours sincerely

Anne Whiteley
Director of Children & Young People's Services