



**Boroughbridge High School and King James's School
Federation**

Collective Disputes Policy & Procedure

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Policy ratified by Governors	July 2021
Next policy review due	July 2024
Due for review by Governors	July 2024
Staff Lead	HR Advisor

Significant Revisions since last review :

No revisions since last review.

Policy review as part of full review of HR policies under the Federation

Collective Disputes Policy and Procedure

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Definition

A collective dispute normally relates to conditions of service and matters arising from conditions of service which affect the general relations between employees and/or recognised unions/professional associations and NYCC/Schools.

This Procedure applies to collective disputes only; individual and collective grievances should be dealt with under the Resolving Issues at Work Policy & Procedure. This policy applies to all employees except those employed by schools. If schools wish to adopt this policy they will need to agree it through their normal processes.

Policy Statement

The objective of the Collective Disputes Policy & Procedure is to settle all issues in the shortest time, with the least possible formality and appropriate levels of confidentiality, as close to the point of origin as possible. There is an onus on all parties to achieve this.

Introduction

This procedure does not affect either the existing arrangements for staff consultation and negotiation, which will continue to function at the workplace level, or the arrangements for discussion at National or Regional level of

matters of common interest between employee representatives and Local Authorities generally.

This procedure is not applicable in the case of disputes which are dealt with under any specific legislative provisions, or which are covered by national level negotiations (e.g. national pay or terms and conditions).

Reference to the Regional or National Joint Councils or to the Advisory Conciliation and Arbitration Service (ACAS) of any dispute essentially local in origin or nature would be made only as a last resort. Normally, neither the County Council nor unions/professional associations involved in a dispute will take action to implement decisions relating to the dispute until the conciliation procedure had been fully exhausted.

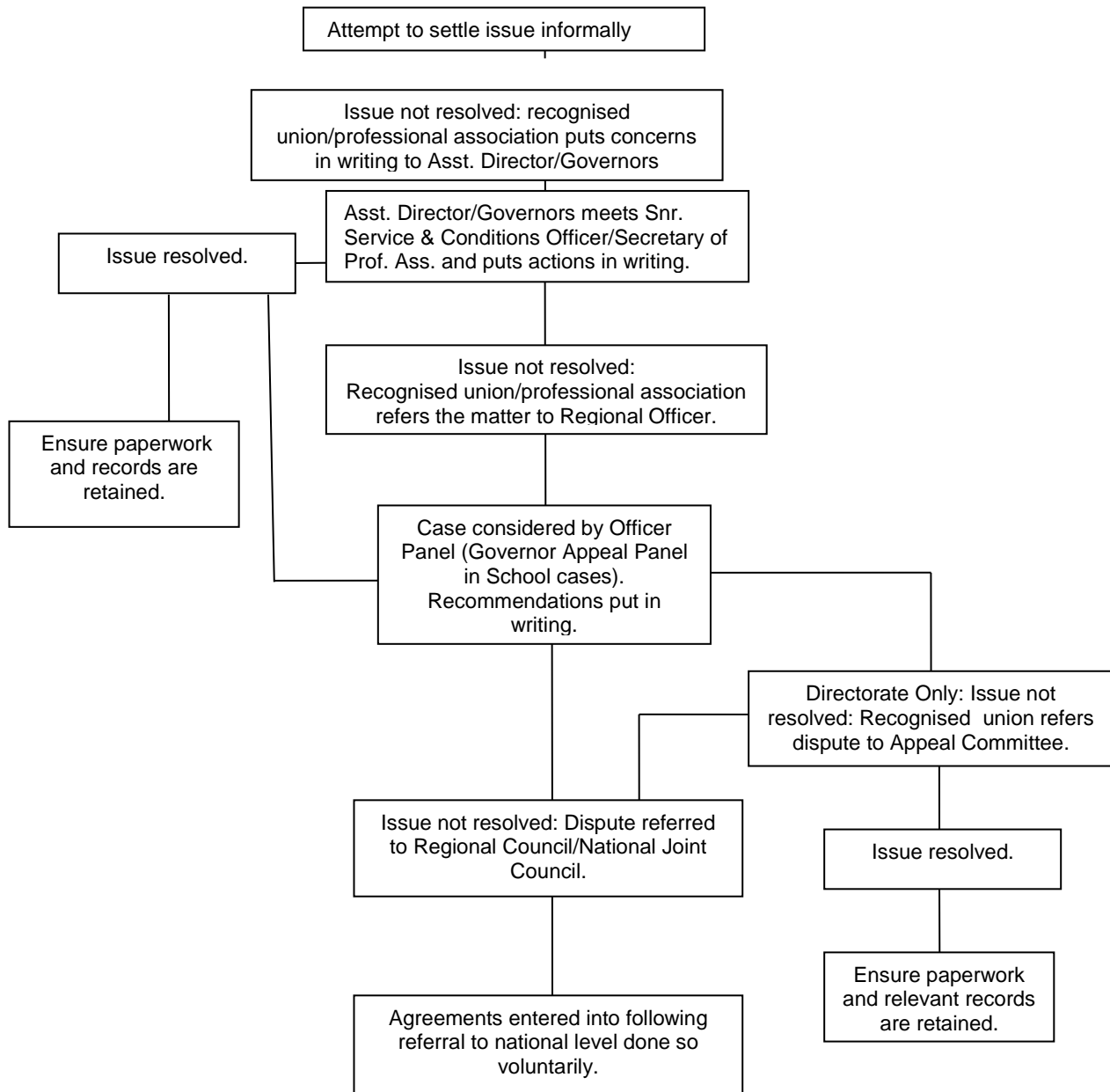
Consultative procedures at a local level

To reduce the possibility of disputes arising, matters can be referred for discussion at the regular meetings held between representatives of recognised unions and professional associations and representatives of NYCC/Schools as appropriate. The consultation and negotiation process is likely to involve one or more meetings and can draw on relevant advisers from across the Local Authority who can contribute to resolving issues as they arise.

Conciliation procedures at a local level

Every effort should be made to settle potential or actual disputes informally through discussion, or when this cannot be achieved, at the local level, by following procedures outlined below.

FLOWCHART FOR DEALING WITH ISSUES



Procedure

1. If the issue in dispute involves departure from a locally negotiated agreement to which other recognised unions/professional associations are parties, before approaches are made by the organisation concerned to NYCC/School, there should be discussions with other recognised unions who are party to the agreement in question.
2. Every attempt should be made to settle the dispute as close to its point of origin. Where an issue has not been resolved through consultation and negotiation at the local level, the recognised union/professional associations' concerns should be put in writing to the appropriate Assistant Director or in the case of a school, to the Clerk to Governors, for referral to a Governor Panel. The matter in dispute should be described in sufficient detail and it must be clear as to the outcome the union/professional association is seeking to achieve.
3. The Assistant Director/Governors will call a formal meeting with the Senior Service Conditions Officer/Secretary of professional associations to fully discuss and explore the matter in dispute. The meeting can be facilitated by independent LA advisers who have not been involved at an earlier stage. The outcomes of this meeting will be put in writing by the Assistant Director/Governors.
4. If the dispute is not resolved, the recognised union/professional association will refer the matter to their Regional Officer, who will formally inform the Assistant Director/Governors, of the on-going dispute, without unreasonable delay.
5. At this stage, an Officer Panel of at least 2 members of appropriate seniority, or in the case of a School, a Governor Appeal Panel, will consider the case from both sides. The Panel will be advised by an appropriate independent LA officer. Each party to the dispute will nominate up to 2 representatives to present their views to the panel. The panel will consider the matter and advise on how best to resolve the dispute, if possible. The recommendation should be put in writing to both parties without unreasonable delay.
6. For Directorate disputes only: In the event that a recognised union finds the decision of the Officer Panel unacceptable, they may refer the dispute to the appropriate Appeal Committee of the County Council.
7. In the event of the recommendation of the panel not being acceptable to either party, the matter should be dealt with through the Regional Council or National Joint Council procedures. A dispute would not be referred to the national level unless both parties agree or, in the case of a dispute with teaching associations, if it was claimed by either party that it was a national issue. It must also be evident that all reasonable efforts had been made to settle the matter locally.

8. In the case of teachers, National Conditions of Service, state the national conciliator will determine their procedures and should initiate proceedings within 2 weeks of a dispute being referred.
9. Any agreement entered into by either or both parties following referral to the national level, is done so on a voluntary basis.

Relations between Teachers' Organisations and Local Authorities

The procedure set out above provides a structure for recognised unions and professional associations to raise matters with individual schools. The same principles and approach will be applied where professional associations have a dispute with the LA.

Industrial Action

In the event of the findings or advice of the national conciliator not being acceptable to one or other of the parties, no action, either to implement the decision of the Authority/ School on the one hand, or to take industrial action by the employees, should be taken without giving reasonable notice of their intentions.