

## Organisational Change and Consultation Policy

***Please be aware that this printed version of the Policy may NOT be the latest version. Employees are reminded that they should always refer to the Intranet for the latest version.***

Purpose of Agreement	Provides guidance to managers on the process to be followed when managing change within the organisation.
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**Review Log**

Include details of when the document was last reviewed.

Version Number	Review Date	Name of reviewer	Ratification Process	Reason for amendments
1	Aug 2013	Sarah Martin	HR Sub Group. JCC. NHSLA & Operational Policy Steering Group.	Removal of mention of Regional Redeployment register, as no longer in existence.
2	Sept 2014	Sarah Martin	NHSLA & Operational Policy Steering Group	Adaptation to section 7.1 & 7.2 - removal of 2 week timeframe for notice period as no longer workable in practice.
3	April 2015	Sarah Martin	NHSLA & Operational Policy Steering Group	Policy rewrite
4	February 2020	Hannah West	Policy Steering Group, TMT	Policy review and update. Incorporating NHSI guidance. Change any reference to HR Business Partner to HR Consultancy. Align with new policies.
5	May 2022	Vicky Butler	Policy Steering Group Chairs actions approved amendment	Appendix 4: Close of consultation – transfer out (page 35) amended to reference that employee and their personal file plus occupational health files will be transferred to new employer.

## Policy Summary

The purpose of this policy is to provide managers with the legal framework that the Trust requires them to follow when entering into a change management programme.

It confirms the responsibilities of all individuals involved in the process (Section 3 and 4). Examples of when this policy may apply are at section 5 and the procedure to be followed from the start of redesigning a structure through to the implementation of the change are contained in Section 6.

Section 7 outlines the redeployment process to be followed when employees are placed at risk of redundancy.

Section 8 outlines the redundancy process, and gives detail about the contractual notice period, and early retirement on the grounds of redundancy.

Section 9 makes reference to TUPE transfers and signposts to the relevant appendix (11) where more detail is provided.

Section 10 explains the process for appeals under this policy.

Appendix 1 provides the template consultation document with the relevant detail to be completed by managers when entering into a change management programme.

The consultation flowchart is included at appendix 2

Common Questions Asked by Employees is included at appendix 3 and template letters to employees are contained within Appendix 4.

Appendix 5 provides a Managers Checklist and appendix 6 provides a template for individual meetings held under this policy.

Appendix 7 outlines the Job Matching Process and appendix 8 provides a flow chart of the Change Management Process.

Appendix 9 details the Solent Redeployment Register for those employees placed at risk of redundancy with appendix 10 providing a template Employee Skills Audit Form for those employees at risk to complete.

Appendix 11 details the legal framework around TUPE transfers and appendix 12 specifies the information to be provided to a new organisation in a TUPE transfer.

An Equality Impact Assessment should be completed for Organisational Change scenarios.

## ORGANISATIONAL CHANGE AND CONSULTATION POLICY

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## ORGANISATIONAL CHANGE AND CONSULTATION POLICY

### 1. INTRODUCTION AND PURPOSE

- 1.1 The aim of this policy is to provide a standard framework to manage changes within the Trust to ensure employees are fully consulted with. This will include employees on long term sick leave, maternity leave, adoption leave, career breaks, etc.
- 1.2 The Organisational Change and Consultation Policy ensures we are just and equitable in the management of change within the Trust to help promote fairness and consistency and ensuring a person-centred approach. It is recognised that Organisational Change processes may impact employee wellbeing. An Equality Impact Assessment should be completed for all organisational change processes, to ensure there is not adverse equality implications.
- 1.3 This policy applies to all individuals employed by the Trust from the date of their appointment.
- 1.4 Where the need for change arises, the Trust will seek to retain individuals in employment wherever possible and every effort will be made to find suitable alternative employment for those individuals affected.
- 1.5 All decisions on appointment and selection procedures, identification of 'at risk' employees and redundancy criteria will be seen to be fair and transparent and will meet the requirements both of equal opportunities legislation and best practice.
- 1.6 The Trust will endeavor to preserve the skills; experience and knowledge of employees involved in the change programme and seek to ensure employees are given the opportunity, wherever possible, to develop their current skills.
- 1.7 This policy should be read in conjunction with the following policies:

Equality, Diversity and Human Rights Policy  
Recruitment and Selection Policy  
Pay Protection Policy  
AfC Starting Pay and AfC Pay Progression Policy  
Agenda for Change Job Matching Process  
Resolution Policy  
Travel and Subsistence Policy

### 2. SCOPE

- 2.1 This policy applies to locum, permanent, and fixed term contract employees (including apprentices) who hold a contract of employment or engagement with the Trust and secondees (including students), in line with the Solent NHS Trust Equality, Diversity, Inclusion and Human Rights Policy.

### 3. KEY RESPONSIBILITIES-

#### 3.1 EMPLOYEES

- 3.1.1 The Employee is responsible for:
- Ensuring they treat colleagues fairly and equitably
  - Ensuring they comply with all Trust policies and procedures
  - Attending meetings as requested under this policy
  - Arranging the attendance of their representative at individual meetings

- Fully engaging with the process of redeployment.

## **3.2 MANAGERS**

3.2.1 The Manager is responsible for:

- Ensuring employees are treated fairly and equitably
- Ensuring that Trust policies and procedures are complied with
- Involving HR Consultancy with change programmes
- Ensuring timely submission of the consultation document (see section 6.2) to HR Consultancy for review and approval before HR Consultancy submit it to the Chief People Officer and Staffside.
- Carrying out a fair and transparent change programme
- Ensuring employees are fully communicated to and consulted with as part of the change programme
- Arranging meetings in line with this policy
- Ensuring any partnering organisations, where there is joint working of employees, are informed and communicated to with regards to the change
- Ensuring all timescales in the policy are adhered to
- Completing any relevant paperwork and informing relevant departments when a change occurs including transferring into and out of the organisation
- Engaging in offering prior consideration at interview to suitable “at risk” candidates from other services.
- Ensuring the requirements of this policy are fully implemented within their respective departments, and
- All such activities are consistent with the relevant statutory regulations and/ or codes of practice.
- Assess the health and welfare of all employees involved throughout the process, with support from the Occupational Health team. Ensuring referrals are made to Occupational Health for any employee who either requests or is identified as requiring support.

## **3.3 ASSOCIATE DIRECTORS/OPERATION DIRECTORS**

3.3.1 Associate Directors/Operational Directors are responsible for authorising significant change projects.

## **3.4 CHIEF EXECUTIVE**

3.4.1 The Chief Executive on behalf of Solent NHS Trust Board or their designated deputy will be responsible for ensuring compliance with the requirements of this policy and that sufficient resources are provided to enable the policy to be implemented and remain effective.

## **3.5 THE CHIEF PEEOPLE OFFICER**

3.5.1 The Chief People Officer has a lead responsibility for ensuring this policy is widely publicised and properly implemented.

## **3.6 HR CONSULTANCY**

3.6.1 HR Consultancy are responsible for:

- Providing appropriate advice and support to managers in the application of this policy including relevant training and coaching

- Reviewing and approving the consultation document and submitting to the Chief People Officer and Staffside
- Ensuring the policy is followed in a fair and equitable manner
- Ensuring the policy is adhered to and timescales are met
- Ensuring the change carried out meets the requirements of both equal opportunities legislation and best practice
- Ensuring any partnering organisations, where there is joint working of employees, are informed and communicated to with regards to the change
- Ensuring through dialogue with the manager that the health and welfare of all employees involved is fully considered and appropriately supported, through Occupational Health and/or the Employee Assistance Programme.

#### **4. STAFFSIDE REPRESENTATIVES AND COMPANIONS**

- 4.1 Dependant on the nature of the consultation, it is good practice to engage with staffside at the earliest opportunity and prior to forwarding the consultation document, where this is practicable.
- 4.2 Once approved the HR Consultant will forward consultation documents to the Chief People Office and staffside to inform them of the detail of the forthcoming consultation.
- 4.3 Every effort should be made by the manager to ensure a Staff Side is present at the group meeting.
- 4.4 Employees are entitled to be accompanied by a staff-side representative or workplace friend or colleague, at any formal meetings held under this Policy. It is the employee's responsibility to make arrangements to be accompanied. The employee must be informed of this right at the commencement and all subsequent stages of this procedure.
- 4.5 The employee's choice of companion must be reasonable, depending on the circumstances of each individual case, however, it would not normally be reasonable for someone to attend whose presence would prejudice the meeting.
- 4.6 Staff Side Representatives may be from another Trust or a lay official or full time officer as long as they are certified by their union as being competent to accompany an employee. Any other companion (a workplace friend or colleague) should always be a member of the Trust. Reasonable time off should be afforded to the workplace friend or colleague, in discussion with their Line Manager.
- 4.7 The companion may
- address the meeting,
  - confer with the employee during the meeting,
  - put forward and summarise the employee's case,
  - respond to any views expressed at the hearing.
- 4.8 The representative or workplace colleague or companion may not answer questions put directly to the employee at the meeting.
- 4.9 Any companion must maintain confidentiality during and after the application of this policy.
- 4.10 If the reason given for failing to attend a meeting is due to the non-availability of a trade union representative or workplace friend/colleague and there have been no earlier adjournments in the process for this reason, on only one occasion the meeting will be postponed and a new meeting will be arranged within reasonable time; normally 5 working days. Exceptional circumstances will always be considered.

## **5. THE CHANGE**

5.1 The list below sets out examples of when this policy may apply.

- Departmental restructuring
- Changes to rosters or working hours
- Changes which affect terms and conditions of employment
- Service expansion
- Workforce modernisation and large changes to current processes of work
- Transfers into and out of the organisation –TUPE (Transfer of Undertakings (Protection of Employment) Regulations 2006)
- Local implementation of National Policy changes which directly affect employees and is not covered by another policy

This list is not exhaustive.

5.2 Change within organisations may take place for the following reasons:

- To support the organisation's need to grow and develop
- Where part or all of the organisation transfers to another
- To support the organisational strategic plan
- Due to technical changes
- Due to competitive pressures
- Due to customer pressures in line with ensuring the organisation provides a patient led NHS
- Due to government legislation and/ or initiative

5.3 As with all change employees can be very unsettled with new proposals and ways of working and in particular where a change directly affects them. The EAP (Employee Assistance Programme) is available for all Solent NHS Employees and managers should encourage their teams to use this facility. In addition employees may wish to self refer to Occupational Health during this time.

## **6. THE PROCEDURE**

### **6.1 Review**

6.1.1 Once the manager or team leader has decided what new structure is required, relevant job descriptions should be gathered along with person specifications as these are likely to change.

6.1.2 Managers should look to see if there are any common job descriptions and roles within the new structure as this is the time to standardise them.

6.1.3 If any job description needs to be reviewed, managers should send these off for banding and matching in line with the Agenda for Change process.

### **6.2 The Consultation Document**

6.2.1 Before any change programme commences the appropriate consultation documentation will need to be prepared. Should a business proposal have been prepared to sign off the change, this can be used as the consultation document for employees.

6.2.2 If a business proposal has not already been prepared, a consultation document template is provided in Appendix 1 for managers to use. The process is demonstrated in Appendix 2.



6.2.3 The manager should involve HR Consultancy in the developing of their consultation document. The final document must be reviewed by HR Consultancy and shared with the Chief People Officer who will then forward to the Staff Side lead, as a guide at least 7 days prior to the consultation commencing where possible. The Staff Side lead is responsible for sharing with the appropriate union(s).

6.2.4 It is also suggested that a note of questions and answers discussed in the Group meeting are taken.

### **6.3 Consultation with employees**

6.3.1 Service leads and managers are responsible for the preparation of consulting with employees including:

- Letters to invite employees to the group consultation meeting
- Letters to invite employees to individual consultation meetings
- Presentation for employees detailing the proposed change, in line with the consultation document
- Preparation of answers for possible questions posed by employees (some common questions and answers are provided in the Appendix 3 for managers to use).
- Printing relevant documents for employees, including the consultation document if this has not already been provided
- Providing information to employees on the Employee Assistance Programme should they require any additional support throughout the change programme

Template letters are provided in Appendix 4 for managers to use.

6.3.2 Employees who are absent from work should also be included within the consultation. Further advice should be sought from HR Consultancy where this is applicable.

6.3.3 Colleagues who joint work with the affected employees in the organisation should be kept informed and communicated to with regards to the change, even if they are not affected by the change. The manager and relevant HR Consultant should ensure the partnering organisation are informed and communicated to with regards to the change.

6.3.4 It is suggested that the following methods of communication are used to consult with employees:

- Group consultation meeting
- Presentation to support the group meeting
- Working group exercises to generate discussions
- Questions and answers session
- Individual meetings

Managers Checklist is provided in appendix 5 for managers to use.

6.3.5 For changes which affect less than 20 people, employees will normally be consulted with for an agreed period of no longer than 30 days. For changes, which affect 20 people or more and/or are likely to involve redundancies, employees will be consulted with for 30 days and for 45 days if 100 or more employees are affected. Length of consultation can vary in accordance with need, number involved and employee agreement to progress with change.

6.3.6 The one to ones will provide opportunity to explain to employees what the proposed changes would mean to them should they proceed as proposed at the end of the consultation period,

so that the employee is kept informed of potential outcomes. Dependant on detail gathered during the consultation period, this may well change, and the employee should be kept updated.

6.3.7 On conclusion of the consultation process, the manager should fully consider and reflect on all the feedback received during the consultation and should ensure that feedback is given on all the issues raised during the consultation (individually and/or collectively, as appropriate).

6.3.8 Employees will be notified in writing of the outcome of the consultation proposal and what it means to each individual concerned (see appendix 4 for template letters).

## **6.4 Implementation of the Change**

6.4.1 Once the outcome of the consultation proposal is known, all jobs which have changed which have not already been banded must be sent for banding and matching in line with the Agenda for Change process. Medical and Dental employee posts have been graded in accordance with the relevant Medical and Dental terms.

6.4.2 The following suggestions are offered to managers to support the implementation of this change:

- Maintain open communication with employees providing regular updates – template for individual meetings is in Appendix 6.
- Provide opportunities for employees to feedback on the implementation of the change and action, where appropriate
- Increase the level of supervision, if possible
- Informing employees of the availability of the Employee Assistance Programme for any additional support they may need

6.4.3 Managers having confirmed the identified pool of eligible employees will assess the degree of job match between existing and new roles with support from the designated HR Consultant. Appendix 7 gives details of the process to be followed and model forms.

6.4.4 Employees will be notified how the change will be implemented for them, which stage mentioned in paragraphs 6.5 to 6.7 is applicable to their role, whether they will potentially be placed at risk if they are unsuccessful and of any changes which could affect their terms and conditions of employment. Should selection to available posts be applicable, guidance is provided to managers – a flowchart can be found in Appendix 8 for aid.

6.4.5 Where there are changes to terms and conditions of employment, the period of notice before any change is implemented will be determined by the employee's contract. The exception will be where business needs prevent maximum notice to be given.

## **6.5 Slotting In**

6.5.1 Slotting in may apply where the duties and accountabilities of a post are not significantly reorganised and are substantially the same. By way of example (although some flexibility in relation to percentage may be required, depending on the circumstances of the change);

- 65% of the duties of the post before slotting in, as described in the job description, remain as duties of the post after slotting in, and;
- The Pay Band/Grade of the post does not change as a result of slotting in, and;
- The scope & responsibility of the role does not alter significantly.

6.5.2 If an individual is slotted into a role they will not be placed at risk. However, if more than one person is deemed to match, then limited competition would apply.

6.5.3 Employees will be notified of the outcome, including any right of appeal.

## **6.6 Limited Competition**

6.6.1 All posts not filled by slotting in will be available for eligible employees on a limited competition basis. This will be a closed round of competition for employees currently doing similar work at a similar level. Only employees assigned to the appropriate pool will be eligible to apply at this stage. Adequate time will be afforded to employees to consider which posts to apply for and to prepare for interview where these are necessitated.

6.6.2 If an employee wishes to make a case to change pools, this request should be made in writing to the manager leading the consultation process as a matter of urgency and certainly before interviews take place. Each case will be considered on the basis of individual circumstances.

6.6.3 In line with best practice, the interview and selection process will be based on the job description and person specification of the role, supported by a robust scoring system.

6.6.4 In exceptional circumstances the posts in the new structure may be at a higher band. In these cases, limited competition interviews may take place for the higher banded post(s) involving eligible at risk employees, (which may include at risk employees from other consultations within Solent) This will consider whether the individual(s) meets the essential qualifications, competence and requirements of the higher banded post(s).

6.6.5 Employees will be notified of the outcome, including any right of appeal. Employees offered a post in the new structure may consider their decision to accept this for a maximum of 7 calendar days. If they do not accept the post, they need to provide in writing, the reasons for not deeming the post to be suitable alternative employment.

6.6.6 Until the outcome of these interviews is known individuals will not normally be placed at risk of redundancy or notice.

6.6.7 Individuals who are unsuccessful at interview will be formally placed 'at risk' in line with the provisions of the Trust redeployment process. (Appendix 9).

6.6.8 If no one from the slotting in or limited competition process is appointable, then any employee still "at risk" from within Solent NHS Trust would be given prior consideration status to any suitable posts still available within the new structure.

## **6.7 Open Competition**

6.7.1 If none of the employees affected by consultation changes are slotted in or appointed into the remaining roles, then wider advertisement of the post will apply. In line with the Trust's redeployment process, the initial period of open competition may include considering employees of the same band or one band above or below from across the organisations who are at risk of redundancy (or seeking redeployment due to medical reasons) and on the 'at risk' register. If there are no candidates on the 'at risk' register and this stage has been exhausted, then the post can be advertised in the normal way.

## **7. REDEPLOYMENT**

7.1 Employees who have not been appointed into a post will be placed at risk of redundancy and People Services will place the employee on the 'At Risk' register (information regarding the

register is found in Appendix 9). It is the responsibility of the Lead Manager to notify individuals of this and to invite the individuals to an initial meeting with their line manager and the HR Consultant to discuss their personal circumstances and the process and suitable alternative employment. The manager must ensure that the individual is set up on the 'at risk' register. Individuals will be asked to complete the forms at appendix 10.

- 7.2 Employees will be supported with redeployment by HR Consultancy and the search for redeployment will be reviewed by the manager and HR Consultancy on an ongoing basis.
- 7.3 Where a potentially suitable alternative role has been identified, the at-risk employee will be given prior consideration to the role.
- 7.4 All reasonable steps will be taken at this stage to avoid redundancies in order to ensure that business critical skills and experience are not lost. If, despite all endeavours, it becomes apparent that the search for reasonable alternative employment has been exhausted, the case will be referred, via HR Consultancy, to the People Management Advisory Forum (PMAF) to ensure appropriate senior-level oversight.
- 7.5 Any decision to issue notice of redundancy is subject to Director approval and must be well informed, reviewed from multiple perspectives and never taken by one person alone.
- 7.6 If a decision is reached to proceed with notice of redundancy, a formal meeting will be held by a panel of two managers and supported by a HR Consultant. Within the meeting notice of redundancy will be given and a letter will be sent following the meeting confirming the notice period and the last day of service, subject to the qualifying conditions.

#### **7.5 Reasonable Alternative Employment**

- 7.5.1 Reasonable alternative employment takes into account:
- Current band and salary
  - Reporting line and line management responsibilities
  - Nature of work and job responsibilities
  - Working times
  - Location including additional travel time and cost, and travel arrangements including access to public transport
  - Personal circumstances such as family or caring responsibilities
  - Capacity to make reasonable adjustments (for someone with a disability)
  - Status associated with their current role that may not be addressed even with pay protection.
- 7.5.2 Some degree of flexibility is expected on the part of both the employee and Solent NHS Trust in this respect and it is important that each case is looked at on its own merits. However, Solent NHS Trust would deem that a one band higher or lower post could be an alternative position, to be considered.
- 7.5.3 If an individual does not wish to accept an alternative post it must be with good reason, which will be determined in discussion with their line manager. If a fair assessment has taken place and the role is deemed a suitable alternative and the individual chooses not to accept the position, this will be classed as a resignation.

## **7.6 Trial Periods**

- 7.6.1 If a reasonable alternative position is found, there will be a trial period of 4 weeks for both the service and the individual to confirm they are satisfied with the arrangement. Training and support will be provided throughout the trial period.
- 7.6.2 During the trial period the individual undertaking the role will do so on the terms of the new post, with the exception of any salary or other protection arrangements which apply.
- 7.6.3 There is an option of offering a longer trial period should it be deemed necessary for the role. However all parties should note that if a trial period is extended beyond 4 weeks then the individual may lose the right to a redundancy payment unless this extension is necessary for retraining for employment in the new job.
- 7.6.4 Any agreement for such an extended period for training must be in writing and be made before the employee starts work. It must specify the date on which the period of retraining will end and it must specify the terms and conditions of employment that will apply to the employee after the end of the retraining period.
- 7.6.5 If either the new manager or the individual deems the post to be unsuitable, they should raise their concerns to the other party and their HR Consultant at the earliest opportunity rather than leave this to the end of the trial period. Either party must stipulate the reasons why the trial is unsuccessful in order that any appropriate action can be undertaken.
- 7.6.6 If it is agreed that the trial period is not successful, the search for alternative redeployment will continue.
- 7.6.7 If the trial period is with a separate employer, this will be done via a secondment arrangement. Employment would only change if the trial is successful.

## **8. REDUNDANCY**

- 8.1 Whilst Solent NHS Trust is committed to avoiding compulsory redundancies as far as possible, this may become necessary in certain circumstances. Every effort will be made to help the employee secure suitable alternative employment, with additional support provided where appropriate.
- 8.2 In some cases of organisational change it may be appropriate to consider the use of voluntary redundancy and early retirement schemes for defined categories of employees. In such cases, full consultation will take place and there will be strict criteria for those being eligible to apply. Application for voluntary redundancy does not guarantee that it will be granted, even when expressions of interest have been invited.
- 8.3 Following the outcome of the recruitment and selection process, where an individual has not been successful in securing a position in the new structure, and during discussions with regards to redeployment, employees will also be provided with the opportunity to discuss their future career options and preferences with their line manager, HR Consultant and their representative.
- 8.4 Employees will be given support for development and retraining throughout their notice period, ensuring they are best placed for future opportunities. This support may include one or more of the following:
- Training in CV and interview preparation
  - Paid time off for interviews within the NHS and with other employers by agreement

- Trial periods in appropriate posts

## **8.5 Redundancy Payments**

8.5.1 Any person who faces the possibility of redundancy will be made aware of payments to which they would be entitled in this event. Redundancy payments will be made in accordance with the NHS terms and conditions (Section 16 of the National Terms and Conditions)

8.5.2 Employees shall not be entitled to redundancy payments or early retirement on grounds of redundancy if:

- they are dismissed for reasons of misconduct / gross misconduct
- alternative employment has been secured or offered with the NHS at the date of the termination, and without a break exceeding four weeks.
- suitable alternative employment has been secured and the employee unreasonably refuses to accept it
- the employee leaves before the expiry of their notice, except if they are being released early
- their contract is renewed
- they have left under MARS (Mutually Agreed Resignation Scheme)
- TUPE applies and there are no proposed redundancies as part of the transfer.

## **8.6 Contractual Notice Period**

8.6.1 Priority must be given to business continuity; therefore displaced employees will be required to work their contractual notice period in all but exceptional circumstances. Cases which are considered to be an exception can be agreed only by the People Management Advisory Forum with the full agreement of the relevant Director and the Chief Executive.

8.6.2 Where displaced employees obtain alternative employment during their period of notice and wish to commence this employment prior to the end of their period of notice of redundancy, managers should consider releasing the employee on a mutually agreeable date.

## **8.7 Early Retirement on the Grounds of Redundancy**

8.7.1 Members of the NHS Pension Scheme who are made redundant may choose to retire early. Please refer to Section 16 of Agenda for Change NHS Terms and Conditions of Service Handbook for eligibility and further information.

## **9. TUPE TRANSFERS**

9.1 Where a service is due to transfer to another Organisation further information is given in appendix 11. Details of the information which must be provided to the new Organisation is given in appendix 12.

## **10. APPEALS**

10.1 Employees have the right to appeal against changes which affect their terms and conditions of employment, including dismissal, i.e. redundancy. All appeals should be addressed to the employee's line manager and should be received no later than 7 days of the written notification of redundancy.

10.2 Any appeals will be managed under the Appeals Standard Operating Procedure.

- 10.3 The employee must stipulate their full grounds of appeal in writing. It is not sufficient merely to disagree with the change itself.
- 10.4 Appeals will be formally considered by an appropriately constituted panel as per the Appeals process. Consideration should be given, dependant on the circumstances as to whether it may be appropriate for the manager who led the consultation to attend part of the meeting. At the meeting, the employee is entitled to be accompanied by a staff-side representative or workplace friend or colleague.

## **11. TRAINING**

- 11.1 Solent NHS recognises the importance of appropriate training for employees. For training requirements and refresher frequencies in relation to this policy subject matter, please refer to the Training Needs Analysis (TNA) on the intranet.

## **12. EQUALITY IMPACT ASSESSMENT**

- 12.1 In line with Trust policy, an Equality Impact Assessment has been completed. It is understood that no employee will receive less favourable treatment on the grounds of disability, age, sex, race, religion or belief, gender reassignment, pregnancy or maternity, marriage or civil partnership, working patterns or Trade Union membership or non-membership in relation to the application of this policy. The Equality Impact Assessment is included in Appendix 13.

## **13. MONITORING THE EFFECTIVENESS OF THIS POLICY**

- 13.1 The effectiveness of this policy will be monitored by HRConsultancy. Cases that are received will be reviewed to ensure the correct procedures are being adhered to, and where changes to procedures or processes are required following any investigation these will be implemented as soon as practicably possible.

## **14. POLICY REVIEW**

- 14.1 This document may be reviewed at any time at the request of either staff side or management, but will automatically be reviewed every three years unless organisational changes, legislation, guidance or non-compliance prompt an earlier review.

## **15. LINKS TO OTHER POLICIES AND DOCUMENTS**

- 15.1 This policy is linked to the following polices:
- Resolution Policy
  - Equality, Diversity and Human Rights Policy
  - Recruitment and Selection Policy
  - Pay Protection Policy
  - NHS Terms and Conditions
  - Medical and Dental Terms and Conditions
  - Mutually Agreed Resignation Scheme Policy
  - Investigation Standard Operating Procedure
  - Agenda for Change Matching Process
  - Travel and Subsistence Policy
  - Appeals Standard Operating Procedure

This policy has been developed in line with:

- [NHS Improvement – ‘A Just Culture Guide’ -  
https://improvement.nhs.uk/resources/just-culture-guide/](https://improvement.nhs.uk/resources/just-culture-guide/)
- [NHS Employers – www.nhsemployers.org](http://www.nhsemployers.org)
- [NHSI – Improving People Practices](#)



## Consultation Document

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**Title:**

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<b>Description:</b>	
<b>Author:</b>	
<b>Date:</b>	
<b>Approval Routes:</b>	<ul style="list-style-type: none"><li>• HR for sign off</li><li>• Staffside for review</li></ul>

**1. Introduction and Background to proposal**

**2. Current Position and Case for Change**

**3. Strategic context**

**4. Objectives of proposal**

**5. Description of Proposal**

**6. Other Options Considered**

**7. Equalities & Human Rights Impact Assessment (Equality Impact Assessment)**

**8. Resource Implications of Proposal**

**9. Financial Implications of Proposal**

**10. Activity Implications of Proposal**

**11. Outcomes and Benefits of Proposal**

**12. Impact on other Services Provided**

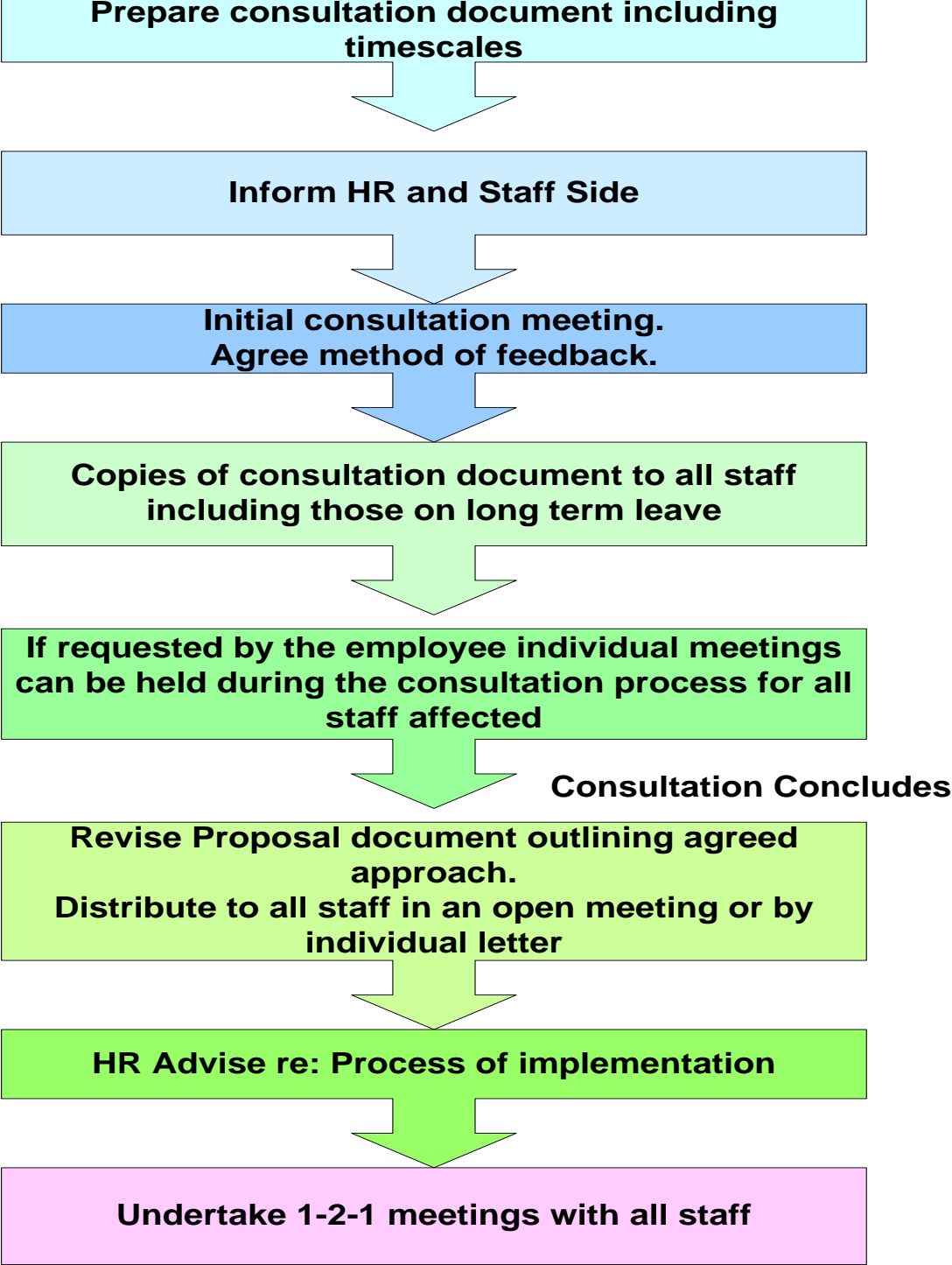
**13. Risks and Contingency Plans**

**14. Details of Any Consultation (Public/Patients/Employees) undertaken in development of Proposal**

**15. Details of any Partner involvement in development of proposal**

**16. Implementation Timetable (Key Milestones)**

**Consultation Flowchart  
APPENDIX 2**



## Common Questions Asked by Employees

### **How long will the consultation take?**

For changes which affect less than 20 people, employees will normally be consulted with for an agreed period for no longer than 30 days. For changes, which affect 20 people or more and/or are likely to involve redundancies, employees will be consulted with for 30 days, and for 45 days if 100 or more employees are affected.

### **What will happen after the consultation has been completed?**

You will be informed of the result of the consultation and given details of any changes which have been made and the timescales for implementing these. If the change is due to continue you will then be informed of the date when the changes will take effect.

### **Will there be any changes made during the consultation period?**

In most circumstances, there will be no changes made until the consultation period has been concluded and the notice period has expired. However, in some circumstances it may be recommended that the change occur on a trial basis to enable meaningful consultation to take place about the change.

### **Who will I report to?**

During the consultation period you will continue to report to the same person as you currently do. If there is any change in management as a result of the change you will be told during the consultation period, where possible, or on completion of the change and recruitment process, where applicable.

### **Where will my place of work be?**

During the consultation period your place of work will usually remain the same but if you need to move to a new location as a result of the change you will be fully consulted with regarding this.

### **If I have to move to a new location will the excess fares be paid?**

Under the Trust's Travel and Subsistence Policy you will be entitled to claim the difference in fares at public transport rate between your home and new base, less the fares from your home to old base. They are taxable.

### **Will I be able to claim for the extra travelling time I incur?**

No, travelling time is not payable.

### **What happens if my personal circumstances are such that I cannot move to the new location proposed?**

Employees will have the opportunity to raise any issues they may have during their individual consultation meeting. Where it is possible, your manager will work with you to try and reach a solution which meets your needs.

### **Why is this change taking place?**

The Trust must ensure it continues to meet the needs of the patients and provide the best possible care locally. To ensure the Trust's meets this target internal changes may be required.

### **Will there be any redundancies?**

The Trust is committed to finding everyone a job following the change. However in exceptional circumstances when there is no other option redundancies may apply.

### **What if I turn down a post that is a reasonable alternative?**

Solent NHS Trust is committed to avoiding compulsory redundancies as far as possible and will make every effort to seek reasonable alternative redeployment for individuals at risk. When employees are redeployed into reasonable alternative roles they are subject to a 4 week trial period for both the employer and employee. If you have any concerns during your trial period, you should discuss these in the first instance with your manager. You will need to give your reasons why you feel the post is not a reasonable alternative. In some circumstances, it may be mutually advantageous to agree to extend the trial period beyond 4 weeks; however, the individual may lose the right to a redundancy payment if the trial period isn't successful, unless this extension is necessary for retraining for employment in the new job. If the employee unreasonably refuses a alternative position, which the Trust considers to be suitable, before undertaking a trial period, then they may also lose the right to redundancy payment.

### **How will I be kept up to date on what's going on in the Trust in the next few months?**

We will endeavour to keep everyone informed of progress on a regular basis via team briefings, announcements and meetings. If you have any questions in the meantime, please contact your line manager in the first instance.

## **Transfers**

### **What does TUPE mean?**

Where a service transfers to a new organisation, or into the organisation, individuals employed in that service will transfer to the new organisation under a transfer order or the Transfer of Undertakings (Protection of Employment) Regulations 2006 (TUPE).

### **Will this change affect my existing terms and conditions of employment?**

These regulations protect the existing terms and conditions of employment for employees and ensure that continuity of service is protected.

### **What happens if I do not want to be employed by the new organisation?**

If your job is being transferred to the new organisation, you will transfer with it. If you do not transfer, this will be classed as a resignation from your position and redundancy will not apply.

### **If I transfer to the new organisation will my location change?**

It is possible that you may be asked to make a transfer to a new location. If you have to travel further and this is deemed reasonable then the Trust's rules on excess travel expenses may apply.

### **How long will my rights under TUPE be preserved?**

The new employer will not be able to change the terms and conditions of the transferring employee because of the transfer or a reason connected with it, unless the reason for the change is an economic, technical or organisational reason entailing changes in the workforce. Should this apply, full consultation should take place with employees affected

Should you apply and be successful in securing a new position in the new organisation, this will be on the terms and conditions of that post.

### **Will my pension be affected by a transfer?**

The new employer will provide a pension scheme, as being overall materially at least as good as, the NHS pension scheme.

**Template Letters**

**Template**

Letter inviting individual to a group consultation meeting

Letter inviting individual to a group consultation meeting re a transfer

Letter inviting individual to an individual consultation meeting

Letter closing consultation

Letter notifying individual of recruitment process

Letter closing consultation and confirming appointment

Letter closing consultation and confirming post at risk

Letter confirming notice of redundancy

Letter confirming trial period

Letter closing consultation and confirmation transfer out of the Trust

Letter inviting individual to an appeal hearing

Letter confirming outcome of appeal hearing



*Solent NHS Trust has the right to adapt this letter where appropriate  
Letter inviting individual to a group consultation meeting*

**Sent Special Delivery**

**Private and Confidential**

[Name]

[Address]

[Date]

Dear [Name]

**RE: Group Invite- Consultation on Organisational Change**

I am writing to invite you to a group consultation meeting in regards to the proposal to change [insert summary of change]. This meeting will take place at [time and date] at [location]. I shall be conducting the meeting accompanied by [Insert Name] HR Consultant, to support the consultation process and advise on any procedural matters.

At this meeting I will provide you with a copy of a consultation document which outlines the proposals, spend time discussing the rationale for the change, provide an opportunity for you to raise any queries or concerns and hear your ideas on how this change can be best implemented.

This date will reflect the start of the consultation process with you and will last for < insert number> days. If you would also like an individual meeting to discuss your personal concerns with regards to the proposed change, please contact me and I will arrange for you to have a meeting during the consultation process.

At all meetings regarding this proposed change, you have the right to be accompanied by a Staff Side or Trade Union representative or by a workplace friend or colleague. If you wish to be accompanied, you will need to make arrangements for this. Please refer to the Organisational Change and Consultation Policy for further detail in relation to representatives and companions. For your information, we have invited along a representative from Staff Side to join us at the group meeting.

I would also like to advise you of our Employee Assistance Programme, should you require further support during this process, who can be contacted on 0800 243 458 or [www.workplaceoptions.com](http://www.workplaceoptions.com)

If you have any queries at this stage, then please do not hesitate to contact me.

Yours sincerely

**[Name]**

[Title]

Cc. [Insert name], HR Consultant

Enc. Consultation Document

*Solent NHS Trust has the right to adapt this letter where appropriate*  
*Letter inviting individual to a group consultation meeting re a transfer*

**Sent Special Delivery**

**Private and Confidential**

[Name]

[Address]

[Date]

Dear [Name]

**RE: Group Invite- Consultation on Transfer out of the Trust**

I am writing to invite you to a group consultation meeting in regards to the transfer of your post to [insert name of organisation]. This group meeting will take place at [time and date] at [location]. I shall be conducting the meeting accompanied by [Insert Name] HR Consultant, to support the consultation process and advise on any procedural matters.

For your information, where a service transfers to a new organisation, or into the organisation, individuals employed in that service will transfer to the new organisation under a transfer order or the Transfer of Undertakings (Protection of Employment) Regulations 2006 (TUPE). These regulations protect the existing terms and conditions of employment for employees and ensure that continuity of service is protected. At this meeting I will spend time discussing the proposed rationale for the transfer and provide an opportunity for you to raise any queries or concerns.

The date of the consultation meeting will reflect the start of the consultation process with you and will last for [insert number] days. You will also be invited to an individual meeting to discuss your personal concerns with regards to the proposed transfer.

At all meetings regarding this transfer, you have the right to be accompanied by a Staff Side or Trade Union representative or by a workplace friend or colleague. If you wish to be accompanied, you will need to make arrangements for this. Please refer to the Organisational Change and Consultation Policy for further detail in relation to representatives and companions. For your information, we have invited along a representative from Staff Side to join us at the group meeting.

I would also like to advise you of our Employee Assistance Programme, should you require further support during this process, who can be contacted on 0800 243 458 or [www.workplaceoptions.com](http://www.workplaceoptions.com)

If you have any queries at this stage, then please do not hesitate to contact me.

Yours sincerely

**[Name]**

[Title]

Cc. [Insert name], HR Consultant

Enc. Consultation Document

*Solent NHS Trust has the right to adapt this letter where appropriate*  
*Letter inviting individual to an individual consultation meeting*

**Sent Special Delivery**

**Private and Confidential**

[Name]

[Address]

[Date]

Dear [Name]

**RE: Individual Invite- Consultation on Organisational Change**

Further to your request, I am writing to invite you to an individual consultation meeting in regards to the proposal to change [insert summary of change]. This meeting will take place at [time and date] at [location]. I shall be conducting the meeting accompanied by [Insert Name] HR Consultant, to support the consultation process and advise on any procedural matters.

At this meeting I will spend time discussing your personal concerns with regards to the proposed change.

You have the right to be accompanied at this meeting by a Staff Side or Trade Union representative or by a workplace friend or colleague. If you wish to be accompanied, you will need to make arrangements for this. Please refer to the Organisational Change and Consultation Policy for further detail in relation to employee representatives and companions.

I would also like to advise you of our Employee Assistance Programme, should you require further support during this process, who can be contacted on 0800 243 458 or [www.workplaceoptions.com](http://www.workplaceoptions.com)

If you have any queries regarding the contents of this letter, then please do not hesitate to contact me.

Yours sincerely

**[Name]**

[Title]

Cc. [Insert name], HR Consultant

*Solent NHS Trust has the right to adapt this letter where appropriate*  
Letter closing consultation

**Sent Special Delivery**

**Private and Confidential**

[Name]

[Address]

[Date]

Dear [Name]

**RE: Close of Consultation**

I am writing to formally notify you of the outcome of the consultation period in regards to the proposal to change [insert summary of change]. We started consultation with you on [insert date] for a period of [insert number] days. The consultation process has now closed with effect from [insert date].

As part of this consultation process, we provided you with a consultation document to ensure you were fully informed of the proposed change. In addition we also held a group consultation meeting for all employees and individual consultation meetings, where requested. We recognise that the implementation of this change cannot happen without the support and involvement of employees and we hope by fully consulting with you, you are committed to ensuring this change is a success.

We aim to continue to communicate with you on a regular basis with regards to the implementation of this change, however, should you have any queries or ideas to ensure its successful implementation, then please do not hesitate to contact me.

As part of this change, you may be eligible for protection of salary and/ or protection of any additional travel costs incurred as a result of this change. Where this is applicable, you will receive confirmation in writing. For further information, please refer to the Trust's Protection of Pay and Conditions of Service Policy.

For changes which affect your terms and conditions of employment, we would like to advise you that you have the right to appeal. If you wish to do so, please refer to the Appeals Standard Operating Procedure. All appeals must be made to me within 7 calendar days of receiving this letter.

I would like to take this opportunity to thank you for your continued hard work, commitment and support during this consultation period.

Yours sincerely

**[Name]**

[Title]

Cc. [Insert name], HR Consultant

*Solent NHS Trust has the right to adapt this letter where appropriate  
Letter notifying individual of recruitment process*

**Sent Special Delivery**

**Private and Confidential**

[Name]

[Address]

[Date]

Dear [Name]

**RE: Close of Consultation- Recruitment Process**

I am writing to formally notify you of the outcome of the consultation period in regards to the proposal to change [insert summary of change]. We started consultation with you on [insert date] for a period of [insert number] days. The consultation process has now closed with effect from [insert date].

As part of this consultation process, we provided you with a consultation document to ensure you were fully informed of the proposed change. In addition we also held a group consultation meeting for all employees and individual consultation meetings, where requested.

As part of this change, you will be involved in a recruitment process to select the appropriate candidate to the vacant post of [insert job title]. I must advise you that if you are not successful in securing this position, your role within the Trust may be at risk and redeployment options may need to be considered.

Your interview will take place at [time and date] at [location] and I enclose the relevant documentation with this letter to support your application. I shall be conducting the interview accompanied by [Insert name and job title] to ensure a fair selection process is conducted. As part of this selection process you will also be required to complete the following assessments:

- Detail here any additional selection techniques you will be using to recruit to the vacant positions

I wish you success with your application.

I would also like to take this opportunity to thank you for your continued hard work, commitment and support during this consultation period.

Yours sincerely

**Name]**

[Title]

Cc. [Insert name], HR Consultant

Enc. Job description, person specification and KSF profile

*Solent NHS Trust has the right to adapt this letter where appropriate*  
*Letter closing consultation and confirming appointment*

**Sent Special Delivery**

**Private and Confidential**

[Name]

[Address]

[Date]

Dear [Name]

**RE: Close of Consultation- Appointment**

I am writing to formally notify you of the outcome of the consultation period in regards to the proposal to change [insert summary of change]. We started consultation with you on [insert date] for a period of [insert number] days. The consultation process has now closed with effect from [insert date].

As part of this consultation process, we provided you with a consultation document to ensure you were fully informed of the proposed change. In addition we also held a group consultation meeting for all employees and individual consultation meetings, where requested.

As part of this change, you were involved in a recruitment process to select the appropriate candidate to the vacant post of [insert job title]. I am now pleased to confirm that you that you have been successful and will be appointed into the role with effect from [Insert date]. I enclose the relevant documentation with this letter to support this appointment.

As part of this change, you may be eligible for protection of salary and/ or protection of any additional travel costs incurred as a result of this change. Where this is applicable, you will receive confirmation in writing. For further information, please refer to the Trust's Protection of Pay and Conditions of Service Policy.

We aim to continue to communicate with you on a regular basis with regards to this change, however, should you have any queries or ideas to ensure its successful implementation, and then please do not hesitate to contact me.

For changes which affect your terms and conditions of employment, we would like to advise you that you have the right to appeal. If you wish to do so, please refer to the Appeals process contained within the Trust's Appeals Standard Operating Procedure for details. All appeals must be made to me within 7 days of receiving this letter.

I would like to take this opportunity to thank you for your continued hard work, commitment and support during this consultation period.

Yours sincerely

**[Name]**

[Title]

Cc. [Insert name], HR Consultant

Enc. Job description, person specification, KSF profile

Solent NHS Trust has the right to adapt this letter where appropriate  
Letter closing consultation and confirming post at risk

**Sent Special Delivery**

**Private and Confidential**

[Name]

[Address]

[Date]

Dear [Name]

**RE: Close of Consultation- Position at Risk**

I am writing to formally notify you of the outcome of the consultation period in regards to the proposal to change [insert summary of change]. We started consultation with you on [insert date] for a period of [insert number] days. The consultation process has now closed with effect from [insert date].

As part of this consultation process, we provided you with a consultation document to ensure you were fully informed of the proposed change. In addition we also held a group consultation meeting for all employees and individual consultation meetings, where requested.

As part of this change, you were involved in a recruitment process to select the appropriate candidate to the vacant post of [insert job title]. I am now in a position to confirm that you have not been successful in your application to the vacant post and must formally notify you that your position is at risk of redundancy.

I will support your search for redeployment opportunities within the Trust at this time and for the period of your notice at that time as stipulated in your contract of employment. Should a position become available you should apply through the People Services department. Should you meet the essential criteria for positions within the Trust every effort should be made to secure an interview. If offered a position within the Trust you are entitled to a four week trial period in the first instance.

I must advise you that if you are not successful in securing a reasonable alternative position, redundancy will apply. I appreciate that this must be a very difficult time for you and wish you every success in securing alternative employment.

For changes which affect your terms and conditions of employment, we would like to advise you that you have the right to appeal. If you wish to do so, please refer to the Appeals process contained within the Trust's Appeals Standard Operating Procedure for details. All appeals must be made to me within 7 days of receiving this letter.

I would like to take this opportunity to thank you for your continued hard work, commitment and support during this consultation period. Should you require further support, you may also wish to contact the Employee Assistance Programme on 0800 243 458 or [www.workplaceoptions.com](http://www.workplaceoptions.com).

Yours sincerely

**[Name]**

[Title]

Cc. [Insert name], HR Consultant

Solent NHS Trust has the right to adapt this letter where appropriate  
Letter issuing notice of redundancy

**Sent Special Delivery**

**Private and Confidential**

[Name]

[Address]

[Date]

Dear [Name]

**Notice of Redundancy**

I am writing further to our meetings held on xxxxx, at which xxxx, HR Consultant was present and [you were accompanied by your workplace friend/colleague or union representative, xxxxx] [at which you chose not to be accompanied].

As you are aware in xxxxx, a consultation process was held for you and your colleagues regarding xxxxxxxx. Following this consultation period ending, you were advised that you were at risk and that the Trust would support you in seeking redeployment opportunities.

Unfortunately, no suitable alternative roles for redeployment for you have become available and as such in our meeting on xxxxxx, I issued you formal notice of redundancy.

It was explained that you are entitled to x weeks' notice commencing from the date of this meeting. However, should any suitable vacancies arise during your notice period for which you meet the essential criteria, you will be guaranteed an interview. If offered a position within the Trust you are entitled to a four week trial period in the first instance. In addition we advised that you ought to be aware of the wider job market within the NHS. You will be allowed reasonable time off to attend interviews and you should notify your manager prior to taking the time off.

I must advise you that if you are not successful in securing a reasonable alternative position, redundancy will apply and your last date of service with the trust would be xxxxxx.

An estimated redundancy quote has been provided to you, although it was explained that the actual figure may differ slightly i.e. if you were to work different hours leading up to the calculation.



As discussed, you have some leave outstanding from your xxx entitlement, which [outline the annual leave arrangements that have been agreed].

It is important to inform you that your redundancy payment is subject to the following criteria. Please refer to Section 16 of the NHS Terms and Conditions of Service for further information in this respect:

**That you will not work or be offered employment by another NHS employer within 4 weeks of your employment ending with Solent NHS Trust.**

Your redundancy payment will be paid on the next available payrun following your last day of employment with the exception of the paragraph below where applicable. In accepting this payment, you are confirming that you are doing so on the basis of the above statement i.e. that should you subsequently work or be offered employment by another NHS employer within 4 weeks of your employment ending with Solent NHS Trust, it will be your responsibility to repay this money to Solent NHS Trust. The Trust do not accept any liability in following this up with you, however, should it be identified later that you have worked or been offered employment by another NHS employer within 4 weeks of your employment ending, the Trust will take measures to recover this money .

If you are within the age range which enables you to take your pension albeit with an actuary reduction, you may choose to use your redundancy payment to buy off part or all of your actuary reduction. The Trust does not accept any liability for any decision that you make in this respect. It is your responsibility to make any pension enquiries direct with the Trust and/or to make any request for a redundancy calculation to be provided. Should you wish to have your redundancy payment paid directly to your pension, you will need to notify HR Consultancy before your redundancy payment is made, i.e. no later than xxxx.

You have the right of appeal against your notice of redundancy and should you wish to appeal I would ask that you address your letter to xxxxxx, within 7 days of the date of this letter, so that the appropriate manager can be appointed for the hearing.

As always we offer our Employee Assistance Programme – Workplace Options, who can be contacted on 0800 243 458, to assist you should you need to use it.

Please can I ask you to return all Trust property e.g. uniform, ID badge, iPads, laptops, mobile telephones, and any keys etc. back to me by xxxxx

I would like to take this opportunity to thank you for your continued hard work and commitment during this difficult period and wish you every success in the future.

Yours sincerely

*Solent NHS Trust has the right to adapt this letter where appropriate*  
*Letter confirming trial period*

**Sent Special Delivery**

**Private and Confidential**

[Name]

[Address]

[Date]

Dear [Name]

**RE: Trial Period**

Further to my letter dated [insert date] and confirmation of your post being placed at risk, I am pleased to confirm that you will be undertaking a trial period for the position of [insert job title].

Your trial period will commence on [insert date] for the duration of four weeks ending on [insert date]. Whilst you are undertaking this trial period your salary will remain the same and there may be protection of any additional travel costs incurred as a result of this change. Where this is applicable, you will receive confirmation in writing. For further information, please refer to the Trust's Pay Protection Policy.

During this trial period you will report to the line manager for the service on a day to day basis. This will continue if it is felt the trial period has been a success and you are permanently appointed to the role.

You have had an opportunity to meet with your new line manager to discuss the role with you and have agreed a list of your objectives. This has been provided to you alongside any other relevant supporting documentation. The new manager will also be responsible for ensuring that any relevant training will be provided to you to ensure you are able to meet the requirements of this position.

I must advise you that during your trial period you should continue to seek redeployment opportunities.

I wish you every success during this trial period.

If you have any queries, then please do not hesitate to contact me.

Yours sincerely

**[Name]**

[Title]

Cc. [Insert name], HR Consultant

Enc. Job description, person specification, KSF profile

*Solent NHS Trust has the right to adapt this letter where appropriate*  
Letter closing consultation and confirming transfer out of the Trust

**Sent Special Delivery**

**Private and Confidential**

[Name]

[Address]

[Date]

Dear [Name]

**RE: Close of Consultation- Transfer out of the Trust**

I am writing to formally notify you of the outcome of the consultation period in regards to the transfer of your post to [insert name of organisation]. We started consultation with you on [insert date] for a period of [insert number] days. The consultation process has now closed with effect from [insert date] and you will transfer to [insert details] with effect from [insert date].

As part of this consultation process, we provided you with a consultation document to ensure you were fully informed of the proposed transfer. In addition, we also held group and individual consultation meetings with employees. We recognise that the implementation of this transfer cannot happen without the support and involvement of employees and we hope by fully consulting with you, you are committed to ensuring this transfer is a success.

We aim to continue to communicate with you on a regular basis with regards to this transfer, however, should you have any queries or concerns then please do not hesitate to contact me or your line manager within the new organisation.

**Changes**

For changes which affect your terms and conditions of employment, we would like to advise you that you have the right to appeal. If you wish to do so, please refer to the Appeals Standard Operating Procedures. All appeals must be made to me within 7 days of receiving this letter.

You have the right to object to the automatic transfer of your Contract of Employment to a new employer. However, such a refusal will deem that you have resigned, and will mean that your contract will end upon the transfer without the need to give notice. You will not be eligible for a redundancy payment.

**Your information**

Under TUPE regulations, your employment transfers including your employment file and details within Solent. Your Occupational Health records will be transferred on [x date]- *NB must be given 3 weeks notice*. If you do not consent for your Occupational Health records to be transferred to your new employer, you must email [snhs.ohservices@nhs.net](mailto:snhs.ohservices@nhs.net) by X date

I would like to take this opportunity to thank you for your continued hard work, commitment and support during this consultation period and wish you success in your new organisation. Should you require further support, you may also wish to contact the Employee Assistance Programme on 0800 243 458 or [www.workplaceoptions.com](http://www.workplaceoptions.com).

Yours sincerely

Cc. [Insert name], HR Consultant

*Solent NHS Trust has the right to adapt this letter where appropriate*  
*Letter inviting individual to an appeal hearing*

**Sent Special Delivery**

**Private and Confidential**

[Name]

[Address]

[Date]

Dear [Name]

**Re: Appeal Hearing**

Further to your letter dated [insert date], I am writing to invite you to an appeal meeting at [time and date] at [location]. I shall be conducting the meeting accompanied by [Insert Name] HR Consultant, to advise on any procedural matters.

This meeting will follow the Appeals process as outlined in the Appeals Standard Operating Procedure. At this appeal meeting, I will spend time discussing the reason(s) for your appeal which may be one or more of the following:

- The detrimental impact of the change on you
- Failure to follow the procedure

It is not sufficient merely to disagree with the change itself.

I must advise you that this meeting will not involve further discussion around the change itself but will focus on the grounds of appeal only. There is no further right of appeal after this stage.

If you wish to provide evidence in support of your appeal, please provide details of this to me no less than two days before the meeting is due to be held.

You have the right to be accompanied at this meeting by a Staff Side or Trade Union representative or by a workplace friend or colleague. Please refer to the Organisational Change and Consultation Policy for further detail in relation to representatives and companions.

I would also like to advise you of our Employee Assistance Programme, should you require further support during this process, who can be contacted on 0800 243 458 or [www.workplaceoptions.com](http://www.workplaceoptions.com).

Yours sincerely

**[Name]**

[Title]

Cc. [Insert name], HR Consultant

*Solent NHS Trust has the right to adapt this letter where appropriate*  
*Letter confirming outcome of appeal meeting*

**Sent Special Delivery**

**Private and Confidential**

[Name]

[Address]

[Date]

Dear [Name]

**Outcome of Appeal**

I am writing to confirm the outcome of your appeal meeting held on [date]. You were present at the meeting accompanied by [insert name]. [Insert name], HR Consultant was present to advise on any procedural matters.

This meeting followed the Appeals process as outlined in the Appeals Standard Operating Procedure.

At this meeting we discussed the reasons for your appeal and the outcome you wished to achieve.

In reaching a conclusion, I considered your comments carefully along with all aspects of Trust policy and practice. Based on the evidence presented, I can confirm that I [do / do not] uphold your appeal. The rationale for this decision is as follows:

- Detail rationale here

There is no further right to appeal this decision under this section of the procedure.

If you have any queries regarding the content of this letter, then please do not hesitate to contact me. Should you require further support, you may also wish to contact the Employee Assistance Programme on 0800 243 458 or [www.workplaceoptions.com](http://www.workplaceoptions.com).

Yours sincerely

**[Name]**

[Title]

Cc. [Insert name], HR Consultant

Enc. Notes of meeting

Managers Checklist

Task	Due date	Lead	Comments/Progress
<b>Consultation</b>			
Identify employees affected by the change			
Produce consultation document and draft job descriptions if appropriate			
Notify HR Consultancy and discuss any foreseeable HR issues			
Notify Staff Side Lead			
Identify employees where slot in and limited competition applies			
Identify employees who may be subject to redundancy and request approximate costs for this from People Services			
Issue letters to employees inviting them to a consultation meeting including a copy of the consultation document			
Issue letters to employees inviting them to an individual consultation meeting			
Ensure that employees sign and are issued a copy of letter confirming consultation meeting held / proposals and individual meeting form is signed / copied / issued to employees			
Provide regular updates to employees on the progress of the change			
Incorporate feedback from employees in the final consultation document			
Issue letters to employees closing the consultation process and advising them of when the change will be implemented			
<b>Administration</b>			
Move personal files to the new manager (or organisation, if TUPE)			
Inform the People Services team of the changes using the appropriate documentation			
<b>Training and Development</b>			
Identify training already undertaken by employees and notify new manager			
Arrange any training required as a result of the change			
Provide team development and an induction programme where possible			
<b>Support</b>			
Inform Occupational Health of any individuals changing posts so that an assessment can be made on medical suitability for the post			

**Individual Meeting Template**

Name:		Current role / hours:	
Date:		Location:	
Representative :	Yes/No Name:	If no, are they happy to continue:	
How are you feeling?			
Discuss current situation and what this means (might mean) to the individual			
What are your initial thoughts / queries / questions?			
Anticipated implications for current post (subject to consultation process outcome)			
Clarification of the consultation process and timescales etc. (including reference to consultation document)			
How do you feel about the process to date?			
Assess & confirm appropriate method of communication.			
Outline of support available for employees should they find it useful		Manager Member of HR Consultancy Employee Assistance Programme (workplace options: 0800 243 458)	
Any other questions?			

Signed.....

Name: Manager/HR Consultant

Signed.....

Name: Employee.

### **Points to cover, where applicable:**

- Substantially similar employment
- Protection arrangements
- Traveling expenses
- Time off for interviews
- Retraining
- Trial Periods
- The nature of work considered reasonable
- Flexibility of hours, working patterns, etc
- Access to transport
- Services they would consider
- Training needs
- Arrangements re redundancy – and how/when payment will be made (refer to Section 16, 16.23 of the NHS Terms and Conditions
- Any other relevant factors

### **Supporting information to provide:**

- Provide skills form if appropriate
- Provide copy of internal adverts, if appropriate
- Explain that there will be further opportunity for individual meetings
- Ask the employee if they have any annual leave booked in the next few months



## JOB MATCHING PROCESS

**1: Identify the pool of employees affected by the proposed changes**

- 1.1 The roles and responsibilities of all existing roles within the area being reviewed should be up-to-date and have accurate job descriptions. Those roles affected by the change should be extended to indicate the percentage of time spent on each key area of responsibility. The task should be carried out by the relevant post holder in conjunction with their immediate line manager.
- 1.2 The role and responsibilities of each new post within the revised organizational structure should be outlined within a comprehensive job description. The essential skills, qualifications, experience, personal attributes and any other criteria deemed necessary for the post should be reflected in an accompanying person specification and Knowledge and Skills Framework (KSF) outline for each of the new roles. A mapping process of existing functions and roles should then be conducted to determine the degree of job match between existing and new posts.
- 1.3 Those employees directly affected by any phase in the change process will be given the first opportunity to compete for posts in that particular phase. Consideration will be given to the overall timescales involved and efforts made to ensure that other employees are not unduly disadvantaged with regard to decisions made in this respect.

**2: Compare the responsibilities associated with existing and new posts (via scrutiny of the job description) to determine the degree of job match**

- 2.1 The assessment of the degree of job match between existing and new posts will be undertaken by a manager or designated nominate with support from the relevant Human Resource professional.
- 2.2 The assessment will be based on the current job descriptions, person specifications and KSF outlines and will take account of the level of responsibility. Salary, band, and position of the new and existing posts. The emphasis will be on duties and responsibilities and the time allocated to these in percentage terms. The job matching form below should be used to assist this process.
- 2.3 Where an individual has a split role, these roles will be treated as part time posts and the assessment of job match will be applied to each role.

**JOB MATCHING FORM**

**Job Comparison Assessment Form**

Post title for new structure:		Existing post title:			
Employee name:					
Directorate:		Pay band:			
Matching comparison members:		Date comparison undertaken:			
New Role Criteria:	Evidence of match from existing role:	Key areas not matched:	% match to criteria	Score	Maximum score
Criteria A: Main purpose of job				0	200
Criteria B: Position in organisation				0	100
Criteria C: Scope and Authority				0	150

**APPENDIX 7**

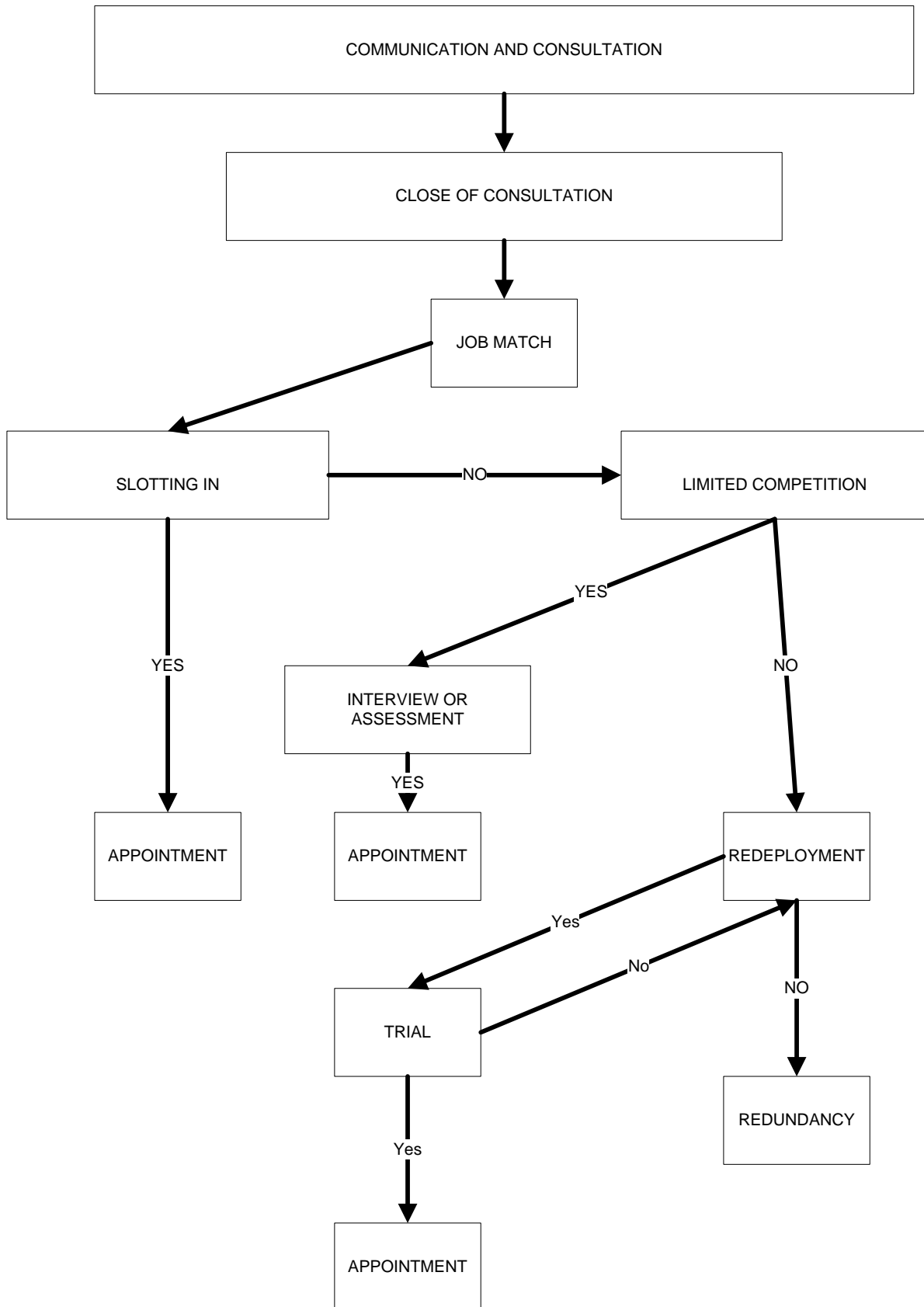
Criteria D: Qualifications and Training				0	150
Criteria E: Knowledge and Experience				0	200
Criteria F: Key Responsibilities				0	200
Total Score:				0	1000
Percentage match					0%
<b>PANEL DECISION</b>					
Suitable for post:			Not Suitable :		

Note: Each criteria weighted, for example 'Key responsibilities' has a higher weighting than 'Position in organisation'

Weightings are as follows: Criteria A, E and F = 20% each, Criteria C, and D = 15% each , Criteria B = 10%

If total percentage is 65% then the individual is suitable for the post

CHANGE MANAGEMENT PROCESS



**Risk register****SOLENT REDEPLOYMENT REGISTER****For all employees:**

1. If at the end of a consultation process an individual is formally confirmed as at risk of redundancy their details will be entered into the Trust's Redeployment Register. The Manager will ask the individual to complete the At Risk Form attached in appendix 10.
2. On completion of the form and return to the People Services team the employee will be provided with a secure and protected log in to access the NHS Restricted vacancies on the NHS Jobs website. The employee will need to provide an email address for which they would like their NHS Restricted Vacancies Account to be set up against. The People Services team will be responsible for demonstrating how to set up e-mail alerts from NHS Jobs to ensure all suitable jobs are identified to the individual when the jobs are registered on the system.
3. The employee will be responsible for using the NHS Jobs website to identify suitable alternative roles and apply through the normal NHS Jobs process.
4. The employee will be required to apply for posts deemed as suitable alternative employment.
5. The employee will be entitled to a minimum of 4 weeks trial, details of which are available in section 7.4 of this policy.
6. The organisation recognises that some individuals and/or groups of employees may find it more difficult to access this process e.g. due to limited IT access and/or limited IT skills. We are committed to ensuring that employees are supported in making full use of the process, based on their individual needs.

**Managing vacancies:**

1. Once a vacancy has arisen within the Trust, this will be restricted in the first instance to any at employee at risk of redundancy within the organisation.
2. The nominated HR lead will then have 48 hours in which to search their individual at risk list, contained within the local Redeployment Register, for suitable candidates and have a discussion with the individual(s) about their interest in a particular vacancy.
3. If they consider there are suitable candidates then they must contact the appropriate HR Consultant to alert them of this fact within the allocated 48 hours.
4. The Trust must then leave the vacancy for a further seven calendar days to enable suitable individuals to apply through the normal NHS Jobs recruitment process.
5. If there is no contact in the first three working days then the Trust may move the vacancy across to the wider NHS Jobs portal.
6. In the event that a vacancy has been moved to the wider access part of NHS Jobs and an individual is subsequently placed at risk of redundancy and joins the Trust's Redeployment Register, the vacancy will not be withdrawn and returned to the Restricted Vacancies. However, there is an expectation that there would be a discussion between the nominated HR Consultant lead & HR Co-ordinator that a candidate at risk of redundancy was going to apply for their vacancy via the normal mechanism and prior consideration will be given to the

individual if the role constitutes suitable alternative employment.

7. All employees deemed at risk of redundancy will have access to the vacancies on the restricted section of NHS Jobs and will be expected to apply through the normal NHS Jobs application process.
8. When an individual has secured suitable alternative employment or taken redundancy, the organisations nominated HR lead will be responsible for updating the Redeployment Register.

## APPENDIX 10

### EMPLOYEE SKILLS AUDIT FORM

*This form is designated to identify skills and qualifications, which may prove useful in assisting with the redeployment of employees*

<b>Name:</b>	
<b>Position:</b>	
<b>Department:</b>	
<i>Briefly describe your current post (and, if you are part time, any other employment you may have) and the skills/qualifications required. Please include present/ preferred hours/work pattern and location.</i>	
<i>What jobs/posts have you been employed in, in the past, for the Trust, NHS and elsewhere? What skills/qualifications were attached to that work?</i>	

**APPENDIX 10**

*List further skills you believe you have. These may not necessarily be currently used, or have been used, in your employment. If you have qualifications, which relate to a particular skill please provide details*

On the assumption you were provided with appropriate training and support, what new area(s) of work do you believe you would be capable of carrying out? What skills do you think you would need which you do not currently have?



**APPENDIX 10**

**Preferred email account for NHS jobs (can only be one address but may be work or home)**

.....

Signed: ..... Dated: .....

## TUPE TRANSFERS

Where a service transfers to a new organisation, or into the organisation, individuals employed in that service will transfer to the new organisation under a transfer order or the Transfer of Undertakings (Protection of Employment) Regulations 2006 (TUPE). These regulations protect the existing terms and conditions of employment for employees and ensure that continuity of service is protected. Some examples of a transfer are as follows:

- Where all or part of a service is commissioned by an alternative provider
- Where the organisation, or part of it, is bought or acquired by another organisation
- Where the organisation ceases to exist and/ or combines with another organisation

Employees who are affected by a transfer are as follows:

- Who work solely within the service and/ or part of the organisation transferring across
- Where a significant proportion of the activity completed by individuals can be attributed to the service/ part of the organisation transferring
- Fixed Term employees
- Employees currently seconded out of the service
- Employees currently on maternity, long term sick leave other leave such as career breaks, adoption, paternity, and Carers leave

Employees who are not affected by a transfer are as follows:

- Where a small proportion of the activity completed by individuals is within the service and/ or part of the organisation transferring across and the greater majority of activity is retained by the current employer
- Those temporarily employed to work within the service and/ or part of the organisation transferring across will not transfer..

The new employer will be responsible as follows:

- For working in partnership to ensure employees are fully consulted with during the change
- For the terms and conditions of the employees transferring
- For all rights and obligations arising from the contract of employment, except criminal liabilities and some benefits under an occupational pension scheme.
- For all collective agreements made on behalf of the employees and in force immediately before the transfer.
- Providing a pension scheme, which must be certified by the Government Actuary as being overall materially at least as good as the NHS pension scheme. Any transferred employees should be given the option to transfer the accrued rights from their past service in the NHS pension scheme to the new employer's pension scheme without suffering the normal disadvantages which apply to early leavers of defined benefit pension schemes.
- Information that is required to be shared with the new provider is found in Appendix 11

The new employer will not be able to:

- Fairly dismiss an employee because of the transfer or a reason connected with it, unless the reason for the dismissal is an economic, technical or organisational reason entailing changes in the workforce. If there is no such reason, the dismissal will be unfair
- Change the terms and conditions of the transferring employee because of the transfer or a reason connected with it, unless the reason for the change is an economic, technical or organisational reason entailing changes in the workforce. Should this apply, full consultation should take place with employees affected.

Examples include:

- Economic- where the demand for the service or department has fallen to such an extent that a reduction in the number of employees is required.
- Technical- where new technology is required and the individuals employed do not have the required skills and a reasonable level of training would not resolve this.
- Organisational- where the organisation is required to move to a different location and it is not practical to transfer employees.

The existing employer will be responsible for:

- Working in partnership to ensure employees are fully consulted with during the change
- Providing the new employer with relevant employee information

Where TUPE applies, employees have the right to object to the automatic transfer of their Contract of Employment to a new employer. However, such a refusal will mean that their contract will come to an end upon the transfer without the need to give notice and they will not be eligible for unfair dismissal compensation or redundancy payments.

**TUPE Transfer- Information to Provide to New Organisation**

- The sex and date of birth of employees expected to transfer
- The dates of commencement of service
- Details of notice required to terminate each contract of employment
- The salary, wages and other contractual benefits including overtime arrangements, annual leave entitlement, etc
- Any Attachment of Earnings, Voluntary deductions which can continue post transfer
- Pension details including contributions rates and all other entitlements available
- Incremental Dates
- Trade Union details
- Details of any current dispute brought under the Trust's disciplinary, resolution or performance procedures
- Details of any litigation threatened, pending or ongoing including any county court claims, High Court claims or employment tribunal or arbitration claims, including any awards which may have been made in the previous 24 months
- Details of any enquiry by external agencies such as the Commission for Racial Equality, Equal Opportunities Commission, Disability Rights Commission, Health and Safety Inspectorate, HM Inland Revenue and Customs and any outcome thereof
- Details of all training, work experience or similar schemes
- Details of any recent changes to terms and conditions
- Details of any employee about to exercise or who has given notice to exercise or who has exercised a right to maternity leave and who, it may be possible, may elect to return to work after such leave
- Details of any days sickness absence in the last twelve months
- Details of any agreements, including individual collective or workforce, pursuant to the Working Time Regulations
- Copies of job descriptions including details of job title and grade
- Details of any shift systems/ patterns/ rotas applying to each employee together with details of any shift premia applying
- Copies of any relevant policies

## Equality Analysis and Equality Impact Assessment

**Equality Analysis** is a way of considering the potential impact on different groups protected from discrimination by the Equality Act 2010. It is a legal requirement that places a duty on public sector organisations (The Public Sector Equality Duty) to integrate consideration of Equality, Diversity and Inclusion into their day-to-day business. The Equality Duty has 3 aims, it requires public bodies to have due regard to the need to:

- **eliminate unlawful discrimination**, harassment, victimisation and other conduct prohibited by the Equality Act of 2010;
- **advance equality of opportunity** between people who share a protected characteristic and people who do not;
- **foster good relations** between people who share a protected characteristic and people who do not.

**Equality Impact Assessment (EIA)** is a tool for examining the main functions and policies of an organisation to see whether they have the potential to affect people differently. Their purpose is to identify and address existing or potential inequalities, resulting from policy and practice development. Ideally, EIAs should cover all the strands of diversity and Inclusion. It will help us better understand its functions and the way decisions are made by:

- **considering the current situation**
- **deciding the aims and intended outcomes of a function or policy**
- **considering what evidence there is to support the decision and identifying any gaps**
- **ensuring it is an informed decision**

### Equality Impact Assessment (EIA) *see supporting guidance on pg 3*

#### Step 1: Scoping and Identifying the Aims

Service Line / Department	People Services / HR Consultancy	
Title of Change:	Organisational Change and Consultation Policy	
What are you completing this EIA for? (Please select):	Policy	<i>(If other please specify here)</i>
What are the main aims / objectives of the changes	Policy review	

#### Step 2: Assessing the Impact

Please use the drop-down feature to detail any positive or negative impacts of this document /policy on patients in the drop-down box below:

Protected Characteristic	Positive Impact(s)	Negative Impact(s)	Action to address negative impact: <i>(e.g. adjustment to the policy)</i>
Sex	Y		
Gender reassignment	Y		
Disability	Y		
Age	Y		
Sexual Orientation	Y		
Pregnancy and maternity	Y		
Marriage and civil partnership	Y		
Religion or belief	Y		
Race	Y		

## APPENDIX 13

*If you answer yes to any of the following, you MUST complete the evidence column explaining what information you have considered which has led you to reach this decision.*

Assessment Questions	Yes / No	Please document evidence / any mitigations
In consideration of your document development, did you consult with others, for example, external organisations, service users, carers or other voluntary sector groups?)	No	Minor amendments at this time.
Have you taken into consideration any regulations, professional standards?	Yes	NHSI recommendations as per Dido Harding letter
In drafting your document have you identified any discrimination issues, and if so how have they been mitigated?	No	

### Step 3: Review, Risk and Action Plans

How would you rate the overall level of impact / risk to the organisation?	<table border="1"> <thead> <tr> <th>Low</th> <th>Medium</th> <th>High</th> </tr> </thead> <tbody> <tr> <td><input checked="" type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> </tbody> </table>	Low	Medium	High	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Low	Medium	High					
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>					
What action needs to be taken to reduce or eliminate the negative impact?	Fair and consistent application of policy						
Who will be responsible for monitoring and regular review of the document / policy?	HR Consultancy						

### Step 4: Authorisation and sign off

*I am satisfied that all available evidence has been accurately assessed for any potential impact on patients and groups with protected characteristics in the scope of this project / change / policy / procedure / practice / activity. Mitigation, where appropriate has been identified and dealt with accordingly.*

Equality Assessor: H West

Date: 06/03/2020

*This section is to be agreed and signed by the Head of Diversity and Inclusion in agreement with the Diversity and Inclusion Strategy Lead:*

Diversity and Inclusion authoriser name:

Date:

## Additional guidance

Protected characteristic		Who to Consider	Example issues to consider	Further guidance
1.	<b>Disability</b>	A person has a disability if they have a physical or mental impairment which has a substantial and long term effect on that person's ability to carry out normal day today activities. Includes mobility, sight, speech and language, mental health, HIV, multiple sclerosis, cancer	<ul style="list-style-type: none"> <li>• Accessibility</li> <li>• Communication formats (visual &amp; auditory)</li> <li>• Reasonable adjustments.</li> <li>• Vulnerable to harassment and hate crime.</li> </ul>	Further guidance can be sought from: Solent Disability Resource Group
2.	<b>Sex</b>	A man or woman	<ul style="list-style-type: none"> <li>• Caring responsibilities</li> <li>• Domestic Violence</li> <li>• Equal pay</li> <li>• Under (over) representation</li> </ul>	Further guidance can be sought from: Solent HR Team
3	<b>Race</b>	Refers to an individual or group of people defined by their race, colour, and nationality (including citizenship) ethnic or national origins.	<ul style="list-style-type: none"> <li>• Communication</li> <li>• Language</li> <li>• Cultural traditions</li> <li>• Customs</li> <li>• Harassment and hate crime</li> <li>• "Romany Gypsies and Irish Travellers", are protected from discrimination under the 'Race' protected characteristic</li> </ul>	Further guidance can be sought from: BAME Resource Group
4	<b>Age</b>	Refers to a person belonging to a particular age range of ages (eg, 18-30 year olds) Equality Act legislation defines age as 18 years and above	<ul style="list-style-type: none"> <li>• Assumptions based on the age range</li> <li>• Capabilities &amp; experience</li> <li>• Access to services technology skills/knowledge</li> </ul>	Further guidance can be sought from: Solent HR Team
5	<b>Gender Reassignment</b>	" The expression of gender characteristics that are not stereotypically associated with ones sex at birth" World Professional Association Transgender Health 2011	<ul style="list-style-type: none"> <li>• Tran's people should be accommodated according to their presentation, the way they dress, the name or pronouns that they currently use.</li> </ul>	Further guidance can be sought from: Solent LGBT+ Resource Group
6	<b>Sexual Orientation</b>	Whether a person's attraction is towards their own sex, the opposite sex or both sexes.	<ul style="list-style-type: none"> <li>• Lifestyle</li> <li>• Family</li> <li>• Partners</li> <li>• Vulnerable to harassment and hate crime</li> </ul>	Further guidance can be sought from: Solent LGBT+ Resource Group
7	<b>Religion and/or belief</b>	Religion has the meaning usually given to it but belief includes religious and philosophical beliefs, including lack of belief (e.g Atheism). Generally, a belief should affect your life choices or the way you live for it to be included in the definition. (Excludes political beliefs)	<ul style="list-style-type: none"> <li>• Disrespect and lack of awareness</li> <li>• Religious significance dates/events</li> <li>• Space for worship or reflection</li> </ul>	Further guidance can be sought from: Solent Multi-Faith Resource Group Solent Chaplain
8	<b>Marriage</b>	Marriage has the same effect in relation to same sex couples as it has in relation to opposite sex couples under English law.	<ul style="list-style-type: none"> <li>• Pensions</li> <li>• Childcare</li> <li>• Flexible working</li> <li>• Adoption leave</li> </ul>	Further guidance can be sought from: Solent HR Team
9	<b>Pregnancy and Maternity</b>	Pregnancy is the condition of being pregnant or expecting a baby. Maternity refers to the period after the birth and is linked to maternity leave in the employment context. In non-work context, protection against maternity discrimination is for 26 weeks after giving birth.	<ul style="list-style-type: none"> <li>• Employment rights during pregnancy and post pregnancy</li> <li>• Treating a woman unfavourably because she is breastfeeding</li> <li>• Childcare responsibilities</li> <li>• Flexibility</li> </ul>	Further guidance can be sought from: Solent HR team