

TUB 17

Bil yr Undebau Llafur (Cymru)

Trade Union (Wales) Bill

Ymateb gan: Cymdeithas Arweinwyr Ysgolion a Cholegau (Cymru)

Response from: Association of School and College Leaders (Cymru)



## **Consultation on the Trade Union (Wales) Bill**

### **Response of the Association of School and College Leaders (Cymru)**

- 1 The Association of School and College Leaders (ASCL) represents over 17,000 heads, principals, deputies, vice-principals, assistant heads, business managers and other senior staff of maintained and independent schools and colleges throughout the UK.  
ASCL Cymru represents school leaders in more than 90 per cent of the secondary schools in Wales.
2. ASCL understands the the general principles of the Trade Union (Wales) Bill and the view of the Welsh Government on the need for legislation to ensure the continued and effective delivery of public services by dis-applying certain provisions of the UK Government's Trade Union Act 2016 as they apply to devolved Welsh authorities.
3. In response to the specific elements included, we would make the following comments:
4. With regard to the removal in Wales of the 40% ballot threshold for industrial action affecting important public services, we would support the general principle that does not prevent unions from taking properly constituted and balloted industrial action, where all other lines of resolution have failed. However, we would draw the committee's attention to our views on possible unintended consequences (see below).
5. We would fully support the proposed amendments in connection with facility time, and the deduction of union subscriptions from wages by employers.
6. We can see no potential barriers to the implementation of the Bill's provisions.

7. With regard to unintended consequences, we would like to raise awareness that in the event that 40% of union membership was not required to support industrial action, due to the multiplicity of unions within schools, there could arise a situation where a relatively small section of the staff (who are members of a single union), in pursuit of a legitimate outcome could adversely affect the education of all the children within the school.

School leaders could be placed in the unenviable position of having to take a decision whether it is safe to keep a school open when a proportion of the staff are taking industrial action, and other colleagues, who do not wish to undermine the rights of their fellows, are unwilling to undertake the work of those who are taking industrial action. This applies particularly in a secondary school setting where classes are taught by a range of teachers, and where a small proportion of teachers being unavailable can have a major impact.

We are not sure there is any simple solution to this conundrum, but wish to make it clear that the effects of any industrial action at a school have complex and far-reaching consequences that may impact upon the educational progress of our young people.

8. We understand the financial implications of the Bill, and have no specific comment to make on this.

## **Conclusion**

9. I hope that this is of value to your inquiry. ASCL Cymru would be happy to contribute to further discussions.

Tim Pratt  
Director of ASCL Cymru  
February 2017