

STRONGER together



Lewes District Council



Working in partnership with Eastbourne Homes

CHANGE MANAGEMENT POLICY

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Contents

1.	Introduction	3
2.	Equality & Diversity	4
3.	Consultation with Employees and Trade Unions	5
4.	Implementing New Staffing Structures	8
5.	Selection Criteria and Interview	10
6.	Right of Appeal	11
7.	Voluntary Redundancy	12
8.	Displaced Employees and Redeployment	13
9.	Compulsory Redundancy	15
10.	Support for Employees	16
11.	Voluntary Early Retirement and Flexible Retirement	17
12.	Leavers and Knowledge Transfer	18
13.	Changes to Posts or Functions	19
14.	Managng after Change	20
15.	Other Polices and Procedures	22
16.	Appendix	22

Introduction

1.1 It is the Council's aim, where possible, to maintain secure employment for its employees. The purpose of this policy is to provide a procedure and guidance for managers and staff where there are proposed changes in their service areas. Following the processes outlined in this guidance will ensure that employees and the trade union are fully consulted with, that meaningful consultation takes place, and that the change process is managed in a way which ensures staff are treated fairly and consistently.

1.2 This policy contains guidance and procedures on managing change, restructure and redundancy, voluntary redundancy, redeployment and retirement.

1.3 The key principles that underpin these processes are:

- All employees will be treated with fairness, openness, integrity and trust.
- The processes will be consistent, robust and transparent.
- We aim to minimise the period of uncertainty and disruption for staff, whilst ensuring sufficient time for a fair and transparent consultation and selection process.
- Meaningful consultation will take place around proposed changes including any steps that might be taken to mitigate the consequences of any changes and/or reduce the number of compulsory redundancies.
- The Councils aim is to promote positive employee relations and morale by managing change effectively through employee and trade union consultations, timely planning and action to avoid compulsory redundancy where possible.
- There will be an opportunity for individual consultation for affected employees where there are proposed substantial changes to the job role.
- Employees will have the right to be accompanied at individual consultation meetings by a trade union representative or a work colleague employed by either Council.
- Selection will focus on the skills required for the future of the organisation.
- The Service Manager will be responsible for the management of their employees through the process including liaison with the recognised trade union, the organising of communications and logistics for meetings.
- An HR Business Partner will support both the Manager and the employees by advising on the relevant policy and procedure including process, slotting in, ring fencing and compilation of selection pools where required.
- The Councils' are committed to supporting at risk / potentially redundant employees with their search for suitable alternative employment and redeployment opportunities within either Council.
- The Councils' will minimise the use of agency staff and contractors where possible during any change process where roles are at risk.

- Recruitment to any vacant posts will be subject to scrutiny by CMT. Managers should complete a Vacancy Review form (appendix 1) for submission to CMT. Posts will not be externally recruited to without a clear rationale and CMT authorisation.

2. Equality & Diversity

- 2.1 Changes in the workplace must be implemented fairly. Some groups of staff may experience barriers to participating in and engaging with a restructure and/or redundancy process. For example, disabled staff or staff on maternity leave or long term sickness absence may face particular practical issues in engaging with aspects of the process. An early analysis of potential equality and diversity issues will ensure managers are effectively supporting their staff and complying with relevant legislation.
- 2.2 Where a staff member requires reasonable adjustments to attend and/or participate in consultation meetings, they may be accompanied by an appropriate person to provide support, in addition to their right to be accompanied by a colleague or trade union official. The manager responsible for the meetings at each stage will ensure reasonable adjustments and special arrangements are made. This includes ensuring information is in an accessible format, that meeting arrangements/venues are accessible to all parties and that reasonable adjustments are made to enable fair and complete participation by all parties. Staff members are invited to advise their line manager and subsequent managers of their needs and requirements to ensure they are fulfilled throughout the process wherever possible. This right is also extended to all meetings regarding an employee's employment.
- 2.3 At an early stage of any change proposals the manager is required to undertake an Equality Impact Assessment to identify and address any equalities issues identified through the assessment (appendix 2). Other related policies and procedures are detailed in Paragraph 15 of this document and are available in full on the Intranet.

3. Consultation with Employees and Trade Unions

3.1 Consultation is a two way process, involving more than simply the provision of information. Meaningful consultation should;

- Take place when proposals are still at the formative stage
- Provide all relevant information on which to respond
- Provide adequate time in which to respond
- Involve conscientious consideration of the response to the consultation
- Be entered into with an open mind

There is no time limit for how long a period of formal consultation should be although the Councils will normally work to 30 days. The minimum for a redundancy situation is:

20 to 99 redundancies – the consultation must start at least 30 days before any dismissals take effect

100 or more redundancies – the consultation must start at least 45 days before any dismissals take effect

3.2 At an early stage managers need to be seeking advice from their Human Resources Business Partner (HRBP) including significant changes to jobs, potential redundancy, any TUPE implications and any equality issues affecting staff that have been identified on the Equality Impact Assessment / Equality and Fairness Analysis. This does not replace the need for formal consultation but allows trade unions to have a full understanding of the proposals to help support their members and raise queries at an early stage. Regular discussions are recommended throughout the process to address concerns as they arise. Managers may find it useful to complete a Staffing Assessment Form (appendix 3) which provides a template in which they can clearly focus on the reasons for the proposals, possible impact and benefits for the proposed changes. This form should always be completed for significant restructures.

3.3 Managers are encouraged to share the proposals with the recognised Trade Union at an early stage and allow for any initial feedback. This does not replace the need for formal consultation but allows trade unions to have a full understanding of the proposals to help support their members and raise questions at an early stage. Regular discussions, including with the recognised Trade Union, are recommended throughout the process to address concerns as they arise. Managers complete a staffing assessment form (appendix 3) which provides a template in which they can clearly focus on the reasons for the proposals, possible impact and benefits for the proposed changes.

3.4 Where proposals have an adverse/significant impact on some individuals more than others, managers may arrange to meet with those individuals on a

confidential 1:1 basis to let them know, for example, that their role is at threat of redundancy. Where proposals have a significant impact on some posts more than others managers should arrange to meet with individuals in those posts in a confidential basis to let them know. This meeting should happen prior to but as close as possible prior to the team briefing/staff meeting. A checklist to assist in preparation for such a meeting is attached at appendix 5.

3.5 A team briefing/staff meeting should be arranged with all affected staff to provide an overview of the proposed changes, explain the rationale for changes and invite questions, discussions and feedback. The Trade Union may be invited to attend such meetings .It is also advisable that the HRBP supporting the service area is advised and invited to attend briefings, to answer any policy or procedural queries that may arise. Managers should consider the timing of this meeting to allow all affected staff to attend whenever possible. Where staff are unable to attend (for example, due to annual leave or sickness) managers should discuss this with their HRBP.

3.5 At this meeting managers will clearly explain to staff the need for a review of the service and to provide a summary of the proposed changes. Employees and the trade union need enough information to understand the reasons behind the review and what changes are proposed. It is helpful for managers to consider the following when preparing for the meeting:

- Why is the review taking place?
- Which teams/staff are affected by the review?
- What are the timescales for proposed changes and what is a likely effective date?
- What is the motivation for the change?
- What will the change deliver?
- Detail the savings identified (if required) where appropriate
- What changes have already been made to mitigate redundancies?
- Explain the link to the overall shared service savings required and all options which have been considered

Managers should identify how the review will impact on current and future workloads within the team, and it is helpful to consider the following areas when preparing:

- Are there any areas where demand for the service area is reduced?
- Are there any new areas of work?
- Is growth needed in any areas of work?
- What areas of work remain?
- Are there any areas of service/business transformation?
- What impact will the proposed changes have on existing roles?

3.6 Managers should also detail the current and proposed structures where appropriate with the aim of seeking feedback from employees. It must be emphasised that the structures are provisional and that feedback regarding alternative proposals or setting out concerns on the impact of the service are welcome and encouraged. Careful consideration will then be given before finalising the future structure. Managers should cover:

- Details of the revised or new proposals for the structure of the service and/or teams together with a brief overview of new functions
- Details of changed positions within each proposed option outlining the headlines of the role and grade
- Any issues or challenges identified
- The number of reductions to positions that are anticipated
- Work or tasks that will no longer be required
- Explanation of any new positions
- Explanation of any changes to existing positions

3.7 Managers will also explain where savings and/or efficiencies have been identified as part of the review and how it is proposed that these will be achieved. Detail should be given about areas that have been identified (if any) in full or part to raise income. It is helpful for managers to consider:

- Savings against each potential option identified
- Savings identified from non-staffing areas
- Risks identified
- Areas identified to raise income and how this is proposed to be achieved
- Explain the link to the overall shared service savings required

3.8 Managers will invite feedback from employees on the proposals and the opportunity to raise any questions. Staff need to be clear about:

- The deadline for and method in which to raise any queries (including providing information about equality issues), and to provide feedback
- The opportunity for 1-2-1's to take place and the method to request this
- The next stages of the process and consultation

3.9 Managers should do all they can to maintain staff wellbeing as they move towards the implementation of the change. Managers should ensure that they continue to communicate with all staff throughout the process. This can be achieved by:

- Keeping formal and informal channels of communication open
- Continue to check staff wellbeing period of change and do not assume that because things are quiet that staff are ok
- Keep listening to staff and responding to questions

- Where possible, involve staff in driving forward change
- Remind staff of all support mechanisms available
- Ensuring that the recognised trade union are made aware of any changes to the timetable and that they are given appropriate notice to provide representation for key meetings.

4. Implementing New Staffing Structures

4.1 Following the outcome of consultation, staff need to be clear on the final proposals and what (if any) changes have been made as a result of the consultation process. It is appropriate to share a further version of the consultation proposals to enable this.

4.2 Where a post or function no longer exists in the new structure the following will apply:

- Employees will be informed of any alternative roles in the new structure that they are eligible to apply for
- In the event there are no alternative roles to apply for, or in the event applications for alternative roles are unsuccessful, employees will be placed at risk of redundancy with a letter explaining the reasons for this, the support that is available for them and the redundancy process that will now be followed
- Employees will be invited to attend an individual consultation meeting which will include a discussion around the reason why they have been placed at risk of redundancy, whether there are any viable alternatives to redundancy, and the support that is available.
- A further consultation meeting will take place if there are any outstanding issues to be addressed following the initial consultation meeting
- Employees who are at risk of redundancy will be placed in the redeployment pool whilst suitable alternative employment is sought
- Consideration will also be given as to whether other less apparent posts have been affected as a result of the deletion of a function

4.3 Where a post has not changed or has relatively minor changes, and there are enough posts for people in the new structure, a simple slotting in process will apply and there will be no need to place an employee at risk of redundancy. Minor changes may include a different reporting line or small changes to responsibilities, however such changes should not have a significant impact on the substantive duties or responsibilities of the post.

4.4 The Councils are committed to using this slot in process wherever is appropriate in order to minimise anxiety and disruption to staff.

4.5 Where it has not been possible to slot people into posts within the new structure either due to there being more employees than available posts or where there have been significant changes to the post, staff will be informed of the roles that they are eligible to apply for and the process for doing so.

4.6 It may be that an expression of interest (EOI) process is required for affected staff to indicate which roles they are interested in applying for and how they meet the essential criteria for the roles. An example EOI form is attached at appendix.

- 4.7 Completion of an EOI form does not guarantee an interview as the manager will need to assess whether the employee has demonstrated that they fulfil the essential criteria requirements. Managers will be able to clearly demonstrate the reasons why this is the case.
- 4.8 In situations where an interview process is required managers will be assessing capabilities in line with the requirements of the role as detailed in the job description and person specification, and in line with the competency framework. The length and depth of the interview will depend on the nature of the role, its level of seniority and its impact with the organisation.
- 4.9 Appointments to the new structure will be primarily based on skills, knowledge and experience to fulfil the requirements of the new post as well as the service needs of the organisation. Individuals who are successful in their selection process will be appointed to a role in the new structure.

5. Selection Criteria and Interview

- 5.1. The selection process will consist of a selection interview and a scoring exercise against a number of selection criteria. Managers will be assessing capabilities in line with requirements of the role as detailed in the job description and person specification, and in line with the Councils competency framework.
- 5.2 All factors considered within the selection criteria need to be fair, objective, justifiable and non discriminatory. The manager must decide which selection criteria will be used taking into account whether there is a fair and consistent method for assessing employees against such criteria. Discussions around selection criteria should take place with HR to ensure consistency of approach. Advice must be sought from HR regarding employees who have a protected characteristic under the Equality Act. There are statutory rules in place for staff during maternity, adoption and paternity leave. The relevant policies are detailed in Paragraph 15 of this policy and can be found in full on the Intranet.
- 5.3 The selection panel will normally be made up of two appropriate managers, one of whom should be from the relevant service area and sometimes a member of HR. The panel should fully record and evidence the reasons for their scores and ultimate decision.
- 5.4 Those staff who are unsuccessful will be entitled to a meeting and full feedback on the outcome of the selection process.

6. Right of Appeal

- 6.1 In the event a member of staff is not successful in being appointed to a position in the new structure and is formally given notice of redundancy they are entitled to appeal against dismissal due to redundancy.
- 6.2 The employee should submit their appeal in writing, clearly stating the grounds for their appeal to the relevant chief officer within 10 days of receiving the letter confirming the decision to issue notice of redundancy.
- 6.3 Appeals against redundancy dismissals are heard by an appeal panel of elected members. The panel will consider the case and determine whether or not to confirm the decision to make the employee redundant. This decision will be confirmed in writing to the employee within 5 working days.
- 6.4 An appeal panel would comprise of 3 Elected Members with cross party representation.

7. Voluntary Redundancy

- 7.1. Where there is a need to reduce the number of employees, the Council may, at its discretion, take expressions of interest from volunteers for redundancy from those who may shortly be at risk of redundancy due to organisational change or whose jobs could provide employment for employees who are on or may shortly be entering the Redeployment Register.
- 7.2. The principles for voluntary redundancy will be determined prior to any large restructure and those principles will be shared with all staff.
- 7.3. Staff will need to complete an expression of interest form to apply which will require a statement from the current line manager as to what the impact/benefits/disadvantages will be to the organisation of agreeing to the request.
- 7.4. Information regarding Voluntary Redundancy estimates and pensions will be made available to staff as requested and appropriate.
- 7.5. Applications will be carefully considered by the relevant chief officer for the service area with advice from the Assistant Director of Human Resources and Organisational Development. In determining which employees are to be granted voluntary redundancy, the councils' will have regard to the following:
 - The need to maintain efficient and effective practices
 - The need to retain a balance of key experience and skills across the workforce to meet future needs
 - The financial implications of the release

The ultimate decision whether to approve a voluntary redundancy request or not will be taken by the CMT.
- 7.6. If an individual is selected for voluntary redundancy he or she will have a final consultation meeting and a consideration period of no less than 5 working days prior to being issued with a notice of dismissal on the grounds of redundancy.
- 7.7. Where an application for voluntary redundancy is accepted, notice of redundancy will be issued confirming the redundancy payment and, if relevant, person figures based on the confirmed leaving date. Notice will be issued in line with the employee's contractual or statutory entitlement (whichever is the greatest).
- 7.8. If voluntary redundancy is turned down, the individual will not be able to grieve or make an appeal regarding this.
- 7.9. The recognised trade union will be advised by HR of the groups of employees in scope for Voluntary Redundancy and the number of expressions of interest subsequently received.

8. Employees and Redeployment

- 8.1 Redeployment means the provision of employment by the Councils' in a different section, group or service area, including different but suitable work within the capability of the employee given suitable and adequate training.
- 8.2 The Council will attempt to seek suitable alternative employment for staff under the threat of notice of termination of employment for redundancy, and employees have a shared responsibility with the Councils in seeking redeployment.
- 8.3 An employee formally placed 'at risk' will be invited to an individual meeting with their manager and a member of the HR team. Staff have the right to be accompanied by a trade union representative or workplace colleague. The purpose of the meeting will be to:
- Provide an opportunity to discuss the situation in confidence and talk about any issues or concerns the employee may have
 - Discuss the employee's qualifications, skills, experience and areas of work in which they are interested. These details will be held on record and referred to if internal vacancies occur. It is helpful if the employee prepares a summary of their experience, skills and qualifications before the meeting to form the basis of the discussions.
 - To discuss any queries regarding redundancy and, where applicable, pension payments as well as notice periods/pay.
- 8.4 There are two tiers to the redeployment register. The reason for the two tiers is to maximise opportunities for staff to secure alternative employment if they find themselves 'at risk' of redundancy.
- 8.5 At the point the consultation begins and where there are proposals to delete or reduce posts, employees will be put on the Tier 2 redeployment register. This will enable those staff to have priority access to any roles that arise in other areas of the Council ahead of other internal staff not at risk.
- 8.6 At the point an employee has either had formal notice that their post has been deleted, or they have not been appointed to the new structure following a period of selection, and are therefore formally at risk of redundancy, they will move to Tier 1 on the redeployment register. Tier 1 redeployees have priority in selection decisions over Tier 2 redeployees.
- 8.7 As the employer the Councils will identify potential redeployments against the following criteria:
- Similar terms and conditions
 - Status and/or level of responsibilities
 - Knowledge, skills and experience
 - Broadly similar pay and grading
 - Working hours and time
 - Location

In addition, the employee must be capable of meeting the essential criteria of the person specification with appropriate support and retraining during a trial period. Reasonable adjustments will be considered in the case of employees with protected characteristics.

- 8.8 The Council will give due consideration to individual circumstances, where an employee does not regard the offer of redeployment as suitable.
- 8.9 An employee who is redeployed is entitled to a trial period of four weeks which may, with the agreement of the employee concerned, be extended for a maximum of six months to cover the period of any necessary retraining.
- 8.10 Any employee offered redeployment will be given a new contract of employment which will include details of:
- The type of work and job description
 - The trial period
 - The location and hours of work
 - The salary and other conditions of service (including pay protection arrangements where applicable)
 - The length of any trial period (minimum of 4 weeks) allowing for related training to be undertaken
 - Any other terms and conditions of employment relating especially to the post into which they are being deployed
 - Confirmation of start date and continuous service
- 8.11 If an offer of redeployment with the Councils' is made and the employee decides during the trial period that they wish to reject the offer, they should let HR know as soon as possible within the trial period.
- 8.12 An employee who believes that a job offer is not suitable alternative employment may claim a redundancy payment. However, this will only be paid where the chief officer, in consultation with the Assistant Director of HR & OD agrees that the job is unsuitable. The decision will be made taking account of all relevant circumstances.
- 8.13 If an offer of redeployment is unreasonably refused, the employee will lose their statutory right to a redundancy payment.
- 8.14 Business as usual will continue while the employee works their notice period. It is the decision of the manager to define business as usual. In some exceptional circumstances garden leave may be appropriate.

9. Compulsory Redundancy

9.1 If it is not possible to prevent the compulsory termination of employment of an employee, then his or her employment will be terminated.

9.2 The Councils' will give employees dismissed on the grounds of compulsory redundancy a full statement of their position setting out effective dates, financial entitlements, and options within the pension scheme to include:

- a period of notice, depending upon their continuous local government service
- if they have worked in local government for two years, a statutory redundancy payment

9.3 The Councils will also allow for reasonable time off with pay for the purposes of:

- Attending interviews
- Using advisory and counselling services of relevant agencies
- Attending to domestic matters triggered by redundancy or new job requirements

9.4 A statutory redundancy calculator can be found at <https://www.gov.uk/calculate-your-redundancy-pay> and examples of calculation based on the 1.75 multiplier are in appendix 7.

10. Support for Employees

10.1 The wellbeing of all employees is a priority throughout any restructuring process.

10.2 A range of support mechanisms will be available for employees who are involved in organisational change which may include one or more of the following:

- Support from the manager, HR team and from Unison
- Information relating to pay, redundancy and pension figures
- Time off to job search and seek financial and other relevant advice (when formally 'at risk' of redundancy)
- Access to external outplacement support covering topics such as completing expression of interest forms (for internal processes) competing application forms, interview preparation and general career coaching
- Priority access to internal vacancies similar to your current role
- Training – consideration will be given to training in all areas of interest to staff who may be at threat of redundancy in order to support their future working life.

10.3 The Councils' also offer a free and confidential counselling service, information on how to access the counselling service can found on the Councils intranet page under Employee Assistance Programme (EAP).

10.4 The Councils recognise the Trade Union Members will be seeking support and representation from their trade union.

11. Voluntary Early Retirement and Flexible Retirement

11.1 There is no longer a fixed retirement age for employees. However managers are encouraged to discuss an employees training and development needs and plans for the future as part of their annual appraisal. If an employee approaches you about retirement please talk to your HRBP who can support you through the process and support the employee with obtaining pension estimates.

11.2 In cases where an employee expresses an interest in voluntary early retirement, the following factors will be taken into consideration:

- the extent to which the work of the Councils' may suffer through any loss of experience of a particular skill
- the extent to which more than one inexperienced or relatively unskilled person might be required to do the work of the employee who might take early retirement
- the financial effect on the Councils' of accepting voluntary early retirements
- the extent to which the duties of the subsequent vacant posts would, with a reasonable degree of retraining, be within the capability of any employees who may be at risk of being displaced

There is no obligation on the Councils' to accept any request for early retirement, even if invitations to consider it have been issued.

11.3 What is Flexible Retirement?

Flexible retirement enables employees to:

- reduce their working hours and/or
- move to a job on a lower salary and;
- receive their pension (or part of their pension) early to offset the reduction in salary.

11.4 In response to written requests from eligible employees for Flexible Retirement, the Councils' will consider all requests for flexible retirement and approve requests only when it is in the Councils' interests to do so. A request should normally involve a reduction in salary of at least 30/40%, either through reduced hours or level of responsibility (grade). The employee's contract of employment will be amended by mutual agreement to reflect the new hours or grade, as agreed, and continuity of service will be preserved for terms and conditions purposes. The waiving of pension benefit reductions will only be considered in exceptional circumstances.

12. Leavers & Knowledge Transfer

- 12.1 Employees may leave the service, or the organisation, as a consequence of organisational change. Many will be highly experienced, with long service and will have valuable views about the existing working arrangements and styles that prevail in their service area. Many will also have views on how things can be improved.
- 12.2 A handover by way of a Knowledge Transfer form is essential to capture the knowledge detail of those who are leaving the service or organisation. The Knowledge Transfer form is attached to this guidance at appendix 8. It is the manager's responsibility to ensure the Knowledge Transfer form is completed by the employee and appropriate actions taken.
- 12.3 The normal leavers' procedure should be followed. This will include offering an employee an exit interview, listening to their views and ensuring that equipment such as ID badges, laptops or uniform are returned. Managers must ensure that HR has the required information to authorise payments to employees.

13. Minor changes to Posts or Functions

13.1 For minor changes to posts or functions the requirements for consultation and managing the change process may be adapted. This could, for example, involve a shorter period of consultation and it would not normally be appropriate to complete the Staffing Assessment form. . In any case the focus should be on reaching mutual agreement with the member of staff through the consultation process. Any proposals should initially be discussed with the HR Business Partner to ensure that any planned changes are done in a way that ensures staff are treated with equity and fairness.

13.2 To change the hours or working pattern of the post at either your or the postholders request you must also make contact with your HR Business Partner to discuss the best way of managing this. If the change of hours or working pattern is at your request or due to service need you must consult with the employee. Please also reference the related policies in Section 15 of this document which can be found in full on Infolink.

13.3 Please see section 3.1(a) above for general principles of consultation.

14. Managing after Change

14.1 In order to embed the new service design and to achieve maximum performance delivery; it is important to understand the emotional responses to change that employees may have and to recognise how employees may be feeling at this point.

- Feelings will vary, but may include; guilt, insecurity, loss, low competence/confidence, mistrust, or feeling unaffected. Guilt – Initial relief about securing a role in the new structure may turn to guilt at having retaining employment whilst colleagues have lost out. This initial guilt may also lead to envy over severance packages and resentment at perceived extra workload employees are expected to manage without the support of departed peers. |
- Insecurity – Change can impact on an individual's feeling of safety and security. An employee may have experienced feelings of loss of control, uncertainty about their choices and worry about their home life and colleagues. It is important to reassure employees about what will happen next and the support that will be available to them.
- Loss – Employees may feel that they will lose contact with those that matter to them as team(s) change, relocate or colleagues leave the organisation. It will be important for line managers to be positive and pro-active in encouraging team building and team co-operation. An effective communication strategy will be important in order to share information with the team as a whole.
- Low Competence / Confidence – Whereas an employee may previously have felt independent, confident and competent, they may now find themselves in a post where they rely upon some initial support in order to get to grips with changes in their post, new work colleagues and new systems/procedures. It is important to reassure these employees that support is available and that their previous competence has clearly given the organisation confidence that they are right for the role that they have been appointed to.
- Mistrust – An employee may feel that the new service design is 'doomed to fail' and so follows a period where they test the new service design to seek out its flaws. It will be important to highlight the successes to employees and recognise achievements by the team so that the benefits intended by the organisational change can be seen by all.
- Unaffected – An employee may feel largely unaffected by the organisational change of the service, or may not feel that the change has impacted negatively upon them. These employees will be good advocates of the organisational change and helpful to boost the confidence of other team members, however, it is important that these employees show some empathy to those who are not feeling quite as accepting of the organisational change.

14.2 Possible activities that may help may include;

- Small team meetings within the service so that individuals feel more able to ask questions and discuss their concerns
- Newsletters
- Engagement events for the service as a whole to discuss the future
- Ongoing one to one meetings with employees who wish to talk about the changes that have occurred in confidence
- Teambuilding events
- Discussing the concerns with the trade union representative

15. Related Policies and Procedures

15.1 Your attention is drawn to the following documents which should be read in conjunction with the Change Management Policy:

- Redundancy & Redeployment Policies & Procedures
- Flexible Retirement Policy
- Voluntary Redundancy Principles
- Stress Management
- Stress Risk Assessments
- Wellbeing
- Equalities
- Maternity Leave
- Attendance Management Policy

16. APPENDICIES

- Vacancy Review Form (Appendix 1)
- Equality Impact Assessment Form (Appendix 2)
- Staffing Assessment Form (Appendix 3)
- Managing Consultation, Restructure & Redundancies Flowchart (Appendix 4a, 4b & 4c)
- Pre meet Checklist for managers (Appendix 5)
- Expression of Interest Form (EOI) (Appendix 6)
- Redundancy Pay Calculation Examples (Appendix 7)
- Knowledge Transfer Form (Appendix 8)

Equality and Fairness Analysis

Findings report – [insert title of policy]

Officer responsible for equality and fairness analysis		
Officer responsible for policy development		
Policy* area (or function)		
Service area responsible for implementing the policy		
Originator (if not the Council)		
Is the policy proposed (new) or existing?	Proposed	Existing
Is it an EBC policy or a partnership initiative?	EBC only	Partnership
Key people involved in the policy development and its implementation		
Decision making bodies the policy will be referred to		
Snr/Head of Service		
Date of Equality and Fairness Steering group		

*Policy = the full range of our policies, practices, activities, projects, procurement and decisions, whether it is formally written down or whether it is informal custom and practice. This includes all existing policies and any new policies under development.

Title of policy	
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What is the purpose of the policy and why is it needed?
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[Delete these prompts once the section is complete]

In this section set out the aims of the policy i.e. what is to be achieved by having this policy in place and why it is important/needed. Provide this explanation in plain English, and remember that the reader may have little or no knowledge of this policy so make sure you provide sufficient detail for them to gain a good understanding of it. Try to keep this high level and brief.

In what context will it operate and who is it intended to benefit?

In this section you need to explain the scope of the policy – is it internal or external or both, is it a partnership initiative, does it have dependencies/ influence on other policies? Think about the people who may come into contact with the policy and why and what that impact might be – this will help you focus on who might benefit from it, for instance, if internal does it impact on the whole workforce or only a section within it; if external is it specific or generic i.e. borough wide or focuses only on a specific area i.e. Sov Harbour; does it relate to all citizens or a specific set i.e. older people or disabled people. Remember that a specific scope may also have beneficial impacts across a wider area or other groups i.e. ‘older people’ as a group will also have a range of protected characteristics within it. If the policy is large in scope you may wish to think about the aspects of it that are most relevant to equality (people) and concentrate your analysis on these aspects only, but you need to be able to state why you consider these aspects are more relevant. If the policy has direct or indirect dependencies with other policies you may need to consider how these policies are affected and whether there is a need to carry out joint analyses. This will be the case for partnership initiatives – unless the Council’s involvement is single issue and specific.

What are the expected outcomes of the policy?
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Be wary of general conclusions in terms of outcomes – it is not acceptable to simply conclude that the policy will universally benefit all service users therefore all protected groups will benefit – you need the evidence to back this up. In this section you need to concentrate on the ‘outcomes’ not outputs. Outcomes = the

changes, benefits, learning or other effects that happen as a result of what the policy offers or provides e.g. Objective = to provide one-to-one reading support, 'output' = 30 1:1 reading courses of 10 sessions each, 'outcome' = people who attend courses are more confident readers, read better, read outside our classes well enough to have independent lives, have improved self-confidence all round.

Which protected groups will it affect the most? <i>Considering who the policy is intending to benefit and what the expected outcomes are, assess each characteristic and indicate whether the policy has 'M' more, 'L' less, or 'E' equal relevance. Highlight the finding.</i>	Age	M	E	L
	Disability	M	E	L
	Gender reassignment	M	E	L
	Marriage and civil partnership	M	E	L
	Maternity and pregnancy	M	E	L
	Race	M	E	L
	Religion or beliefs	M	E	L
	Sex	M	E	L
	Sexual orientation	M	E	L
Which parts of the PSED¹ is it most relevant to?	1. Eliminate discrimination, harassment and victimisation		M	L
	2. Advance equality of opportunity		M	L
	3. Foster good relations		M	L

Please explain your reasons for the above assessments

(i.e. relevance in regard to protected groups and PSED)

Remember the analysis is not just about establishing whether the policy disadvantages certain groups or not, but is also about discovering opportunities to further people's involvement in our services and in public life, and to foster good relations between people who share different characteristics. If the policy scope is borough wide and everyone has the potential to be a service user then you may presume it has an equal relevance however some national 'one size fits all' approaches rarely have an equal relevance when applied locally as local

¹ Public Sector Equality Duty – for further information refer to the guide on same

demographics play a part.

Equality Information

List all the sources of information you have gathered and will use to evaluate the effectiveness, or potential effectiveness, of the policy. Include the evidence gathered from engagement.

A list will suffice in this section – if the policy is existing consultation should have been carried out on its development and you can refer to this as well as any satisfaction surveys/monitoring/benchmarking/complaints/ audits etc. that have happened since (relevant information is within three – five years old – anything older than this is not deemed relevant). If the policy is new you can refer to regional/national information as a start, but you will need to gather fresh feedback from a local perspective also to ensure local opinion is gathered – this would be true if the policy has been in place for a number of years without a review or monitoring of any kind.

What is this information telling you? Are there are any gaps in this information and if so, what are these?

For instance, do you have information that is sufficient for the purpose of evaluating the effectiveness of the policy against all protected characteristics or the groups who have more relevance? The information you have to hand will tell you certain things about the policy but if the information isn't telling you what people from protected groups think, specifically the people who you have assessed to be most relevant, then you will need to mention these as gaps in your information. This would of course depend on the purpose and context of the policy, its beneficiaries and its potential outcomes.

What steps did you take, or are you intending to take, to fill these gaps?

Based on the previous section findings you will need to explain how you are going to gather the information you need. Depending on the purpose of the policy it may prove useful to engage with service users, employees, equality/involvement groups/organisations, partners and other interested parties etc. You also need to consider the best method of obtaining the information you need – i.e. should you organise focus groups, question and answer sessions, drop-ins or will a short survey directed towards a specific group suffice etc.

What does all the information gathered tell you about the policy?

The most important thing is to look all the information you have gathered and

consider whether the policy misses opportunities to advance equality and foster good relations. Remember an analysis isn't just about finding the areas of a policy that may disadvantage; it should also look at ways to improve people's life chances. You should be able to ascertain whether the policy will achieve its purpose and deliver its expected outcomes – if the information is saying otherwise you will likely need to change the policy. Alternatively, if the overall aim of the policy is so important that it outweighs people's opposition to it – you may continue with the policy despite negative feedback – unless the policy discriminates of course. You need to be able to objectively justify why you are carrying on with the policy regardless.

Based on your evidence and engagement is there a need to balance conflicting views and how will you do this?

The information gathered will tell you whether there are any conflicts in how people from different groups or within groups view the policy. You will need to find an appropriate balance for these groups and the policy in question. Remember that it is possible to treat disabled people more favourably because of their disability and this is lawful. So if the policy or aspects of it affects disabled people adversely you can give more weight to their views when making decisions about the policy. Also, it is lawful to design single sex services where there is a proven or highlighted need for these i.e. women only swimming sessions/women refuges; or there is a national rule governing single sex sports etc. It is also lawful to offer age related concessions i.e. older people discounts / children under 5 go free – and income related concessions i.e. reduced rates/discounts for students.

Is there a need to counter resentment or address inaccurate perceptions, if so what will you do?

This is more likely to arise in regard to policies that justifiably benefit certain groups over others and so give the impression of 'favourable treatment', some examples of favourable treatment are mentioned above. If there is resentment you will need to explain how you will foster good relations – if there are inaccurate perceptions you will need to explain how you will address these.

Findings of your analysis

Having gathered in all the evidence and considered the potential or actual effect of the policy on equality, you should now be in a position to make an informed judgement about what should be done with the policy. There are four main steps to take:

1. No major change – the policy is robust and evidence shows no potential for discrimination and all opportunities to advance equality and foster good relations between groups has been taken;
2. Adjust the policy - some steps need to be taken to remove barriers in the policy or to better advance equality;
3. Continue the policy – you will adopt the policy despite any adverse effects or missed opportunities because you are satisfied that it does not unlawfully discriminate – you will need to document what the justification is for continuing the policy, and how you reached this decision;
4. Stop and remove the policy – there are adverse effects that are not justified and cannot be reduced.

Irrespective of the step you recommend you are required to provide documentation in support of your decision and the reasons why you made it together with all supporting equality information used.

Please type 'recommended course of action' against the desired step below.

No major change	
Adjust the policy	
Continue the policy	
Stop and remove the policy	

Proposed action plan in regard to policy implementation

Quality checking: What was the outcome of the Corporate Equality and Fairness Planning Group?	[Leave blank – for completion by CEaFPG administrator]
How will you implement any recommendations the group made?	<i>The outcome is usually to take the analysis forward to the external Equality and Fairness Steering Group with no changes – but on occasion the CEaFPG (chaired by Chief Executive) raises a query or makes a comment – you will need to say how you will take this into consideration.</i>
How will the policy be monitored once implemented, and who will	<i>Consider how you will determine whether or not the policy is having its desired effects i.e. what type of information is needed and how often will it be</i>

do this?	<i>gathered? This is for you to decide – you can use existing monitoring arrangements where these are appropriate.</i>
Who will analyse the monitoring at its review stages?	<i>It is likely that whoever writes the policy will review the policy unless this is a FM2 project in which case the project/policy may be monitored and reviewed by another team. If this is likely to be affected by FM Phase 2 then you will need to say that the monitoring will comply with legislative requirements (if relevant) and be carried out by specialist advisors/team managers</i>
What could trigger an early revision?	<i>Think about the likely scenarios that would create a need to revisit the policy earlier than the publicised review date i.e. monitoring flags up anomalies; technological advances have been made; demographics of the town change; legislation alters etc.</i>
How will you involve key service users/other parties in the review process?	<i>Unless there are wholesale changes to the way a policy is being delivered there is no requirement to repeat an analysis. Therefore, the users that are most affected by the policy should be included in the review process – how will you involve them.</i>
How will you publish the results of any reviews?	<i>This is likely to be on the Council’s website and directly to stakeholders/partner/residents etc.</i>

For completion by the Equality and Fairness Steering Group:

Results of group discussion and recommended course of action:	Leave this section Blank – it will be completed by EaFSG administrator.
--	---

Vacancy Review Form for Corporate Management Team

Manager to complete

Post Title (Current)	
Service Area & Team (Current)	
EBC / LDC / Joint (current)	
New post:	YES NO
If the existing Post Title is to change please give alternative	
Reason for Vacancy	
Is the vacancy temporary or permanent? Please detail and give reasons	
Is recruitment to be to a joint post across EBC and LDC? If not, detail reasons.	
Is there scope for a joint interview panel?	
Current Grade	
Date Job Evaluated. EBC or LDC?	
Hours	
Date Post Vacant	
Current Post holder	
What consideration has been given to reallocating or ceasing responsibilities of this role to avoid the need to recruit?	
How are you proposing to fill this vacancy e.g. secondment within EBC/LDC, internal advert to EBC and LDC, reorganisation of existing resources, external recruitment.	
Is there clear evidence of Recruitment & Retention pressures for this work in last 12 months? If yes, please detail	
Cost of post salary, on-costs and associate spends. Please state if externally funded and state percentage	

The Councils' have an obligation to consider redeployment opportunities for those staff who are at risk of redundancy. Before recruitment takes place, all vacant roles will be matched against the skills and experience of staff currently on the redeployment register and your

role may be offered as a redeployment opportunity subject to an appropriate matching process.

Manager completing form:

Date completed:

Date received by HR:

Date considered by CMT:

Record of CMT decision:

Staffing Assessment Form

Introduction

This staffing assessment will be used when there are plans for organisational change that could have a number of staffing implications such as potential redundancy, significant changes to working practices etc.

The pro forma will be kept under review and appropriate revisions incorporated as the need arises.

Staffing Assessment s

These should be completed at the outset of any review or change issue and be kept under review throughout the process.

An assessment should be completed by the relevant manager/project lead with support from HR and a copy sent to Unison at the earliest possible opportunity. It may be that not all information can be provided initially however this should not stop the manager from completing the assessment and sending it to Unison.

One assessment will normally be required for each individual organisational change proposal and each assessment will follow a system of version control.

The information required is:

Title of the proposal(s)
Reasons for the proposals
Effects on the requirements for staff
Numbers, names, post titles, grades, department and workplace of staff concerned and the total number of staff potentially affected
Proposed structure charts, job descriptions, person specifications including any changes to working arrangements and methods of work
Details of any consultation undertaken with staff on the proposals
Any implication for the health and safety of staff (including appropriate Risk Assessment)
Proposed method of implementing changes.

Proposed methods of filling posts under the restructure.

Proposed management actions for dealing with the staffing implications of the assessment.

Equality Impact Assessment of the proposals for Organisational Change

Redundancies

In cases where organisational change may lead to posts being put at risk or made redundant, the following additional information is required. This supports the Councils' Redundancy and Re-deployment Procedure.

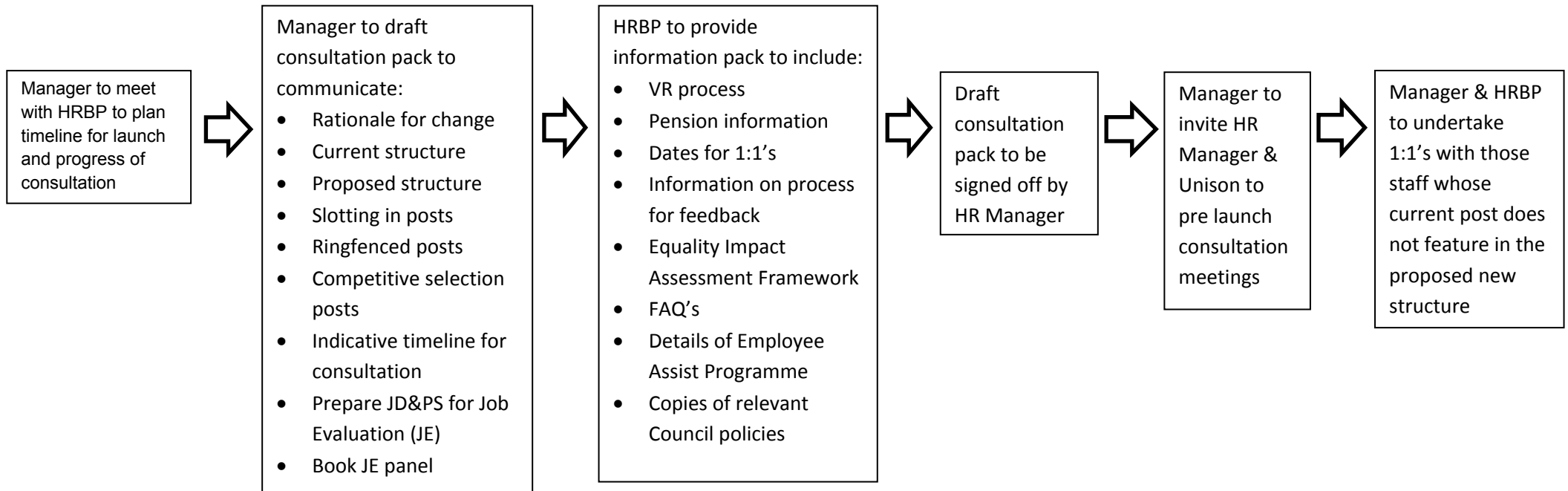
Details of consultation arrangements for affected staff.

The timescales for consultation, decision and implementation.

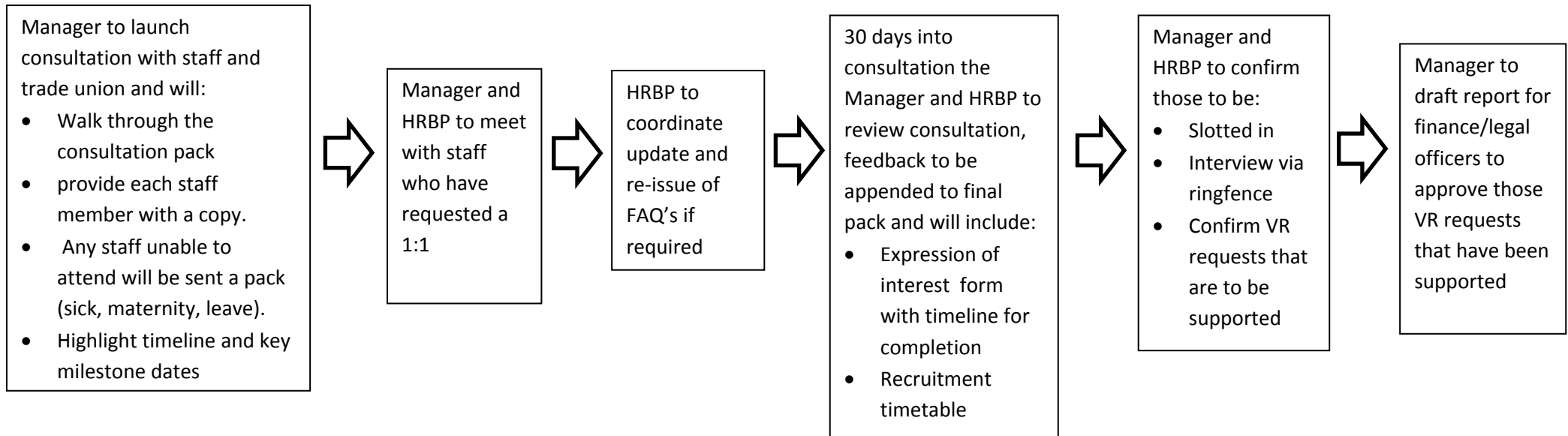
The proposed criteria for the selection of staff, which must be non-discriminatory and justifiable.

Managing Consultation/Restructure & Redundancies

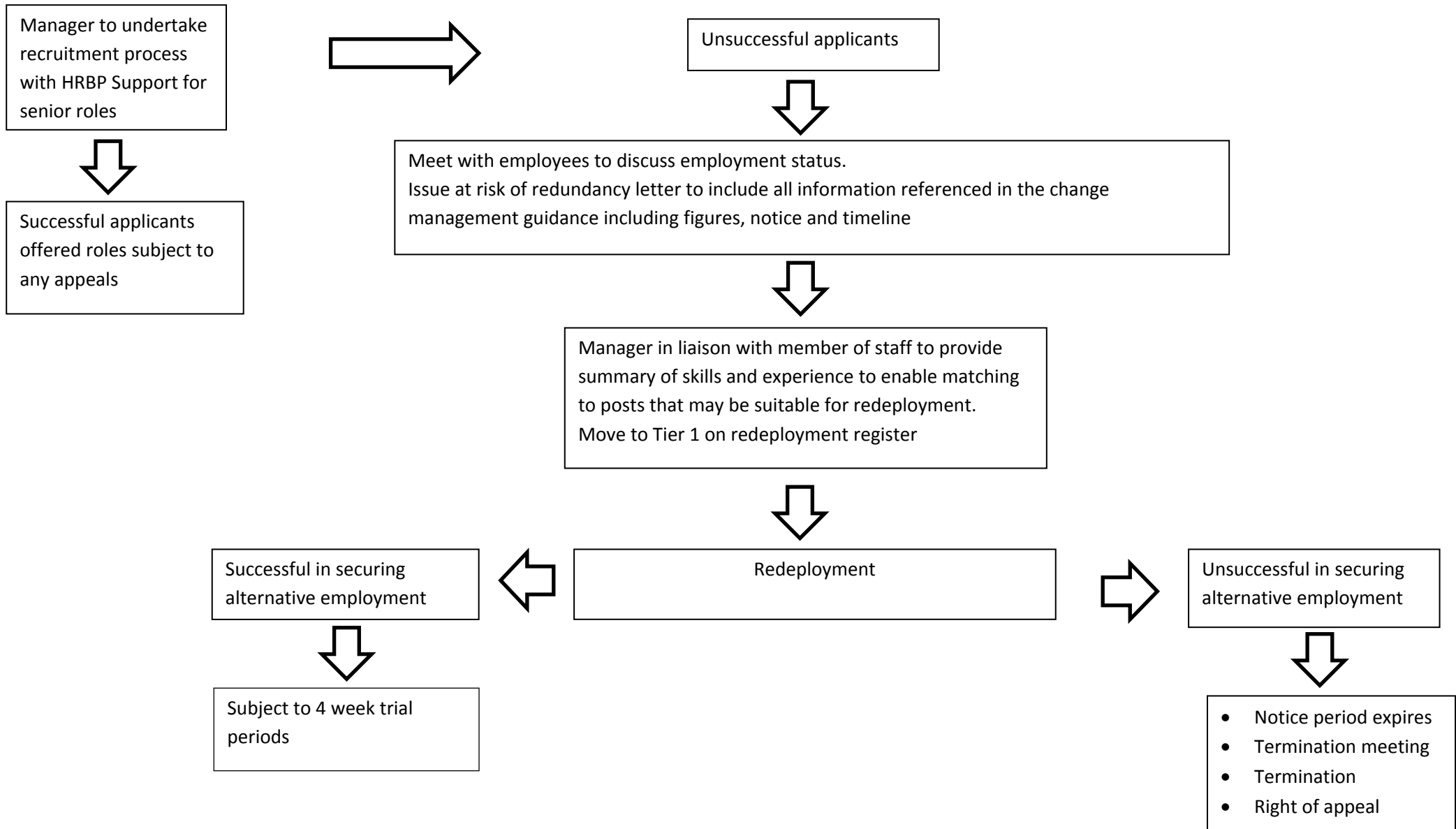
Pre Consultation Flowchart



Formal Consultation Flow Chart



Recruitment Stage Flowchart



Checklist: discussion with individual whose employment is at risk

1. PREPARATION

Before the meeting:

- Select the most appropriate venue, day and time to hold the meeting.
- Ensure that you will not be disturbed by visitors, customers or calls.
- Make plans to cover the work of those attending the meeting, as necessary.
- After the meeting it may not be appropriate for the employee to return to work. Consider each case on its merits.
- Consider what to do if a member of staff is too upset to go home alone. In some circumstances they may want or need to telephone someone after the meeting to take them home.

2. During the meeting:

2.1 Introduction

- Thank the employee for attending.
- Set the context and explain the reason eg: *Medium Term Financial Strategy; Service Planning; Outsourcing; Senior Management Restructure; the need to make savings.....*
- Explain that it is likely that a number of posts will cease to exist in the next financial year.
- Tell the employee that his or her post has been identified as being at risk.
- Explain that if the Cabinet (and Council) agree to the proposals his or her job, along with a number of other jobs, will be deleted.
- Explain the timetable for the decision-making process.
- Explain the process. (*Exact dates, details of selection process, redundancy payments are best discussed at a later date*)

2.2 The Process

- Explain that a period of consultation will start and the individual is to be covered by the Council's Redeployment Procedure to provide support and guidance. Explain that the procedure seeks to ensure that actions are taken to support individuals in finding alternative employment either within the Council or externally. The process starts early to maximise chances of redeployment or to find alternative employment if the decision is made to make the post redundant.
- Explain that the Senior Head of Service will write confirming the situation and that they will be covered by the Redeployment Procedure. *Provide a copy of the Redundancy and Redeployment Procedure at this stage if you think it appropriate to do so.*

- Tell them that, as part of the support given under the procedure, he or she will meet with a Human Resources Adviser and that they may be accompanied at that meeting by a Trade Union Representative or a nominated work colleague. The Human Resources Adviser will:
- Explain the Redeployment Procedure and provide details of any severance payments in the event of no redeployment.
- Look at potential job opportunities with them and discuss available support – work on cv, identify transferable skills and other self marketing actions;
- You may want to tell them at this point that reasonable time off with pay will be allowed to look for another job outside the Council or to arrange skills' training for another job. (*This is also covered in the meetings with HR.*)
- Confirm that you will be pleased to offer help and support throughout the process, as will the HR team who will work closely with individuals to help them find another job. You may also mention support from their trade union if you know that they are a member.
- Confirm also that support is available if he or she would welcome opportunity to discuss concerns, personal situation with someone external and impartial.

3. Initial response, questions and feelings

(See also appended sheet for context on individual's reactions to change)

- Recognise that the announcement/information may come as a shock. Ask gently if they have any immediate questions, concerns or feelings. Note anything asked and what you say in response. Agree to get back to them on any unanswered queries.

LOG of Meeting with individual

Record of who was present:

Signed:

Date:

- Repeat your ongoing offer of help and acknowledge that the next few months will be a worrying time for them.
- Be aware that reactions to the situation may include an individual becoming very distressed, very quiet or very angry.

Immediately after the meeting

- If the employee returns to work, be satisfied that they are fit to do so.
- If they go home, make sure that they are in an appropriate frame of mind to drive, as applicable. It may be helpful to provide a taxi, or arrange for someone to take them home or arrange for someone to be at home when they get back.
- Keep a confidential record of the meeting and share this with HR and ensure that any support actions are put in place as swiftly as possible.

A few days after the meeting

- Arrange to meet with the individual again to check on progress, his/her wellbeing and to deal with any questions he or she may have. Be prepared to repeat information already given.

Redundancy Pay Calculation Examples

Using the government's website redundancy pay calculator:

<https://www.gov.uk/calculate-your-redundancy-pay>

Example 1

Employee A, aged 55 has worked for the Council for 26 years. He joined from another local authority and therefore has continuous local government service of more than 30 years.

Statutory redundancy pay calculation

Using the government's statutory calculator, Employee A knows that he is entitled to 27.5 weeks.

He gets:

- 0.5 week's pay for each full year worked aged under 22
- 1 week's pay for each full year worked aged between 22 and 41
- 1.5 week's pay for each full year worked aged 41 or older

Length of service is capped at 20 years.

Employee A earns £450² per week which is less than the statutory maximum of £464.

Based on his answers, the calculator tells him that his statutory redundancy payment is

$$27.5 \times £450 = \mathbf{£12,375}$$

Enhanced severance payment

The Council enhances the statutory redundancy by multiplying the number of weeks by 1.75 and by using the actual week's pay.

For Employee A his redundancy pay will increase to **£21, 656.25**

This is calculated as follows:

$$27.5 \text{ (weeks)} \times 1.75 = 48.125 \times £450 \text{ (week's pay)} = \mathbf{£21,656.25}$$

²An estimate of weekly pay can be calculated taking an employee's monthly gross pay as shown on his or her pay slip, multiplying it by 12 and dividing by 52.1429. If the employee receives other allowances these may also be included in the calculation e.g. cash car allowance.

Note: Employee A earns below the statutory maximum so the weekly pay figure does not change.

Example 2

Employee B, aged 40 has worked for the Council for 5 years.

Statutory redundancy pay calculation

Using the government's statutory calculator, Employee B knows that she is entitled to 5 weeks.

She gets:

- 0.5 week's pay for each full year worked when aged under 22
- 1 week's pay for each full year worked when aged between 22 and 41
- 1.5 week's pay for each full year worked when aged 41 or older

Employee B earns £500³ per week. For the statutory calculation a week's pay is capped at £464.

Based on her answers, the calculator tells her that her statutory redundancy payment is

$$5 \times £464 = \mathbf{£2,320}$$

Enhanced severance payment

The Council enhances the statutory redundancy by multiplying the number of weeks by 1.75 and by using the actual week's pay.

For Employee B her redundancy pay will increase to **£4,375**

This is calculated as follows:

$$5 \text{ (weeks)} \times 1.75 = 8.75 \times £500 \text{ (week's pay)} = \mathbf{£4,375}$$

³An estimate of weekly pay can be calculated taking an employee's monthly gross pay as shown on his or her pay slip, multiplying it by 12 and dividing by 52.1429. If the employee receives other allowances these may also be included in the calculation e.g. cash car allowance.

EXPRESSION OF INTEREST FORM

Your completed form should be returned by HR by (insert date).

Name	Click here to enter text.
Contact Details	Click here to enter text.

In a maximum of 500 words, please explain in your own words how you meet the essential criteria for the post.

Click here to enter text.

Expression of Interest Form (part 2)

Qualifications and training

Please give details of qualifications and training completed.

Click here to enter text.

Equal Opportunities Monitoring Data

Do you consider you have a disability as set out in the Equalities Act?

Yes No

Signed: Click here to enter text.

Date: Click here to enter text.

For HR Admin use only

Date received:

By:

Knowledge Transfer Form

Contracts/Projects/ External Partners

Area of work	Name	Purpose	Contact details	Funding/cost	Location (electronic and physical)	Other issues
Contracts/ External suppliers						
Projects						
External partners						
Internal Partners						

Meetings/1-2-1's

Meetings	Name of Meeting	Purpose	Contact details /Timing/Frequency	Location of notes/minutes	Issues

Reports/Data

Name of report	Purpose	Contact details	Frequency	Location of report	Issues

Ongoing work

Case	Title	Details	Where documents stored

Current issues within the service area (political, economic, social, technological, legislative, environmental)

Service Area	Issue

Your Contact Details

Name	Role	Line Manager	Date of Leaving / Change of Role

Signed by employee:

Date:

Signed by Manager/ Head of Service:

Date:

When completed, please return this form to HR.