

## Workforce Change Policy

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<b>Equality, Diversity And Human Right Statement</b>	The Trust is committed to an environment that promotes equality and embraces diversity in its performance both as a service provider and employer. It will adhere to legal and performance requirements and will mainstream Equality, Diversity and Human Rights principles through its policies, procedures, service development and engagement processes. This procedure should be implemented with due regard to this commitment.		
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1		'Redeployment' terminology introduced	Dec 2022

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## 1. Purpose

This Policy identifies the processes which will be followed in circumstances where staff are affected by organisational change. In such circumstances, the Trust will take all reasonable steps to retain the skills and expertise of its staff through appropriate retraining, development or redeployment and will endeavour to avoid compulsory redundancies where possible.

This policy lays out the Liverpool University Hospital Foundation Trust (“the Trust”) procedure for managing organisational change to ensure that change is handled in a way that is sensitive, consistent, fair and in line with statutory requirements and best practice whilst at the same time in a way which meets the Trust’s objective of improving efficiency and productivity of service and providing best value for money.

The aim of this framework is to ensure that the process of change is managed effectively, as responsively as practicable, and in a spirit of achieving the best possible outcomes for patients and employees. It is recognised that service developments and the need to continually improve patient care, increase productivity and provide value for money may sometimes necessitate changes to staffing levels, structures, roles and ways of working. In these circumstances, the Trust is committed to ensuring that the change is managed in a way that is sensitive, consistent, fair and in line both with statutory requirements and best practice.

The joint trade unions and hospital management commit to meeting these challenges in the spirit of mutual support and responsiveness. They both recognise that the process of change can be difficult for employees and management and will therefore endeavour to arrive at decisions in a manner that is sensitive to the needs of the individual. Management will alert staff/their representatives, of intended changes at the earliest practicable time recognising that this will materially contribute to joint commitment to the successful management of any challenges or opportunities that arise

This policy is intended to apply to changes in service design, delivery and funding. Changes that may occur could include;

- The closure, transfer or restructuring of a service, facility, department or directorate
- A decision to tender for a service previously provided in-house
- Programme designed to achieve efficiency savings
- Responses to new statutory requirements affecting working arrangements
- The provision of services with an external partner
- The creation of new services or a major expansion of current services

The policy applies to all staff employed by the Trust, including those who are seconded out to another organisation and to those on fixed term contracts. It does not apply to

staff employed elsewhere and seconded into the Trust (those staff are the responsibility of their substantive employer) or to agency/bank staff.

## 2. Policy Content

### 2.1 Principles

The aim of this policy is to balance the requirements to achieve the necessary implementation of organisation change whilst making every effort to minimise disruption to services and staff. The policy seeks to provide a sound framework of principles and procedures to maximise the security of employment for staff whose posts are affected by organisational change and to ensure that change is managed in a fair and equitable way.

To this effect, the following principles will apply:

- Reasons for change will be clear and transparent and demonstrate positive benefits to the Trust
- Managers and HR representatives will work in partnership with staff representatives
- Staff and their representatives will be consulted on the implementation and impact of change and appropriate methods of communication will be maintained throughout the process
- Consultation will take place at the earliest opportunity
- All employees will be treated consistently and fairly
- Decisions on appointments or slotting into posts, the identification of staff eligible for redeployment and the selection process for redeployment or redundancy will be fair and transparent and ensure equality of treatment
- Where there is a potential for redundancy, the legal requirements and principles of good practice, as set out in the ACAS 'How to Manage Collective Redundancies' guide (April 2013) will be taken into account.

HR & TU Representatives will be involved at all formal consultation stages of any change process (from Step 2 of the process) and Managers will consult with a HR Representative before embarking on any change affecting staff.

### Change across organisational boundaries

Where any organisational changes require staff to be transferred from one employer to another, the Transfer of Undertakings (Protection of Employment) Regulations 2006

("TUPE") may apply.

Under these arrangements, the employees' continuity of employment will be preserved along with all their contractual terms and conditions of employment and any collective agreements that apply.

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Where staff are transferred to new posts under TUPE, they are not regarded as having been made redundant from the Trust.

## 2.2 Consultation

The Trust is committed to ensuring full and early consultation with staff and their representatives. Where it is anticipated that organisational change is necessary, consultation will begin at the earliest opportunity to minimise disruption and uncertainty, with particular attention being given to those staff directly affected by the proposed change.

Where jobs are at risk, consultation will include consideration of ways of avoiding job losses, minimising the numbers of staff affected and mitigating the consequences of any redundancies. Examples of measures that may be put in place include: -

- Reviewing existing and proposed temporary appointments
- Limiting the use of bank and agency staff and overtime
- Re-training to undertake alternative duties/roles
- Management of vacancies through natural wastage and vacancy control
- Changes in work patterns
- Voluntary reduction in hours worked
- Use of flexible working options, including part-time hours, job sharing
- Restriction of recruitment
- Internal re-deployment (to include seeking volunteers for redeployment as an alternative to using a selection process)
- Mutual Resignation/Voluntary redundancy schemes

Consultation should be carried out in good time and must begin:

Where potential job losses are not anticipated, consultation would normally be 30 days. This can be extended by mutual agreement.

Where potential job losses are anticipated, consultation should be carried out in good time and must begin:

- At least 30 days before the first dismissal takes effect if 20 to 99 employees are to be made redundant at one establishment over a period of 90 days or less;
- At least 45 days before the first dismissal takes effect if 100 or more employees are to be made redundant at one establishment over a period of 90 days or less;
- If fewer than 20 staff are likely to be affected by the change within a 90-day period at one establishment, consultation may be for a shorter period but no

less than 30 days, provided that the consultation remains reasonable and meaningful.

As part of the consultation process, a Human Resources protocol for managing the organisational change will be developed and this will include identification of the posts and staff involved, process and timescales for consultation and proposed implementation, proposed selection processes, interim measures to maintain services and support staff, and communication processes to ensure that staff are updated on progress

### 2.3 Process to be followed for posts/staff affected by organisational change

For the purposes of this policy the term 'affected staff' is used to describe any substantive employee/ post-holder who are directly or indirectly affected by the organisational change.

Managers must refer to Guidance for managers in Appendix 2 and ensure Organisational Change Checklist (Appendix 3) is completed whilst undertaking any Organisational Change process.

At the outset of the change process, an organisational change document will be drawn up by the appropriate senior manager proposing the change. The document should detail:

- The reasons for making the change.
- An overview of how services will be provided, or roles will be changed under the revised arrangements.
- The extent of the change, including the number of staff likely to be affected.
- The process/project plan for managing the change and approximate timescales.
- Equality Impact Assessments

The Business Human Resources Team ("HR") must be consulted at the first stage of any proposed change.

Once the draft proposals have been approved by the Executive Team, but whilst still at a formative stage, the proposals will then be discussed with and considered by accredited trade unions via the lead staff side representatives. The Organisational Change document will be communicated to Staff Side via the Staff Side Chair and Secretary immediately following the Executive Teams decisions and then via the divisional workforce meetings and any other meeting deemed appropriate.

In addition to providing the Executive Team with the Consultation document outlining the formative proposals for change (as set out at Appendix 1), the following more detailed information will also be supplied in writing to appropriate representatives:



- The reasons for any proposed redundancies
- The number and descriptions of employees it is proposed to dismiss as redundant or otherwise be affected by the change.
- The way in which it is proposed to select employees, e.g., for redundancy
- The process to be followed, including the period over which any dismissals are to take effect.
- Information about the calculation of redundancy benefits as appropriate.

Consideration will be given to comments and representations made by appropriate representatives.

Where potential job losses are not anticipated, managers are required to undertake a meaningful consultation on the proposal in accordance with the guidance document (Appendix 4).

### **2.3.1 Selection process for organisational change involving a new/revised structure (including where reduction in numbers is required).**

A competency-based process will be used in situations where it is considered necessary to assess suitability for new or revised posts and where the organisational change requires a reduction in the numbers of staff of a particular grade(s) or in a particular function or area, to identify which staff will be placed on the redeployment register for the purposes of redeployment (if possible) and/ or redundancy (as a last resort). The aim of the process will be to establish an individual's competency levels against the competency requirements of any new/revised post as determined in the job description and person specification.

The selection process will be through the use of an agreed selection matrix or/and a competency-based interview. Where an agreed matrix is used, the criteria may include some or all of the following examples, though other criteria may apply: -

- Qualifications
- Skills, knowledge & expertise
- Attendance record
- Disciplinary record Capability
- Quality of work
- Quantity of work

Proposals for the selection criteria will form part of the consultation process with staff and/or their representatives. The selection process may also involve competency-based assessments including e.g. psychometric/ability/aptitude test/presentation etc. The required level of competency will be determined against which staff will be assessed. This may include the determination of a minimum score that has to be achieved to be deemed competent. Where such assessments are determined, these will be undertaken by appropriately qualified persons. The process may also include the opportunity for staff to indicate their preferences in ranked order for posts in the



revised structure. The selection process will be restricted initially to those staff who may be displaced, or who are eligible for redeployment as a consequence of the revised structure.

Following the selection process, where there is competition for a post, staff will be ranked based on the matrix/interview/ any assessment undertaken. Where appropriate, appointments will be made in line with any declared preferences for employment expressed by the employee.

The Equality Act 2010 requires that employers make reasonable adjustments in order to employ or retain disabled persons. In the context of selection criteria, care will be taken to ensure that an employee is not disadvantaged by the selection criteria due to a failure to make reasonable adjustments e.g. sickness absence. Similarly, the selection process will not discriminate either directly or indirectly based on an individual's protected characteristics.

Any staff not appointed to a post in the new/revised structure following the selection process will be dealt with in accordance with 2.3.3 below.

### 2.3.2 Redeployment

Staff identified or selected for redeployment/redundancy or who are not successful in being appointed to a post in a new/revised structure will be formally redeployed. A member of staff placed on the redeployment register will have the right of priority consideration for other vacancies within the Trust and will be offered suitable alternative employment, if available, as detailed in Section 4.4 below. An initiation document for redeployment is attached as Appendix 1.

Staff will normally be on the at the redeployment register with a right to priority consideration for alternative employment for a minimum period of 8 weeks.

Please see 4.3.5 for information relating to employees on maternity leave.

Where a reduction in an area of work results in posts being cut, staff will be redeployed as far as possible into any suitable and mutually agreed vacant posts within the Trust. If, the change involves a move to a new structure, a process of 'slotting in' and limited competition interviews may be applied. All posts in any new structure will be developed in accordance with Agenda for Change processes and be graded under the Agenda for Change job evaluation system.

### 2.3.3 'Slotting In'

- Where a new organisational structure is being implemented, staff may 'slot in' to a post in the structure without the need for an interview or any other selection mechanism, provided that all the following criteria are met:

- The duties and responsibilities of the role remain the same or are substantially similar (usually defined as over 70% the same).
- For a post to be suitable, the employee must meet the Person Specification of the job description and the post must provide substantially equivalent terms and conditions of employment. The post will normally be on the same band or within one band below the individual's existing post (bearing in mind possible loss of status and retraining requirements). Only in genuinely very exceptional circumstances would the relevant Senior Manager (in consultation with the Director of Finance and the Chief People Officer) authorise otherwise i.e. 2 bands below, given the prohibitive cost constraints of protection.
- Managers cannot unreasonably refuse to accept redeployed staff.
- There is only one person eligible for the post, or the number of eligible staff and posts are equal.
- A promotion is possible from workforce re-profiling and organisational change, as long as any jobs/roles in the 'current state' service have been reviewed or re-banded, if necessary, prior to the organisational change. Any slotting into a

higher banded role (when the person already undertakes the majority of the role) can only be considered if the member of staff fulfils the Person Specification of the revised role.

### 2.3.4 Limited competition to 'ring fenced' posts

Where there are more employees than posts, or where the duties of the new posts are materially different to those in the old structure, employees will be selected on the basis of limited competition interviews, with the posts in the new structure being 'ring fenced' in the first instance to those being displaced.

Where there are a number of staff to be redeployed into posts at different levels/grades in the structure, it may be necessary to allocate the staff into applicant 'pools' in order to identify which posts they will be eligible to apply for. Staff who are 'acting up' will be placed in the pool relating to their substantive post.

Only those staff who are at risk of dismissal and in the relevant pool (If applicable) will be able to apply for the new posts in the first instance. All eligible employees who meet the essential requirements of the person specification will be interviewed. The selection process will be carried out in accordance with the Trust's Equal and Diversity Policy.

Employees should only be turned down for posts where they fail to meet the essential selection criteria or where other members of staff registered on the redeployment register are considered to better meet the requirements (the fact that there may be

better candidates in the external labour market is not a reason for non-selection). Any employee who is not selected for a post must be offered full feedback with reasons for this.

Where staff have been unsuccessful in obtaining a post in the new structure or where posts are being cut without the creation of new posts, the Trust will seek to redeploy staff into vacant posts within other parts of the organisation.

### 2.3.5 Staff on Maternity, Sick leave or Career Break/Secondment

In the case of staff absent when the change process commences, Line Managers will be responsible for ensuring that such staff are kept fully informed about the change and are appropriately consulted and have the same opportunities for consideration of alternative employment and other options as other affected staff.

In accordance with legal provisions, a woman who is made redundant whilst on maternity leave is entitled to be offered any suitable vacancy in priority to any other redundant/or redeployee employee (unless a disabled member of staff is also being considered for the position.) That right, whether the redundancy happens during ordinary or additional maternity leave, applies to any vacancies up to when the employment ends. This provision will be equally applied to a pregnant employee prior to the commencement of maternity leave. The right to preferential treatment is subject to the employee on maternity leave/the pregnant employee being considered competent for the post in question, as determined by the processes identified in section 2.3.3 to 2.3.4 of this policy.

## 2.4 Suitable alternative employment

Where an employee is identified as eligible for redeployment, the Trust will make an offer of suitable alternative employment wherever possible. The determination of suitable alternative employment will take into account working hours, status, grading and pay protection, along with whether the post is within the employee's capability, taking into account the need for reasonable training. The working environment, location and personal circumstances may also be taken into account. Managers and staff will be expected to demonstrate a reasonable degree of flexibility when considering alternative employment. In considering options for redeployment, it is expected that staff will consider posts on their current pay band and one pay band lower with appropriate pay protection unless the particular circumstances of the alternative position are agreed as not a suitable alternative.

UK VI immigration regulations will apply for non-UK staff.

Responsibility for the management of the process for identifying suitable alternative employment will lie with the Human Resources Department and the process to be

followed will be included in the protocol for managing the organisational change in question.

Where staff are at eligible to be redeployed, internal and external recruitment will be temporarily suspended, and competition restricted to staff on the redeployment register. Once it is established that there is no one on the register to be considered for a vacancy it may be advertised and recruited to in the normal way.

Unless there is more than one member of staff interested in a vacancy who is eligible to apply via the redeployment register, there will be no competitive interview, as long as they meet the personal specifications for the job role, but there will be a discussion between the member of staff and the Line Manager for the vacant post.

The purpose of this discussion will be to allow the Line Manager to ensure that the member of staff meets the person specification for the vacant post and to allow the member of staff to obtain further information about the post. If it is determined that the member of staff on the redeployment register does not meet the person specification/competency requirements the search for alternative employment will continue. A guide for Managers considering staff for redeployment is attached as Appendix 2.

Where there is more than one member of staff interested in a vacancy who are eligible to apply via the redeployment register, there will be a competitive interview process which will be competency based as identified in 4.3.1. The applicants will be ranked following the interview process and the most suitable candidate will be employed into the vacancy based on the interview scores. Any employee who is not selected for a post must be offered full feedback on the reasons for this.

A staff member who has access to the redeployment register will have the right to be placed in a post for an initial 4-week (calendar week) **trial period** to allow both sides to decide if the work provides a suitable alternative. Any extension beyond the 4-week period must be formally agreed by both the manager and the member of staff and confirmed in writing and each request for an extension will be considered on its own merits (with up to 3 months being the norm). Terms and conditions of service will be protected during the trial period. Following a trial period if a member of staff does not feel that the position is suitable, they will be required to confirm their reasons in writing. If the reasons are accepted, then the member of staff will be able to continue to have access to the redeployment register for the remaining period of the time frame specified.

Where a staff member on the redeployment register accepts an alternative position which is of a fixed term/temporary nature of less than 12 months duration they will remain on the redeployment register and will be expected to continue to seek and apply for a permanent role.

If a member of staff does not consider suitable alternative posts; or refuses the offer of any suitable alternative posts; or does not provide an acceptable reason for not continuing in an alternative position following a trial period, they will not be entitled to make a subsequent claim for pay protection or redundancy pay as appropriate.

At the end of the trial period, it is likely that one of the following will apply, although this list is not exhaustive:

- The individual will be confirmed in the post. (The offer of redeployment must be made before the employee's notice of dismissal expires.)
- Further suitable alternative employment will be sought.
- The employee will be made redundant.

See section 2.3.3 for the rules regarding promotion during organisational change.

In exceptional circumstances, consideration of alternative employment two bands lower than the substantive band may be considered, provided that this is at the request of the employee and there are no other staff members on the redeployment register in the substantive banding of the post being considered and the financial implications are acceptable to the Trust.

#### 2.4.1 Retraining

Where there are no staff available with the full skills required to undertake a vacant post, but an individual is judged to have the potential to acquire the additional skills they need within a reasonable timescale and cost, the Trust may consider providing appropriate further training to enable them to do this. Any such arrangement will be with the agreement with the individual staff member concerned.

#### 2.5 Protection of Pay

Staff who are redeployed to a new post which is in a lower grade; or which attracts a lower level of earnings; or involves a reduction in working hours as a consequence of organisational change will be entitled to protection on the following basis (NB Employees are not eligible for pay protection where the change is of their choice or where they are downgraded for other reasons (for example, as the result of disciplinary action):-

- Staff with less than 12 months service - 3 months protection
- Staff with more than 12 months service but less than 18 months service – 6 months protection
- Staff with between 18 months and 2 years' service – 12 months protection
- Staff with between 2 years and 4 years' service – 18 months protection
- Staff with 4 years' service or more – 2 years protection



Protected pay will be the difference between pay in the former post and pay in the new post.

Protection will be on a mark time basis i.e., not subject to any increase for increments, pay awards etc.

Where pay protection has been agreed and the employee subsequently moves to another post on their own volition which involves a higher grade, higher level of earnings or additional hours, protected pay will be offset or will cease if total pay in the new post exceeds the protected pay level.

Protected staff will be expected to apply for any suitable vacancies that arise on their former grade during the period of protection both within the Trust and externally if they have secured a protected position outside of the Trust. Consideration of suitability will be based on the requirements of the person specification and factors identified in Section 2.3.3 and 2.3.4 e.g., working hours, status, grading, and pay protection. If an employee refuses to apply for such a vacancy the entitlement to protection will cease.

Staff who change their base as a consequence of redeployment may be reimbursed excess daily travelling expenses for a period of 4 years from the date of transfer in accordance with Agenda for Change Terms and Conditions of Service or Medical & Dental Terms and Conditions of Service, as appropriate. Where redeployment is to another Trust excess mileage/travel costs will need to be agreed between the two relevant organisations, the staff member and, where appropriate, their TU representative.

## 2.6 Compulsory Redundancy

Where it is not possible to secure suitable alternative employment, the final outcome will be termination of employment on the grounds of redundancy. This will be regarded as the last resort. Redundancy will only occur following consultation with the member of staff and their representative and in accordance with the requirements of the Employment Rights Act 1996 and ACAS Guide on Redundancy Handling. The employee will be entitled to be accompanied by a Trade Union Representative or a workplace colleague at the meeting when the termination of employment is considered.

Where it is necessary to give notice to an employee, this will be confirmed in writing. The letter will outline why the employee is being made redundant and provide details of the effective date of dismissal, the redundancy benefits that will apply and what support is available.

Formal notification of redundancy will normally be given at the end of the 4th week on the redeployment register if no suitable alternative employment has been identified by that point. With the exception of an enhanced provision of an additional 4 weeks for AFC Grades 1-4, the notice period will then run concurrently with the redeployment process and the search for suitable alternative employment for the staff member will

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continue up to a total minimum of 12 weeks and a total maximum of 16 weeks on the redeployment register depending on notice entitlement, i.e.: -

- Where the notice period is 4 weeks (AFC Grades 1-4), the total period on redeployment will be 12 weeks
- Where the notice period is 8 weeks' notice (AFC Grades 5-6), the total period on redeployment will be 12 weeks
- Where the notice period is 12 weeks' notice (AFC Grades 7+), the total period on redeployment will be 16 weeks

Redundancy payments and associated arrangements will be in accordance with Section 16 of the Agenda for Change Terms and Conditions of Service.

Staff who are to be made redundant will normally work their full notice period. The Trust will continue to search for redeployment opportunities for the employee during this period. However, once notice has been given, if an individual leaves early at their own request, their redundancy payment will be recalculated to the revised termination date (unless they are leaving to take up another post within the NHS, in which case they will not be entitled to a redundancy payment).

On termination of employment by reason of redundancy payment in lieu of notice or annual leave will not normally be made unless there are exceptional circumstances. Any outstanding annual leave entitlement should be taken prior to the date of leaving and the notice period served, except in exceptional circumstances.

Under the current terms of the NHS Pension Schemes, where an employee's pay is reduced through no fault of their own, it is possible to have the period of membership at the higher rate of pay protected, subject to the Trust's agreement. For any employee who, as a consequence of organisational change, is deployed to another post internally and consequently suffers a reduction in pay, protection of pension membership at the higher rate of pay will be applied. Where redeployment is to another Trust, this will need to be agreed between the two relevant organisations, the staff member and, where appropriate their TU Representative.

### 2.6.2 Voluntary Redundancy

The Trust may invite applications for voluntary redundancy, as an alternative to making compulsory redundancies. It will be for the Trust to decide which requests can be approved. However, it is unlikely that the Trust will agree to applications where the individual has specialist skills that are still required by the Trust or where the costs of making the individual redundant would be prohibitive. The reasons for not accepting a request for voluntary redundancy will be notified to the individual concerned in writing.



### 2.6.2 Redundancy Payments

Redundancy payments will be paid in accordance with the arrangements laid out in Section 16 of the Agenda for Change Terms and Conditions Handbook. Staff aged 50 years or more, who are members of the NHS pension scheme, may be entitled to take early retirement on the grounds of redundancy under the provisions of the same section. Full details are available at: [www.nhsemployers.org](http://www.nhsemployers.org)

Staff with under two years' continuous NHS service are not entitled to a redundancy payment. In addition, if an individual obtains another post in the NHS within four weeks of being made redundant or refuses to apply for or accept a reasonable offer of suitable alternative employment, then they will cease to be eligible for a redundancy payment.

### 2.6 Support for Staff

The Trust recognises that organisational change processes can cause stress to staff and will seek to support staff during the period of change. This will include:

- Involving, affected staff in the shaping and design of the change in service.
- Meeting with affected staff during the consultation period (in small groups and/or individually) to advise them of the change and provide them with the opportunity to give their views and alternative suggestions in relation to the proposals.
- Discussing with any staff who are considered eligible for redundancy what their preferences are with regard to redeployment and any other options that may be available, such as voluntary redundancy or undertaking training for another type of role.
- Offering help and support with completing job application forms or producing Curriculum Vitae (CV) and providing interview practice if required.
- Providing access to Financial Advice

Staff have the right to be accompanied by an appropriate representative or a workplace colleague during the consultation process.

Managers will be responsible for ensuring that staff are kept informed during the change process and have the opportunity to discuss issues as required. A HR Representative will be involved in the process and will be available as a contact for staff.

Support will be available from the Occupational Health Service as appropriate and personal counselling will be available from the Staff Counselling Service. Staff will also be able to access any Employee Assistance Programme available within the Trust.

Employees who are selected for termination of employment on the grounds of redundancy will be given help and advice by both their managers and the HR/OD

Department in conjunction with the Department of Employment/Job Centre Plus with regard to securing alternative employment and claiming benefits/financial support.

All employees who are served notice to terminate their employment on the grounds of redundancy will be given reasonable time off with pay to seek new employment (including attendance at any job interview) with the advance permission of their manager. Subject to the operational needs of the Trust, employees may be allowed to leave before the expiry of the period of notice if they have been offered employment outside of the Trust to commence prior to the date the notice expires. In such circumstances, the employee will only be paid up to the date they leave the Trust's employment and will receive any redundancy and/or premature retirements benefits, calculated to the revised date of leaving.

## 2.7 Appeal and Grievance Arrangements

An employee has the right of appeal against their termination of employment on the grounds of redundancy or by reason of a re-organisation. Staff who wish to appeal against their selection for dismissal should do so in writing to the Director of Human Resources within 14 working days of receipt of written notice, setting out the grounds of appeal in full. The Appeals Panel will consider the matter on presentation of the appeal case by the employee and from management. The decision of the Panel will be confirmed to the employee in writing. There is no further right of appeal.

An employee aggrieved by the application of this procedure may pursue his/her grievance by means of the Trust's Grievance Procedure.

## 3. Exceptions

No Exceptions

## 4. Training

The Business HR Team can provide advice and guidance to all staff and managers across the Trust in relation to the application of this policy.

## 5. Monitoring of compliance

Minimum requirement to be monitored	Process for monitoring e.g. audit/ review of incidents/ performance management	Job title of individual(s) responsible for monitoring and developing action plan	Minimum frequency of monitoring	Name of committee responsible for review of results and action plan	Job title of individual/ committee responsible for monitoring implementation of action plan
Annual	Internal Review commissioned by Workforce Committee	Deputy Chief People Officer	Annual	Workforce Committee	Deputy Chief People Officer

## 6. Relevant regulations, standards and references

### 6.1 Relevant Regulations

Employment Rights Act 1996  
Employment Relations Act 1999  
Equality Act 2010

## 7. Equality, diversity and human right statement

The Trust is committed to an environment that promotes equality and embraces diversity in its performance both as a service provider and employer. It will adhere to legal and performance requirements and will mainstream Equality, Diversity and Human Rights principles through its policies, procedures, service development and engagement processes. This SOP should be implemented with due regard to this commitment.

To ensure that the implementation of this policy does not have an adverse impact in response to the requirements of the Equality Act 2010 this policy has been screened for relevance during the policy development process and a full impact assessment conducted where necessary after appropriate consultation.

The Trust will take remedial action when necessary to address any unexpected or unwarranted disparities and monitor workforce and employment practices to ensure that this policy is fairly implemented.

This policy and procedure can be made available in alternative formats on request including large print, braille, moon, audio cassette, and different languages. To arrange this please contact Business Human Resources in the first instance.

The Trust will endeavour to make reasonable adjustments to accommodate any employee with particular equality and diversity requirements in implementing this policy and procedure. This may include accessibility of meeting venues, providing translation, arranging an interpreter to attend meetings, extending policy timeframes to enable translation to be undertaken, or assistance with formulating any written statements

### Recording and Monitoring of Equality & Diversity

The Trust understands the business case for equality and diversity and will make sure that this is translated into practice. Accordingly, all policies and procedures will be monitored to ensure their effectiveness.

Monitoring information will be collated, analysed and published on an annual basis as part of our Single Equality and Human Rights scheme. The monitoring will cover all strands of equality legislation and will meet statutory employment duties under race, gender and disability. Where adverse impact is identified through the monitoring process the Trust will investigate and take corrective action to mitigate and prevent any negative impact.

The information collected for monitoring and reporting purposes will be treated as confidential and it will not be used for any other purpose.

## 8. Legal requirements

This document meets legal and statutory requirements of the EU General Data Protection Regulation (EU 2016/679) and all subsequent and prevailing legislation. It is consistent with the requirements of the NHS Executive set out in Information Security Management: NHS Code of Practice (2007) and builds upon the general requirements published by NHS Digital/Connecting for Health (CfH).

## Appendix 1: Equality impact assessment

<b>Title</b>	
<b>Strategy/Policy/Standard Operating Procedure</b>	
<b>Service change (Inc. organisational change/QEP/ Business case/project)</b>	
<b>Completed by</b>	
<b>Date Completed</b>	

**Description** *(provide a short overview of the principle aims/objectives of what is being proposed/changed/introduced and the impact of this to the organisation)*

--

**Who will be affected** *(Staff, patients, visitors, wider community including numbers?)*

--

The Equality Analysis template should be completed in the following circumstances:

- **Considering developing a new policy, strategy, function/service or project(Inc. organisational change/Business case/ QEP Scheme);**
- **Reviewing or changing an existing policy, strategy, function/service or project (Inc. organisational change/Business case/ QEP Scheme):**
  - If no or minor changes are made to any of the above and an EIA has already been completed then a further EIA is not required and the EIA review date should be set at the date for the next policy review;
  - If no or minor changes are made to any of the above and an EIA has NOT previously been completed then a new EIA is required;
  - Where significant changes have been made that do affect the implementation or process then a new EIA is required.

Please note the results of this Equality Analysis will be published on the Trust website in accordance with the Equality Act 2010 duties for public sector organisations.

Section 1 should be completed to analyse whether any aspect of your paper/policy has any impact (positive, negative or neutral) on groups from any of the protected characteristics listed below.

*When considering any potential impact you should use available data to inform your analysis such as PALS/Complaints data, Patient or Staff satisfaction surveys, staff*

*numbers and demographics, local consultations or direct engagement activity. You should also consult available published research to support your analysis.*

**Section 1 – Initial analysis**

<b>Equality Group</b>	<b>Any potential impact? Positive, negative or neutral</b>	<b>Evidence</b> <i>(For any positive or negative impact please provide a short commentary on how you have reached this conclusion)</i>
<b>Age</b> <i>(Consider any benefits or opportunities to advance equality as well as barriers across age ranges. This can include safeguarding consent, care of the elderly and child welfare)</i>		
<b>Disability</b> <i>(Consider any benefits or opportunities to advance equality as well as impact on attitudinal, physical and social barriers)</i>		
<b>Gender Reassignment</b> <i>(Consider any benefits or opportunities to advance equality as well as any impact on transgender or transsexual people. This can include issues relating to privacy of data)</i>		
<b>Marriage &amp; Civil Partnership</b> <i>(Consider any benefits or opportunities to advance equality as well as any barriers impacting on same sex couples)</i>		
<b>Pregnancy &amp; Maternity</b> <i>(Consider any benefits or opportunities to advance equality as well as impact on working arrangements, part time or flexible working)</i>		
<b>Race</b> <i>(Consider any benefits or opportunities to advance equality as well as any barriers impacting on ethnic groups including language)</i>		
<b>Religion or belief</b> <i>(Consider any benefits or opportunities to advance equality as</i>		



<i>well as any barriers effecting people of different religions, belief or no belief)</i>		
<b>Sex</b> <i>(Consider any benefits or opportunities to advance equality as well as any barriers relating to men and women eg: same sex accommodation)</i>		
<b>Sexual Orientation</b> <i>(Consider any benefits or opportunities to advance equality as well as barriers affecting heterosexual people as well as Lesbian, Gay or Bisexual)</i>		

If you have identified any **positive** or **neutral** impact then no further action is required, you should submit this document with your paper/policy in accordance with the governance structure.

You should also send a copy of this document to the equality impact assessment email address.

If you have identified any **negative** impact you should consider whether you can make any changes immediately to minimise any risk. This should be clearly documented on your paper cover sheet/Project Initiation Documents/Business case/policy document detailing what the negative impact is and what changes have been or can be made.

**If you have identified any negative impact that has a high risk of adversely affecting any groups defined as having a protected characteristic then please continue to section 2.**

### Section 2 – Full analysis

If you have identified that there are potentially detrimental effects on certain protected groups, you need to consult with staff, representative bodies, local interest groups and customers that belong to these groups to analyse the effect of this impact and how it can be negated or minimised. There may also be published information available which will help with your analysis.

<b><u>Is what you are proposing subject to the requirements of the Code of Practice on Consultation?</u></b>	Y/N
<b>Is what you are proposing subject to the requirements of the Trust’s Workforce Change Policy?</b>	Y/N



<b>Who and how have you engaged to gather evidence to complete your full analysis? (List)</b>	
<b>What are the main outcomes of your engagement activity?</b>	
<b>What is your overall analysis based on your engagement activity?</b>	

### Section 3 – Action Plan

You should detail any actions arising from your full analysis in the following table; all actions should be added to the Risk Register for monitoring.

<b>Action required</b>	<b>Lead name</b>	<b>Target date for completion</b>	<b>How will you measure outcomes</b>

Following completion of the full analysis you should submit this document with your paper/policy in accordance with the governance structure.

You should also send a copy of this document to the equality impact assessment email address

### Section 4 – Organisation Sign Off

<b>Name and Designation</b>	<b>Signature</b>	<b>Date</b>
<b>Individual who reviewed the Analysis</b>		
<b>Chair of Board/Group approving/rejecting proposal</b>		
<b>Individual recording EA on central record</b>		

## Appendix 2: Roles and responsibilities

Role	Responsibility
<b>Chief People Officer</b>	The Chief People Officer is responsible to the implementation of this policy.
<b>Line Manager</b>	Line Managers are responsible for ensuring that this policy is applied appropriately, that staff are aware of and understand the policy, including any changes.
<b>Employees</b>	Employees are responsible for adhering to the requirements of this policy and associated processes.
<b>Human Resources</b>	Business HR will be responsible for reviewing the application of this policy and proposing any policy amendments. The designated HR Business Partners and/or HR Managers will provide support, professional advice and specialist guidance to the managers on the application and implementation of workforce change. The HR Department will be responsible for managing the redeployment process as described.
<b>Trade Unions and Professional Bodies</b>	Recognised Trade Unions and Professional Bodies will be invited to relevant meetings and consulted as appropriate. Representatives will engage with managers during workforce change and provide advice, guidance and support to their members who are affected by the change.

Appendix 3: HR Initiation Document for Redeployment

<b>Name of Employee</b>	
<b>Current Employment Terms (Please tick)</b>	Full Time <input type="checkbox"/> Part Time <input type="checkbox"/> Hours:
<b>Current Occupation /Post Title/ Banding</b>	
<b>Current Area(s) of Work</b>	
<i>What occupations / functions / jobs most interested in/ likely to be potentially suitable?</i>	
<b>What skill set in this area?</b>	
<b>Any jobs/ job type / base etc would NOT consider as a potential suitable option?</b>	
<b>Any specific constraints -e.g. on working hours etc in new post?</b>	
<b>Specify contact details regarding vacancies? <u>NB: Employee must ensure mailbox is checked on a regular basis</u></b>	Home Tel No/Mobile No.  Work and personal email details.
<b>Unless otherwise agreed, in accordance with Trust procedure, vacancy information will have no less than 5 calendar days for</b>	

<b>consideration; from the date vacancy information is received.</b>	
<b>Any other relevant comments/instruction to enable effective screening of vacancies</b>	

**Signed (employee) .....**

**Date.....**

**HR Representative initiating this request.....**

## Appendix 4: Guidance for Managers considering staff for redeployment.

### Introduction

This guidance note is intended for those Managers who have a vacancy and a member of staff on the redeployment register has expressed an interest in that vacancy.

There are a number of reasons why staff may need to be redeployed, including but not limited to organisational change. In these circumstances affected staff will be part of a formal

process and will have formally been declared as eligible for redeployment and in this respect, they have the right to be given prior consideration for any vacancies that are both immediately available in the Trust and that arise within the determined period of time. Where member of staff meets the person specification requirements for a post they will be redeployed to that post, subject to the arrangements described below.

The Trust is under no obligation to create a position for someone identify as eligible for redeployment, but it must be able to show that every attempt has been made to redeploy the staff member to an existing post.

### Identification of potentially suitable posts

As part of the formal process, there will normally have been a discussion with the affected member of staff in terms of what posts they would be interested in/suitable for however assumptions cannot be made as to whether a member of staff satisfies the person specification for a post, therefore it is not unusual for staff on redeployment to be given details of a wide range of vacancies.

The HR/OD Department is responsible for ensuring that a process is in place for staff members on redeployment to be made aware of available posts. This process is described below: -

- When first declared at eligible for redeployment, staff will be entitled to receive information about posts in the process of being advertised, posts that are currently being advertised and posts that are at the short-listing/interview stage. In accordance with Trust procedure, staff are usually given a period no less than five calendar days to indicate their interest and if there is no interest expressed then the post can proceed to be filled through normal recruitment processes.
- Because a redeployment situation can occur at any time it is inevitable that there will be posts already out to advert or at the short-listing/interview stage that an affected member of staff is interested in. If this is the case, the process will have to be delayed whilst that person(s) has the opportunity to express an interest in and be considered for that post.

Where posts have been short-listed, with interviews pending it may be necessary to either delay the interviews or alternatively allow the interviews to proceed but delay any decision until at redeployment staff have been considered

### **Consideration for a Post.**

Staff members on redeployment do not have to attend a formal interview for a post they wish to be considered for. An informal meeting is set up between the manager concerned and the member of staff and the purpose of this meeting is to discuss the post and enable the member of staff to decide if they wish to formally be considered for the post and for the manager to make an assessment as to whether the member of staff meets the person specification requirements for the post. Following this discussion, if the member of staff wishes to be formally considered and the Manager is satisfied that the person specification is met, then the member of staff will be redeployed to that post.

This discussion should be focused on the post and the person specification requirements and should not involve discussion around the reasons for the redeployment. If the Manager has concerns about the suitability of the member of staff, these should be discussed with the identified HR Business Partner/HR Adviser.

A competitive and competency-based interview process would only apply where more than one member of staff on redeployment is interested in a particular post in which case the interview process would be used to determine the most suitable applicant for that post, subject to the person specification requirements being met.

Where a member of staff is redeployed, there will usually be a 4-week trial period which can be extended subject to agreement between both the Manager and the member of staff.

Appendix 5: Workforce Change Template.

Workforce Change Request Form

Team.....

Care Group.....

***This Section to be completed by Service Lead Only***

**Justification for Change: -**

**Staff Information: -**

a. Number of Staff affected..... (WTE)

b. Job roles and pay bands (*please list below*):-

c. Any temporary arrangements with staff eg. fixed term contracts, secondments etc: -

*(Please list below)*





This change is due to: - *(please complete as appropriate)*

- Integration                      YES / NO
- Business as usual              YES / NO
- Other                                YES / NO *(if other please state*

*reason.....)*

*I confirm the above information is correct and Finance sign off has been received.*

**Service Lead Name (please print) .....**

**Signature.....**  
**Date.....**

***This Section to be completed by Director or DDO only***

**Please state the rationale for this change:**

**Are there any other implications? (Please complete as appropriate)    YES / NO**

**If yes please give further information below: -**

***I can confirm this request does not fall into a wider workforce change and that any financial implications have been signed off by Finance:***

**Director or DDO name (please print) .....**

Signed.....  
Date.....

***All sections to be completed and signed off before submission to respective HR Business Partner***

***(Office Use only)***

***HRBP to send completed form to Associate Director of Business HR (Workforce Integration)***

***HRBP            name            /            designation            (please            print)***  
.....

***HRBP            signed.....            Date***  
***sent.....***

## Appendix 6: Annex X (England): Guidance on workforce re-profiling

This Annex is intended to support organisations undertaking workforce re-profiling by highlighting how the NHS Staff Council agreement can support organisational, service and workforce change, including the development of new roles. It provides advice on how the principles and processes of the NHS Job Evaluation (JE) Scheme can assist organisations in developing and implementing new ways of working and revised job structures. It also provides advice on the consistent application of these principles locally and how local partnerships can benefit from the Staff Council agreement.

Core principles 2. Re-profiling is a means of examining the content of job roles within a team or a patient pathway to determine the most efficient distribution of bandings needed to deliver the required service. Re-profiling should be undertaken in line with the following principles: (i) as a joint exercise between the managers and staff working in that function and with the involvement of their Trade Union representative/s; (ii) all functions across the organisation should be subject to re-profiling on a regular basis to ensure that the potential efficiencies within a system are identified. Explicit and documented consideration may need to be given to Extended Scope Practitioner roles, non-medical Consultant roles, and New Ways of Working; (iii) the process and timeframe for undertaking re-profiling (either across the whole workforce or within particular functions) should normally be agreed with staff and their representative/s from the beginning of the review process; (iv) all roles within a function should be subject to re-profiling, not just those in the most populous pay bands and should also include staff outside groups covered by Agenda for Change; (v) the re-profiling exercise should look first at the skills, tasks and responsibilities needed to carry out roles rather than the bands required; (vi) it should not be assumed that re-profiling will automatically result in a lower distribution of bands - a re-profiling exercise may well confirm that the current distribution of tasks and roles is the most efficient possible to deliver a clinically safe service to the expected standards of quality; Implementation annexes Annex X (England): Guidance on workforce re-profiling NHS terms and conditions of service handbook The NHS Staff Council Pay circular (AforC) 2/2013: amendment number 28

(vii) the re-profiling exercise should be supported by and comply with the processes and guidance contained in the NHS Job Evaluation Scheme (or the appropriate system for staff outside Agenda for Change groups); (viii) before the re-profiling starts, agreement should normally be sought with staff and their representatives about the principles for managing the transition to any new structure, in line with the principles in 3 (i) to 3 (ii) below; (ix) where a workforce re-profiling exercise results in a member of staff being paid at a lower pay band, as established through job evaluation, then the member of staff should see a commensurate change in their role (or the work they undertake). Practical implications 3. If a re-profiling exercise highlights that a different distribution of roles within a function could deliver a safe service to the expected standard of quality, the proposed new structure should be considered in light of the following:

(i) **does the proposed re-distribution of roles pose any risk to good practice?** A risk assessment of the new structure should be undertaken at an early stage of the exercise. A check should be made of the relevant professional codes of conduct and ethics (including those for non-clinical job groups) in addition to agreed local policies or protocols, to ensure that removing a task and/or group of tasks from a role does not compromise good practice or pose risks to patient care. There is a requirement on Employers to identify the precise differences between the jobs and make an explicit statement of what will no longer be done or done differently under the new structure.

(ii) **what AfC Bands will the new roles be in?** Revised job documentation for all roles should be put through the established joint job matching/evaluation process consistent with the Job Evaluation Handbook.

(iii) **has the proposed structure been subject to consultation with staff?** As well as being actively involved in the re-profiling exercise, staff should be made aware of the timing for - and encouraged to respond to - the relevant formal consultations on the proposed structure and new ways of working.

(iv) **do the changes have any discriminatory impact?** The potential impact of the re-profiled structure on different groups of

Implementation annexes Annex X (England): Guidance on workforce re-profiling NHS terms and conditions of service handbook The NHS Staff Council Pay circular (AforC) 2/2013: amendment number 28 staff/patients/service users should be assessed using the agreed local procedure.

(v) **are staff prepared for an expansion or diminution of their role and/or to undertake new roles with new competencies?** Plans should be put in place to ensure that staff undertaking new tasks are fully trained before the commencement of their new duties.

(vi) **is it obvious what each member of the team is responsible for and who is providing supervisory support?** Clear lines of accountability and governance should be identified within the function and any elements of risk clearly highlighted and appropriate action agreed. Registered staff have a duty to ensure that staff to whom they are delegating tasks are appropriately trained and can deliver the task to the expected standard.

4. Principle 2 (viii) above identifies those local partnerships should seek to agree a process for managing the transition to new structures. In cases where the re-profiling exercise identifies that fewer staff are needed at particular pay bands, local partnerships will need to apply the following principles: (i) natural wastage should normally be the preferred means by which the number of posts are reduced; (ii) if it is not anticipated that there will be natural wastage of a level sufficient to move to the new structure within the agreed timeframe, agreement should be reached on plans to apply the relevant process for consultation on redundancy (see Section 16) or, in [Workforce Change Policy, Version 1. and December 2021}

cases where more staff are required to work at lower bands, to agree the process for redeployment to new roles.

5. Where staff move to a post at a lower level in the revised structure, the local organisational change policy or a local agreement will apply. In the absence of such a policy, local partnerships should seek to agree an appropriate period during which the higher rate of pay will be protected (see paragraph 19).

## APPENDIX 5 – Guidance for Managers

### Pre-Consultation Engagement

#### Step 1 For Service Lead & Appendix 5-Staff:

- Informally engage with affected staff / service-users / stakeholders to assess ideas for the future service.
- Encourage input from teams currently providing the service to assess what works well and what could be improved.
- Put the Patient at centre of proposed change for clinical services and service-user (+patient) for corporate service change. Include all stakeholders in informal review.
- Process-map options for new service. Follow patient through service and consider 'knock-on effect' to other services with the proposed changes.
- Research good practice at other Trusts and across NHS. Use learning from other Trusts to ensure proposed service is an improvement.
- Service Leads review ideas from engagement sessions and research, to produce a proposal for business case/ costing /Exec sign-off.

### PREPARATION STEP2&3 Managers Guidance

- Define proposed new requirements for the Service / Team based on the engagement with staff and stakeholders.
- Cost proposed structure with Finance.
- Produce draft consultation paper including current and proposed organisation structure, detailing proposed bandings and rationale for any changes to current roles
- Produce list of affected staff and list of current and proposed roles for new structure
- Request copies of current JDs and job audit information from AfC Team (email – Ray.rummens@liverpoolft.nhs.uk) for review for new structure and produce new JDs where required
- Advice and guidance will be provided on JDs to use or production of new ones. Note: no changes to JDs / minor changes to JDs / new or revised JDs (may require an AfC matching panel)

### PREPARATION

#### STEP 4

AfC Team Advisory function can also provide JD guidance in partnership, to support the smooth-running of the process.

### CONSULTATION & IMPLEMENTATION STEP 8:

- At end of consultation period, provide full response to questions raised during consultation.
- End of consultation meeting arranged to share information with staff and staff side.
- Meeting to be arranged with staff side to discuss implementation plan.
- Implementation starts in line with workforce change policy regarding allocation of roles i.e., slotting -in, interviews and /or redeployment process.
- Letters sent to affected staff to confirm outcome.
- Service Lead (with Workforce Team) to implement changes required to ESR to reflect relevant changes.
- Engagement / meetings to support implementation

### CONSULTATION STEP5-7

- Engage and consult with staff side to discuss draft consultation paper and proposals for new service prior to staff meetings.
- During week before Consultation notify staff side about meeting as early as possible.
- Start the consultation with affected staff (In certain circumstances the 30-day consultation may be reduced or extended.)
- Encourage input from staff during process focusing on JDs first.
- Comments on JDs required **By Day 10**
- Service Lead reviews comments on JDs and responds. If suggested changes accepted – add to Job description for AfC team.
- The service lead will provide AFC with signed proformas showing the updated job descriptions have been agreed.
- **By Day 11** JDs to go to AfC for decisions regarding panels Mid-consultation meeting may be arranged if required.
- AfC Panel to match agreed JD and put through Core Review. AfC Team to provide outcome to Service Lead and then affected staff **by Day 23**
- 1 to 1 meetings with affected staff arranged during consultation.
- Consultation continues on all proposed organisational changes to day-30. **Between Day 23 and Day 30**





