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The Shrewsbury and  
Telford Hospital  
NHS Trust

# **Management of Organisational Change**

## **(SECTION ONE)**

**DOC ID: (W24)**

**and**

# **Redundancy Policy**

## **(SECTION TWO)**

**Doc ID: (W39)**

# MAIN CONTENTS PAGE

## SECTION ONE – Management of Organisational Change Policy

1	Management of Change Policy on a Page	6
2	Policy Statement	7
3	Scope	7
4	Definitions	8
5	Principles	10
6	Roles and Responsibilities	11
7	Scoping/Planning for Change	12
8	Employee Engagement and Consultation	14
9	Collective Consultation	15
10	Individual Consultation	15
11	Implementing the Organisational change	16
12	Redeployment	17
13	Trial periods	17
14	Protection of Pay	18
15	Support for Employees	18
16	Raising a Grievance/Right of Appeal	18
17	Training Needs	19
18	Monitoring and Review	19
19	Equality Impact Assessment	19
20	Process for Monitoring Compliance	19
21	References	20
	Appendix A: Organisational Change Flow Chart: Key steps	21
	Appendix B: Management of Change Paper Part A	23
	Appendix B: Management of Change Paper Part B	25
	Equality Impact Assessment Part C	27

## SECTION TWO – Redundancy Policy

1	Redundancy Policy on a Page	28
2	Policy Statement	32
3	Scope	32
4	Definitions	32
5	Roles and Responsibilities	33
6	Fixed Term Contracts	34
7	Alternative Options	35
8	Redundancy Consultation	35
9	Rights to Representation	36
10	Selection for Redundancy	36
11	At Risk of Redundancy	36
12	Suitable Alternative Employment	36
13	Notice of Redundancy	37
14	Redundancy Payment	37
15	Support for Staff	38
16	Right of Appeal	38
17	Training	39
18	Policy Review	39
19	Equality Impact Assessment	39
20	Process for monitoring compliance	39
21	References	39

## SECTION ONE

# Management of Organisational Change Policy

**DOC ID: (W24)**

**Additionally refer to:**

- Flexible Working Policy (W23)**
- Grievance Policy (W8)**
- Guidelines for Managing Alternative Employment**
- Job Evaluation policy (W60)**
- Reimbursement of Travel, Accommodation & Subsistence Expenses (W20.3)**
- Relocation Assistance Policy (W44)**
- Protection of Pay Policy (W25)**
- Recognition Agreement Policy (W6)**
- Reimbursement of Travel, Accommodation & Subsistence (W20.3)**

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5.0	June 2025	Diana Martin	Final	Provided greater detail on definitions and on the procedural part of the policy and developed a new flow chart.

## Contents Page

### Section One – Management of Organisational Change Policy

1	Management of Change Policy on a Page	6
2	Policy Statement	7
3	Scope	7
4	Definitions	8
5	Principles	10
6	Roles and Responsibilities	11
7	Scoping/Planning for Change	12
8	Employee Engagement and Consultation	14
9	Collective Consultation	15
10	Individual Consultation	15
11	Implementing the Organisational change	16
12	Redeployment	17
13	Trial periods	17
14	Protection of Pay	18
15	Support for Employees	18
16	Raising a Grievance/Right of Appeal	18
17	Training Needs	19
18	Monitoring and Review	19
19	Equality Impact Assessment	19
20	Process for Monitoring Compliance	19
21	References	20
	Appendix A: Organisational Change Flow Chart: Key steps	21
	Appendix B: Management of Change Paper Part A	23
	Appendix B: Management of Change Paper Part B	25
	Equality Impact Assessment Part C	27

## 1. Management of Change Policy on a Page

The purpose of this policy is to set out the Trust's approach to the management of organisational change and the procedures that should be followed. Minimising the risk of redundancy is the Trust's primary focus and only as a last resort should redundancy be considered.

The Trust is committed to meaningful consultation with Trade Unions or Professional Organisations (TUPO) representatives and employees affected by organisational change.

The timing and extent of consultation will be proportionate to the proposed changes, the number of employees affected and the impact on individuals in line with employment law and ACAS guidance.

Refer to Appendix A Flow Chart to follow the key steps and in summary include:

- 1.1 **Minor or Major change:** The Manager who is leading the proposed Organisational change must first assess a range of workforce, financial and service implications and consider whether the change falls within the remit of this Management of Organisational Change Policy (see section 1.4 for guidance). The Manager will also have discussed the proposals with their Departmental/Directorate management team to gain endorsement. At this stage the manager must seek advice and have confidential discussions with both their HR lead and TUPO representatives in order to decide how to take the change forward. A decision is reached with **all** parties as to whether this is a minor or major change. Manager completes Management Of Change (MOC) paper (Appendix B – part A and part B).
- 1.2 **Initial discussions with Employees:** Once it is agreed whether this is a major or minor change the manager leading the organisational change discusses with all affected employees (includes TUPO representatives) sharing both parts of the MOC paper to gain their initial views in line with section 3 or 4 as relevant.
- 1.3 **Minor Changes:** Once the MOC paper has been discussed, feedback received, and all employees are in agreement to the proposed changes, the MOC Paper is sent to Joint Negotiating and Consultative Committee (JNCC) and/or Joint Local Negotiation Committee (JLNC). Once approved, the final MOC paper that was presented at JNCC/JLNC is then shared with all affected employees and the changes are subsequently implemented.  
**Implementation** takes place in accordance with the timelines set out in the MOC/feedback paper.  
**Review:** After 3 months the Manager (and management team) review Organisational change in line with the time period set out in part A of the MOC paper. Manager to attend JNCC/JLNC to give an update and to close the MOC process.  
  
**Note:** If in the event that following the initial discussion with employees there is no agreement or one employee doesn't agree to the change, this then becomes a major change, and that process must be followed as per section 1.4.
- 1.4 **Major Change:** Once the MOC paper has been initially discussed with all affected employees and feedback received, the MOC paper is amended in accordance with the feedback. The amended MOC paper is sent to JNCC/JLNC for consultation. Once presented at JNCC/JLNC, the actual MOC paper is then shared with affected employees. The manager follows steps outlined in Section 9, formally consulting with all affected employees. The manager (and management team responsible for the change) will prepare a formal feedback paper including next steps which will be sent to all affected employees with the outcome from their 1:1 enclosing the feedback paper.  
**Implementation** takes place in accordance with the timelines set out in the MOC/feedback paper.  
**Review:** After 3 months the Manager (and management team) review Organisational change in line with the time period set out in part B of the MOC paper. Manager to attend JNCC/JLNC to give an update and to close the MOC process.

## **2. Policy Statement**

- 2.1 The purpose of this policy is to provide a framework to enable organisational change to be managed in a systematic and fair manner, minimising the risk of redundancy, and balancing the needs of employees and the Trust.
- 2.2 The Trust recognises that the best way to handle change is through co-operation and partnership with employees and their Trade Union/Professional Organisation representatives establishing a culture of mutual trust and confidence to avoid any job losses.
- 2.3 Managers who are leading Organisational Change need to follow the key steps set out in the relevant sections in this policy which are outlined in a flow chart in Appendix A and summarised in section 1 - policy on a page.
- 2.4 The Trust is committed to meaningful and early consultation with all employees and Trade Union/Professional Organisation representatives about organisational changes.

At the end of consultation, the MOC paper will be amended accordingly with the feedback received and shared at the next JNCC with a copy sent to all affected employees together with a covering letter confirming the outcome of the management of change process including the start date of the change and before implementation begins.

- 2.5 Where services provided by the Trust are to be transferred to external organisations in accordance with the Acquired Rights Directive and the Transfer of Undertakings Protection of Employment (TUPE) Regulations 2006, affected employees will have their rights protected in accordance with those regulations and any subsequent amendments.

## **3. Scope**

- 3.1 This policy applies to all employees employed by the Trust, including those employees on leave of absence e.g. maternity, adoption leave, long term sick. External secondees temporarily working with the Trust may be included, dependent upon the nature and duration of their secondment which may be impacted as a result of the change. Employees seconded out of the Trust will also be included in any consultation which may impact on their role and contract of employment. Also, employees who are temporarily redeployed from their substantive posts.
- 3.2 This policy does not apply to Trust Board Executive Directors, agency staff, bank workers, or individuals who are not directly employed by the Trust.
- 3.3 The changes proposed can also vary (as set out under definitions, section 4). These range from changes to the management structure, requiring different roles, different banding, requiring potentially fewer employees. Other change proposals can be solely about a change in the employee's work base which can mean a change in location.

This may impact on travel to work, and access to services from a change in location as well as the logistics of the infrastructure that supports employees at the new location. In short, managers leading Organisational Change need to ensure that this policy and procedure applies to a broad range of Organisational Changes as demonstrated by these examples.

- 3.4 The policy does not cover changes such as:
  - the implementation of changes to national terms and conditions.
  - allocation of duties within a team.
  - variation to a single individual's terms and conditions upon the individual's request/agreement.

*Note: Please discuss with the HR team or TUPO representative if there is any query with regards to section 3.4 to confirm understanding.*

#### 4. Definitions

<b>Organisational Change</b>	A management-initiated change in the way services are organised, structured, or delivered, which could have a significant or direct impact on the employment, working arrangements or working practices of employees.
<b>Collective Consultation</b>	This is the process by which managers will consult with both affected employees and TUPO/Professional Representatives on a proposed change.
<b>Meaningful Consultation</b>	A genuine and appropriate process of dialogue where individuals or groups are given a fair opportunity to express their views and concerns. The process must be fair, transparent and ensure that all relevant voices are heard. Views and concerns must be actively considered, finding a solution or seeking agreement before making a decision.
<b>Pilot or Trials</b>	Managers may propose service changes on a pilot or trial basis to support innovation and improvements. These should be no longer than 3 months and staff may be included on a voluntary basis. JNCC and the local representative must be informed in advance of any proposed pilot/trial. This <b>cannot</b> be used to bypass the MOC process.
<b>Employees At Risk</b>	Employees are defined as being 'at risk' of redundancy when: the proposed organisational change identified that their post is no longer required within the organisation and/or there is a reduction in the number of posts such that they might be unsuccessful in gaining a post following a competitive selection process. Employees who are 'at risk' of redundancy will be notified in accordance with the consultation process set out in this policy.
<b>Pay Protection (short term)</b> (Please refer also to the Trust's Pay Protection policy for further information).	Short-term protection applies where organisational change has resulted in a reduction in total earnings e.g. loss of unsocial hours enhancements, contractual overtime, and reduction of hours within the standard week. The duration of protection is 6 months.
<b>Pay Protection (long term)</b> (Please refer also to the Trust's Pay Protection policy for further information).	Long Term protection applies where, as a result of organisational change, an employee is moved from one post to another and is downgraded as a result of the move. Long-term protection will only apply to roles that are one band below the employee's original post. In addition to the protection of pay, when employees are re-located to a different location that incur additional travel expenses. The duration of protection is 2 years.
<b>Mark time</b>	An employee will remain on their current salary and will not receive any incremental or annual cost of living rise for the duration of the period of protection until such a time as the total level of pay in the new post exceeds the value of protected pay, or until such a time as the employee changes jobs voluntarily (whichever is sooner) at which point the new salary and terms and conditions will apply, or the period of protection ends.
<b>Minor Change</b>	This is where the change affects individual members of the team/department such as change of hours, location, change of working practices, increase to service provision which changes the way people are expected to work. There has to be agreement



	to the change by all affected employees. If there is one person that disagrees with the change then it becomes a major change and the formal process on consultation is then followed.
<b>Major Change</b>	This is where the change affects all or the majority of members within the team/department such as change of hours, location, change of working practices, increase to service provision which changes the way people are expected to work.
<b>Redeployment (Alternative Employment)</b>	<p>The process of supporting employees to find suitable alternative roles within the Trust when their own role is "at risk." The following factors should be taken into consideration when offering redeployment:</p> <ul style="list-style-type: none"> <li>• Pay: The alternative post should be at the same band as the old post. It may be agreed that a post which is one band below the old post will be deemed to be suitable (pay protection may apply).</li> <li>• Hours of work: Individual circumstances should be considered when considering suitable alternative employment.</li> <li>• Location: Whilst establishing the suitability of a post, consideration should be given to the degree of disruption likely to be caused by a change of location and any additional expense incurred. Any increase in travelling time should be considered in relation to the health and domestic circumstances of the employee.</li> <li>• Working environment: This may be especially important for those employees who suffer from a health complaint or physical disability.</li> </ul>
<b>Suitable Alternative Employment</b>	Work within the Trust that is on broadly similar terms and within the same range of skills required as their current employment. Where the individual meets the essential criteria of the person specification. This will usually be on the same band or one band lower than their substantive post. Suitable alternative posts must take into account professional registrations.
<b>Redundancy</b> (Please refer also to the Trust Redundancy Policy)	<p>Redundancy is defined by the Employment Rights Act 1996 as:</p> <p><i>"an employee who is dismissed for redundancy if the dismissal is attributable wholly or mainly to the fact that</i></p> <ul style="list-style-type: none"> <li>• <i>The employer has ceased or intends to cease (i) to carry on the business for the purposes of which the employee was employed by him/her, or (ii) to carry on the business in the place where the employee was employed.</i></li> </ul> <p><i>or</i></p> <ul style="list-style-type: none"> <li>• <i>The requirements of that business (i) for employees to carry out work of a particular kind, or (ii) for employees to carry out work of a particular kind in the place where the employee was employed by the employer have ceased or diminished or are expected to cease or diminish".</i></li> </ul>
<b>Slotting In</b>	Where the substantive duties of the post holder are wholly or mainly the same in the new structure as they were in the old, and where there is no change in grade to the post or no other employees in the same role are displaced, the employee should slot in automatically without competition and without detriment to their terms and conditions.
<b>Ring fencing</b>	The process by which employees at risk will be considered for a post in a new resource or management structure which is similar

	to their current post and where there are more people than there are posts.
<b>Competitive Interview process</b>	Where the posts in the revised structure or new service are like existing posts and/or where there are fewer available posts than the number of employees potentially 'at risk' of redundancy, the identifiable group will be ring fenced so that only the employees potentially 'at risk' are considered for the available posts.
<b>Redeployment Trial Period</b>	A period of 4 weeks when the employee undertakes the new role enabling both the manager and employee to assess the suitability of the post as suitable alternative employment. In exceptional circumstances this could be shorter or longer with appropriate agreement from both parties.
<b>TUPE</b>	Transfer of Undertaking (Protection of Employment) Regulations 2006.
<b>TUPO</b>	Trade Union/Professional Organisations representatives
<b>JNCC/JLNC</b>	Joint Negotiating Consultative Committee/Joint Local Negotiating Committee

## 5. Principles

### 5.1 The Trust seeks to ensure:

- That change is managed fairly and consistently.
- Employees who are potentially affected by proposed organisational changes will receive early notification of the proposals and their views will be sought informally. This step must happen before any formal process has started.
- This policy and procedure must be followed when any Organisational Changes are proposed, affecting employees and their terms and conditions. Business continuity and other extenuating factors are not reasons for not following this policy.
- Robust and meaningful methods for consultation, when engaging with employees and their representatives, observing legislative requirements are in place.
- Openness in consultation with TUPO representatives having regard to those situations when commercially sensitive information requires confidentiality.
- Employees will be treated with due regard to their personal and employment circumstances and their career aspirations.
- Employees will have the right to be accompanied by a TUPO representative or workplace colleague at 1:1 meetings to discuss organisational change. (Family members or partners who are also employed by the Trust are not able to accompany an individual unless they are required to assist with disability or any other extenuating circumstances). In cases where language difficulties may exist the services of an independent interpreter should be considered and arranged.
- Employees will receive reasonable training and development to meet new skill requirements and to identify new career opportunities if applicable. Paid time will be given to attend training and development activities if appropriate.
- The risk of redundancy within the Trust will be minimised by ensuring that all other options are considered before any employee is made redundant.
- Employees have the right of appeal against any actions taken by the Trust, where they consider they have been treated unfairly or unreasonably.

## **6. Roles and Responsibilities**

### **6.1 Trust Board**

Trust Board has responsibility to oversee and ensure that due process is followed according to the key steps and procedures detailed in this policy, and that redundancy should only be considered as the last resort.

### **6.2 Executive Directors / Departmental Directors / Heads of Service**

- Ensuring their service undertakes effective workforce planning, whilst considering financial implications. This will determine existing and future staffing needs and skill mix for their service, leading to efficient use of the workforce, minimising the risk of job losses, and providing greater job security.
- It is for the Departmental/Directorate Management Team to approve the need for any organisational change requirements.
- The appropriate level of consultation and employee engagement takes place in a timely manner and implementation is managed effectively and efficiently.

### **6.3 Chief People Officer**

- The Chief People Officer has the responsibility for ensuring this policy is implemented appropriately and in accordance with the Trust's Equality, Diversity, and Inclusion Policy.
- To ensure the People Advisory (HR) team provides advice, support, and guidance throughout the whole process and maintains the alternative employment register. In the event of redundancy, they will provide all necessary paperwork in a timely manner and notify relevant government departments and other statutory bodies as necessary.

### **6.4 Line Managers**

- Managers must adhere to this policy when leading Organisational change.
- Managers have responsibility for the development of effective workforce plans in accordance with service requirements, identifying the business case for change seeking endorsement from their Departmental/Directorate management team.  
The Manager who is leading the proposed Organisational change must discuss the proposals with their HR Business Partner. This is to ensure all other options have been considered before Organisational Change is necessary.
- The Manager must follow the steps set out in the flow chart in Appendix A. Managers must engage in meaningful consultation with their employees (including TUPO representatives) about the nature and impact of organisational change.
- Employees affected by the proposals for change are kept informed and provided with feedback throughout the process.
- Line managers must make sure that employees are supported during this period of change and can refer to Occupational Health or signpost to counselling or psychological services. See section 15.
- Implementing the proposed changes can only take place once the formal consultation process has been concluded and JNCC/JLNC have been informed of the amended MOC paper.
- Managers are advised to work in partnership with TUPO representatives to resolve issues relating to organisational change that may occur during the process.
- The Manager responsible for the change takes full responsibility for ensuring that all parties are communicated with effectively, and that any delays or problems are dealt with quickly.
- The manager leading the change must complete the Equality Impact Assessment (EqIA) Appendix C.

## 6.5 Trade Unions/Professional Organisations (TUPO)

- Trade Union and Professional Organisation representatives play a vital role in advising and representing their members undergoing organisational change, working with managers and Human Resources at the earliest stages and throughout the entire process.
- Trade Union and Professional Organisation representatives are encouraged to engage in meaningful consultation with Managers leading the Organisational change to ensure the views of their members are taken into proper consideration.
- Partnership working is key to ensuring Organisational Change is successful for all parties particularly in resolving any emerging issues about the rationale for change, the process and the relative impact on those employees who are impacted by the proposals.
- Managers wishing to contact Staff side directly can do so via the Intranet where the names and contact details of Staff side representatives are listed. [SaTH Intranet - Trade Union Links](#)

## 6.6 Employees

- Employees should adhere to this policy and procedure.
- All employees have responsibility for engaging in meaningful consultation about the nature and impact of organisational change.
- Showing flexibility and reasonable consideration of suitable alternative posts, where appropriate.

## 7. Scoping/Planning for Change

7.1 The Manager who is leading the proposed Organisational change must first discuss the proposals with their HR Business Partner. This is to ensure all other options have been considered before Organisational Change is necessary including:

- Employment control measures, e.g. reviewing acting up/secondment arrangements.
- Reviewing the use of bank and agency staff.
- Reviewing temporary/fixed term contracts (subject to the requirements of Fixed-Term Employees (Prevention of Less Favourable Treatment regulations 2002).
- Voluntary reduction in contracted hours of work.
- Use of flexible working, such as agile working, job sharing agreements and career breaks.

7.2 Once the scoping/planning has taken place, the Manager must follow the steps set out in the flowchart in Appendix A.

7.3 The Trust is committed to meaningful consultation with employees and TUPO representatives being carried out at the earliest opportunity.

7.4 **Minor or Major change:** The Manager who is leading the proposed Organisational change must first assess a range of workforce, financial and service implications and consider whether the change falls within the remit of this Management of Organisational Change Policy. The Manager will also have discussed the proposals with their Departmental/Directorate management team to gain endorsement. At this stage the manager must seek advice and have confidential discussions with both their HR lead and TUPO representatives in order to decide how to take the change forward. A decision is reached with **all** parties as to whether this is a minor or major change. If it is decided it is a minor change, when informal consultation takes place if 1 employee disagrees with the change it automatically becomes a major change. For further guidance please see Flowchart - Appendix A.

Manager completes MOC paper (Appendix B – part A and part B) and Appendix C Equality Impact Assessment.

- 7.5 **Initial discussions with Employees:** Manager has discussions with all affected employees (includes TUPO representatives) to share both parts of the MOC paper to gain their views.
- 7.6 **Minor Change:** MOC Paper is sent to JNCC/JLNC and once approved is then shared with all affected employees and consultation commences. Once consultation has taken place the MOC paper is amended capturing all feedback, this is then re-submitted at the next JNCC/JLNC. Once agreed the change can be implemented. 3 months after implementation Manager measures impact against success/performance measures and completes section in Appendix B part A and shared with JNCC/JLNC to close the process.
- 7.7 **Major Change:** Once the MOC paper has been initially discussed with all affected employees and feedback received, the MOC paper is amended in accordance with the feedback. The amended MOC paper is sent to JNCC/JLNC for consultation. Once presented at JNCC/JLNC, the actual MOC paper is then shared with affected employees. The manager follows steps outlined in Section 10, formally consulting with all affected employees. The manager (and management team responsible for the change) will prepare a formal feedback paper including next steps which will be sent to all affected employees with the outcome from their 1:1 enclosing the feedback paper.

**Implementation** takes place in accordance with the timelines set out in the MOC/feedback paper.

**Review:** After 3 months the Manager (and management team) review the Organisational change in line with the time period set out in part B of the MOC paper. The Manager then needs to attend JNCC/JLNC to give an outline review and to close the MOC process.

#### 7.8 **Pilot/Trials**

Managers may propose service changes on a pilot or trial basis to support innovation and improvement. However, pilots/trials **must not** be used to bypass the formal MOC process. JNCC and Staff side representatives must be informed in advance of any proposed pilot/trial. Pilots/trials should be time limited, normally not exceeding 3 months, unless a longer duration is formally agreed with staff side.

Staff participation must be voluntary, with no detriment to those who choose not to take part. Staff must be fully informed and able to withdraw at any time without consequence.

At the end of the pilot/trial:

- If **successful**, the change must go through the formal MOC process before permanent implementation.
- If **unsuccessful**, JNCC must be updated and previous working arrangement reinstated, unless otherwise agreed.

- 7.9 Organisational Change can and does cover a range of scenarios. Whilst the duration of consultation will vary depending upon the numbers of employees involved, in line with employment law, the same principles and stages of consultation as set out in this policy and procedure should be followed.
- 7.10 If it is identified that redundancies may be necessary, approval must be obtained from the Chief People Officer as soon as possible and always before any 'at risk' letters are issued. See section two of this policy.

#### 7.11 **Business Continuity**

Whilst business continuity plans may be operationalised, they should be a short-term solution (no longer than 12 weeks unless a longer duration is formally agreed with staff side)

representatives). If changes need to be made to working practices following an emergency and are required longer term than the MOC process must be followed. During the period of business continuity, employees should not be at financial detriment, in which case pay protection may be applied, if applicable seek support from HR advisory team.

## **8. Employee Engagement and Consultation**

- 8.1 The Trust is committed to meaningful consultation with employees and Trade Union/Professional Organisation representatives being carried out at the earliest opportunity (see section 7 above which need to be followed before formal consultation commences).
- 8.2 A Management of Change Paper (Appendix B parts A and B) will have already been completed and will form the basis of formal consultation with affected employees and TUPO representatives and will include:
- Details of the proposed change e.g. existing and proposed organisational structure charts.
  - Details of the new posts/bands.
  - Any changes to working patterns
  - Any changes to work locations.
  - Proposed timetable for implementing proposed changes.
  - An outline of the benefits/reasons for the change.
  - Whether applications for voluntary redundancy will be considered.
  - Selection criteria for redundancy (if applicable).
  - The timing and extent of consultation will be proportionate to the degree of proposed change, the number of employees affected and the impact on individuals.
  - Financial Implications comparing the proposed changes to the current budget allocation.
  - Newly evaluated job descriptions and person specifications if relevant to the Organisational Change should be made available, finalised and provided to affected employees prior to the end of the consultation period.
  - Training plans appropriate to the new roles if relevant, should also be included
- 8.3 The length of the consultation period may vary, when determining the appropriate length of the consultation period, managers must seek advice from the Human Resources advisory team.
- 8.4 During the consultation period all affected employees will be kept informed of the process and provided with the appropriate documentation including employees who are currently away from the workplace, i.e. those on long-term sick leave, maternity/paternity or adoption leave, career break or secondment and employees who are temporarily redeployed from their substantive posts. The management of change paper will explain the current position, the new proposal, and the projected timetable for changes to the service and staffing requirements.
- 8.5 Management will seek individual's views in relation to the proposals, future employment, redeployment, retraining and, where appropriate, early retirement and to give appropriate advice in respect of each of these areas. HR will provide specialist advice as required.
- 8.6 It is vital that communication is effective throughout this entire process. Change often causes anxiety, and poor communication can exacerbate this. It is important that the Manager responsible for implementing the change takes full responsibility for ensuring that all parties are effectively communicated throughout the process and that any delays or problems are dealt with quickly. Managers should also ensure employees affected by the proposed change have access to the range of support available by the Trust (see section 15).

## **9. Collective Consultation**

- 9.1 Collective Consultation will be required for a period of 30 days for major changes or 30 days or less (if agreement is reached sooner) for minor changes. Following consultation at JNCC the collective consultation period begins from the date of the first meeting with employees. If there is potential redundancy, please refer to the Redundancy policy for guidance on relevant timelines.

## **10. Individual Consultation**

- 10.1 Each individual employee affected by a proposed organisational change is entitled to a 1 – 1 consultation meeting and be fully consulted. It will be the responsibility of the manager leading the proposed change, with advice from the HR Advisory team, to facilitate this and the employee is entitled to be accompanied by a recognised Trade Union representative/professional organisation or workplace colleague from within the Trust.
- 10.2 Employees who have not been able to attend the consultation meeting(s) should also be offered 1 – 1 consultation meetings as well as being kept informed and up to date as soon as is reasonably practicable, for example those employees on maternity, paternity, adoption leave, long term sickness and career breaks. The manager who is leading the organisational change has the responsibility to ensure that this happens.
- 10.3 The individual meetings will include:
- An explanation of the change, general implications for employees and the Trust.
  - The proposed timetable and process for handling the proposed changes.
  - The individual employee's circumstances, e.g., work location, career development will be taken into consideration.
  - Where new posts are proposed as part of a management of change, job descriptions will be made available to all affected employees at the commencement of the consultation period. Any draft job descriptions should aim to be finalised, evaluated, and provided to affected employees prior to the end of the consultation period.
  - If the change affects more than one department, consistent information should be provided to all affected parties.
  - All individual consultation meetings will be documented and confirmed in writing and a copy of the notes of the meeting shared with the employee within 5 working days after the consultation meeting has taken place.
  - Areas of concern/dispute that the employee may have raised.
- 10.4 At the end of the consultation period all the information, comments, and feedback gathered during consultation will be collated and carefully considered by the manager and the management team responsible for the proposed change. A formal document will be prepared in response to the feedback received. The feedback document will be sent to all affected employees and TUPO Representatives along with a letter confirming the outcome of the management of change process. HR will update JNCC at their monthly meeting on the outcome of the Organisational Change in the summary report under the standing item "Organisational Change."

## 11. Implementing Organisational Change

The following arrangements provide guidance to Managers when implementing the Organisational Change:

11.1 **Ring fencing arrangements** will apply where the management of change proposal has identified one or more of the following situations:

- The establishment of new posts arising from a changed or new service where employees are identified as being at risk.
- The establishment of fewer posts arising from the changed or new service.
- The integration of existing departments or structures, including situations where a new organisational structure has resulted in changes to existing roles.
- Or a combination of any of the above.

11.2 The manager should discuss with HR first to identify the parameters of the various ring-fencing arrangements. Having done so, selection to the revised or new posts will take place using the following processes:

- Confirmation in Post
- Selection criteria for redundancy (if applicable)
- Competitive interview
- Expressions of interest
- Open competition.

11.3 **Confirmation in Post (Slotting-in):** Where the substantive duties of the post holder are wholly or mainly the same in the new structure as they were in the old (usually defined as 70% the same) and where there is no change in grade to the post and or no other employees in the same role are displaced, the employee will be confirmed in post automatically without competition and without detriment to their terms and conditions.

11.4 **Selection Criteria for Redundancy:** Where compulsory redundancies are anticipated, selection criteria for redundancy will be discussed as part of the consultation process with the recognised TUPO representatives. Selection criteria will comply with relevant employment legislation and will be based upon objective and non-discriminatory factors. See Redundancy Policy (Section 2, section 10).

11.5 **Competitive Interview Process:** Where there are fewer available posts than employees 'at risk' of redundancy. Suitable posts will be "ring fenced" so that only 'at risk' employees directly affected by the change are eligible to be considered for the posts. Ring fencing may apply to posts of different banding where the management of change is to deliver the service differently.

11.6 **Expression of Interest:** Where new posts are established within the revised structure or new service, those affected will be asked to identify which of the available posts they wish to be considered for. A selection process will then take place.

11.7 **Open competition:** Posts in the revised or new structure which are not filled through ring fencing arrangements will be recruited to by open competition, according to the Trust's normal recruitment and selection process.

11.8 **Follow up:** It is good practice for Managers who have led the management of change process that follow up meetings with TUPO representatives and with affected employees take place. This is to ensure that the implementation phase is effective, and issues of concern are identified and addressed. The Manager (and management team involved in the change) must review the Organisational change in line with the time period set out in Appendix B part B of the Management of Change (MOC) paper. The review should focus on the measures of success, information contained in Part B of the MOC paper and any additional success criteria that arose during the



consultation/1:1 phase (Ideally this should be no longer than 3 months but may be extended in exceptional circumstances). The Manager then needs to attend JNCC/JLNC to give an outline review and to close the MOC process.

## **12. Redeployment**

- 12.1 Employees identified as 'at risk' and under notice of dismissal by reason of redundancy will be supported to seek alternative employment for a period of 12 weeks, regardless of their contractual or statutory notice period. Affected employees need to complete the Alternative Employment Skills Form in order to be included on the Redeployment register. HR will be proactive in helping to identify suitable alternative roles and will work with managers to accommodate "at risk" employees before any external recruitment takes place.
- 12.2 Consideration will be given to relevant training required in support of seeking suitable alternative employment. This will be identified as part of individual meetings and will reflect the needs of the service as well as individual needs and preferences.
- 12.3 Potential suitable vacancies may arise during the redeployment period. For each potential vacancy the aim will be to reach agreement about whether a post represents suitable alternative employment. Employees who unreasonably refuse to apply for or accept an offer of suitable alternative employment will not be entitled to any redundancy payment. "Reasonableness" relates to whether employees, taking into account their personal circumstances, were being reasonable in refusing the offer.
- 12.4 For an employee to be matched to a post it must be a suitable alternative to an employee's substantive post. For a post to be considered as a suitable alternative, it should:
  - Provide similar earnings (pay protection may need to apply).
  - Provide similar working hours.
  - Have a similar status.
  - Be within the employee's capability.
  - Be within a suitable geographical location considering individual circumstances.
- 12.5 Once an employee has been placed into a suitable alternative post, they will undertake a work trial period, and the redeployment clock will pause. If the work trial is successful, then they will be confirmed in post. In the event that the work trial period is unsuccessful then the employee will be placed back on the redeployment register and the redeployment clock will recommence.

## **13. Work Trial Periods**

- 13.1 In accordance with employment legislation, a four-week trial period will be offered to any employee 'at risk' of redundancy who is offered a new job with different terms and conditions.
- 13.2 The purpose of the work trial period will be for the employee and line manager to assess the suitability of the post.
- 13.3 The details of the work trial period should be confirmed in writing. In certain circumstances an extension to the work trial period may be agreed, for example if further training is required. Any extension should be agreed and confirmed in writing.
- 13.4 If an employee considers that the new role is not suitable, the reasons for this must be identified in writing. Employees who unreasonably refuse to accept an offer of suitable alternative employment will not be entitled to any redundancy payment.

- 13.5 During the work trial period weekly reviews should be held between the employee and the new line manager to assess how the work trial is progressing. In addition, a final review of the work trial period at week 3 will be carried out by the new line manager, in conjunction with the employee and a decision will be made as to whether the new role job is suitable alternative employment.
- 13.6 The employee will retain all entitlements, including redundancy, under their old substantive contract until permanently redeployed into the new role.
- 13.7 For further information, please refer to the Guidance for Managing Alternative Employment.

#### **14. Pay Protection**

- 14.1 Protection of pay arrangements will apply to all eligible employees who, because of organisational change are required to move to a post at a lower basic salary or basic hourly rate of pay, or required to reduce their contracted working hours, change their working pattern, or other change which results in a loss of earnings. In addition to the protection of pay when employees are re-located to a different location that incur additional travel expenses. Protection arrangements are subject to meeting the conditions outlined in the Short Term and Long-Term protection and full details are set out in the Protection of Pay policy (W25).
- 14.2 Protection of pay will only be granted on appointment to a post one band below their permanent position if the post is deemed by the Trust to be suitable alternative employment and the employee concerned would otherwise be at risk of redundancy.
- 14.3 Employees who are redeployed to a suitable alternative post that involves a change in work location will be eligible for reimbursement of excess travel costs with effect from the date that the redeployment takes effect for the duration of time in line with the Trust pay protection policy (W25).
- 14.4 Protection of Pension: Please refer to the NHS Business Services Authority website, <https://www.nhsbsa.nhs.uk/nhs-pensions> for the most up to date information or refer to the Trust's Pensions department.

#### **15. Support for Employees**

- 15.1 Staff Psychological Service: The Staff Psychology Service is available to support any employee who is experiencing emotional distress in relation to a work-related issue. Employees wanting to access support can refer themselves by emailing: [sath.staffpsychology@nhs.net](mailto:sath.staffpsychology@nhs.net) or a manager can refer on their behalf. Information about the service is also available on the intranet: [SaTH Intranet - Staff Psychology Service](#)
- 15.2 Employees can also seek support from the Trust's employee assistance programme and Occupational health as necessary and seek support from People Advisory Team (HR).

#### **16. Raising a Grievance/Right of Appeal**

- 16.1 If during the MOC process employees feel that any of bullet points below have not been correctly applied they can consider raising grievance at stage 2 (refer to the grievance policy (W8)).
- 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.
- that proper consultation did not take place.
- that this policy was not followed in accordance with relevant legislation.

16.2 If after receiving an outcome letter the employee feels that any of the bullet points in 16.1 have not been adhered to, they can raise an appeal.

16.3 Any employee wishing to lodge an appeal must do so in writing to the next level of management no later than 14 calendar days (after the outcome letter is received) stating what they consider to be unfair or unreasonable. The manager receiving the appeal will appoint a panel in line with 16.4.

16.4 The Chair of the panel and panel members must be independent and have no prior involvement in the case. Wherever possible, appeals will be heard within 14 calendar days of the appeal being lodged.

16.5 Where the appeal is made by an employee in pay band 8c and above or by a doctor or dentist the Appeals Panel will include at least one Trust Board Executive Director.

16.6 The employee will have the right to be accompanied at the hearing by their accredited TUPO representative or by a workplace colleague.

16.7 The decision of the Appeal Panel is final and there is no further right of appeal.

## **17. Training needs**

17.1 All managers are expected to disseminate information in relation to this policy to their employees. Any employees involved in an organisational change will be directed towards this policy.

17.2 Managers should seek advice and guidance from HR in relation to briefing and training when involved in the application of this policy.

## **18. Monitoring and Review**

18.1 This document will be reviewed in 3 years of the approval date, or sooner if legislative change dictates otherwise. In order that this document remains current, any of the appendices to the policy can be amended and approved during the lifetime of the policy. Significant changes to the policy content or appendices will require approval by the ratifying committees.

## **19. Equality Impact Assessment (EqIA)**

19.1 The Trust is committed to the principles of equality of opportunity in employment for all. This policy will be applied equitably and fairly and aims to ensure that no employee receives less favourable treatment on the grounds of age, gender, ethnicity, religion or belief, disability, marriage, or civil partnership, maternity or pregnancy, sexual orientation, or gender reassignment.

## **20. Process for Monitoring Compliance**

20.1 As referred to earlier in the policy, Managers leading Organisational Change proposals are expected to complete Appendix B parts A and B and will need to consult with TUPO representatives whether the Organisational Change is a minor or major change prior to JNCC before commencing formal consultation.

20.2 Organisational change is a standard item on the JNCC/JLNC monthly meetings. In addition to the new Organisational Change proposals that require JNCC endorsement, summary reports on all live Organisational Changes are scrutinised at the monthly meeting. Management and Staff side have the opportunity to raise any points at JNCC regarding Organisational changes being proposed, in process or completed.

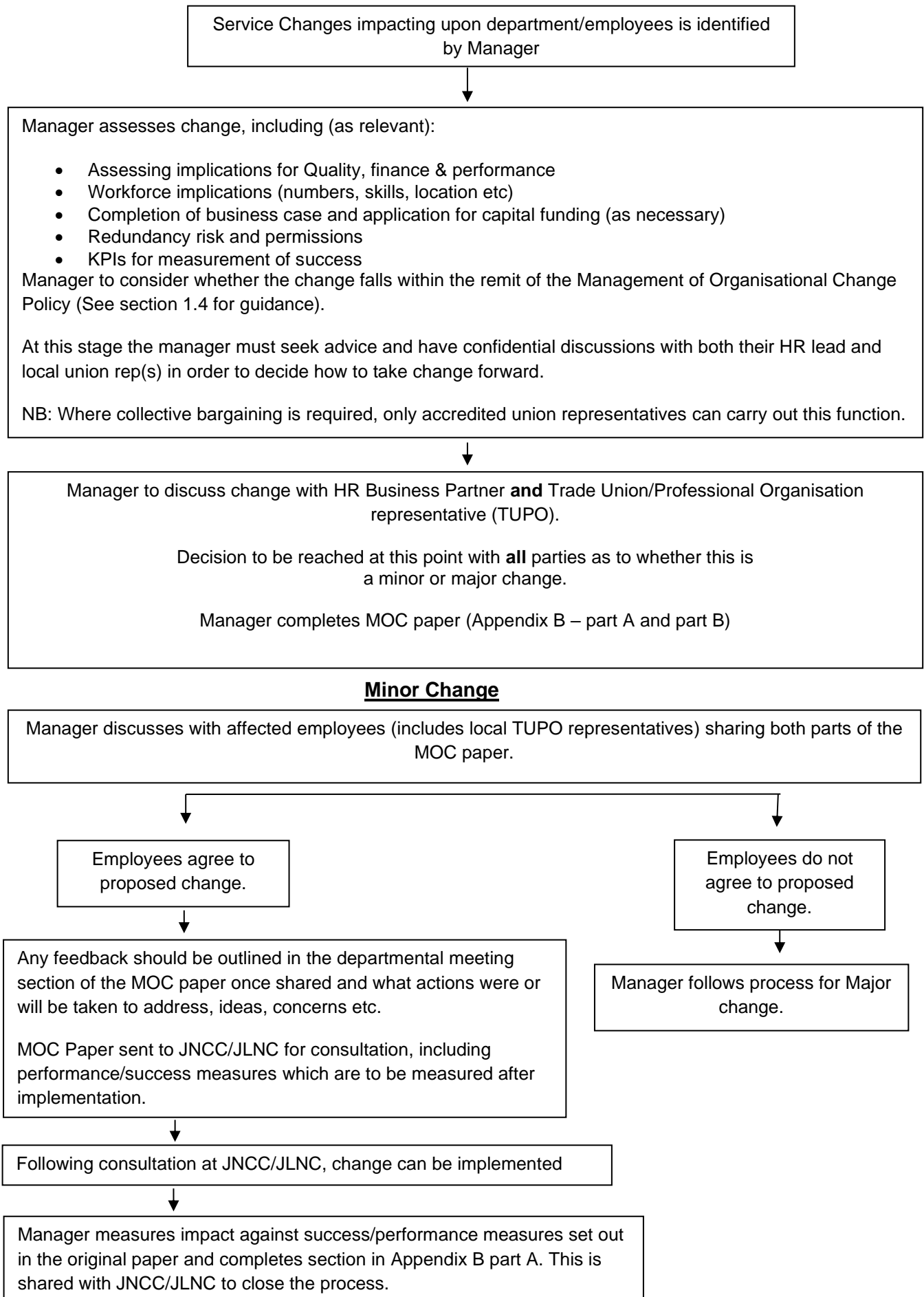
<b>Aspect of compliance or effectiveness being monitored</b>	<b>Monitoring method</b>	<b>Responsibility for monitoring</b>	<b>Frequency of monitoring</b>	<b>Group or Committee that will review the findings and monitor completion of any resulting action plan</b>
Organisational changes	Reports to JNCC	HR	Monthly	JNCC/Trust Board.

## 21. References

- Agenda for Change terms and conditions handbook.
- ACAS Code of practice.
- Care Quality Commission registration standards, this policy supports outcome standards 13.

## Organisational Change Flow chart: Key steps

## Appendix A



## **Major Change**

Manager discusses change with affected employees (includes local TUPO representatives) sharing part A & B of the MOC paper.



Any feedback/ideas/concerns should be outlined in the departmental meeting section of the proposal paper once shared and what actions will be taken to address, ideas, concerns etc. (This would include information on ideas considered and if not followed as to reasons why).

MOC paper sent to JNCC/JLNC for consultation, including performance/success measures to be measured after implementation.



Following consultation at JNCC/JLNC manager follows steps outlined in the policy within Section 9.

Following the completion of 1:1 with all employees affected by the change (including those on long term absence, maternity leave, career break etc) the manager (and management team responsible for the change) will prepare a formal feedback paper which captures all issues/concerns and ideas raised and how they will be actioned/taken forward or if not actioned/taken forward why.

The feedback paper should include next steps (ideally with timelines).

An individual letter should be sent to each employee affected with the outcome from their 1:1 enclosing the feedback paper.

TUPO reps involved should be sent a copy of the feedback paper.

Manager should update their HR Lead so that an update is given at JNCC/JLNC.



Implementation takes place in accordance with the timelines set out in the MOC/feedback paper.



Advice is available from HR, unions, professional associations and other expert sources throughout the process. Some issues may require speed in order to address an urgent patient care or business need.

Where matters are confidential, or commercial in confidence, those involved will be expected to respect those caveats until such time as it is clearly agreed otherwise.



Manager (and management team involved in the change) to review Organisational change in line with the time period set out in part B of the MOC paper

The review should focus on the measures of success information contained in Part B of the MOC paper and any additional success criteria that arose during the consultation/1:1 phase.

Manager to attend JNCC/JLNC to give an outline review and to close the MOC process.

(Ideally this should be no longer than 3 months but may be extended in exceptional circumstances.)

(Grey text should be removed during completion)

## Part A

Division/Directorate:	
Department/Ward:	
Date:	
Completed by:	
<b>After</b> discussion with HR BP and TUPO, state whether it is agreed as minor or major change	Minor/Major (delete as appropriate)
If agreed Minor change, only part A and C need to be completed	
If agreed Major change, parts A, B and C need to be completed	

<b>1. Brief Description of proposed case for Change:</b>
<ul style="list-style-type: none"> <li>- <i>Brief statement of problem/opportunity/need</i></li> <li>- <i>Description of current state/risk of not changing</i></li> <li>- <i>Degree of urgency</i></li> <li>- <i>What success will look like/what are benefits/opportunities</i></li> </ul>
<b>2. Why is the change being proposed?</b>
<ul style="list-style-type: none"> <li>- <i>Linked to patient care</i></li> <li>- <i>How will it improve quality of care/work life balance</i></li> <li>- <i>Reference any applicable changes to legislation</i></li> </ul>
<b>3. Who is affected?</b>
<ul style="list-style-type: none"> <li>- <i>How many, what posts, what bands, whole time equivalent.</i></li> </ul>
<b>4. What are the consequences of the change for employees?</b>
<ul style="list-style-type: none"> <li>- <i>Pay protection</i></li> <li>- <i>Redundancy</i></li> <li>- <i>redeployment</i></li> </ul>
<b>5. What will be the financial impact as a result of the proposed change?</b>

<b>6. Complete Equality Impact Assessment (EIA) - Part C</b>
--

<b>Feedback from Initial Divisional/Department Meeting</b>
--



**Part B****What will be the approach to the change?****(Grey text should be removed during completion)****How will we approach consultation?**

*Describe in detail the process for consultation, how partnership working will take place with employees and staff side (e.g. consultation group), whether there will be a regular consultation group or not, whether you are offering individual meetings etc.*

**How will we approach implementation?**

*Describe the process for implementation, timescales for notice, the implementation date etc. Describe the options for redeployment, excess travel, vacancy holding, natural wastage, protection of pay etc. etc. as appropriate for the change*

**How will we support affected employees?**

*Provide details of what support will be available for employees e.g. Occupational Health, Staff Counselling anything else relevant here (e.g. an independent mentor/coach etc. etc.)*

*Describe the involvement you want from staff side – preferably who from staff side is already briefed and involved (include their contact details)*

**What criteria will you measure to review success?**

*Describe the KPIs or other specific information that you will rely on to measure whether or not the change has been successful e.g. absence rates, attrition, DATIX reports etc. etc. – as relevant to the change)*

**When will you measure those criteria in order to review success?**

*Set out the time period for review – will you allow a period for bedding in first? Why have you chosen that particular time period? Diarise the review meeting as part of the implementation process, including the key stakeholders from the consultation.*

Date of initial conversation between manager, People and OD Business Partner and TUPO representative/s.	<i>Enter dates</i>
Where applicable communication with other relevant stakeholders	<i>Enter date</i>
Initial discussion held with employees re proposal <i>(including any employees on maternity leave/long-term sick etc.)</i>	<i>Enter proposed dates</i>
Proposal paper updated to take into account feedback/concerns/issues raised as a result of initial discussion. Action to be taken to be included.	<i>Enter date</i>
Share Change Proposal Paper with JNCC/JLNC	<i>Enter proposed dates</i>
Share amended Change Proposal Paper with employees affected and organise working groups and individual 1:1s, as appropriate.	<i>Enter proposed dates</i>
Following consultation and taking into account all feedback update this proposal paper if required. This then becomes the	<i>Enter proposed dates</i>

implementation paper and shared with employees and JNCC/JLNC	
Inform all employees of date of implementation of change ( <i>could be up to 12 weeks' notice</i> )	<i>Enter proposed dates</i>
Date of implementation of change	<i>Enter proposed dates</i>
Date of review meeting with key stakeholders to review success of implemented change	<i>Enter proposed dates</i>

## Part C

### Equality Impact Assessment

For completion of the following table there is guidance supplied with the Trust's EqIA template available on the intranet.

Number of employees directly impacted		Number of employees indirectly impacted	
---------------------------------------	--	---	--

Equality Target Group	(a) Positive Impact	(b) Negative Impact	Neutral impact	Reason/Comment	Action/Mitigation
Sex					
Gender Reassignment					
Race					
Disability					
Age					
Sexual orientation					
Religion or Belief					
Pregnancy and Maternity					
Marriage and Civil Partnership					
Carers					

#### Other considerations:

Rurality					
Deprivation					
Language					

## SECTION 2

# Redundancy Policy

**DOC ID: W39**

**Additionally refer to:**

- Fixed Term Contracts Policy (W40)
- Management of Organisational Change Policy (W24)
- Medical and Dental Terms and Conditions of Service for Consultants, Associate Specialists, and Specialty Doctor
- Protection of Policy (W25)
- Retirement Policy (W26)
- Risk Assessment Tool and Risk Assessment Policy

Version:	V1.4		
V1 issued	1 <sup>st</sup> June 2019		
V1 approved by	JNCC	PODAC	PAG
V1 date approved	16-4-19	16 <sup>th</sup> May 2019	June 2025
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Document Lead	People and OD Directorate		
Lead Director	Chief People Officer		
Date issued:	June 2025		
Review date:	June 2028		
Target audience:	All Trust procedural document leads		

## Document Control Sheet

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Distribution	Please refer to the intranet version for the latest version of this policy. <b>Any printed copies may not necessarily be the most up to date</b>
Dissemination plan	This document will be disseminated via HR Pages on Intranet and via updates to all managers.

## Version history

Version	Date	Author	Status	Comment – include reference to Committee presentations
1	February 2019	Juliette Eveson	Draft	New Policy – incorporates elements from old Management of Change Policy. Discussion at working group
1	May 2019	Juliette Eveson	Final	Agreed at JNCC, PAG and WFC
1.1	Sept 2023	Diana Martin	Final	Staff Psychological Service information added
1.2	July 2024	Chris Goulding	Final	Updated changes in line with good practice and national guidance.
1.3	May 2025	Diana Martin	Final	Section 2.4 changed from BEIS to Redundancy Payment Service (RPS)
1.4	June 2025	Diana Martin	Final	Minor changes made following PAG when MOC was presented.

## Contents

1	Redundancy Policy on a Page	28
2	Policy Statement	32
3	Scope	32
4	Definitions	32
5	Roles and Responsibilities	33
6	Fixed Term Contracts	34
7	Alternative Options	35
8	Redundancy Consultation	35
9	Rights to Representation	36
10	Selection for Redundancy	36
11	At Risk of Redundancy	36
12	Suitable Alternative Employment	36
13	Notice of Redundancy	37
14	Redundancy Payment	37
15	Support for Staff	38
16	Right of Appeal	38
17	Training	39
18	Policy Review	39
19	Equality Impact Assessment	39
20	Process for monitoring compliance	39
21	References	39

## 1. Policy on a Page`

- This Policy applies to employees on Agenda for Change terms and conditions employed by the Trust, including those employed on a fixed term contract, where the justification for ending, non-renewal or non-extension of the fixed term contract is that of 'redundancy' rather than that of 'some other substantial reason'.
- Medical, Dental Staff, Executive Directors, Non-Executive Directors, and Very Senior Managers will need to refer to their terms and conditions of employment and sections specific to redundancy which will take precedent over this policy where there is a conflict, otherwise the principles of this policy will apply.
- The Trust aims to avoid redundancies and will exhaust all potential suitable alternative employment options before any post is made redundant.
- In the event that redundancies are necessary, the Trust will ensure that redundancies are handled according to this policy and in a fair, consistent and sympathetic manner, without any form of discrimination.
- The Trust is committed to effective consultation with all affected employees, and with Trade Union and Professional Organisation representatives (TUPO).
- Redundancy payments will be paid in accordance with Section 16 of the Agenda for Change Terms and Conditions of Service Handbook. For Dentists, Consultants, Doctors, Specialty Doctors and Associate Specialty Doctors, redundancy payments will be made in line with the relevant schedule in the Terms and Conditions of employment.
- Whenever employees are identified at risk, the Trust will ensure that the principles of fairness and the procedural stages of this policy are properly followed, which take into account the needs of both the individual and where relevant groups of employees.

## 2. Policy Statement

- 2.1 The Trust recognises that its employees are its single most important asset and is committed to protecting the security of employment through effective workforce planning. This Policy provides a clear process to follow in potential redundancy situations taking into account employment law obligations.
- 2.2 It is the Trust's policy to avoid the need for redundancies wherever possible and all other options will be considered first with redundancy being the last resort.
- 2.3 In the event that redundancies are necessary, the Trust will ensure that all redundancies are handled according to this policy and in a fair, consistent manner, without any form of discrimination. Trade Union and Professional Organisation (TUPO) representatives will be consulted and engaged with prior to any formal announcement is made to affected employees.
- 2.4 Approval must be obtained from the Chief People Officer, if redundancies are necessary before any action is taken. There is also a duty to inform the Redundancy Payments Service (RPS) about proposed redundancies by submitting form HR1.
- 2.5 This Policy should be read in conjunction with the Management of Organisational Change Policy (Section 1) and the Guidance for managing Alternative Employment.

## 3 Scope

- 3.1 This Policy applies to employees on Agenda for Change terms and conditions including those employed on a fixed term contract, where the justification for ending, non-renewal or non-extension of the fixed term contract is that of 'redundancy' rather than that of 'some other substantial reason'. See 5.1 for further details.
- 3.2 Medical, Dental Staff, Executive Directors, Non-Executive Directors and Very Senior Managers will need to refer to their terms and conditions of employment and sections specific to redundancy which will take precedent over this policy where there is a conflict, otherwise the principles of this policy will apply.
- 3.3 In situations where it is established that TUPE Regulations apply and individuals choose to object to the transfer, there will be no right to redundancy.

## 4 Definitions

<b>Employees At Risk</b>	Employees whose posts may potentially be redundant as a result of organisational change if suitable alternative employment cannot be found.
<b>Organisational change</b>	Includes but not limited to the reorganisation, relocation, merger, expansion or closure of a service, redundancy, competitive tendering or outsourcing, or a major change in working practice.
<b>Redeployment</b>	The process of supporting employees to find suitable alternative roles within the Trust when their own role is at risk.
<b>Redundancy</b>	Redundancy is defined by the Employment Rights Act 1996 as "an employee who is dismissed for redundancy if the dismissal is attributable wholly or mainly to the fact that: The employer has ceased, or intends to cease: (i) to carry on the business for the purposes of which the employee was employed by him/her, or



	(ii) to carry on the business in the place where the employee was employed. or (iii) The requirements of that business a) for employees to carry out work of a particular kind, or (b) for employees to carry out work of a particular kind in the place where the employee was employed by the employer have ceased or diminished or are expected to cease or diminish”
<b>Redundancy Leave</b>	Period of time that staff will remain employees of the Trust but at the Trust discretion, are not required to be available for duty.
<b>Suitable Alternative Employment</b>	The employee will be given preferential consideration for vacancies seen by the Trust as suitable alternative employment at, or in some circumstances one band below their substantive band (pay protection will apply). The employee may choose to be redeployed to a post that is more than one or two bands below their permanent post as opposed to the suitable alternative employment identified by the Trust. In these circumstances pay protection will not apply.
<b>Work Trial Period</b>	A period of 4 weeks when the employee undertakes the new role enabling both the manager and employee to assess the suitability of the post as suitable alternative employment. In exceptional circumstances this could be shorter or longer with appropriate agreement from both parties.
<b>TUPE</b>	Transfer of Undertaking (Protection of Employment) Regulations 2006.
<b>TUPO</b>	Trade Union and Professional Organisation Representatives

## 5 Roles and Responsibilities

### Trust Board

- 5.1 Trust Board has responsibility to oversee this policy and ensure that appropriate processes and actions are in place and to avoid any unnecessary redundancies.

### Directors / Associate Directors / Heads of Department/Directorate

- 5.2 Directors / Associate Directors / Heads of Service are responsible for ensuring their service undertakes effective workforce planning, whilst considering financial implications. This will determine existing and future staffing needs and skill mix for their service, leading to efficient use of the workforce, minimising the risk of job losses, and providing greater job security. It is for the Directorate/Departmental Management Team to agree to the need and identify any organisational change requirements.

### Human Resources (HR)

- 5.3 HR are responsible for providing advice, support, and guidance throughout the whole process. To provide support where necessary at group consultation meetings and individual one-to-ones. They will maintain the re-deployment register and work with line managers to ensure employees are made aware of suitable alternative posts. In the event of redundancy, they will provide all necessary paperwork in a timely manner and notify relevant Government departments and other statutory bodies as necessary.

## **5.4 Line Managers**

Managers who lead on Organisational Change and potential redundancies must ensure they follow both this policy and the Management of Organisational Change policy. Managers will need to ensure they involve the HR team so that effective engagement, consultation and communication with employees and their Trade Union and Professional Organisation (TUPO) representatives occurs at the earliest opportunity. Please read the Management of Organisational Change policy – Section 1 which sets out the requirements for managers to follow in communicating and engaging with TUPO representatives and affected employees.

Line managers will also be responsible for ensuring that all affected employees are communicated with regularly and that all documentation associated with redundancy is completed within a timely manner and shared with all affected employees. Line Managers, HR and TUPO representatives will aim to work effectively in the interests of affected employees ensuring, for example all formal meetings and one-to-one meetings are held in a timely manner that proposed changes are put in writing, linking employees with available support and any delays are immediately communicated.

## **5.5 Trade Unions/Professional Organisations (TUPO).**

Trade Unions/Professional Organisations (TUPO) representatives play a vital role in advising and representing employees undergoing redundancy. The Trust will formally notify the trade unions of any proposed redundancies and will undertake consultation with them in line with legal requirements. They will provide support to their members throughout the redundancy process.

## **5.6 Employees**

All employees have responsibility for engaging with proposed Organisational Changes which may impact on them and to ensure they are familiar with the procedural stages of this and the Organisational Change policies so they can actively participate in the process. Further, it is important that employees know how to access support via their TUPO representatives and through the Trust support mechanisms i.e. Occupational Health/employee assistance programme and the Staff Psychological service. It is helpful that affected employees respond in a timely manner to communications from their Line Manager and/or the HR team to proposed Organisational changes.

# **6 Fixed Term Contracts**

6.1 When a fixed-term contract comes to an end and is not renewed or extended, this constitutes a dismissal under Employment Law. The reason for the dismissal will vary from case to case; however, the two main reasons for a dismissal will be 'redundancy', or 'some other substantial reason'. The expiry of a fixed-term contract will normally be considered to be a redundancy if the work for which the employee was employed has diminished or ceases to exist. This would cover projects which have run their course or, where specifically funded work has come to an end due to an exhaustion of or non-recurring funding. In these cases, the employee may be entitled to a redundancy payment provided that they have a minimum of 104 weeks' continuous service with the Trust or any previous NHS employer at the date their employment ends.

6.2 Employees who are employed to cover another employee's absence, and whose contract expires on the return of that employee would be deemed to have been dismissed for 'some other substantial reason' and consequently this would not constitute a redundancy. In such cases the termination of a Fixed-Term Contract process should be followed in accordance with the Fixed Term Contract & Temporary Workers Policy.

## **7 Alternative Options**

- 7.1 The Trust will make every effort to avoid compulsory redundancy and/or limit the number of redundancies required through:
- Placing restrictions on further recruitment of new employees (in similar areas).
  - Non replacement of leavers where there is no clinical risk identified through a risk assessment.
  - Re-training and redeployment for affected employees where appropriate to fill essential vacancies.
  - Restriction in overtime working and/or additional hours worked.
  - Reduced usage of subcontracted labour, agency, bank and locum staff in circumstances where there is no clinical risk identified or where their usage is necessary prior to a closure situation or for special projects where specific skills or continuity are required.
  - Consideration of flexible working arrangements.
  - Voluntary reduction in contractual hours.
  - Voluntary retirement.
  - Redeployment.

## **8 Redundancy Consultation**

- 8.1 The Trust recognises the importance of consultation with all employees and with their Trade Union and Professional Organisation representatives (TUPO), who are potentially affected and not just those who are at direct risk of redundancy.
- 8.2 As required by Law:
- 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 45 days
- 8.3 Where there are more than 20 employees at risk of redundancy the Trust will undertake a formal consultation through the Joint Negotiating Consultation Committee (JNCC) and if applicable, the Joint Local Negotiating Committee (JLNC) in accordance with the statutory requirement for disclosure of information and notification to representatives. Written notification will provide details of:
- the reasons for the proposed redundancies,
  - the numbers and descriptions of the employees that are at risk of redundancy,
  - the numbers and descriptions of the total number of employees 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.
- 8.4 Where there are fewer than 20 employees to be made redundant the Trust will consult with affected employees and TUPO representatives and follow the points set out in 8.3 above.
- 8.5 Where an organisational change may result in redundancies, the Trust will undertake a formal consultation through JNCC in accordance with the statutory requirements for disclosure of information and notification to representatives.
- 8.6 Notes from any consultation meetings will be confirmed in writing to members of the JNCC/JLNC and made available to the employees concerned. Individual consultation will also take place as appropriate.

- 8.7 The main purpose of the consultation meetings will be to discuss with employees and TUPO representatives, the situation and the reasons for the potential redundancy, the criteria and method of application to be used, and to consider any suggestions for avoiding compulsory redundancies.
- 8.8 During one-to-one consultation, employees will be given the opportunity to explain and discuss any areas of concern. Individual consultation may include looking at the options available to the employee, such as applying for redeployment, and considering any training or development opportunities that may be appropriate. The Trust's aim is to avoid redundancies by offering alternative employment where possible and wherever practicable.
- 8.9 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 JNCC/JLNC representatives.

## **9 Right to Representation**

- 9.1 At any formal meetings the employee has the right to be accompanied by an accredited representative of the Trust's recognised trade union or professional organisation representative (for avoidance of doubt not a legal representative) or by a workplace colleague employed by the Trust.
- Family members or partners who are also employed by the Trust are not able to accompany an individual unless they are required to assist with disabilities or any other extenuating circumstances. In cases where language difficulties may exist the services of an independent interpreter should be considered and arranged.

## **10 Selection for Redundancy**

- 10.1 In situations where it becomes necessary to select individuals for redundancy advice will be provided by HR and will consider the following:
- Where a single job ceases to exist, the job holder will normally be the redundant employee.
  - Where a number of posts are redundant or where it is proposed to reduce the number of posts required, employees will be identified from the selection process, based on specified criteria (HR advice should be sought about the selection process).
  - The redundancy exercise must ensure there is no bias in the selection criteria. It must not disproportionately affect employees with a protected characteristic.
  - The selection criteria will be discussed with TUPO representatives.

## **11 At Risk of Redundancy**

- 11.1 Where employees are at risk of redundancy they will be informed by letter. Before any post is made redundant, the Trust must exhaust all potential suitable alternative employment options.

## **12 Suitable Alternative Employment**

- 12.1 Employees at risk, supported by their Line Manager and HR, are requested to complete the forms to register onto the Alternative Employment Register. This is a necessary requirement should the need arise for affected employees to be redeployed. A suitable alternative post will, in the first instance be at the same or one band lower than the employee's substantive post. The following points must be taken into consideration:

- Any potential loss of status/profession
- Location and cost of travel
- Working environment
- Current hours of work
- The individual's personal circumstances
- Skills, knowledge, experience and scope to retrain
- Cost of pay protection against any other costs
- Needs of service / skill mix

- 12.2 The employee may choose to be redeployed to a post that is more than one band below their permanent post or to a post one band below their permanent post as opposed to the suitable alternative employment identified by the Trust. Please be aware that in these circumstances pay protection will not apply.
- 12.3 'At risk' employees who accept suitable alternative employment with the Trust will be entitled to a four-week work trial period. Where the post is broadly similar to the employee's current post in terms of pay, banding, levels of responsibility, skill etc the post will likely be considered as a 'suitable' alternative. If the employee subsequently does not accept this offer of a suitable alternative post, then they may lose their entitlement to redundancy payment. Where an 'alternative' post is offered to an employee, they may undertake a work trial period without affecting any entitlement they may have to redundancy compensation.
- 12.4 The Alternative Employment Guidance (available on the Trust's intranet site) outlines the process to be undertaken to secure suitable alternative employment and ensure that the legal requirements under this are met; this guidance should be referred to as part of this process.
- 12.5 Employees who unreasonably refuse to apply for or accept suitable alternative employment within the Trust will potentially forfeit their right to redundancy pay.

### **13 Notice of Redundancy**

- 13.1 Those employees selected for redundancy will be given written notice of termination in accordance with contractual entitlements. Staff will normally be expected to work their notice period although the Chief People Officer may use their discretion to authorise 'redundancy leave'. In exceptional cases an individual under notice may request, in writing, to waive their entitlement to notice and leave earlier on a mutually agreed date with redundancy pay calculated up to the revised date of termination. All such requests should be referred to the HR Team.

### **14 Redundancy Payment**

- 14.1 Redundancy payments will be paid in accordance with Section 16 of the Agenda for Change Terms and Conditions of Service Handbook or in accordance with Terms and Conditions of employment for Medical and Dental Staff. The redundancy payment will take the form of a lump sum, dependent on the employee's reckonable service at the date of termination of employment. Any payment due will be made following termination of employment. Anyone who feels that their payment is incorrect must write to the Chief People Officer within 21 calendar days of the date when they receive their redundancy payment.
- 14.2 If, before the date of termination, an employee is offered suitable alternative employment with their own employer or with another NHS employer and that employment starts within 4 weeks of the termination date, they will not be entitled to a redundancy payment. Before payment is made the employee will certify that they have not obtained, been offered or unreasonably refused to apply for or accept, suitable alternative employment within four weeks of the termination date

and they understand that payment is made only on this condition and undertake to refund it if this condition is not satisfied.

- 14.3 Employees meeting the NHS Pension criteria for early payment of their pension on being made redundant will have a choice of options. If an employee wishes to take their pension when made redundant the employee is advised to contact the Pensions Department and access the Retirement Policy (W26).

## **15 Support for Staff**

- 15.1 Whenever an employee is identified at risk, a number of measures can be implemented to assist the individual, according to their needs, to make the transition. Advice and support may include (but is not limited to) one or more of the following:

- Reasonable paid time off to complete applications and to attend interviews
- Reasonable time off to make arrangements for training for future employment
- Counselling through the employee assistance programme.
- Occupational Health
- Wellbeing interventions
- Help with CV's and Interview skills
- Staff Psychological Service: The Staff Psychology Service is available to support any member of staff who is experiencing emotional distress in relation to a work-related issue. Individuals wanting to access support can refer themselves by emailing: [sath.staffpsychology@nhs.net](mailto:sath.staffpsychology@nhs.net) or a manager can refer on their behalf. Information about the service is also available on the intranet: [SaTH Intranet - Staff Psychology Service](#)

- 15.2 Subject to the Trust's operational requirements, affected employees will also be entitled to take reasonable time off work during their notice period to look for work or seek retraining opportunities. Requests for time off in the first instance should be made to their direct line manager.

## **16 Right of Appeal**

- 16.1 An employee who is given notice of dismissal due to redundancy has a right of appeal 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.
- 16.2 Any employee wishing to lodge an appeal must do so in writing to the Chief People Officer no later than 14 calendar days.
- 16.3 The appeal should set out in detail the grounds for the appeal. An employee has the right to be represented, if they wish, at any formal stage of the process by either a recognised TUPO or accompanied by a Trust employed workplace colleague. Family members or partners who are also employed by the Trust are not able to accompany an individual unless they are required to assist with disabilities or any other extenuating circumstances. In cases where language difficulties may exist the services of an independent interpreter should be considered and arranged.
- 16.4 Appeals will normally be heard within 14 calendar days of the appeal being lodged. The appeal will be heard by the relevant Trust Board Director or nominee, who will be advised by a member of the HR Department. Where the appeal is made by an employee in pay band 8c and above or

by a doctor or dentist the Appeals Panel will include at least one Trust Board Director. The employee will be notified by letter of their right to be representative or accompanied at the hearing.

16.5 The decision of the Trusts Appeals Panel is final.

## **17 Training**

17.1 Managers and employees are actively encouraged to be familiar with this and the Organisational Change policies.

17.2 Managers are encouraged to seek training support when managing a redundancy situation by contacting HR and/or the Organisational Development teams.

## **18. Policy Review Process**

18.1 This policy will be reviewed if there are any changes to national terms and conditions, and in 3 years' time.

## **19. Equality Impact Assessment (EQIA)**

19.1 This policy applies to all employees equally and does not discriminate positively or negatively between the nine protective characteristics.

## **20. Process for Monitoring Compliance**

20.1 The process for monitoring compliance is detailed below:

<b>Aspect of compliance or effectiveness being monitored</b>	<b>Monitoring method</b>	<b>Responsibility for monitoring</b>	<b>Frequency of monitoring</b>	<b>Group or Committee that will review the findings and monitor completion of any resulting action plan</b>
Organisational Changes which potentially impact on redundancies.	Monthly reporting to JNCC.	HR	Monthly	JNCC and Trust Board.
Number of organisational changes taking place	Bi-Annual report of HR activity data	HR	Bi-Annual	JNCC and People and OD Assurance Committee (PODAC)

## **21 References**

ACAS - [Redundancy | Acas](#)

Gov.UK - <https://www.gov.uk/redundant-your-rights>

NHS Terms and Conditions of Service Handbook - [http://www.nhsemployers.org/employershandbook/afc\\_tc\\_of\\_service\\_handbook\\_fb.pdf](http://www.nhsemployers.org/employershandbook/afc_tc_of_service_handbook_fb.pdf)