



UNIVERSITY OF  
**WINCHESTER**

# COLLECTIVE DISPUTES PROCEDURE



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<b>Approving Body:</b>	HR Committee
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<b>Indicate whether the document is for public access or internal access only</b> <b>Indicate whether the document applies to collaborative provision?</b> <i>(Strikethrough text, as appropriate)</i>	<b>Public Access</b> <del><b>Internal Access Only</b></del> <del><b>Applies to Collaborative Provision</b></del>
<b>Summary:</b> The document defines the procedure for collective disputes.	

## **COLLECTIVE DISPUTES PROCEDURE**

1. The Recognition and Procedure Agreement between the University of Winchester and the University of Winchester UCU Branch and the University constituency of Hampshire UNISON branch makes provision for a disputes procedure during which time the status quo shall be deemed to apply.
2. This Procedure shall not be used in respect of matters which, under the JCNC arrangements, are deemed to be for consultation. Matters covered under the individual staff Grievance Procedure shall also be out with the scope of this Procedure via:
  - i) matters not related to employment;
  - ii) disciplinary matters;
  - iii) Income Tax, National Insurance, Statutory Sick Pay, Statutory Maternity Pay and other rules and regulations made by bodies other than the employer;
  - iv) the rules of pension schemes and matters related to pension schemes;
  - v) grading appeals and salary placements;
  - vi) appointment decisions except where the individual cases give rise to a matter of broader principle on which there has been failure to reach agreement by way of negotiation.
3. Notification of the intention to refer an issue under the Collective Disputes Procedure shall be given in writing and the detail of any such dispute shall be clearly set out.
4. Where a Collective Dispute arises out of any proposal to change existing practices or conditions of service, the 'status quo' shall prevail until these procedures have been exhausted. The trade union concerned therefore will take no industrial action and the management side will impose no sanction whilst this Procedure is being operated.

### **PROCEDURE STAGE 1**

5. The dispute shall be referred to a specially convened meeting of the Joint Consultative and Negotiation Committee which will meet as soon as practicable and normally within ten working days of the notification being received by Secretary to the Committee. The matter may be referred back to the parties for further negotiations and a subsequent JCNC meeting(s).

### **STAGE 2**

6. In the event of failure to resolve the matter under Stage 1, the matter shall be referred by the Director of Human Resources to the Clerk to the Governors who will arrange a special meeting of the Human Resources Committee of the Board of Governors. The Human Resources Committee will meet as soon as practicable and normally within ten working days of the referral to the Clerk to the Governors.
7. The parties in dispute shall provide separately written submissions to the Human Resources Committee. The Committee will determine its method of operation in the light of the circumstances of each dispute which may include:
  - i) meeting the parties separately
  - ii) meeting the parties jointly
  - iii) consultation with relevant outside organisations or individuals including representatives of employer organisations and officials of the relevant trade union;
8. The decision of the Human Resources Committee will be final and will conclude the internal process.

### **STAGE 3**

9. In the event of failure to achieve agreement in Stage Two of this procedure, either or both party may refer the matter to ACAS. Internal options must be exhausted before either party may approach ACAS.

10. The findings of ACAS will be advisory if the matter is referred by only one of the parties. If both parties refer the matter, the findings will be binding on both parties.

### **INFORMAL DISCUSSION**

11. The parties to this Procedure agree that its purpose is to resolve dispute without disruption wherever possible. Informal processes are not precluded during any of the formal stages of the Procedure. These may include consultation between the management of the University and external trade union officers.

### **AMENDMENTS**

12. Proposed amendments to this Procedure shall be considered by JCNC, whose recommendation will be submitted to Governors for approval. No amendments to the Procedure will be considered during a dispute except my mutual agreement between the parties.