

## **Inter-Union Dispute, Final Award**

**September 2025**

### **NEU and NJC Unions – School Support Staff**

#### **Overview**

1. A TUC Disputes Committee composed of Sue Ferns, Prospect (Chair), Steve Gillan, POA, and Paddy Lillis, USDAW met with the NEU on 27 June 2025 and with Unison, GMB, and Unite (the NJC Unions) on 26 August 2025. The purpose was to consider a new complaint brought by the NJC Unions against the NEU.
2. The complaint, submitted in April 2025, alleged that the NEU had breached both the 2023 Inter-Union Disputes Award and the 2017 voluntary agreement with the NJC Unions regarding the recruitment and recognition of school support staff.
3. The Disputes Committee considered all evidence provided by both sides, deliberating on whether material breaches had occurred. The Disputes Committee also assessed whether the NEU's actions aligned with the spirit, as well as the letter, of the 2017 agreement and the 2023 Award.
4. The Disputes Committee noted the positive and constructive approach from all parties throughout the process, with each expressing a strong desire to resolve the dispute and move forward to secure the best outcomes for all school support staff.

#### **Background**

5. In 2023, a TUC Disputes Committee issued a binding award in relation to a complaint raised by the National Joint Council (NJC) unions against the National Education Union (NEU). The committee concluded that NEU had breached principle 2 of the Disputes Principles and Procedures by knowingly and actively participating in organising activity that could result in recruitment of NJC union members, and Principle 3 by making an approach to an employer where the NJC unions hold recognition.
6. The Award included a financial penalty for the NEU, issued a formal censure on NEU to cease all organising activity, and directed all four unions to establish a collaborative approach to ensure the voice of NEU school support staff members was heard during collective bargaining processes.

#### **Efforts towards a resolution**

7. Following the 2023 Award, the TUC facilitated discussions among the four unions, beginning in November 2023 and continuing throughout 2024, to agree upon a set of shared principles for joint working.<sup>2</sup>
8. They were intended to serve as an addendum to the 2017 agreement between the NJC unions and the NEU, in particular, to implement the following paragraphs of 2023 Award:
  - Paragraph 54: "The Committee therefore recommends NJC unions and the NEU seek to reach agreement on a consultation process that enables NEU to represent

the views of support staff members to NJC unions and that these views are taken into account in negotiating and bargaining processes.”

- Paragraph 55: “It is a specific requirement on NEU that they take no action that could be regarded as organising activity on behalf of support staff, or activity that could be regarded as impacting on the negotiating and bargaining processes that are the purview of NJC unions, without the explicit agreement of NJC unions.”
9. As of March 2025, shortly before the NJC unions complaint in April 2025, the NEU, UNISON and Unite had confirmed their agreement to these principles; however, GMB had not yet done so.
  10. In specific relation to paragraph 54, NJC unions consulted NEU prior to submitting the 2025 pay claim on behalf of school support workers and wider local government workers.

### **Allegations of non-compliance**

11. In April 2025, the NJC unions submitted a complaint to the TUC (having previously submitted one in October 2024), alleging that NEU breached the 2023 Dispute Committee award and the TUC’s Disputes Principles and Procedures. This included:
  - NEU communicating its intent to ballot school support staff on pay, and publishing related member-facing material, prior to local government employers making a pay offer to the recognised unions. No prior notification was given to NJC unions.
  - Publication of material that suggested the NEU was a recognised union for school support staff including billboards and materials sent to members.
  - That at the NEU Annual Conference in April 2025:
    - a. A motion was passed calling for the NEU to actively recruit school support staff.
    - b. The General Secretary stated in a speech to Conference, “we have doubled our support staff membership since the formation of NEU. I want it to double and double again.”
12. In response, NEU asserted it had complied with the award and had not sought to actively organise and recruit school support staff. However, it accepted it campaigned on whole school issues resulting in membership growth amongst school support staff. NEU provided supporting evidence.<sup>6</sup>

### **Disputes Committee considerations**

13. The Disputes Committee were mindful of the requirement in the 2023 award that: *“It is a specific requirement on NEU that they take no action that could be regarded as organising activity on behalf of support staff, or activity that could be regarded as impacting on the negotiating and bargaining processes that are the purview of NJC unions, without the explicit agreement of NJC unions.”*
14. This requirement reinforced the requirements of the Principle 2 of the TUC Disputes Principles and Procedures, that stresses that *“it is in the interests of all affiliates and*

*the movement to build trade union membership, and the movement to develop and maintain stable trade union structures. Members moving from union to union, without agreed regulation and procedure, can undermine collective bargaining structures and may even threaten the existence of trade union organisation within a particular company or group of workers.”* The Disputes Committee consider that growing the trade union movement depends on respect for these principles, and an emphasis on seeking to grow membership in areas where recognition is not already held by sister unions.

15. The Disputes Committee heard evidence from NEU that academisation, which began in 2010, fragmented the industrial landscape and changed the organising environment in schools. NEU presented evidence outlining its strategy: to recruit and retain members by focusing on whole school issues. Their contention was that in running these campaigns, staff who were not yet members of any trade unions may join the union leading any such campaign. However, it also heard from NJC unions about their successful work to organise school support staff over a long period of time, including successfully lobbying for the reintroduction of the School Support Staff negotiating body. The Disputes Committee did not hear any evidence to suggest there had been a material change in the organising environment since either the 2017 award or the 2023 disputes committee award.
16. Taking the evidence in the round, the Disputes Committee believed that the NEU’s actions demonstrated an intent not to comply with the 2017 voluntary agreement, or the 2023 award, and the specific requirement not to take part in organising activity on behalf of school support staff.

## **Award**

17. The Committee finds that NEU’s actions constituted a breach of the 2023 Award and the 2017 voluntary agreement between NEU and NJC unions. In accordance with TUC Rule 12(h), the Committee issues the following binding decisions to be implemented immediately:
  - I. **Formal Censure**

The Disputes Committee formally censure the NEU and this censure will be reported to the General Council. As provided for in the TUC’s disputes principles and procedures, the NEU will be required to publish the terms of this censure on the frontpage of their website and report formally to their national executive committee. The terms of this censure are set out below. NEU should continue to make clear through all external communications and publications, including the website, social media and printed materials, that it is not the recognised union for school support staff.
  - II. **Principles for joint working**

The TUC general secretary will be asked to convene the NEU and the NJC Unions for a one-day summit no later than eight weeks after this Award is issued. This

summit will be convened for the purpose of securing a final version of principles for joint working that will be recommended to their respective memberships. The TUC will consult with the parties regarding the format of this summit, including the nomination of an independent facilitator to chair the summit. In the event that agreement is not reached, the Disputes Committee reserves the right to impose a final version for agreement.

III. **Regular Meetings**

A named representative from each of the four unions will meet every six months under the auspices of the TUC. The purpose of these meetings will be to review adherence to this Award, the operation and implementation of the agreed principles, and to ensure ongoing joint working.

IV. **Reporting to General Council**

The President, on behalf of the Disputes Committee, will report back to the TUC General Council on a six-monthly basis to provide updates on the implementation of this Award.

V. **Further action**

The NEU is reminded that failure to comply with this award is likely to result in the Disputes Committee recommending further action, which may include further financial compensation.

### **Censure for NEU to publish**

In 2017, following the merger of the founding unions of the NEU (ATL and NUT), the NEU voluntarily entered into an agreement with the unions recognised for bargaining with local government - Unison, GMB, and Unite - known as the NJC unions. This agreement explicitly acknowledged that the NJC unions are the recognised unions for school support staff and collectively bargain on behalf of those workers. In signing this agreement, the NEU committed to not actively organise or recruit school support staff, to avoid undermining existing bargaining arrangements and to ensure the three recognised unions could continue to win for school support staff.

Trade unions that affiliate to the TUC agree to behave in accordance with a set of principles that govern their relationships with other unions. These rules are not imposed on unions but developed by unions themselves to manage their interactions and strengthen collective power. As a federation of unions, the TUC rules are designed to reduce inter-union competition and focus the movement on organising un-organised workers. They also prevent existing recognition and bargaining agreements from being undermined. These rules reflect the shared needs and priorities of the trade union movement and help build the collective strength of all affiliated unions, enabling them to more effectively win for workers.

In 2023, a TUC Disputes Committee, made up of members of the TUC's General Council, found the NEU to be in breach of both the 2017 voluntary agreement and the TUC's rules. In September 2025, following complaints by the NJC unions, the committee found that the NEU continued to be in breach of these rules. This breach has been damaging to joint union

working, undermining existing collective bargaining structures, and hindering our collective ability to advance the interests of all education workers.

We have a shared ambition to grow our movement and fight for the best outcomes for all workers in our schools. While the NEU has a significant membership amongst school support staff, and workers may join the union of their choice, the NJC unions represent more than 400,000 school support staff, and are the recognised unions for these staff. The NEU is not the recognised union for school support staff and will not be part of the School Support Staff Negotiating Body (SSSNB).

The Disputes Committee reaffirm - in line with the agreement reached between the NEU and the NJC unions in 2017, and the 2023 TUC Disputes Committee Award - the NEU should not actively seek to organise or recruit school support staff.

The Disputes Committee has also asked the TUC general secretary to convene a summit between the NEU and the NJC unions in order to reach an agreement on a final version of principles for joint working that will be recommended to their respective memberships.