



## **Better Deal for Teachers Campaign/Teachers' Pay Ballot Important Frequently Asked Questions (FAQs)**

### **Why is it important for all members to vote in this ballot?**

The NASUWT is your Union and we believe that it's important that you make your voice heard on this important issue.

There are also strict legal thresholds in England, Scotland and Wales in terms of voter turnout that must be met in respect of any statutory industrial action ballot.

Every vote really does matter and that's why we are urging every eligible member to return their completed ballot paper in order for us to make the strongest case for a [Better Deal for Teachers](#).

Returning your ballot paper immediately is essential. Please do not delay returning your completed ballot paper. If your ballot paper does not arrive by the deadline of **Monday 9<sup>th</sup> January 2023**, your vote will not be counted.

We know that the postal service is already experiencing significant delays in various parts of the country. In some instances, we know of first-class post taking up to two weeks to be delivered. In November and December, planned strike action by Royal Mail employees may cause further delays to the postal service.

**You should not delay returning your ballot papers during the ballot.**

### **What are the ballot thresholds that the NASUWT has to achieve?**

The law requires that there is a ballot of employees in accordance with strict legal requirements, before industrial action is called for or endorsed. Only where such a ballot produces a majority in favour of industrial action and **at least 50 per cent of those eligible to vote** have voted will the action be lawful. Further in the case of important public services, **at least 40 per cent of those eligible to vote must have voted to support the action.**

Therefore it is crucial that all ballot papers are returned so we achieve more than 50 per cent return, even if you decide against voting for industrial action. We are recommending members vote 'Yes', 'Yes' to both questions in order to achieve the 40 per cent threshold.

### **I haven't received a ballot paper, what should I do?**

For the purposes of the industrial action strike ballot, it is vital that the NASUWT has your correct postal address and the name of your current employer.

All ballot papers must be sent to members by post to their home address.

If this information has changed, you must [update your details](#) immediately to ensure you receive a ballot paper so that you can vote in the ballot.

If we do not have your workplace details, you may not receive a ballot.

You will receive a ballot paper, a return envelope and some additional material explaining the NASUWT's recommendation to members.

Please do check your post daily as soon as the ballot opens

If you have not received your ballot paper within one week of the ballot opening or by Tuesday 15<sup>th</sup> November 2022, please contact us immediately by emailing [ballot@mail.nasuwt.org.uk](mailto:ballot@mail.nasuwt.org.uk).

### **I have received a GREEN ballot paper too, what does this mean?**

A small number of members will receive two ballots, one containing a WHITE ballot paper and the other containing a GREEN ballot paper. This is the result of an administrative error which occurred, and the corrective action was to issue the GREEN ballot paper by Civica, the Returning Officers. The important paper to return is the GREEN ballot paper but in any case, return both so your vote is counted properly.

### **What questions will appear on the ballot paper**

The ballot paper will ask members if they are prepared to take part in strike action and action short of strike action.

You should put a cross in the boxes against your choices on the ballot paper.

### **Is the NASUWT recommending to members how they should vote?**

Yes, the Union strongly encourages all members to vote 'YES', 'YES' for both strike action and action short of strike action.

### **What is Action Short of Strike Action?**

Action Short of Strike Action (ASOSA) enables members to refuse to undertake certain tasks or activities as identified by the Union. Unlike strike action, ASOSA enables members to demonstrate every day that they are protesting against the real terms cuts to their pay.

### **If I ballot for and take industrial action, will my employer withdraw the offer of 5%?**

Following the publication of the STPCD (School Teachers' Pay and Conditions Document), the government made the decision that Teachers in maintained schools will receive 5% with bigger increases at the lower grades. As this has been mandated by parliament, Teachers in Local Authority maintained schools will receive this uplift backdated to 1<sup>st</sup> September 2022. The majority of Academy Trusts follow the STPCD and will follow this recommendation.

Employers should be consulting on their Pay Policies and the pay settlement for 2022 should be in line with our [Joint Union advice and guidance](#). The NASUWT ballot is demanding 12% and has not agreed this pay settlement offer, but this will not prevent members receiving the 5% and other uplifts. Our dispute remains as we continue to campaign for a Better Deal

### **What impact will taking strike action have on my pension?**

When teachers take strike action and pension contributions are to be withheld, the employer must report the strike day to the Teachers' Pension Scheme (TPS) as an excluded day. For each day of strike action, this would have the effect of reducing pensionable service by one day.

However, the impact of strike action on pension benefits is negligible.

All TPS members are now in the career average pension scheme and all strike action after 1 April 2022 will reduce pensionable service in this scheme.

Under the career average pension scheme, the teacher's annual income is divided by the accrual factor of 57 to give their annual pension income and that income is then revalued annually by a factor which varies according to the level of consumer prices index (CPI) inflation and whether the teacher is in or out of service (as defined under the Teachers' Pension Scheme Regulations).

For example, a teacher on £34,868 per year would earn £611.72 in annual pension income for that year, which would be revalued annually by an inflation factor.

If that annual income of £34,868 were to be reduced by one day's strike action to £34,773 then the annual pension income would be £610.06, i.e. the loss to the pension would be £1.66 per year for each day of strike action taken during that salary year. This is in today's money – future inflation-linked revaluation factors (which would affect this figure) would be unknown at the point at which the strike action is taken.

Teachers remain in pensionable service during periods of strike action, with the 'lost' days as a result of strike action being moved to the start of pensionable service, If a teacher dies when they are on strike, their survivor would still receive the in-service death benefit. [The England and Wales pension scheme has confirmed this.](#)

If members have any questions about their teachers' pension, they should contact their TPS administrator.

### **Will I lose pay and can I claim, 'strike pay'?**

In maintained schools in England the Burgundy Book says that deductions for teachers on strike should be calculated on the basis of a day's salary being 1/365th of a year's salary and not 1/195th – therefore a teacher who misses one day through strike action can expect to lose 1/365th of their annual salary.

In academies and free schools, if they follow the provisions of the Burgundy Book/STPCD (which most convertor academies will as they form part of the terms and conditions that will have been transferred under the TUPE process) the same provisions as maintained schools will apply. If you are unsure about this, contact your employer.

The NASUWT is unable to offer 'strike pay' and to compensate for the loss in pay. However, the Union does have a Benevolent Fund which members can seek support from if they are experiencing financial hardship. For more information, [click here](#).

### **Will strike action have an impact on my continuous service?**

Strike action does not break continuity of employment if you return to work after the strike ends.

### **Can I be dismissed if I am in 'breach of contract' when taking strike action?**

The statement at the end of the ballot paper reads: "If you take part in a strike or other industrial action, you may be in breach of your contract of employment. However, if you are dismissed for taking part in strike or other industrial action which is called officially and is otherwise lawful, the dismissal will be unfair if it takes place fewer than twelve weeks after you started taking part in the action and depending on the circumstances may be unfair if it takes place later."

This statement has to be included on all ballot papers. You should not be dismissed for industrial action if:

- It is as a result of a properly organised ballot
- It is about a trade dispute between workers and their employer
- A detailed notice about the industrial action is provided to the employer at least 7 days in advance of the intended action

We assure you that the conditions above will be met by the NASUWT so no action can be taken by your employer as the strike action will be called officially and lawfully.

### **Are members in Independent Schools covered by the campaign/ballot?**

The NASUWT supports members in independent schools in demanding a restorative pay rise which addresses the cost-of-living crisis and the legacy of austerity which has affected the independent sector.

The NASUWT intends to ballot members in the independent sector where their .

### **As a supply teacher would I be balloted for strike action?**

As a supply teacher, it will depend on the way you are employed and the nature of your contract as to whether or not you are eligible to be balloted and take part in any industrial action.

For example, if you are employed through a supply agency and/or umbrella company, then you will not be able to take part in industrial action, and, as such, you should not vote in the ballot.

If you are an employee on a temporary or fixed-term contract and employed directly by a school or through a local authority pooled supply arrangement (such as cover for someone who is on maternity leave), then you are entitled to participate in any ballot for industrial action organised by the NASUWT in order to protect or improve the rights at work of all NASUWT members.

There are many ways to support our campaign by speaking about why we need a [Better Deal for all Teachers](#). Everyone can help by talking to friends, family and colleagues about the importance of paying teachers fairly.

The NASUWT is also committed to campaign for improvements to the pay and working conditions of supply teachers.

Our [Better Deal for Supply Teachers Campaign](#) aims to secure equal treatment for supply teachers and parity on pay and conditions as a day one right.

**Further FAQs are available [here](#).**

