

Negotiating Learning In Redundancy/Redeployment Situations

An Usdaw Briefing For Negotiating Officers

1. Why negotiate learning?

Redundancy is a traumatic experience for our members. Usdaw Officers and Reps do everything they can to prevent it happening in the first place.

When it becomes inevitable they negotiate agreements that get members the best possible deal.

It's vital that learning and retraining are part of all redundancy packages because they have many potential benefits for members. They:

- Give them a better chance of getting another job by improving their skills and qualifications.
- Develop the skills to apply successfully for a new job.
- Provide an opportunity to change career by learning new skills.
- Build their confidence and belief in their own abilities to find another job.

Members value the role that Usdaw plays in helping them to gain skills and qualifications. They are more likely to stay in membership or join Usdaw in their new job.

It's good for employers as well. There is plenty of evidence that a learning package;

- Improves staff morale so preventing the fall in performance common in redundancy.
- Aids staff retention and attendance so reducing the costs of agency staff.

- Helps organisations manage change and build the skills necessary for changing roles.

It's important to get learning started as soon as possible. The earlier you start, the more you can do and the bigger the benefits. But beware, it can sometimes be difficult to get learning initiatives off the ground. There are three possible reasons:

- **Some people think a learning initiative will undermine any campaign against the job losses.** This is not the case. Learning and the infrastructure to support it will be equally useful and relevant if the campaign is successful.
- **Some employers argue that they cannot start learning until the statutory notice period begins.** This is not the case. Some financial help and some learning packages can only be accessed once this period begins. But you need time to set up the initiative well in advance and many of the courses that our members need and want can be delivered outside the notice period.
- **Some companies have their own support package for staff and don't want to engage with us.** Most of these support packages are provided through private consultancies and vary in quality and scope. Usdaw involvement will complement good packages and improve the weaker ones.

2. Key negotiating issues around learning

The legal rights to learning in redundancy are patchy at the moment and up to date information can be found about redundancy rights at www.usdaw.org.uk. However negotiating learning as part of the overall redundancy agreement can make a real difference. The package should provide staff with the support to access affordable learning that is of a quality/standard to help them gain skills and qualifications necessary to find other jobs, either within or outside the organisation. To do this, the agreement should cover:

■ Access to an independent expert information and advice service

This will help members identify their learning needs and discuss the support they will need to help them manage change. Interviews should be completely confidential. Usdaw recommends the use of the Next Step as it is a free service of excellent quality. Many private organisations also provide this service but charge the employer. This money could be used to subsidise learning and other benefits (see section 5 for more information on Next Step).

■ Provision of affordable learning

There should be a commitment to provide a range of learning including personal learning, underpinning skills such as English, Maths and English for Speakers of Other Languages (ESOL) for non-English speakers, opportunities to gain recognised vocational qualifications and learning to assist redeployment or career change, (see opposite page for more details).

Some of this learning will be free, especially where members do not have recognised qualifications but employers should commit to provide some financial support for learning where it is not. This can be through setting up a joint learning

fund managed by Usdaw and the company, or negotiating an individual grant to spend on learning (see Boots example).

■ Time off for learning

There are some rights for individuals to take time off to arrange learning but the best approach is to negotiate a range of entitlements to time off in the agreement.

The minimum you should accept is for each employee to have an hour for a Skills for Life or ESOL assessment and an hour for a discussion about learning with an Information Advice and Guidance (IAG) professional. It's also good to get a commitment to reasonable time off for members to discuss their learning with the Usdaw/SATA Union Learning Representative (ULR).

Good employers will also give paid time off for Skills for Life and ESOL learning, sometimes as part of a matched time agreement (an hour of company time for an hour of the member's own time). Some companies also include computing skills as part of Skills for Life.

Employees completing a vocational qualification or apprenticeship which is Government funded must be given any necessary training in work time and all assessment should be in work time as well.

Employers must provide reasonable paid time off to enable employees to look for learning to help find a new job. Use this to argue for time off for learning around CVs, interview skills, job application skills as well as career change learning.

Some agreements negotiate a finite number of hours for the member to spend on a range of learning of their choice.

Checklist on minimum offer for time-off for learning

All retraining/up-skilling packages on offer to each member should include time off for members to attend the following:

- ✓ Access to qualified Information, Advice and Guidance (IAG) provision.
- ✓ Access to Skills for Life (English and Maths) assessment carried out by a 'qualified' person.
- ✓ IT Courses (especially introductory).

- ✓ Skills for Life learning leading to national literacy and/or numeracy qualification (sometimes part of a matched time agreement).
- ✓ CV writing, letter writing, and interview techniques.
- ✓ Job search techniques.
- ✓ Various bespoke vocational courses – which often relate to the local job market.
- ✓ One-to-one advice/consultation session with ULRs.

■ Access to learning

Shift work, family responsibility lack of confidence and poor English skills often make it difficult for members to access learning. The agreement should ensure that these issues are addressed so there is no discrimination.

Where it is possible and suitable, learning should be on company premises rather than at colleges or other venues. A learning centre is ideal, but if this is not possible, a dedicated learning space should be made available. Providers can then supply lap tops where computers are necessary for learning. Most vocational learning and assessment will take place on site.

In addition to any time off arrangements, the agreement should also make a general commitment to enable staff to change shifts or alter work patterns in order to access learning. Make sure part time staff are included in this.

Members should have easy access to advice about the learning they need for their future from both professional IAG specialists and their Usdaw/SATA Union Learning Rep. The provision of ESOL and Skills for Life also helps staff access other learning as it gives them underpinning skills and confidence.

What kind of learning?

Employers should provide support for four main kinds of learning.

Personal learning. This learning helps people develop their skills in areas of personal interest. This can be a good place to start for members who lack confidence or are not used to learning. Members may need to pay for this.

Skills for life and work. This is learning which improves the skills necessary to find another job. It includes general English and Maths skills and increasingly basic computer skills. Non-native English speakers take ESOL courses. It also covers applied skills such as job search, CV preparation, job application and interview skills. This learning is usually free though many providers now have to charge for ESOL.

Vocational learning. This is learning to help staff gain a recognised vocational qualification such as an NVQ for their current job role/skills if they do not already have one. Many staff will have the time to complete this under 90 day notices but it's best to start earlier if possible. The qualification will depend on their job. Some are specific such as Warehousing and Distribution but others like Customer Service can be applied to different jobs. These qualifications are usually free. These qualifications may also be available as part of an Adult Apprenticeship scheme.

Career change learning. Learning here can include support for internal redeployment, to enable staff to move into a different role or sector of employment or to take up further or higher education. It should also include learning to help people into retirement.

3. Making the agreement work

Make sure that the agreement covers the processes necessary to deliver the benefits. Key issues are:

■ Usdaw/SATA Union Learning Reps (ULRs)

ULRs are vital to success. They can identify members' training needs, encourage and support them to take up learning and help them access the right kind of learning. Their role and rights to time-off and training should be part of the agreement.

ULRs need enough facility time to play their role: surveying learning needs, discussions with members; liaison with the employer and consultation with learning providers. Aim for at least a couple of hours a week. On larger sites it's possible to give an experienced Rep a co-ordinating role. This will require more facility time.

If you currently have ULRs in place, get them involved in the redundancy process. If you don't have ULRs your course of action will depend on the timeframe for redundancy. If you have very little time, the best option is to brief existing Reps and get them involved in learning. Your Divisional Lifelong Learning Project Worker will provide them with a lot of support. If you have more time, try to get some ULRs elected/appointed. Remember it's also a good investment for the future if the site is not closing.

ULRs can be existing Reps or members who have an interest in the role. A mix of the two is a good idea. Make sure you have enough to cover all shifts and workplaces. They have a statutory right to time off for training. This should consist of the initial 5 day ULR course and 2/3 day follow on courses around Skills for Life and advice and guidance.

■ A joint learning committee

Activity around learning must be planned and co-ordinated. Use the agreement to set up a joint learning committee which brings together management and Usdaw/SATA Reps with learning providers and any other experts (such as Jobcentre Plus, Next Step etc.) connected with redundancy. This means that Reps can make sure that they are involved in all aspects of the process and that it all links together. Where the learning committee stands apart from other discussions/negotiations involved in redundancy, make sure there are links between them.

The committee should be chaired by a senior manager so demonstrating commitment and also ensuring that decisions can be made at the meeting and actioned immediately.

There should be an identified person(s) to co-ordinate learning activity. On sites where learning is established, this might be the Usdaw learning centre manager or co-ordinator. Where the company appoints a manager to co-ordinate activities around redundancy, all action plans should be jointly agreed and reports on progress should come through the learning committee.

4. Delivering and managing learning

Members will judge success or failure on the strength of the learning they receive. If the provider is not good enough they will vote with their feet. So the learning committee needs to choose carefully, manage closely and not be afraid of making changes.

■ Choosing a provider

There will be many different learning providers available and they will vary

considerably – in what they can offer, the quality of learning and the cost. Don't be afraid to question each in detail and negotiate on price. Take into account experience and flexibility and negotiate on price and delivery. Where redundancies are national or multi-site you can get good deals with a single provider. Where learning is established the current college or provider should be the first port of call.

Usdaw likes to work with local colleges, especially around Skills for Life, computing and leisure learning, as they are large enough to offer a range of learning. But many private providers have specialist expertise, especially in vocational learning.

Even when you choose a college check up on who will be providing the learning and make sure they are prepared to finish on time. Many colleges now contract out learning to smaller providers who may not have the experience or provide the quality claimed by the college. One Boots site is still chasing a sub-contractor who failed to deliver the qualification and lost the work that staff had provided.

Companies sometimes provide an 'in-house' package of training/advice for staff in a redundancy situation. But don't think you have to stick with existing arrangements if they don't deliver the quality and qualifications required.

■ **Paying for learning**

There is a wide range of funding and resources available to organisations making staff redundant. Some are national schemes but there is a lot of local variation. And things change very quickly so what is written here may soon be out of date. Your Lifelong Learning Project Worker will be able to advise you in detail.

Generally, all learning involving Skills for Life (Maths and English) is free and members will be able (and may be

required) to work towards a national Maths or English qualification. Many providers try to 'embed' Skills for Life in other subjects such as computer skills and leisure learning so it can be provided free of charge. The cost of English for Speakers of Other Languages (ESOL) varies considerably and is a common area for negotiation with providers.

The rules for funding vocational learning in the workplace are currently changing. Whilst it is still possible to get funding for NVQs and Apprenticeships for those over 25, it is likely that some of this will disappear. Local advisors can be useful in helping to locate funding.

Members who want learning to help them move to a new job or career may find funding through schemes like Rapid Response or through colleges if they don't currently have a recognised qualification.

Learning to improve job application skills such as CV writing, application and interview skills should be free. They can be provided by many different organisations so shop around if someone wants to charge you.

■ **Protecting existing arrangements**

Where sites have learners already enrolled on programmes scheduled to run beyond the date of redundancy, make sure that learners are able to complete their course using the on-site facility (if still in existence).

If the site is not subject to total closure, try to maintain any existing learning centre and time off for Usdaw co-ordinators. If the site is to be shutdown completely, ownership of the equipment needs to be established and discussed with the possibility of transferring it to other Usdaw sites (Project Workers will be best placed to advise on this).

5. Getting help and advice

There are lots of places you can go to get help and advice about learning, job skills and job availability. Remember that the activities of these agencies need to be co-ordinated through the learning committee and that Usdaw ULRs and co-ordinators need to be active and involved in this. Bear in mind as well that the schemes and organisations you can use will change over time as a result of new Government initiatives, so check with your Divisional Lifelong Learning Project Worker that the information below is still accurate.

■ Usdaw's Lifelong Learning support

The experience and expertise of the Lifelong Learning Team and, in particular the Divisional Lifelong Learning Project Workers, can assist with the process of sourcing and arranging retraining. Project Workers have the knowledge and contacts with the relevant local agencies such as Jobcentre Plus and colleges. They can provide advice on negotiating an agreement, source training and funding and other forms of assistance necessary to put together a practical package of retraining opportunities. You should also check out what is available on the lifelong learning section of the Usdaw web site:



[www.usdaw.org.uk/
lifelonglearning](http://www.usdaw.org.uk/lifelonglearning)

■ Jobcentre Plus (JC+)

JC+ is part of the Department for Work and Pensions. Its main roles are to help people find paid work, help employers fill their vacancies and provide people of working age with the information and support they need.

It provides a range of help for companies dealing with redundancy and

whilst there is some cross over with other organisations such as colleges and Next Step, only JC+ provides a link across learning, preparing for work, job search and placement.

If the company has more than 250 employees JC+ should provide an account manager to work with you. The Account Manager will:

- Provide you with up to date information on the labour market and current vacancies and assist in matching people with jobs.
- Help to identify funding for learning and how to access it.
- Provide advice and information on good practice in tackling redundancy.
- Negotiate with local JC+ Districts to ensure you get the proper support.
- Liaise with other JC+ areas where employees live (rather than work).

Smaller companies who are unable to access this JC+ service can get help from local Labour Market Advisors. You can find your nearest JC+ centre at:



[los.direct.gov.uk/default.aspx?ty
pe=1&lang=en](http://los.direct.gov.uk/default.aspx?type=1&lang=en)

■ Next Step

Next Step is a national service that offers adults face to face help and support with learning, skills development and career advice. It is an invaluable service for redundancy. Next Step can work with on-site organisations or offer an individual service. They can help staff to:

- Identify their current skills and any gaps that need to be filled.
- Assess their career options and advise on any learning and development necessary.

- Improve their job search, application and interview skills.

You can find out more about Next Step at:



nationalcareersservice.direct.gov.uk/pages/home.aspx

■ Unionlearn

Unionlearn is the learning arm of the TUC. It works closely with Usdaw at both Regional and National level to offer support to Usdaw ULRs and branches.

Unionlearn offers a free career advice service which can be accessed through ULRs. To find out more contact your Project Worker or check out this link:



www.unionlearn.org.uk/advice/learn-1531-fo.cfm

Key issues

Get started quickly. A learning and development initiative should be set up as soon as possible – even if scale and scope of job losses is not clear. Don't wait for the statutory notice to begin.

Involve your Lifelong Learning Project Worker asap. Do this as soon as there is a possibility of redundancy. S/he will be able to give expert advice and guidance and to provide the links and co-ordination with other external support available.

Open to all. Learning and development should be open to all staff whether full and part time.

Involve ULRs/Reps in the process. A one to one session with a ULR should be requested for all members so they can provide the peer support people need in these circumstances.

Use a joint learning committee. Existing learning committees should be used to discuss, implement and monitor the process on and on-going basis. Where no committee exists it is important that one is set up. These in turn should link in to the relevant consultative structures.

Use external experts. Support from outside agencies such as Next Step and Job Centre Plus should form part of the overall support package which would include learning.

Beware of contracted out support. Some companies contract out their 'outplacement support' to a third party. This often appears to be comprehensive offer, but can be just a 'quick fix' resulting in a limited and narrow offer for members which excludes 'time off' for learning.

Set up good support packages. They should include 'job ready skills' e.g. interview skills & CV writing along with job search techniques, financial advice and access to learning and qualifications.

Make learning accessible. Set up on-site learning where possible. Easy if you have existing learning facilities but training rooms can be used where no facilities exist. Where learning is off site, time it to maximise participation and make sure shift swaps are on offer.

Get time off for learning. Time off for both assessments and learning should be tabled as part of negotiations particularly around Skills for Life, ESOL, IT and other job related skills.

Get people qualified. Make sure learning leads to recognised qualifications where possible. This should include National Vocational Qualifications and Skills for Life but there may be others as well.

Make learning affordable. Company contributions to the cost of courses particularly to fund 'broader' learning which is not subsidised should be proposed.

Choose providers carefully. Keep existing partner providers where possible and be clear about what you want from new ones.

Case study 1

Boots Distribution

Boots replaced its national network of 18 Distribution Centres (DC) with a centralised National Stores Service Centre and a series of regional Cross Dock Centres (CDCs). Because the CDCs only required around 20% of the staff currently employed in Distribution Centres, around 2000 posts would disappear by Sept 2009.

Usdaw/SATA negotiated a groundbreaking agreement on retraining and redeployment which;

- Established Union Learning Representatives in each DC.
- Gave staff up to £300 to spend on vocational learning.
- Allowed matched time to learn for staff who wanted to improve their English and Maths and shift flexibility to accommodate other learning.
- Set up learning committees in each DC to work with local experts to set up learning and job search initiatives.
- Initiated vocational learning to allow staff to gain recognised qualifications for their skills.
- Established learning centres/facilities in each DC.
- Appointed a full time manager to co-ordinate learning in every DC.
- Set up a process to help staff who wished to be redeployed to a local Boots store.

ULRs were quickly identified in many DCs and attended their 5 day training course through the TUC. Many had been members for a long time but were new Reps, attracted by playing a role in learning. Together with professionals from Next Step, they started the learning process by surveying learning needs through confidential surveys in work time. The results were fed into the learning committees and plans were drawn up to find providers and set up learning.

The first courses, mostly in English, Maths and computer skills followed with many ULRs taking part to help raise the profile of learning and build members' confidence to learn. Once the ice was broken, the range of learning widened and numbers quickly increased.

Vocational learning followed as staff gained National Vocational Qualifications in Warehousing, Distribution, Customer Service, Information Technology, Management and Supervision and many more. Some staff took advantage of schemes to retrain them to move into retail or gain a Goods Vehicle Driving Licence. Others took the chance to get the training they needed to move into a new occupation entirely. Some really got the learning bug and took up full time education.

Finally the learning committees linked up learning with the skills members needed to find and apply for new jobs. This covered job search, CV and application writing and interview skills. In some workplaces these were linked into the services provided by Jobcentre plus so that staff could be linked directly with vacancies in the areas and jobs they wanted.

The retraining and re-skilling agreement had an astonishing impact. In some DCs over 90% of staff took up some form of learning and overall over 50% of staff gained nationally recognised qualifications. Figures also showed that Boots investment had paid off as company performance and staff morale remained strong despite the redundancies. In several DCs morale and performance improved significantly with many staff saying Boots was a better place to work because of the learning.

Usdaw benefited as well. The activity around learning attracted around 35 new Reps and lots of new members and got many members involved in the Union for the first time. Many said they would maintain their membership in a new workplace because of the positive things the Union had done in such a negative and stressful situation.

Case study 2

Dairy Farmers of Britain

When the closure of the Fole site of Dairy Farmers of Britain was announced in November 2008, local management and Usdaw Organisers had just 5 months to organise learning on the site.

Starting from scratch in that short time, they got more than 50% of all staff (over 100 people) into learning and organised an on-site job search and support package. 50 staff successfully completed their National Vocational Qualification (NVQ) and many more gained nationally recognised qualifications in Skills for Life and IT.

“The key to success was having a clear plan to deliver in the short timescale, agreed and managed through a learning committee and backed up by an effective partnership between site management and Usdaw” explains Julia Baldwin, the Divisional Lifelong Learning Project Worker. “Within days of the announcement we had the full support and cooperation of the management team and the active involvement of Tony Clare, Usdaw’s Full-Time Officer, and the site Reps.”

A joint meeting was quickly convened. It also brought in potential learning providers with the local knowledge to secure funding. It was agreed to deliver a programme which gave staff the chance to gain transferable skills and recognised qualifications whilst equipping them with up to date CVs and interview and presentation skills.

A picture of learning needs and the demand for training was obtained through a Learning Needs Analysis. This was done through a confidential 1-2-1 session which also included Information Advice and Guidance. To maximise participation, the process was explained to staff in joint presentations with Usdaw where everyone had the chance to ask questions and find out what was involved. These were so successful that many staff signed up for courses directly afterwards.

Two Skills for Life courses were run on site and carefully planned well in advance. This enabled staff to attend in work time whilst minimising the impact on the business. Due to the short delivery time, Stoke College delivered both Literacy and Numeracy courses together at different levels as a workshop group. The individual tutor support was so successful that all learners gained a qualification.

A specialist provider, Reaseheath College, delivered the NVQs. All staff were given the opportunity to enrol and 50 signed up for a level 2. This was delivered quickly and professionally and all 50 successfully completed the qualification in the short time frame.

At the same time the learning committee organised an on-site job support package delivered through Advantage West Midlands. This provided training in application and interview skills and information and advice around job opportunities, including self-employment and financial advice. Independent advisors and Jobcentre Plus staff were based on-site for over a month to meet with all staff on an individual basis and offer them guidance and support in becoming job ready and securing future employment.

“We have to do everything we can to support members who are losing their jobs” said Tony Clare “and learning is so important. Once you see the hugely positive impact it has, it just becomes part of your day to day work as a Full-Time Officer to link in with our Lifelong Learning team.”



Case study 3

Redundancy Support at Tulip Westerleigh

When Tulip closed down one of their product lines at their Westerleigh site near Bristol, over 80 staff faced redundancy. Usdaw Lifelong Learning Project Worker Christine Worley had just over 30 days to put learning in place! “I was given the heads up by Adrian Collins, our Full-Time Officer for the site”, explains Christine “and immediately discussed it with management and our site Reps.”

Tulip had engaged an external consultant to provide local management with expertise and support with the redundancy programme but the company were also keen to use Christine's expertise. “We all worked well together and management were very supportive” explains Christine. “Our local Reps were involved but unfortunately we didn't have any ULRs and, as there was no time to elect and train them, I played that role myself.”

Christine suggested that representatives from the Local Jobcentre Plus and Next Step adult careers advisors should be part of the discussions. Once they were on board, a mini site Learning Committee was set up to plan and co-ordinate activity. The first step was to quickly complete a learning needs analysis and brief staff on the support package that was available.

Every member of staff affected had a 1-2-1 briefing from Christine who also discussed their learning needs with them. This was followed by a confidential face to face discussion with a Next Step advisor to help identify further skills needs and career options.

The short time scale meant that it was impossible to begin Skills for Life or vocational learning. However Jobcentre Plus staff were able to run a series of on-site skills training sessions in job interviews, CV writing and job search. Next Step also signposted staff to local providers so that staff could take forward the learning needs identified in their 121 discussions. It also helped three members of staff to take new roles elsewhere in the Tulip Site and for a young migrant worker to get financial assistance to continue with her ESOL course.

“In these circumstances it's important to do what you can” says Christine. “So even in a site with no ULRs and no Lifelong Learning activity, by working in partnership we were able to ensure every one affected received some form of advice, support and training in company time. The lesson is to get Lifelong Learning up and running in your workplace now so that the skills and structures are in place if the unfortunate happens.”

And that's just what Christine is doing now with Tulip. Working closely with Adrian and the local Reps, they have agreed a statement of intent on learning with the company and are well on the way to negotiating a learning agreement. This will support and up-skill the remaining work force through a team of Usdaw ULRs, a learning fund and a joint learning committee.

Delivering a learning initiative

<p>Get Started</p>	<p>Plan Learning</p>	<p>Deliver Learning</p>	<p>Improve Employability</p>
<p>Contact the Lifelong Learning Project Worker</p> <p>Review site learning arrangements & identify actions (ULR training, management contact, on site learning etc.)</p> <p>Agree composition and terms of reference of site learning committee</p> <p>Negotiate agreement for learning</p> <p>Identify and contact key partners (providers, Next Step and JC+)</p> <p>Check up on any internal company arrangements for redundancy learning</p> <p>Set up first meeting and produce action plan</p>	<p>Plan, advertise and deliver 1-2-1s and learning needs survey</p> <p>Review surveys and identify demand for Skills for Life, IT courses and NVQs</p> <p>Identify other learning demands</p> <p>Finalise funding arrangements and agree first courses</p> <p>Advertise learning and recruit learners</p> <p>Agree where on site delivery is possible</p> <p>Identify local learning provision where off site learning is required</p>	<p>Set up and run Skills for Life/IT assessments</p> <p>Complete NVQ assessment processes</p> <p>Run first Skills for Life and IT courses and begin NVQ process</p> <p>Identify where other learning can be provided and where learners can be signposted</p> <p>Review progress and quality of initial courses</p> <p>Publicise successes</p> <p>Accredit learning</p> <p>Run other learning</p>	<p>Plan and deliver employability skills training (job search, interview skills, CV writing etc.)</p> <p>Plan career advice services and publicise (remember unionlearn service)</p> <p>Organise on-site job search facility</p> <p>Establish links with local employers and run job fare events</p> <p>Provide financial and benefits advice</p> <p>Use Jobcentre Plus services</p>