

## TRUST-WIDE NON-CLINICAL POLICY DOCUMENT

# CORPORATE ORGANISATIONAL CHANGE

Policy Number:	HR19
Scope of this Document:	All Trust Employees (permanent and temporary)
Recommending Committee:	HR Policy Group
Approving Committee:	Executive Committee
Date Ratified:	October 2016
Next Review Date (by):	June 2020
Version Number:	2016 – Version 6
Lead Executive Director:	Executive Director of Workforce
Lead Author(s):	HR Business Partner

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2016 – Version 6

Striving for perfect care  
and a just culture

## TRUST-WIDE NON-CLINICAL POLICY DOCUMENT

# CORPORATE ORGANISATIONAL CHANGE POLICY

### Further information about this document:

Document name	<b>CORPORATE ORGANISATIONAL CHANGE POLICY HR19</b>
Document summary	<b>This policy outlines the approach to take to manage and implement organisational change</b>
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Published by Copies of this document are available from the Author(s) and via the trust's website	<b>Mersey Care NHS Foundation Trust V7 Building Kings Business Park Prescot L34 1PJ  Trust's Website <a href="http://www.merseycare.nhs.uk">www.merseycare.nhs.uk</a></b>
To be read in conjunction with	<b>ACAS Code of Practice Equality Act 2010 Agenda for Change Handbook</b>
<b>This document can be made available in a range of alternative formats including various languages, large print and braille etc</b>	
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### Version Control:

Version History:		
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Version 4		October 2013
Version 5		January 2014
Version 6	Policy Group	October 2016
Version 6	Executive Committee - approved	February 2020

## SUPPORTING STATEMENTS

this document should be read in conjunction with the following statements:

### SAFEGUARDING IS EVERYBODY'S BUSINESS

All Mersey Care NHS Foundation Trust employees have a statutory duty to safeguard and promote the welfare of children and adults, including:

- being alert to the possibility of child / adult abuse and neglect through their observation of abuse, or by professional judgement made as a result of information gathered about the child / adult;
- knowing how to deal with a disclosure or allegation of child /adult abuse;
- undertaking training as appropriate for their role and keeping themselves updated;
- being aware of and following the local policies and procedures they need to follow if they have a child / adult concern;
- ensuring appropriate advice and support is accessed either from managers, *Safeguarding Ambassadors* or the trust's safeguarding team;
- participating in multi-agency working to safeguard the child or adult (if appropriate to your role);
- ensuring contemporaneous records are kept at all times and record keeping is in strict adherence to Mersey Care NHS Foundation Trust policy and procedures and professional guidelines. Roles, responsibilities and accountabilities, will differ depending on the post you hold within the organisation;
- ensuring that all staff and their managers discuss and record any safeguarding issues that arise at each supervision session

### EQUALITY AND HUMAN RIGHTS

Mersey Care NHS Foundation Trust recognises that some sections of society experience prejudice and discrimination. The Equality Act 2010 specifically recognises the *protected characteristics* of age, disability, sex, race, religion and belief (or lack thereof), sexual orientation, gender reassignment, pregnancy and maternity and marital and civil partnership status. The Equality Act also requires regard to socio-economic factors.

The trust is committed to promoting and advancing equality and removing and reducing discrimination and harassment and fostering good relations between people that hold a protected characteristic and those that do not both in the provision of services and in our role as a major employer. The trust believes that all people have the right to be treated with dignity and respect and is committed to the elimination of unfair and unlawful discriminatory practices.

Mersey Care NHS Foundation Trust also is aware of its legal duties under the Human Rights Act 1998. Section 6 of the Human Rights Act requires all public authorities to uphold and promote Human Rights in everything they do. It is unlawful for a public authority to perform any act which contravenes the Human Rights Act.

Mersey Care NHS Foundation Trust is committed to carrying out its functions and service delivery in line with a Human Rights based approach and the FREDA principles of **F**airness, **R**espect, **E**quality **D**ignity, and **A**utonomy

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## **1. PURPOSE AND RATIONALE**

- 1.1 The Trust regards its employees as its most valuable asset and it is the Trust's aim to provide a stable work environment and security of employment for all staff.
- 1.2 The Trust must however be able to respond to the need for organisational change and the development of its services, which may from time to time necessitate redundancies.
- 1.3 When a need for change has been identified an agreed programme of measures to help provide job security will be implemented. The agreed measures will be discussed individually with the staff affected who are entitled to be accompanied by their trade union representative or workplace colleague. In order to minimise the impact of such events and wherever possible avoid redundancies the principles and procedures within this policy will be followed.

## **2. SCOPE**

This policy and procedure applies to all Trust employees (permanent and temporary).

### **2.1 Principles**

- 2.1.1 This policy will mitigate the effect on staff and provide a fair and equitable process for implementing change.
- 2.1.2 Where it is anticipated that organisational change will need to be made, consideration should immediately be given to avoid or minimise the number of staff who may have to be declared "At Risk" of redundancy.

In times of anticipated organisation change, the Trust notwithstanding the statutory position will consult with trade union representatives.

- 2.1.3 The Trust will consult directly with staff involved at the earliest opportunity, to provide both information with regard to the need for change and to develop an understanding of staff issues as a result of the change.
- 2.1.4 The Trust in consultation with trade union organisations will seek to minimise the effect of redundancies through the provision of reasonable time and effort to find suitable alternative employment for staff and always within statutory consultation periods.
- 2.1.5 Every attempt will be made to identify suitable alternative employment.
- 2.1.6 Where compulsory redundancy is inevitable, the Trust will handle any redundancies in the most fair, consistent and sympathetic manner possible and will minimise as far as possible any hardship that may be suffered by the employees concerned.
- 2.1.7 The Staff Support Service is available to staff who wish to discuss issues in confidence.

### **2.1.8 Equality and Human Rights**



**Mersey Care**  
NHS Foundation Trust

Community and Mental Health Services

- 2.1.9 The Trust recognises that all sections of society may experience prejudice and discrimination. This can be true in service delivery and employment. The Trust is committed to equality of opportunity and anti-discriminatory practice both in the provision of services and in our role as major employer. The Trust believes that all people have the right to be treated with dignity and respect. The Trust is working towards, and is committed to the elimination of unfair and unlawful discriminatory practices. All employees have responsibility for the effective implementation of this policy. They will be made fully aware of this policy and without exception must adhere to its requirements.
- 2.1.10 The Trust also is aware of its legal duties under the Human Rights Act 1998. All public authorities have a legal duty to uphold and promote human rights in everything they do. It is unlawful for a public authority to perform any act which constitutes discrimination.
- 2.1.11 The Trust is committed to carrying out its functions and service delivery in line with the Human Rights principles of dignity, autonomy, respect, fairness and equality”

### **3. DEFINITIONS**

#### **3.1 Re-organisation**

Re-organisation, or organisational change, means any structural or managerial change in the organisation of health service provision which may affect the working arrangements/practices, skills, workloads, staffing levels and/or the terms and conditions of employment of staff

#### **3.2 Redundancy**

- 3.2.1 There is a redundancy if the ending of an individual's employment with the Trust is wholly or mainly as a result of one of two factors. They are:
- a) That the Trust has ceased or intends to cease carrying on the business or providing the service in which the individual was employed; or has ceased or intends to cease carrying on that business or providing that service in the place where the individual was employed; or
  - b) That the requirements of the Trust for an individual to carry out work of a particular kind, or for an individual to carry out work of a particular kind in the place where the individual was employed has ceased or diminished or are expected to cease or diminish.

### **4. DUTIES**

#### **4.1 Chief Executive Responsibilities**

The Chief Executive has delegated responsibility for ensuring compliance with legislation to the Executive Director of Workforce.

#### **4.2 The Executive Director of Workforce**

The Executive Director of Workforce has a responsibility to ensure that robust systems are in place,

to ensure compliance with the policy and employment legislation. They will also ensure that all Directors, Managers, Strategic Human Resources Business Partners, Recruitment Team members and staff are fully aware of their roles and responsibilities in relation to Organisational Change.

The Executive Director of Workforce will notify the Secretary of State for the Department of Business, Innovation and Skills where the Trust proposes to make redundant 20 or more posts.

#### **4.3 The Human Resources Team**

The Human Resources Team will work with managers; trade unions and staff to ensure the policy is followed and complies with employment legislation. They will ensure that the 'at risk'/redeployment register is accurate and up to date and that all staff who are on the register receive weekly notification of vacancies within the Trust.

#### **4.4 Managers**

It is the responsibility of Divisional Managers and Corporate Services Managers to ensure that they follow the policy.

In the case of staff on maternity leave, secondment, suspension or long term sick when the change process commences, line managers are responsible for ensuring that such staff are kept fully informed about the change, are appropriately consulted and have the same opportunities for consideration of alternative employment and other options as affected staff.

#### **4.5 Staff**

All staff are required to comply with this policy.

### **5. PROCESS**

#### **5.1 Reorganisation consultation**

5.1.1 When it is clear that any organisational change or other development will affect the workforce, then the employees concerned and Trade union representatives will be consulted at the earliest opportunity and advised of the timescale for change.

5.1.2 Managers will provide the employees concerned and their trade union representatives with written information about the rationale for change.

5.1.3 In circumstances where restructuring or redesign results in changes to job descriptions and 80% of the duties of the post and the banding remain unchanged, it will be appropriate for staff to be "assigned" to the new post. This needs to be discussed with the Strategic Human Resources Business Partner/ Head of Human Resources and the appropriate pro-forma should be completed.

#### **5.2 Redundancy consultation**



- 5.2.1 When it is clear that any organisational change or other development will affect the workforce, then the employees concerned and their Trade union representatives will be consulted at the earliest opportunity, but at a minimum will comply with the minimum legal requirements.
- 5.2.2 The legal duty to inform and consult appropriate representatives depends on the number of employees it is proposed to make redundant. If 100 or more redundancies are proposed across the Trust at any one time consultation must begin at least 45 days before the first dismissal takes place. If more than 20 but less than 100 redundancies are proposed, consultation must begin at least 30 days before the first dismissal takes effect. If less than 20 redundancies are proposed, the Trust will inform and consult individual employees for one month
- 5.2.3 Where any organisational change may lead to staff being made redundant, the Trust has a legal obligation to inform and consult the relevant trade unions representing the employees who it is proposed to make redundant, and to consult the individuals affected.
- 5.2.4 Employees who are potentially at risk of redundancy will be notified of this possibility, together with details of the steps that will be taken to seek to avoid redundancy, at the earliest opportunity.
- 5.2.5 The purpose of consulting with the recognised trade unions in these circumstances is to:
- reach agreement on ways to avoid the redundancies;
  - reduce the numbers to be made redundant;
  - minimise the consequences of the redundancies; and
  - reach an agreed selection criteria for redundancy.
- 5.2.6 The Trust will, provide employees and trade union representatives with the following information in writing:
- the reasons for the proposals;
  - the numbers and descriptions of the employees whom it is proposed to make redundant;
  - the total number of employees employed by the Trust at the site or in the service in question;
  - the proposed method of selecting the employees who may be made redundant;
  - the proposed method of notifying staff of the redundancies including the period over which the redundancies will take effect;
  - the proposed method of calculating any redundancy payments to be made to those who may be made redundant;

- details of staffing levels in the area(s) affected by the proposals.

5.2.7 If, during the course of consultation, proposals made by trade union representatives and/or staff about how to avoid or minimise the consequences of redundancies are acceptable to the Trust, the Trust will consult individual employees whom the proposals may affect before agreeing to them. This is because the proposals might involve changes to an individual's contract of employment, and perhaps redeployment.

5.2.8 In addition to consultation with appropriate Trade union representatives, the individual employees affected by the change/development will also be consulted on a one to one basis. Staff will have the right to be accompanied by their trade union representative.

### **5.3 Reducing the Risk**

5.3.1 In view of the above, the Trust accepts its responsibility to minimise disruption both to staff and services in the implementation of its plans. An effective plan will be established in order to identify future staffing needs, which will help to avoid the necessity for redundancies and ensure the provision of efficient and cost effective quality services.

5.3.2 All practical means of ensuring a smooth reduction or change of workload will be explored. These will depend upon the circumstances and may include:

- Natural wastage (e.g. by not replacing employees who leave the Trust)
- Early restrictions on the recruitment of permanent staff, including recruitment freezes in certain circumstances
- Reducing the use of agency/bank staff in the areas affected
- Re-training of affected staff for other posts where this is practicable
- Preferential consideration will be given to at risk staff for posts which are considered to be suitable alternative employment. The Trust must be satisfied that the individual broadly meets the essential skills, knowledge and experience to fulfil the person specification. Consideration will be given to provide reasonable training to at risk staff to support this. At this point, consideration should also be given to reasonable adjustments being made to the new post, for staff covered by the Equality Act.
- Use of temporary/fixed term contracts for externally recruited staff may be used at times of uncertainty in order to safeguard the position of existing members of staff

The application of the above will be the subject of consultation with trade unions.

### **5.4 Redeployment**

5.4.1 In consultation with the employee, the Trust will seek to redeploy staff who are declared 'at risk' to a suitable alternative post within the Trust.

## **5.5 Ring-fencing posts**

- 5.5.1 The appropriate Divisional Manager in conjunction with the Head of Human Resources and/or Strategic Human Resources Business Partner will determine if it is appropriate to ring fence vacancies to the identified pool of staff in the service in the first instance in order to provide security of employment or provide redeployment opportunities or facilitate structural change. The identified pool of staff must be agreed by the Strategic Human Resources Business Partner. Managers in conjunction with the Strategic Human Resources Business Partner will ensure the process is fair and transparent and is equitable within the identified pool.

## **5.6 At Risk/Redeployment Register**

- 5.6.1 Human Resources will maintain a register of employees at risk of redundancy or requiring redeployment. The register will contain information on the individuals' preferences for redeployment and they will be advised of suitable posts within the Trust. All posts will be advertised on a restricted basis to those employees on the register. Applicants will be considered for posts at the same pay band or lower in the first instance.

## **5.7 Clearing House Arrangements**

- 5.7.1 The Trust will operate any Clearing House arrangements in line with the any authorised processes.

## **5.8 Advertising**

- 5.8.1 To assist the redeployment process, the normal vacancy advertising processes may be suspended. No vacancy or new post will be open to competition internally or externally until employees on the at risk/redeployment register have been considered for such posts. In exceptional circumstances, where there is no suitable person to be redeployed into the position, Human Resources will contact managers to advise them that the post has been released.

## **5.9 Aspirational Discussions**

- 5.9.1 In considering redeployment, employees at risk of redundancy and available for redeployment, will have an aspirational interview with a member of the Human Resources team and/or Manager and trade union representative if required. Employees on long term sick or maternity leave will also be included in this exercise. Options for alternative employment, personal aspirations and any constraints can be established. Employees at risk of redundancy and seeking redeployment will be offered appropriate support including interview skills training.

## **5.10 Prioritisation for redeployment**

- 5.10.1 In order to comply with employment legislation certain groups of staff will take priority for redeployment over others. Prioritisation will be given as follows :-
1. Staff covered by the Equality Act (there is no restriction on the banding of the post that disabled staff can be considered for but they must meet the essential minimum criteria.

2. Staff declared “at risk” of redundancy serving notice.
3. Staff declared “at risk” in the consultation process.
4. Staff who are not covered by the Disability Discrimination Act but are seeking medical redeployment.
5. Staff who are in receipt of “pay protection”.
6. Some other substantial reason.
7. Staff who are currently on career breaks

## **5.11 Suitable Alternative employment**

- 5.11.1 Suitable alternative employment is defined as a post on the same band, pay, working hours and competencies. As far as possible it will be in a similar environment, and should be suitable to the employees’ circumstances in terms of location. A post at one pay band lower with protection may also be deemed as a suitable alternative. A vacant post at a higher pay band than the band of an ‘at risk’ member of staff will not normally be deemed as a suitable alternative. The only exception to this is where an individual has been ‘acting-up’ into a higher pay band for 12 months or more. No prior consideration will be given to ‘at risk’ staff for a vacant post at a higher pay band, and any post at a higher band will be advertised Trust-wide. Staff ‘at risk’ will be eligible to apply for a promotional post through open competition and will be guaranteed an interview if they meet the Person Specification.
- 5.11.2 If an employee accepts alternative employment to a post on a lower band and this attracts lower earnings than the employee’s redundant post, the employee will be entitled to protection of salary in accordance with the protection arrangements.
- 5.11.3 In exceptional cases with agreement staff may opt to take a post which is two AFC bands below their current post. However protection will only be paid for one band below i.e. current Band 7 takes Band 5 post, protection will be a Band 6 and will be assimilated at the relevant point of that pay scale, and protected on a ‘marked time’ basis.
- 5.11.4 Staff who request to take this option will remain on the redeployment register in order to be considered for other suitable posts in line with their individual protection.
- 5.11.5 Individuals who express an interest in an alternative post will have a suitability discussion. A suitability discussion pro-forma will be completed by the individual providing evidence that they meet the minimum essential criteria for the post and returned to the Human Resources Department beforehand. If the individual does not meet the minimum essential requirements they will not be offered a suitability discussion.
- 5.11.6 The purpose of the suitability discussion will be to assess if the individual meets the minimum essential criteria for the post. This means that for a post, for example, on Band 7 the process will inevitably be more complex than for a post on Band 3. If the individual meets the person specification, or would be able to do so with a reasonable period of training without compromising service need, they will be formally appointed to the post. If the individual does not meet the person specification then clearly justifiable reasons must be recorded and provided to the individual in writing. In the event that there is more than one ‘at risk’ candidate the process will be competitive between the “at risk” candidates. A Human Resources representative will be present at this suitability discussion.

## 5.12 Trial Periods

- 5.12.1 Trial periods will only be offered to staff whose posts are at risk of redundancy. Staff are entitled to a four week statutory trial period. A set of objectives for each work trial must be drawn up and shared with the individual. This may be extended in some instances up to three months with the agreement of both parties. If the employee refuses an offer of alternative employment and resigns during the trial period for reasons the Trust considers to be unreasonable, the employee will lose their entitlement to a redundancy payment. If the trial period takes place before the end of the individual's period of notice then the period of notice will be 'suspended' for the length of the trial period.
- 5.12.2 Employees who unreasonably refuse an offer of suitable alternative employment as defined in paragraph 5.11.1 above may, dependent upon the individual merits of the case, be liable to dismissal without redundancy compensation. Similarly, where an "at risk" employee fails to make application for a post brought to their attention as suitable it will be deemed that they have refused suitable alternative employment and as such may forfeit their right to a redundancy payment. At the request of the employee, consideration will be given to redeployment posts at lower bands with protection of pay on earnings, as described in paragraph 5.11.3.
- 5.12.3 If any redeployment in accordance with this policy involves increased distance from home to base, the employee can claim their extra daily travelling expenses in line with Agenda for Change Terms and Conditions of Service for a period of 4 years.
- 5.12.4 If suitable alternative employment is not offered and the employee is entitled to a redundancy payment this will be made in accordance with the provisions of Agenda for Change Section 16 (NHS Redundancy Arrangements (2006) for Medical Staff.

## 5.13 PAY PROTECTION

### 5.13.1 Pay Protection Band A - Applies to all staff employed on 31.10.11

- 5.13.1.1 Pay **band** protection for 24 months and 12 months protection for regular additional earnings.

### 5.13.2 Pay Protection Band B - Applies to all staff who commenced employment after 31.10.11

- |          |                     |  |
|----------|---------------------|--|
| 5.13.2.1 | 0-1 year's' service | pay <b>band</b> protection for contractual notice period |
| 5.13.2.2 | 1 year plus         | pay <b>band</b> protection for 12 months                 |

### 5.13.3 Staff who transfer in from other NHS Trusts or Non NHS providers

- 5.13.3.1 Any member of staff who TUPE transfers into the Trust from another NHS employer, was in NHS employment on 31.10.11 and has remained in continuous NHS employment up to the date of transfer will have Band A pay protection.

- 5.13.3.2 Any member of staff who TUPE transfers into the Trust from another NHS employer, and

was not in NHS employment on 31.10.11, or has a break in continuity of NHS service of more than 12 months prior to transfer will have Band B pay protection.

5.13.3.3 Any member of staff who TUPE transfers into the Trust from a non NHS employer and transfer onto Mersey Care Policy will have Band B pay protection.

5.13.3.4 Any member of staff who TUPE transfers into the Trust and brings with them contractual policies will have the associated pay protection applied within those policies.

5.13.4 Protection of pay band will be provided to individuals who are redeployed into a post on a lower band. Where, in exceptional cases and with agreement, staff opt to accept a post which is two Agenda for Change Bands below their current post (e.g. Band 7 to Band 5) the individual will receive pay protection at one band lower (e.g. Band 6) and will be assimilated at the relevant point of that pay scale, and protected on a 'marked time' basis.

5.13.5 If a member of staff is redeployed into a post that is two bands lower and receives pay protection for overtime and works excess hours to those that are protected, the overtime rate will be paid at one band lower. This will be for the period of protection of additional earnings only.

**Example:** Band 7 to Band 5.

Overtime protected for 10 hours per month at Band 7.

The member of staff works an additional 10 hours in the month as well as receiving the above, overtime will be paid at Band 6 for the period of protection of additional earnings.

## **5.14 What is protected?**

Basic wage/salary – the number of working hours will also be protected



## **5.15 Additional Earnings**

Payments outside normal hours (including overtime, night duty; lead and allowance payment; stand by/ on-call and unsocial hours); Clinical Excellence Awards/discretionary and optional points (medical staff only)

Calculations for pay as a result of organisational change are based on the average pay for 13 weeks (weekly paid staff)/3 months (monthly paid staff) prior to the date of change. If an employee is on long-term sick and in receipt of half pay, calculations will be based on full pay.

Protection will be on a “marked time” basis. This means the employee’s salary will be frozen with no cost of living increases until such time as the new pay band meets the old salary.

During the period of pay protection, the Trust will continue to seek alternative employment for the member of staff to negate the requirement for pay protection.

## **5.16 Protection of pay for pension purposes**

If a member of staff is a member of the NHS Pension Scheme and their pay is reduced as a result of organisational change, the Trust or the person themselves can apply to NHS Pensions for the higher rate of pay to be protected for pension purposes. This must be done within 3 months of the pay reducing. Transactional Services, Human Resources staff or Trade Union Representatives can advise on this matter. It is the responsibility of the individual to ensure that this process is implemented.

## **5.17 Mutually Agreed Resignation Scheme**

5.17.1 The Trust at its sole discretion may offer the opportunity to apply for the Mutually Agreed Resignation Scheme or premature retirement either to staff directly affected by the organisational change or to a wider group of staff with a view to creating vacancies for the redeployment of “at risk” staff. The terms of any such offer will be determined by the Trust and the pension agency in terms of premature retirement.

The Trust reserves the right to refuse any particular application for the above. This will be confirmed in writing.

## **5.18 Compulsory Redundancy**

The aim of this policy is to introduce arrangements to avoid compulsory redundancy and this will only come into effect, when all other steps have been considered as a result of the organisational change.

## **5.19 Other Conditions**

5.19.1 Employees given notice of redundancy shall be allowed reasonable paid time off to seek alternative employment, to visit job centres, attend relevant training. Likewise employees who are going on early retirement will be given time to attend pre-retirement course.

5.19.2 Employees who successfully secure alternative employment with a non-NHS employer and would

otherwise be entitled to a redundancy payment may, should this be a requirement be allowed to terminate prior to the expiry of contractual notice unless there are compelling reasons to the contrary. In such circumstances the date of termination will become the revised date of redundancy for the purpose of calculating any entitlement to a redundancy payment.

5.19.3 The Trust may, in the interests of early implementation of new working arrangements, require an employee declared redundant to cease employment before the contractual or statutory notice period expires. In such an event the employee will be entitled to a payment in lieu equivalent to the unexpired period of notice.

## **5.20 Appeals**

Employees will have the right to appeal against redundancy - based dismissal in accordance with the Trust's Appeal Procedure.

## **6. CONSULTATION PROCESS**

The policy has been developed by the H.R. Policy Group, which consists of representatives from:

- Recognised Trade Union Organisations
- Senior Managers
- H.R. Staff
- Divisions

## **7. TRAINING AND SUPPORT**

Advice and support on the application of the policy will be delivered by Human Resources on an ad-hoc basis as and when required.

## **8. MONITORING**

Monitoring of staff affected by this policy will be undertaken by the senior members of the Workforce Team. This will be done through the management and application of the Trust's process for managing staff at risk and on pay protection.



## 9. EQUALITY AND HUMAN RIGHTS ANALYSIS

<b>Title: HR19 CORPORATE ORGANISATIONAL CHANGE POLICY</b>
<b>Area covered: Trust Wide</b>

<p>What are the intended outcomes of this work?          The purpose of this policy is to:          Provide a framework for the implementation of organisational change that is fair and equitable and wherever possible promote security of employment.          The policy applies to all Trust employees          The policy should be read in conjunction with the following documents:          ACAS Code of Practice          Equality Act 2010          Agenda for Change Handbook</p>
<p>Who will be affected?          All staff who work for the Trust</p>

<b>Evidence</b>
<p>What evidence have you considered?          The policy</p>
<p>Disability inc. learning disability          No issues identified</p>
<p>Sex          No issues identified</p>
<p>Race          No issues identified</p>
<p>Age          No issues identified</p>
<p>Gender reassignment (including transgender)          No issues identified</p>
<p>Sexual orientation          No issues identified</p>
<p>Religion or belief          No issues identified</p>
<p>Pregnancy and maternity          No issues identified</p>
<p>Carers          No issues identified</p>
<p>Other identified groups          No issues identified</p>

Cross cutting  
 7.3.7 Prioritisation for redeployment  
 In order to comply with employment legislation certain groups of staff will take priority for redeployment over others. Prioritisation will be given as follows :-

1. Staff covered by the Equality Act (there is no restriction on the banding of the post that disabled staff can be considered for but they must meet the essential minimum criteria.
2. Staff declared “at risk” of redundancy serving notice.
3. Staff declared “at risk” in the consultation process.
4. Staff who are not covered by the Disability Discrimination Act but are seeking medical redeployment.
5. Staff who are in receipt of “pay protection”.
6. Some other substantial reason.
7. Staff who are currently on career breaks

Human Rights	Is there an impact? How this right could be protected?
This section must not be left blank. If the Article is not engaged then this must be stated.	
Right to life (Article 2)	No issues identified
Right of freedom from inhuman and degrading treatment (Article 3)	No issues identified
Right to liberty (Article 5)	No issues identified
Right to a fair trial (Article 6)	4.1.3 When a need for change has been identified an agreed programme of measures to help provide job security will be implemented. The agreed measures will be discussed individually with the staff affected who are entitled to be accompanied by their trade union representative or workplace colleague. In order to minimise the impact of such events and wherever possible avoid redundancies the principles and procedures within this policy will be followed.  12. APPEALS Employees will have the right to appeal against redundancy - based dismissal in accordance with the Trust’s Appeal Procedure.
Right to private and family life (Article 8)	No issues identified
Right of freedom of religion or belief (Article 9)	No issues identified
Right to freedom of expression Note: this does not include insulting language such as racism (Article 10)	No issues identified
Right freedom from discrimination (Article 14)	No issues identified

Engagement and involvement

Trade Union Organisations  
 Senior Managers  
 H.R. Staff

Summary of Analysis

Eliminate discrimination, harassment and victimisation

Advance equality of opportunity

Promote good relations between groups  
 Promoting partnership working between staff side and the Trust.

What is the overall impact?  
 Any negative impact on the equality groups should be low.

Addressing the impact on equalities  
 HR will review workforce data within workforce meetings.

Action planning for improvement  
 See below

For the record  
 Name of persons who carried out this assessment (Min of 3 ):  
 Brendan Burke  
 Sarah Corley  
 Helen Brook

Date assessment completed:  
 05.08.2016

Name of responsible Director: Amanda Oates Executive Director Of Workforce.

Date assessment was signed: August 2016.

# Action plan template

This part of the template is to help you develop your action plan. You might want to change the categories in the first column to reflect the actions needed for your policy.

Category	Actions	Target date	Person responsible and their Directorate
Involvement and consultation	Review equality requirements and seek advice from Trust equality lead.		
Data collection and evidencing	HR/workforce meetings review staff data –taking account of the Protected groups.		
Public transparency.	Policy to be placed on the Trust website along with this assessment.		

## 7 SUPPORTING DOCUMENTS

ACAS Code of Practice  
 Equality Act 2010  
 Agenda for Change Handbook

## 8 GLOSSARY OF TERMS

ACAS – Advisory, Conciliation and Arbitration Service

## 9 APPENDICES