

HEALTH PROTECTION AGENCY

Organisational Change Policy

1. INTRODUCTION

The HPA Board recognises that employees are its most valuable resource and the means to assist the Agency to fulfil its statutory functions. Consequently the Board is committed to providing a stable environment and job security for all staff wherever practicable.

However, where changes (arising from financial, organisational, scientific, technical, market or other factors) are required which may affect the job security, the HPA Board and its senior managers will take all practicable steps to minimise the adverse effects on employees. This document outlines the measures to be taken to avoid or minimise redundancy and the procedures that will apply when redundancy becomes necessary. In dealing with staffing consequences of change, particularly where redundancies are likely to be required, management will consult with the relevant Trade Unions at the earliest practicable opportunity.

2. EQUALITY AND DIVERSITY

“The Health Protection Agency (HPA) undertakes to promote equality and diversity and not to discriminate between employees or job applicants in respect of age, sex, sexual orientation, marital status, race, colour, ethnic or national origin, disability, religion, gender reassignment, or trade union membership.”

3. SCOPE

This policy applies to all HPA employees.

4. KEY PRINCIPLES TO MAINTAIN JOB SECURITY

- 4.1 Consultation with staff and the recognised trade unions throughout any process of change. Consultation with trade unions will take place at the earliest practicable opportunity during the process of change with a view to reaching an agreement and having regard to statutory requirements.
- 4.2 Provision of all relevant information to affected staff and the recognised trade unions at the earliest practicable opportunity and in accordance with statutory requirements.
- 4.3 A recognition of the importance of maintaining staff morale and motivation during periods of change.

- 4.4 The implementation of a range of procedures and the provision of assistance to staff in situations where they may be affected by organisational change. This is to include staff that may be affected by change and placed in a potential redundancy situation being declared “at risk” and receiving the support and assistance described in this agreement.
- 4.5 Before considering any compulsory redundancy situation measures must be taken to avoid or minimise any such redundancy. All practicable alternative possibilities will be explored in the first instance. Where compulsory redundancy is proposed, HPA will handle and potential redundancy in accordance with this procedure and in the fairest, most consistent and sympathetic manner possible in order to reduce as far as possible any hardship that may be suffered by the employees concerned.
- 4.6 The development of systematic workforce planning, so that staffing levels/types can be planned to fulfil future and existing service requirement and developments, in order to reduce the necessity for declaring redundancies. In addition, HPA will always need to retain the optimum level of efficient and effective staffing with the skill mix and expertise to meet service requirements.
- 4.7 A commitment to ensure that equal opportunities principles and practices are observed at all times.

5. CONSEQUENCES OF CHANGE

Where organisational change occurs jobs may be required to be changed to work may have to be organised in a different way. Where any job is subject to substantial alteration or where there is a possibility that an existing post may not be required in the future, any individual whose post may be affected by such change will be placed “at risk”. Any individual in this post will receive the support set out in this document.

6. FORUM FOR CONSULTATION

This forum re-affirms that the focus for consultation on organisational change is the National Joint Staff Committee. However consultation may be more appropriately handled at local level e.g. at a single site and that an appropriate agreed consultation mechanism will be put in place.

7. MEASURES FOR AVOIDING OR MINIMISING COMPULSORY REDUNDANCY

The intention of this agreement is that a requirement for compulsory redundancy should be avoided or minimised as far as possible and that any reduction in staff numbers required should be achieved, as far as is reasonably practicable, and where operational needs allow, by :-

- a) Natural wastage and restriction of recruitment.
- b) The implementation of recruitment controls, including where appropriate the use of internal redeployment arrangements for the filling of posts within the Agency.
- c) Filling vacancies in services and functions likely to be affected, with staff on temporary or fixed term contracts (including temporary secondments and acting-up arrangements where appropriate).
- d) Examination of all other cost saving measures, including the reduction or elimination of overtime working where appropriate.
- e) Re-deployment (together with retraining where appropriate) of existing staff to suitable alternative posts.
- f) Consideration of individual requests for voluntary redundancy or premature retirement. It should be noted that there is no automatic right for staff to be granted voluntary redundancy or premature retirement, but consideration will be given to individual cases in the light of current and anticipated future needs of the Service.

8. PROCEDURES FOR HANDLING REDUNDANCIES

- 8.1 In situations where redundancies become unavoidable the decision to authorise redundancies will be taken by the HPA Executive Team in accordance with provisions of this policy.

8.2 Definition of Redundancy

A dismissal by reason of redundancy occurs if the dismissal is attributed wholly or mainly to:-

- a) The fact that his employer has ceased, or intends to cease, to carry on the business for the purpose of which the employee was employed by him, or has ceased, or intends to cease, to carry on that business in the place where the employee was so employed, or
- b) The fact that the requirements of that business for employees to carry out work of a particular kind, or for employees to carry out the work of a particular kind in the place where he was so employed, have ceased or diminished or are expected to cease or diminish.

8.3 Consultation with Trade Unions

Consultation with the aim of reaching agreement with representatives of the appropriate recognised Trade Unions will take place at the earliest practical opportunity before any decision is taken to make an employee redundant. The minimum consultation periods will be:-

- At least 30 days prior to the proposed date of any change.

- At least 90 days prior to the proposed dismissal of 100 or more employees at one establishment over a period of 90 days or less.

8.4 Disclosure of Information

The following information will be made available to recognised Trade Unions at the earliest possible opportunity:-

- The reason for the proposals.
- Measures to be taken to avoid redundancy and steps taken to mitigate its effects.
- The number and categories of employees who are expected to be affected.
- The total numbers in each category of employees employed in the establishment/function(s) concerned.
- The proposed criteria to be used for selecting employees who may be dismissed.
- The proposed method of carrying out redundancies with due regard to this procedure, including the period over which the dismissals are to take effect.
- The proposed method of calculating the amount of any redundancy payments to be made.

8.5 Consultation with Individuals

Consultation with individual employees who are likely to be affected by any proposals will take place as soon as practicable and before any decisions to authorise staff reductions are taken.

The dialogue with the individual will involve an explanation of why and how he/she has been placed at risk and possible ways of avoiding potential redundancy e.g. by redeployment and/or retraining. Sufficient time must be given to allow the individual to respond and for management to carefully consider any representations made before redundancy is considered.

Individuals will have the right to be accompanied/represented by a trade union representative or work colleague at any consultative meetings.

8.6 Selection for Redundancy

For the purposes of selection for redundancy, redundancy situations may be classified into the following categories:-

Category A

This comprises situations where a post(s) of a particular kind will cease to exist. Typically this sort of redundancy would arise as a result of a decision to cease work at a particular place or a decision to cease work on a particular activity which results in the deletion of a specific post(s).

In these circumstances, the employee(s) selected for redundancy may be the holder(s) of the post(s) which will cease to exist as a result of the specific closure or work cessation or decision.

Category B

This comprises situations where the need for posts of a particular kind at a particular location has diminished for a variety of reason, including financial cutbacks, reduction in work volume, rationalisation/restructuring of services, changes to work content.

In these circumstances, selection for redundancy will be made according to the following process:

- i) The pool for selection will be clearly defined through the collective consultation process e.g. all staff in a particular grade in a particular department.
- ii) Volunteers for redundancy will be sought from the employees within the selection pool and from a wider catchment wherever practicable

Whilst there is no automatic right to be granted voluntary redundancy each application will be considered carefully balancing the aspirations of the individual with the interest of the service.

- iii) Where there are insufficient numbers of approved volunteers for redundancy the required number of redundancies will be achieved by either the following two methods:

Method 1

Where it is decided to restructure services and posts within the defined pool, all existing shareholders within the pool will be considered to be affected by the proposals.

Revised job descriptions and person specifications for the posts in the revised structure will be produced and all existing employees within the selection pool will be considered for the new posts, using a competitive selection process restricted to candidates from within the pool. The interviewing panel will consist of:-

- a) Appropriate local manage(s)
- b) Assessor external division
- c) Human Resource representative

Unsuccessful candidates will be considered to be “at risk” and a process of individual consultation will commence.

Method 2

In situations where it is decided that the remaining posts in the structure will be largely unaltered, selection for redundancy will be made in accordance with a procedure developed through the collective consultation process and which may be based on the following criteria:

- a) Skills, experience and other attributes in relation to the current and future anticipated operational requirements of the Agency.
- b) b) Conduct, performance, capability and attendance records where these have been recorded as part of a formal procedure.

9. SUITABLE ALTERNATIVE EMPLOYMENT & TRIAL PERIODS

9.1 Suitable Alternative Employment

Any employee being consulted as “at risk” shall be considered for redeployment to any suitable post at or below his/her present grade. If following an appropriate assessment, the individual is deemed to be suitably qualified for the post he/she will be offered the post as an alternative to redundancy. Consideration should also be given to the practicability of retraining, within a reasonable period, employees who do not immediately meet the requirements of the post.

If an individual does not accept the offer of suitable alternative employment a full discussion will take place with the individual about the consequences of such a decision. Individuals will be specifically advised that an unreasonable refusal of suitable alternative employment could result in the loss of redundancy pay entitlements.

9.2 Protection

Employees who move to lower grade posts as a result of organisational change will be eligible to receive protection of basic pay on a mark time basis for not less than five years from the date of appointment to the new post. The detailed arrangements for protection of pay and conditions of employment will be set out in a separate policy.

9.3 Trial periods

Where alternative employment is offered this will be presented to the employee as a formal offer as far in advance as possible, and in any event before the date when the employee’s contract of employment would otherwise cease. The offer will:-

- a) Specify clearly the details of the offer e.g. nature of the job, grade, location, remuneration, terms and conditions etc.
- b) Be for a contract of employment which continues without a break following the ending of employment under the previous contract.
- c) Make provision for a trial period of a minimum of four weeks (a longer period can be agreed subject to individual circumstances or where it is necessary to retrain the employee) during which the employee can make up his/her mind whether he/she finds the alternative employment suitable.

10. AUTHORITY TO DISMISS INDIVIDUALS ON THE GROUNDS OF REDUNDANCY

The authority to dismiss an individual employee on the grounds of redundancy lies with the Centre Director/Director of Local and Regional Services Division. The Director, in consultation with the HR Manager, is responsible for ensuring that all procedures have been adhered to before formal, written notice of redundancy is given. The Director of HR must ratify all decisions involving dismissal for reason of redundancy.

11. APPEALS AGAINST DISMISSAL ON THE GROUNDS OF REDUNDANCY

Any employee who wishes to appeal against his/her dismissal on the grounds of redundancy has the right of appeal in accordance with the appeals procedure outlines in the HPA Disciplinary Procedure.

12. REDUNDANCY PAYMENTS AND NOTICE OF DISMISSAL ON GROUNDS OF REDUNDANCY

Notice periods will be given and redundancy payments made in accordance with contractual arrangements.

13. ADDITIONAL ASSISTANCE

13.1 It is acknowledged that redundancy can be a traumatic experience for employees. In order to support employees at a difficult time, the HPA may provide a support service to give those employees facing redundancy the following:

- Access to independent financial advice;
- Guidance on how to find another job;
- Advice on completion of application forms and presentation skills at interview.

13.2 Additional support may include;

- Contacting the local jobcentre which provides a service bringing together employers with vacancies and people looking for work
- Contacting other local NHS employers canvassing for any vacancies which may be offered to redundant employees
- Giving redundant employees first option of re-employment should circumstances change.

14. INTERPRETATION OF THE POLICY

Any disputes in relation to the interpretation of this policy will be handled in accordance with the agreed HPA Disputes Procedure. If any member of staff believes that they have more preferable arrangements covered by the transfer of Undertakings Protection of Employment Regulations (TUPE) they will be able to have these arrangements applied to them.

15. REVIEW OF THE POLICY

This policy will be reviewed regularly and any changes will be discussed and agreed with the recognised trade unions before implementation.