



## **Collective Consultation Processes**

### **1. Purpose and Scope**

The Redundancy Avoidance Policy sets out the University's obligations in terms of individual and collective consultation in situations where redundancies may take place. This document sets out in more detail those obligations for collective consultation; the times when the University would consult; and also the processes involved.

The Collective Consultation processes outlined in this document are intended to meet fully the University's legal obligations to consult the recognised Trade Unions about ways of avoiding redundancy dismissals, reducing the number to dismiss on grounds of redundancy and mitigating the consequences.

Collective Consultation will be undertaken with a view to reaching agreement with Trade Union Representatives where possible.

### **2. Legislative Framework**

In addition to the positive employee relations benefits that consultation can bring, employers who propose to dismiss as redundant 20 or more employees at one establishment over a period of 90 days or less have a statutory duty to consult representatives of any recognised independent Trade Union.

Within the University of Edinburgh, the 'establishment' is recognised as being the whole of the University.

Legislation provides specific timescales when consultation must begin. This is as follows:

Consultation must begin:

- At least 30 days before the dismissal takes effect if 20 to 99 employees are to be made redundant at one establishment over a period of 90 days or less.
- At least 45 days before the dismissal takes effect if 100 or more employees are to be made redundant at one establishment over a period of 90 days or less.

The University has two interlinked processes through which collective consultation takes place. These are:

- University-wide consultation: where University Management and Trade Union colleagues consult through the Standing Consultative Committee on Redundancy Avoidance (SCCRA), the remit and membership of which is contained within the Redundancy Avoidance Policy, and
- Local-Level Collective Consultation: where managers engage in consultation with Trade Union Colleagues about specific situations where redundancies may arise.

In addition to collective consultation processes, individual consultation will always take place.

### **3. Local Level Collective Consultation Principles**

The following principles will apply to local-level Collective Consultation situations:

- Where managers are aware of a situation which could lead to redundancy as outlined in Section 4 below, they should notify their local College / Support Group HR Team who will arrange for early intimation to be given to the relevant Trade Union.

- Formal consultation with recognised Trade Unions will normally commence at least 6 months before any redundancies would take effect (i.e. the dates for termination of employment).
- In addition to consultation with Trade Unions, local management, in consultation with the local College / Support Group HR Team, will inform the relevant staff group of the potential for redundancies as soon as possible.

#### **4. Local-Level Collective Consultation Situations**

Local-level collective consultation will take place where the need for organisational change arises which may result in redundancies, or where funding is withdrawn or ends prematurely.

The local-level collective consultation processes outlined in this document are applicable where a situation arises within the University which falls into any of the following categories:

- **Closure of a Specific Area or Unit**

Where a decision is made within the University to close a specific area or unit, which has 2 or more employees, and where, as a result of that closure, there is a potential for redundancy involving any number of employees.

- **Restructure leading to Potential Redundancy**

Where a proposal has been made to initiate a restructure of an area within the University where there are 2 or more employees, and where one potential outcome of that restructure is identified as redundancy.

- **Unexpected Loss of Funding**

Where 2 or more employees are funded through the same external source(s), and where a decision is made by the funding body to withdraw funding earlier than expected and this could potentially lead to the redundancy of any of the affected employees.

#### **4.1 Initiating Local Level Collective Consultation**

The need for consultation will usually be identified by the relevant College / Support Group: managers should initially discuss the matter with their local HR team who will initiate and oversee the collective consultation process.

The need for local-level collective consultation may be identified by Trade Union colleagues, who should initially raise the matter with the relevant College / Support Group HR Team.

Additionally, the need for collective consultation may also be identified by SCCRA, and in these circumstances, the relevant Head of HR will be notified of the discussion.

Where collective consultation takes place, it will be reported to SCCRA along with any significant outcomes and/or issues for information.

In situations where project / grant funding relating to 2 or more employees within an area or unit comes to an end at the expected time, local-level collective consultation will not normally apply.

#### **5. Local Level Collective Consultation – measures for discussion**

The University's Redundancy Avoidance Policy sets out some of the measures which may be discussed and considered through local-level Collective Consultation, including:

- Seeking new funding, e.g. a new project / research grant
- Making non-salary savings
- Reduction of staff levels by natural wastage
- Recruitment restrictions
- Filling vacancies from among existing employees

- Redeployment (including, where necessary, retraining) to other parts of the institution
- Reductions in overtime
- Encouraging voluntary reduction in hours and/or job sharing
- Reducing the use of temporary workers or external contractors
- Voluntary severance
- Sabbaticals and secondments
- Providing opportunities for unpaid leave of absence
- Developing employees to facilitate redeployment
- The timing of, and selection criteria for redundancy.

## **6. Processes for Local-Level Collective Consultation**

### **6.1 Consultation with Trade Unions**

Once alerted to the situation by managers, the relevant HR Adviser will initially identify the relevant Trade Union(s) for the collective consultation process, and will subsequently contact the Joint Union Liaison Committee (JULC) to identify who the appropriate representative(s) will be.

The HR Adviser concerned, together with the appropriate managers, will arrange to meet with the Trade Union representatives and agree the local-level collective consultation processes, which should include timing and regularity of meetings, and the subjects on which they wish to consult.

It is advisable to ensure that there is an ongoing opportunity for local-level collective consultation throughout the relevant period before any redundancies are made.

### **6.2 Collective Consultation with Employees**

Whilst collective consultation with Trade Unions is ongoing, the need for additional local-level collective consultation with the affected employees should also be

considered in the interest of positive employee relations. The need for this will vary dependent on the size of the staff group affected.

While discussions with the affected employees may initially focus on the reason for the potential change, they will also cover all those measures which the University is considering to avoid redundancy.

Trade Union representatives will be informed of proposed arrangements for local-level collective consultation meetings with affected employees and invited to attend.

Collective consultation with employees will be in addition to the individual consultation required, which is outlined in the document 'Individual Consultation Processes'.

More detailed guidelines for Managers for Local-Level Collective Consultation are attached at Appendix A.

## **7. Document History and Review**

This document was agreed by the Standing Consultative Committee on Redundancy Avoidance on 30 January 2013 and takes effect from that date. It replaces the document 'Guidelines for consultation on organisational change potentially involving redundancies' which ceases to apply from the same date.

In the event of any significant change to the legal position on Collective Consultation, relevant statutory requirements or any other related matter, or any change to the University's Redundancy Avoidance Policy in relation to Collective Consultation, this document will be subject to immediate review in consultation with the Trade Unions. In the absence of such a change, the document will be reviewed by June 2020.



## **Appendix A**

### **Guidelines for the Management of Organisational Change requiring Local Level Collective Consultation**

Set out below is guidance for managers to follow where organisational changes are required which may have an impact on employees, and which could lead to potential redundancy situations.

It is recognised that not all of this guidance will apply to all types of situations.

#### **1. Planning**

- Where necessary, prepare and agree a detailed plan with key stakeholders/project team which defines the scope and objective of the review or change and specifies the departments/services to be included or affected. In most cases restructuring exercises will have some impact on employees, e.g. changes to jobs, or redundancy, and for that reason it is important that HR are involved in the planning process at the earliest opportunity. In most cases it will be appropriate to have HR representation on the project team
- Prepare a timetable of planned events with realistic deadlines. Detail how plans will be rolled out and set target dates for completion of individual tasks and for completion of the overall exercise
- Identify who will be taking the lead in implementing these plans for each department/service involved
- Arrange to meet with representative(s) from the Joint Unions Liaison Committee (JULC) to discuss the proposed plan, highlighting any anticipated impact on employees.



## **2. Communication / Consultation**

- Prepare a communication plan detailing proposals for ensuring employees (including, where appropriate, those not directly involved) are kept informed of progress. The plan should also detail proposals for Trade Union involvement and consultation, as well as individual consultation where appropriate
- Before plans are taken forward, an open meeting should be arranged to present those plans to all relevant employees
- The open-meeting should be followed with a written communication to all relevant employees, confirming the details of the processes to be followed. It is important to ensure that employees absent on maternity or sick leave receive this communication
- Agree arrangements for ongoing consultation and appropriate involvement in the process with Trade Union representatives, including the range of activities which will be consulted on
- Ensure employees are provided with regular progress updates both general and department/service-specific. The communication plan should identify who is responsible for communication activity and the range of communication methods to be used, e.g. dedicated web-page, FAQs, newsletters.

## **3. Provisional Outcome**

- Where proposed changes are likely to have a significant impact on employees, e.g. potential redundancy, restructuring of responsibilities, change of line management or working practices these should be discussed in the first instance with the assigned HR Advisor and Trade Union representative at the earliest opportunity

- Following HR / Trade Union input, proposals should then be presented to the employees directly affected by the proposed changes. Employees must be given time to consider the proposals and offer comments prior to the finalisation of any decisions being made affecting staff.

#### **4. Confirmation of Planned Changes**

Where necessary, the appropriate management group should approve final plans for change, which should include:

- The nature and extent of the specific changes planned
- The objective of each change
- The expected benefits and costs
- Any requirement to:
  - reduce the number of posts, including any potential redundancies
  - change responsibilities
  - change reporting lines
  - change working practices
- Proposed timelines and activities required to implement the proposed changes
- Any implications for other departments and service providers which will arise from the change.

#### **5. Implementation Actions**

Once the planned changes have been agreed, it will be necessary to develop an implementation plan which details the following:

- The specific changes required in each department/service
- The actions necessary to implement the changes and establish the new structure

- Who is responsible for co-ordination and implementation of the actions required in each department/service
- Timescale for implementation
- Review arrangements.

Prior to the implementation of any changes which will impact on employees there will be a requirement for formal consultation. HR will advise on the required steps, timescales and processes and agree consultation arrangements with Trade Union colleagues.

A further open meeting for all relevant employees should be arranged at which the final proposals are presented. This should be followed up with written confirmation confirming the planned changes and the proposed timescales for the implementation of these changes.