

15 May 2023

NASUWT

The Teachers' Union

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General Secretary
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Rt Hon Gillian Keegan
Secretary of State for Education
Department for Education
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By Email: sec-of-state.ps@education.gov.uk

Dear Secretary of State

TRADE DISPUTE - NOTICE OF OFFICIAL INDUSTRIAL ACTION BALLOT

I hereby give notice to you that the NASUWT is balloting its members in all state funded schools in England in furtherance of the Union's dispute with you over the failure of the Government to agree the NASUWT's demand for a fully funded restorative pay award for all teachers employed in state funded schools in England, and to resolve the issue of excessive workload and long working hours.

You will be aware that Section 244(2) of the Trade Union Labour relations (Consolidation) Act 1992 provides that a dispute between a Minister of the Crown and any workers shall, notwithstanding that the Minister is not the employer of the workers concerned, be treated as a dispute between those workers and their employer if the dispute relates to matters which cannot be settled without the Minister exercising a power conferred on them by or under enactment.

In addition, and in accordance with the requirements of the legislation we are also providing to the employers the requisite legal notices of our intention to ballot members as a result of a formal dispute with you as Secretary of State for Education.

The NASUWT is, or is treated as being, in dispute with all employers whose members are being balloted, in relation to pay, workload and working hours, which are fundamental to our members' terms and conditions.

The failure to resolve the pay dispute, and, where necessary, provide funding to schools in order to deliver in full the required increase to teachers' pay, has serious consequences in terms of recruitment and retention of teachers and therefore the provision of proper education to pupils. In addition, the failure to resolve the long working hours and excessive workload are driving the teacher recruitment and retention crisis and further impacting to the detriment of our members' health, safety and welfare.

The ballot will open on Monday, 5 June 2023 and close on Monday, 10 July 2023.

Issues

I wrote to you on 8 April 2023 to advise you that, following consultation on the offer issued by you on 24 March 2023 in respect of teachers' pay and non-pay matters, 86% of participating NASUWT members voted to reject your offer.

Teachers have endured substantial real terms cuts to their pay over the last 13 years, which has been exacerbated by the current and ongoing cost of living crisis. Your offer of an average 4.5% award for 2023/24, together with a £1,000 (or pro rata) non-consolidated payment for 2022/23 represents an unacceptable real terms cut to teachers' pay which our members have rejected following your request to put to our members the terms of your offer on an at least neutral basis.

In addition to concerns regarding teachers' pay, excessive workload and working hours are also impacting adversely on our members, as a consequence of the Government's policy decisions.

On 11 April 2023, your Department published belatedly research into the 'Working lives of teachers and leaders' which confirmed the extent to which teachers' working hours are excessive and unmanageable. Your own evidence confirms that in a typical week, school leaders worked on average 56.8 hours and school teachers worked on average 48.7 hours. More than four in ten school leaders (43%) and two in ten teachers worked at least 60 hours per week. However, despite the evidence available to your Department, no effective measures have been taken to address the serious impact of excessive workloads and long working hours on the health, safety and welfare of our members.

You are well aware of the concerns set out by the NASUWT regarding the profound crisis in the recruitment and retention of teachers which is impacting adversely upon the morale of our members, and which is being driven by real terms cuts to teachers' pay and deteriorating working conditions linked to insufficient levels of school funding. In addition to our demand for a fully funded restorative pay award for teachers and headteachers, we have also proposed a number of measures on teachers' non-pay conditions to address the ongoing and deepening concerns of our members regarding excessive

workload and working time (see my letter to you dated 3 April 2023). To date, you have not addressed the matters we have put to you.

Evidence from the Union's own research also confirms the extent of the crisis in teacher morale and that 73% of teachers and headteachers have seriously considered leaving the profession in the last 12 months.

Despite our efforts to discuss these matters with you, and despite our commitment to reach a negotiated settlement to address these matters, you have chosen to state publicly that negotiations with you in respect of teachers' pay and non-pay matters have been discontinued.

The NASUWT has been left with no other option than to ballot its members over your failure to resolve our dispute on pay, workload and working hours.

Resolution of the dispute

A dispute will continue to exist unless and until:

- (i) Adequate funding is provided to all state funded schools to deliver an acceptable pay settlement for all teachers and headteachers for the academic years 2022/23 and 2023/24;
- (ii) Appropriate statutory and non-statutory measures are agreed to reduce excessive workload of teachers and headteachers
- (iii) Appropriate statutory and non-statutory measures are agreed to limit and bring significant downward pressure on the working hours of teachers and headteachers

If you do not accept this notice complies with the requirements of section 226A TULRCA, in accordance with paragraph 18 of the Code of Practice on Industrial Action Ballots & Information to Employers, we would invite you to raise this promptly.

Any communication regarding this notice should be addressed to me.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Patrick Roach', written in a cursive style.

Dr Patrick Roach
General Secretary