



UNITED KINGDOM²¹¹

El affiliates

UTU-UK	Ulster Teachers' Union
SSTA	Scottish Secondary Teachers' Association
EIS	Educational Institution of Scotland
NUT	National Union of Teachers
ATL	Association of Teachers and Lecturers
NASUWT	National Association of Schoolmasters Union of Women Teacher
UCU	University and College Union

Ratifications

- C. 87 Freedom of Association and the Protection of the Right to Organise (1948) ratified 1977
- C. 98 Right to Organise and Collective Bargaining (1949) ratified 1977
- C. 100 Equal Remuneration (1951) ratified 1967
- C. 111 Discrimination (Employment and Occupation) (1958) ratified 1967
- C. 144 Tripartite Consultations (1976) ratified 1984
- C. 151 Labour Relations (Public Service) (1978) ratified 1984
- C. 154 Collective Bargaining (1981) ratified 1985

Introduction

The UK education system is devolved into 3 education authorities: Scotland, Northern Ireland and England and Wales. Slightly over a quarter (27%) of UK employees are union members, although union density is much higher in the public sector (57%) than the private sector (15 %).²¹² There is only one union confederation in the UK, the TUC, and individual unions are fully independent. Around 60% of all UK trade unionists in the TUC are in the three largest unions, which have grown through mergers. Overall collective bargaining coverage is around 33% although it is much higher in the public sector.

Freedom of Association

The right to join and form unions is secured in law, as is protection against anti-union dismissal and reprisal. However, there are certain limitations and restrictions which have been the subject of long-standing complaints before the ILO supervisory mechanisms. Unions do not have the right to access workplaces, and the statutory procedure for recognition allows an employer to prevent recognition of an independent union by setting up a company union and extending to it recognition rights. The right to strike is limited. For a strike to be lawful,

²¹¹ Grateful acknowledgement of the written report by Amanda Brown (NUT) Darren Northcott (NASUWT) and for their other contributions to this study.

²¹² Labour Force Survey 2009

the underlying dispute must be fully or mainly about employment related matters. Political and solidarity strikes are prohibited, as are sympathy strikes or secondary picketing. The procedures for calling a legal strike are long and very technical, and the employer can seek an injunction against a union before a strike has even begun if the union fails to properly observe the required steps. A worker may not be dismissed within 12 weeks after taking part in a legal strike. The ILO has called for a revision of this provision²¹³ and noted that adequate safeguards and immunities from civil liability are necessary to ensure respect for the right to strike.²¹⁴

Collective bargaining

Collective bargaining in the UK in both the private and public sectors is basically a voluntary system with very few specific legal rules about how it is carried out, which organisations can negotiate and the status of the agreements concluded. Collective agreements are not legally binding; however trade unions have traditionally supported this voluntary approach. A law setting out regulations on trade union recognition for the purposes of collective bargaining only took effect in 2000. Before then it was possible for employers to refuse to recognise and negotiate with trade unions even if they had majority support within the workplace. There is no national bargaining at inter-sectoral level and there are now very few national sectoral collective agreements. Most collective bargaining is carried out at company level in the private sector. There has been some decentralisation in the public sector but there are still major national agreements in local government and health and a national agreement covering firefighters.

Collective bargaining in the education sector

■ ENGLAND AND WALES

The Burnham Committee was set up in 1919, comprising teachers, the Local Education Authorities and government representatives. It was to remain the negotiating forum for teachers' pay and conditions until the Conservative government abolished it in 1987. Since then, collective bargaining on teachers' pay and hours of work has not existed. The School Teachers' Pay and Conditions Act 1991 gave the responsibility for fixing pay and hours of work, to the Secretary of State for Education. Today, the School Teachers' Review Body (STRB) is a consultative body advising the Secretary of State.

Membership of the STRB is determined by the Prime Minister. The secretariat is provided by the Office of Manpower Economics. The annual cycle for the Review Body starts with a series of directions (a remit) from the Secretary of State. The Review Body then calls for evidence from employers (including the National Employers' Organisation for School Teachers (NEOST)), trade unions and governors' representatives before making its

²¹³ ILO CEACR C. 87 United Kingdom Direct Request adopted 2012, published ILC 2013

²¹⁴ ILO CEACR C. 87 United Kingdom Observation adopted 2012, published ILC 2013



recommendations to the Secretary of State. The Secretary of State is empowered to accept, amend or reject recommendations from the Review Body and then issues a “guidance” to which those concerned must have regard. The School Teachers’ Pay and Conditions Document (STPCD), commonly known as the Blue Book, is updated on an annual basis. Whilst the STRB system clearly is not collective bargaining, it does provide terms of employment which are statutory in nature, and therefore more easily defended legally at local level.

The STRB system applies to fix relevant terms for teachers in all traditional local authority schools in England and Wales ie community schools and also voluntary aided schools. Other terms are fixed through collective bargaining, either at national level through a national collective agreement called the “Burgundy Book”, which covers dates of resignation and notice, sick leave and pay and maternity leave, collective disputes procedures, which allow for conciliation only, and facilities for recognised trade union representatives. In practice there has been little active national bargaining relating to the Burgundy Book terms in recent years due to fears by the unions that existing provisions might be undermined.

The terms in the national collective agreement can be added to at individual employer (local authority) level, for example, for improved maternity benefits. While this bargaining still continues, in the current climate, it has slowed or stopped, other than for employers seeking to renegotiate terms to decrease benefits.

In practice, the consultation process with the unions has been quite limited. In May 2012, the NASUWT and the NUT launched a joint campaign “protecting teachers, defending education”, as a response to pay freezes and pension contribution increases, which had cut the value of teachers’ pay by 15% in real terms, and new proposals to place a ceiling on pay below inflation levels. They have also opposed Government plans to break up the national teacher pay structure. Incremental progression will be replaced with a system of performance related progression.

New academies and free schools

The newer form of state independent schools, called academies and now also free schools, operate only in England, not Wales. By statute these schools can fix their own terms of employment, so, ironically there is now more collective bargaining in England than in Wales. The new environment with a multiplicity of employers, not coming together within an overall structure for bargaining machinery, causes new issues for trade unions due to the number of employers and complexities of promoting collective bargaining with them. Many of these schools are forced to apply the national terms of the STPCD and Burgundy Book, either by the operation of TUPE (Acquired Rights Directive) or due to their maintained willingness to remain part of the national system of terms and conditions. At the very least, the STPCD and Burgundy Book terms remain the basic framework which some employers may choose to divert from on eg pay to some extent.

There is also now the emergence of new non-union privatised forms of 'teacher representation', which appear to be promoted by the Government. A privatised human resource service called EDAPT²¹⁵ is offering services to employees as an alternative to membership of a trade union. It also offers its services to employers, and in fact urges employers to purchase access to advice services for its employees as part of its employers' package.

■ SCOTLAND

The machinery for collective bargaining has remained relatively stable since 2008. Recognised trade unions in Scotland are represented on the Scottish Negotiating Committee for Teachers (SNCT), together with the Convention of Scottish Local Authorities (COSLA) and the Scottish Government. This body, established in 2001, is the principal means by which negotiation and consultation is undertaken on the terms and conditions for teachers in Scotland. It issues a National Scheme of Salaries and Conditions of Service for Teachers and Associated Professionals.

The Committee's remit is to consider salaries and conditions of service for registered teachers, music instructors, educational psychologists and advisers who are employed by Council Authorities in Scotland. The objectives of the negotiating body are:

- to create a salaries and conditions of service structure that contributes to a highly motivated teaching profession and underpins the delivery of a quality education service;
- to ensure that the outcome of negotiations secures, and maintains, appropriate levels of remuneration for the profession to enhance professional status; and
- to ensure that salaries and conditions of service reflect professional status, including the commissioning from time to time of research on the comparative external position in order to inform its deliberations.

The Committee has 22 members appointed annually and drawn from the Convention of Scottish Local Authorities, the Scottish Government and organisations representing teachers. The Committee may establish sub-groups, working parties or commission research and investigations to serve whatsoever relevant purpose provided there is agreement to do so. The SNCT has a range of functions, including:

- negotiating sustainable collective agreements on salaries and conditions of service which contribute to the development of a highly skilled and motivated teaching profession;
- supporting and promoting the application of these agreements in Scottish local government and the education service in particular, for the benefit of teaching staff, pupils and communities;
- promoting co-operation between the Scottish Government, employers and recognised teaching organisations;

²¹⁵ <http://www.edapt.org.uk/for-teachers>

- supporting the promotion of equality and the avoidance of discriminatory practices in employment;
- supporting the promotion of Continuing Professional Development;
- providing advice and assistance to education authorities, recognised teaching organisations and employees on salaries and conditions of service matters;
- providing a national conciliation service for the resolution of disputes that cannot be resolved locally; and
- settling, ultimately, differences of interpretation and/or application of the national agreement that cannot be resolved locally.

The SNCT also allows certain devolved matters to be negotiated at local level through Local Negotiating Committees for Teachers (LNCTs).

National and devolved matters are defined as follows:

NATIONAL MATTERS	DEVOLVED MATTERS
Pay (including related allowances)	Other allowances
The working week and working year	Cover agreements
Annual leave entitlement	Appointment procedures
Class size	Particulars of employment
Sick leave	Expenses of candidates for appointment
Maternity/family leave	Transfer of temporary teachers to permanent staff
National and local recognition procedures	Promotion procedures
Disciplinary and grievance framework	Staff development arrangements
Main duties	Specific duties and job remits
Staff development framework	Arrangements for school based consultation
	Other leave and absence arrangements
	Notice periods
	Housing
	Indemnification procedures
	Disciplinary and grievance procedures

Other official bodies in Scotland, such as the General Teaching Council, as well as the Scottish Government, may also convene advisory groups on specific topics on which trade unions are represented.

■ **NORTHERN IRELAND**

The negotiating machinery for school teachers in Northern Ireland has also remained relatively unchanged since 2008. The main system-wide body for negotiation of the remuneration and terms of conditions for teachers in grant-aided schools is the Teachers'

Salaries and Conditions of Service Committee (Schools). The Committee is the main vehicle for consultation by the Department of Education on matters relating to teachers' superannuation.

The Committee comprises representatives of employing bodies, the central Department for Education and representatives of recognised trade unions, known as the Northern Ireland Teachers' Council. Arrangements for negotiation and consultation with individual employing organisations are also in place. Other official organisations also have machinery for consultation and discussion with recognised trade unions. The Department for Education also consults with trade unions with matters that fall outside the remit of the Teachers' Salaries and Conditions of Service Committee (Schools).

In November 2007 the NASUWT submitted a claim for substantial improvements in pay and conditions of service to secure parity with teachers in England and Wales.

The Union initiated a "Parity Now! Campaign" in Northern Ireland and undertook a national industrial action in 2009, which achieved some gains. Further industrial action in 2012 took place to consolidate these gains.

Education expenditure and GDP growth

% of government expenditure on education	% GDP spent on education	GDP % Growth
2007:		3.1 %
2008: 11.1 %	5.4 %	0.7 %
2009: 11.3 %	5.6 %	-5.0 %
2010:		1.3 %
2011:		0.7 %

Source World Bank/IndexMundi