



Support staff workload in the Independent Sector

NEU Guidance for Support Staff Members

The NEU believes that the increase in the quantity and complexity of work for school support staff has now reached crisis point. This advice is designed to help those working in independent schools to deal with this unmanageable workload.

Member surveys, official casework and feedback from NEU branches all show beyond doubt that a combination of financial constraints, increased management expectations and the increase in pupil numbers have all combined to place unmanageable burdens on support staff of all types.

Overtime, TOIL and contracted hours

The working of additional unpaid hours by support staff is a major area of concern for the NEU. This hidden subsidy to the educational system is extracted from some of the lowest-paid workers in our society, who often feel powerless to challenge the abuse of their goodwill and professionalism that it represents.

The NEU's 2018 survey of support staff members in the independent sector provided stark evidence of this subsidy:

- 38% of members only get to take a 20 minute break (or less) in any given day.
- 29% work at least four additional hours per week.
- Most members (63%) who work additional hours are not recompensed for them.

Breaks

The importance of taking regular breaks cannot be overstated. Whether it is a short break to relax and recuperate over a hot drink, a proper lunch or meal break without interruptions, or daily and weekly rest periods for shift and night workers, the law and your employment contract will provide guarantees on breaks from work.

Short breaks - for most support staff, short morning and afternoon breaks are stipulated in the employment contract. Unfortunately, most of the time, these breaks are unpaid, but on a positive note, this means that support staff should take these breaks in full, as by not doing so, they are not only depriving themselves of a necessary period of rest and recuperation, but they are working for free.

Some employment contracts will specify that the breaks are paid, and again, staff should ensure they take their breaks without interruption.

And some employment contracts will be silent on the question of short morning and afternoon breaks, but such breaks have been in place for a considerable time. This **can** be defined by law as 'custom and practice', which means that just because there **is no** written reference to the policy on breaks, staff may still be entitled to take those breaks because of this long-standing practice. Like most questions **of** employment law, 'custom and practice' is a matter of interpretation, so if your employer attempts to call time on your morning and/ or afternoon break, talk to your NEU Rep.

Lunch and meal breaks - again, the key document will be the employment contract, which must specify the length of the breaks, and whether it is paid or unpaid. The legal minimum is 20 minutes, if the daily working span is more than six hours, and this break must not come at the beginning or end of the day.

As with short breaks (see previous section), 'custom and practice' may be relevant in respect of the length and payment of breaks.

NEU recommends that a lunch break should be a minimum of 40 minutes.

Daily and weekly rest periods for shift and night workers

The legal requirements for rest periods were established in 1998 with the establishment of the Working Time Regulations (WTR). They were introduced with the specific purpose of protecting a worker's health and safety by discouraging excessive working hours.

The regulations contain the following provisions:

- A limit of 48 working hours per week (averaged over 17 weeks or 26 weeks in residential institutions).
- A daily rest of at least 11 consecutive hours in each 24 hours.
- A minimum weekly rest period of at least 24 hours in each seven-day period.
- 28 days' annual leave (inclusive of bank holidays).

In the case of the weekly working hours limits only, individual agreements are possible between worker and employer to opt out of the standard 48-hour limit. These agreements have to be in writing and contain a notice clause of no more than three months, and the employer in these cases must keep records of hours actually worked by the individuals concerned.

Display screen equipment (DSE) breaks. For many school support staff e.g. administrators, examination officers, PAs, the constant use of their PC is an occupational necessity, and one which brings with it various health concerns.

The legal position is laid down in the Health and Safety (Display Screen Equipment) Regulations 1992. Regulation 4 is concerned with the daily activities of users, and states:

“Every employer shall so plan the activities of users at work in his undertaking that their daily work on display screen equipment is periodically interrupted by such breaks or changes of activity as reduce their workload at that equipment.”

The guidance accompanying the regulations states:

In most tasks, natural breaks or pauses occur as a consequence of the inherent organisation of the work. Whenever possible, jobs at display screens should be designed to consist of a mix of screen- based and non-screen-based work to prevent fatigue and to vary visual and mental demands.

Where the job unavoidably contains spells of intensive display screen work (whether using the keyboard or input device, reading the screen, or a mixture of the two), these should be broken up by periods of non-intensive, non-display screen work. Where work cannot be so organised, e.g. in jobs requiring only data or text entry requiring sustained attention and concentration, deliberate breaks or pauses must be introduced.

It is not appropriate to lay down requirements for breaks which apply to all types of work; it is the nature and mix of demands made by the job which determine the length of break necessary to prevent fatigue. But some general guidance can be given:

- Breaks should be taken before the onset of fatigue, not in order to recuperate and when performance is at a maximum, before productivity reduces. The timing of the break is more important than its length.
- Breaks or changes of activity should be included in working time. They should reduce the workload at the screen, ie should not result in a higher pace or intensity of work on account of their introduction
- Short, frequent breaks are more satisfactory than occasional, longer breaks: e.g. a 5-10 minute break after 50-60 minutes' continuous screen and/or keyboard work is likely to be better than a 15-minute break every two hours.
- If possible, breaks should be taken away from the screen.
- Informal breaks, that is time spent not viewing the screen (e.g. on other tasks), appear from study evidence to be more effective in relieving visual fatigue than formal rest breaks.
- Wherever practicable, users should be allowed some discretion as to how they carry out tasks; individual control over the nature and pace of work allows optimal distribution of effort over the working day.
- Employers should carry out a risk assessment of workstations, to ensure that the equipment, furniture and work environment are all suitable. The risk assessment should also address the need for adequate breaks away from the screen.

Continuing Professional Development (CPD)

The importance of regular, quality training for all education staff cannot be overstated. Confident and productive staff who are fully comfortable in their role will almost inevitably be well-trained staff. Problems relating to stress and workload can

often be traced back to the lack of a well thought-out and properly funded in-house training programme, supplemented by access to external training where necessary.

Unfortunately, when it comes to organising and funding training and CPD events, support staff are often overlooked. Priority is generally given to teacher and management CPD, with the support staff being involved as an afterthought, if at all. NEU believes INSET days should be used to organise either joint teacher-support staff training or separate support staff events. Also, funding for external training should be made available for support staff. Finally, particular help should be considered for support staff to achieve an appropriate level of basic skills, e.g. in maths and English.

NEU's nationwide network of Union Learning Reps (ULRs) can also be used to run school or local training events. An increasing number of NEU support staff members are becoming ULRs, and are ensuring that events relevant to support staff are organised.

Trade union rights

The previous sections of this advice have focused on the arguments available to tackle the long-hours culture for support staff in the independent sector. However, without a strong collective voice in the workplace, enforcing existing rights, including legal ones, can be very difficult.

This is why a strong NEU membership base is the vital starting point for addressing the workload pressures faced by you and your colleagues.

It is likely that in your school, most of the teachers will be members of NEU or another teacher trade union. But it is also equally as likely that only a minority of your support staff colleagues will be NEU members – and NEU is the only union who seek to represent support staff in the independent sector.

No wonder that support staff are often treated almost as second-class citizens compared to their teaching colleagues, as the workload burden can be piled on to them without any collective response from the staff affected.

The old adage 'unity is strength' has therefore never been more apt for support staff in the independent sector. By recruiting and organising your colleagues into the NEU, you will be giving yourself the best possible route to tackling excessive workload, and any other problems you may have.