

HR32

Organisational and Workforce Change Policy

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Attachments

Attachment 1 [Managing Change Procedure](#)

Attachment 2 [Measures to Maintain Employment Security](#)

Attachment 3 [Redundancy Procedure](#)

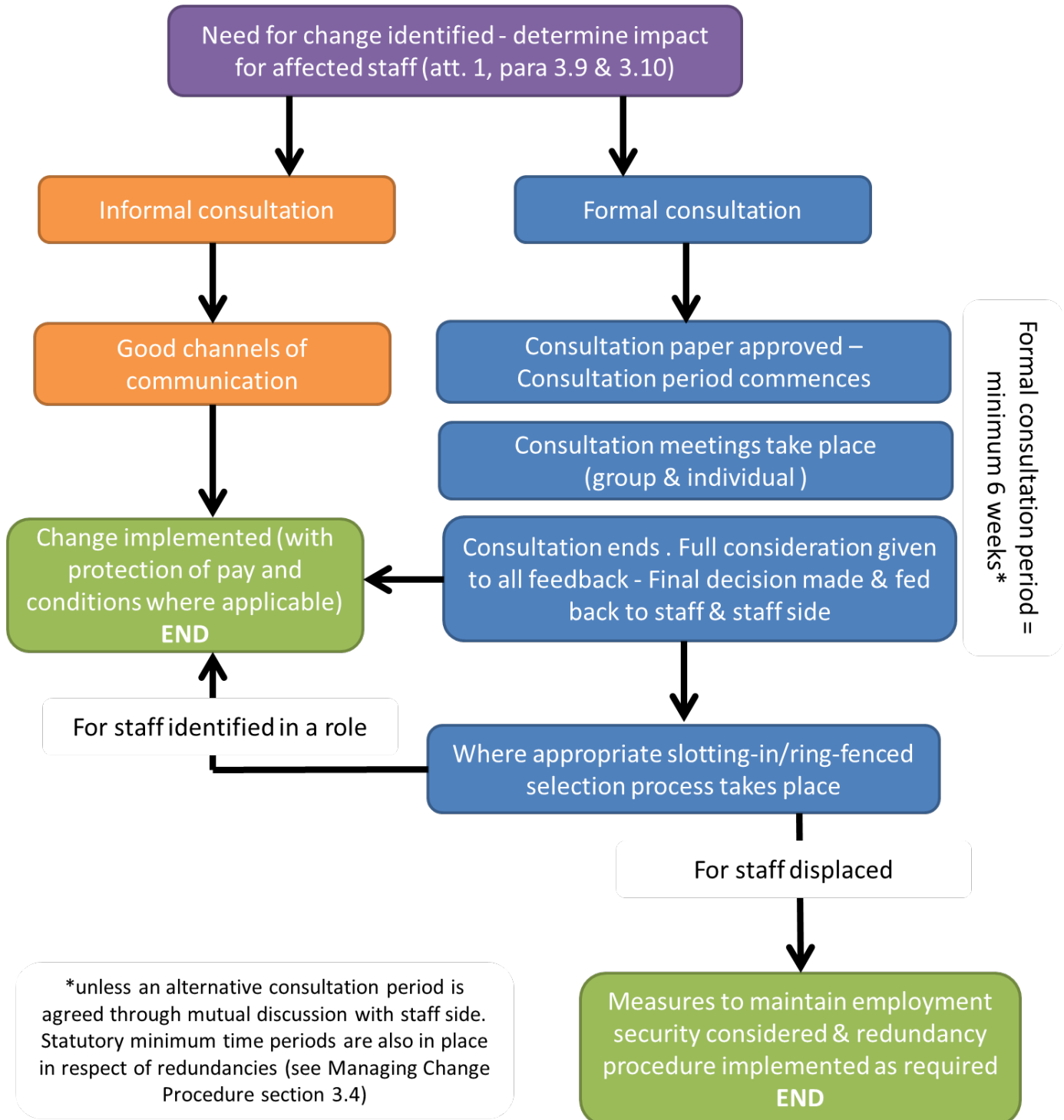
Attachment 4 [Protection of Pay and Conditions Procedure](#)

In addition the [HR Advisory toolkit](#) provides a range of additional resources including guidelines, tools and templates.

Policy on a page

The purpose of this policy is to achieve change by encouraging and enabling both managers and staff to participate in the change process.

See below for a brief overview of the change process.



*unless an alternative consultation period is agreed through mutual discussion with staff side. Statutory minimum time periods are also in place in respect of redundancies (see Managing Change Procedure section 3.4)

1.0 Policy Statement

- 1.1 The Royal Wolverhampton NHS Trust believes that in order to meet the demands of delivering modern healthcare services there will be the need to develop and change both the organisational structure and workforce profile on occasions. The Trust's paramount duty is to deliver high quality services for patients that demonstrate best value balanced with meeting the needs of patients, staff and the public.
- 1.2 This policy and its associated documents outline the agreed process that change leads will follow on behalf of the Trust when organisational and workforce change takes place. Its purpose is to seek to achieve change by encouraging and enabling both managers and staff to participate in the process of change. It is believed that the more opportunity that staff have to suggest and recommend ideas to achieve change the more they will develop a feeling of ownership and support changes to a successful conclusion.

2.0 Definitions

At risk	For reasons of organisational change a staff member's post has been or is to be removed from the service/structure and there is no immediately identifiable post for them within that new/redesigned structure, therefore they are at risk of redundancy.
Change lead	Trust manager leading the organisational and workforce change process.
Consultation	Talking with employees and their representatives to explain planned changes and get their feedback and input.
Organisational Change	Any change in the way in which a service or job role is designed and/or is delivered which has an impact on the staff within that area. This includes changes to structures within departments and operational changes that are required to maintain safe services.
Redeployment	Where staff are displaced as a consequence of organisational and workforce change and are 'at risk' of redundancy the Trust will make every effort to try to secure them employment elsewhere in the Trust
Redundancy	When a post ceases to be required for the purposes of which the employee was initially employed or where the requirement for that work is sufficiently diminished so that the post is no longer required.
Ring-fenced	When a group of employees are identified to be the only ones eligible to apply or be considered for a post.
Slotting-in	Where an individual's role has changed but there is an immediately identifiable post for them within the new/redesigned structure, subject to specific criteria.
TUPE	Refers to the Transfer of Undertaking (Protection of Employment) Regulations 2006. When a service or business transfers to another employer these regulations provide protection of a transferring employee's terms and conditions.

3.0 Accountabilities

- 3.1 The **Director Sponsor** will be accountable for the revision of this policy which will be necessary from time to time as a result of changes in legislation, national Terms and Conditions of Employment or in the light of experience when applying the policy and

its associated procedures. Any revisions will be agreed through the Trust's Joint Negotiating Committee.

- 3.2 The **Executive Directors, Deputy Directors, Deputy Chief Operating Officers, Divisional Managers, Group Managers, Department Managers, Heads of Service and Directorate Managers** will be responsible for ensuring that this policy is fairly and consistently applied within their area of responsibility in the Trust, and to actively support a positive, open and consultative approach to organisational and workforce change.
- 3.3 **Change Leads** will be responsible for ensuring that they apply this policy fairly and consistently, and to actively support a positive, open and consultative approach to organisational and workforce change.
- 3.4 **Employees** will be responsible for complying with this policy, including openly engaging with their managers to facilitate change.
- 3.5 The **HR Advisory Department** will be responsible for supporting the implementation of this policy, including providing advice to staff, and providing advice, guidance and relevant support for managers.
- 3.6 The **Occupational Health and Wellbeing Department (OHWB)** is responsible for promoting the physical and mental wellbeing of Trust's staff, including providing support and guidance to them and managers in the form of medical advice, guidance, support and health promotion. This is particularly important for staff undergoing change.
- 3.7 **Staff side** will be familiar with the policy in order to provide advice and support to its members in respect of its application, and to actively engage with change leads undertaking consultation processes.
- 3.8 **Employee Services** will be familiar with the policy in respect of facilitating protection of pay and conditions resulting from change processes as advised by the change lead.

4.0 Policy Detail

Scope

- 4.1 This policy applies to all employees of the Trust excluding staff on secondment from other organisations. This policy does not apply to agency staff and independent contractors.
- 4.2 It is essential that all managers are careful in following the detailed procedure set out in this document. The HR Advisory Department is available to provide advice and guidance.

Principles of Organisational and Workforce Change

- 4.3 Change is crucial to ensure the continued effectiveness and success of the organisation, but it is acknowledged that it can nevertheless sometimes be difficult for the staff affected by it.

- 4.4 The Trust's aim is to ensure that organisational and workforce change is managed in a fair and supportive manner, in line with best practice as well as statutory requirements.
- 4.5 The Trust therefore commits to certain key principles that should run through the management of any organisational change process, regardless of its scale. These are:
- Staff members will have input into changes within their service and have channels to enable their ideas to be heard;
 - Staff affected by a change to their working lives will be given reasonable notice of any changes. There may be exceptional circumstances where, due to urgent operational circumstances, changes have to be put in place at short notice. In such an exceptional circumstance staff side will be engaged and consulted;
 - Reasons for change will be clearly communicated to staff affected and staff will be given the opportunity to suggest alternatives or ask questions prior to the change occurring;
 - It should not be assumed that a change is 'insignificant' because it will not lead to redundancy and therefore consultation does not apply. It is recognised that any change to a staff member's working life may potentially cause them distress or uncertainty and therefore the Trust will actively engage staff in proposed changes;
 - The Trust has a right and a duty to make changes to services in light of changing demands or new ways of working. However, 'change' should be done with a clear drivers and benefits, and the impact of change should be carefully considered;
 - Compulsory redundancy will only be considered a last resort and the Trust will make every effort to identify alternatives to avoid compulsory redundancies.
- 4.6 The key to managing any change process is clear and transparent communication and involvement of the affected staff prior to a final decision being made or before implementation where the change is externally driven or required.
- 4.7 The policy is supported by the following attachments:
- Attachment 1** [Managing Change Procedure](#)
- Attachment 2** [Measures to Maintain Employment Security](#)
- Attachment 3** [Redundancy Procedure](#)
- Attachment 4** [Protection of Pay and Conditions Procedure](#)
- 4.8 In addition the [HR Advisory toolkit](#) provides a range of additional resources including guidelines, tools and templates.

5.0 Financial Risk Assessment

1	Does the implementation of this policy require any additional Capital resources	No
2	Does the implementation of this policy require additional revenue resources	No
3	Does the implementation of this policy require additional staffing	No
4	Does the implementation of this policy release any staffing costs through a change in practice	No
5	Are there additional staff training costs associated with implementing this policy which cannot be delivered through current training programmes or allocated training times for staff.	No
	Other comments	

6.0 Equality Impact Assessment

- 6.1 An initial equality impact assessment has been carried out and it indicates that there is no likely adverse impact in relation to Personal Protected Characteristics as defined by the Equality Act 2010.
- 6.2 Change leads will also complete an associated [Organisational Change Equality Impact Assessment](#) for each formal consultation paper and where the final decision differs from the original proposals this will be reviewed.

7.0 Maintenance

This policy will be reviewed every three years or earlier if warranted by a change in standards or if changes are deemed necessary from internal sources.

8.0 Communication and Training

- 8.1 The HR Advisory Department will provide advice on the policy to staff, and advice and support to managers in the fair and equitable application of this policy as appropriate.
- 8.2 A [HR Advisory Toolkit](#) is available to provide further guidance and support.
- 8.3 All Group Managers, Matrons, Departmental/Directorate Managers are responsible for the communication of this policy to their staff.

9.0 Audit Process

Criterion	Lead	Monitoring method	Frequency	Committee
Fair and consistent application of this policy	HR Manager leading policy review	Feedback from staff-side and managers; review number of disputes raised in relation to this policy	Every 3 years during policy review	People Committee
Fair, non-discriminatory application of this policy	Change lead	Equality Impact Assessment	For each formal consultation process	People Committee

10.0 References

- ACAS, 'Employee communications and consultation', June 2014.
- ACAS, 'Handling large-scale redundancies', April 2014.
- ACAS, 'How to manage change' March 2014.
- ACAS, 'Informing and consulting your employees about workplace matters', undated.
- Agenda for Change Terms and Conditions
- Daniel Barnett LLP, 'Getting redundancy right: An employer's guide to redundancy', undated.
- Gov.uk, 'Informing and consulting employees', undated.
- Gov.uk, 'Making staff redundant', undated.
- Gov.uk, 'Redundancy: your rights', undated.
- Intoo, 'Supporting your organisation through change and redundancy', undated.
- UNISON, 'Model organisational change policy', undated.

Part A – Document Control

Policy number and Policy version: HR32 v2	Policy Title: Organisational and Workforce Change Policy	Status: Final		Author: HR Manager – Advisory Director Sponsor: Group Chief People Officer
Version / Amendment History	Version	Date	Author	Reason
	v1	Dec 2020	HR Manager – Advisory	New policy, replaces HR Framework document and HR11 Protection of Pay and Conditions Policy. Consideration of policies from BCPS transferred staff.
	v2	Sep 2023	HR Manager – Advisory	Review date
Intended Recipients: All staff and managers seeking advice in relation to how organisational and workforce change will be managed within the Trust				
Consultation Group / Role Titles and Date: Management – August/September 2023; Staff side – August/September 2023				
Name and date of Trust level group where reviewed		Trust Policy Group – November 2023 Joint Negotiating Committee – November 2023		
Name and date of final approval committee		Trust Management Committee – January 2024		
Date of Policy issue		January 2024		
Review Date and Frequency (standard review frequency is 3 yearly unless otherwise indicated)		November 2026 (then every 3 years)		
Training and Dissemination: Information sharing and engagement at manager’s meetings, launched via Senior Managers Brief and Divisional Management forums. Advice and guidance available from the HR Advisory department as and when required by managers and staff.				

<p>To be read in conjunction with: Flexible Working Procedure Agenda for Change Terms and Conditions Financial Management budget management principles and guidance (GI02, appendix 4, section 10)</p>	
<p>Initial Equality Impact Assessment (all policies): Completed Yes Full Equality Impact assessment (as required): Completed No If you require this document in an alternative format e.g., larger print please contact Policy Administrator8904</p>	
<p>Monitoring arrangements and Committee</p>	<p>People Committee</p>
<p>Document summary/key issues covered. This policy and its associated documents outline the agreed process that change leads will follow on behalf of the Trust when organisational and workforce change takes place. Its purpose is to seek to achieve change by encouraging and enabling both managers and staff to participate in the process of change.</p>	
<p>Key words for intranet searching purposes</p>	<p>Change management Management of change Organisational change Redundancy Staff consultation</p>
<p>High Risk Policy?</p>	<p>No</p>

Managing Change Procedure

1.0 Procedure Statement

1.1 This document is intended to provide guidance and a framework in respect of managing organisational and workforce change.

1.2 It specifically provides information on:

- Principles of consultation;
- Informal consultation;
- Formal consultation;
- Implementing the change;
- Transfer of undertakings (TUPE);
- Employee support;
- Complaints/Right of appeal.

2.0 Accountabilities

As detailed in the policy, HR32.

3.0 Procedure Detail

Principles of consultation

3.1 Consultation with staff affected by proposed organisational or workforce change must be meaningful and appropriate. The aim is to reach agreement on the way forward, although it is acknowledged that there may be times when change processes need to proceed without a consensus being reached on all issues.

3.2 The purpose of consulting with staff will be to:

- Effectively communicate the proposed changes, including drivers for the change;
- Receive and, where possible, address any questions on the proposed changes;
- Consider any comments or views on the proposed changes, including any alternative proposals;
- Enable staff to clarify or seek further understanding of the change process.

Communication

3.3 Appropriate, effective and regular communication with staff throughout is key to successful change management. Communicating from an early point through to implementation and beyond is essential. Change leads must ensure that staff members are kept informed of updates, that staff views are given due consideration and that a smooth change which achieves its purpose is implemented wherever possible.

Timescales

3.4 The timing and extent of the consultation will be proportionate to the degree and urgency of the proposed change, the number of staff affected and the impact on individuals.

3.5 When the changes proposed will not result in any redundancies there is no statutory timescale for consultation but it must be sufficient to enable meaningful consultation. In normal circumstances the Trust will therefore conduct formal consultation over a

minimum period of 6 weeks unless a reduced consultation period is agreed through mutual discussion with staff side.

- 3.6 A reduced consultation period may be agreed on the basis that the change lead and/or individuals affected can justify the change taking place sooner, for example to lessen the impact upon affected individuals, improve and/or maintain the quality of patient care/services, or another reasonable and justifiable reason. Similarly requests to extend the consultation period beyond the minimum timeframes will not be unreasonably rejected providing there are valid reasons for doing so.
- 3.7 Statutory minimum time periods are also in place in respect of redundancies which are detailed in the [Redundancy Procedure](#).
- 3.8 There may be exceptional circumstances where changes need to be made very quickly, such as at times of an infection outbreak, pandemic, major incident etc. In these circumstances both staff and staff side will be briefed at the earliest opportunity.

Identifying the requirement for Informal or Formal Consultation

- 3.9 Any change which is likely to result in a change of terms and conditions, down-banding of staff, loss of earnings, potential significant impact on work life balance, redeployment of staff and potential redundancy must follow the formal consultation process. There may be isolated cases when formal consultation would ordinarily apply but all staff are in agreement with the proposals and therefore agree for this to be managed in line with the principles of informal consultation. Adopting this approach must always be discussed in advance with Divisional HR representatives and staff side. *Please note, that change processes involving potential redundancy must always take place through formal consultation.*
- 3.10 Any other change process, to which there are no objections raised by staff when discussed informally, can be managed through informal consultation.
- 3.11 In all cases of change management Divisional HR representatives and staff side must be made aware and involved as appropriate.
- 3.12 TUPE situations are covered separately in paragraph 3.39.

Absent staff

- 3.13 Change leads must take into account that staff who are temporarily absent from the department also have the right to consultation. This may include for example staff on long term sick leave, secondment, or family friendly leave such as maternity or shared parental leave.

Informal Consultation

- 3.14 Informal consultation means that good management channels of communication are followed to discuss the changes; this may include for example discussion in team meetings, one-to-one meetings, or specific informal meetings. Summary notes from meetings must be kept by the manager.
- 3.15 Discussion with employees will include details of the need for the changes, options considered, the proposed changes, how the employees will be affected, potential

benefits and when it is proposed for the change to take effect. Employee views and input will also be actively sought.

- 3.16 No consultation paper or set consultation period is required.
- 3.17 It is anticipated that presence of HR or staff side representatives at the informal discussions will not normally be necessary, but advice and representation can be sought where required.
- 3.18 Employees are reminded that they can seek advice from their trade union representatives at any point should they so wish.

Formal Consultation

- 3.19 In these circumstances set out in paragraph 3.9 the change lead must draft a 'consultation paper' which provides the details of the proposed changes and the reasons behind it. The HR Advisory Toolkit provides a [template consultation paper](#) as well as supporting guidance documents and tools for change leads. It is expected that the associated [Organisational Change Equality Impact Assessment](#) is also completed.
- 3.20 The consultation paper must be shared with Divisional HR representatives for advice and guidance prior to submission, and a final version approved for release by the Deputy Chief Operating Officer/Divisional Manager for the Division and the Head of HR Advisory (or nominated deputies).
- 3.21 The formal consultation period will commence when this finalised document is released to the staff side chair(s). There will then be an opportunity for staff side to ask questions, request further information and provide an initial response to the proposals. It is expected that this will take place over the period of the first week of consultation, after which the consultation meetings with staff will then commence.
- 3.22 It is expected that as a minimum there should be at least one formal group consultation meeting held with the affected staff, to which staff side representatives will be invited. Staff affected by the proposed changes will be given a copy of the consultation document at this meeting.
- 3.23 Where the impact of the proposals is deemed highly sensitive for an individual or small number of individuals, such staff should be informed of the proposal before it is generally circulated to the wider staff affected.
- 3.24 Staff will also be offered the opportunity to attend at least one individual consultation meeting, at which they have the right to be accompanied by a colleague who is a member of Trust staff or a representative of a recognised trade union. The [individual consultation meeting form](#) or other such summary document will be completed during the meeting summarising the main points of discussion. A copy of this will also be provided to the staff member.
- 3.25 Change leads will usually be supported at meetings related to the change process by a member of the HR Advisory team.

3.26 Change leads will enter the consultation period in the spirit intended, seriously considering staff feedback and any other options that are proposed which will achieve the same overall aims.

Job descriptions and person specifications

3.27 Job evaluation of any identified new posts will need to be factored into the change plans, as will job descriptions/person specifications that are proposed to be reviewed. Change leads must therefore allow enough time prior to formal consultation commencing to enable this to take place.

End of the consultation period

3.28 At the end of the consultation period the change lead will give full consideration to all of the feedback received before reaching a final decision on the changes to be implemented.

3.29 The final decision and the next steps will be communicated to both staff and staff side representatives; the method for which will be dependent on the individual change process and its implications (examples include undertaking a further group consultation meeting, individual feedback, letter etc. however these are not exhaustive). Where the final decision differs from the original proposals the [Organisational Change Equality Impact Assessment](#) must also be reviewed.

3.30 The lead in time for the implementation of the change will be proportionate to the degree and urgency of the proposed change, the number of staff affected and the impact on individuals; however in normal circumstances this will not be less than one week. Requests to extend the lead in time will not be unreasonably refused provided there are valid reasons for the request.

Implementing the change

3.31 As detailed in paragraph 3.30 above change leads will outline within the consultation paper when it is intended for the change to take effect and it will also outline how this is going to be facilitated.

3.32 Dependent on the nature of the change the principles below may be applicable in order to enable the implementation of the change.

Filling posts within a new/redesigned structure

3.33 Where restructuring takes place, a logical, fair and transparent process will be put in place to fill posts in the new/redesigned structure. The varying methods of filling posts are described below, in addition to the following overarching principles:

- In order to maximise opportunities for all existing staff, structures will normally be filled from the top down;
- Where an individual is acting up or on secondment, slotting-in and any ring-fencing selection process will be based on their substantive role. If an employee believes that they have a case for being included in the slotting-in process for the interim role they should put their case to the change lead and HR support;
- Where there is a vacant promotion opportunity staff will be notified and be invited to apply for the higher level post(s). These staff may be in competition with external candidates for this post, as long as any external appointment(s) would not result in an existing staff member within the team being displaced. If there is a risk of existing staff being displaced as part of this process, the posts in the new/redesigned

structure will be 'ring-fenced' and existing staff given priority consideration over other potential candidates (although there is no guarantee of appointment to the promotional role).

3.34 *No significant change to roles*

3.34.1 Employees will be confirmed in their existing role in the new/redesigned structure where:

- The individual's post remains substantially unaffected/unchanged, although they may experience minor changes and/or a requirement for additional flexibility, and
- The number of available posts and post-holders are equal (or there are more available posts than post-holders) i.e. there is no competition for the post.

3.35 *Slotting-in*

3.35.1 An employee will be automatically 'slotted-in' to a post in the new/redesigned structure where:

- Their substantive post remains largely unchanged and the member of staff continues to undertake 70% or more of the same duties and responsibilities i.e. the current and the redesigned/new role are considered broadly comparable, and
- The number of similar posts and post-holders are equal (or there are more available posts than post-holders) i.e. there is no competition for the post.

3.35.2 Subject to the above criteria being met, staff may be slotted-in to a post where there is a reduction in band (as long as this is no more than one band below their current band) and/or a reasonable reduction in contracted hours. In such cases the [Protection of Pay and Conditions Procedure](#) will apply.

3.35.3 Staff will be slotted-in to posts based on competencies and preferences where possible.

3.35.4 Once a member of staff has been slotted-in discussion will take place regarding any training and development needs.

3.36 *Ring-fenced selection process*

3.36.1 Where slotting-in cannot take place for a particular post due to an imbalance between the number of posts and post-holders, a competitive selection process will take place ring-fenced to those who are eligible.

3.36.2 The method of selection must be fair, objective, transparent and non-discriminatory. The proposed method of selection will be included within the consultation paper to ensure that staff members are advised in advance of the method(s) being adopted.

3.36.3 Staff who are unsuccessful in obtaining a post through the ring-fenced selection process may be slotted-in to vacant posts elsewhere in the structure, provided:

- It is considered a suitable alternative role, or would be with reasonable training;
- The post is equivalent to their current band or is no more than one band below (where there is a reduction in one band and/or a reduction in contracted hours the [Protection of Pay and Conditions Procedure](#) will apply).

Displaced roles

3.37 Where there are no suitable vacant posts elsewhere in the structure, the role will be considered 'displaced' and the individual is therefore 'at risk' of redundancy. In these

circumstances the change lead must ensure that the following attachments are referred to and followed as appropriate.:

- [Methods to Maintain Employment Security](#) – outlines a range of methods that may be considered to assist in maintaining employment security for staff and avoid compulsory redundancy situations, for example redeployment.
- [Redundancy Procedure](#) – provides direction on the implementation and management of redundancy situations. In particular as there are additional legislative requirements that must take place in the case of a redundancy situation.

Pay and conditions protection arrangements

3.38 When an employee is financially disadvantaged as a result of the change they will be protected for a period of time which enables them to realign their financial commitments. The [Protection of Pay and Conditions Procedure](#) details the protection entitlements of staff in respect of basic pay, other earnings and travel expenses.

Transfer of Undertakings (TUPE)

3.39 Where there is a proposal to transfer services and staff to a different employer in line with TUPE the Trust is committed to engaging with staff side and consulting, informing and supporting all affected staff at the earliest opportunity.

3.40 The principles of consultation outlined within this procedure will be followed where the circumstances allow. It is acknowledged that occasionally unforeseen circumstances may arise regarding staff transfer; in these cases all parties will work together in good faith in order to enable the ability to appropriately inform/consult.

3.41 Where a staff member has responsibilities spanning more than one service, discussions will take place with the individual staff member and their representative to determine if their employment will transfer.

3.42 Divisional HR representatives must be advised of circumstances relating to a TUPE of Trust staff and involved in the process thereafter.

Employee support

3.43 The Trust recognises the need and importance of providing support to staff affected by change throughout the process. Therefore employees who are directly affected by change and/or formally 'at risk' of redundancy will be offered support, identified as part of the individual consultation process. This may include referral to OHWB or identified training and development that may be appropriate to assist in maintaining employment security. The [Redundancy Procedure](#) outlines specific support in place to assist staff at risk of redundancy.

Complaints/Right of appeal

3.44 Staff members who are dissatisfied with the application of this procedure as it affects them are encouraged to discuss their situation with the change lead in the first instance. Where this is unable to be resolved through this manner recourse can be taken to the [Trust's Dispute Resolution in the Workplace Policy](#) (HR06).

4.0 Equipment Required

As detailed within the main policy document, HR32.

5.0 Training

As detailed within the main policy document, HR32.

6.0 References

As detailed within the main policy document, HR32.

Measures to Maintain Employment Security

1.0 Procedure Statement

1.1 The Trust is committed to the security of employment for its staff and the avoidance of compulsory redundancy situations. In endeavouring to ensure this, the Trust will employ a range of measures outlined within this document.

2.0 Accountabilities

As detailed in the policy, HR32.

3.0 Procedure Detail

3.1 The following measures will be considered by the Trust in order to make every effort to maintain employment security for its staff.

3.2 The examples provided are neither prescriptive nor exhaustive and is not in any order of priority. The actions proposed and their areas of impact will be determined according to the range of staff affected by the change.

Vacancy control measures

3.3 Where a significant reduction in headcount is anticipated the Trust will consider implementing robust vacancy control measures for all new and replacement posts.

3.4 Approved vacancies will in the first instance be considered for any staff on the Trust redeployment register before advertising on a wider basis.

Fixed Term Contracts

3.5 As part of the vacancy control measures the Trust may also have wider control over the renewal of fixed term contracts, with each being assessed on its own merits.

3.6 Before any action is taken discussions must take place with Divisional HR representatives in order to consider the implications for the Trust. This will include consideration of how long the contract has been in force, how long it has continued to be renewed (if at all), and the potential costs/risks of non-renewal.

Voluntary changes to working hours, patterns and location

3.7 It may be appropriate to seek volunteers who may be considering making adjustments to their working hours, patterns or location in order to mitigate redundancy.

Reductions in overtime, bank and agency working (where applicable)

3.8 It may be appropriate to look at work undertaken by overtime, bank and agency (such as project work) to explore whether this would be appropriate to be undertaken by at risk individuals deemed to have the skills/capability.

Retraining opportunities

3.9 All staff affected by organisational and workforce change continue to have access to training opportunities which will be discussed on an individual basis.

- 3.10 It is recognised that alternative employment may entail moving into a role not fully covered by their original training or recent experience. In these circumstances appropriate preparatory training, induction, and/or on the job supervised development will be provided on the basis of an agreed personal development plan. This may include attendance at courses or seminars as appropriate, and will be discussed and agreed on an individual basis.
- 3.11 Whilst every encouragement is given to staff to undertake appropriate training, it is not envisaged that staff will be required to undertake extensive retraining for professional or occupational qualifications.

Voluntary early retirement

- 3.12 Employees who are members of the NHS Pension Scheme may voluntarily opt to take early retirement – this is where the staff member takes their pension before their ‘Normal Pension Age’.
- 3.13 The earliest age that the pension can be drawn is dependent on the section or scheme that the staff member is in and when they started pensionable employment.
- 3.14 Employees wishing to explore this option should contact the Employee Services Department or NHS Pensions directly.

Voluntary redundancy

- 3.15 One method of avoiding compulsory redundancies is for staff in the relevant area to request voluntary redundancy. This will be considered where it reduces the burden on the wider staff group of compulsory redundancies being necessary.
- 3.16 Granting a voluntary redundancy request will not be automatic. The Trust reserves the right to determine whether or not an application will be approved and there will be no right of appeal on the part of those employees whose applications are not successful.
- 3.17 Decisions will be made on an individual non-discriminatory basis taking into account:
- Knowledge, skills and experience and the value of future contributions to the Trust;
 - Employment performance, conduct and attendance history;
 - Impact on service delivery;
 - Whether the post can be released to provide a suitable alternative post for a member of staff ‘at risk’ of redundancy;
 - Cost efficiency;
 - Equal opportunities.
- 3.18 A decision to grant a request for voluntary redundancy will not set a precedent for any other person in the organisation, no matter whether they hold a similar or the same role.

Mutually agreed resignation scheme (MARS)

- 3.19 MARS is a scheme under which an individual employee, in agreement with the Trust, chooses to leave employment in return for a severance payment. It is viewed as being a voluntary resignation on the part of the individual.

- 3.20 The MAR scheme is not a compulsory or a voluntary redundancy but rather was developed within Agenda for Change Terms and Conditions with the aim of increasing the flexibility to organisations as they address periods of change and service redesign, in light of the financial circumstances in which they operate. The MAR scheme is therefore not appropriate where the circumstances entitle an employee to a contractual redundancy payment or redundancy benefits under the NHS Pension Scheme Regulations.
- 3.21 Where the Trust deems a MAR scheme open, the Trust will work in line with the principles outlined within [section 20](#) of the Agenda for Change Terms and Conditions and will publish the Trust's eligibility criteria and application process, developed by working in partnership with staff side. Each application received under the MAR scheme will be considered on its own merits and the Trust reserves the right to determine whether or not an application will be approved.

Redeployment

- 3.22 Where staff are displaced as a consequence of organisational and workforce change and are 'at risk' of redundancy the Trust will make every effort to try to secure them employment elsewhere in the Trust; this is known as 'redeployment'.
- 3.23 The objective of the redeployment process is to ensure that a robust mechanism exists to try to ensure that valuable skills and abilities are not lost when these can be utilised in another part of the Trust.
- 3.24 The guidance document on [Redeployment Due To Organisational and Workforce Change](#) provides guidance to staff and managers in relation to the management of the redeployment process.
- 3.25 The staff member will usually be placed on the redeployment register at the point in which the staff member is given notice of redundancy, during which time vacant posts will be ring-fenced to those on the register prior to being advertised. The redeployment period will usually coincide with the period of the staff members notice and therefore a minimum of 4 weeks however the redeployment period may be extended with senior management approval.
- 3.26 If an employee unreasonably refuses an offer of suitable alternative employment they will usually lose their right to redundancy payment.

Complaints/appeals

- 3.27 Staff members who are dissatisfied with the application of this procedure as it affects them are encouraged to discuss their situation with the change lead in the first instance. Where this is unable to be resolved through this manner recourse can be taken to the [Trust's Dispute Resolution in the Workplace Policy](#) (HR06).

4.0 Equipment Required

As detailed within the main policy document, HR32.

5.0 Training

As detailed within the main policy document, HR32.

6.0 References

As detailed within the main policy document, HR32.

Redundancy Procedure

1.0 Procedure Statement

- 1.1 The Trust commits to making every effort to maintain employment security for its staff and mitigate compulsory redundancies, however it is acknowledged that this may not always be possible to achieve.
- 1.2 The following process therefore provides direction on the implementation and management of redundancy situations.
- 1.3 In all circumstances involving potential redundancies:
 - Change leads must liaise with Divisional HR representatives;
 - Approval in principle must be obtained from the Deputy Chief Operating Officer/Divisional Manager for the Division and the Director of Workforce before any action is taken.

2.0 Accountabilities

As detailed in the policy, HR32.

3.0 Procedure Detail

Redundancy process

Staff identified to be 'at risk' of redundancy

- 3.1 Individuals will be deemed to be 'at risk' of redundancy when, as a result of organisational and workforce change, their continued employment in the Trust is uncertain (definition of redundancy contained within main policy document). This may occur, for example, when:
 - Their role in the organisation has, or is expected to, cease or be diminished;
 - A service has moved, or is expected to be delivered in a different location;
 - A service will no longer be delivered (however TUPE may apply instead under these circumstances).
- 3.2 Being placed 'at risk' of redundancy does not mean that an individual will automatically be placed under notice of redundancy or that they will ultimately be made redundant, as the Trust aims and will make every effort to maintain the employment security of its staff and mitigate compulsory redundancies.

Consultation period

- 3.3 Change leads must undertake meaningful consultation in line with the principles outlined in the formal consultation section of the [Managing Change Procedure](#).
- 3.4 Where redundancies are envisaged there is a statutory requirement to hold a collective consultation. Consultation must start 'in good time' and must begin:
 - At least 30 days before the first dismissal takes effect if 20-99 employees are to be made redundant at one establishment over a period of 90 days or less;
 - At least 45 days before the first dismissal takes effect if 100 or more employees are to be made redundant at one establishment over a period of 90 days or less.

**Voluntary redundancies and redeployments identified as part of the proposals will count towards the total number of proposed dismissals. Please seek advice from your Divisional*

HR Representative in respect of whether to include employees on fixed term contracts as this will be dependent on the contract end date.

- 3.5 Consultation should be genuine and must be undertaken with a view to giving real consideration to counter proposals or suggestions. It is not always possible for consultation to find a way of avoiding redundancies, but genuine consultations about the business reasons behind them are more likely to produce creative solutions.
- 3.6 Consultation periods can be concluded sooner with the express agreement of staff and management, and with staff side and HR engagement; the principal consideration being that the consultation period has allowed enough time to ensure that meaningful consultation has taken place. Such an agreement will be determined on a case by case basis.

Notice of redundancy

- 3.7 Where an individual's post is identified as being redundant a meeting will take place to formally issue 'notice of redundancy'. This meeting will be led by the change lead who will also be accompanied by a HR representative. The employee will have the right to be accompanied by a colleague who is a member of Trust staff or a representative of a recognised Trade Union.
- 3.8 The length of the redundancy notice will be based upon the notice period outlined within the staff member's employment contract with the Trust. In most cases the Trust will continue to seek redeployment opportunities during the notice period.
- 3.9 The details of this meeting will be confirmed in writing, a template for which is available from the supporting HR representative.
- 3.10 It is important to note that:
- Redundancy notices must not be issued until collective and individual consultation has been completed;
 - Redundancy notices may be given before the end of the statutory minimum period, if the consultation is genuinely complete (as indicated in paragraph 3.6);
 - The first dismissal must not take effect until the statutory minimum period has expired.
- 3.11 Where an individual wishes to leave the Trust before the expiry of their notice period they may do so, unless there are compelling reasons to the contrary, provided that they recognise that by doing so:
- They may forfeit the right to pay in lieu of notice;
 - The revised date of termination will be used for calculating the redundancy payment.

Disclosure of information

- 3.12 The Trust will as part of the formal collective consultation requirements disclose to representatives of professional organisations/trade unions the following information in writing:
- Reasons for the proposed redundancies;
 - Numbers and descriptions of employees it is proposed to make redundant;
 - The total number of employees of those descriptions employed at the establishment in question;
 - The way in which the employees will be selected for redundancy;

- The proposed method of carrying out the dismissals, including the period over which the dismissals are to take effect;
- The method of calculating any redundancy payments;
- Number of agency workers, where they are working and the type of work they are doing.

Notifying external bodies

3.13 The Trust is required by law to notify the Redundancy Payments Service (via an advanced notification of redundancies form - Government form HR1) if 20 or more employees are to be made redundant within any 90 day period at a single establishment. The minimum periods for notification are set out in figure 1.

Figure 1

Number of proposed redundancies	When notification to the RPS must be given
20-99	30 days before the first redundancy and before any individual notices of dismissal are issued
100 or more	45 days before the first redundancy and before any individual notices of dismissal are issued

3.14 The Trust will also provide a copy of this notice to the appropriate representatives.

Redundancy payments

3.15 Redundancy payments will be made in accordance with Agenda for Change Terms and Conditions.

3.16 Employees will be entitled to redundancy pay where they are dismissed by reason of redundancy and, at the date of termination of their contract, they have at least 2 years of continuous service.

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

3.18 Full information about redundancy pay and entitlement can be found on the NHS Employers website <https://www.nhsemployers.org/tchandbook/part-3-terms-and-conditions-of-service/section-16-redundancy-pay-for-england>.

Exclusion from eligibility for redundancy payment

3.19 As detailed in the Agenda for Change Terms and Conditions, 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; or
- At the date of termination of the contract have obtained without break, or with a break not exceeding 4 weeks, suitable alternative employment with the same or other NHS Employer; or
- Unreasonably refuse to accept or apply for suitable alternative employment with the same or other NHS employer; or
- Leave their employment before the expiry of their notice period; or

- Are offered a renewal of contract (with the substitution of the new employer for the previous NHS one); or
- Where the employment is transferred to another public service employer who is not an NHS employer.

Early retirement on grounds of redundancy

- 3.20 Members of the NHS Pension Scheme who are made redundant and meet the conditions set out in the Terms and Conditions may choose to retire early and use the redundancy payment to buy out all or part of the pension benefits reduction. To qualify for early retirement the member of staff must:
- Be an active member of the NHS Pension Scheme in respect of the employment that is being terminated;
 - Have at least two years' continuous service and two years' qualifying membership of the NHS Pension Scheme;
 - Have reached the minimum pension age.
- 3.21 Full information can be found on the NHS Employers website <https://www.nhsemployers.org/tchandbook/part-3-terms-and-conditions-of-service/section-16-redundancy-pay-for-england>.

Employee support

- 3.22 The Trust recognises the need and importance of providing support to staff at risk of redundancy which may include any of the following, or other support agreed as appropriate.

Training and Development

- 3.23 The Education and Training Department will provide the support to those at risk of redundancy, this may include support or training in respect of:
- Completing application forms;
 - Preparing a CV;
 - Presentation skills;
 - Interviewing techniques;
 - Job searching techniques.
- 3.24 Time to attend such sessions will be freely given although release may have to be scheduled.

Finding Alternative Work

- 3.25 When an individual is under notice of redundancy they are legally entitled to paid time off from the work place to search for work, attend interviews or undertake retraining. The amount of time granted equates to an average of 0.4 whole time equivalent (WTE) per week during the period of notice.

Occupational Health and Wellbeing Support (OHWB)

- 3.26 Staff will have access to support from OHWB. In addition, staff members are able to self-refer to the Employee Assistance Programme (EAP) who provide counselling support.

Job Centre Plus

- 3.27 Support is also available from Jobcentre Plus as detailed on the Government webpages: <https://www.gov.uk/redundancy-your-rights/get-help-finding-a-new-job>

Redundancy reviews and appeals

Process review

3.28 Before staff are given notice of redundancy, the outcome of the redundancy selection process for each scheme will be reviewed by a panel comprising the appropriate Deputy Chief Operating Officer/Divisional Manager for the Division, the Head of HR Advisory (excepting where they have personally been involved in that process in which case HR advice will be sought from a previously uninvolved HR representative) and a nominated local staff side representative. They will have the authority to question and where necessary overturn the decision reached in the application of the selection criteria for the appropriate scheme.

Right of appeal

3.29 Employees have the right to an appeal against the selection criteria for redundancy or the decision to dismiss an employee by reason of redundancy.

3.30 Please refer to the guidance document for the [Conducting of Appeal Hearings in line with Human Resources Policies](#) for further details on the appeal process.

3.31 The decision of the chair in the hearing will be final and there is no further right of appeal.

4.0 Equipment Required

As detailed within the main policy document, HR32.

5.0 Training

As detailed within the main policy document, HR32.

6.0 References

As detailed within the main policy document, HR32.

Protection of Pay and Conditions of Service

1.0 Procedure Statement

1.1 The Trust recognises its commitment to employees required to change their terms and conditions of service. When an employee is financially disadvantaged as a result of organisational change they will be protected for a period of time which enables them to realign their financial commitments.

2.0 Accountabilities

As detailed in the policy, HR32.

3.0 Definitions

Basic Pay	The weekly or monthly sum due in respect of basic hours worked within the standard working week as defined by the appropriate Terms and Conditions of Employment reckoned on the day immediately preceding the first day of employment in the new post but excluding any payments made in respect of acting-up and payments defined as 'other earnings'.
Mark Time	An employee is entitled to retain the basic pay and other earnings they were receiving prior to the change coming into effect, for the applicable protection period.
Other earnings	The weekly or monthly 'other earnings' average over the three months or 13 weeks preceding the first day of employment of the new post. Other earnings include the following where they are regular requirements of the job: <ul style="list-style-type: none"> - Regular contracted overtime; - Unsocial hours payments; - Standby and on-call duty payments.

4.0 Procedure Detail

4.1 This procedure applies to all Trust employees except medical and dental staff employed by the Trust.

4.2 This procedure will not apply to individuals who are:

- Redeployed on ill-health grounds;
- Downgraded as a result of their conduct or capability.

4.3 It is essential that all managers are careful in applying the procedure. Divisional HR representatives are available to provide advice and guidance in its application.

4.4 Basic and other earnings protection

This protection applies where an employee is financially disadvantaged as a result of a change initiated by the Trust, as outlined in the definitions section above.

4.5 All entitlement to increments or pay awards is suspended until such time as the rate of pay for their new band exceeds their Mark Time salary, or the period of protection ends.

4.6 Excess daily travel allowance

Employees who are required to change their headquarters as a result of organisational change will be eligible for reimbursement of their extra traveling expenses. The Trust [Expenses Policy](#) (HR25) must be accessed for further details.

Daily excess travel allowance will be reduced if the claimant's journey to the headquarter base becomes lesser for any reason (due to moving home, for example). All expenses claims will be subject to line manager approval. The Trust [Expenses Policy](#) (HR25) must be accessed for further details.

4.7 Protection Entitlements

The protection and daily excess travel allowance periods will be based on Agenda for Change (AfC) Banding within the Trust as follows:

AfC Banding	Basic Pay Protection (on a mark time basis)	Other Earnings Protection (on a mark time basis)	Daily excess travel allowance
Bands 1-6 inclusive	2 years	1 year	4 years
Band 7 and above	1 year	1 year	4 years

4.8 Protections will run concurrently and will not exceed the periods of time set out above.

4.9 Protection will cease if at any time during the protected period one of the following occur:

- Earnings in the new post permanently exceed the protected pay and earnings; or
- The employee moves by their own application to another post and/or base; or
- The employee leaves the Trust.

4.10 Continuity of service will be protected for the purpose of terms and conditions of employment and employment legislation.

4.11 There will be no further protection of terms and conditions other than those detailed above.

4.12 Staff members who are dissatisfied with the application of this procedure as it affects them are encouraged to discuss their situation with their manager/the change lead in the first instance. Where this is unable to be resolved through this manner recourse can be taken to the [Trust's Dispute Resolution in the Workplace Policy](#) (HR06).

5.0 Equipment Required

As detailed within the main policy document, HR32.

6.0 Training

As detailed within the main policy document, HR32.

7.0 References

As detailed within the main policy document, HR32.