



Community Services: Education

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To: Heads of all Educational Establishments

Dear Colleague

Industrial action by teachers

- 1 During recent years teachers have on several occasions taken industrial action which has resulted in varying degrees of disruption to the education of children and young people. Since any school can be affected by industrial action these guidelines are issued to all head teachers/campus principals so that everyone will be aware of the action they would be expected to take if their school should be affected on a future occasion.
- 2 The guiding principle which should constantly be borne in mind when faced with industrial action is that the service should be maintained at as high a level as possible in the circumstances. Every step should therefore be taken to ensure that the provision made is commensurate with the staffing resources available, however depleted they might be by withdrawal of service.
- 3 When industrial action is proposed, or is taken without prior warning, you should ascertain which teachers are involved as well as the nature and likely duration of such action. In the light of this information you should decide how you can best achieve the highest level of educational provision with the resources available to you. In formulating alternative arrangements care should be taken to avoid unnecessarily exacerbating matters.

You may wish to consider the following points on reaching your decision.

(a) Primary schools

Head teachers, campus principals and depute head teachers who do not normally have a regular teaching responsibility would only be expected to teach the classes of teachers who withdraw their services in circumstances where children might otherwise require to be sent home without notice.

(b) Secondary schools

Consideration should be given to the following.

- i Instructing certain class/year groups to attend and arranging for them to be taught the subjects professed by any of their own teachers who are present; care should be taken to observe national agreements with regard to class size and preparation/correction time for the teachers concerned. With such an arrangement it would be possible for the limited educational provision available to be shared by all the children and young people and no one group would be more disadvantaged than another.
 - ii Arranging for children and young people to follow their normal timetables as far as possible, or instructing to attend only those class groups some or all of whose teachers have indicated their intention to work. At a period when no teacher was available the children and young people could have supervised/unsupervised study/recreation or they could be asked to attend only at the times their teachers are available.
- 4 When you have decided on a course of action you should:
 - (a) telephone the education office to appraise me of the situation and of your proposed action to deal with it; you must not close the school without the agreement of a member of the directorate.
 - (b) inform parents, in writing, of any industrial action which will affect the school and the action you propose to take; your letter should be couched in positive terms and should stress that you require those children and young people for whom you have been able to make provision to attend; you should also indicate that school meals will be available.
 - (c) inform non-teaching staff and any external agencies likely to be affected (catering service, transport, police, crossing patrols etc).
- 5 Each subsequent day on which industrial action continues to affect the normal running of the school you should report the position in your school to the education office by telephone before 1030 hours. Where teachers' action disrupts the direct provision of education to children and young people you should state:
 - (a) school roll;
 - (b) number and year groups of children and young people instructed not to attend;
 - (c) number and year groups of children and young people sent home in the course of the day;
 - (d) (b) + (c) as a percentage of (a);

- (e) an indication of the extent to which the education of children and young people in attendance throughout the day was disrupted;
- (f) number of teachers on establishment;
- (g) number of teachers taking action;
- (h) (g) as a percentage of (f)
- (i) the nature of the action taken by teachers;
- (j) the reason for the teachers' action.

It is recognised that head teachers/campus principals may from time to time face situations which are particularly confused and where the precise number of teachers taking action and number of children and young people affected cannot quickly be determined. Such circumstance should not inhibit the submission of an early report to education office giving a broad outline of the situation, backed up by a further report as soon as matters are clarified later in the day.

A written record of these telephone reports should be maintained by you on the appropriate pro forma (master copy attached).

- 6 Salary may be deducted by the authority in accordance with the Scottish Teachers' Salaries Memorandum where teachers take action which places them in breach of contract. You should therefore submit in writing to the appropriate head of service the name of any teacher who withdrew her/his services or who failed to carry out duties prescribed by you. A list of such teachers should be compiled daily during any period of industrial action affecting your school and submitted to the education office by the following day. It should state the teacher's full name and employee number to avoid possible confusion and should indicate the nature and duration of the action taken by the teacher.
- 7 If you intend to take industrial action and withdraw your services you should advise the appropriate head of service and nominate a suitable member of staff in your place.
- 8 You should take all reasonable steps to ensure the safety and welfare of the children and young people and staff for whom you have an overall responsibility.

Yours sincerely

Executive Director of Community Services
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