Collective Grievance and Disputes Procedure for Schools'

July 2013

Approved by the Governors of Uxendon Manor Primary School – July 2017

To be reviewed – July 2018

Contents

1. **Aims & Status** 3
2 **Definition of a Dispute and Use of the Procedure** 3
3 **Procedure** 3
Initial Stage 3
Stage 1 4
Stage 2 5
Stage 3 5
4 **Time Limits** 6

1. Aims & Status

1.1 The procedure has been jointly agreed between the school and the Trade Unions representing its employees. The Procedure is intended to achieve speedy settlement of disputes and avert industrial action. It is central to the operation of the procedure that the issue in dispute is one which the parties have the power to resolve.

2 Definition of a Dispute and Use of the Procedure

2.1 An industrial relations dispute is a dispute between the school on the one hand and a group of its employees or between one group of the school's employees and another group of its employees on the other.

2.2 The procedure will not be open to be used by individual employees or their representatives where the issue(s) raised fall within the ambit of any other procedure e.g. Individual Grievance Procedure, Disciplinary Procedure or Managing Organisational Change Policy and Procedure.

2.3 Paragraph 2.2 means that if a dispute arises from the suspension or dismissal of an employee, the disciplinary procedures will apply.

3 Procedure

3.1 Initial Stage

3.1.1 Any group of employees and/or their Trade Union representatives, who wish to raise an issue relating to their employment, should do so in the first instance with their immediate line manager or the Headteacher. The line manager or the Headteacher should arrange a meeting with the group and/or their Trade Union Representatives at the earliest opportunity in order to discuss their issues and to seek resolution where possible. If the issue cannot be resolved informally then it is open to either side to use the formal procedure.

3.1.2 The employees/Union must make clear that they are invoking the formal procedure and the line manager/Headteacher must then make an initial response within five working days of this notification. An earlier response is preferable and should be made if possible.

3.1.3 Where the formal procedure is invoked, all issues which cannot be resolved at the immediate line manager level will be referred through the subsequent stages unless there is agreement of both sides to deal with any particular issue differently.

3.1.4 The parties to this Agreement recognise that periodic changes to working and management arrangements are inevitable if the school is to continue to provide high quality services meeting local needs in the face of changed circumstances. The intention of this Agreement is that every effort is to be made to abide by the stages of this procedure before implementing disputed changes.

3.1.5 In line with this principle, managers will afford the Trade Unions the opportunity to consult their members on the progress in discussions with management and respect Unions' right to communicate in writing with their members who are affected by the dispute. The calling of special Branch meetings and other workplace meetings will be subject to the provisions of the Agreement on Time off for Trade Union Duties and Activities.

3.1.6 In cases where the head teacher is involved, the chair of governors or and another designated appointed governor will deal with this in the first instance.

3.2 Stage One

3.2.1 If the issue cannot be resolved at line manager level, it is open to either side to invoke Stage 1 of the procedure.

3.2.2 To invoke Stage 1 of the procedure, either side must submit details of the issues in dispute in writing to the Head Teacher. If the grievance is regarding the Headteacher, the collective grievance should be sent to the Chair of Governors. The Chair will progress the matter or delegate another Governor to do so. A copy of the grievance should be sent to the Local Authority's (LA) Head of Human Resources (Schools).

3.2.3 The LA's Head of Human Resources (Schools) will forward details of the dispute to the Branch Secretary of the Union concerned.

3.2.4 The Headteacher will convene a meeting with the appropriate parties to discuss the issue within five working days of receipt of written details and will also inform the LA's Head of Human Resources (Schools) of the date of this meeting. The time, date and venue of the meeting will be confirmed in writing as well as the right to be accompanied / represented. The school will make provision for any reasonable adjustments to accommodate the needs of a nominated representative with disabilities at the meeting.

3.2.5 If an agreement is reached at this meeting, written details should be provided to the parties, the Union and the LA's Head of Human Resources (Schools).

3.2.6 If there is a failure to agree at this stage, either side may refer the issue to the next stage of the procedure. The Headteacher will notify the LA's Head of Human Resources (Schools) immediately that a reference to Stage 2 is being made.

3.2.7 Where the immediate line manager is the Headteacher, Stage 1 will be initiated by either side writing up details of the issues in dispute and sending these to the LA's Head of Human Resources (Schools). The Headteacher may opt to refer the matter directly to Stage 2 without holding a meeting as at 3.3.3 if a similar meeting has already been held under the initial stages.

3.3 Stage 2

3.3.1 This stage must be completed within ten working days of the date the issue is referred from Stage 1.

3.3.2 The Governors Panel will meet and discuss the issue with the parties.

3.3.3 The advice of the LA's Head of Human Resources (Schools) may be sought as required by either side before or after the Headteacher meets the parties.

3.3.4 If agreement is reached at the meeting then written details will be provided to the Governors Panel, the Union and the LA's Head of Human Resources (Schools).

3.3.5 If there is a failure to agree at this stage, either side may refer the issue to the next stage of the procedure. The Headteacher will report the failure to agree to the LA's Head of Human Resources (Schools).

3.4 Stage 3

3.4.1 If there is a failure to agree at Stage 2, the LA's Head of Human Resources (Schools) will liaise with the Union and the school on the next course of action. Options available for consideration will include:

- investigation of the circumstances/mediation by the LA's Head of Human Resources (Schools) or a nominated LA representative
- inviting the Union full time officer (regional official) to discuss the matter
- a meeting with the Headteacher and a separate Governors Panel
- the declaration of a formal dispute to the Greater London Provincial Council
- conciliation by ACAS

3.4.2 A combination of approaches may be considered appropriate in some circumstances.

3.4.3 The LA's Head of Human Resources (Schools) will determine and make arrangements for the next stage of consideration within ten working days of receiving notification of failure to agree at Stage 3.

4 Time Limits

4.1 In the interests of good industrial relations, the time limits in this procedure should be adhered to. Wherever possible, the stages should be completed within the specified time scales. Some complex issues may require extra time for proper investigation or it may prove impossible to arrange a meeting within the specified time. In such cases it may be appropriate for the parties to come to a mutual agreement to modify the specific time limits.

4.2 Where appropriate and by mutual agreement, stages of procedures may be omitted in an attempt to resolve a serious industrial relations dispute in the shortest possible time.