

TRUST POLICY FOR MANAGEMENT OF ORGANISATIONAL CHANGE

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	1	August 2006	Director of HR	Original Policy
	2	July 2008	Director of HR	Major Amendments
	3	Sept 2010	Deputy Director of HR	Major Amendments
	3.1	Nov 2012	Head of Workforce - Resources	Minor Amendments
	3.2	December 2014	Deputy Director of Workforce Management	Minor Amendments
	3.3	July 2018	Deputy Director of Workforce	Unified. No other changes.
	4	December 2018	Assistant Director of Workforce Transformation and Integration	Major Amendments
Intended Recipients: All employees				
Training and Dissemination: Policy is launched through Weekly Newsletter and located on intranet; new starters notified of policy at induction; implemented through Partnership Forum. Support for managers provided by Employee Relations Team.				
Linked Policies and Guidelines : Pay Protection Policy, Sickness absence policy, Stress management policy, Organisational Change Framework, Documents and Templates, Redeployment Guidance.				

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1. Introduction

The University Hospitals of Derby and Burton NHS Foundation Trust recognises and values the contribution of all staff, in the delivery of its vision for exceptional care together. At the same time, there is a need for the Trust to continuously plan the future workforce and review the services it provides to meet the needs of stakeholders, both internal, and across the healthcare community.

Where there are changes to pathway redesign, as well as reconfiguration/integration of services, it may be necessary to review organisational structures, roles and service delivery, to ensure the Trust meets its strategic PRIDE objectives.

It recognises that change can be of concern to staff and that a process needs to be in place to minimise anxieties that may be present. In addition, clear processes are needed for consultation and engagement of staff and their representatives, in the changes that affect them.

The Trust has an inclusive organisational culture and recognises that all employees have the right to be treated fairly, with dignity and respect, throughout the employment journey. To ensure valuable skills, knowledge and experience are retained within the Trust, all options will be considered, with redundancy being the last resort.

The managing organisational change framework ensures a consistent approach is taken by managers, staff and trade unions, whilst incorporating best practice and compliance with legislation.

2. Purpose and Outcomes

The purpose of this document is to set out the Trust's approach to the management of organisational change and outlines the process that should be followed by managers wishing to implement change.

The principles and process support the aim of managing strategic and operational change in a way that is both supportive and fair to staff and enhances the provision of the highest quality patient care.

3. Definitions Used

ORGANISATIONAL CHANGE is any structural or managerial change in the organisation impacting on the workforce. This could, for example, be as a result of a service change, a transformation scheme or partnership working with another Trust. Changes may or may not affect Terms and Conditions of service.

Changes not affecting Terms and Conditions (informal)

Change not affecting terms and conditions include: -

- A proposed change to a department or defined group of staff which does not involve a re-organisation of posts or fundamentally affect terms and conditions.
- Where there is a re-organisation of posts or responsibilities within a department or ward which does not fundamentally affect terms and conditions or involve job losses.

Possible examples of informal change:

- Change of department location;
- Change of speciality or systems – i.e. increasing number of beds on a ward with different specialty or introduction of new systems which may require additional training; within the scope of their professional competency and banding.
- Change of line manager or reporting structure;
- Ad hoc change of working hours within a normal working day
- Change of hours for out of hours work where staff are already working out of normal hours; unless there is a change of frequency or pay protection applies.
- Disestablishing posts and changing skill mix where vacancies exist – using available budget to create new posts or make financial savings;
- Adding to agreed duties, commensurate with the band;
- Reduction in agency staff (which has a direct impact on team or workload).

Where an organisational change does not affect terms and conditions of service, informal consultation with staff should take place, and advice should be sought from Human Resources.

Change affecting Terms and Conditions (formal)

Formal change refers to any change that may have a more significant impact on individuals with regards to terms and conditions of employment or where changes are likely to result in a workforce reduction (redeployment or redundancy).

This form of change requires both informal discussions with staff/staff side and a formal consultation in line with statutory requirements and Trust policy.

Possible examples of formal change:

- Restructures in a department impacting on the nature of staff responsibilities, and/or bands;
- Changing working hours – e.g. working traditionally 9-5 to evening/weekend work;
- Changes that would invoke usage of the pay protection policy;
- The cessation of the provision of an activity or closure of a department or ward and staff redeployment.
- Down banding
- Changes that require staff to move from their normal place of work to another location within the Trust and this results in increased travel costs to and from work, staff will be reimbursed their extra daily travelling expenses in accordance with the NHS Terms and Conditions of Service.

REDUNDANCY

This occurs if the employee is dismissed and the dismissal is attributable wholly or mainly to the fact that:

- a) the employer has ceased, or intends to cease:
 - i) to carry on the business for the purposes of which the employee was employed by him; or
 - ii) to carry on the business in the place where the employee was so employed; or
- b) the requirements of the business for employees:
 - i) to carry out work of a particular kind; or
 - ii) to carry out work of a particular kind in the place where the employee was employed have ceased or diminished, or are expected to cease or diminish.

TUPE

TUPE refers to the "Transfer of Undertakings (Protection of Employment) Regulations 2006" as amended by the "Collective Redundancies and Transfer of Undertakings (Protection of Employment) (Amendment) Regulations 2014". The TUPE rules apply to organisations of all sizes and protect employees' rights when the organisation or service they work for transfers to a new employer.

STAFF SIDE REPRESENTATIVES refers to accredited trade union/professional organisation representatives.

4. Principles and values

The following principles and values will apply to any organisational change:

- the organisational change process will be applied with consistency and fairness across the organisation
- the organisational change process will comply with relevant legislation where applicable (eg TUPE), NHS guidance and the cabinet white paper on transfers
- the employees who will potentially be affected, plus staff side representatives, Human Resources and any other relevant parties, will be involved in the process at the earliest possible opportunity
- wherever possible, security of employment will be maintained, with redeployment and retraining being utilised, as appropriate, to ensure the retention of staff within the service. Compulsory redundancies will, consequently, only be effected as a last resort
- when developing plans and identifying any staffing implications (including, for example, pooling arrangements and selection process), managers will work collaboratively and in consultation with with Human Resources, staff side representatives and the employees concerned
- any employee affected by change will be offered appropriate levels of support depending on the nature of the change, examples would include: interview preparation, career guidance, coaching.

- Where any redundancy is proposed, the statutory consultation periods will be observed
- Any redundancy payments will be calculated in accordance with Section 16 of the NHS Terms and Conditions of Service Handbook for non-medical and dental employees. Those for Doctors and Dentists will be calculated in accordance with National Health Service Hospital Medical and Dental Staff and Doctors in Public Health Medicine and Community Health Service (England and Wales) Terms and Conditions Handbook.
- The relevant Pay Protection Policy will apply to anyone who is eligible to pay protection as a consequence of organisational change.
- The Transfer of Undertakings (Protection of Employment) (TUPE) Regulations will be adhered to in the event TUPE applies.
- The Trust will act reasonably and professionally at all times in accordance with ACAS guidelines in relation to displaced staff as a result of the selection process and will seek to find suitable alternative employment for staff as an alternative to redundancy (redeployment).
- An employee who wishes to raise formal concerns against the application of this policy should refer to the Trust's Grievance Procedure

5. Process

For more detail on the process to follow, please refer to the Organisational Change Framework, Documents and Templates

Stage 1 - Identifying the need for change and the extent of the change

Stage 2 (a) - Mobilising the Change: Building the case for change and consultation documentation.

Stage 2 (b) Presenting to Organisational Change Review Group – commence early engagement with staff-side colleagues and key stakeholders

Stage 3 - Consultation Period - Commences via Divisional Partnership Committee/Staff-side colleagues and with staff

Stage 4 - Implementation Phase: Selection and Appointment including, for example, pooling and slotting-in

Stage 5 - Commencement of new structure

6. Monitoring Compliance and Effectiveness

This Policy will be monitored by Human Resources. Any updates to the policy will be presented to the relevant committee / forum. This policy will be reviewed by May 2022, or earlier if legislation dictates. The policy will remain in force until renewed or cancelled.

7. Key Responsibilities and Duties

Executive Responsibilities

The responsibility for the provision of the Organisational Change policy rests with the Trust Board.

The Trust Board will ensure that:

- The Policy is implemented through the Trust's Line Management structure
- All staff are made aware of their personal responsibilities under this policy
- Coaching on the implementation of this policy is provided to appropriate staff

Human Resources Responsibilities

The Human Resources Department are responsible for the following:

- Ensuring advice and guidance is provided to managers and employees
- Attendance at all formal meetings involving consultation
- Ensuring that legal obligations are fulfilled
- Maintaining an 'at risk' register for staff identified as at risk of redundancy
- Advising on appropriate selection criteria
- Career counselling e.g. Interview techniques, CV writing
- Advising on policy application.
- Adherence to the Redeployment Guidance as applicable

Managers Responsibilities

Managers considering changes to the workforce should be aware of the possible impact this may have on employees and should seek advice at the earliest opportunity from Human Resources about how the changes will be managed.

Managers are responsible for the following:

- Leading the organisational change
- Writing the case for change and all other relevant documents
- Ensuring staff are aware of this policy and have access to it
- Ensuring effective communication with staff
- Treating all staff fairly and consistently
- Providing support for the health and wellbeing of staff throughout the change
- Having an understanding of the impact of the change on both individuals and services
- Ensuring that the proposed change fits with the workforce plan
- Considering feedback received as part of the consultation process
- Adherence to the Redeployment Guidance as applicable

Employees Responsibilities

All employees should:

- Participate in the process, providing feedback and/or alternative proposals where appropriate for the benefit of service delivery
- Raise any issues associated with the change to their line manager, Human Resources or Staff Side representative at the earliest opportunity during the

- consultation process
- Attend consultation meetings
- In the event of a redeployment situation, outline any preferences for alternative roles and personal considerations
- Engage with the redeployment process (see Redeployment Guidance within the Organisational Change Framework, Documents and Templates) and participate in any training required to assist with redeployment

Staff Side Responsibilities

Staff Side organisations are responsible for:

- Attendance at Group consultation meetings and 1:1's as requested by HR, management and/or member(s) or where the appropriate Staff Side member feels it would be relevant to attend
- working jointly and in partnership with management and Human Resources to consult on proposed organisational changes
- raising concerns on behalf of a member(s) in relation to this policy
- providing support / advice for members in relation to this policy

Occupational Health Responsibilities

The Occupational Health Department is responsible for:

- Providing advice to managers, Human Resources and staff concerning Health and Wellbeing at work and a range of supporting interventions.

8. References

NHS Terms and Conditions of Service Handbook

National Health Service Hospital Medical and Dental Staff and Doctors in Public Health Medicine and Community Health Service (England and Wales) Terms and Conditions Handbook

Employment Rights Act, 1996

Transfer of Undertakings (Protection of Employment) Regulations 2006" as amended by the "Collective Redundancies and Transfer of Undertakings (Protection of Employment)

(Amendment) Regulations 2014 Cabinet white paper on transfers

ACAS Guidelines