



COLLECTIVE DISPUTE PROCEDURE

Approving Body	Trust
Date of Last Review	November 2022
Statutory (Y/N)	N
Responsible Officer	BMAT CEO for and on behalf of the Trust

I. PURPOSE, SCOPE AND GENERAL PRINCIPALS

1. The parties to this Procedure are BMAT and its recognised trade unions, as defined in the BMAT Trade Union Recognition Agreement.
2. "Collective Dispute" means a matter involving multiple employees, whose interests are represented by the representative(s) of trade union(s) recognised by BMAT:
 - a. Individual grievances may only be pursued under the BMAT Grievance Policy and Procedure;
 - b. Individual employees may not raise individual grievances on the same issue(s) if they are a party to an active collective dispute, and vice versa;
3. This Procedure aims to:
 - a. Provide managers and employees with a clear process to resolve collective disputes promptly and to achieve a mutually acceptable solution;
 - b. Ensure that managers are aware of and supported in carrying out responsibilities for the resolving of collective disputes;
 - c. Ensure that all parties to a collective dispute have the opportunity to put their case.
4. Status Quo: Once a formal collective dispute has been raised, the status quo will apply to all employees in the scope of the dispute. This means that, until the collective dispute has been resolved or until this Procedure has been exhausted, there will be.
 - a. No changes to pay, conditions of service, working practices or other matters of contention; and
 - b. No industrial action, including strike action and action short of a strike.
 - c. New issues should not be raised, unless necessary and agreed.
5. Employees must state the remedy being sought for the collective dispute to be dealt with.
6. This Procedure incorporates time limits for each stage:
 - a. A collective dispute should be resolved within two months from the date it was formally recognised as a collective dispute;
 - b. If the circumstances so warrant (e.g. factual complexity), time limits may be extended upon agreement between the parties;
 - c. If a collective dispute is not resolved within the set time limit, then it may be progressed to the next stage.
7. Advice may be sought by either side from ACAS at any stage of this Procedure. Mediators or conciliators may be appointed on joint agreement.

II. STAGE 1 PROCEDURE - INFORMAL RESOLUTION

8. Trade Union representatives and managers are encouraged to deal with collective disputes informally.
9. Advice may be sought from HR, and informal meetings may be arranged between the parties to the dispute (the affected employees and their managers) to attempt to resolve the dispute. Notes should still be taken.
10. If a dispute is unsuitable for informal resolution, or if attempts at informal resolution have not been successful and it has been 10 working days since those attempts started, formal procedures will be engaged.

III. STAGE 2 PROCEDURE - FORMAL RESOLUTION

11. Within five working days of the conclusion of Stage 1, a trade union representative should send the Notification of Collective Dispute (Formal) (Appendix A) to the Clerk to the Trust. The notification must provide:
 - a. Details of the dispute;
 - b. Details of the employees involved in the dispute, including their Union affiliations;
 - c. Any supporting evidence; and
 - d. What resolution is sought.
12. As soon as reasonably practicable, the Clerk to the Trust will notify the BMAT CEO of the notification.
13. Advice may be sought from HR and/or legal advisers e.g. as to whether the notification reveals a genuine collective dispute. If the notification does not reveal a genuine collective dispute, it will be referred back for resolution at the local level.
14. Within 10 working days of receiving the notification, the Clerk to the Trust will convene a Collective Disputes Panel comprising:
 - a. The BMAT CEO as Chair, or a suitable delegate from the BMAT Trust
 - b. Executive;
 - c. At least one but no more than two other members of the BMAT Trust Executive as Vice Chair(s), or suitable delegate(s) from BMAT senior leadership;
 - d. An HR officer as a neutral facilitator; and
 - e. The Clerk to the Trust as a neutral facilitator and minute taker;
15. The panel will meet with the trade union(s) representing the employee side.
16. Any evidence will be submitted to the Clerk to the Trust no less than five working days prior to the meeting. After this point, no new issues or evidence may be raised unless exceptional circumstances permit them being raised and/or all parties provide informed consent to them being raised.
17. The meeting will aim to resolve the dispute to the satisfaction of all parties, as follows:
 - a. Trade unions representing the employee side to put their case (the employees should not be present unless exceptional circumstances so permit, and all sides provide informed consent to their presence. If the employees are present, they must only provide clarity on points of the dispute when requested; only the trade union(s) may take a formal role in the meeting for the employee side).
 - b. Questions from the chair and/or vice-chair(s) to the employee side;
 - c. Chair and/or vice-chair(s) to put the employer's side;
 - d. Questions from the trade unions to the employer side;
 - e. A round table discussion to follow if necessary, moderated by the Chair;
 - f. The panel will withdraw. The legal adviser will advise and make recommendations to the chair and vice-chair(s). Taking those recommendations into account, they will agree on a decision.
 - g. The panel will return to present their decision to the trade union(s);
 - h. The trade union(s) may request clarification of the decision and/or withdraw for a short time to agree their views on the decision.

18. The panel's decision will be confirmed in writing by the Clerk to the Trust within five working days of the meeting.
19. In exceptional circumstances (e.g. due to factual complexity), the panel may have to withdraw to receive further HR and/or legal advice on their proposed decision. In these cases, the panel will communicate their proposed decision at the meeting and will confirm next steps in writing within five working days.

This will include a timescale for the final decision, which will be no more than five further working days.

IV. STAGE 3 - ONGOING FORMAL DISPUTE (FINAL STAGE)

20. If the decision is disputed on the employee side, the trade union(s) will respond to Clerk to the Trust in writing within five working days of receiving the decision, clearly explaining:
 - a. What element(s) of the decision at Stage 2 are disputed; and
 - b. How those element(s) could be revised to resolve the dispute.
21. The Clerk to the Trust will refer the matter to the chair and vice-chair(s) of the meeting at Stage 2 and the BMAT CEO if s/he was not present at that meeting.
22. HR and legal advice may be sought.
23. If necessary, the BMAT CEO, with support from the vice-chair(s) of the meeting at Stage 2 and from HR/Legal, will arrange for a meeting within 15 working days of the Collective Dispute Form (Stage 3) with a Collective Dispute Panel (Stage 3), constituting:
 - a. A representative from the BMAT Board of Trustees as Chair; and
 - b. The members of the Stage 2 meeting (including an HR adviser and the Clerk to the Trust).
24. The procedure for the meeting will be as follows:
 - a. The Chair will summarise the dispute and the Stage 2 decision, and will put questions to all parties to ensure clarity;
 - b. The employer's side from the Stage 2 meeting (the Chair and ViceChair(s)) will explain how the decision was reached and why it is considered a reasonable way to resolve the dispute;
 - c. The trade union(s) and the Chair will put questions to the employer side;
 - d. The trade union(s) will explain why they dispute the decision, what element(s) of the decision they would like to change and in what way(s);
 - e. The employer's side and the Chair will put questions to the trade union(s);
 - f. The Chair will facilitate a round table discussion if necessary;
 - g. The parties may withdraw for a short time;
 - h. The employer's side will confirm if they are willing to revise any parts of their original Stage 2 decision;
 - i. The employee's side will confirm if they are willing to accept the decision, in its original or revised form as appropriate;
 - j. By agreement, the parties may revert to earlier stages of this procedure if that would assist resolution (e.g. a further Stage 2 meeting if the parties may accept an improved/revised decision).
25. This Procedure will end when:

- a. A resolution has been reached; or
- b. Resolution has not been achieved from either the Stage 2 or Stage 3 meetings.
- c. There are no further rights of internal consideration of collective disputes.

Collective Dispute Procedure

Appendix A – Notification of Collective Dispute (formal)

Date	
Parties (Employees' Names)	
Employees' representative(s) and Trade Union Name	
What are the points in dispute?	Attach all material evidence and continue this table on a separate sheet where necessary.

Collective Dispute Procedure

Appendix A – Notification of Collective Dispute (formal) – Page 2

<p>Outline any steps taken to resolve the dispute informally.</p>	
<p>What outcome is sought to resolve the dispute?</p> <p>Outcomes should be SMART (specific, measurable, achievable, realistic and time-specific)</p>	
<p>Signed</p>	