HR Policy No. HR38

Management of Organisational Change

Additionally refer to:  HR11 Protection of Pay
                         HR13 Travel Expenses
                         HR60 Agenda for Change Job Evaluation

Sponsor:    Head of HR in conjunction with Director of Compliance and Risk Management

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1. INTRODUCTION

1.1 Service change and continuing organisational development are integral and ever-present features of working life in the Trust as we improve both the services we provide to our stakeholders and the quality of working life for our staff.

1.2 The purpose of this policy is to set out a framework and principles for the management of organisational change within the Trust which reflect current legislation and good management practice. The aim is to provide a positive and transparent approach that will facilitate the timely and successful implementation of change to enable services to be provided in the most effective and efficient way.

1.3 The policy addresses:

- the management of change
- consultation with staff and their representatives
- suitable alternative employment
- protection of pay
- redundancy

1.4 Confidentiality

It is recognised that tensions may arise between the need for openness in consultations with staff representatives and the need for confidentiality (e.g. of commercial and service consequences). The way forward in such discussions will be based on both sides recognising the sensitivity of such information and keeping such information in confidence.

1.5 Staff Representation

1.5.1 Trade Union/Professional Organisation (TUPO) representatives will be involved in the consultation process for all management of change proposals covered by this policy. In addition, staff have the right to be accompanied by an accredited staff representative or by a colleague employed by the Trust at any formal meeting under this policy. The purpose of these discussions will be to provide information, guidance and support, review the individual’s personal situation, obtain their ideas, preferences, concerns and needs in relation to the change and to provide information. The line Manager (or, where appropriate, the designated HR Advisor) is responsible for keeping all staff informed as to their personal situation throughout the change management process.

1.5.2 Staff have the right to be accompanied by an accredited staff representative or by a colleague employed by the Trust at any formal meeting where amendments to their terms and conditions of employment are to be discussed.

1.5.3 It is the responsibility of the individual concerned to arrange such representation and at least seven calendar days’ notice of meetings will be given to allow time for this. Meetings will not be re-arranged more than once because of failure to identify a representative or because of the unsuitability of the proposed dates and re-scheduled meetings will be held normally no more than fourteen calendar days after the original date. In accordance with the Trust’s Recognition Agreement, reasonable time off will be granted to enable trade union representatives to provide representation to their member. Where difficulties in arranging meetings persist, the matter should be referred by the representative to the Director of Human Resources.
2. SCOPE

2.1 This policy applies to all staff employed by the Trust, excluding Trust Board Directors. It does not apply to agency staff, external secondees temporarily working with the Trust or other individuals who are not directly employed by the Trust.

2.2 In implementing this policy, Managers must ensure that all staff are treated fairly and within the provisions and spirit of the Trust’s Equality & Diversity Policy (HR01). Special attention should be paid to ensuring the policy is understood when using it for staff new to the NHS or Trust, by staff whose literacy or use of English is weak or for persons with little experience of working life.

2.3 Not every change which takes place in procedures, systems or practices, whether on a ward or in an office or department, will involve a formal plan being developed or necessitate formal consultation with staff and their TUPO representatives.

2.4 This policy does not cover changes such as:

- the implementation of changes to national terms and conditions
- changes initiated by an individual
- matters that should be handled by personal consultation to vary an individual’s terms and conditions
- the normal and ongoing changes initiated by management to the allocation of duties within a team or variation to an individual’s terms and conditions e.g. following changes in the team membership, service needs, to meet training plans etc.
- changes to accommodation within a single hospital site, such as within the RSH site.
- change of the reporting line for a service or part of a service or an individual that does not otherwise affect roles and responsibilities within that service
- changes covered by TUPE or a Transfer Order (see section 3).

2.5 Organisational change that will have an impact on a group of staff must be initiated and effected on a consultative and planned basis through TNCC. Such changes include:

- alterations to working arrangements
- changes in the services to be provided by the Trust
- changes in skill mix
- change in hours of work or shift patterns for a group of staff
- change that may result in redundancy.

This list is not intended to be exhaustive.

It is expected that all changes affecting groups of staff will be consulted on through TNCC.

2.6 If there is any doubt as to whether or not this policy is applicable to a proposed change, the manager should seek advice from the HR Advisory team at the earliest opportunity. Individuals should seek advice from a TUPO representative or a member of the HR Advisory team.
3. CHANGE OF SERVICE PROVIDER

3.1 From time to time changes will be made as to which organisation provides a service. In some cases these will be changes made as a result of decisions by government or service commissioners and in others it will be the Trust’s decision. The associated Transfer of Undertakings (Protection of Employment) Regulations (commonly referred to as “TUPE”) and resulting case law is complex and the applicability of TUPE has to be determined on the circumstances of each case. Accordingly, Managers MUST refer all such potential transfers, whether into or out of the Trust or between external providers, to HR for guidance as early as possible and before any action is taken.

3.2 This policy does not apply to situations in which staff are to transfer to a new employer under TUPE or a Transfer Order.

3.3 Whilst this policy does not apply to staff transferring to an alternative employer under TUPE or a Transfer Order, they will have the right to be formally consulted with regarding the changes and will be entitled to be accompanied by an accredited staff representative or by a colleague employed by the Trust at any formal meeting with management relating to such a change.

4. ROLES AND RESPONSIBILITIES

4.1 Managers are responsible for:
- liaising at an early stage on the proposal within the area/department directly affected.
- liaising on the proposal with colleagues in other service areas who may be affected directly or indirectly by the change being considered.
- agreeing the proposal in principle with their line Centre Chief/Head of Service before entering into change management with their staff.
- planning the change process in conjunction with their HR Advisory team.
- presenting the proposal to staff representatives at TNCC or LNC.
- ensuring that all individuals directly affected by changes are given a copy of the change paper.
- consulting with employees and staff representatives.
- allowing sufficient time for consultation, training and implementation.
- involving staff at the earliest opportunity in the planning processes needed to deliver the change.
- identifying and managing staff training needs resulting from the change.
- implementing the change in accordance with the principles of equal treatment being afforded to each individual affected by the change.
- keeping all staff directly affected by the change informed as to their personal situation throughout the change management process (including those on secondment within or outside the Trust and those who are absent from the workplace, e.g. on long term sickness, maternity leave, career breaks etc).
- ensuring that individuals are advised of their right to be accompanied by a TUPE representative or a colleague employed by the Trust in formal meetings. This should be supported by appropriate release to prepare for and attend the meetings.
4.2 The **Human Resources** team is responsible for:
- advising managers on the application of this policy to the proposed change
- supporting managers in planning for the change and the development of consultation papers
- coordinating the formal consultation process where a major change affects the job security or the terms and conditions of a group of staff covering more than one department
- coordinating any support to staff displaced by change or under notice of redundancy
- providing all necessary redundancy notifications to the relevant government department and other statutory bodies.

4.3 **Staff representatives** are responsible for:
- ensuring that, wherever possible, they attend scheduled meetings at which changes are to be discussed
- (where appropriate) reminding managers to consult through the formal processes set out in this policy or referring the matter to the HR Advisory team.

4.4 **Employees** are responsible for:
- participating in the management of change process
- making all reasonable efforts to attend any formal meetings arranged in accordance with this policy
- raising with their line manager and/or staff representative, at the appropriate time, any issues associated with the change in line with this policy.

5. **PLANNING FOR CHANGE**

5.1 When an organisational change covered by this policy is being planned, the Manager will liaise with their HR Advisory team and, where appropriate, develop a proposal that summarises the key elements of the change required. Where a change to organisational structure, skill mix or other major change is being planned, the proposal should be approved in principle by the line Centre Chief/Head of Service before it is presented to staff or their representatives.

5.2 At this early stage, the line Manager should liaise with HR on the staff involvement and formal consultation plans. HR will advise and support the Manager in the development of the formal change management proposals to be presented to staff and their representatives.

5.3 A communications and implementation plan should be developed covering:
- the key milestones and timetable for the change process
- the briefing and involvement of the staff directly affected
- the briefing of and consultation with TUPO representatives
- notification of the changes to other service areas and staff affected by the change
- arrangements for the required training of staff
- review of the effectiveness of the new arrangements once implemented.
6. **STAFF INVOLVEMENT AND CONSULTATION**

6.1 A programme of transparent and regular communication with staff and their representatives is a feature of a successful change management project.

6.2 The change management proposal will be the platform for the formal consultation and communication process with staff and their representatives. The ideal is an agreed change programme but, even where full agreement cannot be reached, an open dialogue will ensure all parties have a full understanding of the decisions taken.

6.3 Consultation will, as a matter of principle, provide a real opportunity to influence decisions and their application. Effective consultation is also the opportunity to:-

- create shared agendas - binding together partial, differing and opposed views and feelings
- create a common objective - ensuring common goals are developed and understood
- create a climate of creativity - generating ideas and creative solutions through direct involvement and participation
- create the capacity for change - ensuring that appropriate systems, processes and resources are in place
- ensure that people are able to handle change competently and confidently.

6.4 The purpose of the consultation will be to discuss:

- what the actual change will be
- who will be affected by it
- the process for implementing the change
- the appointment process for roles in the new structure, including any ring-fencing of jobs and slotting in of individuals to posts.

6.5 The formal and recognised forums for joint consultation are the TNCC or the LNC (for matters solely affecting medical and dental staff). Management will consult directly with staff and their representatives on any and all changes covered by this policy. Formal consultation will start with a discussion on the proposal with staff representatives, normally at a TNCC or LNC meeting, except where a “Consultation Group” has been established through Human Resources with the TNCC/LNC Staff Side Chair (see below).

**Consultation Groups**

6.6 To facilitate a change a "Consultation Group" may be set up under the auspices of the TNCC (or LNC), comprising the Manager(s) initiating the change, a Human Resources Advisor and representatives nominated by the Staff Side Chair.

6.7 Such Consultation Groups should be established early in the planning process, in order that staff, through their representatives (as well as through direct involvement), can assess the management proposals and feed their ideas, improvements, concerns, perceived difficulties and needs into management thinking, so as to assist in the implementation process.
6.8 The Manager responsible for effecting the change will request Human Resources to liaise with the TNCC/LNC Staff Side Chair to:

- determine the TUPO representatives for a Consultation Group,
- ensure that any proposals are presented to TNCC, and
- ensure that any subsequent agreements or arrangements achieved through the Consultation Group(s) are duly ratified by the TNCC/LNC
- agree a communications strategy.

**Redundancy**

6.9 Where an organisational change may result in redundancies, the Trust will undertake a formal consultation through TNCC in accordance with the statutory requirements for disclosure of information and notification to representatives. The following paragraphs summarise these requirements.

6.10 Examples of measures the Trust will consider to limit the number of redundancies required include:

- redeployment;
- restricting recruitment;
- natural wastage;
- reducing overtime working;
- limiting the use of temporary staff including bank, agency and locum staff;
- changing working patterns;
- voluntary reductions in contracted hours;
- voluntary retirement.

6.11 The consultation will begin in good time, will be with a view to reaching agreement with the representatives and will include ways of:

- avoiding dismissals,
- reducing the number of staff to be dismissed and
- mitigating the consequences of the dismissals.

6.12 The date on which this formal redundancy consultation is deemed to have started is the date on which formal written notification is given to the TNCC representatives.

6.13 The information to be provided in writing to the appropriate representative(s) will include in all cases:

- the reasons for the proposed changes,
- the numbers and descriptions of the staff that are at risk of redundancy,
- the numbers and descriptions of the total number of such staff employed by the Trust at the site affected by the change,
- the proposed method of selection for redundancy,
- the method of carrying out dismissals and their timings, and
- the proposed method of calculating any redundancy payments to be made.
6.14 The statutory requirement is that:

- where there are between 20 and 99 proposed redundancies at one establishment within a period of 90 days or less there is a minimum consultation period of 30 days, or
- where there are 100 or more proposed redundancies at one establishment within a period of 90 days or less there is a minimum consultation period of 90 days

before the first of the dismissals takes effect.

There is also a requirement that the relevant government department be informed and that this notification is also confirmed in writing to TNCC representatives at the start of the consultation period.

6.15 The Trust may invite applications for voluntary redundancy as an alternative to making compulsory redundancies. In such cases, it will be for the Trust to decide which requests can be approved. However, it is unlikely that the Trust will agree to applications where the individual has skills that are still required by the Trust. The reasons for not accepting a request for voluntary redundancy will be notified in writing to the individual concerned.

6.16 Where applications for voluntary redundancy are invited, and where requested to do so by the individuals concerned, the Manager/HR Advisor will provide an estimate of redundancy payments to staff who wish to consider voluntary redundancy. The request for such information does not imply a decision to apply for voluntary redundancy on the part of the individual and any estimate will be given “without prejudice”.

7. IMPLEMENTATION OF CHANGES WHICH WILL NOT RESULT IN REDEPLOYMENT, CHANGE OF JOB BAND OR REDUNDANCY

Where the proposed organisational changes will not result in redeployment, change of job band or redundancy, for example a change to shift patterns, the responsible manager should follow the steps set out below:

- The manager will prepare for the changes in accordance with Section 5.
- The manager will then discuss the need for change and outline the proposals informally with the workforce to obtain views and ideas. (This does NOT form part of the consultation process.)
- The manager will then produce and present a formal change paper outlining the proposals and implications to staff and TNCC representatives (LNC if medical staff only), explaining the background for the change, clarifying any issues raised and setting out the consultation and implementation timetable.
- Individuals will be entitled to 1:1 meetings with the manager.
- During the consultation period, employees and their representatives will consider the proposals and provide feedback/alternative proposals, which the manager will consider, holding further meetings to discuss as required.
- The outcome of consultation, together with details of the implementation plan and timescales will be confirmed to TNCC meeting and to the staff affected by the change.
- The implementation plan will be effected as soon as possible thereafter.
8. IMPLEMENTATION OF CHANGES WHICH MAY RESULT IN REDEPLOYMENT, CHANGE OF JOB BAND OR REDUNDANCY

8.1 Process overview

In implementing change, the responsible manager should follow the steps set out below:

- The manager will prepare for the changes in accordance with Section 5, ensuring that the change has the support of the Centre Chief/Head of Service.
- The manager will then discuss the outline proposal with the Director of Human Resources.
- The Director of Human Resources will advise the manager as to whether it is appropriate to discuss the need for change and outline the proposals informally with members of the workforce to obtain views and ideas prior to the start of formal consultation.
- The manager will then produce and present a formal change paper outlining the proposals and implications to staff and TNCC representatives (LNC if medical staff only), explaining the background for the change, clarifying any issues raised and setting out the consultation timetable and the indicative implementation timetable; this should be developed with the support of the HR Advisory team.
- The Manager responsible for implementing the change will ensure that all individuals who are potentially directly affected by the proposed changes receive written details of the proposals.
- Individuals will be entitled to 1:1 meetings with the manager.
- During the consultation period, employees and their representatives will consider the proposals and provide feedback/alternative proposals, which the manager will consider, holding further meetings to discuss as required.
- The outcome of consultation, together with details of the implementation plan and timescales will be confirmed to TNCC meeting and to the staff affected by the change.
- The implementation plan will be effected as soon as possible thereafter.

8.2 Variations to Terms and Conditions of Employment

8.2.1 To ensure that the impact of change on individuals is minimised and that appropriate skills are retained in roles following implementation of the change, the Trust will assess to what extent individuals who are displaced match roles in the new structure.

8.2.2 Individuals will be “slotted in” to a changed role and issued with a letter confirming a variation to their employment contract where responsibilities of a post in the new structure are substantially unchanged from those in the previous structure and ALL the following principles apply:

- the banding of the post is the same, and
- the individual(s) meet(s) the principal essential criteria for the post as defined in the new person specification, and
- there are the same or a greater number (WTE) of such posts in the new structure as in the previous structure, and
- their personal circumstances and capability do not prevent them being able to fulfil the requirements of the role e.g. the working hours required in the new post.
8.2.3 Where the number (WTE) of posts in the new structure is less than in the old structure but for some reason (e.g. a vacancy in the old structure) there are the same number of individuals working the number of WTE hours that will be available in the new structure, those individuals may be “slotted in” to the new roles, provided that all other criteria set out above apply.

8.2.4 Assessment of posts against these criteria will normally be undertaken by a joint staff-side and management panel. The final decision rests with management.

8.2.5 Members of staff who are to be slotted in will attend a formal meeting to discuss the changes.

8.2.6 Staff who are dissatisfied with a decision taken by the joint assessment panel may lodge an appeal with the Director of Human Resources not later than 14 calendar days from date of the letter confirming the decision. Such appeals will be heard by a second assessment panel comprising a Director and a senior manager who has not been involved in the process at any stage. The decision of the appeal panel is final.

8.3 Displaced Staff

8.3.1 Any individual whose post is disestablished as a result of organisational change or where the number of staff required in the role is to reduce will be notified in writing that they are to be displaced from their existing role. The individual will become displaced at the point when the role is to change or is no longer required. This notification will be given following consultation once a decision to implement the change has been made. The HR team will be responsible for arranging the issue of letters to staff.

8.3.2 Individuals who are displaced from their existing role will be placed on the Redeployment Register so that suitable alternative employment can be sought at the earliest opportunity.

8.3.3 The Trust will seek to ensure that those staff who are displaced are retained in employment within the Trust or within the NHS and will give preferential consideration to such staff for vacancies within the Trust (see below). However, displaced staff will not be given preferential consideration for jobs at a higher band than their current status but may apply for such vacancies in competition with other applicants.

8.3.4 Displaced staff will normally be required to complete a form and/or provide a curriculum vitae within a specified timescale to the HR Department; this form will cover their skills profile and personal details, together with any special personal circumstances that the individual wishes to be taken into account. Staff who require assistance in completing the form should liaise with their Manager.

8.3.5 Where an individual is displaced, they will be expected to undertake work within their competence that is offered to them as an interim measure until a permanent resolution to the situation is found. The responsible line manager must ensure that:

- the individual is appropriately deployed so that their skills are maintained and
- they undertake regular reviews with the individual to keep them up-dated on the situation and resolve any issues that may arise.
8.4 Notice of Redundancy

8.4.1 Approval in principle must be obtained from the Director of Human Resources as soon as it is identified that redundancies may be necessary and, in all cases, before any notices of termination are issued.

8.4.2 Individuals who are displaced following the slotting in process will be issued notice of redundancy. Notice will be issued in writing by the HR Department. Being given notice of redundancy does not mean that an individual will ultimately be made redundant.

8.4.3 Other than in circumstances beyond the control of the Trust, consultation with staff and their representatives will take place in accordance with this policy before any notice of dismissal is issued.

8.4.4 Where it is necessary to select individuals for redundancy the pool of staff from which the selections will take place will be those staff who are displaced.

8.4.5 The precise criteria to be used to select individuals for redundancy will be based on the circumstances of the change required. Consultation will take place on the factors proposed to be used. Management will ensure that the criteria to be used are not unfairly discriminatory when applied to the particular group(s) of staff affected.

8.4.6 During the notice period the Trust will make all efforts to identify suitable alternative employment for all individuals under notice of redundancy.

8.4.7 As soon as they are issued notice, individuals must notify the Trust immediately of any other NHS employment they hold as special redundancy arrangements may apply (Managers MUST liaise with HR in all cases).

8.4.8 If subsequent developments in the planned change programme mean that an individual is no longer under notice of redundancy, then (s)he will be notified of this in writing and his/her name removed from the Redeployment Register. Otherwise individuals will remain on the register until they are redeployed to another role or until the date of termination of employment.

8.4.9 To assist staff who are under notice of redundancy the Trust will provide appropriate support in their search for alternative employment (reasonable paid time off work will be granted but the schedule has to be agreed with the line Manager):

8.5 Ring-fencing

8.5.1 Posts deemed to be potentially suitable alternative employment will be ring-fenced for individuals on the Redeployment Register.

8.5.2 Where an organisational change centres on a particular department or a particular group of staff, posts within that department or staff group may, in the first instance, be ring-fenced to those individuals employed there prior to the change.

8.5.3 The extent of the ring-fencing will be determined through the consultation process for each management of change.
8.6 Redeployment process for those under notice of redundancy

8.6.1 All vacancies (whether or not they arise from the planned management of change programme) will be reviewed by the Human Resources Department to assess whether they may be considered suitable alternative employment for individuals on the Redeployment Register before being advertised. Appropriate vacancies will be ring-fenced for the redeployment of staff on the Redeployment Register. Individuals will be notified by the HR Department when a potential redeployment opportunity for them is identified.

8.6.2 Staff who are under notice of redundancy are required to identify and apply for jobs within the Trust and the wider NHS that may constitute suitable alternative employment (see section 9). In addition, they are responsible for:

- confirming (in writing when requested to do so) their interest in any vacancy notified to them under this procedure, and
- notifying the Trust (in writing when requested to do so) of any post they see advertised for which they wish to be considered (including jobs in other NHS organisations), and
- informing the Trust of any other NHS employment as special redundancy arrangements may apply (Managers MUST liaise with HR in all cases).

This information is to be sent to the named Manager/HR Adviser within the specified timescale.

8.6.3 In all cases, candidates will be shortlisted for interview based on the requirements of the post. Any candidate who is not selected for a post will be offered feedback on the reasons for this from the appointing Manager. Where only one individual on the Redeployment Register meets the principal essential criteria for a ring-fenced post, (s)he will be appointed to the post. Where two or more staff are identified as meeting the person specification for a vacant post, a competitive selection process will determine who is to be appointed.

8.6.4 Staff under notice of redundancy may choose to apply for a post lower than their present band, provided that they possess the basic requirements for the post and there are no suitable posts at their own level.

It should be noted that protection of pay in such cases will only apply where the Trust considers that an employee has been redeployed to suitable alternative employment. This should be discussed with the individual prior to them making their decision.

8.6.5 If an individual does not regard a proposed post as potentially suitable alternative employment (s)he should notify their line Manager as soon as possible. A meeting will then be arranged between the individual, their line manager and an HR representative where the reasons will be clarified and the outcome will be confirmed in writing, together with the individual’s right of appeal. The individual will be entitled to be accompanied at this meeting by a Trade Union representative or work colleague if they wish.
9. **SUITABLE ALTERNATIVE EMPLOYMENT**

9.1 The Trust will consider with employees who are under notice of redundancy whether there are suitable alternative roles for them within the Trust. In deciding whether a post is suitable the Trust will consider whether it:

- offers the same terms and conditions as the existing contract or
- is suitable in relation to the individual, which will include such factors as:
  - provides similar earnings (taking into account pay protection - see Section 10),
  - has the same or similar status,
  - is within the employee’s specialism or capability, taking account of the need for reasonable training,
  - whether the post would result in loss of “special class” status under the terms of the NHS Pension Scheme,
  - reasonably fits with the individual’s personal circumstances (see below), although staff will be expected to be reasonably flexible.

This is not an exhaustive list.

9.2 In considering whether a post is suitable alternative employment, due regard will be given to the personal circumstances of the individual. For example, some shift patterns or changes to a different location may be considered unsuitable if they fail to take account of the individual's personal circumstances as they relate to travel arrangements, disability or carer’s responsibilities. Staff will, however, be expected to show some flexibility by adapting their domestic arrangements where possible. It is recognised that the working environment in the new role may be especially important for those employees who suffer a health complaint or disability.

9.3 Where the employee has the basic skills, knowledge, educational attainment or experience required for a particular vacancy as defined by the person specification or is considered by management to have the potential to acquire those factors within a reasonable timescale and cost, appropriate further training should be provided. This will be discussed with the individual concerned and the training and support to be provided to them to aid re-skilling will be made clear, especially where they are expected to undertake a role for which they have had little or no previous experience.

9.4 Where staff either do not express interest in a vacancy or where no appointment is made as a result of the selection process, the Trust reserves the right to make a formal offer of suitable alternative employment to an individual who is under notice of redundancy.

9.5 All offers of alternative employment will be confirmed in writing setting out:

- the post,
- the work location,
- the terms and conditions of the post, including any pay protection,
- the trial period that will apply,
- the date from which the new position is effective.

9.6 Staff who are redeployed to another work location, whether on trial or into a substantive role, will be eligible for additional travel costs for a limited period under Trust policy HR13 Travel Expenses.

9.7 If the individual does not regard a proposed post as suitable alternative employment, they have the right to appeal in accordance with this policy below.
Trial Periods for staff under notice of redundancy (see Section 8)

9.8 Where an individual under notice of redundancy is offered redeployment into a new post with different responsibilities, (s)he will have a right to a four week trial period to allow both the individual and the Trust to decide if the work provides a suitable alternative. The offer letter should spell out the period of the trial and the employee’s terms and conditions in the new job. The letter will also spell out the consequence if the trial does not work.

9.9 Where a significant training requirement is identified, the four week period may be extended by mutual agreement; all such extensions must be confirmed in writing and will not adversely affect the individual’s entitlement to redundancy pay.

9.10 Where an individual’s notice period is due to end during the trial period (i.e. where their employment is due to be terminated), the notice period will be extended to the end of the trial period.

9.11 During the trial period there should be a minimum of two review meetings (usually at the end of weeks one and three but these can be requested at any time by either party) between the employee and the line manager to assess how things are going. Where trial periods are longer than four weeks more reviews will be needed. The outcomes of the review meetings will be confirmed in writing with both parties retaining a copy of that letter. Any variation to the trial period must be documented.

9.12 At the end of the trial period, one of the following will normally apply:

- the individual will be confirmed in the post (the written confirmation must be made before the individual’s notice of dismissal expires) or
- further suitable employment will be sought (where the trial ends before the end of the individual’s notice period) or
- the employee will be dismissed on the grounds of redundancy.

The line manager, supported where appropriate by the nominated HR Advisor, will meet with the individual and will confirm in writing the outcome at the end of the trial period, placing a copy of this letter in to the individual’s personal file.

9.13 Once an individual has been confirmed into a post they will be regarded as having been placed permanently into the new role and are therefore no longer under notice of redundancy. The terms and conditions applicable to the new post will be confirmed to them in writing and they will be removed from the Redeployment Register and not be considered for other posts.

9.14 If the employee is dismissed during the trial period for a reason unconnected with the fact that (s)he was on trial for a new job, the employee will NOT be entitled to a redundancy payment.

10. REDUNDANCY TERMS

10.1 All individuals whose employment is to be terminated on the grounds of redundancy will be notified of this in writing and are entitled to their contractual period of notice.
10.2 Staff who are to be/have been given notice of redundancy (whether voluntary or compulsory) will normally meet with their Manager/HR Advisor, who will confirm the redundancy notice and inform the individual of any entitlement to a redundancy payment, which at this stage will be the estimated redundancy payment. The employee will also be advised of the conditions that apply to any redundancy payment. The Trust cannot give NHS Pension forecasts but the individual may request this information from the Pensions Officer.

10.3 An individual's entitlement to a redundancy payment will be calculated in accordance with, and will be subject to, the national conditions of service.

10.4 The actual redundancy payment will be calculated by the Trust at the time of termination and notified to the individual in writing. Any payment due will be made following termination of employment. Anyone who feels that their payment is incorrect must write to the Director of Human Resources within 21 calendar days of the date of payment.

10.5 Staff under formal notice of termination are required to apply for suitable posts with other NHS employers. Staff who unreasonably refuse to apply for or accept suitable alternative employment within the Trust or with another NHS employer will normally forfeit their right to redundancy pay.

10.6 In accordance with national conditions of service, any individual who, at the date of the termination of the contract has obtained without a break, or with a break not exceeding four weeks, suitable alternative employment with the same or another NHS employer, will forfeit their right to a redundancy payment or will be required to repay it if already in receipt.

10.7 Staff will normally be expected to work their notice period although the line Trust Board Director or the Director of Human Resources may use their discretion to allow ‘redundancy leave’. During ‘redundancy leave’ staff remain employees of the Trust but, at the Trust's discretion, are not required to be available for duty.

10.8 In exceptional cases an individual under notice may request, in writing, to waive their entitlement to notice and leave on a mutually agreed earlier date with redundancy pay calculated up to the revised date of termination. All such requests should be referred to the HR Advisor.

10.9 Reference should be made to Human Resources if an individual gives counter notice during a trial period as this may affect the individual’s entitlement to redundancy pay.

Facilities for Staff under Notice of Redundancy

10.10 Where appropriate, career transition counselling will be provided, including job search, writing applications, developing a curriculum vitae and interview preparation.

10.11 All staff under notice of redundancy are entitled to reasonable paid time off work during the period of notice to look for other employment (e.g. to attend interviews with potential employers) or to undertake training for future employment. Staff wishing to take time off for this purpose must obtain the prior permission of their Manager. Requests for time off will not be unreasonably refused but staff may be required to show prior evidence of appointments or interviews.
11. PROTECTION OF PAY

11.1 As an element of good change management practice, the Trust provides for the safeguarding of the pay of those individuals whose terms and conditions are adversely affected by organisational change. Full details are set out in policy HR11 Protection of Pay (Trust Reorganisations).

11.2 There is no automatic right to protection of pay under this policy as an alternative to redundancy. Protection will only apply where it is considered by the Trust that an employee has been redeployed to a suitable alternative post.

12. TRAINING

12.1 All displaced staff and those under notice of redundancy will continue to have access to training opportunities and are encouraged to take up opportunities that are appropriate. Individuals should refer to their Manager, the HR Advisor, the Development and Training team or to their professional development lead.

12.2 It is recognised that some staff may move from one area of speciality to another and will, therefore, be moving into areas of work not fully covered by their training or recent experience. In these circumstances, appropriate preparatory training, induction and on-the-job supervised development on the basis of an agreed personal development plan will be provided.

12.3 It is not envisaged that staff will be required to undertake extensive re-training for new professional or occupational qualifications/registration. However, staff who wish to pursue such opportunities should raise this with their Manager/HR Advisor.

13. APPEALS PROCEDURE

13.1 Staff will have the right of appeal in accordance with this procedure if:

- they feel that they have been unfairly selected for redundancy, or
- they feel that they have not been properly considered for a post within the Trust where they have been in competition with another employee, or
- they have been offered a post deemed by management as suitable alternative employment, which they do not consider to be suitable.

Any individual wishing to lodge an appeal must do so in writing to their line Trust Board Director not later than 14 calendar days of the act complained of.

13.2 Wherever possible, appeals will be heard within 14 calendar days of the appeal being lodged. The appeal will be heard by the line Trust Board Director or nominee, who will be advised by a member of the HR Department. No panel member will have previously been involved in the decision complained of.

Where the appeal is made by an individual in pay band 8 or 9 or by a doctor or dentist the Appeals Panel will include at least one Trust Board Director.

The employee will be notified in writing of their right to be accompanied at the hearing by their accredited staff representative or by a colleague from within the Trust.

13.3 The decision of the Trust’s Appeals Panel is final.
14. MONITORING AND REVIEW

14.1 The impact of change management plans under this policy and any consequent decisions will be monitored by the HR Department and by the recognised staff organisations to ensure its application is consistent with the Trust’s commitments to diversity and equality of opportunity in employment.

14.2 The policy will also be reviewed periodically to reflect the changing needs of the Trust and its staff.