

The New Union - If we act in haste will we repent at our leisure?

In looking at the proposals for establishing the new union, the Socialist Party members in the NUT start from the position that we are in favour of anything that strengthens the organised voice of teachers and school workers in order to confront the challenges we face in terms of pay, workload, cuts and academisation. **However this cannot be at any cost, and must not be unnecessarily rushed.**

NUT members have had to fight over a number of years to protect the democracy of our union, often in the teeth of opposition from the old right wing. Therefore, we must not act in haste and find ourselves in a worse position than when we started.

Let's not forget that the NUT is not some junior partner in these talks, desperate for the merger to solve some financial or organisational crisis. As such we can take our time to ensure it's a good deal for the members on the ground.

In the last few weeks, NUT associations have been presented with 50 pages of the terms of the proposed amalgamation, the transitional arrangements and the proposed rule book. In reality, associations have not had sufficient time to consider, examine, and debate if they are satisfied with the proposed terms of the merger.

Many associations have been unable to hold meetings to even discuss this; such is the extremely tight timescale that we have been presented with. This is despite the fact the documents have been in the hands of the national union for some time. In fact, national executive members have had the documents for some weeks but have been "instructed" that they cannot share them. This alone should raise questions. Why the secrecy? Why the rush?

We have highlighted below some of the problems we have identified with the proposals that are before you today, and why we believe that more time is needed to seek to negotiate the terms of the merger before going to a full ballot.

■ Who will be leading the new union in the interim period, and what powers will they have?

Under the proposed rules, enormous power to run and dictate the direction of the two sections of the new union will be vested in the 'Joint Executive Council' right up until 1st January 2019. **"The government, management and control of the union shall be vested in the Joint Executive Council"** (transitional rules 3.1).

Therefore, it is important that the NUT's voice is not unfairly diluted in this process, and the voice of fighting executive members are not undemocratically removed.

Unlike other union mergers, such as UNISON and UNITE, where all the existing elected members of the various union executives were members of the new interim executive with voting on a basis proportional to the size of the union, that is not what is being proposed here.

■ So what will the NUT's voice look like under these proposals?

The NUT has nearly three times the membership of the ATL. Yet the proposed Joint Executive Council (JEC) is to be made up of just 18 NUT and 12 ATL (**See Section 9 instrument of 'Amalgamation and transitional rules' 3.4**).

That would mean the NUT will have one JEC member per 18,000 members, and the ATL one JEC member per 10,000 members. Why? It can't be a question that the executive will be too big. The current NUT executive is 40, and going forward it is suggested the new merged executive will be made up of 77 members - more than twice the size of the proposed interim Joint Executive Council!

The current remaining national executive members of the NUT, whilst they will continue in their position, will be relegated to second-division NEC members.

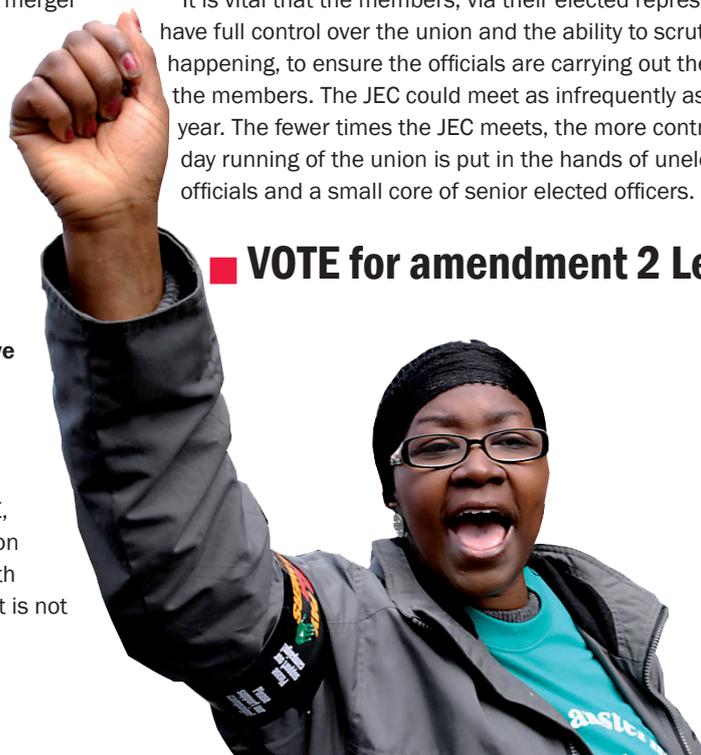
■ Who will decide who is on the Joint Executive Council?

Will it be the members? NO! Currently, we the members get to elect our executive members. Under the new proposal, it will be the executive **itself** that will get to elect just 18 of its members. In one stroke, the current executive will relegate over 22 NEC members, who were legally and democratically elected by the members in their electoral area, to a much lesser role!

Will it be the case that those NEC members who have stood up and demanded the union fight are the ones who happen not to be selected for the JEC?

It is vital that the members, via their elected representatives, have full control over the union and the ability to scrutinise what is happening, to ensure the officials are carrying out the wishes of the members. The JEC could meet as infrequently as six times a year. The fewer times the JEC meets, the more control of the day to day running of the union is put in the hands of unelected full-time officials and a small core of senior elected officers.

■ VOTE for amendment 2 Lewisham





The new union rules - What has been added in and taken out?

■ Industrial action

NOW IN

*The objects of the union shall **so far as they may be lawful**, be to educate organise influence and negotiate as follows (1.2 transitional rules and rules for new union post-1st Jan 2019 - 2.1)*

No such rule exists within the NUT. In fact, there is no such rule in the ATL rule book. The only reference is to “protect and improve the status and to further the legitimate professional interests of members involved in the delivery of education.”

Whilst no one is suggesting that we want to go around breaking the law for the sake of it, why would we unnecessarily tie our hands?

The government has just introduced a law that would mean even if the majority of members voting in a ballot for strike action vote yes, they can be denied the right to strike. Are we simply going to say on **all** occasions “it’s the law and there is nothing we can do about it because of the rule book”?

Because of the Trade Union Act, UNITE has just removed such a rule from its rule book. Yet we are being asked to add one in!

There are some in the government who would like to bring in

a law that would ban strikes in “essential public services” like teaching. Would we simply say, “well if it’s the law, we have to accept it, because of the rules?”

Such a rule does exist within the UNISON rule book, and it is regularly used to ban debates at their conference - let alone taking action against government legislation.

NOW IN

New rule 9.3 states that the new union **recognises the right of members not to be compelled to take part in strike action**. Whilst it is true to say that this is the legal position, neither union currently has this in its rule book. So why be so explicit in our new rule book?

NOW IN

The Joint Executive Council’s powers shall include authorisation to conduct a ballot for industrial action **but only following an indicative survey of members showing that such a ballot is likely to be successful and meet the legislative requirements**. (Instrument of amalgamation and transitional rules 3.3, and section 9.1 national rules of the national education union effective from 1 January 2019)

We already have the most restrictive anti-union laws in Europe. For members to lawfully strike, they have to jump through more hoops than a Billy Smart circus act as it is.

From taking a vote at a meeting to being balloted, it is already literally weeks before we can take action. Why would we want to enshrine in the rules a built-in further delay? Yes, we routinely conduct an indicative ballot before balloting formally, and of course no one would go to a ballot if we thought we’d lose it, but this is a judgement call to be made in the circumstances on the ground.

With the Tories’ attacks we need maximum flexibility.

The right to change the rules of the union

Some people agree that there are problems with the rule book but that we can simply change them at a later date, after the formation of the new union.

Currently, NUT members can change the rules of the union by a simple majority vote at the annual conference. But under these proposals, **alteration to rules requires 2/3 majority until 2022** (Rule 21.1). This means for the first six years after amalgamation, a minority can dictate to the majority.

New rules for new union post-1 Jan 2019

12.1 The Executive shall meet eight times a year

This will mean that the executive, will meet less frequently, giving it less time to debate and hold the union to account.

13.9 Candidates for posts of General Secretary and Deputy General Secretary (Policy)

The leadership of our union, and any new union, should be seen as a privilege and an honour - not a career move.

The new proposed rules would mean you don't have to be or have been a member of any of the unions - in fact, you don't have to be or have been even an official of one of the unions. You will now simply be eligible for the post, as long as you were a union member or official - from anywhere.

Surely we want a position where we have union leaders that come from our own ranks, who have worked in education, who know and have experienced the problems we face, and have shown they have been part of building the union.

From reading the rules it is apparent that, while one Deputy General Secretary (Policy) will be elected, there will be one appointed DGS. It is still unclear how they will be appointed and held to account by the membership of the union.

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WORKLOAD - ENOUGH IS ENOUGH



We need and
can win a new
National Contract
for ALL teachers!

In the middle of half term, the government quietly ditched its Education Bill, removing proposals around forced academisation. They withdrew powers for government to move against local authorities deemed failing or 'not viable'.

It's the latest in a series of u-turns from the government, and shows the disarray at the heart of the Tories post-referendum. It should give teachers confidence that we can win on other key education issues. Those schools that wanted to 'jump before being pushed' need to be reminded of this, but inevitably some heads and governing bodies will still voluntarily go down the academy route.

The proposal for new grammars, if allowed to go through, will further intensify the fragmentation of schooling. The threats to funding loom in many places, regardless of their status.

The union's work on highlighting potential funding cuts school by school, alongside the threat to national pay and conditions, proved the necessity of national strike action. Our strike in July aimed to unite our members in academies, LA and free schools behind common demands to tackle these issues. We believe the clearest

demand which unites us is for a legally binding National Contract for all teachers, funded to meet the needs of the workforce and students.

A recent flurry of newspaper articles, and a special session of the Education Select Committee, reminded us of what we knew already - teachers are being forced out of the profession in record numbers. 30% of 2010 NQTs had left by 2015, and many current teachers are looking for the exit.

This is not new. Yet still solutions are generally lacking at school, LA/chain or government level. The use of unqualified teachers continues to rise.

Overwhelmingly it is workload which is pushing people out. Micromanagement and excessive monitoring, alongside denial of pay progression for those deemed not to meet 'the standard', contribute to the exodus.

The recent announcement that teachers' pay will be held down for another year will do nothing to ease the situation. The Guardian article showing that teachers across the country struggle to get on the housing ladder shows just how bad things have got.

For primary schools, we cannot tolerate another year of endless pressure for both staff and pupils to achieve unachievable government targets. This is why the SATs boycott must become a reality.

We need legally binding limits on workload and time working; fixed pay scales we can live on, with guaranteed progression, and other minimum conditions.

The NUT's workload campaigns can help to provide the opportunity to establish these limits, like the two-hour-a-day limit set by Nottingham Education Improvement Board in the voluntary Fair Workload Charter, and give school staff a proper life-work balance.

However, it must not be left to be fought area by area.

That is why we are supporting the launch of a Campaign for a National Contract for all teachers. We need to leave conference in 2017 with a clear plan to concretise these proposals.

■ If your association is interested in working together to lay down the foundations for this crucial campaign, then contact us at info@socialistparty.org.uk.

socialistparty.org.uk