Management of Change Policy and Procedure

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MANAGEMENT OF CHANGE POLICY
HEART OF ENGLAND FOUNDATION NHS TRUST

1.0 INTRODUCTION

1.1 The Trust is committed to providing a high quality health service for its patients. The Trust will seek to balance the needs of patients, staff and the public by ensuring the best value for service it resources within its legal duties and the requirement of government policy.

1.2 We recognise that our staff are central to deliver the Mission, Vision and Strategic Objectives. We want our staff to be ambassadors of our Trust.

1.3 The need for change is widely recognised within an environment of ever increasing change e.g. service demands, technology, organisational needs or national policy.

These demands stem from changes in:

- the environment - for example changes in the law, health service requirements, government financing, or NHS reorganisation.
- health care delivery - new technology, new forms of treatment and the introduction of new services.
- how/where services are provided or working methods - which may result from the above, the better utilisation of buildings or equipment, and changes to systems, procedures or practices.
- organisation or management - involving the creation of new or differently configured departments or wards, and changes to areas of accountability/responsibility, information systems and other clinical/management processes.

1.3 The purpose of this policy is to set out a framework for managing change and aims to provide a positive, consultative approach to facilitate the change process.

2.0 SCOPE OF POLICY

2.1 The policy will apply to all trust employees on a substantive (permanent) temporary or fixed-term contract with the exception of Medical and Dental staff.

2.2 The Trust will ensure that the application of any part of this policy does not discriminate, directly or indirectly, against staff on grounds of race, colour, age, nationality, ethnic (or national) origin, sex, sexual orientation, marital status or disability.

3.0 ORGANISATIONAL CHANGE

3.1 The trust is committed to continually reviewing our services and organisational structures to ensure the services we provide meet the needs of the local community.
3.2 Effective management of change is crucial to both the short term efficient management of services and the long term viability and success of the Trust. It also provides the opportunity to create:

- shared agendas - binding together partial, differing and opposed views and feelings.
- common objective(s) - ensuring common goals are developed and understood.
- a climate of creativity - generating ideas and creative solutions through direct involvement and participation.
- the capacity for change - ensuring that appropriate systems, processes and resources are in place.
- and develop competence for change - ensuring that employees at all levels are able and equipped to handle change competently and confidently.

3.3 This policy will apply to any change or alteration that has a major or significant implication on staff. Examples will include:

- Significant changes to working arrangements
- Changes to organisational/department structures
- Changes in the type or amount of services to be provided
- Changes in hours of work/shift patterns
- Changes in job content
- Significant changes to working environments or location.
- Transfer of staff to alternative employers under the Transfer of Undertakings (Protection of Employment) Regulations.

3.4 Reasons for change could include:

- Restructures within departments
- Changes in national NHS policy
- Increase/Reduction or service provision
- Workforce Reprofiling
- Modernisation agenda
- New Legislation e.g. employment law/health and safety legislation
- A Private Finance Initiative (PFI) e.g. hospital development

3.5 Not every change that takes place in regard to procedures, systems or practices will require a major plan to be developed. However, significant organisational change must be initiated and effected on a planned basis.

4.0 MONITORING AND REVIEW

This policy will be monitored and reviewed by the Head of HR Consultancy, updated as necessary and amended through the JNC and JLNC.
MANAGEMENT OF CHANGE PROCEDURE

1.0 INTRODUCTION

1.1 It is every Manager's responsibility to plan, organise, deploy and manage the services/activities for which he/she is accountable, within the resources allocated, and in accordance with the Trust's policies and business plans.

1.2 Managers when preparing/implementing change should:
   - Be clear on what change is required and what the outcome will be, who will be affected and the timescales involved
   - Plan the change process taking into account consultation periods and continually review progress
   - Assess the wider implication of the proposed changes on other areas within the Trust
   - Involve staff and representatives where appropriate in the change process
   - Communicate openly throughout the change process providing regular updates to staff and representatives

1.3 It is the Trust's policy that in managing change, Managers will:
   - Ensure full consultation takes place with staff and trade union representatives at the earliest opportunity both in determining the change(s) to take place, and in implementation.
   - Consult with colleagues elsewhere in the Trust who may be affected directly or indirectly by the proposed change(s).
   - Ensure that employees elsewhere in the Trust are well briefed, especially when directly affected by the change(s).
   - Identify training needs resulting from change(s) and take appropriate action to provide that training.
   - Examine every possible opportunity to avoid redundancies when reductions in the workforce are foreseen. Where redundancies are unavoidable follow the provisions of the Redundancy Process outlined below.
   - Develop an implementation plan to include:
     - Briefing of employees directly affected
     - Notification of the change(s) to other employees
     - Arrangements for the provision of training were required
     - Provision for a review of the new arrangements, e.g. after three months
2.0 CONSULTATION

2.1 Where significant organisational change is being considered full consultation will take place with staff and their representatives in accordance with the statutory requirements.

2.2 In an event that a proposed organisational change has a major impact trust wide, management will consult with the recognised forums for joint consultation namely the Joint Negotiating and Consultative Committee (JNCC) and Joint Local Negotiating Committee (JLNC) prior to consulting with staff.

2.3 Where organisational change is confined to a directorate the Trust will consult directly with employees and their trade union representatives.

2.4 For the purposes of consultation the trust will provide in writing:

- the reasons for the proposed changes
- an overview of how the service provision will change
- an overview of the potential impact on other Trust services
- the impact on staff including where relevant the number of whole time equivalents (wte) affected, grades of posts and staff currently employed in the areas affected.
- Proposed changes to working patterns, work locations or environment
- the reasons for proposed redundancies and the numbers and descriptions of the employees it proposes to dismiss if appropriate
- proposed new structures for the areas affected and job descriptions and person specifications for new posts
- proposed selection method(s) and timing(s) of dismissals if appropriate
- the method of calculating the amount of redundancy pay if appropriate

A copy of the consultation document is attached as appendix A.

2.5 Consultation shall also include ways of:

- discussing the most appropriate way of implementing the change
- discussing alternative solutions and allow staff and their representatives to comment on the proposal and make suggestions
- where job losses are proposed consultation will look at:
  - discussing avoiding dismissals
  - reducing the number of employees to be dismissed
  - mitigating the consequence of the dismissals

2.6 Grievances relating to the proposals outlined within the consultation document should be raised as concerns during the consultation process which must be addressed by the manager. A formal grievance should only be raised after exhausting all possible solutions in accordance with the Grievance policy.
3.0 TRANSFERS OF STAFF TO ALTERNATIVE EMPLOYERS (TUPE)

3.1 The Trust is committed to improving patient care. Working with local Primary Care Trusts and other providers the Trust continually reviews service provision and on occasions it may be identified that a service can be provided more effectively by another provider.

3.2 This may involve some staff transferring from the Trust to a new provider within the NHS or external to the NHS. Where this is the case staff will be protected by the Transfer of Undertakings (Protection of Employment) Regulations 2006 (TUPE). Full consultation with staff and their representatives will take place.

3.4 Those staff identified as providing a service which is due to transfer to a new provider will transfer automatically with employment rights and liabilities to the new employer on the date of transfer unless there is an ETO (Economic, Technical or Organisational) reason, for example fewer people are required, in which case redundancy will be considered.

3.5 The new employer will be required to employ staff on their existing terms and conditions of employment, whether express or implied, including:

- Salary and remuneration packages
- Notice provisions
- Continuous length of service
- Trade union recognition
- All other current terms and conditions of service, with the exception of pensions.

3.6 The following does not transfer over to the new employer:

- Pension Scheme
- Criminal liabilities
- Liability for failure to consult with staff in advance of a transfer

At present TUPE does not protect the transfer of employees pension to a new employer but an individuals accrued pension rights in that scheme are protected at the time of transfer.

The new employer will be required to offer a broadly comparable pension to the current NHS pension scheme.

The new employer’s pension scheme should also allow employees the option of moving their accrued credits into that scheme on a fully protected basis.

It is advisable that employees seek independent Financial Adviser in relation to their pension.

3.7 Individuals can object to being transferred but must make this clearly known to the new employer or their manager. This will be treated as if they have resigned and will not been deemed as a dismissal. If an individual objects to the transfer they will not be entitled to claim unfair dismissal, payment In lieu of notice or redundancy payments.
4.0 Workforce Reprofiling

4.1 There may be occasions where it may be necessary to undertake a workforce reprofile to examine the content of job roles within a team or a patient pathway to determine the most efficient distribution of bandings needed to deliver the required service. Annex 5 of AFC states that re-profiling should be undertaken in line with the following principles:

(i) as a joint exercise between the managers and staff working in that function and with the involvement of Trade Union representative/s;

(ii) all functions across the organisation should be subject to re-profiling on a regular basis to ensure that the potential efficiencies within a system are identified. Explicit and documented consideration may need to be given to Extended Scope Practitioner roles, non-medical Consultant roles, and New Ways of Working;

(iii) the process and timeframe for undertaking re-profiling (either across the whole workforce or within particular functions) should normally be agreed with staff and their representative/s from the beginning of the review process;

(iv) all roles within a function should be subject to re-profiling, not just those in the most populous pay bands and should also include staff outside groups covered by Agenda for Change;

(v) the re-profiling exercise should look first at the skills, tasks and responsibilities needed to carry out roles rather than the bands required;

(vi) it should not be assumed that re-profiling will automatically result in a lower distribution of grades - a re-profiling exercise may well confirm that the current distribution of tasks and roles is the most efficient possible to deliver a clinically safe service to the expected standards of quality;

(vii) the re-profiling exercise should be supported by and comply with the processes and guidance contained in the AFC Job Evaluation Scheme.

(viii) where a workforce re-profiling exercise results in a member of staff being paid at a lower pay band, as established through job evaluation, then the member of staff should see a commensurate change in their role (or the work they undertake). Pay Protection will also apply.

4.2 Practical implications

If a re-profiling exercise highlights that a different distribution of roles within a function could deliver a safe service to the expected standard of quality, the proposed new structure should be considered in light of the following:

(i) does the proposed re-distribution of roles pose any risk to good practice? A risk assessment of the new structure should be undertaken at an early stage of the exercise. A check should be made of the relevant professional codes of conduct and ethics (including those for non-clinical job groups) in addition to agreed local policies or protocols, to ensure that removing a task and/or group of tasks from a role does not compromise good practice or
pose risks to patient care. There is a requirement on the Trust to identify the precise differences between the jobs and make an explicit statement of what will no longer be done or done differently under the new structure:

(ii) what AfC Bands will the new roles be in? Revised job documentation for all roles should be put through the established joint job matching/evaluation process.

(iii) do the changes have any discriminatory impact? The potential impact of the re-profiled structure on different groups of staff/patients/service users should be assessed using the agreed local procedure:

(iv) are staff prepared for an expansion or diminution of their role and/or to undertake new roles with new competencies? Plans should be put in place to ensure that staff undertaking new tasks are fully trained before the commencement of their new duties:

(v) is it obvious what each member of the team is responsible for and who is providing supervisory support? Clear lines of accountability and governance should be identified within the function and any elements of risk clearly highlighted and appropriate action agreed. Registered staff have a duty to ensure that staff to whom they are delegating tasks are appropriately trained and can deliver the task to the expected standard.

5.0 RESTRUCTURE PROCESS

5.1 Where a new structure has been developed, the Manager will produce and make available to interested parties a revised organisational/department structure, a job description and person specification for each post.

5.2 Full consultation will take place with staff and their representatives. The consultation period will last normally last for 30 days. In exceptionally circumstance e.g. closure/relocation of a ward the consultation period may be reduced if there are no proposed changes to terms and conditions of employment. Staff will be asked to comment on the proposals during the consultation process.

5.3 Managers will confirm in writing:

- the reasons for the proposed changes
- proposed new structures for the areas affected
- job descriptions and person specifications for new posts
- proposed selection method(s) to new posts if appropriate
- the reasons for proposed redundancies and the numbers and descriptions of the employees it proposes to dismiss
- the method of calculating the amount of redundancy pay if appropriate
- Risk assessment where the workforce has been reprofiled.

5.4 If there is no change to a post, and only one person currently fulfilling the role, and there is an
identified need for the post in the new structure, the incumbent will be slotted in to the post on their current Terms and Conditions and Service.

Individuals will be slotted in where

- The scope of a person's duties remain unchanged or are broadly comparable and
- the individual meets the essential requirements of the person specification and
- there is only one person eligible for the post, or the number of eligible persons and number of posts equate and
- slotting an individual into a post does not involve grade uplift/promotion.

5.5 If there is no change to a post and more than one person could be eligible for the post, then it will be ringfenced to those individuals and selection will be made on the basis of competitive interviews, in accordance with normal recruitment procedures. Ring-fencing is a term used to describe a process whereby staff ‘at risk’ are allowed to apply for the appropriate unallocated posts prior to the posts going out for internal or external competition.

5.6 Where there is a change to a post, e.g. it has been restructured in terms of scope, content or responsibility, then the responsible Manager will assess the suitability of potential internal candidates and determine which of the following options is most appropriate:

i) ringfenced to “at risk” internal, eligible candidates within the Department/Directorate.

ii) external advertisement if individuals do not meet the person specification.

Selection within any of these options will be on the basis of competitive interviews.

5.7 If there is a newly created post, it will be the responsibility of the Manager to determine whether the post should be open to internal or external competition.

5.8 If employees are identified ‘at risk’ of redundancy section 5.0 of the policy will apply.

5.9 The Manager will write to individual employees directly affected confirming the posts within the structure. This letter will specify:

- any ringfencing that will apply to the restructuring / reorganisation.
- those posts where the number of posts, the duties and the grades remain the same and into which individuals will be 'slotted in' where the following criteria are met:
- inform those who are to be 'slotted in' that they will not need to apply for any posts
- inform employees whose posts are ‘at risk’ of that fact and advising them of the posts for which they are eligible to apply.

5.10 All those 'at risk' working in a department or ward undergoing organisational change will be asked to express an interest in any unallocated posts in the new structure, for which job
descriptions, person specifications and application forms will be available from the Manager concerned.

5.11 All unallocated posts not filled by employees ‘at risk’, will firstly be opened to competition from eligible employees ‘at risk’ prior to external advertisement.

5.12 The appropriate Manager and the Human Resources Consultant will evaluate applications against the person specification for a post.

5.13 If more than one-person expresses an interest in a particular post, those who are judged to meet the person specification criteria will be interviewed via a formal selection process.

5.14 Interviews should include the immediate Manager and one other Manager / HR Adviser and, where appropriate, another Trust officer acting as a technical, specialist, or professional adviser.

5.15 The manager will confirm any revisions to posts in writing to staff.

6.0 Protection of Pay

6.1 Where an individual is required, through service needs and organisational change, to transfer to a lower graded post, he/she will be entitled to receive their total earnings protected (this includes basic pay and enhanced earnings) for a period of two years. Please note this excluded overtime payments and work undertaken on the bank.

During the protection period the individual will not be entitled to receive annual pay awards.

The period of protection will end after two years, or when the protected person changes job voluntarily, where after the terms and conditions of the new post will apply.

Good Hope employees with 9 years service within their current grade will remain on their existing pay protection terms which can be identified in Section 4 of the Good Hope Protection of Pay and Conditions Policy which can be accessed from the HR Consultancy Department.

Where an individual is placed on pay protection the Recruitment team will ensure that they are kept advised of vacancies which are of a higher grade that arises during the first twelve months of protection to enable them to apply for the post.

Where an individual has been in receipt of enhanced earnings for a period of 12 months or more and due to organisational need is no longer entitled to these earnings and where there is no change in salary a short term protection period of 6 months will apply.

Where an individual is required to move location on a permanent basis they will receive excess mileage protection for a period of six months.

In accordance with Agenda for Change terms and conditions pay protection will not be applied during periods of sickness absence for employees who are paid on spine point 9 or above. Employees who are on spine point 9 or above will only be entitled to be paid Basic Pay plus High Cost Area Supplements during periods of sickness absence. Employees on spine points 1 to 8 and those absent for a work related reason continue to receive protection payment under the existing conditions.
6.2 Option to buy out Protection Arrangements

Managers will have the discretion to offer individuals concerned by protection arrangements a “buy-out” in recognition of their entitlement period of protection. Any acceptance by an individual will be on a voluntary basis and will be subject to normal salary deductions. Individuals have the right to be represented by their Trade Union representative, colleague or friend at discussion meetings.

6.3 Annual Leave

Annual leave entitlement is in accordance with the annual leave policy.

6.5 Pension Arrangements

Members of the NHS Pension Scheme can choose to preserve their benefits earned on the higher rate when they suffer a reduction in salary if:

- They suffer a reduction in pay through no fault of their own
- They have at least 2 years’ qualifying service

and

- Write to the Trust within 1 month of the reduction asking for their benefits to be preserved

Or

- They are made redundant under age 50

And

- They write to the Trust within 1 month of taking up further pensionable employment asking for their benefits to be paid
7.0 REDUNDANCY

7.1 AVOIDANCE

The Trust is committed to avoiding redundancy situations wherever possible. Every effort will be made to retain staff and minimise the impact of redundancy.

Where job losses are proposed full consultation with staff and their representatives will take place. Those staff affected will be identified ‘at risk’ and where possible suitable alternative employment may be offered.

In exceptional circumstances where the Trust is unable to identify suitable alternative employment to staff identified at risk within an 12 week timeframe the individual may be made redundant. Notice will be served to staff during the redeployment period.

During the 12 week time frame individuals may be asked to undertake an alternative role whilst a suitable post is being sought. The HR Consultant will be responsible for identifying suitable vacancies as they arise.

7.3 DEFINITION OF REDUNDANCY

The definition of redundancy for redundancy payment is that an employee is dismissed by reason of redundancy if the dismissal is wholly or mainly attributed to:-

' the fact that his or her employer has ceased, or intends to cease, to carry on the business for the purpose for which the employee was employed, or has ceased, or intends to cease, to carry on that business in the place where the employee is employed.'

or

' the fact that the requirement of the Trust for employees to carry out work of a particular kind in place where the employee is employed, have ceased or diminished are expected to diminish.'

Redundancy may arise as a result of the following:

- Withdrawal of a service
- Closure of a work place
- A diminution in the need for employees

7.4 Where redundancy is being considered full consultation will take place with staff and their representatives.

7.5 In an event that redundancies are considered to have a major impact trust wide, Management will consult with the recognised forums for joint consultation namely the Joint Negotiating and Consultative Committee (JNCC) and Joint Negotiating Committee (JLNC) prior to consulting with staff.

7.6 Where redundancies are confined to a directorate the Trust will consult directly with employees and their trade union representatives.
7.7 For the purposes of consultation the trust will provide in writing:

- the reasons for the proposed changes
- the reasons for proposed redundancies and the numbers and descriptions of the employees it proposes to dismiss
- proposed new structures for the areas affected
- job descriptions and person specifications for new posts
- proposed selection method(s) and timing(s) of dismissals if appropriate
- the method of calculating the amount of redundancy pay if appropriate

7.8 Consultation shall also include ways of:

- discussing alternative solutions
- avoiding dismissals
- reducing the number of employees to be dismissed
- mitigating the consequence of the dismissals

8.0 CONSULTATION PERIOD FOR REDUNDANCIES

8.1 In the event that redundancies are proposed in accordance with The Trade Union and Employment Rights Act (1993) (TURERA), the following consultation periods will be followed:

- Where it is proposed to dismiss as redundant 100 or more employees within a period of 90 days or less, consultation will begin at least 45 days before the first dismissal takes place.
- Where it is proposed to dismiss as redundant between one and 99 employees within a period of 30 days, consultation will begin at least 30 days before the first dismissal takes place.

8.2 There may be special circumstances where it is not reasonably practicable to meet fully the minimum consultation periods. In such cases management will provide an explanation to trade unions.

9.0 AVOIDING REDUNDANCY

9.1 Should it be necessary to reduce staffing levels as result of redundancy, management will, in consultation with trade union representatives look to avoid displacements and redundancies as far as possible by such measures as:

- imposing an immediate ban on further recruitment of new staff, other than where this is essential across the trust
- examining the possibility of redeployment and/or re-training;
- restricting the use of temporary and casual staff,
- reducing the amount of any overtime worked;
- consider voluntary redundancy
10.0 VOLUNTARY REDUNDANCY

At the sole discretion of the Trust, on any grounds of redundancy staff may be invited to apply for voluntary redundancy.

Where the Trust does decide to offer voluntary redundancy staff will be asked to make a formal application in writing.

Those staff interested in voluntary redundancy will be advised in writing of their estimated financial position and, for those staff near retirement age, the pension implications. Each case will be considered on its own merits. The decision made on all requests will be conveyed in writing to the applicant.

The Trust reserves the right to specify an selection criteria for voluntary redundancy but will consult with staff representatives before agreeing to applications.

11.0 COMPULSARY REDUNDANCY

Where it is necessary to select individuals for compulsory redundancy the pool of staff which the selection takes place will be those who are identified ‘at risk’. Appropriate consultation will take place with staff and their representatives before any dismissals take place.

The Trust will ensure that there is no direct or indirect discrimination on the grounds of on the grounds of disability, sex, marital status, race, sexual orientation or religion or belief when selecting individuals for compulsory redundancy.

12.0 CRITERIA FOR SELECTION FOR REDUNDANCY

12.1 Where, despite consideration of alternative options, compulsory redundancy does arise, selection for redundancy will be on the following criteria:

i) Relevant skills and qualifications
   a) Staff who have the necessary qualifications and specialist skills which are difficult to recruit;
   b) Staff who have the necessary qualifications and relevant specialist skills.

ii) Relevant experience
    Staff who have the relevant experience required for the post

iii) Personal Profile
    Staff who most effectively match the criteria identified within the person specification.

iv) Suitability for Retraining
    Staff who could be retrained for an identified and available post or function and who have the commitment to undergo a suitable period of retraining. This would not normally be extensive.
When it is not possible to make the selection on the above criteria alone, the following criteria, in sequence, will be applied.

v) **Performance Record**
Staff who have a sound performance record and who have no current formal warnings regarding performance, in accordance with the Disciplinary Procedure, on file.

vi) **Conduct**
Staff who have not demonstrated instances or patterns of unsatisfactory conduct and who have no current formal warnings on file.

vii) **Attendance Record**
Staff who have a good attendance record i.e. no or little frequent and persistent short term sickness absence. but excluding any absence relating to pregnancy or disability.

12.2 A scoring mechanism will be established to ensure that the selection criteria is applied fairly to all employees. Documentary evidence of the assessment against the above criteria for each individual affected will be recorded by the Manager and evaluated by a HR Manager to ensure the criteria has been adhered to.

13.0 SUITABLE ALTERNATIVE EMPLOYMENT

13.1 Management will make every effort to seek alternative employment within the Trust.

13.2 The Human Resources Consultancy Department will hold a register of current employees whose posts are either considered to be 'at risk' or been declared redundant, and will arrange for those on the register to be given prior consideration for vacancies that arise. In doing so, the need for retraining or development of existing skills will be taken into account.

13.3 All persons on the register who meet a post's person specification or who may be suitable through retraining will be considered for that post.

13.4 Any candidate who is either not short-listed or who is unsuccessful at interview will be given a personal explanation of the reasons by the chair of the panel.

13.5 Employees who unreasonably refuse to accept or apply for suitable alternative employment with the trust, lose their right to statutory redundancy payment.

13.6 Suitability will be determined in relation to the individual and will take into account the following factors

- Banding (may not necessarily be the same band)
- pay and protection of earnings
- job content, including status
- hours

13.7 Any suitable employment must be discussed with the employee prior to the termination of the contract and with reasonable time for the employee to consider it.

14.0 TRIAL PERIODS
14.1 Where an employee is identified ‘at risk’ and is offered an alternative post which impacts on their terms and conditions of employment they will be entitled to a trial period of a minimum of 4 weeks. The trial period may be extended in exceptional circumstances to take into account retraining needs if appropriate.

14.2 During the trial period, if it is considered by the employee or management that the job is not satisfactory, then the matter should be raised by either party, not later than one week before the end of the agreed period.

14.3 If the employee decides not to continue employment in the new role for a good reason connected with the new role, then the Trust will continue to seek suitable alternative employment until the notice period has expired.

14.4 If an employee rejects an offer of another post which is not regarded as being suitable alternative employment they will be dismissed as redundant. This will not normally affect the individual employee's rights to redundancy and/or early retirement benefits, providing he/she is eligible to receive them.

14.5 If an employee unreasonably rejects an offer of suitable alternative employment, may mean that redundancy and early retirement benefits are forfeited.

14.6 If an employee is dismissed is for a reason unconnected with redundancy (e.g. dismissal for misconduct) during the period they will lose the right to redundancy payments.

14.7 If following a trial period, an employee accepts the new position they will not be entitled to receive redundancy payments. A letter confirming the new post and terms and conditions will be sent to the employee.

15.0 REDUNDANCY NOTICE

15.1 Formal notice of redundancy will be given at the earliest opportunity and not less than the notice period required by an individual’s contract or the minimum period set out below, or in the contract or employment whichever is the greater. The notice required to be given by the Trust to terminate the Contract of Employment of an employee who has been continuously employed for 4 weeks or more:

   a) Shall be not less than 1 week’s notice if his/her period of continuous employment is less than 2 years;

   b) Shall be not less than 1 week’s notice for each year of continuous employment if his/her period of continuous employment is 2 years or more but less than 12 years;

   c) Shall be not less than 12 weeks’ notice if his/her period of continuous employment is 12 years or more.

15.2 Staff under formal notice of termination for who no suitable alternative employment in the NHS is currently available, and who find alternative employment outside the NHS, will be released to take up that employment at the date requested by the new employer. That date shall become the revised date of redundancy for the purpose of calculating entitlement to redundancy payment.
15.3 Where an employee is dismissed by reason of redundancy he/she may be required to work such notice or alternatively may be paid in lieu of notice. Such lieu of notice will be made on the needs of the service requirements.

16.0 ELIGIBILITY FOR REDUNDANCY PAYMENT

16.1 An employee is entitled to a redundancy payment only when he/she has been dismissed from his/her job by reason of redundancy.

16.2 To qualify for redundancy pay, in addition to satisfying the above conditions the individual must satisfy the following:
   i) The minimum qualifying period is 104 weeks continuous service whole-time or part-time.
   ii) Under age 65;
   iii) He/she is not dismissed for reasons of misconduct with or without notice;
   iv) He/she must not unreasonably refuse to accept or apply for suitable alternative employment with the same or another Health Service Trust/Authority in Great Britain;
   v) He/she does not leave his/her employment before expiry of notice without the agreement of Heart of England Foundation NHS Trust.
   vi) Obtain without a break or with a break not exceeding 4 weeks, suitable alternative employment with the same or another Health Service Trust/Authority in Great Britain;
   vii) Provide a certificate that they have not obtained or been offered or unreasonably refused to apply for or accept alternative Health Service employment commencing without a break or with a break not exceeding 4 weeks, from the date of termination.

16.3 The redundancy payment shall take the form of a lump sum dependent on the employees age and reckonable service at the date of ceasing to be employed.

16.4 Employee Services will calculate the redundancy pay for the individual and will confirm this in writing.

17.0 SUPPORT FOR DISPLACED EMPLOYEES

17.1 Employees who are unsuccessful following interview, will be given a personal explanation of the reasons, both orally and in writing, together with courses of action available to them.

17.2 Every possible effort will be made to avoid compulsory redundancies. Employees who are displaced will be offered the following help and assistance:

- redeployment to suitable vacant posts within the Trust, with protection of salary or wage if appropriate, in accordance with the Trust's Protection Arrangements within 8 weeks of their post being made redundant.
Where a suitable alternative post is not found within 12 weeks of the substantive post being made redundant the individual will be made redundant. Notice will be served during the redeployment period.

- retraining, where appropriate, for vacant posts within the Trust
- access to staff counseling via Work and Wellbeing Department
- career counselling which will include, if required, assistance with preparation of CVs and completion of application forms, and development of interviewing skills
- referral to a job club or outplacement service if considered appropriate
- up to 3 days leave with pay to seek employment outside the Trust, which may be extended to a maximum of 6 days according to individual circumstances

18.0 APPEALS AGAINST SUITABLE ALTERNATIVE EMPLOYMENT OR REDUNDANCY

Should an individual wish to appeal against a decision relating to redundancy or suitable alternative employment they must do so within 10 working days of the date of the letter confirming the date of redeployment or redundancy. The appeal should be made in writing to the next level of management and must specify the grounds of the appeal providing information where appropriate.

An appeal hearing will be arranged as soon as practically possible.

Employees have the right to be accompanied at the Appeal Hearing by a Trade Union Representative or colleague.

The conduct of the appeal hearing is attached as Appendix B.
HEART OF ENGLAND NHS FOUNDATION TRUST  
CONSULTATION PAPER  
INSERT DIRECTORATE NAME

1. INTRODUCTION

Set out the purpose of the consultation including details of the key changes to the current departmental structure and ways of working that the paper will outline. Including shadow status prior to merger.

2. PRINCIPLES GUIDING CHANGE

Include information on the key principles e.g. delivering value for money, rationalising of posts, centralisation of function to one team/site, improvements to the way services are delivered, ensuring appropriate support and skills are available to deal with national or local agendas such as payment by results, CNST or patient choice.

3. PRESENT STAFFING STRUCTURE

Include details on the present staffing structure including grades, WTEs, numbers in post and any current vacancies. Where applicable this will need to be broken down into posts on HEFT and GHH sites.

4. IMPACT ON STAFF & PROPOSED STAFFING STRUCTURE

Include details of the impact of the changes on staff and details of the revised staffing structure. If there are new roles within the structure include a copy of the shortened job descriptions which detail the key duties and responsibilities of the post and the skills/experience required.

Within this section will need to detail out the process that will be followed to recruit to the new structure. This may include one or all of the following options;

- ‘Slotting-In’
- Competitive slotting in
- Expressions of interest
- Consideration of Redployees
- Matching staff to vacancies
- Open Internal recruitment
- Risk assessment when reprofiling workforce

If option 1 is being pursued details need to be given on the posts and postholders for which ‘slotting-in’ is being operated. If option 2 is being pursued details will need to be given about which group/s of employees within the Directorate this process is being implemented for and the assessment criteria (which can be provided by HR) will need to be attached.

If option 3 or 4 is being pursued details of the vacant posts within the structure need to be provided to the Jobs Unit.
Reference also needs to be made to the process that will be followed if staff are not successful in obtaining a new post. Staff need to be made aware that any staff without a post at the end of the reorganisation process or at the date of merger, will be given notice of redundancy and normal redeployment processes will take place during the notice period. Every attempt will be made to retain employee by seeking alternative employment to avoid redundancies. Staff should be made aware that voluntary redundancy may be provided as a final option, but the Trust is not obliged to grant applications.

If there is a plan to make posts redundant then the following must be included in order to meet our legal requirements:

- The numbers and descriptions of members of staff/posts who it is proposed to dismiss as redundant (within this paper only make reference to the posts, not names)
- The total number of members of staff of this description that are employed at the Trust
- The proposed selection method for redundancy
- The proposed method of carrying out the dismissals including the period over which they take effect (this must be agreed with the Deputy HR Director at HEFT, or nominated representative, to ensure that the appropriate timescales for consultation are met)
- The proposed method of calculating redundancy pay – refer to the current policy or section of the terms and conditions of employment

5. POLICY & PROCEDURE SUPPORTING THE CONSULTATION

Make reference to the current policies supporting the re-structuring process i.e. Redeployment and Redundancy Policy and the Management of Change Policy.

Include details of how the consultation process will run, who will be leading the consultation, times/dates of any meetings etc.

Remind staff that they are entitled to be supported by a Trade Union representative, colleague or friend during any formal meetings. Identify the staff side representative who has been identified to support the process and include their contact details.

6. TIMETABLE

Include a detailed timetable of the key actions and events which will take place during the consultation period. The consultation process should commence with a meeting with all relevant staff affected by the proposals. This paper should be circulated prior to this meeting. Consultation should commence at the earliest opportunity.

7. CONCLUSION

Summarise the key principles of the process and the benefits of the revised structure for the future service being delivered by the department.

Name
Job Title
Date
CONDUCT OF APPEAL HEARING

The following individuals will be present at the Appeal Hearing:

a) Member of staff concerned and his/her Trade Union representative or friend/colleague.

b) Manager + Human Resources Representative.

c) The Panel members.

1. The Chairperson will introduce the individuals present, explain the purpose and procedure of the Hearing.

   The Chairperson will remind the employee of the right to representation if the individual is unaccompanied.

2. The employee or his/her representative shall present the staff side case in the presence of the Management representative.

3. The Management representative will have the opportunity to ask questions of the employee and his/her representative.

4. The members of the Panel will have the opportunity to ask questions of the employee, and his/her representative.

5. The Management representative will state his/her case and justify the basis of belief in reaching the decision.

6. The employee or his/her representative will have the opportunity to ask questions of the Management representative.

7. The members of the Panel will have the opportunity to ask questions of the Management representative.

8. Nothing in the foregoing procedure shall prevent members of the Panel from inviting either party to clarify or expand on any statement he/she may have made, or from asking necessary questions providing that it does not relate to the introduction of new evidence which was not presented at the original disciplinary hearing.

9. The employee or his/her representative and the Management representative will have the opportunity to sum up their cases if they so wish. The Management representatives will summarise last. In summing up, neither party will be permitted to introduce any evidence not already presented during the Hearing.

10. The Chairperson can adjourn the Hearing at any point in order to obtain further clarification where necessary.

   Either party, with the approval of the Chairperson of the Panel, may request an adjournment to
consider evidence being presented with their member. No adjournment will be given to either party to gather further evidence.

11. At the conclusion of the Hearing, the Management representatives, employee and his/her representative will be asked to withdraw.

12. The Chairperson, Human Resource Representative and Professional Adviser (if appropriate) will deliberate in private and may recall both parties to clarify points of uncertainty on evidence already given. If recall is necessary, both parties shall return, despite the fact that only one is concerned with the point giving rise to doubt. The Chairperson will recall both parties and will state whether or not the Appeal is upheld. This will be confirmed in writing to the employee as soon as possible.
<table>
<thead>
<tr>
<th>Ratification checklist</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>1* Combined Policy &amp; Procedure</td>
<td></td>
</tr>
<tr>
<td>2* Revised</td>
<td></td>
</tr>
<tr>
<td>3* Format matches Policies and Procedures Template (Organisation-wide)</td>
<td></td>
</tr>
<tr>
<td>4* Consultation with range of internal /external groups/ individuals</td>
<td>JINC, JLNC, HR Committee, HR Consultancy team</td>
</tr>
<tr>
<td>5* Equality Impact Assessment completed</td>
<td></td>
</tr>
<tr>
<td>6* Are there any governance or risk implications? (e.g. patient safety, clinical effectiveness, compliance with or deviation from National guidance or legislation etc)</td>
<td>Compliance with Employment Law</td>
</tr>
<tr>
<td>7* Are there any operational implications?</td>
<td>Changes to structures and associate pay protection costs. Managers to ensure staff who are on pay protection are notified of vacancies at higher levels</td>
</tr>
<tr>
<td>8* Are there any educational or training implications?</td>
<td>Briefing to line managers</td>
</tr>
<tr>
<td>9* Are there any clinical implications?</td>
<td>n/a</td>
</tr>
<tr>
<td>10* Are there any nursing implications?</td>
<td>n/a</td>
</tr>
<tr>
<td>11* Does the document have financial implications?</td>
<td>n/a</td>
</tr>
<tr>
<td>12* Does the document have HR implications?</td>
<td>Ensure equal opportunities is applied to all working practices</td>
</tr>
<tr>
<td>13* Is there a launch/communication/implementation plan within the document?</td>
<td>Helen Barlow</td>
</tr>
<tr>
<td>14* Is there a monitoring plan within the document?</td>
<td>HR Consultancy Department</td>
</tr>
<tr>
<td>15* Does the document have a review date in line with the Policies and Procedures Framework?</td>
<td>June 2016</td>
</tr>
<tr>
<td></td>
<td>Question</td>
</tr>
<tr>
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<td>--------------------------------------------------------------------------</td>
</tr>
<tr>
<td>16*</td>
<td>Is there a named Director responsible for review of the document?</td>
</tr>
<tr>
<td>17*</td>
<td>Is there a named committee with clearly stated responsibility for approval monitoring and review of the document?</td>
</tr>
</tbody>
</table>

Document Author / Sponsor

Signed ……………………… ………….…………

Title…………………………………………………

Date………………………………………

**Approved** by (Chair of Trust Committee or Executive Lead)

Signed ……………………… ………….…………

Title…………………………………………………

Date………………………………………

**Ratified** by (Chair of Trust Committee or Executive Lead)

Signed ……………………… ………….…………

Title…………………………………………………

Date………………………………………


Policy/Service Title: Management of Change Policy

Directorate: HR Consultancy

Name of person/s auditing/developing/authoring a policy/service: Helen Barlow

Aims/Objectives of policy/service: Assist Managers and Staff in managing change highlighting entitlements.

Policy Content:
- For each of the following check the policy/service is sensitive to people of different age, ethnicity, gender, disability, religion or belief, and sexual orientation?
- The checklists below will help you to see any strengths and/or highlight improvements required to ensure that the policy/service is compliant with equality legislation.

<table>
<thead>
<tr>
<th>1. Check for DIRECT discrimination against any group of SERVICE USERS:</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Question:</strong> Does your policy/service contain any statements/functions which may exclude people from using the services who otherwise meet the criteria under the grounds of:</td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td>1.1 Age?</td>
</tr>
<tr>
<td>1.2 Gender (Male, Female and Transsexual)?</td>
</tr>
<tr>
<td>1.3 Disability?</td>
</tr>
<tr>
<td>1.4 Race or Ethnicity?</td>
</tr>
<tr>
<td>1.5 Religious, Spiritual belief (including other belief)?</td>
</tr>
<tr>
<td>1.6 Sexual Orientation?</td>
</tr>
<tr>
<td>1.7 Human Rights: Freedom of Information/Data Protection</td>
</tr>
</tbody>
</table>

If yes is answered to any of the above items the policy/service may be considered discriminatory and requires review and further work to ensure compliance with legislation.

<table>
<thead>
<tr>
<th>2. Check for INDIRECT discrimination against any group of SERVICE USERS:</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Question:</strong> Does your policy/service contain any statements/functions which may exclude employees from operating the under the grounds of:</td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td>2.1 Age?</td>
</tr>
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<td>2.2 Gender (Male, Female and Transsexual)?</td>
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</table>
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2.4 Race or Ethnicity? *
2.5 Religious, Spiritual belief (including other belief)? *
2.6 Sexual Orientation? *
2.7 Human Rights: Freedom of Information/Data Protection *

If yes is answered to any of the above items the policy/service may be considered discriminatory and requires review and further work to ensure compliance with legislation.

TOTAL NUMBER OF ITEMS ANSWERED ‘YES’ INDICATING DIRECT DISCRIMINATION =

3. Check for DIRECT discrimination against any group relating to EMPLOYEES:

<table>
<thead>
<tr>
<th>Question</th>
<th>Response</th>
<th>Action required</th>
<th>Resource implication</th>
</tr>
</thead>
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<td>Yes No</td>
</tr>
<tr>
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<td>*</td>
<td>Yes No</td>
<td>Yes No</td>
</tr>
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If yes is answered to any of the above items the policy/service may be considered discriminatory and requires review and further work to ensure compliance with legislation.

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If yes is answered to any of the above items the policy/service may be considered discriminatory and requires review and further work to ensure compliance with legislation.

TOTAL NUMBER OF ITEMS ANSWERED ‘YES’ INDICATING INDIRECT DISCRIMINATION =
Signatures of authors / auditors:  

Date of signing:
Equality Action Plan/Report

**Directorate:** HR Consultancy

**Service/Policy:** Management of Change Policy

**Responsible Manager:** HR Business Consultant

**Name of Person Developing the Action Plan:** Helen Barlow

**Consultation Group(s):** JINC, JLNC, HR Committee

**Review Date:** June 2016

The above service/policy has been reviewed and the following actions identified and prioritised. All identified actions must be completed by: __________________________________________________________________________

<table>
<thead>
<tr>
<th>Action:</th>
<th>Lead:</th>
<th>Timescale:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rewriting policies or procedures</td>
<td>H Barlow</td>
<td>May 2011</td>
</tr>
<tr>
<td>Stopping or introducing a new policy or service</td>
<td>H Barlow via briefings</td>
<td>June 2009</td>
</tr>
<tr>
<td>Improve /increased consultation</td>
<td>n/a</td>
<td></td>
</tr>
<tr>
<td>A different approach to how that service is managed or delivered</td>
<td>n/a</td>
<td></td>
</tr>
<tr>
<td>Increase in partnership working</td>
<td>JINC and JLNC consulted</td>
<td></td>
</tr>
<tr>
<td>Monitoring</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Training/Awareness Raising/Learning</td>
<td>Briefing sessions to line Managers and staff</td>
<td></td>
</tr>
<tr>
<td>Positive action</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Reviewing supplier profiles/procurement Arrangements</td>
<td></td>
<td></td>
</tr>
<tr>
<td>A rethink as to how things are publicised</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Review date of policy/service and EIA: this information will form part of the Governance Performance Reviews</td>
<td></td>
<td></td>
</tr>
<tr>
<td>If risk identified, add to risk register. Complete an Incident Form where appropriate.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
When completed please return this action plan to the Trust Equality and Diversity Lead; Pamela Chandler or Jane Turvey. The plan will form part of the quarterly Governance Performance Reviews.

Signed by Responsible Manager: [Signature] Date: [Date]