



Managing Change Policy

February 2010

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The Policy

1. Purpose

This policy sets out how the council will approach and manage organisational change. The main aim of the policy is to ensure fair and effective procedures are followed in managing staff involved in change including informing and consulting individuals and unions.

The Council is committed to ensuring that it has an effective organisational structure in place which delivers cost effective, integrated services which meet the organisation's vision, values and performance objectives and delivers excellent services to the people of Brent. The focus on excellence in delivery means that the structure of the organisation may be altered, new working methods may be introduced and employees may be required to perform new tasks, to work different hours, work in different locations and participate in other changes to their roles. While change is inevitable where service delivery is of paramount importance, the Council recognises the uncertainty that it can bring if not managed properly and will implement any requirements to reorganise its operations using a fair and reasonable process which fully informs unions and employees of the business needs and consults with them appropriately

2. Scope and Exceptions

This policy will apply in all change proposals involving reorganisation except where there are:

- Creation of new posts only
- Changes to line management only
- Variations are proposed to an employee's or to a number of employees' job descriptions which the manager does not consider significant

Note: establishment control protocols must be followed from 1 January 2010

The contracting out of part of the Council's operations is referred to in this policy as part of the reorganisation process, but does not come within the scope of this Policy. Outsourcing is dealt with in the Council's Blue Book provisions.

The following staff are covered by this policy:

All employees covered by NJC conditions of service for Local Government Services or the JNC conditions of service for Chief Officers in Local Authorities who are permanent employees of the Council or temporary employees covered by either of those conditions of service who have 12 months' continuous employment with the Council by the date of the implementation of the organisational change or change to terms and conditions of employment.

The following Council employees are not covered by this policy:

Employees based in schools maintained by the Council where the school's delegated budget has not been suspended and where the school's Governing Body has not elected to adopt this procedure.

Nothing in this policy, or the other policies and procedures referred to in this policy is intended to be contractually binding upon the Council, and the provisions may be unilaterally varied by the Council after such consultation with the trade unions recognised by the Council for collective bargaining purposes ("recognised trade unions") as the Council considers to be reasonable and appropriate.

3. Principles

The key principles are:

- Organisational change will become business as usual
- Staff should expect that all jobs will need to change
- Redundancies will be minimised and avoided where practicable
- Job security and employability will be promoted where practicable
- Transferable skills will be identified and developed where practicable
- Redeployment to alternative roles will be promoted where practicable
- Redundancy will be the exception not the rule
- Fair treatment and support for staff face redundancy

The policy will assume that planned, strategic and coordinated change is the norm and that ad hoc change is the exception. The purpose of this is to allow the Council to respond to unprecedented service and transformational change. Over the coming years this policy will need to be flexible enough to deal with fundamental changes to the structure and functions of the organisation. Therefore, we need to be more flexible in our approach to changing job requirements.

In order to do this we need to build the understanding/expectation that most jobs will change. This will require leadership and cultural change in mindsets of all staff. This policy will enable managers and staff to assume transferability of skills and competencies in old and new roles. This will require adequate learning and development interventions and assessments based on skills and competencies rather than job descriptions. By moving to skills and competency based assessments we will be able to match a greater number of people to posts than we have been able to in the past.

The policy aims to prevent and /or minimise redundancy where practicable . This means that where possible redundancies will only be based on reductions in the number of posts available, whereas current practice is that redundancies also occur largely because of changing job roles.

The reason for focussing on preventing and minimising redundancy where practicable is to ensure job security in the current climate, which is a positive message for staff. The other factor is the financial costs of making staff redundant. In addition, there is often a loss of productivity during the notice period, potential for the redundancy to be challenged and additional resources required to manage the redundancy process (redeployment, consultation, potential sickness). In order to preserve the council's current severance package, we need to manage the number of posts which are made redundant in a strategic way.

There will be occasions where the job has fundamentally changed (e.g. different skill set and/or different functionality); in these instances the council will attempt to redeploy staff into new roles. Again, this will be based on transferable skills rather than job categories.

The policy will be careful to ensure that staff are not forced into unsuitable roles but rather that a flexible and reasonable approach is taken with the emphasis on broadening the definition of 'suitable alternative' posts.

By taking the approach described above, Brent will be able to up skill staff to successfully carry out new roles, prepare for more generic roles as we transition to the Civic Centre, enable the organisation to continue to change and to continually embed change principles during the transformation programme.

4. Staff Consultation and Engagement

Formal and informal consultation is an essential stage in managing organisational change affecting groups of staff. Managers should actively prepare for and embrace their responsibilities to consult with staff and trade union representatives. There are statutory processes that need to be incorporated in consultation exercises. However, outside of these statutory requirements, effective consultation is a key management and leadership tool to enable change to be implemented successfully.

There is overwhelming evidence that actively engaging staff during change is highly correlated to successful change initiatives. Conversely, failure to consult and engage staff appropriately and effectively is more likely to lead to delay or failed change initiatives.

The council will consult with recognised trade unions and staff on issues which:

- Involve change to contracts of employment, other than where all individuals affected by the changes are in agreement
- Relate to discretionary aspects of implementation of national agreements
- Potentially lead to redundancy
- Involve major changes in working practices, location of employees, etc. irrespective of whether these changes are provided for in the employment contract
- Involve introduction of or changes to local procedural agreements.

5. Equality Impact Assessment of Change Proposals

An Equality Impact Assessment (EIA) considers whether the proposed change is likely to have a negative impact on one or more groups of employees i.e. places them at a disadvantage. The EIA begins at the proposal development stage and evaluates the impact on affected staff.

Equality Impact Assessments are required by law, and pre-empt the possibility that a proposed change could affect some racial groups/ men/women/people with disabilities unfavourably. Unfavourable treatment could mean that the Council is failing to meet its statutory duties under the Race Relations Act, Disability Discrimination Act and Sex Discrimination Act to eliminate unlawful discrimination and promote equality of opportunity. If EIAs are not carried out, the Equality & Human Rights Commission can commence enforcement proceedings against the Council.

Line managers should use the Council's Equality Impact Assessment toolkit to evaluate the impact of the business reorganisation/change to terms and conditions [[Link](#)].

The Equality Impact Assessment will form part of the collective consultation process as set out in stage 2 of the procedure.

6. Keeping records

It is important that written records are kept of all stages of the process, including minutes of meetings and all communications with unions, employee representatives and individual employees.

Where there is a dismissal, records must include:

- why the manager contemplated dismissing the individual;
- any views put forward by the employee;
- the reason/s for deciding to dismiss;
- whether an appeal was lodged;
- the outcome of the appeal;
- any grievances raised during the process.

In addition, copies of meeting records should be given to the employee if requested .

7. Appeal against Dismissal

If an employee does wish to appeal he or she must submit their appeal in writing to a manager (in the service area managing the change) within 5 working days of receiving the decision letter. This manager should, as far as is reasonably practicable, be more senior than the manager who made the decision appealed against and must be on the same level of seniority as the manager who made the decision appealed against. In exceptional circumstances it might be appropriate for the manager hearing the appeal to extend the deadline and cases should be judged on their individual merits. The appeal must be in writing and must be clear and specific about the grounds of appeal . At the discretion of the Assistant Director (Human Resources and Diversity) or his/her delegated representative the right of appeal may be disallowed where the letter of appeal does not meet these requirements. Appeals will be addressed and dealt with only in writing. Normally a decision will be issued within 20 working days.

Grounds of Appeal

An employee has the right of appeal against dismissal taken under this procedure on the following grounds:

- The decision – maker came to a conclusion on a material point of fact which no reasonable person could have come to
- Failure to follow this procedure which had a material effect on the decision
- The decision to delete the post/select the employee for redundancy was one which would not have been reached by any reasonable person
- There is information which the employee wishes to introduce for the first time at the appeal which the employee could not reasonably have provided to the decision maker by the time the decision was made and the absence of which had a material effect on the decision.

Appeals will not be allowed on any other grounds.

It will only be permissible to overturn the decision to delete/ the decision to select for redundancy if the manager hearing the appeal is satisfied that it would be reasonably

practicable to implement such an appeal decision, having regard in particular to the impact on service delivery and other staff.

The decision of the appeal is final.

8. Monitoring the Managing Change Policy

The Council will regularly monitor the Managing Change Policy to ensure that the purpose of the Policy is being achieved, those using the Policy abide by the operating principles and procedures and that the standards expected of managers in its application are being achieved.

9. Link Policies

- Recruitment and Selection Policy
- Redeployment Policy (Appendix 8)
- Redundancy and Severance Pay (Appendix 4)
- Pay Protection (Appendix 3)



Managing Change

Procedure

February 2010

The Procedure

1. Stage 1: Define the extent and nature of the change / reorganisation

In approaching a service or business reorganisation, managers must:

- **Define the purpose or business objective(s) for the change**, for example a need to reduce service costs by £x by a specific date or period or introduction of new service performance indicators / new service delivery methods e.g.. joint provision.
- **Develop clear proposal for change including revised organisation** and workforce structure, new ways of working, skills and workforce development requirements.
- **Review and compare the current versus the proposed organisation structure and workforce requirements** and identify any requirements for change in relation to staffing establishment, working arrangements, skills or knowledge.
- **Take account of the existing establishment** and the extent to which this would need to be changed to achieve the new business or service objectives as below:

Type of Change Required	Impact on existing workforce	Outcomes
Function or service no longer required	Existing jobs are no longer required	Redeployment Redundancy
Function or service remains, but will be delivered differently e.g. new systems or terms and conditions	Some job functions remain without any reduction or change in purpose	Assimilation (Job-matching)
	Same or similar number of staff required but the job functions, roles and or working arrangements change	Assimilation
	Existing jobs functions remain but some change in the role or working arrangements	Assimilation
	Existing jobs functions remain but reduction in staff required to perform the jobs	Competitive Assimilation Redeployment Redundancy
Function or service to be delivered in partnership	As above + contractual change e.g. change in terms and conditions linked to new employer / management arrangements	Contractual (Appendix 7 & 8)
Function / Service to be contracted out	Business transfer of existing job functions to new external employer	TUPE Regs apply – {link}

The following are examples of where a job may have ceased or changed to a significant extent:

- (i) The duties of the 'new' post are so different that the nature of the job has fundamentally changed and/or a fundamentally different set of skills are required
- (ii) A key component of the job is significantly different and or the way the job will be delivered requires a different skill set e.g. involves the use of significantly different systems and/or technology.
- (iii) The 'new' job requires qualifications that the 'old' job did not e.g. a license to practice; CQSW.
- (iv) Terms and conditions have changed resulting in a significantly different working pattern.

In the above scenarios the manager needs to identify the appropriate options e.g. additional training/development, assimilation and/or redeployment. Where agreement to new terms or working conditions is required contractual changes may be involved – **see Appendix 5 & 6.**

- Where an existing job remains, with no, or hardly any, change at all, then managers will be required to inform the affected employees and consult with them and receive any views they wish to put forward.
- Employees' contracts should allow the Council to require them to work in any of the Council's offices and in this procedure a change in work location refers to a major relocation of the business e.g. a change that would require the employee to move their home or result in an unreasonable journey to and from work, eg a location outside the borough.

Change by contractual authority

A contract of employment can be changed provided a flexibility clause clearly allowing the change is contained within the contract. Reasonable notice of the change must be given to the employee following consultation on the reasons for the change and consideration of the employee's views. The procedure to be followed is set out in Appendix 5.

Change by mutual consent – dismissal/reengagement where no agreement is reached

It is advisable to get the employee's written agreement to any contractual changes. Any such agreement must be made voluntarily and the written agreement should say it has been made voluntarily.

Where the employee does not agree to the changes, the contract of employment should be terminated with notice and an offer of re-engagement should be made on the new terms and conditions. A dismissal in this instance can lead to an unfair dismissal claim even if the employee accepts the new job.

When assessing whether the 'dismissal' is reasonable, the following should be considered:

- i) was there a sound business case?;
- ii) was a reasonable procedure followed, including consulting with the employee?;
- iii) where reasonable objections to change were put forward, did the employer attempt to reach some form of compromise?
- iv) were the changes free from discrimination?
- v) was a new contract offered at the end of the notice period on the revised terms?
- vi) were attempts made to look for alternative employment?

Dismissal should be the last resort and may only happen after a reasonable process has been followed.

Establishing a sound business case is a two stage process:

- (i) there must be a real business need built on sound economic, operational, organisational or administrative grounds;
- (ii) the method chosen to achieve that business need is a rational way of achieving the results required;

The procedure to be followed is set out in Appendix 6.

2. Stage 2: Authority to progress change proposals

Once managers have established the business case for change and developed proposals as above, the following authority / approvals must also be in place:

Establishment Control

Establishment control protocols must be followed e.g. authorisation to create or change establishment.

Standing orders

Check Standing Orders and delegated powers under the Constitution to see if Committee or Executive approval is required for any proposed changes. Currently the Executive must make the decision concerning the restructure if it would or would be likely to result in the redundancies of more than 20 people.

The Constitution states that Members must make a decision concerning a restructure if it would or is likely to result in redundancies of more than 20 people.

Finance Approval

You will need to notify the Director of Finance of any proposed redundancy situation as soon as it becomes apparent.

Equality Impact Assessment

You will need to carry out an Equality impact Assessment. Please refer to the Equality Impact Assessment procedures – **Link** for full details.

Job Evaluation

All posts within the new organisation structure need to be evaluated by HR in accordance with the Council's job evaluation procedure.

3. Avoiding compulsory redundancy

Before consultation, management should consider the following ways of avoiding redundancy:

- The process of natural wastage, where possible within the Council's financial constraints
- Deletion of vacant posts
- Recruitment restrictions
- Retraining staff
- Reduction or cessation of overtime working other than contractual or emergency overtime.
[n.b. To avoid overtime working, some changes in normal working hours may be necessary.]
- Retirement of those employees already beyond normal retirement age (nb a statutory procedure under which the employee can request to work beyond normal retirement age must be followed – see the guidance “ Request To Work Beyond Retirement”).
- Termination of casual/ agency workers and non renewal of temporary or fixed term contracts (nb for the purposes of unfair dismissal claims non-renewal of a fixed term contract counts as a dismissal)
- Freezing the filling of posts which may offer the prospect of redeployment and give “at risk” staff first consideration for such vacancies
- Voluntary reduction in hours
- Any other means the Council may consider necessary in consultation with employee representatives. e.g. short-term deferment of redundancy date if a suitable vacancy is anticipated within a reasonable time scale (say three months)
- [n.b. The foregoing factors will need to be balanced by consideration of the needs of the service.]

4. Stage 3: Consultation on change proposals

Once proposals are developed and approved managers must ensure that individuals and groups of staff and trade unions are properly informed and consulted. The purpose of the consultation stage is to communicate with and involve affected staff in the development and implementation of the change proposal.

The aim of the managing change policy is where practicable to minimise redundancy due to changing job requirements. The statutory requirements are focused on consultation regarding potential dismissals or changes in terms and conditions. Where new ways of working rather than redundancy is the objective of the change proposal the consultation process and documentation should clarify the purpose and outcome for staff. For example, the introduction of flexible and or new ways of working including systems, skills or training development.

Varying Employment Contracts

If employment contracts need to be changed for efficiency or service reasons, management will attempt to reach agreement through consultation with staff and trade unions at the earliest opportunity, in accordance with the formal consultation procedure.

If it is not possible to reach agreement with either the trade unions on a collective basis or individual employees it may be necessary to inform staff and their representatives that the change will be introduced from a stated future date. Employees will then be given the appropriate notice of termination of their existing contracts and offered immediate re-engagement on a new contract under the new or revised terms. Employees should also be told that given the need to recruit to their posts in the event they do not accept the new contract that the offer of reengagement on a new contract will only remain open for acceptance up to a specified date prior to the expiry of the notice of termination.

If a member of staff reasonably refuses to accept a new contract of employment or the new contract does not constitute suitable alternative employment, the redeployment procedures will be used to assist the employee in finding alternative work within the council.

Informal Consultation

Managers should ensure meaningful consultation by engaging staff early in the consultation process. Effective consultation can only occur where employees and their representatives are given detailed, clear and good-quality information with enough time to allow them to respond to management proposals before decisions are made.

Informal consultation and communication should also take place where managers are considering changes to working practices which fall outside of formal consultation processes.

Considering whether there is a redundancy

It will be necessary to assess if the proposals could mean making someone redundant. A redundancy will arise if an employee is dismissed wholly or mainly due to the fact that:

the employer has ceased or intends to cease to carry on the business for the purposes for which the employee was employed or to carry on the business in the place where the employee was so employed; or

the requirements of the business for employees

- to carry on work of a particular kind or
- to carry on work of a particular kind in a place where they were so employed, have ceased or diminished or are expected to cease or diminish

Formal collective consultation

See Appendix 2– Framework for Staff Consultation.

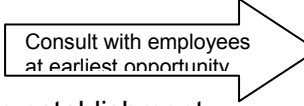
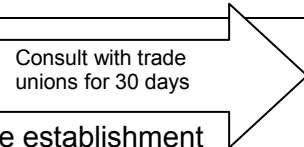
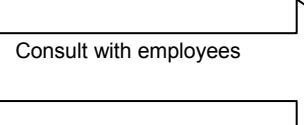
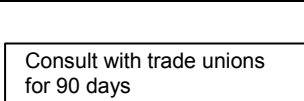
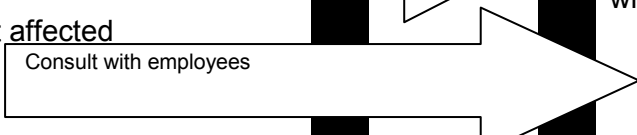
There is a statutory duty on the Council to consult recognised trade union representatives of affected employees where a manager is considering dismissing :

- 20 or more employees as a result of a business reorganisation or change in terms and conditions
- at one “establishment”
- Within a period of 90 days or less

Case law indicates that an “establishment” is the unit to which the affected workers are assigned to carry out their duties – it is not necessary that the management of the unit have the power to make redundancies nor that the unit has its own dedicated management nor that the unit has any legal, economic, financial, administrative or technological autonomy. Given this, the “establishment” that needs to be considered in deciding whether the statutory duty arises will be at the most the Service Unit in which the affected workers work and may in certain circumstances be a smaller part of the Council’s operation. If in a particular case what precisely is the “establishment” is unclear and the identity of the establishment will be relevant to whether the statutory duty arises, then managers should seek advice from one of the Council’s Employment Lawyers.

Affected employees are employees who may be affected by the proposed dismissals or who may be affected by the measures taken in connection with the proposed dismissals i.e. a reorganisation in one area may cause a re-organisation of work, in another area, in which case the recognised trade union representatives of the employees in the second area also need to be consulted.

Formal Consultation at a Glance

Group	30 calendar days	90 calendar days	Comments
Less than 20 employees affected at one establishment  Consult with employees at earliest opportunity			No set timescale. Need sufficient time for consultation to be meaningful but normally a minimum of 15 calendar days (can be 2 weeks but must ensure adequate consultation)
20 or more employees affected at one establishment  Consult with trade unions for 30 days  Consult with employees			Consultation with employees must conclude only after the consultation with unions has ended.
100 or more Employees at one establishment affected  Consult with trade unions for 90 days  Consult with employees			Consultation with employees must conclude only after the consultation with unions has ended.

The statutory time limits require that the consultation process must begin in good time before any dismissals are likely to happen but in any event no later than:

Number of employees involved:	Timescales:
Involving 100 or more employees	90 days before the proposed date of the first dismissal
Involving 20 – 99 employees	30 days before the proposed date of the first dismissal

The 'number of employees involved' is based on an estimate of the number of positions where dismissal may be the outcome. The fact that the Council may be confident that employees will accept their change of role or accept redeployment or voluntary redundancy does not alter the starting total.

Managers should assume that consultation is required to start at the point that dismissals might be possible, rather than waiting until there is a firm proposal.

"Recognised trade union representatives" will be representatives of the trade unions recognised by the Council for collective bargaining purposes for the employees affected, whether or not they actually have any members in the area affected by the dismissals.

Timescales

Formal consultation is a minimum of 15 working days. Longer or shorter periods can be agreed with the recognised trade union representatives. When the consultation has finished (which may be before the end of the consultation period) , where no Committee decision is required, the proposals as amended by the consultation process will be implemented,

Notice to Secretary of State

The Council is required to notify the Secretary of State for the Department of Business, Innovation and Skills on form HR1 of proposed dismissals as a result of a business reorganisation or changes in terms and conditions involving 20 or more employees at one establishment within a period of 90 days or less. Notice must be given before any of the employees are given notice of dismissal. Where the Council proposes to dismiss 100 or more employees at one establishment within a period of 90 days or less the HR1 form must be given at least 90 days before the first dismissal is proposed to take effect. Where the Council proposed to dismiss 20 to 99 employees at one establishment within a period of 90 days or less the HR1 form must be given at least 30 days before the first dismissal is proposed to take effect. The HR1 can be obtained from <http://www.dbis.gov.uk/er/redundancy/hr1.pdf>. It must be completed by the Directorate HR Manager and forwarded to the Department of Business Innovation and Skills, Redundancy Payments Office, 83-85 Hagley Road, Birmingham B168QG.

A copy of the HR1 form should be sent to the Branch Secretary of each of the recognised trade unions/employee representatives).

Commencing Consultation

Formal consultation begins with information being provided to each of the trade union representatives. This will be in writing to the Branch Secretaries of those unions.

The information must include the:

- reasons for the contemplated dismissals;
- numbers and types of jobs of those who may be dismissed;
- total number of people employed in those jobs at the establishment in question
- proposed method of selecting those who may be dismissed;
- the proposed method of carrying out the dismissals and the period over which they will take place

The consultation will normally be carried out by the Head of the Service Unit in which the dismissals/contractual changes are proposed. Exceptionally, the initial notice to representatives and first consultation meeting may be handled corporately by Human Resources where dismissals are proposed across the Council.

The consultation process will include:

- seeking views about the ways of avoiding dismissals; and
- reducing the numbers of employees who may be dismissed
- mitigating the consequences of the dismissals

Consultation must aim to reach agreement with the representatives, through a genuine exchange of ideas and opinions. If alternative proposals are put forward by the representatives, they must be considered and if rejected, written reasons provided.

Union representatives must be given the facilities to report back to, and seek the views of, the employees they represent. Where possible, joint communiqués should be used to summarise the issues discussed, the points agreed and matters for further consideration.

Failure to comply with any of the statutory collective consultation duties may result in compensation payments being awarded in favour of the affected employees against the Council. In addition, a procedural failure could render the dismissals unfair.

Individual staff consultation

An individual consultation meeting enables each employee to consider the implications for them personally and put forward their views. This exchange of views should be made in a formal meeting at which the employee has the right to be accompanied by a trade union representative or work colleague. Their views should be listened to and given careful consideration.

Individual consultation can commence before the collective consultation stage has been completed. However, meaningful consultation with Trade Unions means that proposals can change significantly during the consultation period. If changes impact significantly on employees, then it is important that they are told about these changes. In all cases, the meeting that confirms the outcome of the individual consultation (the determination meeting), cannot take place until after collective consultation has concluded.

A checklist showing how to undertake individual consultation is set out in the Key Stages of the Process – Appendix 2, Step 3.

Absent Staff

Staff who are absent from work must also be consulted, for example, employees on long-term sickness, maternity leave, adoption leave, parental leave, paternity leave, emergency family leave and secondment should not be overlooked. It is also important to adapt to the circumstances, e.g. by visiting an employee at home. Particular care must be taken when dealing with long-term ill health situations and the

employee's condition must be assessed before deciding upon the most appropriate course of action.

Closing the consultation phase

At the end of the consultation phase the final outcome and decisions regarding the final proposals should be clearly communicated to individuals and trade unions including the timetable for implementation, if revised from original timescale including in consultation documents.

Group and/or individual meetings should be held with staff affected to confirm the outcome of the consultation Staff and trade unions should be consulted on the proposed implementation plan.

Establishment of a selection pool

In carrying out a redundancy exercise management should begin by identifying the group of employees from whom those who are to be made redundant will be drawn. This is the "pool for selection" and it is to these employees that management will apply the chosen selection criteria and determine who will be made redundant.

In the event of an establishment closing down or a complete function ceasing to operate, then consideration will need to be given by management concerning whether the employees directly affected will be the selection pool or whether these employees and other employees should make up the selection pool. Provided the management decision concerning the scope of the pool is one which a reasonable person could have made then this decision will withstand legal challenge. Factors to be taken into account in determining the pool include whether there are other groups of employees doing similar work to the directly affected employees, whether the jobs of the directly affected employees and the other employees are interchangeable (i.e whether the directly affected employees could do the other employees' jobs) , whether t an employee's inclusion in the pool is consistent with his or her previous position and whether the selection pool chosen was agreed with the relevant trade unions. .

Similarly, where it is evident that the redundancy applies to one or more specific posts, consideration will need to be given by management concerning whether the holders of the specific posts will be the selection pool or whether these employees and other employees should make up the selection pool.

It is advisable to obtain details of redundancy entitlements of the employees in the pool.

There should be consultation with trade unions on the pool for selection in order to avoid potential dispute at a later stage of the process.

5. Stage 4 Implementing reorganisation and change proposals

Implementing change is a management responsibility and must be completed with HR assistance to ensure a consistent and objective process. HR advice will be required prior to implementing job-matching, ring-fencing or redundancy selection procedures. In order to avoid compulsory redundancies managers should first identify the potential for:

- Assimilation
- Early retirement

- Voluntary and transferred (bumped) redundancies

Job matching and Selection Criteria

Job-matching and selection will always be based on matching the employee's skills, knowledge and experience with the skills, knowledge and experience required by the person specifications for the new roles. Comparison between old and new jobs will be based on the new role's person specification to allow greater flexibility to place individuals into alternative jobs. The employee's performance in their current post can be taken into account, where relevant, in assessing whether s/he meets the new post's person specification.

Assimilation (job matching without selection)

Assimilation applies where an employee is matched to a post without the need for an interview and the:

- new or existing post is available in the same service unit or Council wide if looking at functional groups (e.g. Accountants across the council) and the post is substantially similar to the post which is being deleted or changed
- new or existing post's grade is no more than two above or one below that of the post being deleted or changed ; and
- there is the same number or fewer potential redeployees than available matching posts

A match will need to be undertaken between the employee's skills profile and the new post's person specification . The skills matching process is carried out by the manager responsible for the new post . HR will support managers to undertake the skills matching process. See Appendix 7 for the skills-matching process.

Competitive Assimilation (job-matching with selection process)

- Competitive assimilation will apply where substantially similar roles are available within the same service unit or Council wide if looking at functional groups but there are more potential redeployees than available matching posts
- As with above a match will need to be undertaken between the employee's skills profile and the new post's person specification. The skills matching process is carried out by the manager responsible for the new post . HR will support managers to undertake skills assessment. The potential redeployees will need to be interviewed to decide which of them gets the job(s),

As with assimilation, staff must be considered for roles that are at most 1 or 2 grades up or at most 1 grade down from the grade of their existing post to enable greater flexibility for managing change.

Ring fenced interviews

These will take place when :-

- There is a new or existing post available in the same service unit
- The new or existing post's grade is no more than two above or one below that of the post being deleted or changed

(If posts meeting these criteria exist the employee should be provided details and invited to complete a skills profile)

- The employee is willing to attend a ringfenced interview and has provided a completed skills profile
- Following a comparison of the employee's skills profile with the new/existing post's person specification the employee appears to be potentially suitable for the new existing post.

In deciding whether at a ring-fenced interview to appoint an employee to a post the manager must decide whether and to what extent the employee meets the post's person specification. The employee's performance in their current post can be taken into account, where relevant, in assessing whether s/he meets the post's person specification. In addition to the criteria set out in the person specification the employee's attendance and conduct record over the previous two years or since they started employment (whichever period is the shorter) and their timekeeping record over the previous six months or since they started employment (whichever period is the shorter) should also be taken into account in deciding whether to select him/her for the post.

As a general rule the process should be as informal as possible in order to reduce stress for the employees involved.

If successful, the terms and conditions of the new role will be confirmed in writing by way of the offer of a new contract of employment and upon acceptance the employee will be deemed to have accepted the alternative job.

Employees may express an interest in particular posts at the individual consultation stage. If so they should be provided with details of the posts and invited to complete a skills profile.

There is no right of appeal against the outcome of the job-matching process. An employee can write to ask for the outcome of the job-matching process in their case to be reviewed if they feel the outcome involved breach of this procedure. The review will only be carried out if the employee gives clear and specific reasons for why this procedure was breached. The manager who made the queried decision will normally carry out the review in consultation with their HR Adviser. The employee should be informed in writing of the outcome of the review and the reasons for the outcome.

Where an employee fails to participate in the job-matching process selection of the employee for a new role may take place by management assessment without the employee's participation (for example by using documents and other information about the employee).

Where staff are successfully matched to new posts in the structure changes must be confirmed to the successful candidates in writing within one month of taking up the post.

Where staff are not successfully matched to new posts they will form part of a redundancy / redeployment selection pool. (See below)

If an employee is offered a post as a result of the job-matching process, then subject to the right to a trial period the employee will lose his/her right to any redundancy payment due. In order to ensure the right to a redundancy payment is lost the offer must be made before the ending of the employee's current contract of employment

and the new employment must start within 4 weeks of the end of the employee's current contract of employment.

6. Stage 5 Redundancy

It is important that the Council retains the best people - those most capable of delivering the services required. The selection criteria for redundancy will be based on the skills, experience, qualifications and performance levels required to undertake the new duties i.e. the selection criteria are based on who the Council needs to keep and not who it might most appropriately lose. It is important for organisational effectiveness that this principle is maintained throughout the process.

The selection criteria for redundancy may include:

- Competence (Skills and experience)
- Standard of work performance or aptitude for work
- Attendance and disciplinary record

Recognised trade unions should be consulted over which selection criteria for redundancy are used. The Council will make every reasonable effort to give existing staff an opportunity to obtain a post in the new structure and avoid redundancy. However, when an organisation is changing, redundancies are sometimes inevitable.

Voluntary redundancy

Volunteers for redundancy should normally be invited from the group of employees who are vulnerable to redundancy. However, the decision whether to accept a request by an employee to take voluntary redundancy is at the discretion of the Council, who will retain the employees best suited to the 'new' jobs. This should be made clear to staff who volunteer for redundancy.

Bumped redundancy

Bumped redundancy may also be appropriate. HR advice should be sought prior to finalising a redundancy decision.

A bumped redundancy is where an employee (who is not in the original redundancy selection pool) volunteers to be made redundant and their job is given to the potentially redundant employee. Bumped redundancies can only take place where a redundancy situation has arisen and the manager is satisfied that a bumped redundancy is in the interests of the Council. Full account should be taken of the costs of such a proposal. In all cases of bumped redundancy arrangements for the redeployment must be finalised before agreeing to the release of the volunteer.

Determination Meeting

Where individuals are selected for redundancy a determination meeting should be held to confirm the outcome of the consultation stage to those employees who are to be dismissed.

Managers should write to the employee setting out the response to any views expressed and invite them to a meeting (accompanied by a work colleague or Trades Union Representative if they wish). The meeting should be held at a reasonable time and place and the employee must take all reasonable steps to attend.

If the decision is to dismiss the employee, the manager should confirm the decision, the reasons, the date employment will end and any entitlements (such as redundancy payments) and appeal rights.

The meeting should be as supportive as possible. It is important the employee properly understands the position and what will happen now. The manager should explain to the employee that they are now a redeployee and follow the redeployment policy.

The procedure for managers to follow when handling redundancies can be found in Appendix 3 at the end of this Policy. The procedure must be followed carefully.

After the meeting, the manager should provide the employee if requested with a copy of the notes of the consultation and determination meetings; and confirm their appeal rights.

Authority to Dismiss

Any decisions resulting in dismissal must be approved by a manager authorised to dismiss the employee

Notice of Dismissal

Where it is necessary to issue a notice of dismissal for reasons of redundancy, the letter should either be handed to the employee or hand delivered to their home address or posted to their home address by recorded delivery. The letter should:

- give contractual or statutory notice, whichever is the longer
- give the date of termination
- give the reasons for dismissal
- provide details of payments due, including any redundancy/severance pay
- offer support and assistance (see Redeployment Procedure).
- confirm the employee's appeal rights

7. Stage 6 Redeployment and suitable alternative employment.

Where it is not possible to match staff to new roles in their Service Unit they will be given notice of dismissal and immediately be placed on a redeployment register and the council's redeployment policy will apply.

If the employees' role has changed due to council wide reorganisation, then vacancies across the Council will be considered for that particular type of role (e.g. a council-wide change to the way the council manages Finance, will result in vacancies in all relevant Finance functions being considered).

Where staff are successfully matched to an available vacancy – a four week trial period will apply. The trial period may be extended by agreement at the outset to take account of any agreed training. (e.g. if the employee needs to acquire new skills as a result of new ways of working or technology). The agreement must :-

- Be in writing and be made before the employee starts work under the new contract
- Specify the date on which the period of retraining will end
- Specify the terms and conditions of employment that will apply to the employee after the end of the retraining period

In normal circumstances the trial period should be for a maximum of 8 weeks.

Protection of pay upon being placed in an alternative job

Where the alternative post accepted by the employee is graded below the employees' current grade, the Pay Protection Policy applies (see Appendix 3)