

ORGANISATIONAL CHANGE POLICY

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VERSION NUMBER	1.4
KEY CHANGES FROM PREVIOUS VERSION	Further 3 months extension (F&P)
AUTHOR	[REDACTED], Associate Director of HR
CONSULTATION GROUPS	Interim Partnership Committee Joint Partnership
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APPROVAL BY	Interim Board of Directors
RATIFICATION	Not applicable
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POLICY SUMMARY	
<p>The Organisational Change policy sets out the framework for the Trust's approach to the management of change process for managers, staff and staff representatives as well as the scope of the policy to whom it applies.</p> <p>It confirms the commitment to open and meaningful communication and consultation throughout proposed changes; its expectations around duties and responsibilities in doing so, as well as confirmation that measures taken to achieve necessary workforce change will be fair, equitable and reasonable in the circumstances.</p> <p>The policy should be read in conjunction with the Organisational Change Procedure & Transfer of Undertakings (Protection of Employment Regulations) TUPE Procedure.</p>	
The Trust monitors the implementation of and compliance with this policy in the following ways:	
<p>This policy will be subject to review as per the agreed review schedule of Trust HR policies and as agreed by the Trust's Partnership Committee. Compliance with this policy will be against the Trust's agreed minimum requirements /standards as detailed within its Auditable Standards and Monitoring Arrangements, as well as the use of internal reporting and recording within the Workforce Directorate.</p>	

Services	Applicable	Comments
Trust wide	✓	

**The Director responsible for monitoring and reviewing this policy is
Executive Director of People & Culture**

ESSEX PARTNERSHIP UNIVERSITY NHS FOUNDATION TRUST

ORGANISATIONAL CHANGE POLICY

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ORGANISATIONAL CHANGE POLICY

1. ASSURANCE STATEMENT

- 1.1 Essex Partnership University NHS Foundation Trust (the 'Trust') is committed to following best practice in its approach to its organisational change management programmes.

This policy has been developed by the Trust and agreed with Staff and Trades Union representatives recognised by the Trust to manage organisational change in circumstances where transformation and efficiencies to services is necessary and where this affects the Trust's workforce.

- 1.2 It is the policy of this Trust that it will do its utmost in ensuring that it maintains security of employment for Trust staff, and that any necessary changes are managed with as minimal disruption as possible to staff and to services. It does however recognise that NHS funding is provided through public monies and as such has great responsibility in ensuring that funding is used as efficiently as possible whilst ensuring safety and quality to patient services is maintained.

- 1.3 This policy aims to establish a framework for a common understanding of the change process for management, staff and staff representatives. The Trust is committed to open communication and consultation throughout proposed changes to the nature and size of the workforce and will seek to ensure that any measures taken to achieve the necessary changes are fair, equitable and reasonable in the circumstances.

- 1.4 A comprehensive and clear change management policy and procedure will ensure that service reconfiguration is managed effectively and professionally, in a way that meets legal requirements and as sensitively as possible.

The Trust values the skills, knowledge and experience of its workforce and aims to avoid the need for any redundancies where at all possible, when any change to the organisational structure is considered.

- 1.5 The management of organisational change within the Trust will be built on and demonstrate the Trust's corporate values and behaviours. These values are in being:

- Open
- Compassionate
- Empowering

In demonstrating these behaviours and values, supporting the achievement of its strategic objectives to:

- To continuously improve service user experience and outcomes through the delivery of high quality, safe and innovative services.
- To be a high performing health and care organisation and in the top 25% of community and mental health Foundation Trusts
- To be a valued system leader focused on integrated solutions that are shaped by the communities we serve

2. INTRODUCTION

2.1 Organisational change is driven by the business needs of the Trust. Change can be triggered either by the external environment or by an internal review of service requirements.

Examples of significant organisational change include the reorganisation, relocation, merger, expansion or closure of a service, competitive tendering or outsourcing, or a major change in working practice.

2.2 In order to meet changing business needs more effectively, there may be occasions when managers need to implement relatively minor changes. Reasonable minor changes and adjustments to duties and working practices may be implemented without recourse to the formal procedures outlined in this policy and as set out in the Organisational Change Procedure, but will require reasonable consultation with staff affected.

Any situation that may lead to redundancy will not be deemed to be a minor change.

2.3 When managing organisational change these are the core principles that will underpin our practice:

- Consulting and communicating in a meaningful way.
'Meaningful' is defined as a process to enable matters of interest to be jointly examined and discussed by management, staff, and recognised trades union representatives; ensuring that appropriate information is provided to all, in order to ensure that proper and informed contributions can be made by all to the process.
- Maximising staff involvement and participation in process of change.
- Ensuring decision-making is based upon clear, consistent and fair criteria.
- Implementing measures aimed at avoiding redundancy wherever possible.
- Ensuring equality of opportunity for staff, through the application of best practice in relation to employment law.
- Recognising the abilities, range of experience and competencies of all staff.
- Providing opportunities for support and development of employees affected by change.

- 2.4 The Trust is responsible for determining the strategic direction and operational management of its business and with that, the size and profile of its workforce.

Staff representatives recognise that the Trust will always need to have regard to retaining specific knowledge, experience and skills so as to preserve an appropriate balance within the workforce that meets service and business needs. The Trust recognises that staff representatives have the right to be consulted in this matter.

- 2.5 Managers will be required to adhere to the policy and procedure with staff required to engage and co-operate with the application of it.

This policy along with the Trust's Organisational Change Procedure, sets out the framework for managing change, the details relating to any specific change management programme will be determined following consultation with the appropriate staff and recognised Trade Union representatives.

3. DUTIES

3.1 Trust Board

The Trust Board is responsible for working with commissioners and the rest of the health economy to understand the potential future demands and needs of the services the Trust provides. In doing so, it has responsibility for determining the most efficient use of the workforce through:

- Formulation of strategy based on local needs and circumstances
- translating national strategies into local plans
- agreeing the programming of work for the Trust
- monitoring progress and evaluating outcomes.

In undertaking these responsibilities it is committed to following the principles for managing organisational change as set out in this policy and procedure.

3.2 Managers

Managers are critical to the change management process and so must be regularly briefed so that they are able to respond to the concerns of staff in their teams. In turn managers must provide information to staff and recognised Trade Unions so they are able to make meaningful contributions to the consultation process.

Managers must ensure that no staff are discriminated or disadvantaged as a result of a 'protected characteristic' when applying this policy. Managers should liaise with HR to ensure the Trust is not open to claims of discrimination as a result of a change management process.

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Managers will also ensure that staff are aware of their rights to be accompanied by a trade union representative or workplace colleague at formal meetings to discuss the organisational change; and have in place access to other appropriate support as necessary such as through the Trust's Employee Assistance Programme.

Managers will have responsibility for ensuring staff receive the training and development necessary to meet new skill requirements and where appropriate to identify new career opportunities, with the time and support to attend training and development activities given.

3.3 **Staff**

Staff are expected to engage and play an active role during the pre-consultation and consultation stages and in the further processes of implementation.

All Staff 'at risk' must actively engage and participate in seeking alternative employment and in mitigating any potential loss.

3.4 **Human Resources (HR)**

HR plays a critical role working with managers in defining and shaping the workforce needs for their services.

The HR Service will provide advice and support to managers and staff on all aspects of the management of organisational change process, with due regard to the employment legislation framework. It is HR's responsibility to ensure that the Organisational Change Policy is applied fairly, equitably and consistently throughout the Trust.

3.5 **Recognised Trade Unions**

Recognised Trade Unions play a vital role in advising and representing staff undergoing organisational change in working with managers to ensure that organisational change is managed with the least disruption to services and service users and in accordance with the principle of avoiding compulsory redundancies wherever possible.

The Trust will formally notify the recognised Trade Unions of any proposed organisational changes and will undertake consultation with them in line with legal requirements.

Trades Unions recognised by the Trust are those as set out in the Trust's Partnership Agreement [TITLE TBC].

To ensure the staff side is able to fully participate in the process, which may require frequent meetings with management and in particular affected staff, the Trust will provide reasonable time off for agreed members of the staff side, this may be over and above existing arrangements where it is identified by the

Trust as being necessary.

4. SCOPE

- 4.1 The policy applies to staff directly employed by the Trust. It is recognised that there are differences in staff's entitlement to conditions of service that may cause some difference in the detail of its application.
- 4.2 The policy does not apply to:
- **Bank or agency workers, medical locums or to contractors.** These workers will be treated fairly in accordance with the terms of their engagement where any changes affect them.
 - **Staff seconded into the Trust from another employer.** These staff remain subject to their own employer's policies and procedures.
 - **Staff redeployed as a result of either a performance or health-related matter** in respect of pay protection and excess mileage arrangements. With the exception of cases where permanent redeployment is required as a result of an evidenced work related injury for which the Trust has accepted liability.
- 4.3 The policy does not apply to these other situations where there is a need to vary terms and conditions of service:-
- Collective agreements – e.g. where certain policies are agreed collectively with recognised accredited Trades Unions and incorporated as part of an employee's terms and conditions.
 - Individual variations within an individual's employment contract – this does however remain subject to consultation and existing contractual employment law provisions.
 - Agreed or mutually agreed variations – where both parties agree to a change.

5. DEFINITIONS

For the purposes of applying the provisions contained in this document a glossary of terms that are used within the policy are as follows:

Continuous Service	Full or part time employment with the Trust or any previous NHS employer provided there has not been a break of more than one week (Sunday to Saturday) between employments. This reflects the provisions of the Employment Rights Act 1996 and NHS national terms and conditions.
Reckonable Service	For the purposes of an entitlement to redundancy, means Continuous Service plus any service with a previous NHS employer where there has been a break of 12 months or less. At the Trust's discretion any period of employment outside the NHS that is directly relevant to NHS employment may be counted as Reckonable Service.

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	<p>An employee is required to have two years (104 weeks) of continuous service in order to qualify for an NHS redundancy payment. Once the employee has earned the two years continuous service, they then qualify for an NHS redundancy payment.</p> <p>Any service over these two years will then count towards reckonable service, as long as they have not had a break of more than 12 months.</p>
Redeployment	The transferring or recruitment of staff 'at risk' or potentially 'at risk' into a suitable alternative post.
Ring Fencing	The process by which staff 'at risk' [of redundancy or change] will be considered for a vacant post within an existing structure or a post in a new or revised structure which is similar to their current post and where there is more than one contender for that post. This may also be referred to as the 'pool' of staff.
Slotting In	<p>The process by which staff 'at risk' [of redundancy or change] are confirmed into a post in a new staffing or management structure which is similar to their current post.</p> <p>Slotting in may occur where a post is in the same band as the individual's current post or where it remains substantially the same with regard to job content, responsibility, band, status and requirement for skills, knowledge and experience. Slotting-in may also occur to a lower band where pay protection may apply.</p>
'Mark Time'	<p>The term "mark time" is used where an employee's original (protected) band is on a higher salary than their new band justifies (this may be the result of a restructuring or a change in the individual terms and conditions).</p> <p>"Mark time" describes the period in which the employee's protected salary does not benefit from receiving any increments or cost of living rises to allow growth of the new band to 'catch up' with the employee's protected band.</p>
Staff 'At Risk' of Change	<p>Staff whose post is subject to consultation on proposals for organisational change and where it has been identified that their post may be affected as a result.</p> <p>It may also mean staff who have been declared medically unfit to continue in their substantive post and who may be subject to termination of employment if a suitable alternative cannot be secured.</p>

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Redundancy	<p>For the purposes 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 –</p> <p>(a) the fact that his employer has ceased, or intends to cease – (i) to carry on the business for the purposes of which the employee was employed by him, or (ii) to carry on that business in the place where the employee was so employed, or</p> <p>(b) the fact that the requirements of that business – (i) for employees to carry out work of a particular kind, or (ii) for employees to carry out work of a particular kind in the place where the employee was employed by the employer have ceased or diminished or are expected to cease or diminish”. (ERA 1996 ss.139(1) and 235(3)).</p>
Staff ‘at Risk’ of Redundancy	<p>Staff whose post may potentially be redundant as a result of organisational change and have been issued with formal notice of risk of redundancy, if suitable alternative employment cannot be found by the date of termination.</p>
Transferred redundancies (‘Bumping’)	<p>The process where an employee whose job is not redundant is dismissed with redundancy, enabling an employee whose role was proposed as redundant to enter the vacant role</p>
TUPE	<p>The Transfer of Undertaking [Protection of Employment] Regulations</p>
Protected Characteristics	<p>Characteristics as defined by the Equality Act 2010. These are ethnic origin, nationality, race, disability, gender, marital or partnership status, age, religion or belief, sexual orientation or transgender status.</p>

6. PRINCIPLES

- 6.1 The Organisational Change Procedures will be used in order to guide managers in proposing and implementing situations of organisational change.
- 6.2 The Organisation will adhere to the appropriate legislation and other frameworks such as Agenda for Change, local agreements and ACAS code of practice. ACAS is the Advisory, Conciliation and Arbitration Service.
- 6.3 The Organisation seeks to promote fair, reasonable and consistent employment practices referring to relevant policies such as the Equality, Diversity and Human Rights Policy.

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In drawing up this policy, aspects of discrimination have been considered so that particular groups are not disadvantaged.

- 6.4 The Organisation's Trade Union representatives will be accorded reasonable time to conduct such duties that they may be obliged to undertake during a period in which this policy is in operation, and in accordance with the Time out for Trade Union Duties and Activities Trust policy.
- 6.5 Staff who are on Maternity leave, Paternity leave, Adoption leave or other authorised absence, e.g. secondment or sickness absence, must also be consulted with. They will be given the same opportunities to attend meetings and offered redeployment opportunities where appropriate.
- 6.6 Changes to the workforce should be raised with Human Resources at the earliest opportunity who will advise accordingly.
- 6.7 Staff affected by change who are in Organisation accommodation will be treated sympathetically and will not be unreasonably removed from that accommodation as a consequence of Organisational Change. (This will only apply to medical staff and the accommodation is only temporary).
- 6.8 All employees have the right of appeal against a dismissal on the grounds of redundancy; this is as set out in the Trust's Organisational Change procedure and Appeals Procedure.
- 6.9 It is our policy that during periods of significant transformation within the NHS the Trust will seek to co-operate with any national or regional requests for redundancy information.

7. MONITORING OF IMPLEMENTATION AND GOVERNANCE

- 7.1 The Director of Corporate Governance and Strategy is responsible for ensuring there is a system in place to monitor, record and report on outcomes from organisational change programmes that are implemented within the Trust.

This will be shared with the Trust's Partnership Committee on an annual basis and should include:

- Number of appeals and outcomes
- Number of redundancies avoided
- Number of redundancies made

- 7.2 This policy is subject to review as per the Trust HR policy review schedule and as agreed by the Trust's Partnership Committee.
- 7.3 Compliance with this policy will be against the Trust's agreed minimum requirements /standards as detailed within its Auditable Standards and Monitoring Arrangements

8. POLICY REFERENCES /ASSOCIATED DOCUMENTATION

- Employment Rights Act 1996
- 1995, 2008 and 2015 NHS Pension Scheme
- Transfer of Undertakings (Protection of Employment) Regulations 2006
- NHS Code of Conduct and NHS Constitution
- Professional Codes of Conduct

9. REFERENCE TO OTHER TRUST POLICIES/PROCEDURES

This policy should be read in conjunction with other policies in place that may be relevant. These include:

- Organisational Change Procedure
- Grievance Policy
- Respect and Dignity at Work Policy
- Flexible Working Policy
- Maternity, Paternity and Adoption Leave Policy
- Fraud and Corruption Policy
- Trust Partnership Committee
- Deployment of Temporary Staff Policy

END

SAMPLE ONLY