



**Questions and Answers from the School Support Staff Meeting**  
**26th January 2023**

**What can my SLT ask me to do on a Strike Day?**

You can be asked to carry out any duties you would normally undertake on a normal workday i.e., if you would normally be due to cover a class, you will have to cover the class.

**My school has a picket line, I am worried about crossing it – what support is available?**

Head Teachers and Governing Bodies may wish to nominate a person to liaise with the picket supervisor (person responsible for the picket line). If you are not comfortable crossing the picket line because of a health and safety reason or you feel intimidated, you should contact your line manager or headteacher and asked to be deployed elsewhere.

**I do not want to cross a picket line, can SLT make me? And what are the consequences?**

No, the SLT cannot force you cross the picket line. The issue will be if they pay you for the day if you do not cross the picket line (they may class this as unauthorised absence) If they propose not to pay you contact GMB.

**I am a HLTA but only do group work and not class cover – can I be asked to take a whole class?**

Only if it's within your normal duties for a Wednesday. We encourage all members to resist covering work from striking teachers

**My school has said I will not be paid if I cannot get childcare for my own children whose school is closed. Can they do that?**

Yes, they can, as they will say the strike was known about in good time, but some schools may use their discretion and not penalise support staff with childcare issues and pay them. Try to have the conversation with your line manager as soon as possible, you may be able to claim parental leave. We will do everything we can to ensure support staff are paid.

**What if I cannot find childcare on the day or I am let down last minute?**

Contact your line manager as soon as possible to let them know that you cannot find childcare, or it has fallen through. You have a legal duty to fully support your child and children under a certain age cannot be left home unsupervised. Please contact your local rep/ branch or Officer for further support and advice.

**Can GMB members take part in the strike action?**

No. If you are a member of a Union that is not taking official strike action but joining the strike, you will be doing so unlawfully and will have no legal protection.

**If my school is closed, will I still be paid?**

You may be asked to attend school even though it's closed. In any event you should be paid.

**My school has said they are not opening to children but are asking support staff to come in and still work, can they do that?**

Yes, they could expect you to undertake duties in line with your job description.

*To be clear – the Government have said there is no legal requirement to teach the curriculum on strike days*

**I am a HLTA that covers classes every day, where do I stand?**

As that is part of your normal activities, you would be expected to cover class as normal during the strike day

**Will the NEU Strike improve Support Staff Pay?**

No - the NEU Strike is a dispute regarding funding for Education generally and will not directly improve support staff pay

**How do I find out the ratios and if our class is safe?**

The school should have risk assessments in place for strike days

**I am a HLTA / Cover Supervisor can I be directed to cover on strike days?**

Only in line with your job description and normal duties. We encourage all members to resist covering for striking teachers.

**I have been asked to run an activity day for pupils on the strike day, should I refuse?**

If this is within your Job Description/Normal Duties, then it could be considered a reasonable instruction.

**Can I be left alone with a class while the children do work or play?**

Support staff should not cover an activity day or remote learning as happened during covid, that would not be a usual educational day for those pupils

**I work in a special needs school and my headteacher has not told me if we are closing or not, can I ask?**

Yes, you can and should.

**My contract of employment states reasonable requests – what is reasonable or unreasonable?**

Unfortunately, what is and what is not reasonable is decided by an Employment Tribunal. In general, if it is in your job description or normal duties it is a reasonable request

**I am a site manager can I refuse open school?**

Opening the school unless instructed otherwise would be considered a reasonable instruction.

**Please can I check IF your child's class teacher is on strike, you work at the school where your child is on roll- can you take your child in so you can complete your duties?**

This would not be a normal working day; we would advise you not to bring your own children to your place of work. There could be further issues with risk assessments and ratios of children to staff. Unfortunately, in a rare case GMB had to represent a member in a disciplinary for bringing their own children to work.

**What happens with independent schools? In our staff handbook they put in "we do not recognise unions" is that even allowed?**

A school has no obligation to recognise a Trade Union for collective bargaining purposes. However, in terms of the new trade dispute, it is with the Department of Education and the Government so that would potentially include their members working in an independent school.

**I have a feeling all teachers in my school are striking except two, one being my class teacher. Our school will be only open to vulnerable children. If my class teacher is leading these children and I am that class teachers everyday TA, will I then have to work with her even though those children are not in my class or in my year group even. Some of these children have 1.1?**

You should only work with the children in your capacity as a TA and resist undertaking any duties usually undertaken by a teacher.

**In our school only vulnerable and key worker children are only coming into school. If these children are supported by a SLT or non-striking teacher are our TAs able to support these made-up classes, even if those children are not in our daily year group we work in?**

To err on the side of caution this could be classed as a reasonable instruction, but you should only work with the children in your capacity as a TA and resist undertaking any duties usually undertaken by a teacher.

**Parents have been told the children (Sen etc) will be supported by support staff. We have not been spoken to about this. This would not be my normal role. I am a class-based TA but also support other classes if Teacher/TA is off sick and it cannot be covered by someone else.**

If directed to do this, you should only work with the children in your capacity as a TA and resist undertaking any duties usually undertaken by a teacher.

**My school will be closed to pupils on the strike day and the SLT has made the decision to be available to vulnerable pupils. SLT have not given any further information as to what that will involve. Any idea if there are guidelines for this, please?**

This situation is covered in the Department for Education Handling Strike Action in Schools the link to which is below.

[https://gmbunion365-my.sharepoint.com/:b:/g/personal/stuart\\_fegan\\_gmb\\_org\\_uk/Ebye7WYB-hdAufuNY73-IJ4BLrXR38LUkN0Wgl8v-xIXcw?e=VPgega](https://gmbunion365-my.sharepoint.com/:b:/g/personal/stuart_fegan_gmb_org_uk/Ebye7WYB-hdAufuNY73-IJ4BLrXR38LUkN0Wgl8v-xIXcw?e=VPgega)

**I am a HLTA and cover all teacher PPA. I know one class is in school. We have all been told we are training or other duties. If it involves sorting cupboards or cleaning, can I refuse?**

As before, they could expect you to undertake duties in line with your job description. No one should be expected to do deep cleaning etc. if that is not part of your usual job. If it is not contained within your job description, then you should give them a polite no.

**I am on a HLTA/TA contract and often cover lessons when teachers are off sick. We do not find out until the day of the absence that we will be covering; do I have to cover the class for someone who is striking?**

We would advise that you do not cover a striking teacher. The two scenarios are not comparable. You could say I do not want to undermine the work of my colleague teachers who are taking lawful industrial action today. In most cases that will be good enough.

**If the Academy that I am part of makes the decision to close, will I still get paid?**

Yes. If you are told that the school is closed and that you will not get paid, we would advise you to turn up to school so that you are presenting yourself for work and if they send you home, they should pay you as you have made yourself available. This scenario is not likely.

**I am an SEN 1-2-1, and I have been asked to attend - as I do not have "Teaching" qualifications so would someone like me have "Qualified" staff to teach lessons as normal?**

In some local authorities support staff can only work under the directive of a qualified teacher if that is the case you should not take the class by yourself or even with another member of support staff. Remember – *the Government have said there is no legal requirement to teach the curriculum on strike days*

**My contract as a TA3 includes me covering my class for 30% of the year. Which equates 1.5 days a week. My headteacher is saying we will need to cover our teachers on strike day because our contracts say 30% of cover. Where do I stand as I do not want to cover during the strike?**

This is not normal cover. If they are specifically asking you to cover a striking teacher, we would advise against that. This is specific to certain local authorities, please contact your local rep/ branch or officer for more guidance if needed.

**My school have not told any staff any details of the strike and I only know about the details from colleagues who are parents is this acceptable as I am being blindsided so that I cannot prepare?**

You should speak to your line manager as soon as possible and ask them what is expected of you on the day.

**I am Kent, KR5, we cover PPA and lead if Teacher off sick or release time with a TA supporting us. End of term, we cover a PPA day. Can we be asked to cover? If Wednesday is our PPA afternoon or if it is not.**

It is expected for you to carry out your normal work duties for that day. If it were to specifically cover a striking teacher colleague, we would advise you to decline.

**I finish work at 2.30 am I to leave at that time or could I be asked to stay till our school finish at 3, If so would we be paid for the extra time that is expected to stay?**

We would advise you to leave at your normal finish time and not take on overtime paid or otherwise to cover a striking teacher.

**We have had teachers putting pressure on Support Staff not to cross the picket line. What advice would you give members who cannot afford to lose pay and feel they need to go to work but are also feeling intimidated by some NEU members?**

It is customary for picketers to ask colleagues not to cross the picket line and to try and have a sensible persuasive conversation. If you feel genuinely threatened or intimidated, please speak to your Rep, Branch or Local Officer for advice and support if you feel like you are having undue pressure put on you.

**What about Admin support staff that are temping? What are our rights for that day?**

We would advise you to determine that any work you would be undertaking would not be undermining lawful strike action by any teacher colleagues. If you are directed to attend a workplace that day and you are turned away or the school is closed, we would expect you to be paid. We may need to look further at your contract or terms of reference.

**We have been told we are key workers, and that if our own children's school are closed, we are expected to be at work and find childcare. Where do we stand with this if you cannot find care?**

Let your Head Teacher know as soon as possible and ask if you can take special leave. Your school or academy should have policies on parental leave and carer's leave. This may be paid; it will depend on your settings policies. You can also request unpaid leave. Any kind of special leave needs to agree by your manager or Head Teacher.

**My school has an INSET day on the Strike Day – what should I do?**

If you are not doing anything outside of what you would normally do on an INSET, then that is fine.

*The bottom line is if you are working on a strike day and it does not look, sound, or smell like 'normal' work, it is NOT normal work. Your Head Teacher should not ask you and you should not be expected to do it.*

If you have any concerns about refusing to cover a situation that has arisen as a direct consequence of strike action, or your question has not been covered in the FAQ we urge you to contact your local Rep, Branch or Officer. If you are not sure how to contact them, please send an email to [info@gmb.org.uk](mailto:info@gmb.org.uk) where you will be put in touch with the appropriate person to advise you.