



FEBRUARY 2012

DISPUTES RESOLUTION PROCEDURE

1. Purpose and Scope

The agreed process for the University of Surrey to inform, consult and negotiate with the recognised Trade Unions is through the Joint Negotiation Committee (JNC). However in the event of a dispute between the parties which is notified in accordance with this procedure, it is agreed that the Disputes Resolution Procedure will be followed.

A dispute is defined as a collective difference (or “failure to agree”) on a matter concerning a number of employees, which is pursued on their behalf by one or more recognised Trade Unions and the University of Surrey. Such matters would be connected with the employees' work or working environment and would include all matters that might be covered under a legally declared trade dispute.¹ It would exclude:

- Matters covered by national level negotiations.
- Changes required by legislation.
- Matters which have previously been dealt with under this procedure itself.
- National or regional disputes declared by one or more of the recognised trade unions with a group of employers.

A dispute is not an individual complaint by an employee – this is dealt with through the Grievance procedure and is not appropriate for discussion within the Dispute Resolution Procedure.

The purpose of the Disputes Resolution Procedure is to provide a fair, structured and consistent approach for the consideration of disputes and should be instigated when all reasonable attempts have been made to resolve the difference, but such attempts have been unsuccessful.

2. Raising a Dispute

Where all parties agree that all scope for progress through normal bi-lateral discussions or through ordinary discussions at the JNC has been exhausted and there is a “dispute”, either the employer or any of the trade unions recognised at the University of Surrey, may give formal notice in writing to all parties that it is instigating the Dispute Resolution Procedure.

This procedure allows for a structured approach to dealing with a dispute. In these circumstances:

- (a) This procedure should be followed at all times when a dispute exists;
- (b) During the time the Stage One procedure is being followed neither party shall cause, take part in, or authorise its members or managers to take part in any form of action against the other party. This means that the University of Surrey will not impose a resolution and the trade unions will refrain from taking any form of industrial action. It is noted that in accordance with paragraph 1 above, this requirement concerns local dispute, and other action that may be occurring concurrently at a national level by either or both parties will not be covered. The recognised trade

¹ As defined by section 244 of the Trade Union and Labour Relations (Consolidation) Act 1992

unions reserve the right to notify and commence a ballot of members for industrial action during Stage One.

- (c) Once Stage One has been exhausted and there remains a failure to agree, it is no longer a requirement upon the University of Surrey to stop or postpone imposing any resolution. Additionally, the trade unions are not required to refrain from taking any form of industrial action. However, it is expected that both parties should act reasonably seeking input from each other before reaching a decision on any action that would be taken.

The stages of the procedure are as follows:

2.1 Stage One (Further Discussion)

The nature of the dispute should be described in writing to the other party. Following receipt of such notification the parties will agree within five working days on dates for at least two meetings to seek to resolve the dispute. Unless agreed otherwise, these meetings will take place within the following ten working days.

Attendance at these meetings will normally include regional officials and representatives of the trade unions in dispute, together with the Director of Human Resources, and other relevant University senior managers or professional advisers.

The focus of these meetings will be on reaching a settlement of the issue(s) in dispute. Such settlement should also seek to include recommendations on how similar disputes might be avoided in the future.

Further meetings beyond this initial period may take place where it is agreed between the parties.

2.2 Stage Two (Mediation)

If it has not been possible to resolve the dispute through this series of meetings, the parties will consider whether third-party assistance / mediation – normally using ACAS for mediation and conciliation – would be helpful. The mediator will be a professionally trained person whose function is to explore common ground with both sides with the objective of enabling both sides reach a settlement themselves.

A decision on moving to Stage Two should be taken only if both parties agree and should be made within the following five working days from the confirmed outcome of Stage One.

2.3 Stage Three (Arbitration)

If it has not been possible to resolve the dispute through mediation and conciliation, the parties may agree to jointly refer the matter to binding arbitration. This will involve the appointment of an accredited arbiter whose function is to consider each side's case and to reach a decision on the disputed issue. This decision is binding on both sides to the dispute.

A decision on moving to Stage Three should be taken only if both parties agree and should be made within the following five working days from the confirmed outcome of Stage Two.

3. Outcome

This procedure shall be deemed to be at an end once:

- A resolution has been reached which is acceptable to all parties; or
- The results of binding arbitration are implemented, where the matter has been referred by agreement of all parties or
- If the matter is not resolved through one of the three stages.

Outcomes from any stage in the procedure will be communicated jointly.