

PROCEDURE FOR ORGANISATIONAL CHANGE

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Ratified by:	King's Executive
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Equality Impact Assessment	Medium for Age, Race and Disability

PROCEDURE FOR ORGANISATIONAL CHANGE

1. PRINCIPLES

In circumstances involving organisational change, the Trust has a responsibility to act fairly and reasonably to all members of staff affected by changes in the way we provide our services.

The Trust is committed to maintaining job security and workforce stability and will, wherever possible, seek to avoid compulsory redundancies by measures such as recruitment constraints, redeployment, early retirement and natural wastage. Compulsory redundancies will only be considered when other options have been explored.

This document sets out the procedure to be applied in situations where, due to contraction, closure, change of use or transfer of facilities, changes in staffing requirements, merger, re-organisation of working arrangements or financial pressure, workforce changes or reductions may be necessary.

2. CONSULTATION

The Trust will consult with staff and recognised Trade Unions at the earliest opportunity when it is evident that redundancies might arise. Where appropriate this will include consultation with individuals where there is a one-off redundancy as well as consultation with affected groups of staff.

There are statutory minimum periods for consultation as follows:-

- **90 days** where it is proposed to make redundant **100 or more** employees across the Trust within a **90 day** period
- **30 days** where it is proposed to make redundant **20 or more** employees across the Trust within **30 days** or less

When it is proposed to make fewer than 20 staff redundant, consultation will usually be over a 30 day period following the issue of the proposal document. The consultation period for any proposal, which does not involve redundancy, will be long enough to allow for proper consideration of comments from affected staff and their representatives.

Consultation must be "with a view to reaching agreement" on avoiding and/or reducing the number of redundancies and mitigating the consequences of the action proposed. At the beginning of the consultation process the appropriate manager will make available to staff and appropriate representatives the relevant details of the proposal to allow proper consultation, and will forward a copy of the proposal to the Chair of Staff Side and, if known, the appropriate trade union representatives and the Chairman. A template is available at [x/hum-res/guidance/org change proposal template - organisational change proposal template](#).

3. EQUALITY

All organisational change proposals will be subject to an Equality Impact Assessment, as per the organisation change proposal template. Assessments will take into account the potential impact for both service users and staff.

Selection for redundancy will be carried out in a fair, consistent and objective manner so as not to discriminate on the grounds of race, sex, disability, sexual orientation, religion or age.

4. PROCESS

Organisational Change - Jobs Not At risk

Managers will meet with the affected staff and their representatives and will issue the proposals in writing for consultation. Any concerns or issues raised will be dealt with through proper discussion, according to agreed procedures.

Organisational Change - Jobs At Risk

Managers will consult with staff affected and their representatives over the proposed changes. Where changes result in loss of job(s), the Trust will seek "suitable alternative employment" for the staff concerned.

At the end of the consultation period managers will formally meet the staff to advise them that their post is redundant and/or to issue notice of dismissal. Notice *may not* be given to run concurrently alongside the consultation period, unless by agreement with staff and/or their representatives.

During the consultation period managers will actively seek to identify potentially suitable vacancies for redeployment. During the period of notice both parties will actively explore opportunities for redeployment.

If suitable posts are identified during the job search, staff "at risk" are offered priority interviews provided they meet the essential criteria in the person specification. Staff offered alternative employment are entitled to a four week trial period following which a review will take place either to confirm them as permanent or take alternative action. Where appropriate the Trust will consider re-training staff to allow successful redeployment. For further information, see [Guidance on Redeployment following Organisational Change](#).

If staff are redeployed into an alternative post, which is one band lower than the redundant post, they will receive pay protection in line with the Pay Protection Policy.

Where it is necessary to select staff for redundancy the following criteria will be amongst those taken into account:

- the type of knowledge, skills and capabilities for which there is a continuing need
- factors such as conduct, attendance and work record.
- the cost of redundancy, where the purpose of redundancy is to reduce costs
- length of service with King's [if the principle of LIFO, Last in First Out, is used it should only be used in conjunction with other criteria]

In the event of dismissal following organisational change, staff will receive reasonable time off for job seeking and any other assistance that may be reasonably provided.

5. REDUNDANCY PAYMENT

In line with section 16 of the Agenda for Change NHS Terms and Conditions handbook, staff with at least two years continuous NHS service may be entitled to a redundancy payment which equates to one months pay per year of reckonable NHS service, with a maximum of 24 months pay.

NHS Pension Scheme members who have reached the minimum pension age, may choose to retire early without reduction in the value of pension benefits as an alternative to receiving a full redundancy payment.

Compensation arising from redundancies involving staff aged over 50 with at least five years pensionable service is subject to transitional arrangements which come to an end on 30 September 2011.

If a member of staff has previously received NHS redundancy pay or has retired, redundancy payment will be based on reckonable NHS service from the date on which he or she was re-engaged following the redundancy or retirement.

More information about redundancy payment calculations is available from the payroll department.

Staff are not entitled to redundancy payments or early retirement on the grounds of redundancy if they:

- take up alternative NHS employment within four weeks of the effective date of redundancy or
- are unwilling to apply for or unreasonably refuse to accept suitable alternative employment at King's or elsewhere in the NHS

6. APPEAL

If the post of a member of staff is disestablished or significantly changed as a result of organisational change, he or she will be notified of the right of appeal under the Appeals Procedure. Complaints arising from other outcomes of organisational change are dealt with under the Staff Complaints [Grievance] Resolution Procedure.

Other Relevant Policy Statements or Guidelines:

Policy on Pay Protection

Guidelines on Redeployment: [x/hum_res/guidance/redeployment](#)

Equal Opportunities Policy

Staff Complaints (Grievance) Resolution Procedure

Appeals Procedure