

23 January 2023

Dear all,

**NEU Strike Action – 1 February 2023**

Your NEU representative has kept me informed of which teachers will be taking industrial action on 1 February.

I have assessed the impact on the school of the strike action and it has been decided that the school will be closed to pupils due to their safety and wellbeing.

Staff who are not NEU members should report for work in the normal way and will be assigned tasks. Failure to do so, without appropriate reason, e.g. sickness, will be deemed to be secondary action, which is against the law and may result in disciplinary action.

I am also making you aware of the following information before any strike action commences.

**Coming to work**

Staff who are available for work will receive pay if they do not participate in the strike action, regardless of whether they are a trade union member or not.

**Sickness absence**

It is important to note that for employees, including those who are not members of the trade union, are required to clarify the reason for absence on the strike day. If you are absent from work on the day designated for action, please let me know at the earliest opportunity. If you do not contact me, it will be assumed you are on strike action. This will result in a deduction in your pay for that day. If you are absent due to sickness before strike action commences you will be considered to be still away sick on the day of action and will continue to receive sick pay.

**Leave requests**

No new requests for leave on the strike day will be granted, except in exceptional circumstances.

If you have children based at a school which has been affected by strike action and this is likely to cause childcare issues, you need to be considering at an early stage what arrangements you need to make in the eventuality of this occurring so that you are able to attend work. Please let me know as soon as possible if this is likely to affect you.

**Deduction of pay**

Members of the NEU should be aware that taking strike action is regarded legally as a breach of contract. Accordingly, pay deductions in lieu of damages will be made at the daily rate of 1/365.

[This is in line with paragraph 3.2 of Section 3 of the Burgundy Book provides that the pay deduction for a day of "unauthorised absence (e.g. strikes)" should be 1/365th of annual salary.]

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**HEADTEACHER** MS H McGOVERN • **DEPUTY HEADTEACHERS** MISS C NEWTON & MRS A FRY

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If you work full time – pay deduction will be at the daily rate of 1/365th of the annual salary.  
If you work part time and were due to work on Wednesday 1 February 2023 – pay deduction will be based on the number of hours normally worked as a proportion of 6.5 hours for a full day

### **Impact on teacher pensions**

Any absence due to industrial action is not reckonable service and does not count as pensionable service. However, teachers remain covered for the “in-service” death grant if they die while on strike. Members over Normal Pension Age will not be entitled to retirement benefits for the strike days. There is no provision in the Teachers’ Pension Scheme for teachers to buy back strike days.

### **Impact on continuous service**

Although a strike breaks the contract of employment, it does not break continuity of employment if the employee returns to work after the strike ends. A strike will, however, delay the attainment of any necessary qualifying period as the employee’s starting date is regarded as being postponed by the actual number of days between the last working day before the strike and the day on which work resumes.

### **Picketing**

If there is picketing on any of the school’s premises, and you decide not to cross the picket line and therefore do not come into work, you will be considered to have joined the strike action. This is regarded as taking unofficial industrial action and in these circumstances, pay will be deducted. Staff who refuse to cross the picket line who are not NEU members will also have pay deducted for the day.

There are legal guidelines about the conduct of picket lines which will be monitored. There should be no more than 6 pickets on duty at any time and intimidation or obstruction is not legitimate. Staff who are subject to any such actions are encouraged to report it.

Should you feel concerned you must contact me by telephone via the school office number and I will co-ordinate accompanied access into the workplace.

It is unlawful for a trade union to discipline a member who refuses to participate in strike action. Pickets are not able to physically prevent an employee crossing a picket line.

### **Health and safety**

If you have any concerns about health and safety as a result of the strike action, for example maintaining adequate levels of staffing in certain work situations, then you should raise this with me at the earliest opportunity.

If you have any queries, please let me know.

Yours sincerely

*H. McGovern*

Headteacher