

# ORGANISATIONAL CHANGE POLICY

## Policy

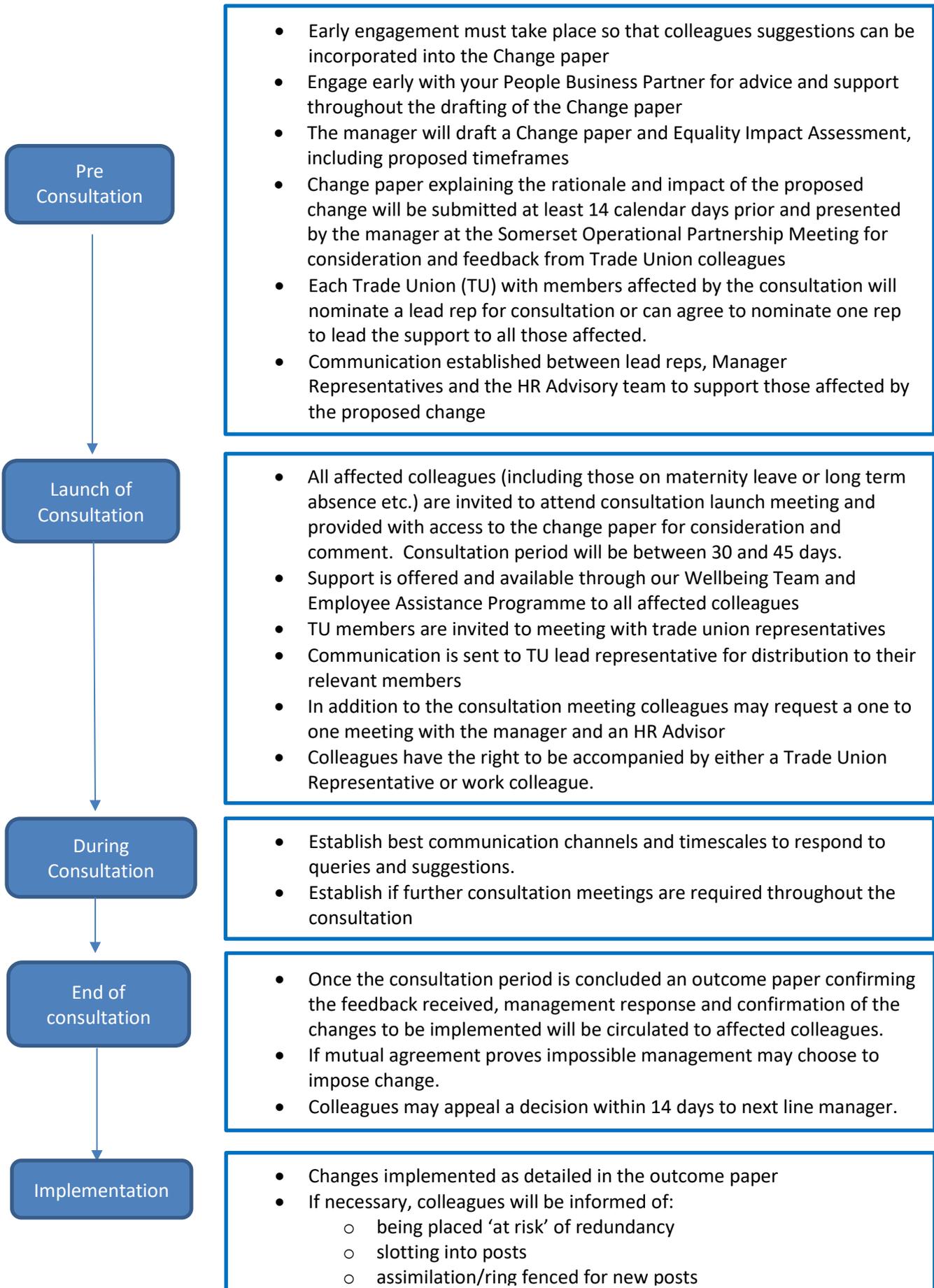
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## CONTENTS

<b>1.0</b>	<b>FLOW DIAGRAM</b>	<b>3</b>
<b>2.0</b>	<b>INTRODUCTION</b>	<b>4</b>
<b>3.0</b>	<b>DEFINITIONS</b>	<b>5</b>
<b>4.0</b>	<b>ROLES and RESPONSIBILITIES</b>	<b>5</b>
<b>5.0</b>	<b>PROCESS DESCRIPTION</b>	<b>6</b>
<b>6.0</b>	<b>TRAINING</b>	<b>8</b>
<b>7.0</b>	<b>MONITORING</b>	<b>9</b>
<b>8.0</b>	<b>REFERENCES</b>	<b>9</b>
<b>9.0</b>	<b>DOCUMENT CONTROL</b>	<b>9</b>

## 1.0 FLOW DIAGRAM

### Formal Consultation Process Flowchart



## 2.0 INTRODUCTION

- 2.1 This policy has been produced and agreed in partnership between management and Trade Union representatives of both Taunton and Somerset NHS Foundation Trust and Somerset Partnership NHS Foundation Trust to ensure all colleagues are treated fairly.
- 2.2 The Trusts believe that fairness and transparency are promoted by developing clear and transparent policies and procedures and ensuring all colleagues regardless of role understand their content.
- 2.3 The Trusts recognise that communicating early and working in partnership with Trade Union colleagues will ensure an open and transparent consultation throughout the change process, which is paramount for the successful and smooth implementation of any organisational change.
- 2.4 The Trusts are committed to avoiding compulsory redundancies wherever possible and will work in partnership with Trade Unions to minimise this.
- 2.5 The Trusts recognise that some sections of society experience prejudice and discrimination. The Equality Act of 2010 recognises protected characteristics and gives consideration to socio-economic factors including pregnancy/maternity and marriage/civil partnership.
- 2.6 The Trusts are committed to equality of opportunity and inclusive practices in both the provision of services and our role as an employer. All people have the right to be treated with dignity and respect and the Trusts are committed to the elimination of unfair and unlawful discriminatory practices.
- 2.7 This policy establishes a framework for the effective implementation of any organisational change and reflects current legislation and good management practice.  
  
Early engagement must take place so that colleagues' suggestions can be incorporated into the Change paper.  
  
Any organisation change which has the potential to change the terms and conditions of employment of any/all colleagues and its potential impact, including wellbeing, will be included in each Change paper after taking advice from the People Business Partners.
- 2.8 Examples of organisational change include:
  - change of work location
  - changing workplace practice; duties, responsibilities
  - restructuring of teams
  - re-organisation of merging services
  - changing working hours
  - reducing/losing workload resulting in colleagues being placed 'at risk' of redundancy
- 2.9 This policy will apply to any successor organisation of the two Trusts and may be reviewed at the request of management or trade union. It will remain in force until its

renewal. The Trust may also vary this procedure, including time limits, as appropriate, to support any case.

### 3.0 DEFINITIONS

- 3.1 **Mutual consent:** Agreement between a colleague affected by the change and their line manager for the changes to be made within a reduced period of time. This agreement should only be made following HR and trade union advice.
- 3.2 **Informal Consultation:** A process whereby either the proposed changes are minor or a mutual consent agreement has been reached and the changes are implemented outside statutory timescales. This agreement should only be made following HR and trade union advice.
- 3.3 **Formal Consultation:** A period of time giving those affected by the change an opportunity to provide feedback to a formally written document.
- 3.4 **Minor Change:** Where the proposed change does not affect Terms and Conditions or involve a re-organisation of posts resulting in the potential for redundancies. Where minor change has been identified; informal consultation with colleagues should be held. This means management communication with colleagues would be followed through team meetings, one to one meetings or specific meeting to discuss the changes. An example might be a change of line management arrangements.
- 3.5 **Major Change:** Any change that may impact on colleagues in respect of terms and conditions of employment or where the changes are likely to result in a reduction in workforce. HR and trade union must be involved at the earliest opportunity to ensure best practice and policies are correctly followed. An example might be a change of contractual work location.
- 3.6 **'At Risk' Status:** Colleagues who are displaced or unsuccessful in securing a substantive post as a result of organisational change following consultation.
- 3.7 **Redeployment:** Transfer of a colleague to a different service or reasonable suitable alternative post within the NHS in Somerset.
- 3.8 **Slotting in/Assimilation:** A process where colleagues are placed into roles within a new structure that matches their skills, and prevents the colleague being placed at risk. Slotting in/assimilation will be applied where it is established that over approximately 70% of duties, knowledge and skills of the new post are the same as the previous post.
- 3.9 **Ring Fence:** Where posts are identified and held for current post holders for slotting in/assimilation to a number of available posts.

### 4.0 ROLES and RESPONSIBILITIES

- 4.1 **Trust Board** has overall responsibility for:
- approval of redundancy payments
- 4.2 **Colleagues** are responsible for:

- being aware of the policies and procedure relating to their employment.
- engaging with the process.
- providing feedback on how systems, processes and roles within their own areas can be improved.

#### 4.3 **Managers** are responsible for:

- ensuring that colleagues are aware of this policy and the procedures.
- making operational decisions in relation to change management projects and realignment of their services.
- seeking advice from the People Business Partners at the earliest opportunity prior to writing the Change paper.
- ensuring that all affected colleagues are kept informed and are equally and fully consulted in considering, determining and making changes to their roles and terms and conditions.
- ensuring that, in the event of a redundancy, all the leavers' paperwork has been completed and payroll informed.

#### 4.4 **Affected Colleagues** are responsible for:

- proactively engaging in any consultation process, including suggesting alternative ways in which the change could be implemented.
- feeding back on how the changes may affect them and / or could be improved
- implementing changes that are finalised after a formal consultation period

#### 4.5 **People Business Partner** is responsible for:

- Supporting the creation of a Change paper.

#### 4.6 **The HR Advisor Team** is responsible for:

- advising managers and colleagues on managing change in line with this policy
- advising on legal requirements and best practice.
- supporting and coaching managers in managing change effectively, including meaningful consultation with affected colleagues.

#### 4.7 **Trade Unions** are responsible for:

- acting as a representative/advocate to their members
- providing their members with advice and support
- representing members at informal and formal stages of the process
- ensuring that this policy is applied fairly and consistently on an individual and organisational level.

## 5.0 **PROCESS DESCRIPTION**

### 5.1 **MAKING THE CHANGE**

In all cases, early engagement should take place so that colleagues' and relevant parties suggestions can be incorporated into any potential Change paper.

If all affected colleagues are in agreement (mutual consent) with the proposals and accept the reason for change, then the organisational change can take effect as quickly as practicably possible.

Where affected colleagues are not in agreement with the proposals or redundancies may result, the time period for formal consultation will be, as a minimum, 30 days, or, if the proposals could result in 100 or more redundancies, 45 days. Where there is mutual consent, consultation periods may be reduced or waived.

## 5.2 **SUPPORT**

Change can be a difficult and challenging time for our colleagues so we endeavour to support them throughout the change process. Support is available through our Wellbeing Team and Employee Assistance Programme, which is a free and confidential help line accessible for all colleagues 24/7. Contact details are available on the intranet or through line managers.

Colleagues have the right to be accompanied by a colleague or Trade Union Representation at any meeting and can apply for advice and support from their Trade Unions.

Further support and information can be found on the ACAS advisory booklet, How to Manage Change available on the ACAS website.

## 5.3 **FORMAL PROCESS**

Change papers will be drafted by the manager and advice sought from the relevant People Business Partner. Cases must include an Equality Impact Assessment. Change papers explaining the rationale and impact of the proposed change will be submitted at least 14 calendar days (unless waived by mutual consent) and presented by the manager at the Somerset Operational Partnership Meeting for consideration.

Colleagues will be invited to a consultation meeting where the manager will present the proposal to those affected and copies of the Change paper will be distributed at the meeting. The manager must take all reasonable steps to consult with any colleagues who are absent for example due to annual leave, maternity leave, sick leave, secondment or employment breaks.

In addition to the consultation meeting colleagues may request a one to one meeting during the consultation period with the manager and an HR Advisor. Colleagues have the right to be accompanied by either a Trade Union Representative or work colleague.

Once the consultation period is concluded an outcome paper confirming the feedback received, management response and confirmation of the changes to be implemented will be circulated to affected colleagues. Following this outcome paper colleagues will be informed of being placed 'at risk' of redundancy.

When organisational change leads to development of new posts and/or a reduction in previous posts, colleagues who occupy a post in the current structure may be eligible to be assimilated and slotted into a post within the new structure.

Slotting in will be applied where it is established that approximately 70% of duties, knowledge, experience and skills of the new post are the same as the previous post i.e. it is reasonable to conclude the posts are substantially the same and an individual meets the essential criteria for the post.

Where current post holders may be eligible for assimilation to a number of new posts or need to compete for posts within a ring fence, they will be formally invited to indicate their role preferences. This can be through expressions of interest or one to ones.

Where there are fewer individuals than posts available staff will be assimilated to posts based on competencies and preferences where possible.

In the event that potential slotting in applies to more than one colleague and there are more individuals eligible than posts available, a competitive selection process will apply, ring fenced to those who are eligible.

Managers should be aware that colleagues on maternity, adoption or shared parental leave have enhanced rights in relation to their consideration to suitable alternative jobs during organisational change. Please speak to your HR Advisor for clarification.

Where an individual is acting up or on secondment, slotting and any ring fencing will be based upon their substantive role. Where displaced colleagues are to be moved to a new or changed posts this will be done in accordance with the Redeployment & Pay Protection Policy and associated procedures relating to pay protection.

Voluntary redundancies will be considered as a means to avoid compulsory redundancies. Applications for voluntary redundancy will be considered and decided on the needs of the service, and wider team and the Trusts are under no obligation to accept an application. The manager should seek advice from the HR Advisor Team as part of this process.

Compulsory redundancies may be unavoidable after consideration has been given to voluntary redundancies and redeployment. Selection criteria for redundancy must be objective and form part of the consultation process. Once approval has been obtained to dismiss a colleague by reason of redundancy, the colleague will be invited to attend a meeting to be formally issued with their notice. The colleague has the right to be accompanied by a Trade Union representative or colleague and will be given at least 7 calendar days' notice of the meeting.

At the meeting the colleague will be informed of the dates of their notice period, their last date of employment and information regarding their redundancy entitlement. The outcome of the meeting will be followed up in writing giving information about how to appeal the decision should the colleague wish to do so.

#### **5.4 Appeal process**

If colleagues feel they have been treated unfairly during the organisational change process, they may appeal the decision in writing to the next in line manager within 14 calendar days of written confirmation of the decision. The appeal will be heard in accordance with the appeal stage of the Resolutions' Procedure.

## **6.0 TRAINING/COMPETENCE REQUIREMENTS**

6.1 No specific training is required in the implementation of this policy although HR advice is available through the HR Advisors. 1:1 coaching will be provided by the HR Advisors' Team to any manager where organisational change is being considered.

## 7.0 MONITORING

Element of policy for monitoring	Section	Monitoring method - Information source (eg audit)/ Measure / performance standard	Item Lead	Monitoring frequency / reporting frequency and route	Arrangements for responding to shortcomings and tracking delivery of planned actions
<i>Formal Process</i>	5.3	Case tracker reports	HR Advisory	Monthly to Director of People and OD for Somerset Operational Partnership Forums for scrutiny	HR Advisors to address with lead managers
<i>Staff Affected by Change</i>	5.3	Report	HR Advisory	Quarterly to Director of People and OD for Board Reports for Board review	HR Advisors to address with lead managers

## 8.0 REFERENCES

### Equality Act 2010

To be read in conjunction with the:

Agenda for Change Terms and Conditions

Redeployment and Pay Protection Policy

## 9.0 DOCUMENT CONTROL

<b>Document Author</b>	Elaine Edwards, HR Specialist		
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<b>This Version</b>	1	<b>Status</b>	Final
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<b>Applies to</b>	All colleagues within TST and Somerset Partnership	<b>Exclusions</b>	None