

Title of Report:	Organisational Change Policy and Procedures	Item 4
Report to be considered by:	Personnel Committee	
Date of Meeting:	12 December 2008	

Purpose of Report: To seek approval for the implementation of a new policy and procedure for organisational change.

Recommended Action: Personnel Committee are asked to approve the Policy and Procedure for Organisational Change to be implemented from January 2009.

Reason for decision to be taken: The WBC Management Guidance Notes on organisational change were written in 1999 and are now out of date. The Council has no formally approved comprehensive policy for handling the staffing aspects of organisational change, which may lead to inconsistency of approach across the organisation. The proposed policy and procedure for organisational change will ensure that the Council adheres to statutory and good practice requirements and that change is effected with the minimum of disruption.

Key background documentation: WBC Management Guidance Notes 1999.
Employment Rights Act 1996.
Trade Union and Labour Relations (Consolidation) Act 1992.
Information and Consultation of Employees Regulations 2004.
ACAS guidance - Redundancy Handling 2008.

The proposals will also help achieve the following Council Plan Outcomes:

- CPO13 - Value for Money**
- CPO14 - Effective People**

The proposals contained in this report will help to achieve the above Council Plan Themes and Outcomes by:

Ensuring that the staffing aspects of organisational change are managed effectively and in accordance with the law and recognised good practice.

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Implications

Policy:	This report proposes a change to HR policy.
Financial:	There are no direct financial implications arising from this report. Whilst the outcome of organisational change may be to incur redundancy and/or early retirement costs, the policy for approving such costs is unchanged.
Personnel:	This report proposes a change to HR policy.
Legal/Procurement:	The proposed policy and procedure have been drawn up with regard to the relevant provisions in employment law.
Property:	n/a
Risk Management:	The proposed policy and procedure, if adopted, will reduce the risk of employment tribunal claims in respect of action taken to effect organisational change.
Equalities Impact Assessment:	The potential for unlawful discrimination in redundancy has been minimised by defining lawful selection criteria. Staff consultation processes will need to take account of employees whose first language is not English to ensure that they are able to participate fully.

Executive Summary

1. Introduction

- 1.1 The Council needs to have a secure, agreed policy and procedure for managing the staffing aspects of organisational change, to replace the out of date Management Guidance Notes from 1999. This will ensure that change is managed fairly and openly, and in accordance with statutory and good practice requirements.

2. Proposals

- 2.1 A proposed comprehensive policy and procedure for organisational change has been the subject of consultation with representative managers and recognised trade unions.
- 2.2 The document sets out step by step processes to be followed to implement organisational change. It covers consultation with staff and unions, appointment to new staffing structures, redeployment and redundancy, and salary protection arrangements.
- 2.3 The document also contains guidance for employees and managers, and templates and checklists to support the procedure.
- 2.4 The proposed organisational change policy and procedure is attached as Appendix A.

3. Conclusion

- 3.1 Approval for the implementation of the proposed policy and procedure should be sought from the Personnel Committee.

Executive Report

1. Introduction

- 1.1 Organisational change within the Council always has an impact on the people who work in the areas affected, whether the change involves restructuring a team or service, reducing the size of or method of delivering a service, or moving to new premises.
- 1.2 In 1999, WBC HR published a Management Guidance Note on organisational development and redundancy, which set out the principles for handling organisational changes affecting staff, and the statutory and good practice requirements which must be met. This guidance is now out of date, and contains some advice which is at odds with employment legislation which has been enacted in the past 9 years.
- 1.3 The Council will inevitably face a continued need to implement change and it is therefore important that it has a secure policy and procedural framework for dealing fairly, consistently and lawfully with the impact on employees. The policy and associated procedures will have more impact and acceptability if they have been the subject of consultation with the trade unions before approval.

2. Proposed Organisational Change Policy and Procedure

- 2.1 A proposed new policy and procedure have been drafted and are attached as appendix A. Some of the guidance and template appendices to the policy and procedure document are not included as they have not yet been finalised. They will be derived from the main policy and procedure and will not require further approval.
- 2.2 The document details the procedural aspects of organisational change management, giving step by step processes to be followed for each stage.
- 2.3 In drafting the document, account has been taken of current employment legislation, good practice guidance from a range of organisations including ACAS and DBERR, and existing practice within WBC where this continues to be relevant.
- 2.4 A representative group of managers from across the Council has been consulted upon the policy and procedure and they made significant contributions to the format and detail. All welcomed the clarity and consistency that the document will bring to the management of organisational change.
- 2.5 Consultation has taken place with the trade unions locally and comments have also been received from Unison regional office. Amendments have been incorporated as a result of the consultation process and WBC unions have agreed to support the policy and procedure.
- 2.6 Corporate Board considered the document on 25th November 2008 and recommended its approval by Personnel Committee.

3. Key features of the proposed policy and procedure

- 3.1 A policy statement setting out the Council's intention to minimise the impact on staff caused by organisational change.

- 3.2 Guidance for managers on assessing the best possible routes to achieving change. This acknowledges that, in some cases, change may be best achieved through gradual means, including consulting on changes to job descriptions and using 'natural wastage' or staff turnover to achieve the desired outcomes. In other cases, a traditional restructuring approach to change may be needed and the organisational change procedure will need to be followed in full.
- 3.3 A procedure for consultation of staff and recognised trade unions which complies with employment legislation and allows for discussions to take place at the earliest opportunity.
- 3.4 A procedure for appointment to new staffing structures which aims to maximise 'slotting in' opportunities, and provides for a process of 'ring fenced' appointments for those not slotted in with a selection process if necessary.
- (1) Slotting in to a post in a new organisational structure occurs where there is a good match between the current and new job roles and the skills and experience of the post holder. Employees will not be able to appeal against being slotted into a job as their contractual terms and security of employment will be preserved.
 - (2) Ring fenced recruitment occurs where the remaining posts, after slotting in, are advertised only to those employees whose posts will be deleted to implement the new structure. Competitive selection for ring-fenced posts will take place if there is more than one suitable candidate for a particular post. Any posts remaining unfilled after the ring fence process may be advertised internally and/or externally according to WBC recruitment policy.
- 3.5 A procedure for redeployment with a clear process for job-matching and 'provisional placements' for employees who are at risk of redundancy.
- (1) Job matching will be carried out by HR, who will assess the suitability of all vacancies to provide a redeployment opportunity. If a job match is established, HR will arrange a meeting between the manager and the employee to discuss a provisional placement.
 - (2) Provisional placements are a mechanism for allowing employees and managers to try out working in a new job role before the date when the current employment is expected to end due to redundancy. If successful, the employee will be offered a contract for the new post and redundancy will be avoided.
- 3.6 A procedure for redundancy with a set of provisional criteria for redundancy selection and a process for formal dismissal and appeal.
- (1) The actual criteria to be used to select for redundancy in a particular situation will be defined after consultation with the trade unions.
- 3.7 A scheme for salary protection based on existing practice in WBC.
- 3.8 Guidance for employees affected by organisational change with sources of information and support.

3.9 Model documents, templates and checklists to support managers in implementing organisational change.

4. Links to other HR policies and procedures

4.1 The organisational change policy and procedure establishes clear links with other policies and procedure through the use of references and hyperlinks in the text. Some of these are detailed below.

4.2 Employees who are at risk of dismissal from their jobs because they are unable to reach the required standards of performance or attendance due to ill-health or disability will be able to access the support detailed in the redeployment procedure. It will not apply to employees who fail to reach the required standards due to disciplinary reasons or to lack of skill or ability.

4.3 Employees whose jobs are downgraded as a result of a job evaluation exercise may have their salaries protected under the terms of the salary protection scheme by mutual agreement.

4.4 Employees who are dismissed on the grounds of redundancy will have their entitlement to redundancy compensation calculated in accordance with the Council's Policy Statement on Discretionary Compensation.

4.5 School employees who are at risk of dismissal due to redundancy will be offered support in accordance with the redeployment procedure. The Council cannot require schools to offer suitable jobs to redeployees (School Staffing Regulations 2003), although it may request that provisional placements be made into suitable vacancies.

5. Recommendation

5.1 Management Board are recommended to support the proposed Organisational Change Policy and Procedure, for formal approval by the Personnel Committee.

Appendices

Appendix A – Organisational Change Policy and Procedure.

Consultees

Local Stakeholders: HR Policy consultation group of managers comprising representatives from all directorates.

Corporate Board.

Officers Consulted: Sally Johnson – HR Manager for Operations.

Lucy Semmens – HR Manager for Recruitment and Information.

HR Operations team.

Trade Union: Rosemary Culmer, Dave Pearson and Eddie Hunter.

Unison Regional Office.



Organisational Change Policy and Procedures

Document Control

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Change History

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Contents

1. Purpose	3
2. Applicability	3
3. West Berkshire Council Organisational Change Policy.....	3
4. Guidance for managers before embarking on organisational change.....	5
5. Summary of organisational change process	8
6. Roles and Responsibilities	9
7. Consultation procedure	12
8. Appointment to new staffing structure procedure.....	17
9. Redeployment procedure.....	21
10. Redundancy procedure.....	26
11. Salary protection scheme	32
12. Appendix A - Consultation checklist for managers.....	34
13. Appendix B - Statutory information to be disclosed to the trade unions.....	36
14. Appendix C - Example matrix for redundancy selection (to be written).....	37
15. Appendix D - Guidance for employees on redeployment process (to be written)	38
16. Appendix E – process summary chart for organisational change	39
17. Appendix F – model employee preference form for ring fence recruitment (to be written)	42
18. Appendix G – example skills and experience summary sheet (to be written)	43

1. Purpose

1.1. The purpose of this policy is to set out the Council's approach to managing the human resources implications of organisational change, including restructuring of services and teams and potential redundancy.

1.2. The document consists of:

- A policy statement which sets out the Council's approach to the management of organisational change;
- A set of procedures which will be followed to implement organisational change;
- Guidance documents for managers and employees (also available as separate documents)
- A summary of the process with a flowchart; and
- Checklists for managers.

1.3. The Personnel Committee has approved the Organisational Change Policy and Procedure, following consultation with managers and the trade unions.

2. Applicability

2.1. This policy applies to all non-school based employees working for the Council, including those working from home or at non-Council locations.

2.2. This policy does not apply to the aspects of reorganisation that affect the roles of Executive Directors. Specific arrangements will be agreed in these circumstances.

2.3. Where organisational change will involve the transfer of staff under [TUPE Regulations](#), HR advice must be sought as soon as possible.

3. West Berkshire Council Organisational Change Policy

3.1. The Council recognises the importance to its employees of security of employment and seeks to minimise the impact of organisational change, including redundancies, on its employees by following fair and open procedures to implement change.

3.2. The Council will consult at the earliest opportunity, with the recognised trade unions and directly with employees, where it becomes necessary to make organisational changes which have staffing implications, in accordance with the [Consultation procedure](#)

3.3. The Council will consult individual employees on changes to their job descriptions and/or changes to workplace or working methods which are needed to achieve organisational change.

3.4. The Council will make appointments to any new staffing structure in a fair and open manner, in accordance with the [Appointment to new staffing structure procedure](#)

3.5. Where it is necessary to select employees for redundancy, the selection criteria and process will be agreed with the recognised trade unions, in accordance with the [Redundancy procedure](#)

- 3.6. The Council will seek to redeploy to suitable alternative employment any employee who is at risk of redundancy as a result of organisational change, in accordance with the [Redeployment procedure](#)
- 3.7. Salary protection will be applied, where appropriate, in accordance with the [Salary protection scheme](#)
- 3.8. The Council will offer compensation to employees who are redundant in accordance with its [Discretionary Compensation Statement](#)
- 3.9. Employees who leave the Council's employment with a compensation payment and/or premature retirement on the grounds of redundancy or efficiency will not normally be re-engaged in any capacity for a period of two years from the date of termination (see the [WBC Re-employment Policy](#))
- 3.10. This Policy will be implemented in accordance with the procedures which are contained within this document.

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4. Guidance for managers before embarking on organisational change

4.1. This guidance should be read by managers considering any organisational changes which will have an impact on employees and the way they work, before embarking on the change process.

4.2. Step A – analyse the need for change

4.2.1. Senior managers contemplating organisational change should analyse their situation (e.g. by using an organisational development tool such as [Force Field Analysis](#)) before deciding which route to take. HR can help to facilitate this confidential analysis.

4.2.2. Once a route has been chosen, HR advice must be taken on the procedural issues involved before any steps are taken.

4.2.3. The reasons for change must be weighed against the cost of changing. Sometimes an early analysis will show that the costs outweigh the advantages and the best option is not to embark on a change initiative.

4.2.4. However, when a change initiative is launched it must be followed through using agreed HR procedures to avoid staff disillusionment which will make future change even harder to achieve.

4.3. Step B – consider the reasons for contemplating change

4.3.1. Managers contemplating organisational change will have a variety of reasons for doing so.

4.3.2. A manager may consider that a change in the work done, who does what work, and/or who reports to who will improve a team's performance. This view may be based on objective evidence of poor performance (e.g. performance indicators, CAA or other inspection report, internal audit report) or it may be based on a manager's perception that the team could perform at a higher level (typically, a new manager may form this view based on his/her previous experience).

4.3.3. A manager may alternatively (or additionally) be under pressure to deliver the same or higher level of performance with a smaller budget.

4.3.4. Managers may also be required to change organisational structures to meet changes to service delivery as a result of a government policy change, or a policy decision taken locally by the Council.

4.3.5. Sometimes change may be considered following a service review initiated by feedback from staff, e.g. the Employee Attitude Survey.

4.4. Step C – determine the best route for achieving organisational change

4.4.1. There are two possible routes to achieving organisational change. One route, after consultation, is to delete all or some posts and reconfigure the team from the deconstructed team. The other route is to leave the posts in place but

make changes, after consultation, which remain within the existing contractual or establishment arrangements. The next sections discuss the pros and cons of each route.

4.4.2. It is essential to consult the Group Accountant at an early stage so that the manager has as much accurate information as possible to be able to estimate the potential costs of change.

4.4.3. Where a potential organisational change will affect services provided under statutory regulation, or where other legal issues may be of importance, the manager must consult Legal Services at an early stage for advice.

4.5. Route One: delete posts and create new posts

4.5.1. This is the classic approach to organisational change in the public sector. Managers who follow this route to organisational change should use the agreed WBC procedures for organisational change.

4.5.2. The advantages of this approach are;

- It has high face validity with employees and trade unions(i.e. it is a trusted and familiar way of delivering change);
- It is well understood by staff;
- it can deliver change within a defined timescale; and
- it can introduce “root and branch” change where radical measures are necessary.

4.5.3. The disadvantages of this route are;

- it can be used inappropriately to deal with underperforming staff, rather than using the agreed capability procedure which allows employees opportunities to improve;
- it may lead to retention issues where good staff do not wish to wait for the outcome of the interview process and find other jobs;
- some staff may be demoralised or hostile to the change process and their performance may dip; and
- the cost of potential redundancies can be hard to predict*.

4.5.4. *For planning purposes the total cost to the Council of every post that it is proposed to delete must be factored into the risk element of the project planning process.

4.6. Route Two: change the way people work and ‘natural wastage’

4.6.1. This route to achieving organisational change is often used by managers in an unplanned and unstructured way. Typically a manager will think about change when a resignation or retirement occurs, or a new demand on the team will result in a manager agreeing with someone to add the new task to his/her existing duties.

4.6.2. However, it is possible to use this “softer” approach to organisational change in a more structured way. A manager may consult staff on a rationale for change and a new structure which is the desired outcome of gradual change.

4.6.3. The move towards the desired outcome is then achieved by a combination of one or more of the following:

- creating a staff change team to help implement the change process;
- changing job descriptions and reporting structures when staff leave (see consultation procedure [7.7](#));
- agreeing major changes to existing job descriptions with existing staff and putting revised job descriptions through job evaluation;
- implementing minor changes to job descriptions after consultation with existing staff;
- consulting trade unions on the change process.

4.6.4. The advantages of this approach are;

- no redundancy costs are incurred;
- it is less likely to provoke a backlash from staff; and
- it sets out a clear direction of travel for the future.

4.6.5. The disadvantages of this approach are;

- it has an uncertain timescale which may be unacceptable where performance and/or budget goals are very demanding;
- staff may find the long period of change less acceptable than the traditional method described above; and

4.7. Summary of advantages and disadvantages of two routes to change

	Route One (Big Bang)	Route Two (Evolution)
Advantages	<ul style="list-style-type: none"> ○ high face validity ○ well understood ○ delivers change within a defined timescale ○ introduces “root and branch” change 	<ul style="list-style-type: none"> ○ no redundancy costs ○ less likely to provoke hostility from staff ○ sets clear direction of travel for the future
Disadvantages	<ul style="list-style-type: none"> ○ staff retention issues ○ staff performance may dip ○ cost of potential redundancies ○ lowers morale 	<ul style="list-style-type: none"> ○ uncertain timescale ○ long period of change less acceptable to staff ○ will not address individual underperformance

5. Summary of organisational change process

Consultation procedure

- [Planning the Consultation Process](#)
- [Formal Consultation with Trade Unions and Employees](#)
- [Individual Discussion and Consultation with Employees](#)
- [Outcome of Consultation](#)
- [Consultation with employees on changes to job role](#)
- [Consultation under Transfer of Undertakings \(Protection of Employment\) Regulations \(TUPE\) 2006](#)

Appointment to new staffing structure procedure

- [Job Matching](#)
- [Ring-fence recruitment](#)
- [Appeals against slotting in and ring fence arrangements](#)

Redeployment Procedure

- [Redeployee status](#)
- [Redeployment profile](#)
- [Identification of job matches](#)
- [Provisional placements](#)
- [Entitlement to redundancy payments](#)
- [Appeals against not being matched to a vacancy](#)
- [Statutory Trial Periods](#)

Redundancy procedure

- [Potential measures to avoid or minimise the impact of redundancy](#)
- [Voluntary redundancy of employees](#)
- [Selection of employees for redundancy](#)
- [Selection criteria](#)
- [Formal notification of termination of employment](#)
- [Right of Appeal against termination of employment](#)
- [Statutory Definition of Redundancy](#)

Salary protection scheme

- [Circumstances where protection of salary will apply](#)
- [Calculation of salary protection](#)
- [Period of protection](#)
- [Circumstances in which salary protection will end](#)
- [Funding salary protection](#)

6. Roles and Responsibilities

Who	Responsible for;
Chief Executive	<p>Overall responsibility for ensuring that organisational change is managed appropriately in accordance with this agreed policy and its associated procedures</p> <p>Overseeing the consultation with staff and unions on structural or organisational changes affecting more than one directorate, or which have implications for the Council as a whole. (This may be carried out by a nominated senior manager.)</p>
Executive Directors	<p>Undertaking consultation with staff and unions on structural or organisational changes affecting a whole service. (This may be carried out by a nominated senior manager.)</p>
Senior Managers (Heads of Service)	<p>Undertaking consultation with staff and unions on structural or organisational changes affecting individual teams. (This may be carried out by a nominated senior manager.)</p> <p>Determining whether to accept any offers to volunteer for redundancy/early retirement</p> <p>Chairing a meeting with the selected employee(s) to consider any decision to dismiss on the grounds of redundancy (the dismissal hearing)</p>
Managers	<p>Developing proposals for organisational change, seeking approval in the appropriate forum, and planning the process for change taking into account statutory or locally agreed timescales in the relevant procedures.</p> <p>Seeking appropriate financial advice from the Group Accountant to ensure that the costs of change are accurately estimated.</p> <p>Seeking HR advice at an early stage on any potential transfers of staff (in or out) under TUPE Regulations</p> <p>Consulting employees and the recognised trade unions on proposed changes which will have staffing implications (see above sections on Chief Executive, Directors and Head of Service responsibilities).</p> <p>Consulting individual employees on changes to job descriptions, grade changes, place of work or working methods where appropriate</p> <p>Implementing a fair process for appointment to new staffing structures;</p> <ul style="list-style-type: none"> • Seeking advice from HR on the details of the internal recruitment process for the specific situation to ensure the process is undertaken in a transparent and fair way. • Ensuring that job descriptions and person specifications are drawn up for each new post and that these are evaluated through the agreed procedure.

Who	Responsible for;
	<ul style="list-style-type: none"> • Carrying out the selection process, including considering applications, selection tests, undertaking interviews, and deciding whom to appoint. <p>Supporting redeployment;</p> <ul style="list-style-type: none"> • Supporting the provisional placement of redeployees into vacant posts • Offering appointment if the redeployee meets the minimum criteria for the vacant post or would do so with reasonable training. • Providing detailed written reasons for not appointing a redeployee who has been identified as suitable for the post. <p>Carrying out the selection of employees for redeployment/redundancy where necessary;</p> <ul style="list-style-type: none"> • Establishing that a redundancy situation exists or is expected to exist and identifying the 'pool' of potentially redundant employees (i.e. the group from which employees will be selected for redundancy). • Determining selection criteria for redundancy in consultation with the trade unions • Making the selection decision for redundancy and providing feedback to employees <p>Holding a dismissal hearing where it is necessary to terminate employment on the grounds of redundancy (see Heads of Service responsibilities above).</p> <p>Advising Human Resources of changes to establishment and/or individual employee terms and conditions</p>
Employees	<p>Arranging their own support from their trade union or nominated workplace colleague at any formal meetings</p> <p>Cooperating with efforts to seek suitable alternative employment (redeployment) where they are at risk of redundancy</p> <p>Confirming which posts they wish to be considered for in the new structure where ring fence arrangements apply</p> <p>Taking part in selection processes for alternative employment as required</p> <p>Note: If the employee does not wish to apply for any posts in the new structure he/she will be in a potential redundancy situation and will be expected to co-operate with efforts to redeploy him/her to a suitable alternative post elsewhere in the Council.</p>
Human Resources	<p>Publicising this policy and associated procedures on the intranet/internet and providing training for managers</p> <p>Advising and supporting managers in planning and implementing the staffing aspects of organisational change</p>

Who	Responsible for;
	<p>Arranging for new/revised jobs to be evaluated through the Job Evaluation Procedure</p> <p>Supporting managers in consulting staff and trade union representatives, assisting in the resolution of any disputes</p> <p>Advising and supporting managers in appointing staff to new structures, selecting staff for redundancy/redeployment, and at dismissal hearings as necessary</p> <p>Evaluating the grades of new jobs created to achieve reorganisation</p> <p>Supporting employees who are vulnerable to redundancy to find suitable alternative employment within the Council or with other employers;</p> <ul style="list-style-type: none"> • providing reasonable guidance, support and advice to redeployees depending on the circumstances of the case • providing redeployees with information on vacancies arising within the Council • providing advice on redundancy procedures <p>Providing support and advice to managers on redeployment and on provisional placements and trial periods</p> <p>Determining whether the Council considers that alternative employment offered is 'suitable' where the redeployee refuses the offer</p> <p>Supporting and advising managers throughout the redundancy process, including at dismissal hearings where necessary</p> <p>Checking that the manager has applied the correct statutory test to establish that a redundancy situation exists</p> <p>Confirming agreed changes to contractual terms or termination of employment in writing to employees</p> <p>Implementing changes to the establishment/employees on Resourcelink</p>
Trade unions	<p>Responding to management consultation on organisational changes</p> <p>Supporting their members collectively throughout the process as requested</p> <p>Supporting individual trade union members on request at informal and formal meetings to discuss changes to terms and conditions and/or potential redundancy</p>

7. Consultation procedure

7.1. Purpose and applicability

- 7.1.1. This procedure sets out how the Council will consult staff and the recognised trade unions on organisational changes which have staffing implications.
- 7.1.2. This is a crucial stage and can be fundamental to the success or otherwise of the change. Managers should consult HR to determine the timing and content of consultation. Informal consultation with trade unions is a useful way to facilitate the early stages of the process.
- 7.1.3. The procedure should be used by managers to consult employees and trade unions when planning organisational change which will affect employees' pay, terms and conditions, or the number and types of jobs in the organisation.
- 7.1.4. Where it is proposed that organisational change should be achieved by deleting all or some posts and reconfiguring the team from the deconstructed team, managers should follow the rest of this procedure in its entirety.
- 7.1.5. Where it is proposed to leave the posts in place but make changes after consultation which remain within the existing contractual or establishment arrangements, managers should follow the procedure set out in [7.7](#) below only.
- 7.1.6. Where the proposals include the transfer of business into or out of the organisation (e.g. the contracting out of services), the manager must seek advice as soon as possible from HR to ensure that the statutory requirements for [TUPE transfers](#) are adhered to.

7.2. Principles

- 7.2.1. Managers should consult fully at the earliest opportunity, with recognised trade unions and directly with affected employees, where it becomes necessary to make organisational changes which have staffing implications. This can usefully be done by inviting trade union representatives to attend early staff consultation meetings.
- 7.2.2. "At the earliest opportunity" means starting full and meaningful consultation whilst the proposals are still at the formative stage. This provides the opportunity for the affected employee(s) to put forward their views on the proposals and the various options for future changes so that they can be explored jointly before any firm decisions are taken or formal approvals given.
- 7.2.3. Consultation must comply with any statutory requirements placed on the Council in circumstances where there may be potential redundancies or TUPE transfers (e.g. timetable and information to be given).
- 7.2.4. Employees have the right to be accompanied by a trade union representative or work colleague at any individual meeting to consult on their personal circumstances within the proposed reorganisation.
- 7.2.5. A suggested consultation process is included as [Appendix A](#).

7.3. Planning the Consultation Process

7.3.1. The length of the consultation period will vary depending on the particular circumstances, but must be reasonable given the nature of the changes being considered.

7.3.2. It is essential that the views of the trade unions are sought on the proposed timetable. Where any request for amendments to be made to the timetable is refused by management, the reasons for the refusal must be confirmed, in writing, to the trade unions. The finalised timetable must be provided, in writing, to the trade unions.

7.4. Formal Consultation with Trade Unions and Employees

7.4.1. In accordance with the Collective Redundancies and Transfer of Undertakings (Protection of Employment) Regulations 1999, consultation with the appropriate representatives must begin 'in good time' and must in any event begin;

- At least 90 days before the first dismissal takes place if 100 or more redundancies are proposed at one establishment within a 90-day period, and
- Otherwise, at least 30 days before the first dismissal takes place

7.4.2. Arrangements must be made to allow the relevant trade union representatives to be granted reasonable time off with pay to enable them to participate fully in the consultation process.

7.4.3. The designated manager must ensure that employees are kept informed of the progress of discussions with the trade unions.

7.4.4. Formal consultation will be undertaken with a view to reaching agreement with the trade unions and, where there are potential redundancies, to work with the trade unions to explore ways of;

- avoiding the proposed dismissals;
- reducing the number of employees to be dismissed;
- mitigating the consequences of the dismissals on the individuals concerned.

7.4.5. The designated manager will;

- give adequate information (see [Appendix B](#)) about the proposals to the trade unions and the affected employees to allow them to respond
- allow the trade unions sufficient time to properly consider the proposals and consult their members
- consult directly with the affected employees so that they understand fully the implications of the proposed changes (personally and collectively).
- allow the trade unions and affected employees to express their views and concerns over the proposals
- allow the trade unions and employees reasonable time to formulate and formally put forward any alternative proposals for consideration if they wish
- give very careful consideration to any formal responses put forward by the trade unions and employees

- convey the outcome of any considerations formally in writing to the trade unions and employees, giving reasons for rejecting any alternative proposals where necessary

7.4.6. To ensure that the consultation process is meaningful, the information provided to the trade unions must be sufficient, and provided early enough, to enable the representatives to fully consider the proposals and be able to respond. A checklist of information to be supplied to the trade unions is attached as [Appendix B](#).

7.4.7. Where sensitive information (e.g. commercial) is to be given to the unions on a strictly confidential basis, trade union representatives must be made aware that it must not be shared with anyone unless written consent has been given by management.

7.5. Individual Discussion and Consultation with Employees

7.5.1. The manager responsible for handling the consultation process will meet, on individual basis, all employees directly affected by the proposed changes. The meeting will take place at a suitable point during the organisational change process. Employees may be accompanied by a trade union representative or workplace colleague if they wish. The meeting will not normally take place at the beginning of the process.

7.5.2. At the meeting the employee will be advised of:

- the proposed changes
- how those changes will affect him/her personally, including whether he/she is at risk of redundancy
- the reasons for the potential redundancies
- any intention on the part of the Council to seek volunteers for redundancy and/or early release, and the arrangements for this.

7.5.3. The manager will formally record any feedback from the employee.

7.5.4. All employees who are vulnerable to redundancy as a result of the proposed changes will be issued with formal written confirmation that they are 'at risk of redundancy' and entitled to redeployee status when applying for internal vacancies in the Council. (See the [Redeployment procedure](#) for details of the timing of this notification).

7.6. Outcome of Consultation

7.6.1. The Council's preferred option is to secure agreement to the proposed changes with the trade unions and affected employees. However, where agreement has not been reached after proper consultation the Council may decide to implement the reorganisation without this agreement.

7.6.2. Where agreement to the changes, or the process for change, has not been reached with the trade unions, the Corporate Director concerned should consult the Head of HR before proceeding with implementation.

7.6.3. The Head of HR may consult relevant portfolio holders (elected members) before agreeing to the implementation of the organisational changes.

7.7. Consultation with employees on changes to job role

7.7.1. Job roles may change because the job has evolved, or to act as a driver for change, as a result of new technology, or to meet new service or statutory requirements.

7.7.2. HR can advise on whether proposed changes to an individual's (or group of individuals') job role are within the overall job purpose and do not affect the job evaluation score.

7.7.3. Where there is no change to grade;

- The manager should discuss with the employee any proposed change to the JD, the reason for the change and the proposed date of implementation.
- The employee should be invited to give his/her views either in writing or at a meeting with the manager.
- The manager should respond in writing to any issues raised by the employee.
- Support and training must be put in place if it is necessary to help the employee deal with the change to the JD.
- After the consultation has ended the manager will provide a copy of the revised job description, and write to the employee to confirm the date when the JD will change. The notice of the change is not the same as the contractual or statutory notice period for the employee under his/her contract of employment. The notice should be for operational convenience.

7.7.4. Where the manager wishes to change a job description in a way which will affect the grade;

- The consultation process set out in 7.7.2 above should be undertaken with additional information provided for the employee of the revised grade should he/she agree to undertake the revised job description.
- The change in the JD can only be implemented in this case with the prior written agreement of the employee to accept the new JD and grade. If agreed, this will form a mutually agreed amendment to the contract of employment and will be confirmed in writing by HR.

7.8. Consultation under Transfer of Undertakings (Protection of Employment) Regulations (TUPE) 2006

7.8.1. These regulations provide employment protection to employees as the result of a transfer of a business or part of a business. Employees and their representatives have a right to be informed about the prospect of a transfer and to be consulted about any measures to be taken to effect the transfer.

7.8.2. Where it is envisaged that the work of a service or team may be transferred (to a contractor or any other employer, such as another public sector employer) the manager must contact HR immediately to ensure that consultation on the potential transfer takes place in accordance with the Regulations.

7.8.3. Likewise, where work may be 'transferred in' from a contractor or another employer as a result of organisational change, HR advice must be sought immediately.

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8. Appointment to new staffing structure procedure

8.1. Purpose and applicability

- 8.1.1. This procedure sets out how the Council will make appointments to new staffing structures which arise where a group of posts is deleted and new posts are created in the process of achieving organisational change.
- 8.1.2. It should be used to appoint existing employees, whose jobs are being deleted, to posts in the newly created organisational structure of the team, service or directorate.

8.2. Principles

- 8.2.1. The aim of this procedure is to protect employment. Any opportunity for promotion or professional development that arises for employees should be a secondary consideration.
- 8.2.2. The movement of employees from the 'old' to the 'new' structure should be achieved as effectively as possible through the quick and fair identification of job matches, slotting in, and ring fence recruitment.
- 8.2.3. All new jobs created, and any jobs where the job description is significantly revised, as part of a restructure, should be evaluated under the Council's [Job Evaluation](#) process.
- 8.2.4. Employees at risk of redundancy should be redeployed wherever possible.

8.3. Job Matching

- 8.3.1. Job matches will be determined by the manager with HR advice, as set out below.
- 8.3.2. As new structures are drawn up the posts should be compared to existing posts to determine if there are any 'job matches'. This should be undertaken before any notification to employees of the deletion of any posts.
- 8.3.3. If there is a job match the appointment will be offered to the existing post holder on the basis of an automatic slot. The post will be identified as suitable alternative employment and if the postholder declines to accept the new post he/she should be informed that when his/her existing post is deleted he/she will not be entitled to a redundancy payment as a result of declining an offer of suitable alternative employment.
- 8.3.4. If, through a reduction in the number of posts in the new structure, there are more people than posts, appointment will be made through ring-fence selection.
- 8.3.5. In the event of no employee applying through the ring fence the most suitable employee will be slotted into the post in based on existing managerial information such as appraisal records.
- 8.3.6. Job matches will be assessed on the basis of;

- job purpose and status;
- job content (including the proportion of time spent on different aspects of the role);
- level and breadth of responsibility;
- skills and experience required; and
- evaluated grade.

8.3.7. Where a post is broadly similar and minor differences have resulted in a higher job evaluation score and a higher grade, a job match may be offered for a post with a grade in the next highest salary band.

8.3.8. In most circumstances the 'old' job for the purpose of job matching will be the employee's substantive job, and any acting up arrangement will be disregarded. However, where an employee has been acting up into a job for over one year, and there are no other employees in the affected staff group who are identified as having the required skills or experience to be appointed to the new job, then the manager and trade union(s) may agree that the job may be matched to the acting post holder. HR advice should be taken before doing so.

8.3.9. Where an employee, after assessment, has been identified as not having the necessary skills and experience to carry out the responsibilities of the new post, and could not have achieved them after reasonable induction, there should be no job match to the new post.

8.4. Ring-fence recruitment

8.4.1. Ring-fence recruitment is the process of appointing to one or more specified posts from within a group of employees who fall within a 'ring fence'. The ring fence will include those employees who are vulnerable to redundancy in a particular reorganisation if their existing posts are deleted. No recruitment from outside the ring fence will take place until the ring fence recruitment process has been completed.

8.4.2. Once the job match exercise has been completed, the manager will inform affected employees in writing of;

- the proposed ring fence recruitment arrangements,
- any posts which have been job matched; and
- which individuals are to be included in the ring fence.

8.4.3. Employees included in the ring fence should be told that it is proposed to delete their existing posts at a time to be announced following the outcome of the ring fence process.

8.4.4. Employees who have not been job matched will be given the opportunity to appeal against the job match outcomes as set out in [8.5](#) below. Appeals with respect to job matching should be dealt with before the ring fence recruitment process begins.

8.4.5. Ring fenced employees will be invited to express a preference for one or more posts in the new structure. Full job descriptions and person specifications will be provided. Employees may be asked to give brief details of skills and experience relevant to the job(s) applied for, but should not be

asked to provide information that is already available on their personal file.
(See the model 'preference form' at [Appendix F](#))

8.4.6. The ring fence recruitment will be carried out as agreed during the consultation process. This will normally proceed as follows;

- Where there is only one applicant for a post, the manager will conduct an informal interview to ascertain that the applicant meets the person specification criteria, or could do within a reasonable timescale given appropriate induction support. Notes of the meeting should be kept.
- Where there are two or more applicants for a post, the manager will carry out a more formal selection process which will include competitive interviews and may include selection tests.
- The manager will take account of the results of the interview and tests together with the skills and experience of the applicants, and any relevant qualifications, in determining who should be appointed to the post.

8.4.7. Managers should observe the good practice guidance set out in the Council's [Recruitment Policy and Guidelines](#) when making ring fence appointments.

8.4.8. Once the ring fence recruitment has been completed, employees will be informed in writing of;

- the post to which they have been appointed by job match or through the ring fence recruitment process;
- the requirement to confirm in writing within seven days their acceptance of the post;
- that unreasonably refusing an offer of suitable alternative employment may result the employee losing the right to be paid a redundancy payment and the employee would be dismissed with notice; and
- if the employee has not been appointed to any post in the ring fence process, the right to appeal against this decision.

8.4.9. Employees who have not been appointed to the new structure will be informed in writing that they are at risk of redundancy and will be included in the Council's 'at risk' register. The [Redeployment procedure](#) will be followed.

8.4.10. Managers will take HR advice about the timing of the deletion of posts and the creation of new posts, and establishment control records, following the end of the ring fence process. This will depend on the specific circumstances of the reorganisation and the individual employees in post. All changes to establishment and employees must be submitted on the appropriate [Establishment Control \(EC\) Forms](#).

8.5. Appeals against slotting in and ring fence arrangements

8.5.1. An employee who has been job matched to a new post will not be able to appeal against being slotted into the post, except where they consider that they will suffer a detriment as a result of slotting in. This does not affect the right of appeal against dismissal should it occur (see the [Redundancy procedure](#)).

8.5.2. Employees who have not been appointed to a particular post in the new structure (either as a result of job matching or of the ring fence recruitment

process) may appeal on the grounds that they should have been job matched or appointed to the post.

8.5.3. Appeals should be addressed to the Head of Human Resources, in writing, giving reasons for the appeal, within ten working days of formal notification of the outcome of the ring fence appointment process.

8.5.4. It should be noted that any employee who is dismissed as a result of the reorganisation will have a right of appeal against dismissal to a higher level of management than took the decision to dismiss.

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9. Redeployment procedure

9.1. Purpose and applicability

9.1.1. This procedure is designed to ensure that the Council complies with its duties to seek to find suitable alternative employment for employees who are at risk of redundancy, and to make reasonable adjustments to enable employees with disabilities (at risk of dismissal for lack of capability due to ill health) to continue in employment.

9.1.2. The procedure applies to

- all permanent employees of the Council.
- temporary employees with at least one year's continuous service, whose continued employment is at risk due to redundancy (including the non-renewal of a fixed term contract – see [Guidance on Fixed Term Contracts](#)).

9.1.3. Relevant parts of the procedure will apply to school employees who are at risk of redundancy.

9.1.4. The procedure should be used when employees have been identified as being at risk of redundancy as a result of organisational change. Consultation should normally take place in accordance with the [Consultation procedure](#) before any employee is declared as at risk of redundancy. This will not usually be necessary where a fixed term contract is ending.

9.1.5. Appropriate sections of this procedure should be used to support the redeployment of employees with disabilities or long term health problems, as reported by the Council's Occupational Health Adviser, which affect their capacity to carry out their current job role.

9.1.6. Job opportunities across the Council will be open to redeployees. However, vacancies in schools may only be considered for redeployees with the agreement of the school's governing body.

9.2. Principles

9.2.1. Redeployment support for individual employees should start as soon as reasonably practicable after they have been identified as at risk of redundancy.

9.2.2. All reasonable steps will be taken to achieve redeployment for employees who can no longer continue in their present job role for reasons outside their control.

9.2.3. Redeployment will normally be to permanent alternative employment commensurate with the employee's experience, skills and abilities and, where practicable and appropriate, at a status and level of remuneration comparable with the former position.

9.2.4. Termination of employment due to redundancy will be a last resort, with the aim being to retain valuable expertise within the Council wherever possible and to minimise costs of redundancy.

9.2.5. Efforts to secure redeployment will be carried out in conjunction with the employee to minimise the distress and adverse impact of change.

9.2.6. Employees who are risk of redundancy who refuse an offer of suitable alternative employment will not be entitled to a redundancy payment.

9.2.7. Reasonable additional training, mentoring or other support (such as opportunities to work shadow) will be provided where this will assist in successful redeployment to another role.

9.2.8. Reasonable paid time off will be granted to employees who are at risk of redundancy to seek alternative employment.

9.2.9. Provisional placements will be used to allow managers and employees to test out the suitability of alternative employment.

9.3. Redeployee status

9.3.1. As soon as an employee is notified in writing that his/her continued employment is at risk, he/she will acquire redeployee status. Wherever possible, redeployee status should be conferred in advance of notice of termination being issued.

9.3.2. Redeployee status will continue until whichever of the following events is soonest;

- the employee is offered and has accepted alternative employment; or
- the date of termination of employment; or
- the employee is notified that he/she is no longer on the “at risk” register due to changed organisational circumstances.

9.4. Redeployment profile

9.4.1. The HR Officer and the employee’s line manager will meet the employee, as soon as possible after redeployee status has been confirmed, to discuss the redeployment process and to compile the redeployment profile.

9.4.2. The employee’s name and details will be included in the ‘at risk’ register of employees whose employment is at risk of termination through redundancy or long term ill-health/disability.

9.5. Identification of job matches

9.5.1. All vacancies will be screened by HR for possible job matches against the redeployment profiles held on the at risk register. A potential job match will be made where the employee’s experience, knowledge and skills meet the essential requirements of the post, and where any shortfall could be made up within a reasonable period with appropriate training.

9.5.2. The HR Officer may seek further details from the employee and/or the recruiting manager to help determine whether there is a good enough match to warrant a provisional placement in the job.

9.5.3. The decision to arrange a [provisional placement](#) planning meeting between the employee and the recruiting manager, will be made by the HR officer in the light of all the information available about the match. No further recruitment activity should take place on the post pending the provisional placement being made.

9.6. Provisional placements

9.6.1. Where a potential provisional placement has been identified, a planning meeting will be arranged with the employee and the recruiting manager, together with the HR officer supporting the employee. They will discuss the job requirements, any training needed, and the length of the provisional placement.

9.6.2. If the recruiting manager decides not to proceed with the provisional placement following the planning meeting he/she must write to the Head of HR to set out the reasons for this decision which will be shared with the redeployee.

9.6.3. Where more than one redeployee is matched to a particular vacancy, a competitive interview will be held to determine who should be offered the provisional placement. An HR representative will attend the interviews.

9.6.4. The provisional placement will last for an agreed period which will be long enough for the employee to judge whether he/she wishes to accept the position and for the manager to judge his/her suitability for the post. The placement should be subject to regular review at one-to-one or supervision meetings by the line manager in line with the Council's [Employee Performance Management and Appraisal Procedure](#).

9.6.5. The 'receiving' service area will pay the employee's salary for the period of the provisional placement but will be reimbursed for the 'excess' if the employee's existing salary is above the grade for the job (see the [Salary protection scheme](#) for details).

9.6.6. If the provisional placement is successful, the employee will be offered a new contract of employment for the post at the end of the placement period, and an induction process to the new role will be implemented by the new line manager.

9.6.7. During the provisional placement, if the employee does not consider the job is suitable, he/she should inform his/her HR support officer who will discuss the matter with the recruiting manager. If the provisional placement is deemed by HR to be suitable alternative employment, this may mean that the employee will not be entitled to a redundancy payment if the employment is subsequently terminated on the grounds of redundancy.

9.6.8. If the recruiting manager decides during the provisional placement, that the job is unsuitable, he/she will meet the employee to explain why the provisional placement was unsuccessful and how the employee fell short of the minimum requirements for the post. The manager will confirm these details to the employee and HR in writing. A further job match will be sought, provided that the termination date has not passed.

9.6.9. At the end of the provisional placement period, if the recruiting manager does not want to convert the provisional placement into a firm offer of permanent employment he/she should write to the Head of HR giving full details of the reasons for the decision.

9.7. Entitlement to redundancy payments

9.7.1. Employees, who are dismissed on the grounds of redundancy and who have at least two years' continuous employment with West Berkshire Council at the date of termination of employment, will be entitled to a redundancy payment.

9.7.2. If an employee at risk of redundancy is successfully redeployed he/she will not be entitled to a redundancy payment.

9.7.3. An employee will also lose his/her potential entitlement to a redundancy payment and the opportunity to be considered for further redeployment if he/she;

- Refuses an offer of alternative employment considered suitable by the Council, without good reason; or
- Is dismissed for misconduct during the trial period; or
- Resigns during his/her notice period without giving adequate "counter notice".

9.7.4. The suitability of alternative employment will be determined, if necessary, by the Head of HR taking into account all the relevant characteristics of the post and of the circumstances of the individual employee.

9.8. Appeals against not being matched to a vacancy

9.8.1. If an employee believes that he/she has been overlooked for or unreasonably refused a job match, he/she should appeal in writing to the Head of Human Resources within ten working days of the decision or event.

9.8.2. A written response will be issued within seven days of receipt of the appeal.

9.9. Statutory Trial Periods

9.9.1. Statutory trial periods only apply where an employee is under notice of redundancy. They take place after the notified date of termination of employment. In most cases, employees will take up an offer of alternative employment following a provisional placement, without notice of redundancy being issued. The statutory trial period will not apply in such cases.

9.9.2. An employee under notice of redundancy may be offered a position on different contractual terms under a statutory trial period. The trial period will last for four calendar weeks from the notified date of termination of employment by reason of redundancy (the period may be extended for training purposes only). The offer of a statutory trial period must be made in writing before the termination date and during the notice period and specify the following;

- the job title and type of work;
- the location of the new job;

- the hours of work;
- the length of the trial period and any arrangements for training;
- details of entitlement to a redundancy payment if appropriate;
- details of any salary protection if the appointment is confirmed;
- the fact that confirmation of appointment is subject to satisfactory completion of the trial period by the employee;

9.9.3. If the employee or the employer decide that the trial period has not been a success the employment will be terminated and the employee will receive the redundancy payment originally due on the termination date set out before the trial period was agreed.

9.9.4. If the employee and employer agree that the trial period has been successful the employee will be employed on the contractual conditions for that post (subject to salary protection as set out in the [Salary protection scheme](#)).

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10. Redundancy procedure

10.1. Purpose and applicability

10.1.1. This procedure is designed to ensure that, where redundancies are a potential outcome of organisational change, they are handled effectively, fairly and in accordance with the law and good practice.

10.1.2. The procedure applies to all employees of the Council, with at least one year's continuous service, whose continued employment is at risk due to redundancy (including the non-renewal of a fixed term contract – appropriate sections apply).

10.1.3. A separate procedure applies to school redundancies

10.2. Principles

10.2.1. Organisational change will be managed to minimise the adverse impact on individual employees, including redundancy, as far as practicable.

10.2.2. Any redundancies which do occur will be handled in accordance with statutory obligations, and in a responsible, fair and sympathetic manner. Selection for redundancy will be on the basis of objective criteria which do not unfairly discriminate against individuals.

10.2.3. No notice of dismissal on grounds of compulsory redundancy will be issued until;

- Full consultation has occurred with individual employees and the trade unions.
- All other options to avoid the need for compulsory redundancy have been exhausted.
- Approval for the costs has been secured at the relevant level in accordance with the [WBC Discretionary Compensation Policy Statement](#)

10.2.4. Employees, who are dismissed on the grounds of redundancy and who have at least two years' continuous employment with West Berkshire Council at the date of termination of employment, will be entitled to a redundancy payment. The compensation payment will be calculated under the terms of the Council's Discretionary Compensation Policy Statement.

10.2.5. Where organisational changes are likely to result in employees being at risk of redundancy, it is essential that the statutory and good practice requirements regarding individual and collective consultation set out in the [Consultation procedure](#) are complied with before applying the Redundancy Procedure.

10.2.6. This means that all individual employees who are likely to be affected should have been notified, in writing, at the earliest opportunity, that they may be 'at risk' of redundancy.

10.2.7. The Council has a statutory obligation to seek suitable alternative employment for any employee who is at risk of redundancy. The process is set out in the [Redeployment procedure](#).

10.3. Potential measures to avoid or minimise the impact of redundancy

10.3.1. The Council may, at its sole discretion, adopt one or more of the following measures in an attempt to avoid/minimise the need for compulsory redundancies;

- reduce the amount of non-contractual overtime where this would provide additional job opportunities
- reduce the use of consultancy, contracting and/or agency services where lawful to do so
- limit external and internal recruitment in relevant categories of employee to provide opportunities for affected employees
- reduce or cease the use of agency, casual and other temporary employees in the relevant categories*
- seek volunteers for redundancy or early retirement from the pool of potentially redundant employees or from relevant categories* of staff which might provide suitable redeployment opportunities
- re-train the affected employees to improve the skills and opportunities for redeployment
- offer suitable alternative employment to the affected employees

*'Relevant categories' of staff are those which have similar or overlapping job descriptions to those of the potentially redundant employees, or which are within the skills and experience of the at risk employees.

10.4. Voluntary redundancy of employees

10.4.1. The Council may, seek volunteers for redundancy from among the "at risk" groups or from employees whose jobs would provide employment for displaced employees (sometimes called a 'bumped' redundancy), where this could reduce or remove the need for compulsory redundancies.

10.4.2. The nominated manager will, in consultation with the Head of HR, notify the relevant employees and inform them of the terms of the Council's policies on redundancy compensation ([Discretionary Compensation Policy Statement](#)) and early retirement ([Discretionary Pension Statement](#)). Under current pension regulations, any employee aged over 50 in the LGPS who is accepted for voluntary redundancy will also receive an immediate unreduced pension based on accrued service in the scheme.

10.4.3. Any requests for voluntary redundancy will be treated in the strictest confidence and will be explored without commitment on either side. Applications for voluntary redundancy must be made in writing and will be reviewed by the relevant Director in consultation with the Head of HR.

10.4.4. In determining which, if any, employees are to be granted early release on these terms, the Council will take into account the following;

- the need to maintain efficient and effective services
- the need to retain a balance of experience and skills in the remaining workforce to meet future needs
- the cost implications

10.4.5. The Council reserves the right to refuse to accept individual offers of voluntary redundancy.

10.5. Selection of employees for redundancy

10.5.1. Where the actions outlined above will not achieve the required reduction in staffing, it will be necessary to select individuals for compulsory redundancy.

10.5.2. The categories of staff which will be the subject of redundancies will be those in which there has been or will be a cessation or diminution in the work of a particular kind carried out in that particular work location and there is no suitable alternative employment at another work location (see legal [Definition of Redundancy](#) below)

10.5.3. Where individual and specific posts are identified as redundant there will be no need for a selection process; the postholder(s) will be deemed to be redundant.

10.5.4. Where there is a need to reduce the number of similar or overlapping jobs in a work area, all postholders will form the 'pool' from which individuals will be selected for redundancy.

10.5.5. The pool of employees will normally be drawn from within one service area. However, there may be circumstances where employees across more than one service area should constitute the 'pool'. Managers are responsible for identifying the pool with HR advice.

10.5.6. Employees who are identified as falling within the 'pool' from which individuals will be selected for redundancy will be advised in writing.

10.5.7. Employees in the 'pool' will be given a copy of the redeployment process guidance for employees, and advised of;

- the selection criteria to be used and the weighting each is given
- the method by which selection will be made
- the process for validating relevant personal information
- the selection process to be followed
- the timescale for the selection process

10.6. Selection criteria

10.6.1. The criteria to be used, and their relative weighting, will normally be agreed with or determined following consultation with the recognised trade unions. However, failure to agree will not preclude the Council from applying selection criteria which it considers fair and appropriate to the circumstances.

10.6.2. The following criteria may be used as a basis for consultation with the trade unions;

- skills and competencies
- experience (work-related and other)
- qualifications

- attendance record
- disciplinary record
- length of service (up to five years)

10.6.3. Individuals will have the opportunity to verify any information extracted from personal records etc. which is to be used in selecting employees for redundancy.

10.6.4. The selection process will be carried out by the nominated manager responsible for the change process together with the HR Manager/Officer supporting the organisational change process.

10.6.5. Selection for redundancy will be by extracting data from records held and any other information volunteered by the employee on a [skills and experience summary sheet](#) (completed in consultation with HR support if necessary). The information gathered will be used to assess a score for the individual against each selection criterion.

10.6.6. A written record will be kept of the assessment for each individual employee and the reasons for the decisions. The manager will use the assessment to select those employees who will be retained and those who will be redundant.

10.6.7. Individual employees will be given feedback by the relevant manager on the redundancy selection assessment as soon as possible after completing the exercise. Employees will receive details of their own results but not the results of other employees.

10.7. Formal notification of termination of employment

10.7.1. Employees who have been selected for redundancy must be notified of this at the earliest opportunity

10.7.2. The Head of Service will write to the employee to convene a meeting with him/her (at stage two of the statutory dismissal procedure) to consider the termination of employment on the grounds of redundancy. The employee has a right to be accompanied and represented by a trade union representative or work colleague at this meeting.

10.7.3. If the outcome of the meeting is a confirmation of the redundancy selection decision, the employee must be given written notice of at least the contractual or statutory minimum* (whichever is the longer). If this is not possible, pay in lieu of notice must be paid.

10.7.4. The Council will waive the right to recover outstanding costs of relocation, training expenses, etc. and any early termination penalties under a car lease scheme. Car loans are repayable on termination of employment.

*Contractual notice is set out in the individual's Principal Statement of the Contract of Employment. Statutory notice is a minimum of one week, increasing by a week for each completed year of continuous local government service, up to a maximum of 12 weeks.

10.8. Right of Appeal

10.8.1. An employee who is dismissed on the grounds of redundancy has the right of appeal against the decision.

DRAFT

10.8.2. The employee should lodge his/her appeal in writing with the Head of HR within ten working days of receipt of the written notice confirming his/her redundancy.

10.8.3. The appeal will be held by a Head of Service not previously involved in the case, or a Corporate Director, or an elected Member. In the case of the dismissal of a Head of Service, the appeal will be heard by a panel of three elected Members.

10.8.4. The decision of the appeal panel is the final stage within WBC.

10.9. Definition of Redundancy

10.9.1. Under Section 139 of the Employment Rights Act 1996;

“an employee who is dismissed shall be taken to be dismissed by reason of redundancy if the dismissal is attributable wholly or mainly to:

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

11. Salary protection scheme

11.1. Purpose and application

11.1.1. This scheme sets out how salary protection will be applied to West Berkshire Council employees who voluntarily accept redeployment to a job on a lower salary band in the circumstances set out in 11.1.2 below.

11.1.2. The scheme applies to;

- Employees of the Council, with at least one year's continuous service, whose continued employment is at risk of termination due to redundancy;
- Employees, regardless of length of service, whose continued employment is at risk of termination on the grounds of lack of capability due to ill-health or disability.

11.1.3. Employees whose salary grade is re-evaluated at a lower grade as part of a job evaluation exercise, may have their salary protected under the terms of this scheme by mutual agreement

11.1.4. The scheme will only apply to staff redeployed to posts in schools with the agreement of the relevant governing bodies concerned.

11.2. Circumstances where protection of salary will apply

11.2.1. Salary protection will apply where an employee is redeployed to a new post which is paid on a lower salary band than the employee's original post.

11.2.2. The salary band of the new post will not normally be more than one salary band below the band for the employee's original job. Redeployment to a grade two or more salary bands below the original job may be agreed by the Head of HR in exceptional circumstances.

11.3. Calculation of salary protection

11.3.1. The salary protection will be the difference between the employee's normal pay in the former post and the normal pay at the maximum scale point of salary band for the new post.

11.3.2. Non contractual payments such as overtime or any other additional payments (e.g. acting up allowances) will not be included in the calculation of salary protection.

11.3.3. Contractual payments such as contractual overtime and essential car user allowance will be protected for the period of salary protection and will then cease.

11.3.4. Where the hours of the new post differ from the hours in the old post, the hourly rate of pay will be used to calculate the protection assuming the old and new hours had been identical.

11.3.5. The employee will, for the salary protection period, continue to be paid on the normal salary scale point for the old post, including any annual pay

awards agreed, but without receiving any incremental increase to which he/she would have been entitled in the old post.

11.4. Period of protection

11.4.1. The employee will have his/her pay (see below for definition) protected at the level of the original job for a period of;

- one year for employees who have been in employed by WBC for less than three years
- 18 months for employees who have been employed by WBC for three years or more.

11.5. Circumstances in which salary protection will end

11.5.1. The salary protection will end at the end of the salary protection period. At this point the employee's salary will be reduced to the maximum scale point of the substantive salary band for the new post.

11.5.2. The salary protection payment will end if the employee voluntarily applies for and is appointed to another post at a higher grade within the salary protection period.

11.5.3. The salary protection payment may end after a three month period if the employee is offered, and unreasonably refuses to transfer to, a suitable alternative post with a higher salary band (which more closely matches the salary for the substantive former post). This process will be preceded by consultation and a right of appeal.

11.6. Funding salary protection

11.6.1. The cost of salary protection will be borne by the employee's original employing service, or in the case of a school the original governing body.

12. Appendix A - Consultation checklist for managers

This process may be varied by agreement with the affected employees and the trade unions to suit individual circumstances, provided that the [statutory timescales](#) are not breached.

1. Assess need for change and the most appropriate method of achieving it
2. Develop draft outline proposals and rationale for change and discuss with HR.
3. Arrange to meet representatives of relevant recognised trade unions to explain and consult upon draft outline proposals
4. Receive initial comments/views from unions and respond in writing
5. Prepare detailed draft proposals including;
 - Rationale for the proposal
 - Structure charts ('old' and 'new')
 - Job descriptions for new/changed posts (this is a key aspect and managers should seek advice from HR)
 - Identification of accommodation
 - Arrangements for appointment to new/changed posts
 - Timetable for change
 - Financial implications
6. Arrange consultation meeting(s) with potentially affected employees to explain draft detailed proposals as set out above.
7. Provide all potentially affected employees and relevant trade union representatives with a copy of the draft detailed proposals.
8. Invite representatives of relevant recognised trade unions to attend the consultation meeting, and to address employees separately after the management meeting if requested.
9. Allow the trade unions and affected employees reasonable time to formulate and formally put forward any alternative proposals for consideration if they wish
10. Receive any comments arising from employee consultation submitted by employees/trade union representatives in writing or in person.
11. Confirm management response to trade union comments and individual employee comments, including feedback received at consultation meeting, in writing to all potentially affected staff and trade unions, either;
 - Giving reasons for rejecting any alternative proposals if necessary, or
 - Offering to consult further with trade unions and employees as necessary with a view to seeking agreement for the proposed changes
12. Arrange to meet employees with their trade union representatives to provide feedback on consultation in addition to the written response (optional)

13. Develop final structures, job descriptions and grades, implementation plan, accommodation, recruitment/ring fence arrangements and timescales, taking into account the outcome of the consultation process.
14. Take final proposals through the relevant Council approval process (note that this will vary according to the nature of the reorganisation and the potential costs of redundancy).
15. Confirm in writing the final restructuring proposals to all potentially affected staff and trade union representatives.
16. Arrange individual meetings with affected employees to explain the personal impact of the proposals (this may take place earlier if appropriate)
17. Implement proposals in accordance with Organisational Change Procedures - [Appointment to new staffing structure procedure](#), [Redeployment procedure](#) and [Redundancy procedure](#)

DRAFT

13. Appendix B - Statutory information to be disclosed to the trade unions

To ensure full and meaningful consultation, the designated manager responsible for the consultation process must advise the recognised trade unions, at the earliest opportunity and in writing, of the following as appropriate;

- The reasons for the proposals
- The effects on staffing levels
- Numbers and descriptions of employees concerned and the total numbers of employees of each such description employed
- Proposed changes to job content, technology, working arrangements, methods of work, and any resultant changes to grades and remuneration of employees
- Proposed arrangements for any transfer of employees between departments and/or locations
- Proposed method of implementing changes, including recruitment arrangements to the revised structure
- Proposed management actions for dealing with the staffing implications
- The procedures to be followed for implementing the proposed changes
- The proposed timetable for implementation of the changes

Specific information must be provided in addition where the proposed changes involve potential redundancies:

- The numbers and descriptions of employees whom it is proposed to dismiss as redundant
- The total number of employees of that description employed who may form the 'pool' for selection for redundancy
- The proposed method of selecting the employees
- The proposed method for carrying out the dismissals including the period over which the dismissals will take effect
- Information on the Council's policy for calculating redundancy compensation payments

14. Appendix C - Example matrix for redundancy selection (to be written)

DRAFT

16. Appendix E – process summary chart for organisational change

A	Identify need for change and carry out initial assessment with HR advice	
	No implications for staff?	Implement change after formal approvals STOP
	Implications for staff?	Progress to B
B	Assess best way of achieving change with HR advice using <u>GUIDANCE FOR MANAGERS BEFORE EMBARKING ON ORGANISATIONAL CHANGE</u>	
	Change to be achieved by changes to JDs, mutual contractual changes, no threat of job losses?	Consult staff in accordance with <u>section 7.5</u> of CONSULTATION PROCEDURE and implement changes STOP
	Risk of employees losing jobs or significant changes to jobs (e.g. through restructure)?	Progress to C
	Potential transfer of staff into or out of the Council (TUPE)?	Consult HR on statutory requirements
C	Initiate full consultation with staff and unions under <u>CONSULTATION PROCEDURE</u> <ul style="list-style-type: none"> • Draft initial outline proposals • Consult staff and unions on proposed changes, timetable and method of achieving change • Allow reasonable time for responses • Consider consultation responses carefully • Consult again on revised proposals if necessary 	
	Simple reduction in numbers of employees in a particular category(ies) (statutory definition of redundancy)?	Progress to G
	Restructure proposed?	Progress to D
D	Implement <u>APPOINTMENT TO NEW STAFFING STRUCTURE PROCEDURE</u> <ul style="list-style-type: none"> • Meet employees and unions to inform of process and any potential for voluntary redundancy • Meet individual employees on request 	

	<ul style="list-style-type: none"> • Carry out job matching • Carry out ring-fence recruitment, slotting in/selection process • Hold appeals if necessary 	
	All affected employees offered and accepted posts in new structure without need for redundancy/redeployment?	Progress to H
	Employee(s) in potential compulsory redundancy situation?	Progress to E
	Employee(s) accepted for voluntary redundancy?	Progress to G
E	Implement <u>REDEPLOYMENT PROCEDURE</u> <ul style="list-style-type: none"> • Inform employee(s) of date of deletion of post(s) • Confirm redeployee status • Seek job matches • Make provisional placements into suitable vacancies 	
	Redeployee offered and accepted suitable alternative employment?	Progress to H
	Redeployee not offered/accepted suitable alternative employment?	Progress to G
F	Implement initial stages of <u>REDUNDANCY PROCEDURE</u> <ul style="list-style-type: none"> • Seek volunteers for redundancy • Consult on selection criteria • Carry out selection process • Inform employees individually of outcome of selection 	
	Employee is selected for redundancy?	Progress to E
	Employee volunteers for and is accepted for redundancy?	Progress to G
G	Implement final stages of REDUNDANCY PROCEDURE (<u>Formal notification of termination of employment</u>) <ul style="list-style-type: none"> • Inform of date of deletion of post (if not notified previously) • Hold 'stage two' dismissal hearing • Give notice • Hold appeal if necessary • Make redundancy payment/early retirement provision at end of notice period 	

	Employment terminates	STOP
H	Issue contract of employment for new post	
	New grade/salary same or higher than old post?	STOP
	New grade/salary lower than old post?	Implement <u>SALARY PROTECTION SCHEME</u> STOP

DRAFT

17. Appendix F – model employee preference form for ring fence recruitment (to be written)

DRAFT

15. Appendix D - Guidance for employees on redeployment process (to be written)

DRAFT

18. Appendix G – example skills and experience summary sheet (to be written)

DRAFT