



## Organisational Change Policy

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## **INTRODUCTION**

- 1.1 This policy sets out the arrangements under which staff employed by NHS Dumfries and Galloway will be treated if their substantive post(s) cease to exist or significantly changes as a direct result of organisational change. Organisational change can be broadly defined as any structural or managerial change in the organisation of health service provision and can affect individual staff members or groups of staff.
- 1.2 The policy has been developed in partnership within NHS Dumfries and Galloway and takes cognisance of and is consistent with the following Scottish Executive Health Department circulars :- MEL (1997)7, MEL (2000)22 and HDL (2001)38. The policy is intended to provide a local application of national policy and is not intended to replace any existing or future national agreements or policies.

## **2. PURPOSE**

- 2.1 The purpose of this policy is to :-
  - Assist the organisation in forward planning any significant changes to service delivery ensuring that the impact upon staff who may be affected is minimised.
  - Ensure equity for all involved in the process and that a consistent approach is adhered to throughout the organisation.
  - Encourage managers and those in leadership roles to adopt a supportive and sensitive approach when dealing with staff who are affected by organisational change.
  - Ensure that all contractual and statutory obligations are met.

## **3. CONSULTATION AND COMMUNICATION**

- 3.1 There will be a full consultation and communication with staff who may be affected by organisational change either individually and collectively.
- 3.2 The substantive manager i.e. the manager of the employee's substantive post will develop a detailed plan and timetable for the processes involved in the lead up to the planned change.
- 3.3 A clear scope of the affected staff must be clearly determined at an early stage in the process with all affected staff formally written to by the appropriate Executive Director or designated deputy\*, in order to confirm that their existing post may be affected by organisational change.

\* The Executive Director or designated deputy will be referred to throughout this policy as the 'Executive Director'.

#### **4. APPOINTMENTS TO POSTS/SUITABLE ALTERNATIVE EMPLOYMENT**

- 4.1 Staff from the affected group will be deemed to be displaced if they hold a substantive post and fall into one of the following categories :-
- 1) They occupy a post that will no longer exist
  - 2) They occupy a post which will significantly change
- 4.2 Any new posts that are developed during organisational change will have an appropriate job description drawn up and an evaluation band determined in accordance with the Board's job evaluation process.
- 4.3 Displaced staff will be notified formally in writing by appropriate Executive Director and will be consulted so as to determine what post(s), either new, existing or current vacancies, may be classified as suitable alternative employment. They will also be provided with the frequently asked questions document.
- 4.4 An initial meeting will be organised by the substantive manager as soon as a member of staff or group of staff is identified as being displaced and requiring redeployment. Part of this meeting will discuss what will happen if the individual secures a post which attracts protection. This meeting would involve the displaced staff and their Trade Union/Professional Organisation representative as well as the relevant HR Advisor and the substantive manager. Where there is a large group of staff involved in the organisational change process and it is difficult to conduct individual meetings, arrangements must be agreed with staff side at the beginning of the process for what process will replace the initial meeting i.e. group meetings and / or letters.
- 4.5 For a post to be deemed suitable there must be, at a minimum, a basic skills match between the requirements of the vacancy based on the person specification and the current skill level of the individual. If no specific qualifications are required, experience of a similar environment would be deemed suitable. Training would be available in accordance with section 5. When discussing suitable posts with staff, staff must be made fully aware of the implications if their post attracts protection. Staff can only be appointed into a post following all pre employment checks.

- 4.6 Displaced staff who are on a higher band than the suitable post(s) may only apply once the appointment to all posts at their current grade have been confirmed and they have been unsuccessful.
- 4.7 Displaced staff on a lower grade than the post(s) apply for these posts during the change process.
- 4.8 When organisational change affects staff, identified recruiting managers will be informed when the posts are being ring fenced.
- 4.9 All people going into posts will go in for a 4 week trial period as per the Redeployment Policy.
- 4.10 Where there is only one suitable displaced applicant this individual will be appointed to the post.
- 4.11 Where there is more than one suitable displaced member of staff for a post the appropriate manager would invite them all individually to a short interview (in accordance with normal recruitment process) at which the manager would make a judgement on the most appropriate person to be placed into the post. This would then be confirmed and staff who were unsuccessful should receive feedback in accordance with good employment practice. For unsuccessful candidates the process will continue as above.
- 4.12 Earnings will be protected as detailed in Appendix B and managed as detailed in Appendix C
- 4.13 Travel expenses will be paid in accordance with AfC terms and conditions of service, section 17.
- 4.14 Staff requiring redeployment as a result of organisational change will be given priority over other staff on the redeployment register.

## **5. TRAINING**

- 5.1 Where organisational change impacts on an employee, reasonable opportunities to retrain or gain additional skills will be made available. It is incumbent on staff to participate in all training deemed necessary.
- 5.2 Opportunities for any temporary placements to assist this process should be considered.

## **6. REDUNDANCY/ PREMATURE RETIREMENT**

- 6.1 Through the adoption of this policy it is intended to retain staff in the service.
- 6.2 Applications for voluntary redundancy or voluntary early retirement will not be sought by the organisation. Should requests for voluntary early retirement with employer's consent be received they will be considered in the light of all the circumstances in each particular case including value for money considerations.
- 6.3 None of the above prevents members of the NHS Superannuation pension scheme from taking voluntary early retirement which is open to scheme members from the age of 50.

## **7. MANAGEMENT OF PROTECTION**

- 7.1 Those staff who, as a result of organisational change, are at risk, and are then redeployed into a post where they receive protection of salary, will be managed in line with Appendix C.
- 7.2 Staff who are in receipt of protection can be expected to work up to the level of their protection if they are given sufficient notice. Managers have the right to request that staff, with reasonable notice, work on a like for like basis, up to the level of protection. Therefore if you are protected for 10 hours overtime then your Manager can ask you to work 10 hours overtime if required. In terms of reasonable notice – this could vary depending on the situation. For example some staff may be reasonably asked to work extra hours or a weekend/evening shift at short notice due to an emergency or the absence of someone from the Department. However for more long term or permanent requests, a discussion should take place with you approximately 4 weeks prior to any change. If the member of staff refuses to work without good reason on three occasions, they will have their right to protection reviewed.
- 7.3 Staff who are in receipt of protection, will remain on the protection register until a post is secured where they would work up to their level of protection and therefore would no longer require to receive protection.
- 7.4 Staff who are on protection should attend a meeting annually with their line manager, HR and a Trade Union/Professional Organisation representative should they wish one to attend. This meeting would ensure staff were aware of the policies and procedures that were in place to support organisational change. The meeting would be confirmed in writing.

## **8. GRIEVANCES**

- 8.1 Individuals who are aggrieved at any stage of the aforementioned process have the right for their case to be considered under the Board's Grievance Policy.

### **NO DETRIMENT PROTECTION OF PAY**

- Protection of pay will not mark time, any increments or pay increases would be paid
- If an individual member of staff is in receipt of protected pay due to their post being downgraded but contracted hours remain the same, any additional hours worked will be paid at the appropriate rate for the new post.
- If an individual member of staff is in receipt of protected pay due to any other reason than downgrading (ie reduction in hours or enhancements) additional earnings would be offset against protected pay on a like for like basis. For example, additional hours offset against protected hours, overtime offset against protected overtime, enhancements offset against protected enhancements.
- If on call is to be protected this will only include the on call allowance, not hours worked during the call out.
- Only regular overtime will be protected, not ad hoc overtime. This does not refer to situations where the overtime is due to a temporary arrangement, for example covering long term sickness absence, maternity leave etc.
- Only contracted hours will be protected, not ad hoc additional hours. However, regular excess hours for part time staff will attract protection. 'Regular' is defined as those hours that are consistently worked on a week to week basis in the six months or 26 weeks (as appropriate) period prior to the date of change.
- Only regular, guaranteed enhancements will be protected.
- Any public holiday payments to be excluded for protection calculation.
- Any enhancements earned within the new post are to be paid at the new rate.
- Each employee who is eligible for protection under these arrangements will be written to by the HR Department.

### **IDENTIFYING ALTERNATIVE POSTS FOR STAFF ON PROTECTION**

The process that needs to be followed for every member of staff who is on protection is as follows:

1. A group will meet on a weekly basis to review posts which have been approved at Vacancy Control / Board Vacancy Control to identify any vacancies that match the skills and hours / band of the protected member of staff. The group would comprise of a HR representative, a finance representative, two Senior Managers and a least one staff side representative.
2. For an alternative vacancy to be 'deemed suitable' there must be, at a minimum, a basic skills match between the requirements of the vacancy based on the person specification and the current skill level of the individual based on the skills analysis form. If no specific qualifications are required experience of a similar environment would be 'deemed suitable'.
3. If a skills match does not exist, the vacancy would be 'deemed suitable' if it is agreed that after an appropriate period of training it is estimated that this would exist. This decision should be made in the first instance by the protection group who would then pass it to the recruiting manager, the substantive manager and relevant HR Advisor. This should ensure that no excessive delay will occur in the candidate being able to undertake the core duties of the post.
4. If there is a skills match and redeployment is recommended, the recruiting manager must arrange a short interview with the member of staff to ensure that the person can be reasonably expected to carry out the requirements of the post and give the member of staff the opportunity to ask any questions they may have about the job. The recruiting manager will also be provided with the employee's references at this stage and an Occupational Health Clearance should be requested. This should be done within 10 working days, where possible, of the vacancy being deemed suitable.
5. Where a skills match has been identified, the recruiting manager will not be able to refuse any protected member of staff without evidenced justification. This justification should be presented to the redeployment team.
6. A comprehensive record should be kept of the discussion at the short interview which clarifies the individuals acceptance of the post and the impact on the individuals protection.

7. The recruiting manager should ensure that a reasonable local induction has been arranged. Support developing this can be obtained from the Organisational Development Department.
8. Redeployed staff will normally be employed on a trial period of 4 weeks, exclusive of training requirements. This may be extended by mutual consent. The member of staff will temporarily move to the budget of the recruiting manager. If at any time within the trial period either the new Manager or the member of staff indicates, for good reasons, that the new post is unsuitable, the member of staff's employment will normally revert to the original employer. The original employer will then be responsible for pursuing further redeployment, if appropriate.
9. The member of staff would formally move to the terms and conditions of the new post with protection of pay as required and in accordance with Appendix B and D.
10. The protected member of staff is able at any time to apply for other posts which are advertised. They must ensure that the redeployment team is kept apprised of their intentions.
11. Where a suitable alternative is offered, but refused by the protected member of staff at any point, further involvement in the redeployment process will be dependent on there being acceptable reason(s) for that refusal. The decision in this respect will be made by the protection team in conjunction with the Trade Union/Professional Organisation representative the substantive manager and recruiting manager. If no satisfactory reason exists, the member of staff will be confirmed in the suitable alternative post or they can chose to stay in their substantive post but lose their entitlement to protection.