

UNION DISPUTES	Policy Register No: 04036 Status: Public on ratification
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Developed in response to:	Best Practice
Contributes to CQC Outcome:	17

Consulted With:	Post/Committee/Group:	Date:
Workforce Advisory Group	Workforce Advisory Group	January 2018
Lyn Hinton	Director of Nursing	January 2018
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Professionally Approved By:		
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Policy to be followed by (target staff)	All Staff
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Related Trust Policies (to be read in conjunction with)	04032 Grievance Policy 08020 Staff Retention Policy 04005 Recruitment & Selection Policy 08091 Workforce Development Plan

Document Review History:

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2.0	Rob Jarvis	October 2007
2.1WD	Colleen Hart - Practices unchanged; formal review by May 2015	November 2014
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1.0 Purpose & Aims

- 1.1 JCNC is the normal forum for formal negotiation, consultation and communication between the Trust and the recognised Trade Unions and Professional Associations (herein referred to as 'the Unions').
- 1.2 The Trust Grievance Policy provides for individual and collective grievances where staff consider that they have suffered a detriment in relation to the terms and conditions of their employment or to their treatment, and where the issues have not been able to be resolved through informal resolution and local management.
(Refer to the policy entitled 'Grievance Policy'; register number 04032)
- 1.3 The aim of the Disputes Policy is to enable the Unions to secure the status quo for a period while consultation is undertaken. JCNC takes very seriously the facility provided in this Policy. It may be used only in exceptional circumstances; for example where:-
 - Management has failed properly to consult or negotiate as set out in the terms of the JCNC agreement; and
 - Informal discussion with management, formal negotiation through the JCNC, and/or a formal collective grievance have each been considered but, on reasonable grounds, rejected.

2.0 Background and Principles

- 2.1 The Joint Consultative & Negotiation Council (JCNC) Agreement states that 'the Trust and Unions have a common objective to work in partnership to ensure the efficiency and success of the Trust for the benefit of patients, employees and the community we serve.' The agreement identifies that the pursuit of this common objective will be achieved through negotiation, consultation and communication.
- 2.2 Staffside recognises management's responsibility and right to manage. Management recognises Staff side's right to be meaningfully consulted on relevant issues. For consultation to be 'meaningful' it must be undertaken in good faith and with a view to seeking agreement to measures to be taken, rather than being the mere passage of information.

3.0 Procedure

- 3.1 The dispute procedure is activated when an Executive Officer of Staffside (ie. the Chair, Deputy Chair or Secretary), having the support of at least a two-thirds majority¹ of the Unions recognised by the Trust and represented at the JCNC, notifies in writing the Chief Executive or, in his/her absence, Deputy Chief Executive.

¹ Each Union shall have one vote.

3.2 The letter must state:

- The basis for the dispute; for example: the way in which the Trust has failed to negotiate or consult on a matter that falls within the scope of the JCNC agreement;
- Any local or informal action that has previously been taken to try to resolve the issue; and
- The reason why the dispute requires resolution through this policy, rather than informal discussion, negotiation at JCNC or a formal collective grievance.

3.3 On receipt of the formal notification of the dispute, the Chief Executive or nominated officer will arrange an emergency meeting of the JCNC. This meeting will provide the forum for consultation/negotiation and must be convened within five working days. During this period the status quo will prevail – see below.

4.0 'Status Quo' Provision

4.1 Once a collective dispute has been lodged in accordance with this policy, whatever practice, agreement or service provision that existed immediately prior to the dispute, and that is at issue, shall continue to operate pending a settlement or until the policy has been exhausted, whichever is the sooner.

4.2 During this period, Unions agree not to publicise dispute nor will they take any steps to prepare for industrial action.

4.3 The status quo provision shall not apply where the Trust is required by law to undertake or cease a particular practice, agreement or service provision, for example under Health and Safety legislation.

5.0 Termination

5.1 This agreement may be terminated by either Trust management or Staff side with six months' notice in writing. It may be amended by mutual agreement at any time through the normal negotiating mechanism.

6.0 Monitoring

6.1 JCNC to monitor compliance during each dispute.