



# Consultation Procedure

## Significant changes to Terms and Conditions

**If you are considering changes to employees terms and conditions it is important that you follow a procedure that will keep you on the right side of the law and ensure staff morale remains positive.**

1. Hold a group meeting with the employee(s) to discuss the proposed changes that you would like to make. Inform them at the group meeting that as part of the consultation procedure there will be individual meetings to discuss the changes in more detail and provide them with the opportunity to discuss any ideas, suggestions or queries that they may have. At the end of the meeting explain that they are entitled to have a colleague or representation at the individual meetings.
2. If there is an incentive for the employees to make the changes to their Terms and Conditions, then discuss this with them at the group meeting and explain that you will go through this in more detail individually.
3. Either write to the employees or place the notes from the meeting onto the notice board and confirm to the employees that this is now a formal consultation period.
4. If at the group meeting, the employees accept the changes then confirm with them in writing. However, offer the opportunity to raise any concerns individually.
5. If there is no agreement, then write to the employees inviting them to individual meetings; and offering them the rights to representation, discuss the changes that you would like to make, how the changes will affect them and when you would like to implement the changes. Take the employees through the incentives that you are prepared to offer (if there is no incentive then this will not need to be discussed). Discuss with the employee any ideas or suggestions they may have with regards to the changes.
6. Once the meetings have been conducted, take the time to consider all the ideas and suggestions made and consider if they are better for the business than the original proposals.
7. Invite the employees, in writing, to attend their second meeting, offering them the right to representation to explain the outcome of the proposals, the suggestions that were made, and how the changes will affect them, including effective date of the changes.
8. Following the consultation process, confirm in writing the outcome of the consultation and their right to appeal.

If you need to make changes for the needs of your business then you can enforce these changes, however there is a risk. To enforce the changes you would need to terminate the employee's contract and re-employ them on the new terms and conditions, with continuous service. By taking this route there is a significant risk to your business as the employee can take this to a tribunal claiming unfair dismissal.



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This information is provided for general guidance only and any advice relating to specific circumstances should be sought separately.

## For Further Help and Information

For further advice and assistance on this subject please contact **Peta Fry, HR Director** on **01793 818300** or email Peta at **petaf@monahans.co.uk**