

Matter which the Chair has decided is urgent by need of updating Members on industrial action at Pencoedtre High school

Meeting of:	Learning and Culture Scrutiny Committee
Date of Meeting:	Thursday, 11 January 2024
Relevant Scrutiny Committee:	Learning and Culture
Report Title:	Industrial Action Pencoedtre High School
Purpose of Report:	To advise members of industrial action at Pencoedtre High School and measures taken to resolve the dispute
Report Owner:	Councillor Rhiannon Birch, Cabinet Member for Education, Arts and the Welsh Language
Responsible Officer:	Paula Ham, Director of Learning and Skills
Elected Member and Officer Consultation:	Tracy Dickinson, Head of Human Resources and Organisational Development Trevor Baker Head of Strategy, Community Learning and Resources Debra Thomas, Headteacher Cowbridge Comprehensive School and Executive Headteacher covering Pencoedtre High School
Policy Framework:	This is a matter for noting by Scrutiny Committee
<p>Executive Summary:</p> <ul style="list-style-type: none"> • Notification was received from the NASUWT on 30th November 2023 of industrial action consisting in the first instance of six days discontinuous strike action. • The National Education Union notified the Chief Executive on 14th December 2023 of the successful ballot of NEU members at Pencoedtre School. • Dispute resolution documentation was received from the NASUWT on Wednesday 6th December 2023. Meetings were held with the NASUWT and the NEU prior to the end of term in December 2023. • Dispute resolution actions were discussed and agreed at those meetings. 	

Recommendation

1. Members note the action being taken to resolve the industrial dispute at Pencoedtre High School

Reason for Recommendation

1. Members are aware of the action being taken by school management and the local authority to address the issues raised by staff via their union at Pencoedtre High School.

1. Background

- 1.1 The NASUWT notified the Director of Learning and Skills on 15th November 2023 of the successful result of the industrial action ballot in the trade dispute between the NASUWT and the Headteacher and Governing Body of Pencoedtre High School.
- 1.2 Notification was received on 30th November 2023 of industrial action consisting in the first instance of six days discontinuous strike action on the following dates: Wednesday 10 January 2024, Thursday 18 January 2024, Wednesday 24 January 2024, Thursday 25 January 2024, Wednesday 31 January 2024, Thursday 1 February 2024.
- 1.3 The National Education Union notified the Chief Executive on 14th December 2023 of the successful ballot of NEU members at Pencoedtre School. The union stated that it remained willing to reach a negotiated settlement to the current dispute and to date, we have not received notification of industrial action.
- 1.4 The dispute is in relation to pupil behaviour and the safety of staff. It should be noted that there is concern at national level about the impact of the COVID pandemic on the behaviour of pupils in secondary schools in particular. The NASUWT is taking industrial action in a number of secondary schools across Wales.

2. Key Issues for Consideration

- 2.1 Dispute resolution documentation was received from the NASUWT on Wednesday 6th December 2023. A meeting was held between the school, the local authority and the NASUWT's school, regional and national representatives on 12 December 2023 to discuss and agree the dispute resolution requirements. A further meeting was held on 20th December 2023 between the school, local authority and the NEU's school, regional and national representatives. The NASUWT's school and regional representatives also attended is meeting.

- 2.2** The NEU did not put forward a list of dispute resolution requirements but broadly agreed with the list put forward by the NASUWT. The actions to be taken and the sequence and timing of actions was discussed in detail. Both the school and the local authority are of the opinion that this meeting went very well, it was cordial and it appeared agreement had been reached. The NASUWT's representatives were to take the outcome of discussion back to staff and indicated that it would be a staff decision whether or not to go ahead with the industrial action. No further communication has since been received from the NEU.
- 2.3** The end of term was 22nd December and the outcome of discussions with staff was not known until the start of term on 8th January 2024 although plans had been prepared should the industrial action go ahead. The NASUWT staff members took strike action on Wednesday 10th January. It should be noted that the NASUWT has confirmed it will be compensating its members at Pencoedtre High School for salary deductions incurred as a result of strike action.
- 2.4** Since the Estyn Inspection, the school has been taking action to improve the management of behaviour and is using sanctions such as exclusion appropriately. The Behaviour Management Policy has been revised and was consulted on with the unions in a series of meetings in October and November. The policy has also been consulted on with staff. Whole school behaviour management training was carried out on 8th January 2024 which was an inset day. A number of further actions have been agreed with the Unions as part of the dispute resolution agreement and are currently being implemented, including, but not limited to additional staff and parental engagement, publication of duty timetables, mechanisms to call in additional support throughout the school day, internal communications processes in relation to exclusions, CCTV review, external fencing and security, and hall passes.
- 2.5** The location of the school's Successful Futures Centre was a design choice made by the school during the buildings design phase in 2018/19, seeking to take an integrated approach to supporting the schools' most vulnerable pupils. In recent years however, its location has presented additional challenges which have already been recognised by the school's current management prior to the dispute resolution discussions in December. The local authority has been working closely with the school to identify options, with discussions and site visits having taken place in October/November 2023. A number of options were identified and have been progressed. For the short, medium and longer term.
- 2.6** In the short term, the school and Local Authority have identified a number of structural changes for the Successful Futures Centre to limit access to other areas of the school, with the creation of a lobby and single point of access. Works have also been identified in relation to installation of new maglocks and secured access via a fob. Costs for this work has been assessed via the Local Authority's partner AECOM, and works currently scheduled for February half term, as the areas will need to be cleared for structural works.
- 2.7** For the medium term, feasibility works have also been conducted regarding the relocation of the unit to a temporary build elsewhere on the school site.

Limitations were identified due to an easement on the property and access to services limiting where a temporary building could be placed. Alternatives are currently being considered with a number of options identified. Clearly, this is not something which can be achieved in the short term as the funding needs to be secured, planning permission sought and a contract tendered and awarded etc, which is why action is being taken as outlined above.

- 2.8** For the longer term, the Local Authority and School have also been successful in securing Community Focussed Schools funding from Welsh Government, which would create an additional permanent structure onsite for the schools' use during the day, and community focussed programmes outside of school hours. Design works are anticipated to begin in March 2024 and will provide a base for family, adult and community learning. The proposal aims to provide community services linked with other professionals within the community e.g. citizens advice, support workers, police, child services, Families First and their youth engagement team as well as parenting advice team. To deliver these types of services to pupil families and the local community a safe space is required at the school. This would take the form of a community hub situated in the school grounds separate from the main school building. A Community Allotment Area also forms part of this scope of work, to grow food on the school premises and use these within specific food workshops and for use at home.
- 2.9** Advice is currently being sought about next steps. Since the dispute resolution actions had been agreed, it implies there is nothing further that can be reasonably done to prevent the further planned strike action going ahead.

3. How do proposals evidence the Five Ways of Working and contribute to our Well-being Objectives?

- 3.1** The Well-being of Future Generations Act 2015 ("the 2015 Act") requires the Council to think about the long-term impact of their decisions, to work better with people, communities, and each other and to prevent persistent problems such as poverty, health inequalities and climate change.
- 3.2** The School and Council remain committed to resolving this dispute in collaboration with our trade union colleagues, in both the NASUWT and NEU.
- 3.3** Regular meetings are structured and planned into the school calendar with our trade union colleagues to work in partnership in the best interests of the school, its learners and our communities. Focus on this will continue in order to mitigate any future planned strike action and we remain committed to continuing open dialogue with both the NASUWT and NEU to achieve this.

4. Climate Change and Nature Implications

- 4.1** There are no climate change or nature implications associated with this report.

5. Resources and Legal Considerations

Financial

- 5.1** Employers do not need to pay anyone who is on strike. The NASUWT has confirmed it will be compensating its members at Pencoedtre High School for salary deductions incurred as a result of strike action, this is usually termed 'strike pay'. The details of which will be determined by the trade union.
- 5.2** Some of the actions required to resolve the dispute require additional funding to be identified. Work to address certain internal security measures will be undertaken during the half term break in February 2024 at an estimated cost in the region of £25k which will be met from the Council's education rationalisation reserve.
- 5.3** Costed options for relocating the Successful Futures Centre from the centre of the school to a separate building elsewhere on the school grounds are in development. There is a potential opportunity to draw on Community Focused Schools grant funding to assist with building costs.

Employment

- 5.4** Employment issues are covered in the main body of this report.

Legal (Including Equalities)

- 5.5** The industrial action at Pencoedtre High School is in accordance with Section 234A of the Trade Union and Labour Relations (Consolidation) Act 1992.

6. Background Papers

- 6.1** None.