

Organisational Change Policy



Please complete the table below:

To be added by corporate team once policy approved and before placing on website

Policy ref no:	HR0017
Responsible Executive Director:	Deputy Chief Executive & Chief Finance Officer
Author and Job Title:	Lara Reading – HR Manager / Andrew Mitchell – HR Business Partner
Date Approved:	November 2020
Approved by:	Governing Body
Date of next review:	November 2023

Policy Review Checklist

	Yes/ No/NA	Supporting information
Has an Equality Impact Assessment Screening been completed?	Yes	
Has the review taken account of latest Guidance/Legislation?	Yes	
Has legal advice been sought?	N/A	
Has HR been consulted?	Yes	
Have training issues been addressed?	Yes	Line Managers to be supported as and when required. Awareness of policy to be included in HR Policy Toolkit sessions
Are there other HR related issues that need to be considered?	No	
Has the policy been reviewed by SPF?	Yes	
Are there financial issues and have they been addressed?	Yes	Costs associated with any change will be planned and agreed as part of development of such change.
What engagement has there been with patients/members of the public in preparing this policy?	N/A	
Are there linked policies and procedures?	Yes	Appeals Policy Ending Employment Policy Equality and Diversity Policy

	Yes/ No/NA	Supporting information
		Grievance Policy Pay Protection Policy Travel and Expenses Policy
Has the lead Executive Director approved the policy?	Yes	Reviewed by Deputy Chief Executive/Chief Finance Officer
Which Committees have assured the policy?	N/A	The Governing Body will be asked to agree the policy noting the groups engaged during its development
Has an implementation plan been provided?	Yes	
How will the policy be shared with staff?	Yes	Consult HR Portal The Hub
Will an audit trail demonstrating receipt of policy by staff be required; how will this be done?	No	

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1. Introduction

Bristol, North Somerset and South Gloucestershire Clinical Commissioning Group is committed to providing high quality care through the effective management and development of all its members of staff and believes that the effective management of resources and talent is an essential part of this.

Change can be needed for many different reasons, for example due to economic factors, changes in the organisational structure, new standards of performance or changes in social expectations. When these changes affect the provision of our services and in turn the employment contracts of our staff, we refer to it as 'organisational change'.

Organisations need to change in order to be successful and efficient and to respond to demands placed upon them. We recognise that we must ensure that the provision of our service is maintained and improved upon and that we must evolve and positively embrace change in order that we can maximise our performance

2. Policy Statement

This policy will operate under the following key principles:

- HR advice should be available at all stages
- The rationale for change should be made clear
- All staff will have the right to representation by a colleague or trade union representative
- All staff will have the right to appeal as per the organisations Appeals Policy
- The organisation will seek to maximise opportunities for all staff affected to ensure that compulsory redundancies are negated or kept to a minimum
- The organisation will communicate with openness, fairness and transparency
- The policy supports the CCGs commitment to equality, diversity, and inclusion, and is designed to encompass the values of the CCG.
- Support will be available for those affected
- Legislative requirements and timeframes will be adhered to and the leaders of the change programme to familiarise themselves with these

3. Purpose and scope

The purpose of this policy is to set out the standards and processes that the CCG aim to achieve when managing organisational change.

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

The CCG 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:

- Be open and inclusive and ensure that information and ideas are exchanged.
- Work in partnership with our recognised Staff Partnership Forum / trade union from the earliest stage possible
- Ensure employees are fully supported and valued and have access to the CCG's Employee Assistance Programme and career support where available
- Recognise and value employee contribution to the organisation.
- Retain employee skills, experience and commitment wherever possible.
- Encourage and help develop employee skills as appropriate.
- Facilitate the transfer skills across organisational boundaries.
- Ensure all employees are treated fairly, with courtesy and respect and no-one will receive less favourable treatment on the grounds of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation, part-time status, fixed term contract status or whether you are a member of a trade union or not.
- Act with integrity and will adopt best employment practice in being a model employer and working in partnership.
- Consider all reasonably practicable steps to avoid compulsory redundancies
- Ensure employees have the right to be accompanied by a trade union representative or workplace colleague at meetings to discuss the organisational change

This policy applies to all members of staff employed by the CCG, including those who are seconded out to another organisation and will be applied consistently and equitably to all staff. It does not apply to staff employed elsewhere and seconded into the CCG (those staff are the responsibility of their substantive employer) or to agency staff.

This policy does not form part of any employee's contract of employment and it may be amended from time to time or as appropriate in any case.

Any change involving the use of this policy will be carried out in line with the CCG's values

4. Definitions

“Major organisational changes” will include the reorganisation, relocation, merger, significant expansion or reduction of a function, competitive tendering or outsourcing, or a major change in working practice. All such changes will be conducted in accordance with this document which incorporates best practice and

legal requirements and aims to provide a framework for common understanding for managers, staff, staff representatives and trade unions.

“Minor organisational changes” reasonable 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. Examples might include changes to working patterns, changes in portfolios or clients, or streamlining of processes.

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

Reckonable service (for the purposes of calculating redundancy pay entitlement and which is calculated on the basis of the service up to the date of termination of the contract) means continuous service plus any service with a previous NHS employer where there has been a break of 12 months or less. The following employment will not count as reckonable service:

- employment that has been taken into account for the purposes of a previous redundancy, or loss of office payment by an NHS employer;
- where the employee has previously been given pension benefits, any employment that has been taken into account for the purposes of those pension benefits.

Competitive slot in is when slotting in applies to more than one individual and there are insufficient posts for each individual to slot into e.g. when ten people meet the slotting in criteria but there are only eight roles available. In this scenario, a fair selection process will take place to determine the outcome. It should be noted that in a competitive slot-in process the posts must be appointed to from the pool of staff who are eligible to slot-in.

Redeployment means the transferring or recruitment of staff at risk of redundancy into a suitable alternative post.

Redundancy applies in situations where an employee is dismissed by reason of redundancy if the dismissal is wholly or mainly attributable to the fact that:

- the employer ceases to carry on the business in which the employee was employed;
- the employer ceases to carry on that business in the place where the employee was employed;
- the needs of the business for employees to carry out work of a particular kind cease or diminish; or

- the needs of the business for employees to carry out work of a particular kind in the place where the employee was employed cease or diminish.

Ring-fencing means the process by which a post or posts in a new structure are made available only for an identified specific group of staff affected by the changes. The post or posts will not meet the definition for slotting in, but may be potentially suitable for the staff at risk, as the requirements of the post are similar to their current post. A ring fenced post may be one band higher, the same band as the employee's substantive post, or one band lower. Where an employee is appointed to a post on a lower grade or band than their current substantive band as a result of organisational change they will be entitled to a period of pay protection. This will be in accordance with the CCG's Pay Protection Policy, as appropriate.

Appointment to the post(s) will be made via a fair selection process. Employees will only be considered for a post one band higher where all employees affected by the process at that band have first been considered. Where an employee is considered for a post one band higher than their existing band they will need to demonstrate they meet the essential criteria of the person specification through an appropriate competitive selection process.

Slotting in is the process by which staff are confirmed into a post in a new staffing or management structure which is the same or 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 (defined as 66% the same or greater) with regard to job content, responsibility, grade, status and requirements for skills, knowledge, experience and location. Staff are not eligible to slot directly in to a higher graded post. If an employee is matched and accepts a lower band than their current band, efforts will first be made to re-deploy them into a suitable post at the same band to avoid a protection arrangement. If this is unsuccessful however and they are then redeployed to a post one grade lower pay protection will apply in accordance with the organisation's policy on pay protection.

If the 66% and above rule applies and there are more staff who have a claim on the role than there are posts available, the post(s) will be ring fenced and only those meeting the 66% and above rule will be eligible for a competitive slot-in process. Decisions about who is to be in each ring-fenced pool will be determined by a job matching process.

Staff at risk means employees whose posts may potentially be redundant as a result of organisational change if suitable alternative employment cannot be found.

Staff Affected by Change means staff who may be affected by the change e.g. change of line manager, changes to responsibilities but who are not at risk of redundancy.

Suitable alternative employment is work within the CCG 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 CCG subject to travel considerations.

TUPE - Transfer of Undertakings (Protection of Employment) Regulations 2006 as amended by the “Collective redundancies and Transfer of Undertakings (Protection of Employment) (Amendment) regulations 2014 (“TUPE”)

5. Duties and Responsibilities

Executive Team

Executive Team have a responsibility to:

- Ensure that plans for organisational change are prepared in a manner which meets the organisations values, direction and resource requirements and that due consideration is given for the role of the Staff Partnership Forum in any change requiring the use of this policy.

Line Managers

Line Managers have a responsibility to:

- Consult with HR at an early stage when organisation change is identified to ensure best practice is followed and the organisation remains legally compliant and is not open to claims of discrimination as a result of a change management process.
- Plan change sensitively to develop coherent proposals
- Operate within the procedures of this policy and apply such procedures fairly and consistently
- Consider how and when to communicate intentions and keep affected staff, their representatives and other relevant stakeholders fully informed throughout the change programme
- Not discriminate against any member of staff during this process on the basis of: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation, part-time status, fixed term contract status or whether you are a member of a trade union or not and to consider making reasonable adjustments at the job design stage, when considering the suitability of alternative employment for an individual and in the arrangements for filling posts.
- Maintain the effectiveness of the service during the change programme

Human Resources

The Human Resources department have a responsibility to:

- Support Line Managers and the organisation at all stages of the change programme

- Advise on best practice within the context of this policy including Job Matching process to be used.
- Advocate a fair and transparent process
- Advise staff members, their representatives and key stakeholders on queries in relation to the change

Employee

The Employee has a responsibility to:

- Engage with the process including attending briefings, meetings and consultations
- Ensure awareness of communications circulated and seek further clarity and understanding if required.
- Raise their concerns, questions, queries when given the opportunity to do so with Line Managers who will provide support during the change programme.
- Maintain a high standard of day-to-day working during the change programme, which may present individual challenges but support is available from line management and external sources detailed in section 6.3.

6. The Procedure

6.1 Planning for Organisational Change

Before undertaking any change process, managers must ensure that there is a clear rationale for change and there is executive support. Where appropriate, this should be underpinned by data collection and analysis of information relevant to the business need triggering proposed change. Before commencing any major change process, a business case should normally be written by the manager and submitted to the relevant committee/meeting for approval. HR advice should be sought in advance of this stage to ensure that the business case comprehensively covers all workforce implications and that the proposals have been shaped in line with best practice, legal and other national requirements.

6.2 Communication

One of the keys to successful organisational change is good communication. This will include sharing information and consulting staff and trade unions/staff side representatives through the Staff Partnership Forum and throughout the process to seek the input of employees and unions to assist in facilitating change and to reach agreement where practicable. It enables representatives to meet and to have the opportunity to comment on proposals, suggest improvements or alternatives to any proposals and to be given a reasoned response to opinions expressed.

Where significant organisational change is taking place it is helpful to agree a Communication Strategy with Staff Partnership representatives, normally the Chair (s) and Trade Unions so that communication is as open, transparent, responsive and

effective as possible. This process will be led by an appropriate nominated senior management representative (who will be referred to as the manager throughout this policy).

The Communication Strategy should cover proposals, their potential impact, and the process of implementation throughout the change process, and should ensure that all appropriate staff are involved in these communications. Communication is a two way process and effective communication will be up as well as downward. Staff should be able to ask questions and provide comments and feedback throughout and at the end of the consultation process. As far as possible, communication will be verbal, backed up in writing where appropriate.

6.3 Support

Individuals will react differently to situations involving change whether they are directly or indirectly affected. It is imperative that support is considered as part of the planning for change. During a change programme there are various avenues that can be explored for support including:

Direct Line Manager

Regular one to one meetings with your line manager will give you opportunities to discuss any personal issues and concerns you may have about the change. They will also provide you with the opportunity to discuss your preferences and options available to you as appropriate throughout any changes.

Other Sources of support

There are many reasons why employees may require support and advice during period of change to include practical and emotional support. Support and advice is available from your Trade Union Representative, Staff Partnership Representative, Occupational Health Department, Employee Assistance Programme (EAP) and Human Resources.

All staff affected by the organisational change will be encouraged to seek the advice and support of their trade union or staff representative as appropriate.

Relevant support will be provided by the CCG with the support of HR and may include:

- help with preparation for interviews
- access to the support of the EAP service
- time to meet with recognised trade union or staff 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 CCG's at risk list for prior consideration of suitable alternative posts Including through any agreement with Healthier Together partners and other such organisations.

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

6.4 Consultation

Where possible, consultation will take place whilst the proposals for change are still at their formative stage. The CCG commits itself to meaningful and appropriate consultation with trade unions, the Staff Partnership Forum representatives and staff affected by the organisational change, with a view to reaching agreement on the way forward, although there may be times when organisational change will need to proceed without a consensus being reached on all issues.

There are legislative guidelines on consultation timelines (depending on the size and potential outcomes of the change being proposed) and the appropriate consultation period will be outlined in any formal consultation papers. The Employment Rights Act 1996 states that between 20 to 99 redundancies, the consultation must start at least 30 days before any dismissals take effect and if there is 100 or more redundancies, the consultation must start at least 45 days before any dismissals take effect.

The organisation may decide when appropriate to run a consultation period longer than the legal minimum required to ensure a meaningful consultation can take place.

The purpose of the consultation meetings with staff and representatives will involve:

- Providing details of the proposed changes and adequate information on which to respond, normally in the form of a formal consultation paper.
- To consider any comments or views on the formal consultation paper including any alternative proposals before determining any final decision to proceed.

Where possible, the relevant manager will ensure that appropriate staff representative and Trade Union representatives are briefed on the proposals and the associated timescales prior to any formal consultation paper being circulated. The purpose of this briefing will be to:

- Explain the proposals and timeframe
- Discuss the content of any consultation paper.
- To set out the plan for sharing this information with affected staff.

6.5 Consultation Procedure

A formal consultation paper will be drawn up by the manager to set out the options for the proposed change with its respective advantages and disadvantages. This consultation paper should invite comments, suggestions and feedback. It should also ensure that the implications of the proposed change are clear, including a clear plan

with time scales for consultation feedback, review of the feedback, confirmation of the final proposals and proposed implementation plan.

A template consultation paper is available under appendix 13.1

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

- current situation analysis including staffing structure
- impact on service/business
- impact on other areas / services
- consideration of any relevant health and safety assessment
- the need for change and the rationale behind 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/bands of staff who may be at risk of redundancy as a result of the proposal
- proposed timescale for consultation 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 and the measures to be taken to avoid compulsory redundancies which may include natural wastage, redeployment with retraining, recruitment controls or voluntary redundancy
- details of any suitable alternative employment which may exist, if known
- details of how this information will be disseminated to staff
- description of the consultation process, including planned meetings, timetable, how staff and representatives can respond and the deadline.

Complete Equality Impact Assessment (EIA)

6.6 Time periods for consultation

In all cases the CCG will 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 representatives will be briefed immediately and the verbal briefing will be followed by a written brief. The Executive Management Team will be responsible for completing these tasks.

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

- where 20 - 99 redundancies are proposed then consultation should commence at least 30 days before the first redundancy takes place

- where 100 or more redundancies are proposed then consultation should commence at least 45 days before the first redundancy takes place

There may be times when the organisation cannot keep to these timescales, however where any variations to the consultation process are needed, these will be discussed and agreed with staff partnership representative and Trade Union representation.

The formal consultation paper will be provided to all affected staff ensuring that there is enough time for staff to consider and respond to its contents.

The employer and the staff representatives can decide that they have informed and consulted on the issues and do not need 45 days. If this is the case, then dismissal notices can be sent out earlier. Note that this can only happen if the staff representatives agree that they have been fully informed and consulted within the 45 day period and confirm they do not need the full 45 days.

Trade unions, staff representatives 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.

Where the proposed change(s) will not result in redundancy, although there is no defined period for consultation stated in law, a minimum consultation period of one month should apply unless management and the staff side agree otherwise.

6.7 End of consultation

At the end of the consultation period full consideration will be given to all comments received from staff, staff representatives and the trade unions and will make a decision on the way forward. A written report (the Consultation Outcomes Document) will be provided to the staff and trade unions covering the change process to be followed and the timeframe. The report should (where appropriate) 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 or staff representatives and staff or where the proposal has changed as a result of consultation
- the identification of posts which are the same or substantially the same in the old and new structures
- the arrangements for filling posts via Slotting In or Ring-fencing
- the selection arrangements for posts within the new structure
- any measures that will be taken to avoid compulsory redundancies

- the arrangements for seeking suitable alternative employment
- a reference to the CCG's pay protection arrangements and how these will apply
- the support for staff who are affected by the change, including access to EAP and reasonable time off to seek other employment or undertake training
- the proposed timescales for each stage of the change process
- an equality impact assessment

Where redundancies are inevitable the CCG will set 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 CCG is not open to legal challenge. Selection criteria will be discussed with trade unions or staff representatives.

Under normal circumstances, staff will be selected on the basis of their relevant skills, experience and qualifications to undertake the remaining jobs, as assessed through formal interviews held in accordance with CCG selection procedures.

In considering any measures to avoid compulsory redundancies, including requests for voluntary redundancy, operational efficiency and service needs must be taken into consideration. If a member of staff volunteers for redundancy, 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. All efforts will be made to mitigate redundancies

6.8 Who will be Eligible for Posts?

Only the following categories of staff who are affected by the change are eligible for posts in the new structure through either slotting in or ring-fenced competition:

- Substantive staff of the organisation and staff on Fixed Term contracts (Note: this excludes staff on fixed term contracts due to maternity or sickness cover, or employed specifically as a result of the organisational change).
- Staff who fulfil the essential criteria as outlined in the person specification.
- Staff with a current basic salary within the following ranges of the basic salary of the evaluated post in the new structure:
- +/- 1 pay band, (or +/- 15% of salary for staff not covered by Agenda for Change terms and conditions).

6.9 Staff on Secondments

Seconded staff whose substantive post no longer exists will normally be included in redeployment proposals for the new structure. There may be cases where staff on secondment have prior agreement that they will not return to their existing post in

which case they would not be included in redeployment proposals relating to a specific change. All staff on secondment should, however, be included in communications and consultations regardless of whether they have posts to return to. Staff on secondment or acting-up will be considered on the basis of their substantive post, not their seconded/acting up role.

6.10 Staff absent from the organisations

There may be a number of staff who are temporarily absent from the organisations for a variety of reasons but whose position should be considered when determining new structures. This should include any form of leave and staff who are suspended.

Staff in some cases on special leave, maternity leave and on long-term sick leave will have a right to return to a specific position (where that position remains). The overall principle is that any member of staff who has a right or expectation to return to the same post will be considered in process of allocating jobs and considering redeployment opportunities as if they were at work.

Employees who are on maternity leave have an automatic right to be offered suitable alternative employment (where available).

6.11 Job Descriptions

All posts will have a job description and person specification. These will include the essential skills, qualifications, experience and qualities required of the post holder.

Changes to existing posts will be evaluated through the NHS job evaluation process. All new posts within the organisation will be desktop banded and can be reviewed at the request of the individual after 6 months.

Appointments to the new structure will usually be made level by level, starting from the top down. Staff at risk will not be considered for posts in the next level of the management structure until the first round of matching to that structure has been completed.

6.12 Implementing Change

Following the end of the consultation period, the manager must issue in writing to each member of staff affected by the change the decision made and the reasons for this, including a brief explanation why any other options were not accepted. In addition a letter should confirm the implementation date for the change(s) specific to the individual.

6.13 What is the Appointment Process?

The appointment process will involve a number of stages:

1. Preparation of job descriptions and person specifications.
2. Slotting in arrangements.
3. Ring fenced competition.
4. Internal (open) competition, staff at risk within the CCG will be given priority consideration.
5. External competition (staff at risk within the CCG and from other NHS organisations will have priority for interview, subject to meeting the essential person specification criteria, over other applicants).

6.14 Filling Posts in the New Structure

Slotting in Arrangements

Where there is a single post in the new structure, which has a job description that is substantially similar (66 % or more of the old job description) and where the present substantive and permanent post holder meets the minimum criteria as outlined in the person specification that person will be slotted in. The line manager and HR department are responsible for demonstrating that these criteria are met.

In cases where the role remains 'broadly similar' and/or contains 66% or more of an existing post holders role but the salary represents a promotional increase – the individual will be subject to a confirmatory interview to ensure that they have the necessary skills and competencies required to perform the job well.

Where there is a post or posts in the new structure which clearly result from the merging of two or more posts from the old structure then those existing post holders will be the initial candidates considered for the new post or posts, irrespective of pay band. In this instance, ring-fenced competition will apply.

Where a person accepts slotting in, either as sole, initial candidate, or as a result of a job merger, then he / she will not be eligible for ring-fenced competition for any other posts in the new structure. However, he/she may apply for posts advertised in open competition after the ring-fencing stage.

This process will be monitored by the Human Resources Department. Any member of staff who feels that they have been incorrectly excluded or included for consideration for any post has the right of appeal as per the Appeals Policy.

Ring Fenced Competition

Once slotting-in arrangements have been completed a further field of ring-fenced competition will take place before the posts are opened to internal competition. This process includes the following:

- All eligible employees will receive a letter or other written communication from their manager, written in consultation with human resources, detailing the posts available to them. This will include job description and person specifications for each of the relevant posts.
- It will also include details of how to apply, the closing date and the method of selection. Job share applications will be considered for all posts unless otherwise stated.
- If applicants are applying (other than in open competition) for more than one post at any phase there will be no need to complete multiple application forms.
- A single standard organisational application form must be completed for all posts applied for, to be accompanied by a letter from the applicant or any template issued listing the posts for which application is being made and, where appropriate, indicating an order of preference. Additional, relevant supporting material can be added when applying for relevant posts.
- If individuals are matched to a number of posts in an organisational change, staff will be asked to express an interest in a maximum of 5 roles.
- Application forms must demonstrate how the candidate meets the essential criteria for the post. A reference may be required from the current line manager.
- All applicants will be considered for their preferences subject to their meeting the essential requirements of the person specification for the post, and taking further training into consideration where appropriate.

6.15 Interviews

- In circumstances where there are more posts than applicants and no conflict in expressed preferences, candidates may be offered the relevant posts with just an informal interview with the manager, provided they clearly meet the minimum criteria.
- Where there are more posts than applicants but expressed preferences do conflict, selection interviews will be held.
- Where there are more applicants than posts, selection interviews will be held.
- Short-listed candidates will be given reasonable notice of the interview date (approximately 5 working days, except in exceptional circumstances where a shorter amount of notice may need to be given) and every effort will be made to see all candidates on the same date or within a reasonable time thereafter.
- Reasonable adjustments will be made as required for applicants with disabilities in line with the principles of Disability Confident.
- Selection panels will consist of at least two people, and at least one will be a manager. The line manager for the post should normally chair the panel. External assessors may be used in exceptional circumstances.
- Interviews will be co-ordinated to ensure that the interview process is completed as swiftly as possible without unnecessary duplication of interviews.

- The Chair of the selection panel will also ensure that the conduct of the interview does not directly or indirectly discriminate against any individual candidate.
- The Chair will record the panel's findings and the reasons for the decisions reached on each candidate. All offers of posts will be confirmed in writing.
- candidates who are unsuccessful at interview will be offered post-interview feedback.

6.16 Internal (Open) Competition

If appointments to vacant posts have not been made, staff who are currently at risk and eligible for redeployment will be considered in the first instance.

6.17 Failure to Match Staff to Available Posts

In circumstances where the process, described above, fails to match an individual to an available post the following arrangements will apply to staff who are therefore at risk.

- Staff who are not matched to posts in the new structure will be considered for alternative employment (redeployment)
- The individual will be consulted to identify scope for matching to suitable alternative employment
- Staff at risk will, when they apply, receive priority consideration for interview as a redeployee for all posts at or one below their current salary in the occupations agreed as suitable alternatives elsewhere in the organisation before these posts are externally advertised
- Any posts remaining vacant after the redeployment exercise has taken place will be subject to open competition.
- In exceptional circumstances where posts are newly created and it is demonstrated that no current employee meets the person specification, open competition may take place concurrently.

6.18 Trial Periods

If a member of staff who has been identified as potentially 'at risk' is selected for an alternative post within BNSSG which is accepted by them, they will be deemed to have been offered 'suitable alternative employment' and will be entitled to a trial period of not less than 4 weeks within the post.

A trial period will only apply to Staff At Risk 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.

Where staff have the potential ability but not the immediate experience to undertake full duties of the role, 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 and reasonable timeframe.

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

If during this trial period the member of staff can show that the employment offered is not in fact suitable, either party can terminate the arrangement, and the individual will retain any entitlement to a redundancy payment if eligible.

If the trial period is successful, employment in the new job will be confirmed and the individual will have no further entitlement to a redundancy payment. The trial period can be extended if both parties agree.

If the member of staff does not accept the job, or leaves during the trial period and cannot reasonably show that the job is unsuitable, they may forfeit the entitlement to a redundancy payment if eligible.

In the instance where an individual has been served notice of redundancy but then commences a trial period in a role as suitable alternative employment, the notice period will be paused. Should the trial period be unsuccessful, then the remainder of the notice period will re-commence at the point it was paused.

Where staff identified at risk are being redeployed to Healthier Together organisations, individuals are entitled to a trial period in the new post which will last for a minimum of four weeks as detailed in the Re-deployment Protocol.

6.19 Pay Protection

Where an employee is appointed to a post on a lower grade or band than their current substantive band as a result of organisational change they will be entitled to a period of pay protection. This will be in accordance with the CCG's Pay Protection Policy, as appropriate.

6.20 Excess Travel and Relocation

An employee whose place of work alters because of organisational change may be entitled to claim excess travelling expenses or relocation expenses if travel to their new place of work involves greater travel than to their previous place of work. Individuals would be advised where this applies to them. This will be in accordance with the Agenda for Change Terms and Conditions handbook and the Pay Protection Policy and Travel and Expenses Policy, as well as being subject to any specific provision within individual's contract of employment (such as a mobility clause).

6.21 Retraining

Retraining will be considered in appropriate cases. The extent to which retraining will be provided will be determined by the agreed needs..

6.22 Redundancy Pay

Calculation of redundancy terms will be in accordance with the provisions set out in the Agenda for Change Terms and Conditions

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 is payable are summarised below:

- to qualify for a redundancy payment the individual must have:
- a contract of employment with the CCG; and at least 104 weeks Continuous Service within the NHS

Further details on Redundancy payments are covered in the Ending Employment Policy.

7. Appeals

Employees who are dissatisfied with the outcome of any decision regarding the allocation of jobs in a new structure, or their selection for redundancy will be able to exercise a right of appeal in accordance with the provisions of the CCG's Appeals policy, with the proviso that they will be permitted 10 days to Appeal against the outcome of a decision. If you feel that this policy and procedure has not been applied or followed correctly you have the right to raise a grievance in accordance with the organisation's Grievance Procedure

If you have been affected by other policies and procedures throughout the changes, your right to appeal or raise a grievance will be in accordance with the organisation's Appeals Procedure or Grievance Policy and Procedure.

8. Training requirements

Support from HR will be available to all line managers in the implementation and application of this policy.

9. Equality Impact Assessment

All relevant persons are required to comply with this document and must demonstrate sensitivity and competence in relation to the nine protected

characteristics as defined by the Equality Act 2010. The Act prohibits discrimination on the basis of age, disability, gender reassignment, marriage/civil partnership, pregnancy/maternity, race, religion/belief, sex or sexual orientation. It also means that each manager or member of staff involved in implementing the policy must have due regard to the need to: eliminate unlawful discrimination, harassment, victimisation; advance equality of opportunity between those who share a protected characteristic and those who do not; and foster good relations between people who share a protected characteristic and those who do not. If you, or any other groups, believe you are disadvantaged by anything contained in this document please contact the Document Lead (author) who will then actively respond to the enquiry.

10. Monitoring compliance and effectiveness

This policy will be reviewed every 3 years but can be reviewed at any time if the CCG deems it necessary to do so or a review is requested by management or staff.

11. Counter fraud

The CCG is committed to the NHS Protect Counter Fraud Policy – to reduce fraud in the NHS to a minimum, keep it at that level and put funds stolen by fraud back into patient care. Therefore, consideration has been given to the inclusion of guidance with regard to the potential for fraud and corruption to occur and what action should be taken in such circumstances during the development of this procedural document.

12. References, acknowledgements and associated documents

Appeals Policy

Ending Employment Policy

Equality and Diversity Policy

Grievance Policy

Pay Protection Policy

Travel and Expenses Policy

Healthier Together Redeployment protocol

13 Appendices

13.1 Formal Consultation Paper (Template)

13.2 Equality Impact Assessment

13.3 Implementation Plan

13.1 Formal Consultation Paper (Template)

Meeting XXXXX to be held on XXXXXX at XXXX in the XXXXX

Purpose

- Should outline who the paper is written for and brief explanation of what the changes are for example restructure, change in working pattern, change in location etc.

Background

- Should detail the background of the services and the rational for changes.
- Current arrangements
- Should detail current arrangements/structure/skills mix etc.
- Proposed changes and options
- Should detail the proposed options for change to the services and implications of those changes for the service and staff.

Benefits

- For each option, outline the benefits the changes will bring for the staff, service, patients (if applicable) and organisation etc.

Risks

- For each option, identify any risks in terms of not implementing or implementing the changes.

Consultation / Feedback and Timescales

- Process and method for consultation e.g. team meetings, 1 to 1s, feedback sessions, staff briefings to be carried out, date of commencement of formal consultation, draft period of time for consultation. Ensure that there is a named person to whom feedback on the consultation document should be returned.
- Feedback can also be received via the Staff Council and/or HOT representatives.

Implementation

- Proposed implementation date

Support available

- Details of support available.

Name:

Date:

Equality Impact Assessment Screening		
Query	Response	
What is the aim of the document?	To set out the CCG responsibilities in relation to the fair and consistent management of Organisational Change and due regard for staff with protected characteristics in applying this policy To provide consistency and transparency for both staff and managers to help to enhance the psychological contract and create a positive organisational culture during periods of change	
Who is the target audience of the document (which staff groups)?	All staff	
Who is it likely to impact on and how?	Staff	Yes - All staff, irrespective of personal circumstances and protected characteristics will be governed by this policy in matters relating to organisational Change. All Organisational Change procedures and processes will be handled and communicated in a fair and transparent way and to avoid any subjective bias. There is no anticipated detrimental impact on any equality group. The policy adheres to AFC Terms and Conditions, is legally compliant and takes account of best practice. It makes all reasonable provision to ensure equity of access to all staff. There are no statements, conditions or requirements that disadvantage any particular group of people with a protected characteristic.
	Patients	No
	Visitors	No
	Carers	No
	Visitors	No
	Other – governors, volunteers etc	Yes – staff on secondment from other organisations,

		agency staff
Does the document affect one group more or less favourably than another based on the 'protected characteristics' in the Equality Act 2010:	Age (younger and older people)	No - The policy provides a fair and consistent approach to management of organisational change, however there may be positive and negative impact in relation to pay protection and redundancy, entitlements as these are linked to the length of NHS service.
	Disability (includes physical and sensory impairments, learning disabilities, mental health)	No - the policy provides a fair and consistent approach to change management but there may be occasions where staff with disabilities may be impacted differently to changes. The CCG is a Disability Confident Employer and has a range of HR Policies and supporting services to ensure staff are supported and risk assessments are undertaken to include any reasonable adjustments being made.
	Gender (men or women)	No –the policy is consistent in its approach regardless of gender identity. The policy provides a fair and consistent approach to change management. However, individuals of different gender may be impacted differently by changes to their terms and conditions because of their personal circumstances which require due consideration
	Pregnancy and maternity	Yes – staff on maternity leave have an automatic right to be offered suitable alternative employment (where available).

	Race (includes ethnicity as well as gypsy travellers)	No - The policy is consistent in its approach regardless of race. The policy provides a fair and consistent approach to change management. However, individuals of different race may be impacted differently to change or the implementation of change processes due to personal circumstances which require due consideration, for example language barriers.
	Sexual Orientation (lesbian, gay and bisexual people)	No – the policy is consistent in its approach to sex and does not tolerate gender specific discrimination.
	Transgender people	No - the policy provides a fair and consistent approach change management.
	Groups at risk of stigma or social exclusion (e.g. offenders, homeless people)	No - the policy provides a fair and consistent approach Change Management.
	Human Rights (particularly rights to privacy, dignity, liberty and non-degrading treatment)	No - the policy provides a fair and consistent approach Change Management

13.3 Implementation Plan

Target Group	Implementation or Training objective	Method	Lead	Target start date	Target End date	Resources Required
Staff	Awareness of Policy	Launch of Policy shared at Stand Up	RH	4 th Nov	30 th Nov 20	Time on agenda
Staff	Access to policy	Upload on to Hub	RH	4 th Nov	30 th Nov 20	Comms support