



Excellence and Equity for All Children in a Christian Context

LDBS Academies Trust

&

LDBS Academies Trust 2

Managing Industrial Action Policy

DATE APPROVED BY THE LDBS ACADEMIES TRUST	23 rd January 2024		
NEXT REVIEW DATE (Biennial)	December 2025		
SIGNED (EXECUTIVE) HEADTEACHER		DATE	
SIGNED CHAIR OF THE LOCAL ACADEMY COMMITTEE		DATE	

Vision Statement

Our schools serve the whole community where all are welcomed valued and supported. We aim to enrich the life experiences of all the children and families we come into contact with helping our children to grow spiritually, mentally, and academically. We seek to have a broad curriculum where all faiths are honoured within a Christian context.

Jesus promised a life in all its fullness which means that we value each person as the individual God made them to be; we encourage creativity and teamwork in our schools; we encourage forgiveness and put others' needs before our own; we actively encourage everyone to work to care for creation; learning the full range of subjects (including Religious Education) and always aiming for excellence. Daily Collective Worship is provided as a space to ask big questions, reflect on what is happening in the world around us and pray. Put simply, our schools are life-giving.

Our schools are places where all are welcome and where we practise kindness and hospitality on a daily basis. Our vision and our values are clearly displayed and while it is not a requirement that a child and their family have to be practising Christians, we do expect all parts of the community, children, staff, parents and carers to support the values that we hold dear.

In our school we demonstrate how we support this vision through our values which are *[insert text]* and summed up in the following statement *[insert text]*.

We live out our values and vision through our key policies e.g. The behaviour policy is supported through the values described in the rewards and sanctions section of the policy demonstrating the importance of dignity and forgiveness.

The school admissions policy decided by the Local Academy Committee shows our inclusivity and the importance we place on service to our local community.

The breadth of the curriculum and the creative projects which we enjoy are key to providing opportunities for children to experience life in 'all its fullness', so that alongside learning and wisdom they also experience joy and delight in learning.

Care for the individual and their needs is crucial and the school's policies regarding inclusion and SEND are constant reminders that each of us is known to God and our names are 'inscribed on the palms of His hands'.

The HR policies are common in all LAT schools and are created to ensure that individuals are treated fairly and with dignity. All HR policies have been scrutinised by the various unions to ensure that they contain acceptable procedures.

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1. Introduction

- 1.1. The purpose of this guidance is to assist the (Executive) Headteacher in the LDBS Academies Trust's and the LDBS Academies Trust 2's (herein referred to as the "Trust") schools to plan and manage the effects of industrial action by staff. Although industrial action can take many forms, this guidance deals with strike action (i.e. complete withdrawal of labour for a specified period of time).
- 1.2. The school should contact the Trust's Human Resources ("HR") Officers if there are any staffing queries or concerns arising from industrial action.

2. How will the school know about industrial action?

- 2.1. Trade unions are required to provide employers with at least 7 days' notice of official industrial action.
- 2.2. If such notice is not given, then the action would be illegal.
- 2.3. For Trust schools, such notices should be delivered to the (Executive) Headteacher and the Chair of the Local Academy Committee ("LAC"), who should ensure that the Chief Executive Office ("CEO") and Company Secretary ("CoSec") are notified immediately.

3. Deciding on what to do

- 3.1. Whatever the circumstances that give rise to strike action, the (Executive) Headteacher needs to make decisions about how to respond to the situation.
- 3.2. Which employees will be going on strike?
 - 3.2.1. Schools are able to ask staff about their intentions as to whether they are going to participate in the strike and it is a legitimate management request to do so, but it is important to note that employees can also lawfully refuse to answer any such question and it is also important not to treat staff detrimentally if they fail to respond or do not keep you informed.
 - 3.2.2. It is helpful to know the intentions of staff to properly assess the risks associated with the strike and to consider what course of action to take. The Trust would advise that this exercise is carried out in the spirit of the school making enquiries to make plans

to deal with absence and, where necessary, communicate with parents about the implications of the proposed strike action. There are clear health, safety and safeguarding issues involved in the decision to open if there is an inadequate ratio of teachers.

3.2.3. The pro forma attached as Appendix A can be used for this purpose.

3.3. Risk Assessment

3.3.1. Once the (Executive) Headteacher knows which employees are going on strike, it will be possible to assess whether the school can remain open with the staff who have indicated they will be in work.

3.3.2. This can be done by reviewing the school's standard risk assessment, considering whether the absence of certain staff will increase risks and considering whether or not there is anything that can be done to mitigate these.

3.3.3. Examples of things to be reviewed will include:

- Adequate staff in all classrooms
- Pupils moving between classes or sent out of class
- Cover for break and lunch times
- Cover for sporting activities
- Behaviour management
- Security – people, money, property, etc.
- After-school clubs
- Opening and closing the school
- Availability of meals
- Use of equipment
- Lifting and handling
- Contractors working on site
- Dealing with accidents
- Emergency procedures (e.g.. evacuation in the event of fire or flood where striking staff would normally be involved)
- Duration of the strike - It is likely that the longer the strike, the greater the risks and the harder it will be to mitigate them.

3.3.4. Risk assessments involve making judgements based on local circumstances and the (Executive) Headteacher is best placed to do this. Given the short timescales involved, it is appropriate that this decision is made in conjunction with the Chair of the LAC.

3.4. Health and safety considerations

- 3.4.1. The Health and Safety at Work Act and associated regulations continue to apply during a period of industrial action and there is still a general duty on the employer to ensure the health, safety and welfare of employees, so far as is reasonably practicable.
- 3.4.2. No duty of care is owed to staff who are on strike as they are not officially 'at work' even though they may be engaged in industrial action (including picketing) at or near their place of work. However, duties are owed to those employees who attend for work and also any third parties such as contractors.
- 3.4.3. Employees who are on strike do not have any specific health and safety responsibilities as they are not 'at work', however, there is a general duty on 'all persons' regardless of employment status, not to interfere with or misuse anything provided or done for health and safety reasons.
- 3.4.4. There is a risk to the school if remaining staff are asked to undertake tasks for which they are not competent or have not been trained. As such, the (Executive) Headteacher should exercise caution when asking remaining staff to carry out tasks, which they may not normally undertake.

3.5. Continuing to provide education

- 3.5.1. The (Executive) Headteacher should seek to continue to provide education and to minimise disruption for pupils and their parents or carers.
- 3.5.2. If the risks are minimal or if action can be taken to mitigate them, then it should be possible to keep the school open for pupils.

3.6. Partial Closure

- 3.6.1. It may be that the number of staff available for work is significantly reduced but that there are enough people to continue to provide education for some pupils.
- 3.6.2. In such cases, the school should not close completely but should remain open for priority pupils such as those due to take statutory tests.

3.7. Complete Closure

- 3.7.1. Complete closure should be the last possible resort where no other arrangements can be made and should normally only be considered in cases where the health and safety of pupils might otherwise be jeopardised.
- 3.7.2. The (Executive) Headteacher will be asked to confirm that all alternatives have been explored and will also need to advise all parents and carers, giving clear reasons for the decision.

4. Who needs to be informed?

- 4.1. All those who may be affected by the strike should be provided with information on the potential impact as soon as is reasonably practicable.
- 4.2. Parents and carers
 - 4.2.1. Letters should be sent to parents / carers giving them as much information as possible and as a minimum (i.e. telling them the duration of the strike, whether or not the school will be closed to pupils and what other changes to normal activities are planned).
 - 4.2.2. If the school day will be finishing earlier than usual parents must be informed well in advance so that appropriate arrangements can be made.
 - 4.2.3. Office, reception and admin staff should be fully briefed on what to tell parents about the situation.
- 4.3. Catering contractor
 - 4.3.1. If the school will be partially or completely closed to pupils, the catering contractor should be advised and given an indication of how many pupils and staff will require meals.
 - 4.3.2. In the event that the catering staff are on strike, parents may be asked to provide packed lunches for those pupils who normally pay for meals.
 - 4.3.3. The school should make arrangement for those pupils who are entitled to free school meals.

4.4. Others

4.4.1. Any other persons that may be affected by the strike should be notified. This includes, but is not limited to:

- Visiting professionals
- Transport Services
- Other users of the premises

4.4.2. Once a decision has been made as to whether or not to remain open for pupils, the CEO and the CoSec should both be notified via email.

5. Staff issues

5.1 Please ensure that all staff are aware of their rights and obligations. Copies of this procedure can be made available for staff to refer to.

5.2. Non-striking staff

5.2.1. Where it has not been possible to keep the school open, all non-striking staff should still report and indicate that they are available for work.

5.2.2. This normally involves a minimum requirement for staff to come to school and sign an attendance register but it is also legitimate for managers to ask staff to undertake other duties relevant to their jobs.

5.2.3. Non-striking staff should not suffer as a result of their attendance by being asked to undertake unreasonable cover or to have planned and booked annual leave denied unreasonably.

5.2.4. Staff are obliged to comply with reasonable requests to undertake work outside their usual duties. A balance needs to be struck between the school's needs and individual goodwill.

5.3. Unauthorised absence

5.3.1. If a member of staff fails to attend work during a strike and their absence is not for some authorised reason (sickness, holidays, etc.) then the presumption can be made

that they are participating in strike action and an appropriate deduction from pay can be made.

5.4. Deduction of pay

5.4.1. Members of staff who participate in a strike or are absent from work without authorisation, will be subject to a deduction of their pay.

5.4.2. Deductions for teachers will be on the basis of 1 / 365th of their pay as set out in the Teachers Pay And Conditions. Deductions for support staff will be calculated on the basis of 1 / 5th of a week's pay.

5.5. Continuity of service / pension

5.5.1. While strike days do not affect continuity of employment, a strike day will not count towards aggregated employment and so will be excluded from pension benefit calculations.

5.5.2. If staff wish to make contributions for the days they are on strike, they will need to contact the Local Pension Fund Authority ("LPFA"), or Teachers' Pension Scheme ("TPS") directly.

5.6. Annual leave and special leave

5.6.1. Leave should only be agreed having regard to the needs of the service.

5.6.2. Generally, where annual leave or special leave has been pre-booked and is genuinely not an attempt to avoid the day of action, it should not be withdrawn.

5.6.3. However, care should be taken in authorising leave when it becomes clear that strike action is imminent.

5.7. Sickness

5.7.1. Sickness, properly certified, and which has started before the 1st day of strike action will not be affected.

5.7.2. A doctor's statement will be required for periods of absence that start on any day during which the strike is expected to last.

5.8. Overtime

- 5.8.1. Staff that take strike action should not be allowed overtime in order to clear work that was not done because they or their colleagues took strike action.

5.9. Notification of absence and salary deductions

- 5.9.1. The (Executive) School Business Manager is required to notify all absences to the payroll provider.

5.10. Use of agency staff

- 5.10.1. The Conduct of Employment Agencies and Employment Businesses Regulations prevent agencies from supplying workers to directly replace staff who are on strike.
- 5.10.2. Agencies can however, provide staff to back-fill for employees who are covering strike-affected areas.
- 5.10.3. The regulations only apply to agency staff and not temporary staff who have been recruited directly.

6. Pickets

- 6.1. The purpose of picketing during industrial action is to peacefully obtain or communicate information or to peacefully persuade a person to work or not to work.
- 6.2. It is unlawful for pickets to obstruct entry to the school.
- 6.3. Where picketing is not carried out in the manner described above, striking staff can face disciplinary action.
- 6.4. In rare and exceptional cases, where there is obstruction or violent or threatening behaviour by staff who are striking at school premises, the (Executive) Headteacher can call the Police to take action.
- 6.5. Unions are expected to limit excessive numbers of pickets and, in general, the number of pickets should not exceed six at any entrance or exit from a workplace; frequently a smaller number would be appropriate.

- 6.6. If a member of staff refuses to cross a picket line then they are in breach of their contract of employment and will be treated as participating in the strike action. They will not be paid by the school for the dates they are absent.