

PAY BALLOT 2008: QUESTIONS AND ANSWERS FOR STRIKE ACTION

Who is being balloted?

Ballot papers have been sent to NUT members, other than supply teachers and some others, who:

- (a) are employed in the local authority maintained sector and paid under the School Teachers' Pay & Conditions Document; and
- (b) would expect normally to be working on 24 April, the proposed strike day.

The position of supply teachers and of some others is explained elsewhere.

The dispute is legally and formally with the Secretary of State for Children, Schools and Families.

My ballot paper is numbered – can anyone tell how I have voted?

No – the papers are numbered to prevent fraud when they are despatched but there is no way they can be matched to particular individuals. The ballot is conducted for the Union by the Electoral Reform Services who act as independent scrutineers. The ERS inform the Union of the overall national result but provide no information otherwise.

Please note that defacing or cutting off the number will invalidate your vote as the Electoral Reform Society has no way of knowing if it is a forged paper or not.

To which address is the ballot paper sent?

Ballot papers are posted to home addresses or other “proper” address recorded on the system. It is the address where members receive their copy of ‘The Teacher’.

Why are supply teachers not included automatically, even if they are not working on the planned day of action?

In any ballot for industrial action, the Law requires that there must be a ballot of only those who might reasonably be expected to participate in the action.

The reasons for this are self-evident:

- to do otherwise would prevent the outcome being a clear indication of those intending to strike; and
- individuals could influence the outcome of the ballot without being personally subject to the consequences of the strike.

Supply teachers may participate if they have a reasonable expectation that the day of the strike would otherwise for them be a working day.

What about fixed term or part time teachers?

The same principle applies as for supply teachers.

How is it decided (% majority) that members at my school will go on strike or not?

This is a national ballot and the decision will be taken nationally not at local or school levels. If the ballot result leads the Union to call on members to take strike action then it is for each individual member to respond.

The Union will hope that all members can participate in the one day strike. Under the Law, for the Union to call a strike requires there to be a simple majority of those voting in the ballot.

I want to help the Union defend teachers' pay but am not sure whether there are enough of us to make an impact in my school?

There are two reasons for you to vote YES.

Firstly, your vote will help get the majority to allow colleagues in other schools to take strike action and will also give a message to the Government that NUT members are behind the lead given by the National Executive and General Secretary.

Secondly, even if the number of members take action is small, it will have a real impact. It will demonstrate your strength of feeling, not only to the Government and parents but also to members of other teachers' organisations.

Do I have to tell the head teacher that I'm going on strike?

It is reasonable for the head teacher to know if members of staff are taking strike action. The NUT school representative should advise the head accordingly, giving at least two days notice. This allows the school to take steps to undertake a risk assessment in order to safeguard the pupils and to advise parents accordingly. In the absence of a school representative, members should convey the information themselves. They may wish to do so as a group rather than singly.

The Union has written to all employers and to head teachers to explain that the ballot is taking place and setting out the reasons.

The Union has acted properly and within the requirements of the Law.

Can the head teacher cover the affected classes with another teacher or do the children have to be sent home?

We would not expect members of other unions to undertake the work of colleagues taking strike action. The other teaching unions would normally advise their members not to do so in order that our action was not undermined. School Representatives should approach representatives of other unions and ask them to make this clear to all their members.

Supply agencies are prevented by law from supplying teachers to cover the work of employees taking industrial action.

The regional or NUT Wales secretaries will be asking their counterparts in other unions including those representing support staff, to take appropriate steps to avoid the undermining of the action.

Head teachers may have to consider whole or partial school closure in certain cases. In the case of closure, members of other organisations would be paid normally. They might be required to report for work as normal and undertake other duties.

The school intends to cover the absences of striking NUT members by aggregating classes for sports activities and / or large groups in the school hall. Is there anything we can do about this?

The NUT would advise that a risk assessment is made and that any dangers are fully considered.

Will my head teacher close the school on 24 April?

Any decision by a head to close a school will be based on the extent to which the health, safety and education of pupils can be guaranteed in the absence of the teachers taking strike action.. In the usual way, teachers who are members of other TUC-affiliated unions should not attempt to undermine the NUT's action by undertaking work which would otherwise have been undertaken by an NUT member.

The head teacher may decide to close the school or part of the school to pupils but expect those teachers not taking strike action to report for duty.

Head teachers may wish to consult their professional associations, including the NUT, about such decisions.

Can the head teacher take action against me for striking?

Members would be acting following a call by their Union.

The National Union of Teachers would not take kindly to such a situation. It is very unlikely that any head teacher would seek to act in this way and to challenge the Union.

Any call on members from the General Secretary will be very clear and made in accordance with the relevant legislation and the Rules of the Union. In following the detail of the Union's call you will be acting properly, legally and professionally.

Any member who feels they are being put under pressure by a head teacher or Governing Body should contact the NUT Regional Office or, in Wales, NUT Cymru.

I am an NUT head teacher. Can I take strike action?

The answer is 'yes'. The Union recognises the special position of its head teacher member. Advice specifically for head teacher NUT members and to other leadership group NUT members will be posted on the Union's website and sent to home addresses once it is confirmed that the one day strike is to proceed following a successful ballot.

Will the NUT pay me anything towards my lost wages?

The ballot is quite clearly for a one-day strike, unsustained. This means that there will be no strike pay from the National Union. The Union has a sustentation fund for occasions when it mounts selective and /or extended strike action but this could not meet the tens of millions of pounds which would be needed to compensate members for loss of pay in a national one-strike.

If you will be in real hardship please contact your local association in the first instance.

The loss of pay for a teacher can be put into perspective. Your contract provides that the deduction from your pay will be 1/365 of your annual pay. For teachers on UPS3, the loss in take home pay would be around £70 after tax and other deductions. For NQTs on M1, the loss in take home pay would be some £35 to £40. The Government's below inflation pay increases, however, are depriving you of £3 to £5 every day.

What impact will the strike have on my teachers' pension?

For most teachers who will not be retiring in the next few years, the impact should be negligible. For a teacher with a pensionable salary of £30,000 and 30 years' service, each day lost in a strike will take £1 a year from your pension, and £3 from your lump sum.

The effects on teachers in their last year of service is set out below, but there could be some pension losses in addition to those set out above for people retiring within three years of the action. These cannot be calculated with certainty because it depends upon the date of retirement and future movements in pay and prices.

I'm in my last year of teaching before retiring - if I strike, will it affect my pension?

Your pension is based on your pensionable salary and your years and days of pensionable service. For retirements on or before 31 December 2008, there are three options to determine the pensionable salary. Your pension benefits are calculated on the best of the three options. The three options are:

- your average salary in the last 365 days of reckonable service;
- your best 365 consecutive days average salary in the last three years of pensionable employment;
- the average of the best three consecutive years in the last ten years re-valued in line with the Retail Prices Index.

If, therefore, you are planning to retire in the 12 months from 24 April 2008, you should be aware that taking strike action could have an adverse effect on your pension over and above the loss of one day's reckonable service. In particular, it would be necessary to go back over a longer period to get 365 or 1095 days consecutive service and this could reduce your pension. THE UNION ADVISES MEMBERS IN THEIR LAST YEAR OF SERVICE NOT TO TAKE STRIKE ACTION.

For retirements after 31 December 2008, there will only be the first and third options.

We have a school trip organised for the day of the strike. What should we do?

Vote 'yes' in the ballot.

It is likely that you have entered into commercial contracts to enable the trip to take place. The school trip should go ahead as planned.

What happens if there are or OFSTED or ESTYN inspections on 24 April?

If your school is to be inspected on 24 April 2008 please contact the NUT Regional Office or, in Wales, NUT Cymru.

What would happen in the case of a parents evening already being arranged for 24 April?

The School Representative should seek to change the date of the parents' evening. Please contact the NUT Regional Office or, in Wales, NUT Cymru if you need assistance in this. Members may need to accept that such rearrangement may lead to there being more than one evening meeting in that week.

If the Union's members vote in favour of strike action, do I have to join in?

It is your legitimate right under the Trade Union and Labour Relations Act to decline any call from your Union to take industrial action. It is illegal for you to be pressurised into taking such action.

Following a positive democratic decision to take industrial action, the Union strongly urges you to take part in the action.

What if I come under pressure from colleagues to work on 24 April?

It is your legitimate right to take industrial action, following a successful ballot. We live in a free society in which, subject to compliance with the relevant legislation, it is the right employees, including teachers, to take industrial action.

In following the detail of the Union's call you will be acting properly, legally and professionally. Further, any success in the Union's campaign will benefit all teachers including those who take no part in the campaign which achieves it.

The salary of every teacher includes significant amounts of money which were gained through the campaigns of the NUT, including strikes. Those who protest against striking might be gently reminded of that.

Any attempt to victimise, threaten, intimidate or otherwise bully you in respect of your following the Union's call should be drawn to the attention of the Union, through your regional office or Wales office.

Can I take part in the action if I join the Union before 24 April?

Yes. Those joining before the day of action can participate in the strike action, with the same protection offered to all.

What about lapsed members, as opposed to new members, and the action?

Members who have been lapsed by the Union, but want to join the action, should contact the Records & Subscriptions Helpline on 0845 300 1666 in order to restore their membership status and make good their subscriptions. They should be prepared to enter into direct debit or pay their subscriptions by credit or debit card over the telephone. We would not be willing to accept cheque payment in such cases.

What about NUT members on the Graduate, Overseas or Registered Training Programmes?

These members should be treated as any others.

What should I do on strike day?

You are encouraged to participate in local NUT activity in support of the action, but that is for you to decide.

Can non-NUT members show their support by going on strike too?

If you have teacher colleagues who support the NUT's aims, please encourage them to join the union before 24 April so that they can legitimately participate in the strike.

Does the NUT plan to take further strike action after 24 April?

The current ballot is for a single day of strike action on 24 April. If the Union wishes to take further action after this date, a further ballot of members would be required.

Will the other teachers' organisations be joining in the strike action?

None of the other school teachers' organisations have as yet indicated an intention to conduct ballots for industrial action.

The University & Colleges Union (UCU) which includes the former union, NATFHE, is balloting in a separate dispute for action on 24 April in further education.

I thought strike action was supposed to be a last resort - why is the NUT resorting to this action now?

Teachers have suffered below-inflation pay increases in each year since 2005. It is likely that below-inflation pay increases will operate until 2010. The Union has been campaigning for more than a year to protect teachers' pay and the living standards of their families. In its campaign to date, the NUT has:

- held pay rallies and meetings
- worked in partnership with the TUC and other public sector unions
- organised a petition calling for teachers' pay to be restored and protected
- met key government figures to discuss the Union's concerns about below-inflation pay
- organised mass e-mailings of MPs
- sought widespread media coverage
- placed advertisements in the national, local and education press
- produced a range of campaign resources and newsletters.
- the General Secretary has met with Alastair Darling, the Chancellor
- the General Secretary has met education ministers

Strike action is always the last resort for the NUT.