

HR Employment Policy & Procedures

# Organisational Change Procedure

Implementation Date: *21 November 2018*

The behaviours outlined in the ACHIEVE Framework should be reflected in the application of this Policy.

## Document Management - Version Control

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<b>Title, Version Number &amp; Date of Superseded Version (if applicable)</b>	Organisational Change Procedure	Version 2.2	2022
<b>Rationale for introduction/Driver for change</b>	Reviewed and a gender lens applied in line with the Equally Safe at Work Framework Development Tier Accreditation		
<b>Summary of Substantive Changes (if applicable)</b>	Nil		
<b>Summary of Technical Changes (if applicable)</b>	<p>The following Technical changes have been made:</p> <p>Detail added in introduction for consideration of impact of organisational change on various groups with protected characteristics, in particular impact on females and consideration of mitigating impacts.</p> <p>Detail added in procedures in relation to consultation and consideration of impact of change.</p> <p>Conflict of interest section expanded to take into account relationships and also consideration of those 'at risk' where known.</p> <p>Matching Process updated to add further detail in relation to considering lead in times for change processes.</p>		

<b>Lead Officer</b>	People and Change Partner	
<b>Final Trades Union Position</b>	Agreed – Unite, GMB, Unison and EIS	
<b>Consultation &amp; Approval Process</b>	<i>Committee</i>	<i>Reviewed and developed with Equally Safe At work Working group</i>
	Convenors	7/7/23 to 29/9/23
	JCF (if applicable)	Nil
	C. S. Committee (if applicable)	1 <sup>st</sup> November 2023
<b>Accompanying Documentation</b>	Equality Impact Assessment	
<b>Linked Policies, Schemes and Procedures</b>	<p>Equality Impact Assessment (EIA) Guide (<a href="http://intranet.west-dunbarton.gov.uk/media/8262/wdc-eia-guidance-august-2016.docx">http://intranet.west-dunbarton.gov.uk/media/8262/wdc-eia-guidance-august-2016.docx</a>)</p> <p>This Procedure complies with the Employment Rights Act 1996, Equality Act 2010 and ACAS guidance.</p> <p>This policy is supported by a range of Council Policies and guidance:</p> <ul style="list-style-type: none"> <li>• Supporting Employee Wellbeing Policy</li> <li>• Recruitment and Selection Policy</li> <li>• Job Evaluation Policy</li> <li>• Redundancy Procedures and Guidance</li> <li>• SWITCH (Redeployment) Policy</li> <li>• Equality Impact Assessment Guidance Document</li> </ul>	

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# ORGANISATIONAL CHANGE

## 1. INTRODUCTION

- 1.1 Throughout any period of change effective communication and consultation systems are vital. Where possible Managers must involve Trades Unions and employees as soon as any change has been proposed, allowing for consideration of concerns, views and ideas at an early stage in the planning process
- 1.2 The councils change management framework supports the planning and implementation of a change programme. This sets out the initiatives, processes, and behaviours which influence people during periods of change, at both an individual and organisational level. It builds on the principals of Focus, Engage, Deliver when managing people and change. If not already undertaken, it is strongly recommended that all parties review and consider this framework before the commencement of the re-design.
- 1.3 Change management refers to any change initiative being considered by a manager team or service. This may include changes to the way work is done, technological changes, location changes etc. The change management framework supports the implementation of any change while this organisational change policy provides the framework for supporting managers and employees when the change proposal affects the structures, role profiles and grades of roles. Both procedures are embedded in the principal of effective communication and consultation systems.
- 1.4 If the change initiative does not involve structure or role changes please refer to the change management framework.
- 1.5 The Council recognises that organisational change might impact differently on employees with protected characteristics. For example with a workforce that is predominately female these impacts may be different on female employees than male employees. It is widely acknowledged that women still carry out a higher proportion of caring responsibilities and are more reliant on public transport. Therefore, organisational change may have differing impacts in relation to working hours and locations and could impact on women more.
- 1.6 As an equal opportunities employer we wish to encourage a diverse workforce in all our services including removal of gender stereotypical roles and the promotion of both horizontal career development and vertical progression. Therefore any impacts of change should be considered and every effort made to minimise such impacts when change is considered and implemented. It is recommended that an Equality Impact Assessment should be completed when carrying out any change initiative and consideration given to how affected groups can be involved in the consultation process for any change.

## **2. PROCEDURES**

- 2.1 The recognised Trade Unions will be advised of any proposal to undertake change or restructuring within a Chief Officer Area, Section or Service with a view to reaching agreement.
- 2.2 At an early stage a nominated Senior Officer within the Chief Officer Area, supported by Strategic HR (as appropriate), will act as lead officer for contact with the Trade Unions through the process. Notes of meetings will be taken, as required, and distributed to all parties.
- 2.3 The lead officer will ensure that there is full consultation with the Trade Unions on:
- Why the proposed changes are necessary;
  - How the changes might affect individual employees;
  - How the changes could impact on specific groups of employees e.g. if the service has a higher proportion of female employees, consider how the changes impact as it may be greater on females, changes of location might impact differently on employees who are neurodiverse etc.
  - What the proposed processes are in taking forward the changes;
  - What the next steps are;
  - Proposed timescales for the change;
  - Practical impact the changes are likely to have; and
  - The consultation/ engagement plan and any actions or responses needed from employees.
  - Any health and safety considerations\*

The above list is not exhaustive

- 2.4 When roles are impacted, the Manager's final proposal will detail the revised structure including grades of roles. Job Profiles and Person Descriptors will be supplied to the Trade Unions for new posts within the structure. All new posts will be subject to job evaluation to establish the appropriate grades of the post.

## **3. CONFLICT OF INTEREST**

- 3.1 All Services should avoid, where possible, any potential conflict of interest arising from a management structure where intimate or family relationships and/or any personal relationships are evident. Where such relationships exist, it is recommended to replace any line management relationship where possible and all involved should be reminded of the need to ensure that professional standards are maintained and any conflict of interest declared at the earliest opportunity to ensure the integrity of the process is upheld". Managers should also be aware of proposed changes which may put another employee or individual at risk where a disclosure has been made or is known, including changes of location or change to teams as a result of service re-design.

#### **4. IMPLEMENTATION PLAN FOR NEW STRUCTURE**

- 4.1 Following agreement of the revised structure, the Manager will produce an implementation plan including timescales. This plan will be the subject of consultation with the Trade Unions.
- 4.2 Managers should follow the consultation framework and track progress using the project management toolkit. This ensures that all progress, amendments and delays are accurately recorded and inform discussions.

#### **5 MATCHING PROCESS**

- 5.1 Where there is a 'one to one' transfer from the old structure to the new structure, this should be a simple match. Where there are multiple matches Managers should identify a matching pool; grouping together employees holding posts in the old structure, that have some similarity to posts in the new structure. Managers will consult with the Trade Unions on the employees allocated to the matching pool.
- 5.2 If the number of posts in the new structure is equal to or exceeds the number of employees in the matching pool, Managers will produce proposals as to how employees would be best matched to the new posts. There will be ongoing discussions with the Trade Unions and with employees on such proposals, taking into account the needs of operational efficiency, the wishes of employees and any relevant personal circumstances, e.g. caring commitments.
- 5.3 Employees will be matched to posts in the new structure. A match is where the new post is broadly similar (e.g. 70% or more) to existing posts. Each post (or group of similar posts) in the new structure must be compared with posts in the old structure to determine the extent to which there is a match between the duties of the new and old posts.
- 5.4 Where a post is deemed to be a match (e.g. 70% or more) the post holder will be automatically matched to the post in the new structure and will be given the necessary training, supervision and development opportunities to allow them to successfully undertake the duties of the post. Where numbers are not comparable i.e. more employees in the old structure than posts in the new structure, matching will be by competitive interview between the individuals considered to be a match to the post. Competitive interview will be in accordance with the Council's normal recruitment and selection procedures.
- 5.5 The outcomes concerning matching of posts should be clearly communicated to the employee providing rationale for the decision as appropriate.
- 5.6 When matching has been concluded employees matched will be issued with new contracts of employment.
- 5.7 If the parameters of the matched role are different to the employee's old post e.g. a change in working hours, managers should ensure a reasonable length of time is provided for employees to transition and make any necessary arrangements including re-arranging childcare and other caring arrangements.

## **6 APPEAL AGAINST MATCHING**

6.1 Following the matching process, employees will be advised in writing of their matched post or their matching pool, and of their right to raise a matching appeal under the Appeals Procedures and appeals will be heard by the Chief Officer (as appropriate) or a nominated senior manager. In cases where the Chief Officer has made the matching decision, appeals will be heard by another Chief Officer. Matching appeals will only be competent on the grounds that the employee:

- Has not been offered a match where they believe they are entitled to one because the duties are broadly similar, or
- Has been included in the wrong matching pool, or
- Has been excluded from a matching pool
- The terms of the match are not considered to be reasonable alternative employment. Full details of the reasons for this must be provided

6.2 Appeals must be submitted on the Appeals Form (Appendix 2) to the Chief Officer, and copied to the Chief Officer for People and Technology for information, within 7 days of notification of the proposed match, matching pool or otherwise. The Chief Officer will ensure that that Appeal meeting is held as quickly as possible and a representative from Strategic HR will be in attendance.

6.3 If an appeal is lodged in respect of a proposed match, no further action will be taken regarding the matching to that post until the outcome of the appeal is known.

## **7. NEW POSTS WITHIN THE NEW STRUCTRE**

7.1 New posts may arise within the new structure where the duties contain significant additional or different elements which mean that the post is not suitable for matching.

7.2 The additional elements for new post may be new duties that were not previously undertaken within the old structure, or a higher level of responsibility which may or may not be reflected in a higher grading.

### New Posts at the same grade

7.3 Where there is a new post at the same grade, discussion should take place concerning the suitability of this post with support for the additional aspects and training required.

7.4 Should a post be deemed inappropriate as a match or reasonable alternative employment, full details of the rationale should be provided to employees and trade unions.

7.5 Such posts shall be filled on merit after advertisement in accordance with the normal procedures for filling vacancies. Consideration will be given to restricting the field of applicants (e.g. internal applicants only) where this would indirectly negate the need for redundancy.



### New Posts at a higher grade

- 7.6 Individuals will not normally be “matched” to a higher graded post through a restructure, however it may be appropriate to include those at a lower grade if this can indirectly enable redundancy to be avoided.
- 7.7 In such circumstances, consideration should be given to restricting the field of applicants to an internal pool. If this is the approach being taken, cognisance should also be given to other individuals on the redeployment register who may also be eligible and have suitable skills for the role. If so, they should be considered for any internal pool.
- 7.8 The key point within any restructure is reducing the likelihood of redundancy and not facilitating promotion. However this should also be balanced with WDC commitment to support professional development, employment initiatives and career progression within the Council.
- 7.9 When employees are eligible for consideration, an interview should be held to determine the individual’s ability to undertake the additional responsibilities now or within a reasonable period following additional training.
- 7.10 Once all of the above has been considered, any new post shall be filled on merit after advertisement in accordance with the normal procedures for filling vacancies.

## **8. PAY PROTECTION**

- 8.1 Where, as a result of organisational change, an employee is matched or redeployed to a post with a lower grade, salary will be protected on a cash conservation basis for a maximum of two years. Cash conservation will be based on pay and contractual allowances associated with the former post. Non-contractual payments are excluded.
- 8.2 To minimise this protection period and to support employees to return to their previous grade at the earliest opportunity, suitable employment opportunities that arise will be considered and support provided to secure employment.
- 8.3 For those who are in the local Government pension scheme the appropriate certificate of protection (S20) will be completed to reflect the circumstances of pay protection and the employee will also receive a copy for their records

## **9. DISPLACED EMPLOYEES**

- 9.1 Where there are no matches between the new and old structures employees will be displaced and there is the potential for redundancy. All attempts will be made to find suitable alternative employment through the SWITCH framework.

## **10. SPECIAL PROVISIONS FOR REDUNDANCY**

- 10.1 When managing a restructure it is important to be cognisant of those with special provisions.
- Those on maternity, adoption or additional paternity leave who are entitled to preferential treatment in the event of redundancy.

- Those in the pension scheme and over 55 (50 if they were a member as at 6<sup>th</sup> April 2006) who have at least two years' total membership,

10.2 Managers must speak to HR about the above provisions to ensure they are considered in line with the relevant legislation and best practice.



**MATCHING PROCESS – APPEAL AGAINST DECISION**

**SECTION 1 – EMPLOYEE DETAILS**

<b>NAME:</b>	
<b>CURRENT JOB TITLE:</b>	
<b>CURRENT CHIEF OFFICER AREA:</b>	

**SECTION 2 – JOB MATCH DETAILS**

<b>MATCHED JOB TITLE:</b>	
<b>MATCHED CHIEF OFFICER AREA:</b>	

**SECTION 3 – GROUNDS OF APPEAL**

**SIGNATURE:** \_\_\_\_\_ **DATE:** \_\_\_\_\_

**Completed Forms Returned to:** Chief Officer (Area)  
**Copy to:** Chief Officer for People & Technology

**Appeals must be submitted within 7 days of notification of match**