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COLLECTIVE DISPUTES AND GRIEVANCE POLICY AND PROCEDURE

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1. Introduction

- 1.1 The purpose of this policy is to ensure that Collective Grievances or Disputes are handled fairly and effectively. It complements the procedure for dealing with individual grievances and like that policy is informed by the ACAS guidelines. This policy also adheres to the requirements of the Employment Act 2009 and the Employment Tribunal (Constitution and Rules of Procedure)(Amendment) Regulations 2009.
- 1.2 Staff using this procedure must be aware that they cannot then use the Individual Grievance Procedure for raising the same issue.
- 1.3 Dependent upon the type of grievance, the initial stages of this procedure may be omitted if mutually acceptable to both management and to staff representatives and/or the group of staff affected.
- 1.4 The policy is based on the acceptance that industrial action will be used by staff only as a genuine last resort and after all steps in this procedure, have been exhausted.
- 1.5 At each stage, possible methods of conciliation and arbitration should be considered.
- 1.6 This policy and procedure has been agreed with staff side organisations and may be reviewed in the light of experience and statutory and legal changes but it is binding on management and staff. The specified time limits may be modified only by mutual agreement as some disputes may require immediate action and others may need more time to investigate more fully.
- 1.7 In the event of a dispute, management is expected to maintain the status quo while the disputes procedure in part 2 is followed. This will mean that the working practices and management arrangements which applied before the dispute should not be changed, nor should there be any form of industrial action taken either by the staff involved or by any other group of staff in support.
- 1.8 If employees raise a grievance or dispute in good faith but it is not subsequently confirmed no action will be taken against them.

2. Scope

- 2.1. The procedure covers any group of staff employed by Oxfordshire PCT. It applies to disputes with management locally. No provision of this procedure will be applied in such a way as to contradict a national agreement, regulation or statute.

- 2.2 A group of staff not represented by a staff organisation, would be expected to elect a representative or lead person for the group.

3. Definitions

- 3.1 Grievances are concerns, problems or complaints that employees raise with their employer. Issues that may cause grievances include problems concerning terms and conditions of employment or working practices, health and safety, work relations, bullying and harassment, or discrimination.
- 3.2 A collective grievance is a grievance brought by a group of staff.
- 3.3 A collective dispute is defined as a dispute notified by a recognised trade union, in accordance with the collective disputes procedure, on behalf of a group of PCT employees.

4. Procedure

4.1 First stage

If a group of staff decide they have a collective grievance or dispute with management, this should first be taken up with their immediate Supervisor/Manager informally, who should discuss it with them or their representative/s within three full working days and reach a decision. If more than one department is involved, the appropriate managers must try together to resolve the problem informally.

4.2 Second stage

If the dispute or grievance is not resolved to the satisfaction of the staff concerned and they wish to take it further, then they must put their issue in writing to the Human Resources Director.

The written submission must cover the following points:

- a) The specific cause of the dispute;
- b) The specific staff involved in the dispute (not necessarily by name but in enough detail, i.e. job titles, locations etc. for it to be quite clear who is affected and who is not);
- c) The name (s) of the representative (s) nominated or elected by the staff to act as their spokesperson/s. When requested, and by agreement with management a full-time official may be involved by this stage.

A meeting will be arranged as soon as possible, or at least within a further five full working days, when the staff representative (s) and management will meet to discuss what can be done to settle the dispute. If still unresolved, a written

record of the meeting should be agreed which should be copied to the Human Resources Director.

4.3 **Third stage**

Where the dispute still remains unresolved, it will be referred to a further meeting involving representatives of management and either the Chief Executive or a panel of Directors of the Trust, nominated by the Chief Executive. This meeting will take place as soon as possible and no later than 2 weeks after receipt of the failure to agree. This decision will be notified in writing to the staff and their representatives.

The purpose of this panel will not be to re-hear the dispute but to consider any new facts or information which could change the previous decision on the dispute/grievance.

5. **Reference to ACAS**

- 5.1 Once all steps of the procedure have been exhausted, the grievance may be referred to ACAS* by joint agreement of the parties to the dispute or grievance for arbitration.

6. **Communication**

- 6.1 In the event of a national dispute, local staff representatives are expected to keep management informed and explore ways with management of avoiding disputes, if possible, in such a way as to cause no disruption to patient care, directly or indirectly.
- 6.2 It is important that managers ensure that staff not involved but with close working relationships with those who are, be kept informed of the practical implications.
- 6.3 At any stage notices concerning the cause and progress of the dispute may be prepared for staff and the press; in all instances management or staff representatives should inform each other of the intended communication.
- 6.4 Close links must be maintained during any dispute between management and staff representatives

*** ACAS is a statutory independent body set up to provide conciliation and mediation as a means of avoiding and resolving disputes between employers and employees; to make facilities available for arbitration and to provide advisory services to industry on industrial relations and related matters.**

7. Monitoring

- 7.1 The use of this policy will be monitored by the inclusion of statistics relating to collective disputes or grievance in the Quarterly HR Report,

8. Review

- 8.1 This policy will be formally reviewed two years after agreement by the Executive Board and informally as need arises at Policy Group.

COLLECTIVE GRIEVANCE/DISPUTES PROCEDURE



