




INFORMATION AND CONSULTATION OF EMPLOYEES (ICE)

What, why and how

The CIPD is the professional body for HR and people development. The registered charity champions better work and working lives and has been setting the benchmark for excellence in people and organisation development for more than 100 years. It has more than 150,000 members across the world, provides thought leadership through independent research on the world of work, and offers professional training and accreditation for those working in HR and learning and development.

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Guide

Information and consultation of employees (ICE): what, why and how

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Acknowledgements

This guide was written by Patrick Briône, IPA.

Patrick Briône is Head of Policy and Research at the Involvement and Participation Association (IPA), where he leads research into issues affecting employment relations in the UK, from the good work agenda and the gig economy to new technology and the fourth industrial revolution. Formerly Director of Research at opinion pollster Survation, Patrick is also a Fellow of the RSA and edits a monthly news bulletin for the HR profession.

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We would like to thank all those who offered their critique and support to produce this guide.



1 Foreword by Matthew Taylor

I welcome this excellent guide from the IPA and the CIPD. It is timely, comprehensive and practical – essential reading for all those seeking to understand and make the most of the new Information and Consultation of Employees (ICE) regulations.

In my 2017 *Good Work* report (commissioned by the then Prime Minister, Theresa May), I argued that improving the quality of work is important for several reasons: in summary, it could address issues of social justice (as the most disadvantaged suffer the worst work), improve health and well-being, help address our nation's poor productivity performance, encourage us to think positively about the impact of technological change on jobs and, finally, show that a commitment to respecting and empowering people extends not just to civil society but to employment as well.

As this guide argues, many of these general arguments apply specifically to one of my recommendations: the lowering of the ICE threshold aims to make staff representation, engagement and meaningful consultation a norm in UK workplaces. But of all the reforms I proposed, it is also the change that is most relevant to the principles of respect and empowerment.

The distinguished and influential American philosopher Professor Elizabeth S Anderson has described the American workplace as a domain of '*private government*'. By this she means that employees are compelled to accept the rules set by management in a way that is analogous to the expectation that people must obey the law of the land or be sanctioned if they do not. Yet, by contrast, workers have none of the democratic rights granted to citizens.

A commitment to citizenship at work underpins models of employee engagement that are commonplace in Europe, for example the widely quoted works councils of Germany. However, various attempts to democratise British workplaces, most notably the 1977 Bullock Report on industrial democracy, have failed to gain traction. I was an adviser in Downing Street in 2005 and there was some hope that the broad drafting of the ICE regulations, with the TUC and the CBI signed up to them, might shift the dial. But in all honesty, the impact of the regulations was not what its supporters hoped. In retrospect, the decision to set the ICE threshold at 10% of workers meant its very limited impact was entirely predictable.

The dramatic reduction of that threshold to 2% provides another opportunity to benefit from the many advantages of robust employee engagement. This time we need to get it right. This means two things. First, a concerted effort by progressive business leaders, trade unions and a range of other organisations, including government, to publicise the new arrangements and the benefits they can bring for employers, workers and our wider economy. I will be doing what I can to add to that impetus. Second, we need to see ICE implemented positively and thoughtfully. This guide makes a number of very useful points, including the need to ensure that ICE forums focus on strategic issues for organisations, not just 'tea and toilets' or grievances, the importance of balanced representation on both sides, and the need to give employee representatives the resources they need to do their job properly. The guide also provides valuable examples of good practice and of the way strong employee engagement can help organisations identify problems and develop workable solutions.

Like any process or relationship, forms of employee engagement go through periods of strength and impact and others where their value may feel less clear. Yet, while there can be many potential benefits of representation and consultation, we need also to commit to making ICE work as a matter of principle. In the twenty-first century there is simply no justification for denying workers their voice and their say in matters of great importance to them. ICE may only be a modest form of industrial democracy, but this time it must be made to work.



2 Executive summary

Information and consultation is an important people management principle, involving a meaningful two-way dialogue with the workforce, usually via their elected representatives. This covers not only formal consultations over legal matters such as redundancies, but also a whole raft of important strategic issues affecting the organisation. It can serve several parallel functions – a communication channel for senior leaders to get their message out to staff, a sounding board for potential management decisions, a place for the workforce to bring issues affecting them to the attention of management and a vehicle for workers to present ideas for innovation and improvements to the business.

In the UK, employees have a statutory right to ask for information and consultation arrangements in their workplace, governed by the Information and Consultation of Employees (ICE) Regulations 2004. An amendment to these regulations, passed in 2019, effective from 2020, lowers the threshold of employees needed to trigger a formal request to set up ICE arrangements in their workplace from 10% down to 2%.

While employers will not be legally required to change any of their current practice unless they receive an official request from their workforce, it is highly advisable for employers to take a more proactive approach. As Section 4 of this guide outlines, there are a number of major benefits that stem from having effective information and consultation arrangements in place, including:

- 1 **dealing with change** through better workforce communications and buy-in around change programmes
- 2 **building trust** in management from an informed workforce that can apply perspective to strategic decisions
- 3 improved **engagement and productivity**
- 4 **a sounding board for decisions** by management that can act as an early warning system for potential problems
- 5 **ideas from the workforce** that can lead to greater innovation and problem-solving
- 6 higher **job satisfaction** and quality of work, leading to better recruitment and retention and fewer workplace disputes.

Companies with effective ICE structures have reported major savings as a result, sometimes of millions of pounds, through improved industrial relations, better decision-making and more workforce involvement in innovation.

In order to make the most of ICE arrangements and reap the potential benefits, however, organisations need to take care that they design their arrangements in a way that is

effective and suits their particular organisation. Too many companies have established staff forums that are either tokenistic, turgid, or stagnate into irrelevance after a few years.

This guide is intended to support organisations with adopting a best-fit approach to the information and consultation of their workforces. It is partly a guide to the legal ICE regulations and recent changes to those regulations, but it goes beyond mere compliance to focus on good practice, both in responding to the regulations and on the issue of informing and consulting employees more broadly.

Section 3 of the guide looks at the ICE regulations themselves, their definitions, history of adoption and enforcement and the effects of the new changes. Section 4 looks in detail at the benefits of having effective information and consultation arrangements – for employers and for workers – and lays out the arguments in favour of a proactive approach to the regulations.

Section 5 covers practical guidance on how to design effective information and consultation bodies, outlining the steps to take in ensuring forums are functioning effectively. Many of these centre on making sure the forum focuses on important strategic issues, rather than just being a venue for day-to-day gripes. While it may sound obvious, it's also essential that forums involve both *information* and *consultation*. Consultation with an uninformed workforce is a recipe for distrust and knee-jerk responses to decisions, while informing workers but not giving them an opportunity to put forward their own views is just likely to lead to disengagement.

Good practice in this area highlights the need for a clear written constitution and terms of reference for any forum or representative body. Workforce representatives should be selected by the workforce in a way that represents as broad a spectrum of the workforce's opinion as possible – usually through open elections. Meetings should be regular, focused and with a clear agenda that both management and workers are involved in drawing up, to ensure that both sides get a chance to raise issues important to them. Meetings should, where at all possible, be attended by senior executives and, ideally, the chief executive at least occasionally, rather than only letting workforce reps meet with an HR manager. Finally, there should be adequate training and other support available to all workforce reps, to make sure they can perform their role effectively. Additional considerations apply to heavily unionised workplaces around integrating the union into the ICE arrangements, and particularly large employers, which may need multi-tiered forums to properly represent their vast workforces.

The appendices at the end of this guide include a range of case studies outlining practice in a number of different sectors, sizes and types of organisation. These may offer useful lessons that other employers could draw on in deciding their own approach. Lessons from the case studies are also referred to throughout the guide.

This guide is written primarily for employers and people professionals, but workforce representatives should also find most of the guidance useful and may find the arguments in favour of setting up ICE arrangements in Section 4 particularly helpful in winning over other internal stakeholders in their organisations.

3 What is information and consultation of employees?

Information and consultation of employees refers to a two-way dialogue with the workforce about a wide range of strategic issues affecting the organisation. It involves the workforce, via their representatives, having an *informed voice* within the business. Information flows downwards from senior leaders to the workforce – both proactively, informing them about business performance, strategic issues the organisation is grappling with and major forthcoming changes, and reactively, in response to questions from the workforce.

Information also flows upwards, as staff representatives collect ‘hot topics’ from the workforce which they can then raise with management, putting forward workforce ideas for innovation or problems to be addressed. Finally, there is *consultation* over key issues – where managers put forward proposals to informed workforce representatives and receive feedback on them.

It's important to note that this type of dialogue does not replace the need for negotiation that should be carried out by a trade union or the hearing of grievance or disciplinary cases. Instead, an effective employee forum can sit alongside these mechanisms to improve workforce voice and communication with management.

The ICE regulations

The Information and Consultation of Employees Regulations (referred to throughout this guide as the ICE regulations) came into force in April 2005, applying to all commercial organisations with 50 or more employees.¹ They derived from the EU framework directive on information and consultation (2002/14/EC), which aimed to ‘*establish a general framework setting out minimum requirements for the right to information and consultation of employees in undertakings or establishments within the community*’ with the ultimate goal of keeping employees informed in order to ‘*promote employee involvement in the operation and future of the undertaking and increase its competitiveness*’.

When introduced, these regulations, for the first time in the UK, gave workers a legal right to request information and consultation arrangements about key issues that affect their work and the organisation they belong to. This right, however, does not take effect automatically. Employers can act proactively to reach a pre-existing agreement with their workforce about information and consultation issues, choosing to set up a staff forum of some kind that is used to consult with and inform the workforce about key issues and which has the agreement of the workforce. Otherwise, until the 2020 changes, it took a formal request from at least 10% of the workforce (with an absolute minimum of 15 employees) to trigger the regulations and start formal negotiations to set up information and consultation arrangements.

What's changing?

From April 2020, however, the formal request threshold reduces to 2% (with the absolute minimum remaining at 15 employees).

Firms with pre-existing information and consultation arrangements do not necessarily have to make any changes in response to such a request, while those that lack existing arrangements have six months from the time of a valid workforce request to reach an agreement before they are automatically required to adopt the fall-back arrangements specified in the regulations.

However, for any arrangements – either pre-existing or newly negotiated – to satisfy the requirements of the regulations, they must:

- be set down in writing
- cover all employees in the undertaking, not just a subsection
- set out the way(s) in which the employer will inform and consult employees or their representatives
- be approved by the employees
- set out the topics employees will be informed and consulted about.

To satisfy the standard provisions of the regulations in the absence of a negotiated agreement, the topics of information and consultation must at a minimum include the economic situation of the business, employees' job prospects and major changes to how work is organised. In the case of pre-existing or negotiated agreements, the topics are a matter for discussion and negotiation with the workforce, though the above areas still represent a good starting point for those discussions.

All this is in addition to the separate legal requirements to consult the workforce about redundancies, changes to pension schemes or plans to transfer ownership of the business.

For more information on the process for setting up ICE arrangements after a request has been made, visit [Acas](#) or [Gov.uk](#)

In our view, to be *effective*, information and consultation arrangements should satisfy certain additional conditions beyond these legal requirements:

- to focus on strategic issues affecting the business, rather than the minutiae of the day to day
- to allow for meaningful two-way conversations, passing information in both directions
- to be engaged with at the highest level of the organisation, including the board and/or the chief executive
- to make sure the voice of all workers, from all demographics, is equally heard
- to represent an *informed* workforce voice, through properly trained representatives.

These principles, and the practical steps needed to achieve them, will be discussed more in [Section 5](#) of this guide.

Uptake and reception of ICE regulations

In practice, adoption of ICE arrangements over the past 15 years has been disappointingly slow. An academic review of the regulations concluded that *'union engagement with the legislation has been limited, and only rarely have non-unionised workforces self-organised to trigger their consultation rights. The regulations have therefore proved peripheral, leaving wide scope for management inaction or unilateralism, and for unenforceable and sub-standard consultation arrangements'*.²

One of the major issues the regulations faced initially was that they were *'an idea without a constituency'*³ in the UK. The view from Philip Sack, the civil servant responsible for the drawing up of the regulations, was that *'it was a directive that the Labour government at the time did not want ... they didn't believe that putting employee consultation on a statutory footing was the right way forward for the UK.'* Given the directive was passed against the UK Government's wishes, it is perhaps unsurprising that it was written into law in an unenthusiastic and minimalist way.

The national social partners were similarly unenthusiastic. The CBI and business community at the time were hostile to the idea, fearing that workers risked using the regulations to encroach on the prerogative of management decision-making, while the TUC had concerns that the regulations might be used to bypass trade union recognition and set up parallel negotiation structures controlled by management and that excluded trade union representatives.

Both the CBI and the TUC therefore, for different reasons, were pushing for the threshold required to trigger the regulations to be set at a relatively high level – 10% to require the set-up of new arrangements and 40% to overturn a pre-existing agreement – a number chosen to mirror the threshold for trade union recognition (given that pre-existing arrangements might include trade union recognition agreements).

A consequence of setting the thresholds at this level, however, is that the regulations have largely failed to bring about an increase in information and consultation arrangements over the past 15 years. Where arrangements have been set up, they have largely been towards the informal end of the spectrum, with a variety of names such as 'joint consultative committees', 'staff forums' and 'engagement forums' – a long way from the 'works councils' that are common in many European countries. There shouldn't be too much emphasis placed on the choice of name, though – our case studies, for example, have a wide variety of names for their consultative bodies, some of which sound quite informal but nevertheless demonstrate good practice. The key is that they engage with genuinely strategic issues which, for the most part, arrangements set up across the UK since 2004 have failed to do.

The ICE regulations did not lead to any overall increase in non-union worker representation, with around 45,000 non-union worker representatives in 2011, a similar number to 2004.⁴ This was because, although a significant proportion of workplaces affected by the ICE regulations introduced systems of non-union worker representation between 2004 and 2011, a similar proportion that had had representatives in 2004 no longer had representatives in 2011. In fact, the true picture may have been a decline in serious workforce consultation over the past 15 years. While the incidence of workplace-level joint consultative committees (JCC) in workplaces with five or more employees remained broadly stable at 9% in 2004 and 8% in 2011, the proportion of workplaces covered by a higher-level JCC fell from 29% in 2004 to 20% in 2011, resulting in a combined figure of 25% of workplaces reporting a workplace- or higher-level JCC ('any JCC'), down from 34% in 2004.

According to our own survey in 2019,⁵ only 46% of workplaces have any kind of formal workforce consultation arrangements and only 28% have arrangements that consult on strategic issues rather than just the day to day. Perhaps unsurprisingly, the firms with the best approaches to information and consultation are those that acted proactively to establish their own pre-existing arrangements.

Overall, very few firms have been forced into action by the regulations in this way – cases brought under the ICE regulations have made up only about 7% of the Central Arbitration Committee's (CAC) caseload over the past 15 years, involving around 61 individual cases covering just 36 employers since 2005, a high proportion of which were withdrawn or reached a negotiated settlement prior to an arbitration decision.

Nevertheless, the regulations do have some force and a handful of firms have been fined significant sums for noncompliance: Macmillan Publishers was fined £55,000 in 2007 by the Employment Appeals Tribunal for failing to respond to a valid workforce request to set up ICE arrangements that would have covered 1,350 employees. As the judge commented in his ruling at the time, *'Employers must recognise that these are important rights conferred on workers. The provisions must be complied with.'*⁶

The changing landscape and the future of ICE

The policy landscape looks rather different now than it did in 2004. Employee voice is relatively high on the national agenda, with *Matthew Taylor's Good Work: A review of modern working practices* drawing attention to the issue and making recommendations which have led to the lowering of the ICE regulations threshold.

The fear from trade unions that companies might use the ICE regulations to undermine collective bargaining have not been borne out. Some unions, most notably the Graphical, Paper and Media Union (later the GPM sector of Amicus and now Unite) have made very successful use of the ICE regulations to press for greater information and consultation arrangements, leading in at least one case to a recognition agreement. Generally, though, unions have been less successful at making use of the regulations than was originally hoped, in part because of the high 10% threshold. Tony Burke, former assistant general secretary for GPM at Amicus and Unite, expressed the view in 2010 that the regulations have generally been *'underused [and] misunderstood [by unions] and that unions are missing a chance to get a foothold in companies and sectors that have remained union free'*.⁷ With the lowering of the threshold this may change, and it is likely to become much easier for unions to gather the number of signatures needed to trigger the regulations, even in workplaces where they only have a limited presence. Crucially, the number of workplaces where the proportion of union members is above the 2% ICE threshold, but below the 40% threshold needed to secure a formal recognition agreement, is likely very significant.

The key point for the future of ICE is that even though employers will not be legally required to change any of their current practice unless they receive an official request from their workforce, it is highly advisable they take a more proactive approach. There are a range of benefits on offer from effective voice arrangements, which we will now go on to explore.

4 Why should employers act now? The benefits of effective information and consultation arrangements

The change to ICE regulations in April 2020 does not necessarily require an immediate response from employers. Nevertheless, there are good reasons why employers should take action now to ensure they have effective information and consultation arrangements in place as soon as possible.

This section outlines why employers and people professionals should take a proactive approach to establishing information and consultation arrangements for workers, to take advantage of the benefits on offer.

The benefits of effective information and consultation

There is strong evidence, both from the academic literature and from our case studies, of the benefits organisations with strong information and consultation arrangements enjoy. These include:

- 1 **dealing with change** through better workforce communications and buy-in around change programmes
- 2 **building trust** in management from an informed workforce that can apply perspective to strategic decisions
- 3 improved **engagement and productivity**
- 4 **a sounding board for decisions** by management that can act as an early warning system for potential problems
- 5 **ideas from the workforce** that can lead to greater innovation and problem-solving
- 6 higher **job satisfaction** and quality of work, leading to better recruitment and retention and fewer workplace disputes.

Most of these represent benefits for both the employer and the workforce. One of the great advantages of an effective forum for dialogue between management and the workforce on strategic issues is that it can help move employment relations away from an adversarial model towards one of partnership and collaboration, where both sides are working together for mutual benefit. We will explore each of these potential benefits in turn.

Dealing with change

One of the things that effective ICE arrangements are most valued for is their ability to support organisations undergoing periods of change. Successful change management relies on the ability of senior leaders to secure workforce buy-in and bring people along with them. This requires:

- that the workforce understands what the organisation is trying to achieve and why (and has confidence in the reasons behind strategic decisions)
- that information about what is happening is communicated in a timely manner and that the workforce is aware of what decisions have and haven't yet been made
- that residual problems thrown up by the change process are addressed.

A failure to communicate properly what is being done, why, and what alternatives have been considered will lead to workforce assumptions that management decision-making is 'knee jerk' and poorly thought through. A failure to communicate in good time, or a decision to keep workers in the dark about potential developments until the final decisions have been made, can lead to rumours and speculation that breed disengagement. Finally, all changes inevitably lead to some unexpected consequences and throw up issues for workers that might not have been anticipated. Making sure these issues get passed back to management as early as possible and that people act quickly to resolve them is vital, otherwise workers will over time come to resent change being imposed on them and will feel that management doesn't care about making their jobs harder.

The head of HR at the UK Hydrographic Office (UKHO) outlined that, *'the thing that causes the most discontent here is when people are blindsided – "Why didn't we know about it?"'*. The HR director at WorldSkills UK echoed this, saying, *'when you're in an organisation where there's a lot of change going on it can lead to a lack of morale when you feel that you're not told what's going on'*.

Successful change management relies on good communication with the workforce – this is where effective ICE arrangements can come into play, both as a way for management to disseminate information to the workforce about the changes and to receive feedback on what is and isn't working.

At WorldSkills UK the entire motivation for setting up their Innovation Forum was because the organisation was dealing with a very major set of changes and there was no formal consultation mechanism that would allow senior leaders to engage with staff in a constructive environment about change. As the CEO could *'see that change would be ongoing'*, they recognised the need for a forum, *'to engage staff in that conversation'*. The forum *'gives much needed structure to these conversations around change and innovation'*. As a result of the forum, the organisation has managed to bring staff along with the changes while improving trust and engagement scores.

Building trust

Building and sustaining trust between those at the front line and those in senior leadership positions is a challenge for any organisation, particularly larger ones. The process of setting up ICE arrangements can itself generate trust, as workers see that their views are being taken seriously. The real trust-building, however, is a gradual process that occurs over time as workforce and management representatives build a relationship and come to exchange views and information.

The more workers feel that management are being open and honest with them, the more they will come to trust in management decision-making. Similarly, the more workers feel they can put forward their views in the confidence they will be listened to, the more trust scores will climb.

The CEO of WorldSkills UK described how, *'if you don't have trust in the leadership of the organisation then you've really got a problem ... bringing your team with you sounds trite but it really is vital.'* Building trust through information and consultation arrangements also acts as a virtuous circle, as *'over time that trust being strengthened will lead to more things being discussed'*.

There was no staff survey at WorldSkills UK when he arrived – something he quickly corrected. The first year showed really low levels of trust in management, around the time the current Innovation Forum was first being set up. Since then, however, trust ratings have

improved to very high levels after just a few years – *‘I do put it down to communication and openness, and the Innovation Forum was really key at turning that around.’*

At British Business Bank, their Executive Committee now routinely *‘mentions when making decisions that they’ve consulted with the forum beforehand’* – something that itself builds workforce confidence in management decision-making.

In addition to the issue of trust, at a time of increasing transparency created by Glassdoor and digital platforms such as Organise, organisations have to recognise that they can’t bury issues associated with toxic organisational culture and inappropriate behaviour – they will come out in digital public forums in some form. A trusted representative staff council can ensure that such sensitive issues are brought to the attention of management, so they have a chance to address them before they end up making headlines.

Engagement and productivity

Employee engagement is defined by the Institute for Employment Studies as *‘a positive attitude held by the employee towards the organisation and its values. An engaged employee is aware of the business context and works with colleagues to improve performance within the job for the benefit of the organisation.’*⁸

There is a wealth of evidence linking engagement to productivity, at both an individual and organisational level. Workforce involvement and participation generally are essential components of high-performance work systems (HPWS). In a survey of over 23,000 business units, Gallup found that those with engagement scores in the highest quartile were 18% more productive than those in the lowest quartile.⁹ Likewise, evidence from WERS has demonstrated that when workforce engagement levels are higher, managers report higher levels of productivity and financial performance.¹⁰

An effective ICE forum is a very powerful tool for boosting employee engagement and unlocking this potential productivity and performance. The key enablers of engagement, according to the *Engaging for Success*¹¹ report, are:

- **A strategic narrative** provided by senior leaders which has widespread ownership and commitment from managers and workers at all levels. The narrative is a clearly expressed story about what the purpose of an organisation is, why it has the broad vision it has, and how an individual contributes to that purpose.
- **Engaging managers** are at the heart of this organisational culture – they facilitate and empower rather than control or restrict their staff; they treat their staff with appreciation and respect and show commitment to developing, increasing and rewarding the capabilities of those they manage.
- An effective and empowered **workforce voice** – workers’ views are sought out; they are listened to and see that their opinions count and make a difference. They speak out and challenge when appropriate. A strong sense of listening and of responsiveness permeates the organisation, enabled by effective communication.
- **Organisational integrity** – behaviour throughout the organisation is consistent with stated values, leading to trust and a sense of integrity.

Clearly ICE arrangements can provide a great vehicle for employee voice as well as a channel to help the management develop and communicate their strategic narrative. As discussed above, building a relationship of trust over time through a dialogue between management and the workforce can also be a good way for the organisation to demonstrate integrity. In this way effective ICE structures can help support at least three of the four enablers of engagement.

All our case studies confirmed that engagement had benefited hugely from their various forums and this was reflected in the high engagement scores in their staff surveys – at WorldSkills UK, for example, the staff survey results have improved year on year for the last three years since it and the Innovation Forum were established.

A sounding board for decisions

One of the major benefits of ICE arrangements that senior leaders found at the case study organisations was what one CEO described as a *'good sanity check'* for important decisions. Having the chance to test how the workforce might react to major decisions in a confidential setting before they are announced gives important information and feedback to executives that they could use to reconsider a potentially problematic approach or tailor their messaging.

A representative who sits on the Colleague Forum at British Business Bank discussed how *'it gives ExCo (Executive Committee) a reliable sounding board. What a fast-growing organisation doesn't have time to do is go out and do Doodle polls with 300 colleagues for every decision.'* Instead, having that body of elected individuals with their ears to the ground was a great way to quickly consult workers on any proposed decision.

At B&Q the value of the People's Forum was particularly strongly felt in this regard, as a *'grassroots partnership for the board'*. With a workforce of over 22,000 employees there is obviously a risk of senior executives becoming disconnected from experiences on the shop floor; their CEO was very aware of this, and said that *'some of these are multi-million-pound decisions: we have to get them right.'*

One of the biggest examples that demonstrated this potential value was when a decision was being taken that would then be reversed at significant cost after employee dissatisfaction became clear. In 2017, when senior executives began rolling out a new marketing campaign with the strapline 'Ask the apron', frontline workers were quick to register their unhappiness at the use of a line that they felt was patronising and dehumanising. The People's Forum was able to rapidly communicate this to the board and a decision was quickly taken to change the campaign, with the new campaign assets being pulled within days. The right outcome was achieved but the costs incurred could have been avoided had the People's Forum been consulted at an earlier stage – a valuable lesson the company has clearly since taken to heart. Now, before major decisions are taken, the question always comes up at the board, *'What does the People's Forum think? Have they been consulted?'*

A less high-profile example from UKHO revolved around the flexible working guide that HR was producing; the process of consultation with union representatives pointed out that the proposed definitions of homeworking were not clear enough and didn't distinguish home workers from remote workers in general. The head of HR worked through it alongside the workforce representatives and made sure that their concerns were addressed, including more clarity around obligations, health and safety, and removing a need for formal requests for home working, resulting in a guide that was well supported and welcomed by the workforce. The head of HR at the UKHO described how regular meetings with trade union reps *'give me confidence that I'm on the right track'*.

Ideas from the workforce

As well as helping raise awareness of significant workforce concerns that need addressing and providing an early warning system for potential crises or issues, information and consultation arrangements can also serve as a vehicle to put forward more positive workforce suggestions for business improvements. Surveys have found that while 59% of

more engaged employees say that work brings out their most creative ideas, just 3% of the less engaged say the same.¹²

At WorldSkills UK the ICE arrangements were specifically presented as an Innovation Forum with a strong emphasis on giving workers *'the opportunity to share ideas [when] you don't normally have the opportunity to do so'*. All ideas from the workforce are discussed at the Innovation Forum meetings, attended by the CEO, and the forum then decides what's going to be passed on and formally proposed to the Operational Management Team. Ideas put forward recently cover a wide range of topics, from putting SAD lamps in the office to combat the lack of natural light, to setting up well-being groups or ways to better involve their commercial partners in events. The CEO commented that *'there are things that are small but effective ideas that work and then things that start off small but turn into big strategic ideas for the organisation'*. Overall, the impact of the forum has been to spread the change of the whole organisational culture, as *'people have the confidence to speak up'* more than ever before, including in their regular team meetings. There was a strong sense that seeing ideas from other workers that had worked encourages more people to put things forward in future.

Likewise, at Stonewater Housing Association, their People Committee and colleagues were closely involved in the development of the organisation's Digital Transformation Programme. Having recognised that theirs is not traditionally a technology-driven sector and knowing that colleagues were concerned about how many customers would be unable to afford the technology and were *'not digitally savvy'*, they were keen to *'ensure social inclusion, particularly [for] older people'*. For their colleagues, change-readiness was identified as an important step in inspiring a new digital culture, and through an innovative employee engagement initiative they received over 3,000 informed suggestions and insights from staff, which helped to shape the strategic plan. One manager summed up the view of the company as, *'thank goodness we asked'*.

Many organisations with effective information and consultation arrangements have seen the impact that involving the workforce in innovation can have on the bottom line. United Welsh Housing Association have previously reported that improved information and consultation approaches with their union Unison has led to better management of empty properties and the management of arrears. They saw the amount of rent lost from empty properties as a percentage of total rent fall from 2.1% to 1.1% in two years, after they adopted an improved approach that also saw the number of workers saying *'consultation is used constructively to make better business decisions'* rise from 23% to 57%.

Examples of ideas and suggestions from the workforce were widespread at all the case study organisations we looked at. At the new UKHO, offices employee representatives pushed hard to include well-being rooms, which required the adaptation of some of the glass-walled rooms with frosted glass and blinds to provide more privacy. At B&Q workforce feedback on the pay review led to a change of outcome – proposals to allocate funding to a store team bonus were reviewed by the People's Forum and felt to be unfair. Instead, the People's Forum themselves came up with the idea of reallocating the funding to base pay for all staff.

Job satisfaction

'Voice and representation' has been identified as one of the seven dimensions of job quality (alongside 'pay and benefits', 'terms of employment', 'job design and the nature of work', 'social support and cohesion', 'health and well-being' and 'work-life balance'¹³.) Voice is particularly important in these debates as it has both instrumental and intrinsic value in promoting good-quality work.

Workers able to express their voice in a clear and informed way are more likely to be able to secure those other aspects of a good job, including better job design, better work-life balance and so on. However, voice is also inherently important to workers in terms of ‘self-expression’, ‘relationship-building’ and ‘morality’.¹⁴ In some of the companies we looked at with relatively new ICE arrangements, people talked about how much *‘staff value having a voice, where they may not have felt they had a voice before’*.

Improved job satisfaction and quality of work is clearly of benefit to workers, but the advantages it brings for employers should also not be underestimated. In a time when companies’ reputations are more than ever open to scrutiny by customers and prospective employees through websites such as Glassdoor, it’s more important than ever for recruitment and retention purposes that organisations ensure their workers feel valued and listened to.

5 How best to implement information and consultation arrangements

Overall, it is clear that ICE arrangements can bring a multitude of mutual benefits for employers and workforces alike. These benefits only come, however, if the arrangements put in place are meaningful and effective. A tick-box approach focused on narrow compliance with the letter of the regulations will not achieve this and may in fact be counterproductive. This section of the guide sets out the key lessons for organisations to bear in mind when establishing effective ICE arrangements.

Be proactive

The best way to approach the regulations change is to act proactively in setting up effective arrangements. This will ensure that an information and consultation model can be established that suits your own organisation.

This doesn’t have to be a particularly formal or legal process if done proactively – almost all our case studies represent forums set up by management initiative and don’t use the phrases ‘information and consultation’, ‘negotiated agreement’ or any reference to the ICE regulations in the constitutions for their staff forums. Indeed, managers at several case study organisations reported that the word ‘consultation’ itself seemed *‘scary’* and conjured up images of redundancies or other negative situations. Calling the resulting body a ‘colleague forum’ or ‘innovation forum’ was felt by many of the case studies to be an easier sell and helped to ensure the body had a *‘positive, forward-looking, innovative agenda’*.

Involving the workforce in the design of these arrangements ensures they receive sufficient buy-in and are seen as credible. Again, this does not have to be a formal process, particularly for smaller enterprises – the CEO of WorldSkills UK described how, *‘because we are a small organisation there is probably more trust’* and that therefore both sides could just sit down together and decide what to do in a spirit of cooperation. Some thought, however, should be given to how to involve the workforce in the design and set-up of the arrangements, and for larger organisations with multiple branches a more formal process of getting workforce sign-off on the proposals might make more sense.

The importance of a strategic focus

The most important factor in determining the effectiveness of any ICE forum is the extent to which it focuses on genuinely strategic issues affecting the organisation, rather than being consumed with the minutiae of day-to-day ‘tea and toilets’ type concerns (which should be dealt with through other channels).

The purpose of an ICE forum should be to allow senior leaders to discuss and consult with the workforce over strategic change, to allow information on key issues to be presented to the workforce, and to allow representatives to present the ‘hot topics’ from the workforce to management and bring forward ideas, queries and suggestions that need attention at a senior level.

It’s important at this stage to outline things that an ICE forum is *not* for. ICE forums are *not*:

- an appropriate place for *negotiation* with the workforce over questions of pay or terms of employment that are more properly the place of a trade union
- places for worker representatives to raise individual workers’ grievances or disciplinary cases or carry out other aspects of what might be considered casework for union reps. However, it might be that trade union representatives carry out these functions alongside also sitting on an ICE forum (see the [section below](#) on unionised workplaces for more details on this area)
- a substitute for raising day-to-day workplace issues that should more properly be dealt with by line managers.

One of the main dangers of not having a strategic focus is that forum meetings become dominated by a ‘tea and toilets’ agenda of day-to-day concerns that bypasses and can cause disengagement among line managers. If line managers in an organisation feel that the ICE forum is undermining them and working against them, the arrangements will not have the needed support from across the organisation.

At the same time, if representatives are only putting forward concerns from small groups of disgruntled workers, instead of representing the views of all workers (including those who are happy and well engaged), the forum will lose support from senior leaders and others across the organisation who come to see the forum as dominated by complaints. A staff forum chair at British Business Bank described how *‘we had work to do’* to secure buy-in to their forum and that *‘if people see it as just about all the bad things going on, that’s not something that’s going to encourage people to take part or take it seriously’*.

All the case study organisations included in this report have worked to overcome this focus on the negative and individual concerns and instead push their ICE forum towards strategic conversations. Commenting on the importance of this, a representative from the Stonewater Forum stated that *‘this is a far cry from a forum I was part of in another organisation, where we just went out and asked what concerns people want raising – we managed to create an unobtainable wish list’*.

So, what should employers do?

The failure to develop a proper strategic focus is the most common cause of ineffective consultation arrangements, as analysed by Hall and Purcell: *‘weaknesses and failures in consultation are rarely the product of management neglect but occur, in the main, because senior managers have not envisaged a strategic role for their staff council.’*¹⁵

Orienting the forum in a strategic way requires strong leadership from the senior leaders and clear terms of reference (discussed further below), but also relies heavily on the work of individual representatives to act as a filter for things they are hearing from the workforce. Part of the role of ICE reps should therefore be to make sure that individual workers' concerns get redirected to the appropriate people line managers in the first instance, or in some cases to HR, facilities, another department or a trade union. Only issues that properly need to be dealt with at a senior level should be brought to ICE meetings.

Employers and people professionals should look to offer training for employee representatives to allow them to correctly identify the type of strategic issues that should be brought to meetings. They should also receive guidance on how to communicate effectively when advising colleagues to redirect their concerns.

Representatives from British Business Bank had recently been through a major process to refocus them on strategic issues, after a period when the forum had risked drifting too far towards a 'tea and toilets' agenda. One rep commented how *'as part of the election it was made very clear what should come to Colleague Forum, which was high level strategic issues'*. If other issues were raised by colleagues then, *'we point them to relevant people'* rather than bringing them to Forum meetings. Before each ICE meeting with management, the Colleague Forum reps hold a 'pre-meet' where any remaining non-strategic issues can be resolved or redirected if the Colleague Forum rep hasn't dealt with them already.

Having a clear constitution and terms of reference

The next point for organisations to bear in mind is the need to set out clearly in writing what the information and consultation body is for and how it will work, for the benefit of all parties. The CAC, which is responsible for dealing with disputes over the regulations, has commented that they often get asked questions or have issues referred to them which they are unable to answer, such as, *'What happens if a rep leaves and can't be replaced?'* Issues such as this should be clarified in the written agreement to set up the ICE forum. As a CAC spokesperson put it, *'the regulations leave a lot to the parties and the parties don't always seem to grasp that.'*

So, what should employers do?

To clearly outline the role and terms of reference of a forum, it helps to create a written constitution, terms of reference or a written agreement between the workforce and management, setting out the purpose of the ICE forum. This should, at a minimum, lay out practical matters such as:

- how many staff representatives there will be
- how they will be elected
- how often they will meet with management.

Ideally a written constitution should also ensure that all likely eventualities are anticipated and lay out what should happen if, for example, staff reps leave the company, people put themselves forward for election who are subject to disciplinary proceedings, or not enough candidates stand for election. Instead of being a complicated legal document, the constitution should be a practical guide that both reps and managers can refer to for guidance on what to do.

A constitution should also lay out clearly the purpose of the ICE forum and the job description of staff representatives – namely to exchange information with management and be consulted about the strategic focus of the organisation, which includes gathering and then raising ‘hot topics’ from across the entire workforce. Critically, it is unhelpful to describe the role of the staff reps as simply being to ‘list concerns’ of the workforce, as this will immediately push them in the direction of being agony aunts focusing on only representing the most disengaged minority of workers, rather than the whole spectrum of workforce opinion.

For example, the B&Q People’s Forum role profile outlined the role and responsibilities of a rep by making clear that representatives will be required to:

- attend regular People’s Forum meetings
- constructively contribute to the topics the business is seeking involvement on
- support the engagement of their colleagues in B&Q’s strategy
- gain an understanding of the hot topics concerning their colleagues
- responsibly communicate and share the views of the colleagues they represent
- actively participate in working groups between meetings if required
- build relationships and work closely with their leadership team and other People’s Forum members
- support the business through statutory consultation at times
- attend other ad hoc meetings if required.

This written document should also include a code of conduct which refers to expected behaviours of all parties involved in the ICE arrangements and helps to protect the confidentiality of sensitive things discussed during meetings. It also helps to prevent issues such as conflicts of interest, or staff reps becoming advocates for their own personal causes and interests instead of representing the views of the rest of the workforce.

Electing the workforce representatives

While not strictly required by the ICE regulations, the clear conclusions of both expert commentators and our case studies is that it is better to have staff representatives elected in a ballot by the rest of the workforce. This provides a degree of legitimacy to the ICE arrangements, allows all workers to feel that they are participating in the process, and helps to make sure that the workforce representatives are accountable to other workers in terms of how well they represent their voice.

There is a natural tension between the degree to which workforce reps are representative in the sense of personally mirroring the demographics and attitudes of the workforce as a whole, versus being representative in the sense of being elected by and accurately speaking for other workers. Clearly, in an ideal world both are desirable, and reps in our case study organisations have commented that *‘having a range of colleagues with different backgrounds, different ages, different experience and working with different teams is good’* and helps them challenge ideas better.

However, it may well be that free and fair elections still result in a set of reps who do not reflect the full demographic diversity and personal outlooks of the workforce. While it might be tempting for managers to appoint reps or otherwise interfere in the election process to improve the diversity of the forum, it's important this isn't done in a way that undermines the legitimacy of the election process or the ability of the reps to represent both the engaged and disengaged parts of the workforce.

However, one approach that can improve diversity and inclusion, particularly in larger organisations, would be to set up separate inclusivity forums or networks – either separately for each protected characteristic or in one joint one – which can then feed directly into the overall ICE forum, possibly even having one or more designated seats on the ICE forum for the inclusivity networks. Other firms such as Sopra Steria have introduced election systems that give seats to the top male and female candidate from each constituency, to guarantee a degree of gender balance while still maintaining the democratic election process.

Another important question that arises is whether to include middle managers as well as frontline workers in the population to be represented by and able to stand for election to the ICE body. It is worth stating that the ICE regulations require that arrangements cover 'all' employees, which, by definition, also includes managers. It is understandable, however, that in smaller organisations with perhaps only one or two levels of management, it might make sense for only frontline workers to stand as reps to the ICE forum, if line managers already have their own direct contact with senior leadership.

For larger organisations, however, it is particularly important that line managers don't feel excluded from the arrangements – firstly, because line managers play a vital role in making sure the strategic narrative reaches all parts of the organisation and, second, because when line managers feel they are being undercut by ICE arrangements, it can lead to conflict and an 'us versus them' attitude.

It's therefore to be encouraged to allow middle managers to participate in the ICE arrangements if they wish. This can, however, lead to other problems – at B&Q, for example, once store managers saw that the People's Forum had a lot of influence within the organisation they started to try and get more managers represented on the National Forum, which started to reduce the number of spaces available for frontline shop-floor workers. To resolve this and ensure both groups had fair representation, B&Q adopted an approach that created two National Forum seats from each region – one reserved for a manager and one from the frontline workforce. That way both groups were guaranteed equal representation. Within the National Forum itself, however, they were keen to stress that there's 'no status' and that 'we're all colleagues' with an equal role, regardless of their day job.

Similarly, it is important the entire workforce feels represented, not just the permanent, on-site, full-time employees. WorldSkills UK was clear that temporary workers should still feel that the Forum reps were representing them and their views. *'If you make the effort to make them feel included, then they can contribute just as much as permanent staff.'*

So, what should employers do?

The details of how to arrange the election of ICE representatives is best left up to the individual employer. However, there are a few general points of guidance to bear in mind.

Firstly the length of term that reps are elected for is something to consider. It may seem most natural to elect reps for a year at a time, but most reps have tended to find that they only really start to get a feel for the role and how to perform it well after about a year in post – it may therefore be better for organisations to establish slightly longer terms of around three years to allow a degree of experience and expertise to build up among the representatives. This will also make investment in training for the reps feel much more worthwhile and cost-effective.

Second, several of the case study organisations benefited from holding elections on a staggered or rolling basis rather than re-electing the entire ICE forum all in one go – for example, re-electing half or a third of the reps each year or 18 months. At British Business Bank, for example, half the Colleague Forum reps in each constituency are re-elected every year, but reps can stand for re-election after their two-year term. This helps to preserve a degree of institutional memory and allows for newer reps to learn from more experienced older members of the forum, while still allowing regular opportunities for new people to get involved.

A third consideration is around how to draw the constituencies within which representatives are elected. For an organisation with a store-based model like B&Q it makes obvious sense to organise elections around that business unit, but for other types of employer it might be less obvious how this should be done. Some of the case studies found it was beneficial to require reps from one team, such as sales, to serve as a representative for a different team, such as marketing, to prevent conflicts of interest and ensure they focus on gathering the views of other workers, rather than just pushing forward their own.

A final point to bear in mind is the number of people attending ICE meetings – generally speaking, meetings of any kind will start to become unwieldy and hard to focus if there are too many people present. It may be better to keep the number of workforce reps who attend meetings with management at ten or fewer; more than this will lead to meetings dragging on and allow less time for each person to speak. This doesn't necessarily impose a cap on the number of reps themselves; at British Business Bank the Colleague Forum adopted a new approach of having the reps elect a 'Core Four' from among themselves who would regularly represent them in the meetings with management, but in a flexible way that allowed other reps to step in when needed. This change made a big difference in keeping the meetings focused.

Choosing the senior management representatives

From the management side, those attending ICE meetings should be people who can speak for management and are able to answer whatever questions might arise – in other words either the chief executive and/or another senior decision-maker. It may well be appropriate to have the HR director present for meetings as well – in several of the case study organisations the HR manager acted as a kind of secretary for the ICE meetings – but it is best to avoid having management being solely represented by an HR manager, as this will lead the forum towards a focus on HR issues and terms and conditions, rather than wider strategic issues.

Overall, the evidence stresses the importance of clear leadership buy-in. At B&Q, for example, it was widely felt that since the board has taken a more active role in the People's Forum over the past few years, it has made a huge difference in attracting attention and lending credibility to the People's Forum. Workers have been more willing to share their views with reps and stand for election themselves after seeing that it makes a difference and is taken seriously, while the line managers of forum reps have been more respectful towards their role as representatives and given them much more support after seeing that they have direct access to the CEO at national forum meetings.

So, what should employers do?

It is not essential that the chief executive attends every meeting in person, but they do need to show a personal commitment to the ICE arrangements in some form and demonstrate that they value and welcome the input and contributions from workforce representatives. Ideally, they should turn up to address staff representatives and hear their concerns personally at least sometimes.

Many of the strong examples in the case studies had the chief executive either co-chair the forum alongside workforce representatives or otherwise have personal ownership of the ICE agenda from a management perspective – at B&Q, UKHO, Stonewater and WorldSkills UK, the chief executive personally led information and consultation meetings from a management perspective.

Setting agendas and managing meetings

For ICE meetings to remain focused and productive, a clear agenda-setting process needs to be established. Some degree of joint input into agenda-setting from both management and staff is beneficial to make sure both sides feel joint ownership of the meetings. Having a worker chair selected from among the reps can help provide a degree of focus in this respect.

At British Business Bank there are two co-chairs – one from the workforce representatives and the chief commercial officer, who is co-chair from the management perspective. They felt this helped by providing a *'single point of contact'* for both reps and the Executive Committee. Otherwise, it can be messy having multiple points of contact between different reps and different executives. Clearly defined leadership of the meeting helps to co-ordinate how actions are allocated and makes sure things get done.

At British Business Bank the two co-chairs meet ahead of each ICE meeting and go through one another's hot topics – this forms the draft agenda, which is then shared at the reps, pre-meeting; the Colleague Forum then decides to finalise the draft agenda, adding or removing items as they see fit, before it goes to the chief people officer for final approval. This process, involving both management and workforce reps at multiple points, helps to keep the sense of a 'joint meeting' rather than two sides simply raising issues with one another. The result is an even mix of colleague and Executive Committee hot topics to discuss, though the workforce issues are discussed first so they don't run out of time.

So, what should employers do?

Set clear agendas

Regardless of the process used to determine individual meeting agendas, there is a clear outline of the kind of things that need to be discussed in any ICE meeting. The following could be used as a template or draft agenda for organisations to adapt:

- Start with a 'state of the union' style outline from management about the current strategic situation, including the opportunity for questions.

- Allow representatives to present hot topics they've collected from the workforce, along with other questions workers have for management.
- Give management a chance to present their own hot topics as well, ask questions of the workforce, seek feedback on prospective decisions or conduct a temperature check on particular issues.
- Include updates on ongoing changes and things discussed at previous meetings.
- Provide an opportunity for workforce ideas to be put forward and developed.
- Summarise action points for both sides and discuss how the outcomes will be communicated to the workforce.

You can download a checklist for this draft agenda template on the [CIPD website](#).

Importantly, organisations need to avoid repeatedly putting items on the agenda that have already been discussed and can't be resolved. If a topic such as car parking or free coffee machines comes up at every meeting after it's already been made clear that nothing can be done about it, this will only serve to breed disillusionment on all sides.

At the same time, it is important that both management and the workforce are bringing a roughly even balance of issues to be discussed. In organisations where management gives the agenda entirely over to workers, there is a danger of what is referred to as 'plateauing',¹⁶ where forums run out of useful things to discuss because managers are not bringing discussion of strategic plans to the table. Mark Hall talks about examples where *'relatively few items at the [staff council] are raised by management ("we do not talk about plans") and most are tabled by employees. Once issues of importance have been resolved in the early days of the council, meetings became clogged with housekeeping matters.'*¹⁷

Frequency of meetings

It should be possible to cover a well-focused agenda in no more than around three-and-a-half hours, including a discussion of the outputs of the meeting and how they will be communicated. In terms of frequency, ICE meetings on a monthly, bi-monthly or quarterly basis are recommended, depending on the complexity of the organisation and how easy it is for representatives to assemble.

In general, more regular meetings also don't have to be as long, which is to everyone's benefit, though if people are travelling a long way in a very large organisation it is understandable that they might want to have fewer, longer, meetings. Either way, simply having one annual ICE meeting is clearly insufficient to deal with the major changes and issues that most organisations face on a regular basis.

Pre-meetings for representatives

Holding a pre-meeting just for representatives before they sit down with management is also something many of the case study organisations have found helpful. The purpose of this pre-meeting, however, should be around sharing hot topics and preparing the agenda – not trying to co-ordinate to make sure all reps speak as one voice; again this is for information and consultation, not negotiation, and it's therefore appropriate for representatives in an ICE meeting to reflect the diversity of workforce views. At B&Q, where it was challenging for reps from across the country to hold a physical pre-meet before their ICE meetings, they instead held a session on Yammer before the National Forum meetings to help collect their hot topics from store reps across the country.

Trust and confidentiality

Ideally management should feel able to share as much information as workforce reps want during ICE meetings – seeking genuine feedback from the workforce only really works where managers trust workforce representatives enough to share potentially commercially sensitive information. Managers should work from the principle that workforce representatives need to be well informed in order to engage with management in a constructive way. At UKHO, for instance, the union reps from Prospect were very interested in having discussions around strategic change. Managers felt that Prospect were interested in pay, not just from a typical union perspective but in really wanting to *‘understand the pressures and challenges of the business’*. Representatives trying to represent their colleagues from an uninformed position will not be able to do their job.

This obviously requires representatives to honour commitments of confidentiality (something that can be included in the code of conduct), but also requires a leap of faith on the part of managers to establish that initial level of trust. In all our case studies, however, that initial trust had been well placed and was responded to very positively from the workers’ perspective – not a single example was uncovered at any of the organisations of workforce representatives breaching the trust placed in them around confidential information.

Making sure the ICE forum is being given access to this more sensitive, strategic and in-depth information is important in developing its credibility. Given the growth in forms of direct worker involvement and the fact that most workers will have team meetings with their managers far more often than they hear from their ICE representatives, there is a real risk, as Hall and Purcell put it, *‘if the staff council is only given the same information, it gets “crowded out” and can never develop a unique voice’*.¹⁸ It is therefore vital that the forum gets a real meaningful chance to go beyond the day-to-day information being shared and get a real look at strategic plans and issues.

Consulting reps on decisions

In an ideal world, ICE arrangements can be most beneficial when representatives are consulted before final decisions are made by executives. However, this requires total confidentiality about different options, until the final decision is made, which may rely on considerable levels of trust already having been established. At WorldSkills UK, the CEO felt that being able to consult with the Innovation Forum before he brought issues to the board *‘gave me confidence to say to the board “I’ve discussed it with staff and they think it’s a great idea”*, rather than to do it the other way round.

So, what should employers do?

If decisions are particularly important, managers shouldn’t feel they need to wait for a scheduled ICE meeting in order to discuss them – holding ad hoc meetings or even just consulting informally with ICE reps between meetings are good approaches to take in the case of urgent decisions.

At B&Q the board will seek feedback from reps on urgent issues between meetings through an optional conference call for reps. The reps are also always in constant conversation with one another via Yammer, so are quickly able to share information and respond to urgent issues that might arise between meetings. Employers should work to give reps access to communication channels like this to improve communication between reps.

On some occasions, though, decisions are likely to still be made before reps have a chance to be consulted. At British Business Bank, one rep commented that *'from our level we're always going to want to be involved, because we think we can add value ... but we have to accept there are some decisions ExCo are going to want to make by themselves'*. Despite a clear desire to broaden the range of topics the forum was asked for input on, people accept that this needs more trust-building first: *'over time that trust being strengthened will lead to more things being discussed.'*

Even if it's not possible to consult with staff before making a decision, it can still be effective to engage with ICE representatives after decisions have been made. ICE representatives can be valuable in influencing how the decision is communicated to the rest of the workforce. This is only true, however, if managers are open about the decision-making process – what the decision was, the reasons why it was made, what other options had been considered and why they were rejected. Only through this high level of transparency will workforce consultation post-decision-making still be impactful in terms of building trust.

Training and support

In their book *Consultation at Work*, Hall and Purcell note that:

*'The fundamental weakness of the ICE provisions in terms of rights and protections for representatives is clear. Information and Consultation representatives only have a right to paid time off and against detriment. There is no mention of training or facilities. But the key weakness is that these rights only apply to information and consultation arrangements established by negotiated agreements or under the standard or default provisions. Pre-existing agreements are exempt.'*¹⁹

So, what should employers do?

Clearly, it is in the interests of management wishing to have effective arrangements that, regardless of whether forums are set up as a pre-existing agreement or under the regulations, staff representatives are given the appropriate resources to do their jobs well. This should include:

- enough time to carry out their role – time for the meetings plus an additional recommended one day a month to gather hot topics from the workforce
- support from line managers in order to balance their representative functions with their day job
- private meeting space for both ICE meetings, pre-meets and discussions with colleagues
- comprehensive and repeated training (for example on how to identify strategic issues), ideally from an external provider
- access to information and digital tools to help them communicate.

Remember that representatives are protected against suffering a detriment or being unfairly dismissed and are also entitled to paid time off during working hours to perform their duties.

If representatives are not trained, they may fall into the habit of raising individual non-strategic issues and only representing the disengaged minority of the workforce, rather than carrying out their role in the effective and constructive way outlined above. The day of training received by British Business Bank representatives (which they plan to repeat annually) focused on *'what your role is, what your brand is, how you should interact with colleagues, especially when sensitive topics are being discussed'* and made sure that all reps learned *'to understand what the role of a forum is, what you should and shouldn't be doing'*.

The view of one senior leader was *'definitely have an independent facilitator'* to help get the arrangements right, particularly if you're at a lower point and need to rebuild trust. They advised getting some tools and thoughts as to what the purpose of the forum should be. Refreshing (or drawing up) the terms of reference for the ICE forum could also be used as a discussion point to encourage people to reflect on its purpose and get people engaged.

As an example of the importance of proper training, Victrex have reported that a £7,000 investment in better training and support for their staff representatives saved the organisation £1 million through enabling more effective consultation about a major pension change programme.

Beyond training, other support helps as well. Support from line managers is particularly vital, especially allowing reps time to carry out their role. Some organisations were even looking at reviewing line managers' own objectives against how well they are supporting reps on their team.

Digital tools and other support can include a general forum email address to which workers can send in hot topics and ideas. Pages on an intranet or other internal tools are helpful to communicate what is being discussed at ICE meetings. Social media platforms such as Yammer are also useful to help geographically dispersed reps to stay in touch and coordinate with one another. The IPA report *Going Digital?* sheds more light on the ways in which organisations can use these tools to promote employee voice.²⁰

Considerations based on size and type of workplace

As well as the key recommendations outlined above, our case studies also flagged up lessons based on the size and type of organisation:

Small organisations

For smaller organisations with 100 or fewer workers, it might seem unnecessary to have a formal ICE structure such as an elected staff forum, when the chief executive probably knows almost all staff by name and could directly address them through all-staff meetings. It is certainly possible for a lot of information and consultation to be carried out through such direct, all-staff events or team briefings.

Even small organisations, however, can be hierarchical and just one or two layers of management between top leaders and those at the front line can be enough to cause disconnect. ICE forums can be useful for overcoming any hierarchical threats to innovation and trust, whether real or perceived.

ICE structures are also useful for helping to exchange ideas quickly throughout the whole organisation as they don't have to pass through as many people. Although a CEO can talk directly to all staff in a smaller organisation, it's still not possible to discuss things in a two-way strategic conversation with dozens of people at a time. Instead it is far quicker and more efficient to have these kinds of discussions via representatives. Representatives in an ICE forum can also be a confidential sounding board for ideas, which avoids having to float complex or controversial ideas with the entire workforce all at once – something which may lead to discussions filled with more heat than light.

The example of WorldSkills UK shows us that even for relatively small organisations, having a structure for voice and engagement with the workforce can make a huge difference. With just over the threshold of 50 employees, WorldSkills UK are right at the bottom end of companies covered by the ICE regulations in terms of size, but have found their

Innovation Forum a huge help over the past few years in terms of managing difficult change within the organisation, promoting workforce-driven innovation and improving communications and trust between the workforce and the board. While the CEO can and does still communicate directly with the workforce as well, the forum has been able to reassure people that someone is scrutinising the management strategy from a workforce perspective.

Large organisations

For very large organisations (those with thousands or more workers), a different issue arises. Representatives need to have a good feel for the issues and hot topics circulating among the constituents they represent, but this can become difficult where each representative is representing over 100 colleagues. In this case, it becomes more appropriate to consider having multi-tiered forums, with local or regional forums and then a higher-level national (or even international) forum.

Lower-level forums can receive information and consultation from appropriate managers responsible for that area and deal with issues affecting their own area, while each lower-level forum sends its own representative to the higher-level forum, where they can meet directly with the CEO or other senior executives. While the top-level forum focuses on overall strategic issues, the lower-level forums can focus on the operational implementation of that strategy within their area.

Top-level representatives have a special responsibility in this arrangement to communicate relevant hot topics and issues being discussed within their regions up to the national ICE body and then, in turn, to communicate the relevant issues discussed at the national level down to their regional forums. It is very important to make sure that the higher-level representatives don't become seen as an 'elite' within the structures, who lose touch with the grassroots themselves. They should still be fully participating members of the lower-level forums and talking to frontline staff as much as any other reps on that forum, as well as acting as that forum's representative on the higher-level forum. This may well entail the higher-level representatives being given extra time and resources with which to carry out all those duties.

B&Q present a strong example of an effective multi-tiered forum. The People's Forum at B&Q has three tiers – store, regional and national – in order to properly communicate with their workforce of over 22,000 employees (there is a fourth tier if you include the wider Kingfisher Colleague Forum, of which B&Q is a subsidiary and which includes representatives from the national B&Q forum). The national forum meets for a two-day session of discussions and consultations three times per year, including two hours each time with the CEO and HR director, while the regional and store forums meet more regularly with relevant management representatives for those areas.

The national representatives work hard to make sure that the discussions at national level are cascaded back down effectively through the other forum tiers – one development that has helped them with this at B&Q has been the introduction of a single slide deck or pack which the national reps work to produce as an output from their national meeting. They can then use this as a common presentation resource when disseminating the outputs to their regional forums and so on. This helps to co-ordinate the flow of information and consultation downward through the organisation and makes sure that workers in all parts of the country are hearing the same message from the top.

Another point that makes a difference is the scheduling of meetings of the different tiers.

The better approach would appear to be to hold the national meeting directly before intermediary tier meetings and then hold the lowest tier meetings after that. In such a way, each tier is hearing directly what came out of the higher-level meetings and this helps to co-ordinate the downward flow of information throughout the organisation. Of course, this does also pose challenges for the upward flow of ‘hot topics’, ideas and feedback from the workforce – but this should be the responsibility of the national forum reps to ensure they have sought adequate input from the rest of the workforce in their area before they attend the national forum meetings.

Unionised and non-unionised workplaces

A final consideration concerns the different ways in which unionised workplaces might want to respond to the ICE regulations, compared with non-unionised workplaces. The first and most important thing to stress is that ICE arrangements are intended to perform different functions from core trade union activities. ICE forums are there to be informed and consulted. What they cannot do is negotiate with management on behalf of the workforce, particularly over questions of pay or terms and conditions – such collective bargaining is properly the place of a trade union and should always remain so.

Management should take care when establishing ICE arrangements that any existing union negotiating rights should never be threatened and reassurances along these lines should be provided to any unions present at the time the ICE arrangements are being set up. Similarly, it is not within the remit of ICE reps to carry out individual casework and support workers with grievances or facing disciplinary action (though where ICE reps are also union reps, they can obviously do both).

In a workplace that has recognised trade unions, the unions should always be informed and consulted first about any plans to set up an ICE forum, whether done on the initiative of management or in response to a workforce request under the ICE regulations. Of course, unions can themselves organise petitions of the workforce to set up ICE arrangements under the regulations. However, an ICE forum should never be set up with the explicit aim of stopping legitimate union activities.

There are various ways in which trade unions can interact with ICE arrangements in the workplace. The first is what Marchington describes as an ‘adjunct’²¹ model, involving ‘strong workplace organisation’ and where the same trade union representatives who negotiate with managers in a joint negotiating committee are consulted in a joint consultative committee. The case study at UKHO could be regarded as an example of this adjunct model, as the only core ICE functions take place through the trade union(s) at the Whitley meetings and in monthly meetings with the head of HR.

More common is the ‘hybrid’ model, where union representatives might sit alongside non-union representatives in an ICE forum. In practical terms this can involve either established unions being given a designated union seat or seats on the ICE forum, and/or simply having union reps stand for election to the ICE forum like any other workers, with the result that the forum will likely end up having some combination of both union and non-union reps.

Examples of these hybrid models can be seen at organisations such as City & Guilds or Clarion Housing Association. Examples of quotes from reps in workplaces that enjoy such hybrid arrangements include:

‘We participate because of the staff – once we’re on the council it doesn’t matter if you are union or a staff rep.’

'They (unions) will be able to assist organising staff councils based upon their experience of organising and supporting trade union staff sides – this will produce a more effective forum. The benefits of trade union input have been raised by management, who have openly commented on the benefits that input has brought.'

'The joint forum gives us a balance between the staff and the organisation – there needs to be fairness from both sides; you can have an imbalance of power that creates control and disempowerment.'

We have evidence from several examples that, where trade union reps become 'constituency' ICE reps in a hybrid forum, staff who have never previously engaged with a trade union rep find out that those trade union reps have the skills and experience to represent people effectively. This has led directly to some people joining the trade union that would never have thought of doing so before. Union representatives can then also support non-union reps as mentors, as they are more likely to have access to external training and support in their roles that can benefit the forum as a whole.

From a trade union perspective, engagement with mixed-model ICE forums can offer a range of advantages:

- access to non-members and greater potential membership
- a place at the heart of strategic decision-making
- a chance to develop a senior mentoring role for the staff reps, which might help with succession planning
- access to different types of training, rather than union only
- greater respect from management, leading to a greater willingness for them to engage earlier
- longer-term building of trust based on changing behaviours.

As one union rep who also participates in a staff forum put it, *'it builds confidence amongst the staff as they can see the employer is consulting with the unions whose role is to represent staff – this allows the staff to learn more about the way unions operate and will build a more effective forum – staff will learn that unions ask strategic questions. This means that the staff and unions work in partnership to clarify all points when any changes are being implemented.'*

Key lessons

- Be proactive and involve the workforce in the design of information and consultation arrangements.
- Ensure there is a strategic focus at all meetings and provide reps with training so they can correctly identify this type of strategic issue.
- Have a clear constitution and terms of reference so roles, responsibilities and purpose are clear.
- Elect a representative group of reps, thinking about length of term and constituencies.
- Decide which senior management representatives will attend meetings and ensure their buy-in and ongoing commitment.
- Establish a clear agenda-setting process and agree frequency of meetings.
- Use reps as a sounding board for management decisions where possible.
- Provide reps with adequate training and support to allow them to perform their role effectively.

6 Appendix 1 – Case studies

WorldSkills UK

Business sector: partnership organisation between businesses, education and governments that works to help accelerate young people's careers, through delivery of career advice, competitions and thought leadership into training and employability skills.

Size: small employer with around 50 employees.

Context

With around 50 employees, WorldSkills UK are close to the bottom end of the scale of companies covered by the ICE regulations, but they chose to establish robust information and consultation arrangements anyway as a matter of good practice. They set up their consultation body, which they call the Innovation Forum, in 2017, after the results of a staff survey suggested they could improve on their internal communications and that workforce trust in senior leadership was low. The organisation was going through a period of significant change at the time and it was felt that better workforce engagement was essential to help the organisation survive.

The purpose of the forum as originally designed was threefold:

- to improve downward communication and engagement with the workforce around the strategic change programmes the organisation was going through
- to provide a venue for the CEO to hear workforce issues *'that might not be getting to me as CEO'*
- to allow the workforce to put forward ideas that could then be taken up by management and lead to innovation.

Representatives and ways of working

The forum has between five and seven reps at any time, elected from different teams across the business and re-elected annually – each rep is representing about ten staff. Meetings occur bi-monthly but can be scheduled sooner if particular issues arise. The meetings tend to last from one to two hours. Reps all received training from an external provider when first elected.

The forum itself is co-chaired by the CEO and an elected employee chair; both liaise regularly and have joint input into agenda-setting. Each meeting will have a presentation of key issues from the CEO, time to discuss hot topics that the workforce is keen to raise, such as problems with the hot-desking system, or mental health support, and then time to go through an assessment of all ideas put forward for innovation. The Innovation Forum then either approves ideas directly or submits them to the Operational Management Team for review. Currently, about three-quarters of the time is spent discussing staff ideas and one-quarter discussing management's priorities around strategic change.

After meetings, the CEO feeds back from the meetings to the rest of the Senior Leadership Team and the workforce reps do the same with the workforce. During the Monday morning all-staff briefings, the CEO will also address the whole workforce directly, but Innovation Forum reps also will often present updates at these meetings. There are also drop-in sessions held for people keen to talk about HR, well-being or other issues.

Reception

Views of the forum from both management and workforce perspectives have been extremely positive, saying *'people have got really engaged in it – it's been great'*. Trust levels in leaders are *'now at the highest people can remember'*, increasing from 30% in the 2017 staff survey to 86% in the 2019 survey, and there is a lot more positivity around the integration of the Senior Leadership Team with the rest of the workforce – *'it felt like a them and us for some people; it doesn't feel like that anymore'*. Meanwhile, the proportion of staff with a highly positive view about senior management's communication of the organisation's ambition increased from 30% in 2017 to 83% in 2019 after the work of the Innovation Forum to improve communication with the workforce. There was a clear view that *'staff value having a voice where they may not have felt they had a voice before'* and a sense that the majority of staff ideas put forward were being actively taken up by management.

Lessons for employers

The forum's success has been attributed to several key factors:

- fair and contested elections
- clear terms of reference
- allowing people to meet and talk regularly and informally around and outside of the formal structures (this was regarded as key in building this level of trust)
- having the personal commitment from the CEO to the body.

The CEO was particularly keen to stress that he saw the forum as a valuable *'strategic tool for the organisation'* deserving of proper investment of time and energy and not just *'an HR or regulatory compliance tick-box issue where you're going through the motions'*.

Stonewater

Business sector: social housing provider, managing around 32,000 homes in England for over 65,000 customers, including general rent, shared ownership and specialist accommodation such as retirement and supported-living schemes for older and vulnerable people.

Size: employ over 800 staff who embody their values of: being ambitious, passionate, agile, commercial and ethical.

Stonewater achieved a 'One Star' rating in the [2019 Best Companies survey](#) and are ranked 78th in the *Sunday Times* Top 100 best not-for-profit organisations to work for and 25th in the best housing associations to work for in 2019.

Context

Stonewater recognised that an effective workforce voice would be a vital ingredient to achieving the strategic aim of creating a highly engaged workforce. The Executive Director Group were aware, however, that many staff forums had failed to realise their potential since the introduction of the ICE regulations and were determined to avoid the common pitfalls of being too driven by individual concerns and not leaving space for innovation or ideas.

Instead, they determined to focus on best practice and, in a series of training workshops for representatives and managers, helped by an independent facilitator, the new forum established a way of working intended to achieve the following:

- a highly informed workforce who understood the strategic objectives of the organisation
- effective representation for every worker's voice, not just those with a specific problem
- a regular, accurate temperature check of the views of staff, both positive and negative
- high levels of engagement between the representatives and their constituents, based on the gathering of hot topics rather than individual concerns
- an effective means of challenge through the professional development of counter-proposals based on thorough preparation and working with managers.

Representatives and ways of working

Over the next two years, where the representatives' skills were refreshed through additional training, the forum contributed to a number of key issues that helped to shape Stonewater's path to their entry into the prestigious *Sunday Times* 100 best companies to work for. During the discussions that led to the Digital Transformation programme, for example, the staff forum helped to inform the strategic narrative through the informed voice. Moreover, the managers were willing to listen to properly thought through challenges and ideas.

The Forum has also contributed significantly to a number of restructures that have made change more inclusive and understood from all perspectives. There is a view that the Forum's most significant contribution to the business has been how it has played a crucial role in dealing with dissent, particularly where significant change has occurred.

Stonewater recognise that listening to staff is vitally important. The Forum have helped them to do this more effectively for two reasons:

- The Forum, in helping to create a more informed workforce, has been able to provide people with a greater sense of perspective when change has affected them individually.
- That perspective has created room for managers to focus on '*real grievances rather than grumbles*'.

In particular, they have refined the collection of the accurate staff temperature check by adopting three key questions on a regular basis:

- What are the hot topics in your area at the moment?
- Have you had any good work experiences you can share with us?
- Do you have any ideas that might help the business run more effectively?

Reception

Their 2019 staff survey referenced the staff forum and 60% of staff expressed satisfaction with how it operates and communicates. This survey was completed by nearly 86% of colleagues against a national average of 69%. The survey indicated that 72% of staff were engaged, a 6% improvement against the previous year's result. There was also a 7% increase in the number of colleagues who consider themselves to be 'highly engaged' against a national average of -14%. These are significant improvements in a relatively short space of time, which is a clear indication that the People Strategy has already had a positive impact, despite the deliberate avoidance of so-called 'quick wins'. The director of people and OD has purposely avoided the 'you said, we did' approach to feedback, favouring team action planning using an appreciative inquiry-based method for identifying strengths and areas for improvement.

Other significant results included a 5% increase in leadership satisfaction and 80% of colleagues stating that they feel that they can be themselves at work. These results indicate that improved communication around the organisation's strategic narrative is

being noticed and that the initiatives on inclusivity have had a positive impact. Arguably, the most important aspect of the results show that colleagues have gained a much wider perspective through the various voice and communication mechanisms and are less anxious than a year ago – 13% now as opposed to 18% previously. A low number of what can be described as the truly disengaged at only 4% is a further indication of how perspective can reduce cynicism and suspicion if an organisation has a strategic plan to engage people.

Lessons for employers

- Improved communication around the organisation's strategic narrative has been noticed and reflected positively in a staff survey.
- Initiatives on inclusivity have had a positive impact.
- Voice and communication methods have allowed colleagues to gain a wider perspective, leading to reduced cynicism, anxiety and suspicion around strategic plans.

British Business Bank

Business sector: the UK's economic development bank, set up in 2014, having been established out of what was then the Department for Business, Innovation and Skills. The bank is still 100% government-owned but its employees are recruited from both commercial and public sector organisations.

Size: The British Business Bank has undergone rapid expansion since its inception, from around 70 to 350 employees across two locations, along with a number of mobile workers based across the UK.

Context

The chief commercial officer who was involved in setting up the Bank described how, from the outset, the Bank '*wanted to create the right growth mindset and culture to deliver some quite stretching objectives*'. The organisation held a ballot for all workers on whether to recognise trade unions and/or instead to set up their own colleague engagement forum, and '*the Colleague Forum was the overwhelming majority decision of our colleagues at the time*'.

The organisation held a discussion with all colleagues on what the values should be for the new organisation. There was strong engagement with the early elections and the first elected colleague reps were involved in drawing up their own terms of reference, including consulting the ICE regulations. Since then, most elections have been contested by multiple candidates, with '*people showing leadership potential by wanting to represent their colleagues*'.

However, after the first three years the Colleague Forum followed the common pattern of having exhausted easy wins and was becoming too focused on individual micro-level concerns – what was felt to be becoming a less strategic agenda. As the organisation had been growing fast, they had struggled to adapt to the size of the constituencies representatives were representing, meaning the Forum also grew to include 12 representatives and was becoming unwieldy. It was unclear whether the Forum was for representatives to engage with HR or with the senior leadership – issues that all contributed to a dip in confidence.

To try and bring things back on track, the organisation went through a major exercise to refresh the Colleague Forum. After a new set of representatives was elected, they redrew the terms of reference as part of a major rethinking exercise about what the Forum should be for, to *'make it more strategic and business focused and less operational'*. Management attendance evolved to include regular CEO involvement alongside the chief people officer and chief commercial officer and a rolling roster of other Executive Committee members attending relevant discussions. The agenda of meetings changed to prioritise colleagues' hot topics before management. Colleague representatives were given training by an external provider and elected from among themselves a 'Core Four' to attend all meetings with management on behalf of the group, after the full group had met beforehand to filter the hot topics from their colleagues.

To help reduce the number of non-strategic issues being brought to the Forum, the company used an all-colleague event where the Forum was relaunched. Colleagues were shown boards with examples of issues that had been raised and asked to vote 'yes' or 'no' as to whether they thought the issue was one that should be brought to the Colleague Forum or should be dealt with elsewhere, such as by line managers, to help engage everyone in thinking about the issues relevant to the Colleague Forum. *'Since then, nothing's been discussed at one of the Colleague Forum meetings that I feel shouldn't have been raised.'*

The Forum was also asked to join 'Squads' working on action points from the employee engagement survey. The Forum now also has its own intranet page and a newsletter written by representatives for colleagues which they created to help communicate the issues discussed at meetings with the rest of the workforce. The Colleague Forum Chair has also attended ExCo meetings, while other representatives also attend team meetings of the business areas they represent.

Representatives and ways of working

Elections take place on a rolling basis each year so that no more than a few representatives leave the Forum each year. Meetings occur every other month and typically last around two hours, with the agenda jointly set by management and representatives. All representatives are given a department they are linked to and represent, which is separate from the department where they work, *'so that they don't feel compromised and don't have any conflict with their line manager'*.

Reception

Overall, the representatives feel that they are listened to and valued by the organisation and rate levels of trust with management at *'maybe 8-8.5 out of 10'*. From a management perspective, the Forum is extremely valuable, with a member of the senior leadership team commenting that: *'Like any business we rely on our people to deliver our objectives ... we wouldn't have got there if we didn't have colleagues who are engaged and keen to be on that journey with us ... the Colleague Forum is a significant part of that.'*

Lessons for employers

- Steps taken to refresh the Forum have led to representatives feeling that they are listened to and valued by the organisation; this included refocusing on strategic issues and changing management attendance patterns and the order of the agenda so colleagues' issues were discussed first.
- The Forum has its own newsletter to communicate issues discussed at meetings with the rest of the workforce.

B&Q

Business sector: a DIY and home improvement retailer (a subsidiary of Kingfisher Plc).

Size: around 300 stores and 22,000 employees across the UK.

Context

B&Q operates a multi-tiered People's Forum with store-level, region-level and national forums, plus a wider Kingfisher Colleague Forum. Colleagues at each level elect members to send as representatives to the higher-level forum, with elected store reps from every store attending regional forum meetings. The National People's Forum elects three of its own reps to attend the Kingfisher Colleague Forum. To ensure buy-in from all levels of the organisation, including frontline workers and line managers, the National People's Forum includes two store reps from every region – a manager rep and a frontline workforce rep, plus a smaller group of reps from other support functions.

Representatives and ways of working

Store reps have a monthly in-store meeting with colleagues following a structured agenda and also represent their stores in a regional meeting with the region managers every four months, while the National People's Forum comes together three times a year for a two-day session at Head Office, where they have a series of meetings with various senior management representatives, including two hours with the CEO and HRD, so they can ask questions, put forward views from the grassroots and be consulted on a range of strategic issues. Eight weeks before national meetings, reps hold a digital YamJam session to review their hot topics and set the agenda, while between meetings reps keep in regular contact via Yammer and other digital tools, which they also use to keep an ear to the ground and gather hot topics from the store-level reps. For urgent issues, management organises a conference call to seek the feedback of the People's Forum, rather than wait for the next scheduled meeting or risk not consulting the workforce. To help feed back to their regional and store-level forums on what was discussed at the national level, the National People's Forum devises a single slide deck that reps can take back to their regions and help disseminate a consistent message across the organisation.

The forum has undergone a major transformation over the eight years since it was founded to reach its current form – under the previous system a new set of reps was appointed to advise on each major change programme as and when it happened, but there was no institutional memory or permanent forum to consult with. Since the changes, the board has taken a much more active interest in the forum and the CEO now attends the national forum meetings each time, bringing considerably increased credibility to the body. Whereas for the first two years they had minimal participation in some stores and colleagues were appointed uncontested, limiting the quality of reps, there is now much more interest in the body and elections are generally well contested because *'people realise what impact they can have'*. Elections are run professionally and new reps are given training in how to carry out their roles and to make sure they know how to ask strategic questions, represent the whole business and *'present a collected view'*. The term of office for the latest round of reps has been extended from two to three years to provide more stability and opportunities to gain experience.

Reception

The aim of the People's Forum is *'to engage colleagues in B&Q's strategy and represent them in sharing ideas, influencing decision-making and working to build solutions to make B&Q the best place to work and a more successful business'*. In recent years the People's Forum has made its mark in helping involve workers in decisions around the fair allocation of bonus pay and the removal of night shifts, while raising frontline workforce concerns about the design of safety shoes available to wear and helping to prevent the introduction of a new marketing campaign that was felt to be patronising and unpopular by frontline workers.

The work of the People's Forum has led to staff reps being much better informed about strategic issues facing the business, with reps saying, *'I didn't expect to be sat grilling the CEO on organisational performance – I've learned a lot more about how the business operates'*. This knowledge and understanding is then passed on to their colleagues and helps to foster greater trust with management, as reps come to *'see the board are human, just like they are'*.

From a board-level perspective, the People's Forum is now seen as a vital strategic partner and an important priority in any decision-making, as board members now routinely ask *'What does the People's Forum think, have they been consulted?'* They are a key tool in helping provide a sense-check on management decision-making and in helping to act as an official channel of internal corporate communications, explaining strategic issues the business is facing to their colleagues on the shop floor.

Lessons for employers:

- A multi-tiered People's Forum allows representation for all levels.
- Elections are run professionally and reps are given training, meaning they know how to ask strategic questions, represent the whole business and 'present a collected view'.
- The CEO attends the national forum meetings each time, bringing considerably increased credibility.
- The People's Forum is now seen as a vital strategic partner and a key tool in helping provide a sense-check on management decision making and in helping to act as an official channel of internal corporate communications.

UK Hydrographic Office

Business sector: a UK government executive agency sponsored by the Ministry of Defence, which provides hydrographic and marine geospatial data for a variety of mariner and maritime organisation customers across the world.

Size: total workforce of about 850.

Context

Around 300 members of the workforce are members of Prospect and a handful of the Public and Commercial Services Union (PCS). Prospect have a longstanding official union recognition agreement in the workplace.

The unions have two forms of regular information and consultation meetings with management – a set of monthly meetings with the head of people and a quarterly meeting with the chief executive and other relevant senior executives which they refer to as Whitley meetings, after the historic Whitley Councils in the civil service. These meetings are in addition to and separate from the formal union negotiations which take place through the pay committee and health and safety committee, or individual union casework, though the same union reps may be involved in all cases.

Representatives and ways of working

At the monthly meetings with the head of people, the union reps cover a range of topics, beyond just HR issues, including things such as Brexit and other national issues, internal policy updates, concerns about particular technologies in the building, mental health, diversity and inclusion issues or the rollout of the new government learning programme. Individual casework is generally not discussed in these meetings and kept separate.

The quarterly meetings with the chief executive last one to two hours and are usually more strategic in nature and cover major change issues affecting the organisation, business performance and governance issues. In recent years they have focused on two major areas of change: the practical change of moving to a brand new building constructed on site for them and the structural change of shifting what the organisation does – moving towards being more of a provider of data and a marine geospatial information agency, and how to explain what this will mean for staff. These meetings are an opportunity both to keep the workforce informed and to solicit feedback and provide a ‘reality check’ for the senior leadership.

Union reps generally have a 20-minute pre-meet before meeting with management, so that they can share their priorities and agree on what the agenda is aiming to cover. Reps are also generally felt to be informed enough to ask challenging questions about strategic or technical issues, such as what the new technology being rolled out means for specific kinds of workers, such as cartographers. Their involvement led to changes to the new building to include rooms designated for well-being with frosted glass and blinds, while consultation with the workforce also led to changes to zoning and hot-desking arrangements. Meanwhile, the consultation over the strategic changes *‘led to changes in how we communicate the corporate plan and vision’*, which was originally too complex and was simplified to make it more understandable for workers.

Workforce representatives can also engage with senior management between meetings; the chief executive is seen as very approachable, sitting in an open-plan office where anyone can come up and raise a quick question or issue. The unions are also working to be taken more seriously as a stakeholder, encouraging management to come to them more proactively rather than just waiting for the next quarterly meeting.

Reception

Union reps and managers alike feel that *‘trust levels are good’* in the organisation, with both sides seen to be acting in good faith – something that is fostered by regular and constructive meetings. The head of people commented that the meetings bring *‘a better understanding of staff issues and concerns’* and make sure that *‘we direct our efforts where we need to’*. The chief executive was clear in his view of the need for strong consultation channels with the workforce in order to support innovation, saying that *‘good ideas don’t come from the top, good ideas come from anywhere in the business’*.

UKHO also has a culture change programme, ‘WOW (Ways of Working) Voices’, with staff representatives from every department involved in developing new ways of working in the new offices and drawing up reward and recognition programmes. WOW Voices is another route for gathering feedback from the workforce and for feeding information down to workers, which was felt to complement the union information and consultation arrangements. The ExCo also holds YamJams with all staff every quarter to take questions from the workforce.

In addition, there is a separate Diversity and Inclusion Forum, sponsored by a senior staff member, with a series of sub-groups covering mental health, disabilities and so on, to

work on promoting those particular subjects. These groups include both union and non-union representatives and are felt to be a 'very positive' opportunity to drive change in these areas, including providing mental health first aid training to staff, though the fact that staff working in these groups aren't given dedicated facility time to allow them to work on these projects in the same way union reps are for their other duties means that they can be very dependent on supportive line managers to give them enough time to be properly involved.

Lessons for employers:

- The unions have two forms of regular information and consultation meetings with management – a set of monthly meetings with the head of people and a quarterly meeting with the chief executive and other senior relevant executives.
- Workforce representatives can also engage with senior management between meetings.
- Regular and constructive meetings foster good levels of trust.
- A separate Diversity and Inclusion Forum, with a series of sub-groups covering mental health, disabilities and so on, works on promoting those particular subjects.
- A culture change programme, 'WOW (Ways of Working) Voices', involving staff representatives from every department, is another route for gathering feedback from the workforce and for feeding information down to workers and complements the union information and consultation arrangements.

7 Notes

- 1 Specifically, the regulations apply to 'public or private undertaking carrying out an economic activity, whether or not operating for gain'. This can include some charities but not necessarily all charities.
- 2 Hall, M., Purcell, J. and Adam, D. (2015) *Reforming the ICE regulations – what chance now?* Warwick Papers in Industrial Relations 102. Coventry: University of Warwick.
- 3 Hall, M. and Purcell, J. (2012) *Consultation at work: regulation and practice*. Oxford: Oxford University Press.
- 4 *Workplace Employment Relations Study (WERS) 2004 and 2011*. London: Department for Business, Innovation and Skills.
- 5 CIPD survey of 251 people, conducted September 2019
- 6 *Amicus vs MacMillan Publishers Ltd.* – Employment Appeal Tribunal, Appeal No. UKEAT/0185/07/RN, 24/07/2007.
- 7 *Information and consultation: the good, the bad and the ugly* – Tony Burke, Speech to Institute of Employment Rights seminar (2010).
- 8 Robinson, D. *Employee engagement*. IES Opinion. Brighton: Institute for Employment Studies. Available at: <https://www.employment-studies.co.uk/system/files/resources/files/op11.pdf>
- 9 Sorensen, S. (2013) How employee engagement drives growth. *Gallup Business Journal*.
- 10 *Workplace Employment Relations Study (WERS) 2011*. London: Department for Business, Innovation and Skills.
- 10 MacLeod, D. and Clarke, N. (2009) *Engaging for success: enhancing performance through employee engagement*. London: Department for Business, Innovation and Skills.

- 11 Ibid.
- 12 Krueger, J. and Killham, E. (2007) The Innovation Equation. *Gallup Business Journal*.
- 13 CIPD. (2018) *UK working lives: the CIPD job quality index*. Survey report. London: Chartered Institute of Personnel and Development.
- 14 CIPD. (2017) *Have your say: alternative forms of workplace voice*. Positioning paper. London: Chartered Institute of Personnel and Development.
- 15 Hall and Purcell (2012, p126.)
- 16 Miles, R. and Rosenberg, H. (1982) The human resources approach to management: second-generation issues. *Organizational Dynamics*. 10, No 3.
- 17 Hall, M., Hutchinson, S., Parker, J. and Purcell, J. (2010) Information and Consultation under the ICE Regulations: evidence from longitudinal case studies. *Employment Relations Research Series No 117*.
- 18 Hall and Purcell (2012, p128.)
- 19 Hall and Purcell (2012).
- 20 Dromey, J. (2016) *Going digital? Harnessing social media for employee voice*. Research paper 03/16. London: Acas.
- 21 Marchington, M. (1989) Joint consultation in practice. In: Sisson, K. (ed.) *Personnel Management in Britain*. Oxford: Blackwell.



CIPD

Chartered Institute of Personnel and Development
151 The Broadway London SW19 1JQ United Kingdom
T +44 (0)20 8612 6200 **F** +44 (0)20 8612 6201
E cipd@cipd.co.uk **W** cipd.co.uk

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