

Employment Change Procedure

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Employment Change Procedure

1 Introduction

The Tavistock and Portman NHS Foundation Trust (the Trust) manages changes that may be needed to be made at the Trust; these may affect staff. This document is based on the change management policy commissioned by the London NHS Partnership to provide a common approach across NHS organisations in London.

All major organisational change will be conducted in accordance with this document, which incorporates best practice and legal requirements and provides a framework for common understanding for managers, staff and trade unions.

2 Purpose

The purpose of this document is to set out the Trust's approach to the management of organisational change and the process that should be followed by managers wishing to implement change.

The principles and process support the aim of managing strategic and operational change in a way that is both supportive to staff and enhances the highest provision of quality services.

3 Scope

Minor changes and adjustments to duties and working practices may be implemented without recourse to the formal procedures in this document, but will require reasonable consultation with staff affected, and the principles herein should be followed. Any situation that may lead to redundancy will be a major change and the full provisions will apply.

4 Definitions

For the purpose of applying the provisions contained in this document, the following definitions shall have the following meanings.

Continuous Service means full or part time employment with the Trust or any previous NHS employer provided there has not been a break of more than one week (Sunday to Saturday) between employments.

Organisational Change will include the reorganisation, relocation, merger, expansion or closure of a service or function, competitive tendering or outsourcing, or a major change in working practice not otherwise addressed in national agreements.

Protectable earnings are an individual's basic salary.

Reckonable Service means Continuous Service plus any service with a previous NHS employer where there has been a break of 12 months or less.

Redeployment means the transferring or recruitment of staff at risk into

- a suitable alternative post which is at the same grade; or
- alternative employment which is at one grade lower, in which case the provisions of the pay protection section of this policy will apply

Consideration for jobs at a higher grade will not be considered as redeployment, as an open selection process would apply. .

Redundancy A member of staff may become redundant if they are dismissed and the reason for the dismissal is wholly or mainly due to:

- the fact that the trust has ceased, or intends to cease, to carry on the activity for the purposes of which the individual was employed, or has ceased, or intends to cease, to carry out the activity in the place where the individual was employed; or,
- the fact that the requirements of the trust for staff to carry out work of a particular kind in the place where they were so employed, have ceased or diminished or are expected to cease or diminish.

Ringfencing means the process by which staff affected by change or at risk will be given preferential consideration for a post in a new staffing or management structure which is similar to their current post and where there is more than one contender for that post.

Slotting In means the process by which staff affected by change or at risk are placed in a post in a new staffing or management structure which is similar to their current post and where that individual is the only contender for that post. Slotting in may occur where a post is in the same band as the individual's current post and where it remains substantially the same with regard to job content, responsibility, grade, status and requirements for skills, knowledge and experience.

Staff Affected by Change are individuals whose posts may be subject to significant change.

Staff At Risk means staff whose posts are likely to be redundant as a result of organisational change if suitable alternative employment cannot be found.

Suitable Alternative Employment is work within the Trust that is on broadly similar terms and within the same range of skills required as the current employment where the individual meets the essential criteria of the person specification. It may be on any site operated by the Trust subject to travel considerations. A post may be considered as suitable alternative employment if it is banded on the same grade, or one grade lower than the staff member's current post with pay protection provided.

TUPE means the Transfer of Undertakings (Protection of Employment) Regulations 2006.

5 Duties and responsibilities

The **Director of Human Resources** is responsible for the implementation of this procedure and will report by exception any variance from the duties in section 8.

Human resources business partners will coach and support managers in the design and delivery of this policy including the development of consultation documents, job design and advice on statutory procedures.

Directors are critical to the change management process, and shall regularly brief managers so that they are in a position to respond to the concerns of staff in their teams.

Managers should provide information to staff and trade unions so that they are able to make meaningful contributions to the consultation process. Managers must ensure that no member of staff is discriminated against on the grounds of race, gender, disability, sexual orientation or transgender status, religion or belief, marital or partnership status, age, creed, colour, nationality, national origin or ethnic origin (whether actual or perceived), or on the grounds of their association with someone in one of these groups, when applying this policy. Managers should work closely with the HR Department when developing change management processes to ensure that the Trust is not open to claims of discrimination as a result of a change management process.

Trade union Representatives play a vital role in advising and representing staff undergoing organisational change, and in working with managers to ensure that organisational change is managed with the least disruption to services to patients and in accordance with the principle of avoiding compulsory redundancies wherever possible. The trust will work with the trade union representatives to minimise any adverse impact of proposed organisational changes and will undertake consultation with them in line with legal requirements.

6 Procedures

a) Guiding principles

The trust is responsible for deciding the size and most efficient use of the workforce, but in doing so is committed to the following principles for managing organisational change:

- the trust will disclose to staff and the trade unions such information about the proposed organisational change in accordance with good industrial relations practice;

- pre-consultation will occur with the Trust's recognised trade unions whose members are affected to advise on the outline of the proposals and the timescales for the consultation.
- pre-consultation will occur with staff who are singled out in a change process on a one to one basis to alert them of the process.
- staff will receive notice of any organisational change which may affect their futures at the earliest opportunity;
- staff will be treated as individuals with due regard to their personal and employment circumstances and their career aspirations at all stages of the change management procedure;
- staff will have the right to be accompanied by a trade union representative or workplace colleague at meetings to discuss the organisational change;
- the trust will consider all reasonably practicable steps to avoid compulsory redundancies;
- staff will receive training and development, as appropriate, to meet new skill requirements and where appropriate to identify new career opportunities, with funding and time to attend training and development activities given;
- staff will have access to the trust's employee assistance counselling services, and career support will be available as appropriate.

In applying this policy, the trust will have regard to its obligations under the Equality Act 2010 (as amended). This will include, but is not limited to, making reasonable adjustments for staff with a disability.

b) Approving proposals for change

Where structural changes are proposed which may lead to significant redundancy that cannot be immediately be mitigated by redeployment, a business case should be submitted to the Executive Management Team (EMT) for approval. The case should include the projected redundancy or superannuation capitalisation costs. The proposal must include:-

i) Draft consultation document

Managers will prepare a consultation document on the proposed organisational change having gathered information to support the need for change and consulted with HR and Finance as appropriate. A template consultation document is given in Appendix B.

The consultation document may include details of the following, as appropriate:

- a current situation analysis, including staffing structure;
- the effect on Trust services;
- the impact on administrative and support services;
- consideration of any relevant health and safety assessment;
- the need for change and the rationale for the change;
- the options that have been considered;
- the proposals for change, including the proposed staffing structure(s) and any location change;
- the financial, staffing and workload implications of the proposals;
- the number and grades of staff who may be affected by change or at risk of redundancy as a result of the proposal;
- the job descriptions and person specifications for all new posts, desk top evaluated;
- the proposed timescale for consultation on and implementation of the proposed change;
- the way in which staff will be selected for posts within the new structure or transferred;
- if necessary, the selection criteria for redundancy;
- the measures to be taken to avoid compulsory redundancies, which may include natural wastage, redeployment with retraining, or voluntary early retirement or voluntary redundancy;
- details of any suitable alternative employment which may exist;
- details of how this information will be disseminated to staff;
- description of the consultation process, including planned meetings, the timetable, how staff and representatives can respond, and the deadline.
- details of changes to on-call or introduction of shift working and when notice of change will be issued to staff, setting out their variation of employment dates.

ii) Time Periods for Consultation

Wherever possible the trust will endeavour to allow sufficient time for meaningful consultation with staff and their representatives. In exceptional circumstances where changes need to be made very quickly, the trade unions and staff will be briefed immediately and the verbal briefing will be followed by a written brief.

In a collective redundancy scenario, consultation will continue for a period of no less than the statutory time scales:

- where 20-99 redundancies are proposed, consultation should commence at least 30 days before the first redundancy takes place;
- where 100 or more redundancies are proposed, consultation should commence at least 45 days before the first redundancy takes place.

Trade unions and staff may request additional information or an extension of time if this is necessary to enable them to understand and contribute to an informed discussion on the merits of the proposal. Such requests will not unreasonably be refused, and where they cannot be accommodated a reason will be given.

c) Redundancy notification

The HR directorate will notify the relevant Government Department (currently the Department for Business, Innovation and Skills (BIS)) in writing if the Trust proposes to make 20 or more staff redundant, in accordance with the legislation in force at the time. A copy of the notification form will be sent to the trade union representatives concerned. Advance notification to the relevant Government Department does not bind the Trust to make the employees redundant.

d) Consultation with Trade Unions

The Trust is committed to meaningful and appropriate consultation with trade unions and staff affected by the organisational change with a view to reaching agreement on the way forward, although there will be times when organisational change will need to proceed without a consensus being reached on all issues. The timing and extent of consultation will be proportionate to the degree of proposed change, the number of staff affected, and the impact on individuals.

The purpose of the consultation meetings with trade unions and staff will be:

- to present proposals for change;
- to receive and, where possible, address any questions on the consultation document;
- to consider any comments or views on the consultation document, including any alternative proposals before determining any final decision to proceed;

- to clarify any change processes and timeframes specific to the proposed organisational change exercise under discussion.

Early informal consultation with the trade unions is encouraged, and should occur. This is also known as pre-consultation. Meaningful pre-consultation often leads to an agreed shorter formal consultation time and greater staff satisfaction with the process.

To commence pre-consultation the manager leading the change programme will share a draft copy of the consultation document with the chair of the joint staff consultative committee at least one week prior to a proposed launch date, unless there are exceptional circumstances.

As part of the pre-consultation process with the trade unions, managers and HR will:

- review the draft consultation document;
- review the timescales listed and agree the launch date;
- ensure the following documents have been prepared prior to launch of the consultation:
 - existing and proposed evaluated job descriptions
 - existing and proposed organisational structure;
- ensure the costings have been included within the new structure;
- identify the date that the new arrangements would become effective.

Formal consultation with the trade unions will commence once any informal comments have been considered and the consultation document has been finalised. This will take the form of trade unions representing staff affected by the change being invited to the first meeting with all affected staff and given reasonable notice to attend.

In a redundancy scenario, the information provided in writing to the trade unions shall include the following:

- the numbers and descriptions of employees whom it is proposed to dismiss as redundant;
- the total number of employees of any such description employed by the Trust at the establishment in question;
- the proposed method of selecting employees who may be dismissed;
- the proposed method of carrying out the dismissals, with due regard to any agreed procedure including the period over which the dismissals are to take effect;
- the proposed method of calculating the amount of any redundancy payments to be made (over and above the statutory redundancy payment) to employees who may be dismissed.

During a period of change, management will ensure that trade unions are kept informed of developments and will meet with them as appropriate.

e) Consultation with individual staff

A meeting will be held with all staff affected by the organisational change to announce the proposed change and explain the consultation process which will follow. If key staff are singled out in the proposals an advance meeting to alert them informally will take place.

Each member of staff affected by the organisational change will be provided with a copy of the consultation document. Staff who are absent from work for any reason (including career breaks) will be sent a copy of the consultation document at their home address / other suitable address or e-mail address (whichever appears the best means of communication) so that they can participate in the consultation process.

Each member of staff will be offered the opportunity of at least one individual meeting with their manager, at which they have the right to be accompanied by a trade union representative, professional association representative or workplace colleague. HR advisory support will also be offered.

At the meeting, each member of staff will be invited to comment on and respond to the proposals, including how they may impact on their personal circumstances. It is recognised that staff may require time to respond and may not be able to do so at that particular meeting.

A written record of the individual meetings will be kept, and provided to the employee and their trade union representative. The record will be a note of the main points discussed at the meeting, not verbatim notes.

Regular updates and frequently asked questions may be circulated to staff and their representatives throughout the formal consultation period. Throughout this period staff should be encouraged to discuss their concerns and queries with their line manager and trade union.

In addition to the individual consultation meetings, staff can be kept informed by management, team meetings, trade union meetings, e-mail, and other written communication and information supplied by the trade unions.

f) End of Consultation

At the end of the consultation period the manager will give full consideration to all comments received from staff and the trade unions, and will make a decision on the way forward. A written report will be provided to the staff and trade unions covering the change process to be followed and the timeframe. The report may include:

- the reasons for the decision;

- any relevant health and safety assessments;
- an explanation where the management decision is in conflict with the views of the trade unions' representatives and staff, or where the proposal has changed as a result of consultation;
- identification of posts which are the same or substantially the same in the old and new structures;
- arrangements for filling posts via slotting in or ringfenced competition;
- selection process for posts within the new structure;
- measures that will be taken to avoid compulsory redundancies;
- arrangements for seeking suitable alternative employment;
- reference to the pay protection section of this policy and how this will apply;
- support for staff who are affected by the change, including career counselling and reasonable time off to seek other employment or undertake training;
- proposed timescales for each stage of the change process;
- date for notice of change for the introduction of new shifts or ending of on-call working

Where redundancies are inevitable the trust will use relevant selection criteria for inclusion in the conclusions to consultation. These criteria should be objective, clearly defined, measurable and non-discriminatory. Managers should seek advice from HR on the selection criteria to be used to ensure the trust is not open to legal challenge. Selection criteria will be discussed, and where possible agreed, with trade unions.

In considering any measures to avoid compulsory redundancies, including requests for voluntary redundancy or early retirement, operational efficiency and service needs must be taken into consideration. If a member of staff volunteers for redundancy/early retirement, approval of the request will be subject to the needs of the service and the cost implications. Care must be taken to ensure that decisions are based on sound organisational reasons and do not breach equality legislation.

g) Support for Staff

All staff affected by the organisational change will be encouraged to seek the advice and support of their trade union. Relevant support will be provided by the trust and may include:

- help with the production of CVs / application forms (including assistance with NHS Jobs);

- help with preparation for interviews and other selection procedures
- careers advice;
- support in developing coping strategies and stress management, with support of the counselling service;
- time to meet with recognised trade union representatives to discuss the change;
- further assistance to staff who are at risk of redundancy will include reasonable time off to seek other employment or undertake training;
- placement on the Trust's Staff at Risk register.

Even after the change has taken place, the Trust acknowledges that staff may take some time to adjust to the change itself. Managers will remain available to staff to manage any issues that arise and support staff through the transition.

h) Staff at risk of redundancy

When changes in staffing levels or skill mix are proposed which will lead to a reduction in the numbers of staff employed in particular grades, occupational groups or specialties, management will identify the positions, individual staff or pool of staff who are at risk of redundancy as a result of the changes.

The identification of being at risk of redundancy is not a notice of redundancy.

Staff at risk will be invited to a meeting(s) with their manager and trade union representative or work colleague to:

- discuss how the proposed changes affect them;
- explain why they are at risk of redundancy;
- discuss ideas for avoiding redundancy;
- explore the possibility of redeployment and explain trial periods;
- advise of the proposed timescales;
- explain the process for redeployment including priority consideration for :
 - jobs offering suitable alternative employment at the same grade, or
 - alternative employment if one grade lower, where the pay protection section of this policy will apply
- explain the arrangements for pay protection;

- explain the opportunities for redeployment outside of the trust;
- offer support and assistance;
- review any training or development requirements in order to assist with redeployment;
- explain trial periods;
- discuss voluntary redundancy options if available.
- discuss any other relevant issues and processes, which may include providing a redundancy payment estimate if requested.

Following the meeting, staff at risk will be given a letter within five working days to confirm their at risk status and the key points discussed at the meeting including answers, wherever possible, to questions raised at the meeting for which there were no immediate answers available at the time.

Staff who are not selected for a post in the new structure will be formally declared at risk of redundancy and given notice of redundancy in accordance with their contract of employment. They will continue to be listed on the Trust's Staff at Risk register and entitled to apply for posts offering alternative employment elsewhere within the Trust or within NHS London as priority candidates.

There may be situations where it is necessary to give notice of redundancy in accordance with the contract of employment at the end of the consultation process.

Staff potentially at Risk will be required to register with NHS Jobs and apply for posts via that medium in line with the NHS London Redeployment Service. HR should wherever possible notify staff of potential opportunities; however it is the member of staff's own responsibility to regularly check NHS Jobs.

Staff at risk will be given prior consideration for other posts that are or become vacant in the Trust during a specific organisational change and, subject to the arrangements regarding suitable alternative employment and trial periods; they will remain on the register until their last day of service.

i) Process for Filling Posts in the New Structure

Where the organisational change involves new structures there will be two stages in the process for filling posts in a new structure:

- **Stage One** takes place among the staff that are affected by the change. Posts in the new structure are filled by either slotting in or ring-fenced competition;
- **Stage Two** is where wider competition takes place for any posts that remain vacant in the new structure following slotting in or ring-fenced competition. The posts can then be opened up to access by any staff at

risk for whom the post is considered suitable alternative employment, or alternative employment, or to open competition internally and externally, in line with the normal recruitment process, where there are no such applicants.

The two stages may run in parallel but all reasonably practicable steps will be taken to avoid compulsory redundancies.

The selection process and criteria for all posts in the new structure (whether or not there is competition) must be non-discriminatory, fair, objective, clearly defined and based on the skills and competency requirements of the post. The selection process and criteria must be made available with the consultation document and may include:

- Expressions of interest through a preferences form;
- Structured interviews; or,
- Assessments.

Staff who are offered posts during Stage One will be deemed to have been offered either suitable or alternative employment by the trust. This will be confirmed in writing by the manager. Staff who refuse posts at stage one will be regarded to refusing suitable or alternative employment.

Any member of staff who is not appointed to a post in the new structure will be offered post-selection procedure feedback, coaching or training where appropriate, and has the right to appeal.

j) Suitable alternative employment

Suitable alternative employment is work within the Trust that is on broadly similar terms and within the same range of skills required as the current employment where the individual meets the essential criteria of the person specification. It may be on any site operated by the Trust subject to travel considerations. Staff At Risk will be given prior consideration for suitable posts in line with their skills, experience and capabilities, and where appropriate will receive protection of pay as set out in pay protection section of this policy.

A post may be considered as suitable or alternative employment if it is banded on the same grade or one grade lower than the staff member's current post.

Following identification of potentially suitable posts at the same grade or one grade lower at either Stage One or Stage Two, individual Staff At Risk will be offered the position in writing and be given a copy of the job description/person specification and a deadline of at least five working days within which to apply. In some circumstances (e.g. annual leave and other types of leave) this period may be appropriately extended. During this period the individual may meet with the appropriate manager informally to discuss their interest.

If the individual is offered the post, this will be treated as an offer of suitable or alternative employment and a trial period will apply.

Staff who unreasonably refuse an offer of suitable alternative employment or refuse to participate in the selection process for a post identified as suitable alternative employment will lose their right to a redundancy payment.

k) Trial periods and training

Where staff have the potential ability but not the immediate experience to undertake the full duties of suitable alternative roles, they will be provided with appropriate skills development / training. This will be provided when it is reasonable, practical and cost effective and where the member of staff demonstrates a willingness to learn and can apply the new skills within an agreed timeframe.

A trial period will only apply to staff at risk and where a formal offer of suitable alternative employment has been made.

The purpose of a trial period is for both the manager and the individual to assess the suitability of the post as alternative employment.

The trial period will normally last for a minimum of four weeks but may be extended by mutual agreement up to a maximum of twelve weeks where a member of staff requires additional training and development.

A trial period may start prior to the planned termination date. However, the undertaking of a trial period or trial periods will not affect the planned date of termination of employment where the trial is unsuccessful. In such circumstances a meeting will take place to agree the end of service date and whether a payment in lieu of notice should be made.

If the trial period is unsuccessful, as determined by the individual and/or the manager concerned whilst applying the test of reasonability, redundancy arrangements will apply as from the date when the original contract of employment will terminate. Until the end of their notice period staff at risk will be considered for other suitable alternative employment if available which will be subject to the same arrangements, including a trial period.

l) Protection of pay and conditions – long term protection

This section applies to employees who as a consequence of organisational change suffer a reduction in grade and a subsequent reduction in earnings.

Where an employee at risk of redundancy accepts a position which offers alternative employment, they will have earnings which are regarded as protectable retained on a mark time basis in accordance with the qualifying periods below:

For staff employed by the Trust on or after 01 June 2012

Length of Continuous Reckonable Service with the Trust	Period of Protection
Less than a year	No pay protection
1 year to under 2 years	3 months
2 years to under 5 years	6 months
5 years to under 10 years	1 year
Over 10 years	2 years

For staff employed before 01 June 2012

Length of All Continuous Reckonable NHS Service	Period of Protection
Less than a year	No pay protection
1 year to under 2 years	3 months
2 years to under 5 years	6 months
5 years to under 10 years	1 year
Over 10 years	2 years

If, as a result of a change process, a member of staff is downgraded the individual will be placed on the lowest point of the new band and given one incremental credit for every year they were employed on the higher band. If the member of staff was previously employed on the lower band then they will return to the same incremental point they were on prior to promotion and be given one incremental credit for every complete year they were employed on the higher band.

Pay protection will reduce on a mark time basis as an individual increments up the pay spine or inflation increases on the new grade take place.

Pay protection ceases at the end of the stated protection period or when the new salary overtakes the mark time salary, whichever occurs first.

In some circumstances the trust may offer staff a buy out of their pay protection, of the full sum of their protectable earnings paid in one cash sum. By accepting this offer, the employee will agree to repay the difference if they leave the trust before their normal protection period would have expired.

Local recruitment and retention premia are post specific and are not protectable earnings.

m) Change of Location

Where a member of staff is required to change their place of work as a result of a change process then are entitled to claim the difference in their increased travel costs. The protection will follow the same timescales for long term pay and conditions protection.

n) Protection of pay and conditions – short term protection

An employee required to move to a new post on the same grade but with lower earnings such as:

- reduction in hours/sessions
- contractual overtime;
- special duty payments;
- unsocial hours payments;
- shift allowances;
- split duty;
- proficiency allowances;
- bonus payments;
- psychiatric and geriatric lead;
- on-call and standby duty allowance;
- night duty; and / or
- safety allowances

Will receive protection as follows:

For staff employed by the Trust on or after 01 June 2012

Length of Continuous Reckonable Service with the Trust	Period of Protection
Less than a year	No pay protection
1 year to under 3 years	6 months
3 years and over	12 months

For staff employed before 01 June 2012

Length of All Continuous Reckonable NHS Service	Period of Protection
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Less than a year	No pay protection
1 year to under 3 years	6 months
3 years and over	12 months

The rate of pay will be protected using an average over a 12 week reference period, from the point of reduction.

For the avoidance of doubt, the following are not eligible for short term protection:

- Acting up allowances;
- Fixed term payments; or
- Non-contractual overtime

Where hours are protected, the trust will continue to seek alternative work on a similar grade / level of responsibility, in order to make up the hours being protected.

o) Redundancy arrangements and pay

i) Qualification for redundancy

A member of staff will have their contract of employment terminated on the grounds of redundancy if no suitable alternative employment can be found or if a trial period is unsuccessful.

The terms under which a redundancy payment and/or early retirement benefit are payable are summarised below:

To qualify for a redundancy payment / early retirement benefit the individual must have:

- a contract of employment with the Trust; and
- at least 2 years' (104 weeks') Continuous Service within the NHS.

A redundancy payment takes the form of a lump sum, dependent on the employee's Reckonable Service at the date of termination of employment.

The lump sum is calculated on the basis of one month's pay for each complete year of Reckonable Service, subject to a minimum of 2 years' Continuous Service and a maximum of 24 years' Reckonable Service (i.e. the maximum payable is 24 months);

Employment in respect of which the employee was awarded pension benefits shall not count towards reckonable service;

Service recognised from any non-NHS organisation will not count towards reckonable service for the purposes of redundancy;

Early retirement on the grounds of redundancy may be available, subject to the employee:

- being a member of the NHS Pension Scheme;
- having at least 2 years' Continuous Service and 2 years' pensionable membership; and
- having reached the minimum pension age in accordance with the relevant NHS Pension Scheme arrangements.

Where staff are subject to individual or specific local contractual arrangements for redundancy, these will be honoured.

ii) Redundancy payment authorisation

All redundancy payments will require approval to ensure good governance and management of public money. The authorised limits for sign off are as follows:

- <£50,000 –the requesting director, the HR director and the director of finance;
- >£50,000 - <£150,000 – the requesting director, the HR director, the director of finance and the chief executive; or,
- >£150,000 – the same as the previous plus the trust's remuneration committee. Should the decision need to be made quickly, then the chair may authorise the payment outside of the meeting by proxy.

There may be occasions where NHS Improvement the Foundation Trust Regulator and HM Treasury approval are required. The HR team will advise on this.

iii) Exclusions

Staff will not be entitled to redundancy payments / early retirement on the grounds of redundancy if they:

- are dismissed for reasons of misconduct;
- at the date of the termination of the contract have obtained without a break, or with a break not exceeding four weeks, suitable alternative employment with the Trust or other NHS employer;
- unreasonably refuse to accept suitable alternative employment with the Trust or another NHS employer;
- unreasonably refuse to participate in the selection process for a post regarded as suitable alternative employment;

- leave their employment before expiry of notice, unless they are being released early;
- are offered a renewal of contract with the substitution of a new employer for the Trust.

Staff whose employment is subject to TUPE transfer will not be redundant and therefore will not be entitled to redundancy payments/early retirement on the grounds of redundancy.

Further information is available in Section 16 of the NHS Terms and Conditions of Service Handbook and the NHS Pension Scheme early retirement booklet. Information can also be sought from HR, the pensions officer or trade unions.

iv) Notice

An individual's written notice of redundancy will include:

- the number of weeks' notice, in accordance with the contractual notice period;
- the effective date of the redundancy, which will also be the last day of service;
- the number of days' outstanding annual leave, where applicable, to be paid in lieu;
- the amount of redundancy payment / enhanced pension benefits that will be paid, where applicable;
- what efforts will be made to assist the individual in seeking suitable alternative employment during the notice period;
- what support is offered during the notice period, e.g. help with job search, CV and preparation for interviews and/or other selection processes.
- what work the individual will be expected to undertake during their notice period;
- that reasonable time off with pay will be given to seek and prepare for alternative work;
- that early release will normally be given, unless there are compelling service reasons to the contrary, if the individual is successful in obtaining other employment outside the NHS and wishes to take this up during the notice period – the date of early release will then become the revised date of redundancy for the purpose of calculating any entitlement to a redundancy payment;
- the right of appeal against selection for redundancy or the terms of the redundancy.

7 Training Requirements

All managers will be assisted by an HR adviser when applying this policy.

Periodically, change management courses will be delivered to assist with understanding the principles of this procedure.

8 Process for monitoring compliance with this Procedure

The Trust will use a variety of methods to monitor compliance with the processes in this document, including the following methods:

Measurable Policy Objective	Monitoring/ Audit method	Frequency of monitoring	Responsibility for performing the monitoring	Monitoring reported to which groups/ committees, inc responsibility for reviewing action plans
This policy and procedure will be reviewed by at least annually to ensure that they remain valid and compliant with employment legislation	All consultation processes reported to trust management executive	Annual	Director of Human Resources	Executive Management Team and Joint Staff Consultative Committee

In addition to the monitoring arrangements described above the Trust may undertake additional monitoring of this policy as a response to the identification of any gaps, or as a result of the identification of risks arising from the policy prompted by incident review, external reviews or other sources of information and advice.

This monitoring may include commissioned audits and reviews, detailed data analysis or another focussed study, for example. Results of this monitoring will be reported to the committee and/or individual responsible for the review of the process and/or the risks identified.

9 References

UK Government (1996). *The Employment Rights Act 1996*. Crown Stationery Office. London.

UK Government (2006). *The Transfer of Undertakings (Protection of Employment Act) 2006*. Crown Stationery Office. London.

Department of Health (2012). *NHS Terms and Conditions of Service Handbook*. Crown Stationery Office. London.

10 Associated documents¹

HR Appeals Procedure

¹ For the current version of Trust procedures, please refer to the intranet.

Appendix A : Equality Impact Assessment

Completed by	Craig de Sousa
Position	Director of HR
Date	26/04/2016

The following questions determine whether analysis is needed	Yes	No
Does the policy affect service users, employees or the wider community? The relevance of a policy to equality depends not just on the number of those affected but on the significance of the effect on them.	X	
Is it likely to affect people with particular protected characteristics differently?	X	
Is it a major policy, significantly affecting how Trust services are delivered?	X	
Will the policy have a significant effect on how partner organisations operate in terms of equality?		X
Does the policy relate to functions that have been identified through engagement as being important to people with particular protected characteristics?		X
Does the policy relate to an area with known inequalities?		X
Does the policy relate to any equality objectives that have been set by the Trust?		X
Other?		X

If the answer to *all* of these questions was no, then the assessment is complete.

If the answer to *any* of the questions was yes, then undertake the following analysis:

	Yes	No	Comment
Do policy outcomes and service take-up differ between people with different protected characteristics?	X		For staff with disabilities due consideration and care will be needed when developing selection criteria for new positions within a structure.

			Staff on maternity, paternity and adoption leave can be isolated from service changes and this procedure sets out how this will be addressed.
What are the key findings of any engagement you have undertaken?		X	
If there is a greater effect on one group, is that consistent with the policy aims?	X		
If the policy has negative effects on people sharing particular characteristics, what steps can be taken to mitigate these effects?	X		The procedure details how staff with protected characteristics will be supported throughout a change process.
Will the policy deliver practical benefits for certain groups?		X	
Does the policy miss opportunities to advance equality of opportunity and foster good relations?		X	
Do other policies need to change to enable this policy to be effective?		X	
Additional comments			

If one or more answers are yes, then the policy may be unlawful under the Equality Act 2010 – seek advice from Human Resources (for staff related policies) or the Trust’s Equalities Lead (for all other policies).

CONSULTATION DOCUMENT

STRICTLY CONFIDENTIAL

[DATE]

REVIEW OF {DEPARTMENT / SERVICE / TEAM}

Contents

1. Introduction and Background
2. Current Structure
3. Proposed changes
4. Principles for the review
5. Change management procedures
6. Projected cost savings and benefits post implementation
7. Timescales
8. Consultation process

[DEPARTMENT / SERVICE / TEAM] CONSULTATION

Introduction and Background

{set out the context both externally and internally}

Current Structure

The current {team} {department} {directorate} structure is outlined below.

{insert structure}

This structure was introduced in {date} and {since then seen a number of small alterations has been made as the service has developed} {remain relatively unchanged}.

{set out the context about why the structure needs to change}

Proposed Changes

A revised structure has been designed and outlined below.

{insert revised structure}

{explain how the revised structure will address the issues with the current structure and describe what new roles will do}

Band / Grade	Current FTE	Proposed FTE	Change (+ / -)

{If there are redundancies detail how selection will take place and the criteria that will be used}

Principles for review of the {team} structure

The overarching principles of this review are to ensure that the trust is responding to the changing needs for the organisation.

That the new structure will deliver efficiencies and also change the overall skill set of the team.

Change Management Procedures

The proposed changes will be implemented in accordance with the employment change management procedure. A copy of the policy has been attached with this document or can be found at <http://tavistockandportman.uk/about-us/governance/policies-and-procedures/human-resources> .

Projected cost savings and benefits pre- and post implementation

{Describe and quantify these}

Consultation Process

A formal consultation across will be launched on {insert date}

All affected staff are encouraged to attend this meeting.

Any staff who are away on holiday, maternity leave, sick leave, and career break will be sent a copy of this document and invited to attend the group consultation meetings.

A copy of this consultation document has been sent to the chair of the Joint Staff Consultative Committee, who is welcome to attend open meetings or subsequent 1:1 meetings

The group consultation will last ten working days during which affected staff and other stakeholders will have an opportunity to respond to these proposals, as set out above. The consultation process will be led by {Manager}, supported by {HR Business Partner}.

Responses to this consultation paper may be made in writing by letter or email to: {name}, The Tavistock Centre, 120 Belsize Lane, London, NW3 5BA or {email address}

At the end of the consultation period, any responses that have been provided will be considered and a document detailing the outcome will be issued no later than five working days after the consultation closes.

Timescales

It is proposed that the new structure will have an implementation date of {insert date}. The proposed changes will be implemented in accordance with the trust's change management policy and therefore, have the following indicative timescales:

- [date] Consultation with staff to commence
- [14 / 30 days later] Consultation Closes
- [7 days later] Formal response issued to staff
- [Desired date] New arrangements in place
- [6 months later] Feedback to directorate on cost savings and practice