

# **COLLECTIVE DISPUTES POLICY AND PROCEDURE**

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## 1. INTRODUCTION

This policy and procedure applies to all employees of School Partnership Trust Academies (SPTA). It should be recognised that this procedure is available to all Trade Unions.

Throughout this document, the term 'Principal' refers to the Principal or Head of Academy. 'Senior Leader' refers to the Senior Department Head and 'Department Manager' refers to the next most senior person in the same department within the Core Team. Reference to 'SPTA' includes all Academies as well as the Core Team.

SPTA recognises that in the interest of good employee relations, a procedure should exist whereby all employees are able to resolve disagreements equitably and as quickly as possible. SPTA also recognises that the procedure should be simple and capable of progressing the resolution of matters quickly.

## 2. KEY PRINCIPLES

This policy will ensure clarity over the meaning of a collective dispute, provide managers and employees with a clear process to promptly resolve collective disputes and achieve a mutually acceptable solution, ensure that managers are aware of and supported in carrying out our responsibilities for the resolving of issues as soon as possible to ensure that all parties have the opportunity to state their case, and to clarify roles and responsibilities of all parties. Roles and responsibilities are outlined in **Appendix 1**.

Once a collective dispute has been raised, the Status Quo will apply to SPTA and those employees in dispute. This means that there will be no changes to pay, conditions of service, working practices or other means of contention. Trade unions reserve the right to take industrial action at any stage of the process or if the status quo is breached.

This policy is designed to deal with collective disputes only. It is not intended that it should be applied to individual grievances from individual employees, in these circumstances the employee should refer to the 'SPTA Grievance Policy and Procedure'.

In all collective disputes, it is important that the trade union clearly state the remedy being sought. At the outset the trade union will lodge the dispute outlining the reasons and remedy.

The procedure is intended to resolve disputes as quickly as possible.

Both parties to the dispute will seek resolution at the lowest possible level.

Advice may be sought by either party from ACAS at any stage of the procedure. This role may be extended to one of mediation or conciliation or arbitration (**Appendix 4**) by the mutual agreement of both parties.

This procedure should not inhibit the use of informal discussion as a means of resolving potential collective disputes.

### **3. DEFINITION OF COLLECTIVE DISPUTE**

A collective dispute is a complaint by a group of employees relating to their employment, which is pursued on their behalf by one or more representatives of the Trade Unions.

### **4. COLLECTIVE DISPUTES PROCEDURE**

Where the formal procedure is invoked, every attempt should be made to resolve the dispute at the lowest possible level. However, it is accepted that in some situations it may be more appropriate to deal with the dispute at a formal level

#### **4.1 INFORMAL RESOLUTION**

SPTA encourages Principals / Senior Leaders and Trade Union representatives to deal with collective disputes informally, and in the majority of instances this will enable a speedy resolution. Advice during this stage may be sought from SPTA HR to assist in this process.

Where resolution cannot be reached informally, within a reasonable timeframe, and it is clear that all avenues have been exhausted, the dispute will become formal

#### **4.2 FORMAL PROCEDURE**

In order to lodge a formal dispute, the Trade Union representative should send written notification to the SPTA HR Department. This notification should provide full details of the dispute, any supporting evidence and the resolution sought. This information may be submitted on the Formal Grievance Form (**Appendix 3**) if the trade union so determines.

It may be appropriate for relevant parties to meet to agree the nature of the dispute and obtain further details.

The SPTA Director shall arrange a meeting with the parties concerned, within ten working days of the receipt of the dispute. The purpose of the meeting will be to listen to the case put forward by the Trade Union raising the dispute and reach a decision. Any documents for consideration in this meeting should be submitted to respective parties five working days prior to the meeting taking place.

The meeting will be chaired by a SPTA Director, who will be supported by a member of SPTA HR. Every effort will be made to achieve a prompt resolution at this stage.

The outcome of the Collective Disputes Meeting shall be confirmed to both parties in writing within five working days. Further meetings will be arranged to negotiate a resolution wherever possible

## **5. REVIEW**

This policy will be reviewed every three years, or when there are changes to relevant legislation.

## **APPENDICES**

**NB: THE FOLLOWING ARE ADVISORY AND NOT MANDATORY. IN ALL ASPECTS OF ANY COLLECTIVE DISPUTE TRADE UNIONS RESERVE THE RIGHT TO ACT INDEPENDENTLY IN KEEPING WITH THE APPROPRIATE LEGISLATION AND THEIR RESPECTIVE DEMOCRATIC PROCESSES**

## **APPENDIX 1 ROLES AND RESPONSIBILITIES**

### **SPTA Directors**

- Ultimate decision makers during formal stages of the Policy and Procedure.
- Ensure compliance with the Collective Disputes Policy and Procedure.

### **SPTA HR**

- Provide advice and support to the Principal / Senior Leader / SPTA Directors.
- Ensure compliance with the Collective Disputes Policy and Procedure.
- Act as facilitator to the meeting and makes recommendations to the SPTA Director(s) having heard the evidence

### **Principal / Senior Leader**

- Ensure compliance with the Collective Disputes Policy and Procedure
- Try to resolve matters at an informal stage

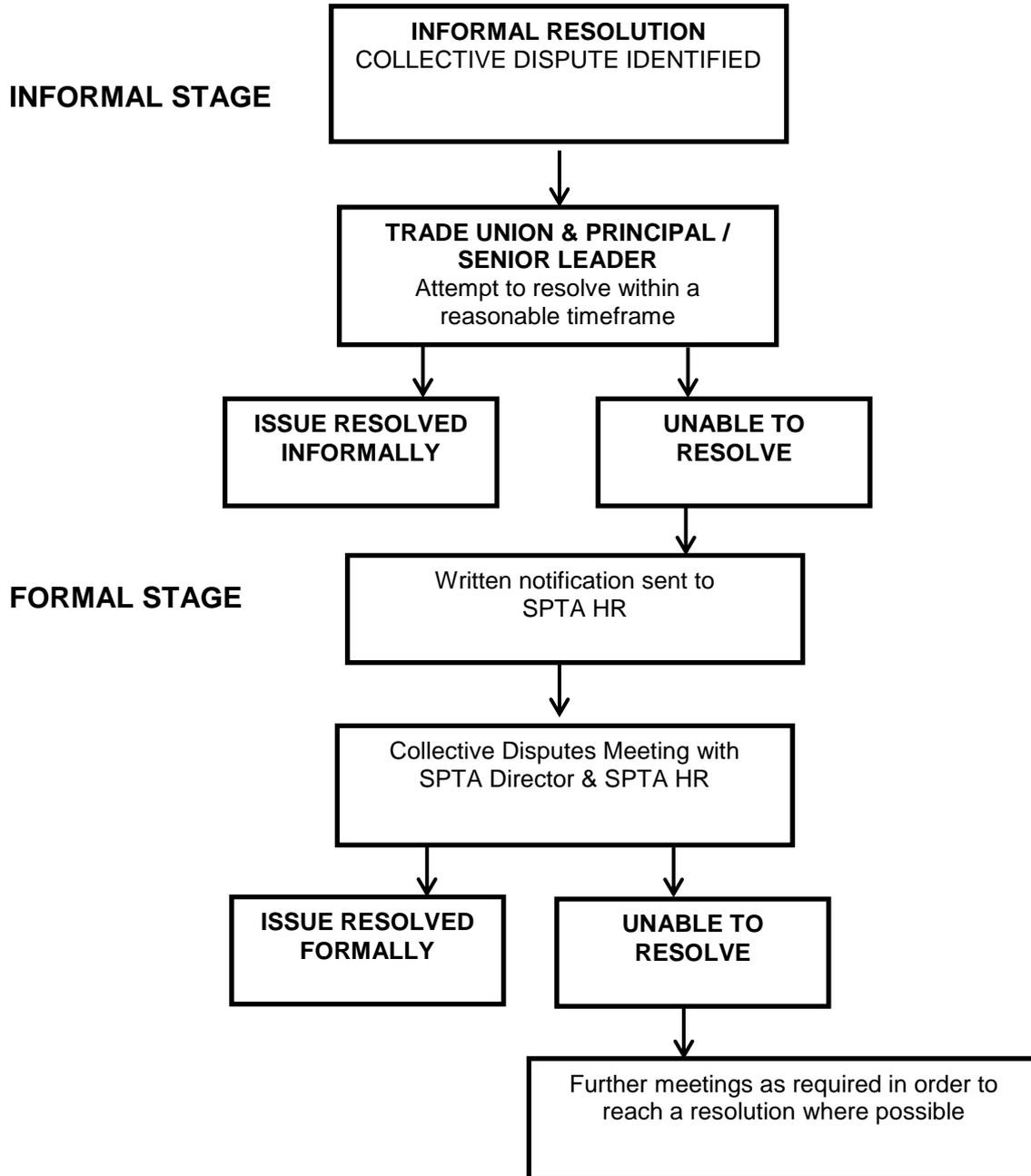
### **Trade Union Representatives**

- Lodges the dispute with the employer.
- Try to resolve matters at an informal stage

### **Employees**

- The employees will not normally be present themselves. However, if in exceptional circumstances the employees concerned are present, they should only provide information on points of clarification. Only the Trade Union representatives will take a formal role at the meetings.

**APPENDIX 2  
COLLECTIVE DISPUTES PROCEDURE FLOWCHART**



**APPENDIX 3  
FORMAL COLLECTIVE DISPUTES FORM**

<b>SECTION 1</b>	<b>FORMAL COLLECTIVE DISPUTES FORM</b>	
<i>This form should be used when submitting a collective dispute under the Collective Disputes Procedure. Wherever possible, a collective dispute should not be requested until the matter has been considered informally.</i>		
<b>Have you tried to resolve this collective dispute informally?</b>		<b>YES    NO</b>
<b>SECTION 2</b>	<b>TRADE UNIONS INVOLVED</b>	
<b>SECTION 3</b>	<b>NATURE OF COLLECTIVE DISPUTE</b>	
<b>What are the points of disagreement between Management and Employees? (Include all evidence available):</b>		
<b>What resolution is sought?</b>		
<b>Are there alternative proposals that you wish to put forward to help to resolve the dispute?</b>		
<b>SIGNATURE OF TRADE UNION REPRESENTATIVE</b>	<b>DATE</b>	

## **APPENDIX 4 ALTERNATIVE DISPUTE RESOLUTION METHODS**

### **Mediation**

Mediation seeks to rebuild and repair an employment relationship through an impartial and independent intermediary. This person could be a specialist ACAS mediator or an employee trained to act as a mediator. Mediation is informal and not usually legally binding. It's confidential and both parties enter into it voluntarily.

### **Conciliation**

Conciliation operates in the same way as mediation, except it is used where a complaint about employment rights has been made to an employment tribunal. ACAS offers a free, independent and confidential conciliation service. ACAS can also conciliate where a claim could be made to a tribunal.

### **Arbitration**

Arbitration is a little different from the other two in that the impartial third party is asked to make a decision on a dispute. The two sides present evidence to an arbitrator, who makes a decision that they have agreed in advance to abide by. In this way, it can be seen as a confidential alternative to a tribunal or court of law. As with the mediation and conciliation, arbitration is voluntary.