



London Ambulance Service **NHS**  
NHS Trust

## Management of Change Policy and Procedure

## **DOCUMENT PROFILE and CONTROL.**

### **Purpose of the document:**

To provide guidance in order to help ensure that organisational change is implemented in a consistent and structured way and that any potential redundancies are minimised.

**Sponsor Department:** Human Resources

**Author/Reviewer:** Senior HR Manager. To be reviewed by May 2017.

**Document Status:** Final

<b>Amendment History</b>			
Date	*Version	Author/Contributor	Amendment Details
30/01/17	3.4	Senior HR Manager	Implementation plan updated.
07/05/15	3.3	IG Manager	Document Profile & Control update and new Implementation Plan added
06/05/15	3.2	Senior HR Manager	Reversion to major v.2.0 as v3.0 was not published pending minor amendments required by SMT. Agreed with Assistant Director - no changes to current document pending completion of and learning from the A&E management restructure.
07/05/13	3.1	IG Manager	Document Profile & Control update
15/04/13	2.6	Senior HR Manager (South)	Amendment to paragraph 1.5
14/04/13	2.5	Assistant Director, HR	Amendments following detailed review by HRM team
08/04/13	2.4	Assistant Director, HR	Updated legal framework and additional comments AD-HR and HR Manager – Employee Relations
05/04/13	2.3	Senior HR Manager (South)	Amendment to staff responsibilities, paragraph 7.1..13, 7.4 paragraph added, 8.3.6 amendment to support for redeployees, 8.31 Redeployment matching, 11.1.1 Trial periods
13/03/13	2.2	Senior HR Manager (South)	Amendments to responsibilities, principles, added paragraph at 7.1.4. Amendment to 7.9
23/05/12	2.1	IG Manager	Doc Profile & Control update & format changes.
20/03/12	1.3	Senior HR Manager (South)	Amendments to introduction, scope, objectives, legal considerations, procedure, pay protection and additional assistance sections. Addition of 'responsibilities of redeployee' section
01/02/11	1.2	Senior HR Manager (South)	Amendments to introduction, scope and monitoring sections.

09/09/10	1.1	Senior HR Manager (South)	Reformatted; introduction, scope, objectives, responsibilities and implementation plan added
10/07	1.0	HR Policy and Projects Manager	First version published

**\*Version Control Note:** All documents in development are indicated by minor versions i.e. 0.1; 0.2 etc. The first version of a document to be approved for release is given major version 1.0. Upon review the first version of a revised document is given the designation 1.1, the second 1.2 etc. until the revised version is approved, whereupon it becomes version 2.0. The system continues in numerical order each time a document is reviewed and approved.

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## **1 Introduction**

- 1.1 This document outlines the Trust's policy and procedure in circumstances of reorganisation or other organisational change.
- 1.2 Circumstances may arise which necessitate a change in both the nature and the number of jobs within particular work areas of the Trust. This Policy and Procedure is aimed at ensuring that any reorganisation which takes place across the Trust is implemented in a consistent and structured way and that any potential redundancies are avoided or minimised as far as possible.

## **2 Scope**

- 2.1 This Policy and Procedure is applicable to all LAS employees.

## **3 Objectives**

- 3.1 The objectives of this document are to ensure:
  - To seek to protect employment so far as it is possible, by means such as redeployment;
  - That any reorganisation is carried out efficiently and that disruption to service delivery is avoided;
  - That staff who are affected know how the changes are going to be managed, how it is likely to affect them personally and that they are aware of the support they should receive throughout the change process;
  - That there is a consistent approach to contractual conditions and remuneration;
  - That any potential redundancies are minimised;
  - That the reorganisation is fair and transparent.

## **4 Responsibilities**

- 4.1 The following responsibilities should be borne in mind when **managing** any reorganisation:
  - All staff should be kept fully informed and supported during the change process;
  - All reasonable steps should be taken to avoid redundancies;
  - The process should be completed as efficiently as possible both to avoid uncertainty for members of staff and to achieve necessary financial savings;
  - No employee should receive less favourable treatment on the grounds of age, gender, marital status, race, religion, creed,

sexual orientation, colour, disability, working patterns or on grounds of trade union membership;

- Records must be kept in regards to decisions made during the process. These at a minimum should include details relating to gender, disability, ethnicity and age and should be used to ensure that any decisions taken are not directly or indirectly discriminatory.
- The views of individuals and trade unions should be taken into account when managing the change process.

N.B. Care should be taken to ensure that all staff affected by the reorganisation are informed and consulted appropriately. This will include those away from work such as on long-term sickness or maternity leave.

- 4.2 **Staff** have a responsibility to cooperate with the reorganisation process and to accept any reasonable job offer. Failure to do so may affect their right to a redundancy payment.
- 4.3 **Human Resources staff** have a responsibility to advise both managers and staff throughout the process. They must also attend any interviews carried out as part of the reorganisation and/or redeployment process.

## 5 **Legal Considerations**

- 5.1 This Policy takes into account the relevant legislation including the Trade Union and Labour Relations (Consolidation) Act 1992 and Employment Rights Act 1996, and associated ACAS guidance. It also reflects the Agenda for Change: NHS Terms and Conditions Handbook as well as the principles contained in the document 'Human Resources Framework for SHAs and PCTs' (NHS Employers 2005).
- 5.2 Consultation with Trade Unions in regards to all reorganisations must take place and it is a legal requirement in circumstances of potential redundancy of 20 or more individuals (whether voluntary or compulsory. Where there is a proposal to make 20-99 employees redundant within a 90 day period, consultation must start at least 30 days prior to the first dismissal taking effect. Where 100 or more employees are to be made redundant within a 90 day period, consultation must start at least 90 days before the first dismissal takes effect.
- 5.3 Any employer who proposes to dismiss twenty or more employees as redundant at one establishment within a period of ninety days or less has a statutory duty to notify the Secretary of State for Trade and Industry. Further information on this is available at [www.dti.gov.uk](http://www.dti.gov.uk)

## 6 **Procedure**

- 6.1 Prior to reorganisation

- 6.1.1 The need for a reorganisation may be brought about through a range of factors, including efficiency savings and changes to service provision or the requirements of those Commissioning the Service.
- 6.1.2 Every effort should be made to avoid the potential for redundancies. Alternatives to redundancy should be considered, including the following:
- Restrictions on recruitment;
  - Ban or limit on overtime working;
  - Natural wastage;
  - Termination of the employment of temporary or contract/agency staff.
- 6.1.3 Other initiatives to minimise redundancies such as re-training or redeployment are included as part of this document.
- 6.1.4 In advance of any formal consultation, informal discussions may take place with any staff who are potentially affected and will be with the aim of seeking views on draft proposals etc. Such informal discussions must not be used as a substitute for formal consultation on the reorganisation.
- 6.1.5 A reorganisation paper should be produced. This should set out the following:
- The rationale for the change;
  - The current structure;
  - The proposed structure;
  - Draft revised job descriptions/person specifications (if available) or proposed changes to job/role content.
  - Proposals for assimilation/appointment to the new structure;
  - Confirmation of the selection pool and whether direct assimilation (slotting in) or competitive assimilation is appropriate;
  - The arrangements for consultation;
  - The timetable for the reorganisation.
- 6.1.6 Details of the reorganisation should be given to all staff potentially affected by the proposed changes, as well as to their Trades Union representatives. This must include staff who are absent from work due to circumstances such as ill health, maternity leave or secondment. In all cases a copy should be sent to the Staff Side Chair and Secretary of the Staff Council. Staff and their representatives should be invited to provide comments on the detail of the proposals and should be given at least a two week period in which to do this.
- 6.1.7 The manager should consider the views of staff and their representatives put forward during the consultation period.
- 6.1.8 In circumstances when the reorganisation involves a reduction in posts, due consideration should have been given on whether it is appropriate to invite applications for voluntary redundancy. Management's decision

on accepting such requests will depend upon a range of factors including cost implications, preserving necessary skills etc. and how many posts are likely to be lost as part of the reorganisation. Consideration must also be given to the redeployment opportunities for the individual, either within the Trust or locally within the NHS. Volunteering for redundancy will not necessarily mean that such requests will be approved – the primary aim of this Policy remains the protection of employment through available means, such as redeployment, so far as it is possible.

- 6.1.9 In making decisions in regards voluntary redundancies, the Trust must be clear that it is cost effective and consistent with NHS and HM Treasury guidance or rules on termination payments. Such decisions may be subject to audit.
- 6.1.10 If voluntary redundancies are to be invited then this should be included in the reorganisation paper.
- 6.1.11 Following the consultation period a final reorganisation paper should be produced by the manager. This will be an update of the earlier paper. It will include final job descriptions and person specifications as well as the process for assimilation/appointment. It will be circulated to those affected by the reorganisation as well as their TU representatives. In all circumstances a copy should be sent to the Staff Side Chair and Secretary of the Staff Council.

## 6.2 Assimilation

- 6.2.1 Management will, as far as possible, ensure that existing staff who are subject to reorganisation shall have an assimilation opportunity in the new structure i.e. that they will be actively considered for posts that provide suitable alternative employment for the affected members of staff.
- 6.2.2 The new structure may not be of sufficient size to absorb all the existing staff and/or the duties contained in the jobs in the new structure may be significantly different to those contained in the previous structure.
- 6.2.3 In terms of pay or remuneration, posts of the same banding or one banding higher or lower than employees' current pay bands may constitute suitable alternative employment.

## 6.3 Direct assimilation

Management will identify posts where direct assimilation ('slotting-in') may take place. This is where a job remains on the same pay banding, it is broadly unchanged and the postholder would continue to undertake the same essential duties. This is usually considered to be the case when 70% of the duties remain the same.

## 6.4 No direct assimilation

There is no right to direct assimilation when: the essential duties of the new and previous job do not match, or; the banding of the new post differs from the old.

#### 6.5 Assimilation to a lower banded post

6.5.1 Employees affected by the reorganisation may be assimilated to an evaluated post that is one band lower than that which they previously held. The essential job duties in such circumstances will be of a lesser level but will otherwise be broadly similar.

6.5.2 Employees will be assimilated at a pay point from the range for the post's banding, equal to their current pay point. If the employee's current pay point is higher than the maximum of the range for the new job, they will be assimilated at the highest pay point in the range. Pay protection as set out in Section 8 applies.

#### 6.6 Assimilation to a higher banded post

6.6.1 Employees affected by the reorganisation may be assimilated to an evaluated post one band up from that which they previously held. The essential job duties in such circumstances will be of a higher level but will otherwise be broadly similar.

6.6.2 In all cases of staff being considered for assimilation to posts of one band higher than previously held, interview/assessment will take place. The interview/assessment will be based on the job description and specification for the new post. Employees will be assimilated at either the minimum of the new pay band or, if this would result in no pay increase, the first pay point which would deliver an increase in pay (by reference to basic pay plus any recruitment and retention premium, if applicable).

#### 6.7 Assessments

Interviews and assessments used as part of this process will help identify suitability for the post in terms of skills/knowledge etc. as well as any development needs for the employee when taking on the new role.

#### 6.8 Competitive assimilation

6.8.1 In circumstances when there are more employees than posts, competitive assimilation will take place. Competition for any post shall be confined to employees of an equivalent banding in the first instance. The interview/assessment will be based on the job description and specification for the new post.

6.8.2 When posts remain vacant on the new structure after the assimilation process has taken place, these shall be initially ring-fenced to



employees directly affected by the reorganisation, who will be invited to apply.

#### 6.9 Staff who do not gain a position on the new structure

In the event that staff are not found a position in the revised structure they will be placed on the Trust's Redeployment List.

#### 6.10 Vacant posts on the new structure

Vacant posts in the new structure following reorganisation will be open to recruitment. Redeployees from throughout the Trust will be considered in advance of other applicants. (NB Should a post remain vacant then, subject to NHS London or wider NHS arrangements that might be in place at the time, it may be necessary to restrict the second stage of recruitment to NHS employees displaced from other organisations before moving to external open competition).

### 7 **Redeployment**

#### 7.1 Redeployment List

Staff will be placed on the Trust's Redeployment List with immediate effect at the point that they 'fall out' of a reorganisation. The latest time that they are placed on the list will be the point that they are given notice of dismissal. The person will be put on the Redeployment List at the earliest appropriate point - this is with the aim of maximising the opportunity of identifying an alternative post. If necessary this will be before the redeployment meeting has taken place.

#### 7.2 Redeployment Meeting

7.2.1 An HR Manager will meet with those who have not been assimilated to the new structure and will explain the redeployment process, redundancies and redundancy arrangements and payments. The HR Manager will also assist them in completing a short Employee Profile Form (**available on the Pulse as LA444**) that sets out qualifications as well as key skills and abilities together with their employment history. All relevant documentation should be used to assist with the completion of the Employee Profile Form including those relating to Personal Development Reviews and Plans. The Profile Form will be used by the Recruitment Unit in considering any vacancies against redeployees. This length of this form will usually be little more than two sides of typed A4.

7.2.2 The redeployee has the right to be accompanied at this meeting by a Trade Union representative or colleague.

#### 7.3 Redeployment matching

7.3.1 As vacancies arise, and as they are submitted to the Recruitment Department, the jobs will be considered against redeployees' profiles and the Recruitment Department will contact the redeployee as appropriate. If the post is deemed suitable alternative employment i.e. a reasonable match in terms of banding and the necessary skills etc then the employee will be requested to set out in writing how they believe that they meet the person specification for the job. Employees will not be required to fill out a complete application form. The statement setting out how they meet the person specification will be given to the recruitment panel.

7.3.2 In circumstances that an employee who is on the ordinary or additional period of her maternity leave when her post becomes redundant (and she is unsuccessful in the assimilation process) then, if a suitable vacancy exists, she must be offered it. This offer must take place even in circumstances when it would mean that she is treated more favourably than a colleague who is also at risk of redundancy.

#### 7.4 Support for redeployees

7.4.1 The weekly vacancy list, included with the Routine Information Bulletin (RIB), should be circulated to all redeployees.

7.4.2 During the redeployment period every effort will be made to support the redeployee, including providing advice/training and/or reasonable time off to attend training in order to help them gain the necessary skills to improve their employment opportunities e.g. assistance with C.V. writing or interview skills.

7.4.3 Reasonable time off should also be given to allow the redeployee to seek alternative work e.g. attending job interviews external to the Trust.

#### 7.5 Job applications by redeployees

Once a post is advertised then any application received by a redeployee shall be considered, and if it is of the appropriate standard, an interview offered in advance of all other candidates. Staff, in such circumstances, will receive the pay protection outlined in Section 8.

#### 7.6 Extension to redeployment period

The redeployment period may be extended in circumstances when a job vacancy has arisen and the redeployee has actively sought the opportunity to be considered for that post.

#### 7.7 Responsibility of redeployees

7.7.1 Those subject to redeployment have a responsibility to engage in the process of identifying alternative employment within the Trust, this will include actively maintaining contact with the Recruitment Department.

7.7.2 In cases where redeployees are not actively matched to a particular position, and the post is subsequently advertised then if the redeployee believes that they have the necessary competency to undertake such a job then they should contact the Recruitment Department to request further information and to apply if they wish.

#### 7.8 Applying for NHS posts outside the LAS

Staff who at this point have been displaced from their substantive role and are, therefore, potentially redundant are permitted to state on their application forms that they have been displaced as a result of organisational change.

### **8 Pay protection**

8.1 Staff who are redeployed to a lower banded post which would involve reduction in regular earnings will be protected on their current earnings for two years from the date they start their new post ('earnings' will comprise basic salary, High Cost Area Supplement and any regularly recurrent feature such as on call or unsocial hours payments). This will be on a 'marked-time' basis i.e. they will not receive cost of living or incremental increases.

8.2 Overtime, being neither recurrent nor compulsory, will not usually count as 'earnings' (see 8.5 and 8.6 below). Expenses, whether set allowances such as subsistence payments or reimbursement for costs incurred are also not considered 'earnings'.

8.3 This will be unless or until the new pay level (basic pay, High Cost Area Supplement, On-call payments and payments for unsocial hours working) matches or exceeds their previous pay e.g. because their new job carries a shift allowance.

8.4 To determine whether payment is due to staff on protection, pay will be calculated by reference to the rate(s) for the new job and working pattern/on call requirement if any. Where total pay calculated in this way is less than the protected level, no additional payment is due. Where total pay exceeds the protected level the full payment due in the new post will be made.

8.5 In calculating earnings in the new post, overtime undertaken by prior arrangement and on a voluntary basis will be offset against the protected level of earnings. This will include additional shifts or part-shifts worked on an off-duty day, and agreed pre or post-shift overtime where this has been planned in advance. Overtime incurred due to the need to complete work already underway will not be offset and will be paid in full despite the protection.

- 8.6 It is anticipated that this arrangement is likely to apply to operational staff directly engaged in delivering patient care and unable to leave work at their normal finishing time.
- 8.7 Following the two year period, members of staff will drop to the point on the lower banding as close as possible to their previous basic salary and HCAS. They will then receive cost of living increases and any incremental increases and all pay, including any and all approved overtime, will be paid as normal.

## **9 Termination of contract**

- 9.1 The redeployee will receive written notice of dismissal. An employee's period of notice will run concurrently with their time on the redeployment list.
- 9.2 In considering redundancy, reference should be made to Section 16 of the AfC NHS Terms and Conditions Handbook on Redundancy Pay. In particular the paragraphs in regards Exclusion from Eligibility and Suitable Alternative Employment (paragraphs 16.16-16.19)
- 9.3 Appeal  
The letter notifying members of staff of their redundancy will detail their right of appeal. This will be to the Director of Human Resources & Organisation Development. Any appeal should be submitted, at the latest, 14 days after leaving employment.
- 9.4 Redundancy payments  
In circumstances when an employee opts for, and is subsequently granted voluntary redundancy or is otherwise made redundant, redundancy payments will be in line with Section 16 of the NHS Terms and Conditions Handbook.

## **10 Other matters**

### **10.1 Trial Periods**

- 10.1.1 All employees who have received written notice of redundancy and who start in a new post will have a four-week trial period during which both managers and the redeployee can decide their suitability to the new post.
- 10.1.2 In circumstances when written notice of redundancy has been issued there will be no effect on employees' rights to a redundancy payment should both parties decide, as a result of effective monitoring during the trial period, that the post is not suitable.
- 10.1.3 Managers have a responsibility to review and assess the performance of individuals throughout the trial period. Any deficiencies in

performance need to be outlined to staff as soon as possible in order that employees have the opportunity to improve.

10.1.4 The trial period may be extended where a longer period is required to train the employee in their new role.

10.1.5 Following successful completion of the trial period, the employee will be written to confirming appointment in post. In circumstances when a written notice of redundancy has been issued the employee will lose any rights to a redundancy payment at this point.

10.1.6 In all circumstances when an employee continues to work beyond the four week period or jointly agreed extension, any redundancy payment will be lost because the employee will be deemed to have accepted the new employment.

10.1.7 Employees should be informed of all of the above details of the trial period in their offer letter.

10.2 Job offers

It is essential that any job offers are put in writing to employees whether or not it is believed that they may refuse the offer.

10.3 Additional assistance

Employees should be reminded of other sources of help and assistance during this period including the Employee Assistance Programme. The Trust will also work actively towards identifying other means of support or advice to staff, whether within or outside the organisation.

10.4 Support for remaining staff

Consideration should be given on the effect of the change process on remaining staff and whether additional assistance/guidance is required e.g. in cases of amended job roles.

<b>IMPLEMENTATION PLAN</b>				
<b>Intended Audience</b>	All LAS Staff			
<b>Dissemination</b>	Available to all staff on the Pulse and to the public on the LAS website.			
<b>Communications</b>	Revised Policy and Procedure to be announced in the RIB and a link provided to the document.			
<b>Training</b>	HR managers are trained on applying principles behind the Policy and can advise managers when planning and implementing reorganisations.			
<b>Monitoring:</b>				
<b>Aspect to be monitored</b>	<b>Frequency of monitoring AND Tool used</b>	<b>Individual/ team responsible for carrying out monitoring AND Committee/ group where results are reported</b>	<b>Committee/ group responsible for monitoring outcomes/ recommendations</b>	<b>How learning will take place</b>
<b>Any pay protection required.</b>  <b>Any changes in banding</b>	<b>Pay protection monitored by Payroll Dept.</b>  <b>Changes in pay would be collated and reported as necessary by Workforce Information.</b>	<b>Reported via Workforce Committee and other committees as required.</b>	<b>Senior manager who commissioned and /or managed organisational change.</b>	<b>On-going review of effectiveness /performance of work area following org. change.</b>