



Minimum Service Levels in Education Services England, Scotland and Wales

GMB Submission

Submission Date: 30th January 2024

1. Do you agree or disagree that an education MSL should apply consistently across England, Scotland and Wales?

Disagree.

GMB Union represents hundreds of thousands of workers across the public and private sectors. We represent over 100,000 staff working in schools, academies and further education organisations. We strongly oppose the introduction of minimum service levels (MSLs) in all education settings during any periods of strike action. GMB believes that the Strikes Act is unfair, undemocratic and threatens to place unacceptable restrictions on the fundamental rights of education workers to strike.

Results from a recent survey of GMB members working in schools and academies identified that:

- 97% stated that school support staff should have the right to strike to assist them in securing improvements to pay, terms and conditions.
- 97% believe that government are wrong to attempt to limit their rights to strike.

GMB has been raising the concerns and untenable work pressures of our school support staff with the current Government for several years. Without genuine investment in the current workforce, including fully funded pay awards to restore a decade of lost earnings, school support staff will continue to leave the profession.

Further results from the recent GMB survey illustrated the stark reality that our schools members are facing:

- 97% stated that their current pay rates were not enough to meet the increases in costs of living.
- 67% are worried they won't be able to afford to pay their utility bills.
- 58% are worried they won't be able to afford to heat their homes.
- 39% are worried they won't be able to afford enough food to feed their family.
- 27% are worried they won't be able to afford to buy their children new shoes / clothes.
- 342 GMB members who currently works in a school advised us that they have had to use a food bank or access a pay day loan within the last 12 months.

Teaching Assistant, Brighton

"I am worried about what this means for the future. I feel like I will be criminalised for trying to get pay I can live on."

GMB questions what the definition of 'minimum service levels' would be in education settings considering the current chronic staff shortages.

Trade unions in the UK are already bound by some of the strictest legislation in Europe when it comes to industrial action. Very specific requirements are followed in terms of details of the dispute, affected members and timelines have to be followed for lawful industrial action to occur. For this legislation to also potentially still put individual workers at risk of dismissal for taking action, despite their union following all the rules, is deeply unfair and threatening to our school support staff and education members.

Student Support Assistant, Dover

"Disgusted. We are treated like second class citizens with no proper pay, contracts or career progression. They want to stop us striking because they know that schools cannot open without us. They will not admit that we are a vital and essential part of running a school."

Wellbeing Officer, Yorkshire

"This is an affront to the whole democratic process of the right to strike if a vote has indicated that strike action has been agreed by the members and it should not be challenged and prevented from being implemented."

School Cleaner, Cardiff

"Usually working at minimum personnel level already. Everyone is stretched thin but there is no budget to increase staff to ease the burden. And now we can't beg for support. It's despicable. The number of cleaners in many schools aren't enough for infection controls!"

Catering Assistant, Glasgow

"I think it's disgraceful that in this day and age we are worse off compared to twenty or thirty years ago...all is falling apart."

2. Do you agree with the settings proposed to be in and out of scope?

Disagree.

Further to our principled and practical objections to the introduction of minimum service levels in education services as set out above, we do not agree any education settings should be in scope of the Act.

3. Do you agree with the design principles for the MSL?

Disagree.

Further to our principled and practical objections to the introduction of minimum service levels in education services as set out above, we do not agree with the proposal.

4. Do you agree with the approach to remote education?

Disagree.

Further to our principled and practical objections to the introduction of minimum service levels in education services as set out above, we do not agree remote education services, or any education settings or services should be subject to an MSL.

5. What are the challenges around delivering remote education on strike days?

(Leave blank)

6. Are you responding with an interest in: Early Years, Schools and/or Further Education; Higher Education; All Sectors?

All Sectors

7. Do you agree with the vulnerable children and young people groups identified?

Disagree.

Further to our principled and practical objections to the introduction of minimum service levels in education services as set out above, we do not agree with the proposal.

8. What impacts on a) their welfare and wellbeing and b) attainment does missing a day or more of school or college due to strike action have on vulnerable children and young people?

Further to our principled and practical objections to the introduction of minimum service levels in education services as set out above, we do not

agree that any education settings or services should be subject to an MSL.

9. What impacts have strikes had on exam delivery and/or student's preparation for exams and assessments?

Strikes are a symptom not a cause. Strike action is only used as a last resort and where staff are left with no other choice. Unions and members undertake industrial action responsibly. Instead of imposing malicious legislation attacking workers for exercising their fundamental rights to strike, the government should work constructively with employers and trade unions to resolve the issues facing education workers.

10. Do you agree with the proposal for exam groups?

Disagree

Further to our principled and practical objections to the introduction of minimum service levels in education services as set out above, we do not agree any workers should be subject to this Act.

11. Which exam year students should be prioritised for attendance on strike days (please tick all that apply): Those with exams or assessments within a month of strike action; Those with exams or assessments within the same academic year as strike action; Other; Unsure.

Other

Further to our principled and practical objections to the introduction of minimum service levels in education services as set out above, we do not agree any workers should be subject to this Act.

12. Do you agree with the proposed list of critical workers?

Disagree

Further to our principled and practical objections to the introduction of minimum service levels in education services as set out above, we do not agree any workers should be subject to this Act.

13. Do you agree that, in two-parent households, both parents should be critical workers in order for a child to be in scope?

Disagree

Further to our principled and practical objections to the introduction of minimum service levels in education services as set out above, we do not agree any workers should be subject to this Act.

14. Do you agree that children of critical workers up to, and including, Year 7 only should be in scope?

Disagree

Further to our principled and practical objections to the introduction of minimum service levels in education services as set out above, we do not agree any workers should be subject to this Act.

15. Question for critical workers only.

16. Do you agree with the three priority cohorts proposed?

Disagree.

Further to our principled and practical objections to the introduction of minimum service levels in education services as set out above, we do not agree any cohorts should be in scope for an MSL and oppose the introduction of MSLs in education.

17. What would need to be in place to deliver this proposal? Please consider the number of pupils and students that would be covered by this MSL proposal, how many members of staff you would need and any other delivery considerations when answering this question.

Further to our principled and practical objections to the introduction of minimum service levels in education services as set out above, we do not agree any cohorts should be in scope for an MSL and oppose the introduction of MSLs in education.

18. What is your experience of the impacts of strikes on children aged 4-7 (KS1)? If not applicable, please specify 'not applicable' in the box.

Not Applicable.

19. What is your experience of the impacts of strikes on children aged 7-11 (KS2)? If not applicable, please specify 'not applicable' in the box.

Not Applicable.

20. What would need to be in place to deliver this proposal? (Please consider the number of pupils that would be covered by this MSL proposal, how many members of staff you would need, and any other delivery considerations when answering this question).

Further to our principled and practical objections to the introduction of minimum service levels in education services as set out above, we do not

agree any cohorts should be in scope for an MSL and oppose the introduction of MSLs in education.

21. Do you prefer proposal 1 or proposal 2?

Neither.

22. Do you agree with the use of rotas in schools and colleges during prolonged strike action?

Disagree

Further to our principled and practical objections to the introduction of minimum service levels in education services as set out above, we do not agree with the proposal to introduce rotas or to introduce MSLs in education.

23. In relation to the use of rotas, do you think that five consecutive days of strike action is the right period of time at which to implement rotas?

Not Applicable.

Further to our principled and practical objections to the introduction of minimum service levels in education services as set out above, we do not agree with the proposal to introduce rotas or to introduce MSLs in education.

24. Question for employers only.

25. Please indicate which part of the survey you would like to respond to next.

Early Years, Schools and/or Further Education.

Impacts of MSLs

Are there groups of people, such as (but not limited to) those with particular protected characteristics, who would particularly benefit from the proposed minimum service levels for education services?

No

This Act will damage industrial relations between education employers and their workforce, which could lead to a deterioration in the quality of education that students receive. The governments own impact assessment identified the benefit of union membership and bargaining power built upon the ability to withdraw one's labour: "There are a number of benefits of being part of a union. One of these benefits is that unions help counterbalance the monopoly power that employers have over their staff. Strike action may in some cases lead to improved terms and conditions, including increased pay deals. MSLs may reduce the utility that workers receive by being part of a union."

The introduction of MSLs in education settings could result in more prolonged and frequent industrial disputes. Without the right to take industrial action in furtherance of resolving their disputes, the schools workforce could vote with their feet, worsening the staffing crisis and worsening student learning outcomes.

Are there particular groups of people, such as those with protected characteristics, who would be particularly negatively affected by the proposed minimum service levels for education services?

Yes

Women would be most affected by the imposition of MSLs as they make up the majority of the schools workforce, many whom are on term time only and part time contracts.

All workers in education settings will be negatively impacted by the introduction of MSLs. They will have their fundamental rights to strike removed and potentially face financial consequences as their ability to bargain for better terms and conditions would be undermined.

It is essential that a full equality impact assessment is undertaken and consulted upon in order to assess all negative implications of the Act on education workers.