



Organisational Change Policy

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1. Purpose

Change is a continuing feature of organisational life. It is important to have effective, equitable arrangements for managing changes to organisational structures and to the way in which services are delivered to residents. There will be occasions when changes in working practices, financial pressures and digitalisation will impact our workforce and this framework applies when employees may be affected by change in the organisation.

Our staff are at the heart of this organisation to deliver the objectives of the [Corporate Plan](#) and to make Kingston better together by living our shared [STAR Values and Behaviours](#). RBK has a commitment to ensuring employees' views shape the transformation needed to provide the best possible outcomes and this is achieved through extensive consultation and collaboration with unions, staff groups and interested stakeholders.

2. Aim

Our aim is to retain staff where we can and ensure any workplace change brings opportunities and a positive difference to our staff, our services and our community. We understand that change can be extremely difficult for the affected staff and this policy aims to clearly set out the process and signpost the help and support available.

The aim of this policy is to ensure the change process at RBK is conducted fairly and legally without any form of discrimination.

We aim to actively engage with staff and unions at the co-design stage and throughout the consultation period. The Council will seek, as far as practicable, to plan ahead to consider all alternative outcomes to compulsory redundancy and methods to avoid redundancies which include:

- Use of fixed term contracts and monitoring the use of agency workers / contractors
- Reduction of overtime working
- Identification of internal job opportunities, including redeployment
- Consideration of flexible working requests e.g. reduction in hours
- Ring-fencing staff to posts
- Suspending external recruitment to the affected service throughout the consultation period and its completion.

Every effort will be made to ensure staff have access to redeployment opportunities or alternative work and are fully supported by their managers and the HR team.

3. Scope

This policy covers all Royal Borough of Kingston staff but does not apply to the following staff as they are covered by alternative policies or procedures :-

- Agency workers
- Employees in locally managed schools (unless not covered by local policy)
- Staff with under 2 years service on fixed term contracts

For staff in shared services, this policy applies to all RBK hosted services where it is

the employer.

4. Responsibilities

4.1 Employees are responsible for:

- Participating in consultation as they wish
- Arranging their own representation for individual meetings (trade union or work colleague)
- Informing their manager about any concerns they may have during the change process
- Fully engaging in the assimilation process and any redeployment process

4.2 Managers are responsible for ensuring that:

- They manage the changing needs of their service area with minimal redundancies and minimum costs to the council
- A business case is provided for any proposed changes, to include the impact on posts, the service delivery, the financial savings and a equality impact assessment (EQIA)
- That all role profiles are kept up to date and new role profiles are created to meet the changing needs of the organisation
- A staff structure chart is created and kept up to date so it can be compared with any proposed new structure
- Consultation takes place with employees, trade unions and any interested staff groups and other stakeholders
- Employees receive frequent communication about the change process
- Staff on leave (maternity, sickness etc) are kept informed throughout
- Timescales are adhered to where practicable
- Compulsory redundancies are considered where there are no suitable alternative positions available
- The selection and redeployment processes are applied in a non-discriminatory way
- The cost savings of the restructure are met
- Reviewing the effectiveness of the new structure after 6-12 months and to inform the interested parties about the outcome and any further action required

4.3 Human Resources (HR) and Organisational Development (OD) are responsible for:

- Providing advice and guidance to managers and staff throughout the change process
- Attending formal consultation meetings to provide advice and support
- Ensuring the principles of the Organisational Change policy are adhered to
- Monitoring the use of the policy and reporting on trends and non-compliance
- Reviewing new structures and role profiles
- Working with managers to ensure the policy is applied consistently in a non-discriminatory way

5. The Procedure

Establish what kind and what level of change

Managers will establish the nature and scale of the changes, in consultation with the Organisation Development Business Partnering team. There are three types of change which apply in this policy:-

1. Changes to non-contractual terms or working arrangements
2. Contractual changes not resulting in redundancy
3. Changes resulting in redundancy

Impact of Change

Managers need to take into account the emotional impact of change, identifying where people are placing their attention and helping them to move forward. Managers can also provide (where needed) support, mentoring, shadowing, and training opportunities to support staff.

Staff will be encouraged to be aware of the opportunities to update their skills and develop new ones. Our emphasis will be on developing the 'employability' of staff to help people feel more confident in moving forward.

In line with our [STAR Values](#) managers will be encouraged to :

- Be supportive of staff and communicate with them regularly
- Be transparent about the changes to foster trust in the new structure
- Coach people to take responsibility for themselves and make their own decisions
- Provide practical as well as emotional support

Organisational Design (add before process?)

The manager leading the review will carry out an assessment of the current service, which should include:

- The objectives of the service
- The rationale or drivers for change
- How the service is currently working, measuring any gaps against the objectives
- The options for delivering the service differently
- Information about how the proposed structure delivers the required operational needs
- Information about implementation and transitional costs

Reorganisations can impact significant numbers of staff and the proposals may include changes to jobs and to employees terms and conditions of employment. In cases where jobs may be placed at risk of redundancy or where terms and conditions may change, the steps set out below will apply. In cases where there are no proposed redundancies, but the change is a material one, e.g. a change in location or introduction of new tasks, the manager will still consult individually with affected staff and trade unions, on a proportionate basis, for a minimum of 2 weeks, and the manager leading the change exercise will modify the overall process so it's proportionate to the to the scale of the change.

Following the organisational design review, if the decision is to change the service model, a business case must be prepared to include the following:

- Background and rationale for the change
- Alternative solutions to the change
- The proposed solution and reason for it
- How the new service will operate and what it will achieve
- Full year cost of the existing structure, compared with the projected full year cost of the proposed structure (making clear any savings)
- The impact on staff
- A learning and development plan for staff after implementation (with time-frame)
- An outline of the proposed time frame

The manager leading the change programme will complete an Equalities Impact Assessment (EQIA) as part of the business case. The EQIA ensures RBK complies with the Public Sector Equality Duty and is a method of taking equal opportunities into consideration when making decisions that affect staff. The assessment will identify the potential negative impact of decisions on individuals and groups with protected characteristics with a view to planning mitigating action accordingly. A template EQIA can be found here [RBK Template Equality Impact Assessment](#). The EQIA will give information about the current profile of affected staff, the effect on staff of any proposed changes in the business case, and any mitigating actions that ensure the workforce remains representative at all levels. Any issues with the EQIA will be addressed before its submission to the Director of the affected service.

Consultation and Engagement

Staff engagement underpins any employment change exercise at RBK. Under this policy staff are given the opportunity to give their feedback, both in support of the change, and any resistance or disagreement to it, within a set time frame. These opportunities will be available during co-design workshops, 1:1's with managers, drop in sessions with HR and/or senior managers, and meetings with staff group representatives. Managers and HR will also work closely with Unions, seeking agreement and resolving differences, to capture all views which help shape the proposals.

Managers may decide to hold co-design workshops to gain views from various staff groups to get an understanding of how best to run a service from a client perspective. It's understood that those working in the business area have in-depth knowledge about how things are run and how they could be improved.

Meaningful consultation is the most impactful part of any organisational review. Consultation will take place after proposals for the new service or structure have been developed, and staff should be given at least 4 weeks to comment on the proposed changes which will include the new structure chart with role profiles. Managers must have a written proposal which gives details of the current structure and the proposed new structure with details which include the cost savings and a clear rationale for the changes.

The written proposal should include any options that have been considered by the manager and the reason for their chosen option.

Role profiles will have indicative grades where they have not yet been formally evaluated under the GLPC job evaluation scheme. If changes are made to role profiles after consultation has closed there may be a need to have role profiles evaluated again.

In addition to a written proposal, the [Consultation slides template](#) must be used to present the proposals with the written document embedded in the slides.

As part of formal consultation, managers will need to:

1. Share the draft proposal with recognised trade unions one week before formal consultation starts
2. Arrange a formal meeting with affected staff, inviting recognised trade unions
3. Explain the extent of the changes they wish to make
4. Explain why they want to make the changes
5. Explain what would happen if they did not make the changes
6. Allow staff to ask questions about the changes
7. Respond to those questions
8. Share the final proposal with staff and unions either at the meeting or immediately after the meeting

There is no legal requirement to consult with staff face to face but managers are advised they can do so if the situation allows for it. Video conferencing can be used to consult with staff formally and can be used to hold one to one meetings but please see the corporate guidance on how to conduct effective meetings virtually and ensure staff are sent the proposals no more than 2 days after the meeting has taken place.

The Employee Relations team will support and advise on the consultation process including notifying and involving our recognised Trade Unions. At the end of the consultation period, all views are carefully considered and replied to by the manager leading the review before the final structure or change is communicated to staff.

Formal Collective Consultation

There is no formal obligation to consult with staff if the numbers affected are under 20 people, but RBK fully supports the principles around being fully transparent and appreciative of the need for representation. Statutory collective consultation rules will apply if 20 or more employees are made redundant within a 90 day period in a single establishment. The Guildhall site may be considered one establishment and the total number of staff in scope of change at any given time will be reviewed by HR colleagues. HR are responsible for notifying trade unions and completing the [form HR1](#) to be submitted to the Redundancy Payments service.

The minimum consultation period for 20-99 redundancies is 30 days, rising to 45 days for 100 staff or more. The OD Business Partner will advise on appropriate time-frames for the consultation period for your review.

If, after all efforts to avoid redundancies have been exhausted and it's likely there will be job losses, service managers must ensure that employees and their representatives are consulted on the following:

- The reasons for the redundancies

- The numbers and categories of employees involved
- The numbers of employees in each category
- Redundancy selection criteria
- How redundancies will be carried out; and
- Calculation of redundancy payments

Voluntary Redundancy

To reduce the number of compulsory redundancies service managers may consider volunteers for redundancy. Please see the [Voluntary Redundancy policy](#) for further guidance. The organisation has the discretion to accept or refuse applications which are considered on a case by case basis and acceptance of one application does not infer acceptance of all applications.

Job Matching

When the consultation period has ended, and the final decisions have been made after consideration of feedback and comments, but before they have been published, a matching panel will convene to look at how new role profiles compare with the existing ones. Any record of the matching panel must be retained by the panel and this [matching panel template](#) can be used to record decisions.

Job descriptions have been replaced with a role profile, as a departure from a list of tasks or duties and replaced with a profile of a new job, to indicate the scope of the new role and the need to reflect a modern and changing working environment.

If an employee thinks their role profile is out of date, the employee should be given the opportunity to update their work plan and this can then be considered before the new role profile is evaluated.

The manager leading the review will be on the matching panel to advise on the differences between the old and new roles, accompanied by an HR colleague and an independent senior manager from another directorate or service area. It's important to note that the process is as far as practicable, an objective one, and posts are considered rather than individual post-holders, therefore employees with identical role profiles will be matched to the same circumstance.

Slotting

Roles rather than the people who are in the roles, are assessed. Where a role is the same, or at least 70% the same, with some differences at the margin, the postholder will be slotted into the new role. If there are more people than vacancies, a competitive slot situation will result in staff being invited to complete an expression of interest and attend a job interview and assessment for the new role.

Ring-fencing

Where there is more than one candidate for a role, and/or the role is comparable (at least 50% similar), but not sufficiently similar to slot, then ring-fencing would be applied which means specific post-holders would be ring-fenced to specific jobs to apply and be interviewed for.

Any record of the matching panel must be retained by the panel and this [matching panel template](#) can be used to record decisions.

Appeals (Matching Panel)

Staff can lodge an appeal against a decision that has been made at a matching panel. The grounds will need to be submitted within 5 working days of the employee receiving the decision about their post and an independent manager will review the matching decision in conjunction with an HR colleague who has had no prior involvement in the change programme. The review meeting should take place within 5 working days of the appeal being received and the outcome issued within 2 working days of that meeting. The decision made may affect the other post-holders and an update will also need to be issued if there is a change to the original matching decision.

Suitable Alternative Employment (SAE)

Suitable alternative employment means a role where the work is suitable in relation to the employee and their level of seniority, skills and experience. The role is one where the terms and conditions of employment are not substantially less favourable than those of the original position and is usually the same grade and similar pay.

If staff do not accept the SAE this will be treated as a resignation and they would not normally be entitled to a redundancy payment.

Redeployment

The Employee Relations team will support displaced individuals in finding redeployment opportunities. It's the aim of the organisation to retain the existing knowledge and skills of staff and reduce redundancies. If you are in a redundancy situation, we'll take reasonable steps to help you find suitable alternative employment with the organisation. Within the shared services protocol, this employment may be with a partner borough. Staff will be given access to vacancies via a redeployment register and if they meet the minimum criteria on the person specification, they'll be offered an interview for the role.

The Council ensures all vacancies are made available to redeployees. On approval of a recruitment requisition, redeployees will be able to apply for these posts in line with the recruitment timescales for a particular post (in line with any internal/external advertising). Redeployees have access to training and support throughout this process from the Employee Experience Team. If the redeployee meets the essential criteria for the role they will be invited to interview before an interview is offered to an external candidate.

To ensure the Council meets its responsibility on the redeployment of employees with disabilities, guidance should be sought from HR on the application of any reasonable adjustments. The interview panel for redeployment interviews should consist of HR and the hiring manager. The hiring manager is responsible for gathering and scoring all the interview documentation together at the end of each interview session.

Maternity Leave and Suitable Alternative Employment (SAE)

If there is a genuine redundancy situation and the Organisational Change policy is carried out in a fair manner, the organisation can include employees on maternity leave in the selection pool for redundancy. However, when looking at suitable alternative employment, our obligations are more clearly defined for employees on maternity leave. If at any time during the employee's maternity leave, her role becomes redundant, we are obliged to offer (under the Maternity and Parental Leave etc Regulations 1999), any suitable alternative vacancy that exists. Any available job must be offered to an employee on maternity leave in preference to another employee who is not on maternity leave but whose job is redundant even if the other person is better qualified for the position. Failure to offer SAE to an employee on maternity leave will make her dismissal by redundancy automatically unfair. The SAE must be offered to the employee before the existing contract ends and the new contract must take effect immediately.

Trial Periods

If staff accept an offer of alternative employment/suitable alternative employment at RBK it will be subject to a trial period of 4 weeks to assess their suitability for the post. Should they 'slot in' to a post in the new structure, where the role remains substantially the same, then a trial period is not required.

Any skills gaps can be identified during the trial period and any extension to the trial period can be arranged to provide more training but this extension must be put in writing. It's hoped that managers and staff will show equal commitment to making the role a success but if the trial is considered unsuccessful (by either party), the employee's contract can be terminated for the reason of redundancy and redundancy pay will be due to the employee.

Final Decisions

After the matching process has been completed, the final decision report is published which clearly sets out the changes and how and when they'll be implemented. Staff are then invited to attend 1:1's with the Head of service or their managers to discuss how they are individually affected by the agreed changes.

Selection Process

The manager leading the review will work with the HR recruitment team to design the selection process which will be a job interview with an assessment to measure skills and aptitude. 70% weighting will be given the job interview and 30% weighting to the assessment which may include a presentation. After the final decisions report has been issued, a reasonable amount of time must be given for staff to prepare for their job interview to include any training, and should be no more than 3 weeks. Managers are encouraged to contact the Recruitment team at the start of the review with their anticipated timeline for the interviews.

Or :

Selection Process

If there are more people than vacancies, selection pools and criteria should be used to decide who should be put at risk of redundancy. A selection matrix must be used to record the criteria. An example selection matrix is in the [Selection for Redundancy guidance](#).

Timeline of Events

The chronology of steps for a change programme are illustrated in this table:

Action (in chronological order)	Estimated Time
Information Gathering	4 weeks
Co-Design workshops	2 weeks
Consultation (formal meeting, drop in sessions, briefings, meetings with unions)	4 weeks
Matching Panel	1 day
1:1's with staff	1 week
Final Decisions Report	1 day
Selection Interviews	1-3 weeks

Changes to non-contractual terms or working arrangements

Sometimes, due to cultural shifts in society or in response to emerging ways of working, non-contractual changes need to be discussed with a view to agreeing to the new change. In these circumstances it would be appropriate to hold staff engagement sessions with staff to look at proposed changes in a transparent way. Principles for discussion at the workshops could include:

- Engaging staff and their representatives to understand the rationale for change
- Giving staff time to understand the change and give their feedback within two weeks
- Allowing staff to put forward their ideas and alternatives
- Working collaboratively in accordance with our [STAR Values and Behaviours](#) to address any challenge

Training and Development Support

To support employees to gain confidence in moving forward, either inside or outside of the organisation, there is a range of training and development offers available to employees who are affected by change. A career coaching section on Evolve offers CV writing e-learning and CV writing skills and virtual interview skills workshops will also be offered.

Understanding the Emotional Impact of Change virtual workshops for managers will also be available to aid their understanding of the psychological effects of change on their staff.

Redundancy payment

An employer is, on making a redundancy payment, under a statutory duty to supply the employee who is being made redundant with a written statement indicating how the amount of the payment has been calculated. The [Redundancy Calculation Form](#) can be used for recording statutory redundancy although some employees will be entitled to an enhanced redundancy payment. If it has not been possible to redeploy staff by the end of the notice period, redundancy compensation will be paid on the basis set out below:

Staff over age 55 and members of LGPS

A. Staff aged 55 and over who are members of the Local Government Pension Scheme are eligible to receive immediate pension benefits on redundancy and will receive:

- Statutory redundancy payment based on actual weekly pay The following link will help you in calculating this: [Calculate your statutory redundancy pay - GOV.UK](#)

Statutory redundancy is one and half week's pay for each full year for people aged 41 years and over.

B. Staff under age 55 and / or not in the LGPS

Staff who are ineligible for the immediate payment of pension benefits on redundancy (i.e. who are under age 55 or who are not members of the Pension scheme):

- Enhanced redundancy payment based on actual pay and 2 weeks pay for each year of continuous RBK service up to a maximum of 30 weeks pay.
- Statutory redundancy pay for continuous local government service not at RBK.

Redundancy payments over £30k are now subject to employers national insurance contributions.

Employment by an Associated Employer

The Redundancy Payments (Continuity of Employment in Local Government, etc) (Modification) Order 1999 modifies certain provisions of the Employment Rights Act 1996 concerning redundancy payments for individuals employed by local authorities or certain other public bodies.

Under this order, employees who accept an offer of employment by another local authority (or associated employer as identified in the Modification Order) before their employment with this authority ceases, and are able to take up the employment within 4 weeks of the date of dismissal, will not be entitled to receive a redundancy payment from the Council. Receipt of a redundancy payment in relation to a previous employment will break continuity of service.

When applying for a role in another local authority employees retain their continuity of service (i.e. their start date with this local authority) but forfeit any redundancy payment. If they are applying for a role in another public organisation they must check with their HR

team as to whether continuation of employment applies, as the RBK HR team will not have this information.

Appeals - Complaint about the process

Staff can lodge an appeal against a decision that was made at a matching panel and about their dismissal under this policy.

It should be noted that staff cannot raise a grievance about any other aspect of this policy or about an outcome of formal consultation, as these changes would have been carefully explained during consultation and in the final decisions document and then explained in individual 1:1s. Staff are encouraged however to participate fully during formal consultation to influence positive change.

Appeal against Dismissal

Staff have the right of appeal against their selection and dismissal on the grounds of redundancy and this right can be exercised within 10 working days of receiving their notice of redundancy. They can also appeal if they do not think the organisation followed a fair redundancy procedure.

The appeal needs to be submitted in writing to the Assistant Director of People and OD, with the reasons for the appeal. The appeal will then be submitted to the relevant head of service to prepare their written justification for the dismissal and this will be provided (with all relevant documents) about 3 working days in advance of a formal appeal meeting which will take place no later than 10 working days after the appeal has been submitted or within a reasonable time-frame.

The appeal panel will be chaired by an Assistant Director or other Chief Officer who has had no previous involvement in the change programme and will be supported by an HR representative. Staff and/or their representative will separately present information to the panel who will make their decision in writing within 10 working days of the appeal meeting.

An appeal meeting will still be held even if the employee's notice period has expired. Outcomes of appeal meetings can include reinstatement to the post, or re-engagement to the organisation and any redundancy pay will be repaid to the organisation.

Re-engagement of Redundant Employees

In general, the Council will not re-engage staff who have previously been made redundant and received their Pension benefits and/or a redundancy payment. However, when considering job applications from those made redundant, we will be mindful of the public interest in re-employing them, for example if there is a critical shortage of key workers, or where there are hard to recruit posts. Public perception must be considered in all cases as former staff will have received financial compensation for loss of office. We would not expect to re-engage staff until at least a year after the redundancy.

Support through Change

We understand that redundancy situations can cause stress and feelings of insecurity. Staff who are concerned about their wellbeing or that of a colleague are encouraged to speak to their manager or named HR contact. Confidential counselling is available to staff and their families through the Council's Employee Assistance programme, 365 days a year. Contact Details for Workplace Options are:

Tel 0800 243 458 or **Email** : assistance@workplaceoptions.com

Website: www.workplaceoptions.com

The login is RBK and the password is Employee

SMS text (for call back): 07909 341229

Minicom (for those with hearing or speech difficulties): 020 8987 6574

Support for Managers

<https://intranet.kingston.gov.uk/task/wellbeing/workplace-options-manager-assist/>

Support for Employees

<https://intranet.kingston.gov.uk/task/staff-benefits/workplace-options-your-support-and-counselling-employee-assistance-programme/>

RBK's [Employee Mental Wellbeing Champions](#) are available to support staff, as well as our [Staff Networks](#) who continue to meet virtually.

We also recommend the following external support and information which is available at:

- www.acas.org.uk/redundancy, for free online and telephone information and advice on employment law issues; and
- www.gov.uk/redundancy-your-rights, for information from the government on employment law and rights

Time off for Interviews

We recognise and understand the financial and emotional strains that come with redundancy and support our employees during this difficult time by, where possible, giving them a reasonable amount of paid time off to look for alternative employment. This could include time off to arrange training, visit a job centre or attend a job interview.

Excess Travel

If the Council moves employees to another location and they incur additional travel costs as a result, they may be able to claim excess travel allowance. The full cost of travel is not reimbursed but the difference is. The amount is based on the difference in cost between:

- travelling to and from your home and new place of work, and
- travelling to and from your home and old place of work

It also takes changes in fares and any mileage allowance into account.

If approved, the allowance will be paid for a period of one year or until the employee changes job or moves house, whichever is the shorter. Please refer to the intranet page on

excess Travel Allowance and the [Intranet - Claim Excess Travel Allowance](#) page or the [Travel policy for shared services](#).

Fixed Term Contracts and Redundancy

If an employee has 2 or more years' service and a change programme would end their fixed term contract prematurely, they will be entitled to a redundancy payment. They will be consulted during the consultation period in line with the Organisational Change policy about any changes which affect their post and will have access to any vacancies after all the appropriate matching exercises have been completed. The criteria for selection to posts will apply equally to their fixed term post as to any permanent post. See the [Secondment and Fixed Term Policy](#).

Transfer of Undertakings (Protection of Employment) Regulations (TUPE)

For potential transfers of service, either in or out of the organisation, managers are advised to contact their Organisational Development team in HR who will advise them on the next steps. Any possible TUPE will have an impact on staff and consultation arrangements will apply.

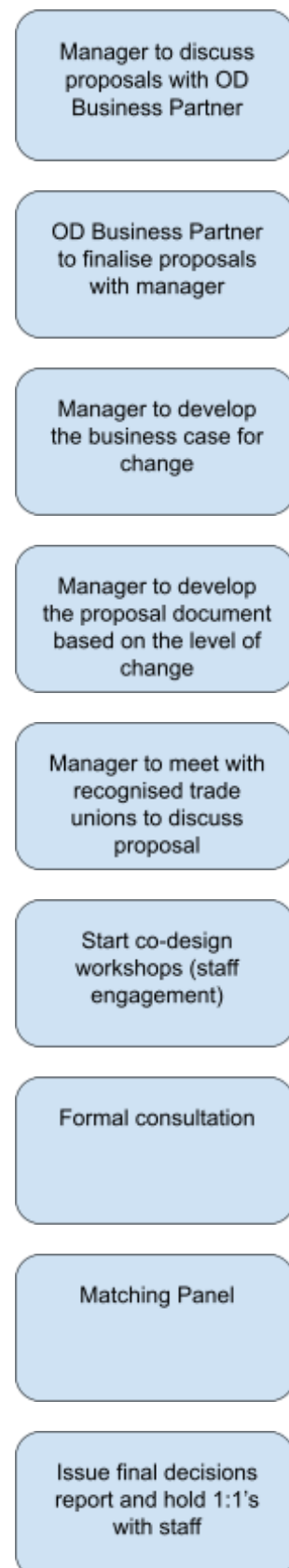
Post Restructure / Change Programme review

A review of the new structure and ways of working should be carried out after 6 and then 12 months after implementation and can be done in conjunction with an HR / OD Business Partner and will focus on suitability of staff in posts (and trial periods), commercial gains or losses, and overall effectiveness of the new structure.

Toolkit

There are a number of template letters and forms to aid managers through the change process. Please click on the [OC Policy Templates guide](#) for template letters and forms.

3. Flowchart - Formal Organisational Change



Recruitment to posts

Implementation

4. Flowchart - Informal Organisational Change

Manager to discuss
the scale and impact
of change with OD
Business Partner

Manager to prepare
proposal to share with
staff

Manager to send
proposal to recognised
trade unions

Manager to consult
with staff for 2 weeks

Manager to confirm
proposed change to
staff

Implementation

29th October 2020