



Better health and sustainable healthcare for Bristol

Disputes Policy

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Date Approved	July 2014
Approved by	Quality and Assurance Committee
Date of next review	July 2017
How is policy to be disseminated	All staff

Check list for Governing Body/approving committee	
Has an Equality Impact Assessment been completed?	Yes
Has legal advice been sought?	No
Have training issues been addressed?	Yes
Are there financial issues and have they been addressed	Yes
How will implementation be monitored	Through the SWCSU HR Team
How will the policy be shared with: <ul style="list-style-type: none"> • Staff • Patients • Public 	Via the Bristol CCG internet site and dedicated communication to Bristol CCG employees.
Are there linked policies and procedures	

Contents

1	Introduction.....	1
2	What is a Dispute?	1
3	How can a Dispute be avoided?.....	1
4	What if a Dispute cannot be avoided?.....	1
5	Disputes Procedure.....	1
6	Statement of Compliance with the Equality Act 2010	2
7	Counter Fraud.....	Error!
	Bookmark not defined.	
8	Review	3

1 Introduction

The Bristol Clinical Commissioning Group (CCG) management team and recognised Trade Unions have the common objective of maintaining good employment relations through joint consultation and negotiation at all levels of the CCG. Both parties aim to facilitate the CCG's efficient operation and development in the best interests of its service users and staff.

Both the management side and Trade Unions share a determination to ensure that all matters of difference relating to issues raised are amicably resolved. It is accepted that there may be occasions when it is not possible to reach agreement. Where this occurs in respect of an identified group of employees, it shall be open to either party to invoke the disputes procedure.

2 What is a Dispute?

A dispute is a formal disagreement between a recognised Trade Union and the management side that cannot be amicably resolved. It is raised and registered by either the recognised Trade Union or management side and relates to an issue concerning an identified group of employees or all employees.

3 How can a Dispute be avoided?

Both the Trade Union and the management sides should:

- Raise issues for concern at the earliest possible opportunity.
- Work together.
- Identify and address issues for concern and seek mutually acceptable solutions through the regular joint management and Trade Union meetings, holding additional meetings if required.
- If necessary, use joint working parties or workshops to explore the problems and discuss the options, seeking appropriate solutions.
- Identify a 'lead' representative through whom a matter for concern can be addressed.

4 What if a Dispute cannot be avoided?

If the matter cannot be resolved amicably through any of the above means, then either party may invoke the following disputes procedure.

5 Disputes Procedure

- a. An issue which cannot be resolved amicably will be formally negotiated by the relevant recognised Trade Union(s) and the management side at specially convened meetings. The number of meetings and process undertaken at such meetings will be agreed as appropriate by the parties involved. Most issues will be resolved at such negotiations and the resolution agreed in writing.
- b. Should a resolution not be possible, then a 'failure to agree' can be registered by either party.

- c. The registering of a failure to agree, whilst initially made verbally, must be followed up within 5 working days with a written confirmation that a failure to agree has been registered, and detail all points of dispute.
- d. Once a dispute has been registered neither party will take action that would endanger the health, safety or welfare of any patient, visitor or member of staff or alter the explicit or implicit terms and conditions of the staff involved. The arrangements that applied prior to the registering of the dispute should apply if possible until the dispute is resolved.
- e. Unless originating from a regular joint Trade Union and management meeting, the 'failure to agree' should be raised at an emergency meeting between the affected Trade Union(s) and appropriate managers, to attempt resolution.
- f. If there is still a 'failure to agree' then either party may refer the issue to the Arbitration and Conciliation Advisory Service (ACAS) for advice.
- g. ACAS may provide a conciliation or arbitration service.
 - Conciliation: Conciliation requires no prior commitment from the parties, only a willingness to discuss the problems at issue. Conciliation is an entirely voluntary process and it is open to either party to bring discussions to an end at any time.
 - Arbitration: Before ACAS will arrange arbitration, both parties must agree to accept the arbitrator's decision as a binding settlement of the dispute. ACAS will appoint either a single arbitrator or board of arbitrators and the parties will need to agree, perhaps with ACAS assistance, the terms of reference under which the single arbitrator or board will operate. The arbitration process involves each setting out its case in writing, followed by a hearing at which the two sides present in person their evidence and arguments. Hearings are usually held at ACAS offices or at the premises of the employer or trade union. The arbitrator's decision is binding to both parties and must be accepted and implemented.
- h. Both the CCG and Trade Unions sides will be entitled to be accompanied by professional advisors and/or full time officers.
- i. The aim of both parties will be the speedy resolution of any dispute, but it is recognised that practical difficulties may sometimes cause delays.
- j. In the event that an agreement cannot be reached and/or there is no agreement to accept binding arbitration it shall be open to the trade union(s) involved to take whatever action its members decide appropriate in accordance with current legislation.

6 Statement of Compliance with the Equality Act 2010

All relevant persons are required to comply with this document and must demonstrate sensitivity and competence in relation to the nine protected characteristics as defined by the Equality Act 2010. The Act prohibits discrimination on the basis of age, disability, gender reassignment, marriage/civil partnership, pregnancy/maternity, race, religion/belief, sex or sexual orientation. It also means that each manager or member of staff involved in implementing the policy must have due regard to the need to: eliminate unlawful discrimination, harassment, victimisation; advance equality of opportunity between those who

share a protected characteristic and those who do not; and foster good relations between people who share a protected characteristic and those who do not.

If you, or any other groups, believe you are disadvantaged by anything contained in this document please contact the Document Lead (author) who will then actively respond to the enquiry.

7 Review

This policy will be reviewed every 3 years but can be reviewed at any time if the CCG deems it necessary to do so or a review is requested by the management team or staff.

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May 2014