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<b>PART B:</b>	<b>RECOMMENDATIONS TO COUNCIL</b>
<b>REPORT TO:</b>	<b>POLICY AND RESOURCES COMMITTEE</b>
<b>DATE:</b>	<b>1 APRIL 2010</b>
<b>REPORT OF THE:</b>	<b>HEAD OF ORGANISATIONAL DEVELOPMENT LOUISE SANDALL</b>
<b>TITLE OF REPORT:</b>	<b>COLLECTIVE DISPUTES POLICY</b>
<b>WARDS AFFECTED:</b>	<b>ALL</b>

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## **EXECUTIVE SUMMARY**

### **1.0 PURPOSE OF REPORT**

- 1.1 To recommend the implementation of a new policy and procedural requirements with respect to Collective Disputes set out at Annex B.

### **2.0 RECOMMENDATION**

- 2.1 That Council is recommended to approve the Collective Disputes Policy.

### **3.0 REASON FOR RECOMMENDATION**

- 3.1 This is presented as a joint policy and procedure between Ryedale District Council and UNISON. The Council has a range of policies that augment the Council's Workforce Plan. Human Resources and UNISON believes that implementing a collective disputes policy with procedural guidelines will alleviate the need by trade union to take more formal external routes for disputes around the treatment of employees.

### **4.0 SIGNIFICANT RISKS**

- 4.1 There significant risks are round reputation, duty of care to our employees, consistency of treatment, fairness and clarity of policies. There are mitigated through adoption of the proposed policy. There are no significant risks in approving the policy, further details are at Annex A.

## **REPORT**

### **5.0 BACKGROUND AND INTRODUCTION**

- 5.1 Ryedale District Council fully recognises the importance of communicating with staff as openly and as effectively as possible and to involve staff as far as is practicable in

the decision making process. In this respect, the Council also recognises the benefit to be gained by entering into early discussion with staff organisations, through established consultative machinery, on changes that are proposed and ways in which they will be implemented and where these changes may affect the interests of staff.

5.2 It is recognised in exceptional circumstances, and in spite of the consultative process, employees may have remaining complaints or problems relating to change, which they may wish to raise with management, through their Trade Union.

5.3 Currently Ryedale District Council has no implemented formal process for more than one individual to raise a grievance on the same matter. Individuals either in general, raise several individual grievances pertaining to the same issue, or by-pass the informal / formal process completely and, invariably, present through their Trade Union, claims to employment tribunal.

## **6.0 POLICY CONTEXT**

6.1 This policy links to the Council Plan Aim 5, Objective 10; to Transform the Council, and to develop the leadership, capacity and deliver future improvements.

## **7.0 CONSULTATION**

7.1 Consultation has taken place with other HR colleagues from the local government family, UNISON and ACAS. ACAS has provided recommendations and guidance on bringing about the final document being presented to Members. Consultation included openly seeking opinion and expertise from a variety of contributors and has been positive and welcomed by our trade union colleagues.

## **8.0 REPORT DETAILS**

8.1 With statutory guidelines being amended in April 2009 and ACAS releasing a code of practice for raising grievances, individuals are no longer obliged to raise matters with their employers prior to submitting an application to an employment tribunal office.

8.2 This policy is intended to provide such a mechanism by which such disputes may be resolved as quickly as possible and without detriment to the Council's services.

8.3 The aim of the proposed policy is to provide managers and employees with a clear and efficient process for dealing with informal and formal collective complaints and disputes as and when they arise.

8.4 By having this policy and procedural guidelines in place, we can alleviate such matters moving unnecessarily to external process, delay and cost. It shows that Ryedale District Council encourages participation and communication amongst its workforce.

## **9.0 IMPLICATIONS**

9.1 The following implications have been identified:

a) Financial

1) There are no ongoing financial implications on the Council from the introduction of this policy.

Under the repeal of the Statutory Procedures in April 2009 and the introduction of a recommended Code of Practice from ACAS (April, 2009) in managing disciplinary matters, which have a direct link to other policies, such as the Collective Disputes Policy, employment tribunals will expect that we have dealt with matters fairly, openly and consistently. Also, that employees are clear through the procedures, of the potential action they shall face if found in breach of any singular or group of policies. Failure to follow due process and procedure, may result in Ryedale District Council incurring additional costs above the statutory awards / costs of up to 25%, where the Council has been found to not have carried out its full procedures which are deemed fair and consistent for all employees of the Council.

It is anticipated that there should be a minimal cost associated with training and development for management teams to handle disputes where there is more than one individual, as there are now several very competitive training modules available through ACAS for employers and employees. It is anticipated that through working in partnership with our trade union colleagues, that Unison may also be able to support the learning and development process, to ensure a smooth transition into effecting the new policy.

- b) Legal
  - 1) There are no significant legal issues from the introduction of this policy.
- c) Equalities
  - 1) Equality Impact Assessment has been conducted and concluded that there was no evidence of differential treatment to any equality groups.

## **10.0 NEXT STEPS**

- 10.1 There will be a requirement to train managers in dealing with collective dispute management and conducting and hearing collective grievances. This training will also be offered to UNISON.

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**Background Papers:**  
None

**Background Papers are available for inspection at:**  
N/A