

# **Industrial Action by NEU**

**Director's Briefing with Chairs and  
Vice-Chairs**

**February 2023**

## Dates of action

- ▶ 1<sup>st</sup> February
- ▶ 2<sup>nd</sup> March
- ▶ 15<sup>th</sup> March
- ▶ 16<sup>th</sup> March

Department for Education (DfE) guidance on '[Handling strike action in schools](#)'.

The main changes and key information within this guidance are summarised below:

- DfE expects the headteacher to take all reasonable steps to **keep the school open for as many pupils as possible.**
- The **decision** to open, restrict attendance, or close a maintained school is for the **headteacher.**
- Best practice for headteachers to **consult governors**, parents and the Local Authority, **academy trust or diocesan representative** (where appropriate) before deciding whether to close.

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### Continued:

- Under the Health and Safety at Work Act 1974, the employer in a school must take reasonable steps to ensure that **staff and pupils are not exposed to risks to their health and safety.**
- Headteachers may ask other teachers to cover the classes of those taking industrial action.
- Following the repeal of Regulation 7 in July 2022, it is now possible for employers to **engage with agency staff** to replace the work of those taking official strike action

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Continued:

- There is no legal requirement to teach the **curriculum** on strike days.
- Where schools must restrict attendance, they should consider, where possible, providing **remote education**
- Continued attendance is important for all pupils. However, if the numbers of staff on strike mean you need to temporarily prioritise places in your setting you should, where possible, give **priority to vulnerable children and young people and children of critical workers**. In addition schools should consider prioritising pupils due to take public examinations and other formal assessments.

Important that leaders and governors also read the advice from the different unions

<https://nationaleducationunion.foleon.com/pay-up-save-our-schools/save-our-schools-members-hub/?overlay=dispute-fags>

<https://www.nasuwt.org.uk/news/industrial-action/when-other-unions-take-industrial-action.html>

<https://www.unison.org.uk/content/uploads/2023/01/Teachers-strike-action-advice-for-UNISON-school-support-staff-members.pdf>

<https://www.gmblondon.org.uk/workplace/gmb-advice-to-members-regarding-neu-teachers-strikes>

<https://www.naht.org.uk/Advice-Support/Topics/Management/ArtMID/755/ArticleID/1934/Navigating-industrial-action-planned-by-other-unions-in-England>

<https://www.ascl.org.uk/News/Blog/January-2023/School-leaders-are-stuck-in-the-middle-as-strike-a>

Continued:

- Parents have a legal duty to ensure that their school-registered child of compulsory school age attends school regularly. Therefore, all school-registered children of compulsory school age in classes open on days when strike action is being taken are **still required to attend school**, regardless of parental choice or the closure of other classes in the school

# Discussion points

- ▶ Asking staff if they are striking
- ▶ Risk assessment
- ▶ Asking staff to cover
- ▶ Picket lines
- ▶ Non NEU staff not coming to work
- ▶ Informing the LA
- ▶ Ofsted Inspections
- ▶ Feedback from first day of action