

## **Change Management and Organisational Review Guidance**

Change Management will apply where there is a need to reconsider the structure of the organisation and to make appropriate changes and where this will involve changes of role for employees and changes in organisational structure. It may also result in the reduction of certain types of posts and the creation of new posts, which more closely meet the needs of the new organisation

### **1. Trade Union Consultation Arrangements**

#### **1.1. Potential Reorganisation**

Proposals for any significant change affecting employees or a group of employees must be discussed in good time, by the department concerned with the relevant Trade Unions. These discussions will normally take place at Departmental Joint Committee (DJC), Special DJC, Corporate Joint Committee (CJC), Employee Consultative Forum (ECF), ECF Sub Group etc and set up specifically for the relevant project.

Where change is cross Council, the Chief Executive or a senior manager nominated by the CEO will lead that project.

Such discussions shall be treated as confidential by the Trade Unions until such time as the senior manager agrees that the information can be shared more widely.

#### **1.2. Consultation Arrangements**

The Senior Manager nominated will be the lead person and the main communication channel for the purposes of consultation. The Trade Union will likewise appoint a lead representative.

When there are proposals concerning the way the Council is organised and structured which may affect employees, the relevant Senior Manager will be responsible for ensuring effective consultation with employees and their trade union(s). The Divisional Director of HR or delegate will advise on the necessary consultation processes which should be undertaken, and will also advise and assist, as necessary, on consultation which affects more than one Directorate.

In good time, union representatives of the employees and relevant employee groups should be informed (in writing and wherever possible through meetings) of the scale of the proposed changes. Trade union representatives should be allowed reasonable paid time off to consider the proposals and to meet with the staff affected. Similarly, employees should be allowed reasonable paid time off to attend meetings with their union representatives.

Following the initial discussion, the relevant Trade Union representative and the Senior Manager or Lead Manager will meet to discuss the issues that are likely to arise out of the proposed changes.

A typical agenda for this initial meeting could include:

- Rationale for the change

- Details of proposed change
- Details of affected employees
- Timescales
- Selection processes if any
- Redeployment
- Communication
- Arrangements for on-going contact
- Implications for conditions of service
- Support for employees through process.

The above are not in order of priority. Future meetings will determine priority order. Many of the items will be standing items.

Both the management and trade union representatives will determine the frequency and duration of the meeting. Each meeting will have a written agenda and a record of the meeting will be kept by the Senior Manager or Lead Manager.

The Senior Manager or Lead Manager should establish an issues log to record any issues in relation to the reorganisation raised by the trade unions and the actions to be/taken by management to address them.

## **2. Informing Employees and Trade Unions of the proposed changes**

Managers are responsible for ensuring that employees are consulted and kept informed of proposals for change, either in writing or through individual or collective meetings. Sufficient detail should be provided to allow them to understand the issues involved, and to ensure they are aware of the policy and procedures, which affect them. Trade unions should be invited to the initial meetings.

Following early consultation feedback it is recommended that a Consultation Pack is produced and issued to affected employees and trade unions giving any relevant information in relation to the proposals.

### **2.1 Objectives of the Consultation Process**

The purpose of statutory consultation is to ensure that employees and their representatives are involved in meaningful consultation on the potential changes before detailed proposals are developed, including ways of avoiding the dismissals; reducing the numbers to be dismissed; and mitigating the consequences of the dismissals. Managers must undertake consultation with a view to reaching agreement where possible.

It should be recognised that employees may have positive ideas to contribute to the development of the proposals. In any event they will require clarification on specific details of any proposals, as well as information and/or advice on the impact of these proposals on them. Proper consideration should be given to any counter-proposals put forward by employees and the trade unions. These could, for example, include alternative ideas for implementing changes to organisation structures, or for mitigating the impact of change on individuals.

Where, following initial consultation with the relevant employees and trade unions, detailed proposals have been developed or the original proposals amended, employees and the recognised trade unions must again be consulted as early as possible and their views on the new proposals sought.

## **2.2 Consultation Pack**

This should include:

- The reasons for the proposals;
- The numbers and descriptions of employees who may be dismissed as redundant;
- The total number of employees of any such descriptions at the establishment in question;
- The proposed method of selecting the employees who may be redundant;
- The proposed method of carrying out the dismissals, including the period over which the dismissals are to take effect;
- The proposed method of calculating the amount of any redundancy payments

Role profile(s) and selection criteria should be produced, in draft, for new posts and for existing posts where there are changes in duties, responsibilities and accountabilities. Affected employees and trade unions will be consulted on the content of the role profiles during the consultation period.

Any comments or alternative proposals from employees and trade unions should be given to the Senior Manager or Lead Manager within the statutory time period (usually 2 to 4 weeks) and a record kept of all comments received. The consultation must be meaningful and this means that the Senior Manager / Lead Manager should carefully consider alternative proposals from employees/unions and provide a clear rationale for agreeing and disagreeing to alternative proposals. Managers must undertake consultation with a view to reaching agreement where possible.

Where written questions are asked during the consultation period manager should gather these and respond to them in writing at key stages during the consultation.

## **2.3 Employees Absent from the Workplace**

It is important that all employees are consulted, including those employees who are not members of a trade union. All employees affected whether on maternity or paternity leave, absent due to

sickness, on secondment or otherwise absent, must also be informed and consulted on the proposals. All documentation concerning the restructuring should be sent to any employee who is absent, and if possible individual meetings with them should be arranged.

It should be noted that special conditions apply to any employee who is on maternity or additional paternity leave. Seek advice from HR if in any doubt about the special conditions applicable to staff on maternity leave.

## **2.4 End of Consultation**

The proposed reorganisation should be reviewed following any comments received from affected employees and trade unions during the consultation period. Any amendments to the proposals should be made.

The Divisional/Corporate Director should agree to the final proposals before any implementation takes place.

The Senior Manager or Lead Manager should inform the affected employees of the outcome of the consultation period in writing (e-mail messages are acceptable, but care must be exercised in order to ensure that all affected employees are notified) and the final changes to the proposals must be explained.

### **3. Equality Impact Assessment (EqIA)**

The Senior Manager or Lead Manager should complete an Equality Impact Assessment (EqIA) at the start of any reorganisation to determine the extent of any differential impact upon relevant groups and in turn whether that impact is adverse, that is whether it has a negative impact on groups or individuals in relation to one or more of the equality categories (gender, disability, sexual orientation, age, sexual orientation and religious belief).

Further advice and guidance on how to complete an Equality Impact Assessment is available from the Council's Corporate Equalities Group. The Senior Manager / Lead Manager should also ensure the development of the Equality Impact Assessment is carried out in conjunction and consultation with the trade unions, other relevant stakeholders and Corporate Equality Group. The Corporate / Directorate Equality Group will review and sign off the Equality Impact Assessment ensuring compliance with the Council's policy and due consideration with the relevant stakeholders.

## **4. Implementation of Organisation Change**

### **4.1. Application and Selection Process**

#### 4.1.1. Role Profiles

Draft role profiles, job descriptions and selection criteria will be reviewed following completion of the consultation arrangements. Any amendments will be made where necessary. Final versions will be evaluated in accordance with either Hay or GLPC job evaluation scheme, as appropriate.

### **4.2. Appointment Process**

Once the necessary consultation has been initiated, either role profile or job descriptions or selection criteria will be produced for new posts, and for existing posts where there are changes in duties, responsibilities and accountabilities. The trade unions will be consulted on the content of the job descriptions. These will be evaluated in accordance with either Hay or GLPC job evaluation scheme, as appropriate.

#### 4.2.1. Chief Officers

The Chief Officers' Appointments Panel will make appointments to Chief Officer posts. The council's constitution also sets out the process by which such posts should be filled. Where it is not proposed to make an appointment from among current post holders, the arrangements set out in the constitution will be followed.

Where it is proposed to make an appointment exclusively from current post holders, the stages in these procedures will be followed subject to:

- Job descriptions and selection criteria being agreed by the appointments panel;
- The chief officer's appointment panel will include at least one member of the executive; and
- An offer of employment as a chief officer will only be made where any member of the executive makes no well-founded objections.

#### 4.2.2. 'At risk'

At the conclusion of the consultation when a management decision has been taken to reduce the number of posts, those employees who are not assimilated into roles in the new structure and are 'at risk' will be notified.

### **4.3. Means of Appointing to Posts in New Structure**

The appropriate manager in the department concerned, or in the case of cross departmental or Chief Officer appointments, the Chief Executive (or nominee) will discuss with the appropriate Trade Unions the method to be used for appointment. In determining eligibility for assimilated, ring fenced or posts for open competition, the determining factor will be the substantive post of the employee and includes secondments, acting up and any fixed term arrangement unless the employee has been working in these latter arrangements for a minimum of one year when the role profile for their seconded/acting up post will be the one used for job matching.

This will be one or more of the following: -

- Assimilation
- Ring Fencing
- Open competition (competitive selection)

Affected employees and trade unions should be notified, in writing advising of the planned structure, the process to be followed and timescales.

#### 4.3.1. Job Matching

Prior to appointing to posts in the new structure, a job matching exercise should be undertaken by management and HR. Job Matching should consider grades and be based on the up to date evaluated job description/role profile of the existing post matched against agreed evaluated posts in the new structure. Job matching should be carried out in a fair, open and transparent manner.

##### 4.3.1.1. Job Matching Process

- Identify the substantive post occupied by the employee
- Identify posts intending to assimilate individual(s) into the new structure
- Establish whether there are other employees with a comparable claim to the post
- Ascertain whether the duties and responsibilities are predominantly the same. This will be done by comparing the nature of the duties of the existing post with the nature of duties of the post in the revised structure. Where job descriptions of the existing post are out of date, this should be re-written and where necessary evaluated to reflect current duties and then the comparison should take place.

The outcome of the matching exercise should be formally discussed with the trade unions at the appropriate consultative forum and all relevant documents i.e. job descriptions/role profiles etc. should be provided to the trade unions as appropriate.

Following the job matching exercise, if the results show that the roles in the existing structure are broadly similar to the ones in the new structure and there are no others with a comparable claim to the post, then assimilation will normally apply. If the results show that the roles are not similar, then assimilation will not apply and ring fencing and/or competitive selection will normally be considered.

#### 4.3.2. Assimilation

This option should be used wherever possible and individuals should be assimilated to posts within the revised structure without the need to go through a selection process. Only in exceptional circumstances should this option not be used.

Assimilation will normally occur where: -

- There is a close or exact match between the new and old post; and

- There is no other employee who has a comparable claim on the post; and
- There are the same number (or more) of such jobs in the old and new structures
- Assimilation will then take place

In the case of Chief Officers, this will be subject to the agreement of the Chief Officers' appointment panel.

If an employee unreasonably refuses to accept the assimilation, this will normally affect entitlement to receive redundancy pay.

#### **4.4. Acting Job Holders or Secondees**

Employees who are acting up or seconded into a higher graded post for a period of more than one year, will normally be considered for assimilation into the higher graded post.

For employees who are acting up or seconded into a higher graded post for a period of less than one year will only be considered for assimilation in relation to their substantive post.

This should be made clear to employees acting up or on secondment at the beginning of the re-organisation process.

#### **4.5. Ring Fencing**

The objective when drawing ring fences will be to affect the least number of employees and to minimise the number of ring fences.

Ring fencing arrangements will operate in the following circumstances:

- A reduction in the number of posts e.g. 12 admin posts in old structure and 10 admin posts in new structure.
- Re-organisation of duties and responsibilities so that the jobs in the new structure no longer exactly match the current duties and responsibilities of employees.
- Introduction of new types of jobs.
- Deletion of all jobs of a particular type.
- A combination of any of the above.

##### **4.5.1. Process**

- Establish the group of employees affected. Ring fences will, in the main, be drawn around the directly affected employees.
- The ring fence will be determined in the case of Chief Officer posts by the Chief Executive and members of the Chief Officers' Appointments Panel. For other posts, the appropriate senior manager in conjunction will determine it with the Divisional Director for HR (or nominee). These will be separately agreed for each stage of a re-organisation.

- Details of the proposed ring fencing arrangements will be the subject of consultation with the appropriate Trade Unions.
- The scope of the ring fence should ensure fair and equitable treatment of the affected employees.
- Appointments to posts within a ring fence will be made by competitive interview where there are more employees within the ring-fenced group than new jobs in the new structure.
- Where a re-organisation results in posts with a range of grades, e.g., 10 x grade H8 posts become 2 x grade H10, 2 x grade H9 and 6 x grade H8, employees will be required to express a preference for a particular post. If applying for a higher graded post within the ring fence, competitive selection interviews and/or testing will take place.
- Employees within the ring-fenced group will be invited to apply for one or more of the new posts.
- In the event of an employee within the ring-fenced group choosing not to apply for a post, the Council reserves the right to consider the employee for a suitable post within the new structure. In these circumstances the decision will be based on an assessment of that employee's suitability using all objective information available to them. An unreasonable refusal of suitable alternative employment will normally affect the individual's entitlement to receive redundancy payment.

#### 4.5.2. Criteria for Competitive Selection through Ring Fencing

The criteria for selecting employees within the ring fence for appointment must be fair, reasonable and free of age, sex, race, disability, religious belief, nationality, sexual orientation or trade unions membership or activity bias. Selection criteria should be objective, rational, precisely defined and capable of being applied independently.

The competitive interview will be undertaken in accordance with the principles of the council's Recruitment and Selection Procedure. Application forms or a statement in support of their application will be provided, and the selection panel will assess the employee against the selection criteria for the post (or Chief Officer Appointments Panel in the case of Chief Officer appointments).

Where two or more employees all meet the essential requirements for the post, then Overall Work Performance will be taken in to account. The individual's work rate and effectiveness should be judged by formal methods, e.g. performance standards. Where such methods are not in place consideration of an individual's ability – provided it is based on objective evidence, may be used.

#### 4.5.3. Outcome of Interviews

All employees interviewed, as part of the ring fencing process will be notified of the outcome by a pre-determined date, usually within 5 working days.

Applicants who are unsuccessful will have the opportunity to discuss the reasons for this with the chair of the selection panel.

#### **4.6. Redeployment**

Where it is not possible to offer employees a post in the new structure as a result of the ring fencing process, the unsuccessful employees will be considered for re-deployment to other posts within the council.

#### **4.7. Open Competition within Reorganised Area**

Posts will be subject to open competition if: -

- They are deemed to be 'new posts' and are not being filled by assimilation or ring fencing;
- Having followed the ring fencing procedure, it is not possible to make an appointment; or
- There are vacant posts remaining following assimilation.

##### **4.7.1. Process**

- Applications will be sought from all employees within the organisation who are affected by the re-organisation or from the area or department affected.
- Such posts will be advertised internally only within the first instance.
- If no suitable candidates emerge at either the short listing or interview stages following an assessment of applications against the requirements of the selection criteria, then consideration will be given to advertising the post outside of the area being reorganised including externally.
- References, CRB checks and medicals will be completed in the normal way where individuals are appointed to open posts.
- In the event of an employee within the affected group being considered for open competition chooses not to apply for a post considered as suitable alternative employment, this decision will normally affect the individual's entitlement to a redundancy payment.

##### **4.7.1. Criteria for Competitive Selection**

The competitive interview will be undertaken in accordance with the principles of the council's selection procedures. Application forms or a statement in support of their application will be provided, and the selection panel will assess the employee against the selection criteria for the post (or Chief Officer Appointments Panel in the case of Chief Officer appointments).

##### **4.7.2. Outcome of Interviews**

All employees interviewed, as part of the open competition process will be notified of the outcome by a pre-determined date.

Applicants who are unsuccessful will have the opportunity to discuss the reasons for this with the chair of the selection panel.

#### **4.8. Grievance Procedure**

Employees who consider that they have not been treated fairly should contact the senior manager leading the re-organisation, following publication of the information about eligibility for posts. Any concerns raised will be addressed and a reply should be given before appointments are made. Employees may seek advice and support from their Trade Union. If the employee remains dissatisfied, they can pursue the matter under the Grievance procedure.

#### **4.9. Employees on Maternity**

Employees on maternity are afforded special protection by employment legislation, where they are unable to return to their existing post. In such cases, they should not be treated less favourably than other affected employees and must be included in assimilation, ring fencing and competitive selection with colleagues.

In the case of an employee on maternity leave the employer's obligations go further than this. An employee on maternity leave who is to be made redundant must be offered any suitable alternative vacancy available in preference to other employees. The Council is under a statutory obligation to offer an employee on maternity leave any suitable alternative vacancy that exists with it, with its successor or with an associated employer. The offer must be made before she is dismissed and must be for work that is both suitable in relation to the employee and appropriate for her to do in the circumstances. This means that if a vacancy that is suitable for the employee exists she must be offered it even if this means that she is treated more favourably than her colleagues who are also at risk of redundancy. This is the case even if the other employees are better qualified for the position than she is. Managers must seek HR advice where this provision applies.

Employees on adoption leave, additional paternity leave or shared parental leave have the same right as those on maternity leave to be offered any suitable alternative vacancy. If there is more than one employee on maternity, adoption, additional paternity or shared parental leave for whom a vacancy would be suitable, each of those employees has an equal entitlement to be offered the vacancy. The manager should use a fair selection process to decide to which employee it will offer the vacancy.

In the event that an employee in these circumstances is not appointed or unable to return to their former substantive role, they will be given the opportunity to discuss whether there are any other jobs available either in the new structure or elsewhere in the organisation. Other jobs must be on terms and conditions no less favourable than those of their former substantive role.

If it is agreed by the appropriate senior manager in conjunction with the Divisional Director for HR that a suitable post is available, then the employee concerned should be offered preferential status as a redeployee and considered ahead of other redeployees.

The Divisional Director for HR (or nominee) must be consulted prior to any final decision being taken where it appears that no suitable job is available for an employee on maternity/paternity leave.

#### **4.10. Employees with a Disability**

In order to fulfil its obligations under the Equality Act 2010, where an employee with a disability is being considered for assimilation or redeployment to a different job, consideration must be given to any reasonable adjustments that can be made to enable that employee to successfully undertake the new duties. Where necessary, every effort will be made to redeploy disabled employees to suitable alternative posts.

## **5. Chief Officer Appointments**

The Chief Officers' Appointments Panel will make appointments to Chief Officer posts. The council's constitution sets out the process by which such posts should be filled. Where it is not proposed to make an appointment from among current post holders, the arrangements set out in the constitution will be followed.

Where it is proposed to make an appointment exclusively from current post holders, the stages in these procedures will be followed subject to:

- Job descriptions and selection criteria being agreed by the appointments panel;
- The Chief Officers' Appointment Panel will include at least one member of the executive; and
- An offer of employment as a chief officer will only be made where any member of the executive makes no well-founded objections.

## **6. Support for Employees**

### **6.1. Introduction**

It is recognised that there will be mixed emotions from employees as they face organisational change. Some employees will embrace it whole heartedly seeing the opportunities it presents, others will be more apprehensive, concerned at its impact on their personal and working lives.

Harrow recognises this and will offer support to employees to mitigate the impact on staff.

### **6.2. Options available to employees**

Harrow recognises that it is important for employees to exercise choice as to the way in which the process may impact upon them.

The choices that are available to employees will vary depending upon their post within the organisation and the way they are affected by the relevant change process.

For some employees, the change will be fundamental in that the current post will not exist in the new structure and they will be faced by one or all of the following: -

- Ring fencing
- Open competition
- Redundancy, and
- Redeployment

For others, the change will be minimal and they will be assimilated smoothly into the new structure.

As well as bringing about a new organisation, Harrow will need to maintain effective and smooth service delivery. This adds an additional dimension to the choices available to employees - to remain within the organisation on an interim basis to ensure the smooth transition to the new organisation.

### **6.3. Employee Support Schemes**

The Council is committed to supporting staff affected by change and/or at risk of redundancy. This may also include managers managing the processes as well as those directly affected.

The Council will put into place support mechanisms for employees undergoing change as appropriate.

When discussing options with individuals the Council will make every effort to match the individual's requirements. However, this will not always be possible and the Council reserves its right to determine whether or not to agree to the employee's requests. Such a decision will be based upon: -

- The need to retain an appropriate balance of skills and experience in the service concerned to ensure that services are maintained and delivered effectively;
- The financial implications of the preference expressed, for example the cost of releasing an individual volunteering for early retirement/redundancy; and
- The availability of suitable alternative employment.

This list is not exhaustive and other factors may be equally relevant.

The Senior Manager / Lead Manager should ensure affected individuals are aware of and have access to the support mechanisms available to them including:

- The Employee Assistance Programme
- Occupational Health
- Trade Unions
- Time during working hours to meet with Trade Union representative
- Time during working hours to meet as a group to provide mutual support, if required
- Paid time to attend meetings, if on career break or maternity leave
- HR
- Meeting with management – one to ones and or group meetings.
- Reasonable time off to look for new employment during notice period – if facing redundancy

The Council may from time to time run a number of courses/workshops relating to redundancy, career change, financial management and early retirement.

Outplacement support may also be offered.

Support should be provided to the affected individuals throughout the reorganisation process.

Managers should ensure employees are given time during working hours to meet with their trade union representative or support groups as well as time during working hours to meet as a group to provide mutual support, if required.

Where employees are on maternity leave or on a career break, these employees should be offered paid time to attend any meetings, as part of their keeping in touch days.

Employees facing redundancy are allowed reasonable time off during their notice period to look for new employment or make arrangements for training for future employment, by arrangement with their line manager.

## **7. Measures to Avoid Redundancies**

Where redundancies are possible, the relevant Senior Manager / Lead Manager should discuss with the Divisional Director of HR (or his/her nominee) whether there are other means of reducing requirements for employees, such as:

- Phasing-in the reduction through natural wastage (i.e. not recruiting to vacancies as they arise);
- Reducing the use of agency staff;
- Not extending fixed term contracts after the stated contract end date;
- Discontinuing any secondments;
- Limiting recruitment;
- Reducing overtime;
- Considering alternative working arrangements e.g. part-time, job sharing;
- Seeking voluntary reduction in hours;
- Transferring staff to other jobs;
- Seeking volunteers for redundancy/early retirement;
- Considering 'bumped' redundancies; and
- Redeployment elsewhere in the council

### **7.1. Voluntary Redundancy**

Before commencing steps to identify individual redundancies, the staff group affected by the changes should be consulted and volunteers for redundancy invited.

Pension benefits will be in line with the Council's policy at that time.

Acceptance of volunteers is at the discretion of the Council, which retains the right to determine whether to accept an application for voluntary redundancy.

Such a decision will be based on: -

- The need retain an appropriate balance of skills and experience in the workforce to ensure that services are maintained and delivered effectively;
- The financial implications of releasing an individual. Redundancy/early retirement will only be considered where there is an identifiable saving; and
- The viability of suitable alternative employment.

Discussions on the use of voluntary redundancy/early retirements will take place with the trade unions as part of the consultation process.

Employees whose requests for early retirement or redundancy are not agreed will be given a written explanation of the reason for the refusal.

#### 7.2. Move to another Job

The intention of a move to another job is to avoid a redundancy by moving an employee prior to selection for redundancy.

This can only take place where the Council has a contractual right to transfer the employee and where a move could have taken place regardless of whether there is a risk of redundancy. Where there is no contractual right to transfer the employee a move may still take place if both parties agree.

A move to another job will normally be between similar posts of the same grade, where earnings are not affected. Selection criteria will only need to be applied where more than one employee wishes to transfer and more than one employee is affected. However where an employee volunteers to move to a lower grade post, it will be on the terms and conditions of that post with no protection of earnings.

#### 7.3. Transferred Redundancy (bumping)

This is where an employee not in the original pool volunteers to be made redundant and their job is given to a potentially redundant employee. There must be a direct connection between the employee who leaves the Council on the grounds of redundancy and the group of directly affected employees. Bumped redundancies can only take place when an overall reduction in the workforce results.

If the potentially redundant employee moves into the post before receiving notice of redundancy, they are not entitled to a four-week trial period.

If the potentially redundant employee has received notice of redundancy they will be entitled to a 4-week trial period. If this is successful full notice will be given to the volunteer who will be entitled to receive a redundancy payment.

#### 7.4. Voluntary reduction in hours

The option of a voluntary reduction in hours enables employees to reduce their contractual working hours and receive a lump sum compensation award. This option is only available where a reduction in hours is a practical option; such as to achieve budget reductions. All requests for reduction in hours must be authorised by a Director/Head of Service. The lump sum compensation payment will be calculated as follows:

<b>Hours</b>	<b>Compensation</b>
Reduction in Hours Involving Less than 20% loss of gross pay	<i>No Compensation</i>
Reduction in Hours involving 20 – 40% loss of gross pay	No of weeks on Statutory Redundancy Grid x weekly loss of pay
Reduction in Hours involving more than 40% loss of gross pay	No of weeks on Statutory Redundancy Grid x weekly loss of pay plus an additional payment for notice x weekly loss of pay

The compensation payment will be subject to tax, NI deductions etc. If the employee is a member of the pension scheme, any reduction in hours will not affect their continued membership, but it will affect their benefits. Employees should seek individual advice from the pension section before agreeing the changes.

An employee who requests a voluntary reduction in hours must agree to pay back an element of the compensation if he/she leaves the job voluntarily either to another post internally or externally or increases their hours within a defined period. The amount to be paid back will be based on the difference between the compensation paid and the savings actually made, calculated on an individual basis, the principle being that the scheme must not cost more than the savings it produces. E.g. where an employee has received compensation of £1,500 wishes to leave and savings made since their reduction in hours amount to £1000 the employee will be required to pay back £500.

## **8. Displaced employees**

Employees will be displaced when they are not allocated to a post to the new structure as a result of one or more of the following:-

- Assimilation
- Ring fencing
- Open competition
- Redeployment

In these circumstances or where an employee is displaced and refuses to participate in the employer's measures to avoid redundancies, the manager will notify the employee in writing, that their post is redundant with effect from a specified date and the reasons why.

### **8.1. Letter**

They should also be informed that redundancy was the basis for the decision to terminate their employment. This letter constitutes formal notice to the employee of termination of their employment. The letter should be sent to the employee and offer the employee the opportunity to attend a meeting to discuss this decision with their manager.

### **8.2. Meeting**

If the employee requests a meeting, they should be given at least 5 days notice of the meeting and will have a statutory right to be accompanied at the meeting by a trade union representative or work colleague. The meeting must take place before the contract comes to an end. It is vital that the meeting is scheduled at a reasonable time and place and provision should be made to ensure that the employee, and the person accompanying them, is able to attend. Similarly, the employee should take reasonable steps to attend the meeting.

At the meeting the Council's decision should be discussed together with the reasons the decision is being taken.

After the meeting the employee must be notified of the decision in writing and informed of their right of appeal and who to address their appeal to.

If the employee does wish to appeal they must register their appeal within 5 days of receiving the notification of the decision. Appeals registered after this timescale will only be considered in exceptional circumstances.

The employee should then be invited to attend a further meeting.

### **8.3. Appeal Meeting**

A manager senior to the lead manager should hear the Appeal. The employee has a statutory right to be accompanied at the meeting by a trade union representative or work colleague. The employee must take all reasonable steps to attend the meeting.

The purpose of the meeting is to determine whether the reasons for the dismissal are fair.

The appeal meeting need not take place before the dismissal takes effect.

After the appeal meeting the employer must inform the employee of the final decision.

## **9. Giving Notice of Termination in Redundancies**

Employees are entitled to one week's notice for each year of service to a maximum of 12 weeks or the notice entitlement due under the contract, whichever is the greater.

Where an employee has been warned of a risk of redundancy but has not been given formal notification but leaves before the date of redundancy, he/she will not be entitled to a redundancy payment.

If an employee has been given a written date for redundancy and wishes to leave during his/her statutory period of notice, he/she will be entitled to a redundancy payment, calculated to the date on which they leave, provided their manager agrees to them leaving. The request to leave early must be made during the employee's statutory notice period and must be in writing.

Where it is not agreed, the Council may refuse to make a redundancy payment. Further advice is available from HR.

Where the final date for redundancy is not known e.g. where an establishment is closing and clients need to be placed in other accommodation, issuing notification of redundancy may be delayed until the closure date is finalised. Thereafter employees may receive all or part of their redundancy payment in lieu of notice.

## **10. Organisational Change Re-employment**

Redundancy Payments will be affected if an employee receives an unconditional offer of employment from this or any other Local Authority (or any other employer covered by the Modification Order), on or before their last day of service with this Council **and** takes up such employment within 4 weeks of their last day of service.

If an employee in receipt of an augmented pension from the Council is re-employed, the augmented pension will cease during the period of re-employment.

## **11. Redeployment – offers of alternative employment.**

Redeployed are classified as those employees who have no posts within the council as a result of one or more of the following:

- Assimilation
- Ring fencing
- Open competition
- A rationalisation or closure of services

As well as the obligations as a good employer, the council has a statutory responsibility to assist employees in finding alternative work, as a means of reducing the numbers dismissed due to redundancy.

If necessary, employees affected by the organisational change may be issued notices to terminate their contracts of employment immediately after the proposed reorganisation is agreed. The assimilation and redeployment processes will commence at the same time. For employees who are not assimilated or appointed to a job in the new structure, suitable alternative employment will be sought within the council during their period of notice. The employee may be given temporary duties to undertake during their period of notice.

Where employees are identified for re-deployment they will be given a list of all current vacancies (If requested, a copy of the internal vacancy list can be sent to either a private email address or, by post, to their home address) and will have first priority for consideration of any suitable alternative job with the council. This will include an interview with the appropriate manager from the Department in which the vacancy exists. The alternative job may be in the employee's existing Department or in another Department.

Either HR or a specifically appointed Change Team will carry out a matching exercise and bring to the attention of the relevant HR Advisor any vacancies, which may be suitable for redeployed before an advertisement is placed. It is also the responsibility of the redeployed to identify and apply for any suitable vacancies direct with the recruiting department. They should indicate on their application form that they are a redeployed and as such, where they meet the minimum criteria as set out in the selection criteria, will be interviewed.

Factors to consider in determining the suitability of the job:

- Nature of the job
- The similarity between old and new jobs
- The employee's skills and experience and whether these fit the job description and selection criteria
- Pay and benefits
- Hours/shift patterns
- Permanence
- Location

The council will endeavour to offer employees selected for re-deployment alternative employment, provided that suitable jobs are available. All offers will be made having regard to the circumstances of the individual employee.

In the event that a number of redeployed are seeking redeployment to the same job and are equally suitable, the following priority should be given (based on Mingo case):

- Women returning from maternity leave under threat of redundancy
- Redeployed with a disability
- Employees who have received notice of redundancy

#### 11.1. Refusal of suitable alternative employment

Where an employee unreasonably refuses offers of alternative suitable employment they may lose all rights to redundancy compensation.

## 12. Trial Periods

No trial period is necessary when, before the end of the employee's employment under their previous contract of employment (i.e. the date of termination due to redundancy), an employee is offered renewal of their contract of employment or re-engagement on the same terms as the previous employment including the capacity and place in which the employee is employed. The employee will be treated as not having been dismissed and if they refuse such an offer there will be no entitlement to redundancy pay.

A trial period is necessary when an employee is offered any other post which differs in capacity, place and /or on others terms and conditions. In other words, if the provisions of the proposed contract differ at all from the provisions of the employees' previous contract, Section 138(3) of the ERA 1996 entitles the employee to a trial period.

The offer of alternative employment will be put to the employee in writing and should be made before the employment under the previous contract ends.

The effect of the trial period is to give both the employee and the council the chance to assess whether the new post is appropriate

### 12.1 Length of the trial period

Redeployed will be entitled to a trial period of a minimum of four weeks. This may be extended to a maximum of 12 weeks in exceptional circumstances, e.g. as a reasonable adjustment for a disabled employee, or if a specific training need is identified prior to the trial period.

If an employee works beyond the end of the four-week period (or any jointly agreed longer period), any redundancy entitlement will be lost, as the employee will have been deemed to accept the new employment.

## 12.2 Purposes of trial periods

The purposes of the trial period are to:

- Enable the employee to acquire the skills and knowledge necessary to perform the duties of the new job to a satisfactory level
- Allow both the employee and managers to determine the suitability of the employee for the job.

The relevant employee and line manager should both understand the employee's responsibilities before and during the trial period. The role of the manager during this period is crucial. HR will provide the manager with written guidance, as described below, on her/his responsibilities before the trial period begins.

HR will be available to advise on the use of trial periods. Advice is also available on procedures for determining the success or otherwise of a trial period, including the procedures to be adopted where the trial is viewed as unsuccessful.

## 12.3 Role of Managers during Trial

The manager must ensure that the redeployed receives reasonable support and guidance in adapting to the duties of the new job. This process requires the manager to:

- Before the trial redeployment begins, identify the skills and knowledge required to undertake the duties and responsibilities of the job;
- Audit the employee's knowledge and skills against those required for the job and, if necessary, put together a package of measures to enable the employee to acquire them;
- Hold regular supervisory meetings with the employee (initially these should be weekly, although they may often only involve a few minutes);
- Set targets for the employee in terms of the duties/activities involved in the job;
- Monitor the employee's performance against the targets and provide feedback;
- Identify any problems with performance as early as possible;
- Take necessary remedial action to assist the employee to improve performance - this may include training, asking the employee to work more closely with an experienced colleague, closer supervision, etc.;
- Keep written records of all action taken during the trial period, and of supervisory meetings held with the employee.

## 12.4 Unsuccessful trial periods

Where the line manager identifies an on-going problem with the performance of the employee, and remedial action does not resolve this, the line manager must advise the HR as soon as possible. The line manager is not required to await the

completion of the trial period before involving HR, if it is clear that support and guidance is unlikely to produce an improvement in performance.

A range of factors may affect the success of redeployment. Circumstances will vary from case to case. However, the sorts of issues that could be relevant include:

- Differences in specific duties/tasks could require different skills and knowledge - for example the employee may be uncomfortable in a job which requires more contact with members of the public and stronger communication skills, or requires familiarity with new technology
- Responsibilities attached to the jobs- although the duties may be similar the level of responsibility attached may be different between the jobs
- Level of supervision - for example, an employee who in the old job worked under close day-to-day supervision might find difficulty in adapting to a job where there is more autonomy given
- Difficulties in adapting to the working culture of the new unit, for example, moving from a team-based working environment to an environment which is more individualistic
- More onerous travel arrangements, different hours or shift patterns, effects on domestic responsibilities, etc., or even on health
- Employee inability or unwillingness to develop the skills required for the new job
- Problems for the employee in achievement of targets (which should have been set by the manager)

In practice, the greater the difference between new and old jobs the easier it may be for either party (but particularly the employee) to establish that the redeployment has not worked.

Either party may claim that the trial period has established the unsuitability of the new job. If both sides agree, then the trial period will be terminated. If the employee's notice period for redundancy has expired, then they will receive their redundancy payment, with the date of termination being the date the employment under the old contract ended. If their notice period has not expired then the redeployment process will recommence at the stage reached prior to the unsuccessful redeployment. If no further redeployment opportunities are possible, then the employment will be terminated on the grounds of redundancy.

If there is a disagreement about the success of a trial, the reasons for this should be explored but if no agreement can be reached then either party can decide that the alternative duties are not suitable and on that basis to terminate the arrangement. The employee would, however, have to have reasonable grounds to explain why the duties are not suitable. If the employee unreasonably refuses an offer of suitable alternative employment, they will not be entitled to receive a redundancy payment.

If there is any other issue that arises that is not connected to the change in job but results in the council deciding that the employee should leave its employment, e.g. an act of gross misconduct, then the employee will lose their right to a redundancy payment. However in these circumstances it is necessary to follow the appropriate council procedure e.g. disciplinary procedure before dismissal takes place, and in such circumstances the reason for dismissal would be misconduct.

### **13. Employees with a disability**

The Equality Act 2010 prohibits discrimination against people within nine protected characteristics, of which disability is one of the characteristics. Protection applies to disabled people in a range of circumstances including their employment. The Act requires employers to make workplace adjustments to remove barriers that place a disabled person at a substantial disadvantage in the workplace because of their disability.

In order to fulfil its obligations under the Act, where an employee with a disability is being considered for assimilation or redeployment to a different job, consideration must be given to any reasonable adjustments that can be made to enable that employee to successfully undertake the new duties. Where necessary, every effort will be made to redeploy disabled employees to suitable alternative posts.

### **14. Protection Arrangements**

#### **14.1. Protection of Pay**

Protection of pay for teachers will be in accordance with the teachers' pay and conditions of employment document. For further information contact Human Resources.

An employee will be entitled to pay protection where there is a reduction in their contractual pay as a result of:

- redeployment to avoid redundancy, or
- re-grading as a result of job evaluation
- restructuring or reorganisation of work

Protection arrangements will only apply where an employee accepts a post where the difference between the employee's previous contractual pay and their new contractual pay means a reduction in salary.

With effect from the start of their new contract, pay protection will be based on the difference between their previous and new total contractual pay, provided that the difference is no more than 20%.

Pay protection will be a phased reduction of pay over a period of not more than two years, as follows:

Year One - 100% of the difference for the first 12 months from the date of the redeployment

Year Two - 50% of the difference for the following 12 months

Year Three - There will be no protection and the employee will be paid the salary for the new post

Where there is more than a 20% difference between the previous and new total contractual pay, only 20% will be protected.

Note – Where an employee moves to a higher paid role during the pay protection period, pay protection will cease.

## **14.2. Pensions Protection**

Redeployment may affect an employee's pension benefits. Employees can request that any 3 consecutive years (ending on a 31 March) in their last 10 in the scheme are used to calculate their pension benefits. Employees are advised to make the request to the Pensions Section at the time their leaving date is confirmed.

## **14.3. Protection of Other Terms and Conditions**

### Place of Work and Working Patterns

Place of work and working patterns will not normally be protected and will, where necessary, vary in accordance with the requirements of the post to which the employee is re-deployed. Consideration will be given to flexible or phased in arrangements subject to operational requirements.

### Contractual Hours

Where the grade/rate of pay of the post to which the employee is redeployed remains unchanged but the contractual hours of work are fewer than their current contractual hours, the employee will be entitled to a lump sum compensation payment calculated in accordance with the Voluntary Reduction in Hours Scheme.

Where the grade/rate of pay of the post to which the employee is redeployed is lower than their current grade/rate of pay and their contractual hours are fewer than their current contractual hours, the employee will be entitled to protection of salary based on the new contractual hours, with no further entitlement to compensation.

Where the contractual hours of work of the post to which the employee is redeployed are less than their current contractual hours but their earnings are equal to or greater than their previous earnings, the employee will not be eligible for protection or compensation.

### Harrow Car User Allowance

An employee whose post carries an Harrow car user allowance will lose the allowance if there is no allowance attached to the post to which (s)he is redeployed.

## Lease Car Scheme

An employee with a lease car who is redeployed will be entitled to retain their car until the expiry of their current lease car agreement. Upon expiry of the current lease car agreement their entitlement to participate in the lease car scheme will cease.

### **14.4 Development Plan**

Where, as a direct result of being at risk from redundancy, an employee has been successfully redeployed, a development plan will be produced. The Council are committed to ensuring individuals are given every opportunity to develop new skills through planned training and development interventions.

Line Managers will be responsible for plan development:

- Meet with the individual to discuss the skills and knowledge required in line with career aspirations and the duties and responsibilities of the job;
- Audit the employee's knowledge and skills against those required for the job and future development. If necessary, put together a package of measures to enable the employee to acquire them;
- Hold regular review meetings with the employee;
- Set time bound objectives for the employee in terms of his or her development plan;
- Monitor the employee's development against those objectives and provide feedback;
- Identify any problems as early as possible;
- Take necessary action to assist the employee - this may include training, asking the employee to work more closely with an experienced colleague, closer supervision, etc.;
- Keep written records of all action taken and of review meetings held with the employee.

### **14.5 Redeployment into Schools**

Under local management of schools, Governing Bodies determine who will work in a school. Council can nominate employees seeking redeployment to a school for consideration by the Governing Body.