


Strike minimum service levels in schools and academies: Proposals for voluntary agreement

 03 November 2023

It was a Conservative Party manifesto pledge to require that a minimum service operates during transport strikes. Fast forward to now and it is not just transport under the spotlight in respect of industrial action.

The Strikes (Minimum Service Levels) Act was passed in July, giving the Government the power to pass legislation to require minimum service levels where industrial action is taken place for health, fire and rescue, transport, and education. What that means for the education sector in practice remains unclear.

Stakeholder consultation

Detailed consultations have been issued for a number of areas including rail and hospital services. These have set out proposals for what a minimum standard would look like in practice, giving stakeholders the ability to respond to the consultation.

The Department for Education (DfE) has announced that a similar consultation would be issued for universities but a month later, this has not been published. The DfE seems to be proposing a different approach for schools and academies.

A voluntary approach

On this front, the Secretary of State announced on 20 October that she was seeking to agree a voluntary approach with trade unions and would only proceed to consultation if voluntary agreement could not be reached.

This approach raises a number of questions, not least how an agreement could be reached without the input of employers on this key issue. To date, minimum service levels have not been passed in any sector nor have any consultation responses been issued by the Government to any of the consultations.

Consequences for failing to comply

Questions such as what the consequences would be for employers for failing to comply with the minimum service levels have not been answered. If voluntary agreement is reached, this would be outside the scope of the Strikes Act, which again leaves much uncertainty.

What does this mean for schools and academies?

Whilst there does seem to be a strong push by the Government for minimum service levels to be implemented for schools and academies, we are still a long way from understanding what this is likely to look like in practice.

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