



Triumph Learning Trust

Aspiration - Collaboration - Innovation

Collective Disputes Policy

Policy Details

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1. Introduction

This document provides advice on the Collective Disputes procedure.

The Trust is committed to working collaboratively with the recognised trade unions to ensure the maintenance of effective industrial relations.

This policy is managed through the JCNC process and forms part of an employee's terms and conditions of employment.

2. Scope of Policy

This procedure applies to all trade unions recognised by Triumph Learning Trust.

A collective dispute (or a 'trade dispute' as it is known in law) can relate to any employment relations matter that affects a group (or groups) of employees.

3. Responsibilities

The Trust recognises it has a statutory obligation to adopt formal policies and establish workplace procedures for dealing with collective disputes. The Trust recognises that collective disputes rules and procedures promote good employment relations and is committed to dealing with matters in a fair and consistent way.

The Trust will maintain clear employment policies and procedures that support good communication, consultation and negotiation in relation to employment matters.

The Trust will seek to resolve collective disputes promptly through joint working with the trade unions.

4. Review

This policy will be reviewed jointly by The Trust and the recognised Trade Unions on a regular basis.

5. Collective Disputes Principles

To assist early resolution, the reason for the dispute must be clearly defined in writing.

Matters of dispute will normally be resolved through the appropriate local or Trust consultation processes without recourse to Collective Disputes Procedure.

The Collective Disputes Procedure will only be invoked when consultation processes have been exhausted.

Headteachers, Trust Leadership and trade unions will seek to resolve disputes promptly and will comply with the timescales set out in the procedure. The aim will be to resolve any matter of dispute within a maximum of 8 weeks from the date of registration of the dispute, if all stages of the procedure are used.

The Collective Disputes Procedure will not be used to challenge points of principle or policy decisions made by the Trust relating to the delivery of services where full consultation, including trade union consultation, has previously taken place. Matters regarding the

implementation of such points of principle or policy decisions can however be raised through the Collective Disputes Procedure.

The Collective Disputes Procedure will not be used to challenge established Trust policies and procedures although matters regarding the implementation or application may be raised.

It is recognised by the trade unions and Headteachers that the Trust has the right to introduce change and implement decisions, provided that prior genuine consultation has taken place through the established collective processes and with individual employees who may be affected by proposed changes.

It is the responsibility of Headteachers, Trust Leadership and trade union representatives to ensure that information that assists in reaching a decision, and has a direct bearing on the dispute, is made available to both parties.

6. Status Quo

The management and working arrangements that applied before the Dispute was formally registered will continue to operate until the three stages of the Collective Disputes Procedure have been exhausted, subject to the conditions below.

Headteachers and/or Trust Leadership will undertake proper consultation with the trade unions before any changes affecting employment matters are implemented. In the event of contractual changes being implemented without genuine consultation, the status quo will revert to the substantive position before the changes were made.

The status quo being applied to the work group raising the dispute will not affect any other related or unrelated work groups. Where progress on implementing change is suspended consequent on the status quo applying to a particular aspect of the change, this will not affect progress on implementing change to other areas of the review relating to that work group or any other work groups not directly affected by the dispute. However, if the matter relates to a policy or procedure that is applied corporately across the Trust and has implications Trust wide, management/schools will need to give consideration to the wider status quo situation in consultation with the trade unions.

7. Procedure

The registration of a Dispute under the Collective Disputes Procedure shall be given in writing and must include:

- Details of the scope of the dispute
- Details of the grounds of the dispute
- Details of the work groups/employees affected by the dispute
- Signatory trade unions to the dispute
- Proposed action to resolve the dispute

Stage 1

When a matter cannot be settled satisfactorily by informal discussions between employees, trade unions, Headteachers and Trust Leadership (including HR), the trade union representative may give notice in writing to the appropriate Headteacher concerned of the details of the matter of dispute. Where the matter of dispute relates to a Trust-wide policy or approach, the trade union representative should give notice in writing to the appropriate Trust Leader, namely either the Chief Operating Officer or the Chief Executive Officer.

When a dispute has been formally raised under this procedure the Headteacher or Trust Leader must give a written decision in writing on the matter within 10 working days. In the interim, if the Headteacher or Trust Leader wishes to discuss the issue in more detail with the Trade Union, a meeting should be arranged for this purpose.

Stage 2

If the trade union is not satisfied with the response from the Headteacher or Trust Leader at stage 1 of the procedure the matter should be referred in writing to the Trust within 5 working days of receipt of the response. At this stage the trade union would normally consider involving for the first time a regional full-time official.

A Panel of Trustees will be convened for a meeting involving both parties from Stage 1 of the procedure (together with a representative from HR and/or members of the Trust Executive Leadership Team). The meeting will take place within 10 working days of the Stage 2 notification being received, in accordance with the procedure outlined in Appendix 1 and at a mutually agreeable time.

The Panel of Trustees will give a decision in writing within 5 working days of the meeting.

The Panel of Trustees must exclude any where a conflict of interest might occur.

Stage 3

If the trade union is not satisfied with the response from the Panel of Trustees at Stage 2 of the procedure the matter should be referred in writing to the Chair of Trustees via the Clerk to Trustees kelly.goddard@coventry.gov.uk within 5 days of receiving the Stage 2 response, setting out the reasons why the decision is not satisfactory and requesting that the matter be referred to a Trust Appeal Panel.

The Appeal Panel must consist of at least 3 Trustees, but preferably 5 and must exclude those who have already been involved at Stage 2 or who may have a conflict of interest. The Appeal Panel would normally include the Chair of Governors unless previously involved.

The Appeal Panel will be arranged within 5 weeks. The Appeal Panel will consider the matter in accordance with the procedure outlined in Appendix 1.

8. External Mediation

All parties will consider seeking the involvement of appropriate external bodies, e.g. ACAS, to provide facilitation, assisted bargaining or other support in the event that a dispute cannot be resolved within the Trust.

9. Time Commitments

The time limits specified within this document may be reduced or extended, by mutual agreement, at any stage of the Procedure, where it is considered this will help to facilitate a resolution.

Co-operation to progress matters of dispute is imperative. If unreasonable delays occur consequent on failure to agree dates for disputes hearings, a range of dates and times will be set aside, one of which must be adhered to.

10. Appendices

Appendix 1	Procedure to be Followed at Stage 2 or Stage 3 (Appeal) Dispute Hearing
Appendix 2	Disputes Procedure Flow Chart

Appendix 1 – Procedure to be Followed at Stage 2 or Stage 3 (Appeal) Dispute Hearing

1. A full-time/regional Trade Union official, Regional National Executive Member, National/local delegation may accompany the Corporate Accredited Trade Union Representative.
2. The Trade Union representative will explain the grounds for the Dispute in the presence of the Trust Leader (at Stage 2) or Chair of Trustees/Panel (at Stage 3)
3. The Trust Leader (Stage 2) or Chair of Trustees/Panel (Stage 3) will have the opportunity to ask questions of the Trade Union representative.
4. The Panel (Stage 2) or Appeal Panel (Stage 3) and/or adviser(s) will have the opportunity to ask questions of the Trade Union representative.
5. The Trust Leader (Stage 2) or Chair of Trustees/Panel (Stage 3) will put forward a response to the matters in dispute in the presence of the Trade Union representative.
6. The Trade Union representative shall then have the opportunity to ask questions of the Trust Leader (Stage 2) or Chair of Trustees/Panel (Stage 3).
7. The Panel (Stage 2) or Appeal Panel (Stage 3) or adviser(s) will then have the opportunity to ask questions of the Trust Leader (Stage 2) or Chair of Trustees/Panel (Stage 3)
8. The Trade Union and the Trust Leader (at Stage 2) or Chair of Trustees/Panel (at Stage 3) will then have the opportunity to sum up their cases if they wish.
9. Both parties will then withdraw whilst the Panel (Stage 2) or Appeal Panel Stage 3 and adviser(s) adjourn to make a decision. (A “minute taker” will be allowed to remain).
10. It may be necessary for the Panel (Stage 2) or Appeal Panel (Stage 3) to recall any party before making such a decision in order to clarify any points of uncertainty. In such cases both parties will be recalled.
11. All parties will then return for the decision to be announced and subsequently confirmed in writing.
12. This procedure does not prejudice the Trade Union’s right to use legal process.

Appendix 2 - Disputes Procedure Flow Chart

