

IMMEDIATE
29 March 2005

NASUWT SETS OUT STRATEGY FOR CONTRACT ENFORCEMENT

Speaking after her address to delegates at the NASUWT Annual Conference, **Chris Keates**, General Secretary of NASUWT, the largest union representing teachers and headteachers throughout the United Kingdom, said:

“There are now some heads who think they are above the law and are going public on their lawbreaking.

“It is not the responsibility of NASUWT to enforce the law of the land but we will not shirk from seeking to do so.

“This situation cannot be tolerated.

“Heads and governors who flout the law on contractual change are vulnerable to claims for breach of contract and judicial review.

“Where the performance of a school which has not implemented the contractual changes and remodelling is subject to concern through OFSTED or local authority inspection, failure to implement the changes, which are premised on raising standards, should be used as a factor in determining whether intervention by the Secretary of State is required to replace the governing body.

“The contractual changes are part of an agreement to bring downward pressure on excessive working hours. The working time regulations set maximum weekly working time limits. It is a criminal offence if the employer does not take responsible steps to ensure compliance.

“Breaches of the working time regulations and excessive hours may give rise to claims of negligence in civil proceedings claiming damages for occupational stress.

“In addition, I believe the Government should now investigate why employers are not taking action against what, in effect, is unballoted, unlawful industrial action.

“Questions also need to be asked about why governors are failing to address through the disciplinary code non-compliance with the law and the contract. These same heads who are flouting the law would undoubtedly rush to apply the harshest of disciplinary sanctions on any teacher refusing to work to contract, and there would be no shortage of LEAs and governors urging them to do so.

“Such partial and partisan treatment is unacceptable.”

...ENDS...

Press Office: 07976 632 557

Chris Keates, General Secretary
Jerry Bartlett, Deputy General Secretary

Mobile: 07966 202403
Mobile: 07966 202407