Policy Governance Group

Date | 30th October 2023   **Item Ref** | 8b

TITLE OF PAPER	**Extension To Review Date – Organisational Change Policy**
TO BE PRESENTED BY	Emily Seville
AUTHOR	Debra Butterworth

1. Purpose

For approval	For assurance	For collective decision	To seek input	To report progress	For information	Other (Please state)
✓						

2. Summary

Policy	Author	Old review date	New review date
Organisational Change Policy	Debra Butterworth	31/10/23	28/02/24

Rationale

The current policy expires on 31/10/23. The current policy is 'fit for purpose' and the author confirms that extending the review date to 28/02/24 is low risk.

The Policy underwent an interim review in February 2022. The new review date provides an opportunity to evaluate a number of change processes which have been undertaken in the last 6 months and incorporate learning into the new version.

The policy author confirms they will be able to satisfy the five tests for policy approval by the new proposed review date. The five-way tests for policy approval are:

- Test 1. That the policy has been developed using current best practice/evidence practice
- Test 2. Evidence that it has been through appropriate consultation
- Test 3. That there is an agreed plan for dissemination and training
- Test 4. That audit arrangements have been clearly identified and agreed
- Test 5. That staff wellbeing has not been negatively impacted, or that the policy

update has positively impacted staff wellbeing, and how

PGG are asked to approve this request to extend the review date, as per the full rationale above, and are asked to note that the new review date requested, also takes into account the requirement to submit such requests to the People Committee (insert which Board Committee the policy will be ratified by).

- Test 1. That the current policy is fit for purpose
- Test 2. That extension of the review date is 'low risk'
- Test 3. That the grounds for extension are reasonable
- Test 4. The policy author confirms they will be able to satisfy the five tests for policy approval (detailed above) by the new proposed review date

3. Next Steps

Once the new review date is approved by PGG, a recommendation for ratification will be submitted to the People Committee.

Once ratified –

- Policy Governance to work with the author to ensure that the front sheet of the current policy is amended to reflect the new review date.

- Policy Governance to arrange for the amended policy to be replaced on the intranet and internet. A message will not need adding to Connect in this instance.

4. Required Actions

PGG are asked to agree to the above extension to review date, taking into account all rationale.

5. Monitoring Arrangements

Complete as appropriate

6. Contact Details

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Policy:
Organisational Change

Executive or Associate Director lead	Dean Wilson (Director of Human Resources)
Policy author/ lead	Sarah Bawden (HR Directorate Partner)
Feedback on implementation to	Sarah Bawden (HR Directorate Partner)

Document type	Policy
Document status	V2.1
Date of initial draft	September 2016
Dates of consultation	September 2016
Date of verification	21 September 2016
Date of ratification	29 September 2016
Ratified by	Executive Directors' Group
Date of issue	15 October 2018
Date for review	Extended to 31 March 2019 Extended further to 30 September 2019

Target audience	All SHSC employees

Keywords	HR, organisational, change, re-design, TUPE

Review with minor amends and transfer to new format

This is Version 2.1, extension to review date as agreed by EDG 20 September 2018 to 31 March 2019. EDG approved a further extension to 30 September 2019.

This is version 2 of this policy. This version replaces version 1, ratified in January 2011. This version was reviewed and updated in order to amend some errors in its contents and ensure that the Restrictive Practice Intervention Group (Chair) was satisfied with its contents.
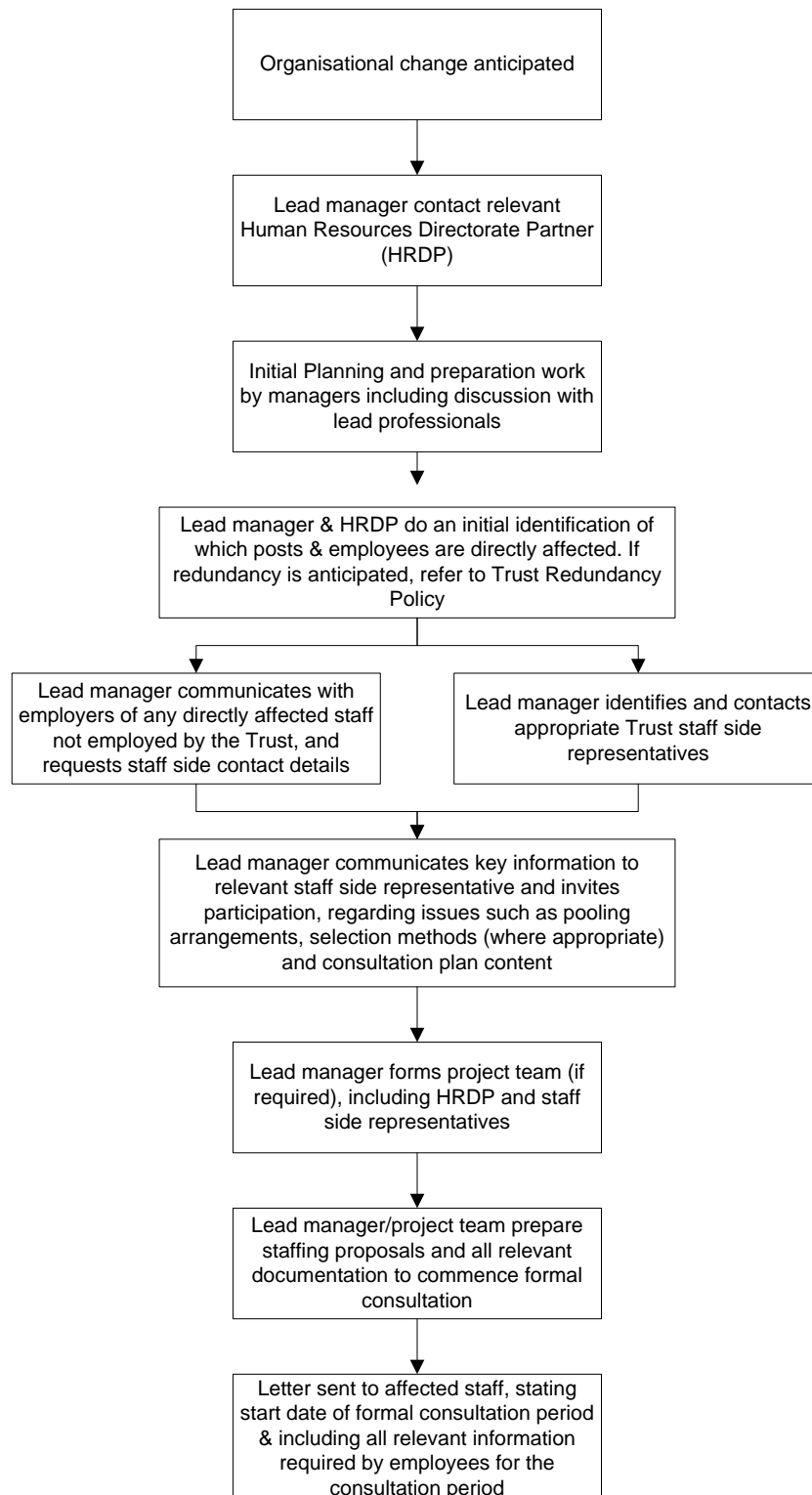
This policy will be available to all staff via the Sheffield Health & Social Care NHS Foundation Trust Intranet and on the Trust's website. The previous version will be removed from the Intranet and Trust website and archived. Word and pdf copies of the current and the previous version of this policy are available via the Director of Corporate Governance.

Any printed copies of the previous version (V1.0) should be destroyed and if a hard copy is required, it should be replaced with this version.
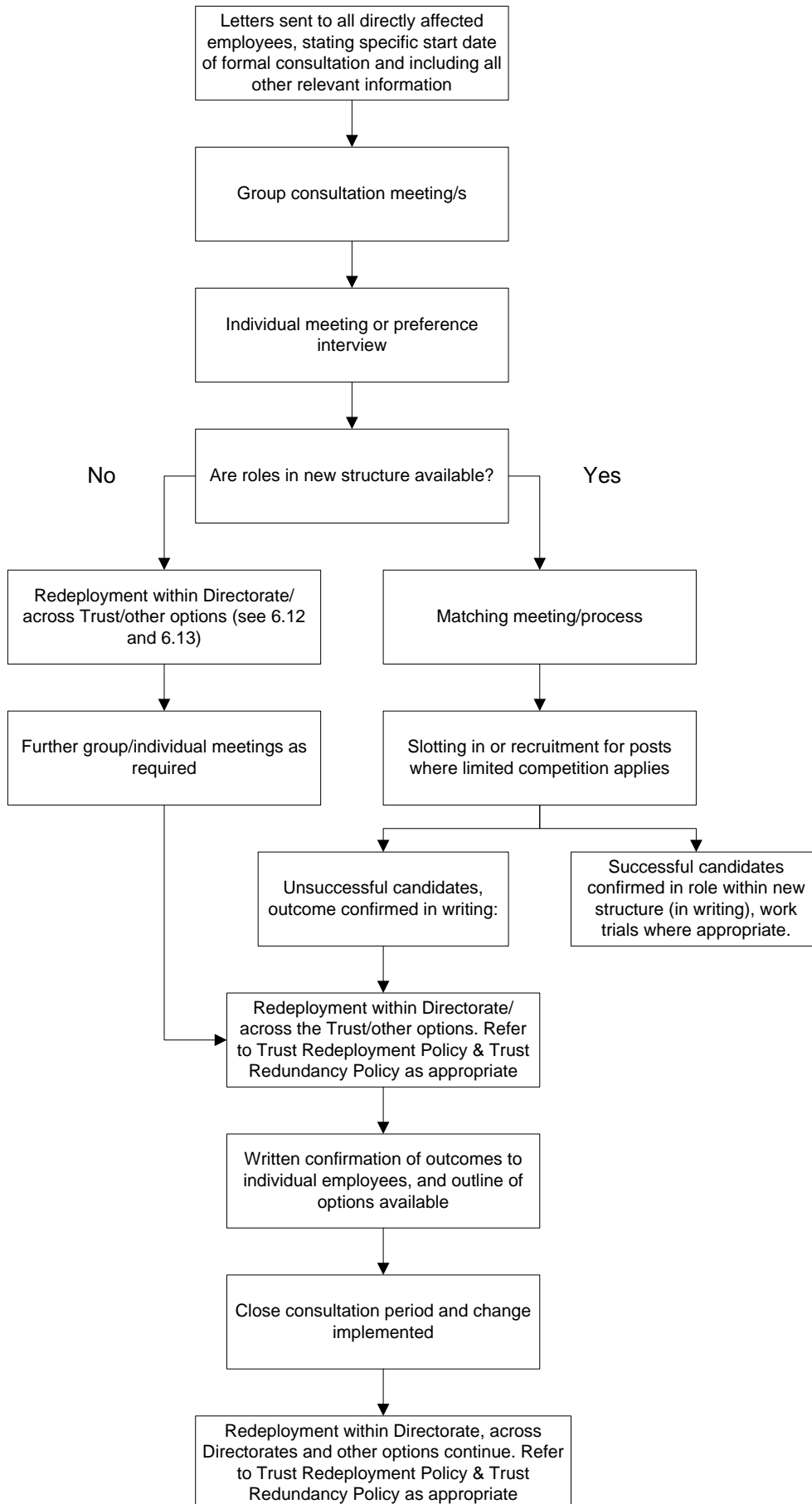
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Preparation for formal consultation

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Lead manager communicates with employers of any directly affected staff not employed by the Trust, and requests staff side contact details

Lead manager identifies and contacts appropriate Trust staff side representatives

Lead manager communicates key information to relevant staff side representative and invites participation, regarding issues such as pooling arrangements, selection methods (where appropriate) and consultation plan content

Lead manager forms project team (if required), including HRDP and staff side representatives

Lead manager/project team prepare staffing proposals and all relevant documentation to commence formal consultation

Letter sent to affected staff, stating start date of formal consultation period & including all relevant information required by employees for the consultation period

Formal consultation process: (excepting TUPE consultation)

Letters sent to all directly affected employees, stating specific start date of formal consultation and including all other relevant information

↓

Group consultation meeting/s

↓

Individual meeting or preference interview

↓

Are roles in new structure available?

No ← → **Yes**

No path:

Redeployment within Directorate/ across Trust/other options (see 6.12 and 6.13)

↓

Further group/individual meetings as required

Yes path:

Matching meeting/process

↓

Slotting in or recruitment for posts where limited competition applies

↓ ↓

Unsuccessful candidates, outcome confirmed in writing:

Successful candidates confirmed in role within new structure (in writing), work trials where appropriate.

↓

Redeployment within Directorate/ across the Trust/other options. Refer to Trust Redeployment Policy & Trust Redundancy Policy as appropriate

↓

Written confirmation of outcomes to individual employees, and outline of options available

↓

Close consultation period and change implemented

↓

Redeployment within Directorate, across Directorates and other options continue. Refer to Trust Redeployment Policy & Trust Redundancy Policy as appropriate

1.   **Introduction**

Sheffield Health and Social Care Trust (The Trust) needs to retain flexibility in service delivery, within a changing healthcare environment. Change occurs both locally and at a national level. In this context, the effective delivery and management of organisational change is vital to the organisation's success and continued ability to offer quality care, whilst maintaining financial sustainability.

The Trust has defined processes to manage organisational change, whenever and however it occurs.

It is recognised that the contribution and involvement of managers and employees to the identification, planning, implementation and evaluation of organisational change is vital to achieve the best outcomes for patients.

The Trust also recognises the benefits of working in partnership, and the role of Staff Side representatives to represent and communicate with their members during a formal consultation process, and during change in general.

It is acknowledged that change presents challenges for individuals and the organisation shall support employees during organisational change.

It should be noted that this policy links substantially with other Trust policies and agreements, and should be read in conjunction with other Trust polices, as appropriate:

- Redeployment
- Redundancy
- Location Flexibility Allowance
- Protection of Pay and Conditions of Service

The procedures contained in the Organisational Change Policy shall reflect any changes or updates to legislation as they occur.

2.   **Scope of Policy**

This policy applies to all Trust employees.

Employees of other organisations who carry out work within the Trust may also be affected by organisational change, which takes place at the Trust.

In the case of employees of other organisations, consultation arrangements shall be made with the employer of the staff affected by the change, with regard to their organisation's own policies for change management e.g. 'Achieving Change/Managing Employee Reductions' for Sheffield City Council employees. Employer and staff side representatives shall be invited to consultation meetings, as appropriate (see section 6.19 for more detail).

Agency staff and others who work in the Trust, but are not employees (e.g. volunteers) are outside the scope of this policy. However such individuals and groups shall be kept informed of change proposals, as appropriate.

Consultation with employees is within the scope of this policy. Other types of consultation e.g. Public, Service User, and issues which fall under the collective bargaining process are out of scope.

3. **Definitions**

Organisational change, for the purposes of this policy, is defined as any revision to the way in which a service is provided, which has significant implications for staff.

Some examples are:

- Relocation of service/s
- Changes in operating hours
- Merging services
- Closure of service or unit
- Provision of new service/s
- Expansion of existing service/s
- Restructuring
- Changes to skill and grade mix
- Transfer of services in or out of the organisation (e.g. TUPE)

See Appendix I for further details. This list is not exhaustive.

Consultation: Consultation is the process by which information, perspectives and ideas are shared in order to inform decisions about changes to service delivery. It needs to be meaningful, and views submitted during consultation need to be considered and responded to.

In this policy consultation refers to consultation with employees and their representatives, regarding proposed changes to services.

Lead manager: means the manager who has overall responsibility for managing the change. This will usually be a Service Director, or other Senior Manager. The lead manager may require a project group, or project manager to assist them. Where responsibilities are delegated, final decision making will be retained by the Service Director.

Representation: Employees may be accompanied at individual meetings within the scope of this policy, by either a staff side representative or a work colleague from within the Trust.

Directly affected employees: means employees whose roles will be impacted on by the proposed change. This includes employees who are on secondment from their substantive role, or otherwise temporarily placed away from it, where their substantive role is directly affected.

Affected area: means work area which will be impacted on by the organisational change. How the affected area is defined will depend on the nature and scope of the change. E.g. team function, ward, and site. However the affected area should be defined early in the change process.

At risk: means when it is expected that an employee's role may change significantly or cease as a result of organisational change.

Displaced: means when an employee's current role has ceased, or changed significantly due to organisational change.

'Ring fence': defines employee's eligibility in the recruitment process. A 'ring fence' is specifically applied to an affected area where posts are at risk. This guarantees that employees whose roles are at risk have the first opportunity to apply to vacant roles on a preferential basis, before any other applicants are considered. Where posts at different pay bands in the affected area are at risk, ring-fences shall be placed around each pay band. This means that in the first instance, only employees currently working at that band (or

displaced from a higher band) and who satisfy the minimum selection criteria, shall be eligible to apply for vacancies within the affected area.

Pool: means the group of directly affected employees who are allocated within a 'ring fence'.

Receiving manager: means the manager of any identified, suitable vacancy. A 'receiving' manager would form part of the recruitment panel at a guaranteed interview.

'Slotting in': is a selection process used during organisational change. See section 6.9 a) for further detail.

Limited competition: is a selection process used during organisational change. See section 6.9 b) for further detail.

Preference meeting: takes place with the employee (supported if they wish) and their line manager at which a form is completed outlining the skills/abilities of the employee, areas of job interest, etc. The form is at Appendix H.

Guaranteed interview: a selection interview for a vacant post. See section 6.11. An individual must meet the essential job criteria to be offered a guaranteed interview.

Matching process: a meeting or series of meetings held when preference meetings for all directly affected staff have been completed. Chaired by the lead manager or their representative and attended by Human Resources. Staff side representatives should be kept informed of the process and outcomes of matching. See section 6.9.

Substantive post holder: means either;
1) an employee who is the permanent post holder, or
2) an employee who, for the purposes of the formal consultation, may have the same rights as a permanent post holder. E.g. some temporary or fixed-term contracts, depending on the circumstances. Advice from Human Resources must be sought.

TUPE - Transfer of Undertaking (Protection of Employment) Regulations 2006 as amended by the collective redundancies and Transfer of Undertakings (Protection of employment) (Amendment) regulations 2014. Legal framework to be used when employees transfer from one to another (non NHS) employer.

N.B. transfers between NHS providers are covered by the Cabinet Office Statement of Practice: Staff Transfers in the Public Sector: January 2000 (revised November 2007). This provides a similar framework to TUPE.

4.   **Purpose of this Policy**

The purpose of this policy is to outline the Trust's approach to conducting organisational change.

The principles of this policy are that the Trust shall:
* Ensure that employees are kept informed of and involved in, proposals for change.
* Ensure that appropriate consultation is undertaken when change is proposed.
* Work in partnership to deliver effective organisational change.
* Support employees during the change process.
* Conduct open and honest discussions with employees about the potential impact of change.
* Avoid redundancy wherever possible

5. Duties

The Board of Directors is accountable for:
a. Commitment through endorsement of this policy
b. Identification and allocation of any resources required by the policy

The Chief Executive is accountable for:
- Ensuring the proper allocation of the policy through management arrangements.

Lead managers shall:
- Ensure that appropriate executive authority is gained before embarking on organisational change.
- Maintain overall responsibility for conducting organisational change, within the framework of this policy and other related Trust policies (see 'Introduction').
- Identify a suitable project manager & team to implement organisational change, as appropriate.
- Seek the advice of appropriate lead professionals about the impact of change on roles and responsibilities of employees within their profession. Involve lead professionals in project teams, as appropriate.
- Promote partnership working during organisational change and ensure that effective and timely communication with staff side representatives is maintained.
- Seek advice from Human Resources.
- Seek to avoid redundancy wherever possible.

Managers shall:
- Manage their teams within the framework of this policy, and other related Trust policies, (see 'Introduction') during organisational change.
- Educate themselves about the proposed change and the rationale. Also be aware of the potential impacts of the proposed change in relation to staff, and the service they manage.
- Contribute effectively to project groups and the consultation process at the request of lead or project managers.
- Conduct individual or preference meetings with Trust employees, within the framework of this policy, when requested to do to by lead/project managers.
- Actively seek further information, advice, support or learning from line management as appropriate.
- Provide an appropriate management response to staff queries, needs and concerns during change. 'Signpost' individuals to further support services where required (e.g. Workplace Wellbeing)
- Seek Advice from Human Resources as appropriate.

Human Resources shall:
- Review and update this policy, as needed.
- Take part in the organisational change process, as outlined in this policy.
- Advise managers on workforce planning issues to support service restructure.
- Advise lead managers and managers (including project managers) about the consultation/change process within the scope of this policy, related Trust policies (see 'Introduction'), and current legislation.
- Promote partnership working during organisational change.
- Ensure that the policy is adhered to.

6. Process

6. 0 Normal management process:

It is often appropriate to implement change through the normal management process. In such cases, managers shall discuss the proposed change with those affected, in order to give information and seek their views, make decisions and implement the change. This shall only apply where all parties agree to the change and in practical terms is usually only possible with a small working group, where the impact of the change is not substantial.

For example: An administration team of 3 people agree amongst themselves, with their manager, that one of them will begin work half an hour earlier, on a rota basis, each Wednesday morning, in order to provide extended office cover on the busiest day of the week.

In such situations it is still expected that managers will thoroughly discuss the proposed change. If deeper or more complex issues emerge during this process, or if posts become at risk managers may seek advice from Human Resources. It may become appropriate to begin a formal consultation process.

6.1 Planning for significant change:

More significant changes, such as those outlined in Appendix I require a more formalised approach, in line with the processes described in this policy, and other relevant Trust Policies.

Planning for the change will usually involve a period of initial discussion by lead managers with their management teams. The initial discussions will typically focus around issues such as finance, changes to service requirements, and workforce structures. This may also include Staff Side representatives.

Lead managers shall also seek the advice of appropriate lead professionals about the impact of change on roles and responsibilities of employees within their profession. Lead managers shall involve lead professionals in project teams, as appropriate.

6.2 Formal consultation process:

Following initial planning, preparations are then made for formal consultation with employees and their representatives.

Formal consultation shall take place where there is a reasonable expectation of change being implemented in the foreseeable future, and shall occur long enough in advance to enable meaningful consultation to take place.

The formal consultation process shall meet legal minimum timescales, and where appropriate may run for 90 days. The duration of the consultation period shall be discussed with Staff Side representatives, as part of the consultation process.

Actual changes and new working arrangements may be implemented when the formal consultation has ended.

The original consultation period may be reviewed in exceptional circumstances, and curtailed if necessary, following discussion. Consultation may not be curtailed to less than legal minimum periods.

The aims of formal consultation are to:

- Formally explain why an organisational change is needed.
- Communicate the proposal for change to affected employees.
- Make employees aware of the relevant policies and procedures which will be used during the change process.
- Provide opportunity for directly affected employees, and their representatives, to ask questions and make suggestions regarding the change.
- Seek a suitable agreement for the management of the change.

Formal consultation is also a method by which the organisation shall aim to mitigate the impact of any potential redundancies. The process and content of formal redundancy consultations are outlined in the Redundancy Policy.

The lead manager shall be responsible for clearly setting out the matters to be consulted upon, during the formal consultation period.

The lead manager/project team are responsible for organising and conducting the formal consultation period, with support from Human Resources.

The lead manager is responsible, in conjunction with Human Resources, and Staff Side representatives, for identifying the pool of directly affected employees. The pool will comprise all the substantive post holders (see 'Definitions' meaning of 'substantive post holder') whose roles will be at risk, or significantly affected by the proposed change.

Lead managers are responsible for ensuring that any employee not at work immediately prior to /during the consultation period is, as far as reasonably practical, involved in the consultation process to the same extent as those employees physically present. Some examples are staff on secondment, maternity leave, annual leave, career break, sickness absence, or active service in the armed forces. Managers may seek advice from Human Resources.

The legal rights of staff who are absent will be observed during the consultation process. Managers may seek advice from Human Resources.

It is recognised that the best way to implement change is by working in partnership, with individual employees, teams and Staff Side representatives. The lead manager is responsible for involving appropriate Staff Side representatives at all stages of the formal consultation process. Lead managers should seek advice from Human Resources.

Human Resources will allocate a representative to support each formal consultation period and lead managers should consider making contact with Human Resources, at the earliest opportunity.

6.3   Indirectly affected individuals/groups:

Lead managers are responsible for considering any implications for any indirectly affected employees (e.g. employees working in teams who interact with the areas undergoing the change, those who provide facilities management) and ensuring that adequate communication takes place.

6.4   Information to be provided during formal consultation:

a) Information to staff side:
Lead managers must first provide the following information, in writing, to relevant Staff Side representatives, including the Staff Side Chair, at the earliest opportunity, when it becomes known that change is reasonably likely to occur and before commencing consultation directly with employees:

- What the proposal for change is

- The reasons for the proposals

- The numbers and descriptions of employees affected by the change

- The expected effect of the change on employees

- The proposed selection methods (if appropriate)

- The proposed consultation plan/timescale for implementation

Lead managers shall consult with Staff Side representatives prior to commencing a formal consultation period regarding issues which may arise as a result of the consultation.

Lead managers shall create a written 'consultation plan' which outlines the process to be adopted, including the provision of group and individual meetings with all affected staff.

Note: Managers should refer to the Redundancy Policy for details of additional information requirements to Staff Side representatives where it is anticipated that there is risk of redundancies.

b) Information to be provided to directly affected employees:
The formal consultation period shall commence on a specified date, and all affected employees shall be notified of this, in an individually addressed letter, along with the following information:
- Outline of the proposed changes and why they are needed.
- Start date, intended duration and content of the formal consultation period.
- Notification that relevant Staff Side representatives have been informed.
- Notification that employees may invite a Staff Side representative or work colleague from the Trust to individual meetings.
- 'Consultation pack' of documentation e.g. copy of the consultation plan (see 'consultation plan' below), new structure charts, revised job descriptions (draft or agreed), other information as appropriate.
- Selection processes/criteria to be used, where appropriate.
- Referral to relevant policies.
- Projected implementation date for the change.

Note: Managers should refer to the Redundancy Policy for details of additional information requirements to employees where it is anticipated that there is risk of redundancies.

Consultation plan:
The consultation plan should include:
- an outline, as appropriate, of the aims of the formal consultation
- dates and constitution of group meetings
- timeslots/availability for individual/preference meetings
- key milestones in the change process (e.g. the date when further information may be known)

Lead managers should also make provision within their consultation plan for:
- communication with indirectly affected individuals or groups e.g. teams which interact with the affected areas.
- communication with the employing organisations and the Staff Side representatives of individuals working into the Trust but employed by another employer e.g. Sheffield City Council employees (see Section 6.19 for further information).

6.5   TUPE consultation:

During organisational change where TUPE or equivalent applies*, (see Appendix I for further detail) it is expected that some or all of the directly affected employees will transfer with the service, depending on if they are 'assigned' to such a service or not. Whether an employee actually transfers shall be determined by the legal provisions of TUPE or equivalent*.

In this situation, the specific timescales, arrangements for consultation and transfer of information required under TUPE or equivalent* shall supersede any practices used by the Trust during other types organisational change. Managers should seek Human Resources advice at the earliest opportunity where it is anticipated that TUPE or equivalent* shall apply.

* Cabinet Office Statement or Practice: Staff Transfers in the Public Sector: January 2000 (revised November 2007) re: transfers of employees between NHS organisations.

However, in principle, Sections 6.0, 61, 6.2, 6.3, 6.4, 6.19 & 6.20 of this policy shall apply to the manner of consultation expected i.e. communication with Staff Side representatives and employees.

Sections 6.8, 6.9, 6.10, 6.11, 6.12, 6.13, 6.14, 6.15, 6.16. & 6.18, of this Policy, shall **not** be valid where TUPE or equivalent* applies, in relation to employees who are expected to transfer. I.e. preference meetings shall not take place, and there will be no allocation of employees expected to transfer out under TUPE or equivalent*, to roles in the Trust. However, employees in this position shall still be offered an individual consultation meeting, to discuss individual issues.

Employees who are expected to transfer out of The Trust may make applications as internal candidates, for vacancies advertised by the Trust, (up until the date of transfer) but guaranteed interviews will not be applicable to outgoing employees.

If remaining employees are affected by a TUPE transfer, then it may be appropriate to apply this policy and associated policies. This may also be the case with employees in coming via TUPE transfer or equivalent*.

6.6   During the formal consultation:

The formal consultation period shall typically comprise a mixture of group and individual consultation meetings. The lead manager/project group is responsible for determining the schedule of consultation meetings, to ensure that all directly affected employees are involved. Each directly affected individual shall be afforded the opportunity to attend at least 1 group meeting to which the relevant staff side representatives will be invited and 1 individual meeting. At the individual meeting, the employee has the right to be accompanied by a union representative or work colleague from the Trust. The usual process will be that employees attend a group meeting first, followed up by a timely, individual meeting.

During the consultation period, lead managers shall be responsible for keeping all directly affected employees and Staff Side representatives up to date with relevant issues/progress.

Before and during formal consultation, managers shall be mindful that a greater than usual level of communication and support to employees will need to be provided, during the consultation and organisational change.

6.7   Group meetings:

The purpose of group meetings during formal consultation is to further explain the organisational changes and why they are needed. Group meetings should provide

opportunity for employees to ask questions and put forward their views, where these are on general topics which may be useful for the whole group.

Each directly affected employee shall be afforded the opportunity to attend at least 1 group meeting.

Staff Side representatives shall be invited to group consultation meetings during the formal consultation period.

As the consultation process moves on, group meetings are a way of updating employees on the progress of the change process, discussing any issues, and continuing to involve employees in the planning and implementation of the change. The meetings also provide further opportunity for employees to raise queries.

On some occasions it may be appropriate to organise group meetings for a sub group of affected staff .e.g. one professional group, or everyone who works at a particular site. A Human Resources representative shall attend group meetings, where practicable and appropriate.

6.8   Individual meeting / preference meeting:

At least one individual, face to face consultation meeting shall be conducted with each directly affected employee, during the formal consultation period. The aim of individual consultation meeting is to provide opportunity for directly affected employees to discuss how the proposed changes affect them, and to raise any queries that relate to their individual situation.

Employees may be accompanied at individual meetings by a Staff Side representative or work colleague from the Trust.

An individual meeting shall be attended by the employee, their representative (to be arranged by the individual), and a manager (often the line manager or other manager appointed by the lead manager). A Human Resources representative may also attend the meeting.

Where the roles of substantive post holders (see 'Definitions' for meaning of 'substantive post holder'), are at risk, or expected to undergo significant change, the individual meeting will be a preference meeting (excluding where TUPE or *equivalent applies).

The purpose of the preference meeting is for the individual to state their preferences for posts for which they are eligible, as well as discussing their general preferences for alternative posts.

The preference meeting shall be attended by:
- the individual whose post is at risk,
- their representative (to be arranged by the individual), either a Staff Side representative or work colleague from the Trust.
- a manager (usually the line manager or other manager appointed by the lead manager).

A Human Resources representative may also attend the meeting.

Lead managers are responsible for ensuring that employees are made fully aware of the options open to them. All relevant information, such as structure charts, and job descriptions must be made available to employees whose posts are at risk, at least one week before the date of the preference meeting.

Details of the individual's preferences shall be recorded on preference form attached in Appendix H. This shall be completed during the preference meeting.

At the preference meeting it is important that employees whose posts are at risk state *all* their preferences, both inside and outside of the new structure, to enable the maximum possibility of being successfully offered a suitable alternative role.

Where redundancies are anticipated, the manager conducting the preference meeting shall ensure discussion of this topic, and that employees are given all available information regarding the possibility of redundancy. Where redundancies are anticipated procedures outlined in the Redundancy Policy shall be followed.

Preference meetings shall be conducted during the formal consultation period.

Note: Lead managers should note that line manager's roles may be significantly impacted by the proposed change. In this circumstance, lead managers should consider whether it will be appropriate for the line manager/s to conduct the individual consultation meetings and seek the views of the line manager/s.

In exceptional circumstances, the number of employees involved may mean that it is not possible to offer a preference meeting to staff. In such situations, Staff Side will be consulted in order to agree appropriate alternative arrangements e.g. a general meeting with the employees involved would take place with their representatives, in order to explain fully the importance of the information required, and answer any questions prior to the form being sent out directly to the employee for completion and return.

6.9   Allocating posts within a new structure:

When all preference meetings are completed, a 'matching' process shall take place, chaired by the lead manager or their representative, with a Human Resources representative.

The purpose of the matching process is to allocate employees to suitable alternative posts, or to recruitment pools, using the procedures outlined below.

In the first instance, substantive post holders (see 'Definitions'), who are at risk of being displaced from their post, due to organisational change, will be expected to consider any suitable alternative role (or roles) in the new structure, at their current band. ('Suitable alternative employment' shall be defined by the criteria in appendix G.) Where a suitable alternative post in the new structure, at the current band is available, the processes of 'slotting in' followed by 'limited competition' shall apply, as outlined below. 'Slotting in' shall be applied first, where applicable, followed by 'limited competition'.

The matching process, and processes for 'slotting in' and 'limited competition' shall take place during the consultation period, and Staff Side representatives shall be kept informed of the process and outcomes. Posts in any new structure need to be confirmed to individuals before the consultation period ends and the new structure/work arrangements begin.

a) 'Slotting in'
'Slotting in' shall apply where the substantive duties of the directly affected employee are wholly or mainly the same in the new structure as they were in the old, and where no other staff in the same role are displaced. 'Slotting in' shall not apply to 'acting up' arrangements or secondments.

The following criteria should be met before 'slotting in' employees to posts:
- 50% or more of the old/existing role is reflected in the new role **and,**
- the post holder is the only suitable candidate (within the 'ring fence') for the post, and
- is a substantive post holder (see Definitions), **and**

- the job remains at the same pay band, **and**
- the employee has the minimum qualifications and experience required for the new post.

Where the above criteria exist, individuals will be automatically slotted into roles within the new structure, without detriment to their terms and conditions and shall not be required to be interviewed for the post.

Where slotting in is applied, the employee shall be notified of this in writing and this shall be regarded as an offer of suitable alternative employment.

Following the employee's acceptance of the post, a meeting between the employee and the 'receiving' manager shall be held to discuss arrangements for commencing the new role.

All the normal redeployment rights will apply to staff 'slotted in' i.e. under Protection of Pay and Conditions of Service policy, Location Flexibility Allowance policy, and as appropriate, trial periods

b) Limited competition:
Limited competition shall apply where there is:
- more than one *eligible* employee potentially suitable for the post within the 'ring-fenced' area, **and/or**
- the post is new in content and/or carries substantially increased or changed responsibility

Competition for posts shall apply in the first instance to employees who are
- directly affected by the change, **and**
- are within the 'ring fenced' area, **and**
- who have the same band as the new role
- satisfy the minimum selection criteria

Limited competition shall normally begin with the highest pay band first, then cascade down.

Limited competition may also include employees who have not been appointed at a higher pay band. However these individuals are eligible for posts that are up to 1 band lower than their current post (under the criteria for suitable alternative employment at Appendix G).

Employees working at a lower band in the new structure (than their band in the old structure) shall be subject to payment protection, as outlined in the 'Protection of Pay and Conditions of Service Policy'.

Exceptionally, a drop of 2 bands may be considered if there are no posts in the band immediately below, within the new structure. However this shall only be at the agreement of the individual/ their representative and management.

Where limited competition applies, employees who have expressed a preference for a role will have a guaranteed interview, and will be notified of this along with details of the selection process, in writing. Lead managers shall ensure that employees have a reasonable period of time to prepare for interviews.

Where an individual is successful within 'limited competition', the employee shall be notified of this in writing and this shall be regarded as an offer of suitable alternative employment (under the criteria for suitable alternative employment at Appendix G)

Following the employee's acceptance of the post, a meeting between the employee and the 'receiving' manager shall be held to discuss arrangements for commencing the new role, and whether a work trial would be appropriate.

6.10 Allocation to a suitable alternative role within the same Directorate:

Following the processes of 'slotting in' and 'limited competition', some employees may not have found suitable alternative employment. Also, not all organisational changes will result in a revised structure, where new posts are available to employees who have been displaced from their substantive role, (e.g. ward closure).

In such circumstances where posts within a new structure are not available to an employee, the lead manager shall next seek to identify posts within the wider work area (up to the level of Directorate) which may provide suitable alternative employment.

This process may include the lead manager 'holding' vacancies which arise from the time that it is clear that organisational change will result in employees being at risk of being displaced from their substantive role.

Alternatively the lead manager may arrange for vacancies which arise before the formal consultation period to be filled on a temporary basis pending the outcome of organisational change (via the Vacancy Control Process).

Potential roles to be allocated to at risk/displaced employees may include temporary, fixed term or secondment roles, where permanent vacancies are not available.

Where potential vacancies in the wider Directorate are identified, the processes of 'slotting in' and 'limited competition' shall again apply to those employees who are at risk of being displaced from their substantive role.

Lead managers/the project team are responsible for ensuring clear communication processes exist for such employees regarding suitable vacancies within the Directorate.

Note: Where a separate organisational change is occurring in the same timeframe and Directorate, this may result, for example in the pool of limited competition being extended to include more than one pool of employees in the same Directorate, displaced by organisational change, who may also have suitability for a particular vacancy.

6.11 Guaranteed interview:

Where employees qualify for 'limited competition' for posts, this means that they will be entitled to a guaranteed interview for the specified posts. I.e. recruiting managers will interview all candidates in the pool and will not conduct any short-listing prior to interview.

6.12 Redeployment across Directorates:

When all the above processes have been exhausted, there may be some individuals who have not been allocated a post and remain at risk or become displaced from their substantive role. The organisation will next seek to redeploy such individuals, under the terms of the Redeployment Policy.

6.13 Other Options:

Where all the processes outlined have been exhausted, or are not appropriate in the circumstances, the Lead Manager must consider any other available options, including redundancy (see Redundancy Policy).

6.14 Trial Period:

Where an offer of suitable alternative employment has been accepted, the employee is entitled to a trial period of a minimum of 4 weeks.

Trial periods, along with the specific objectives of the trial, should always be agreed in writing, specifying the employee's terms and conditions and the date on which the trial begins and ends.

The manager must ensure that there is ongoing supervision and support for the employee during the trial period and the employee's progress must be continuously assessed against a pre-set training plan, job description and/or objectives.

A thorough review of the success of the trial period must be undertaken, in consultation with the employee concerned and their representative, before the end of the trial period.

However if during the trial period, it is clear that the employee is not going to meet the standards required, the trial period may be terminated early, (but not before the minimum period of 4 weeks has been completed).

Where the employee requires training for the new post, the trial period may be extended up to a total of twelve weeks, by agreement. Trial periods may also be extended; at management discretion to take account of factors such as pre arranged annual leave.

Managers may seek advice from Human Resources.

6.15 Appeal process:

This appeal process may be used if an employee does not agree that an offer of a suitable alternative employment (temporary or permanent) is a suitable alternative role.

Suitable alternative employment shall be defined by the criteria in Appendix G.

In these circumstances the following process shall be followed:

1. The employee and their representative (Staff Side or work colleague from the Trust) should meet with the line manager (or their representative) and a Human Resources representative to discuss the relevant issues. The employee must be able to specify the reasons why the post does not meet the criteria for suitable alternative employment at Appendix G.

2. Following this meeting, the line manager (or their representative) will confirm, in writing, whether the post is still regarded as suitable alternative employment. The line manager must specify the reasons why they still consider that the post is a suitable alternative role.

3. If the employee still disagrees that the post is a suitable alternative role, final decision making will be with the next level manager. The employee and their representative (Staff Side or work colleague from the Trust) should meet with the next level line manager (or their representative) and a Human Resources representative to discuss the relevant issues. The employee must be able to specify the reasons why the post does not meet the criteria for suitable alternative employment at Appendix G.

4. Following this meeting, the next level manager will confirm, in writing, whether the post is still regarded as suitable alternative employment. The lead manager must specify the reasons why they still consider that the post is a suitable alternative role. This decision will be final.

5. If the post is still regarded as suitable alternative employment the individual must take up the post*.

6. If it is agreed that the post is *not* suitable alternative employment, the process of allocating the employee to a suitable alternative role will continue.

* Employees should refer to the Redundancy Policy regarding the implications of refusing suitable alternative employment on any redundancy payment that the employee may qualify for.

6.16 Maternity:

Advice should be taken from Human Resources in relation to any individuals who are pregnant or on maternity leave at the time that they are placed at risk, to ensure support is put in place and any legal implications are properly understood.

6.17 Closing the formal consultation process:

A formal consultation process may be closed early where all parties agree that they can move forward and implement the change. However this must still be within any legal minimum period for formal consultation and regard must be given to any notice periods required. Managers should to seek advice from Human Resources.

The lead manager shall be responsible for ensuring that all directly affected employees receive a letter confirming the start date for the new working arrangements which relate to them individually, taking account of any necessary notice periods, e.g. new post, new base, start of any pay protection.

Employees in the directly affected area should be informed of the end date of the formal consultation period, and the start date of the new structure/work arrangements.

6. 18 Consultation with employees of other organisations who work into the Trust; Non-Trust employees who are directly affected by the proposed change:

Where employees of other organisations are *directly* affected by proposed changes at the Trust, the lead manager shall be responsible for identifying and notifying the employing body of such individuals.

The lead manager shall agree a consultation process with the appropriate representatives of the external employing body (e.g. line management or Human Resources) and request contact details for the Trades Union representatives of the directly affected staff.

The Trades Union representatives of such directly affected individuals shall be included in the consultation process/meetings and must be provided with all relevant information, at the outset of the consultation, as if they were representatives of Trust employees.

Provision for including non-Trust employees who are directly affected by the change shall be made in the Consultation Plan, with regard to inclusion in consultation group meetings alongside Trust employees or separately, as appropriate. It is expected that individual meetings will be conducted by a representative of the individual's employing body.

Where there is a recognised process for consultation e.g. 'Achieving Change' and 'Managing Employee Reductions' at Sheffield City Council, Trust managers shall work within its' parameters.

It is noted that employing organisations external to the Trust will be responsible for the change process and outcome relating to any of their employees displaced by changes at the Trust, and this shall be conducted within the organisation's own policies.

Non-Trust employees who are *indirectly* affected by the proposed change:
Where another organisation's employees are *indirectly* affected by the change, the lead manager shall make provision for communicating with these individuals/groups either directly, or as required, via the appropriate Trades Union representatives.

It is the Trust's aspiration to work transparently and in partnership with organisations whose employees work into the Trust. However, where another organisation's employees are indirectly affected by the change, confidentiality of Trust employees' personal details must be maintained and this may mean that some meetings/discussion will be restricted to the representatives of those directly affected individuals.

6.19 Support for employees:

It is recognised that change brings positive and negative effects for individuals. Employees will experience ambiguity at times of change (e.g. will I like it, can I do it?) and a sense of loss for what has ceased to be.

Whilst working through change, employees may typically move through feelings of:

- denial
- anger
- depression
- acceptance
- hopeful optimism

It is usual for individuals to progress through this process of personal change, at different rates.

Whilst these feelings are part of the natural process of moving through change, the organisation recognises that change can potentially contribute to employees stress levels before, during and after organisational change takes place.

Managers must consider that individuals may need more support than usual during organisational change.

For these reasons lead managers should:

a) recognise the impact of workplace change on employees.
b) focus on a robust communication and consultation plan, which includes all affected employees and gives adequate time and opportunity for issues to be raised.
c) retain, where possible, flexibility in the consultation plan to allow for extra meetings with individual or groups if needed.
d) ensure that affected employees know which management representatives are available to discuss the change.
e) consider what additional support managers involved with the change may need.
f) ensure that managers involved in the change have access to, and promote to staff, sources of support including:

- Additional supervision
- Workplace Wellbeing counselling service
- Workplace Wellbeing stress management workshops
- Workplace Wellbeing booklets provided on intranet e.g. Stress Booklet
- Sessional work by the Organisational Development team
- Mentoring, where practicable
- The Trusts' 'Stress Management Policy' which may be supported by group sessions provided by Human Resources Directorate Partners, using the questionnaire tool.

g) ensure that the above interventions are built into the consultation plan, as appropriate.

Where redundancy is anticipated, lead managers shall refer to the Redundancy Policy, and seek advice from Human Resources, for details of specific redundancy counselling support.

7. Dissemination, storage and archiving

A copy of the policy will be placed on the SHSC intranet within 5 working days of finalisation and the previous version removed by Corporate Governance team. A communication will be sent out via the Communications Digest to all SHSC employees informing them of the revised policy. Managers are responsible for ensuring the hard copies of the previous versions are removed from any policy/procedure manually or files stored locally. Clinical and Service directors are responsible for ensuring that all their staff are aware of and know how to access all policies.

The Corporate Governance team will maintain an archive of previous versions of this policy, and make sure that the latest version is the one that is posted on the Trust intranet.

Where paper policy files or archives are maintained within teams or services it is the responsibility of the team manager to ensure that paper policy files are kept up to date and comprehensive, and that staff are made aware of new or revised policies. Older versions should be destroyed to avoid confusion. It is the responsibility of the team manager to make sure the latest version of a policy is available to all staff in the team.

8. Training and other resource implications for this policy

Any training requirements may be identified by Human Resources Directorate Partner whilst working with manager in Directorates, either via senior management team meetings or in relation to the specific changes which occur.

9. Audit, monitoring and review

Monitoring Compliance Template						
Minimum Requirement	Process for Monitoring	Responsible Individual/ group/ committee	Frequency of Monitoring	Review of Results process (e.g. who does this?)	Responsible Individual/group /committee for action plan development	Responsible Individual/group /committee for action plan monitoring and implementation
A) Legal compliance	No of ET challenges related to change	HR	Annual	HRSMT	HR / JCF	Author/ HRSMT
B) Staff experience	Staff survey/ Appraisal Appeal process/ grievance	HR	Annual	HRSMT	HR / JCF	Author/ HRSMT
C) Consultation	Staff side feedback/ evaluation of change	HR	Annual	HRSMT	HR / JPG / JCF	Author/ HRSMT
D) Avoidance of redundancy	No of redundancies	HR	Annual	HRSMT	HR/JCF	Author/ HRSMT

Policy to be reviewed in April 2017.

10.   Implementation plan

Action / Task	Responsible Person	Deadline	Progress update
New policy to be uploaded onto the Intranet and Trust website.	Director of Corporate Governance	Within 5 working days of finalisation	
A communication will be issued to all staff via the Communication Digest immediately following publication.	Director of Corporate Governance	Within 5 working days of issue	
A communication will be sent to Education, Training and Development to review training provision.	Director of Corporate Governance	Within 5 working days of issue	

11.   Links to other policies

- Redeployment
- Redundancy
- Location Flexibility Allowance
- Protection of Pay and Conditions of Service
- Equal Opportunities
- Recruitment

12.   Contact details

Title	Name	Phone	Email
HR Directorate Partners	Sarah Bawden Jane Askew Ian Hall Louise Robson	0114 2263277	Sarah.bawden@shsc.nhs.uk Jane.askew@shsc.nhs.uk Ian.hall@shsc.nhs.uk Louise.robson@shsc.nhs.uk Bo.ogunleye@shsc.nhs.uk

13.   References

Transfer of Undertakings (Protection of Employment) Regulations 2006 as amended by the Collective Redundancies and Transfer of Undertakings (Protection of Employment) (Amendment) Regulations 2014
European Union Directive for informing and consulting employees 2002
Fixed term employees (prevention of less favourable treatment) Regulations 2002
Employment Rights Act 1996
Equality Bill 2010

Cabinet Office Statement or Practice: Staff Transfers in the Public Sector: January 2000 (revised November 2007)

The procedures contained in the organisational change policy shall reflect any changes or updates or legislation as they occur.

Appendix A - Version Control and Amendment Log

Version No.	Type of Change	Date	Description of change(s)
V2 D 0.1	Revised policy with minor amends	September 2016	Formatting revisions and amendment to the preference form. Policy requires manager's guidance, therefore a short term review placed on it.
V2 D0.2	Revised policy with minor amends	September 2016	Formatting revisions and amendment to the preference form. Policy requires manager's guidance, therefore a short term review placed on it.
2.0	Ratified / finalised / issued	November 2016	Ratified / finalised / issued.

Appendix B - Dissemination Record

Version	Date on website (intranet and internet)	Date of "all SHSC staff" email	Any other promotion/ dissemination (include dates)
2.0	November 2016	November 2016 via Communications Digest	

Equality Impact Assessment Process for Policies Developed Under the Policy on Policies

Stage 1 – Complete draft policy

Stage 2 – **Relevance** - Is the policy potentially relevant to equality i.e. will this policy potentially impact on staff, patients or the public? If **NO** – No further action required – please sign and date the following statement. If **YES –** proceed to stage 3

This policy does not impact on staff, patients or the public (insert name and date)

Stage 3 – **Policy Screening** - Public authorities are legally required to have 'due regard' to eliminating discrimination , advancing equal opportunity and fostering good relations , in relation to people who share certain 'protected characteristics' and those that do not. The following table should be used to consider this and inform changes to the policy (indicate yes/no/ don't know and note reasons). Please see the SHSC Guidance on equality impact assessment for examples and detailed advice. This is available by logging-on to the Intranet first and then following this link https://nww.xct.nhs.uk/widget.php?wdg=wdg_general_info&page=464

	Does any aspect of this policy actually or potentially discriminate against this group?	Can equality of opportunity for this group be improved through this policy or changes to this policy?	Can this policy be amended so that it works to enhance relations between people in this group and people not in this group?
AGE	No	No	No
DISABILITY	No	No	No
GENDER REASSIGNMENT	No	No	No
PREGNANCY AND MATERNITY	No	No	No
RACE	No	No	No
RELIGION OR BELIEF	No	No	No
SEX	No	No	No
SEXUAL ORIENTATION	No	No	No

Stage 4 – **Policy Revision** - Make amendments to the policy or identify any remedial action required (action should be noted in the policy implementation plan section)
Please delete as appropriate: no changes made.

Impact Assessment Completed by (insert name and date)

Sarah Bawden 8th November 2016

Appendix D - Human Rights Act Assessment Form and Flowchart

You need to be confident that no aspect of this policy breaches a person's Human Rights. You can assume that if a policy is directly based on a law or national policy it will not therefore breach Human Rights.

If the policy or any procedures in the policy, are based on a local decision which impact on individuals, then you will need to make sure their human rights are not breached. To do this, you will need to refer to the more detailed guidance that is available on the SHSC web site
http://www.justice.gov.uk/downloads/human-rights/act-studyguide.pdf
(Relevant sections numbers are referenced in grey boxes on diagram) and work through the flow chart on the next page.

1. **Is your policy based on and in line with the current law (including case law) or policy?**

    X   Yes. No further action needed.

    ☐   **No. Work through the flow diagram over the page and then answer questions 2 and 3 below.**

2. **On completion of flow diagram – is further action needed?**

    ☐   **No, no further action needed.**
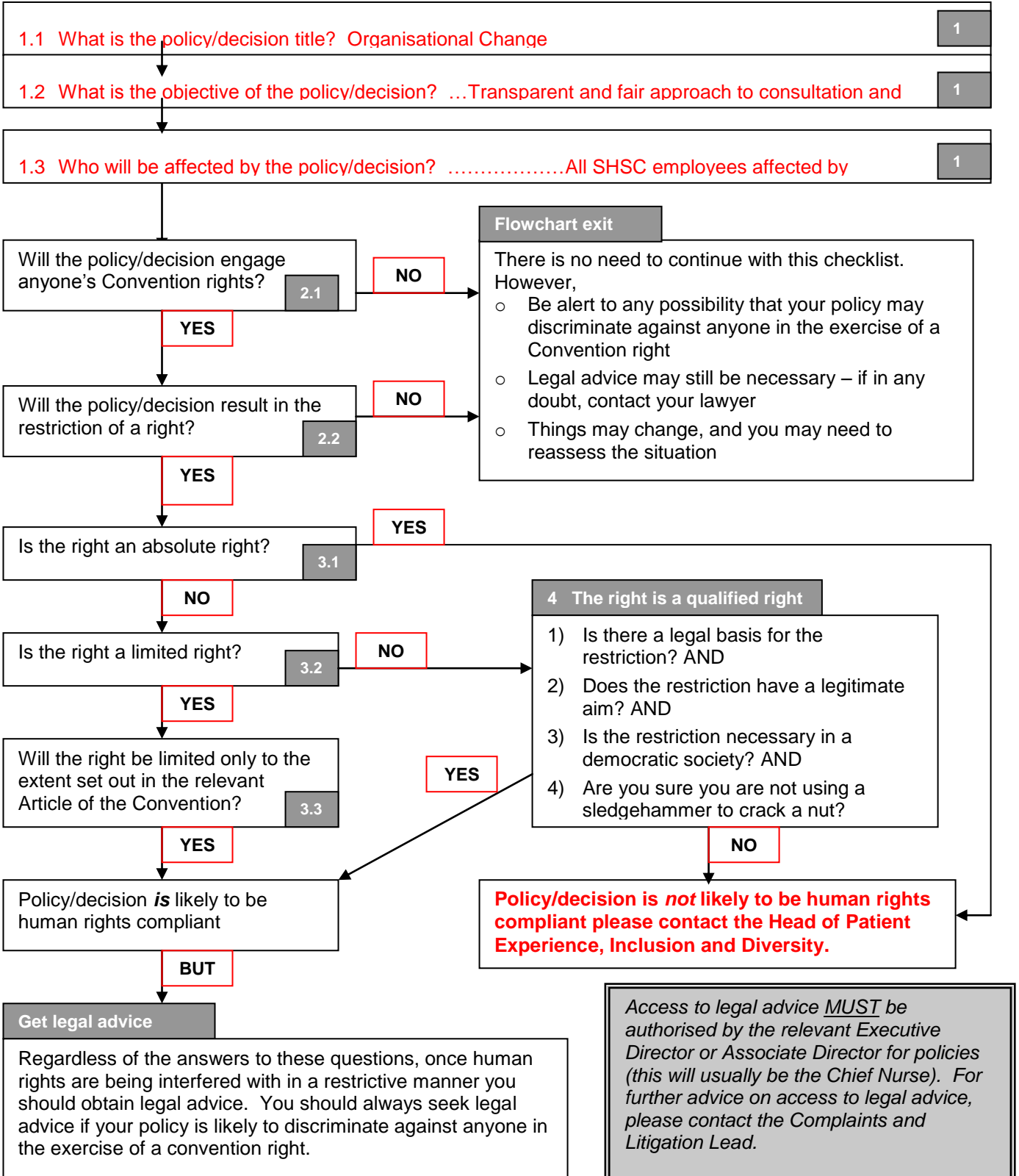
    ☐   **Yes, go to question 3**

3. **Complete the table below to provide details of the actions required**

Action required	By what date	Responsible Person

Human Rights Assessment Flow Chart

Complete text answers in boxes 1.1 – 1.3 and highlight your path through the flowchart by filling the YES/NO boxes red (do this by clicking on the YES/NO text boxes and then from the Format menu on the toolbar, choose 'Format Text Box' and choose red from the Fill colour option).

Once the flowchart is completed, return to the previous page to complete the Human Rights Act Assessment Form.

1.1   What is the policy/decision title? Organisational Change | **1**

1.2   What is the objective of the policy/decision? …Transparent and fair approach to consultation and | **1**

1.3   Who will be affected by the policy/decision? ………………All SHSC employees affected by | **1**

Will the policy/decision engage anyone's Convention rights? **2.1** — **NO** →

Flowchart exit

There is no need to continue with this checklist. However,
- Be alert to any possibility that your policy may discriminate against anyone in the exercise of a Convention right
- Legal advice may still be necessary – if in any doubt, contact your lawyer
- Things may change, and you may need to reassess the situation

YES

Will the policy/decision result in the restriction of a right? **2.2** — **NO** →

YES

Is the right an absolute right? **3.1** — **YES** →

NO

Is the right a limited right? **3.2** — **NO** →

4   The right is a qualified right

1) Is there a legal basis for the restriction? AND
2) Does the restriction have a legitimate aim? AND
3) Is the restriction necessary in a democratic society? AND
4) Are you sure you are not using a sledgehammer to crack a nut?

YES

NO

YES

Will the right be limited only to the extent set out in the relevant Article of the Convention? **3.3**

YES

Policy/decision *is* likely to be human rights compliant

Policy/decision is *not* likely to be human rights compliant please contact the Head of Patient Experience, Inclusion and Diversity.

BUT

Get legal advice

Regardless of the answers to these questions, once human rights are being interfered with in a restrictive manner you should obtain legal advice. You should always seek legal advice if your policy is likely to discriminate against anyone in the exercise of a convention right.

Access to legal advice MUST be authorised by the relevant Executive Director or Associate Director for policies (this will usually be the Chief Nurse). For further advice on access to legal advice, please contact the Complaints and Litigation Lead.

Appendix E - Development, Consultation and Verification

This policy was reviewed in HR and any changes agreed by the joint Policy group through consultation. It was verified by the Joint Consultative forum on 21 September 2016. No changes were made as a result of the consultation process, but an early review date was agreed. The policy was ratified by EDG.

Appendix F –Policies Checklist

Please use this as a checklist for policy completion. The style and format of policies should follow the Policy Document Template which can be downloaded on the intranet.

1. Cover sheet ✓

All policies must have a cover sheet which includes:

- The Trust name and logo ✓
- The title of the policy (in large font size as detailed in the template) ✓
- Executive or Associate Director lead for the policy ✓
- The policy author and lead ✓
- The implementation lead (to receive feedback on the implementation) ✓
- Date of initial draft policy ✓
- Date of consultation ✓
- Date of verification ✓
- Date of ratification ✓
- Date of issue ✓
- Ratifying body ✓
- Date for review ✓
- Target audience ✓
- Document type ✓
- Document status ✓
- Keywords ✓
- Policy version and advice on availability and storage ✓

2. Contents page ✓

3. Flowchart ✓

4. Introduction ✓

5. Scope ✓

6. Definitions ✓

7. Purpose ✓

8. Duties ✓

9. Process ✓

10. Dissemination, storage and archiving (control) ✓

11. Training and other resource implications ✓

12. Audit, monitoring and review

Minimum Requirement	Process for Monitoring	Responsible Individual/ group/ committee	Frequency of Monitoring	Review of Results process (e.g. who does this?)	Responsible Individual/group/ committee for action plan development	Responsible Individual/group/ committee for action plan monitoring and implementation
Monitoring Compliance Template						
A) Describe which aspect this is monitoring?	e.g. Review, audit	e.g. Education & Training Steering Group	e.g. Annual	e.g. Quality Assurance Committee	e.g. Education & Training Steering Group	e.g. Quality Assurance Committee

13. Implementation plan ✓

14. Links to other policies (associated documents) ✓

15. Contact details ✓

16. References ✓

17. Version control and amendment log (Appendix A) ✓

18. Dissemination Record (Appendix B) ✓

19. Equality Impact Assessment Form (Appendix C) ✓

20. Human Rights Act Assessment Checklist (Appendix D) ✓

21. Policy development and consultation process (Appendix E) ✓

22. Policy Checklist (Appendix F) ✓

Appendix G –Suitable Alternative Employment explained

The following summarises what is meant by 'suitable, alternative employment'.
'Skills / abilities i.e. where an employee's skills/abilities meet the essential criteria of a post's person specification, or would meet with some reasonable (re)training, mentoring, etc.   Posts on a band lower, temporary and/or on fewer hours can also be deemed as suitable, alternative employment.

Travel – whilst location will not normally be sufficient reason for an employee to turn down a potentially suitable post, consideration would be given to additional travel time (see below) taking into account the availability of public / personal transport and individual circumstances, e.g. child or elder care commitments.

Hours – whilst the same number of hours could not be guaranteed, they have to be within reason (see below). Other considerations include:
- impact of changing hours where state / social security benefits are involved(e.g. if going below 16 hours per week)
- flexi hours to fixed hours, or vice versa, should not be a barrier

Pay and Status – whilst the same banding and / or status cannot be guaranteed (employees would not be matched to higher banded posts), it is accepted that the pay and status has to be reasonably similar (see below). There is a separate Policy on Pay Protection and Conditions of Service.

Employees will be expected to change from being weekly paid to monthly paid, with financial support, as necessary.

If the employee is interested in an advertised post at a higher band, a job application would have to be submitted in the normal way as priority of consideration could not be made.

Personal Circumstances - domestic situation should be a consideration. The individual's state of health should also be considered. Where the employee has a disability under the Equality Act 2010 the Trust will ensure that consideration is given to any reasonable adjustments which can be made to the role.

Advice should be taken from HR in relation to any individuals who are pregnant or on maternity leave at the time they are on the Register to ensure appropriate support is in place and any legal implications are properly understood.

A summary of guidance on suitable alternative employment is set out below:

Travel	Limitation of 1 hour extra daily journey time, each way from home to new base.
Hours	Within the boundary of up to 12.5% either way.
Pay	Within a reduction of 1 band.

Appendix H - Preference meeting form

PREFERENCE QUESTIONNAIRE

Reason
Organisational Change

Present at Meeting
Employee ……………………………………………………………..……..

Line Manager ………………………………………………………..…………

Trade Union Representative ……………………………………………………..

Date of meeting …………………………………………………………………

Employee Details

Home Address	
Home Telephone Number	
Mobile Telephone Number	
Work Telephone Number	

Current Post

Post Title	
Pay Band	
Contract hours	
Rota Details	
Work Base	

Summary of relevant qualifications and skills

Specific details comments

Preferences (this may vary depending on the change, for example hours / location / pattern)	Order of Choice

Range of Hours Acceptable (NB remember 10% either way)	
Shift/Rota pattern limitation?	
How do you travel to work?	
How long does it take you?	
Are you a car driver and have use of a car?	
What are your preferred locations	1.
	2.
	3.

Other Relevant Information

Would you consider retirement?	Yes/No
Would you consider a reduction in your contracted hours?	Yes/No
If Yes, what would you reduce your hours to?	
Would you consider a post at a lower band?	Yes/No
Any other comments	

Signed ……………………………………………… **Redeployee**

Signed ……………………………………………… **Trade Union Representative**

Date……………………………………………

Appendix I - Additional notes about examples of change projects which will usually involve formal consultation:

TUPE - **Transfer of Undertaking (Protection of Employment) Regulations 2006**
Where the contract for providing services is transferred to a new provider, it is likely that TUPE or equivalent* will apply, which means where the service is outgoing, some or all of the affected employees will be expected to transfer with the outgoing service.

The basic principle of TUPE is to provide a level of protection to the employment arrangements for employees who transfer to a new employer. It is not a matter of choice for either organisation, or the affected individuals as to whether TUPE occurs.

Trust employees who transfer to another organisation will be protected by TUPE Regulations; however the application of TUPE to the specific roles will be discussed and identified during the consultation process. Most frequently, this type of transfer will fall into the 'service provision' section of TUPE (i.e. the service previously provided by one organisation is contracted to be provided by another organisation).

TUPE requires consultation to occur 'in good time'. There are specific requirements for consultation under TUPE, which include the provision of employee information in the period of time before the transfer. Managers should seek advice regarding potential TUPE transfers and an appropriate consultation process from Human Resources.

Although technically TUPE does not apply to transfers between NHS employers, a similar process to TUPE operates.

TUPE shall also be recognised as applying to employees transferring into the organisation, where appropriate, as well as to those exiting.

Procedures adopted by the Trust for managing the transfer of staff in or out of the organisation may change in response to updated legislation.

Service relocation
Where change involves transferring a service to a new location, (but the service is still provided by the Trust) there is a general expectation that staff will move with the service.

However, consideration will be given to the contractual provisions, personal circumstances and views of employees during the consultation period.

Changes of work base will be considered within the principles for a 'suitable alternative' role (see Appendix G).

Some employees may qualify for additional payments to offset the cost and time of additional travel, where a change of base is permanent or temporary. The 'Location Flexibility Allowance' Policy provides further details.

Other support measures may be agreed during the consultation, e.g. a slightly amended start or finish time for a short, agreed period, to allow employees to adapt their travel arrangements: home working/working at an alternative base where appropriate. Whilst such agreements aim to support staff, service delivery must not suffer as a result. Additional reasonable adjustments may need to be considered for staff with a disability, as recognised by the DDA (Disability Discrimination Act), amended as the Equality Act 2010.

Managers may, at their discretion, seek to redeploy individuals within their own Directorate where a particular change of work base is agreed to be unworkable. This course of action must be agreed by the relevant Service Director, in advance of any redeployment within the Directorate taking place.

In exceptional circumstances, where redeployment is not available within the Directorate, the employee's details may be entered onto the Redeployment Register. This allows for the employee to seek redeployment to roles across the Trust. Entry onto the Redeployment Register is by permission of the relevant Executive Director, and only within the terms of the Redeployment Policy.

Change in Operating hours:
Where changes to hours of work or shift patterns are to be made to accommodate an organisational change, discussions and negotiations will take place during the consultation period, with affected employees.

Consideration must be given to site security and facilitates to ensure the wellbeing of employees. Any changes to hours or shift shall meet the requirements of the European Working Time Directive. Consideration shall be given to the fair and equitable allocation of shifts, and working hours.

Where new shift allocation impacts adversely on an employee's pay, protection shall be applied according to the procedures in the 'Protection of Pay and Conditions of Service' Policy

Restructuring services: Changes to post content, skill and grade mix
When organisational change has been proposed, the lead manager/project team will identify;
- the number, grade and content of posts currently in the affected area, which are occupied by substantive post holders.
- the number, grade and content of posts required in the restructured service.

This will enable the shortfall/excess of posts and pay bands to be identified within the proposed staffing structure. The proposed staffing structure, and variations in job roles and responsibilities shall be discussed with the affected employees during the consultation period, and new job descriptions produced.

Vacancy Control arrangements and The Agenda for Change job evaluation process shall apply to all new/restructured posts.

Reducing posts.
Where organisational change requires a reduction in the number of posts at any level, all other alternatives shall be considered as part of the consultation process, before redundancy which shall be a last resort.

Other measures include:
- 'ring fencing' recruitment
- restrictions on recruitment
- review and possible reduction of work completed by external consultants and contractors
- management of temporary and fixed term contracts

- reduction of temporary and agency staff, as far as service requirements will permit (although it must be recognised that the use of temporary and agency staff in the short term can protect permanent posts in the medium term if reductions are expected in the near future)
- review of secondment/acting up arrangements
- use of flexible working options and voluntary reduction in hours
- voluntary early retirement
- flexible retirement options (see Retirement Policy)
- opportunities for retraining
- redeployment (see Redeployment Policy)
- availability of temporary ('bridging') posts for displaced employees

When all alternative measures have been exhausted, it may be necessary to investigate the possibility of redundancies.

Where this is necessary, procedures shall be followed as outlined in the Trust's 'Redundancy Policy'.

Merging Services:
Where 2 or more existing services provided by the Trust merge, this will be an Organisational Change. A restructuring process, as outlined above should be adopted. This means that a new structure for the merged service may be produced on the basis of posts required for the new service, rather than on the basis of existing staffing, or post holders. A merger in existing services may result in duplication of roles.

The proposed staffing structure, variations in job roles and responsibilities shall be discussed with the affected employees during the consultation period, and new job descriptions produced.

Vacancy Control arrangements and the Agenda for Change job evaluation process shall apply to all new/restructured posts.

Closure of site or service:
Occasionally, the Trust may need to close a site or a service completely, for a variety of reasons.

In this instance, redeployment within the Directorate, the Trust or other appropriate options will apply, as the existing service/site will cease.

Expansion of existing services/provision of new services:
Where existing services expand or new services are set up, any relevant existing staffing structures and job descriptions will be reviewed, in line with the needs of the expanded/new service. If this results in significant change to existing roles, restructuring may be needed. This would be conducted, as outlined previously, under the Organisational Change Policy.

However if the expansion in services/new service has no impact on current staffing structure/ job descriptions, a normal recruitment process may take place to fill vacant roles, without there being an organisational change process conducted in relation to existing staff. Existing staff would be able to apply for any vacant roles in the new structure, under normal recruitment processes. However, their application would be

considered after any suitable candidates on the Redeployment Register or being redeployed within the Directorate have been accommodated.

Changes to terms and conditions:
In the first instance, changes to terms and conditions shall be agreed during the consultation process, and appropriate notice of the change given to staff. Relevant notice periods must be observed.