

Consult your staff

3. Consult your staff

Consultation is when you sit down with staff to explain your planned changes and get their feedback and input. Your plans must not be finalised at this stage and you should aim to include any staff suggestions or ideas you agree with.

Who you must consult

You must discuss your planned changes with each member of staff who could be affected. This can include staff who are not actually losing their jobs.

You must sit down with each employee individually to explain changes and get their ideas and feedback. The meeting can take place over the phone if you both agree to it and there is a clear need, for example if someone works remotely.

When you must consult elected representatives

You must also consult trade unions or employee representatives during 'collective' redundancies. A collective redundancy is when you're making 20 or more redundancies within 90 days in a single establishment.

This means you must discuss redundancy changes with both elected representatives and individual members of staff in collective redundancies.

How to consult

There are set rules for collective redundancies which you must follow. There are no set rules for consultations with fewer than 20 redundancies but it's good practice to follow the same process.

You can read [the Acas guide to handling collective redundancies](#).

An employment tribunal could accept a claim for unfair dismissal if you can't show you've consulted an employee or employee representatives.

You must consult staff who are on maternity leave.

Prepare for the consultation

You should get the information ready that you're going to share.

During the consultation period you must let staff know in writing:

- why you need to make redundancies
- the number of people and which jobs are at risk
- how you will select employees for redundancy
- how you plan to carry out the redundancies, including timeframes
- how you will calculate redundancy pay
- details of any agency workers you're using

You should also have:

- a trained person to lead the consultation
- a clear way of presenting your redundancy plan
- question and answers document

Call Acas on 0300 123 1150 to find out about training courses for your staff.

When to begin your consultation

It's important you do not present a finalised redundancy plan to your employees. You must leave enough time to include any suggestions you agree to.

Number of redundancies	When to begin consultation
Under 20	No set rules
20 to 99 redundancies within 90 days in one establishment	30 days before the first redundancy
100 or more redundancies within 90 days in one establishment	45 days before the first redundancy

You must include in your total:

- voluntary redundancies
- employees you're moving into other roles

You only need to include employees on fixed-term contracts if you're making them redundant before the end of their contract.

Notify the Redundancy Payment Service (RPS)

For collective redundancies you must let the RPS know your plans before the consultation starts.

Fill in [form HR1](#) and send it to the RPS address on the form.

You can be fined if you do not notify the RPS.

How long the consultation lasts

There are no rules for how long the consultation should last. It can last longer than the minimum periods listed above if it's a large or complex redundancy situation.

You do not need to reach agreement for the consultation to come to an end. You simply need to show that the consultation was genuine and that you aimed to reach agreement. You must be able to show that you've listened to your employees and that you responded to questions and suggestions.

What to discuss at the consultation

Consultations allow you to explain why you're planning on making redundancies.

In return it allows employees to discuss:

- ways to avoid or reduce redundancies
- how to reduce the impact of redundancies
- how the organisation can restructure or plan for the future
- how people are selected for redundancy

You must consider and respond to any suggestions made by employees. You can reject any ideas you do not think are reasonable but you should explain why. It's important to document all discussions and the reasons for your decisions.

You might not always be able to avoid redundancies but by working with employees you'll often be able to save jobs and come away with a better idea of how your business can plan for the future.

What information to share

You should be as open as possible with unions and employee representatives. This will allow employees to feel part of the conversation. Not providing enough information often leads to frustration and mistrust and can sometimes mean the consultation is invalid.

You should aim to provide the right level of detail for staff to understand your proposals. The information should not be so long or complex that a specialist is needed.

Consult staff individually

You would normally consult individuals after you've completed

consultation with employee representatives. You can choose to overlap with individual consultations if needed.

Related content

[The Acas guide to handling large-scale redundancies](#)