

# Meeting of ICB Board

**Date:** 7<sup>th</sup> September 2023

**Time:** 12.15pm

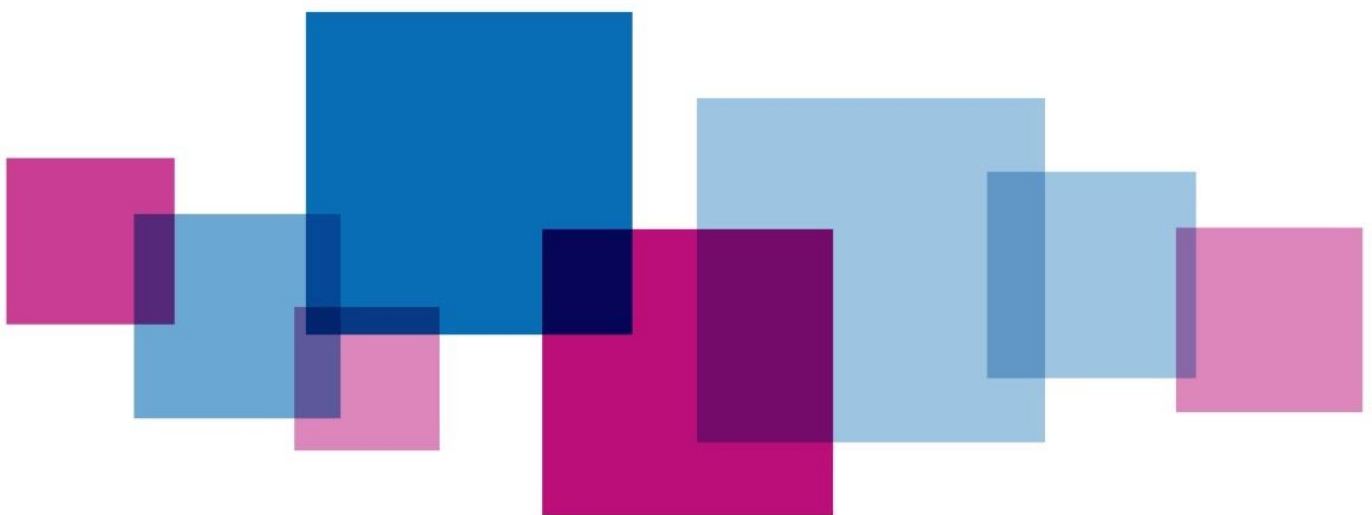
**Location:** Vassall Centre Gill Avenue, Bristol, BS16 2QQ

<b>Agenda Number :</b>	6.6	
<b>Title:</b>	Organisational Change Policy	
<b>Confidential Papers</b>	<b>Commercially Sensitive</b>	No
	<b>Legally Sensitive</b>	No
	<b>Contains Patient Identifiable data</b>	No
	<b>Financially Sensitive</b>	No
	<b>Time Sensitive – not for public release at this time</b>	No
	<b>Other</b>	No
<b>Purpose: Decision</b>		
<b>Key Points for Discussion:</b> Decision		
<p>The purpose of this paper is to seek agreement from the ICB Board for the revised policy on Organisational Change. This policy has not materially changed but has been strengthened to show an inclusion of a flow chart to clearly demonstrate the job matching and appointment process. The terminology used as been streamlined and reviewed to ensure terms are not being used interchangeably as feedback from staff was the wording in the policy was confusing. One key area to highlight is that the criteria for slot-in, competitive slot-in and ring fenced competition will only be eligible within the same band rather than one band above / below. It will only be considered at the same band and one band below when reviewing suitable alternative employment when staff are deemed 'At Risk'.</p>		
<b>Recommendation:</b>	The Board is recommended to approve the Organisational Change Policy to enable implementation.	
<b>Previously Considered By and feedback:</b>	The policy has been reviewed the Corporate Policy Review Group, the Staff Partnership Forum and, as an out of meeting paper by the ICB People Committee.	
<b>Management of Declared Interest:</b>	There are no conflicts of interest declared in relation to this policy. Staff involved maintains their Declarations of Interest and meetings cited above remind staff to declare interests at the start of meetings	
<b>Risk and Assurance:</b>	Implementation and consistent use of this policy across BNSSG ICB will reduce the risk of potential future Employment Tribunal claims being successful and provide assurance to all BNSSG colleagues that matters relating to the policy will be dealt with equitably according to the framework it sets out	



<b>Financial / Resource Implications:</b>	There is minimal financial implication as a result of implementation of this policy and it is in line with Agenda for Change and employment legislation.
<b>Legal, Policy and Regulatory Requirements:</b>	Implementation and consistent use of the this policy across BNSSG ICB will ensure that the ICB is complying with current employment legislation.
<b>How does this reduce Health Inequalities:</b>	All staff are to be treated with equality. An equality impact assessment has been carried out in relation to this policy and details are included. The policy provides a fair framework for the management of staff in relation to the scope of the policy. The EIA sets out specific considerations for awareness when using the policy.
<b>How does this impact on Equality &amp; diversity</b>	Including diversity will enable the ICB to make informed decisions to help deliver the ICBs commitment to creating an inclusive workplace that promotes and values diversity.
<b>Patient and Public Involvement:</b>	This is an internal policy. No patient or Public involvement has taken place. The Staff Partnership Forum within the ICB has the opportunity to input to the development of the policy
<b>Communications and Engagement:</b>	The policy will be communicated to staff through routine communication channels including the Have We got News For You. It will be available to staff on the Hub intranet site and publicised through the Voice. It will be covered in the Policy Toolkit Training delivered by HR
<b>Author(s):</b>	Lara Reading, HR People Partner
<b>Sponsoring Director / Non-Executive / Partner Member:</b>	Jo Hicks - Chief People Officer

# Organisational Change Policy



<b><i>Please complete the table below:</i></b>	
<i>To be added by corporate team once policy approved and before placing on website</i>	
<b>Policy ref no:</b>	To be filled in by Corporate Services
<b>Responsible Executive Director:</b>	Chief People Officer
<b>Author and Job Title:</b>	Jill Cooksley, People Manager, Lara Reading, People Business Partner
<b>Date Approved:</b>	To be filled in by Corporate Services
<b>Approved by:</b>	To be filled in by Corporate Services
<b>Date of next review:</b>	TBC

### Policy Review Checklist

	<b>Yes/ No/NA</b>	<b>Supporting information</b>
Has an Equality Impact Assessment Screening been completed?	Yes	
Has the review taken account of latest Guidance/Legislation?	Yes	See section 3 regarding consultation periods
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	

	<b>Yes/ No/NA</b>	<b>Supporting information</b>
Has the policy been reviewed by Staff Partnership Forum?	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	<p>Appeals Policy</p> <p>Ending Employment Policy</p> <p>Equality and Diversity Policy</p> <p>Grievance Policy</p> <p>Pay Protection Policy</p> <p>Travel and Expenses Policy</p> <p>Job Evaluation (Banding) Policy</p> <p>Healthier Together HR protocol on Organisational Change and Redeployment.</p>
Has the lead Executive Director approved the policy?	Yes	Reviewed by CPO
Which Committees have assured the policy?	N/A	The People Committee/ICB Board 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

	<b>Yes/ No/NA</b>	<b>Supporting information</b>
		The Hub
Will an audit trail demonstrating receipt of policy by staff be required; how will this be done?	No	
Has a DPIA been considered in regards to this policy?	N/A	A DPIA is not required for this policy. A DPIA may be relevant for instances when this policy is used.
Have Data Protection implications have been considered?	Yes	All matters associated with organisational change will be managed confidentially.

<b>Version Control</b> <i>please remove this box once approved and finalised</i>		
<b>Version</b>	<b>Date</b>	<b>Consultation</b>
1.0	November 2020	GB November 2023
1.1	August 2023	

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# Organisational Change

## 1. Introduction

Bristol, North Somerset and South Gloucestershire Integrated Care Board (BNSSG ICB) 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.

### 1.1 BNSSG ICB Values

The values of the ICB are reflected in this policy as the arrangements described support fair and equitable practice regarding organisational change in the BNSSG ICB and thus uphold that: we act with integrity, we work better together, we embrace diversity, we strive for excellence, and we do the right thing.

### 1.2 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 ICB's 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 ICBs commitment to equality, diversity, and inclusion, and is designed to encompass the values of the ICB.
- 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.

## 2. Purpose and scope

The purpose of this policy is to set out the standards and processes that the ICB 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 of patient care.

The ICB 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 ICB'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 ICB, 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 ICB (those staff are the responsibility of their substantive employer) or to agency staff. If you are a fixed term member of staff the policy may apply and will be determined on an individual basis. The dismissal of employees under fixed-term contracts that are expiring in accordance with their terms will not trigger an obligation

to collectively consult. In such cases advice should be sought from the People team to assess the situation and the individual's employment rights and status.

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 ICB's values.

### **3. Duties – legal framework for this policy**

The ICB will follow best practice in the management of organisational change complying with current legislation and ACAS Codes of Good Practice. 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 are 100 or more redundancies, the consultation must start at least 45 days before any dismissals take effect.

## **4. Responsibilities and Accountabilities**

### **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, timescales, 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 and those leading change**

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. This must include those who are absent from the workplace.
- 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.

## **5. Definitions/explanations of terms used**

**“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 engagement 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 ICB 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.

**Slotting in** is the process by which staff are confirmed into a post in a new staffing or management structure which is substantially the same 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 into a higher graded post.

**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 (substantially the same role and meets the 66% and above rule) but there are only eight roles available. In this scenario, a fair and competitive 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.

Decisions about who is to be in the competitive slot pool will be determined by a job matching process.

**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 alternative employment for staff, as the requirements of the post are similar to their current post and within the same band.

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

**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.

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

**Suitable alternative employment** is work within the 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. This could be at the same band or one band lower.

**Job Matching** is the process by which the ICB reviews and assesses individuals' suitability for roles in the new structure utilising existing job descriptions and person specifications which 'match' to the proposed new role(s) which have been evaluated in line with the NHS job evaluation processes.

**Staff Affected by Change** means staff whose role may be affected by the change proposals.

**Staff Unaffected by Change** means your substantive contractual role is either not changing at all or only superficially changing.

**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")

## 6. The Procedure

### 6.1 Planning for Organisational Change

Before undertaking any change process, there needs to be 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 and Mental Health First Aiders.

All staff impacted 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 ICB with the support of HR and may include:

- help with preparation for interviews
- access to the support of the EAP service and Occupational Health services.
- time to meet with recognised trade union or staff representatives to discuss the change
- Reasonable adjustments will be considered and supported.
- 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 ICB's at risk register for priority 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 ICB 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 ICB 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 ICB 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 report (the Consultation Outcomes Document) will be provided to the staff and staff representatives 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 ICB'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 ICB 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 ICB 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 ICB selection procedures.

In considering any measures to avoid compulsory redundancies additional schemes may be considered to include Mutually Agreed Resignation Scheme (MARS) or voluntary redundancies subject to approvals. Operational efficiency and service needs must be taken into consideration and 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 Staff on Secondments**

If organisational change occurs whilst a member of staff is out of the organisation on a secondment, they will be included in all of the processes outlined in this procedure. Eligibility for slotting in or ring-fenced recruitment will be based on their substantive post.

If a member of staff is on an internal secondment or in an acting up role, their substantive role will be used for the purpose of consultation and procedure for filling posts.

If the internal secondment or acting up arrangement is to be made permanent, the ICB will be required to advertise the post which may have potentially excluded some applicant who would have applied if it was a permanent post. There may be some exceptionality to this, e.g. if someone has held a seconded post for a significant period of time over and above the original agreed period.

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.

### **6.12 Staff absent from the organisation**

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.

All staff affected by change will be consulted with regardless of whether they are at work or not. Managers will ensure that any employee not at work immediately prior to /during the consultation period is, as far as reasonably practical, involved in the consultation process to the same extent as those employees physically present. (for example staff on secondment, maternity leave, annual leave, career break, sickness absence, or suspension.

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).

### **6.13 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.

Significant changes to existing posts will be evaluated through the NHS job evaluation process. All new posts within the organisation will be banded.

### **6.14 Implementing Change**

Following the end of the consultation period and the outcome of the consultation proposal is known, the manager must inform each member of staff impacted 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.

All jobs which have significantly changed which have not already been job evaluated must be sent for banding accordance with the national NHS job evaluation scheme.

### **6.15 What is the Appointment Process?**

Selection criteria for all posts in the new structure (whether there is competition) must be non-discriminatory, fair, objective, clearly defined and based on the skills and competency requirements of the post.

The appointment process will involve a number of stages following the completion of the Job Matching process.

- **Stage 1** -Slot In(s) and Competitive Slot in(s)
- **Stage 2** - Ring fenced competition.
- **Stage 3** - Internal (open) competition, staff at risk within the ICB will be given priority consideration.
- **Stage 4** - External competition (staff at risk within the ICB and from other NHS organisations will have priority for interview, subject to meeting the essential person specification criteria, over other applicants).

### **6.16 Filling Posts in the New Structure**

#### **Stage One: Slot In**

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/Person Specification) and where the present substantive and permanent post holder meets the minimum criteria

as outlined in the person specification that person will automatically be slotted in. The line manager and People team are responsible for demonstrating that these criteria are met through the Job Matching Process. In this scenario there must be enough new roles and staff members to slot into these positions for this to apply.

### **Competitive Slot-in**

Where there is more than one potential slot in for a post based on the criteria where the job description is substantially similar (66 % or more of the old job description/Person Specification) the employees will be placed in a competitive slot pool. Appointment to the position(s) will be determined by a competitive interview process.

Slot-in proposals will be confirmed to the affected employee(s) and notice provided of the competitive interview process will be given.

Where a person accepts slotting in, either as sole, initial candidate, or as a result of a competitive slot in, then they will not be eligible for ring-fenced competition for any other posts in the new structure. However, they may apply for posts advertised in Internal (open) competition after the ring-fencing stage.

This process will be monitored by the People team. 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.

### **Stage Two - Ring Fenced Competition**

Any posts which have not been filled at stage 1 through a slot in or competitive slot will be ring fenced for eligible employees before posts are opened to internal competition.

Ring fenced competition will normally apply where the requirements of the post are of a similar skill set to their current post but does not meet the definition of slotting in, however they do meet the minimum criteria detailed in the person specification and within the same band.

Ring Fence competition shall normally begin with the highest pay band first, then cascade down.

Ring fence proposals will be confirmed to the affected employee(s) and notice provided of the interview process will be given detailing the posts available to them. This will include job description and person specifications for each of the relevant post(s)

### **Stage 3 – Internal (Open) Competition**

All vacant posts that have not been appointed to in stage one and stage two can be advertised internally. Staff who are currently at risk and eligible for redeployment will be considered in the first instance at the same band or one band lower. The People

Team will notify staff of potential opportunities and posts which are considered to be suitable alternative employment. Where an employee is appointed to a post on a lower 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 ICB's Pay Protection Policy, as appropriate

### **Stage 4 – External (Open) Competition**

All vacancies are advertised internally and/or externally, in line with the normal ICB recruitment process.

The People team will support employees who are 'at risk' to seek redeployment across systems partners in line with the Healthier Together guidance for supporting organisational change and redeployment across BNSSG.

### **6.17 Failure to Match Staff to Available Posts**

There may be situations where the process described above, fails to match an individual to an available post. In such circumstances 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 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 ICB's Pay Protection Policy, as appropriate.

### **6.22 Excess Travel and Relocation Costs**

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 ICB Travel and Expenses policy.

### **6.23 Retraining**



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

### **6.24 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 ICB; 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 ICB'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. Implementation and Monitoring Compliance and Effectiveness**

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

Please refer to implementation plan at in the appendix.

### **11. Countering Fraud, Bribery and Corruption**

The ICB is committed to reducing and preventing fraud, bribery and corruption in the NHS and ensuring that funds stolen by these means are put back into patient care. During the development of this policy document, we have given consideration to how fraud, bribery or corruption may occur in this area. We have ensured that our processes will assist in preventing, detecting and deterring fraud, bribery and corruption and considered what our responses to allegation of incidents of any such acts would be.

In the event that fraud, bribery or corruption is reasonably suspected, and in accordance with the Local Counter Fraud, Bribery and Corruption Policy, the Team will refer the matter to the ICB's Local Counter Fraud Specialist for investigation and reserve the right to prosecute where fraud, bribery or corruption is suspected to have taken place. In cases involving any type of loss (financial or other), the ICB will take action to recover those losses by working with law enforcement agencies and investigators in both criminal and/or civil courts.

### **12. References, acknowledgements and associated documents**

Appeals Policy  
Ending Employment Policy  
Equality and Diversity Policy  
Grievance Policy  
Pay Protection Policy  
Travel and Expenses Policy  
Job Evaluation (Banding) Policy  
Healthier Together Organisational Change Redeployment protocol

## **13. Appendices**

**13.1 Formal Consultation Paper (Template)**

**13.2 Organisational Change Flowchart**

**13.2 Equality Impact Assessment**

**13.3 Implementation Plan**

## Appendix 13.1

### Formal Consultation Paper (Template)

#### 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 Partnership Forum and/or Trade Union representatives.

#### Example Timeline

Activity	Timescale
Consultation Document reviewed and approved by Executive team	
Consultation Document reviewed and commented on by Staff Partnership forum.	

Consultation Launch / Communications strategy plan to include: <ul style="list-style-type: none"> <li>• One-to-ones</li> <li>• Team Meetings</li> <li>• Directorate meetings</li> <li>• ICB led communications</li> </ul>	
End of consultation period	
Review consultation feedback and carry out Impact assessments of Consultation Feedback and draft final structure and job descriptions, with full Equality Impact Assessment	
Consultation outcome shared including timings for implementation of changes	
Implementation Plan – Appointment and Selection activities e.g slotting in, ringfence interviews.	
Confirmation to staff affected by change outcome and right of appeal.	

**Implementation**

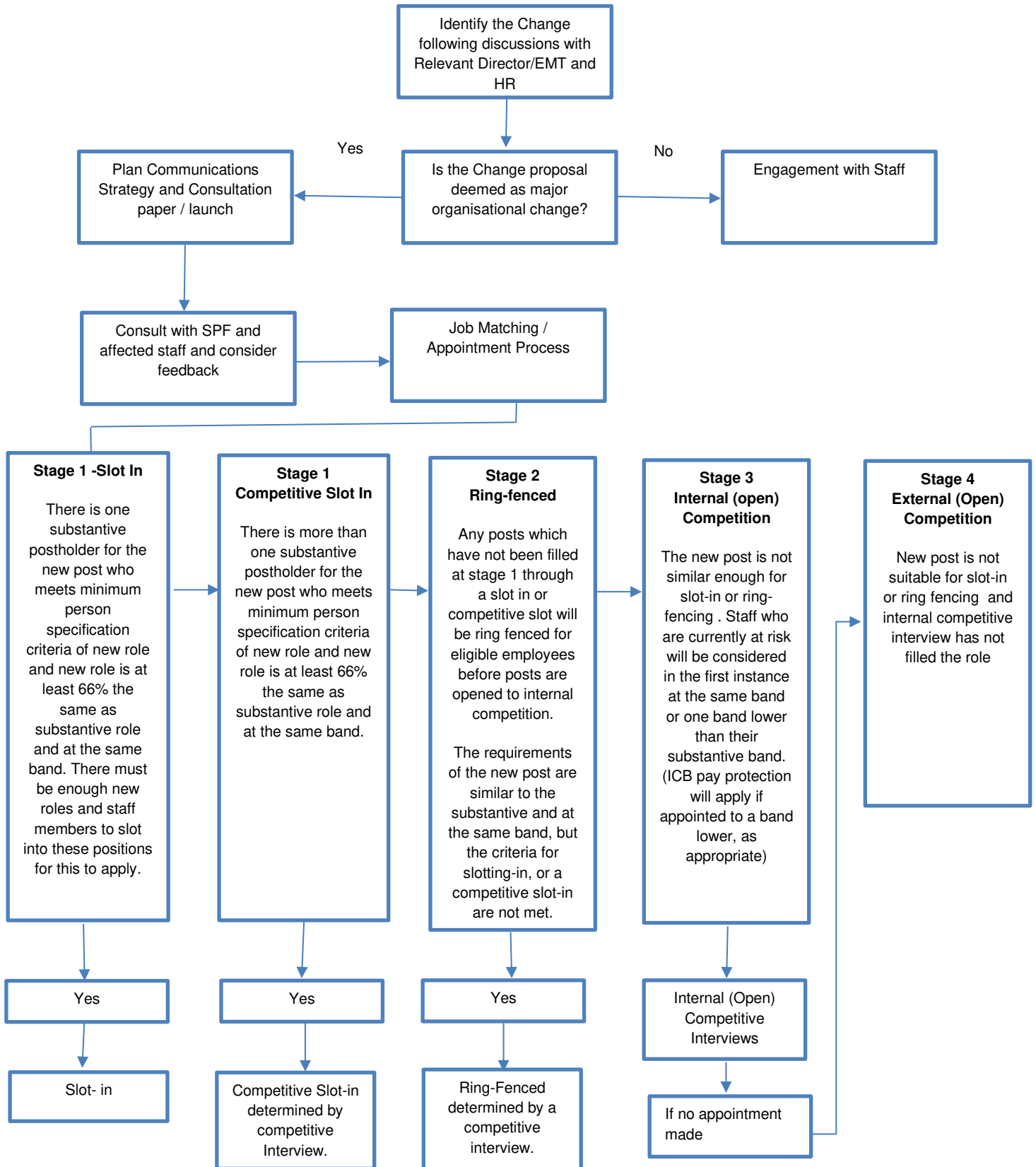
Proposed implementation date

**Support available**

Details of support available.

- a. Name:
- b. Date:

13.2 Organisational Flow Chart



### 13.3 Equality Impact Assessment

Equality Impact Assessment Screening	
Query	Response
<b>What is the aim of the document?</b>	<p>To set out the ICB responsibilities in relation to the fair and consistent management of Organisational Change and due regard for staff with protected characteristics in applying this policy</p> <p>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</p>
<b>Who is the target audience of the document (which staff groups)?</b>	All staff
<b>Who is it likely to impact on and how?</b>	<p>Staff</p> <p>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.</p>

	Patients	NO
	Visitors	NO
	Carers	YES some staff may be carers – see section above on Staff
	Other – governors, volunteers etc	Yes – staff on secondment from other organisations, agency staff
<b>Does the document affect one group more or less favourably than another based on the ‘protected characteristics’ in the Equality Act</b>	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,	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 ICB 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.
	learning disabilities, mental health)	
		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



	Gender (men or women)	Yes – staff on maternity leave have an automatic right to be offered suitable alternative employment (where available).
	Pregnancy and maternity	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.
	Race (includes ethnicity as well as gypsy travellers)	No – the policy is consistent in its approach to sex and does not tolerate gender specific discrimination.
	Sexual Orientation (lesbian, gay and bisexual people)	No - the policy provides a fair and consistent approach change management.
	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

## 13.4 Implementation Plan

## Organisational Change

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<b>Target Group</b>	<b>Implementation or Training objective</b>	<b>Method</b>	<b>Lead</b>	<b>Target start date</b>	<b>Target End date</b>	<b>Resources Required</b>
Staff	Awareness of Policy	Launch of Policy shared at HWGNFY				Time on agenda
Staff	Access to policy	Upload on to Hub				Comms support