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## WHAT IF THE EMPLOYER SAYS NO?

Cost of living increases are being blocked for school teachers in England due to the unjustified pay freeze. Other educators face below-inflation pay increases. All educators will see the real value of their pay cut, as inflation increases. But the attacks on the real value of pay don't mean that we can't make gains on pay. This document focuses on pay issues other than cost-of-living increases – for example, pay progression for eligible staff and ensuring educators receive appropriate additional payments for the responsibilities they undertake. These issues must be considered separately and in addition to cost-of-living pay increases.

Asking for steps to be taken on these pay issues can be daunting, but educators have worked incredibly hard under the most difficult circumstances during the global pandemic, and for years before to provide the best teaching and learning to children and young people.

When you approach your headteacher to discuss a pay increase, you may be presented with a number of reasons for this request being declined and you will need to enter into negotiation. You will need to think about, and discuss with your members how you will approach this negotiation. Having some facts and figures ready for discussion will show the employer that NEU members are well informed and serious about this issue.

Prepare for negotiation:

### Negotiation tools

- You are not alone. Talk to your colleagues and find out what they know. Are they aware of the pay policy (if you have one) and what it means?
- Do NEU members feel they are being treated fairly?
- Are there any signs of discrimination?  
Gender pay gap data- any employer with more than 250 employees must produce a gender pay gap report. Good employers will also report on the Race, Disability and LGBT+ Pay Gap too. Map out the pay disparities in your workplace by the information described below and by talking to your colleagues. Good employers will also report on other areas too such as , race, LGBT+ and disability. A workplace map will help to highlight any areas of discrimination.
- In MAT and independent schools, what are the SLT getting this year?

### Requesting Pay Progression data and understanding equality issues

Collecting data from your workplace will help you to identify whether policy and practice in your school is leading to unequal pay. As a representative of a recognised trade union you are entitled to receive information for collective bargaining purposes, including pay progression data.

Reps and officers should use our model request letter and template Excel Spreadsheet to make the request.

The information sought covers:

- The number of teachers eligible to be assessed for pay progression in September (current year).
- The numbers who received progression, were denied progression or (where relevant) did not apply for progression.

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- Breakdowns by pay scale point, sector of school and personal characteristics such as gender, ethnicity, full/part time status, sexual orientation, maternity leave etc.

Assess the data to identify any areas of discrimination against those with protected characteristics and raise this with the employer. Under the Public Sector Equality Duty (see below) the employer has an obligation to review practices that discriminate. NEU reps should play a part in this process and seek agreement from members before changes are agreed.

For further guidance on requesting and analysing pay progression data see: [Collecting pay progression data – a guide for officers and reps](#)

### Talk to your members

A strong NEU workplace group of members that share knowledge and know their rights is the most powerful of all negotiation tools. Share all the information you have gathered with the union group and find out how your members feel. Decide as a group how you will respond to the employer and agree a position before going back to the negotiating table. If the employer makes an offer, take it back to the member and ask them to vote to accept or reject it.

- Be sure to advise members that the government pay freeze does not mean they don't get anything this year. Share the guidance document and talk about what to do next
- What are members prepared to do about this – how strongly do they feel?
- Agree a position before you meet with the employer
- Keep pushing through a workplace campaign. Maintain a dialogue with the employer and the union group. Find out what the barriers are and how you will get past them – this could be a petition or some other form of collective solidarity.
- Include your membership group at every stage of the process; keep them informed of the negotiations and encourage their input to approve changes so that everyone is fairly represented, and nobody suffers a detriment due to a protected characteristic.

## Public Sector equality duty

### Gender pay gap

The Equality Act 2010 (Special Duties and Public Authorities) Regulations 2017 obligates reporting on [The Gender Pay Gap](#). Organisations in the public sector, and those with more than 250 employees in the private sector must publish gender pay data before the extended deadline of 5th October 2021 (due to the pandemic), and ordinarily by 30th March each year. Use this in your negotiation to highlight the employers duty to address the disparity between pay for women compared to men. Good employers will also publish data relating to the disparity of pay between Black\* and white employees. The Gender Pay Gap and [Equal Pay](#) are not the same thing, but they are linked. The pay gap cannot be closed until women are afforded the same opportunities and rates of pay as men.

Your school or college should have a statement on how they seek to meet their responsibilities under the Public Sector Equality Duty, often referred to as an Equality Policy or Equality Statement. Check what this policy says and remind the employer of their obligations. If your workplace does not have a policy, talk to you head about adopting the [NEU Equality Model Statement](#)