

# Response ID ANON-K79Z-4JFU-E

Submitted to Minimum service levels in education  
Submitted on 2024-01-30 16:23:33

## Secretary of State for Education Foreword

### Introduction

### Background

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

Disagree (please provide detail to support your response, should you wish)

Reasons why you disagree:

At this stage NGA cannot see how this can be implemented fairly in a way that doesn't negatively impact the right of school staff to pursue industrial action in response to actual threats to their pay and working conditions.

### Proposals

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

No preference

Please explain why you disagree with the scope:

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

Disagree (please provide detail to support your response, should you wish)

Please expand if you disagree:

While we acknowledge the importance of the government's aims behind the proposals, NGA does not agree that introducing minimum service levels is the appropriate way of achieving them. In a survey of our members, 62% disagreed (46% strongly disagreed and 16% disagreed) with introducing minimum service levels.

These measures potentially undermine the basic right of employees to strike and put employers in the uncomfortable position of having to decide which workers to include in a work notice. The potential workload implications of implementing the proposals are also concerning, particularly at a time when reducing teacher workload is meant to be a priority for the department. It may also further the recruitment and retention issues currently facing the profession.

We would stress that the DfE should instead seek to spend significantly more time in engaging in meaningful dialogue with the sector, including the unions and sector bodies, with the aim of arriving at a voluntary, co-created proposal.

NGA believes that the government should be making greater efforts to engage with trade unions to reach a voluntary agreement and to try to address the fundamental issues behind why teachers choose to strike in the first place.

4 Do you agree with the approach to remote education?

Disagree (please provide detail to support your response, should you wish)

Disagree with the approach to remote education (expand):

We agree on the need to adapt to certain circumstances by providing remote education opportunities - there is a fundamental right for children and young people to access continued learning, in an appropriate and well resourced learning environment.

However, in the wider context of the proposal, which in this instance is intrinsically linked to the question being asked about remote learning, the MSL approach as a collective proposal undermines the basic rights of employees and we are therefore not able to support any element of the proposal due to the likely intended impact of taking such action.

We would again stress that the DfE should instead seek to spend significantly more time in engaging in meaningful dialogue with the sector, including the unions and sector bodies, with the aim of arriving at a voluntary, co-created proposal.

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

Please outline any challenges of delivering remote education on strike days:

In the context of this proposal, the challenge would be in removing the actual act, or intended meaning, of strike action and the message it is sending. This would seriously impede on any individual from exercising their right to temporary displays of protest of dissatisfaction by employees to help resolve bad working conditions or low pay.

To try and resolve potential challenges around delivering remote education through the MSL would set a dangerous precedent that goes against NGA's role in championing the moral duty of boards as employers, to champion employee rights and wellbeing.

6 Are you responding with an interest in:

Early Years, Schools, and/or Further Education

Proposal 1: Priority cohorts in schools and colleges

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

Agree

Please expand on why you disagree with the vulnerable children and young people groups identified, including if we have missed any groups:

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?

Please describe the impacts of missing a day or more of school/college due to strike action on vulnerable children and young people:

not applicable

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

Please describe the impacts strikes had on exam delivery and/or students' preparation for exams and assessments:

not applicable

10 Do you agree with the proposal for exam groups?

Agree

If you disagree or consider this would pose significant delivery challenges, please explain:

11 Which exam year students should be prioritised for attendance on strike days (please tick all that apply):

Unsure

If you have selected 'Other' please expand:

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

Disagree (please explain why)

Please explain why you disagree with the proposed list of critical workers:

We fundamentally disagree with the MSL proposal as previously stated, and as voiced by the majority of our members.

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

No preference

Please expand if you disagree:

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

No preference

If you disagree, please provide further detail:

15 [For critical worker respondents only] How easy is it to arrange alternative childcare on school strike days?

Not applicable

16 Do you agree with the three priority cohorts proposed?

Disagree (if you disagree, or believe other cohorts should be included, please state which ones and why)

If you disagree or believe other cohorts should be included, please state which ones and why:

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.

If you answered yes, please expand:

not applicable as we don't think this proposal is deliverable.

**Proposal 2: a hybrid approach (all pupils in primary and priority cohorts in secondary and FE settings)**

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.

Your experience of the impacts of strikes on children aged 4-11:

NGA represents all phases of schools. Governing boards have tirelessly tried to keep quality education accessible for all children and young people in previous strike action, and will continue to do so wherever possible. As previously stated, the majority (62%) members disagree with pursuing the MSL proposal, while only a quarter were in some form of agreement with it. NGA urge the DfE to return to talks with sector bodies including the unions to arrive at a voluntary and co-created approach that can be owned by the sector, and one which does not potentially pitch parents/pupils against schools and school staff/leaders.

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.

Experience of impact on KS2:

NGA represents all phases of schools. Governing boards have tirelessly tried to keep quality education accessible for all children and young people in previous strike action, and will continue to do so wherever possible. As previously stated, the majority (62%) members disagree with pursuing the MSL proposal, while only a quarter were in some form of agreement with it. NGA urge the DfE to return to talks with sector bodies including the unions to arrive at a voluntary and co-created approach that can be owned by the sector, and one which does not potentially pitch parents/pupils against schools and school staff/leaders.

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)

If you answered yes, please expand:

NGA represents all phases of schools. Governing boards have tirelessly tried to keep quality education accessible for all children and young people in previous strike action, and will continue to do so wherever possible. As previously stated, the majority (62%) members disagree with pursuing the MSL proposal, while only a quarter were in some form of agreement with it. NGA urge the DfE to return to talks with sector bodies including the unions to arrive at a voluntary and co-created approach that can be owned by the sector, and one which does not potentially pitch parents/pupils against schools and school staff/leaders.

21 Do you prefer proposal 1 or proposal 2?

Neither

**Use of rotas for extended periods of strike action in proposal 1 and proposal 2**

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

Disagree (please provide detail to support your response, should you wish)

If you disagree, please explain why:

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

Please expand on the duration of strike action before implementing rotas:

**Workforce implications for schools and colleges**

24 [For employer respondents] What number or proportion of your workforce would be required in your setting to deliver these options? Please provide information on the types of staff and roles required. Please indicate 'Not applicable' if you are not an employer.

Proposal 1:

not applicable

Proposal 2:

not applicable

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

My interest is specifically in early years, schools and/or further education - I would like to skip questions about higher education

### Consultation questions

43 Are you responding to this consultation as an:

Organisation, for example, a school, college, university, union or local authority

44 If you are responding as an organisation, would you prefer your response to remain confidential?

No

45 If you are responding as an organisation, are you responding as:

A charity

Other type of organisation (describe):

46 Are you responding to the consultation with an interest in:

Primary phase education (5-11), Secondary phase education (11-16), Special schools

Other interest (describe):

47 If you are responding as an individual, are you responding as:

Not applicable

Other interest (describe):

48 If you are responding as an employer (i.e. a higher education provider, school or college), how many employees does your organisation or trust have:

Not applicable

49 If you are responding as an organisation, where is your organisation based?

West Midlands

### Impact of the policy

50 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?

Groups of people who would particularly benefit from the proposed minimum service levels for education services:

not applicable

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

Groups of people who would be particularly negatively impacted by the proposed minimum service levels for education services:

not applicable

### Data Protection

52 Would you like us to keep your responses confidential?

No

Reason for confidentiality: