



DERBY CITY COUNCIL

**PERSONNEL COMMITTEE**  
**1 OCTOBER 2009**

## **ITEM 12**

Report of the Corporate Director of Resources

### **Settling Disputes Procedure**

#### **RECOMMENDATION**

1. To note the contents of this report.

#### **SUPPORTING INFORMATION**

- 2.1 At its meeting on 14 October 2008, the Personnel Committee resolved that it no longer wished to have disputes referred to the East Midlands Regional Joint Council. This referral constituted stage three of the Council's Settling Disputes Procedure.
- 2.2 We informed the trade unions of this decision at the Conditions of Service Working Party in November 2008. There was considerable discussion during which the trade unions expressed their opposition to the change.
- 2.3 We sent a copy of the proposed revised procedure to the trade unions as they requested shortly after the Christmas break.
- 2.4 We received no further representations from the trade unions until July 2009 when they attempted to refer the travel plan dispute to the Regional Council and were told that this route was no longer available.
- 2.5 In a letter to Councillor Rawson and copied to members of the Personnel Committee, UNISON have claimed they were not formally notified of the Council's intention. Whilst the matter was not referred to the Corporate Joint Committee, it was discussed at the Conditions of Service Working Party, which is part of the formal negotiating machinery in the Council.
- 2.6 UNISON has also alleged that the Council has unilaterally withdrawn from National Agreements. The management side does not accept that the right to refer a dispute to the Regional Joint Council is a part of the National Agreement. Part 1 of the Green Book establishes provincial councils but does not define those councils' responsibilities. Part 3 of the Green Book refers to the invitation to the Joint Secretaries to conciliate but it does not make any reference to a regional disputes panel.

- 2.7 It is correct that the management formed the conclusion that union agreement to this change would not be forthcoming. However, withdrawal of the provision does not constitute a change to employees' contractual rights. The Council has the right if it so wishes to seek to settle disputes without reference to an external body.
- 2.8 The implication in the UNISON letter is that officers misled the members of the Personnel Committee into making the decision to no longer refer disputes to the Joint Regional Council. The rationale for the recommendation was that decisions which had a budgetary implication and therefore an impact on Derby's Council Tax payers should be made by Elected Members who were accountable to those tax payers and not representatives on an external body. Members of the Personnel Committee supported this view.

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**Background papers:** None

**List of appendices:** Appendix 1 Implications

<b>IMPLICATIONS</b>
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**Financial**

1. None arising from this report.

**Legal**

2. None arising from this report.

**Human Resources**

3. None arising directly from this report.

**Equalities Impact**

4. None arising directly from this report.