

Oasis Community Learning - A study of working together with trade unions during the coronavirus pandemic

1. This case study sets out how Oasis Community Learning (OCL) and the workforce trade unions have worked together since the onset of the coronavirus pandemic.

Chronology of key events

2. On 17 March 2020, prior to the national lockdown, OCL wrote to the workforce to make key amendments to its attendance management policies, to disapply absences linked to the coronavirus pandemic in respect of triggering action under the attendance management policy.
3. OCL also made the following changes to its sick pay arrangements for employees at the same time:

Employees would be paid full pay even if they were not normally entitled to contractual sick pay, or had exhausted their current entitlement if:

- They had been asked by the employer to stay away from the workplace and self-isolate;
- They were self-isolating because they, or someone they live with, had symptoms; or
- they were self-isolating in response to medical advice from NHS 111, their doctor, or a local health protection team.

4. In addition OCL made provision for a potential increase in dependants' leave: All staff had the option of up to 5 working days paid leave for emergency dependent care leave, regardless of whether or not they had used any of this discretionary allocation in the last year or not.
5. OCL further made changes to bereavement leave: OCL will pay the 2 weeks bereavement leave at full pay for any staff that are parents or the legal guardians of any child under the age of 18 regardless of continuous service or average pay. OCL also granted up to 15 unpaid working days as well. OCL further authorised full paid leave for up to 5 working days in the event that a staff member's parent, grand child, sibling, grandparent or partner died, in addition to 15 unpaid working days' leave also.
6. These policy changes also applied to long term agency staff.

7. The intention was that the HR policy changes were for an initial six week period, but the changes have remained in place throughout the pandemic and continue to be so.
8. Finally, OCL agreed to flexible working arrangements, so that staff who could work at home were able to do so and staff could avoid travelling on public transport at the busiest times.
9. Shortly after this change in policy was announced, the national lockdown occurred and Oasis schools were closed to all but key workers and vulnerable children on 23 March 2020.
10. The majority of Oasis pupils received their education online and OCL responded to this by setting up weekly online JNCC meeting from 27 March 2020 onwards to consult with the unions over online learning practices. A large number of senior OCL staff attended the weekly JNCC meetings, including the OCL CEO.
11. Initially, Oasis staff did not undertake home visit, but when it became clear that OCL would need to work in partnership with local authorities over the safeguarding of vulnerable children, OCL consulted the unions over a home visits policy, management guidance and the home visit risk assessment (1 April 2020).
12. OCL reached agreement with the unions that long-term agency staff would remain on full pay until 30 April 2020, when many of these staff began to be furloughed, provided that they were in employment on 28 February 2020.
13. In April 2020, OCL also reached agreement with the unions that for teaching staff on main, unqualified and leadership scales, they would automatically increment to the next point unless they are on formal capability, top of scale or have less than 1 terms service with OCL.
14. By May 2020, Government policy of wider school re-opening became clear and OCL consulted on wider school re-opening and a wider school re-opening risk assessment. OCL also republished a joint statement with the unions on working together during the coronavirus pandemic which had previously been jointly issued with the NEU in March 2020.
15. Also, in May 2020, OCL issued a proposal on working jointly with unions on the management of health and safety risk during the coronavirus pandemic, in preparation for imminent wider re-opening of school. Agreement was reached in June 2020 on a policy which established three tiers of weekly health and safety meetings:

- School level health and safety meetings;
- Regional health and safety meetings;
- National health and safety meetings.

The risk management process involved detailed risk assessments and risk trackers, with any cases of disputes between the unions and OCL potentially being referred to the JNCC. In addition, school safety representatives were provided with reduced timetables to enable them to discharge their role and a joint statement between the employer and unions was agreed over the role of school trade union safety reps and the priority which schools should give to them in discharging their role.

16. A mark of success in the health and safety risk management approach adopted by OCL was that OCL consistently adopted higher health and safety standards than those mandated by the DfE, including in respect of covid controls such as social distancing and PPE equipment. This included the use of face coverings in Oasis schools in circumstances where the DfE's guidance was that these were not obligatory.
17. An important tier of consultation within OCL, which was initiated prior to the pandemic, but was developed during the pandemic, were the regional workload and well-being working parties. These clustered together OCL schools on a regional basis, to enable a focused discussion about the management of workload to occur on a school by school basis. Early on in the pandemic, OCL had agreed the principle that teachers should continue to be managed in accordance with their contractual terms and conditions, with classroom teachers being subject to directed time of 1265 hours and 195 days. OCL also agreed a directed time calculator tool with the unions and these were used to survey schools' directed time on an individual basis. Consultation directed time calendars took place with school representatives at individual school level and also in the regional workload and well-being parties.
18. Other workload matters, such as adherence to the principles set out in the DfE independent workload review groups and the DfE's publication 'Making data work' were also covered by the independent workload review groups.
19. On 25 August 2020, Oasis issued a statement to the workforce about the importance of health and safety committees in advance of fuller school re-opening. This was agreed with the unions and promoted strongly the role of trade union safety representatives
20. In January 2021 another national lock down began and schools returned to the education of key worker and vulnerable children until schools re-opened on 8

March 2021. The JNCC continued to meet weekly and consider detailed reports on staff and pupil coronavirus infections, risk management measures and issues relating to online learning.

21. In the Spring of 2021, OCL took steps to ensure that as many pupils as possible could continue to learn online via the Horizons ICT devices roll-out programme. OCL reached agreement with the unions on the terms by which staff were allocated with the devices.
22. Following discussions about performance related pay (PRP) on the JNCC, OCL decoupled pay progression and appraisal for the 2019/20 and 2020/21 school years, confirming this to the workforce in September 2021. However, a long-term change to pay progression was agreed in early 2022, which saw OCL confirm that, with the exception of the threshold to the upper pay range and the pay progression of teachers in formal capability procedures, pay progression would not be linked to performance.
23. In the Spring Term 2022, OCL agreed to a 2021/22 salary uplift for all teachers, which the unions had requested. This put teachers in Oasis schools in a better position than teachers in the maintained sector, who had to endure a pay freeze during 2021/22.
24. Separately from the weekly JNCC meetings, OCL held longer policy consultation meetings to consult over changes family leave and pay policies, which resulted in significant improvements to these, from the perspective of the unions.
25. In September 2021, the JNCC considered the results of the OCL pulse survey to assess current staff well-being and also the well-being materials which OCL was developing across Oasis schools.
26. In September 2021, the JNCC considered a financial presentation given by the OCL Chief Financial Officer on OCL's finances as a result of the pandemic.
27. In the Spring Term 2022, OCL and the unions agreed that the generally improving situation in respect of the coronavirus pandemic, meant that the weekly JNCCs were no longer necessary. The frequency of these was initially reduced to weekly, then to twice every half term. The JNCCs continued to receive and consider reports on staff absences, wellbeing and coronavirus risk management, alongside issues such as threshold progression to the upper pay range.
28. The JNCCs continued to monitor the management of coronavirus risk by OCL, including an increase in coronavirus infections in an individual academy in the

second half of the summer term 2022. The JNCCs also anticipated the forecast rise in coronavirus infections in the autumn of 2022, and the interaction of the coronavirus with influenza.

29. The approach developed by OCL to control coronavirus infections continued to be adopted for other infectious conditions, such as monkeypox. The management of monkeypox was monitored by the JNCC, as were ongoing infection control processes and the safety committee structure.

Appendices

1. All staff letter regarding changes to OCL policies – 17 March 2020
2. Oasis Joint Statement (unions and employer) – 12 April 2020
3. Interim Update on Review of OCL policies – May 2020
4. Oasis Health and Safety Guidance – June 2020
5. OCL statement on the importance of Health and Safety Committees – August 2020
6. Anonymised copy of Directed Time calculator used in regional well-being working party, November 2020
7. Example Regional Working Party minutes
8. Weekly staff data provided to JNCC – February 2022