

# Individual Consultations

## what, when and why

Significant changes to employees' contracts of employment, including Redundancy, TUPE and business closure demand workforce consultation. When large numbers of the workforce are affected collective and individual consultation are both required. When the number of people affected is smaller only individual consultation is required.

The goal in every case being to identify solutions that avoid imposing contract changes or redundancy. To avoid grievances and employment tribunals employers need to ensure their individual consultation process is robust, so what is required when and why?

Successful consultation requires discussion and consideration of situation in an open manner, free from any forgone conclusions. This means there needs to be multiple consultation meetings. An example approach is below:

### Meeting Number One

This meeting takes place as soon as possible, after the change announcement. It should include:

- Explaining proposing changes and implications
- Reasons for the proposed changes and the proposed pool
- Clarifying selection criteria
- Alternatives and Options
- Time Frames and Redundancy Payments
- Written Confirmation

### Meeting Number Two

The second individual consultation meeting should be held after the employee has had time to consider pending situation. It reviews and explores the employee's thoughts and views on:

- The proposed pool
- The proposed selection criteria
- Options to avoid redundancies and/or mitigate the consequences

Note: The employer may need to adjourn this meeting to consider the points raised by the employee and reconvene to respond to them. That is to say more meetings may be needed before 3 below.

### Meeting Number Three

The third Individual Consultation Meeting is held after the selection process has been completed, the employer should hold a third individual consultation meeting with the employee. The key focus being:

- Confirming the outcome of the selection process
- Provide the employee with the opportunity to challenge their selection
- Respond to any suggestions made by the employee.
- Exploring alternative employment options

### **Additional Individual Consultation Meetings**

Before holding the final meeting, the employer should review the redundancy process to date. This will include considering any further suggestions and points made by the employee in relation to alternative employment and any other concerns or suggestions the employee may have.

The employer should take time to consider these and further meetings with the employee may be necessary in order to respond to these points.

Once the consultation is completed, if no alternatives are found, the employer should invite the employee to a final meeting. The letter should confirm that no alternative has been identified and warn the employee that they may be given notice of dismissal at the final meeting. Ideally, the employee should be allowed to be accompanied by a colleague or trade union representative at this final meeting.

### **Final Meeting with the Employee – The Dismissal Meeting**

This is a final dismissal meeting. The employee has the right to be accompanied by a colleague or trade union representative. The employer should:

- Reiterate the reasons for the redundancy proposal
- Discuss any attempts to find alternative employment
- Discuss any other points arising and address any final queries the employee may have
- Issue notice of termination to the employee.
- Confirm to the employee the termination date, payments, right of appeal.

The contents of the meeting should be confirmed in writing to the employee. If the employee raises an appeal, this will need to be addressed by the employer as an additional step/s in the process.