RIGHTS AND CONSIDERATIONS IN RELATION TO REDUNDANCY CONSULTATION

KEY POINTs

* If you are “at risk” pass on any concerns to your trade union representatives (Rep) as soon as possible.
* If you are called to a meeting on redundancy it is essential that you take a trade union Rep or work colleague with you.
* It is vitally important that you and your trade union Rep or work colleague take detailed notes at any meeting and if HR don’t then you should submit a copy of the notes to them. If they do take notes and provide you with a copy and there is something you disagree with you must challenge them.
* If you are handed a letter at a meeting which contains “without prejudice” quotes for severance under the voluntary leaver’s scheme (ceases 31st December 2009) do not open the letter. Then say that you want to take it away to consider.
* If you are invited to a meeting to talk about early retirement, we advise that you take along a trade union Rep or work colleague.
* If you are called to a meeting which to your surprise turns out to be one dealing with redundancy or early retirement, be polite and immediately rearrange the meeting with your Rep or work colleague present.
* It essential you speak to your trade union Rep before accepting any offer.
* Once a settlement has been reached HR will ask you to sign a compromise agreement. Get your solicitor or the National UCU legal department to look at this.

This note outlines your rights in relation to redundancy consultation and the processes involved. Most restructuring proposal documents will use the term “at risk” for all posts that may lead to a potential redundancy situation. Management sometimes uses the word disestablish to describe a post that could ceases to exist if a proposal, as it currently stands, is implemented.

Around 450 fixed-term staff (FTC) are made redundant every year at KCL. This means that well over 100 FTC staff are made redundant every quarter and that is before any other redundancies are included. When 100 employees are at risk of losing their jobs in a 90 day period the statutory **minimum** consultation period is 90 days. It could be argued in larger organisations that much longer periods are required. KCL typically complies with the statutory minimum.

The employer must communicate all restructuring proposals and/or redundancies to all affected employees and trade unions. They must complete an advanced notification of redundancies form (HR1) and send copies to BERR(?) and trade unions briefly outlining why the redundancy situation has arisen.

KCL normally complies with the statutory requirements for redundancy consultation. This should consist of a meeting at the beginning of the consultation period where all employees in the affected area are invited to attend. At this meeting management lay out their plans in the form of a proposal. Sometimes they may choose to circulate documents relating to the proposal a few days in advance of that meeting. Other managers may choose to circulate documents at the staff consultation meeting. Do not be surprised to see some managers reading from a script and to be closely supervised by HR.

Following this meeting a separate meeting will take place with campus trade unions. **It is important that you pass on any concerns to your trade union representatives as soon as possible after the staff consultation meeting.** We can then raise these at the trade union consultation meeting.

Employers must also consult with all “at risk” employees individually. Consulting just with trade unions is not sufficient. They may also consult with employees who are not at risk but whose job will be directly affected going forward if the proposal comes to fruition. **At these meetings you have a right to take a trade union rep (or work colleague) with you.** A trade union rep can provide support and can question Human Resources (HR)/managers on your behalf - another good reason to join a union, if you are not already a member. If you or your rep take notes, and we would advise that you do so as a matter of course, (and HR don't) you should ensure that you submit a copy to HR after your meeting. If they do take notes, ensure that you see a copy of these and challenge - in writing - if they are not accurate.

Sometimes employees are handed a letter at this meeting which contains “without prejudice” quotes for severance under the voluntary leaver’s scheme (ceases 31st December 2009) and the enhanced severance scheme. Management may ask whether you want to discuss the figures at the meeting. We suggest that you do not open the letter and simply say that you want to take it away to consider.

Any discussions about severance will be conducted with an individual HR representative(not with your line manager) in confidence and without prejudice. Some staff have chosen to commence these discussions before the end of the consultation period. You will still be entitled to severance based on the enhanced severance scheme if you choose not to pursue discussions on severance at this stage but the amounts on offer are lower than under VLS when you do not have many years of continuous service at KCL. **It essential you speak to your trade union rep before accepting any offer.** They will be able to say whether the offer is fair and check any calculations with you.

Discussions about severance will take place outside of the consultation process (not with management) however at some point if you are willing to accept the severance proposal HR will relay your interest to a senior manager in your work area. Once a settlement has been reached HR will ask you to sign a compromise agreement. This will prevent you from pursuing any further claim via an employment tribunal. It is important that you have a solicitor acting on your behalf. Typically compromise agreements for severance due to redundancy contain similar clauses. This document should be read carefully but is mostly written using legal terminology which is why **getting you solicitor or the National UCU legal department to look at your proposal is essential.** This can all move very quickly particularly if you have agreed an early leaving date.

Management may try to sound you out before a consultation period starts. For example they may ask whether you would consider early retirement**. If you are invited to a meeting and HR will be present we advise that you take along a trade union rep**. There is nothing worse than not knowing what a meeting is about so always ask in advance. If the manager says that HR will be present say you want to bring a trade union rep or work colleague along. If you go alone you could be out manoeuvred and it will be the words of two people (Manager and HR) against your own. **If this has happened, or is about to happen to you, please report it immediately to your trade union representative.**