

Managing Organisational Change

Version No: 6

Document Summary:

To set out the measures the Trust has put in place to ensure that organisational change is handled in a fair and consistent manner

Document status	Approved	
Document type	Policy	Trust wide
Document number	STHK0242	
Approving body	Workforce Council	
Date approved	22/01/2020	
Date implemented	01/02/2020	
Review date	31/01/2023	
Accountable Director	Director of Human Resources	
Policy Author	HR Business Partner	
Target audience	All staff	

The intranet version of this document is the only version that is maintained. Any printed copies should therefore be viewed as “uncontrolled”, as they may not contain the latest updates and amendments.

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Document Control

Section 1 – Document Information	
Title	Managing Organisational Change
Directorate	Corporate
Brief Description of amendments	
<ul style="list-style-type: none"> - Minor changes required to this policy at Section 10.5 Previously policy stated: <i>posts will be advertised on the Redeployment bulletin and by internal advertisement at the same time, followed by external advertisement if necessary.</i> - As the Trust does not now publish a Redeployment bulletin – instead staff who are “At Risk” and placed on the Redeployment process are advised of vacancies by their HR Business Partner/ Recruitment colleagues. - Language amended slightly in line with Just Culture <p>Please state if a document has been superseded.</p>	
Does the document follow the Trust agreed format?	Yes
Are all mandatory headings complete?	Yes
Does the document outline clearly the monitoring compliance and performance management?	Yes
Equality Analysis completed?	Yes

Section 2 – Consultation Information			
Consultation Completed		<input checked="" type="checkbox"/> Trust wide <input type="checkbox"/> Local <input type="checkbox"/> Specific staff group	
Consultation start date	09/01/2020	Consultation end date	24/07/2019

Section 3 – Version Control		
Version	Date Approved	Brief Summary of Changes
6	22/01/2020	Minor changes made to this policy at Section 10.5 regarding the process of vacancies being advised to staff by their HR Business Partner/ Recruitment colleagues Placed in new policy format and Just Culture language Quality Impact Assessment included at Appendix 5
	Click here to enter a date.	
	Click here to enter a date.	

Section 4 – Approval – <i>To be completed by Document Control</i>			
Document Approved		<input checked="" type="checkbox"/> Approved <input type="checkbox"/> Approved with minor amendments	
Assurance provided by Author & Chair		<input checked="" type="checkbox"/> Minutes of Meeting <input type="checkbox"/> Email with Chairs approval	
Date approved	Click here to enter a date.	Review date	Click here to enter a date.

Section 5 – Withdrawal – <i>To be completed by Document Control</i>	
Reason for withdrawal	<input type="checkbox"/> No longer required <input type="checkbox"/> Superseded
Assurance provided by Author & Chair	<input type="checkbox"/> Minutes of Meeting <input type="checkbox"/> Email with Chairs approval
Date Withdrawn:	Click here to enter a date.

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1. Scope

The Trust regards its employees as its most valuable asset and aims to provide security of employment for every member of staff having due regard to the need to maintain and improve efficiency and levels of patient care. Therefore the aim of this document is:

- to ensure that where change is required it is managed properly, having due regard to relevant employment legislation and in accordance with good employment practice
- to ensure that all organisational change situations are handled in a fair, consistent and appropriate manner throughout the Trust and that all managers and staff know the process to be followed when an organisational change situation arises.

2. Introduction

This policy is designed to help ensure that employees are treated in a consistent, fair and reasonable manner during an organisational change process and has been designed taking into account the statutory requirements of the ACAS Code of Practice -

3. Statement of Intent

This policy covers the practices that should be followed when implementing changes to service delivery and working conditions to help managers and staff to establish a clear process when introducing changes. Lessons learnt from previous organisational changes that have taken place must be observed during change implementation.

There is a requirement for managers to adhere to the policy and for staff to co-operate with its operation. Precise details relating to various circumstances leading to change will be determined following consultation with the appropriate staff representatives.

4. Definitions

Types of Organisational Change

Change is a constant feature of working in the modern NHS and all staff should expect to experience changes to their services from time to time. These changes may not always affect employees directly in relation to the terms and conditions of employment, but could affect working practices on a day-to-day basis. On other occasions the impact of the changes might be significant and some examples are provided below:

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- Service Redesign/Restructure leading to changes to terms and conditions of employment
- Decommissioning of services
- TUPE Transfers

Each of these examples will have varying degrees of complexity in relation to the impact they have on staff and the organisation as well as how we deliver our services and it is recognised that this can affect everyone differently.

4.1 Staff Affected by Organisational Change

These are defined as any employee whose post, hours, physical location or conditions of service may be affected by change i.e. changing hours of shifts patterns, night shifts etc. This includes staff who are employed under the Retention of Employment scheme.

4.2 Re-organisation

Re-organisation, or organisational change, means any structural or managerial change in the organisation of health service provision which may affect the working arrangements/practices (e.g. an employee's start and finish times, changes in shift patterns), skills, workloads, staffing levels and/or the terms and conditions of employment of staff. Examples include where the Trust examines its structures with a view to:

- ensuring that they are as efficient as possible in order to deliver the service demands placed upon it;
- to take account of employee turnover with a view to minimising recruitment costs or addressing financial pressures;
- restructuring its services to take account of the relocation of services from one site to another.

In addition, strategic changes may occur necessitating the transfer of staff employment to a third party under Transfer of Undertakings of Protection of Employment.

4.3 Redundancy

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

- that the Trust has ceased or intends to cease carrying on the business or providing the service in which the individual 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

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

Redundancies can, therefore, arise in a variety of ways:

- an entire 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 Trust's requirements for employees to do their work. This may arise from there being less work, or from the need to have fewer employees for the same amount of work (perhaps, for example, after the introduction of new technology).

*** This is the current definition under the Employment Rights Act 1996 and may therefore be subject to changes under that Act.**

4.4 The Difference between Re-organisation and Redundancy

Some changes introduced in a re-organisation can cause redundancies

For similar scale reorganisations where the number of employees remain similar, there is unlikely to be a redundancy situation. However, where the re-organisation requires changes to the terms and conditions of employment of employees, formal consultation with individuals and their representatives to attempt to reach agreement about the changes is required.

If the re-organisation is on a large scale then the nature of the work undertaken may alter significantly and/or fewer employees may be required. In these circumstances, a redundancy situation may arise.

Where a re-organisation takes place as a result of a streamlining of services to meet the same demand with fewer employees then a redundancy situation may arise.

4.5 The Right to be Accompanied

Staff Side/Trade union representatives play an important role when implementing organisational change as they can provide representation and advice to employees through what may be a difficult period of time.

All employees have the right to be accompanied during all stages of the consultation process.

5. Duties, Accountabilities and Responsibilities

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5.1 The Chief Executive

The ultimate responsibility in the area of performance and legislative adherence lies with the Chief Executive.

5.2 Board of Directors

The Board of Directors are responsible for ensuring that the policy is being adhered to both collectively and by the management and staff in their area of responsibility. The Director of Human Resources has Board level responsibility for ensuring that this policy applies to all levels within the organisation and that the policy is followed fairly and consistently. In addition they must ensure that the requisite training and development is provided for managers and that all organisational change situations are addressed in a fair, equitable and reasonable manner. The monitoring of the impact of the policy will be delegated to the Workforce Council and the auditing to the HR management team however the HR Director and Workforce Council will highlight any areas of significant shortfall identified to the Governance Board (a sub- committee of the Board).

5.3 Employees

This policy applies to all staff employed by the Trust and there is a requirement to co-operate with its operation. This includes:

- attending any consultation meetings as requested
- actively considering any amendments to their post or offers of redeployment where appropriate
- outlining any preferences for redeployment and personal constraints for alternative employment where appropriate
- undergoing any training required to assist with redeployment
- Informing their line manager of any personal circumstances that may prevent them from adapting to the changes, either medical or otherwise

5.4 Managers

Managers have a responsibility for driving changes forward in the organisation including to;

- determine the size and composition of the workforce needed to deliver cost effective healthcare
- Carry out a full Equality Analysis provided by the Equality Analysis screening tool (SOP for Carrying out an Equality Analysis on the Trust Intranet - Document number STHK0589)
- As stated in CQC's well-led framework guidance (2018) and the National Quality Board's guidance any service changes, including skill-mix changes, must have a full Quality Impact Assessment completed and

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approved by the relevant Heads of Department as per the QIA Proforma (See Appendix 5)

- treat all staff fairly and consistently
- provide information in writing to staff side on service change proposals
- ensure full consultation takes place regarding proposed changes
- arrange meetings with employees to ensure information sharing take place
- confirm changes in writing to staff
- use measures to avoid redundancy whenever possible
- ensure communication with staff
- document changes made and discussions undertaken
- listen to staff concerns and respond appropriately

5.5 Human Resources Department

The Human Resources department is responsible for the following;

- ensure advice and guidance is provided to managers, employees and staff side
- involved in all formal meetings involving consultation
- ensure that the legal obligations fulfilled
- maintain at risk register for staff identified at risk of redundancy
- advise on appropriate methods of selection criteria
- career counselling i.e. CV training, interview techniques

5.6 Health Work and Wellbeing

The Health Work and Wellbeing Department is responsible for the following:

- provide advice to managers and staff concerning health and wellbeing at work
- providing coping strategies for change
- advising managers on Stress Management Policy and risk assessments.

5.7 Staff Side

The staff side organisations are responsible for the following;

- raise any matters of concern informally before raising concerns under any formal process
- attendance at JNCC and LNC
- to work jointly with management to negotiate and consult on organisational changes proposed
- provide feedback on the view of employees affected throughout any change process

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- Consultation will be carried out with a view to seeking to reach agreement particularly in relation to ways of avoiding redundancies and minimising any consequences or effects that organisational change has on Trust employees.
- Providing advice and support to employees through the change process

5.8 Director of Human Resources

The Director of Human Resources has a responsibility to ensure all legislation in this area. In addition, the [ACAS Guidelines on How to Manage Change and Redundancy Handling](#) should be adhered to. Specific responsibility for areas such as auditing and monitoring may be delegated by the Director of HR to particular individuals within the function but the final responsibility remains with the Director. The senior management team in HR are responsible for escalating any areas of concern following monitoring to the HR Director who were necessary will highlight to the Board.

5.9 Workforce Council

The Workforce Council is responsible for monitoring the impact of the policy including any resulting equality issues on behalf of the Trust Board. Any issues of significant concern must be escalated up to the Trust Board.

6. Main Policy Information – Process and Procedure

THE CONSULTATION PROCESS

6.1 The Purpose of Consultation

When it is clear that any organisational change or other development will affect the workforce, then the employees concerned and their representatives will be consulted. The consultation should be meaningful and begin at the earliest opportunity.

Meaningful consultation will provide employees and their representatives with an opportunity to influence decisions and their application. It is best conducted when some attention has been given to alternatives, but they have not taken their final form.

Management should consult about any significant decision that is likely to affect the well-being of employees. Examples would include:

- strategic planning decisions, including the allocation of resources which have workforce implications;
- does the service directly link into another
- operational decisions that are likely to affect the job prospects, or job security of employees; and

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- all aspects of the immediate job environment, plus those parts of the individual employment relationship not subject to collective bargaining

In short, meaningful consultation is likely to improve the quality of management decisions, increase commitment and co-operation from employees and contribute to good employee relations.

6.2 Managing the Consultation Process

All staff are expected to engage in the consultation and engagement process to support the organisational change, and will be given opportunities to ask questions, either in team meetings or on a one to one basis.

Consultation will be conducted through the relevant staff organisations within the local operational area, see Appendix: 1 Flowchart showing consultation process.

6.3 Providing Relevant Information

To assist effective consultation Managers will, as a minimum, provide accredited Staff Representatives with the following information, in writing:

- the reason for the proposals;
- details of which staff are likely to be affected;
- the effect of the change/development on jobs, e.g. working arrangements/ practices, skills, workloads, staffing levels and/or the terms and conditions of employment of staff;
- any requirements for training/re-training; and
- the timetable for the proposed changes.

7. Managing Change when employees are not at risk of redundancy

As per paragraph 4.4 which explains the difference between reorganisation and redundancy many proposed changes in the organisation will not result in redundancies however many of the principles will remain the same namely that the organisation has an obligation to consult with staff over changes and ensure agreement reached. Please refer to Appendix 1 Flowchart showing consultation process.

In order for meaningful consultation to take place any managers wishing to make changes will ensure the following steps are followed;

- any proposed changes will be explained to employees and why they are necessary
- include staff side and HR in any discussions regarding proposals to seek advice and guidance

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- give written details of the proposed changes / terms and conditions and ask them to comment on them
- finalise the proposed changes including any comments as appropriate
- agreement reached and date set from when new changes take place this would be with reasonable notice
- if agreement cannot be reached then advice will be sought from the Human Resources Department regarding the process to be followed
- Consider if the changes will necessitate the use of other Trust policies

8. Managing and Identifying Potential Redundancies

The following sections provides detailed advice and guidance on all aspects of the redundancy process, including the requirement to consult, methods of avoiding redundancy, and dealing with compulsory redundancy. Please refer to Section 16 Redundancy Pay of the Agenda for Change Terms and Conditions of Service Handbook and the relevant Schedules of Medical & Dental Terms and Conditions.

8.1 Early Consideration

Any proposal for organisational change or other development should be carefully considered so that potential surpluses of employees are identified at the earliest possible opportunity. Any report concerning the proposal should incorporate details.

8.2 Identifying Employees at Risk of Redundancy

The first step in identifying posts for potential redundancy will be to question whether the proposals fulfil the definition of redundancy, as stated in paragraph 3.3 and in the relevant legislation.

The second step is to determine, in consultation with the recognised staff organisations, the pool of employees who are considered to be at risk, and from which the selection for redundancy will be made.

9. The Legal Requirement to Consult Where Redundancies Are Possible

Where organisational change may lead to staff being made redundant then the Trust has a legal obligation to inform and consult the relevant staff organisations representing the employees who it is proposed to make redundant, and to consult the individuals affected. Representatives will be given reasonable time off and be provided access to employees.

The legal duty to inform and consult appropriate representatives depends on the number of employees it is proposed to make redundant. If 100 or more redundancies are proposed, consultation must begin at least 45 days before the first dismissal takes place. If 20 or more but less than 100 redundancies

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are proposed, consultation must begin at least 30 days before the first dismissal takes effect. Although the trust has no legal obligation to consult collectively for less than 20 redundancies, we would consult with the appropriate staff side representatives.

In all cases, the Trust will inform and consult individual employees.

Employees who are potentially at risk of redundancy will be notified of this possibility, together with details of the steps that will be taken to seek to avoid redundancy, at the earliest opportunity.

The purpose of consulting with the recognised staff organisations in these circumstances will be to improve communications and achieve meaningful consultation and to try to:

- reach agreement on ways to avoid the redundancies;
- reduce the numbers to be made redundant;
- minimise the consequences of the redundancies; and
- agree selection criteria for redundancy.

Consultation with recognised staff organisations can take place locally within the relevant operational area but will be over the timescales dictated by the total number of redundancies that take place across the Trust. To assist effective consultation the Trust will, as a minimum, provide accredited Staff Representatives with the following information, in writing (please see Appendix 4 template form for service changes proposals to staff side):

- the reasons for the proposals;
- the numbers and descriptions of the employees whom it is proposed to make redundant;
- the total number of employees employed by the Trust at the site or in the service in question;
- the proposed method of selecting the employees who may be made redundant;
- the proposed method of notifying staff of the redundancies including the period over which the redundancies will take effect;
- the proposed method of calculating any redundancy payments to be made to those who may be made redundant;
- details of staffing levels in the area(s) affected by the proposals. This should include information on the numbers of employees in the area, including current vacancies against establishment broken down by grade, department, location, age, sex, ethnic origin and hours worked;
- any other relevant information such as details of turnover, absenteeism, overtime and investment plans, etc.
- details of the posts available and these must have a job description and person specification

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Guidance on the collation and presentation of this information will be discussed with the Human Resources Directorate and refer to the Managing Organisational Change Toolkit.

If, during the course of consultation, proposals about how to avoid or minimise the consequences of redundancies are acceptable to the Trust, the Trust will consult individual employees whom the proposals may affect before agreeing to them as the proposals might involve changes to an individual's contract of employment, and perhaps redeployment.

In addition to consultation with appropriate Staff Representatives, the individual employees affected by the change/development must also be consulted. Failure to do so could render the Trust liable to unfair dismissal claims. The Trust will abide by the relevant statutory procedures when dismissing an employee on the grounds of redundancy following a Consultation/Org Change Process and/or in any grievance process that might arise out of the changes.

10. Methods of Avoiding Redundancy

The following measures will be utilised in an effort to avoid or minimise redundancies. While it is recognised that not every measure will be appropriate to every situation, it is expected that all of the options set out will be actively explored before any employee is dismissed on the grounds of redundancy.

10.1 Slotting In

Where there is no requirement to reduce staff numbers and/or where the substantive duties, grade, hours of work, salary and other terms and conditions of employment of the post-holder are wholly or mainly the same, employees will be automatically slotted in to the new structure.

10.2 Matching People to Posts

Where an employee surplus has been identified, consultation will take place to consider what steps can be taken to avoid redundancies. These will include a review of turnover rates, overtime being worked, the possible introduction of restrictions on recruitment, a review of the use being made of contract staff, the consideration of retirements and early retirements and the possibility of suitable or acceptable redeployment and/or retraining employees likely to be affected.

Where a surplus remains after taking the above steps, there will, in situations requiring a restructuring of the organisation, be a process of competitive interview and selection into posts in the new structure against predetermined and agreed criteria, which will be documented on a Person Specification.

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In the situation of a change of Bands within a Department, the remaining staff within that Department will have the first opportunity to apply for the other posts available in the Department.

In other circumstances, for example, where fewer employees are required to carry out work of a particular type, but which does not involve restructuring, then selection criteria will be established in order to determine which employees will be selected for redundancy.

The responsibility for determining the pool of employees affected and fair selection criteria for redundancy rests with Management. Every reasonable effort will be made, however, to agree selection criteria in advance of any decision to declare redundancies. The criteria should be fair and objective, and should include length of service, experience, qualifications, disciplinary records, standards of performance and sickness records (excluding disability absences). The needs of the service must be balanced with the wishes of the employees concerned. In particular, the aim should be to ensure that the essential and desirable expertise that exists within the Trust is retained.

The pool of employees will be restricted to employees at the substantive or equivalent grade of the post(s) concerned and are substantially based within the service, or category of posts, affected by the change.

10.3 Staff Who Are Pregnant or On Maternity Leave and Affected By Organisational Change

Staff who are pregnant or on maternity leave and affected by organisational change, are entitled to special considerations to ensure they are not disadvantaged or discriminated against. Failure to consult a member of staff on maternity leave is unlawful. In redundancy situations, a suitable alternative position should be offered to the member of staff if a position is available. If, as part of the organisational change process, an interview or assessment process is required, reasonable steps should be taken, i.e. give sufficient notice, ensure the staff member is aware of developments at work, consider alternative venues for the process to occur, consider previous interview processes if within a reasonable amount of time.

If an employee does not meet the essential criteria of the person specification, or applies and fails to secure a post at the equivalent level in the new structure, then they may apply to be considered for other posts in the structure or other equivalent level posts within the Trust, (provided this does not have the effect of unfairly displacing other employees).

10.4 Redeployment

Vacancy management

To assist the redeployment process, the normal vacancy advertising processes may be suspended. No vacancy or new post will be open to competition

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internally or externally until employees at risk of redundancy and available for redeployment have been considered for such posts.

In exceptional circumstances, dispensation to advertise internally or externally will be made by the Director of Human Resources. Where permission is granted, the Staff Side Chairperson/Staff Side Secretary will be advised accordingly.

10.5 At Risk Register

The Human Resources Department will maintain a register of employees at risk of redundancy and employees will be notified when they are entered on to the register. The register will contain information on the individual's preferences for redeployment in addition to basic personal information. Employees on the register will be advised of suitable posts elsewhere in the Trust. Where appropriate, posts will be advertised on a restricted basis to those employees on the register only.

Staff who are "At Risk" and placed on the Redeployment process are advised of vacancies by their HR Business Partner/ Recruitment colleagues. Posts will be advised to employees on the 'At Risk Register' and advertised internally at the same time, followed by external advertisement if necessary. Employees on the 'At Risk Register' must be considered prior to other internal applicants. Such preferential consideration means assessment against the essential criteria for the vacancy without competition, except from other redeployment candidates.

An individual on the Redeployment register may also apply at the external advert stage and up to the date of any interview.

10.6 Identifying Preferences for Redeployment

In considering redeployment, employees at risk of redundancy and available for redeployment, with the support of an accredited Staff Representative, or workplace colleague, if required, should be interviewed by the Manager/Human Resources representative to establish:

- the degree of flexibility/personal aspirations
- transferable skills
- ability to work any other hours or at other locations
- options for alternative employment and
- personal constraints

10.7 Interviews for Alternative Posts

A selection interview is guaranteed whenever an employee at risk of redundancy meets the essential requirements outlined in the Person Specification of an available post, or could do so within a reasonable period. This interview will take place in advance of any open competition for the post.

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Employees will be interviewed against the Person Specification and the most suitable candidate will be offered the post. Unsuccessful candidates will have a right to request the reasons for non-selection. If the Manager is unable to make an appointment then s/he must be able to justify this decision before the recruitment process can continue.

10.8 Suitable Alternative Employment

When a redundancy situation arises, all efforts will be made to find suitable alternative employment either within the Trust, or with other NHS employers, in accordance with the relevant Terms and Conditions of Service.

Suitable alternative employment will be defined in terms of pay, working hours, status, band, the way the work is carried out and location. It must also be suitable to the individual's circumstances. In considering whether a post is suitable alternative employment, regard should be made to the personal circumstances of the employee, though employees will be expected to show some flexibility.

In certain circumstances and, in order to ensure that an alternative post does constitute a "reasonable offer of suitable alternative employment" the Trust may, at its discretion, instigate the protection provisions as set out in the Trust's Pay Protection Policy.

Where an employee unreasonably refuses an offer of a suitable alternative post, or, although advised, fails to apply for a suitable alternative post, either in the Trust or elsewhere in the NHS, then s/he shall be deemed to have refused suitable alternative employment and will jeopardise her/his entitlement to redundancy compensation.

Any individual employee aggrieved by a decision as to the suitability of alternative employment may raise the matter at Stage 2 of the Trust's Grievance Policy and Procedure.

Where an employee voluntarily applies for and subsequently accepts a post on a lower salary/wage and/or less favourable terms and conditions of service then s/he will not be redundant and will not, therefore, be entitled to a redundancy payment.

No individuals should gain promotion through the redeployment process. Promotion may only be achieved through an appropriate selection/assessment process.

10.9 Trial Periods

A trial period is required if an offer of suitable alternative employment is made to an employee who would otherwise be made redundant. The trial period is for a maximum of four weeks. The Trust will provide the employee with

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written confirmation of the duration of the trial period. If, during the trial period, the employee reasonably decides to reject the post, or Management feel that they are unsuitable for the post, s/he will not forfeit her/his right to a redundancy payment.

If an employee who would otherwise be declared redundant wishes a trial period in a post that would not be regarded as suitable alternative employment, the employee would not forfeit her/his redundancy payment if s/he terminated the contract of employment during the trial period for whatever reason.

The terms of the trial period and the subsequent arrangements (e.g. the mechanisms for assessment and review; issues such as protection of pay should the trial period be a success), will be confirmed, in writing, with the employee prior to commencement. In all cases, the employee will remain employed on her/his substantive terms and conditions of employment throughout the duration of the trial period.

In certain circumstances if an employee refuses to accept the changes to their terms and conditions following an appropriate notice period, the employee may be given notice of termination of their contract of employment and offered re-engagement on the new terms. If the employee then refuses the offer of re-engagement, their contract of employment will be terminated. This course of action will only be taken following full consideration of the individual's ability to undertake the new terms and should only be considered following advice from an appropriate HR representative.

10.10 Voluntary Redundancy and Early Retirement

Before compulsory redundancies are considered, the Trust will invite applications from amongst staff for voluntary redundancy and/or early retirement. The "catchment area" from which volunteers will be considered will be discussed with the relevant staff organisations during the consultation process. Employees will normally be given a period of four weeks within which to consider applying and will be provided with all the necessary information, including information about compensation and/or pension benefits, to enable them to make a judgement.

The Trust reserves the right to decline to accept a volunteer for redundancy. No consideration will be given to the possibility of compulsory redundancies whilst there are outstanding applications for voluntary redundancy.

Where there are more applications for voluntary redundancy than are needed to cope with the problem, volunteers will be selected in accordance with predetermined criteria.

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10.11 Pension Contributions

Staff who are redeployed to a lower banded post will be advised individually in writing of their right to preserve their existing pension contributions at their previous rate and how they may go about instigating this. New pension contributions will then accrue from the date of the start in the new (lower) banded role.

11. Compulsory Redundancy

11.1 Notice Periods

Where compulsory redundancies remain unavoidable, having exhausted all of the measures set out above, the employees affected will be interviewed by their Line Manager and will be given the maximum possible notice of dismissal. As a minimum, the notice period will be:

Either the contractual notice as detailed in their Written Statement of Terms and Conditions of Service;

or one week's notice for each year of reckonable continuous service up to a maximum of twelve weeks.

Employees will receive the most beneficial notice period under the above options.

The Trust and employee(s) are required to advise NHS Improvement (NHSI) of any potential redundancies and adhere to their guidelines in relation to payments. This includes submission of evidence to the NHSI and/or HM Treasury for payment approvals.

11.2 Staff Support and Counselling

Many employees may require help to make the change. Local programmes of support should be developed and resourced to meet, as appropriate, the personal and professional needs of employees.

- Take reasonable time off with pay to look for another job, or to arrange training for future employment.
- Individual counselling should be made available on a confidential basis to help employees to cope with the implications of change.
- Secondment opportunities for unplaced employees should be identified, considered and discussed with the individual where this is in the best interest of both the organisation and that individual.
- Appropriate career counselling and support, including CV training, interview and self-marketing skills, should be available, if necessary, to all affected employees during the period of change.

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- The employee should also be advised to seek the advice and guidance of his/her accredited Staff Representative who may be able to offer further support.
- Released from the Trust's employment early if they are successful in finding a new job with another employer.

11.3 Re-training

Where appropriate, employees should be offered the opportunity to undertake new roles and responsibilities and will be given the opportunity of appropriate training. Priority will be given to re-train or re-deploy "unplaced" employees to other posts within the Trust.

11.4 Redundancy Payments

Employees made redundant, whether by volunteering, or being compulsorily declared redundant, will receive a severance payment calculated in accordance with the relevant Trust Terms and Conditions of Service, details of which are available for reference from the Human Resources Directorate.

12. Grievances and Right of Appeal

An employee who is aggrieved by the interpretation or application of this policy as it affects them is entitled to access the Grievance Policy and Procedure.

Any member of staff dismissed under this policy has a right to appeal against the decision. Any such appeal has to be logged within 7 days in writing of the letter of notice.

13. TUPE Transfers

TUPE transfers as defined under the Transfer of Undertakings (Protection of Employment) Regulations can occur where there is a 'business transfer' or there has been a 'service provision change'. TUPE transfers can be complex situations and will be reviewed on a separate basis dependent upon its particular set of circumstances. Legal advice will always be sought in such situations.

As defined under the Regulations a 'relevant transfer' is when:

- A business, undertaking or part of one is transferred from one employer to another as a going concern (a circumstance defined for the purposes of this guidance as a 'business transfer'). This can include cases where two organisations cease to exist and combine to form a third;
- When a client engages a contractor to do work on its behalf, or reassigns such a contractor – including bringing the work 'in-house' (a circumstance defined as a 'service provision change').

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Where a service provision is transferred in or out of the organisation, St Helens and Knowsley NHS Trust will abide by the TUPE Regulations which preserves employees' terms and conditions.

This means that employees employed by the previous employer (the 'transferor'), when the transfer takes effect, automatically become employees of the new employer (the 'transferee') maintaining their previous terms and conditions of employment.

TUPE transfers will be dealt in accordance with TUPE Regulations 2006.

14. Monitoring Compliance

The HR Business Partners are responsible for the monitoring of compliance to ensure the effective use of the policy and enable action plans to be produced where are trends or specific remedial steps are required e.g. where concerns are raised at appeals or from the trade unions that the processes are not being followed.

Performance Management of the Policy

Aspect of compliance or effectiveness being monitored	Monitoring method	Individual responsible for the monitoring	Frequency of the monitoring activity	Group / committee which will receive the findings / monitoring report	Group / committee / individual responsible for ensuring that the actions are completed
No staff have worked without a valid professional registration	Monitoring the process of Organisational Reviews and Review any Concerns raised by managers and/or TUs	Head of HR	Annually	Workforce Council	Head of HR

15. Equality Analysis

"St Helens and Knowsley Teaching Hospitals NHS Trust is committed to creating a culture that promotes equality and embraces diversity in all its

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functions as both an employer and a service provider. Our aim is to provide a safe environment, free from discrimination, and a place where all individuals are valued and are treated fairly. The Trust adheres to legal requirements and seeks to mainstream the principles of equality and diversity through all its policies, procedures and processes.

The Trust takes a zero tolerance approach to all forms of discrimination, harassment and victimisation and will make every effort to ensure that no patient or employee is disadvantaged, either directly or indirectly, on the basis that they possess any of the “protected characteristics” as defined by the [Equality Act 2010](#) . The protected characteristics are as follows: - race; disability; sex; religion or belief; sexual orientation; gender reassignment; marriage and civil partnership; pregnancy and maternity; and age.

This policy will be implemented with due regard to these commitments.

All authors of policy documents must include a completed Equality Analysis Stage 1 screening. Policy authors must refer to the Trust’s Equality and Human Rights Policy (2017) and the Equality Analysis Toolkit and associated guidance documents (Stage 1 and Stage 2) available on the Intranet.

Equality Analysis for this policy

The screening assessment must be carried out on all policies, procedures, organisational changes, service changes, cost improvement programmes and transformation projects at the earliest stage in the planning process to ascertain whether a full equality analysis is required. This assessment must be attached to all procedural documents prior to their submission to the appropriate approving body. A separate copy of the assessment must be forwarded to the Patient Inclusion and Experience Lead for monitoring purposes. Cheryl.farmer@sthk.nhs.uk. If this screening assessment indicates that discrimination could potentially be introduced then seek advice from the Patient Inclusion and Experience Lead. A full equality analysis must be considered on any cost improvement schemes, organisational changes or service changes which could have an impact on patients or staff.

Equality Analysis			
Title of Document:		Managing Organisational Change	
Date of Assessment	08/01/2020	Name of Person completing assessment /job title:	Diana Lewis
Lead Executive Director	Director of Human Resources		HR Business Partner
Does the proposal, service or document affect one group more or less favourably than other group(s) on the basis of their:		Yes / No	Justification/evidence and data source
1	Age	No	Click here to enter text.
2	Disability (including learning disability, physical, sensory or mental impairment)	No	Click here to enter text.
3	Gender reassignment	No	Click here to enter text.
4	Marriage or civil partnership	No	Click here to enter text.
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5	Pregnancy or maternity	Yes	Staff who are pregnant or on maternity leave and affected by organisational change, are entitled to special considerations to ensure they are not disadvantaged or discriminated against. See Section 10.3
6	Race	No	Click here to enter text.
7	Religion or belief	No	Click here to enter text.
8	Sex	No	Click here to enter text.
9	Sexual Orientation	No	Click here to enter text.
Human Rights – are there any issues which might affect a person’s human rights?		Yes / No	Justification/evidence and data source
1	Right to life	No	Click here to enter text.
2	Right to freedom from degrading or humiliating treatment	No	Click here to enter text.
3	Right to privacy or family life	No	Click here to enter text.
4	Any other of the human rights?	No	Click here to enter text.
Lead of Service Review & Approval			
Service Manager completing review & approval		Kate O’Driscoll	
Job Title:		Head of HR	

16. Training

The Human Resources Department will ensure that appropriate briefings, guidance and support are available to both management and staff in regard to the operation of this policy and it will be communicated via Team Brief and made available for all staff on the Trust Intranet.

FURTHER REFERENCES

NHS Employers – Supporting change pages there are a number of useful guides for managers to use

<http://www.nhsemployers.org/workforce/workforce-1079.cfm>

CIPD www.cipd.co.uk

ACAS www.acas.org.uk

Contact Details

Staff Side Chair

x1852/4225

Human Resources Department

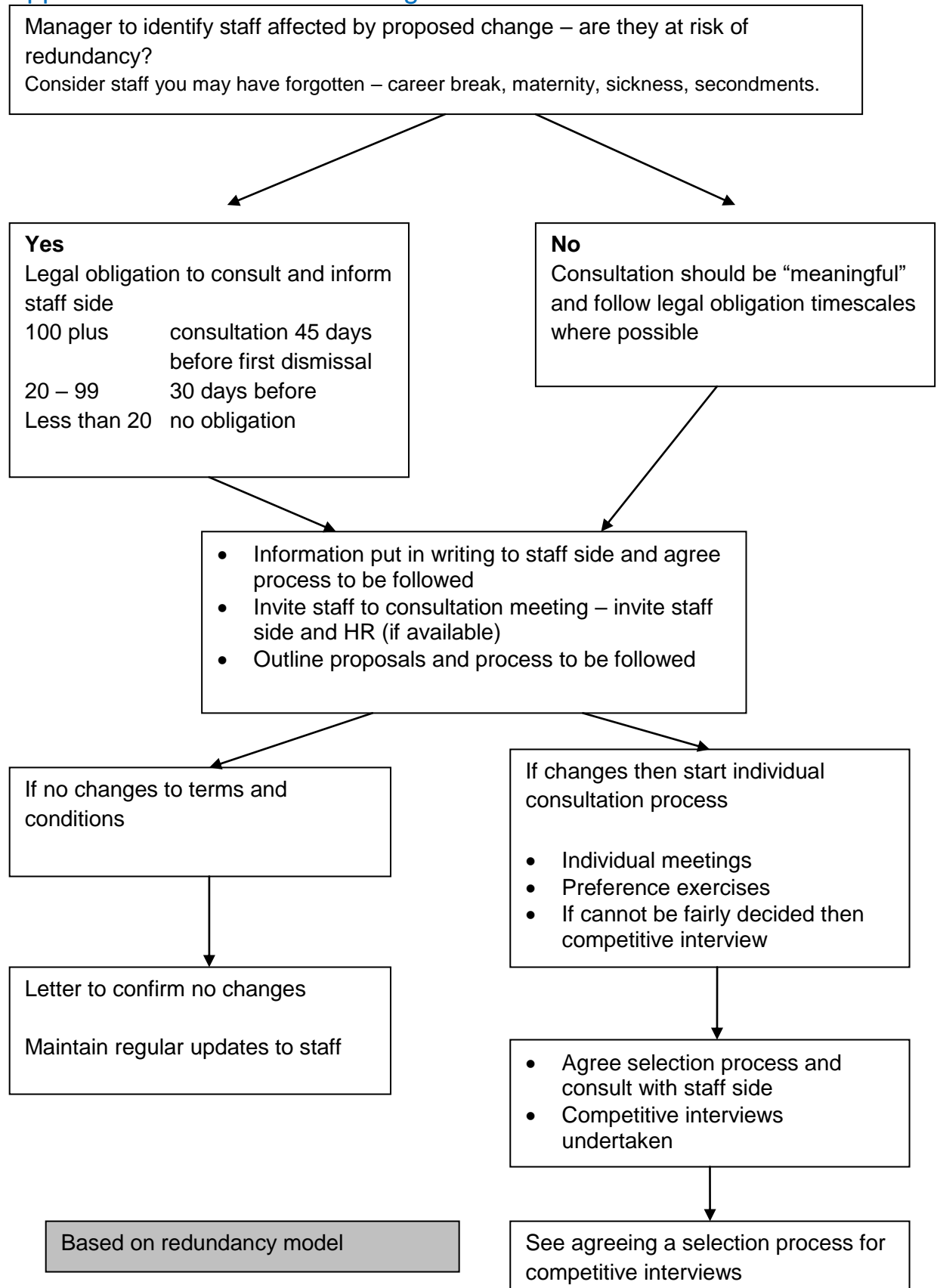
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Health, Work and Wellbeing Department

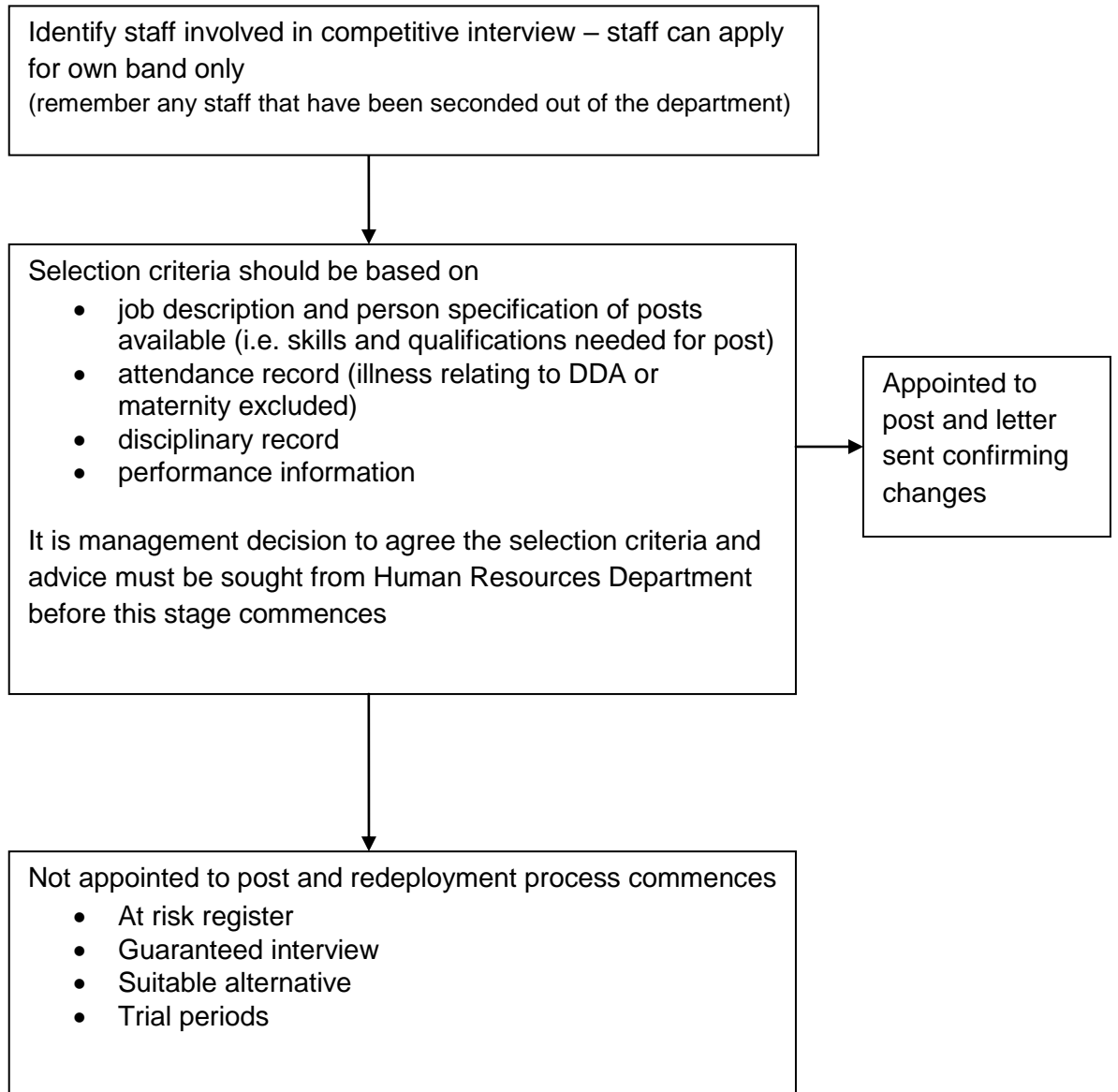
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Appendix 1 – Flowchart Showing Consultation Process



Appendix 2 – Agreeing a selection process for competitive interviews



Appendix 3 – Redundancy Process

Identify employees at risk - does the proposal fulfil the redundancy criteria?

In consultation with staff side determine the pool of employees at risk – restricted to substantive or equivalent band of posts and substantially based in service or category of posts affected by changes.

Legal obligation to inform and consult with staff side and adhere to consultation timescales

- If 100 or more then consultation must take place 45 days before first dismissal takes place
- If 20 – 99 then must take place 30 days before the first dismissal takes place
- If less than 20 proposed then no legal obligation to consult collectively.

Employees must be notified of the risk of redundancy and steps that will be taken to

Consultation can take place locally but will relate to timescales for the total numbers of redundancies across the Trust.

Information must be put in writing to staff side.

Proposals about how to avoid or minimise redundancies will be consulted collectively and with individual employees as these may involve changes to contracts of employment

How can we avoid redundancies?

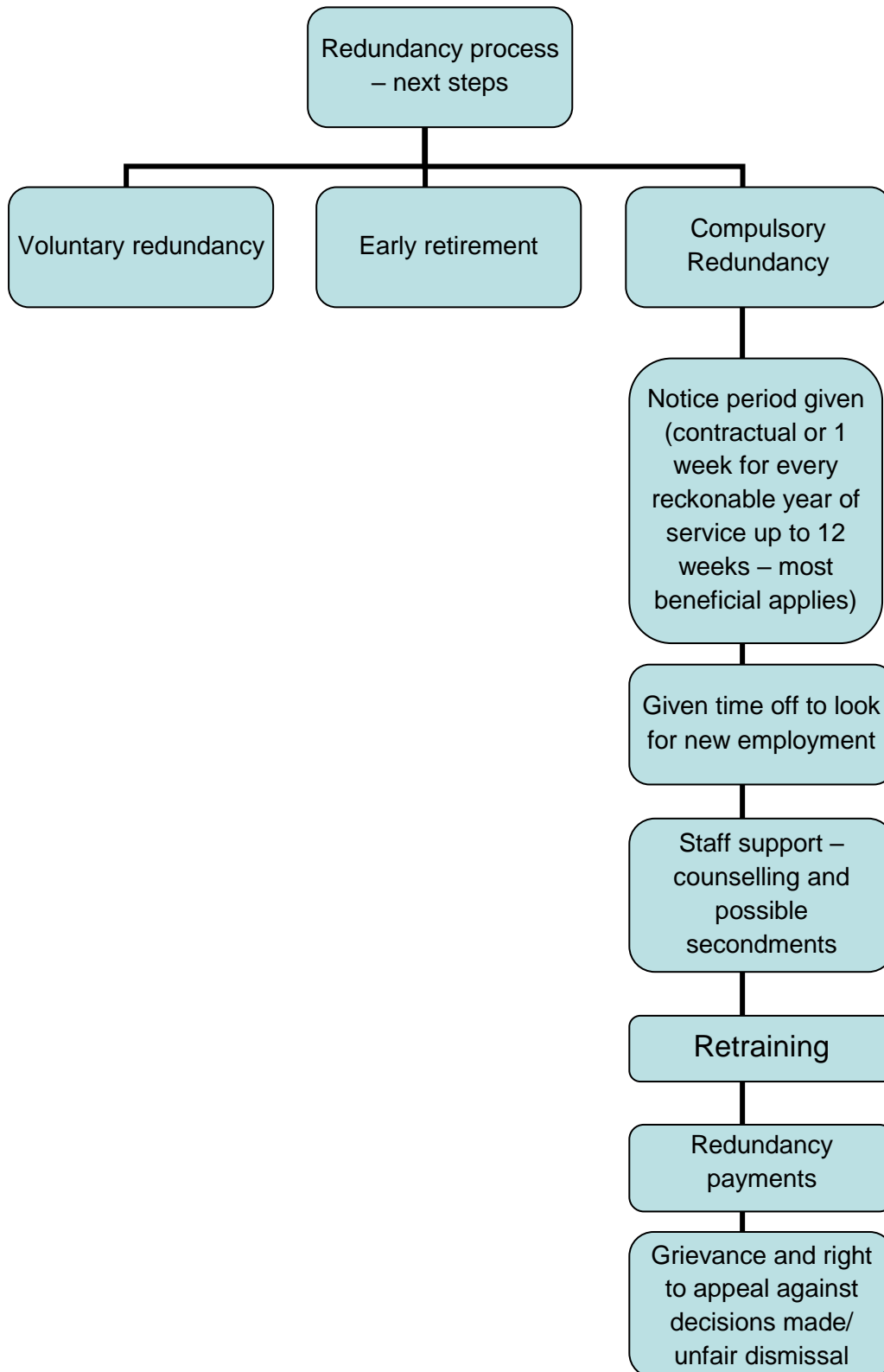
- Workforce planning
- Slotting in – when no requirement to reduce numbers or where T&Cs are whole or mainly the same.
- Review staffing levels - turnover, overtime, recruitment restrictions, temporary staff, retirements /early retirements and suitable redeployments.
- Competitive interviews and agree selection processes.

Redeployment

- Clearing house process where at risk staff will be considered for vacancies first
- Identified preferences for individuals
- Career counselling
- At risk register
- Selection interview guaranteed when meet essential criteria
- Suitable alternative posts
- Trial periods – minimum 4 weeks

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Redundancy Process (Continued)



Appendix 4 – St. Helens and Knowsley Teaching Hospitals

Template form for service change proposals to staff side

Manager name	
Services/ department proposals relate to	
Date completion of form	

Proposal for xxxxx

Introduction and Background

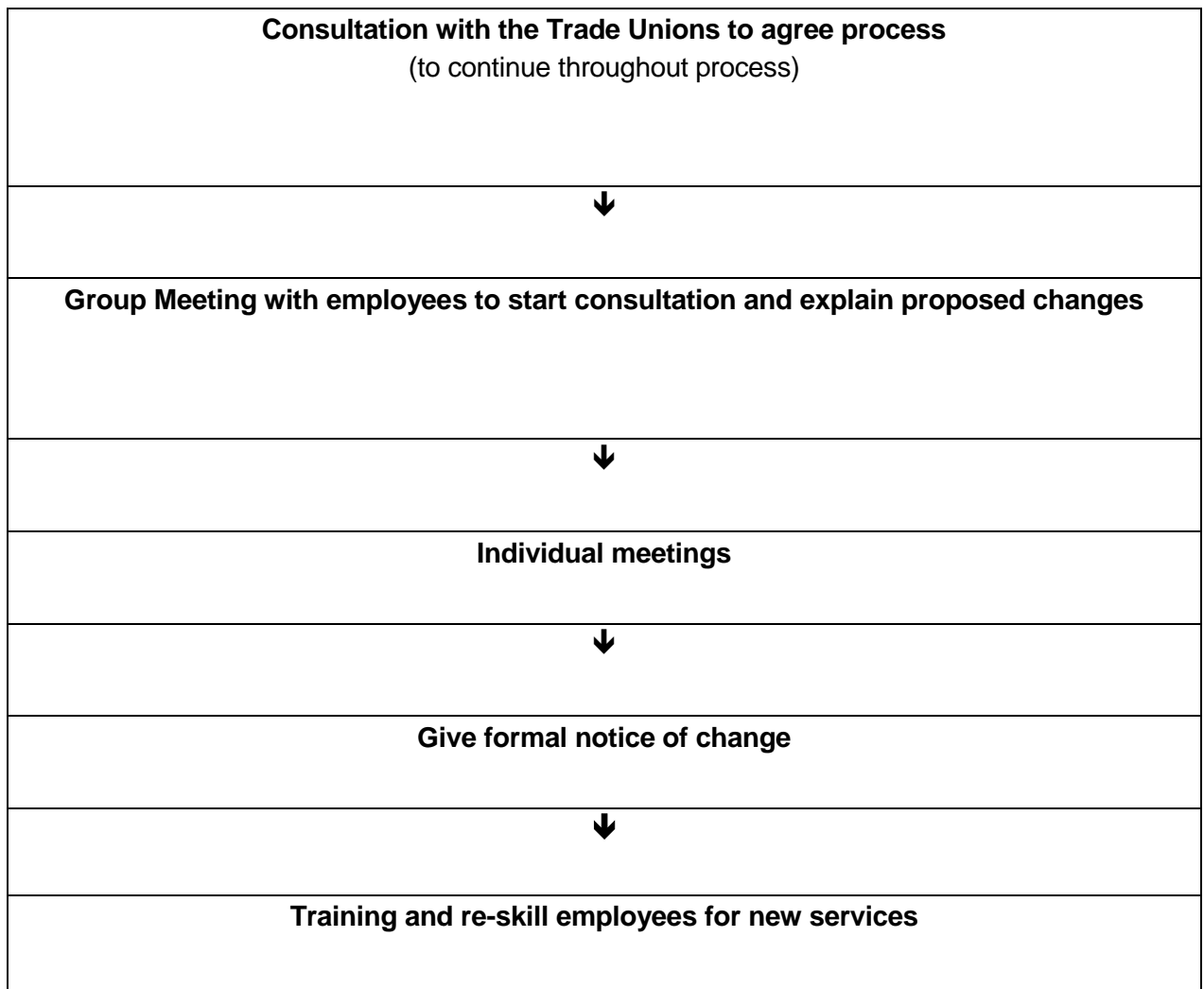
Give a few lines on the service and why looking at making changes

Proposed Changes

Details on the proposed changes and number of staff who would be affected

- *the reasons for the proposals;*
- *the numbers and descriptions of the employees whom it is proposed to make redundant;*
- *the total number of employees employed by the Trust at the site or in the service in question;*
- *the proposed method of selecting the employees who may be made redundant;*
- *the proposed method of notifying staff of the redundancies including the period over which the redundancies will take effect;*
- *the proposed method of calculating any redundancy payments to be made to those who may be made redundant;*
- *details of staffing levels in the area(s) affected by the proposals. This should include information on the numbers of employees in the area, including current vacancies against establishment broken down by grade, department, location, age, sex, ethnic origin and hours worked;*
- *any other relevant information such as details of turnover, absenteeism, overtime and investment plans, etc.*
- *details of the posts available and these must have a job description and person specification*

Proposed Consultation Process



Appendix 5 – Quality Impact Assessment

Name of scheme											
Reference											
Directorate											
Indicative value of scheme											
Saving recurrent or non-recurrent											
Proposed start date											
Quality Impact Assessment											
Area	Y/N	Risk Description	Initial Assessment				Post Mitigation				KPI Monitoring
			Impact	L	C	Rating	Mitigation	L	C	Rating	
Impact on duty of quality (CQC/constitutional standards)											
Impact on patient safety											
Impact on clinical outcomes											
Impact on patient experience											
Impact on staff experience											
Care Group Sign Off											
Name		Position / Job Title				Signature & Date					
		Care Group Medical Director									
		Care Group Nurse Director									
		Care Group Operations Director									
Committee Review											
Committee	Date	Status	Comments and Date of Committee Meeting								
Workforce Development											
Workforce Council											
Quality Committee											
Trust Management Board											
Medical Director / Director of Nursing Authorisation											
Name		Position / Job Title				Signature & Date					
		Medical Director									
		Director of Nursing									