

ORGANISATIONAL CHANGE POLICY

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DOCUMENT CONTROL

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1 INTRODUCTION

- 1.1 Somerset Partnership NHS Foundation Trust (hereinafter referred to as 'the Trust') recognises the need to develop new services and at times change existing services to improve the quality and efficiency of services for the benefit of our patients. The NHS and Public Sector as a whole is facing an unprecedented and extended period of financial retraction which requires creative management of the workforce to continue to serve the population safely and effectively. Inevitably, this may lead to changes in the organisation's structure, its services and individual roles and responsibilities.
- 1.2 The Trust recognises that communicating early, clearly and working in partnership with our Trades Union colleagues will ensure full and open consultation throughout the change process, which is paramount to the successful and smooth implementation of any organisational and service change.
- 1.3 The Trust recognises that where change may involve new working practices or changes to contractual terms and conditions, this can be difficult for staff and we are committed to supporting all staff affected by change at work.
- 1.4 The Trust is committed to avoiding compulsory redundancies wherever possible and will work in partnership with Trades Unions to minimise this.

2 PURPOSE & SCOPE

- 2.1 This policy applies to all Trust staff and establishes a framework for the effective implementation of any organisational change.
- 2.2 The scope of this policy includes any organisational change which has the potential to change the terms and conditions of employment of any/all staff. The nature of the proposed change and its potential impact on affected staff will be included in each Business Case For Change (Appendix A) after taking advice from the HR team.
- 2.3 Some examples of organisational change are:
- changing the location where staff work
 - changing working practice; duties; responsibilities
 - restructuring teams
 - re-organisation or merging services
 - changing working hours
 - changing pay in line with pay protection arrangements

- reducing / losing workload resulting in staff being placed 'at risk' of Redundancy

3 DUTIES AND RESPONSIBILITIES

- 3.1 The Trust Board has overall responsibility for ensuring management of organisational change is carried out in a fair and consistent manner, in line with current employment legislation and ACAS guidance.
- 3.2 The approval of redundancy payments is the responsibility of the Trust Board; this is not a delegated responsibility.
- 3.3 Managers will need to make operational decisions in relation to change management projects and realignment of their services. Managers are responsible for seeking advice from the HR team at the earliest opportunity prior to writing the Business Case for Change and implementing change in line with this Policy and relevant employment legislation.
- 3.4 Managers will work in partnership with recognised Trades Unions to support a process of meaningful consultation.
- 3.5 Managers implementing change must ensure that they and their staff are aware of this policy and the procedures and commitments contained within.
- 3.6 Managers will ensure that any identified education and training implications are brought to the attention of the Workforce Governance Group.
- 3.7 The HR team will provide advice, training and support to managers and staff regarding the implementation of this policy in line with current legislation.
- 3.8 The HR team has a statutory obligation to notify the Department for Business Innovation and Skills of any proposed redundancies in accordance with the current rules which can be found here:

<https://www.gov.uk/government/publications/redundancy-payments-form-hr1-advance-notification-of-redundancies>

4 EXPLANATIONS OF TERMS USED

4.1 Meaningful consultation

The process by which the Trust will consult with recognised Trades Unions and individual staff with a view to reaching agreement.

4.2 'At Risk' Status

Employees who are displaced or unsuccessful in securing a substantive post as a result of organisational change following consultation.

4.3 **Priority Status**

Employees affected by the change may be granted priority status or placed within a ring-fence for posts related to the Organisational change.

4.4 **Suitable Alternative Employment**

This refers to the offer of employment that is substantially equivalent to the existing post in terms of capability. Employees have the right to a four week trial within any new post.

4.5 **Slotting in/Assimilation**

Describes a process where employees are 'slotted' into roles within a new structure which match their skills and prevents the employee being placed at risk. This would not apply where there is a reduction of posts at the same - band.

5 **PREPARATION AND PLANNING FOR CHANGE**

5.1 There are many reasons why the Trust needs to change, some examples are:

- opportunities for new ways of working established through staff meetings and ideas from staff
- cost improvement plans requiring changes to working practice
- implementing guidance from regulatory bodies such as NICE
- delivering changes required by our commissioners
- transferring services as a result of successful/unsuccessful tendering for services

5.2 A Business Case For Change will be prepared by the appropriate manager (identified within the relevant directorate) for each different organisational change.

5.3 A template for the Business Case For Change is attached at **Appendix A**. This is for best practice guidance only, but if a different template is used, it should include:

- reasons for the proposed change
- benefits of the proposed change
- equality impact assessment
- financial implications
- the potential impact on staff
- identified impact on staffing levels
- any identifiable training/education implications
- procedure for slotting in/assimilation
- the proposed redeployment plan (where applicable)
- any indication of reduced workforce resulting in redundancy
- confirmation of considerations made to avoid compulsory redundancies
- proposed timescale for consultation with staff and Trade Unions
- proposed timescale for implementing the change

- fair selection criteria
- 5.4 For each Business Case For Change, HR will provide advice on the potential effect on terms and conditions of staff.
- 5.5 Where there is potential for changes to the terms and conditions of groups of staff, the Business Case For Change will be presented confidentially to the Joint Management and Staff Side Committee (JMSSC) and Trade Union Representatives will be identified to work in partnership with managers and HR to ensure a meaningful process of consultation is planned and implemented.

6 TYPES OF CHANGE

- 6.1 There are various forms and levels of local and organisational change, some of which may be implemented following informal consultation with individuals, whereas other forms of change may require a more formal process of consultation.
- 6.2 Change may be categorised for the purposes of this guidance as minor or major change.

7 MINOR CHANGE

- 7.1 Minor change may refer to a situation where there is a proposed change to a Department, Unit or a defined group of employees which does not involve a re-organisation of posts resulting in the potential for redundancies or does not fundamentally affect terms and conditions of employment. Possible examples of minor change would be a change to line manager, relocation of office within the same site, or a change to working practice or process.
- 7.2 Where a change is classified as minor it should involve informal consultation with employees. This would mean that normal management channels of communication would be followed (for example discussions in team meetings, one to one meetings, or specific meetings to discuss the changes). Discussions with employees should include details of the need for changes, the proposed changes, how employees will be affected, potential benefits and, where possible, notice given of when the change will take effect. Should a situation arise where employees and manager disagreed that a change met the criterion of a minor change, further advice should be sought from Human Resources.
- 7.3 Notes of meetings should be kept and where appropriate the implementation of the minor change proposal should be confirmed in writing. It would not normally be necessary for HR or staff side/local representatives to be involved in informal discussions, but advice and representation should be sought where appropriate. Employees should be reminded that they may seek advice from their Trade Union representative, if they wish.
- 7.4 When consulting employees, irrespective of the level of change, managers will take into account any employees who may be absent due to annual

leave, maternity leave, sick leave, employment breaks or on secondment and also consider other employees or centre/divisions that may be affected by local changes.

8 MAJOR CHANGE

- 8.1 Major change refers to any change that may have a more significant impact on employees in respect of terms and conditions of employment or where changes are likely to result in a workforce reduction, i.e. redeployment or redundancy. A possible workforce reduction would lead to employees being considered “at risk of redundancy”. Possible examples of major change are re-organisation or merging of services, relocation to another site or restructuring of staff teams.
- 8.2 This form of change requires both informal discussions with employees and staff side representatives at the earliest opportunity (as with minor change) and also a period of formal consultation.
- 8.3 Where change is classed as ‘major’, HR and staff side should be involved at the earliest practicable opportunity to ensure best practice and policies are correctly followed.

9 CONSULTATION PROCESS

- 9.1 The proposed timescale and process for consultation is included in the Business Case for Change and shown at Appendix A. The HR team will provide advice to ensure the consultation process is in line with employment legislation and current policy. The staff side involvement with the process is shown on the staff side pages on the intranet along with Union representatives contact details.
- 9.2 There are three components to effective meaningful consultation when dealing with proposals which could be categorised as a major change. These include:
- (a) Preliminary consultation with Trades Unions
 - (b) Collective consultation period with Trades Unions
 - (c) Individual consultation with affected employees
- 9.3 There will often be a project management approach to the change process, and the manager will consider the earliest opportunity to invite Trades Union Representatives to be involved in project/group meetings. The process will include staff engagement events to explain the Business Case For Change. The manager will agree, with the appropriate Trades Unions, the methods by which all affected staff are made aware of which particular Trades Unions’ Representatives have been assigned to the process. This will ensure that timely contact and representations can be made.
- 9.4 In addition to a staff engagement event (s), there will be a period of time whereby individual one to one meetings are offered to affected staff. These

are considered formal meetings and staff will have the right to be represented during these meetings by either a Trades Union Representative or work colleague.

- 9.5 The time period for formal consultation will normally, as a minimum, be 30 days, unless there are proposals that may result in 100 or more redundancies. In this case there would be a 45 day consultation period to comply with employment legislation. The guiding principle will be that the time period is appropriate and sufficient to ensure meaningful consultation.
- 9.6 Where the consultation includes the potential for redundancies, the process will include:
- seeking ideas to avoid redundancies, including reviewing temporary posts; additional hours/overtime
 - Ways of reducing the number of redundancies, including reducing hours; flexible working; unpaid leave

10 SLOTTING IN PROCESS AND ASSIMILATION

- 10.1 When organisational change leads to the development of new posts and/or a reduction in previous posts, those staff who occupy a post in the old structure may be eligible to be assimilated and slotted in to a post in the new structure.
- 10.2 Slotting in will be applied where it is established that approximately 70% of duties; knowledge; skills and experience of the new post are the same as the old post i.e. it is reasonable to conclude that the posts are substantially the same and an individual meets all of the essential criteria for the post.
- 10.3 Where current post holders may be eligible for assimilation to a number of posts or need to compete for posts within a ringfence they will be formally invited to indicate their role preferences. For example, through expressions of interest, one to ones, designated form or letter.
- 10.4 Where there are fewer individuals than posts available staff will be assimilated to posts based on competencies and preferences where possible.
- 10.5 In the event that potential slotting in applies to more than one member of staff and there are more individuals eligible than posts available, a normal competitive selection process will apply, ring-fenced to those who are eligible.
- 10.6 If during the formal change process you are absent from work e.g. due to maternity/sickness/employment break/long term compassionate leave, you will still be included in the selection process and will be offered opportunities to attend one to one meetings and subsequent interviews as appropriate. Where you are unable to enter into the assimilation process in the timeframe agreed in the change proposal, a discussion around arrangements will be held with you and suitable alternative arrangements will be considered taking into account your individual circumstances.

10.7 Where an individual is acting up or on secondment, slotting and any ring-fencing will be based upon their substantive role.

11 SUITABLE ALTERNATIVE EMPLOYMENT AND TRIAL PERIOD

11.1 Staff 'at risk' who accept an offer of suitable alternative employment will be entitled to a trial period of four weeks within the new post. The trial period may be extended by mutual agreement, subject to seeking advice from HR. Confirmation of the trial period will be given in writing and a template letter can be found in **Appendix E**.

11.2 It should be agreed in advance how the success of the trial period will be measured. If the trial period is successful staff will remain employed in that role and any entitlement to redundancy pay will cease.

11.3 If during the trial period it is deemed that the employment offered is not a suitable alternative, substantial reasons for this must be made in writing, to the Director of HR and Workforce Development for consideration of redundancy payment.

11.4 Staff who do not accept the new job offered, or leave during the trial period and cannot reasonably show that the role is unsuitable, may prejudice their entitlement to redundancy pay.

11.5 In consideration of a suitable alternative post, where the role includes duties which require a specific level of health/fitness that is different from the former role, individual health/fitness may need to be confirmed through Occupational Health to establish the suitability of the proposed new role.

11.6 The manager will also consider any implications of the new post with regard to the Disclosure and Barring Scheme Policy and Safeguarding policies.

11.7 Reasonable short term training or on the job training that could be completed during the trial period should be considered when looking at suitable alternative roles.

12 SELECTION FOR REDUNDANCY AND AT RISK

12.1 In the Business Case For Change, or during the consultation process, it may be established that one or more staff may be '**at risk**' of redundancy.

12.2 The manager will work in partnership with the Trade Union Representatives to identify affected staff. A template letter for this purpose is attached in **Appendix E**.

12.3 In identifying affected staff, the following will need to be considered

- how the 'affected staff has been determined
- agreeing appropriate selection criteria, including weighting
- agreeing an effective selection process against the criteria

- 12.4 As part of this process the Trust will discuss and agree suitable alternative employment opportunities within the Trust. The Trust will try to match skills and abilities to available posts. This may include a change in location, hours or pattern of work. A record will be kept of your preferences so that your line manager and HR team can support you during the change process.
- 12.5 All staff put formally 'at risk' will be given 'priority consideration' for suitable alternative employment opportunities and will be included in any assimilation process as identified in Section 10.
- 12.6 At the end of the formal consultation period, any staff who are identified who remain at risk of redundancy, will be formally notified in writing of their 'at risk' status and placed on the redeployment register.
- 12.7 Priority consideration means that 'at risk' staff do not have to 'compete' with staff who are not 'at risk' within the organisation. If you are put 'at risk' and you meet the essential criteria of the person specification of a role you are interested in, you will be subject to a selection process for the post (unless Assimilation in Section 10 applies). This arrangement will continue until your last day of employment.
- 12.8 During this period reasonable time off, with pay, will be agreed with you to look for other jobs, or attend training to help secure future employment.
- 12.9 If you are deemed to unreasonably refuse an offer of suitable alternative employment, this may prejudice your entitlement to redundancy payment
- 12.10 In accordance with your existing terms and conditions, in the event of securing another job in the NHS during your notice period or after your last day of employment with the Trust you may be required to repay your redundancy payment if you take up new employment within a specified timeframe. Employees will be made aware of the restrictions in this regard and discussions will be held on a case by case basis to establish the detail.
- 12.11 **Voluntary Redundancies** will be considered as a method to avoid compulsory redundancies. If staff choose to explore voluntary redundancy they will be provided with a redundancy estimate to help them with their decision making. Staff are not obliged to follow this course of action, neither is the Trust obliged to accept an application for voluntary
- 12.12 All applications for voluntary redundancy will be considered carefully, taking into account the needs of the service, patients and wider team. The manager will take advice from the HR team as part of this process.
- 12.13 **Compulsory Redundancies** may be unavoidable after consideration has been given to voluntary redundancies and redeployment.
- 12.14 Once approval has been obtained to dismiss an employee by reason of redundancy, the employee will be invited, in writing, to attend a meeting to be formally issued with their notice. The employee has a right to be accompanied by a Trade Union representative or colleague and will be given at least five working days notice of the meeting.

- 12.15 At the meeting the employee will be advised of the dates of their notice period, their last date of employment and information regarding their redundancy entitlement. They will receive a letter following the meeting confirming their dismissal and giving information about how to appeal against their dismissal, should they wish to. Where practicably possible the Trust will aim to hear the appeal during the individuals notice period or within one month of the leaving date.
- 12.16 Suitable alternative employment will continue to be sought during the notice period.

13 EXCESS TRAVEL

- 13.1 Excess travel will be paid in line with national Agenda for Change terms and conditions which are subject to change from time to time. Please refer to the Trusts relocation policy for further details.

14 PAY PROTECTION

- 14.1 In the event that an employee is moved to a post on a lower pay band due to redeployment or that through organisational change a post is downgraded, Pay Protection will apply as per the table below. The Protection of Earnings Policy applies to Mental Health Staff and the Pay Protection Policy applies to Community Health staff and will apply until new arrangements have been agreed.

Length of Service	Protection
Less than 1 year	No Protection
More than 1 year but less than 2 years	1 Year
More than 2 years but less than 3 years	2 years
More than 3 years but less than 4 years	3 years
More than 4 years but less than 5 years	4 years
More than 5 years	5 years

15 PENSION

If you contribute to the NHS Pension Scheme and your new post results in reduced earnings/pay protection the Pensions Office will provide support and advice on an individual basis.

16 ADDITIONAL SUPPORT

- 16.1 A HR representative will be available for support to managers as and when needed. A HR representative will accompany the manager to serve formal notice to an employee that their employment will be terminated at the end of the redeployment period. The outcome will be confirmed in writing.
- 16.2 Employees can request assistance from the HR department in job application, interviewing and presentation skills at any time during the process.

- 16.3 Employees have the right to be accompanied by a colleague or Trade Union Representative at any meeting and can apply for advice and support from their Trade Unions
- 16.4 It is acknowledged that some staff may find the change process difficult and there is a wide range of support available for staff if this is required. The Somerset Partnership Trust staff support page can be found here:
http://intranet.sompar.nhs.uk/staff_support.aspx
- 16.5 Further external information regarding organisational change and best practice can be found in the ACAS advisory booklet, How to Manage Change.
<http://www.acas.org.uk/media/pdf/k/m/Acas-How-to-manage-change-advisory-booklet.pdf>

17 TRAINING REQUIREMENTS

- 17.1 The Trust will ensure that all Managers implementing organisational change in line with this policy will receive the necessary support, training, supervision and advice from the HR team.

18 EQUALITY IMPACT ASSESSMENT (EIA)

- 18.1 All relevant persons are required to comply with this document and must demonstrate sensitivity and competence in relation to the nine protected characteristics as defined by the Equality Act 2010. In addition, the Trust has identified Learning Disabilities as an additional tenth protected characteristic. If you, or any other groups, believe you are disadvantaged by anything contained in this document please contact the Equality and Diversity Lead who will then actively respond to the enquiry.

For each organisational change an EIA will be undertaken including identifying the staff within each of the protected characteristics affected by the proposals. If a disproportionate impact is identified the Trust will work with the Trade Unions to address this.

19 MONITORING COMPLIANCE AND EFFECTIVENESS

- 19.1 Monitoring arrangements for compliance and effectiveness will be carried out by the Workforce Governance Group by reviewing the number of formal concerns raised under the Grievance Policy associated with Organisational Change. The EIAs will also be reviewed.
- 19.2 Management Information regarding organisational change (including EIAs) will be presented to the Workforce Governance Group and Trade Unions.
- 19.3 Frequency of monitoring – quarterly reports will be presented to the Workforce Governance Group

20 RELEVANT CARE QUALITY COMMISSION (CQC) REGISTRATION STANDARDS

20.1 Under the **Health and Social Care Act 2008 (Regulated Activities) Regulations 2014 (Part 3)**, the **fundamental standards** which inform this procedural document, are set out in the following regulations:

Regulation 15:	Premises and equipment
Regulation 16:	Receiving and acting on complaints
Regulation 17:	Good governance
Regulation 18:	Staffing
Regulation 19:	Fit and proper persons employed
Regulation 20:	Duty of candour
Regulation 20A:	Requirement as to display of performance assessments

20.2 Under the **CQC (Registration) Regulations 2009 (Part 4)** the requirements which inform this procedural document are set out in the following regulations:

Regulation 18: Notification of other incidents

20.3 Detailed guidance on meeting the requirements can be found at <http://www.cqc.org.uk/sites/default/files/20150311%20Guidance%20for%20providers%20on%20meeting%20the%20regulations%20FINAL%20FOR%20PUBLISHING.pdf>

Relevant National Requirements

- ACAS Guidance
- Trade Unions and Labour Relations (Consolidation) Act 1992
- NHS National Terms and Conditions Handbook
- Department for Business Innovation and Skills notification: <https://www.gov.uk/government/publications/redundancy-payments-form-hr1-advance-notification-of-redundancies>
- Collective Redundancies and Transfer of Undertakings (Protection of Employment) (Amendment) Regulations 2014(TUPE)

21 REFERENCES, ACKNOWLEDGEMENTS and ASSOCIATED DOCUMENTS

Other policies which should be read in conjunction with this policy are:

- Capability Policy
- DBS Policy
- Equality and Diversity Policy
- Equality Impact Assessment Policy
- Grievance & Disputes Policy
- Recruitment & Selection Policy & Procedure

All current policies and procedures are accessible in the policy section of the public website (on the home page, click on 'Policies and Procedures'). Trust Guidance is accessible to staff on the Trust Intranet.

22 APPENDICES

These appendices are for guidance, to provide examples and in support of the policy. They do not form part of the policy document. They are subject to change from time to time as may need to be tailored to each individual organisational change, any such changes will be presented and approved by the Workforce Governance Group.

Appendix A Template for Business Case For Change

Appendix B Consultation Process

Appendix C Process for Union Engagement

Appendix D Individual staff consultation form

Appendix E Template Letters

- E1) Consultation Letter Re: Organisational Change
- E2) Inviting Employee to 1:2:1 Consultation Meeting
- E3) Variation of Contract Letter
- E4) Confirming 'At Risk' Status & Formal Notice Period
- E5) Letter Offering Consideration for Voluntary Redundancy
- E6) Letter Acknowledging Voluntary Redundancy Request
- E7) Letter Confirming Outcome of Application for Voluntary Redundancy
- E8) Confirmation of Assimilation
- E9) Offer of Suitable Alternative Employment / Trial Period
- E10) End of 'At Risk' Process / Dismissal

TEMPLATE FOR BUSINESS CASE FOR CHANGE

TITLE OF BUSINESS CASE

1. INTRODUCTION

- The purpose of this consultation document is to outline the proposal to **(give details of change)**.
- The paper is intended for **(list staff affected)** and will outline the operational and business case for proposing the change including all contractual and service changes affecting staff (and patients).

2. BACKGROUND

- Give an explanation on how service/s are currently managed and the rationale for the change (i.e. business needs; improved patient care; operational efficiency; patient/staff feedback etc.)

3. PROPOSAL

- Outline the proposal, giving consideration to the potential of improvements to services.
- Support the rationale for the proposal with evidence such as from other organisations, service needs, patient/staff feedback, internal audits with full financial implications and budgetary breakdown to identify proven improved efficiencies and/or associated cost implications.
- Discuss implications for staff. Outline current composition of team and how the change will affect them. Outline how the service/ department/ team structure will look if the proposal is implemented
- Attach the completed Equality Impact Assessment or reference the findings from the assessment (click here for Policy and Template) http://www.sompar.nhs.uk/content/94698/94702/Equality_Impact_Assessment_Policy_v3.July_2013.pdf
- Further details to include:
 - The total number of employees and full time equivalent (FTEs) of staff employed on the ward/team/department by staff group who will be affected
 - The proposed method of selection
 - Process for slotting in/assimilation
 - Timeframe for individual consultation meetings with staff, their representative, HR & line manager
 - Staff at risk of TUPE transfer if applicable
 - Discuss how new ways of working could be possible
 - Outline any education and training implications that have been identified and how this will be resourced/managed

- Outline what support/assistance will be available to staff
- Other considerations:
 - Capital outlay
 - IT Resources i.e. Hardware & RIO/Email access
 - Excess Travel costs
 - Telephone access
 - Facilities management

4. STAFF INVOLVEMENT

Be specific about which key staff have been involved prior to the formulation of the proposal. Indicate whether this document is the start of discussions or whether it is the product of previous joint discussions. Document should state:

- What staff involvement process has taken place to date
- Who was involved
- What options/views have been expressed from staff and how they influenced the plan
- Trade Union / Staff side Representative involvement and consultation prior to launching formal consultation
- Use of away days, team meetings, one to one discussions, team briefings, questionnaires, feedback etc.

5. TIMETABLE AND PROPOSED IMPLEMENTATION

- Outline timeframe and intended date of implementation – see attached table
- Depending on the size and complexity of the proposals, the timetable may need to be adjusted accordingly
- Indicate who staff can contact for individual meetings (Manager/HR/Trade Union Representatives) and where to submit written replies or comments.

Date	Action	Lead
	Prepare Business Case For Change by the appropriate manager, who, in each case will be identified as appropriate, in line with the normal practice of the relevant directorate.	Name of Manager
	Submit proposal to JMSSC (Union Consultation)	Name of Manager
	Launch of formal collective consultation (30/45 days)	Name of Manager Name of HR Name/s of TU reps

	Staff Engagement meetings	Name of Manager Name of HR Name/s of TU reps
	Individual meetings with staff (as and when requested) to allow staff to provide feedback on the proposals.	Name of Manager
	End of collective consultation period	Name of Manager
	Period of reflection and adjustment. Consideration of staff comments and feedback, continued engagement with staff side.	Manager Name/s of TU reps
	Formal feedback of staff proposal and representations to management	Name/s of TU reps
	Final meeting before implementation and agreed proposal	Name of Manager Name of HR Name/s of TU reps
	Proposed date of implementation	Name of Manager

6. APPENDICES

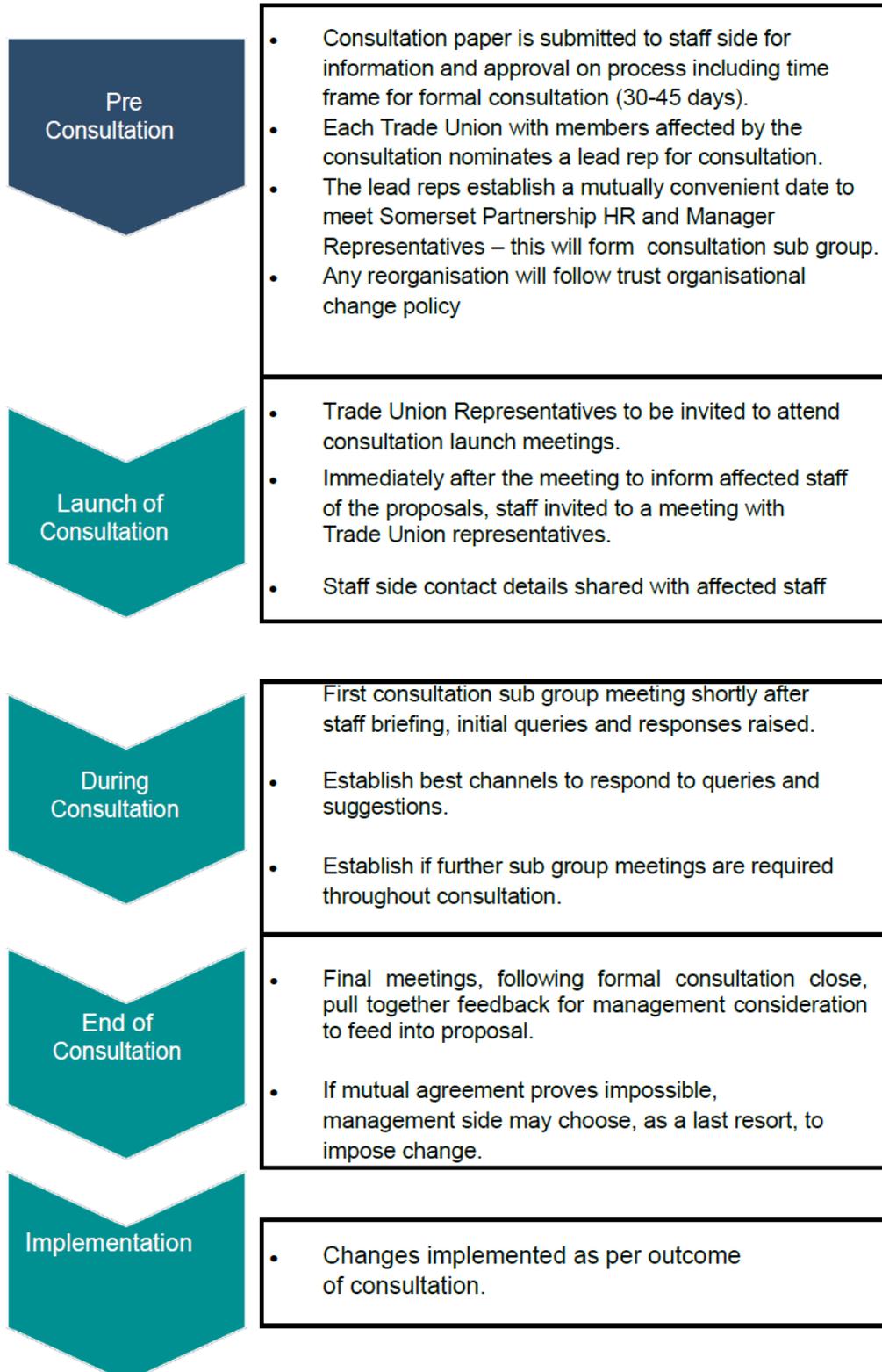
Attach any relevant workforce information, in a spreadsheet format, including details of:

- job titles
- pay bands
- contracted hours of work
- any flexible working arrangements agreed
- staff on maternity leave /parental leave /career breaks /secondments / special leave /long term sick
- staff on fixed term contracts
- organisational structure of old and newly proposed
- job descriptions of new post(s)

Organisational change consultation process

Stage 1	A business case for change will be prepared by the appropriate manager for each major organisational change.
Stage 2	Where there is potential for changes to the terms and conditions of groups of staff, the Business Case For Change will be presented confidentially to the Joint Management and Staff Side Committee (JMSSCC) and Trades Union Representatives will be identified to work in partnership with managers and HR to ensure a meaningful process of consultation is planned and implemented.
Stage 3	HR agrees proposals with management as a basis for collective consultation and a draft consultation document is prepared.
Stage 4	Commence informal discussions with recognised trade unions by sharing the draft consultation document with the appropriate representative for comment on a confidential basis.
Stage 5	Undertake formal collective consultation period as per the proposed timescale in the Business Case for Change and consultation document (Appendix A) typically 30 days. Consultation will include group events open to all affected staff, and the opportunity to attend one to one meetings where staff are encouraged to provide feedback on the proposals.
Stage 6	Following the conclusion of the collective consultation process, feedback will be formally considered and an end of consultation summary document prepared and shared appropriately for reflection and adjustment. Engagement with staff side will continue following the close of the formal consultation period until the proposals are approved.
Stage 7	In the instance of re-organisation of teams, slotting, assimilation, and ring-fenced competition will be put in place to redeploy staff to suitable roles.
Stage 8	Where there is still a need to make staff reductions, individuals will be formally put 'at risk of redundancy'.
Stage 9	A formal notice period begins, during which time efforts to find alternative employment will continue until employment ends.
Stage 10	At the end of the notice period, if suitable redeployment has not been established the individual will leave employment.

Somerset Partnership NHS Foundation Trust Engagement Process with Trade Union Representatives



STAFF CONSULTATION / 1:1 MEETINGS

Individual staff meeting held on _____			
Name	Job title	Contracted hours / agreed pattern	Pay Band
Managers name	Current Team & Base	Mobile Number	Home phone
Represented by	Contract type	Home Address	
	Permanent Fixed Term Secondary Contract Other :		
Guide questions – Agree content with HR			

E.G.

How do you think the changes will affect you?

Do you have any particular concerns about the changes?

Do you have alternative ideas about how we can deliver the new service?

What access to personal transport is available to you for working in another location?

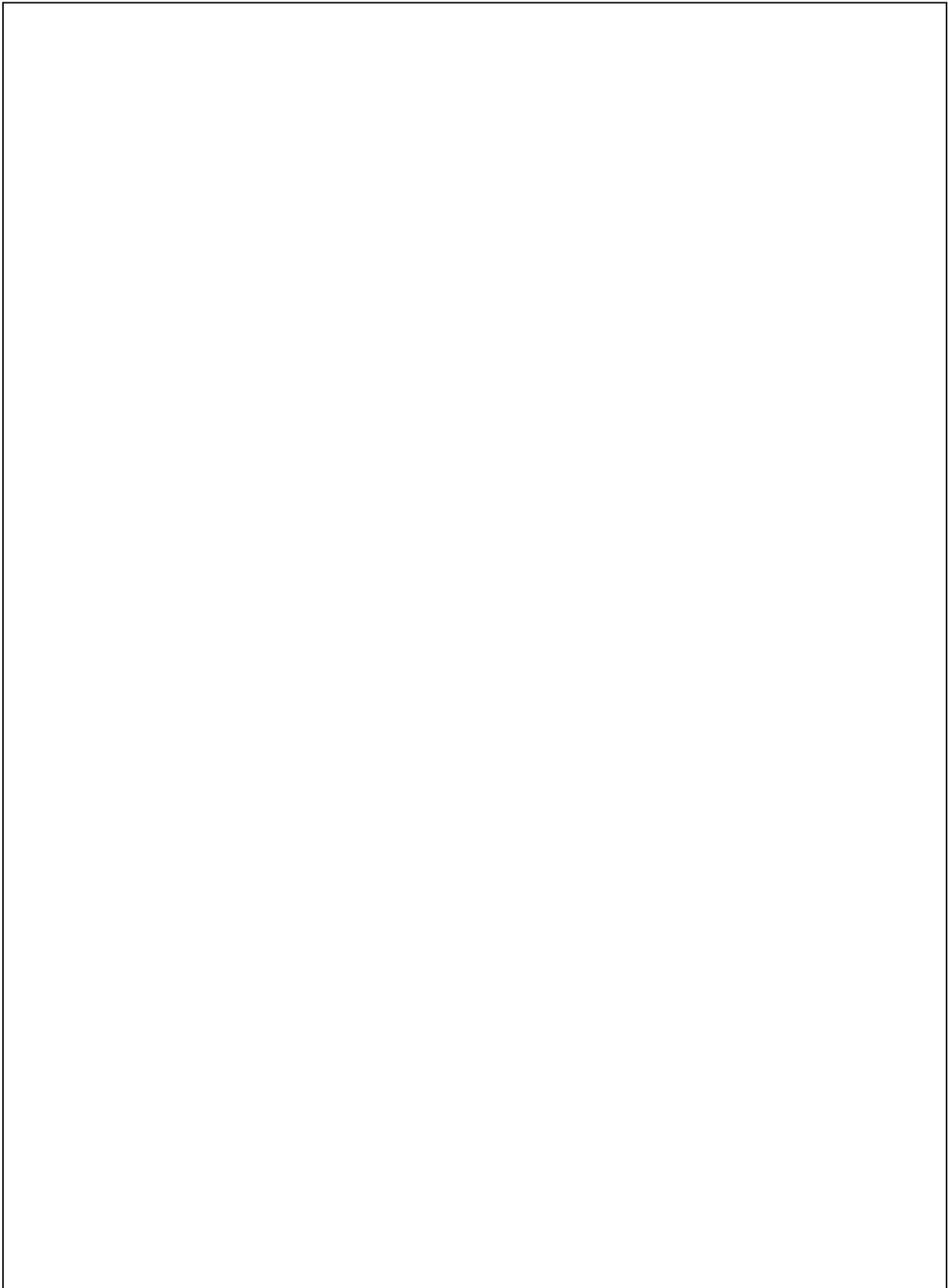
How flexibly can you work to meet the proposed shift patterns?

Is your Mandatory Training up to date, e.g. PMVA?

Do you wish to apply for a Voluntary Redundancy Estimate? NB. This does not mean that you are putting yourself forward as a volunteer.

In order to place you where you will be best suited, please give some thought as to where you would like to work and put in order of preference.

Option 1	Job title / role	Contracted hours	Base / locality
Option 2	Job title / role	Contracted hours	Base / locality
Option 3	Job title / role	Contracted hours	Base / locality
Other comments			



Proposed Template Letters:

1) Consultation Letter re: Organisational Change

PRIVATE AND CONFIDENTIAL

Name
 Home Address

Dear

PROPOSED SERVICE CHANGES IN/AT

I am writing to you in person, to formally advise you of the above organisational change project and to commence the process of formal consultation with you in respect of the changes which are being proposed.

As part of this process we will be guided by the Trust's agreed Organisational Change Policy which can be found on the Trust's Intranet site. You are encouraged to make yourself aware of the contents of this policy. If you have any difficulty in accessing this document, please let me know at the earliest opportunity.

You should be aware, from a variety of sources, e.g. via the allocated Change Project Group, through staff meetings or through the Trust Staff Newsletter (***include other options as appropriate***), of the changes to the service that are proposed. These are outlined in the attached consultation document.

@

Part of the Consultation Plan, which supports the change management process, is to set up individual meetings with all staff, yourself included, supported by a Trade Union representative, should you desire. A number of dates have been set aside for this purpose and your manager will be arranging for you to be allocated an appointment. A list of dates currently booked for this purpose will be available from @ / within the @ area of your Ward / Unit.

Detail of the Trade Union representatives who may support you during this process are on the attached, please contact your relevant Trade Union representative as appropriate:

Alternatively you may bring a work colleague with you for support at your meeting, however their attendance must be arranged so as to not unduly affect the need for business cover.

The intention of the Trade Union representatives may be to split up the consultation dates between them and provide cross Union cover during these meetings.

As part of the Trust's commitment to consultation, we will ensure that it is a meaningful, two-way process, during which we will fully engage with you by listening to any alternative thoughts and ideas you may have which will assist us in achieving our required business objectives.

As such, it is really important that you make full use of this opportunity to meet and to prepare any issues that you want to raise prior to your meeting.

If you have any personal concerns however, which you believe cannot wait until your 1:1 meeting, I ask that you raise these with me at the earliest opportunity.

Yours sincerely

Service Manager

2) Inviting Employee to 1:2:1 Consultation Meeting

PRIVATE AND CONFIDENTIAL

Name

Home Address

Dear

Re: Proposal for @

Further to the previous letter sent to you regarding the proposed changes within the @ service, I have arranged the following dates in order to hold our initial individual meetings:

201@ (@ am – @ pm)

201@ (@ am – @ pm)

I anticipate our meeting will last for @ minutes, with more time available if required.

A blank schedule will be put up in **the @ room** in order for you to put your name against a convenient time. If I am unable to see everyone within this timeframe, further times will be planned. I have enclosed an 'Individual Staff Meeting' pro-forma, which will be used during the meeting and includes some of the questions/issues that we will be covering at the meeting.

May I suggest you take the time to review the pro-forma and complete some, or all of it, in advance of our meeting.

As your individual meeting is a formal consultation meeting, you will have the right to be accompanied by a Trade Union representative or another colleague if you choose. The Trade Union representatives supporting the process are as attached. Please contact your relevant Union representative as applicable.

Please be advised that an HR representative may also be present at these meetings.

In the meantime please do not hesitate to contact me directly if you have any questions or concerns.

Yours sincerely

Team Manager

NB. Should the employee be away from work, either on a period of long term sick / secondment / maternity / paternity or compassionate leave, their letter should be amended accordingly and alternative arrangements to meet/consult may be necessary - please take advice from HR

3) Variation of Contract Letter

PRIVATE AND CONFIDENTIAL

Name
Home Address

Dear

Re: Variation of Contractual terms

Following our meeting on [] to discuss proposed changes to your terms and conditions of employment, I am writing to confirm the following:

1. [Explain the reasons why the changes are necessary.]
2. [Explain the detailed changes precisely.]
3. [Set out, attach or enclose the revised terms and conditions of employment, making clear that continuity of employment is unaffected.]
4. [State when the Employer proposes that the changes will take effect, including notice period.]
5. [Explain any protections concerning terms and conditions of employment.]

Your terms and conditions of service will remain as stated in your original Contract of appointment with the addition of the following as stated in your job description.

6. [Set out the consideration for the employee's agreement to the change, e.g. lump sum payment or increase in salary.]

Please sign both copies of this letter and return one copy to the Human Resources Department, Mallard Court, Bristol Road, Bridgwater, TA6 4RN.

Yours sincerely

I hereby accept the variation of contract as stated above.

Signed.....**Date**.....

4) Confirming 'At Risk' Status & Formal Notice Period

PRIVATE AND CONFIDENTIAL

Name
Home Address

Dear

IMPLEMENTATION OF NEW STRUCTURE

Further to the previous correspondence sent to you confirming the Trust's proposal to implement organisational change within the @ area of the service, I am now able to update you on the progress of the business proposal.

Following our consultation meeting with you in order to hear your views and ideas in relation to the change process, Accordingly, I must now advise you that due to the associated revision of staffing needs, it has been determined that there is no assured post for you within the new structure, and, as a result of this decision, your post has been identified as being 'at risk' of redundancy.

I can assure you that we are fully committed to support you in gaining alternative employment, either within the new structure, or where suitable alternative paid employment exists elsewhere within the Trust.

As part of the 'at risk' process I wish to meet with you at the earliest opportunity to determine what alternative employment opportunities you might be qualified / suitable for.

As such I would like to meet with you on @, at @ to discuss the next steps in regard to this process.

Please be advised that @ from Human Resources will be in attendance to support the process and you can bring a Trade Union representative or work colleague to this meeting. I must ask however that should you wish to bring a work colleague to support you at this meeting that you do not bring another 'at risk' employee as this could be deemed as a conflict of interest to all those present.

At this meeting we will look to identify your current skills and abilities and where possible we will match these to other available vacant posts within the Trust, you should be advised that such a matching process may involve a change in your work location, your pay banding and your hours and/or pattern of work.

You should also be advised that as you are formally at risk, the Trust will commit to give you 'priority consideration' for suitable alternative employment opportunities and you will also remain included within the assimilation process relating to the newly agreed structure.

'Priority consideration' means that you will not have to 'compete' with staff who are not deemed to be 'at risk' of redundancy within the Trust. If, as an 'at risk' employee, you meet the essential criteria of the person specification of a role that you are

interested in, or a post is deemed to be a suitable alternative position for you, you will be considered for the post through a formal selection process.

Although I can assure you that all reasonable steps will be taken to secure you suitable alternative paid employment within the Trust, due to your determined 'at risk' status, I am required to give you formal written notice of termination of your contract due to redundancy. We will continue to consider you for alternative opportunities arising in the period up until the date when your termination of contract would take effect.

You must also be aware that if you are deemed to unreasonably refuse an offer of suitable alternative employment within the Trust, this may prejudice your entitlement to receive redundancy payments.

In the meantime, may I take this opportunity to thank you for your continued commitment to working for the Trust and wish you every success in gaining another position.

Yours sincerely

Line Manager

5) Letter offering consideration for Voluntary Redundancy

PRIVATE AND CONFIDENTIAL

Name

Home Address

Dear

IMPLEMENTATION OF

Further to my previous letter to you confirming the Trust's proposal to implement organisation change within the @ area of the service, I now wish to inform you of the next stage in the process.

A detailed review has been made of the staffing levels required within the revised structure in comparison with the current arrangements. It has been deemed 'unlikely' that as a Trust we will be able to reduce our workforce numbers to the required levels through means of assimilation, or via the identification of suitable alternative employment opportunities elsewhere within the Trust, for all those staff affected by these proposals.

As a result of this, it has been agreed that we should now seek volunteers for redundancy from those staff who are deemed to be affected by this period of organisational change.

As you are affected, I should like to invite you to express your interest in obtaining a voluntary redundancy estimate; once you have received these figures you may then formally register your wish to be considered as a volunteer.

Please note and be assured that :

- Making an application for a redundancy estimate **does not automatically mean you are putting yourself forward as a volunteer for redundancy.**
- All applications for voluntary redundancy will be considered carefully and it is important to note that not all applications will be granted.
- Decisions on who is selected for voluntary redundancy will be a balanced judgement, taking into account all of the following factors:
 - The number of volunteers
 - The particular skills they possess
 - Their roles within the area affected
 - The total cost to the Trust of releasing particular individuals and the likely future needs of the service
- If you formally register your wish to be considered for voluntary redundancy and you are/are not successful in your application, you will be informed of the Trust's decision in writing.

- You can withdraw a formal application at any time during the process until a final decision to release you has been confirmed in writing by the Trust and you have been issued notice.

According to the provisions stated within the letter I ask that you confirm in writing by no later than @ as to whether you do / do not wish to receive a redundancy estimate.

Any request received after this date will not be considered. Extensions to this timeframe will only be considered on an individual and exceptional basis.

May I ask that should you wish to consider applying for voluntary redundancy you also seek advice from an Independent Financial Advisor. Also, if you contribute to a pension scheme, that you contact your provider directly, to talk through your own personal circumstances, in order to gain all necessary facts in relation to this option and clarity on how it will affect you personally, so that you can make an informed decision.

If you have any other queries in relation to this matter can I ask that you please raise these with me at the earliest opportunity

Yours sincerely

Line Manager

I do / do not wish to receive a voluntary redundancy estimate (please delete as appropriate).

I understand that by making a request for a personal redundancy estimate it **does not automatically mean that I am putting myself forward as a volunteer for redundancy.**

Signed.....

Name in full.....

Position.....

Team / Place of Work.....

E-mail address.....

Date.....

This form should be returned to @, at @ by no later than @.

On receipt you will receive a confirmatory e-mail.

Any request received after the closing date will not be considered

6) Letter Acknowledging Voluntary Redundancy Request

Private and Confidential

Name

Home address

Dear,

VOLUNTARY REDUNDANCY ESTIMATE

Further to my previous letter to you confirming the Trust's proposal to implement organisation change within the @ area of the service and your subsequent written request to receive a voluntary redundancy estimate, I now enclose your redundancy figures which I ask you to read carefully.

Such figures are based on your age, length of service (full-time equivalent) and salary. If you believe there are any errors contained within your estimate I ask that you bring these to the attention of @ as a matter of urgency.

Please be advised that any amendment to your redundancy figures can only be made should the necessary documentation be obtainable to confirm that an error has been made

The Trust is still willing to consider volunteers for redundancy and as such I ask that you now confirm formally in writing, by (date) whether you wish to be considered for voluntary redundancy.

Please remain assured that you can withdraw a formal application at any time during the process until a final decision to release you has been confirmed in writing by the Trust and you have been issued notice.

Yours sincerely
Line Manager

I do / do not wish to volunteer for redundancy (please delete as appropriate).

I understand that by making a request to be a volunteer for redundancy I retain the right to withdraw my application at any time during the process until a final decision to release me has been confirmed in writing by the Trust.

Signed..... Name in full.....

Position.....

Place of Work.....

Date.....

7) Letter Confirming Outcome of Application for Voluntary Redundancy

PRIVATE AND CONFIDENTIAL

Name

Home Address

Dear

REQUEST FOR VOLUNTARY REDUNDANCY

Further to my previous letters to you confirming the Trust's proposal to implement organisation change within the @ area of the service and your subsequent written request to be considered for a voluntary redundancy package.

I can confirm that all applications have now been carefully considered and I can advise you that you **have / have not** (*delete as appropriate*) been selected for voluntary redundancy.

You should be advised that in legal terms this redundancy agreement, albeit on a voluntary basis, is a dismissal from your employment with the Trust and accordingly I must now serve you your contractual period of notice, i.e. @ weeks. As such your last day of service with the Trust will be @.

During the period of your notice you will continue to accrue annual leave entitlement however you must ensure that this is all taken by your last day of service with the Trust as no outstanding balance of leave will be paid.

I confirm that your redundancy payment will be £@ and paid to you as a lump sum within your final month's salary payment.

I must advise you that there may be a liability to pay back this amount if you obtain employment within the NHS during your notice period or 28 days following departure from the Trust. (Check current AFC regulations for each redundancy)

If you contribute to the NHS pension scheme and have any queries in relation to your pension arrangements please liaise directly with our Pensions Advisor, Mike Doble on 01823-343620.

I trust this provides you with sufficient information regarding the process and your entitlements, but please feel free to contact me for any further information you require.

May I take this opportunity to thank you for the service you have provided to the Trust and to wish you every success for the future.

OR

I appreciate that this decision may be of a disappointment to you, however I should like to take this opportunity to thank you, on behalf of the Trust Board, for your application and may I wish you continuing success in your current role within the Trust.

Yours sincerely

Line Manager

c.c Pensions Advisor

8) Confirmation of Assimilation

PRIVATE AND CONFIDENTIAL

Name
Home Address

Dear

CONFIRMATION OF ASSIMILATION

Following our meeting on @ where @ was also present, I confirm that as a result of the re-provision of services in @, you will be assimilated into «Job_Title», Band @ within the @ team/Ward, working «Hours» hours per week, effective from @.

Your Line Manager will be @.

As the position you have been assimilated into carries the same contractual terms and working arrangements as your former position, your terms and conditions remain the same.

Or

As the position you have been assimilated into carries the same contractual terms but different working arrangements to your former position, you will/may be subject to Pay Protection, these being;

@

As such, you will receive protection of earnings for a period of @ months based on enhancements worked over the previous @ months. Further details regarding protection can be found in the Protection Policy document which is available on the Intranet, as Appendix E of the Trust's Organisational Change Policy, or if you have any queries regarding this please do not hesitate to contact me to discuss.

I have part-completed a changes form which I enclose and ask you to sign and return to me for authorisation. I will then forward this to the Payroll Department which will confirm this amendment to your contract of employment. I also enclose a second copy of this letter which I would be grateful if you would sign and return as your acceptance of your assimilation, by no later than @.

As discussed we will be arranging a comprehensive training and induction programme over the coming weeks/months, together with team briefings, where you will be updated on how the new working arrangements are progressing.

We trust you will settle into your new role, however I am available if you wish to discuss any queries you have, either relating to your assimilation or to your new role.

In the meantime, may I take this opportunity to thank you for your continued support and commitment to the Trust.

Yours sincerely

I accept the amendment to my contract of employment as stated above

Signed.....

Name in full.....

Date.....

9) Offer of Suitable Alternative Employment / Trial Period

PRIVATE AND CONFIDENTIAL

Name
Home Address

Dear

OFFER OF SUITABLE ALTERNATIVE EMPLOYMENT AND TRIAL PERIOD

Following your attendance at the selection process for the post of @, at @, I am pleased to confirm that you are to be offered this post on the following terms;

STANDARD OFFER LETTER TEMPLATE

As this role has new intrinsic requirements that demand a specific level of health/fitness, which differ from your former post within the Trust, medical clearance will be required prior to your commencement. Please complete..... and return to @ by @.

OR

This new role has been determined as having the same intrinsic requirements in terms of health/fitness, as your former post, as such I am pleased to confirm that your commencement date in this post will be @.

Please be advised that during the 'at risk' process it was identified that you do not currently have a valid Criminal records Bureau (CRB) disclosure on your personal file, as such this offer of employment will remain subject to satisfactory clearance from the CRB as determined in Section 8 of the Trust's CRB Disclosures Policy. Please note however that this clearance will not impact on your commencement date.

or – only if new position is in CAMHS

Please be advised that during the 'at risk' process it was identified that you do not currently have a valid Criminal Records Bureau (CRB) disclosure on your personal file, as such this offer of employment will remain subject to satisfactory clearance from the CRB as determined in Section 8 of the Trust's CRB Disclosures Policy and you will be unable to commence in your new post until such clearance has been received. During this period the Trust will commit to find you alternative duties.....

If you accept this position you will be entitled to a 4 week trial period within the new post. The criteria for success of the trial period will be made between yourself and @ and confirmed in writing.

If it is agreed by @ that you have successfully completed your trial period, you will be deemed to have been offered suitable alternative employment by the Trust, be no longer 'at risk', and therefore have no entitlement to a redundancy payment.

If during the trial period either yourself, or @, demonstrates that this new post is not suitable, either party must provide substantial reasons for this, in writing, to the Director of Human Resources and Workforce Development, by no later than @ calendar days after the 4 week trial period ends.

Please be advised that should you fail to accept this new job or leave during the trial period without providing acceptable reason for the new post being unsuitable, you may prejudice your entitlement to redundancy pay.

I have part-completed a changes form which I enclose and ask you to sign and return to @ for authorisation. The form will then be authorised and forwarded to the Payroll Department which will confirm this amendment to your previous contract of employment. I also enclose a second copy of this letter which I would be grateful if you would sign and return as your acceptance of this offer of employment, by no later than @.

I trust you will settle into your new role, however I am available if you wish to discuss any issues relating to this offer of suitable alternative employment.

In the meantime, may I take this opportunity to thank you for your continued support and commitment to working for the Trust.

Yours sincerely

From: «First_Name» «Surname»

I accept the position of @ - see offer letter, on the terms stated.

Signed..... Date

10) End of 'At Risk' Process / Dismissal

PRIVATE AND CONFIDENTIAL

Name

Home Address

Dear

Further to our recent meeting regarding the changes to @ and my previous letter dated @, confirming your at risk status, I confirm that the post of @ is redundant and whilst all paid vacancies within the Trust have been carefully considered, no post has been identified which would offer you a suitable alternative to redundancy.

Accordingly, I must give you notice of your dismissal from the Trust due to redundancy, effective from @. Under the terms of your contract of employment you are entitled to receive 4-12 weeks notice (*amend subject to individual contract terms*). The @ will be your last working day and last day of service with the Trust.

Under the NHS Regulations for Payment of Redundancy, you are entitled to one months salary for each completed year of continuous NHS Service from your start date with the NHS up to a maximum of 24 months salary.

Your continuous service date with the NHS is @.

Your continuous service therefore = @ whole years (***delete as appropriate*** nb. your maximum entitlement under the scheme however is 24 months)

Monthly salary = £

@ x £ = £ (of which the first £30,000 is tax free ...check)

During the period of your notice you will continue to accrue annual leave entitlement however you must ensure that where possible this is all taken by your last day of service with the Trust. Where this is not feasible you will receive payment for any outstanding leave.

OR

Your annual leave accrued, to be paid in lieu = @ hours = £

Total amount = £

Your entitlement of @ weeks contractual notice and accrued annual leave are both subject to normal statutory deductions.

The above payment will be paid to you with your final month's salary and this will be made to you on

I must advise you that there may be a liability to pay back this amount if you obtain employment within the NHS during your notice period or 28 days following departure from the Trust. (Check current AFC regulations for each redundancy)

Please complete the attached Employee Leaver Form and return to me by @ and you will receive your redundancy payment on @.

If you contribute to the NHS pension scheme and have any queries in relation to your pension arrangements please liaise directly with our Pensions Advisor, Mike Doble on 01823-343620.

Please be advised that as you have been given notice of dismissal because of redundancy, you will be entitled to reasonable time off, with pay, to look for other jobs, or attend training/courses to help secure future employment. It is essential that any time off you wish to take must be agreed prior to absencing yourself from the workplace,

Should you wish to appeal against the Trusts decision to make you redundant, you must do so, in writing, to the Director of Human Resources and Workforce Development, within 10 working days of receipt of this letter, stating the grounds for your appeal.

I trust this provides you with sufficient information regarding the process and your entitlements, but please feel free to contact me for any further information you require.

Finally, I just wanted to take this opportunity to thank you for your commitment to the Trust. It is obviously with great regret that as a result of this change process we have been unable to identify a suitable opportunity to enable you to be retained within our employment and I would like to wish you every success for the future.

Yours sincerely

Enc. Employee Leaver Form