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PART 1

1.0 POLICY STATEMENT

Falkirk Council is committed to maintaining constructive relationships with its employees and recognised Trade Unions. The Council however recognises that from time to time, a number of internal and external factors impact on this relationship. It also accepts that these problems can be resolved by the use of, and commitment to, agreed consultation and negotiating procedures.

Normally groups of employees should discuss their differences with their line manager/supervisor or, if they wish, a more senior manager so that the issue can be dealt with without recourse to formal procedures.

It is also recognised that there may however be occasions when difficulties will arise which require more formal procedures to be instigated if resolutions, acceptable to the parties, are to be found. The Disputes procedure aims to deal with such situations, providing a clear process to promptly resolve collective disputes and achieve a mutually acceptable solution.

The Disputes procedure should not be read in isolation and should be recognised as being available within the framework of Discipline, Grievance etc procedures. It is recommended that this procedure be utilised in the event of a difficulty arising between the Council and a collective group of employees where representation by a recognised Trade Union is available and where the appropriate mechanism for addressing the issue is not provided within other procedures.

PART 2

2.0 PROCEDURE

2.1 Scope

This policy applies to recognised Trade Unions within Falkirk Council and formal disputes may only be registered by the local Branch Secretary of the relevant trade union or a Full-time Official.

2.2 Definition

Disputes are collective complaints by groups of employees supported by their recognised Trade Union.

Issues likely to fall outside the scope of the Disputes Policy include:

- matters more effectively dealt with under a specific policy or procedure i.e. conduct or capability issues;
- matters over which the Council has no control e.g. a nationally agreed condition of service;
• grievances raised by non-trade union members;
• grading issues;
• concerns raised as a ‘protected disclosure’ under the Council’s Confidential Reporting Policy i.e. whistle-blowing concerns;
• allegations of bullying, harassment or victimisation which should be considered under the Council’s Dignity at Work Policy; and
• complaints relating to the right to request access to information requests.

2.3 Informal Resolution

Every effort will be made to resolve disputes informally. Trade union representatives and managers are encouraged to deal with collective concerns/disagreements informally at a local level within 5 working days of the issue being raised. Where management and the relevant trade union representatives agree that no agreement can be reached informally at a local level, the matter may be progressed formally.

2.4 Formal Dispute Registration

Disputes should be registered with the Head of Human Resources & Business Transformation and the submission should be in writing. The written submission should be dated, should outline the reasons for the dispute and identify the names of individuals on whose behalf the dispute is being raised. It is also important that the written submission states the remedy being sought to allow the dispute to be dealt with.

If the dispute is being registered on behalf of the Council, formal notice will be sent to the Secretary or Full-time Official of the Trade Union concerned by the Head of Human Resources & Business Transformation. If the dispute is being registered on behalf of a recognised Trade Union or on behalf of the Joint Trade Union Committee (JTUC), formal notice will be forwarded by the appropriate Secretary to the Head of Human Resources & Business Transformation.

A formal dispute will only be considered registered once a signed written submission has been received by the relevant party.

2.5 Working Arrangements

The working and management arrangements which applied before the dispute should normally operate until the dispute is resolved.

There will be no withdrawal of labour or lock out of any nature whatsoever, until the disputes procedure has been exhausted.

The Council will not attempt to implement any alterations to conditions of employment enjoyed by the group of employees on whose behalf the dispute is submitted. Similarly, no changes to well established work practices will be considered until agreement has been reached by the parties involved or, alternatively, the procedures have been exhausted. However, in exceptional circumstances, in consultation with Trade Unions, it may be necessary for changes to take effect whilst the dispute is ongoing, for example, where there are health and safety risks, and/or child or vulnerable adult protection risks.
2.6 Disputes Process

Following registration of the dispute, both parties will make representatives available for a preliminary meeting to take place within 5 working days, unless an alternative date beyond this period is agreed by all parties. The initial meeting, convened by the Head of Human Resources & Business Transformation, or representative, will be held to both explore the issues of the dispute and, assuming a resolution is not immediately possible, to agree the procedures and timescale for further progress.

In accordance with any agreements reached concerning process/timescale, the Head of Human Resources & Business Transformation, or representative, in pursuing a resolution of the matter, will convene all appropriate meetings between the representatives of the recognised Trade Unions, and as appropriate or necessary, their full time officials, the Chief Executive, Chief Officers of the Service(s) involved, and other officers as required.

The outcome from the Collective Disputes Meeting will be notified in writing within 5 working days or other period agreed by both parties.

2.7 Unresolved Disputes

It is recognised that the above process may not always result in a solution agreed by both parties. If this is the case then there are further options available:

- Either party may request a meeting of the Council’s Appeals Committee.

- Either party can request the involvement of a third party, i.e. ACAS (Advisory Conciliation and Arbitration Service). In the event of either party suggesting such a course of action, the involvement of a third party, the remit and terms of the process require to be agreed by both parties before the issue may be remitted to the approved third party.

PART 3

3.0 MONITORING & REVIEW

This policy will be reviewed, revised and updated to meet the needs of the Council by the Head of Human Resources & Business Transformation in conjunction with Chief Officers and in consultation with the recognised Trade Unions as appropriate.