



# THE UNIVERSITY *of* EDINBURGH

## Individual Consultation Process

### 1. Purpose

This document sets out the process to be followed to ensure that employees who are designated as 'at risk of redundancy' are fully consulted during the period they are at risk, and to ensure they have the opportunity to present and discuss any potential alternatives to redundancy with their manager<sup>1</sup> before the redundancy takes effect.

### 2. Scope

The individual consultation process outlined in this document applies in situations where a decision has been taken which leads to an employee being designated as 'at risk of redundancy'. There are some employees in the University who have different contractual rights for individual redundancy consultation, usually because of legacy terms and conditions of employment that have resulted from a business transfer into the University. These employees are entitled to the consultation processes within those legacy terms, unless they have subsequently moved onto University of Edinburgh terms and conditions of employment<sup>2</sup>.

### 3. Legislative Framework

The University has a legal obligation to provide individual employees with the opportunity to be consulted, and to make representations when they are at risk of redundancy. This obligation is in addition to the requirement to consult collectively when more than one employee is affected by a potential redundancy situation (for further details, refer to the Collective Consultation document at:

[http://www.docs.csg.ed.ac.uk/HumanResources/Policies/Redundancy\\_Collective\\_Consultation\\_Processes.pdf](http://www.docs.csg.ed.ac.uk/HumanResources/Policies/Redundancy_Collective_Consultation_Processes.pdf))

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<sup>1</sup> For the purposes of this process the term 'manager' will be defined so as to include the nominated or line manager or another designated person of suitable seniority and responsibility within the relevant work unit or group

<sup>2</sup> Where an employee has specific contractual redundancy consultation arrangements, e.g. due to retaining conditions following a TUPE transfer, these will take precedence over this policy.

#### **4. Purpose of Individual Consultation in Redundancy Situations**

Individual consultation is the process through which the University engages with employees who are at risk of redundancy, in order to:

- Communicate the reason why the employee is at risk of redundancy
- Discuss ways in which the University will aim to avoid or mitigate the effect of the redundancy
- Explain the options available to the employee in terms of securing alternative employment within the University
- Outline the consultation process that will be followed, including any local level collective consultation arrangements
- Give the employee the opportunity to make representations / put forward proposals to avoid redundancy
- Provide timely responses to employee questions and representations in a structured forum.

#### **5. The Right to Representation**

At all individual consultation meetings held with employees who are at risk of redundancy, employees have the right to be accompanied by a Trade Union representative / official or workplace colleague. When arrangements for meetings are confirmed, employees are responsible for notifying their chosen representative of the arrangements, and confirming in advance the name of their representative to the organiser of the meeting.

#### **6. Confirming at Risk status to Employees**

Where an employee has been identified as being at risk of redundancy, they should be sent an initial 'At Risk Letter', normally around 5 or 6 months before the potential date of redundancy. This letter should usually be given to the employee by their manager, and it will include:

- Notification of risk of redundancy
- The potential date of redundancy
- The reason for the potential redundancy
- How the employee can access the 'Talent Register' and career transition support
- The opportunity for individual consultation meetings.

The web link to the 'Guidance for Employees at Risk of Redundancy' will also be included with the letter:

[https://www.ed.ac.uk/files/atoms/files/employees\\_at\\_risk\\_of\\_redundancy\\_golden\\_copy.pdf](https://www.ed.ac.uk/files/atoms/files/employees_at_risk_of_redundancy_golden_copy.pdf)

Managers must familiarise themselves with the content of the letter, and briefly explain the content to the employee before giving them the letter. They should also confirm that there will be an opportunity to discuss its

contents during an initial consultation meeting if the employee wishes to do so, once they have had time to consider it, as set out at Section 7 below.

## **7. First Consultation Meeting**

Individual consultation will take place locally, normally between the employee and their manager, their trade union representative/official or workplace colleague and may also include a local HR Adviser where appropriate. During this meeting, employees may wish to ask questions about the process involved and they should be given every opportunity to do so.

This initial consultation meeting will specifically cover:

- The reason for the potential redundancy
- Any measures which have been considered and / or taken to avoid the potential redundancy
- Any local level collective consultation process ongoing in relation to the redundancy
- Any possibility of extensions to the contract
- Any opportunities for redeployment, including registering on the Talent Register - further information can be found in the 'Guidance for Employees at Risk of Redundancy'
- Confirmation that the employee has read the 'Guidance for Employees at Risk of Redundancy'
- The opportunity for further consultation meetings, if required
- Support available for career advice, career transition, learning and development activity
- Right, once under formal notice of redundancy, to reasonable time off to look for another job or make arrangements for training for future employment.

## **8. Notice of Redundancy**

Where no alternatives to redundancy have been found, the employee will normally be given 3 months' formal written notice of redundancy. This letter will include:

- Formal notice of termination of employment
- The date the employment is due to end (see note below)
- The amount of the redundancy payment applicable, plus the way in which this payment has been calculated
- The employee's right to appeal the decision to make them redundant, including details of how and when to lodge an appeal
- Details of the help and support available to try and find alternative work.

Note: if 3 months' notice of the date upon which employment is due to end cannot be given, the employee will receive pay in lieu of outstanding notice in line with the notice due to them by the University, as detailed in the Summary of Conditions of Employment (<http://www.ed.ac.uk/human-resources/policies-guidance/conditions-service>).

This letter should be handed to the employee at their workplace as soon as possible, ideally by an appropriate manager. If this is not possible due to the employee or the manager being absent from work, arrangements should be made to send the letter to the employee's home address without delay and the manager should check that the employee has received the letter.

Where possible, managers should ensure that they are available to answer any immediate questions raised by the employee at the time.

#### **9. Redundancy for Employees with Guaranteed Hours (GH) Contracts**

The redundancy consultation process for employees with GH contracts will be the same as outlined above. However in some cases it may not be possible to complete the calculation of any redundancy pay due until the employee has reached their last day of service. In view of this, the employee may not receive notification of the amount of their statutory redundancy pay until after their employment has ended.

#### **10. Redundancy for Employees with Multiple Posts**

In situations where an employee holds more than one post within the University, and one of those posts is due to be made redundant, the consultation processes outlined above will apply. The relevant College / Support Group HR Team will advise managers if there are any implications arising in respect of the other post(s) held by the employee.

#### **11. Extensions to Employment during redundancy process**

In certain circumstances, employees who are at risk of redundancy, or under formal notice of redundancy may be offered the opportunity to have their employment and / or period of redundancy notice extended. This could be due to the availability of additional short term funding, or where a restructure is delayed.

If an extension of 6 months or less is offered, then the employee will normally remain within their current redundancy process, albeit with an amended date of redundancy.

If an extension of more than 6 months is offered, then the current redundancy process will normally be brought to an end and the employee will be informed, in writing, that they are no longer at risk of redundancy.

If an employee is offered an extension of employment after they have been issued with formal notice of redundancy, they are not obliged to accept it, and may choose to leave on the date originally notified to them and, if entitled, will receive their redundancy pay.

## 12. Leaver's Letter

Once formal notice of redundancy has been provided to the employee, the School or Support Group may write again to the employee to confirm practical arrangements in relation to the end of their employment such as the return of University property.

Arrangements regarding outstanding Annual Leave should be agreed by local managers and noted in the 'End of Employment' form which would be forwarded to the local College / Support Group HR Team.

## 13. Document History and Review

This document/process was approved by the Standing Consultative Committee on Redundancy Avoidance (SCCRA) and took effect from 30 January 2013. A full review was carried out and amended as noted in Section 13.1 and approved by CJCNC on 17 August 2016.

### 13.1 Change control record

No.	Approval date:	Amendment made:	Approved by:
1.	17 August 2016	<b>Full Review</b> resulting in minor wording changes to Sections 6, 7, and 8 to improve clarity; amendment of Sections 2 and 10; revised to reflect amended scope, i.e. consultation offered to all employees designated at risk of redundancy, irrespective of service	<b>HRPDG and CJCNC</b>

## 14. Alternative Formats

This document can be provided in alternative formats on request by email to [UHRS@ed.ac.uk](mailto:UHRS@ed.ac.uk) or by calling 0131 650 8127.