

POLICIES AND PROCEDURES

MANAGEMENT OF CHANGE POLICY

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1. INTRODUCTION

- 1.1 Throughout this document, the term 'Trust' refers to South Tyneside NHS Foundation Trust.
- 1.2 The Trust is committed to ensuring the impact of change and reconfiguration on staff is handled fairly, effectively and in line with agreed process.
- 1.3 Change in the Trust is the inevitable consequence of continually striving to improve services to patients and/or in response to external factors such as legislative or policy changes.
- 1.4 The Trust will seek to manage all change programmes in a planned, open and honest way in order to maximize the potential benefits and minimize any adverse implications for staff.

The Trust is committed to supporting staff throughout the process of organizational change by consulting and communicating appropriately with staff involved, listening carefully to the views of staff and taking into account their first-hand knowledge. In addition, it will support individuals and/or teams, for example, via the Learning and Development Department, Occupational Health Service or the Health and Wellbeing Team.

- 1.5 It should be noted that the provisions of this policy do not apply where changes to an individual's contract of employment are made either at the request of the employee; by mutual agreement between an employee and their manager; or as a result of disciplinary action. In addition, the policy also does not apply to staff who are redeployed when ill-health prevents them from carrying out their current role and will follow the medical redeployment process as outlined in the Trust's Managing Sickness Absence Policy (PP11).

2. PURPOSE AND SCOPE

- 2.1 This purpose of this policy is to set out clear guidance, principles and procedures that underpin the framework for the management of policy is intended to assist managers in advising staff on the current maternity, paternity, adoption and parental leave provisions and is applicable to all Trust employees including permanent and fixed-term employees. It does not apply to staff who are on secondment from other organisations.
- 2.2 Equality, Diversity and Human Rights Statement

The Trust is committed to promoting human rights and providing equality of opportunity; not only in our employment practices but also in the way we provide services. The Trust also values and respects the diversity of our employees and the communities we serve. In applying this policy, the Trust will have due regard for the need to:

- Promote human rights;
- Eliminate unlawful discrimination;

- Promote equality of opportunity;
- Provide for good relations between people of diverse groups;
- Consider providing more favourable treatment for people with disabilities.

This policy aims to be accessible to everyone regardless of age, disability (physical, mental health or learning disability), gender (including transgender) race, sexual orientation, religion or belief or any other factor which may result in unfair treatment or inequalities in health or employment.

3. PRINCIPLES AND VALUES

3.1 The aim of this policy is to provide guidance to managers and staff during periods of change, including advice on due process to follow when consulting with staff, best practice methods for selecting staff affected by change and support for staff that are “at risk” as a result of change.

3.2 It is recognised that the timescale, type and pace of change will vary, however to ensure a consistency of approach wherever possible, 30 days is applied to any consultation process, giving opportunity to communicate and consult with staff. This length of time may be increased depending on the proposed change, in agreement with the employees involved and staff side representatives.

3.3 In order to maintain and improve the quality of service and maintain the commitment and motivation of staff, the Trust has agreed the following principles and values will apply:

- a) The organisational change process will be applied fairly and consistently across the organisation;
- b) The employees who will potentially be affected, plus staff side representatives, Personnel and any other relevant parties, will be involved in the process at the earliest possible opportunity – see flowchart at Appendix –
- c) Wherever possible security of employment will be maintained, with redeployment and training being utilised, as appropriate, to ensure the retention of staff within the service. Compulsory redundancies will, consequently, only be effected as a last resort;
- d) All managers, will, when developing plans and identifying any staffing implications, work positively with Personnel professionals, staff side representatives and the employees concerned;
- e) Where organisational changes are linked to cross sector/directorate developments, every attempt will be made by those involved to manage closely related organizational/service changes on the same timescale;
- f) Those leading organisational change will work in partnership with Staff Side representatives and will communicate with the affected employees openly, honestly and in a timely way about all proposed changes which may impact

upon them and provide relevant support through the appraisal, KSF and personal development processes.

4. COMMITMENT TO STAFF

4.1 In order to avoid any reduction of the workforce, in the first instance the organisation will:

- Review all vacancies as they arise and recruit only to critical posts;
- Review opportunities to promote flexible distribution of roles and work;
- Review existing arrangements for temporary, fixed term, bank staff, agency staff or interim consultants;
- Review flexible working arrangements, including job share, job transfer, career breaks, secondments or reduced hours;
- Manage staff attendance;
- Train or retrain staff;
- Redeploy staff wherever possible;
- Mutually agreed resignation schemes (MARS);
- Invite voluntary solutions, such as voluntary redundancies, early retirement or flexible retirements.

5. KEY RESPONSIBILITIES

5.1 During periods of change, Managers are expected to:

- Not underestimate the effects that potential organizational change may have on staff health, morale, motivation and behaviour;
- Provide information about the potential change in a timely, open, honest and understandable way;
- Plan ahead as far as possible and advise the Personnel Department at the earliest opportunity of any potential changes affecting the workforce and work with the Personnel Department through the organizational change process;
- Managers should share the rationale for change in advance with Staff Side Representatives at the earliest opportunity;
- Ensure all their staff are fully communicated and engaged with regarding proposed changes, which will include the provision of regular 1:1s and team meetings;
- Maintain a robust audit trail and record keeping in relation to processes followed and decisions taken in respect of all staff for whom they are responsible;
- Ensure all staff who are currently absent from the Trust are fully briefed and involved, inviting them to all meetings as appropriate (such as those on maternity, long term sick or secondments);

- Inform any staff associated but not affected by the change, including joint appointment roles;
- Ensure staff attend meetings associated with the change;
- Ensure all staff are treated fairly and equitably;
- Work in line with appropriate policies, involving Personnel where necessary;
- Maintain confidentiality.

5.2 All staff should commit to:

- Actively participate in all forms of communication to ensure they are fully engaged and informed of any proposed changes;
- Attend related meetings;
- Speak to their Line Manager regarding any personal concerns they have;
- Ensure business as usual before, during and after the changes, working in line with Trust policies;
- Arrange for their staff side representatives or work colleague to attend individual meetings, where they have the right to do so;
- Engaging in all effects to secure a post;
- Being as flexible as possible in the employment options being considered;
- Maintain confidentiality during and after the changes, respecting colleagues and their personal concerns with regards to the proposed changes.

5.3 The Personnel Department during periods of change are expected to:

- Provide advice and guidance to managers and staff including the provision of relevant support;
- Ensure due process is followed in a fair and equitable manner, in line with national legislation and best practice;
- Work closely with Managers and relevant colleagues to ensure engaging communication methods are applied.

5.4 Staff Side colleagues will:

- Engage with Managers and Personnel in the change management process;
- Provide advice and guidance to staff, including the provision of relevant support;
- Raise issues and concerns on behalf of their members;
- Attend joint consultation and individual staff meetings as and when requested to do so.

5.5 The Occupational Health Department will:

- Provide support for staff affected by redeployment/redundancy;
- Provide counseling in a supportive and therapeutic environment, helping individuals clarify their problems/issues and enable them to find solutions;

- Support individual mental health and wellbeing at a time of challenge and change;
- Offer confidential support and advice.

6. DEFINITIONS

6.1 Organisational Change

Organisational change means any managerial or structural change in the organisation or service provision. All organisations inevitably need to change their structures, roles, systems and processes to take account of developments in knowledge, technology and practice to ensure that services are provided in the most effective and efficient manner possible.

An organisational change is any change that alters staffs' contracted:

- Work patterns;
- Work locations;
- Grade, pay or other terms and conditions of employment;
- The number of posts;
- The fundamental nature of their roles, duties and/or responsibilities;
- The employer, e.g. through TUPE transfers or statutory instruments.

6.2 Redundancy

Redundancy occurs when:

- The employer has ceased, or intends to cease continuing the business;
OR
- The requirements for employees to perform work of a specific type, or to conduct it at the location in which they are employed, has ceased or diminished.

6.3 Basic Pay

The monthly amount paid in respect of basic contracted hours worked within the standard working week on the day immediately preceding the first day of employment in the new post. It will also include any distinction awards for as long as they were due within the protection period. (Any payments made on a temporary basis, e.g. acting up allowance, are excluded).

6.4 Earnings

Remuneration received from contracted earnings in respect of the following:

- Unsocial hours;
- On-call availability;

- Contractual overtime.

Protected earnings will be calculated as a monthly average of the earnings received in the 3 month period immediately preceding the 1st day of the month on which an organisational change takes effect / the first day of employment in the new post.

6.5 Suitable Alternative Employment

The Trust will identify and determine what it regards as suitable alternative employment for employees with reference to the definitions within the Employment Rights Act 1996 and the following factors:

- How similar the work is to an employee's current job;
- The terms and conditions of the job being offered;
- An employee's skills, abilities and circumstances in relation to the job;
- The pay (including benefits), status, hours and location.

6.6 Downgrading

When the salary scale of the new post, irrespective of its pay band, has a maximum pay point lower than that of the employee's previously held post.

6.7 Reckonable Service

Continuous NHS service as defined in national terms and conditions.

6.8 Consultation

The process by which staff affected by change, including any relevant trade union representatives, are informed about any impending changes/redundancy and given the opportunity to make suggestions, shape any changes and ask questions.

6.9 Fixed Term Contract

A contract for a particular/stated fixed period of time.

7. CONSULTATION AND COMMUNICATION PROCESS

7.1 The Trust commits itself to meaningful and appropriate consultation with recognised staff side organisations and staff members affected by organisational change, and is crucial to achieving a successful outcome and agreeing on a way forward, although there will be exceptional occasions when organizational change will need to proceed without a consensus being reached on all issues. In such circumstances, refer to the Trust's Grievance Procedure.

7.2 Effective communication and consultation mechanisms will be developed according to the nature of the proposed organizational change. These may include a combination of individual or group briefings depending upon the size and scope of the change to be managed.

- 7.3 The Trust will consult with recognised Staff Side Organisations in advance of formal discussions with staff. The methods used to communicate with and consult staff will take into account accessibility issues for staff with disabilities (for example visual and hearing impairments).
- 7.4 A formal consultation document to support the change process will be developed by the Manager with responsibility for the consultation process, outlining the proposed change(s) for staff, advising of the process to be followed. The document should include the following (although further guidance should be sought from the Personnel Department):
- Details of the changes and the benefits associated with the proposal(s);
 - Which posts are likely to be affected, how and the total number of staff involved;
 - A description and number of employees who may be at risk of redundancy (if appropriate);
 - A financial costing of changes (if appropriate);
 - The consultation process, how and to whom employees can provide feedback and will be kept informed;
 - Ways to avoid or reduce redundancy (if appropriate);
 - The likely timescale including how and when dismissals will take effect (if appropriate);
 - How the changes/restructure will be managed including selection and redeployment processes (if appropriate);
 - Who will be responsible for the various change elements.
- 7.5 Discussions with staff about proposed organisational change should start as soon as practicable and at a point where the extent and purpose of that change is clear, so that meaningful consultation can take place.
- 7.6 With many organisational change projects, there will be some aspects that are a “given” and cannot be influenced by staff (e.g. if funding for a service has been withdrawn and it is to cease). Equally, there will be others that staff are able/will be invited to influence. Managers should clarify which elements of the organizational change are those that are “givens”, so that staff know which aspects they are able to influence.
- 7.7 During the consultation period, staff will be given every opportunity to comment on the proposals outlined in this document. Staff who are absent from work, such as those on maternity, long term sick leave or secondments should also be included within the consultation.
- 7.8 Staff should also be offered the opportunity to have a one-to-one meeting with their manager to allow them to give their views, discuss any concerns about the proposed changes along with their ability to adapt to those changes and identify any preferences in relation to future employment. A representative of the Personnel

Department can be present at this meeting and the employee can choose to be accompanied by a work place colleague or a Staff Side Representative.

- 7.9 Consideration should be given as to the most appropriate way to collect feedback, i.e. specific email address to be set up.
- 7.10 Arrangements should be made to respond to staff feedback and to modify the change on the basis of such feedback where this is considered appropriate.

8. PROCESS FOR FILLING POSTS IN THE NEW STRUCTURE

- 8.1 In cases of organisational change which affect job structures, the process for appointing into posts within the new structure will follow the close of the consultation process and will be conducted in line with best practice. Appropriate communication arrangements will be put into place to ensure that affected staff are made aware of all vacancies for which they are eligible to apply.
- 8.2 A slotting-in process will be used to ascertain which staff are eligible to be slotted into a post into the new structure or whether the individual will be displaced.
- 8.3 Staff who are absent from work, such as those on maternity and long term sick leave will be included in the matching process.

Members of staff on fixed term contracts covering a position usually filled by an absent permanent member of staff or performing in a role that is time and funding limited, will not be eligible to be considered for a position in the new structure.

Members of staff on fixed term contracts who are covering a vacant but substantive position, however, will be eligible.

For staff currently on secondment or in an acting-up role, their substantive role will be used for the purpose of consultation and matching.

Staff will be excluded from the process when:

- They have already formally given notice of their intention to resign/retire at any time before the interview date;
- They have already secured employment with another employer at any time before the interview date;
- They have been notified of the date of the termination of their contract of employment for any other reason.

- 8.5 Where individuals are affected by the proposed changes, posts in the new structure will be filling by a slotting in or ring-fenced process.

8.6 Stage One - Slotting in Process

Where a post in the new organisational structure is substantially the same as a post in the previous structure and where there is only one individual occupying this post, then the postholder will be slotted-in to the post in the new structure.

8.7 In considering whether a post is substantially the same, rather than a new or substantially changed post, the following factors will be examined:

- The post will be the same as the individual's previous post in terms of job content and the range of responsibilities;
- The employee is judged to meet the minimum essential requirements of the new role;
- The number of posts is the same or exceeds the number of current post-holders;
- The pay band of the post is the same as the employee's current salary band/grade (i.e. there should be no financial loss or gain).

8.8 All of the above criteria must be met for slotting-in to occur. Slotting-in decisions will be confirmed and agreed between the relevant Director, a senior Personnel representative and staff side representatives, especially those who have members affected.

8.9 Staff will be informed of the outcome of the slotting-in process in writing, including the right of appeal.

8.10 Once the slotting in process is complete, all posts which remain unfilled are, by definition, either new or different posts or are posts where there is more than one individual who performs a similar role and function.

8.11 Stage Two – Appointment Arrangements for Ring-Fenced Posts

Staff who, following the slotting-in process are deemed to be displaced, will be informed in writing that they have been displaced and advised of the next steps in the process.

8.12 Following the completion of stage one - slotting-in, there will be a process of limited, internal ring-fenced competition for all remaining posts within the new structure. This will be restricted to staff who have been identified as potentially affected by the move to a new structure.

8.13 Where posts in the new structure remain unfilled through stage one – slotting in, all outstanding vacancies, where possible, should be filled from the remaining substantive pool of 'at risk' staff potentially affected by the new structure and will be a closed, ring-fenced round of competition.

8.14 Only staff assigned to the appropriate pool will be eligible to apply for the unfilled posts at this stage. Adequate time will be afforded to staff to consider which posts to apply for and to prepare for interview, where these are necessitated.

- 8.15 Staff who are identified as being displaced within the new service/structure will be advised of the posts that remain unfilled at the end of the slotting-in process.
- 8.16 Staff will be entitled to apply for vacant posts as part of the ring-fenced appointments process as follows:
- At their current pay band;
 - One pay band above;
and
 - One pay band below.
- 8.17 Staff will be required to complete an application pro-forma (Appendix 2) to enable candidates to outline how they meet the competencies, skills, knowledge and experience of the post.
- 8.18 In addition, staff will be required to identify the preference of the posts they are applying for by completing Appendix 3.
- 8.19 Candidates will be eligible to be interviewed for any posts for which they apply, provided they are entitled to apply for the post (see paragraph 8.3) and they meet the minimum person specification and eligibility criteria for the post.
- 8.20 Where there is only one candidate for a post and that candidate is considered suitable (or where the number of suitable candidates is equal to or less than, the number of available posts) they will be 'matched' to the post, **provided the post is at the same pay band the employee currently receives**. Where the sole candidate for post is not considered suitable they will be put on they will be placed on the Redeployment Register.
- 8.21 Where there is more than one suitable candidate for a post, they will be invited to attend a competitive interview for the post.
- 8.22 The interview process will be conducted in a fair and transparent way and all decisions will be justifiable. Interview panels will be conducted by the Manager concerned and one other appropriate panel member.
- 8.23 In certain circumstances, particularly for senior posts, this may include, for example, an external assessor.
- 8.24 Where it is possible for interviews to be conducted together, (e.g. where posts are similar but in different teams, joint interviews will be arranged.
- 8.25 For staff who are on long term leave from work (e.g. maternity leave etc.), at the time interviews are being held, individual discussions will be held and all reasonable steps will be taken to ensure that such staff are not disadvantaged during the appointments process.
- 8.26 Reasons for selection decisions will be recorded by management and made available to candidates and their staff side representatives, as appropriate.

- 8.27 Staff will be notified of the outcome, in writing, including any right of appeal. Staff offered a post in the new structure are required to accept or reject the offer in writing 5 working days after receipt of the letter. In some circumstances, (e.g. annual/or leave) this period may be appropriately extended on an individual basis.
- 8.28 If staff do not accept the post, the member of staff will need to provide in writing, the reasons for not deeming the post to be suitable alternative employment.
- 8.29 Staff should be informed that where they unreasonably refuse to take up the new post and another suitable alternative employment is not identified, they will be deemed to have resigned and therefore not eligible for any redundancy payment. Their employment will then be terminated in line with their contract of employment. Where staff disagree with the suitable alternative, they have the right to raise these concerns via the Trust's Grievance Procedure (PP9).
- 8.30 Any displaced member of staff does not satisfy the selection criteria or who following an interview, is not appointed to a post in the new structure during a competitive interview process will be offered post-interview feedback. In addition, in consultation with staff side representatives, management will look again at the suitability of posts and the selection criteria with a view to the exploration of reasonable retraining for the candidate or reasonable changes to the posts for the displaced candidates.
- 8.31 Staff who are not placed into a post in the new structure will be placed on the Trust's redeployment register, identified as being 'at risk' of redundancy and will be dealt with in accordance with the redeployment process (see Section 9).
- 8.32 Stage Three – Open Competition

If posts remain vacant or no-one is appointable from stage one or two, wider advertisement for the posts will apply and be advertised in the normal way, in line with normal recruitment processes.

9. REDEPLOYMENT AND REDUNDANCY PROCESS

- 9.1 Once the formal consultation period has been exhausted and the process for filling posts in the new structure has been completed, should individual post holders remain displaced, they will formal placed 'at risk' of redundancy and depending on length of service and other contractual entitlements, contractual notice of between 4 and 12 weeks will be issued.

At this point, the final date of employment will be identified and a formal redeployment search for suitable alternative employment will commence and continue throughout the notice period.

Consideration of redeployment of employees at risk of redundancy will be an important part of a fair and reasonable redundancy procedure.

- 9.2 Suitable alternative employment should take into account the following:

- Current salary and band;
- Reporting line and line management responsibilities;
- Nature of work and job responsibilities;
- Working times;
- Location, including additional travel time and cost, and travel arrangements including access to public transport;
- Personal circumstances such as family or caring responsibilities;
- Capacity to make reasonable adjustments (for some with a disability);
- Status associated with their current role that may not be addressed even with pay protection.

Some degree of flexibility is expected on the part of both the employee and the Trust in this respect and it is important that each case is look at on its own merits.

- 9.3 If it is identified that an individual is to be placed on the redeployment register, a meeting will be arranged with the employee with support from the Personnel Department. The purpose of this meeting is to discuss the type of work which has been identified as suitable and to identify the hours/work pattern which the employee is able/willing to work. Personnel will also help the employee to identify any skills/experience they have which could be transferred to a new role. If there are any potential suitable vacancies at that time these will be discussed with the employee.

If there are no suitable vacancies at that time the employee will be advised that the Trust will continue to look for a suitable redeployment opportunity for a period of their contractual notice period of between 4 and 12 weeks. If during that period a suitable vacancy arises then a work trial will take place (see 9.7 below).

- 9.4 Vacancies will not be advertised externally or internally unless it is clear that there are no staff 'at risk' who should be given priority consideration. The Personnel Department will retain a redeployment register and will agree to release jobs for advertising where there are no 'at risk' candidates in the Trust.
- 9.5 Suitable alternative posts and posts suitable for redeployment will be considered at the same band, one band above and one band below and pay protection will be paid in accordance with Section 10. The lower banded post will not be given as an automatic entitlement.

The Personnel Department shall assess the suitability of potential internal candidates and decide which of the following options is the best way to proceed:

- Advertise the post internally to any at risk employee;
- Advertise the post internally to all employees on the basis that as a result, another post will become available which may be suitable for an at risk employee; or
- Where there is agreement that there is no suitable candidate for a post, this can be advertised in the normal way.

Whichever option is chosen, selection shall be made on the basis of competitive interviews in accordance with normal recruitment procedures.

Staff 'at risk' will be considered for a vacancy if they meet the essential requirements of the person specification or where they will be able to meet these requirements within a reasonable time period given training and familiarisation.

Staff who meet the essential requirements of the post will be offered, where possible, a non-competitive interview. However, it is accepted that if there are a number of staff who are 'at risk' at the same time, this may not be always be practicably possible.

- 9.6 In line with best practice, the interview and selection process will be based on the job description and person specification of the role, supported by a robust scoring system, ensure the process is fair and consistent with equal opportunities.
- 9.7 If it is suitable, the employee will be given the opportunity to undertake a work trial and this would normally be for a period of 4 weeks. If it is not suitable then the Trust will continue to look for suitable redeployment to the end of the individual contractual notice period.

Whilst the employee is undertaking a trial period within the Trust, their terms and conditions remain as they are in their substantive post. Any changes to their terms and conditions of employment will take effect on permanent appointment to the post.

A meeting will be arranged towards the end of the work trial period. The purpose of the meeting is for the employee, the Manager who has the vacancy and Personnel to review whether the work trial has been successful. If both the Manager and employee agree that the work trial has been successful then the post can be offered to the employee and they will be moved into the new role.

Alternatively it may be decided that an extension to the trial is necessary to ensure the employee has had an appropriate opportunity to be assessed in the role. In most cases the extension will be no longer than 2 weeks however in exceptional circumstances this may be extended for a further week.

If the trial is successful, the appointment will be confirmed in writing and the member of staff concerned will be required to formally indicate their intention to accept or decline the offer of the post in writing. Where a member of staff has declined a position, the member of staff must clearly state the reasons for this.

- 9.8 If an employee refuses to accept or apply for suitable alternative employment, they shall be advised that they may forfeit their entitlement to a redundancy payment.
- 9.9 'At risk' employees who have not secured suitable alternative employment via one of the processes outlined in Section – will be notified that they are still 'at risk' of redundancy.

- 9.10 Termination of employment – if redeployment is not secured during the redundancy notice period, the employee will be notified and informed of the terms of the NHS Redundancy Payments Scheme (Section 16 of the Agenda for Change: NHS Terms and Conditions of Service Handbook) will apply to any member of staff who is made redundant.

Staff who are made redundant from South Tyneside NHS Foundation Trust will be unable to return to work in the Trust for 12 months following redundancy from the organisation.

Employees under formal notice who are offered alternative employment, either within or outside of the NHS, to commence prior to the end of the redundancy period, may be released early depending on the needs of the Department. However, any redundancy payment that would have been payable may be affected and amended accordingly.

- 9.11 Directors, Managers and Supervisors are expected to support the redeployment of staff into their teams. This may include, for example, the application of flexible working patterns or job share arrangements in order to fill a vacancy.
- 9.12 Training – where suitable alternative employment is identified but the employee requires further training, this will be discussed in full and a Performance Development Plan (PDP) developed. This may involve induction training, on the job training, internal and/or external courses or refresher training.
- 9.13 Excess Travel – an employee whose place of work changes because of organisational change will be entitled to claim excess mileage in accordance with the Trust's policy on excess mileage. **Please note:** Lease Car and Salary Sacrifice Cars holders are unable to claim excess travel costs due to HMRC regulations and the income tax implications. Further information is available in the Trust's Lease Car Policy available under the Finance pages of the Trust's intranet or can be sought from the Finance Department or the HMRC Website www.gov.uk/government/organisations/hm-revenue-customs.
- 9.14 Voluntary Redundancy/Voluntary Early Retirement

It is acknowledged that organisational change can be unsettling and difficult for staff, particularly when there is a possibility of posts becoming redundant. The Trust may therefore ask for volunteers for redundancy or early retirement as a way of achieving workforce reductions.

- 9.15 Where this course of action is agreed, letters inviting staff to apply for voluntary redundancy or early retirement will be issued to all those within the 'at risk' group or from staff in the same staff group/specialty/department, where this would reduce the risk/incidence or compulsory redundancies.
- 9.16 Any requests that are received will be evaluated by management according to various criteria, which may include (but not be limited to), the following:

- Costs of the redundancy/retirement relative to the savings that may be achieved;

- Value of the individual to the Trust, in terms of their particular skills, knowledge, experience and ability and that of the rest of the team.

The aim of this will be to ensure that the remaining staff possess the right blend of skills and experience to continue to deliver the service. Therefore, requests for early release will not necessarily be approved.

9.17 Avoiding Compulsory Redundancies

The following measures will be considered/used by the Trust in an effort to avoid or minimise redundancies.

While it is recognised that not every measure will be appropriate to every situation, it is expected that all of the options set out below will be actively explored before any employee is dismissed on the grounds of redundancy:-

- Fully exploring reductions in non-pay expenditure;
- Freezing recruitment in the staff group(s) affected, or other areas identified by Personnel as being similar in nature or suitable for redeployment;
- Reducing or eliminating overtime and/or the use of agency, bank and locum staff and contractors;
- Reviewing/revising working patterns and associated costs e.g. unsocial hours working/on-call;
- Considering the employment of staff on fixed term contracts, which would cease when the need for the reduction in staff occurs;
- Considering the implementation of annualized hours;
- Canvassing for voluntary severance/redundancy/retirement;
- Reviewing available vacancies;
- Encourage/facilitate the development of new skills for staff, to increase opportunities for redeployment;
- Supporting voluntary transfer to an alternative employer;
- Other options identified by staff or the Trust.

Where it is clear that a post will only be required for a time limited period basis, then it should be recruited to on a fixed term contract basis. Staff on fixed term contracts affected by organisational change before the end of their contract, should be dealt with as other staff but taking into account the terms of their fixed term contract.

9.18 Identifying Staff at Risk of Redundancy

The first step in identifying staff at risk of redundancy will be to question whether the proposals fulfill the definition of redundancy. The second step will be to determine, in consultation with staff side representatives, the pool of staff who are considered to be 'at risk' and from which the selection for redundancy will be made.

Where staff undertake a particular type of work and the requirement for that work has ceased or will cease, only those staff will be at risk of redundancy as it is only their jobs that will no longer exist. Consequently, no other staff are affected.

Where the requirement for a particular type of work diminishes or where other change is introduced, it may be necessary to consider all staff in a particular group at risk of redundancy, before applying selection criteria. Staff will normally be identified where they are 'at risk' of redundancy at the start of the formal consultation period.

Management and staff representatives will agree appropriate, objective, fair and non-discriminatory selection criteria for each separate change proposal and for each staff group in line with this policy. In addition to this, the criteria must be applied consistently, to ensure that the selection of staff for redundancy is fair.

Employees will have the right to request feedback and documentation relating to their own selection and may be entitled to anonymised feedback relating to other employees within the selection process.

Possible fair selection criteria include:

- A competitive interview situation or a competitive test (e.g. a trades test for Estates staff). The criteria and scoring system must be objective/reasonable and should be shared with staff and staff side representatives in advance;
- Attendance records though these must be handled carefully and with reference to the Equality Act where disability discrimination could apply;
- Disciplinary records (current warnings);
- Skills, competence and qualifications;
- Work experience;
- Performance record (capability);
- Affordability;
- Impact on Services.

Consideration of performance in selecting for redundancy will focus on the quality of work performance. In determining such quality, performance records will be used where available. The process for determining work performance will be undertaken by a panel consisting of a Clinical Business Manager/Divisional Director/Executive Director, a Divisional Personnel Manager/Head of Personnel and a staff side representative.

Consideration of attendance will take into account an analysis of absence. Maternity, adoption and other authorised leave will not be taken into account. Absence relating directly to an employee's disability will be discounted. Attendance records will not be used to discriminate against part-time employees.

Employees with a disability will be supported throughout this process within the spirit of the Equality Act.

A scoring system will be used to facilitate fairness, consistency and objectivity in the selection process. The scoring system will apply to all the selection criteria and individual weightings will be allocated by panel members, linked to previously

identified service needs. The panel will be responsible for the selection for redundancy decisions, with advice from the Executive Director of Personnel and Development or Head of Personnel as appropriate.

All records of panel meetings will be maintained centrally within the Personnel Department.

10 PAY PROTECTION ARRANGEMENTS

- 10.1 Pay protection arrangements will be considered in relation to any permanent employee, who, as a result of organisational change, is required to move to a lower banded post (downgrading) or who suffers a permanent reduction in working hours (which results in a reduction in earnings) worked within the standard working week.
- 10.2 If protection applies, the employee will be entitled to have the salary level of their former post protected from the date of their new appointment. The protected salary will include any cost of living rises awarded during the protected pay period, but will exclude any incremental progression that would have been due during the same period.
- 10.3 Pay protection will commence on the 1st day of the month and will be calculated as a monthly average of earnings received in the three month period immediately preceding the day on which an organisational change takes effect and will be paid on a monthly basis.
- 10.4 In the event of a member of staff being absent from work i.e. due to long term sick leave or maternity leave, pay protection will be calculated on the 3 month period immediately preceding the absence start date.

10.5 Protection Definitions

Organisational change – a change implemented by the Trust to the organisation of its services which affects the banding and/or earnings of employees.

Basic salary – the monthly sum due in respect of contracted basic hours worked within the standard working week on the day immediately preceding the first day of employment in the new post. It would include any distinction awards for a long as these were due in the protection period. **NB** any payments made on a temporary basis, for example, acting allowance, are excluded.

Earnings – remuneration received from contracted earnings in respect of the following:

- a) Unsocial hours;
- b) on-call availability (including earnings from on-call work undertaken);
- c) Contractual overtime.

Protected earnings will be calculated as a monthly average over the three month period immediately preceding the first day of employment in the new post – this will always commence on the 1st day of the month.

Lower Banded Post – one where the salary maximum of one post is lower than the salary maximum of another.

10.6 Short Term Protection of Earnings

Earnings protection will be calculated as a monthly average of the earnings received in the three month period immediately preceding the 1st day of the month on which an organisational change takes effect and will be paid in accordance with the following table and will include cost of living rises but exclude any incremental progression that would have been due:

Continuous Service in the NHS (completed years)	Protected Period (Months)
1 – 2 years	6 months
3 – 5 years	6 months
6 – 9 years	12 months
10 years +	12 months

10.7 Long Term Protection of Basic Salary and Other Terms Where Down Banding is Involved

An employee who, as an alternative to redundancy or redeployment following organisational restructure, is offered a lower banded post, will receive protection of their basic salary in accordance with the table below (protection will not apply to annually earned pay).

Continuous Service in the NHS (completed years)	Protected Period (Months)
1 – 2 years	12 months
3 – 5 years	24 months
6 – 9 years	36 months
10 years +	36 months

Protection of basic pay and the applicable terms will continue until:

- a) The end of the period of protection expires;
OR
- b) If prior to the end of the protected period:
 - The employee leaves the employment of the Trust;
OR
 - The employee takes flexible retirement;
OR
 - The employee is appointed to a post where the normal basis salary is equal to or greater than the employee's salary plus protection in the post to which they were transferred;
OR

- The employee voluntarily moves to a post on the same or a lower paid post;
OR
- The incremental scale on the new band exceeds protection;
OR
- The employee refuses to accept or apply for suitable alternative employment within the Trust without acceptable reason.

10.8 Conditions of Protection

Employees required to move to a new post, will acquire the terms and conditions of the new post, other than pay protection as outlined above.

The employee will be entitled to basic salary or earnings protection only. The Trust will confirm the final arrangement to each employee.

Basic salary and earnings protection are conditional on an employee undertaking any overtime, shift work or other additional duties that may be required to meet the exigencies of the service.

Basic salary and earnings protection will be offset against basic salary and earnings in the new post, including earnings from overtime, shift work or other additional duties that may have been worked. In any month during the period of protection where basic salary and earnings in the new post exceed protection, protection will not be paid.

Where an employee is redeployed to a new post, the notice period applicable to that post will apply regardless of the notice period in the former post.

An employee in receipt of excess travel reimbursement must inform their manager of any change of address immediately. Should the new address reduce the amount of excess travel, then the employee must reduce their claim for reimbursement accordingly.

Should the new address increase the amount of excess travel, reimbursement must only be claimed at the rate applicable from the old address. Failure to make a claim correctly will be regarded as a serious offence and will be dealt with in accordance with the Disciplinary Procedure.

In circumstances where the employee chooses to apply for a new post during the period of protection, the entitlement to excess mileage will automatically cease.

10.9 Pension

Employees who suffer a reduction in basic pay as a result of organizational change and who are members of the NHS Pension Scheme may be able to preserve their benefits earned on the higher level of pay. It will be the responsibility of the relevant

senior Personnel representative to ensure this is brought to the attention of the employees concerned at an early state of the organizational change process.

11. APPEAL PROCESS

- 11.1 An employee who has been informed of the decision to be made redundant may appeal to the Trust's Appeals Panel on the basis of the application of the selection criteria. Only one appeal is permitted related to selection for redundancy. The appeal must be made in writing and must set out the grounds on which they are appealing to the Executive Director of Personnel and Development and should be lodged within 21 calendar days of the formal notification of redundancy being given.
- 11.2 The employee will be invited to attend an appeal hearing with an Appeals Panel of the Trust Board. The employee will have the right to be accompanied by a Staff Side Representative.

The Trust Appeals Panel will consist of one Executive Director, who has no direct involvement in the case and one Non-Executive Director. The Executive Director of Personnel and Development or a senior member of the Personnel Department will attend in an advisory capacity.

Appeals will only be heard by managers who have had no direct involvement with either the circumstances of the case or the decision to make the individual redundant. This would not preclude those managers who have been notified of the alleged disciplinary offence, and who have then delegated the investigation and disciplinary decision to another person.

The employee will have the right of appearing personally at the appeal hearing either alone or accompanied by a trade union/professional organisation representative or an individual/work colleague who is not involved in the issue to be addressed. The employee must notify the Personnel Department whether they are to be accompanied, and if so, in what capacity the person concerned will be attending.

Where the manager presenting the case is inexperienced in such matters they may, if they wish, be accompanied by the personnel representative who provided advice and support during the organisational change process. Additionally, in cases where the employee has legal or full time officer representation the manager should, if they wish, be afforded the opportunity of being accompanied by a member of the personnel team.

Both parties to the appeal will be required to submit written statements of case accompanied by any supporting documents, statements etc. to the Personnel representative attending the appeal hearing. These statements will be exchanged at least 7 calendar days prior to the hearing.

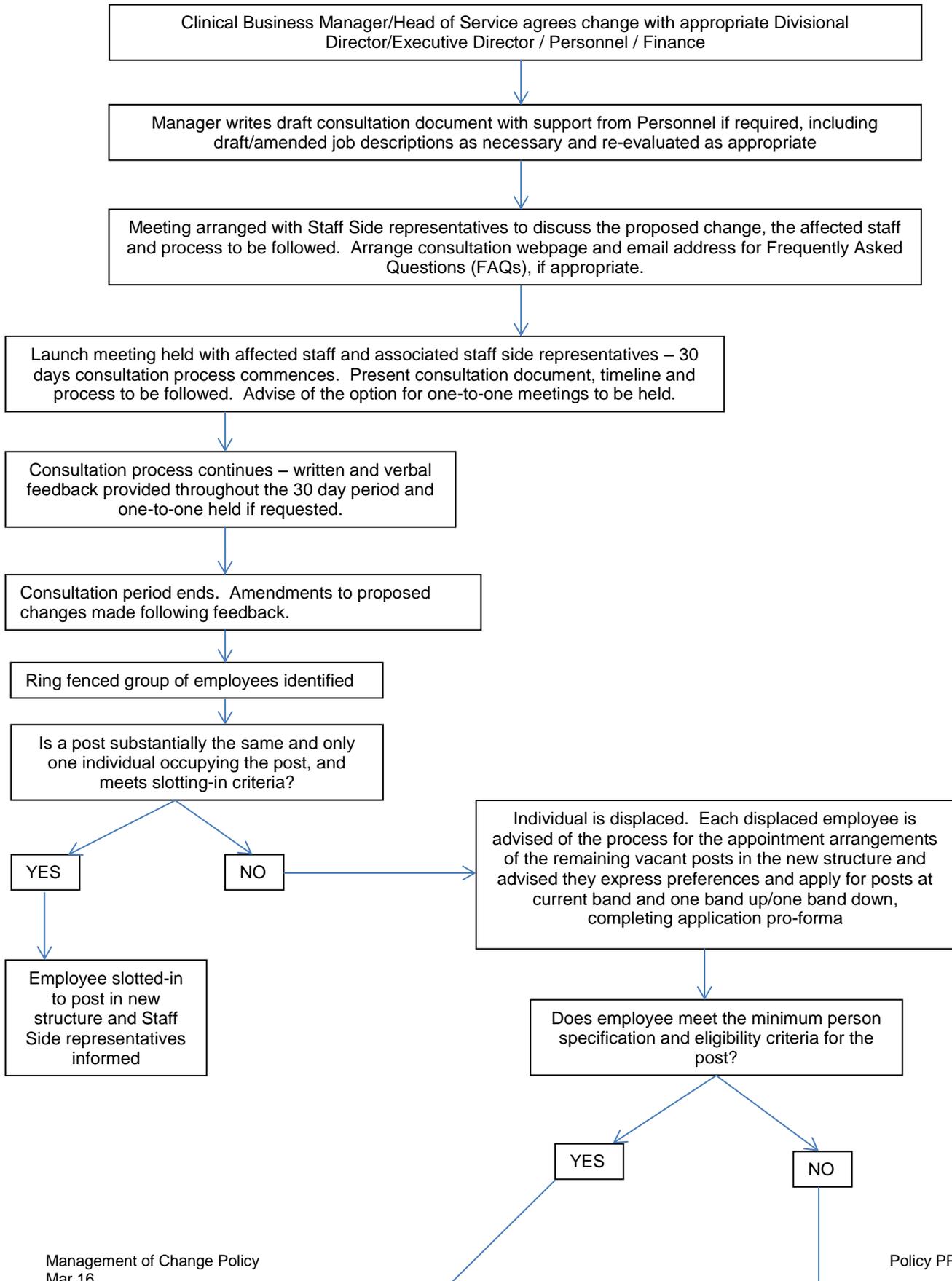
The appeal hearing will determine whether or not to confirm the decision to make the employee redundant.

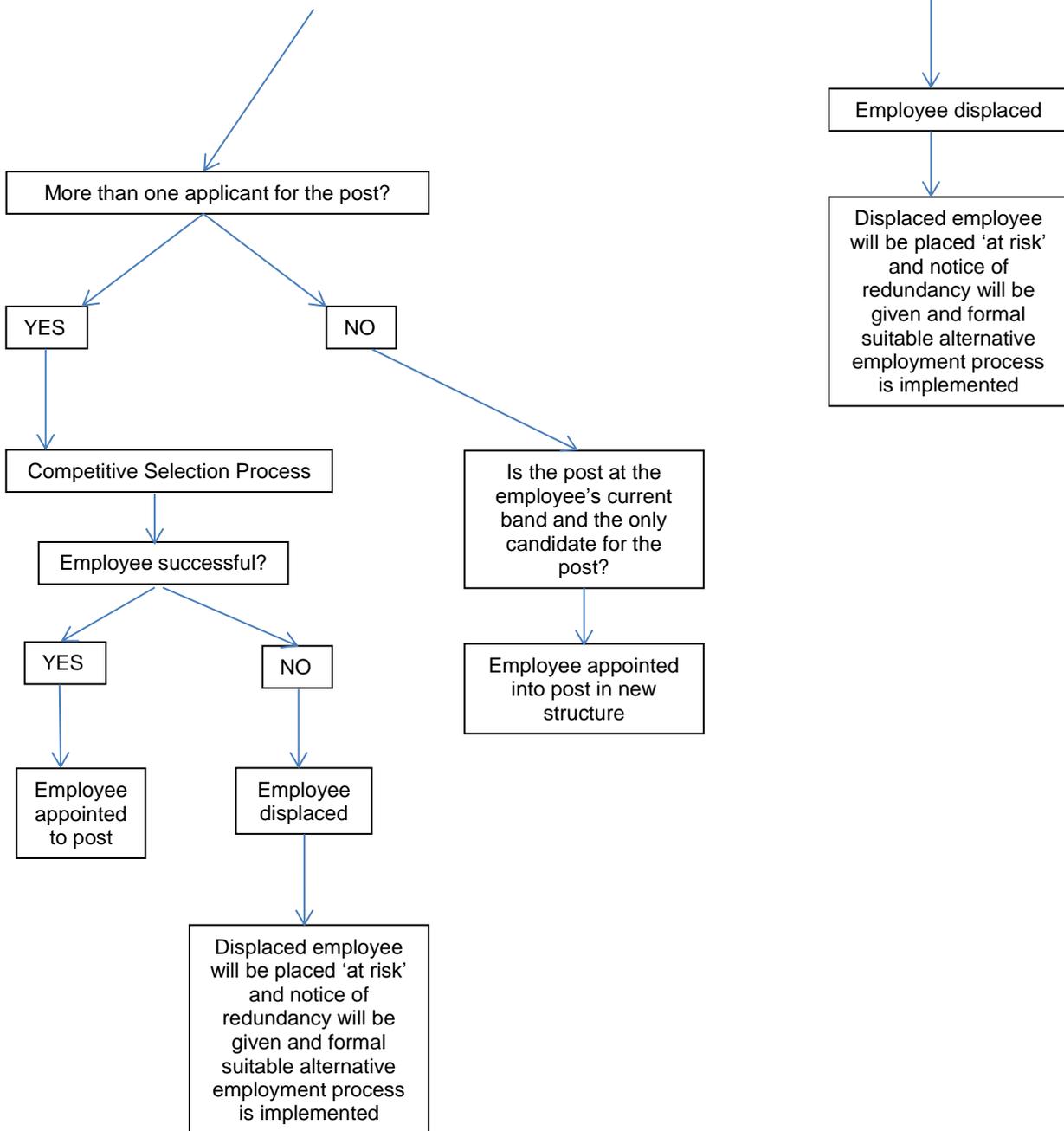
The outcome of the appeal hearing will be sent to the employee and their representative in writing within 7 calendar days of the appeal hearing being held. The decision of the appeal panel will be final.

12. REVIEW AND MONITORING

- 12.1 This policy will be reviewed in 12 months in conjunction with the Joint Consultative Committee or at such time as substantial changes in legislation which would warrant updated guidance being made available to employees of the Trust

**MANAGEMENT OF CHANGE FLOW CHART
CONSULTATION PROCESS**





APPLICATION PRO-FORMA**<<INSERT DEPARTMENT NAME>> Restructure**

Please look at the 'vacancy list' which can be found by accessing the web link on the email.

The job descriptions for each of the vacancies can also be found by accessing the web link and have been named by 'vacancy code'- you will need to look at the vacancy list to find the individual 'vacancy code' for each post.

The pro-forma **Part A & B** can be found by accessing the web-link.

Application Guidance

- 1) When you have decided which posts you would express an interest in, you need check that you meet the essential criteria for that post.
- 2) Please note that you can only apply for a maximum of 3 posts.
- 3) You are also restricted to applying for posts that are only at either, your current band, 1 band above and 1 band below.
- 4) The same pro-forma will be used for all of the posts that you apply for so you need to make sure that you have met the essential criteria for all of the posts on the pro-forma.

Please ensure that you submit your application pro-forma (both parts) to <<INSERT EMAIL ADDRESS>> by <<INSERT TIME>> on <<INSERT DATE>>.

**South Tyneside NHS Foundation Trust
Application Pro Forma
PART A**

Name:	Current Band:	Current Hours:
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Contact details	Work email address:		
	Home email address (if appropriate):		
	Work tel:	Mobile tel:	

If you are disabled, do you require any reasonable adjustments to be made? Yes No
(Cross as appropriate) If you answer Yes, a member of the Personnel Team will contact you to discuss your requirements

Please note: In accordance with the Management of Change Policy, you are able to select and identify those vacant positions within the structure which are:-

At your current Band;
 One Band above your current Band;
 One Band below your current Band.

You are advised that the maximum number of posts you are able to apply for is 3. Please select your preferences below in line with the above criteria in order, 1 being your first preference, 2 being your second preference and so on.

PREFERENCE	BAND	POSITION TITLE	POSTION REF. NUMBER
1.			
2.			
3.			

Voluntary Redundancy

Please indicate by typing 'yes' in the box below if you would be interested in voluntary redundancy. Please be advised that any member of staff expressing an interest in voluntary redundancy is not guaranteed this option and you will be contacted individually should this be considered.

I would like to be considered for voluntary redundancy	
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South Tyneside NHS Foundation Trust
Application Pro Forma
PART B

Name:

You are only required to fill in PART B once. Therefore if you are applying for more than one post in the structure please ensure that you meet the essential criteria for all posts in your application.

Please note that you should complete this form and restrict your response to the sections provided. Please do not add any additional documentation as this will be disregarded.

Qualifications and Skills: (1500 characters long, including returns, spaces and punctuation, approximately 250 words.)

Current work responsibilities: (1750 characters long, including returns, spaces and punctuation, approximately 300 words.)

Please continue on page 2

Recent Outcomes and Achievements: (1750 characters long, including returns, spaces and punctuation, approximately 300 words.)

Please give the reasons below for your interest in this post, your personal qualities and what you feel that you can bring to the role: (2000 characters long, including returns, spaces and punctuation, approximately 350 words.)

Print name:

Date: