

**NORFOLK COUNTY COUNCIL**

**ADVICE TO HEADTEACHERS/HEADS OF SERVICE/CHAIR OF GOVERNORS**

**FREQUENTLY ASKED QUESTIONS**

**NUT/ATL STRIKE – JUNE 2011**

**1Q** Could you clarify the strike pay deduction as far as part-time are concerned?

**1A** A deduction should only be made if the person was due to work that day. The deduction will be at the rate of 1/365 of the annual salary of a full time member of staff. For staff who hold contracts requiring them to attend for part of the day, pay will have a pro-rata deduction:

- Where the hours that a teacher would normally be required to work within the 6½ hour directed time school day are clear, the proportion can easily be calculated. For example, if the teacher works mornings only and is required to attend between 8.30 and 12.15 the calculation would be 3.75 hrs/6.5 hours = 0.58 of a days pay to be deducted, so the calculation of hours to be deducted would be 0.577 x 6.5 = 3.75 hours to be deducted;
- Where the normal directed hours for the day are not clearly established, the proportion should be calculated taking into account the normal teaching day for the school but still with reference to the 6½ hour directed time school day. For example if the normal teaching day of the school is five hours and the teacher is required to teach for 3 hours that day, the calculation would be 3/5 x 6.5 hrs = 3.9 hours to be deducted.

**2Q** My school shares a common entrance with another school. No staff from my school are striking but, I understand, that several staff from the other school are striking. I am worried that if the entrance is picketed, my staff will be reluctant to cross.

**2A** This would constitute secondary picketing and it is suggested that arrangements are made with the other school to accommodate the pickets as near as possible to their building entrance so that your staff are unaffected. (NB It is acknowledged that the site arrangements for some schools may not make this solution possible).

**3Q** Staff who are striking are asking about the effect on their pensions. What advice would you give?

**3A** Any member of staff who strikes will not have this day counted as 'reckonable service'. This will be notified to Teachers Pensions and reflected in the calculation of their pension upon retirement.

- 4Q** Does strike action affect an employee's continuous service?
- 4A** Although a strike breaks the contract of employment, it does not break continuity of service if the employee returns to work after the strike ends. However, days on strike will not count towards any relevant qualifying periods as the employee's service is regarded as being postponed by the actual duration of the strike.
- 5Q** Can NUT/ATL use union noticeboards and the internal post system to promote the strike?
- 5A** Yes, the Unions are still entitled to all their usual facilities to enable them to carry out their duties.
- 6Q** Can NUT/ATL hold workplace meetings in work time about the proposed action?
- 6A** Employees will not be entitled to time off to attend such meetings where the purpose of the meeting is specifically to plan for or discuss the Industrial Action. As usual it is at your discretion to provide whether to allow any work place meetings on the school premises. Neither will NUT/ATL representatives be entitled to time off to attend meetings.
- 7Q** What should I do if I experience threatening behaviour myself or am aware of such behaviour taking place to my staff when trying to cross picket times?
- 7A** A picket does not have the right to require people to stop, compel them to listen or to expect them to do what they request. A person who wishes to cross a picket line must be allowed to do so and it is highly unlikely that any threatening behaviour will be experienced. However, if you become aware of a difficulty you should inform your HR Consultant immediately who will liaise with NUT/ATL officials on your behalf.
- 8Q** Can employees work at home during the strike action?
- 8A** Only if agreed beforehand with the Headteacher. Heads will want to ensure that they act consistently and by agreeing, there is no impact on those who do turn up for duty
- 9A** What is the effect of strike action on National Insurance Contributions?
- 9A** Provided that an employee earns more than the lower earnings limit for national insurance, as in the case of most teachers, there will be no effect. However, if, as a result of the action, the employee earns less than the lower earnings limit for national

insurance Her Majesty's Revenue and Customs will give him/her the opportunity to pay contributions on the shortfall. This will allow that year to count for benefit/pension purposes. (The employer will not have to pay the employer's contribution).

**10Q** Have you any other, more general advice?

**10A** You may like to consider the following:

- Access to the building - key holder responsibilities may need to be considered.
- Heating, lighting and ventilation arrangements - will someone be available to take decisions to resolve any issues that may arise.
- Catering facilities - will there be adequate supervision in place during break/meal times?
- Access to the school premises by maintenance contractors - supervisor arrangements should normally rest with a member of support staff in any case, but it may need contemplation, depending on the normal working arrangements in the school.
- Arrangements for first aid cover - will there be access to sufficient qualified first aiders?
- Arrangements for maintaining clean working areas and supervision of chemicals and other hazardous substances.
- Arrangements for visitors to the school - will there be someone with sufficient seniority to assist visitors?
- For specific advice to individuals, any member of staff who is a member of a teaching or support staff trade union can look at their union's website. These websites could include information on the approach to take in respect of members of other unions who may or may not be taking industrial action.