

Response ID ANON-K79Z-4QX8-A

Submitted to Minimum service levels in education
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Secretary of State for Education Foreword

Introduction

Background

1 Do you agree or disagree that an education MSL should apply consistently across England, Scotland, and Wales?

No preference

Reasons why you disagree:

Proposals

2 Do you agree with the settings proposed to be in and out of scope?

Disagree (please provide detail to support your response, should you wish)

Please explain why you disagree with the scope:

We would prefer to see all FE & skills providers taken out of scope on the basis that they already make appropriate arrangements for their students in relation to strike action and therefore do not need to be subject to statutory requirements. If however, the government rejects this position and decides to include general FE colleges, then it would be consistent to also include specialist FE colleges, also known as special post-16 institutions (SPIs). While the specialist college workforce is not currently heavily unionised, it is possible that this may change over time, particularly if more multi-academy trusts open specialist colleges.

3 Do you agree with the design principles for the MSL?

Disagree (please provide detail to support your response, should you wish)

Please expand if you disagree:

As they stand, the design principles would not achieve the government's aim to balance the right to strike with protecting children and young people's learning. The entire student body in a specialist FE college would be classed as vulnerable because all students hold an education, health and care plan (EHCP). If a specialist college is to remain open for all students, then it would not also be possible for staff to exercise their right to strike. Specialist college principals would need to be given a great deal of flexibility in determining how best to keep their setting open, including risk assessing which students holding an EHCP, would be least affected by missing a day or more of in-person learning in college. General FE and sixth form colleges would find themselves in a similar position since almost all students are working towards public exams or other external assessments. The degree of flexibility required to enable sensible local decision making is likely to render minimum service levels redundant.

4 Do you agree with the approach to remote education?

Not applicable

Disagree with the approach to remote education (expand):

The information provided in the consultation document and the existing guidance cited appear to relate only to schools.

5 What are the challenges around delivering remote education on strike days?

Please outline any challenges of delivering remote education on strike days:

Many specialist FE college students require in-person, on-site learning in order to benefit from the expert input of staff, including teachers, support staff and therapists and from the specialised facilities and resources located in the college. Their learning is often experiential, meaning that they need to learn in-situ, whether that's in the classroom, workshop, workplace or community. For many learners with cognitive or sensory impairments, conventional forms of remote learning such as use of online learning materials are not accessible.

6 Are you responding with an interest in:

Early Years, Schools, and/or Further Education

Proposal 1: Priority cohorts in schools and colleges

7 Do you agree with the vulnerable children and young people groups identified?

Disagree (please provide detail to support your response, should you wish)

Please expand on why you disagree with the vulnerable children and young people groups identified, including if we have missed any groups:

If all learners with an EHCP are automatically categorised as vulnerable, then staff in specialist settings would not be able to exercise their right to strike.

8 What impacts on a) their welfare and wellbeing and b) attainment does missing a day or more of school or college due to strike action have on vulnerable children and young people?

Please describe the impacts of missing a day or more of school/college due to strike action on vulnerable children and young people:

While it is not desirable for a student with an EHCP to miss any time at school or college, a single day or a few days will not necessarily be harmful for all and careful planning can be taken to reduce the negative impact on both welfare and attainment for many. There will be some students, for example those who benefit from a clear routine, who will be more negatively affected than others. This is why we would recommend that college principals, who know their students' needs, are permitted to make their own decisions about how best to continue to meet student need during any strike action.

9 What impacts have strikes had on exam delivery and/or students' preparation for exams and assessments?

Please describe the impacts strikes had on exam delivery and/or students' preparation for exams and assessments:

We are not aware of any impact associated with strike action on students' preparation for exams and assessments in the specialist college sector.

10 Do you agree with the proposal for exam groups?

No preference

If you disagree or consider this would pose significant delivery challenges, please explain:

Given the relatively low numbers of students taking exams in the specialist college sector, we do not feel well-placed to comment. However, we would advise the DfE to take heed of the responses from AoC and the SFCA who will have a more informed view on the impact of the proposal for the FE sector as a whole.

11 Which exam year students should be prioritised for attendance on strike days (please tick all that apply):

Unsure

If you have selected 'Other' please expand:

Given the relatively low numbers of students taking exams in the specialist college sector, we do not feel well-placed to comment. However, we would advise the DfE to take heed of the responses from AoC and the SFCA who will have a more informed view on the impact of the proposal for the FE sector as a whole.

12 Do you agree with the proposed list of critical workers?

Agree

Please explain why you disagree with the proposed list of critical workers:

13 Do you agree that, in two-parent households, both parents should be critical workers in order for a child to be in scope?

No preference

Please expand if you disagree:

14 Do you agree that children of critical workers up to, and including, year 7 only should be in scope?

No preference

If you disagree, please provide further detail:

15 [For critical worker respondents only] How easy is it to arrange alternative childcare on school strike days?

Not applicable

16 Do you agree with the three priority cohorts proposed?

Disagree (if you disagree, or believe other cohorts should be included, please state which ones and why)

If you disagree or believe other cohorts should be included, please state which ones and why:

If defined as currently, we disagree with the 'vulnerable' cohort on the basis that including all learners with an EHCP would preclude specialist setting staff from taking strike action, as all learners would be entitled to attend. If applied to FE settings in the same way as to schools, requiring a setting to admit all in an 'exam' cohort would result in a similar situation for most FE providers.

17 What would need to be in place to deliver this proposal? Please consider the number of pupils and students that would be covered by this MSL proposal, how many members of staff you would need and any other delivery considerations when answering this question.

If you answered yes, please expand:

It is not possible for us, as a membership body, to answer this question. The size and make-up of the student cohorts across individual member colleges is too varied to give even an approximation of numbers.

Proposal 2: a hybrid approach (all pupils in primary and priority cohorts in secondary and FE settings)

18 What is your experience of the impacts of strikes on children aged 4-7 (KS1)? If not applicable, please specify 'not applicable' in the box.

Your experience of the impacts of strikes on children aged 4-11:

Not applicable

19 What is your experience of the impacts of strikes on children aged 7-11 (KS2)? If not applicable, please specify 'not applicable' in the box.

Experience of impact on KS2:

Not applicable

20 What would need to be in place to deliver this proposal? (Please consider the number of pupils that would be covered by this MSL proposal, how many members of staff you would need, and any other delivery considerations when answering this question)

If you answered yes, please expand:

Not applicable

21 Do you prefer proposal 1 or proposal 2?

Neither

Use of rotas for extended periods of strike action in proposal 1 and proposal 2

22 Do you agree with the use of rotas in schools and colleges during prolonged strike action?

Not applicable

If you disagree, please explain why:

We would prefer government to leave individual college principals to determine how best to balance meeting learner need with respecting the right of staff to strike.

23 In relation to the use of rotas, do you think that five consecutive days of strike action is the right period of time at which to implement rotas?

Not applicable

Please expand on the duration of strike action before implementing rotas:

We would prefer government to leave individual college principals to determine how best to balance meeting learner need with respecting the right of staff to strike.

Workforce implications for schools and colleges

24 [For employer respondents] What number or proportion of your workforce would be required in your setting to deliver these options? Please provide information on the types of staff and roles required. Please indicate 'Not applicable' if you are not an employer.

Proposal 1:

Not applicable

Proposal 2:

Not applicable

25 Please indicate which part of the survey you would like to respond to next:

My interest is specifically in early years, schools and/or further education - I would like to skip questions about higher education

Consultation questions

43 Are you responding to this consultation as an:

Organisation, for example, a school, college, university, union or local authority

44 If you are responding as an organisation, would you prefer your response to remain confidential?

No

45 If you are responding as an organisation, are you responding as:

Other (please specify)

Other type of organisation (describe):

A membership body for specialist further education providers

46 Are you responding to the consultation with an interest in:

Specialist post-16 institutions

Other interest (describe):

47 If you are responding as an individual, are you responding as:

Not applicable

Other interest (describe):

48 If you are responding as an employer (i.e. a higher education provider, school or college), how many employees does your organisation or trust have:

Not applicable

49 If you are responding as an organisation, where is your organisation based?

East Midlands

Impact of the policy

50 Are there groups of people, such as (but not limited to) those with particular protected characteristics, who would particularly benefit from the proposed minimum service levels for education services?

Groups of people who would particularly benefit from the proposed minimum service levels for education services:

While it will be more important than for their non-disabled peers for some disabled young people to have continuing access to college during strike action, we believe college principals are well-placed to ensure this for the students in question, without the need for minimum service level agreements.

51 Are there particular groups of people, such as those with protected particular characteristics, who would be particularly negatively affected by the proposed minimum service levels for education services?

Groups of people who would be particularly negatively impacted by the proposed minimum service levels for education services:

Although we do not have any figures to support this, it is our hypothesis that there is a higher proportion of disabled staff in specialist settings than in mainstream (for example, schools and colleges for deaf and visually impaired learners typically have some deaf and visually impaired staff). The proposals would make it very difficult for staff in specialist settings to take strike action. It follows, therefore, that disabled staff would be over-represented in the group whose right to strike is being compromised.

Data Protection

52 Would you like us to keep your responses confidential?

No

Reason for confidentiality: