

## **MRC Policy on Consultation during Reviews**

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## MRC Policy on Consultation during Reviews

### Version 1.1

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## MRC Policy on Consultation during Reviews

### Policy statement

In a changing environment of increased accountability and competition for funding, the Medical Research Council (hereinafter referred to as the "MRC") plays a leading role in supporting a wide spectrum of medical research across the UK and internationally. The MRC has to ensure that its investment of public funds matches the priorities for health and scientific opportunity for medical progress through regular reviews of the science it funds and the supporting functions of the MRC.

The objective of this procedure is to provide a framework for effecting MRC reviews which ensure that the process is fair, open and consistent and accords with the MRC's responsibilities and obligations regarding consultation and involvement of the staff concerned and their Trade Unions. This policy does not cover the arrangements for consultation during redeployment and redundancy situations. (Refer to the MRC Redundancy & Redeployment Policy for details on these arrangements).

Both the MRC management and Trade Unions recognise the business benefits derived from working in partnership and, where business change occurs, the importance of consultation and negotiation.

This MRC Policy on Consultation during Reviews has been agreed with the National Trade Union Side and complies with statutory legislation as well as ACAS best practice. In addition, the MRC's policies are assessed for language accessibility and equality impact. The MRC's operational activities are regularly reviewed with key stakeholders and Trade Unions, which in turn contributes to the further development of the MRC's policies.

The MRC Policy on Consultation during Reviews applies to all employees of the MRC. This includes those employed on temporary or fixed term contracts but excludes Visiting Workers, students or those workers provided by a third party or agency.

Whether a worker is deemed to be a worker or employee is not always clear under employment legislation. In cases where managers have any doubt as to whether the MRC Policy on Consultation during Reviews should apply, advice should be sought from regional/Unit HR.

### 1. Principles

- 1.1 The MRC recognises that open and effective communication and consultation is key to any review.
- 1.2 The MRC supports ACAS guidance on consultation which says that consultation is the process by which management and employees or their representatives jointly examine and discuss issues of mutual concern. It involves seeking acceptable solutions to problems through a genuine exchange of views and information.
- 1.3 The MRC is committed to seeking and considering the views of employees before final decisions are taken which may affect employees and will comply as a minimum with legal requirements in this area.
- 1.4 Where the views and ideas of employees help to improve a decision, due credit and recognition will be given. However, consultation does not mean that employees' views always have to be acted on since there may be good practical or financial reasons for

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not doing so. Whenever employees' views are rejected the reasons for doing so should be fully explained.

- 1.5 The MRC has agreed with the MRC Trade Union Side (TUS) that all MRC employees, whether union members or not, are covered by the consultation procedures in this policy including access to Local and National Trade Union Sides.
- 1.6 The MRC acknowledges that changes in employment can cause concern and uncertainty for employees and should be managed with care and in accordance with legal and policy requirements and accepted good practice in as fair and consistent a manner, and as sensitively as possible.
- 1.7 The MRC is committed to promoting Equality and Diversity in employment. Arrangements for handing reviews will follow the MRC Equalities and Diversity Policy.
- 1.8 The MRC and TUS are committed to using the national consultation mechanism arrangements that allow for regular meetings between the NTUS and Corporate management, to raise, discuss and resolve issues affecting employees including matters relating to reviews. This is fully outlined within the TU Policy.

## **2. Consultation**

### **2.1 Definition**

2.1.1 The MRC uses the ACAS definition of consultation which is:

- i. "Consultation is the process by which management and employees or their representatives jointly examine and discuss issues of mutual concern. It involves seeking acceptable solutions to problems through a genuine exchange of views and information.
- ii. Consultation does not remove the right of managers to manage - they must still make the final decision - but it does impose an obligation that the views of employees will be sought and considered before decisions are taken. Indeed, in certain circumstances consultation with independent recognised trade unions is a legal requirement.
- iii. Consultation does not mean that employees' views always have to be acted on since there may be good practical or financial reasons for not doing so. However, whenever employees' views are rejected the reasons for doing so should be carefully explained. Equally, where the views and ideas of employees help to improve a decision due credit and recognition should be given".

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### **2.2 The Information and Consultation of Employees Regulations**

- 2.2.1 The requirement to consult affected staff and their recognised Trade Unions about organisational change is enshrined in employment legislation and the MRC will work in accordance with all relevant legislation.
- 2.2.2 The Information and Consultation of Employees Regulations 2004 give employees in the UK the right to be consulted on key matters that affect their employment.
- 2.2.3 The Regulations require employers to inform and consult their employees about certain aspects of their business and its prospects, and decisions likely to impact on the employees.
- 2.2.4 Legally the obligations will apply only if employees make a request to initiate the consultation procedure or if the employer decides to initiate it although the employer and employees then have the flexibility to negotiate agreed procedures for informing and consulting that suit their specific requirements. As an example of best practice and in line with the MRC Trade Unions policy of best practice, the MRC will always initiate the consultation process.

### **3. Reviews at the MRC**

- 3.1 The MRC will review its Intramural funding in three main ways:

#### **1. Scientific Reviews - Quinquennial Reviews – (QQR):**

The MRC carries out Scientific Reviews in order to be assured of the strategic justification, scientific excellence and value for money of the work being carried out by the Unit. These reviews take place normally every five years and for this reason are known as Quinquennial Reviews (QQRs).

The QQR process is designed to assess the Unit overall via its strategic goals, individual scientific programmes, Unit wide research activities and the added value of the whole.

#### **2. Management Initiated Reviews (MIR):**

From time to time it will be appropriate for Management Initiated Review exercises to be carried out. The purpose of these reviews is to consider the realignment of resources and can cover any employee category including scientific staff.

MIRs may review science from the perspective of strategic fit but do not review the actual quality of science being performed (as this is covered by the Scientific Review process).

#### **3. New Director Review:**

The consultation process for changes resulting from a New Director appointment will follow the Management Initiated Review process.

- 3.2 Information for employees and/or Trade Unions will be provided upon request to aid transparency and good employee relations, following consideration of whether there is a confidential, commercial, or legal reason why this information cannot be shared.

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Agreement has been reached on which Council and Board papers and minutes will not be shared with National Trade Union Side and this is laid out in Appendix 4.

### **4. The role of employees during a Review**

4.1 The role of employees during a Review depends on the type of review and the employee's role in the MRC establishment.

4.2 In Scientific Reviews (QQRs), senior scientific staff usually help prepare the Unit's scientific progress report and future proposals and make presentations to the visiting subcommittee.

- Unit or regional administrative staff provide facts and figures on staffing and finances;
- Local Trade Union Side representatives will take part in consultations with the Director. Normally, non-scientific staff will not be reviewed directly;
- If the Scientific Review or other workforce planning event identifies a specific resource issue that requires more detailed study, a Management Initiated Review (MIR) will normally take place;

4.3 The MRC will consult with employees during QQRs or MIRs in accordance with the consultation processes described in Appendices 1 and 2 respectively.

4.4 To summarise, in the QQR process, employees may state their views:

- Collectively through the National Trade Union Side (NTUS) (also informing the Director in writing) or the Local Trade Union Side (LTUS) or individual recognised Trade Unions.
- As individuals to their Director for consideration by the Board or Council.

4.5 For any type of review the Director will consult with the Local Trade Union Side and/or local representatives and may consult with individual employees on particular issues.

4.6 For any type of review the National Trade Union Side will be kept informed of all the stages by Corporate HR, Head Office and/or HR Business Partners.

4.7 When consulting employees, managers should take into account any individuals who may be absent, on leave, or on secondment and should also consider other staff or departments who may be affected by local changes.

### **5. Sources of support for employees during a Review**

5.1 Employees can seek advice and support during a Review process from their Trade Union Side, manager or regional/Unit HR.

5.2 The MRC also has a 24 Hour confidential and individual counselling service for employees and managers run independently of the MRC – contact details are available from regional/Unit HR teams.

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### 6. Appeals and disputes

6.1 Employees with a grievance about the operation of the MRC Policy on Consultation during Reviews may raise this using the MRC Grievance Policy and Procedure.

### 7. Related documents and links

- MRC Redundancy and Redeployment Policy and Procedure
- MRC Grievance Policy and Procedure
- MRC Recruitment and Selection policy
- MRC Transfer of Undertakings (Protection of Employment) Regulations 2006 ("TUPE") Policy
- Employee Assistance Programme (details available from regional/Unit HR)
- Terms of reference for Employee Representations Forum (ERF)
- Scientific Reviews toolkits (MRC Portal)
- TU Policy

### 8. Effective date

8.1 This policy is effective from 24<sup>th</sup> May 2012.

### 9. Review date

9.1 This policy will be formally reviewed in May 2013.

### 10. Amendment history

Version	Date	Comments/Changes
1.0	16/05/2011	New policy developed to incorporate, and therefore replace, the following policies: <ul style="list-style-type: none"><li>▪ <i>Provision of Information &amp; Consultation during reviews of Intramural Support policy</i></li><li>▪ <i>Management Reviews of MRC Work Policy</i></li><li>▪ <i>Principles of Scientific Reviews Policy</i></li></ul>
1.1	24/05/2012	

### Appendix 1 – Scientific Review Consultation Process (QQRs)

#### Stagepost 1 - Review Initiation

#### 1. Stagepost 1 - key points

- 1.1 The review is discussed and agreed 'in principle' with the Director and the Board Chair.
- 1.2 Management Board authorise the establishment of a review including its:
  - remit;
  - scope;
  - terms of reference;
  - timing;
  - Subcommittee Chair; and
  - Potential Membership of the Subcommittee.
- 1.3 The **Unit Director** will inform employees and the Local Trade Union Side (LTUS) of the planned review immediately.
- 1.4 Employees and LTUS will be provided with a copy of the arrangements for the review letter which contains:
  - The terms of reference for the review;
  - The Subcommittee Membership;
  - The timescale planned for the review, including the agreed date of the submission of the Unit QQR Report, the review panel/committee meetings and the Board meeting which will consider the Unit QQR Report and the Subcommittee Report; and
  - This guide to the consultation steps.
- 1.5 The **scope for representation** at stagepost 1:
  - Timetable for scientific review where there are issues in review preparation;
  - Terms of reference for review (inclusions to the standard); and
  - Alleged failure to follow review initiation process.
- 1.6 The **mechanisms** for consultation at stagepost 1:
  - Concerns raised by Unit via Director to Research Programmes Group (RPG) within 15 working days of notification.



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### Stagepost 2 - Review Panel / Committee

#### Stagepost 2 – key points

The format of this stagepost depends on the nature of the Review but will be consistent with the objectives of consultation and the method will be advised in each case by Corporate HR.

In each case the LTUS and staff will have the same information as the Unit Director on the issues to be addressed.

- 1.7 At any formal meeting, e.g. a Research Board Subcommittee visit to a Unit, there is also an entitlement for LTUS representatives to have a face to face meeting with the Committee, if requested, in addition to employees / LTUS being able to submit written evidence.
- 1.8 Once the dates have been agreed for the preliminary meeting of the Committee and the Unit Visit, the Director will provide to employees and LTUS:
  - The date of the preliminary meeting of the Committee; this is normally held at MRC head office.
  - The date that the Committee will visit the Unit to undertake their assessment.
  - The names of the members of the Committee if changed from the arrangements for the review letter.
  - A copy of the agenda for the day(s) of the visit.
- 1.9 During the production of the Unit Report (including a Progress Report and Future Proposals), the Director will:
  - Consult employees on the preparation of the Report.
  - Provide a copy of these documents (excluding any confidential annexes or letters) to employees and LTUS at the same time as they are submitted to Head Office.
  - Provide employees and the LTUS with an opportunity to comment on the Unit report before they are finalised and submitted to Head Office.
  - Provide copies of referees' reports – employees may comment on reports on their own work to the Committee, through the Director. Employees and LTUS may also respond to referees' comments through the Director.
- 1.10 The Unit Director will be consulted on the site visit agenda and will discuss this with appropriate Unit staff. The agenda will be discussed and finalised at the Preliminary meeting.
- 1.11 At the site visit Programme Leaders, Programme Leader Tracks and other staff as considered appropriate by the Director, will meet the Committee to discuss and answer questions about their work and future proposals.

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- 1.12 At the end of the visit, the Committee will provide an immediate written summary of their findings and recommendations to the Director, who will provide a copy for employees and LTUS.
- 1.13 The **scope for representation** at stagepost 2:
- LTUS has the opportunity to make representations to the visiting subcommittee on matters that are within the remit of the visiting subcommittee.
  - Unit / LTUS consider that procedures during stagepost 2 were not followed.
- 1.14 The **mechanisms** for consultation at stagepost 2:
- Concerns raised through the Director to RPG Programme Manager within 15 working days of notification.
  - The wish to make a representation on the day of the visit must be notified prior to the meeting to RPG via the Unit Director (who will make the necessary arrangements).

### Stagepost 3 – Research Board Subcommittee Report

#### 2. Stagepost 3 – key points

- 2.1 The Director will make the appropriate sections (i.e. those that are not commercially, legally or personally sensitive) of the Research Board Subcommittee Report available to staff and LTUS, who may comment on the accuracy of the record of their input.
- 2.2 The **scope for representation** at stagepost 3:
- Corrections of fact and evidence.
  - Conclusions reached.
  - Unit / LTUS consider that procedures during stagepost 3 were not followed.
- 2.3 The **mechanisms** for consultation at stagepost 3:
- Corrections of fact or other concerns should be raised in writing within 15 working days of receiving the Subcommittee Report, via Director to RPG who may consult the Committee / Panel Chair.
- 2.4 The report will be presented to the Research Board alongside the comments submitted by the Director (including staff comments) and TUS.
- 2.5 If it is necessary to submit any new information to the Board this will be sent to the Director and TUS for information.

### Stagepost 4 - Board Assessment Template and approval of the outcome of the review

#### 3. Stagepost 4 – key points

- 3.1 The Director will make available to LTUS a copy of the Board Assessment Template, excluding any confidential items.

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### 3.2 The **scope for representation** at stagepost 4:

- Conclusions reached
- Any error of fact contained in the Board Assessment Template.
- A decision which, in principle, will impact on employment reached without prior consultation.
- Errors of procedure.

### 3.3 The **mechanisms** for consultation at stagepost 4:

- Director, Programme Leader, LTUS, NTUS or other employees may comment on relevant issues and on the Board Assessment Template through the Unit Director to the Director of Research and Programmes or their nominee within 15 working days of notification.
- Where these comments raise major issues, the RPG Programme Manager may discuss them with Board Chair and Designated Board Member.
- If issues are new, RPG will decide whether to delay submission to Management Board to allow investigation (e.g. refer the matter back to the Research Board for clarification or to submit it to independent scientific review).

The appropriate routing for the **outcome of the Scientific Review** is as follows:

**Management Board** are responsible for approving the final outcome of the Review and any specific actions needed.

The final Board recommendations outlined in the Board Assessment Template (BAT) and comments from the Director/Unit will be reviewed by Management Board.

Management Board will decide if there are further issues to be addressed, taking account of the Directors and Trade Union comments.

The timetable for submissions will be advised by RPG in each case.

- Where there are **no recommendations for major change or Unit closure** or other particular sensitivities **Management Board will take the final decision.**
- Where Research Boards recommend whole Unit closure or a very considerable withdrawal/repositioning of Unit resourcing likely to have a **significant effect on the Council's overall portfolio, the issue will be referred to Council for decision.**

Where decisions may have an impact on employees, a meeting of the Employee Representations Forum (ERF) may be convened (at the request of Trade Union Side). See stagepost 5 below.

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### **Stagepost 5 - Management Board consideration of the review**

#### **4. Stagepost 5 – key points**

- 4.1 Where recommendations of the Research Board involve major change or unit closure the NTUS may make representation on behalf of employees to Management Board members as part of ongoing consultation during the decision making process.
- 4.2 The representation will take place at a specially formed representation meeting, an 'Employee Representation Forum (ERF)', prior to Management Board. The composition of those at the representation meeting will be agreed on an individual situation basis between the National TUS Chair and the HR Director (or nominated deputies).
- 4.3 NTUS will make the decision about whether a representation to Management Board members is appropriate. If the NTUS choose to make a representation to Management Board then there will be no further ERF available to make a representation to Council as per Stagepost 6.
- 4.4 The purpose of the representation meeting will be to allow discussion on the issues and views relating to the Research Board recommendations.

### **Stagepost 6 - Employee Representations Forum (ERF)**

#### **5. Stagepost 6 – key points**

- 5.1 If they so wish, and where a representation has not already been made to Management Board as detailed above, LTUS (or NTUS in the absence of a LTUS), may, via the NTUS, request a meeting of the Employee Representations Forum (ERF) before the final decision is made. They may also submit written statements to the ERF and/or the final MRC decision-making body.
- 5.2 Representations are taken into Management Board or Council for consideration and their decisions are final. There is no recourse to appeal after the Management Board or Council Meeting.
- 5.3 An ERF will be convened in line with the Terms of Reference for ERF as outlined in the Trade Union policy.

### **Stagepost 7 - Management Board or Council Minute**

#### **6. Stagepost 7 – key points**

- 6.1 Where relevant, the Director will make available to the Local TUS a copy of the Management Board / Council minute – excluding any commercial sensitive or confidential items.
- 6.2 The scope for representation at stagepost 7:

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- There is no appeal.
- However, any error of fact contained in the Management Board / Council Minute can be brought to the attention of RPG Programme Manager who will determine whether this needs to be brought to the attention of the Management Board.

### **7. Following the outcome of the Scientific Review (QQR)**

- 7.1 The Director will keep employees and LTUS informed with the final decisions of the Scientific Reviews (QQRs) affecting staff.
- 7.2 Any action taken following the outcome of a Scientific Review will be taken in line with the relevant MRC policy and UK employment legislation.
- 7.3 Where the outcome of the Scientific Review is short of Unit closure, but identifies the need for reorganisation that could affect employees, a MIR will be initiated.

### **Appendix 2 - Management Initiated Review (MIR) Consultation process**

Early involvement of employees and Trade Unions and partnership working is encouraged in all reviews.

#### **1. Introduction**

- 1.1 From time to time it will be appropriate for Management Initiated Review (MIR) exercises to be carried out. The purpose of these Reviews is to consider the realignment of resources and can cover any employee category including scientific staff.
- 1.2 MIRs may review science from a strategic fit perspective but do not review the actual quality of science being performed (as this is covered by the Scientific Review process).
- 1.3 This policy does not cover the day-to-day redeployment of staffing resources to meet working requirements.
- 1.4 The details of individual MIRs vary considerably. Each exercise should therefore be considered in relation to this framework and any variations discussed and agreed with Local or National Trade Unions Side as appropriate.

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There are a wide range of triggers for MIRs. These include:

- Following on from a QQR decision;
- Lack of strategic fit
- Management/Director dissatisfaction with the running of an area;
- Review of current operations;
- Reduction in funding (usually from a QQR);
- Change of a Director;
- Head Office Directive/Governmental Directive;
- Externally driven e.g. changing relationship with a University.

### 2. Principles of Management Initiated Review (MIR) consultation process

- 2.1 This process is designed to outline the key principles, procedures and practices that the MRC will apply to ensure effective and fair implementation of a Management Initiated Review (MIR).
- 2.2 In cases where a Director proposes a realignment of resources to accord with strategic fit a business case for change will be prepared prior to any consultation.
- 2.3 Information about proposed changes, implications and potential benefits will be communicated to all staff and staff are encouraged to contribute their own ideas, suggestions and to voice any worries or concerns.
- 2.4 An Equality Impact Assessment (EqIA) should be conducted to consider the impact of the MIR on staff that fall within the Discrimination legislation relating to any of the protected grounds of discrimination.
- 2.5 In line with the MRC Delegation of Authority, approvals for restructuring of staff resulting from MIRs require approval from the MRC HR Director, following a recommendation for approval by Unit Director/Corporate Functional Lead.

### 3. Initiating a Management Initiated Review (MIR)

Where appropriate, local management will hold informal discussions with employees about the potential for changes to be made. This will usually take place prior to the Terms of Reference being issued.

- 3.1 Regional/Unit HR or local management will inform National Trade Union Side (NTUS) when a MIR is being started.
- 3.2 Local Trade Union Side (LTUS) will also be informed through initial dialogue.
- 3.3 Local management and NTUS will agree the appropriate level of representation, local or national, that will be involved in consultation process during the MIR.

NTUS will provide a steer to local management on the appropriateness of the involvement of local representatives during the review.

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- 3.4 Regional/Unit HR will also make Corporate HR aware that a MIR is about to be started.
- 3.5 To initiate a MIR, local management will draw up Terms of Reference for the MIR in conjunction with regional/Unit HR.
- 3.6 Management must ensure that the Terms of Reference are effectively communicated to employees.
- 3.7 Where appropriate the Terms of Reference may be issued at a staff meeting, normally LTUS and regional/Unit HR will also be present at that meeting.

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### **4. Terms of Reference**

4.1 Normally Terms of Reference would include:

1. *Introduction*
2. *Background to the Management Initiated Review*
3. *Decision makers*
4. *Consultation process*
5. *Methodology*
6. *Timescales*
7. *Proposals*
8. *Roles of review team*
9. *Other relevant MRC documentation*

4.2 The areas covered in the Terms of Reference should provide the governance structure for the MIR so that the decision making roles and process are clear for staff.

### **4. Terms of Reference and consultation**

5.1 Employees and the nominated Trade Union Side (TUS) representatives may put forward views on the Terms of Reference for management consideration and response within 15 working days of receipt of the Terms of Reference.

5.2 Management will consider these responses and respond to any comments as part of the Management Review Report as soon as possible.

### **5. Consultation**

6.1 The arrangements for consultation will be outlined in the Terms of Reference but are likely to include the following:

- Group consultation meetings where management, employees, regional/Unit HR are also present;
- Individual meetings with employees to discuss the proposal and implications;
- Managers should take into account any staff that may be absent due to annual leave, maternity leave, adoptive leave, parental leave, sick leave or on secondment and also consider other staff or departments who may be affected by local changes.

6.2 Where requested, employees may be accompanied by a colleague or represented by a trade union to an individual consultation meeting.

6.3 For further information on the principles of consultation see section 1 of the main policy document.

### **6. Management Review Report and consultation**

7.1 Following receipt of comments from staff and TUS, management will draw up a Preliminary Management Review Report for consultation purposes.

7.2 The Preliminary Management Review Report (or relevant parts thereof) will be provided to the staff and to the nominated TUS for their consideration and response.



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7.3 The consultation period for the Preliminary Management Review Report will not normally be any less than 15 working days.

7.4 The Preliminary Management Review Report should outline:

1. *Introduction*
2. *Background*
3. *Consultation arrangements*
4. *Possible alternative options considered*
5. *Proposal / Outcome identified and reasons*
6. *Timetable and proposed implementation*

### **8. Outcome of a Management Initiated Review (MIR)**

8.1 Following the end of the consultation period management will review all comments received through the consultation process and provide a Final Management Review Report to employees, the nominated Trade Unions Side and to Corporate HR.

8.2 The Final Management Review Report should outline:

1. *Introduction*
2. *Background*
3. *Feedback from consultation*
4. *Response to consultation*
5. *Possible alternative options considered*
6. *Proposal / Outcome identified and reasons*
7. *Timetable and proposed implementation*

8.3 This outcome will normally be provided within 15 days of the end of the consultation period.

8.4 Where this is not possible (e.g. leave commitments, further analysis needed, authority for change needed), management will communicate this to employees and the nominated TUS and provide an expected date for communication of the outcome of the MIR.

8.5 The relevant MRC policies and procedures that deal with the outcome of the MIR will be instigated at this stage. This may include, although not exclusively:

- MRC Recruitment and Selection policy
- MRC Redundancy and Redeployment policy
- MRC Transfer of Undertakings (Protection of Employment) Regulations 2006 ("TUPE") Policy

8.6 The MRC will not normally instigate the MRC Redundancy and Resettlement procedures prior to the Board agreeing New Director plans. However, there may be circumstances where the procedures are instigated prior to this, for example, where this is beneficial to the individual concerned.

8.7 Authority to instigate the MRC Redundancy and Resettlement procedures prior to the Board decision must be obtained from the MRC HR Director or Deputy HR Director.

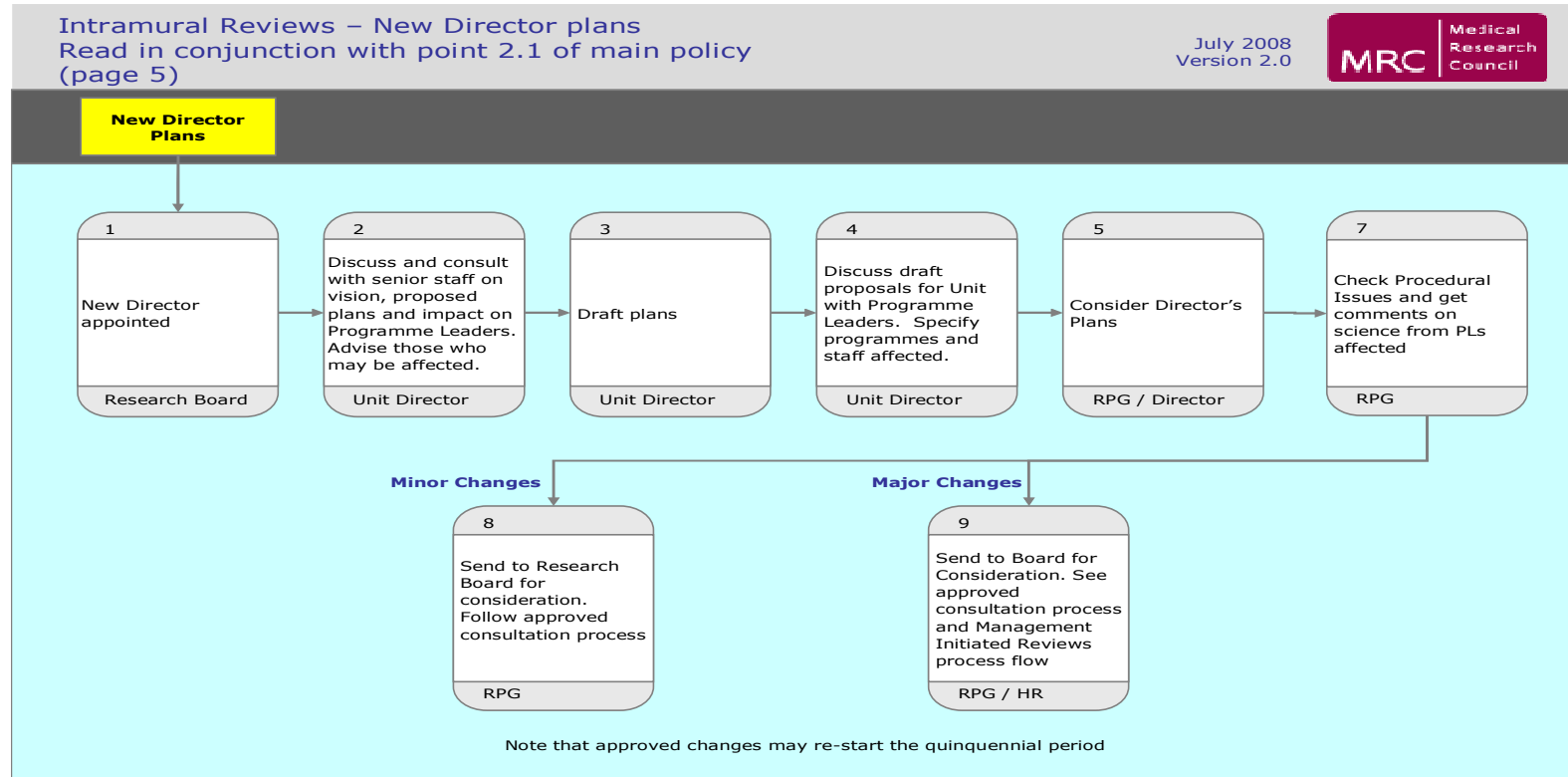
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- 8.8 The reasoning behind the early instigation of the MRC Redundancy and Resettlement procedures will also be discussed and explained fully to the individual.
- 8.9 Any action considered following the outcome of a MIR will be carried out in line with UK employment legislation and best practice.

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## Appendix 3 - New Director Consultation process (N.B. UNDER REVIEW)

THIS SECTION OF THE POLICY IS PENDING FURTHER REVIEW IN EARLY-MID 2012. THE DIAGRAM BELOW OUTLINES THE PRINCIPLES, FOR RELEVANT QUESTIONS ON NEW DIRECTORS PROCESS, BEFORE APPLYING THIS PROCESS PLEASE CONTACT CORPORATE HR TEAM.



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### **Appendix 4 - National Trade Union Side (NTUS) access to Council and Board Papers and Minutes**

#### **1. Introduction**

To ensure that the Trade Union Side are aware of all matters of relevance, the National Trade Union Side (NTUS) will be given copies of Council and Board agenda, minutes and papers other than those which concern confidential matters (see below) . If the NTUS consider that this agreement has not been adhered to, they can appeal to the Chief Operating Officer. If the appeal is upheld, action by the relevant Board/Council will be halted to allow the agreed procedures to be completed.

#### **2. Circulation of Papers to NTUS**

The originating Section is responsible for deciding whether or not Council/ Board papers are to be:

- a) released in whole to NTUS;
- b) released in part to NTUS; or
- c) not released to NTUS.

Papers falling into category b) should be written in such a way that any confidential material can be extracted easily e.g. by including such material in separate paragraphs or appendices. The Head Office section responsible for the drafting of the Board paper is responsible for circulating it to NTUS.

Corporate Affairs Group (CAG) is responsible for sending the Council papers to NTUS. However, it is the originating Section that will advise CAG which papers should and should not be released.

The formal agenda submitted to the Boards / Council should indicate whether or not each paper has been shown to the NTUS, either in full or in part.

#### **3. Items not to be released to NTUS**

Agenda items, papers and minutes dealing with the following matters are to be regarded as confidential and so are not to be shown to the NTUS:

- Recommendations for the appointment of individual employees, e.g. Heads of Laboratories, Divisions, Directors etc.
- Recommendations in respect of individual members of existing staff where no other employee is included. This does NOT include proposals to reduce or cut funding from Unit programmes/ESS teams where this includes a group of employees. However, any individual confidential material (e.g. CVs, etc) should be removed.
- Reports on action taken in respect of the terms and conditions of employment of an individual employee.
- All other detailed individual consideration of an (identifiable) former, existing or prospective employee.

## **MRC Policy on Consultation during Reviews**

- All individual applications for support including final reports and/or any applications to Boards/Council for funding from and for University employees (i.e. for indirect support). However, where MRC employees will be affected by a decision then the wider principles of access outlined in the paper will apply.

In addition there will be papers that do not fall into any of the above categories but which are regarded as confidential. Ad hoc decisions will need to be reached and Corporate HR will be happy to advise. In making ad hoc decisions, confidentiality should be interpreted as applying to cases where wider disclosure of the information contained in the paper would:

- cause the public needless anxiety or concern;
- unreasonably constrain the Council's freedom of action;
- damage the interests of a third party with whom the Council has a special relationship; and / or
- breach any commercial/in confidence provisions, or the requirement for Council to discuss in confidence corporate response to any litigation, etc.

Within papers that are not otherwise confidential there may be information regarded as confidential and therefore not to be shown to NTUS, e.g.

- personal particulars (CV etc.) of employees
- personal opinions (e.g. from referees)
- names of referees

### **4. Minutes**

CAG/RPG will be responsible for ensuring preparation of special sets of Council/Board minutes for circulation to NTUS. These minutes will exclude reference to discussion or decisions on confidential items or on confidential material within open items.

### **5. Further Advice**

For further advice on these issues, contact Corporate Human Resources Group.