

School Newsletter – Spring 2020

UNISON secures another major victory for workers

Last year a legal case – *Harper Trust v Brazel & UNISON* successfully clarified the legal position on holidays. The action UNISON has been included in ensures that all workers are entitled to a minimum of 28 days paid annual leave, even if they do not get given work or paid for parts of the year. In addition the leave must be paid at the normal rate of pay or based on the average payment of the preceding 12 weeks if pay is irregular.

UNISON general secretary Dave Prentis said “This case was about all workers being treated fairly. Staff in schools are often required (under contract) to be at school outside term time and to do additional unpaid duties beyond those periods, It’s right they should be paid the same minimum statutory entitlement of 28 days leave like everyone else”

UNISON legal officer Shantha David said “We are extremely pleased that the Court of Appeal accepted UNISON’s argument. Government failure to provide guidance in this area left workers in limbo. The courts have once again had to step in to stop the abuse of workers.”



SHEFFIELD TERM TIME WORKERS MAY HAVE BEEN UNDERPAID FOR YEARS

UNISON recently secured a settlement for 5000 term time workers worth approximately £4m. Using European law UNISON brought a claim on behalf of 476 term time staff, arguing they had been unlawfully treated less favourably than colleagues owing to their part time status. The case highlighted that many local authorities across the UK may have been using an incorrect formula to calculate term time workers annual leave.

In response, Sheffield UNISON has lodged a collective grievance in order to correct the mistake going forward and secure back pay where it is owed.

You should have received a form to complete so we can add your name to our collective grievance. If you haven’t please contact the UNISON branch office. **(Please note we cannot act on your behalf unless you complete the form)**

Spread the word!

Ordinarily UNISON operates a 4 week rule which means you must be a member of UNISON for at least 4 weeks before you can access assistance. However due to the importance of this issue UNISON’s NEC has agreed to waive the 4 week rule so that anyone joining UNISON can be included in the grievance.

Recruit a friend and earn.

Please encourage your term time colleagues to join UNISON so they can be covered by the grievance and receive what they are owed.

For every member you recruit you can qualify for a £10 payment. Simply ask the person you recruit to write **your** name at the top of their membership application form to ensure you receive the payment. *(T+C’s apply)*

Please find enclosed UNISON application forms



Training days – do I have to work them?

UNISON regularly receive calls from members regarding the amount of training days part time staff have to work.

Even though most schools have 5 training days per year, if you work part time you only have to work a proportionate amount of the training days i.e. if you work 2 days per week you only have to undertake 2 training days' work.

Often schools put our members under pressure by saying the training is important for their CPD, the school or is a statutory requirement. Whatever the reason may be, it's up to your school to organise the training to fit in with your working pattern.

With agreement, you may wish to change your working days to accommodate the training. Alternatively school can pay for any additional days you attend training on. The emphasis here is **with your agreement**. If it doesn't suit you to change your working pattern or work additional paid days – you don't have to! In addition some schools are asking staff to do on-line training in their own time and/or at home. Again, you do not have to undertake training (or any additional work) in your own time.

If you have any concerns please contact the branch office and ask to speak to either **Lisa Smith** or **Rod Padley**



Leave of Absence

All schools should have a Leave of Absence Policy clearly outlining what an employee can expect when a request is made for compassionate leave, dependants leave, leave for medical reasons etc. The policy should state:-

- the reason for absence
- period of absence
- with/without salary

Term time workers don't usually have access to flexible working and/or holiday arrangements, which means the Leave of Absence Policy is a particularly important document for school staff.

Please note however requests for leave, particularly those for additional holiday, may not be granted. It is therefore of vital importance that you make any request in good time and do not book holidays or take time off until your employer has confirmed the leave. **Any unauthorised leave may lead to disciplinary action.**

In addition UNISON strongly advises you put the request in writing and insist on a written response.

Please do not hesitate to contact the branch office if you believe you are not being treated fairly or leave has been refused unreasonably.



Change of Address?

Have you changed your address, telephone number or workplace?
If so please contact the Branch Office to update your details.

Email Address:-

It is vital UNISON keeps in contact with its members. The most effective way to do this is via email. Please contact UNISON as matter of course to ensure we have your email address. This will improve speedy communication and cut down on postage costs, currently at 10% of the branch income.



Special Educational Needs and Disabilities

Those of you involved in supporting SEND pupils know that this area has been overlooked and underfunded for far too long. It was therefore welcome that the government announced late last year an extra £700 million for SEND support in England. While it is a significant amount of money, it won't go far given the previous massive underfunding. Its therefore important that the money goes to the "front line" and doesn't disappear in the system along the way. Well trained professional teaching assistants make all the difference to the lives of young people with additional needs. That is why UNISON nationally will continue to lobby hard to ensure school support staff are recognised and respected for the work they do.

If you work in SEND and are happy to tell UNISON about your experiences, please contact education@unison.co.uk FAO Leigh Powell, UNISON National Officer.

US TOO.

As UNISON represents over 1 million women, strong laws on sexual harassment in the workplace are a priority. UNISON is calling for an additional clause in the Equality Act to make it mandatory for employers to show they are proactively doing all they can to stop sexual harassment in the workplace.

National women's officer Josie Irwin said "Sexual harassment is against the law but it doesn't stop it happening. It happens in ordinary workplaces every day. the impact for those who experience it can be devastating – it's an abuse of power."

- More at unison.org.uk/ustoo

Menopause – it's a workplace issue

Most women experience the menopause between the ages of 45 and 55, i.e. when they are working. 70% of UNISON's 1.3million members are women making it a workplace and therefore a union issue. In 2017 the government's equalities office published a review that reported "significant numbers of working women experience problems at work due to individual symptoms". The review also said that some women in the menopause feel "those around them are unsympathetic or treat them badly because of (gender) ageism." UNISON values its members and recognises the specific problems that menopausal symptoms may cause.

What employers should do:-

- Managers should be made aware through training, how the menopause can affect work and what adjustments may be necessary to support women
- Women should experience no detriment because they may need time off due to menopausal symptoms

Do women feel confident enough to raise issues about their symptoms and ask for adjustments at work?

- Guidance on how to deal with the menopause should be available in the workplace.
- Women may feel more comfortable talking to someone from HR, a welfare officer or from an employee assistance programme, particularly if their line manager is male.
- Workplace stewards, safety reps and UNISON branch office staff will challenge discriminatory attitudes and support women experiencing problems.

Working conditions:-

- There should be the opportunity for women to negotiate flexible working hours or practices in order to deal with their symptoms.
- Women should have access to some level of control over the temperature in their work environment. For example an employer can provide a fan or allow an individual to adapt their uniform.
- There should be adequate toilet facilities, access to toilet breaks and to cold drinking water.

Where can I get more information?

- NHS menopause guidance – www.nhs/Livewell/menopause
- Supporting women through the menopause - www.tuc.org.uk/equality-issues/gender-equality/supporting-women-through-menopause
- Menopause Matters – www.menopausematters.co.uk

Violence and aggression in the workplace – it's NOT part of the job

UNISON remains deeply concerned that violence towards staff is increasingly viewed as "part of the job". Violence at work is not part of the job and should not be viewed as inevitable, unpredictable and therefore uncontrollable.

Prevention – the risk of work related violence can often be anticipated e.g., where previous incidents have occurred the potential for a further incident can be predicted, assessed, minimised or prevented.

Risk assessment – the risk of violence must be assessed in the same way as any other hazard. Employers must make an assessment of the risks, remove those risks and only where it is not possible to eliminate them, introduce comprehensive strategies to control them. The Health and Safety Executive suggest a 5 step approach. Comprehensive advice and information is readily available to all employers.

The law – under the Health and Safety at Work Act employers have a duty of care to protect the health and safety of their employees, *including risk from violence*.

Following on from concerns raised by UNISON at council meetings, Sarah Green from the local authority's Health, Safety and Wellbeing Team wrote to heads in maintained schools (and those who buy into the H+S traded service) to ensure the following points are considered:-

- School continue to manage behaviour effectively
- All staff are clear about roles and responsibilities
- Individual behaviour plans are up to date and working effectively
- Individual risk assessments are regularly updated and communicated to all relevant staff
- Regular communication is undertaken with parents, supporting agencies etc.
- School reminds staff to record all violent incidents appropriately and send a copy to the Health, Safety and Wellbeing Team
- All staff are up to date with training
- Where appropriate the staff are Team Teach Trained;



Please note UNISON does not believe physical restraint is an expectation of most school jobs, meaning if you do not wish to engage in this kind of behaviour management you shouldn't have to.

Offering restraint training to staff who do not wish to be involved in physical restraint is **not** a solution.

If you feel under any pressure to be involved please contact the branch office for further advice.

- All staff are supported following a violent incident

If you have any health and safety concerns, including violence at work that you feel are not being adequately addressed, please contact the branch office and we will take it up on your behalf.



Personal Injury

If you have been injured at work you can claim with confidence using the UNISON legal service. Thanks to your UNISON membership you won't pay a penny in legal fees AND you will keep 100% of the compensation.

Even if you are not sure who is at fault give UNISONdirect a call on 0800 0 857 857.