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| **Document name:** | Organisational Change Policy and Procedures |
| **Document type:** | Policy/Procedure |
| **Staff group to whom it applies:** | All staff within the Trust |
| **Distribution:** | The whole of the Trust |
| **How to access:** | Intranet and website |
| **Reviewed:** | August 2022 |
| **Next review:** | August 2025 |
| **Approved by:** | Executive Management Team on 18 August 2022 |
| **Developed by:** | HR in conjunction with Employment Policy Group consisting of Managers, HR and Staff Side Representatives |
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| 1. **1.**
 | **INTRODUCTION** |
|  | 1.1 | The aim of this policy is to seek to handle all change in a sensitive and constructive manner taking all reasonable steps to avoid or minimise unnecessary reorganisation, displacement of staff and job losses. To ensure employees understand the reason for change and are engaged throughout the process. To minimise anxiety and disruption to employees during change and work in partnership with staff representatives.  |
|  | 1.2 | The Trust will follow best practice in the management of organisational change complying with current legislation and ACAS Codes of Good Practice. |
|  | 1.3 | This Policy and Procedure will apply to all staff employed by the Trust. All employees will have the right to representation at all formal meetings by their trade union representative or a fellow worker not acting in a legal capacity. |
|  | 1.41.5 | This policy does not cover the transfer of whole services to another employer which will be covered by the Transfer of Undertakings (Protection of Employment) Regulations 2006 as amended by the Collective Redundancies and Transfer of Undertakings (Protection of Employment) (Amendment) Regulations 2014 (TUPE). The Trust has separate guidance relating to TUPE and further advice may be sought from Human Resources.It is noted that on occasions there are external decisions that impact on services and staff e.g. decommissioning of services. |
|  | **PURPOSE** |
|  | The purpose of this policy is to: |
|  | 2.1 | Ensure there is a clear rationale for proposed changes, making every effort to retain skilled and valued employees in order to provide high quality and accessible services. |
|  | 2.2 | Ensure that change is managed in a planned, transparent and consistent way. |
|  | 2.3 | Ensure robust and thorough staff engagement, involvement and participation throughout the process of change from the very beginning, providing sufficient and timely information to enable staff and their representatives to make a proper and informed contribution. |
|  | 2.4 | Endeavour to prevent compulsory redundancies by providing sufficient time and opportunity to explore options to find suitable alternative employment. |
|  | 2.5 | Ensure job vacancies, classed as suitable alternative employment, are offered to appropriate staff at risk. |

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|  | **SUPPORT FOR EMPLOYEES AFFECTED BY CHANGE** |
|  | 3.1 | The Trust recognises that change can be difficult for employees to deal with, but this may be more stressful if there is a possibility of employees being displaced from their current post and moved into an alternative post. The Trust will support staff through this transition to minimise job losses. |
|  | 3.2 | An employee pack for those affected by change, where redundancy is a likely outcome, has been prepared and is available in the document store on the Trust’s intranet titled, Organisational Change Policy – Employee Guidance. **For staff who are on long term absence from work for whatever reason a copy will be sent to them individually**  |
|  | **DEFINITIONS**  |
|  | 4.1 | **Organisational Change** |
|  |  | Organisational change means any workforce or managerial change in the organisation which may affect the working arrangements/priorities, skills, workload, staffing levels and/or terms and conditions of employment. |
|  | 4.2 | **Engagement** |
|  |  | Involve staff and Trade Unions in Trust internal decisions, ideas and discussions of service design change and communicating with them throughout the initial periods prior to formal consultation. Where decisions are made externally to the Trust e.g. by commissioners, staff and trade unions will be kept up to date with information as soon as possible after the trust is aware of it.  |
|  | 4.3 | **Consultation** |
|  |  | Consultation provides an opportunity for employees affected by organisational change and their recognised trade union representatives, to discuss their concerns with management, explore other options and put forward alternative proposals within a given timescale. The Trust will follow the consultation periods below: |
|  | **No significant changes to staff terms and conditions e.g. minor changes to working practices** | **Engagement of a minimum of 2 weeks\* should be undertaken** **\*or less where there is mutual agreement** |
|  | **Significant changes with no redundancy** | **30 days consultation\*****\*or less where there is mutual agreement** |
|  | **Significant changes with redundancy (with up to 99 employees to be made redundant in the Trust)** | **30 days formal consultation** |
|  | **Significant changes with potential redundancy (with 100 or more redundancies in the Trust)** | **45 days formal consultation** |
|  | Where the changes result in the ending of a service/part of a service, consultation with service users and carers must be undertaken prior to commencing staff consultation. |
|  | 4.4 | **TUPE**  |
|  |  | TUPE regulations apply when a service or part of a service moves to a new organisation or mergers with another organisation to make a new employer. |
|  | 4.5 | **Decommissioning**  |
|  |  | Decommissioning is a decision made by the commissioning body of a service to cease or end a service or part of a service.  |
|  | 4.6 | **Recognised Trade Unions** |
|  |  | For the purposes of collective consultation and negotiation a recognised trade union refers to one of the trade unions named in South West Yorkshire Partnership NHS Foundation Trust’s Social Partnership Agreement. The relevant recognised trade union(s) will be involved in the consultation with SWYPFT and its employees.  |
|  | 4.7 | **At Risk**At risk refers to a post declared as being ‘at risk’ of being removed from the structure with the potential of an employee being made redundant should no suitable alternative employment be found. |
|  | 4.8 | **Likely to be At Risk**Posts declared likely to be ‘at risk’ occurs where a change is proposed at a future tentative date with a likely outcome of posts being removed from the structure. Consequently, it is unclear at the present which posts/postholders will ultimately be affected.  |
|  | 4.9 | **At Risk Register**This is a database upon which all SWYPFT employees that are declared ‘at risk’ or, have been given notice of redundancy will be placed in order to provide the opportunity to explore all options of suitable alternative employment. Every attempt to secure suitable alternative employment will be made in an effort to avoid redundancy. |
|  | 4.10 | **Suitable Alternative Employment**Suitable alternative employment refers to a post that is deemed to be a reasonable alternative to the employee’s original post, in terms of band, hours and terms and conditions and locations. Suitable alternative employment must always be sought before redundancies are made. |
|  | 4.11 | **Vacant Post**Is a post that is funded but does not have a post holder in situ. |
|  | 4.12 | **Protection of Pay** |
|  |  | Protection of pay is payable to an employee who, as a consequence of organisational change, is required to move to suitable alternative employment with a lower salary/remuneration or, with a reduction in basic hours worked within a standard working week or reduced unsocial hours etc. |
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| **Short Term Protection** |
| Short term protection of earnings is where the banding of the new post is thesame as the post prior to organisational change, but earnings have reducede.g. hours or unsocial hours have reduced. |
| **Long Term Protection** |
| Long term protection of earnings is where the basic salary has reduced as thebanding of the new post is lower than the post before organisational change. |

 |
|  | 4.13 | **Excess Travel** |
|  |  | Employees, who are required to change their base of work as a result of being offered a suitable alternative post, which requires travelling further to work, may be entitled to reimbursement of their extra daily travelling expenses from the date of transfer (see Appendix 4).**Lease Cars**Employees who have a lease car and are subject to organisational change have the option to return the car without incurring an early redemption penalty. Any other additional lease car costs such as excess mileage or damage will be payable as per the employee lease car contract.For further information regarding lease car contracts please contact the Fleet department on 01924 316010.Lease car users are entitled to claim excess mileage where appropriate, however, due to HMRC Regulations this will incur a fuel benefit charge. For further information please contact Payroll on 01226 644079 as the HMRC guidance changes annually. |
|  | 4.14 | **Selection Pool**The selection pool is the group of posts/postholders that have been identified ‘at risk’ and from which a number of posts will be removed from the structure with staff unable to remain in their current post). |
|  | 4.15 | **Continuous Service*** To qualify for a redundancy payment an employee must have at least two years of continuous full-time or part-time service. For the purpose of determining eligibility for redundancy pay, previous continuous employment with different NHS employers may be counted as long as there has not been a break of a week or more (measured Sunday to Saturday) between any periods of employment.
 |
|  | 4.16 | **Reckonable Service** |
|  |  | * Reckonable service for the purposes of an NHS redundancy payment, which is calculated on the basis of the service up to the date of termination of the contract, means continuous full-time or part-time employment with the present or any previous NHS employer but with the following additions:
	+ Where there has been a break in service of 12 months or less, the period of employment prior to the break will count as reckonable service.
	+ Periods of employment as a trainee with a general medical practitioner, in accordance with the provisions of the Trainee Practitioner Scheme, will count as reckonable service.
	+ Periods of employment outside of the NHS, where these are judged to be relevant to NHS employment may be included as reckonable service, provided this was agreed upon commencement of employment and reflected in the statement of terms and conditions with SWYPFT
* The following employment will not count as reckonable service:
	+ Employment that has been taken into account for the purposes of a previous redundancy, or loss of office payment by an NHS employer;
	+ Where the employee has previously been given NHS pension benefits, any employment that has been taken into account for the purposes of these pension benefits.
 |
|  | **RESPONSIBILITIES** |
|  | 5.1 | **Responsibility of the Trust Board** |
|  |  | The Trust Board will ensure that: |
|  |  | * The policy is implemented appropriately throughout the Trust.
 |
|  | 5.2 | **Responsibility of Managers** |
|  |  | Managers are responsible for: |
|  |  | * Ensuring the policy and procedure for managing organisational change is followed, promoting a culture of good involvement, communication and job security with staff **and** their representatives.
* Involving staff in the development of planned changes.
* Liaising, engaging and consulting with trade unions and staff representatives to avoid job losses and maintain job security.
* Liaising with trade unions and staff representatives to arrange appropriate consultation and engagement meetings.
* Where there is significant change, undertake an Equality Impact Assessment to help identify any potential risks.
* Work in conjunction with the Human Resources Department where change is necessary.
* Give appropriate support to staff whose post will be affected. With their employees, comply with the ‘at risk’ process. Ensure all suitable job vacancies are considered as alternative employment.
* Ensure any redundancy is a last resort.
* Ensure that all at risk candidates receive preferential employment over other internal and external candidates as detailed in the policy and procedure.
 |
|  | 5.3 | **Responsibility of the Human People Directorate** |
|  |  | It is the responsibility of the People Directorate to: |
|  |  | * Provide coaching, on-going support and advice for all relevant managers, in the application of the policy.
* Contribute and give advice to managers who are undertaking organisational change, particularly on avoiding job losses.
* Manage the At Risk Register and ensure posts considered as potentially suitable alternative employment, are identified for employees on the register.
* Complete the statutory HR1 form as required.
* Ensure that the policy is developed and updated.
 |
|  | 5.4 | **Responsibility of Recognised Trade Unions** |
|  |  | It is the responsibility of trade union representatives to: |
|  |  | * Ensure that the views and opinions of their members are conveyed to the appropriate Senior Manager, particularly to avoid job losses.
* On behalf of their members, ensure that the principles of this policy are adhered to, ensuring all practices are conducted in an equitable, transparent and consistent manner.
* To fully co-operate and formally respond in a timely manner, in any communication, engagement and consultation of organisational change.
 |
|  | 5.5 | **Responsibility of Employees** |
|  |  | * All staff must adhere to this policy and ensure they are aware of its content.
* Staff must **complete at risk paperwork and** fully participate in all attempts to find suitable alternative employment as necessary.
* Staff must make arrangements with their representative when requiring representation at meetings.
 |
|  | **METHODS TO AVOID THE RISK OF COMPULSORY REDUNDANCY** |
|  | 6.1  | The Trust views job security as paramount and **All** reasonable and practical measures will be considered` in an effort to avoid compulsory redundancies. The measures may include: |
|  |  | * Workforce planning, anticipating changes in advance of the requirements and putting timely measures in place.
* Evaluating the need to fill a vacant post, the skills required etc. andnot just recruiting like for like.
* Reduction in the number of posts through natural wastage.
* Early restriction in the recruitment of permanent staff including a recruitment freeze in certain circumstances. Where it is necessary to fill the post a fixed term/bankperson whose contract is specific to this purpose should be considered in the short term.
* Reducing the use of temporary agency/bank staff in affected areas as appropriate.
* Reducing/stopping overtime/extra hours.
* Retraining of affected staff for other posts where this is practicable and within a reasonable timeframe and where this does not have a negative impact upon service delivery
* Considering voluntary requests for part-time working/changes to working patterns, career breaks and unpaid leave.
* Inviting volunteers for redeployment, or the Trust’s mutually agreed resignation scheme (MARS), as and when operational, see below.
* Other means agreed by the parties, as appropriate to the circumstances, e.g., trial periods, secondment, development opportunities etc.
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| **7.** | **MUTUALLY AGREED RESIGNATION SCHEME (MARS)** |
|  | 7.1 | A Mutually Agreed Resignation Scheme (MARS) is a scheme under which an employee, in agreement with their employer, chooses to leave employment in return for a severance payment.* In certain circumstances and in order to reduce the need for compulsory redundancies, mutually agreed resignation (MARS) may be offered by the Trust to either relevant staff groups or the trust as a whole. At such a time the Trust will publicise the details of the scheme.

The purpose of the Trust’s MARS is to:* Provide an opportunity for cost savings, via the voluntary removal of the applicant’s post, that may not otherwise have been identified (i.e. not redundant) with no adverse effect to clinical delivery.
* Provide an opportunity for the redeployment of someone at risk of redundancy by vacating the post.

Employees will be notified if and when a MAR scheme is in operation.The scheme will follow the principles outlined in the NHS Terms and Conditions Handbook, part 3, section 20. The trust will consult with staff side on the details of any local scheme prior to its implementation. |
| **8.** | **ORGANISATIONAL CHANGE PROCESSES** The following sections identify the process to be followed when undertaking Organisational Change. Managers should refer to the relevant section when dealing with organisational change processes. * Section 8.1 – Minor changes
* Section 8.2 - Significant changes to staff provision with no Job losses/redundancy
* Section 8.3 Significant changes to service /staff provision with potential redundancy/requirement for at risk process / alternative posts
* Section 8.4 - Transfer of service or part of service to a new provider or organisation
* Section 8.5 – Loss of Contract/Decommissioning of service
 |
|  | 8.1 | **Minor changes**  |
|  |  | Where there are no contractual changes proposed e.g. minor changes to non-contractual working times/shift patterns, change of management/administrative arrangements or procedural service changes, with no job losses, then no formal consultation is required. However, the relevant trade unions should still be notified of the proposed changes.Early engagement should take place and managers should meet with all employees to discuss and where possible reach agreement on the proposed changes and implementation process. A simple document explaining the proposed changes, implementation and options available for staff etc., should be prepared and given to staff prior to the meeting. A short engagement period (usually a minimum of 2 weeks) should normally be sufficient to gain employee input. |
|  |  | The process may include: |
|  |  | * Introducing new ways of working/structure/management team with agreement from all employees (no need to undertake formal consultation). This includes agreement of commencement date.
* Staff to undertake a short engagement i.e. two weeks in order to input to the process/decisions.
 |
|  | **8.2** | **Significant changes (no job losses/redundancy)** |
|  |  | Where there are significant contractual changes proposed e.g. job descriptions and banding, terms and conditions, significant chances to working patterns/rota’s, with no job losses, then formal consultation must be undertaken, including: |
|  |  | **Staff Engagement**Early staff engagement provides an opportunity for employees affected by proposed organisational change and their recognised trade union representatives to be fully briefed and have the opportunity to share ideas, input into the redesign and consider the workforce implications of the proposed changes.Prior to any engagement with staff affected by any potential change, staff side should be given a heads up of the potential change including the reason for the change and process being followed. This will give them the opportunity to work in partnership and support ideas or suggest alternatives.Staff engagement should always take place where change is being considered and before the commencement of formal consultation. The engagement should include why the change is being considered, the process that will be followed and the collation of detailed information including what staff do, what could be improved, what should be stopped, what work relationships do they have/should have and what they consider the structure should look like.  It is essential that effective communication takes place with employees and Staff Side throughout the process and the following information mechanisms can be utilised to assist in the engagement process and keep people up to date:* Electronic methods e.g. email, apps, closed social media groups
* Open staff meetings
* Team briefs
* Staff newsletters
* Trust internal/communication methods

It may be helpful to involve the Trust’s Communications Team to aid large organisational change plans.Managers must engage with recognised trade unions to share the draft Management of Change consultation document (see Appendix 5) prior to starting formal consultation. This gives the relevant trade union(s) an early opportunity to input and feedback on the proposal(the invite discussion and outcome should be recorded via letters and notes of the meeting).Managers should ensure they are in receipt of and consider any feedback from trade unions and make appropriate changes to the document before commencing formal consultation with staff.**Preparation of Management of Change document**The manager, with support from HR, must prepare a Management of change consultation document (see Appendix 5).This must include (where relevant):* The reason and supporting evidence for the proposal (given clearly and concisely).
* A timeline detailing informal/formal consultation timescale and whom/how to provide feedback
* The numbers and descriptions of employees
* The reason individuals have been identified as a ‘pool’ from which selection for posts may occur.
* The proposed way that the employees will be selected for posts in the new structure.
* The communication method and timescales for updates.
* A quality impact assessment where relevant which may include service user involvement/feedback.
* An Equality Impact Assessment of the proposed organisational change.
* Other relevant information that would assist the consultation period.

Where there are significant changes the details of the change should be discussed at the Trust Partnership Forum.**Staff and Union Consultation** Where there are no redundancies there is no statutory requirement to consult however, in line with good practice, the Trust will undertake a 30 day consultation period. This may be reduced where there is mutual agreement.**Collective Consultation**The manager should invite all staff and recognised trade unions involved to a consultation meeting at which the proposal, organisational change document and any other relevant information is shared. The manager should liaise with appropriate Trade Unions around representative availability and provide reasonable notice of the meeting as far as possible.The formal consultation period will commence from the date of the consultation meeting.Where there is a need to hold numerous consultation meetings (i.e. staff on different sites/volume of staff to see) the formal consultation period will commence from the date of the last organised event. Where employees are on sick or maternity leave they should be invited to the meeting. Should they be unable to attend they should be sent the documentation. The manager must ensure they are briefed either in person or over the telephone at an agreed time and make a note of the discussion.Where staff are on holiday and unable to attend the consultation meeting they should be briefed on their return. This does not extend the consultation period. Consideration should be given to avoiding main holiday periods and cultural and religious events where possible when commencing formal consultations.A register of attendance at consultation meetings and a record of all communications with staff must be maintained.If during the consultation period the employees or trade unions wish to request an extension to the consultation period, the reason and rational must be provided in writing. This will then be considered by the Trust.**Individual consultation**In addition to collective consultation with employees as a group and their recognised Trade Unions, each employee must be offered individual consultation, although this may be declined. Employees will have a right to be accompanied by a Trade Union Representative or fellow worker not acting in a legal capacity.The individual consultation is to include the following, where appropriate:* Allow individual to present any proposals or alternative to the change management proposal.
* Discuss their individual circumstances including travel arrangements, hours of work, personal health and domestic circumstances which may have an impact upon redeployment.
* Ask any questions about the proposal/plan and process.
* Discuss any existing skills, qualifications, experience.
* Identifying any training/development needs in relation to gaining a new post and based on the competences already passed.
* Identifying individual’s preference or type of work they would be interested in pursuing in the future and how this could be achieved.
* The invitation to attend an individual meeting must include any employee not presently at work.
* A record of the individual consultation will be given to the employee.

**End of consultation**Managers must seek written confirmation from staff side that collective consultation has taken place with their members. Any comments/suggestions/alternative proposals must also be confirmed in writing.At the end of consultation it is important that managers fully consider any comments/suggestions/alternative proposals and the decision on these should be clearly documented and communicated to all the staff affected and staff side. **Job Preferencing**Where there are new structures/bases etc., staff may be asked to submit a preference form which may be used as part of the selection process for the available posts.**Implementation****Allocation of Existing Staff to New/Revised Structures**Once the consultation period has been completed and the new structure/change has been confirmed, the allocation of staff (see below) into the new structure can take place (please refer to Section 14, if a member of staff is on maternity, paternity or adoption leave before completing the process). Job security is paramount and managers should consider an individual’s future potential to carry out the full duties of the job and an action/development/training plan should be implemented to achieve this where possible. **Identical or Similar Posts (Slotting In)**Where there are the same numbers or, more posts which are substantively the same or similar to the individual’s current post, the individual will be slotted in to post without a selection process or interview unless there is a need for individuals to preference for posts.If more than one individual preferences for the same post a selection process may be necessary **Ring Fence (Slotting In)**If as a result of organisational change, a new or revised post is identified in the new structure, the post may be ring fenced for at risk staff in that structure who are at the same band as the new post. In the event that there is only one employee identified who meets the essential criteria they will be slotted in post provided they have the skills to undertake the role and accept this as suitable Alternative employment.Once an employee has been slotted into a post or gained a new post in the structure, they will not be eligible to apply for other and/or higher banded ring fenced posts. There is no right to a trial period where an employee has been slotted into a role unless there is a requirement to undertake a training/development plan. **Ring Fenced Application**If as a result of organisational change and following the slotting in of staff at the existing band, a vacant post is identified in the new structure but at a higher band, this post can be ring fenced for employees within the structure to prevent or reduce redundancy. This opportunity should be identified in the pooling. The following selection process must be followed:* Job description and person specification given to all eligible employees
* An application form must be completed
* Short listing must occur to determine if the candidates meet the essential criteria on the person specification or may meet it with appropriate training in a reasonable timescale
* The essential qualifications must be possessed at the time of application or be achievable in a reasonable timeframe
* An interview must occur to determine if any of the applicants are suitable or, potentially suitable following further training, a development plan Full employment checks must be undertaken

Where it is identified that none of the ring fenced employees are suitable for the new post, the organisation may open it up for any other at risk candidates within the organisation to apply or, advertise the vacancy in line with the Trust’s Recruitment and Selection Policy and Procedure. |
|  | **8.3** | **Significant changes to service/staff provision/partial decommissioning with potential redundancy/requirement for at risk process/alternative posts** |
|  |  | Where there are significant contractual changes proposed, e.g. job descriptions and banding, terms and conditions with potential job losses, part decommissioning of services then formal consultation must be undertaken, including: |
|  |  | **Staff Engagement**Early staff engagement provides an opportunity for employees affected by proposed organisational change and their recognised trade union representatives to be fully briefed and have the opportunity to share ideas, input into the redesign and consider the workforce implications of the proposed changes.Prior to any engagement with staff affected by any potential change, staff side should be given a heads up of the potential change including the reason for the change and process being followed. This will give them the opportunity to work in partnership and support ideas or suggest alternativesStaff engagement should always take place where change is being considered and before the commencement of formal consultation. The engagement should include why the change is being considered, the process that will be followed and the collation of detailed information including what staff do, what could be improved, what should be stopped, what work relationships do they have/should have and what they consider the structure should look like. It is essential that effective communication takes place with employees and Staff Side throughout the process and the following information mechanisms can be utilised to assist in the engagement process and keep people up to date:* Electronic methods e.g. email, apps, closed social media groups.
* Open staff meetings
* Team briefs
* Staff newsletters
* Trust internal/communication methods

It may be helpful to involve the Trust’s Communications Team to aid large organisational change plans.Managers must engage with recognised trade unions to share the draft Management of Change consultation document (see Appendix 5) prior to starting formal consultation with trade unions and employees. This gives the relevant trade union(s) an early opportunity to input and feedback on the proposal (the invite discussion and outcome should be recorded via letters and Notes of the meeting). Managers should ensure they are in receipt of and consider any feedback from trade unions and make appropriate changes to the document before commencing formal consultation with staff.**Preparation of Management of Change document**The manager, with support from HR, must prepare a Management of change consultation document (see Appendix 5).This must include (where relevant):* The reason and supporting evidence for the proposal (given clearly and concisely).
* A timeline detailing informal/formal consultation timescale and whom/how to provide feedback
* The numbers and descriptions of employees, if it is proposed to place at risk of redundancy/dismiss as redundant.
* The reason individuals have been identified as a ‘pool’ from which redundancies/selection for posts may occur and if there has been suitable Alternative employment identified and if not how these will be identified
* Details of steps that will be taken to seek to avoid redundancy
* The proposed way that the employees will be selected for posts in the new structure.
* The proposed way in which employees will be selected for redundancy and a copy of the matrix if proposed.
* The proposed way the employees will be notified of the redundancy and the period in which the dismissals will be carried out
* The communication method and timescales for updates.
* Confirmation of the method of calculating the amount of redundancy payments to be paid to those who are dismissed i.e. in accordance with Agenda for Change terms and conditions.
* A quality impact assessment where relevant which may include service user involvement/feedback.
* An Equality Impact Assessment of the proposed organisational change.
* Other relevant information that would assist the consultation period.
* Mars offered to other areas where those at risk could move into SAE (if not why not)

Where there are significant changes the details of the change should be discussed at the Trust Partnership Forum.**Staff and Union Consultation** Where there are potential redundancies, the Trust will adopt the following consultation periods:

|  |  |
| --- | --- |
| Significant changes with redundancy (with up to 99 redundancies in the Trust | 30 days |
| Significant changes with redundancy (with 100 or more redundancies in the Trust | 45 days |

If redundancies are proposed the Trust will comply with its statutory obligation to notify the Insolvency Service via the advance notification of redundancy HR1 Form. This will be completed by the HR representative supporting the change **Pooling Arrangements/Identifying Affected Staff**When selecting employees for possible redundancy, the Trust will consider the pool of employees from which those who may be made redundant will be selected.Consideration will be given to:* Pay Band
* Qualifications and experience to undertake the remaining post(s)
* The type of work the employees carry out
* If the employees do jobs that are interchangeable or do the same or similar work
* The place of work
* How work will be reprioritised and reallocated amongst the remaining staff
* Impact of service provision, patient care and financial impact
* The Trust will consult the recognised trade unions upon the selection of the pool.

Once the pool has been selected all members of staff within the pool will be informed that they are likely to be at risk of redundancy and entered onto tier 2 of the At Risk Register.Should the number of employees that are required to be made redundant from the pool successfully gain suitable alternative employment the remaining staff would not then be at risk and would be removed from the risk register.However, where the numbers of employees for suitable alternative posts exceed the number of posts available, then selection criteria must be used to determine who will be appointed to the new posts. Staff will have to compete for these posts via a selection process. Unsuccessful staff would continue to remain at risk on tier 1 or be made redundant, depending upon the length of notice of termination of employment remaining. **Collective Consultation**The manager should invite all affected staff and recognised trade unions involved to a consultation meeting at which the proposal, organisational change document and any other relevant information is shared. The manager should liaise with appropriate Trade Unions around representative availability and provide reasonable notice of the meeting as far as possible.The formal consultation period will commence from the date of the consultation meeting.Where there is a need to hold numerous consultation meetings (i.e. staff on different sites/volume of staff to see) the formal consultation period will commence from the date of the last organised event. Where employees are on sick or maternity leave they should be invited to the meeting. Should they be unable to attend they should be sent the documentation. The manager must ensure they are briefed either in person or over the telephone at an agreed time and make a note of the discussion.Where staff are on holiday and unable to attend the consultation meeting they should be briefed on their return. This does not extend the consultation period. Consideration should be given to avoiding main holiday periods and cultural and religious events where possible when commencing formal consultations. A register of attendance at consultation meetings and a record of all communications with staff and staff side must be maintained.If during the consultation period the employees or trade unions wish to request an extension to the consultation period, the reason and rational must be provided in writing. This will then be considered by the Trust.**Individual Consultation**In addition to collective consultation with employees as a group and their recognised Trade Unions, each employee must be offered individual consultation, although this may be declined. Employees will have a right to be accompanied by a Trade Union Representative or fellow worker not acting in a legal capacity.The individual consultation is to include the following, where appropriate:* Allow individual to present any proposals or alternative to redundancy/change management proposal.
* Discuss their individual circumstances including travel arrangements, hours of work, personal health and domestic circumstances which may have an impact upon redeployment.
* Ask any questions about the proposal/plan and process.
* Discuss any existing skills, qualifications, experience.
* Identifying any training/development needs in relation to gaining a new post and based on the competences already passed.
* Identifying individual’s preference or type of work they would be interested in pursuing in the future and how this could be achieved.
* Give at risk documentation and discuss the process.
* The invitation to attend an individual meeting must include any employee not presently at work. This includes an employee currently on maternity, paternity or adoption leave, when special arrangements for redeployment apply (see Section 14).
* A record of the individual consultation will be given to the employee.

**End of Consultation**Managers must seek written confirmation from each individual Trade Union involved in the process that collective consultation has taken place with their members. Any comments/suggestions/alternative proposals must also be confirmed in writing.At the end of consultation, it is important that managers fully consider any comments/suggestions/alternative proposals and the decision on these should be clearly documented and communicated to all the staff affected and staff side. **Job Preferencing**Where there are new structures/bases etc., staff may be asked to submit a preference form which may be used as part of the selection process for the available posts.**Implementation****Allocation of Existing Staff to New/Revised Structures**Once the consultation period has been completed and the new structure/change has been confirmed, the allocation of staff (see below) into the new structure can take place (please refer to Section 14, if a member of staff is on maternity, paternity or adoption leave before completing the process). Job security is paramount and managers should consider an individual’s future potential to carry out the full duties of the job and an action/development/training plan should be implemented to achieve this where possible. **Identical or Similar Posts (Slotting In)**Where there are the same numbers or, more posts which are substantively the same or similar to the individual’s current post, the individual will be slotted in to post without a selection process or interview unless there is a need for individuals to preference for posts.If more than one individual preference for the same post a selection process may be necessary. **Ring Fence (Slotting In)**If as a result of organisational change, a new or revised post is identified in the new structure, the post may be ring fenced for at risk staff in that structure who are at the same band as the new post. In the event that there is only one employee identified who meets the essential criteria they will be slotted in post provided they have the skills to undertake the role and offered the post as suitable alternative employment.Once an employee has been slotted into a post or gained a new post in the structure, they will not be eligible to apply for other and/or higher banded ring fenced posts. There is no right to a trial period where an employee has been slotted into a role unless there is a requirement to undertake a training/development plan. **Ring Fenced Application**If as a result of organisational change and following the slotting in of staff at the existing band, a vacant post is identified in the new structure but at a higher band, this post can be ring fenced for employees within the structure to prevent or reduce redundancy. This opportunity should be identified in the pooling.The following selection process must be followed:* Job description and person specification given to all eligible employees
* An application form must be completed
* Short listing must occur to determine if the candidates meet the essential criteria on the person specification or may meet it with appropriate training in a reasonable timescale
* The essential qualifications must be possessed at the time of application or be achievable in a reasonable timeframe
* An interview must occur to determine if any of the applicants are suitable or, potentially suitable following further training, a development plan full employment checks must be undertaken

Where it is identified that none of the ring fenced employees are suitable for the new post, the Trust will advertise the vacancy and applications will be considered in line with the Recruitment and Selection Policy with preferential consideration given to other at risk candidates.**Selection for posts where there are staff at risk**Where there are more staff than posts, a fair selection process must be undertaken to place staff into posts and identify the staff that will be at risk of redundancy.This can include:**Preferential and Restricted Interview** Where there are several posts available for the employees e.g. on different sites or for different BDUs, then the employees will be asked to complete a preference form prior to the interview process.Following the interviews the employees will be ranked, based upon their interview score. Wherever possible, taking into consideration the definition of suitable alternative employment in relation to each employee, the employees will be ranked against their preference in order. Staff gaining a post in the revised structure will be informed in writing. Staff that are unsuccessful will be met by a line manager who will inform them of the outcome and discuss the next steps in relation to the at risk register. This will be confirmed in writing **Selection Matrix**A selection matrix, (see example at Appendix 2) may be used, for any number of staff, providing consistent and reliable information is available for use. This can include appraisal documents. The criteria used should be tailored to the particular candidate, staff group, job description/person specification etc. The matrix can be used to assess the employee’s position in relation to others, to select staff to be placed in post and those identified as at risk of redundancy.The matrix criteria used should be scored for the new post. It must also be as objective as possible and applied fairly. It may include:* Relevant qualifications/training
* Skills
* Knowledge and experience
* Job performance
* Attendance (excluding any non-attendance relating to disability or pregnancy or industrial injury.)
* Time keeping
* Current disciplinary record

Consultation upon the criteria to be used and how this will be measured must take place with the recognised Trade Unions. The matrix should then be shared with the affected staff and included with the Management of Change document, see Appendix 5.A minimum of two people, one of which must be an appropriate manager that knows the staff and one of which must be a HR Representative will complete the matrix scores. Once the criteria scores have been completed each employee must receive a copy of their own matrix score sheet. If the employee believes that the scores on the matrix have been unfairly applied they must request a review, in writing, within five working days, detailing the criteria they do not agree with and the reason why. This document and the original manager’s comments sheet will be examined by an independent panel consisting of one Human Resources Representative and one Manager not previously involved.It may be necessary for the new panel to see other documents.There is no further right to appeal against the matrix score at this stage. The employee will be notified of the panel’s decision in writing normally within 5 working days of the panel meeting.Only once this has occurred will all individuals receive confirmation of the outcome of the selection criteria in writing and if they have been selected for a post in the revised structure or selected for redundancy. See Sections 9 to 18 for at risk and redundancy processes. |
|  | **8.4 Transfer of Service or Part of Service to a new provider or organisation**Where services are transferred to a new provider or organisation, the Transfer of Undertakings (Protection of Employment) Regulations 2006 as amended by the Collective Redundancies and Transfer of Undertakings (Protection of Employment) (Amendment) Regulations [TUPE] may apply.Engagement and consultation with staff and unions should commence as early as possible so that management can answer any questions and address employee concerns throughout the process.There is separate guidance on dealing with TUPE issues and managers should contact HR for further advice.**8.5 Decommissioning of a Service**Where there is a loss of a whole contract (where TUPE does not apply) or a full decommissioning of services then formal consultation must be undertaken, including:**Staff Engagement**Staff engagement should always take place where there is the potential for a loss of contract and before the commencement of consultation once formal notification has been received by the Trust. Early engagement provides an opportunity for employees affected and their recognised trade union representatives to be fully briefed and consider the workforce implications of the decommissioning of the service. Management will inform staff and staff side on commissioning intentions as soon as possible once known.It is essential that effective communication takes place with employees and Staff Side throughout the process and the following information mechanisms can be utilised to assist in the engagement process and keep people up to date:* Electronic methods e.g. email, apps, closed social media groups.
* Open staff meetings
* Team briefs
* Staff newsletters
* Trust internal/communication methods

It may be helpful to involve the Trust’s Communications Team to aid large organisational change plans.Managers must engage with recognised trade unions to share the Management of Change consultation document (see Appendix 5) prior to starting formal consultation with trade unions and employees. This gives the trade union an early opportunity to input and feedback on the proposal (the invite discussion and outcome should be recorded via letters and Notes of the meeting).Managers should ensure they are in receipt of and consider any feedback from trade unions and make appropriate changes to the document before commencing formal consultation with staff.**Preparation of Management of Change document**The manager, with support from HR, must prepare a Management of change consultation document (see Appendix 5).This must include (where relevant):* The reason and supporting evidence for the proposal (given clearly and concisely).
* A timeline detailing informal/formal consultation timescale and whom/how to provide feedback.
* The numbers and descriptions of employees, if it is proposed to place at risk of redundancy/dismiss as redundant.
* The reason individuals have been identified as a ‘pool’ from which redundancies may occur and if there has been suitable alternative employment identified and if not how these will be identified.
* Details of steps that will be taken to seek to avoid redundancy.
* The proposed way the employees will be notified of the redundancy and the period in which the dismissals will be carried out).
* The communication method and timescales for updates.
* Confirmation of the method of calculating the amount of redundancy payments to be paid to those who are dismissed i.e. in accordance with Agenda for Change terms and conditions.
* An Equality Impact Assessment of the proposed organisational change.
* Other relevant information that would assist the consultation period.
* Mars offered to other areas where those at risk could move in to SAE (if not why not).

Where there are significant changes the details of the change should be discussed at the Trust Partnership Forum.**Staff and Union Consultation** Where there are potential redundancies, the Trust will adopt the following consultation periods:

|  |  |
| --- | --- |
| Significant changes with redundancy (with up to 99 redundancies in the Trust | 30 days |
| Significant changes with redundancy (with 100 or more redundancies in the Trust | 45 days |

If redundancies are proposed the Trust will comply with its statutory obligation to notify the Insolvency Service via the advance notification of redundancy HR1 Form. This will be completed by the HR representative supporting the change.Note: Where there are potential redundancies arising from a particular organisational change process, the formal consultation must take into account any other potential redundancies in the Trust and be recorded. All members of staff who are affected by the loss of contract/decommissioning will be informed that they are at risk of redundancy and entered onto tier 1 of the At Risk Register. See section 9.**Collective Consultation**The manager should invite all staff and recognised trade unions involved to a consultation meeting at which the proposal, organisational change document and any other relevant information is shared.The formal consultation period will commence from the date of the consultation meeting.Where there is a need to hold numerous consultation meetings (i.e. staff on different sites/volume of staff to see) the formal consultation period will commence from the date of the last organised event. Where employees are on sick or maternity leave they should be invited to the meeting. Should they be unable to attend they should be sent the documentation. The manager must ensure they are briefed either in person or over the telephone at an agreed time and make a note of the discussion.Where staff are on holiday and unable to attend the consultation meeting they should be briefed on their return. This does not extend the consultation period. Consideration should be given to avoiding main holiday periods and cultural and religious events where possible when commencing formal consultations.A register of attendance at consultation meetings and a record of all communications with staff must be maintained.If during the consultation period the employees or trade unions wish to request an extension to the consultation period, the reason and rational must be provided in writing. This will then be considered by the Trust.**Individual Consultation**In addition to collective consultation with employees as a group and their recognised Trade Unions, each employee must be offered individual consultation, although this may be declined. Employees will have a right to be accompanied by a Trade Union Representative or fellow worker not acting in a legal capacity.The individual consultation is to include the following, where appropriate:* Allow individual to present any proposals or alternative to redundancy/change management proposal however it is acknowledged that there are limitations to influencing an external decision.
* Discuss their individual circumstances including travel arrangements, hours of work, personal health and domestic circumstances which may have an impact upon redeployment.
* Ask any questions about the proposal/plan and process.
* Discuss any existing skills, qualifications, experience.
* Identifying any training/development needs in relation to gaining a new post and based on the competences already passed.
* Identifying individual’s preference or type of work they would be interested in pursuing in the future and how this could be achieved.
* Give at risk documentation and discuss the process.
* The invitation to attend an individual meeting must include any employee not presently at work. This includes an employee currently on maternity, paternity or adoption leave, when special arrangements for redeployment apply (see Section 14).
* A record of the individual consultation will be given to the employee.

**End of Consultation**Managers must seek written confirmation from staff side that collective consultation has taken place with their members. Any comments/suggestions/alternative proposals must also be confirmed in writing.At the end of consultation it is important that managers fully consider any comments/suggestions/alternative proposals and the decision on these should be clearly documented and communicated to all the staff affected and staff side. **Implementation**Once the consultation period has been completed and the change has been confirmed, formal redundancy notices will be issued (see sections 9 to 18) however, the Trust will continue to work with staff to identify suitable alternative employment. Please refer to Section 14 if a member of staff is on maternity, paternity or adoption leave before completing the process. Job security is paramount and managers should consider an individual’s future potential to carry out reasonable alternative duties and an action/development/training plan should be implemented to achieve this where possible.  |
| **9.** | **PROCESS FOR STAFF AT RISK OF REDUNDANCY** |
|  | To assist the redeployment process, no suitable vacancy or new post, will be open to competition internally or externally, until employees currentlyat risk of redundancy and available for redeployment, have been considered for such posts.  |
|  | In order to further minimise the risk of redundancy the Trust holds an ‘At Risk Register’ of staff potentiallyat risk of redundancy or at risk/under notice of redundancy to match against all vacant posts. |
|  | It should be noted that the register includes employees who are unable to remain in their substantive post as a result of ill health. All staff on each tier of the register will be considered equally. |
|  | 9.1 | **At Risk Register** |
|  |  | A register of employees at risk will be maintained within the Human Resources Department. |
|  |  | There are three tiers in the register which are as follows: |
|  |  |  |
|  |  | **Tier 1** | **Criteria** |
|  |  | * Staff will be given the first option to apply for these posts
* Staff must apply for any suitable alternative post. Where staff decline to apply for a post they must provide a clear written rationale as to why they believe the post is not suitable.
* Employees on Maternity leave will be offered any suitable alternative employment automatically where there is a vacancy and only where there is more than 1 person on Maternity leave for the post will there be need for a selection process.
* (Any employee that is unable to return to their post on the grounds of ill health is also on this tier).
 | * Any employee under notice of

 redundancy* Any employee in a stand-alone post/group of posts where all are to be removed in the proposed structure. They will be entered on Tier 1 during consultation to ensure the best chance of finding alternative employment should the proposed change be confirmed.

(If following consultation the proposed structure is amended and the post remains in the structure, the employee will have the option to return to their original post). |
|  |  | **Tier 2** | **Criteria** |
|  |  | * Staff can choose to apply for suitable alternative posts provided there is no-one on Tier 1 who is suitable for the post.
* Any employee on this tier on maternity leave will take preference over other candidates at risk should they decide to apply for an alternative role. See section 14.
 | * Any employee in a pool from which redundancy is likely to occur following the consultation period.
* Employee on long term protection of pay.
 |
|  |  | **Tier 3** | **Criteria** |
|  |  | * Optional for staff to be entered on Tier 3.
* Staff can have preferential interview if no-one on Tier 2 however, they will not be automatically matched to vacancies. It is their personal responsibility to apply for alternative roles.
 | * Employees who are aware they may be at risk of redundancy following an engagement process can choose to go on the register at this time.
 |
|  |  |  |  |
|  | 9.2 | While the Trust will try to identify suitable vacancies for the employee, the restricted vacancies will be advertised on the internet via the NHS Jobs Website ([www.jobs.nhs.uk](http://www.jobs.nhs.uk)). |
|  |  | It is also the employee’s responsibility to actively seek suitable alternative employment and to check this site on a regular basis to identify any posts that they would determine as suitable alternative employment. Should they identify a post that they believe to be suitable that they have not been matched to they should contact their HR representative immediately. They must apply for the post before the closing date.  |
|  |  | An employee will remain on the At Risk Register up until the date of their dismissal or until entering a trial period for a post that has been deemed as suitable alternative employment. Employees will also remain on tier 2 of the risk register whilst on protected pay (see 9.3 below). |
|  | 9.3 | **Suitable** **Alternative** **Employment** |
|  |  | When identifying whether or not an alternative role is suitable, the Trust will consider a number of both objective and subjective factors.Objective factors need to be deemed the same or similar to the current job and will include:* Pay – same band or one band below
* Working Hours – plus or minus 7.5 hours or a difference of 20%
* Status
* Working Environment
* Location - if different within a reasonable travelling distance
* Fixed term contract of six months or more
* Duties of the role
* Skills and abilities to undertake the role (with effective and reasonable development as required)

Subjective factors take personal circumstances into consideration and may include:* Travel Time (dependent on how travel is undertaken) in comparison to working hours.
* Shift Pattern arrangements (which may not be suitable due to family circumstances).
* Health related factors where adjustments may not be reasonable however, due regard will be given to the provisions of the Equality Act 2010.
* Issues related to protected characteristics or the individual being a working carer.

Subjective factors will differ for each individual and what might have been deemed as suitable for one employee may not be deemed as suitable for another in the same redundancy pool. |
|  |  | In order to maintain employment and avoid compulsory redundancies, the Trust will, wherever possible, offer suitable alternative employment at the same pay band or one band below. Where a reduction in salary occurs the employee will be eligible to protection of pay in line with Appendix 3. |
|  |  | If any redeployment as an alternative to redundancy includes increased travel to work, the employee may be able to claim the additional cost of travel from their home to base for a period of up to four years i.e. the additional mileage travelled to the new base only (see appendix 4). |
|  |  | While an employee is on Protected Pay they will remain on tier 2 of the At Risk Register. This means they must continue to look for a suitablepost at their protected grade. The individual must take any suitable post offered at the higher band during any protection period. Failure to do so will result in a removal of their protection. |
|  |  | In exceptional circumstances, with agreement, an employee may opt to take a post which is two bands below their current post rather than be made redundant. However, protection will only be paid for one band below e.g. current Band 7 takes a Band 5 post; protection will be paid to Band 6 only. |
|  |  | Where a fixed term contract of 6 months or more is available as suitable alternative employment the employee will be expected to accept this role. If no other suitable alternative employment is identified by the end of the fixed term contract, the employee remains eligible for a redundancy payment in accordance with Agenda for Change terms and conditions. During the fixed term contract the employee can remain on the at risk register to look for suitable alternative employment as below.  |
|  |  | Fixed term contract of 3 to 6 months - remain on tier 1 of the at risk register.  |
|  |  | Fixed term contact of over 6 months - remain tier 2 of the at risk register 0 to 6 months and move to tier 1 of the register for the remainder of the contract.  |
|  |  | An employee will be expected to seriously consider and accept a suitable alternative post that is offered unless they can genuinely justify why it is not suitable. |
|  |  | In most circumstances, employees will be required to trial the post for a minimum of four weeks (see section 11). |
|  |  | Where the employee does not apply for a post that is considered suitable by the Trust, they must complete the at risk response form identifying the reason why they do not consider it suitable.  |
|  |  | The Trust will then consider the information and determine if the post is suitable or not. If the Trust deems the post as suitable and the employee refuses the post, they will not receive redundancy pay in line with the Agenda for Change Terms and Conditions of Service. |
|  |  |  |
| 10. | **SUITABLE ALTERNATIVE EMPLOYMENT SELECTION PROCESS** |
|  | Where suitable alternative employment is found for an individual the following selection process will occur: |
|  | 10.1 | Where only one at risk employee is eligible to apply for a suitable alternative post, the manager (supported by HR if necessary) and employee will meet to discuss the post. |
|  |  | This should include: |
|  |  | * Discussion about the duties and requirements of the post.
* The skills needed for the post or which can be achieved in a reasonable period of time.
* The skills the employee already has and any gaps.
* How the gaps can be met i.e. action plan, additional training, needing support.
 |
|  |  | Where there is potential for the employee to undertake the duties following an action plan etc., they must be offered a trial period of a minimum of four weeks – see Section 11. |
|  | 10.2 | Where there is more than one employee for a suitable alternative post, the individuals will be required to undertake a competitive interview and the Recruitment and Selection policy adhered to. |
|  |  | Where the best candidate has skill gaps that can be addressed in a reasonable time via an action plan/additional training, this should be considered and the individual offered a trial period of a minimum of four weeks. |
| **11.** | **TRIAL PERIOD** |
|  | Any offer **of suitable alternative employment** will be subject to a trial period normallyof a minimum of four weeks and up to a maximum of three months. However, if a development/training plan is in place, the period may be extended accordingly.Where the SAE is a same or almost same role there may not be a requirement to undertake a trial period. A trial period will not usually be required where the member of staff has been slotted in to a post.  |
|  | This trial gives an opportunity for both the employee and manager to assess the suitability of the post i.e. whether the employee is able to carry out the duties of the post. Prior to the end of the trial period a review meeting will take place to identify whether or not the post is considered suitable alternative employment.The trial period will run consecutively with the employees notice period which may be extended to ensure the full trial can occur. |
|  | If following the trial period either party can objectively justify that the post is unsuitable, the employee will not forfeit their right to redundancy but will stay on the At Risk Register for the remainder of their notice period. |
|  | If the employer terminates (or gives notice to terminate) employment during a trial period, they will be treated as having been dismissed on the date on which the original employment contract ended or at the end of the trial if this is later. The reason for termination of employment will be redundancy. |
|  | An employee who terminates their employment during a trial period will be treated as having refused the offer of alternative work and therefore lose their entitlement to a redundancy payment unless the employee can demonstrate the post was not suitable.  |
| **12.** | **FAILURE TO ACCEPT SUITABLE ALTERNATIVE EMPLOYMENT** |
|  | Should a potentially suitable alternative post be identified, the employee must confirm in writing using the form in the Organisational Change – Management Templates as to why they believe it is not suitable employment giving their reasons. |
|  | Consideration of the employee’s reasons will be made by their manager supported by a HR manager, to assess if it is justified.  |
|  | Should an employee unreasonably refuse to participate in a search for suitable alternative employment (including not fully engaging at a preferential interview) or unnecessarily refusing an offer of suitable alternative employment they will be dismissed without redundancy pay. This includes: |
|  | * A failure to complete an At Risk Register application form.
* Failure to make an application or attend for a preferential interview for a post that has been deemed suitable alternative employment.
* Failure to actively participate in the interview in order to be unsuccessful.
* Failure to accept an offer of a post that is deemed as suitable alternative employment by the Trust.
* A failure to participate fully in a training/development plan during a trial period.
 |
|  | In such circumstances it will be deemed that the employee has refused suitable alternative employment and as such has forfeited their right to a redundancy payment. |
|  | Should the employee disagree with the manager’s decision they may submit a grievance in line with the Trust’s Grievance Procedure. |
| **13.** | **NOTIFICATION OF COMPULSORY REDUNDANCY** |
|  | 13.1 | An individual meeting will be arranged with all employees, who have been placed at risk of redundancy and not secured employment in the restructured department or elsewhere in the Trust, to serve them with notice of redundancy. The outcome will be confirmed in writing within seven working days. |
|  |  | This will be undertaken by an appropriate manager with the authority to dismiss the employee, supported by HR, where appropriate. The employee will be given the opportunity to be accompanied at the meeting by a Trade Union Representative or fellow worker not acting in a legal capacity. |
|  | 13.2 | **Levels of Authority**  |
|  |  | Where there is a requirement to dismiss employees for reason of redundancy, the following levels of authority will apply: |
|  |  | **Staff Group** | **Authorised Manager** |
|  |  | Employees AfC Band 7 and below | 8B Management Post |
|  |  | Senior Manager AfC Bands 8/9 | Director |
|  |  | Director | Chief Executive |
|  |  | Medical Consultants | Medical Director |
|  |  | Directors/Medical Director | Chief Executive |
|  |  | Chief Executive | Trust Board Chair |
|  |  |  |
|  |  | Appropriate HR advice and support will be available for the authorised manager. |
| **14.** |  **MATERNITY AND PARENTAL LEAVE REGULATIONS 1999**  |
|  | 14.1 | The Maternity and Parental Leave Regulations 1999 take effect when dealing with those staff selected for redundancy. 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).  |
|  | 14.2 | 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 the 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 then 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 them to do in the circumstances and no less favourable than their previous contract with regards 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 qualified. If there are a number of employees on maternity leave in the identified pool then a selection process will be undertaken. |
|  |  | If an employee on maternity/adoptionleave unreasonably refuses a suitable alternative job then entitlement to redundancy pay is lost. |
|  |  | The organisation cannot select staff for redundancy if it is solely connected to pregnancy, maternity leave or childbirth. This does not mean that pregnant staff cannot be selected when measured against other criteria. |
| **15.** | **PROTECTION OF PAY** |
|  | 15.1 | **Exclusion from Pay Protection** |
|  |  | There are several circumstances that would lead to an exclusion from both short term and/or long term protection. These include: |
|  |  | * Where an employee refuses alternative employment deemed as suitable alternative employment by the Trust at the higher pay band the protection will cease unless there are reasonable objective grounds for the refusal.
* For any periods of acting up or secondment; the entitlement to protection of pay would be based upon the employee’s substantive post.
* Where an employee voluntarily requests a reduction in hours/grade.
* Where an employee works on a bank/as and when basis.
* Where an introduction of changes to national terms and conditions of employment have an adverse effect on an employee or a group**.**

Protection arrangements can be seen in Appendix 3.Protection arising from increased travel to work can be seen in Appendix 4. |
|  | 15.2 | **General Conditions** |
|  |  | Protection of pay is conditional upon the affected staff agreeing to the following: |
|  |  | * Undertaking any additional hours, which may be required, up to the level of the previous contracted hours, while receiving protection.
 |
|  |  | * + Being prepared to accept any subsequent offer of another suitable post with the Trust which is more commensurate with the old post in terms of hours, grade, unsocial hours etc.
 |
|  |  | * Undertaking to carry out weekend and unsocial hours etc. up to the level of short term pay protection for unsocial hours.
 |
|  |  | * Whilst receiving pay protection for a reduction in hours, the employee cannot work bank hours and be paid for these, or accept additional hours in the NHS unless these are in excess of the amount of the pay protection.
 |
|  | 15.3 | **Multi Post Holder** |
|  |  | The protected earnings will not apply to any additional post held by the employee that is not affected by the change. |
|  | 15.4 | **Subsequent Changes of Post** |
|  |  | Each subsequent down grading or reduction in hours due to organisational change shall attract protection in its own right as follows: |
|  |  | * If an employee is already receiving protection of earnings and is subsequently further downgraded or their hours are further reduced, the protection payable for the first loss of earnings will continue to be paid until the expiry of the original protection period.
 |
|  |  | * The protection period for the subsequent loss of earnings will commence at the effective date of change and at the expiry of the first protection period the balance of protection payable for the subsequent loss of earnings will continue until the expiry of that protection period.
 |
|  |  | * If an employee who is receiving protection of earnings succeeds in obtaining an upgraded post or works unsocial hours etc. but not to the full level of the protection amount, then the protection will apply to the difference between the new earnings and the protected earnings for the remaining balance of the protection period.
 |
|  | 15.5 | **Cessation of Payment** |
|  |  | The protection of pay arrangements will cease for the following reasons: |
|  |  | * The employee is in breach of any condition outlined in Section 15.5.
* The employee requests a permanent change to their contractual hours of work.
* The employee leaves the Trust.
* The employee is dismissed from the Trust for any reason.
 |
|  | 15.6 | **Pension** |
|  |  | There may be options available in relation to the protection of pension benefits. For the latest information, contact the Payroll Department or visit the NHS Pensions website at [NHS Pensions | NHSBSA](https://www.nhsbsa.nhs.uk/nhs-pensions) |
| **16.** | **PROVISION FOR STAFF SUBJECT TO REDUNDANCY** |
|  | 16.1 | **Notice Periods** |
|  |  | Employees will be given the maximum possible notice of dismissal. As a minimum, the notice period will be: |
|  |  | * The contractual notice period as detailed in their statement of particulars of employment,
* One week’s notice for each year of reckonable continuous service up to a maximum of 12 weeks.
 |
|  |  | Individuals will receive the most beneficial notice period under the above options. |
|  | 16.2 | **Early Release** |
|  |  | Employees who have been notified that they are subject to redundancy and who do not find suitable alternative employment with the Trust or any other NHS organisation may be released during their notice period to take up employment outside the NHS. |
|  |  | In order for this to be considered the employee must submit an application for early release to the relevant Director for consideration. This must explain the reason for the request and the consequences to the employee should early release be refused. |
|  |  | If approved, the Trust will mutually agree a termination date with the employee and this date will become the effective dismissal date and effective for calculation of the redundancy payment, if appropriate. |
|  | 16.3 | **Support for Employees under Notice of Termination** |
|  |  | Employees who are under notice of termination due to redundancy will be: |
|  |  | * Given reasonable paid time off work to look for new employment and/or make arrangements for training to assist them to find new employment. This could include shadowing of other roles.
 |
|  |  | * Given advice and guidance on job searching and applying for jobs. This may include outside agencies such as Jobcentre Plus.
 |
|  |  | * Many employees may require help to make the change. Local programmes of support should be developed and resourced to meet the appropriate personal and professional needs of employees.
 |
|  |  | * Individual or group 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, where possible, 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 will be available, if necessary, to all affected employees during the period of change.
 |
| **17.** | **REDUNDANCY PAY CRITERIA** |
|  | 17.1 | To be eligible for redundancy payment the employee must have 104 weeks continuous full time or part-time service with their present or any previous NHS employer. There must not be more than a week’s break (measured Sunday to Saturday) between employments. |
|  | 17.2 | The following employment will not count towards redundancy payment: |
|  |  | * Employment that has been taken into account for the purposes of a previous redundancy.
* Where the employee has previously been given pension benefits, any employment that has been taken into account for the purpose of these pension benefits.
 |
|  |  | This is in line with Agenda for Change Terms and Conditions of Service Handbook and conditions for Hospital Medical and Dental staff. |
|  | 17.3 | Employees shall not be entitled to redundancy payments or early retirement on grounds of redundancy if they: |
|  |  | * Are dismissed for reasons of misconduct, with or without notice.
* At the date of the termination of the contract have obtained (been offered)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 with the same or another NHS employer.
* Leave their employment before expiry of notice, except if they have gained agreement to be released early.
* Are subject to a TUPE transfer.
* Are employed on a fixed term contract that is not eligible for redundancy (please see fixed term worker guidance on the intranet). For further advice contact HR.
 |
| **18.** | **APPEAL AGAINST DISMISSAL ON GROUNDS OF REDUNDANCY** |
|  | An employee who is dismissed on the grounds of redundancy has the right of appeal against this decision. |
|  | 18.1 | The appeal must be made in writing to the Chief People Officer, within ten working days of the date of the dismissal letter stating their grounds for appeal. |
|  | 18.2 | The dismissed employee can be accompanied at the appeal against dismissal by a trade union representative or fellow worker not acting in a legal capacity |
|  | 18.3 | Employees who disagree with the calculation of redundancy payments or rejection of MARS should follow the Trust Grievance Procedure within ten working days of notification of the calculations amount or the rejection of a claim. |
|  | 18.4 | The appeal will be heard by a subcommittee of the SWYPFT Board in line with Appendix 1. |
| **19.** | **MONITORING THE COMPLIANCE AND EFFECTIVENESS OF THIS POLICY AND PROCEDURE** |
|  | The Chief People Officer will ensure that a process is in place to monitor the compliance and effectiveness of this policy and procedure. This will include: |
|  | 19.1 | Consideration of any complaints as they arise in relation to the application of the policy ensuring that issues are addressed through feedback to managers and Human Resources staff and through amendment as required to the policy and procedure. |
|  | 19.2 | The HR Department will provide advice to managers and staff on the implementation of the policy and procedure in order to ensure good practice and compliance with legislation. |
|  | 19.3 | The HR Department will contribute to Equality Impact Assessments undertaken by Services Managers where organisational changes take place to ensure fairness and non-discriminatory practices. |
| **20.** | **REFERENCES** |
|  | * Agenda for Change Terms and Conditions.
* Employment Rights Act 1996.
* Transfer of Undertakings (Protection of Employment) Regulations 2006 as amended by the Collective Redundancies and Transfer of Undertakings (Protection of Employment) (Amendment) Regulations 2014 (TUPE).
* Equality Act 2010.
 |
| **21.** | **VERSION CONTROL** |
|  | See Version Control Sheet at Appendix 7. |

**APPENDIX 1**

**PROCEDURE FOR APPEAL AGAINST REDUNDANCY**

The following procedure will be followed at all Appeal against Redundancy Hearings.

**The employee’s representative that accompanies them to the hearing must be a Trade Union Representative or fellow worker not acting in a legal capacity.**

During the procedure, either party may request a short adjournment at any stage and this will not be unreasonably refused.

|  |  |
| --- | --- |
| 1. | All parties including panel members will be introduced to each other and a brief outline of the proceedings given by the Chair of the panel. |
| 2. | The Management Representative will present their case and call any witnesses. |
| 3. | The employee and/or their representative and members of the panelwill have the opportunity to question the witnesses. |
| 4. | The Management Representative may re-examine their witnesses on any matters referred to in their examination by members of the panel or the employee and/or their representative. |
| 5. | At this stage a witness may be released or asked to remain available should the panel or either party feel that further questions or clarification may be required later in the hearing. |
| 6. | The employee and/or representative andmembers of the panel will have the opportunity to question the Management Representative. |
|  | The employee and/or, their representative will present the case for the employee and call any witnesses. |
| 7. | The Management Representativeand panelwill have the opportunity to question the employee and witnesses. |
| 8. | The employee and/or, their representative may re-examine their witnesses on any matters referred to in their examination by members of the panel or the Management Representative. |
| 9. | At this stage a witness may be released or asked to remain available should the panel or either party feel that further questions or clarification may be required later in the hearing. |
| 10. | The **management representative and** members of the panel will have the opportunity to question the employee on completion of the case. |
| 11. | The employee and/or their representative and the Presenting Manager will have the opportunity to sum up their cases. Neither party shall introduce any new evidence at this stage which has not previously been submitted. Reasonable time will be allowed for either party to prepare to ‘sum up’. |
| 12. | Nothing in the foregoing procedure will prevent the panel from inviting either party or representative to describe or clarify any statement they have made. |
| 13. | Following the ‘summing up’ both parties will withdraw from the hearing. |
| 14. | The panel will deliberate in private only recalling both parties to clear points of uncertainty on evidence already given. If recall is necessary, both parties will be requested to return notwithstanding that only one is concerned with the point giving rise to doubt. |
|  | Should the panel believe that further investigation or evidence is required, and then an adjournment may be called to enable this to take place. The hearing will be reconvened as soon as practicably possible. |
| 15. | The panel will reconvene to announce their decision to both parties verbally where possible. In any event the individual will be notified of the decision in writing within seven working days of the hearing. |

 **APPENDIX 2**

**SELECTION CRITERIA MATRIX**

|  |  |
| --- | --- |
| NAME: | JOB TITLE: |
| DEPARTMENT: | BAND: |
| WEIGHTINGS |
| High: score multiplied by a factor of 3Medium: score multiplied by a factor of 2Low: no multiplication(Use specifics for each criterion detailing how it is measured and evidenced) |
| Criteria | Scoring Approach | Weighting | Score |
| Sickness AbsenceBased on a three year period (pro rata for part time staff)Discounting DDA sickness or pregnancy related sick or industrial injury | Points for Bradford Factor average over three years0 points - 1500+1 point - 1001-15002 points - 501-10003 points - 401-5004 points - 301-4005 points - 201-3006 points - 101-2007 points - 51-1008 points - .1-509 points - 0 | 3 |  |
| Disciplinary RecordDisciplinary Record over last three years | 0 points - final written warning3 points - written warning6 points - verbal warning9 points - no warning | 1 |  |
| Good Time Management(Need to be specific as to what is good, average etc.) | 0 points - below average5 points - average9 points - above average | 2 |  |
| Knowledge, Skills Experience (in relation to person specification for the post remaining in the structure)Relevant knowledge, skills and experienced possessed including professional and relevant personal development and future development potential  | Relevant knowledge and skills possessed0 points - below average5 points - average9 points - above average | 3 |  |
| Job PerformancePoints to consider:* Meeting objectives
* Quality of work
* Speed of work
* Accuracy of work
* Meeting deadlines
* Adaptability
* Team Work
 | 0 points - below average5 points - average9 points - above average | 3 |  |

Total Score:

Deciding Factor If Appropriate

|  |  |  |  |
| --- | --- | --- | --- |
| Would wish to be made redundantWhen placed at risk, requests to be made redundancy | 0 points - wishes to be made redundant1 point - does not wish to be made redundant |  |  |

**Manager assessing criteria**

**Manager 1**

Name ……………………………… Signature …………………..……. Date ……..……..

**Manager 2**

Name ……………………………… Signature …………………..……. Date ……..……..

**HR Representative**

Name ……………………………… Signature …………………..……. Date ……..……..

**Staff Side Representative**

Name ……………………………… Signature …………………..……. Date ……..……..

**APPENDIX** **3**

**PROTECTION ARRANGEMENTS**

**Protection Arrangements Due To Organisational Change**

* Where organisational change occurs, suitable alternative work will be sought for displaced individuals. If protection is unavoidable the circumstances where it will be given and the conditions that apply are outlined below.
* Where a member of staff is subject to protection of their salary, the Trust is committed, in conjunction with that individual’s active participation, to assist them maintain and develop their skills. It is not intended that protection will be a long term commitment rather that it is a short to medium term state where the individual can take stock of their situation and determine where and how they would like their career to progress.
* Protection also enables individuals to consider their altered financial circumstance and plan accordingly, whilst receiving financial support to do this.
* In the event of organisational change the following protection arrangements will apply:

**Basic Salary Protection**

A member of staff who subsequently accepts appointment to a post attracting a lower salary may, at the discretion of the Trust, continue to receive their basic salary in line with the table below, where the transfer is a consequence of organisational change:

|  |  |  |  |
| --- | --- | --- | --- |
| **Length of NHS Service** | Up to 3 years | 3 years to below 5 years | 5 years and above |
| **Length of Protection** | 1 year | 2 years | 3 years |

During the period of protection of basic salary, the individual will be eligible for any pay award and increments due. After that time their salary will then revert to the substantive band for the post on an incremental point which is dependent on their relevant service.

**Short Term Protection**

A member of staff may receive protection of hours which are lost by accepting a post with reduced hours. This protection also applies to unsocial hours payments which are lost.

Protection is for up to one year when the transfer is a consequence of organisational change (see table below). Short term protection will not apply to overtime or on-call payments.

|  |  |
| --- | --- |
| **Length of NHS Service** | **Length of Protection**  |
| Below 1 year | 0 |
| 1 year to below 3 years | 6 months |
| 3 years to below 5 years | 9 months |
| 5 years and above | 12 months |

The prime consideration in applying these arrangements will always be that they are in the best interests of the service. It will not be used in cases of unsatisfactory performance or conduct which require action under either the capability or disciplinary procedures. In applying its discretion, the Trust will have regard to the employment history of the employee concerned.

**General Conditions**

Short term protection is conditional on the employee undertaking such shift work, which may be required, up to the level at which earnings equal the protected earnings.

Short term protection is also conditional upon the employee accepting any subsequent offer of another suitable post which attracts a salary or unsocial hours in excess of the protected earnings.

Long term protection of salary where downgrading is involved is conditional on the employee moving to a more senior post, should an appropriate post become available. If they subsequently unreasonably refuse to apply for, or accept a more senior post, protection would continue on a mark time basis only until it expires.

**Definitions**

The following definitions apply

* **Organisational Change**

Means any structural or managerial change in the organisation of health service provision.

* **Basic Wage or Salary**

Basic wage or salary is exclusively the monthly sum for protected staff due in respect of basic hours worked by the individual concerned, within the standard working week as defined in the Agenda for Change handbook.

* **Downgrading**

Downgrading occurs when the new post, irrespective of its grade or title, carries an hourly rate lower than that for the previous post or a salary scale, with a maximum point lower than the maximum point for the previous post, or lower than that of the grade held in the previous post.

* **Appeals**

Appeals against the application of this section should normally in the first instance be raised with the individual’s immediate line manager and appropriate Human Resources Manager.

If this fails to resolve the situation the Trust's Grievance Procedure is the route to raise this issue further.

**APPENDIX 4**

**Excess Mileage Allowance for change of base as a result of organisational change**

**This will not apply where staff preference to change to a base that is further away from their home when a post at their current base or one closer to home is available for them to preference**

**Staff banded 8a (or equivalent) and above;** given the seniority of this role, staff should be expected to work from any base from which the Trust operates and are not usually eligible for excess mileage allowance. This will normally be made clear within the contract, though under the Agenda for Change terms and conditions, consideration may be given to individual circumstances.

**Those staff at band 7 (or equivalent) and below** will be entitled to be paid the excess daily travel as shown below:

Staff will *not* be eligible for excess mileage where the increase in the journey is below 4 miles per single journey (i.e. 8 miles round trip).

Those staff, whose excess mileage per single journey is between 4 and 7 miles, will be entitled to excess travel for a period of 18 months.

Those staff whose excess mileage per single journey is greater than 7 miles will be entitled to excess mileage for up to 4 years.

Excess mileage is paid according to the method of transport. For car users, it is paid at the Reserve Rate. For lease car users, at lease car rate and for users of public transport the additional (excess) cost of the fare will be reimbursed. Any excess mileage allowance paid is subject to the normal tax arrangements.

 **Claim for Excess Travel**

Employees required to change their base as a result of organisation change should complete this form. Extra daily travelling costs for a maximum period of 4 years, from the date of change, may be payable if the conditions above are fulfilled. Evidence of the new mileage, i.e. print out of AA/RAC route planner or Google maps showing new route and mileage, must be attached to this claim. The mileage claimed (and evidence provided) must be for the shortest route between home and new base, even if this is not the route normally used.

* Name (print)…………………………………………….............................. Staff Number………………………………
* Job Title………………………………………….Service…………………………………….BDU……………………….
* Home Address..........................................................................................................................................................

 **...................................................…………………………………………………………………………………………….**

**...................................................………………………………………………………………………………………….....**

* No of Days Worked per Week ……. No of Days/hrs Holidays Entitlement(Including Bank Holidays**)……………….**
* Effective date of Change of Base……/……/…… Mode of Travel toWorkCar/Public Transport/other**……………..**

 Original BaseNew Base

* Return Mileage/Fare to/from Work **……………… ……………..**

 Cost per day **……………… ……………...**

* If your mode of transport is changing please provide details of new mode...............................................................

* Is the change of base expected to last for 2 years or more? **Yes** **No**

(If yes, expense claim will be taxable).

* Do you have to travel during the course of your work? **Yes** **No**

**Staff, who use their car for work to visit clients, or attend meetings etc., should claim their excess mileage through the EASY online expenses system. Staff who do not attend meetings etc., will be paid excess mileage as an allowance with their salary.**

* **Employee Signature……………………………………………………………………………………Date …. /…./….**
* **Budget Holder Name(print)……………………………Signature…………......Title……………. Date …. /.…/….**
* **HR Manager Name(print)………………………………Signature…………………………………..Date** **…. /…./….**

**Once signed by the Budget Holder & HR Manager please send to: Payroll Department, Kendray Hospital, Doncaster Road, Barnsley. S70 3RD.**

**APPENDIX 5**

**MANAGEMENT OF CHANGE CONSULTATION PAPER**

This document provides suggested areas for discussion, however, is not exhaustive and areas will/will not be appropriate in every situation. Managers should consult with their HR Representative when drafting this document.

**DATE OF MEETING**:

**STAFF GROUP**:

**Opening the meeting:**

* Make introductions.
* Confirm trade unions or fellow worker invited/present, HR Lead involved, Lead Manager involved in process and provide contact details.

Explain reasons for calling the meeting:

* i.e., the meeting has been called to inform you of the proposed changes (insert) to our service as a result of (insert)
* The purpose of this meeting is to commence a (insert, 30, 45, other agreed) days consultation period within which you will have the opportunity to discuss the proposal in depth and make any suggestions. All comments and suggestions will be taken seriously and considered. (NB consultation should not commence until all affected staff have been made aware that there are proposed changes ahead)

**The Proposal**

* Insert business case as to why change is necessary
* Provide clear and concise reasons for the change; provide supporting evidence to assist the consultation process.
* Identify and explain any service user cover arrangements
* Explain the reason individuals have been identified as a ‘pool’ from which job losses will/will not occur.
* Provide details of current/proposed new structure; include new Job descriptions, bands, narrative on changes etc., if available.
* Explain the implications for staff e.g., impact on structure, roles, skills etc. Process to be followed if there are more staff than jobs, particularly to unsuccessful candidates.
* Confirm if no job losses or provide numbers and descriptions of proposed redundant posts. Explain if staff are to be placed on the at risk register (including tier) and process to identify suitable alternative employment.
* Details steps that will be taken to avoid redundancy. Any slotting in arrangements, or proposed selection process.
* If applicable explain that the effect of the proposal is that you may be served with notice of redundancy following the consultation. (This is not serving notice at this stage).
* Provide a Timeline including process for consultation, the communication method and timescales for updates.
* When the 30/45/other days consultation period will take place from (date) to (date).
* How/when communications will be conducted and by who. Support available to staff

**Individual Consultation**

* During the consultation period you will all be invited to attend an individual consultation interview along with your representative and HR. You can choose to decline this request.

The consultation will include, but is not limited to:

* Discussions around the reason for change and allow you to present any alternatives to the change proposed.
* Discuss redeployment opportunities (what skills the individual has etc.).
* Identify any training needs in relation to gaining a new post based upon the competencies already possessed.
* The impact of the change on you.

**Review of Proposal**

* The proposal will be reviewed in line with any suggestions/proposals made by yourselves during the consultation period. Advise who comments on proposals should be sent to and by when.

**Selection for Redundancy**

* Following the consultation period, explain the proposed way in which employees will be selected for redundancy. (If it is proposed that a redundancy selection matrix will be used in order to select the number of individuals for redundancy include Matrix and explanation on how criteria has/is to be developed and agreed with staff representatives)
* Explain reason for using Matrix i.e., the matrix is an objective way of making the selection based upon the organisational/service requirements.

**Matrix Outcome**

Explain that staff will be notified of their individual matrix scores and given the opportunity to appeal against any score that you believe to be incorrect, stating the reason for that belief.

Following any appeal each staff member will be notified of the outcome of the process i.e. if they are to be made redundant/placed in post. It is proposed that the outcome of this will be available week commencing (date).

Or

Following the x day’s consultation period, it is proposed that the individuals will be selected for the posts via an interview process which will be undertaken in line with **the Trust’s** Recruitment and Selection Policy and Procedure.

**Redeployment Opportunities**

* Once the individual(s) have been identified as at risk of redundancy they will be placed upon the At Risk Register in order to look for suitable alternative employment as an alternative to redundancy.

**Redundancy Dismissal**

* Inform of the proposed way employees will be notified of the redundancy and the period in which the dismissals will be carried out.
* Should no suitable alternative employment be available then the individual(s) will be served with notice in accordance with the Trustpolicy.

**Redundancy Pay**

* Explain the method of calculating the amount of redundancy payments to be paid to those who are dismissed i.e., Redundancy pay is calculated at one month salary for each year of continuous NHS service provided you have over two years continuous NHS service.

**Quality Impact Assessment**

* Advise that a Quality Impact Assessment of the proposed organisational change will be agreed with the Director of Nursing, Clinical Governance and Safety, to ensure no adverse impact on the service provision.

**Equality Impact Assessment**

* Advise that an Equality Impact Assessment of the proposed organisational change will be undertaken to find out whether the change will affect some groups of people differently and whether any adjustments may need to be taken into consideration.

**Next Steps**

Detailed timescales of next steps including:

Dates of 1-1 meetings.

Dates of selection for redundancy.

Dates to be notified of outcome.

**APPENDIX 6**

**FLOW CHART**

 **WHERE SIGNIFICANT ORGANISATIONAL CHANGE**

**WITH NO REDUNDANCIES**

Manager discusses ideas for the change with own manager and HR, continues to engage with the workforce updating as and when appropriate

Manager produces a management of Change Consultation Paper (Appx 5) outlining proposals and implications

Manager organises informal consultation meeting with affected employees and their Union Representatives giving 5 days’ notice.

Circulate the organisational change paper detailing the proposal and reasons for it at the meeting for discussion clarification.

Organisational Change Consultation paper put on the Partnership Forum Agenda ASAP.

Manager undertakes one to one meetings for individuals where requested

Employees consider proposals and provide feedback/alternative proposals as appropriate

Manager to consider feedback/alternative proposals and hold further meetings if necessary

Manager to meet with Staff and Trade Unions to inform of the proposed way forward and implementation timescale

Implement

**APPENDIX 7**

**FLOW CHART – ORGANISATIONAL CHANGE WITH POSTS AT RISK OF REDUNDANCY**

Manager discusses ideas of change with Senior Manager and HR informally.

Continues to engage the workforce, updating as and when appropriate.

Manager produces Management of Change Consultation Paper (Appendix 5) outlining proposals and implications in line with the procedure

Manager organises **formal consultation** meeting with affected employees and their Union Representatives giving 5 days’ notice. At the meeting the Management of Change Consultation Paper will be circulated to staff. It should also be put on the Partnership Forum Agenda, unless impractical in the circumstances

Proposal explained by Senior Manager at meeting giving clarification.

Manager must invite all affected employees to a one to one meeting – they may decline the offer

Employees consider proposals and provide feedback/alternative proposals as appropriate

Manager to consider feedback/alternative proposals and hold further meetings if necessary

Manager to meet with Staff and Trade Unions to inform them of the proposed way forward and implementation

timescale. HR to notify the Secretary of State of redundancies if more than 20 employees affected

Implement

Individuals at risk to be placed on redeployment register ASAP and for the length of their contractual notice period

Where suitable alternative post found use matching process

No suitable alternative post found and individual does not wish to consider any alternative posts

Individual dismissed on grounds of redundancy

If only one suitable applicant matched to one vacancy then the individual is given a 4 week trial period

If more than one suitable applicant, formal selection interviews arranged

If individual/post is deemed not suitable following the trial period matching process begins again

If individual unsuccessful matching process begins again

Successful individual given a 4-week trial period

If no match found within individual’s notice period – Individual becomes redundant

If trial period successful - notice withdrawn and post becomes substantive

No suitable alternative post found but individual chooses to accept another alternative post with a 4 week trial and associated Terms and Conditions

Right to appeal

If suitable after trial then confirmed in post

Right to appeal

If suitable following the trial, confirm in permanent post

**APPENDIX 8**

**Equality Impact Assessment template**

**to be completed for all policies, procedures and strategies**

**Date of EIA: August 2022 Review Date: August 2025**

**Completed By: Senior HR Advisor/HR Business Manager**

|  |  |  |
| --- | --- | --- |
|  | **QUESTIONS** | **ANSWERS AND ACTIONS** |
| **1** | **What is being assessed?**Prompt: what is the function of this document (new or revised) | Organisational Change Policy and Procedure (revised) |
| **2** | **Description of the document**Prompt: What is the aim of this document | The overall aim of the policy is to lay down the Trust’s approach to organisational change and how change is dealt with in a fair and consistent way.Concerns all staff. |
| **3** | **Lead contact person for the Equality Impact Assessment** | Head of Operational HR |
| **4** | **Who else is involved in undertaking this Equality Impact Assessment** | Members of the Employment Policy Sub-Group consisting of management and staff side representatives. |
| **5** | **Sources of information used to identify barriers etc**Prompts: service delivery equality data – refer to equality dashboards ([BI Reporting - Home (sharepoint.com)](https://swyt.sharepoint.com/sites/BIReporting) satisfaction surveys, complaints, local demographics, national or local research & statistics, anecdotal. Contact InvolvingPeople@swyt.nhs.uk for insight**What does your research tell you about the impact your proposal will have on the following equality groups?** | As this is a staff specific policy service users and carers have not been consulted. Management and staff side input has been received via the Virtual Policy Group, a HR/staff side working group and policy content agreed by the Employment Policy Group. Staff Groups who have been subject to Organisational Change processes have been met with to review/establish best practice with regards to developing this policy.Best practice and shared learning has been incorporated into the policy/procedure.Individual equality impact assessments should be undertaken for formal organisational change programmes and this is included in the policy wording.SWYPFT Equality Workforce Monitoring Report 2022 |
|  | **QUESTIONS** | **ANSWERS AND ACTIONS** |
| **5a** | **Disability Groups:**Prompt: Learning Disabilities orDifficulties, Physical, Visual, Hearing disabilities and people with long term conditions such Diabetes, Cancer, Stroke, Heart Disease etc. Accessible information standard5 | Staff in postYes – 8.4%No/Unknown – 91.6%Disability related absence is not included in the criteria for redundancy selection. Managers should take into account any disability related issues when considering organisational change and make person centred reasonable adjustments as required in accordance with the individual EIA that is undertaken for the change process. |
| **5b** | **Gender:**Prompt: Female & Male issues should be considered | Staff in post79.1% - Female20.9% - MaleThe policy aims to ensure that organisational change is dealt with in a fair and consistent way and no negative impact is anticipated. Individual EIA’s are required for formal change processes which may identify additional actions required. |
| **5c** | **Age:**Prompt: Older people & Young People issues should be considered | Staff in PostUnder 19 – 0.2%20-29 – 13.4%30-39 – 23.4%40-49 – 24.1%50-59 – 28.6%60-69 – 9.8%70+ - 0.5%The policy does not require redundancy cost (which may potentially be linked to age) to be a substantive factor and therefore should avoid discrimination linked to age. Individual EIA’s are required for formal change processes which may identify additional actions required. |
| **5d** | **Sexual Orientation:**Prompt: Heterosexual, Bisexual, Gay, Lesbian groups are included in this Category | Staff in PostHeterosexual – 82.8%Gay or Lesbian – 2.4%Bisexual – 1.2%Unknown – 13.6%The policy aims to ensure that organisational change is dealt with in a fair and consistent way and no negative impact is anticipated. Individual EIA’s are required for formal change processes which may identify additional actions required**.** |
| **5e** | **Religion & Belief:**Prompt: Main faith groups and people with no belief or philosophical belief issues should be considered | Staff in postAtheism – 19.6%Christianity – 46.9%Do not wish to disclose – 18%Other – 11.9%Islam – 3.7%The policy aims to ensure that organisational change is dealt with in a fair and consistent way and no negative impact is anticipated. Individual EIA’s are required for formal change processes which may identify additional actions required.In addition, the policy states that consideration should be given, where possible to avoid cultural and religious events when considering the timing of consultation meetings etc. |
| **5f** | **Marriage and Civil Partnership**Prompt: Single, Married, Co-habiting, Widowed, Civil Partnership status are included in this category | Staff in postCivil Partnership – 1.2%Divorced/Legally Separated – 9.6%Married – 50.1%Single – 37.4%Widowed – 0.9%Unknown – 0.8%The policy aims to ensure that organisational change is dealt with in a fair and consistent way and no negative impact is anticipated. Individual EIA’s are required for formal change processes which may identify additional actions required. |
| **5g** | **Pregnancy and Maternity**Prompt: Currently pregnant or have been pregnant in the last 12 months should be considered | Special arrangements for redeployment apply – see section 14 of the policy.The policy aims to ensure that organisational change is dealt with in a fair and consistent way and no negative impact is anticipated. Individual EIA’s are required for formal change processes which may identify additional actions required. |
| **5h** | **Gender Re-assignment**Prompt: Transgender issues should be considered | No data available however it is estimated that approximately 1% of the population may identify as trans, including those who identify as non-binary (Stonewall Information).The policy aims to ensure that organisational change is dealt with in a fair and consistent way and no negative impact is anticipated. Individual EIA’s are required for formal change processes which may identify additional actions required. |
| **5I** | **Carers**Prompt: Caring responsibilities paid or unpaid, hours this is done should be considered | No data available however it is estimated that 1 in 5 of the workforce may have caring responsibilities.Organisational change may impact on caring responsibilities and staff may need to be signposted to support etc. Where potential issues are identified, the staff carers network is available to provide advice and signposting on support available. Staff members have access to the staff carers passport which facilitates meaningful conversations in relation to caring responsibilities.Individual EIA’s are required for formal change processes which may identify additional actions required. |
| **5j** | **Race**Prompt: Indigenous population and BME Groups such as Black African and Caribbean, Mixed Heritage, South Asian, Chinese, Irish, new Migrant, Asylum & Refugee, Gypsy & Travelling communities.) | Staff in postAsian – 5.1%Black – 3.5%Chinese or Other – 1.2%Mixed – 1.4%White – 88.7%Unknown – 0.2%The policy aims to ensure that organisational change is dealt with in a fair and consistent way and no negative impact is anticipated. Individual EIA’s are required for formal change processes which may identify additional actions required. Also see reference above regarding cultural events. |

**Action Plan**

EIAs are now reviewed using a grading approach which is in line with our Equality Delivery System (EDS). This rates the quality of the EIA. This means that the team can review the EIA and make recommendations only. The rating and suggested standards are set out below:

* + **Under-developed** – red – **No data**. **No strands** of equality
	+ **Developing** – amber – **Some census data plus workforce**. **Two strands** of equality addressed
	+ **Achieving** – green – **Some census data plus workforce. Five strands** of equality addressed
	+ **Excelling** – purple –**All the data and all the strands** addressed

Potential themes for actions: Geographical location, built environment, timing, costs of the service, make up of your workforce, stereotypes and assumptions, equality monitoring, community relations/cohesion, same sex wards and care, specific issues/barriers.

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| **Who will benefit from this action?**  | **Tick all that apply** | **Action 1:** **This is what we are going to do** | **Action 2:** **This is what we are going to do** | **Action 3:** **This is what we are going to do** | **Lead/s** | **By When** | **Update/review outcome** | **RAG** |
| Age | **✓** | Review all organisational change workstreams to identify trustwide workforce impacts to ensure any equality trends are addressed. | Individual actions to be developed as a result of the review of equality impact assessments completed for organisational change processes. | Monitor redundancy data as and when it arises | Action 1 - HRAction 2 – manager leading individual change processes in conjunction with HR staff supporting the changeAction 3 – HR | 1 – as part of workforce planning reviews.2 – ongoing as and when formal change processes occur3 – as and when redundancies take place |  |  |
| Disability | **✓** |  |  |  |  |  |  |  |
| Gender reassignment | **✓** |  |  |  |  |  |  |  |
| Marriage and civil partnership | **✓** |  |  |  |  |  |  |  |
| Race | **✓** |  |  |  |  |  |  |  |
| Religion or belief | **✓** |  |  |  |  |  |  |  |
| Sex | **✓** |  |  |  |  |  |  |  |
| Sexual orientation | **✓** |  |  |  |  |  |  |  |
| Pregnancy and maternity | **✓** |  |  |  |  |  |  |  |
| Carers | **✓** |  |  |  |  |  |  |  |

**6. Involvement & Consultation: New or Previous (please include any evidence of activity undertaken in the box below)**

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| Staff Groups who have been subject to Organisational Change processes have been met with to review/establish best practice with regards to developing this policy.Best practice and shared learning has been incorporated into the policy/procedure.Staff who participated in the above engagement predominantly reported positively in relation to processes followed and consultation however, it was recommended that early engagement should be strengthened and this was taken into account in the re-drafting of the policy document.It is recognised that change may cause concern to employees and this policy and associated procedures has been written to deal with change in a fair and equitable way. |

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| 1. **Methods of Monitoring progress on Actions**

Monitoring to take place on an ongoing basis in line with individual impact assessments made during change processes. |

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| 1. **Publishing the Equality Impact Assessment**

Intranet/Internet as an appendix to policy/procedure document |

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| 1. **Signing off Equality Impact Assessment:**

Greg Moores, Chief People Officer 9 August 2022  |

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***Once approved, you must forward a copy of this***

***Assessment/Action Plan by email to:***

**InvolvingPeople@swyt.nhs.uk**

**Please note that the EIA is a public document and will be published on the web.**

**Failing to complete an EIA could expose the Trust to future legal challenge.**

**APPENDIX 9**

**Version Control Sheet**

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| --- | --- | --- | --- | --- |
| **Version** | **Date** | **Author** | **Status** | **Comment / changes** |
| 1. | June 2016 | Marilyn GillHR Business Manager | Previous | Updating following shared learning on the application of the Policy. |
| 1.1 | Feb 2019 | Paul BrownHRBP | Previous  | Updating from learning and simplifying policy/procedure into different types of change.  |
| 1.2 | June 2022 | Karen Kenworthy, Senior HR Advisor &Paul Brown, HR Business Manager | Current | Periodical review of policy resulting in strengthening of engagement processes, clarification of continuous/reckonable service and other minor updating/corrections |