



Organisational Change Policy

DOCUMENT CONTROL	
Owner:	Head of HR Business Services
Document Control:	HR Business Support
Date Live From:	January 2018
Review/Approval Group:	Partnership Policy Review Group/Area Partnership Forum
Last Reviewed:	December 2017
Review Due/Cycle:	Every 2 years

1. Introduction

- 1.1 NHS 24 is committed to supporting staff affected by organisational change by having a consistent process to support staff through any organisational change programme. This policy outlines support related to redeployment and retraining staff, ensuring retention of skills and experience for the benefit of the organisation and staff members.

2. Principles and Values

- 2.1 The key principle underpinning organisational change policies is that staff members will suffer no detriment as a result of organisational change.
- 2.2 NHS 24 is committed to placing or redeploying staff members subject to organisational change into substantive posts where possible.
- 2.3 It is the responsibility of the local management to manage an individual's redeployment with appropriate central support.
- 2.4 In considering redeployment options for staff members linked to organisational change, contact centres within a reasonable geographical location will be required to support the redeployment of individuals.
- 2.5 When applicable, staff members subject to organisational change will be expected to move with their service and this will be the first option in all instances. Thereafter redeployment options will be explored in close or neighbouring contact centres/departments before moving out to wider services.
- 2.6 Strategic management of workforce planning and vacancies will underpin all redeployment and voluntary redundancy processes.
- 2.7 NHS 24 is committed to providing support to staff members to help them secure alternative employment if this was to become necessary.
- 2.8 NHS 24 acknowledges the right of staff to be involved in decisions that affect them.. Accordingly, the trade union and professional organisation representatives will be involved at all stages as follows, identifying key issues; generating and appraising options; consultations and communications with staff; implementation of the organisational change.
- 2.9 All options for redeployment will be thoroughly explored and evidenced before voluntary redundancy is considered as a business option.
- 2.10 No manager or staff member can unreasonably refuse to accept a redeployment match for a post, if the staff member is a match.

- 2.11 NHS 24 recognises that there will be exceptions to the above position/s and that the processes will need to have a degree of flexibility to deal with more complex and individual needs of staff members when necessary.
- 2.12 NHS 24 will ensure that no-one is treated in an unlawful and discriminatory manner in the workplace because of their age, disability, gender reassignment, marriage or civil partnership, pregnancy or maternity status, race, religion or belief, sex and sexual orientation. This applies to all employment practices including the management of organisational change.
- 2.13 NHS 24 aim to ensure that all staff members are treated in a fair and equitable manner and with dignity and respect in accordance with the organisational values set out in the NHS Scotland Workforce 2020 Vision Plan.

3. Purpose

- 3.1 NHS 24's Organisational Change Policy is designed to enable change and ensure security of employment and terms and conditions where possible. This policy also promotes that every effort will be made to ensure the continued employment of staff.
- 3.2 NHS 24 recognises the importance of having clearly defined and comprehensive procedures for dealing with organisational change and is fully committed to ensuring sensitive, open, fair and equal treatment for all staff affected by any change.

4. Scope

The policy applies to all staff members of NHS 24.

- 4.1 The policy applies equally to all staff within NHS 24 irrespective of race, disability, gender, sexual orientation, religion or belief, age, gender identity or gender expression, partnership status, political conviction, and membership or non-membership of a trade union/professional organisation pregnancy or maternity, marriage or civil partnership.
- 4.2 Throughout all stages of this policy and procedure staff have the right to be represented by a Trade Union/Professional Organisation Representative, or accompanied by a fellow member of staff not acting in a legal capacity.
- 4.3 This policy will be applicable to all staff members when:
 - (a) they are displaced as a result of their substantive post ceasing to exist or altering substantially; or
 - (b) their posts are at risk due to organisational change; or
 - (c) their post remains substantially the same (and not at risk) but there is a change which requires contractual adjustment, other than as provided for in the contract.
- 4.4 This policy is not designed to cover minor changes affecting only a few individuals.

These can and should be dealt with through appropriate local consultation and partnership arrangements, for example Directorate name change, job title change etc.

5. Definition

Organisational Change is defined as a structural or organisational change in the way services within NHS 24 are organised, which may have significant changes for staff such as an impact on their employment, pay and conditions of service or roles and responsibilities within NHS 24.

6. Glossary of Terms

6.1 Redeployment

Redeployment for the purpose of this policy and procedure is the process of securing alternative employment for staff members displaced as a result of organisational change.

6.2 Displaced

A member of staff who holds a substantive permanent post (or holds one of several broadly similar posts) which is substantially altered or likely to disappear (or be reduced in numbers) as a result of the organisational change.

6.3 At Risk

Posts at risk are those which are likely to be substantially altered, reduced in number or which disappear as a result of the organisational change.

6.4 Equivalent posts

Posts of the same grade or fulfilling similar functions or posts with similar job or role descriptions to the existing post held by staff at risk. This can be identified through the KSF outline of the existing post being matched to the equivalent post.

6.5 Eligible staff

Those affected by the organisational change.

6.6 Vacant Post

A post newly created, recently vacated or emerging from the organisational change.

7. Legal Framework

The main legislation related to Redeployment is set out below:

- Employment Rights Act 1996
- Trade Unions & Labour Relations (Consolidation) Act 1992
- Transfer of Undertakings (Protection of Employment) Regulations 2006 (TUPE)
- Health & Safety at Work Act 1974
- The Equality Act 2010

- National Agenda for Change Terms & Conditions of Employment
- National Health Service Terms & Conditions for Medical & Dental Staff (Scotland)
- Staff governance legislation as detailed in part 3 of the NHS Reform (Scotland) Act 2004

8 Application of the Policy

- 8.1 There are several national arrangements which directly apply to the application and implementation of this Policy. The key principle underpinning organisational change policies is that staff members will suffer no detriment as a result of organisational change. The following circulars explain this element in more detail; NHS MEL (1999)7, NHS MEL (2000)22; and NHS HDL (2001)38.
- 8.2 In recognition that redeployment may not be the only outcome in a change programme the following NHS circulars apply to staff members as appropriate to the particular staff group as detailed in NHS Circulars: PCS(RED)2006/1; PCS(DD)2007/1; PCS(RED)2006/1 Addendum; and CS(RED)2006/1 Addendum : PCS(DD)2007/1 Addendum.
- 8.3 In making offers of suitable alternative employment, excess daily travelling expenses will be paid in accordance with the terms and conditions of the appropriate staff group, as set out in the relevant NHS Circulars and NHS Terms and Conditions of Service Handbooks.

9. Partnership Approach

- 9.1 NHS 24 recognises it has a statutory obligation to consult with Trade Unions/Professional Organisations.
- 9.2 NHS 24 acknowledges the right of staff to be involved in decisions that affect them, particularly during periods of organisational change. Accordingly, trade union and professional organisation representatives will be involved at all stages
- 9.3 A Partnership approach will apply to the management of organisational change, or voluntary redundancy. It is expected that all planned major change initiatives will be discussed fully at the Employee Relations Group or sub group of the Area Partnership Forum. The proposed change on a group specific basis will be subject to full Trade Union engagement with a view to seeking agreement. This will ensure that staff input and concerns are identified and considered at an early stage. Trade Union/Professional Organisation Representatives will be provided with all information for involvement.
- 9.4 Formal consultation with the trade unions and professional organisations on any proposed changes will take place at the formulation stage.
- 9.5 Consultation and communication with all staff likely to be affected by the changes is also essential; this may be on a group and/or individual basis, as appropriate, involving local staff representatives. The outcome of such consultation will be reported through the Head of Human Resources Business Services to the

Executive Team, NHS 24's Area Partnership Forum and the Employee Relations Group. Every effort should be made to reach a consensus on which proposal(s) are to be taken forward.

10. Main Roles and Responsibilities

When the process of redeployment has begun the following roles and responsibilities will be expected of the individuals outlined:

10.1 Departmental and Local Management.

- Develop written proposals, action plans, monitoring mechanisms and any required documentation associated with the proposed change e.g. job descriptions and KSF outlines.
- Involve staff representatives at the formulation stage
- Work with HR to minimise any adverse impact on staff by appropriate use of natural turnover, temporary employment opportunities and the use of work-life balance policies and initiatives
- Work with HR to assess training needs and ensure delivery of appropriate training;
- Maintain regular communications with all staff involved
- Inform all relevant stakeholders of the intended changes.

10.2 Human Resources (HR) Function

- Ensure overall adherence to the agreed policy procedures
- Compile and maintain required workforce information
- Co-ordinate relevant aspects of the process, e.g. identification of existing terms and conditions of employment, matching and “slotting in”, recruitment and selection to new posts, redeployment, evaluation of outcomes
- Provide support and guidance to individual members of staff
- Provide support and guidance to line managers in their discussions with individual staff members and trade union and professional organisation representatives throughout the process.

10.3 Trade Union and Professional Organisation Representatives

- Participate and work in Partnership in the formulation of options and proposals
- Be involved in consultation of any proposed changes
- Contribute to the development of action plans and relevant documentation
- Advise and support staff as appropriate throughout the various stages of the organisational change process

10.4 All staff

- Continue to undertake their existing role throughout the process
- Demonstrate commitment to agreed training and development plans
- Contribute constructively to the functioning of the service within their own operational area (old and new)

- Embrace changes that will assist the requirements of the organisation to evolve and improve service needs

11. Managing Organisational Change

11.1 Consultation on Options for Restructuring or Redesign

When organisational change is being considered, the Employee Relations Group will oversee the restructuring process. This will involve generating and agreeing options for the restructure. The Employee Relations Group or a Sub Group of the Area Partnership Forum will agree the options to be consulted upon, the consultation arrangements, the timescale and the evaluation mechanisms to be adopted. (When complex options are involved, there may be a requirement for more formal appraisal of all resource implications, with the assistance of professional advisers as necessary.) A suitable action plan, incorporating any necessary training needs, will be developed and implemented, and all relevant staff and stakeholders advised of the proposed changes.

11.2 Consultation on Organisational Change or Voluntary Redundancy.

11.2.1 NHS Scotland currently has a no compulsory redundancy policy and voluntary redundancy will only be considered once all other options are exhausted.

11.2.2 The Employee Relations Group or a Sub Group of the Area Partnership Forum has been identified as the group that will become involved in any organisational change or and will establish which representatives should be involved in any voluntary redundancy consultation process.

11.2.3 If voluntary redundancy has/is being considered due to the number of staff still exceeding service requirements, details should be given about how staff members will be selected for redundancy, and by whom.

11.2.4 The selection criteria will be tailored to suit the role, and will be agreed in partnership before consultation with staff commences. In any event, the selection criteria will be fair, consistent, relevant to the role, objective and non discriminatory.

11.2.5 Voluntary redundancy payments will be made in line with Section 16 of The Agenda for Change Handbook.

11.3 Selection Criteria and Appointment Process

To ensure that the right people are appointed to the right job, an agreed systematic approach will be taken in the process of appointing people to posts within the new structure as a consequence of organisational change or organisational change. Equally, in appointing people to these new posts, the process adopted will be fair, just, open to scrutiny and be in compliance with employment law and the requirements of the Staff Governance Standard, particularly with regard to ensuring staff are treated fairly and consistently.

11.4 The Employee Relations Group or a Sub Group of the Area Partnership Forum, or any such other group approved by the Forum in the future, shall provide guidelines on selection and appointment due to organisational change consistent with this Policy and the principles as follows:

- All staff are to be considered to meet the performance standards of their current post as organisational change or organisational change is not an opportunity to deal with performance issues.
 - Migration to the new structure should be by a process of matching by means of both “slotting in” or closed competition as appropriate on a function/grade (band) by function/grade (band) basis.
 - Posts cannot be filled in such a way that would cause a staff member to be displaced whose post was not part of an original grouping within the organisational or organisational change.
 - Selection criteria should take account of the needs of the service, skills sets required and length of service.
- 11.5 The Employee Relations Group or a Sub Group of the Area Partnership Forum supporting the organisational change will agree selection criteria and an appointment process, including the compositions of matching panels, in keeping with this Policy and the above selection and appointment guidelines.
- 11.6 If there should be a failure to agree within the partnership group as to selection criteria or an appointments process this should be escalated to the appropriate Director to resolve with local Trade Union(s) and/or Professional Organisation(s) concerned. Any failure to resolve the matter at the level of Director should be referred to the Area Partnership Forum (or any such other group approved by the Area Partnership forum in the future).

12. Communication

- 12.1 Following on from any organisational change being proposed in partnership the next step will be to notify the recognised Trade Union(s)/Professional Organisation(s) of the proposed changes and consult through the Employee Relations Group or Sub Group of the Area Partnership Forum supporting the organisational change with a view to seeking agreement prior to any major decision being finalised.
- 12.2 Under section 188 of Trade Union and Labour Relations (Consolidation) Act 1992 TULRCA, as part of collective consultation, where NHS 24 is proposing to dismiss as redundant more than 20 staff members from one establishment, that the representatives of the staff members are provided, as the first stage of consultation, with the following information, as a minimum.
- The reasons for the proposed dismissals.
 - The numbers and descriptions of staff members whom it is proposed to dismiss as redundant.
 - The total number of staff members of any such description employed by the employer at the establishment in question.
 - The proposed method of selecting staff members who may be dismissed.
 - The proposed method of carrying out the dismissals, with due regard to any agreed procedure, including the period over which the dismissals are to take effect.

- The proposed method of calculating the amount of any redundancy payments to be made (over and above the statutory redundancy payment) to staff members who may be dismissed.
 - "Suitable information" about its use of agency workers.
 - This information must be provided in writing
 - An HR1 form requires to be submitted to The Insolvency Service, in line with the TULRCA 1992 where 20 or more redundancies may occur, giving all appropriate representatives a copy.
- 12.3 During the planning and implementation of any organisational change, a meeting or series of meetings will be held with the staff members affected. The meeting will be addressed by an appropriate level of management, HR and Trade Union/Professional Organisation Representative(s). The meeting will outline what is happening, why it is happening and the way in which the change may be implemented.
- 12.4 Open and frequent communication will be encouraged. The following is a list of types of information/communication tools that can be used:
- Sharing of the planned workforce profile and timescales.
 - Briefings via local team meetings.
 - Key message bulletins within question and answer sheets.
 - Individual letters to staff, at least one intimating the staff member is at risk, giving the staff member the opportunity for one to one discussions and a final letter confirming the new/changed post and conditions including protection, if relevant.
- 12.5 Individual meetings will be held with staff members to ensure understanding of the organisational change process and to complete a Personal Questionnaire (see Appendix 2). Staff have the right to be represented by a Trade Union/Professional Organisation Representative, or accompanied by a fellow member of staff not acting in a legal capacity.
- 12.6 Even if there has been no progress management should inform staff so that uncertainty, rumour and speculation is minimised.
- 12.7 Staff members who are absent from the workplace during a period of organisational change (e.g. absence, maternity leave) require adequate levels of communication, comparable with that received by staff members who are at work. In conjunction with HR, local line managers need to remember to supply such staff with ongoing written communication about any planned change. There may be a requirement to meet the staff member to discuss matters.

13. Redeployment

- 13.1 If a need for redeployment arises then NHS 24 has a legal duty to ensure that any offer of redeployment is reasonable.

13.2 This will be carried out as per NHS 24 Redeployment Policy.

14. Protection

- 14.1 Staff will suffer no detriment as a result of organisational change to current terms and conditions of service, including income and earnings levels, which will be fully protected should staff be compelled to change job, responsibilities, location or hours of working. Contractual obligations will be met.
- 14.2 In the interests of the individual and all staff, NHS 24 will in line with their redeployment policy, offer/bring to the attention of staff on protected earnings, suitable posts on the appropriate grade/terms and conditions of service. A procedure for matching people to posts will be agreed with Trade Unions and Professional Organisations.
- 14.3 Protection will not be continued if such an offer is unreasonably refused.
- 14.4 Staff members can be expected, within reason, to work up to their protected earnings limit. Where staff unreasonably refuse to undertake such duties, protection will be suspended.

15. Alternatives to redeployment/voluntary redundancy

15.1 Training

- 15.1.1 The Board recognises that when a number of posts are at risk, this can leave post holders with little opportunity to find suitable alternative employment if a need for particular skills is essential. We also recognise that organisational change or organisational change can provide staff members with an opportunity to explore a different career path.
- 15.1.2 Where organisational change impacts on a staff member, opportunities to retrain or gain additional skills will be discussed at the onset.

15.2 Reduced Hours

- 15.2.1 In addition to seeking volunteers for voluntary redundancy NHS 24 can also ask staff in non-frontline posts if they wish to volunteer to reduce their working hours and, if so, they can apply to do so. It must be noted that any voluntary reduction in hours would involve a reduction in salary accordingly for the individual. Such applications would be judged on the basis of whether the reduced hours would require any cover or not and whether a reduced resource could be accommodated in that service area without being detrimental to the organisation and service users.

15.3 Voluntary Redundancy

- 15.3.1 The option of voluntary redundancy or early retirement will principally be considered with a business case and will in the first instance be considered for those services undergoing significant reorganisation and redesign. These will

be formally identified by the NHS 24 Executive Management Team.

- 15.3.2 Whilst NHS 24 is committed to the principle of retaining staff members in substantive posts it is recognised that there may be occasions when it is in the interests of both the organisation and the staff member to consider an exit on the basis of voluntary redundancy or early retirement from the employment of NHS 24. Staff members should seek advice from SPPA in relation to the terms and conditions that apply to early retirement options.
- 15.3.3 All such exits will comply with the terms and conditions of the appropriate staff group as set out in the relevant NHS Circulars and NHS Terms and Conditions of Service Handbooks.
- 15.3.4 In the event of a staff member not wishing to apply for voluntary redundancy or early retirement then the organisation may seek volunteers for voluntary redundancy or early retirement from those staff who work in different locations and do similar work. This may allow staff who wish to exit to be considered for voluntary redundancy / early retirement and if they then leave this would free up a post for someone who is at risk. This process should begin as close to the area where the 'at risk' staff are located and broaden out from there.
- 15.3.5 Overall it is recognised that there has to be a strategic management of vacancies to ensure that no suitable vacancies are filled which could be available for staff members subject to redeployment.
- 15.3.6 A manager must be able to evidence that they have taken all reasonable steps to avoid voluntary redundancy / early retirement.
- 15.3.7 All other reasonable alternatives must be explored before voluntary redundancy / early retirement is considered and there must be a formal agreement with the appropriate trade union that this stage has been reached.
- 15.3.8 All voluntary redundancy / early retirement options will be costed using an agreed process and formula which complies with the relevant NHS Circulars and NHS Terms and Conditions of Service Handbooks for the appropriate staff group.
- 15.3.9 There will be discussion and agreement on the distribution of work before any voluntary redundancy or early retirement is agreed.
- 15.3.10 Proposals for staff reductions must be clearly articulated within workforce plans and managed by means of this Policy.

16. Workers on Fixed-Term Contracts

Workers on fixed-term contracts will be covered by the organisational change policy and procedure for the duration of their contract. Staff members on fixed-term contracts will be placed and remain on the redeployment register during their notice

period. They should complete a skills profile in order that any vacancy can be considered prior to the end of their fixed term contract. Local management and HR will give assistance if necessary.

17. Grievance Policy and Procedure

Any staff aggrieved by the operation of this policy may pursue a formal grievance in accordance with the Grievance Procedure.

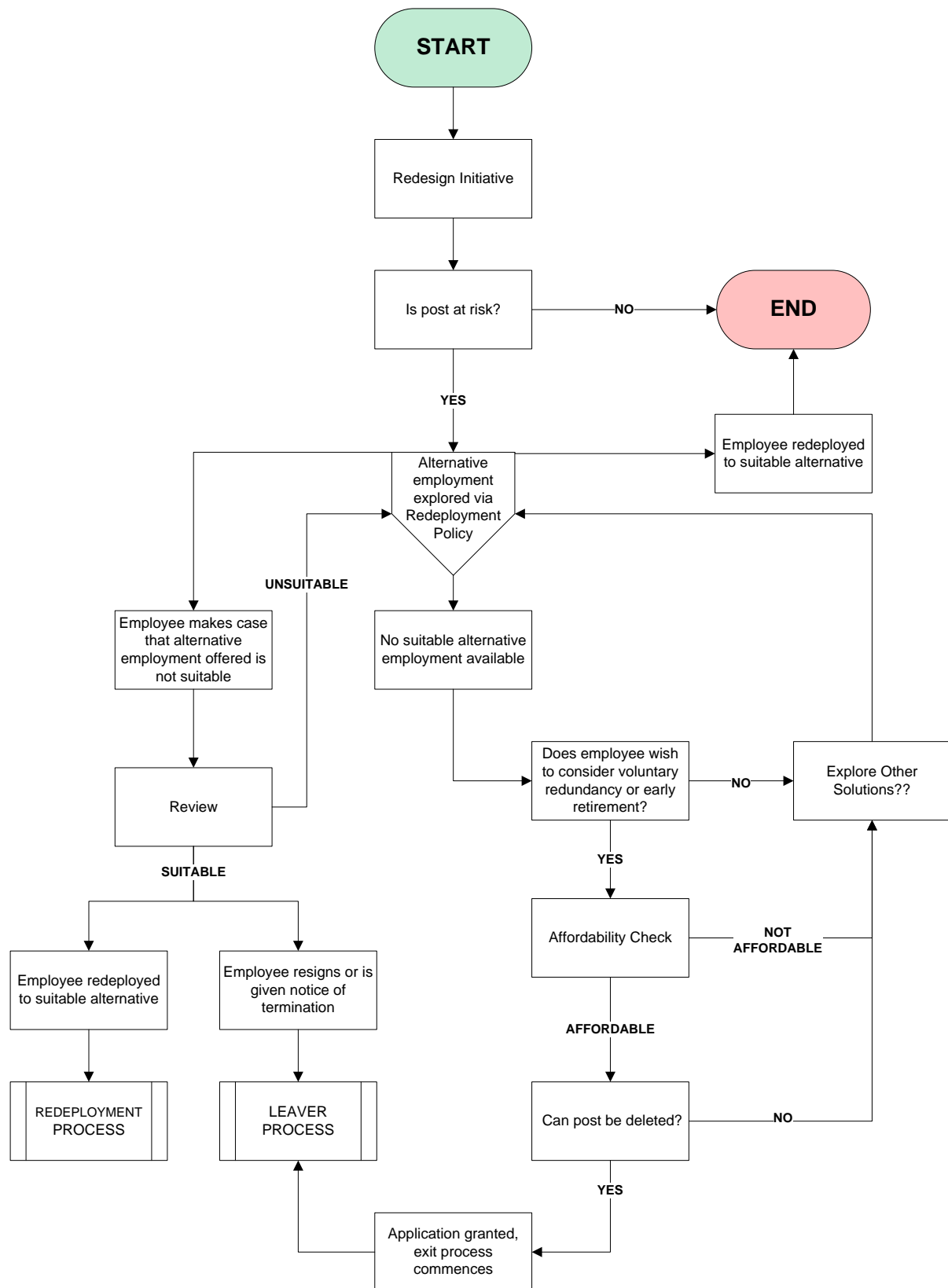
18. Equal Opportunities

The Policy will be impact-assessed and monitored for its effects in terms of equality and diversity.

19. Monitoring and reviewing

The Executive Lead of HR Business Services will have overall responsibility for the maintenance and operation of this policy, and will liaise as necessary with the Executive Team and the Board of NHS 24. This policy will be reviewed in Partnership on a 2-yearly basis.

APPENDIX 1



APPENDIX 2: Personal Questionnaire

PERSONAL QUESTIONNAIRE FOR (ORGANISATIONAL CHANGE) SECTION 1:

PERSONAL INFORMATION

Forename:.....Surname:.....

Pay Number:

Title:.....

Home Address:.....

Postcode:.....

Home Tel No:.....

Work Tel No:.....

Mobile:.....

SECTION 2: CURRENT POST

Post Title:.....

Current Substantive Band/Grade:.....

Current Base:.....

SECTION 3: CURRENT WORK PATTERN

Shifts: YES/NO

Details.....

.....

Contracted Hours of Work:.....

Part time Workers (Please indicate if you wish to discuss a change to your contracted hours)

YES/NO*

How many hours a week do you wish to
(Please note that any requests for a change of contracted hours will be discussed on an individual basis)

SECTION 4: PREFERRED OPTIONS
(Please tick your preferred location option.)

Location 1. Insert Location • 2. Insert Location •

Function (Please rank top 3 choices 1-3 with 1 being the first choice)

Insert detail
Insert detail
Insert detail
Insert detail
Insert detail
Insert detail

SECTION 5: CURRENT TRAVEL ARRANGEMENTS

How do you currently travel to and from
work?.....
.....

Distance from your home to your
work:.....
.....

Current Travelling Time:

Travelling Costs:.....

SECTION 6: DOMESTIC CIRCUMSTANCES

Please detail any domestic/personal circumstances which you wish to be considered.
.....
.....
.....

.....
.....
.....
.....
.....
.....
.....
.....
.....
.....
.....
.....
.....
.....
.....
.....

SECTION 7: ONE TO ONE INTERVIEW Please note it is not compulsory to request a one to one interview in advance of completing this questionnaire. Interviews will be offered to all staff whose preferred options cannot be met at the first round of matching.

Yes • No •

Staff Member Statement I confirm that I have provided the foregoing information. I am aware that the details will be held on computer for the purposes of assisting my future employment options and manpower planning in relation to service developments in the insert directorate/CHCP. I understand that I have the right of access to my own personal data held on computer

Signature:.....

Date:.....

APPENDIX 3**PROTECTION OF PAY – WORKED EXAMPLE**

1. This appendix seeks to explain the application of protection as detailed in the Policy.
2. When calculating protection, account will be taken of the individual's basic pay and any allowances e.g. on-call, standby, regular overtime and unsocial hours.
3. When calculating the amount to be included for allowances/overtime, the average payment over the two month period immediately preceding the date staff are notified of impending change, unless this is not representative of the normal working pattern. In such circumstances the previous two months will be used. The Manager should consult Human Resources and Trade Union/ Professional Organisation Representatives.
4. Total earnings in the new post will be calculated monthly on the basis of the arrangements appropriate to the new post. Where total earnings in the new post are less than the average level of earnings in the old post, the staff member will receive payment of the shortfall as protected earnings. Should earnings in the new post be greater than those in the old post, earnings in the new post will be paid. Protection will be suspended for any such pay periods. Staff can be expected, within reason, to work up to their protected earnings limit. It is not the intention that staff, in receipt of protected earnings, will be expected to undertake a proportionately greater level of duties, which attract additional payments than their colleagues. However the extent to which staff may be asked to undertake additional duties should not exceed that of the individual's working pattern prior to change. Where staff unreasonably refuse to undertake such duties protection will be suspended.
5. The attached paper gives a worked example of how protection will apply in practice.
6. Once initial protection has been calculated, the Payroll department will make any necessary adjustments in an on-going way to take account of pay awards and annual increments that would have affecting the protected grade/allowances of the old post. It is also recognised that staff are entitled to any uprating of leads/allowances where these are agreed for the former post.
7. Protection will only be paid in the new post in the same circumstances as it would have been paid in the old post. E.g if payments would not have been made during periods of annual leave or sick leave, they will not be paid during any such leave/periods in the new post. The Board will meet its statutory obligations, including the Working Time Directive of the European Union.

PAY PROTECTION EXAMPLE**Old Post**

Basic Pay £1300.00

Enhancements
487.50 £1787.50

New Post

Month 1		Total Earnings	Protection
Basic Pay	£1200.00		
Enhancements	0.00	£1200.00	£587.50

Month 2		Total Earnings	Protection
Basic Pay	£1200.00		
Enhancements	600.00	£1800.00	£0.00

Month 3		Total Earnings	Protection
Basic Pay	£1200.00		
Enhancements	450.00	£1650.00	£137.50

Pay rise of 3.225%

Protected Figure increases to £1787.50 + 3.225% = £1845.15

Month 4		Total Earnings	Protection
Basic Pay	£1238.70		
Enhancements	558.00	£1796.70	£48.45

The variable enhancements figure can be substituted by any variable protectable allowance previously the staff member was in receipt of in old post.