

Digest on job security: a reference document for Higher Education institutions with input from UCEA and the HE Trade Unions

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Introduction

Acas has facilitated a series of meetings between UCEA and the trade unions. At these meetings, the trade unions have expressed their concerns and their desire for a national approach on the handling of job security. UCEA has explained the constraints upon its mandate, which is to seek to negotiate a national pay agreement to apply to staff covered by the single pay spine; it has no mandate on behalf of the HE employers to enter into a national agreement in the area of job security and the handling of potential redundancies in HEIs. The management of staffing matters, be it in recruitment, promotion or in the handling of any staff reductions is a matter for each HEI as an independent employer.

HEIs are operating in a difficult and uncertain economic environment. There is guidance available to employers in relation to handling workforce change in such circumstances through bodies such as Acas. This paper presents some of the statutory requirements and also outlines additional points for employers and employee representatives to consider as appropriate. These points have been raised in discussions; they are not all shared.

Key publications are the Acas booklet on Handling Redundancy and How to manage your workforce in a recession (the latter published with CIPD). Some relevant material from these two publications is presented here, along with comment from UCEA, the trade unions, and Acas.

The growth of British industry requires constant review of products and methods of work, and the successful application of new technology. Our ability to maintain competitiveness in world markets depends on this. It is inevitable, however, that redeployment of labour and redundancies will sometimes be necessary. A poorly thought out approach to change can result in a level of uncertainty which damages company performance and, should redundancies be unavoidable, may lead to financial and emotional costs to the individuals affected.

Acas aims to provide guidance for employers, trade unions and employee representatives on how best to handle redundancies. Acas emphasises the importance of planning labour requirements to avoid or to minimise the need for redundancies; the benefits of establishing an agreed procedure for handling redundancies; and the need for fairness and objectivity when selecting members of

the workforce for redundancy. Acas material considers the practicability of offering redundant employees alternative work, counselling or other assistance. Acas hopes that its material will act as an aid to improved employment relations practice by ensuring that the need for redundancies is minimised, and that where they are unavoidable, decisions are made in a fair and consistent manner.¹

A joint Acas and CIPD guidance note² is drawn on here to highlight three key points, following which particular perspectives are added from either UCEA or the trade unions which are the specific viewpoints of those parties.

Key point 1 – Consult with your workforce and their representatives

UCEA notes the following from the Acas / CIPD guidance note as relevant for HEIs' consideration when dealing with collective redundancies:

- Consult with your trade union where one is recognised. (NB – this will be the case for the majority of UCEA subscribers)
- If there is no trade union, set up a special employee forum or consultative body long enough before the redundancies occur to provide information and to consult.
- Ensure that representatives have paid time off and appropriate facilities in order to meet and communicate with their constituents.
- Provide training for representatives (the trade unions will provide this for their representatives) – legally this has to be done, but it will also help the smooth running of the whole process.
- Consult representatives about ways to avoid redundancies, reducing the number to be dismissed and mitigating the consequences of any redundancies. The consultation must take place with a view to reaching an agreement.
- Recognise the difficult but key role that representatives have to play.

¹ Redundancy Handling booklet, Advisory Conciliation and Arbitration Service, April 2009

² How to manage your workforce in a recession: a joint Acas and CIPD guidance note, www.cipd.co.uk/subjects/emplaw/redundancy/hwmngwrfrcs.htm, 2009

In addition, UCEA suggests consideration is given to:

- Informing wider stakeholders, including student representatives
- Engaging in dialogue with local TU representatives to discuss long-term financial sustainability, organisational change and workforce planning
- Ensuring that there is a good understanding of a particular institution's context and challenges.

The legal requirements of a collective redundancy consultation are that the employer provides certain information, including:

- Reasons for the proposals
- Numbers and descriptions of employees whom it is proposed to dismiss as redundant
- Total number of employees of that description employed by the employer at the establishment in question
- Proposed method of selecting the employees who are at risk of dismissal
- Proposed method of carrying out the dismissals, with due regard to any procedure, including the period over which the dismissals are to take effect.³

In addition, the trade unions suggest HEIs consider the following points:

- Conduct equality impact assessments and consult unions to ensure prior consideration on whether the proposals have a disproportionate effect on either gender, black and ethnic minority staff, disabled staff, and staff of different ages
- Carry out individual consultations with those staff affected (ensuring staff are aware they are entitled to be accompanied by a trade union representative)
- Advise on the proposed method of calculating the amount of any redundancy payments to be made to employees who may be dismissed.

³ Trade Union and Labour Relations (Consolidation) Act 1992, s188

The trade unions also suggest that information beyond the statutory requirements may be helpful, such as:

- Statistics on staff turnover for previous years
- Lists of vacancies on a regular basis
- Details of the institution's current financial position
- Details of the redundancy appeals procedure.

Key point 2 – think long term

UCEA notes the following from the Acas / CIPD guidance note as relevant for HEIs' consideration when dealing with collective redundancies:

- Think creatively about how to reduce employment costs, such as new ways of working and work reorganisation.
- Remember that making people redundant and recruiting again later when the market picks up is expensive.
- Protect and make the most of the training budget – focus resources on key areas such as improving line management capability and customer service.
- Bear in mind your long-term reputation.

In addition, the trade unions suggest HEIs consider the following points:

- Inform and consult with the trade unions at the earliest opportunity
- Seek all possible opportunities for redeployment (including, where necessary, retraining) to other parts of the organisation
- Provide careers advice and training in transferrable skills, where practicable
- Seek alternative funding, e.g. where funding for a particular project has expired.

Key point 3 – think about ways to minimise redundancies

UCEA notes the following drawn from the Acas / CIPD guidance note as relevant for HEIs' consideration when dealing with collective redundancies:

- Take advantage of natural wastage and/or offer voluntary redundancy terms – redundancies can have a serious negative impact on morale and performance.
- Cut back recruitment and review your use of temporary staff.
- Retrain employees whose skills are no longer in demand and redeploy employees to other parts of the organisation where possible.
- Reduce or eliminate overtime working.
- Consider short-time working, temporary lay-offs or sabbaticals.
- Plan reward strategies carefully – especially if the scope for pay awards is restricted.
- Encourage staff to suggest how jobs can be done more efficiently and costs saved.

In addition, the trade unions suggest HEIs consider the following points:

- Try to make savings in non-staff budgets and to achieve any unavoidable reduction of staff levels by natural wastage
- Review the use of external contractors, where practicable
- Consider volunteers for part-time working or job-sharing
- Consider volunteers for redundancy including, where practicable, from areas of work where other potentially redundant staff possess transferable experience and skills to enable possible redeployment

- Consider ring-fencing vacancies, where this is practicable, to internal applicants otherwise likely to be made redundant
- Establish a redeployment procedure that ensures staff at risk of redundancy are aware of and can be considered for suitable posts
- Minimise potential redundancies by such means as utilising transferable skills and maximising redeployment options, including the potential for retraining.

Other sources of information

- It is noted that UCEA has produced a Briefing on handling job losses which is available to UCEA members on its website. The briefing sets out the legal framework in which employers operate.
- It is noted that the trade unions have produced model procedures which they would wish to see considered by HEIs. These can be seen at <http://defendhighereducation.org.uk/?p=44>
- Other sources of information:

Redundancy Handling booklet, Acas, April 2009 Employee communications and consultation, Acas, July 2008 How to manage your workforce in a recession, www.cipd.co.uk/subjects/emplaw/redundancy/_hwmngwrfrcs.htm, 2009

This document was jointly developed with contributions from UCEA and the HE trade unions, EIS, GMB, UCU, UNISON and Unite.

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