



Royal College
of Nursing

Bargaining guide for collective disputes

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corporate.communications@rcn.org.uk

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Introduction

This guide is designed to support RCN staff and representatives in handling disputes with employers (for example: NHS trusts) using an organising approach.

It aims to resolve workplace issues and also strengthen union presence, increase member engagement and build activism.

What is a dispute?

General dispute

A dispute refers to any disagreement between employees and their employer over workplace issues such as pay, working conditions, staffing or policies.

Trade dispute (legal definition)

Under Section 244 of the Trade Union and Labour Relations (Consolidation) Act 1992 (TULRCA), a trade dispute is defined as a dispute between workers and their employer relating wholly or mainly to:

- terms and conditions of employment
- engagement, non-engagement, suspension or dismissal
- allocation of work
- discipline
- union facilities
- negotiation machinery.

Only disputes that meet this definition qualify for statutory immunity when industrial action is taken.

Exhausting internal dispute resolution processes

Before escalating a dispute externally, or considering industrial action, it is essential to demonstrate that all internal avenues have been explored.

This both strengthens the union's credibility and builds trust with members and stakeholders. It shows the RCN is committed to resolving issues constructively and in partnership, where possible.

Key steps to take

1. Raise the issue formally

- Use local partnership forums or joint staff-side meetings to table the concern.
- Ensure the issue is documented in meeting minutes and followed up with written correspondence.
- Consider using a template letter to formally raise the dispute – this helps ensure consistency and clarity (the RCN will provide examples. See [Appendix B](#)).

2. Utilise grievance and dispute procedures

- Check the employer's grievance policy and any dispute resolution clauses in recognition agreements.
- Submit a formal grievance, if appropriate, ensuring it is signed or supported by affected members. While an employer's collective grievance process may require all aggrieved members to be listed individually by name, a formal dispute does not.
- A formal dispute requires to be supported by the members who are affected but is submitted on behalf of the members. Rather than listing named members, the dispute would identify the group of members, for example: "RCN members working in unit X".
- Keep records of all correspondence and meeting outcomes.

3. Engage in negotiation

- Seek informal resolution first, where possible, through direct dialogue with the employer.
- If informal efforts fail, escalate to formal negotiation channels.
- Involve experienced RCN reps and RCN regional staff, where needed, to support the process.

4. Consider mediation

- Where relationships are strained or communication has broken down, mediation may be a useful tool.
- This can be internal (via human resources (HR) or partnership facilitators) or external (via Acas – the Advisory, Conciliation and Arbitration Service – or other bodies).
- Mediation should be voluntary and focused on finding a mutually acceptable resolution.

5. Document everything

- Keep a clear timeline of actions taken, responses received, and decisions made.
- This will be vital if the dispute escalates and helps ensure transparency and accountability.

6. Communicate with members

- Keep members informed and involved throughout the process.
- Explain what steps have been taken and why escalation may be necessary.
- Use updates to build engagement and prepare members for potential collective action.

Additional resources are available in the [appendices](#).

Organising approach to dispute handling

Handling a dispute effectively requires more than procedural knowledge – it demands a strategic organising approach that empowers members and builds union strength. This means not just treating the dispute as a problem to solve but as an opportunity to grow collective power and engagement.

Key principles and actions

1. Listening and issue identification

- Conduct structured conversations with members to surface concerns.
- Use surveys, listening events, or informal drop-ins to identify issues that are widely and deeply felt.
- Ensure the issue resonates across roles and departments to build collective ownership.

2. Mapping and power analysis

- Map the workplace to understand union density, influence and key relationships.
- Identify natural leaders, active reps and potential allies.
- Assess employer structures and decision-makers to inform strategy.

3. Building a local team

- Form a core group of reps and activists to lead the dispute response.
- Clarify roles (for example: communications lead, mobilisation lead, data coordinator).
- Provide training and mentoring to build confidence and capability.

4. Member engagement and mobilisation

- Hold regular meetings to update members and gather feedback.
- Use creative tactics such as petitions, badge days or solidarity selfies to build visibility.
- Encourage members to take small, collective actions to build momentum.

5. Campaign planning

- Develop a clear plan with goals, timelines and escalation steps.
- Align dispute handling with recruitment and organising objectives.
- Use communications strategically – internal updates, social media and external messaging.

6. Evaluation and learning

- Debrief after key milestones to assess what worked and what didn't.
- Capture lessons to inform future disputes and organising efforts.
- Celebrate wins and acknowledge contributions to maintain morale and engagement.

Industrial action: Definition and legal framework

Definition

Industrial action includes any action taken by workers to put pressure on their employer, such as:

- strike (refusal to work)
- action short of a strike (for example: working to rule, boycotts, refusing overtime)
- picketing (outside the workplace).

Industrial action is typically a last resort after negotiation fails.

A summary of the basic aspects of industrial action are included in this guide, but you must always follow the guidance in the RCN's [Industrial Action Handbook](#).

Statutory ballot requirements before industrial action

Before any industrial action can be lawfully taken, a statutory ballot must be conducted under Section 226 of TULRCA*.

Key requirements include:

- postal ballot supervised by an independent scrutineer
- clear questions on strike action and/or action short of a strike
- majority support from those voting
- minimum turnout thresholds:
 - 50% of eligible members must vote, and of those a majority must vote in favour of action
 - in important public services in England, an additional threshold exists which requires that 40% of all eligible members must vote in favour
- notice to employer: at least seven days before the ballot and before action begins
- failure to meet these requirements can make the action unlawful and expose the union to legal risk.

*New rules are likely to come into force in 2026 which may change these thresholds and open the possibility of electronic balloting.

Steps in the RCN ballot approval process

1. Letter of dispute: the issue is formally raised with the employer and documented.
2. Indicative ballot (optional): used to gauge member support before proceeding to a statutory ballot (note: this can be electronic but should mirror the question(s) you will include in a statutory ballot).
3. Approval by RCN governance structures:
 - the RCN regional or country board reviews the dispute and recommends action
 - RCN Trade Union Committee reviews the dispute and, taking account of the advice or position of the relevant regional or country board, recommends action
 - RCN Council may be involved in strategic decisions, especially if the dispute has national implications
 - only RCN Council has the authority to authorise a statutory ballot for industrial action.

Additional information and support

The RCN Employment Relations Department (ERD) has colleagues who can advise and support in relation to trade disputes.

In addition, a small team within ERD support ballot preparations and processes.

Please email: employmentrelations@rcn.org.uk for further information or support.

Appendix A: Organising approach to raising a dispute in NHS trusts (flowchart)



Appendix B:

Template letter for raising disputes

[RCN letterhead or local branch details]

[Date]

To:

[Name of employer or HR lead]

[Organisation name]

[Address]

Subject: Notification of collective dispute

Dear [Recipient's name],

I am writing on behalf of RCN members employed at [Workplace(s) and organisation name] to formally raise a collective dispute concerning [brief description of the issue, for example: proposed changes to staffing levels, pay discrepancies, unsafe working conditions].

Despite efforts to resolve this matter through internal processes, including [list steps taken, for example: partnership meetings, informal discussions, grievance procedures], the issue remains unresolved and continues to cause significant concern among RCN members.

The key concerns raised by members include:

- [Bullet point 1: for example: lack of consultation on proposed changes]
- [Bullet point 2: for example: impact on patient safety and staff wellbeing]
- [Bullet point 3: for example: breach of existing agreements or policies]

We are therefore formally notifying you that a dispute exists between [Organisation name] as the employer and RCN members at [Organisation name]. We remain committed to resolving this matter constructively and request [Organisation name] engages in meaningful dialogue to address the concerns raised.

We would welcome the opportunity to meet at the earliest convenience to discuss potential resolution options. Please confirm receipt of this letter and advise on proposed next steps.

Yours sincerely,

[Your name]

RCN [Job title or role]

[Contact information]

[RCN region or branch]

Appendix C:

Internal dispute resolution checklist

Before considering escalation or industrial action, ensure the following steps have been completed.

Issue identification	Have members raised a concern that is widely and deeply felt?	
	Has the issue been discussed with affected members to confirm its scope and impact?	
Initial engagement	Has the issue been raised informally with management or through local partnership forums?	
	Have meeting notes or correspondence been documented?	
Formal procedures	Has the issue been submitted through the employer's grievance or dispute resolution procedure?	
	Have you reviewed relevant recognition agreements for dispute clauses?	
	Is there a written record of grievance/dispute submission and response?	
Negotiation and mediation	Have formal negotiations taken place with management?	
	Has mediation been considered or offered (internal or external)?	
	Were outcomes of negotiations or mediation documented?	
Member communication	Have members been kept informed throughout the process?	
	Have you gathered member feedback or support for the issue?	
Documentation and evidence	Is there a clear timeline of actions taken?	
	Are all communications, meeting notes and decisions recorded?	
Formal notification	Has a formal letter of dispute been drafted and sent to the employer?	
	Has receipt of the letter been confirmed?	

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