



APPENDIX C

Procedure for Handling Disputes

1. Introduction

- 1.1 This procedure has been agreed between the Management and Staff Side of Cafcass representing the following trade unions: UNISON, Napo and PCS. The procedure is designed to regulate disputes between Cafcass and its recognised trade unions.
- 1.2 Both sides agree that the Disputes Procedure should be needed very rarely. Cafcass, its management and staff organisations seek to maintain a positive working environment involving regular communication and consultation. Issues will inevitably arise from time to time, but since disputes are potentially harmful to the interests of service users, staff and the organisation, managers, in collaboration with staff and their local representatives, will be expected to resolve all but the most complex difficulties without recourse to formal procedures.

2. Definition of a Dispute

- 2.1 A dispute exists when there has been a breakdown in discussions between management and a recognised trade union(s) over an issue that, if it were to remain unresolved, would have potentially serious repercussions on service users, staff or Cafcass.
- 2.2 An issue for which a separate procedure is applicable cannot be the subject of a dispute, including:
- disciplinary issues;
 - grievances affecting one or more individuals within the scope of the Cafcass Grievance Procedure, including grievances over changes to working practices;
 - individual grievances over grading or eligibility for terms and conditions of service.

3. Status Quo

- 3.1 When a dispute is raised by a recognised trade union, the Status Quo shall apply from when the Director of Human Resources and Organisational Development is notified in writing by either the full-time officer or local representative of the trade union.

- 3.2 The Status Quo is defined as the existing arrangements in operation, agreed or customarily applicable prior to the raising of the dispute, except where a change has been implemented without proper consultation, when the Status Quo will be the arrangement that previously applied. If the trade union has previously agreed to proposed changes and a subsequent dispute is lodged before they come into operation, these agreed changes should be regarded as the Status Quo.
- 3.3 When, following a period of consultation, formal notice has been given of a change; the Status Quo shall only apply if the dispute relating to the change is lodged within 5 working days of the formal notice from the line manager (see Section 4.2 below).
- 3.4 No form of industrial action (including work to rule) may take place prior to the procedures in this document being exhausted.

4. Disputes Procedure

4.1 Stage 1: Informal Stage

- 4.1.1 Every effort will be made to secure a settlement as close to the source of the dispute as possible. It is expected that line management and local trade union representative/s will have made all reasonable efforts to consult on the issue causing concern to the staff organisation. When it appears that discussions at this stage cannot resolve the dispute the senior line manager involved will write to the local staff representative summarising the position, and copying the letter to the full-time officer or local representative as appropriate.

4.2 Stage 2: First Formal Stage

- 4.2.1 If a dispute cannot be resolved locally, either the full-time officer or the local representative of the relevant trade union will write to the Operational Director on the Partnership arrangement, normally within 5 working days of the receipt of the line manager's letter at Stage 1 of the Procedure, setting out the trade union's position. The trade union representative will notify the Senior Managers above of any potential delay in this, before the expiry of the 5 working days, giving reasons.
- 4.2.2 The Operational Director will arrange a meeting to discuss the issue, involving the appropriate senior Manager/Director of Human Resources and Organisational Development/ full-time officer/ appropriate trade union representatives. This meeting will normally take place within 10 working days of the receipt of the letter from the full-time officer.
- 4.2.3 The Operational Director will circulate a report of the meeting to all parties.

4.3 Stage 3: Second Formal Stage

4.3.1 If the dispute cannot be resolved at Stage 2, the full-time officer may request in writing, via the Operational Director, a meeting with the Chief Executive. Such a request should, except in exceptional circumstances be made within 5 working days of the receipt of the report of the final meeting at Stage 2 of the Procedure. The Operational Director will arrange a meeting with the Chief Executive and managers nominated by the Chief Executive, along with the full-time officer and appropriate trade union representatives. This meeting will normally take place within 10 working days of the receipt of the letter from the full-time officer.

4.3.2 The Operational Director will circulate a report of the meeting to all parties.

4.4 Stage 4: Third Formal Stage

4.4.1 If the dispute cannot be resolved at Stage 3, either party may refer the matter to ACAS for conciliation within 10 working days of the receipt of the report of the final meeting at Stage 3 of the Procedure.

4.4.2 If both parties agree, ACAS may be asked to arrange for arbitration.

5. Time Limits on Pursuit of a Dispute

5.1 The time limits within Section 4 may be extended with the mutual agreement of all parties. Where the full-time officer exceeds the time limits for the progression to the next stage of the procedure, the dispute shall proceed only where there is reasonable cause for delay. The Operational Director should also make every reasonable effort to arrange meetings within 10 working days of the receipt of the letter from the full-time officer.

6. Further Guidance

6.1 Further guidance on the use of this procedure is available from the Human Resources Department.