

AEP Industrial Action – Guidance for PEPs



What is the industrial action all about?

The AEP has balloted its members on industrial action regarding the significantly below inflation 2022 pay offer from the employers represented by the Local Government Association as part of the Soulbury Committee.

The AEP took the difficult decision to reject and dispute the pay offer because of the potential threat it poses to our profession, namely the recruitment and retention crisis.

Where a mandate for industrial action was achieved, AEP members will be called to strike and/or take action short of strike. Employers will be notified as to which local authorities are affected and the dates of industrial action.

As PEPs, you may be asked questions about any industrial action affecting your service. In the first instance, it will be important that you maintain an open dialogue with your employers, colleagues and the wider community.

To assist you in this dialogue, here are key points as to why EPs are taking industrial action.

- There is a critical national shortage of EPs.
- 80% of local authorities are reporting recruitment difficulties (DfE, 2023).
- Children and young people do not have equitable access to an EP when they need one.
- EPs are facing burnout due to high workloads and staff shortages.
- EPs have seen their pay cut by 17% against inflation in the last decade.

AEP members who take industrial action will be doing so to save their local authority EP service. They will be standing up for the future of the EP profession, to make sure that seeing an EP is not down to families being able to afford one or a post code lottery.

The industrial action is to raise public awareness of the crisis in local authority educational psychology services. The aim is to push, not only for fair pay, but also for a change in the system that is failing children and young people and placing impossible pressures on EPs.

How can I manage the work of the service during industrial action?

If AEP members in your service take industrial action, they are likely to turn to you (or their line manager) to explore how they manage their work.

Strike action

In the instance of a strike day, work already in an EP's diary **will not happen and may need to be rescheduled**. You may need to communicate to settings or other departments in the local authority that there will be resulting withdrawal or delays to the provision of key services.

While the local authority will be given at least 14 days' notice of any industrial action, this will be based on numbers of AEP members in the service and their job roles. Individuals will not be identified in this notification. Individuals do not need to give advance notice that they will be on strike, although they need to inform employers of their absence on the day, most likely in the same way that they would provide notification of a sickness absence, although you may ask them to email a specific person, depending on your normal absence notification protocols.

If the EP has been subpoenaed for a tribunal as a witness for that day, they must attend (as not doing so will be breaking the law). We will be advising our members of this situation.

You may also need to plan to cover emergency services such as critical incident support. It will be best practice to make such arrangements in consultation with staff and/or the local AEP rep.

Agency staff are not permitted to cover the work of striking employees (as per High Court ruling, 13 July, 2023).

The AEP will further instruct members not to 'make up' for lost time by working additional hours outside of strike day/s. Decisions will therefore need to be made regarding the re-prioritisation of tasks.

Action short of strike

In the instance of action short of strike, members will be called by the AEP to only work their contracted hours each week for a stipulated period. We know that EPs often work additional hours to prepare for work, meet deadlines or produce timely reports. The AEP will be asking members to withdraw this good will over the course of the action short of strike period. The result is likely to be missed deadlines and there will be a need to re-prioritise work (i.e. certain tasks will not be possible). Decisions around prioritising work should be made according to local need. However, activities essential to HCPC proficiencies, like supervision and CPD, must remain protected.

Can I participate in the industrial action?

If you are a member of the AEP, and a mandate was achieved for your workplace, you have the right to withdraw your labour and may choose to join colleagues in the industrial action. You will need to negotiate with your line manager any reprioritisation of work in the same way as other members of the AEP will do with their line manager.

Are there any legal issues I need to be aware of?

It is recommended that you check local policies around industrial action.

ACAS (Advisory, Conciliation and Arbitration Service) provides useful information for employers in relation to strike action: <https://www.acas.org.uk/strikes-and-industrial-action/strikes>

They also have a helpline where you can ask them any questions you might have: **0300 123 1100** (open Monday to Friday, 8am to 6pm).

The government also gives information: <https://www.gov.uk/if-your-business-faces-industrial-action>

What support is available to me?

There is a chance that you will receive some challenge from your employer, especially under current conditions where services are strained. You may have already received such challenges without industrial action taking place.

If you are an AEP member, we will provide assistance as and when you need it. This may range from answering a question you might have to more substantial support. Email enquiries@aep.org.uk with concerns – however small or significant.

Your workplace should further have support structures in place if your wellbeing is affected at this time. You should also raise any situations where you feel you are treated unprofessionally or unfairly by colleagues or managers according to local procedures.