

## PROCEDURE FOR THE AVOIDANCE AND RESOLUTION OF DISPUTES

### A PRINCIPLES

- 1 The University and the recognised unions (GMB, PROSPECT, UCU, UNISON) agree the desirability of a procedure which all parties will follow in situations where there is disagreement in respect of agreements and approved policies and procedures. This procedure will seek to prevent such disagreements escalating to the point where employee relations in the University are adversely affected.
- 2 Disagreements within the scope of this procedure include the following:-
  - a) matters relating to pay and conditions of service; except those which are subject to negotiations at national level;
  - b) allegations by either party of a breach of a collective agreement;
  - c) allegations of a failure to follow University policies and procedures.
- 3 Individual employee rights for which redress exists through other procedures eg grievance procedures, disciplinary appeals procedures etc are excluded from this procedure. It is however, recognised that an individual grievance which affects a group of staff can become a collective issue which may then be dealt with through this procedure.
- 4 For the most part the resolution of differences will be achieved through either the regularly convened meetings of the appropriate formal negotiating committees or through informal discussion with staff from the People Directorate or management representatives. Where no resolution can be achieved by these means this procedure will be used to resolve collective disputes.
- 5 For the purposes of this procedure, recognised unions may make use of the procedure individually or collectively.

## **B PROCEDURE**

- 6 Either the management or the union side may call a special meeting of the appropriate formal negotiating committee. The calling of such a meeting shall be for the single purpose of resolving a notified issue of disagreement. It may be that the issue has arisen between normal meetings or as a result of a failure to agree at a scheduled meeting notwithstanding the constitutional provisions. Such a meeting will be held wherever possible within 10 working days of it being requested. In the event of a resolution of the contended matter, both sides agree to actively recommend the agreement to their respective constituents.

If the matter remains unresolved, the special meeting may make one of two decisions:-

- i) to conduct further negotiations via a sub committee of management and unions to report to a full formal committee within 10 working days (utilising, if necessary, the services of the full time union officials). If there is no agreement, a 'failure to agree' will be recorded;
  - ii) to record a 'failure to agree'.
- 7 If the issue has not been resolved by the Joint Negotiating Committee, it may be referred to a Disputes Committee chaired by a member of the Vice-Chancellor's Group who has had no previous involvement with the subject matter of the dispute. The Committee will include a paid official of a recognised trade union, nominated by the trade union members and such other person(s) as the chair and the paid trade union official may agree. The Committee will be convened, wherever possible, within 10 working days of it being requested by either the management or trade union side. The purpose of the Committee will be to consider submissions made by the parties to the dispute and to identify a mutually acceptable resolution. In the event of a resolution of the contended matter, both sides agree to actively recommend the agreement to their respective constituents.
- 8 If the issue remains unresolved, the Disputes Committee may seek to agree terms for an approach to ACAS for conciliation. If, at the expiry of this conciliation process, agreement is reached, both sides agree to actively recommend the outcome to their respective constituents.
- 9 If agreement on terms for an approach to ACAS cannot be reached, 'a failure to agree' shall be recorded.
- 10 Only if there remains a failure to agree, either on terms of an approach to ACAS or a resolution involving ACAS, will the respective trade unions consider initiating a ballot on industrial action. Any such proposal shall be pursued in accordance with the prevailing legislation.

It is agreed and understood that nothing in the above will preclude either parties to the agreement seeking independent advice and guidance from ACAS in the event of a failure to agree at the Disputes Committee stage.