

## Disputes Procedure

### 1.0 Introduction

- 1.1 The Council is committed to resolving disputes in partnership with its recognised Trade Unions. This procedure has been written having regard to the obligations placed on the council by legislation, case law, national/local agreements on terms and conditions of service and its own policies and standing orders.
- 1.2 The definition of a dispute for the purpose of this policy is a dispute registered by one or more of the recognised trade unions and the Council which relates to terms and conditions of service or collective bargaining arrangements and is not attached to any named employees.
- 1.3 Matters involving specific issues affecting named employee/s should be addressed by using the Council's Grievance Procedure.

### 2.0 Scope

- 2.1 This Procedure applies to the terms and conditions or collective bargaining arrangements of all employees of the Council with the exception of the Chief Executive, JNC employees and employees who are appointed by the Governing Body to work at a school.

### 3.0 General

- 3.1 It is the general responsibility of the Council and its recognised trade unions to establish arrangements to deal with issues which could give rise to collective disputes, with a view to the parties reaching agreement at the earliest possible stage of the procedure, and without resort to any form of industrial action.
- 3.2 This procedure outlines the agreement between the Council and its recognised trade unions on the arrangements for resolving disputes that occur between the parties.
- 3.3 All parties to the agreement agree to observe the terms of this agreement and refrain from any action which would be in contravention of them.
- 3.4 Trade union issues which could give rise to disputes should be the subject of discussion at the appropriate level by the parties concerned, with a view to

securing a mutually acceptable resolution of them within a reasonable period of time. Every effort should be made by the parties to secure a resolution without recourse to outside agencies.

#### **4.0 Framework for consultation**

- 4.1 The Council has a defined framework for workforce consultation through the organisation of the Directorate Consultation Groups (DCG) and The Staff Consultation Forum. However, the Council may communicate with the trade unions and its employees and *vice versa* outside the formal consultation mechanisms.
- 4.2 It is recognised that regular dialogue with recognised trade unions ensures an effective working relationship with union officials who can anticipate and address problems before they escalate.
- 4.3 Consultation on proposals for a particular Directorate or service should be raised at the relevant DCG and may be supplemented by meetings with appropriate local managers on service specific issues. DCG's may also be arranged on an exceptional basis by either party if the regular scheduled meeting would mean any matters for discussion were not dealt with promptly.
- 4.4 Issues affecting the whole workforce should be discussed and communicated at the Council's Joint Consultation Forum.
- 4.5 If a matter subject to consultation gives rise to a dispute then a meeting should be arranged in accordance with this procedure, with the aim to resolve the issue.

#### **5.0 Process**

##### **Stage One**

- 5.1 If a dispute arises, the relevant union/s should confirm in writing the nature of the dispute and send this to the Head of HR & OD who will make arrangements for a meeting to be held. The written notification of the dispute must address all of the following:
  - a summary of the issues from the Trade Union's perspective;
  - evidence supporting their view (if any is available);
  - details of the steps they have already taken to address the situation;
  - what outcome the Trade Union is seeking.

A dispute that does not satisfy all of the above points may require further clarification before the meeting can proceed.

- 5.2 A meeting will be arranged, as soon as is practicably possible, which would normally be within seven calendar days, between the representatives of the union/s raising the dispute and a member of the Corporate Management Team, as appropriate, supported by an HR representative.
- 5.3 At the meeting the management representative and union/s should :-
- define the actual cause of the dispute;
  - explore what options are available to resolve the dispute; and
  - agree a timescale and process for fully exploring the issue of dispute with a clear aim to seek a resolution.
- 5.4 It is anticipated that in many cases this meeting, or any negotiations that follow it, will enable the dispute to be resolved.

### **Stage Two**

- 5.5 If the dispute remains unresolved following the meeting either party may refer the matter to a Personnel Appeals Panel, for consideration. The dispute should be in writing and must include:-
- The original submission and the outcome from the meeting with the corporate management team;
  - A description of in what way the issues have not been resolved;
  - What the Trade Union considers will resolve the situation;

Where the dispute relates to a matter that is subject to a formal consultation period, this should be exhausted before the matter may be referred to Personnel appeals Panel. The hearing must be arranged as soon as is reasonably practicable.

- 5.6 The Personnel Appeals Panel will comprise a minimum of three or a maximum of four Councillors drawn from a pool of Councillors allocated to sit on the Council's Personnel Appeal Panel and an adviser from either Legal Services or Human Resources. The members of the panel will not have had any previous dealings with the dispute.

The parties appearing before the Personnel Appeal Panel will be the Trade Union representatives/Branch Officials and the Executive Director, Head of

Service or other senior manager authorised for this purpose accompanied by a Human Resources Manager.

- 5.7 The decision of the Personnel Appeal Panel will be given in writing, to the parties concerned **within seven days** of the meeting.

## **6.0 Status quo**

- 6.1 It is agreed that until a dispute is concluded with the decision of the Personnel Appeals Panel, the 'status quo' will prevail.

- 6.2 The meaning of 'status quo' as it applies to this procedure is that the Council will not implement alterations to terms and conditions of employment, collectives agreements and/or employment policies until agreement has been reached or the formal Procedure exhausted.

- 6.3 The parties will however, attempt to reach agreement concerning interim arrangements to allow work to progress and to ensure service requirements are met whilst the formal Procedure is being followed.

- 6.4 The Parties agree that whilst unions may ballot their members in accordance with legislative frameworks, no industrial action or lockout shall occur before the formal procedure has been exhausted.

## **7.0 Other considerations**

- 7.1 In the event of a failure to resolve a dispute in accordance with this procedure, it is open to either party to refer the dispute to the Advisory Conciliation and Arbitration Service (ACAS) for conciliation or arbitration. If both parties do agree to refer the dispute to ACAS for conciliation or arbitration then the findings, may by mutual agreement, be binding on both parties.]