

19<sup>th</sup> January 2024

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## **DEPARTMENT FOR EDUCATION CONSULTATION ON MINIMUM SERVICE LEVELS IN EDUCATION**

### **Purpose**

- 1 To consider and agree a response, on behalf of the WLGA, to the UK Government's consultation on minimum service levels in education, brought forward under the Strikes (Minimum Service Levels) Act 2023.

### **Background**

- 2 The Strikes (Minimum Service Levels) Act 2023 gives UK Government Ministers new powers to introduce regulations specifying minimum service levels in a number of public services, including health, fire and rescue, education and transport. This is subject to a statutory duty to consult stakeholders.
- 3 The regulations apply to England, Scotland and Wales and relate to the provision of minimum service levels during strike action using work notices.
- 4 The Department for Education has released a consultation on regulations to specify minimum service levels in education services. [Minimum service levels for education consultation](#)
- 5 The consultation offers proposals around which education settings are in scope and design principles that include the aims of minimum service levels and which staff could be included in a work notice.
- 6 The design principles suggest that when establishing minimum service levels, the objectives need to be balanced with the ability of workforces to strike and that Headteachers are best placed and should have the flexibility to determine appropriate staffing levels, with employers determining which and how many staff are to be included in a work notice rather than Government.
- 7 There is also an expectation that every effort will be made to provide arrangements for remote education for those not attending school and that rotas will be in use for extended periods of strike action, so that all children and young people receive some face to face and on-site education.
- 8 The consultation document proposes options for the establishment of minimum service levels as follows:
  - 8.1 Priority 1 - identifying priority cohorts such as vulnerable children and young people, exam groups and children of critical workers.

- 8.2 Priority 2 - a hybrid approach with all pupils in primary and priority cohorts in secondary and FE settings.

## Proposal

- 9 The UK Government is seeking views on the proposed legislation and it is recommended that the WLGA issue a response. A draft letter is appended for your consideration at Annex 1.
- 10 The WLGA previously issued a statement via social media in respect of the Strikes (Minimum Service Levels) Act 2023 on 15 September 2023, at the request of the WLGA Executive Board:
- 10.1 *The WLGA Executive Board discussed the Strikes Act 2023 and expressed its commitment to working constructively with our trade union partners through well-established social partnership arrangements to make every effort to avoid work notices being issued in Welsh local government.*
- 11 A number of our partners have issued or are in the process of drafting a response to the consultation:
- 11.1 The LGA is issuing a response from its Economy and Resources Board and NEOST (National Employers Organisation for School Teachers) of which WLGA is a part. **CONFIDENTIAL** (not for sharing) draft responses from both groups is at Annex 2
- 11.2 Response from the Welsh Government appended for information at Annex 2
- 11.3 Response from TUC appended for information at Annex 2

## Recommendations

### 12 Members are asked to:

- 12.1 **Consider and agree the WLGA's response to the UK Government's consultation on the Minimum Service Levels in Education, as part of the Strikes Act 2023.**

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**Cleared by: Cllr Rob Stewart, WLGA Workforce Spokesperson**

**Author:** Karen Higgins, Head of Workforce  
**Tel:** 029 2046 8623  
**E-mail:** [karen.higgins@wlga.gov.uk](mailto:karen.higgins@wlga.gov.uk)

The Rt Hon Gillian Keegan MP  
Secretary of State for Education  
Sanctuary Buildings  
20 Great Smith Street  
Westminster  
London  
SW1P 3BT

19 January 2024

### **Strikes (Minimum Service Levels) Act 2023**

I am writing on behalf of the Welsh Local Government Association (WLGA) in response to the Department for Education (DfE) consultation on Minimum Service Levels (MSLs) in the Education Sector, published on 28 November 2023.

The WLGA wishes to express its concern regarding the proposals as the approach fails to recognise and respect the distinct features of our industrial relations landscape in Wales, achieved through well-established social partnership arrangements. The WLGA remains committed to working in social partnership with our colleagues in the Welsh Government and our trades unions in Wales to address matters affecting the workforce, including working proactively and in partnership to secure a resolution to any dispute. Our members are active participants in social partnership fora locally, at a local government level, within education and across our public services and are fully committed to strengthening and working through these arrangements, with our partners, to avoid work notices being issued in Welsh local government.

The WLGA is of the view that current arrangements through the Schools Social Partnership Forum (SSPF), Joint Council for Wales (JCW) and nationally through the National Employers Organisation for School Teachers (NEOST) and the National Joint Council for Local Government Services (NJC for LGS) are sufficient to address our shared challenges in the education sector in Wales and collectively with our partners across the UK. Furthermore, education and Teachers pay and conditions are devolved to Wales and the impact of this will need to be fully considered in any proposed regulations.

Whilst not supportive of the planned minimum service levels, the WLGA acknowledges that any proposed regulations will need the involvement of employers within the sector to ensure they are fit for purpose, deliverable and do not give rise to wider legal or financial risks and liabilities. There is significant concern about the detail of any proposed regulations including any obligations being placed on employers, the practicalities associated with implementation, the disruption to existing partnership arrangements, significant costs and the impact on workloads.

The WLGA is keen to preserve and strengthen industrial relations in Wales by promoting dialogue with our trade unions through social partnership and is concerned at the risk posed by the proposed regulations to undermine and adversely affect these relationships.

Yours Sincerely

Cllr Rob Stewart

WLGA Deputy Leader and Workforce Spokesperson

### **Welsh Government letter regarding Minimum Service Levels in Education**



Letter to the  
Secretary of State for

### **TUC letter regarding Minimum Service Levels in Education**



Joint education letter  
- MSLs - January 2024