The Trust is committed to promoting an environment that values diversity. All staff are responsible for ensuring that all patients and their carers are treated equally and fairly and not discriminated against on the grounds of race, sex, disability, religion, age, sexual orientation or any other unjustifiable reason in the application of this policy, and recognising the need to work in partnership with and seek guidance from other agencies and services to ensure that special needs are met.
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MANAGEMENT OF ORGANISATIONAL CHANGE POLICY

1. CHANGE HISTORY

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<th>Date</th>
<th>Author</th>
<th>Reason</th>
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<td>Aug 2013</td>
<td>Caroline Lankshear &amp; Laura Bevan</td>
<td>Out of date policy</td>
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<td>May 2010</td>
<td>Caroline Lankshear &amp; Clare Mooney</td>
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<td>Laura Bevan</td>
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2. INTRODUCTION

The Trust is committed to following the principles of best practice in the management of all organisational changes. This policy has been specifically developed by the Trust to manage circumstances where organisational restructuring and changes in the nature and size of the Trust’s workforce is necessary. The Trust is committed to handling change in a sensitive and constructive manner and will take all reasonable steps to avoid unnecessary reorganisations and displacement of staff, avoid or minimise redundancies, ensure that employees understand the reason for the change, minimise anxiety and disruption to employees during change and work in partnership with staff representatives.

3. SCOPE

This policy will apply to all staff employed by the Trust.

The policy should be read in conjunction with the Agenda for Change Terms and Conditions Handbook and the Medical & Dental Terms and Conditions of Service.

4. EQUALITY & DIVERSITY STATEMENT

It is the policy of the West Hertfordshire Hospitals NHS Trust to provide a Management of Organisational Change Policy that ensures effective organisational change in an efficient and fair manner. This document takes into account current employment legislation and must be implemented in conjunction with the Trust’s Equality & Human Rights Policy and equality and diversity legislation:

- Equality Act 2010
- Rehabilitation of Offenders Act 1974
- Employment Rights Act 1996
- Equal Pay Act 1970 (as amended)
- Human Rights Act 1998
- Part-time Workers Directive 1999
- Employment Act 2008
- EU Directives and Legislation

Managers have a particular responsibility to ensure organisational change processes do not discriminate in the provision of their service or in the employment of staff.
The Trust monitors and publishes information on the profile of its workforce based on age, disability, ethnicity, gender and marital status and appropriate actions will be taken by the Equality and Diversity Group to identify and address any problems.

5. APPLICATION OF POLICY

The policy applies when changes are proposed that will have a significant impact on the employee’s terms and conditions of employment. Examples include:

- Reorganisation resulting in a change to an employee’s job role
- Reorganisation resulting in employees being placed at risk of redundancy
- Reorganisation resulting in employees being transferred to another organisation where TUPE applies (see section 16 for further details)
- Change to an employee’s normal place of work (site)
- Change to an employee’s shift patterns or hours (however pay protection does not apply to unsocial hours payments where the need for working unsocial hours will no longer exist)
- Change to on-call arrangements (however pay protection does not apply to on-call payments)

The policy will not apply in cases where there are minimal changes to an employee’s duties and responsibilities, where there is a change in line management, change in office on the same site or where additional posts are being added to an existing structure.

6. OUR PRINCIPLES

There are a number of core principles that underpin the Management of Organisational Change Policy, which reflect best practice and legal requirements. The key principles are to:

- Ensure there is a clear rationale for making a change that impacts on employee’s terms and conditions of employment
- Maximise staff involvement and participation in the process of change
- Consult in a meaningful way. This is defined as a process to enable matters of interest to be jointly examined and discussed by management and staff side, ensuring sufficient information is provided to enable staff side to make a proper and informed contribution to the process
- Endeavouring to preserve the skills, experience and knowledge of staff who may find their jobs affected by change
- Recognise the abilities, experience and competencies of all staff that may be affected by organisational change
- Avoid compulsory redundancies wherever possible
- Develop efficient and well resourced systems to control and monitor recruitment
- Manage the process of organisational change with sensitivity and due regard to the management of the personal future of individuals
• Ensure that the Human Resources Department is involved in all major change processes to maintain equity and parity

• Ensure that the Trust’s Equality & Human Rights Policy is followed throughout the organisational of management change process

7. PROCESS FOR MANAGING CHANGE

The process for managing change within the organisation is structured around the need to ensure effective communication and consultation. Changes need to be carefully planned and employees and their union representatives need to be involved in the decision making through effective and timely consultation.

The purpose of consultation is to enable employees and Trade Unions/staff side to have a meaningful and active contribution to the decision making process. The process for managing a consultation is as follows:

1. An appropriate business case needs to be written by the manager and approved by Finance to confirm proposed changes are appropriately budgeted before a consultation document can be written

2. The manager proposing the change will prepare a consultation document setting out their proposals. The manager will be supported by a Human Resources Representative during this process. See Appendix 1 for template consultation document. Once the paper is written, it should be sent to an appropriate Trade Union representative for comment, before being shared with the wider JCC membership

3. The manager should also complete an appropriate Equalities Impact Assessment (see Appendix 5 and 6) and a Staff Consultation Risk Assessment to help identify any potential risks such as extra cost implications or possible legal challenges to the proposal - see Appendix 7.

4. Where proposals may result in any redundancy, authorisation is required from either the Director of Workforce or Deputy Director of Workforce before consultation can commence. Where proposals may result in redundancies for 20 or more employees, endorsement is required by the Trust Board.

5. The Trust has a legal duty to notify the Secretary of State for Business, Innovation and Skills in writing where a proposal is made that may result in more than 20 staff being made redundant. This must be done:
   • at least 30 days before the first dismissal takes effect where the Trust proposes to dismiss 20-99 employees within 90 days or less
   • at least 45 days before the first dismissal takes effect where the Trust proposes to dismiss 100 or more employees within 90 days or less.

   (For less than 20 employees, no legal notification is required although it is Trust policy to consult with all affected employees at the earliest opportunity)

6. The consultation document will be circulated to JCC membership at least 10 days in advance of the JCC meeting. The manager proposing the change will attend the meeting to present the
proposal and answer any questions from Staffside and gain agreement for consultation to commence

7. For significant changes, consultation will continue for a minimum of 30 days, irrespective of whether there is the possibility of redundancies. In cases where redundancies are proposed, the consultation period will meet at least the minimum period set out in law. Whether there is a statutory duty or not it is for practical purposes almost always essential for employers to consult with and give advance warning to individual(s) who may be made redundant and to their trade union representative, if in a union.

The consultation document will include: -

- The reasons for the potential redundancies
- The number of employees and their job roles who are at risk of redundancy
- The way in which employees will be selected for redundancy
- The period over which the redundancy dismissals are expected to take effect
- The scope for Trust-wide actions to minimise/mitigate the effects of redundancy
- Where appropriate a copy of the notification to the Secretary of State for Business, Innovation and Skills about collective redundancies

8. Each employee whose employment may be affected will be issued with a copy of the consultation document directly following the document being presented to the JCC. Individuals will be given the opportunity to attend individual 1:1 meetings to discuss their own circumstances. The employee will be given the opportunity to bring a colleague or union representative to this meeting. A record of the 1:1 should be kept by HR using the form in Appendix 3. In addition employees may be offered the opportunity for a group meeting to discuss the change and its impact

9. Two way communication will be encouraged and feedback and comments from staff will be considered in informing the change process

10. Depending on the individual change process, the following information mechanisms may be utilised to assist the communication process and inform decision making:
    - Electronic methods i.e. e-mail
    - Personal letter
    - Open staff meetings
    - Team briefings
    - Staff newsletters
    - Trust Intranet sites

    The line manager, HR representative and Trade Union Representatives will work together to support the communication process during consultation

11. If appropriate, employees affected by the change proposal should be asked to complete a Redeployment Application Form - see Appendix 4

12. Following the consultation period, the comments received will be considered by the manager proposing the changes and the consultation document re-issued if necessary along with a copy of a Consultation Outcome Paper - see Appendix 2

13. If there are no changes to the proposals, the changes will be implemented in line with the timetable as detailed in the consultation document
8. SUPPORT FOR STAFF AFFECTED BY CHANGE

The Employee Assistance Helpline is a confidential support service, providing practical information, legal advice, telephone and face-to-face counselling that can help employees cope with a variety of personal, family or workplace issues. The service is free and available to all Trust employees by telephoning 0800 328 1437. Further information regarding the counselling services is available from Occupational Health or the Trust Intranet: http://wghintra01/human_resources/staffsupport/documents/eah_leaflet.pdf

9. CHANGE MANAGEMENT RESULTING IN REDUNDANCIES

Through forward planning, the Trust will ensure as far as possible the security of employment for its employees. However it is recognised that there may be changes outside the scope of the organisation or organisational requirements and technological advancements that may affect staffing needs. The Trust in consultation with the Trade Unions will seek to minimise the effect of redundancies through the provision of sufficient time and effort to finding alternative employment for surplus staff. Where compulsory redundancy is inevitable, the Trust will handle the redundancy in the most fair, consistent and sympathetic manner possible and minimise as far as possible any hardship that may be suffered by the employees concerned.

9.1 Definition of Redundancy

For the purposes of the policy, redundancy is defined by the Employment Rights Act 1996 as “an employee who is dismissed for redundancy if the dismissal is attributable wholly or mainly to the fact that

- The employer has ceased, or intends to cease – (I) to carry on the business for the purposes of which the employee was employed by him/her, or (ii) to carry on the business in the place where the employee was so employed
  
  or

- The requirements of that business – (I) for employees to carry out work of a particular kind, or (ii) for employees to carry out work of a particular kind in the place where the employee was employed by the employer have ceased or diminished or are expected to cease or diminish”

9.2 Action to minimise redundancies

Before proposing redundancies, the Trust will investigate measures to contain the impact of change on the continued employment of Trust staff. The scope of the measures will vary with the scale of the change proposed and will be subject to consultation. The measures might include:-

- Strict vacancy control measures
- Exploration of appropriate reductions in non-pay expenditure
- Recruitment freezes in the staff group(s) affected or other areas identified as similar in nature by the Human Resources Department
- Reduction or elimination of overtime and the use of agency, bank and locum staff, and contractors
- Retraining of staff for other posts
- Considering the employment of staff on fixed term contracts
- Offering a programme of early retirement
• Investigating the scope for redeployment elsewhere within the Department, Directorate or Trust as an alternative to placing staff at risk
• Co-ordination of an internal clearing house system and co-operation with other NHS organisations to seek suitable alternative vacancies using local employment frameworks
• Internal ring fencing and recruitment
• Seeking expressions of interest in voluntary redundancy where appropriate

9.3 Staff at risk

Where employees undertake a particular type of work and the requirement for that work has ceased or will cease, only those employees will be at risk of redundancy as it is their jobs which do or will no longer exist. Consequently, no other employees are affected. When identifying staff at risk of redundancy, much will depend on the purpose of the proposed change.

Employees will be given notice of redundancy once the consultation period has concluded.

9.4 Voluntary Redundancy or Early Retirement

In situations of organisational change the Trust may invite volunteers for redundancy or early retirement. Only employees within the group at risk of redundancy will be issued with letters asking for an expression of interest, which will be addressed entirely without prejudice.

Requests for early release will not necessarily be accepted as individual requests will be assessed against cost; (where for example, there may be considerable on-going pension commitments for the Trust), and; value, where the individual possesses particular skills and abilities crucial to the optimum balance of the remaining team and service delivery.

Payments due to those accepting voluntary/early retirement will be calculated in accordance with the NHS Terms and Conditions of Service Handbook.

9.5 Selection Criteria for Compulsory Redundancies

If having taken the above steps to minimise redundancies, the number of employees still exceeds requirements the Trust will use a fair selection criteria to determine which staff are to be formally put at risk of redundancy. The selection criteria will be fair, consistent, objective and non-discriminatory.

9.6 Redundancy Pay Entitlements

To receive a redundancy payment, employees must have worked continuously for two years or more within the NHS.

Previous Local Government service may not be considered for the calculation of redundancy payments.

Redundancy payments will be calculated in accordance with the requirements of the NHS Terms and Conditions of Service. Employees are not eligible for redundancy payments if they:

• Are dismissed for reasons of misconduct, with or without notice; or;
• At the date of the termination of the contract have obtained without a break, or with a break not exceeding four weeks, suitable alternative employment with the same or another NHS employer; or
• Unreasonably refuse to accept or apply for suitable alternative employment with the same or another NHS employer; or
• Leave their employment before expiry of notice, except if they are being released early; or
• Are offered a renewal of contract (with the substitution of the new employer for the previous one) where the employment is transferred to another public service employer who is not an NHS employer

9.7 **Compulsory Redundancy – Meetings with Employees**

Where the Trust is required to make compulsory redundancies, a meeting will be held between the manager, HR and the employee. The employee will be invited to bring their Trade Union representative or colleague to this meeting. This meeting will take place once the formal consultation period has ended.

The purpose of the meeting will be to inform the employee that they are formally at risk of redundancy and to give them appropriate statutory and contractual notice for their redundancy dismissal. The employee should also be informed of their estimated redundancy payment.

The employee will be advised of the period over which a search for alternative employment within the Trust will take place and the date on which their contract will end if the search does not meet with success. This information will be confirmed in writing. A Human Resources Adviser will be designated as their contact point to assist the individual in their search for suitable alternative employment both within the Trust and outside.

This meeting will also offer a further opportunity to discuss redeployment options and any further support that the employee may need.

The manager will need to complete a Leaver’s Form for the employee (on the basis this will be retracted if suitable employment is found) to ensure prompt payment of redundancy or pension entitlements following a redundancy dismissal.

If appropriate further follow up meetings may be arranged to support the ongoing search for redeployment and to consider any issues raised by the employee pertaining to their selection for redundancy. (Note if the employee perceives they have been unfairly selected for redundancy they may appeal the decision via the Grievance Policy – see section 14.)

The Human Resources representative will confirm the outcome of each meeting in writing to the employee, including estimates of redundancy payments.

The manager will allow employees reasonable time off with pay to seek employment within and outside the Trust.

9.8 **Period of Notice**

The minimum notice period for employees who are to be dismissed on grounds of redundancy will be the statutory period of notice specified for their length of service, or the contractual notice period in their statement of terms and conditions, whichever is the longer. Management will have discretion to extend the notice period to a maximum of 12 weeks.
9.9 Early Release of Redundant Employees

Employees who have been notified of the termination of their employment on the grounds of redundancy, and for whom no suitable alternative employment in the NHS is available, may, during the period of notice, obtain other employment outside the NHS.

If they wish to take this up before the period of notice of redundancy expires the manager will, unless there are compelling reasons to the contrary, release such employees at their request on a mutually agreeable date.

The date will become the revised date of redundancy for the purpose of calculating any entitlement to a redundancy payment under this agreement.

10. REDEPLOYMENT PROCESS

Where employees are put at risk, the Trust will endeavour to find suitable alternative employment to avoid redundancy wherever possible.

10.1 Identifying Suitable Alternative Employment

Alternative employment should:

- Not involve unreasonable additional inconvenience
- Be within the employee’s capability
- Provide similar earnings, hours and shift patterns, reporting arrangements and management status and complexity
- Have a similar job description, and person specification including professional qualification / registration and competencies

There can be no guarantee that an employee will be redeployed as this can only be achieved when:

- A suitable established vacancy exists
- It is reasonable for the employee to transfer to the alternative post taking into account skills, knowledge and experience

Employees should consider jobs graded the same as their current post under AFC or one band higher or lower. Where employees are applying for a post higher than their current band, this will be subject to competitive interview potentially with other employees who are not at risk as this will constitute a promotion.

For employees who apply for posts at a lower band than their current band, efforts will first be made to re-deploy them into a suitable post at the same band to avoid a protection arrangement. If this is unsuccessful however and they are then redeployed to a post one grade lower pay protection will apply as detailed in section 12.

10.2 Completing the Redeployment Application Form

Employees will need to complete a confidential Redeployment Application Form and this may be completed with the support of the designated HR Representative. The form asks for details about the individual’s skills and experience and about their preferences in relation to location and types of role.
that they would consider and so this helps determine the potential scope for the search for redeployment within the Trust. The employee should sign and date this form and where this has been completed independently, the employee should return a copy to their designated HR Representative.

Employees may be asked to change the site on which they currently work. If this is the case, effort will be made to avoid causing unnecessary inconvenience to the employee if this is practicable and fits with the needs of the service.

10.3 Matching Process

Vacancies already out to advert

The HR Representative will review the employee’s Redeployment Application Form against the current Jobs Vacancy Bulletin to identify any potentially suitable roles. Where any suitable posts are identified the HR Representative will send the employee a copy of the job description and person specification, who will then indicate within 7 calendar days whether or not (s)he is interested in pursuing an application.

Where the employee meets all of the essential criteria on the person specification, (or where they could following reasonable retraining) the HR Representative will speak with the Recruiting Manager and the employee should be guaranteed an interview for the post.

Vacancies that have yet to be advertised

The employee’s details will be recorded on a Redeployment Register held confidentially within the Workforce Department. The Workforce Team will notify the HR Representative of any potentially suitable upcoming vacancies as they arise and prior to going out to advert that meet the criteria as detailed on the form.

Where any suitable posts are identified the HR Representative will send the employee a copy of the job description and person specification, who will then indicate within 7 calendar days whether or not (s)he is interested in pursuing an application. If the employee goes on leave / holiday during this time and is uncontactable, the post will be released for advert and therefore the employee would have to apply for this post in the usual way if they were subsequently interested in the role.

Where the employee indicates that they are interested in a new vacancy, a matching meeting will take place. At this meeting will be the recruiting manager, the HR Representative, the employee and their representative. The aim of the meeting will be to confirm whether the employee meets all of the essential criteria on the person specification, or if not, whether they could following reasonable retraining.

Reasonable efforts will also be made to bring to the attention of any at risk employees details of vacancies in other NHS organisations, which can include circulating details to other NHS employers. The Trust will work within the guidelines set out in the East of England Employment Framework to redeploy staff within local NHS organisations to avoid redundancy where possible.
10.4 Trial Periods

A trial period should be offered to employees who are being redeployed. The trial period will normally be for a period of 4-6 weeks, although this may be varied by agreement of the employee and the manager concerned. As part of this process objectives and training needs should be identified, agreed and clearly defined at the outset. Regular review meetings should take place between the employee and the new manager to review progress in achieving the agreed objectives and discussing any limitations, if any.

During the trial period, if the employee makes representations that the post is unsuitable, and the Trust agrees, a redundancy payment will be made on the same basis as if no trial period had been undertaken.

At the end of the trial period a review meeting will be held between the manager, HR Representative, the employee and their representative. If the trial period is successful the employee will be formally redeployed to the new post. A change of circumstances form will be completed to redeploy the employee to the new post and the employee should receive an amendment to contract. If an employee accepts an alternative post they then transfer to the terms and conditions of the new post but pay protection may apply. Please refer to section 12 for further details.

The process for seeking redeployment for employees at risk will normally continue throughout the employee’s notice period. If appropriate, an employee’s contract may be extended beyond the redundancy dismissal date to accommodate a trial period in another role. If the trial period has been unsuccessful, the redundancy payment will be made on the same basis as if there had been no trial period. If, however, the Trust believes that the alternative employment is suitable, no redundancy payment will be made.

Should management terminate the trial period because the employee is unsuitable for the position a meeting to discuss the employee’s performance should take place prior to any decision. Staff may be represented at such a meeting by a trade union representative or colleague. Human Resources should be involved in the procedure and the employee will have the right to appeal against any dismissal. If the appeal is not upheld then the effective date of termination will be the original dismissal date and the individual will qualify for any redundancy payment for which they were originally eligible.

During the search for redeployment the employee should avail themselves of opportunities to enhance existing skills or develop new skills through training.

It should be noted that the Trust will not create posts for employees at risk of redundancy and redeployment will only be to established vacant posts.

Employees are expected to accept offers of suitable alternative employment. Failure to do so may result in redundancy pay being withheld.

If employees perceive alternative employment that they are offered is unsuitable on health grounds, a referral to Occupational Health should be made and their advice should be taken into consideration.

An employee who is pregnant and whose maternity leave has commenced will be treated differently from other employees in relation to being offered suitable alternative employment. The Trust has a legal obligation to offer such an employee any suitable post that arises as detailed in the Maternity & Parental Leave Regulations 1999.
11. APPOINTMENTS PROCESS

11.1 Slotting In

Slotting In occurs where an individual transfers to an alternative position as a direct result of the organisational change procedure, without a redeployment or selection interview.

Automatic slotting in will apply where there are the same number of eligible candidates as there are eligible posts and that post is substantially similar to an individual’s existing post. There is no right to a trial period where an employee has been slotted into a role.

11.2 Ring Fencing

Ring fencing is used when the availability of a vacancy is limited to a number of defined individuals who are directly affected by the re-organisation. It is necessary when the existing post(s) have been deleted and the new post(s) are fundamentally different and a judgement has to be made about whether existing staff can carry out the new role(s). It can also be used when the content of the post remains the same but the number of posts available is less than the number of staff at risk.

Ring fencing should include all directly affected employees who are experienced in most elements of the new post(s). It is essential in ring fencing to draw up relevant criteria and competencies for the post, which must be satisfied in the selection process. The selection process should be structured in order to measure whether the criteria can be met by the individual and will include an interview process. Written records must be kept of the process.

New or vacant posts will initially be ring fenced to employees within the work area who are identified as being at risk. If no appointment is made then the post will be made available to other employees who are identified as being at risk. Where a vacancy remains unfilled by any at risk employees, normal competition for posts will apply as per the Trusts Recruitment Procedure.

12. PROTECTION ARRANGEMENTS

Pay protection applies where employees are redeployed as a result of restructuring whereby there is a reduction in workforce numbers. It does not apply where there is a reorganisation of the hours over which a service is run.

Protection arrangements will apply to any employee who, as a consequence of organisational change, is required by management to move to a new post that is one band lower than their existing band – please refer to section 11 for further details on the definition of suitable alternative employment, or suffers up to a 10% reduction in basic hours of work within the standard working week. If the employee chooses to accept a role with a greater than 10% reduction in basic hours compared to their previous role, they will not receive pay protection.

Basic salary (plus High Cost Area Supplement where appropriate) will be protected as follows:

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</tr>
<tr>
<td>Over 5 years</td>
<td>2 years</td>
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</tbody>
</table>
Pay protection does not apply to on-call payments or unsocial hours payments including weekend supplements or night allowances.

A reduction in basic salary or hours potentially has implications for future pension entitlements as the NHS Pension Scheme is related to final salary. Therefore advice and information must be given by the Pensions Department prior to any final decision.

Any protection arrangement is conditional on the individual undertaking any overtime, shift work or other additional duties which may be required up to the level at which earnings in the new post equal the protected earnings.

It is also conditional on the employee accepting any subsequent offer of another suitable post within the Trust, which attracts a basic wage or salary equal to or in excess of the basic wage or salary applying to the protected post.

An employee may opt at any time for the complete package of remuneration and conditions of service that apply to the new post. This option, once exercised, cannot be cancelled.

Protection of basic salary where downgrading is involved is also conditional on the employee providing a written undertaking to move to an alternative suitable post where the average earnings are equal to or exceed the protected earnings. An employee who fails to give such an undertaking within 4 weeks of the Protection Agreement being confirmed in writing to them individually that such an undertaking is required will lose the protection entitlement.

If for any pay period the earnings in the new post exceed protectable earnings, protection will be extinguished for that pay period and earnings in the new post will be paid in full for that pay period.

The Protection Agreement will automatically cease at the end of the protection period, or when an employee reaches retirement age, leaves the Trust or changes positions, whichever is the sooner, other than through further reorganisation.

Mark time describes the mechanism used where an employee’s original (protected) grade is on a higher salary than their new grade justifies (this may be the result of a restructuring or a change in the individual terms and conditions). During this time, employees will not be entitled to an incremental rise or cost of living allowance.

At the end of the mark time period if the individual’s salary is within the correct band they will become part of the normal pay structure process again. If at the end of this period the individual is still above the required band a final adjustment or reduction in salary will take place to bring the individual within the defined pay band.

12.1 Excess Travel

Employees who are required to change their base of work as a result of a merger of NHS employers or their acceptance of another post as an alternative to redundancy may be reimbursed their excess daily travelling expenses for a period of 1 year from the date of transfer. The excess shall be calculated on the basis of the bus fares or standard rail travel or if the employee travels by private motor vehicle on the basis of the public mileage rate.

There is no facility for any paid travel time at the start and end of the working day.
12.2 NHS Pension Scheme Protection of Pay

An employee on pay protection may opt to have his/her service at the previous rate of pay treated as preserved. To preserve membership in this way the employee must write to the payroll department within 4 months of the change in pay.

12.3 Hours of Work

Where an employee is required to move to a new post the hours for which differ from their original post, discussions will be held with the employee to negotiate a mutually acceptable arrangement. A representative of the Human Resources Department should be present at this meeting and the employee will be entitled to bring their Trade Union Representative or colleague.

13. TRANSFER OF UNDERTAKINGS (PROTECTION OF EMPLOYMENT) - TUPE

Where there is a proposal to transfer services and staff to a different employer, there will be consultation with the trade unions at the earliest opportunity.

When services are transferred from one organisation to another in line with TUPE the employment of staff who are assigned to the services which are being transferred will transfer to the new organisation. TUPE applies in contracting out scenarios, retendering and where the services are brought back into the NHS.

All the terms and conditions within the transferring employee’s contract of employment (including relevant policies and procedures) will transfer with them and should not be changed as a consequence of the transfer.

Where staff have responsibilities spanning more than one service, discussions will take place with the individual, their trade union representative and the departments concerned to determine if their employment should transfer.

The manager will identify services, posts and individuals that will transfer or be affected in accordance with the obligations of TUPE and shall write to the staff affected informing them of the intention to transfer, the implications of the transfer and any measures which will be taken in connection with the transfer.

The manager will then hold one-to-one meetings with individual staff and their trade union representative to discuss the implications of the transfer, discuss possible options if appropriate and consider personal circumstances. Every possible support will be given to staff to understand the reasons for and implications of the transfer and to ensure they have the necessary information with which to prepare themselves.

Formal notice of a transfer will be issued as long before the date of the transfer as possible in order to comply with the obligations of TUPE and this policy. The organisation will make every effort to give up to 3 months’ notice of a transfer, where possible. Where 3 months’ notice is not possible because, for example, of the timing of external announcements or decisions of approval, a shorter notice period will be provided.
Under these circumstances employees are not considered as ‘at risk’ and by opting out of the transfer have effectively resigned from their post. Employees who have opted out of the TUPE transfer can apply for vacancies in the Trust under normal recruitment procedures.

14. **RIGHT OF APPEAL**

Employees who feel dissatisfied with the application of the policy, or feel that their redundancy was unfair, can appeal against the decision in accordance with this policy and will be heard in accordance with the Appeal Stage of the Trust Grievance Procedure – [http://wghintra01/uploads/out/Grievance_Policy_Ratified_Feb11.pdf](http://wghintra01/uploads/out/Grievance_Policy_Ratified_Feb11.pdf)

The employee should put their reason for appeal in writing to the Director of Workforce within 21 days of receipt of the letter giving formal notice of the outcome of the change process or formal notice of redundancy, whichever is applicable.

15. **PROCESS FOR MONITORING COMPLIANCE AND EFFECTIVENESS OF THE POLICY**

The HR Department will log all management of change papers including outcomes / staff identified at risk and ensure that any management of change process is dealt with as per the policy.

16. **REVIEW**

This policy would be expected to be reviewed within 3 years but if this is deemed unnecessary the policy will remain in force until such time as it is reviewed.
Appendix 1

Format for Staff Consultation paper

Context

- Short paragraph on background to drivers for the change

Summary of proposed Changes

- Straightforward statement about what the change is about
- Identify if there are any specific areas of the proposal that comments are being sought on

Impact on staff

- Clear statement about how the changes are going to impact on staff in terms of hours, T&C, roles, responsibilities etc
- Include old and new organisational structures if this is relevant
- Also include whole time equivalents and grades for new and old structures and a brief narrative on the changed roles and responsibilities. New job descriptions and person specifications will also be needed once the detailed discussions with staff begin. We usually suggest new JDs and PSs are included as appendices to the paper and this is something the unions have requested in the past. Where appropriate, new JD’s where substantial changes are required need to be evaluated before the paper goes out to staff / JCC

Number of staff affected and at risk

- The paper needs to include the following:
  - The selection method into terms of recruiting to any new roles that are proposed and the description of the definition of the ‘pools’ for selection
  - The scope for trust wide actions to mitigate/minimise the effects of the redundancy programme
  - If it is anticipated that there will be redundancies include the numbers and description of employees it is proposed to make redundant
The way in which employees will be selected for redundancy

How the dismissals will be carried out and including the period over which the dismissals are to take effect. Timetables required for consultation when it is proposed staff will be made redundant varies according to numbers of staff involved (as set out in employment law) and so managers must check with HR they allow appropriate time in the consultation periods proposed.

- The Trust has a legal duty to notify the Secretary of State for Business, Innovation and Skills in writing where a proposal is made that may result in more than 20 staff being made redundant. This must be done at least 30 days before the first dismissal takes effect where the Trust proposes to dismiss 20-99 employees within 90 days or less and at least 45 days before the first dismissal takes effect where the Trust proposes to dismiss 100 or more employees within 90 days or less. For less than 20 employees, no legal notification is required although it is Trust policy to consult with all affected employees at the earliest opportunity.

- We have also agreed with staff side to provide TU colleagues with a list of names of those individuals affected by the changes so that they can identify their own members. This should be provided at the JCC that the consultation is presented.

**Support to staff during the change process**

*Standard wordings for consultation paper:*

The Management of Organisational Change Policy can be found on the Trust intranet site.

This document explains the processes that will be used to handle change processes such as this and staff are encouraged to read this document and ask their manager, HR advisor or TU representative for clarification.

The Trust will always seek to redeploy staff that are at risk either into vacancies within their service area or within the Trust utilising the proposed Trust Job Shop. In order to achieve this staff may need to be retrained or provided with opportunities to update skills and staff are encouraged to embrace these opportunities.

Appointment to all posts will be subject to interview unless an alternative process is specified in the consultation document.

In the event that re-deployment is not possible redundancy entitlements will be in line with the NHS and Trust provisions for redundancy pay.
HR Support

- Specify the HR lead who is working with the manager on managing the change.

Finance support

- Managers need to have confirmed the costings for any changes with their management accountant.

Communication processes

- Outline how staff are going to be communicated with individually and collectively. Include encouragement to staff to involve TU reps in their individual meetings. TUs will automatically be involved in the staff briefings.

Timetable for consultation

- Provide a clear dated timetable of the consultation process.

Operational date for new service to begin

- Where is it is possible to confirm include the operational date for the new service.

Comments on consultation

- Identify to whom comments on the consultation should come to and by when
  - Include Manager, HR and TU representative names and contact details

Appendices

- Current structure
- New proposed structure
- Job descriptions and person specifications where appropriate
Appendix 2

Format for Consultation Outcome paper

Background

● Brief resume of the change process that has been consulted on.

Key Issues raised

● Outline the key issues raised – verbatim if there are a few and in summary if there are a number.

● Each of the issues raised needs a clear response in the outcome paper.

Conclusion and next steps

● Set out what has changed as a result of the consultation process and what will happen next in terms of implementation.

(Note: it is sometimes helpful to include the original consultation paper in this document for ease of reference)
### Summary of 1:1 Meeting

<table>
<thead>
<tr>
<th>Name of Employee</th>
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<tbody>
<tr>
<td><strong>Job Title / Band</strong></td>
<td></td>
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<tr>
<td><strong>Department / Site</strong></td>
<td></td>
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<tr>
<td><strong>Employee Representative (Name)</strong></td>
<td>Please state if they were present at the meeting</td>
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<tr>
<td><strong>Manager conducting 1:1 (Name)</strong></td>
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<tr>
<td><strong>Name of HR Representative</strong></td>
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<td><strong>Date of 1:1</strong></td>
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<td><strong>Reason for the change and key points to clarify with the employee</strong></td>
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<td><strong>How is the employee going to be affected</strong></td>
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<td><strong>Current Employment status</strong></td>
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<td>Full Time □</td>
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<td>Part Time □ No of Hours ______________</td>
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<td>Permanent □</td>
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<td>Fixed Term □ End date ____________________</td>
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<td>Secondment □</td>
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<td><strong>Current shift pattern</strong></td>
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<td><strong>Pension Implications</strong></td>
<td>Member – Yes / No</td>
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<td>Summary of discussions / questions asked</td>
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<th>Special requests</th>
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**Declaration**

I agree that this is an accurate record of the meeting:

Signed: ____________________________ Employee

Signed: ____________________________ Union Representative

Signed: ____________________________ Manager

Signed: ____________________________ HR Representative
REDEPLOYMENT APPLICATION FORM

Please fill in the application form, to identify which post(s) you are interested in. Please note that all questions must be answered.

<table>
<thead>
<tr>
<th>Sites that you would consider working at (delete as appropriate)</th>
<th>WGH</th>
<th>SACH</th>
<th>BOTH</th>
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<tr>
<td>Specialties you would consider. You can list up to 3 in order of preference</td>
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<tr>
<td>Please identify any specific considerations we need to take into account regard your hours – e.g. child care responsibilities</td>
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Personal Details

<table>
<thead>
<tr>
<th>Surname</th>
<th>First Names</th>
<th>Title</th>
<th>UK National Insurance No</th>
<th>Address</th>
<th>Postcode</th>
<th>Home Telephone</th>
<th>Mobile Telephone</th>
<th>Work Telephone</th>
<th>Email Address</th>
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</table>
### Employment History

Please record below the details of your current role / department

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<th>Department</th>
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<tbody>
<tr>
<td>Site</td>
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<tr>
<td>Job Title</td>
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<td>Start date</td>
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<td>Start of continuous NHS service</td>
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<tr>
<td>Band</td>
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<tr>
<td>Reporting to (name and job title)</td>
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</table>

**Description of your duties and responsibilities**

### Previous Employment

Please record below the details of any previous employment that may be relevant to your search for alternative work, beginning with the most recent first. Up to 2 previous employments can be entered here.

#### Previous Employer 1

<table>
<thead>
<tr>
<th>Employer Name</th>
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<tbody>
<tr>
<td>Address</td>
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<tr>
<td>Job Title</td>
<td>Grade</td>
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<tr>
<td>From Date</td>
<td>To Date</td>
</tr>
</tbody>
</table>

**Reason for Leaving**

**Description of your duties and responsibilities**
### Previous Employer 2

<table>
<thead>
<tr>
<th>Employer Name</th>
</tr>
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<tbody>
<tr>
<td>Address</td>
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<tr>
<td>Job Title</td>
</tr>
<tr>
<td>From Date</td>
</tr>
<tr>
<td>Reason for Leaving</td>
</tr>
<tr>
<td>Description of your duties and responsibilities</td>
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</tbody>
</table>

### Education & Professional Qualifications

Include in this section all the relevant qualifications. Please also indicate subjects currently being studied.

<table>
<thead>
<tr>
<th>Subject/Qualification</th>
<th>Place of Study</th>
<th>Grade/result</th>
<th>Year</th>
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</table>

### Training Courses Attended

Include in this section any relevant training courses that you have attended or details of courses that you are currently undertaking.

<table>
<thead>
<tr>
<th>Course Title</th>
<th>Training Provider</th>
<th>Duration</th>
<th>Date Completed</th>
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<tbody>
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</table>
**Supporting Information**
In this section please provide additional information on your skills and experience to demonstrate how you meet the competencies of the role. This can include relevant skills, knowledge, experience, voluntary activities and training etc.

<table>
<thead>
<tr>
<th>Supporting information (Please continue on additional sheets if necessary).</th>
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</table>

I agree the information in this form is true and complete.

<table>
<thead>
<tr>
<th>Signature</th>
<th>Name</th>
<th>Date</th>
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</thead>
</table>
Standard Equality Impact Assessment Tool

1. Details of Change

<table>
<thead>
<tr>
<th>Title of proposed documentation or change:</th>
<th>Persons likely to be affected by implementation of documentation / change:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Employees ○ Patients / Carers □ Visitors / General Public □</td>
</tr>
</tbody>
</table>

Summary and purpose of proposed documentation or change:

2. Nature of Change

Are there concerns that the proposed documentation / change could have an adverse impact on service users because of: (Please tick)

<table>
<thead>
<tr>
<th>Race, Ethnicity, National Origin, Culture, Heritage</th>
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</thead>
<tbody>
<tr>
<td>Religion, Faith, Philosophical Belief</td>
</tr>
<tr>
<td>Gender, Marital Status, Pregnancy</td>
</tr>
<tr>
<td>Physical or Learning Disabilities</td>
</tr>
<tr>
<td>Mental Health</td>
</tr>
<tr>
<td>Sexual Orientation, Gender Dysphoria, Gender Reassignment</td>
</tr>
<tr>
<td>Age</td>
</tr>
<tr>
<td>Membership to Professional Associations e.g. Trade Unions</td>
</tr>
<tr>
<td>Homelessness, Gypsy / Travellers, Refugees / Asylum Seekers</td>
</tr>
</tbody>
</table>

Please give details of any adverse impact identified:

If adverse impacts are identified, are these considered justifiable? (Please give reasoning)

3. Equality Impact Assessment Completion Details

I declare that in assessing the proposed documentation / change I have identified that:

(Please delete as appropriate)

a) There is unlikely to be an adverse impact on different minority groups; OR

b) An adverse effect has been identified and further investigation is required

Name: Date: Signature:

Post Title: Signature:

Equality impact assessment authorised by:

Name: Date: Signature:

Post Title:
### Advanced Equality Impact Assessment Tool

(If there is evidence to suggest potential negative impact within a Standard Assessment, then an Advanced Assessment must be completed)

<table>
<thead>
<tr>
<th>1. Details of Change</th>
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<tbody>
<tr>
<td><strong>Title of Proposed documentation or change:</strong></td>
</tr>
<tr>
<td><strong>Summary and purpose of proposed documentation or change:</strong></td>
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</tbody>
</table>

| 2. Has there been any consultation with the Groups identified above during the formulation of the policy/information/project? |
| (Internal & External consultation is key to determining the validity of this Impact Assessment – also consider non-visible groups e.g. homeless, people in criminal justice system) |
| **Yes:**                                                                        |
| **No:**                                                                         |

If Yes, please give brief details and include any evidence within this document

<table>
<thead>
<tr>
<th>3. Can any adverse impact that you have identified be justified on grounds that outweigh equality issues?</th>
<th>E.g.</th>
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<tbody>
<tr>
<td></td>
<td>•  Health &amp; Safety</td>
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<td></td>
<td>•  Risk</td>
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<td>•  Security</td>
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If the adverse impact cannot be justified please state the main issues arising form this assessment. Also:
- Identify actions to address the adverse impacts above in the action plan
- Consider whether further data collection, research or consultation from any of the
above is necessary
- Ensure all actions are proportionate to the impact and the importance of the program/policy

### ACTION PLAN

Details of person completing action plan

Target date for completion of action plan

Action plan resulting from steps above must include:
- How will any barriers or failings be addressed in order to remove lesson an adverse impact?
- Are there alternative ways of achieving the policy objectives?
- Are there more flexible ways of delivery?
- Is any training or awareness-raising necessary?

<table>
<thead>
<tr>
<th>Action</th>
<th>Lead Person</th>
<th>Completion date</th>
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Assessment signed off by Line Manager

………………………………………………………………………….       Date……………………..

Assessment signed off by Divisional Manager

………………………………………………………………………….       Date……………………..
Staff Consultation Risk Assessment

Description of Change:

No of staff affected:

Main groups of staff:

<table>
<thead>
<tr>
<th>Issues</th>
<th>Risk</th>
<th>Risk Score</th>
</tr>
</thead>
<tbody>
<tr>
<td>Likely individual legal challenges to the change process</td>
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<tr>
<td>Likely Trade Union challenge to the process</td>
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<td>Potential level of redundancy costs</td>
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<td>Potential level of early enhanced pension costs</td>
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<td>Potential level of protection</td>
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<td>Additional costs of the change</td>
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<td>Ease of implementation</td>
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<td>HR Resource availability</td>
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<tr>
<td>Level of disruption change will cause</td>
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<tr>
<td>Loss of key personnel as a result of the change</td>
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<td>Leadership and management capacity</td>
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<td>Other factors</td>
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1  5 high – 1 low