

Employee Policy HR Consult

1. Policy Statement

NHSBT recognises that our employees are our most valuable resource and continue to invest in our future. Although we are committed to providing a stable working environment and job security wherever possible, we have a responsibility to contribute to the wider health and social care community. We do this by ensuring we continue to deliver year on year efficiencies ensuring that we are able to meet the changing demands we face while maintaining a high-quality service to our donors, patients and their families.

Where organisational change is essential, we will manage the process well by ensuring that any change processes are handled legally, fairly, and equitably. Where organisational change is necessary, we will maintain a focus on the retention of skills, experience and knowledge; taking all practicable steps to minimise any adverse effects on our employees while ensuring that wherever possible we avoid, reduce and mitigate redundancies.

Our commitment to *inclusion* across race, gender, age, religion, gender identity, sexuality and experience drives us forward every day.

Our Commitment to Employees

To ensure we commit to supporting our employees through organisational change, consideration will be given to some of the following good practice principles when handling change, in particular to avoid compulsory redundancies:-

- Control and monitoring of recruitment through natural wastage (normal turnover), ring fencing, identification of internal opportunities, including redeployment and the training and development of our employees
- Use of fixed term contracts and the restriction on the use of agency workers / contractors
- Reduction/elimination of overtime working
- Voluntary reduction in hours worked
- The consideration of all flexible working requests
- Relocation opportunities
- Seeking volunteers, not necessarily from within the affected group of employees for voluntary redundancy/premature retirement. This will only be appropriate where the skills and experience of the volunteer could be matched to that of an employee from within the affected group and where it is financially viable
- We will not be recruiting externally into posts which could be filled by displaced employees. All posts will be advertised on the internal bulletin for at least one week to allow opportunities for local redeployment, retraining and development.

This list is not exhaustive. The particular circumstances of each situation will be considered and other creative approaches to maintaining employment security will also be considered. We will ensure that every effort is made to redeploy or find alternative work for any employees at risk of redundancy.

Establish the level of the Change

Prior to any discussion or engagement about change, management will establish the scale of the change and decide which level of change may be applied. Through discussion with recognised Trade Union representatives the appropriate level will be applied. The levels of change are:

- Changes which may result in redundancy
- Contractual changes not resulting in redundancy
- Changes to non contractual terms or working conditions

2. The Process

Engagement and Consultation

The key to engagement is that an idea or concept is communicated and then you are invited to respond on the proposal. Your responses are then actively and fully considered before any final decision is made. Implementation of the agreed change will then follow.

Engagement or consultations are the mechanism that is used to make a proposed change or set of options for change through a meaningful discussion with those affected. This mechanism aims to reach a satisfactory agreement that works for everyone involved.

The method of communications can be group discussions, 1-2-1 discussions or notification of a proposed change, such as a Proposal Document. For the communication to be most effective it should involve meaningful consultation, in which you and your colleagues have bought into the process and the changes proposed. There needs to be clear engagement and willingness to accept the change once implemented and other suggestions, options or counter proposals are listened to and thoroughly considered.

The changes need to be discussed with employees involved or affected; however, there is not always a need for a formal process.

For changes that may result in redundancy, or for contractual changes not resulting in redundancy

The rationale for change and subsequent consultation process will be clearly communicated by means of a Proposal Document, which will include plans for the process of implementation. In accordance with our Partnership Agreement, Joint Officers/Staff Partnership Committee should be made aware of all such change proposals before proceeding and kept up to date with progress. Details of the proposals would then be required to be shared with the appropriate directorate joint committee.

A Proposal Document will be completed by the appropriate operational management outlining the following:

- a clear rationale for change
- the proposed changes
- the consultation method (see below)
- the proposed implementation method and timescales
- how to mitigate any impact on those affected by any change

This must be approved by the appropriate senior operational management.

Formal Collective Consultation

For such change proposals, a consultative group will be established, made up of representatives from operational management, appropriate recognised Trade Union representatives and Human Resources to allow meaningful consultation to take place. Management will seek nominations from our recognised Trade Unions for representatives to cover employees who are potentially affected by any of the proposed changes. Those potentially affected by the changes proposed will be provided with access to the Proposal Document, along with regular progress updates, including the final agreed outcome of the collective consultation process.

Active feedback is encouraged during the consultation period from all stakeholders potentially affected by any change proposals and the arrangements for communication will be set out as part of the proposals.

Collective consultation meetings will be arranged and notified as part of the proposals. Every effort will be made to agree meeting dates with the consultation group *prior* to launching a formal consultation process.

Any feedback received or counter proposals received and representations made will be fully considered as part of the consultation process and outcomes notified in the final decisions/outcome document. Views and ideas of those potentially impacted and those of the representatives are welcomed throughout the process.

At the end of collective consultation, a final decisions/outcome document will be produced detailing the outcome of the process. This will be made available to those potentially affected by the changes, described as agreed plans, once the collective process has concluded. The process to submit feedback, ideas, queries, or counter proposals will be explained within the proposal document.

An operational manager who is leading the change will meet with employees affected to discuss the details of the decision and how it might affect them, the timescales associated with any decision, how they will be supported and information about when the changes will be implemented. Employees attending these individual meetings, have the right to be accompanied by an NHSBT employee or representative of a recognised Trade Union they belong to. These individual meetings are noted, of which the employee will receive a copy. Agreement in respect of how many meetings will be held with the individual as part of this consultation process can be determined at the first meeting, however there are not normally more than three meetings required and will depend on individual circumstances.

Individual consultation meetings, with the agreement of the collective consultation group, may overlap collective consultation meetings when this is agreed and beneficial.

Operational management and Human Resources must ensure they give due consideration to any change programmes and/or initiatives that are occurring in the same vicinity to ensure that redeployment opportunities are maximised. For example, there may be changes occurring in neighbouring teams, but as they are separate programmes, impact across the two may not always be considered.

Changes to non-contractual terms or working conditions

Where management and the nominated and recognised staff side are in agreement that a modified timescale can be agreed to consult on the changes and where both parties are happy that a formal consultation process is not required, **informal engagement** will take place. Once a change has been identified, the 'Proposal Document' can be modified to reflect the approach and timescales for consultation and implementation.

In this case, a small, **localised consultation group** will be set up, made up of representatives from operational management, Human Resources and recognised Trade Union representatives so that more detailed consultation can take place as specified in the proposals. Those potentially affected by the changes will be provided access to the proposals, along with regular progress updates, including the final agreed outcome.

Key principles for these discussions will be:

- Engaging with those affected in understanding the rationale for change
- Allowing them time to input to the proposals
- Allowing them to suggest ideas and alternative options
- To seek to find a solution to the particular challenge as a group

Management will meet with individuals to confirm the detail of how they are affected by the changes in the final agreed outcome, what support they will receive, if appropriate, and when the changes will be applied. Our employees have the right to be accompanied by an NHSBT employee or a representative of a recognised Trade Union they belong to during these individual meetings. The outcome of this meeting must be confirmed in writing within 7 calendar days of the meeting taking place. Sometimes, more than one, with a maximum of three meetings, may be required until the discussions can be resolved.

The same approach may be appropriate if a single person or small numbers of people are affected by the proposed change. This would be agreed in advance in partnership with recognised Trade Union representatives.

Redeployment, Training and Development Support

All redeployment support would normally occur once the outcome document has been finalised at the end of the collective consultation process.

There will be no length of service requirement to be placed on the redeployment register. All permanent employees and those on Secondment from posts where they would otherwise be '*at risk*' will be placed on the redeployment register.

Fixed term employees affected by the change, would normally be entered on to the redeployment register at the same time as their substantive colleagues, however in some change programmes this may not be appropriate and fixed term employees may have to have a period of service before this happens. For example this may occur where there is a long period of notice of a closure. The approach to be taken to Fixed term employees will be identified in the collective consultation process and the outcome document.

Any Fixed term employees commencing after the publication of the final outcome document, will not receive redeployment status or support. This will be reviewed in line with their length of service and be managed under the Secondment and Fixed Term Policy.

Redeployment Status and Support

There are two stages of redeployment status which apply as follows:-

Potential Redeployee – This is where it has been agreed that a post could be affected by the change programme but there are options available of other posts as part of the ring-fencing arrangements or potential redeployment opportunities due to the length of the change programme.

Redeployee – This is where the employee is displaced, and their post no longer exists within the new structure, location or future plan. This normally occurs when the final decisions/outcome document has been produced following the end of the collective consultation in case there are any changes to the original proposals. However, it may be agreed earlier where this is beneficial to the employee affected owing to the short timescale and scope of the change. This is the highest level of redeployee status.

To understand the support available for redeployees, refer to Knowledge (FAQs) in People First.

An employee will remain on the redeployment register:-

- until alternative employment is found OR for the length of their notice period
- during temporary redeployments, such as Secondment or fixed term contracts to allow for permanent options to continue to be explored
- during any period of maternity leave
- until voluntary redundancy has been provisionally agreed, if applicable

Suitable Alternative Employment (SAE)

In a redundancy situation, we have a legal obligation to seek to avoid redundancy by trying to identify suitable alternative employment for you. In accordance with NHS Terms and Conditions, you may lose your right to a statutory redundancy payment if you refuse an offer of suitable alternative employment. When considering whether a post constitutes suitable alternative employment, we will consider:

- Similar earnings (pay protection will be considered)
- Status – the extent to which the post reasonably fits your career history and appropriate skills and/or is on the same band unless a case is made that the same status applies
- Job Content – whether this is within your capability, taking account of the need for reasonable training
- Whether the new post will provide unreasonable additional inconvenience (e.g. location, working hours etc)

Posts of a different grade from that of your current post would not normally be identified as Suitable Alternative Employment. They may however be identified as **Reasonable Alternative Employment**, which you may consider, and should you accept, would accept the conditions as outlined in the Pay Protection Policy.

You may identify roles that you think are reasonable alternatives for you, including for example Fixed Term appointments, for which you will still receive support for, however, we will not always consider these to be 'Suitable' as outlined above.

A slot-in to higher grade may apply if you have been in a Secondment or fixed term post for more than 12 months at that level and fulfilling your duties. Should you identify a higher-grade post, you would need to apply for this in the normal way.

If you do not agree that a notified SAE post is suitable, then you may appeal setting out the reasons why you do not agree with the outcome and the basis for your appeal. Please detail any element of the process you feel have not been correctly applied to your application. This needs to be in writing, normally by email to HR Direct. They will then arrange for a joint panel (management, Trade Union representatives and Workforce) to be convened to discuss your situation in detail. This will be arranged without unreasonable delay and may, if appropriate take place by telephone, to ensure a speedy conclusion and to ensure that redeployment opportunities are not lost.

Our Expectations

Once the outcome document has been finalised at the end of the collective consultation process, if your post no longer exists and you are therefore placed on the redeployment register due to being '**at risk**' of redundancy, you will be encouraged to:

- Pursue all reasonable SAE opportunities. This includes the requirement to comply actively with and participate in all recruitment processes
- Register with NHS Jobs
- Be as open minded as reasonably possible in relation to job role, work locations and developing new skills
- Provide all relevant information in a timely manner as and when requested throughout the whole process

Reasonable time away from your normal duties or work will be provided where appropriate to support you in seeking alternative employment including attending interviews. This will be in accordance with the Time Off Work Policy.

Should you choose not to **apply** for an identified SAE post with us or another NHS employer, you may risk your entitlement to enhanced NHS redundancy payments but would still be entitled to receive your statutory redundancy entitlement. You will only risk your statutory redundancy payment if you unreasonably refuse to accept an **offer** of Suitable Alternative Employment confirmed in writing. For further details, refer to the NHS Terms and Conditions Handbook.

Recruitment Support for NHSBT Vacancies

If you are on the redeployment register being supported through redeployment, the principles that apply to you for the recruitment to a reasonable alternative post are:-

- You will be eligible for preferential consideration as a redeployee for posts on the same band
- The recruiting manager will be flexible in their approach to short listing and selection and consideration will be given to whether you could be reasonably expected to acquire or meet the required essential criteria specified in the recruitment documentation in a reasonable period
- If you are shortlisted for selection, you will be required to attend a formal selection process, where you are expected to complete any necessary assessments used to ensure you meet the essential criteria for the post, provided these tests would be used for any other candidate
- If you are not shortlisted or unsuccessful at selection you are entitled to ask the recruiting manager for verbal feedback
- If successful, a trial period will be applied

- If you apply for any post that is not the same band, you will be subject to the normal recruitment process and the redeployment preference will not apply

The recruitment process and support available is detailed in 'Search Knowledge (FAQ's)' in People First.

Trial Periods

If you accept an offer of alternative employment/suitable alternative employment in NHSBT it will normally be subject to a trial period (4 weeks will normally be implemented) to assess your suitability for the post. Should you 'slot in' to a post in the new structure, where the role remains substantially the same, then a trial period is not normally necessary. However, this should form part of the discussion at individual consultation.

Should any issues occur, or the post becomes unsuitable, you must raise this with your manager without delay, as your manager would with you too, should they have any concerns.

Redundancy

We do consider redundancy to be a last resort, we will seek and exhaust, wherever possible, to find suitable alternative employment. Where redeployment opportunities are few for affected employees, one of the options identified in the relevant change programme, may be to use Voluntary Compulsory Redundancy (VCR) or Voluntary Transfer of Redundancy (VTR). Voluntary Compulsory Redundancy (VCR) will only be a considered option within a collective process where there are a significantly greater number (normally more than 10) people affected than opportunities. An explanation of these processes can be found in 'Search Knowledge (FAQ's)' section of People First. Should this not be possible, or a suitable alternative is not identified, following any individual consultation with you, we may have no other option but to consider compulsory redundancy. A dismissal meeting will be arranged to issue you with formal notice of redundancy, in line with your contractual or statutory notice requirements (whichever is greater). If redundancy is being considered as part of the change, the process will be discussed and agreed in collective and detailed in the final decisions/outcome document.

Complaint about the process

It should be noted that you cannot raise a grievance against an outcome of formal consultation about change, as this would have been fully explained in consultation and the final decisions document and then explained to you in the individual consultation process.

Should you decide that the policy and process applied to your SAE, Slot in or redundancy was unfair, you are able to raise this under the Grievance Policy.

Appeal against dismissal

You can appeal against your dismissal, using the process as follows:

- This needs to be in writing, within 7 calendar days of the date of the letter confirming the outcome. The letter should be sent to the Appeals secretary
- Within 21 calendar days from the date of the outcome letter, you will be required to provide full details of your grounds for appeal
- This will then be provided to the dismissal manager for them to prepare their response to your grounds of appeal, which will be provided to you a minimum of 7 calendar days before the appeal.

An appeal panel will be held without unreasonable delay. The letter notifying you of the panel will contain or confirm what documents and information have been provided to you and the panel. The appeal panel will be led by someone more senior than the dismissing manager and not previously involved in the process. It will also be supported by an HR representative and an independent manager, not previously involved in the case.

You/your representative and the dismissing manager can separately present information to the appeal panel about the process followed so far. The panel will make a final and binding decision, confirming the appeal outcome in writing within 7 calendar days.

Re-engagement of Redundant Employees

NHS Terms and Conditions states that you will not be entitled to your redundancy payment if you commence, without a break or with a break not exceeding four weeks, suitable alternative employment with the same or another NHS employer.

We are committed to ensuring that any opportunities for successful redeployment should be offered to '**at risk**' employees in the first instance, whether permanent, or fixed term and therefore you will not be re-engaged by NHSBT within 3 months of your date of termination by reason of redundancy, including through an agency, bank or other locum arrangement. Should you be re-engaged, managers must refer to '**Starting Salaries on Appointment Guidance**' as well as the appropriate section within NHS Terms and Conditions.

Support through change

If you have been identified as '**at risk**' during a change programme, support with training and development, as well as the redeployment support is available to help you through this period.

A key component of collective consultation will be to discuss the options available and to link the likely requirements of those affected by change, with the Learning and Development resources available e.g. Change coach, or other Shine activity.

Specific training and support options which are normally beneficial for specific job roles or employee groups impacted by the proposed change may also be identified and agreed. Following consultation, the details of learning and development support which will be made available, will be identified in the final decisions document.

This will normally be funded by the directorate responsible for the change and where possible, will be included in the business case for change.

Excess travel

In any change programme, any impact on your base will always be considered and how excess travel will affect you. It is particularly important when changing a regional or area based responsibility to identify a change in the base location and ensure that advice is sought about the application of excess travel and the tax implications.

Application of NHSBT policies during change

Should any issues occur during a change process whether formal or informal, all issues will be addressed under the relevant policy in the normal way. For example concerns about:

- Attendance
- Behaviour and conduct
- Capability

Additional Childcare costs due to relocation

If you are required to **relocate** within NHSBT, as a result of organisational change, you may be entitled to financial support for additional registered/approved child care costs for eligible children that you may incur as a direct result of relocation within NHSBT. See 'Search Knowledge (FAQ's)' in People First for more details.

Should you need to apply for this assistance, you will need to contact HR Direct, who will be able to advise you of the process of application including the documentation required and approval process.

Transfer of Undertakings (Protection of Employment) Regulations

Should you become aware of the potential transfer of a service, in or out of the organisation, this may have an impact on employees and therefore please contact HR Direct to ensure you are signposted appropriately.

You may also require support from the Recruitment and Resourcing Department via HR Direct, to check for any implications for a Disclosure and Barring Service Check (DBS) - DBS Disclosure (previously known as Criminal Records Bureau – CRB).

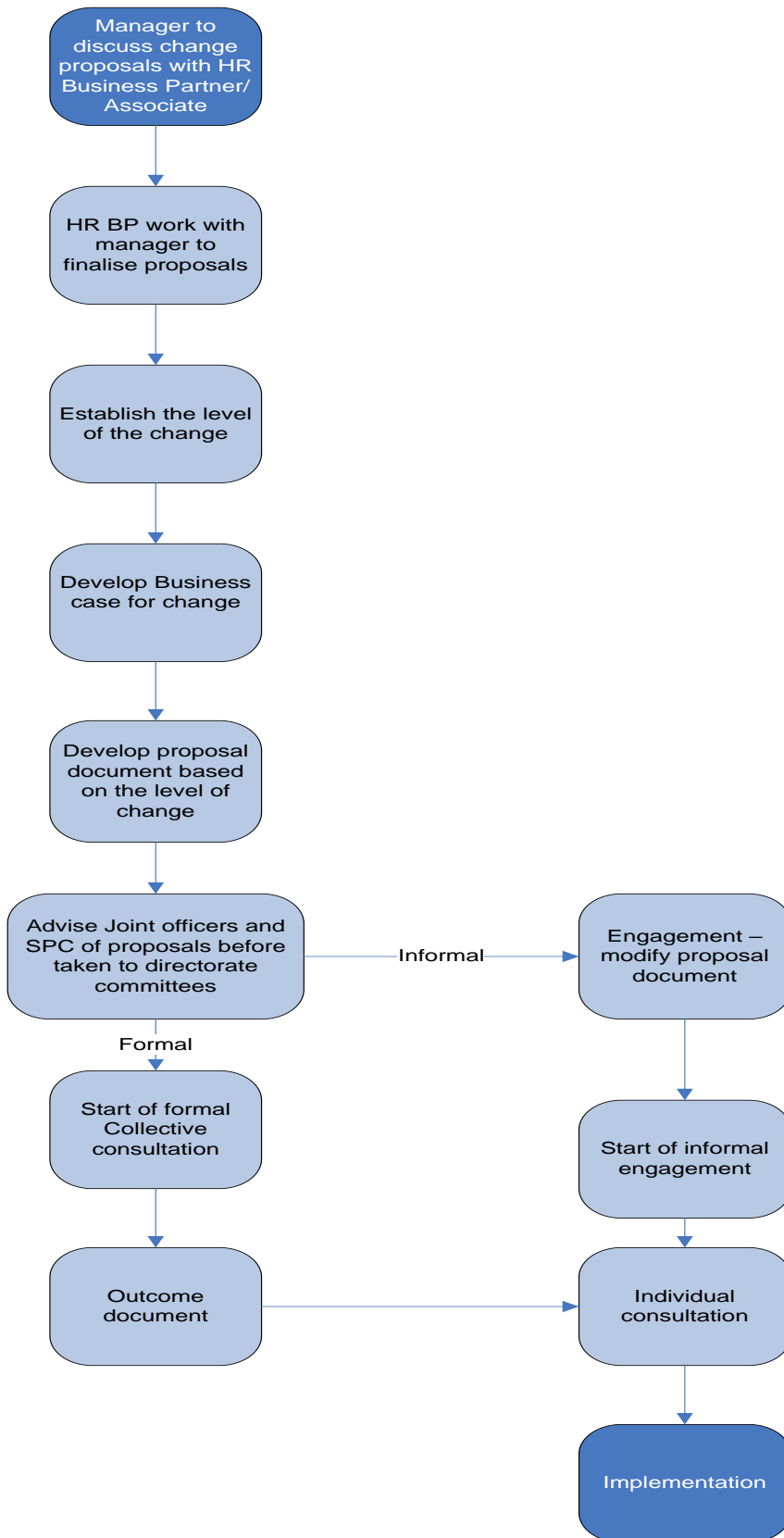
Confidentiality

All conversations, be it informal or formal, meetings must be kept confidential by all parties involved. We appreciate that this can sometimes be difficult when working in a small team or close environment; however, so that the issues raised can be concluded, confidentiality must be maintained. Any breaches in confidentiality will be taken seriously.

Templates and Knowledge (FAQ's)

There are a series of checklists and template letters to support you with these processes. See People First/HR/Organisational Change. These provide more detailed guidance for you to ensure that you do not miss anything. Additional information can also be found in People First/Search Knowledge (FAQ's).

3. Flowchart



4. Policy Approval and Review

Policy version	UCD/People/OrgChange014v1.1
Title	Organisational Change Policy
Approved by SPC	October 2022
EIA completed	TBC
Counter Fraud check	23 rd November 2022
This document replaces	UCD/Workforce/OrgChange/014v1.0
Effective Release Date	October 2022
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Author	Daryl Hall
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