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|   **INDUSTRIAL ACTION BY NEU**  | DATE  |

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|  | All Staff |

Dear Colleague

We have been notified that members of the NEU will be asked to take strike action on 1st February 2023..

The purpose of this letter is to ask all staff at the school for information to enable me to assess the impact of strike action on the school and make appropriate arrangements for the school day.

In order that I can do so, if you are a member of the NEU and plan to take strike action, can you please let me know immediately and by no later than **Friday 20th January 2023**? This will enable me to plan effectively to minimize any disruption.

**If, having assessed the impact on the school of the strike action, the Governors and I decide that the school can remain open,** staff who are not NEU members should report for work in the normal way, regardless of any arrangements which I may need to make for the school day. Failure to do so, without appropriate reason, e.g. sickness, will be deemed to be secondary action, which is against the law and may result in disciplinary action.

**However, if it is decided that the school will have to close,** non-striking staff will not be required to report to work. Instead, work will be assigned which should be completed at home

***OR***

**However, if it is decided that the school will have to close to pupils,** non-striking staff will be required to report to work as usual and work will be assigned as appropriate.

I am also making you aware of the following information before any strike action commences.

1. **Coming to work**

Staff who are available for work will be required to attend their usual workplace even if their normal work is disrupted. You will receive pay if you attend work and do not participate in the strike action, regardless of whether you are a trade union member or not.

1. **Reporting absence**

It is important to note that for employees, including those who are not members of the trade union, are required to clarify the reason for absence on the strike day. If you are absent from work on the day designated for action, please let me know at the earliest opportunity. If you do not let contact me, it will be assumed you are on strike action. This will result in a deduction in your pay for that day.

1. **Sickness absence**

Any sickness absence commencing on the strike day will need to be supported by a medical certificate.

If you are absent due to sickness before strike action commences you will be considered to be still away sick on the day of action and will continue to receive sick pay. You will be required to submit a doctor’s certificate to cover the designated day of strike action stating that your absence is due to sickness.

Should you incur a cost from the GP, the School will reimburse, subject to you providing a paid receipt from your GP to the School. Where this requirement is not complied with, you will be deemed to be on strike.

If you take part in strike action and become sick you will not be entitled to statutory sick pay, or occupational sick pay.

1. **Leave requests**

No new requests for leave on the strike day will be granted, except in exceptional circumstances.

If you have children based at a school which has been affected by strike action and this is likely to cause childcare issues, you need to be considering at an early stage what arrangements, if any, to make in the eventuality of this occurring. Please let me know as soon as possible if this is likely to affect you.

1. **Deduction of pay**

Members of the NEU should be aware that taking strike is regarded legally as a breach of contract. Accordingly, pay deductions in lieu of damages will be made at the daily rate of 1/365.

[This is in line with paragraph 3.2 of Section 3 of the Burgundy Book provides that the pay deduction for a day of “unauthorised absence (e.g. strikes)” should be 1/365th of annual salary.]

* **If you work full time** – pay deduction will be at the daily rate of 1/365th of the annual salary.
* **If you were due to work on Wednesday 1st February 2023 –** pay deduction will be based on the number of hours normally worked as a proportion of 6.5 hours for a full day
* **If you are paid on an hourly basis** – an hour’s pay for each hour of industrial action.
1. **Impact on pensions**

**Teachers**

Any absence due to industrial action is not reckonable service and does not count as pensionable service. Teachers over normal pension age will not become entitled to retirement benefits.Teachers remain covered for the “in-service” death grant if they die while on strike.There is no provision in the Teachers’ Pension Scheme for teachers to buy back strike days.

1. **Impact on continuous service**

Although a strike breaks the contract of employment, it does not break continuity of employment if the employee returns to work after the strike ends. A strike will, however, delay the attainment of any necessary qualifying period as the employee’s starting date is regarded as being postponed by the actual number of days between the last working day before the strike and the day on which work resumes.

1. **Picketing**

If there is picketing on any of the School’s or Council premises, and you decide not to cross the picket line and therefore do not come into work you will be considered to have joined the strike action. This is regarded as taking unofficial industrial action and in these circumstances, pay will be deducted.

Staff who refuse to cross the picket line who are not NEU members will also have pay deducted for the day.

There are legal guidelines about the conduct of picket lines which will be monitored. There should be no more than 6 pickets on duty at any time and intimidation or obstruction is not legitimate. Staff who are subject to any such actions are encouraged to report it.

Should you feel concerned you must contact me by telephone and I will co-ordinate accompanied access into the workplace.

It is unlawful for a trade union to discipline a member who refuses to participate in strike action. Pickets are not able to physically prevent an employee crossing a picket line.

1. **Health and safety**

If you have any concerns about health and safety as a result of the strike action, for example maintaining adequate levels of staffing in certain work situations, then you should raise this with me at the earliest opportunity.

If you have any queries, please let me know.

Yours sincerely