

<b>Organisational Change Policy</b> <b>(incorporating the Redundancy Policy)</b>	
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## Executive summary

This Policy and Procedure outlines Leeds Community Healthcare NHS Trust's approach to managing organisational change. The Trust recognises that the various change processes can be unsettling for employees who are affected, either directly or indirectly, and will make every effort to ensure that implementation of any change is managed and completed. In a way that is sensitive, supportive and effective whilst also minimises disruption

This policy has been drafted following consideration of legal requirements for proposed changes within Trust.

To ensure good management practice, this Policy and Procedure sets out the arrangements and legal processes for employees who are affected by organisational change.

Changes made to this version:

<b>Section</b>	<b>Detail of each change made</b>
Section	2 – addition of “minor change” paragraph
Section	5 – addition of definition of minor and major paragraph 5 – removal of employee representatives from the policy
Section	7 – addition of sections from the former redundancy policy
Section	10 – addition of potential pension impact
Section	App. 2 – addition of sections of the redundancy process (from the former redundancy policy)

### **Equality Analysis**

Leeds Community Healthcare NHS Trust's vision is to provide the best possible care to every community. In support of the vision, with due regard to the Equality Act 2010 General Duty aims, Equality Analysis has been undertaken on this policy and any outcomes have been considered in the development of this policy.

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## **Introduction**

Leeds Community Healthcare NHS Trust (the Trust) is committed to providing security of employment, as far as reasonably practicable, for all employees. In circumstances where change is unavoidable the Trust endeavours to support employees moving forward and to provide a sensitive, supportive and effective approach.

To reach these goals the Trust will work in partnership with Staffside, Regional Union Representatives and employee representatives to ensure a fair, balanced and reasonable approach. In circumstances where there is no alternative to redundancy the Trust will apply fair and consistent measures to ensure the employee supported as much as possible during the process.

Throughout all the processes listed within this document the Trust will continue to apply the visions and values of Leeds Community Healthcare.

## **2 Aims and Objectives**

The purpose of the Policy is to ensure that a framework exists for all employees in the event of an organisational change which may result in amended working terms and conditions up to and including redundancy.

The Trust recognises and accepts its responsibilities to provide job security to its employees and to fully engage in meaningful consultation with our employees and recognised trade unions where organisational change is required.

Minor changes within the Trust can still impact significantly on personal lives and the Trust aims to give sufficient time to support employees moving forward with the changes.

The Trust will seek to redeploy employees, where possible, who face a redundancy situation and will only make redundancies as a last resort.

At all times the Trust will seek to demonstrate values of fairness, consistency, transparency and integrity at all stages of the organisational change process.

## **3 Definitions**

### **3.1 Organisational Change**

A process in which a company or organisation changes its working methods or aims. This can be as a result of any service, structural or managerial change in the Trust that impacts on service provision and job content or structure.

### **3.2 Base Move**

To move from one agreed place or building to another either temporarily or permanently. The Trust seeks to provide the best possible care for its customers to every community

we serve and to do so it may, on occasion, require its employees to work from other bases within the Trust's boundaries.

### **3.3 Restructure**

To organise a company, business or system in a new way so it will operate more effectively. There are occasions where the Trust will need to restructure for various reasons including increase / decrease of services, potential bid award / outcomes and changes within the Commissioner's requirements.

### **3.4 Redundancy**

Employment Rights Act 1996 states that an employee is dismissed by reason of redundancy if the dismissal is wholly or mainly attributable to the fact that:

- The employer ceases to carry on the business in which the employee was employed
- The employer ceases to carry on that business in the place where the employee was employed
- The needs of the business for employees to carry out work of a particular kind cease or diminish *OR*
- The needs of the business for employees to carry out work of a particular kind in the place where the employee was employed cease or diminish

The employee must have a minimum of two years' continuous service with the Trust or the NHS to qualify for a redundancy payment. (Section 16, Agenda for Change Terms & Conditions)

### **3.5 Suitable Alternative Employment**

A role is offered to the employee as an alternative to redundancy. The role is either wholly or substantially similar to the previous substantive post. Consideration is given to:

- How similar the work is to the current role
- The terms of the job being offered
- The skills, abilities and circumstances in relation to the job
- The pay (including benefits), status, hours and location

### **3.6 Alternative Employment**

A role is offered to the employee as an alternative to redundancy which is not either wholly or substantially similar to their previous substantive post.

### **3.7 Pay Protection**

Pay is protected for either a short or a long period of time dependant on the nature of the change.

### **3.8 Change**

### **3.8.1 Consultation**

The process where the “Trust” confer with Staffside on the changes they wish to implement. Staffside will negotiate on behalf of the employees within the area of proposed change

### **3.8.1 Engagement**

Once agreement has been reached the Trust will engage with employees on the proposed changes

### **3.8.2 Information**

On occasion a change needs to happen which will not impact employees significantly and therefore employees would be informed of the change and when this change was liable to happen e.g. a move from one floor to another in the same building

## **3.9 Service Dates**

### **3.9.1 Continuous Service Date**

Date in which the employee has worked for the Trust

### **3.9.2 NHS Service Date**

Date in which the employee has worked continuously for the NHS (this means where there is no break in service of more than 7 calendar days)

### **3.9.3 Reckonable Service**

Dates where the employee has had a break in service but previous full years may still be counted for redundancy purposes (see Agenda for Change, Reckonable Service, Section 12 & Definition of Reckonable Service Section 16.5). The break in service between NHS employers cannot be any longer than 12 months to qualify.

## **4 Responsibilities**

All staff employed by Leeds Community Healthcare NHS Trust must work in concordance with the Leeds Safeguarding Multi-agency Policies and Procedures and local guidelines in relation to any safeguarding concerns they have for service users and the public with whom they are in contact.

### **4.1 Manager's Responsibilities**

- To act fairly and consistently in line with Policy and legislation
- Disseminate Policy to employees and ensure shared understanding
- Engage in meaningful consultation in a timely manner
- Provide Staffside with information regarding any proposed organisational change in line with collective consultation requirements

- Consult with Staffside / Unions / Employee Representatives with a view to reaching agreement where possible
- Actively seek suitable alternative employment for employees in their area who are under notice of redundancy

#### **4.2 Employee's Responsibilities**

- Attend any consultation meetings as requested
- Actively consider any amendments to their post or offers of redeployment to suitable alternative employment and trials where appropriate
- Outline any preferences for redeployment and personal constraints for alternative employment where appropriate
- Actively take part in seeking alternative employment when placed on notice of redundancy
- Undergo any reasonable training required to assist with redeployment
- It is the employee's responsibility to contact their union representatives for support and 1:1 meetings

#### **4.3 HR Responsibilities**

- Oversee the implementation, monitoring and review of this Policy
- Work in partnership with managers, Trade Union and Employee Representatives and employees to ensure staff are treated fairly and consistently within the framework of this Policy
- Advise managers and employees of options available should an employee be managed under this policy
- Be responsible for requesting redundancy calculations from payroll where necessary
- Ensure managers are aware of best practice in relation to organisational change and redundancy
- HR will take a record of the meeting and what action has been agreed where there is no other notetaker available to do this

#### **4.4 Union / Staffside Responsibilities**

- Work in partnership with managers, Employee Representatives and HR to agree consultation methods and promote a culture of involvement
- Attend consultation meetings and represent members in any formal meetings held in line with this Policy
- Advise employees of their rights and responsibilities
- Support employees through any organisational change process

#### **4.5 Occupational Health Responsibilities**

- Support employees through times of change when required
- Support managers, where necessary, to utilise the redeployment functional assessment form



## **5 Organisational Change**

Organisational change is the process of introducing alterations or adjustments into the team or department. This can be processed over a range of revisions from proposing a base move to restructuring the team with the possibility of redundancies.

For the purpose of this policy organisational change will refer to “minor” changes when referring to base moves etc. where there are no potential job losses. However, the term “minor” in no way indicates that the change will not affect employees in some measure but is merely a term to differentiate between major changes within the Trust such as redundancy, TUPE etc.

An organisational change, as it affects an individual or a group of employees is any change that alters their contracted:

- Work patterns
- Work location
- Grade, pay or other terms and conditions of service
- Establishment of their post or leads to displacement of post(s) through the reduction of numbers to posts (see section 7 Redundancy)
- Fundamental nature of the role and main responsibilities / duties
- Employer e.g. through TUPE transfers etc.

### **5.1 Support in Times of Change**

It is acknowledged that change can be difficult for employees and the Trust make every effort to support employees during this time. A list of support available can be found on GPS site on Elsie

### **5.2 Case for Change**

Where there is a requirement to consult the manager must submit a Case for Change (Appendix 1) giving full details of the impact and the potential consequences regarding the required change including the effect to the workforce and cost implications. This report will be submitted to Staffside and SMT. SMT will make a decision on the validity of the proposal should there be a proposal for redundancies

### **5.3 Consultation Process**

Consultation will normally be in a range from 14 to 45 calendar days but less may be considered for some changes if reasonable and agreed on an individual, case by case basis between management and staff side representatives

Once the validity / need for the change has been decided upon, the paper will be formally collectively consulted upon with Staffside. Arrangements will be made to launch an information briefing with employees. Dependant on the nature and scope of the required / proposed change this could include involving the employees at an early stage to develop potential new structure options and to ensure that any areas of concern are raised and, as far as reasonably practicable, considered and addressed.

Employees will be invited to the information launch where they will be notified of the proposed changes. During the formal collective consultation period, employees are encouraged to discuss with and share any concerns, questions or comments on the proposed restructure with either their union representative.

For minor changes employees will be given reasonable notice before the change is implemented.

Management will consider all feedback, comment and challenge provided to them during the collective consultation period and will refer to this during the final decision on the proposal.

A meeting will be held with Staffside at the end of the collective consultation period to inform them of the final decision and resultant change. Following this meeting, employees will be advised and the individual consultation process will commence. There is no set timescale for individual consultation however the Trust will aim to give 14 days for this process and encourage all employees to have a minimum of one meeting. Employees will also be encouraged to be accompanied at all individual consultation meetings by their Trade Union representative.

## **6.0 Implementing New Structure**

To implement the new structure fairly several processes will be considered and utilised as appropriate:

### **6.1 At Risk**

If it is identified that there will be a reduction in roles due to a restructure, employees, who are employed to the specific role, will be issued with a letter formally informing them that they may be at risk of redundancy.

It is the role that becomes redundant not the employee.

For example:

In the old structure there are 10 posts but in the new structure there will only be 7 posts – this means that potentially 3 employees are at risk of redundancy. However, because at this stage it is impossible to determine who may be unsuccessful at securing one of the 7 remaining roles the Trust will issue a letter to each of the 10 employees.

### **6.1 Slotting**

Slotting is a process where the same role remains in the new structure and is not significantly affected by any changes made. For example, if there is one team manager in the old structure and one team manager in the new structure in which the content of the role is significantly the same (including banding, hours, responsibilities etc.) then the existing substantive manager would slot into the post in the new structure

### **6.2 Pooling (also referred to as Ring Fencing)**

Pooling occurs where the number of roles has been diminished in the new structure or the job role requirements change significantly. Identification on the appropriate pool/s will be determined predominantly by the content of the new role and the requirement of band, qualifications and / or experience. All employees will be notified which pool/s they have been allocated to and they have the right to challenge the decision. Employees should raise their concerns to the manager who is leading on the restructure within 10 working days of their notification. The manager will then, in conjunction with HR, consider the challenge and respond within 5 working days in writing with the outcome. Should an employee choose to exercise this right they must identify a reason why they feel that they should be included in another pool or excluded from the one classified. It is possible for employees to be allocated to more than one pool.

New roles within the Trust will be held for displaced employees

### **6.3 Selection Process**

There are several options for the selection procedure and the process which is felt to be the most appropriate will be discussed with Staffside / Employee Representative during collective consultation.

Commonly used procedures are interviews, assessment centres or paper based selection processes. Information and explanation on the preferred method of selection process will be advised during individual consultation.

The procedure for each selection process will differ however in all formats the employee will have the right to challenge their outcome will be explained during the consultation process.

Scores and outcomes from the selection process will only be shared with the individual concerned

### **6.4 Suitable Alternative Employment (SAE)**

For employees who were unsuccessful in securing a role during the pooling process the employee and the Trust will look for suitable alternative employment (SAE) from vacancies within the Trust. SAE will take into account pay, hours, duties, status and base.

In situations where there is disagreement between the Trust and the employee with regard to a potential post, the employee will have the option to appeal using the template (Appendix 3). The employee must highlight the differences between their substantive post and the offered role, clearly demonstrating why the role is not comparable. An independent panel consisting of a senior manager and a senior member of HR will consider the evidence and make a decision. The decision will be final.

Should the panel decide the evidence provided indicates the role is not suitable the offer of the SAE role will be withdrawn. Should no other position become available during the notice period the employee will be redundant.

Should the panel decide the evidence provided indicates the role is suitable the offer will remain. Should the employee choose to continue to refuse to accept the post the employee will be redundant at the end of the notice period without a redundancy payment.

*Please note that during 2023/24 only there is a temporary change to the Redeployment Process being piloted, that provides an option for an extension to the standard redeployment period. Please speak to your HR Business Partner and / or your Trade Union representative for further details.*

## **6.5 Mutually Agreed Alternative Employment**

In some situations a role may be deemed appropriate which is not however, considered to be SAE. In such cases if a role is available and the employee accepts or proposes the role as a substitute post this will be deemed as a mutually agreed alternative to redundancy.

## **6.6 Trial Periods**

In circumstances for SAE and alternative employment a trial period of four weeks maximum will be offered to the employee. Employees are entitled to more than one trial period during their notice period.

Should a trial period finish after the date of redundancy termination and the trial is unsuccessful redundancy may still apply. The redundancy payment will be calculated at the original date of termination for the substantive post.

## **6.7 Training for New Role**

Training for a new role will be deemed acceptable should the employee be able to cover the full remit of the role no longer than 3 months from the start of either the trial period or redeployment to the new position. Employees must meet the essential criteria from the job description to be eligible for consideration (i.e. qualifications for a particular skill)

## **6.8 Staff on Maternity / Adoption Leave**

For employees on maternity leave during an organisational change process or restructure process which will result in a redundancy situation The Maternity and Parental Leave etc. Regulations 1999 (Article 10) will apply. (Appendix 4)

For employees on adoption leave during an organisational change process or restructure process which will result in a redundancy situation The Paternity and Adoption Leave Regulations 2002 (Article 23) will apply. (Appendix 5)

If an employee is on the above leave and their role is no longer viable by reason of redundancy the Trust is required to offer them the first suitable alternative role available. Should there be more than one protected candidate for the vacancy a previously agreed selection process will be implemented

## **7.0 Redundancy**

The Trust will, as far as reasonably practicable, seek to minimise any loss of employment. However there are occasions where the loss of a position in the Trust is unavoidable (see 3.4 definition of redundancy).

There is a redundancy if the ending of an individual's employment with the organisation is wholly or mainly as a result of one of two factors. These are:

That the Trust has ceased or intends to cease carrying on the business or providing the service in which the employee was employed; or has ceased or intends to cease carrying on that business or providing that service in the place where the individual was employed;

Or

That the requirements of the Trust for an individual to carry out work of a particular kind, or for an employee to carry out work of a particular kind in the place where the employee was employed has ceased or diminished or are expected to cease or diminish.

- An entire business or service or a particular workplace is closed down
- A job disappears as there is no longer any need for the work to be performed
- There is a reduction in the Trusts requirements for employees to do their work

This may arise from there being less work (perhaps after contracting out work) or from the need to have fewer employees for the same amount of work (perhaps after the introduction of new technology). TUPE legislation would need to be considered in any contracting out situations and advice sought from the workforce team.

### **7.1 When is there a redundancy situation?**

A redundancy situation arises in three ways;

- "Business" closure  
That is – ceasing or intending to cease to carry on the business for the purposes of which the employee was employed by it;
- Workplace closure  
That is – ceasing or intending to cease to carry on that business in the place where the employee was so employed;
- Reduction of workforce  
That is – having a reduced requirement for employees to carry out work of a particular kind or to do so at the place where the employee was employed to work

Please refer to (Appendix 2)

### **7.2 Issuing Notice of Redundancy**

The Trust will issue a notice of redundancy letter at the end of the individual consultation period. However, the Trust will continue to identify and offer roles which are deemed Suitable Alternative Employment during the notice period. It is expected that employees will also seek roles internal and external to the Trust during this time.

### **7.3 Time Off for Employees at Risk**

Employees who are officially notified that they are at risk have the right to take reasonable time off for interviews for alternative employment both internally and externally from the Trust. Employees must discuss their time off requirements with their line manager

### **7.4 Final Payment**

Final payment of salary will be made the month following the final date of employment, i.e. a member of staff finishes work for the Trust on 22<sup>nd</sup> March – final payment will be made on 27<sup>th</sup> April.

PLEASE NOTE: The Trust will continue to look for and make offers of SAE for members of staff until the final day of employment (see section 6.4)

### **7.5 Conditions of Redundancy Payment**

Employees who are entitled to a redundancy payment are advised to halt all NHS work, including bank shifts, for a period of four weeks following the date of termination of employment.

Employees shall not be entitled to a redundancy payment if they:-

- Are dismissed for reasons of misconduct, with or without notice
- at the date of the termination of the contract have obtained without a break, or with a break not exceeding four weeks, suitable alternative employment with the same or another NHS employer
- Unreasonably refuse to accept, or apply for, suitable alternative employment within either the Trust or another NHS employer
- Leave their employment before expiry of notice, except if they are being released early
- They offered a renewal of contract (with the substitution of the new employer for the previous NHS one)
- Where their employment is transferred to another public service employer who is not an NHS employer
- Have had employment that has been taken into account for the purposes of a previous redundancy, or loss of office payment by an NHS employer (Agenda for Change Section 16.6)
- Where the employee has previously been given NHS pension benefits, any employment that has been taken into account for the purpose of those pension benefits (Agenda for Change Section 16.6)

Redundancy entitlements are set out in section 16 of Agenda for Change Terms and Conditions. Employees are strongly advised to take the opportunity to read this section in the event of a redundancy situation.

### **8.0 Pay Protection (Short and Long Term)**

In some circumstances pay protection may apply please refer to Pay Protection Policy

## **9.0 Base Moves**

On occasion there are times when employees are required to move to a new base, either as a temporary measure or on a permanent basis. All employees of the Trust have a mobility clause in their contract however the Trust recognises that moves can be disruptive to employees and / or teams and patients. The Trust will only seek to transfer staff or departments due to organisational, economical or service delivery capacity reasons.

### **9.1 Organisational or Economical Base Moves**

Where the department is required to move to a new base a business case for change should be completed. This should detail the reason and the proposed date for the move. In matters where the base move is due to restructures Section 5 of this policy will apply. It should be noted however that on occasion the Trust may not be able to provide sufficient notice of the change of base if the alterations are being directed by external sources e.g. Commissioners, landlords etc.

Employees will be given the opportunity to discuss issues the base move may incur to them personally during their individual 1:1. The Trust will endeavour at all times to support staff during and immediately after the move to ensure minimum disruption to their professional and personal lives

### **9.2 Base Move due to “Service Delivery Capacity”**

The Trust recognises that patients should be the first priority to services and therefore, when necessary, there is a requirement for employees to change their base on either a temporary or a permanent basis. Unfortunately due to the very nature of “capacity” base moves, only minimal notification is often provided on a temporary transfer requirement.

Where it is necessary to move an individual/s to another area the manager will, in the first instance, ask for volunteers. Should no volunteer come forward the manager will assess who they consider to be the most appropriate member of staff by taking into account status, hours, experience and personal circumstances.

### **9.3 Excess Mileage**

Where necessary excess mileage reimbursement will apply, this will be for a maximum period of 2 years or until the employee returns to their substantive post. Employees are eligible where their mileage between their home and new base is greater than the mileage between their home and old base. The difference will be reimbursed at the reserve rate (Agenda for Change section 17.7)

## **10.0 TUPE (Transfer of Undertakings Protection of Employment)**

Where there is a proposal to transfer services and staff to a different employer, there will be consultation with the Trade Unions at the earliest opportunity. TUPE applies in contracting out scenarios, retendering and where services are brought into, or return, to the NHS.

### **10.1 Transfer of Employment**

Any employee transferring out of the Trust will be transferred on their Trust terms and conditions of employment to the new provider. This will include all relevant policies and procedures. The terms and conditions should not be amended as a consequence to the transfer.

The manager will identify services, posts and individuals who will transfer or will be affected by the changes. Employees who span more than one service will be invited to discuss this with the managers of the services they span and their Union Representative.

Managers will notify staff in writing of the intention to transfer, the implications of the transfer and any measures which will be taken in connection with the transfer by the new provider. The manager will arrange a date to discuss the impact of the transfer with staff and representatives. Managers will ensure that they notify all relevant employees including those on long term sick, maternity / adoption leave, secondment and career breaks.

Employees may have a 1:1 to discuss their concerns with the proposed transfer. The new provider will also arrange for a meeting with employees to discuss the transfer and what it may mean for them.

Employees have the right to be informed of any envisaged measures connected to the transfer by the new provider, in particular those that come under the definition of the Economical, Technical or Organisational (ETO) portion of the measures document. In some circumstances the model introduced by the new provider may include a restructure. Such information should be shared by the new provider and staff prior to transfer.

Some staff information (referred to as Employee Liability Information or ELI) will be provided to the new provider prior to transfer however, the bulk of the information will be sent on the day or day after transfer is complete. Employees will be asked to sign an agreement that their Occupational Health records can be accessed / transferred to the new provider and their new Occupational Health source.

Formal notification of the proposal to transfer will be given as early as possible. Employees who chose not to transfer but fail to secure a role within the Trust prior to the transfer date will be deemed as having effectively resigned from their post. The Trust is under no obligation to redeploy the employee.

### **10.2 On Return to an NHS Provider**

Any member of staff who transfers (by method of TUPE) into the NHS is entitled to have their terms and conditions of service protected. This includes any previous TUPE transfers where employment has been continuous.



Should an ex-employee who has been TUPEd out of the NHS wish to return, their employment with the new provider will be viewed as a break in service. When they TUPE out of the NHS their terms and conditions are protected by the new provider but they no longer work for the NHS, therefore there is no continuation of service

## **11 Pension**

This policy may affect your pensionable pay and could impact on your pension. Further information is available from NHS Pension agency on [www.nhsbsa.uk/pensions](http://www.nhsbsa.uk/pensions) or phone local pensions department on (0113) 20 66289

## **12 Training Needs**

Managers are required to be trained in the effective use of the Organisational Change Policy and Procedure and to ensure they are aware of any updates

### 13 Monitoring Compliance and Effectiveness

Explain how you will monitor compliance with, and effectiveness of, the policy, this may include auditing. Give clarity on who is leading with what and how actions will be implemented.

Complete the table below which needs inserting into your policy

Minimum requirement to be monitored / audited	Process for monitoring / audit	Lead for the monitoring/audit process	Frequency of monitoring / auditing	Lead for reviewing results	Lead for developing / reviewing action plan	Lead for monitoring action plan

#### **14 Approval and Ratification process**

The policy has been approved by the appropriate body and ratified by SMT on behalf of the Board.

#### **15 Dissemination and Implementation**

Dissemination of this policy will be via the Clinical and Corporate Policy Group/Workforce policies to services and made available to staff via the intranet.

Implementation will require:

- Operational Directors/ Heads of Service/General Managers to ensure staff have access to this policy and understand their responsibilities for implementing it into practice
- The Quality and Professional Development and workforce Department will provide appropriate support and advice to staff on the implementation of this policy

#### **16 Review arrangements**

This policy will be reviewed in three years following ratification by the author or sooner if there is a local or national requirement.

#### **17 References**

It is essential that policies are supported by robust evidence and this is assisted by providing suitable references. This includes any internal documents, particularly other policies.

The following Leeds Community Healthcare NHS Trust policies

- Redundancy Policy
- Pay Protection Policy
- Maternity and Adoption Guidance
- Pay Protection Policy

Other information

- Agenda for Change Terms and Conditions 2018
- The Maternity and Parental Leave etc. Regulations 1999
- The Paternity and Adoption Leave Regulations 2002
- ACAS – How to Manage Change
- Gov.UK
- Transfer of Undertakings (Protection of Employment) Regulations 2006
- Employment Rights Act 1996

#### **18 Associated documents**

- As above

Appendix 1

**BUSINESS CASE FOR CHANGE**

**<INSERT NAME OF SERVICE>**

**<DATE>**

**<VERSION>**

**1. When should a case for change be developed?**

A case for change is needed when any change is proposed that could impact upon the delivery of a service, an established working pattern, the delivery of a service, the location of a group of people\*

\* Not an exhaustive list

If in doubt about whether or not to draft a case, please speak to your line manager and / or your HR Advisor

**2. Who should complete a case for change?**

It depends upon the individual circumstances of the proposed change.

It may be that a Service Manager is proposing a change to a local working pattern that will impact upon the members of staff within a particular team; or it may be that a Head of Service is looking to introduce a new rota that will impact upon a larger group of staff across the whole service.

Ultimately, the 'best' person to develop the case for change will depend upon the change being proposed and who is best placed to describe the reasons for and outcomes of the change.

**3. When should it be developed / completed?**

The prospect of change is often unsettling within a work setting and the 'not knowing', fuelled by rumour and uncertainty is frequently more damaging if left unchecked.

A case for change should be developed and signed off as soon as possible after the proposed change is identified, to ensure that staff are kept as informed as possible and engaged with facts rather than guess work and gossip.

**4. What should be included in a case for change?**

The purpose of the case is to outline where the service / team currently is, where it needs to be and how it is proposed to get to that point.

So, for instance, if it is proposed to change from a 5 day working week to a 7 day working week due to a change in service / contract requirement by the commissioner, the case for change would outline:

The current position - operated on a 5 day per week basis

The proposed position – operated on a 7 day per week basis

The reason for the change – due to commissioning requirements

The options as to how to achieve that change and any financial or workforce implications each option may have

Ultimately, a case for change is intended to be a document that clearly outlines the what and why a change is proposed and facilitates honest, open and meaningful engagement and discussion about the proposed change.

**5. Who should be sent the case for change go once completed?**

A case for change should be 'owned' by its Business Unit so senior management within the unit should be sighted on the change and the implications of the proposed change – be those service / contract delivery based, employee or financial in nature.

In order to develop and finalise the case, support and professional input will be needed from Human Resources and Finance colleagues.

**6. Does it need formal sign off by (Director/General Manager/Head of Service) before commencing?**

Contingent of the scope and scale of the change will determine who is required to authorise the change.

**1. Introduction**

<Explain the service, who commissions it, why the need to change>

**2. Background**

<Explain current situation / structure>

**3. Case for change**

<Explain why need to change / aim>

**4. Options / proposed change**

<insert options considered and proposed change. Give rationale – positives / challenges for choosing proposed option over other options> (this could be via a table)

**5. Financial implications**

<insert details of financial implications i.e. current costs v costs of proposed option

**6. Workforce implications**

<how the proposed change will affect staff i.e. risk of redundancy, change of working patterns / base, changes to job descriptions>

**7. Next steps / Timescales**

Actions will always include engagement and consultation with Staffside colleagues (30 or 45 days dependent upon the numbers of staff affected by change across the Trust) and may also include employee engagement events – stakeholders/public/employees, launch event – followed by individual consultation.

Action	Timescale

Please ensure that you discuss the detail of this section and what needs to happen and when with your HR Advisor.

**8. Consultation circulation**

<list of key stakeholders / other services or any personnel who may be affected by the change>

## **Appendix 2            Process for Redundancy**

In the event of a redundancy situation within the organisation the Trust will instigate the following process:

- 1) In terms of 20 or more proposed redundancies the Trust will issue to the relevant unions (both regional and local) a Section 188 letter informing the unions of the relevant timescale and numbers of the proposed redundancies
- 2) HR1 form will be sent to the Department of Business, Innovation and Skills setting out the number of employees proposed for redundancy
- 3) Collectively consult with Staffside with a view to reaching agreement on the following three key points:
  - Ways and means of avoiding the redundancy dismissals; and
  - Reducing the number of dismissals; and
  - Mitigating the consequences
- 4) Whilst it may not be possible to reach agreement, the Trust will try to do so and will therefore;
  - Consult when proposals are still at a formative stage
  - Enter into consultations with an open mind and with a willingness to be persuaded
  - Give Staff Side a fair opportunity to understand fully the matters about which it is being consulted, and to express its views
  - Conscientiously consider such views
- 5) Engage employees with the proposals for a period of time between 30 – 45 days, taking into account any suggestions or alternative proposals provided
- 6) Once any required collective consultation is over, the Trust will consult with individuals selected for redundancy. There is no set timescale for individual redundancy consultation. However, the Trust would aim to give at least 14 days.

### **Purpose of individual consultation**

Whilst the matters to be discussed in an individual consultation period will depend on the specific circumstances, the following should be included:

- An opportunity for the employee to comment on the basis for selection (both in terms of the pool and the selection criteria)
- An opportunity for the employee to challenge his/her redundancy selection assessment and to explain any factors that might have led to his/her selection and of which the Trust might not have been aware
- An opportunity for the employee to put forward any suggestions or ways to avoid his/her redundancy
- Consideration of any alternative employment positions that may exist (this will also continue after any confirmation of redundancy)



- An opportunity for the employee to address any other matters or concerns that s/he may have

### **Individual Consultation Process**

The Trust will write to each employee selected for redundancy and explain:

- That an individual redundancy consultation is starting
- How long it is proposed the consultation should last (length of the individual consultation period is, however, subject to the matters raised during the consultation)
- The reasons for the proposed redundancy
- The pool for selection
- The selection criteria
- The purpose of the individual consultation period
- The availability of any suitable alternative employment
- How redundancy pay will be calculated (e.g. in accordance with Agenda for Change)

The Trust will give each employee selected for redundancy an opportunity to attend at least one individual consultation meeting during the individual consultation period.

At the end of the individual consultation period, the Trust will write to each employee and confirm his/her position. If the outcome of the individual consultation period is that the redundancy is confirmed, the employee will be given full contractual or statutory notice, whichever is the greater, to terminate employment and will be notified of the right of appeal. The search for alternative employment will continue during the notice period.

## **7) Appealing the decision**

An employee wishing to appeal against the confirmation of redundancy must do so in writing to the Director of Workforce within 5 working days of the date of the redundancy confirmation letter. The appeal letter must set out the grounds of appeal – e.g. why the employee feels that the consultation was flawed and/or the pool or selection was unfair.

Appeals will be heard by two directors and supported by an HR representative. The appeal will be conducted within 5 working days of the notification of appeal being received. The outcome of the appeal will be final. If the employee exercising his/her right of appeal is a director then the appeal will be heard by a panel, by two non-executive directors and supported by an HR representative.

## **8) Suitable alternative employment – please see section 6.4 of this policy**

An offer of suitable alternative employment must be made before the employee's employment under the previous contract ends. However the new employment need not start until 4 weeks after the previous contract ends.

## **9) Suitability for the offered role**

In considering whether or not alternative work is “suitable”, the Trust will take account of:

- The requirements\* of the existing role compared against those of the proposed role
- The employee’s skills, aptitudes and experience

NB\*Requirements include, pay, working hours, grade, status, the way the work is carried out and location.

Alternative employment one band below the previous employment, with pay protection, is normally regarded as suitable alternative employment by the Trust.

If already in receipt of pay protection, a post 2 bands lower than the protected grade would not be considered as suitable alternative employment but it may be considered as alternative employment as an agreed alternative to redundancy. (see section 6.5)

[The fact that a post is temporary, including fixed term contracts and secondments, will not make it unsuitable alternative work. Appointment to a temporary post extends employment in the Trust and gives a longer period in which other suitable alternative employment may be found. The employee retains his/her right to a redundancy payment at the end of such a period of temporary employment if eligible.

If a post is regarded as suitable for a redundant employee then the post will be ring fenced and the employee will be given priority over any other internal/external applicant.

If a post is regarded as suitable for more than one potentially redundant employee, then the Trust will devise a means of deciding between one candidate and another that is fair in all of the circumstances, the Trust may use the scores used to select for redundancy.

## **10) Refusal for the offered role**

The right to a redundancy payment is lost if an employee unreasonably refuses suitable alternative employment. In this case the dismissal is, however, still by reason of redundancy.

Whether or not an employee’s refusal of a suitable job is reasonable depends on the reasons the particular employee has for rejecting it. This covers factors relating to the employee’s personal circumstances. An employee is required to be flexible when considering whether or not alternative employment is suitable for them.

The TDA will require evidence from an employee and employer to support seeking alternative roles and may not approve a redundancy payment if this cannot be satisfactorily demonstrated.

#### **11) Employees on maternity leave / adoption leave**

Maternity and Parental Leave Regulations 1999 ('the Regulations') takes effect when dealing with those staff selected for redundancy.

If there are proposed redundancies in a service and this does not involve a change in role or contract of employment but does include a headcount reduction then regulation 10 applies after selection for redundancy process is complete.

If there are proposed redundancies in a service and this involves a post being removed and replaced with something different which may be considered as suitable alternative employment regulation 10 applies from this point.

Staff who are on maternity leave and are selected for redundancy must be allocated any alternative work that satisfies the requirements of Regulation 10(3) – i.e. of a kind which is both suitable in relation to the employee and appropriate for her to do in the circumstances, and no less favourable than her previous contract with regard to terms and conditions including capacity and place of employment.

The employee on maternity leave must be allocated this alternative work even if there are other candidates that the Trust feels are more suitable or better qualified

If an employee on maternity/adoption leave unreasonably refuses a suitable alternative vacancy then entitlement to a redundancy payment is lost.

Employees on additional paternity leave and ordinary or additional adoption leave have the same protection as provided by Regulation 10 of the Regulations (see Regulation 28 Additional Paternity Leave Regulations 2010 and Regulation 23 Paternity & Adoption Leave Regulations 2002).

#### **12) Trial periods for SAE and / or AE (alternative employment)**

An employee is entitled to a trial period if there is a difference between the terms of the alternative and the previous employment. All differences count unless they are trivial or insignificant. Terms will be considered individually and it is irrelevant if new terms are more favourable than the old.

The purpose of the trial period is for both the Trust and the employee to assess the suitability of the alternative employment for the employee.

If the employee terminates (or gives notice to terminate) their employment during a trial period, they will be treated as having been dismissed on the date on which the original employment contract ended. The reason for termination of employment will be redundancy.

An employee who unreasonably terminates his/her employment during a trial period will be treated as having refused the offer of alternative work. If the employee's refusal is unreasonable, then s/he will lose entitlement to a redundancy payment.

The Trust may terminate (or give notice to terminate) the employee's employment during a trial period for a reason connected with/arising out of any difference between the new contract and the previous employment contract. For example, the Trust may consider the employee to be unsuited to the new role. In this case, the employee will be treated as having been dismissed for redundancy on the date the original employment contract terminated and redundancy pay will be calculated from this date.

If the trial period is successful, then the employment continues.

If the trial period is unsuccessful, the redundancy dismissal stands.

The Trust will not limit the number of trial periods that may take place. However, if they all fail then redundancy pay entitlement will be calculated from the date the original employment came to an end.

A trial period will last no longer than 4 consecutive calendar weeks unless there are exceptional circumstances requiring an extension.

The Trust will extend a trial period but only for the purposes of retraining the employee in the alternative employment. If there is to be an extension then:

- Both the Trust and employee must agree;
- The agreement must be in writing and finalised before the employee begins work under the new contract;
- State the date on which the employee's retraining will finish; and
- Identify the terms of employment that will apply after the employee's retraining has finished.

There is no limit on the amount of time for which an extension to a trial period will be agreed by the Trust although this will be no more than is needed for the purposes of retraining the employee.

### **13) Employees on secondment, career break etc. during a redundancy situation**

Employees affected by a redundancy situation may not be present in the Trust at the time. Reasons for absence include maternity or adoption leave, sick leave [and secondment and career break].

Absent employees affected by a redundancy situation are equally entitled to participate in collective and individual redundancy consultations and be considered for suitable alternative employment.

Such absent employees will be contacted by the Trust and appropriate arrangements made for their participation.

**14) Right to representation**

The Trust encourages an employee attending an individual consultation meeting to be accompanied by a trade union representative or a work colleague (not acting in a legal capacity).

## Appendix 3

**Redundancy redeployment SAE assessment form**

<b>Employee</b>	
<b>Business Unit / Department</b>	
<b>Current job role</b>	
<b>Potential redeployment role</b>	

When completing this form, consider how your current job role compares with the proposed redeployment role and note down any examples or evidence where you feel it doesn't. For example, it may be that the demands that will be placed on you in the proposed role you cannot meet or that the experience required is specialist and you haven't worked in the specialism for some time.

When assessing if the potential redeployment role is suitable, the appeal panel will need to look at the role as a whole and not just one specific area ie a difference in working pattern. Try to complete as much of the form as possible and give examples as to why you feel that the potential redeployment role is not suitable.

	<b>Specific areas</b>	<b>Current job role</b>	<b>Potential redeployment role</b>
<b>Pay</b>	A4C Band		
<b>Working pattern</b>	Hours & pattern		
	Permanent / temporary		
<b>Location</b>	Base		
<b>Working environment</b>	ie office or community based, lone working or as part of a team		

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<b>Status ie line management responsibilities and requirement for leadership</b>	Level of seniority		
	Will the role allow the employee to continue to manage staff?		
	Will the role allow the employee to maintain professional registration?		
<b>Responsibility</b>	Duties of the role		
	Level of responsibility		
<b>Skills &amp; Experience</b>	Experience for the role (in current organisation and previous companies)		
	Transferable skills		
<b>Specific personal situation ie impact upon caring responsibilities or travelling</b>	Employee comments		

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<b>distance</b>			
<b>In summary, I believe that this post is not SAE for the following reasons:</b>			
<b>Signed / Dated</b>			



## Appendix 4

### The Maternity and Parental Leave etc. Regulations 1999 (Article 10)

#### Redundancy during maternity leave

**Section 10.**—(1) This regulation applies where, during an employee's ordinary or additional maternity leave period, it is not practicable by reason of redundancy for her employer to continue to employ her under her existing contract of employment. (2) Where there is a suitable available vacancy, the employee is entitled to be offered (before the end of her employment under her existing contract) alternative employment with her employer or his successor, or an associated employer, under a new contract of employment which complies with paragraph (3) (and takes effect immediately on the ending of her employment under the previous contract).

(3) The new contract of employment must be such that—

(a) the work to be done under it is of a kind which is both suitable in relation to the employee and appropriate for her to do in the circumstances, and

(b) its provisions as to the capacity and place in which she is to be employed, and as to the other terms and conditions of her employment, are not substantially less favourable to her than if she had continued to be employed under the previous contract.

## Appendix 5

### The Paternity and Adoption Leave Regulations 2002 (Article 23)

#### **Redundancy during adoption leave**

**23.—**(1) This regulation applies where, during an employee's ordinary or additional adoption leave period, it is not practicable by reason of redundancy for his employer to continue to employ him under his existing contract of employment.

(2) Where there is a suitable available vacancy, the employee is entitled to be offered (before the end of his employment under his existing contract) alternative employment with his employer or his employer's successor, or an associated employer, under a new contract of employment which complies with paragraph (3) and takes effect immediately on the ending of his employment under the previous contract.

(3) The new contract of employment must be such that—

(a) the work to be done under it is of a kind which is both suitable in relation to the employee and appropriate for him to do in the circumstances, and

(b) its provisions as to the capacity and place in which he is to be employed, and as to the other terms and conditions of his employment, are not substantially less favourable to him than if he had continued to be employed under the previous contract.



## Policy Consultation Responses

Complete this template when receiving comments at various draft stages of the Policy.

<b>Responder (including job titles and organisation)</b>	<b>Version, Comment and Date</b>	<b>Response from Author</b>
Sue Wilson, HR Advisor – Children's Business Unit	Please see attached sheet	
Ruth Davies, Senior HR Manager	Please see attached sheet	
Staffside Policy Group	Please see attached sheet	
Helen Dixon, HR Advisor – Specialist Business Unit	Please see attached sheet	

## Policy Consultation Process

<b>Title of Document</b>	Organisational Change Policy
<b>Author (s)</b>	Polly Long
<b>New / Revised Document</b>	
<b>Lists of persons involved in developing the policy</b>	
<b>List of persons involved in the consultation process</b>	<p><i>Sue Wilson</i></p> <p><i>Ruth Davies</i></p> <p><i>Anne Cherry</i></p> <p><i>Staffside Policy Group</i></p> <p><i>Richard Warlock</i></p>

## Appendix: 2 – Authors Guide for writing/Review and Approval of Procedural Documents

	Title of new/reviewed Document	Yes/No/Unsure	Comments
<b>1. TITLE</b>			
	Is the title clear and unambiguous?	<u>Yes</u>	
	Is it clear whether the document is a guideline, policy, protocol or standard?	<u>Yes</u>	
<b>2. RATIONALE</b>			
	Are there defined reasons for document development?	<u>Yes</u>	<b><u>The Trust does not currently have an Org Change Policy</u></b>
<b>3. REVIEW PROCESS</b>			
	Is the method described in brief?	<u>Yes</u>	
	Are individuals involved in the development identified?	<u>Yes</u>	
	Has a rational attempt been made to ensure the relevant expertise has been used?	<u>Yes</u>	
	Is there evidence of a consultation with stakeholders and users?	<u>Yes</u>	
<b>4. CONTENT</b>			
	Is the objective of the document clear?	<u>Yes</u>	
	Is the target population clear and unambiguous?	<u>Yes</u>	
	Are the intended outcomes described?	<u>Yes</u>	
	Are the statements clear and unambiguous?	<u>Yes</u>	
<b>5. EVIDENCE BASE</b>			
	Is the type of evidence to support the document identified explicitly?	Yes	
	Are key references cited?	Yes	
	Are the references cited in full?	Yes	
	Are all supporting documents referenced?	Yes	
<b>6. APPROVAL</b>			
	Has the named Director had sight of the document?	No	
	Does the document identify which committee/group will approve it?	Yes	
	If applicable have the joint Human Resources/staff side committee (or equivalent) approved the document?		
<b>7. DISSEMINATION and IMPLEMENTATION</b>			
	Is there an outline/plan to identify how this will be done?		
	Does the plan include the necessary training/support to ensure compliance?		
<b>8. DOCUMENT CONTROL</b>			
	Does the document identify where it will be held?		
	Have archiving arrangements for superseded		

	documents being addressed?		
<b>9.</b>	<b>PROCESS to MONITOR COMPLIANCE and EFFECTIVENESS</b>		
	Are there measurable standards or KPI's to support the monitoring compliance with and effectiveness of the document?	N/a	
	Is there a plan to review or audit compliance with the document?		
<b>10.</b>	<b>REVIEW DATE</b>		
	Is the review date identified?		
	Is the frequency identified? Recommend every 2/3 years or sooner if required.		
	Is this an acceptable time frame?		
<b>11.</b>	<b>OVERALLRESPONIBILITY for the DOCUMENT</b>		
	Is it clear who will be responsible for co-ordinating the dissemination, implementation and review of the document?		
<b>12.</b>	<b>FORMAT and CONTENT</b>		
	Arial font		
	Font size 12		
	Trust Logo on front page		
	Title of policy on front page		
	Policy control page completed		
	Is this a review of an existing document, if so have all changes/amendments been recorded in the table provided		
	Footer of each page details: name of policy, author and date of publication		
	Numbered sequentially		
	Appendices present (where required)		
	Impact assessment carried out		
	Glossary included as appropriate		
	Proof read the document		
<b>Author</b>			
If you are satisfied and want to approve this document please sign and date it			
<b>NAME</b>		<b>DATE</b>	
<b>SIGNATURE</b>			
<b>FINAL APPROVAL</b>			