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ORGANISATIONAL CHANGE POLICY

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1. INTRODUCTION

- 1.1 The North West Ambulance Service (NWAS) NHS Trust strategic direction and operational business plans identify the need to improve efficiency, increase productivity, and provide a value for money service. Inevitably, this will lead to the requirement for change to the organisation's structure and individuals' roles and responsibilities.
- 1.2 It is the intention of both Trust Management and the Trade Union Representatives to minimise the effect of uncertainties for staff during periods of change, to maximise job security and to assist staff in taking advantage of the opportunities that will arise. The importance of managing the impact of change on the workforce in a fair and consistent way is recognised as a key priority.
- 1.3 The Trust will make every effort to ensure this policy does not have the effect of discriminating, directly or indirectly, against employees on the grounds of race, colour, nationality, ethnic (or national) origin, sex, pregnancy, sexual orientation, gender reassignment, marital status, religion or belief, age, trade union membership, fixed-term status, part-time status or disability.
- 1.4 Where large scale organisational change is expected the NHS North West Employment Framework (March 2011) should be considered in order to ensure collaborative working with other NHS organisations. The purpose of the guidance is to help NHS organisations to manage the change process across their own boundaries and retain talented and experienced staff within the North West region.

2. PURPOSE

- 2.1 The purpose of this policy is to establish a framework for the effective implementation of any significant organisational change which may affect staff, recognising that any change process may cause uncertainty and concern.
- 2.2 This policy will ensure that staff affected are treated in a fair and equitable manner, taking into account the statutory responsibilities of the Trust.
- 2.3 The application of the policy will be line with the Agenda for Change guidance on workforce re-profiling.

3. SCOPE

- 3.1 This policy applies to all NWAS employees.
- 3.2 This policy applies to restructuring, changes to working practices and service relocation (not exhaustive) which could result in significant changes to duties or

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bands of staff and/or a reduction in the number of staff required. It will not however apply in the following situations, which are regarded as normal business:

- Proposed minor changes to Job Descriptions, duties or locations.
- Changes to duties which are already within the overall scope of the Job Description or Person Specification or can be accommodated within the member of staff's existing Job Evaluated band.
- Reduction in vacant posts.
- The creation of new posts.
- Proposed changes to line management arrangements.
- Review of vacancies.

3.3 The above list is not exhaustive but essentially involves changes which will not have a significant impact on individuals' terms and conditions of employment. In cases of minor change effective communication will take place with staff member(s) involved and Trade Union Representatives, where applicable.

3.4 Workforce re-profiling

3.5 Re-profiling is a means of examining the content of job roles within a team or a patient pathway to determine the most efficient distribution of bandings to deliver the required service. All functions across the Trust should be subject to re-profiling on a regular basis to ensure that potential efficiencies can be identified.

3.6 A re-profiling exercise would normally take place before any changes are communicated or formally proposed.

3.7 It should not be assumed that re-profiling will automatically result in a lower distribution of grade. Instead, the re-profiling exercise may confirm that the current distribution of tasks and roles is the most efficient possible to deliver a clinically safe service to the expected standards of quality.

3.8 Workforce re-profiling must be a joint exercise between managers and staff working in that function and should involve representatives from Staff Side. All roles within a function should be subject to re-profiling, not just those in the most populous pay bands.

3.9 The re-profiling exercise should consider the skills, tasks and responsibilities required to carry out the roles rather than the bands required. The re-profiling exercise should be supported by and comply with the Trust's Job Evaluation Procedure.

3.10 If a workforce re-profiling exercise results in a member of staff being paid at a lower pay band as established through job evaluation then the member of staff should see a commensurate change in their role, or the work they undertake. The outcomes of

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a reprofiling exercise will be consulted in the same way as other organisational change, as set out in this document.

Appendix 2 outlines some considerations which should be taken when undertaking a re-profiling exercise.

4. PRINCIPLES

- 4.1 Any manager proposing a change to working practices, terms and conditions, organisation structures etc. will involve a HR Manager from the design stages of the proposed change.
- 4.2 All service/structure reviews will be approved by the Executive Management Team who will consider proposals as early in the process as practicable.
- 4.3 Workforce planning and re-profiling will form an integral part of all service planning/redesign where organisational change is proposed. The aim will be to ensure that the proposed change meets the needs of the organisation moving forward.
- 4.5 Where a proposed change involves a potential reduction in staff, all reasonable measures will be taken to avoid and/or reduce the need for, compulsory redundancies. However expensive voluntary redundancies will not normally be considered a viable alternative to compulsory redundancies.
- 4.6 In certain circumstances the Trust may be unable to consider high cost (will take longer than one year to recover the costs of redundancy) voluntary or compulsory redundancy. The Trust will therefore include 'cost effectiveness' in its selection criteria.
- 4.7 Where staff are required to move to a new post, as a result of organisational change, which results in a loss of income, pay protection will apply. The period of protection will be based on the protection arrangements in place at the time of the change.

5. COMMITMENT TO STAFF

- 5.1 The Trust recognises that the effective management of change is fundamental and therefore this section sets out the Trusts commitment to staff to ensure that change is managed appropriately. This is commensurate with the NHS constitution- section 3a 'your rights and NHS pledges to you'. In addition, the Trust will also follow the guidance on workforce re-profiling set out in the Agenda for Change Terms and Conditions.

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- 5.2 All reasonable steps will be taken to avoid redundancies in order to ensure that valuable skills and experience is maintained within NWAS.
- 5.3 It is important for the lead manager to recognise the importance of a timely, succinct and effective approach to managing change involving clear and open line of communication.
- 5.4 Managers will work in partnership with recognised Trade Unions and consult with staff as early as is practicable.
- 5.5 Staff have the right to be represented at group or individual meetings throughout the consultation and implementation stages by a trade union representative, work colleague or friend not acting in a legal capacity.
- 5.6 Staff will be kept fully informed and supported during the change process through staff briefings and individual consultation.
- 5.7 Staff affected by change will be offered the opportunity to discuss their training and development gaps and aspirations in preparation of the workforce change. Staff will be given the support for development and retraining where appropriate to ensure that they are best placed for redeployment.
- 5.8 Staff affected by change will be given support, where appropriate, to find suitable alternative work.
- 5.9 All appointments and selection processes will be fair and transparent with the aim of matching individual abilities with available posts. This process will meet the requirements of equal opportunities legislation and best practice.
- 5.10 Where change centres on a particular department those staff affected by change will initially be given the opportunity to apply for 'ring fenced' posts in the immediate area. If staff have been unsuccessful in obtaining a post in the new structure they will be added to the redeployment register and considered for Trust wide suitable alternative employment.

6. COMMITMENT FROM STAFF

- 6.1 In return staff are required to actively participate in the change process (commensurate with the NHS constitution- 3b staff – ‘your responsibilities’) by:
 - Contributing to the consultation process by attending relevant meetings and making reasonable suggestions to help minimise the impact of change.

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- Pursuing all suitable alternative employment opportunities. This includes the requirement to comply actively with and participate in all recruitment processes, including registering with NHS jobs in order to gain restricted access to the Clearing House and apply for all suitable posts.
- Being as flexible as reasonably possible in relation to job role, work locations and developing new skills.
- Being open and honest with their manager and potential employers, providing all relevant information in a timely manner as and when requested.

7. DEFINITIONS

7.1 **Redundancy-** The Employment Rights Act 1996 states that redundancy arises when employees are dismissed by reason of redundancy, when:

- a) The employer has ceased, or intends to cease, to carry on the business for the purposes of which the employee was employed; or where the employer has ceased, or intends to cease, to carry on the business in the place where the employee was so employed; or
- b) The requirements of the business for employees to carry out work of a particular kind, in the place where they were so employed have ceased or diminished or are expected to cease or diminish.

7.2 **Collective redundancy-** this arises when 20 or more employees are to be made redundant within a period of 45 days or less.

7.3 **Staff ‘affected by change’-** this applies to staff who will be affected by the change however where the overall timescales, precise numbers and milestones are still to be confirmed. Or where there is a significant lead in time before the changes are finalised and staff are possibly declared ‘at risk’ of redundancy. Examples of where this may apply are:

- Where an organisational restructure is taking place within one service area and there are enough jobs in the new structure to accommodate all existing staff. Everyone will therefore be affected by change but will have a job at the end of the process.
- Where staff in a service area are told that a certain CIP needs to be achieved and how many posts this roughly equates to. Therefore staff in the particular group know they will be affected by change, however alternative options are being explored initially via the consultation process.

7.4 **Staff ‘at risk’ of redundancy-** this applies where a formal process of consultation on organisational change has commenced and individuals have been issued with an ‘at risk’ letter. Staff will also be added to the Trusts redeployment register. One example

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of when this would apply is where a service area is being restructured and there are fewer jobs in the new structure. Therefore all staff would be declared 'at risk' until staff were appointed to roles in the new structure via a 'ring fencing' process.

- 7.5 **Staff 'on notice' of redundancy-** this applies when staff have been issued with a formal notice of termination of employment by reason of redundancy letter. These staff will remain on the Trusts redeployment register until their employment is terminated. One example of where this would apply is where a service area has appointed staff during a 'ring fencing' process to posts in the new structure and there are a number of staff who have not been appointed to these roles. These staff will be issued with formal notice of redundancy and placed/remain on the Trust redeployment register.
- 7.6 It should be noted that the type of organisational change and the approach taken (which is appropriate to the type of change) will impact on which stages above apply. These will be outlined in the timeline and discussed during the consultation process.
- 7.7 **Continuous Service-** for the purposes of AfC redundancy pay entitlement, staff must have at least 104 weeks of continuous full or part time employment with their present or any previous NHS employer. If this is with more than one NHS employer there must not have been a break of more than one week between employments (measured Sunday to Saturday).
- 7.8 **Ring Fenced posts** - If as a result of organisational change a new or revised post may be identified in the new structure, the post may be 'ring fenced' for at risk staff in that structure who are at the same grade as the new post.
- 7.9 **Slotting in –** This is the process of putting someone in a role without a competitive process. In any restructure as many employees as possible will be 'slotted in' to posts within the new structure. The employees at risk or potentially at risk within the department that is being restructured will be given the first opportunity to apply for the posts in the new structure before the posts are offered to at risk employees elsewhere in the organisation.

8. ORGANISATIONAL CHANGE PROCESS

- 8.1 Formal consultation with staff and recognised trade unions will take place prior to implementing the organisational change. Consultation will commence from the point the changes are known and worthy of serious consideration by management and following Executive Team approval on the proposed way forward. This should follow the completion of a workforce re-profiling exercise.

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8.2 Where the organisational change could potentially result in a redundancy situation, consultation will commence at the earliest opportunity. This, as a minimum, will be at least 30 days before the first redeployment/redundancy takes affect if between 20 and 99 employees are to be directly affected. This will be at least 45 days before the first redeployment/redundancy takes affect if over 100 employees are to be redeployed/made redundant.

8.3 If redundancies are proposed the Trust will comply with its statutory obligation to notify the Insolvency Service via the Advance Notification of Redundancy HR1 Form. This will be completed by Human Resources.

8.4 **Stage 1 – Authorisation to proceed**

In the case of a significant organisational change or where a redundancy situation could arise as a consequence of the change, the lead manager, in conjunction with their nominated HR lead, will develop a Management Proposal report for consideration by the Executive Management Team (EMT) that contains the following details:

- Explanation of the reason for the organisational change; reasons for the change and (if applicable) why redundancies are under consideration, including the options and alternatives that have already been explored.
- The revised structure of the department/function with all roles and positions identified. This will include bands (if known) and the number of staff in each role. It will also include an assessment/summary of the skills needed going forward.
- The numbers and staff groups whom it is anticipated will be affected by the change.
- The total number of employees of each description employed within the affected area.
- A proposed basis for selection, both in terms of the pool and the selection criteria.
- Arrangements for the assistance with redeployment/seeking alternative employment, retraining and general staff support.
- An assessment of the estimated projected costs associated with the change and any Cost Improvement Programme.
- The proposed method of carrying out the change and associated timeline.

The organisational change exercise can only proceed once the EMT have approved the proposals set out in the report.

Where changes are the result of an Estates issue, the approval for the changes would be included in the overall approval of the change project requested by Estates.

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Where the management of resources is reorganised such as changes to shift patterns, the Operations Management Team must refer to and follow the appropriate procedures within Service Delivery. Whilst a change such as this would not necessarily require Stage 1 of the process as referred to above, it would be expected that the following stages of the process would be followed.

8.5 Stage 2 – Consultation document

8.6 Once appropriate approval has been sought, the manager, with support from HR, should prepares a consultation document explaining the nature of the change and the reasons for it. Plans for management of the change together with a timeline and arrangements for ensuring staff and trade unions are kept fully informed, should also be outlined in the proposal.

8.7 Where jobs are at risk, consultation document will include the consideration of ways to avoid job losses, minimise the numbers of staff affected and mitigate the consequence of redundancy, measures may include:

- Limiting the use of overtime
- Reviewing existing temporary contracts
- Vacancy control measures
- Changes to working patterns and/or terms and conditions
- Voluntary reduction in contracted hours
- Use of flexible working options
- Voluntary redundancy
- Early retirement

8.8 Stage 3 – Communication Strategy

8.9 It is important that communication with Staff Side commence at the earliest opportunity to outline the proposal. This will ensure that Staff Side are fully aware of the proposals and are in an informed position to support staff. This should be before any meetings with staff take place and prior to the commencement of a consultation. Ideally this should be a face to face meeting with Staff Side and should occur at least 1 week prior to the start of the consultation process.

8.10 The discuss with Staff Side should outline the following:

- Provide evidence and reasoning for the need for change.
- Reach agreement in a way to avoid redundancy.
- Reduce numbers to be made redundant.
- Minimise the consequence of redundancy.

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- Reach an agreed selection process and criteria for redundancy which would be drawn up by the manager concerned.

8.11 At the earliest opportunity the manager should arrange a meeting with the affected employees. At times of change the importance of good communication with staff, trade unions and staff organisations is paramount. Uncertainty about future employment prospects is extremely damaging to staff morale and unless managed properly it will only undermine the successful implementation of change. For this reason effective and timely communication will underpin all organisational change.

8.12 Confirmation of the meeting and the consultation document should be e-mailed to the Chair and Secretary of the Staff Side, Area Convenors and accredited union representatives within the affected area, inviting them to attend. A HR representative must also be in attendance.

8.13 **Stage 4 – Consultation Meeting**

8.14 The manager is responsible for ensuring the appropriate notice of the meeting is given (at least 7 days) and that staff who are on annual leave, sickness absence and maternity leave are also informed of the date and time of the meeting. If they cannot attend, arrangements should be made to meet with these staff at the earliest opportunity.

8.15 **Format of the meeting:**

- The Manager will fully explain that the meeting which will be an information giving exercise and to talk through the consultation document (copies of the document will be provided at the meeting or sent soon after the meeting).
- Staff and their representatives will not be required to give feedback at this point; however, any points of clarification requested should be addressed.
- The manager must invite written feedback or alternative proposals, to be received within a specified period. This can be on an individual or group basis or via trade union representatives.
- Offer staff to have the opportunity to meet to discuss the proposals and the impact on individuals.

8.16 **Stage 5 - Feedback**

8.17 The line manager must ensure they keep a record of verbal/written feedback of individual and group meetings, confirmation of what has been discussed and what has been sent to all staff affected by the change.

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8.18 The line manager must give full consideration to alternative proposals and where feedback/alternative proposals have been received these must be considered by the manager. For future reference, a record should be kept of any changes made to the proposals and the rationale/reasons for the change.

8.19 **Stage 6 – Finalising the proposal**

8.20 Having considered all feedback/alternative proposals, the manager must finalise the proposals. The consultation document should be amended to clearly identify the feedback and how the suggestions will impact on the final proposal. The final document should clearly confirm the final changes and how these will be progressed.

8.21 A meeting will be convened with the affected staff and trade union representatives to inform them of the proposed way forward and address all feedback/alternative proposals received. If necessary, further meetings may be arranged with staff and trade union representatives to clarify any outstanding issues. Records should be kept in the event of clarification being required at some future date.

8.22 The finalised document will be sent to staff and trade union representatives detailing the timescale and method of implementation.

9. IMPLEMENTATION

9.1 Where an organisational change may result in a change to terms and conditions, redeployment or redundancy then the process outlined below must be followed:

9.2 **Individual Interview**

9.3 This is an opportunity for the individual to meet with their manager to discuss how the change affects them personally along with the options available to them. The employee must be advised of, and encouraged to exercise, their right to representation. The individual interview template is included at appendix 1.

9.4 **Identical or Similar Post (Slotting In)**

9.5 Where it is identified that a new post is substantially the same or similar to the post in the old structure and at the same band an employee can be slotted into the new post provided that:

- There is only one person to whom this applies or there are equal numbers of staff and posts
- The band of the post is the same

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- They meet the essential criteria of the new person specification or this can be achieved within a reasonable timescale or have the appropriate knowledge, skills and experience.

9.6 **Application for Ring Fenced Posts**

9.7 Where the organisational change centres on a review within a Department, posts within the new structure will be 'ring fenced' for displaced staff within the immediate area. Displaced staff within that area will be given the opportunity to express interest in any new post for which they have the skills, experience and qualifications for within the new structure. This will take place prior to allowing staff outside of the area of immediate restructuring to apply.

9.8 The extent of the 'ring fencing' will be subject to consultation with staff side. In order to determine the extent of the ring fencing managers should give consideration to:

- The type of work which will disappear / reduce and which members of staff carry out this particular type of work.
- The correlation between the type of work which is disappearing / reducing and the group of employees which carry out that work.
- The extent to which staff are doing similar work within the Trust.
- Whether the group of staff affected have interchangeable skills.

9.9 Any employee who expresses interest at this stage will be interviewed for the post providing they meet the essential criteria outlined in the person specification or may meet it with appropriate training in a reasonable timescale. The essential qualifications must be possessed at the time of application or be achievable in a reasonable timeframe. In a case where an employee expresses interest in more than one post the manager will decide on whether to conduct only one interview or an interview for each position applied for.

9.10 Competency based interviews and assessments (where appropriate) will be used when there is a requirement to carry out a competitive selection process. The manager will be required to keep detailed interview notes so that comprehensive feedback can be provided to the member of staff.

9.11 Selection criteria will be designed to enable fair selection of the most suitable candidate for a post. The criteria applied must include reference to relevant skills, competency and qualifications in the person specification for the role. In addition, other factors such as attendance and work performance will also be taken into account. Documented conduct issues, e.g. live disciplinary warnings will also be taken into account.

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- 9.12 Any employment records used to assist in the selection decision must cover a reasonable period of time (minimum of 12 months) to allow a reasonable picture of individual employees to be established. Care must be taken to ensure that the balance of the workforce in terms of experience and skills is maintained both at the time of the organisational change and for the longer term.
- 9.13 Advice from a HR Advisor / Manager must be sought when addressing the issue of selection criteria and this will be subject to consultation with the staff side.
- 9.14 Any member of staff who is unsuccessful in obtaining a post via the 'ring fence' process will be offered post interview feedback and an explanation of the reasons why they have been unsuccessful. This will be confirmed in writing.

10 REDUNDANCY SELECTION CRITERIA

- 10.1 Once it is clear that all other options have been exhausted within the department/directorate and there are still more employees in the pool than posts available in the new structure then selection criteria for redundancy will need to be agreed with the Manager, HR and Staff Side Representatives.
- 10.2 Any criteria should ensure that employees are not disadvantaged based upon disability, sex discrimination (maternity leave), age, religion or belief, race, sexual orientation or trade union membership. Reasonable adjustments to the criteria should be made to ensure that no individual or group is disadvantaged unless there is an occupational requirement that can be objectively justified. (Please refer to HR for advice).
- 10.3 Options for redundancy selection criteria include:
- **Preferential and restricted interviews** – Affected staff will interviewed and following the interviews the employees will be ranked in order based upon their interview score.
 - **Redundancy selection matrix** – to be used to assess an employee's position in relation to others taking account of defined list of criteria. This may include criteria such as qualifications, skills, knowledge and performance and job performance.

11 REDEPLOYMENT

- 11.1 Where staff are added to the Trusts redeployment register it will usually be for a period of their notice where they have been issued with an 'on notice' of redundancy letter. However it may be for a longer period where they are added to the register (earlier) at the 'at risk' of redundancy stage. The objective at this stage is to find suitable alternative employment for the member of staff within the Trust.

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11.2 Staff will be provided with a 'restricted' account on NHS jobs. This allows the HR Hub to identify individuals who should have their application considered as a priority before other applications. Having a restricted account allows the HR Hub to identify individuals who should have their application considered as a priority before other applications.

In addition the restricted account also give staff access view and apply for vacancies on NHS Jobs that have been advertised as 'national restricted' by any organisation within England and Wales on NHS Jobs.

Staff may be issued with a formal notice of termination (by reason of redundancy) letter at this stage and will remain on the register until the date their employment is terminated. If redeployment is unsuccessful the contract will end on the notified date.

11.3 While the Trust will try to identify any suitable vacancies for the employee, the restricted vacancies will be advertised on the internet via the NHS Jobs Website (www.jobs.nhs.uk).

11.4 Whilst the Trust will try to identify any suitable vacancies it is also the employee's responsibility to actively seek suitable alternative employment and to check this site on a regular basis to identify any posts that they would determine as suitable alternative employment. They must apply for the post before the closing date.

11.5 Any employee that does not have regular access to the internet should contact the HR Department to agree how all advertised posts will be communicated with them.

11.6 **Suitable Alternative Employment**

11.7 In order to maintain employment and avoid compulsory redundancies, where possible, employees will be asked to consider reasonable alternative roles that are in the same or one pay band lower. When this occurs, the current pay and conditions of employees will be protected in accordance with Trust's Pay Protection Policy.

11.8 Suitable alternative posts that exist within the Trust will be formally offered, in writing, to a displaced employee, setting out the terms of the offer, rather than advertising the post in open competition. This will allow time for the member of staff to make an informed view as to whether or not it is suitable for them.

11.9 For a post to be considered a suitable alternative the employee must meet the essential criteria on the person specification, allowing for reasonable training. The post must also provide substantially equivalent terms and conditions of employment and it will normally be on the same band however if this is not possible it will be one

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band below the individual's existing/previous post. Only in genuinely exceptional circumstances would the Manager, in consultation with the Director of Finance and the Director of Organisational Development, authorise otherwise, given the prohibitive cost of salary protection.

- 11.10 Staff who have been acting up into a role for 24 months or more and are affected by change, will be eligible to apply for positions at the same band as the temporary post or one band lower.
- 11.11 Managers cannot unreasonably refuse to accept redeployed staff.
- 11.12 Where there is more than one displaced employee who meets the employee specification for a particular vacancy, formal competency based selection interviews/assessments will be held to determine the most suitable candidate for the post.
- 11.13 An individual may be appointed to a more senior position through this process providing they have the necessary skills and qualifications, which will be assessed during the selection process.
- 11.14 Employees who accept a post one band below their existing band, resulting in a salary reduction will receive pay protection.
- 11.15 An employee redeployed to a suitable alternative post is entitled to a four week trial period (to establish if there is any difference in the terms of employment) in the new post. However it may be necessary for a longer trial period to take account of the required induction and training and therefore an extension may be agreed by mutual consent, from the outset and confirmed in writing. The objectives set to measure the success of the trial period will also be agreed and included in the letter.
- 11.15 All offers of alternative employment and trial periods will be in writing and set out the terms of the offer. A HR representative will be involved at all stages of the redeployment process.
- 11.16 It is the responsibility of the manager in the importing area to ensure that all appropriate documentation is completed and that the review takes place at the end of the trial period.
- 11.17 During the trial period, the employee will be paid at the rate for the post and hours undertaken and pay protection (if applicable) will only if the post is accepted after the trial period. The importing manager will pay for the employee during the trial period.

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11.18 An employee has the right to end a trial period and refuse the offer at any time during and up to the end of the 4 weeks (or longer where initially agreed), however they may forfeit their right to redundancy as a result, where the post is considered a suitable alternative.

11.19 Staff originally employed on permanent contracts will remain on the redeployment register during a temporary redeployment, trial period, secondments or fixed term contracts during which permanent options will continue to be explored.

11.20 If the work trial is deemed successful by management the redeployment will become permanent, unless the member of staff can provide justifiable reasons why the post is not suitable.

11.21 If the trial is unsuccessful, discussions will continue to take place with the employee and their representative and further alternatives will be considered.

11.22 Staff may undertake more than one trial period in different posts, to a maximum of two. After this time, should the member of staff not have made reasonable attempts to adjust to a new role, the Trust will have no option but to terminate the contract of employment. Redundancy pay will not apply.

11.24 **Determining if a post is suitable alternative employment**

11.25 When determining if a post is suitable alternative employment, it is important for the individual to consider the following:

- Pay
- Working Hours
- Status
- Working Environment
- Location

11.26 It is also important to take account of personal circumstance to determine if it is reasonable for an employee to decline a role. The reasons may include:

- Travel Time (dependent on how they travel)
- Shift Patterns may not be possible due to family circumstances

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11.27 Factors will differ for each individual and what might have been deemed as suitable for one employee may not be deemed as suitable for another in the same redundancy pool.

11.28 Where an employee refuses an offer of suitable alternative employment, he/she will be advised in writing of the possible consequences, i.e. that such a refusal may lose the individual their right to a redundancy payment at a later stage. On such occasions employees should be encouraged to seek advice from their trade union representative.

12 COMPULSORY REDUNDANCY

12.1 Compulsory redundancy will only be considered after all other options have been explored and have been unsuccessful. High cost voluntary redundancy will not normally be considered as a viable alternative to compulsory redundancy.

12.2 Where compulsory redundancy is the only remaining option it will be necessary to obtain approval from the Executive Management Team and Remuneration Committee (where redundancy costs exceed £50,000).

12.3 Where collective consultation applies the Trust is required to notify the Secretary of State for Business Innovation and Skills, failure to do so is a criminal offence and subject to a fine of £5,000. The submission (HR1 or by letter) will be received by the Department for Business, Enterprise and Regulatory Reform at least 30 days before the dismissal if 20-99 redundancies are to be made. It will be received at least 45 days before where 100 plus redundancies are to be made. The Trust is unable to issue any 'notice of redundancy' letters before submitting this notification.

12.4 Compulsory redundancy will be implemented in accordance with Agenda for Change Terms and Conditions (section 16) and the payment provisions in force at the time.

12.5 An individual meeting will be arranged with all employees who have been placed at risk of redundancy and not secured employment in the restructured department to serve them with notice of redundancy. The outcome will be confirmed in writing within seven working days.

12.6 This will be undertaken by an appropriate manager, with the authority to dismiss under the Trust's scheme of delegation, with the power to dismiss the employee, supported by HR, where appropriate. The employee will be given the opportunity to be accompanied to the meeting by a Trade Union Representative.

12.7 Efforts to redeploy affected employee(s) will continue when notice of redundancy has been given in accordance with the principles outlined in this policy.

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12.8 A grievance under this policy may be raised where an employee feels they have been unfairly treated whether through selection for redeployment or redundancy.

12.9 The grievance will be dealt with in line with the Trusts Individual and Collective Grievance Procedure.

13 APPEAL AGAINST DISMISSAL ON GROUNDS OF REDUNDANCY

13.1 An employee who is dismissed on the grounds of redundancy has the right of appeal against this decision. The appeal must be made in writing to the appropriate manager as defined in the redundancy dismissal letter within 14 days of the date of the dismissal letter stating their grounds for appeal.

14 STAFF UNDER NOTICE OF TERMINATION

14.1 Support

14.2 The Trust recognises that redundancy can be a stressful, personal experience which requires support and guidance. Nwas is therefore committed to providing support and guidance to potentially redundant employees as far as is reasonably practicable. This will include:

- **Time off to Look for Work**
All employees under notice of redundancy will be granted reasonable paid time off during working hours to look for alternative employment, attend interviews or make arrangements for training.
- **Assistance in Finding Alternative Employment**
The Trust will, liaise with Job Centre Plus and as necessary outplacement services in order that information about other employment and/or training opportunities is made available to employees. Affected employees will be made aware of all vacancies before and during their notice period.
- **Additional Advice and Support**
A service will also be made available to support staff in the following areas:
 - Career counselling and advice on future career plans
 - Employment / job searches
 - Completing application forms
 - CV and interview preparation skills
 - Advice on redundancy entitlements
 - Pension advice
 - Retraining guidance and advice
 - Occupational Health counselling

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14.3 The Trust will arrange briefings/training for managers on the management of change to ensure that change is managed effectively.

14.4 **Notice periods**

14.5 Employees will be given the maximum possible notice of dismissal. As a minimum, the notice period will be:

- The contractual notice period as detailed in their statement of particulars of employment or
- One week's notice for each year of reckonable continuous service up to a maximum of 12 weeks.

14.6 Individuals will receive the most beneficial notice period under the above options.

14.7 **Early Release**

14.8 Employees who have been notified that they are subject to redundancy and who do not find suitable alternative employment with the Trust or any other NHS organisation may be released during their notice period to take up employment outside the NHS. In order for this to be considered the employee must submit an application for early release to the relevant Director for consideration. This must explain the reason for the request and the consequences to the employee should early release be refused.

14.9 If approved, the Trust will mutually agree a termination date with the employee and this date will become the effective dismissal date and effective for calculation of the redundancy payment, if appropriate

14.10 **Redundancy Pay**

14.11 Staff who leave the Trust via redundancy will be paid their redundancy payment in the form of a lump sum, dependent on the employee's reckonable service at the date of termination of employment. The calculation of redundancy will be made in line with the Agenda for Change Terms and Conditions.

14.12 If, before the date of termination, an employee is offered suitable alternative employment with their own employer or with another NHS employer and that employment starts within 4 weeks of the termination date, they will not be entitled to a redundancy payment.

14.13 Staff who are made redundant should receive one month's pay per year of reckonable service, with a maximum of 24 months' pay (only full years of reckonable

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service can be counted when calculating redundancy pay as employment for part of a year should be disregarded).

14.14 A month's pay, subject to a total annual earnings floor of £23,000 and cap of £80,000, will be either an amount equal to 1/12th of the annual salary at the date of termination or 4.35 times a week's pay whichever is more beneficial to the employee (the average month has 4.35 weeks). The calculation of 4.35 times a week's pay should be made in accordance with the Employment Rights Act 1996

14.15 Redundant employees who have reached the minimum pension age and are members of the NHS pension scheme can, if they wish, take their pension early. They have three redundancy options:

Option 1

Take a full service-based redundancy payment and preserve their pension benefits for payment at a later date.

Option 2

Take an early retirement pension without taking a reduction or enhancement in their pensions benefits as an alternative to receiving the full lump sum service based redundancy payments.

The payment will be met from the lump sum redundancy payment that the employee would have received but in cases where the cost to the Trust of paying the single payment is less than the value of the redundancy payment, the employee will also receive any balance due.

If the value of the redundancy lump sum payment is not sufficient to buy-out the full reduction, the pension benefits are proportionally reduced by the remainder. Where this is the case, members have the further option to make an additional contribution to the relevant NHS pension scheme in order to buy-out the remaining reduction using their own personal funds. The additional contribution option may only be exercised before the pension is paid.

Option 3

If the redundant member can opt to keep their redundancy lump sum payment and take their pensions benefits immediately but with a reduction applied in the same way as if the member had opted to take voluntary early retirement

15. ROLES AND RESPONSIBILITIES

15.1 Director of Organisational Development

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15.1.1 The Director of Organisational Development is responsible for ensuring that managers are supported in the implementation of the policy and that it is reviewed and monitored regularly.

15.2 Managers

15.2.1 Managers are responsible for ensuring that they have a detailed understanding of this policy and that they are able to apply the principles. They are also responsible for ensuring that staff are aware of and understand the policy and are notified of any changes.

15.2.2 Managers involved with organisational change have a very important role to play in ensuring that change is managed effectively and in line with this policy.

15.3 Staff

15.3.1 All employees are required to comply with the working practices and policies within the Trust.

15.4 Human Resources

15.4.1 The Human Resources Department has a responsibility to monitor the implementation of the policies and to ensure that procedures are managed fairly and consistently across the Trust. Human Resources will provide training, guidance and support to line managers on the operation of this policy.

16. ASSOCIATED DOCUMENTATION

- Disciplinary Policy
- Individual and Collective Grievance Procedure
- AfC Terms and Conditions handbook
- The NHS Constitution
- The Employment Rights Act 1996

All of the above documents can be found on the HR Portal (HR Inform).

17. POLICY MONITORING AND REVIEW

17.1 This policy will be reviewed every three years; however if national guidance legislation changes then the policy will be reviewed earlier. As part of the review process, the effectiveness of the policy and its application will be assessed. Information and results from recruitment records and an audit will be used to inform this assessment.

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Appendix 1

Workforce re-profiling considerations

Taken from Appendix X: Guidance of workforce re-profiling, NHS Terms and conditions of service handbook.

If a re-profiling exercise highlights that a different distribution of roles within a function could deliver a safe service to the expected standard of quality, the proposed new structure should be considered in light of the following:

(i) **does the proposed re-distribution of roles pose any risk to good practice?** A risk assessment of the new structure should be undertaken at an early stage of the exercise. A check should be made of the relevant professional codes of conduct and ethics (including those for non-clinical job groups) in addition to agreed local policies or protocols, to ensure that removing a task and/or group of tasks from a role does not compromise good practice or pose risks to patient care. There is a requirement on Employers to identify the precise differences between the jobs and make an explicit statement of what will no longer be done or done differently under the new structure:

(ii) **what AfC Bands will the new roles be in?** Revised job documentation for all roles should be put through the established joint job matching/evaluation process consistent with the Job Evaluation Handbook:

(iii) **has the proposed structure been subject to consultation with staff?** As well as being actively involved in the re-profiling exercise, staff should be made aware of the timing for - and encouraged to respond to - the relevant formal consultations on the proposed structure and new ways of working:

(iv) **do the changes have any discriminatory impact?** The potential impact of the re-profiled structure on different groups of staff/patients/service users should be assessed using the agreed local procedure:

(v) **are staff prepared for an expansion or diminution of their role and/or to undertake new roles with new competencies?** Plans should be put in place to ensure that staff undertaking new tasks are fully trained before the commencement of their new duties:

(vi) **is it obvious what each member of the team is responsible for and who is providing supervisory support?** Clear lines of accountability and governance should be identified within the function and any elements of risk clearly highlighted and appropriate action agreed. Registered staff have a duty to ensure that staff to whom they are delegating tasks are appropriately trained and can deliver the task to the expected standard.

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