

# Organisational Change Policy

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WECCG65**

**DOCUMENT CONTROL SHEET**

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**Change History:**

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V1.0	April 2017	Louise Thomas	Adapted for use as the Shared Service Policy.

**Implementation Plan:**

<b>Development and Consultation</b>	Developed in conjunction with, and ratified by, the relevant committees of the Hertfordshire, Bedfordshire, West Essex and Luton CCGs.
<b>Dissemination</b>	This policy will communicate to staff representatives. It will be communicated electronically to all staff and managers and will be published on the CCG's intranet.
<b>Training</b>	There are no specific training requirements in order to implement this policy. However, managers will be able to access advice from the HR Department on the implementation and interpretation of this policy.
<b>Monitoring</b>	Periodic quality audits of agency/interim use to ensure compliance with this policy. The data identified from monitoring will be used to update the policy and ensure best practice as necessary.
<b>Review</b>	Every 2 years
<b>Equality and Diversity</b>	17/05/2017 - Equality Impact Assessment
<b>Associated</b>	<ul style="list-style-type: none"> <li>▪ Agenda for Change Handbook</li> </ul>

<b>Documents</b>	
<b>References</b>	<ul style="list-style-type: none"> <li>▪ The Trade Union and Labour Relations (Consolidation) Act 1992</li> <li>▪ The Collective Redundancies and Transfer of Undertakings (Protection of Employment) Regulations 1995 (SI 1995/2587)</li> <li>▪ The Employment Rights Act 1996</li> <li>▪ The Collective Redundancies and the Transfer of Undertakings (Protection of Employment) (Amendment) Regulations 1999 (SI 1999/1925)</li> <li>▪ The Collective Redundancies (Amendment) Regulations 2006 (SI 2006/2387)</li> <li>▪ The Agency Workers Regulations 2010 (SI 2010/93)</li> <li>▪ The Unfair Dismissal and Statement of Reasons for Dismissal (Variation of Qualifying Period) Order 2012 (SI 2012/989)</li> <li>▪ The Trade Union and Labour Relations (Consolidation) Act 1992 (Amendment) Order 2013 which comes into force on 6 April 2013.</li> <li>▪ Trade Union and Labour Relations (Consolidation) Act 1992 (as amended)</li> </ul>

**Document Status:**

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## Table of Contents

<b>Section No.</b>	<b>Section Name</b>	<b>Page No.</b>
1.0	Introduction	5
2.0	Scope	5
3.0	Definitions	5
4.0	Policy Statement	7
5.0	Responsibilities	8
6.0	Procedure	9
6.1	Planning for Organisational Change	9
6.2	Consultation Period	10
6.3	Meaningful Consultation	11
<b>Appendix 1</b>	Redeployment of Staff in the Midlands and East of England Memorandum of Understanding	<b>25</b>
<b>Appendix 2</b>	Best Practice Guidance on Consulting on an Organisational Change Proposal	<b>28</b>
<b>Appendix 3</b>	Equality Impact Assessment Stage 1 Screening	

## 1.0 Introduction

- 1.1 NHS Bedfordshire, NHS East and North Hertfordshire, NHS Herts Valleys, NHS West Essex and NHS Luton Clinical Commissioning Groups (respectively referred to as 'the CCG'), actively manages its services so as to ensure maximal performance within its resources. It recognises that as a result, changes may need to be made to the CCG's organisational structures, which may affect staffing needs.
- 1.2 The basis for this document is the organisational change management policy document that has been developed in partnership with a number of NHS organisations and staffside representatives that make up the Social Partnership Forum, in order to ensure consistency on the issue of major organisational change by NHS organisations. The policy has been adapted for use in the CCG and will apply in the event of major organisational change.

## 2.0 Scope

- 2.1 This policy applies to all CCG employees, whether permanent or temporary.

## 3.0 Definitions

For the purpose of applying the provisions contained in this document, the following definitions shall have the following meanings:

- 3.1. **Competitive slot in** is when slotting in applies to more than one individual and there are insufficient posts for each individual to slot into e.g. when ten people meet the slotting in criteria but there are only eight roles available. In this scenario, a fair selection process will take place to determine the outcome. It should be noted that in a competitive slot-in process the posts must be appointed to from the pool of at risk employees.
- 3.2. **Continuous service** means full or part time employment with the CCG or any previous NHS employer provided there has not been a break of more than one week (Sunday to Saturday) between employment periods.
- 3.3. **Major organisational change** - This will include the reorganisation, relocation, merger, expansion or closure of a service/department, competitive tendering or outsourcing, or a major change in working practice. Changes that impact on terms and conditions and pay will usually be deemed as major organisational change. All such changes will be conducted in accordance with this document which incorporates best practice and legal requirements and aims to provide a framework for common understanding for managers, staff and staff representatives.

- 3.4. **Minor change** - can be defined as change that has no impact on the contractual relationship, for example, change of line management. In order to meet changing business needs more effectively, there may be occasions when managers need to implement relatively minor changes. Minor changes and adjustments to duties and working practices may be implemented without recourse to the formal procedures in this document but will require reasonable informal consultation with employees affected.
- 3.5. **Reckonable service**<sup>1</sup> (for the purposes of calculating redundancy pay entitlement and which is calculated on the basis of the service up to the date of termination of the contract) means continuous service plus any service with a previous NHS employer where there has been a break of 12 months or less. The following employment will not count as reckonable service:
- employment that has been taken into account for the purposes of a previous redundancy, or loss of office payment by an NHS employer;
  - where the employee has previously been given pension benefits, any employment that has been taken into account for the purposes of those pension benefits.
- 3.6. **Redeployment** means the transferring or recruitment of staff at risk of redundancy into a suitable alternative post.
- 3.7. **Redundancy** applies in situations where an employee is dismissed by reason of redundancy if the dismissal is wholly or mainly attributable to the fact that:
- the employer ceases to carry on the business in which the employee was employed;
  - the employer ceases to carry on that business in the place where the employee was employed;
  - the needs of the business for employees to carry out work of a particular kind cease or diminish; or
  - the needs of the business for employees to carry out work of a particular kind in the place where the employee was employed cease or diminish.
- 3.8. **Ring-fencing** means the process by which a post or posts in a new structure are made available only for an identified specific group of staff affected by the changes. The post or posts will not meet the definition for slotting in, but may be potentially

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<sup>1</sup> Please note that reckonable service is not the same as the service required for qualification for a redundancy payment. The terms under which a redundancy payment is payable are set out in the Agenda for Change: NHS Terms and Conditions of Service Handbook, Section 16, and are summarised later in this policy.

suitable for the staff at risk, as the requirements of the post are similar to their current post. A ring fenced post may be one band higher, the same band as the employee's substantive post, or one band lower and in the case of Very Senior Managers (VSMs) does not exceed a 15% decrease in total salary. Appointment to the post(s) will be made via a fair selection process. Employees will only be considered for a post one band higher where all employees affected by the process at that band have first been considered. Where an employee is considered for a post one band higher than their existing band they will need to demonstrate they meet the essential criteria of the person specification through an appropriate competitive selection process.

- 3.9. **Slotting in** is when Staff At Risk are appointed to a post within the new structure that is the same or broadly the same as their current substantive post. If the number of people in the current structure matches the number of posts in the new structure, there will be a direct slot in. Slotting in will normally only occur where a post is the same band as the individual's substantive post.
- 3.10. **Staff at risk** means employees whose posts may potentially be redundant as a result of organisational change if suitable alternative employment cannot be found.
- 3.11. **Suitable alternative employment** is work within the CCG that is on broadly similar terms and within the same range of skills required as the current employment where the individual meets the essential criteria of the person specification. It may be on any site operated by the CCG subject to travel considerations.
- 3.12. **TUPE** - Transfer of Undertakings (Protection of Employment) Regulations 2006 as amended by the "Collective redundancies and Transfer of Undertakings (Protection of Employment) (Amendment) regulations 2014 ("TUPE")

#### 4.0 Policy Statement

- 4.1. Organisational change is driven by the business needs of the CCG. Change can be triggered either by the external environment or by an internal review of service requirements.
- 4.2. The CCG is responsible for deciding the size and most efficient use of the workforce but in doing so is committed to the following principles for managing organisational change:
- the CCG will provide such information about the proposed organisational change as it would be in accordance with good employee relations practice to disclose to employees and staff representatives;

- employees will receive notice of any organisational change which may affect their futures at the earliest opportunity;
- employees will be treated as individuals with due regard to their personal and employment circumstances and their career aspirations at all stages of the change management procedure;
- employees will have the right to be accompanied by an accredited trade union representative or workplace colleague at formal meetings to discuss the major organisational change that affects their employment;
- the CCG will consider all reasonably practicable steps to avoid compulsory redundancies;
- employees will receive training and development, as appropriate to meet new skill requirements;
- employees will have access to the CCG's employee assistance programme/equivalent, where this is in operation and as appropriate.

## 5.0 Responsibilities

### 5.1 Managers are responsible for:

- a) Ensuring they are familiar with this policy and that they take advice at an early stage from HR before initiating or proposing organisational change.
- b) Engaging with employees and staff representatives as early as possible, once change is a potential outcome (and in all circumstances before any changes are made).
- c) Developing and implementing appropriate consultation and communication plans.
- d) Articulating the case for change ahead of consultation, preparing a business case if appropriate and ensuring appropriate authority is received through the appropriate governance structures in the CCG before proposing and initiating organisational change.
- e) Identifying opportunities for redeployment or retraining for affected employees and freezing vacancies within their area of responsibility that may constitute suitable alternative employment for affected employees.

- f) Ensuring the change processes are in line with organisational goals and consideration of how best to reduce the impact on the workforce as a result of change.

5.2 **Employees** are responsible for:

- a) Responding and contributing to organisational change, including, where appropriate, making suggestions for alternative ways to meet the CCG's business requirements.
- b) Actively seeking and taking up suitable alternative employment opportunities both within and outside the CCG.
- c) Being open to retraining opportunities in order to maximise options for suitable alternative employment.

5.3 The **HR and ODL Shared Service** are responsible for:

- a) Overseeing the implementation of this policy, ensuring legal and procedural updates are incorporated in a timely manner.
- b) Supporting employees and managers to understand this policy and receive training as required.
- c) Working with managers to workforce plan, designing a change process that is fair and in line with organisational goals, whilst having the least negative impact on the workforce.
- d) Having informal and formal conversations with staff representatives in order to facilitate the process.
- e) Providing advice, guidance and support to managers and employees throughout the change process, including identifying redeployment or retraining options.
- f) Notifying the relevant Department (currently the Department for Business, Innovation and Skills (BIS)) in writing if the CCG proposes to make 20 or more employees redundant, within the terms of the legislation in force at the time. A copy of the notification form will be sent to the trade union and staff representatives concerned. Advance notification to the relevant Department does not bind the CCG to make the employees redundant.

5.4 The **Accountable Officer/Chief Executive** –has ultimate responsibility for ensuring that mechanisms are in place for the overall implementation, monitoring and revision of this policy.

## **6. Procedure**

### **6.1 Planning for Organisational Change**

Before undertaking any change process, managers must ensure that there is a clear rationale for change. Where appropriate, this should be underpinned by data collection and analysis of information relevant to the business need triggering proposed change. Before commencing any major change process, a business case should normally be written by the manager and submitted to the relevant committee/meeting for approval. HR advice should be sought in advance of this stage to ensure that the business case comprehensively covers all workforce implications and that the proposals have been shaped in line with best practice, legal and other national requirements.

### **6.2 Consultation Procedure**

Having been granted authority to proceed from the relevant committee/meeting, managers shall prepare and discuss with HR a consultation document which will form the basis for discussion with staff and their representatives.

The consultation document may include details of the following, as appropriate:

- current situation analysis including staffing structure;
- the need for change and the rationale behind the change;
- the options that have been considered;
- the proposals for change including the proposed staffing structure(s) and any location change;
- the financial, staffing and workload implications of the proposals;
- impact on the wider health and social care economy;
- plans for consultation with and communication available for affected service users and their carers;
- impact on support and ancillary services;
- consideration of any relevant health and safety assessment;

- an equality impact assessment which must be completed and appended;
- proposed timescale for consultation;
- proposed methods of implementation of the proposed change and timescales;
- description of the consultation process, including planned meetings, timetable, how employees and their representatives can respond and the deadline.

**In a redundancy scenario the document must also include:**

- the reason for the potential redundancy dismissals;
- the number of proposed redundancies, their job types and bands;
- the total number of employees affected by the change;
- the proposed method of selecting employees who may be dismissed due to redundancy (including the criteria being used for the selection of employees to be made redundant or the way in which employees will be selected for posts within the new structure);
- the procedure to be followed in dealing with the redundancies;
- the measures to be taken to avoid compulsory redundancies which may include natural wastage, redeployment with retraining, inviting applications for voluntary redundancy.

### **6.3 Meaningful consultation**

In accordance with legislation and the partnership working principles of the NHS, the CCG commits itself to meaningful and appropriate consultation with staff representatives and employees affected by organisational change, with a view to reaching agreement on the way forward. It is acknowledged, however, that there will be times when organisational change will need to proceed without a consensus being reached on all issues.

The purpose of the consultation and consultation meetings with employees and staff representatives will be:

- to receive and where possible address any questions on the consultation document;

- to consider any comments or views on the consultation document including any alternative proposals and costings (which the CCG shall as far as practicable make available) before determining any final decision to proceed;
- to clarify any change processes and timeframes specific to the proposed organisational change exercise under discussion.

#### **6.4 Time periods for consultation**

In all cases, the CCG will allow sufficient time for meaningful consultation with staff and their representatives. In exceptional circumstances where changes need to be made very quickly, staff representatives will be briefed as soon as is practicable.

In a collective redundancy scenario, consultation will continue for a period of no less than the statutory time scales:

- where 20-99 redundancies are proposed consultation should commence at least 30 days before the first redundancy takes place;
- where 100 or more redundancies are proposed then consultation should commence at least 45 days before the first redundancy takes place.

Staff representatives and staff may request additional information or an extension of time if this is necessary to enable them to understand and contribute to an informed discussion on the merits of the proposal. Such requests will not unreasonably be refused, and where they cannot be accommodated a reason will be given.

In practice most consultation exercises will require a 30 day consultation period. However, in the event of large scale change requiring a 45 day consultation process, the CCG and staff representatives should consider the pros and cons of extending the consultation. Factors to be considered will be as follows:

- Reasons put forward by either party for an extension beyond 45 days, particularly in relation to the extent to which original proposals have been revised as a result of the 45 day consultation – for example, changes from the original proposals may require a further short period of consultation;
- The impact of delaying the process on the staff affected and the likelihood of further redundancies being required due to a reduction in predicted savings arising from the proposed changes;
- Any extension to the 45 days consultation period must be agreed by both parties.

## **6.5 Consultation with trade unions/staff representatives**

Early informal consultation with staff representatives and trade unions is encouraged and should occur wherever possible. This is also known as pre-consultation. Meaningful pre-consultation often leads to an agreed shorter formal consultation time and greater staff satisfaction with the process.

Formal consultation with staff representatives and trade unions will commence once the consultation document has been finalised. This will take the form of:

- written information provided in the form of the consultation paper;
- ongoing discussions with local accredited representatives;
- trades unions representing employees affected by the change should be invited to the first meeting with all affected employees and given reasonable notice to attend.

During a period of change, management will ensure that trade unions/staff representatives are kept informed of developments and will meet with them as appropriate.

## **6.6 Consultation with individual employees**

Each employee affected by the organisational change will be provided with a copy of the consultation document.

A group meeting will be held with all employees affected by the organisational change to announce the proposed change and explain the consultation process which will follow.

Employees will be invited to comment and feedback on the proposals, including how they may impact on their personal circumstances, and will be invited to put forward alternative proposals. It is recognised that employees may require time to respond and may not be able to do so at the group meeting. All employees will have the opportunity of an individual meeting with their manager if requested.

In a redundancy scenario, the manager may invite applications for voluntary redundancy at this stage and employees will be invited to put forward ideas on avoiding compulsory redundancies.

Further group meetings may be held and dates should be set out in the consultation document.

## **6.7 Individual meetings**

Each employee will be offered the opportunity of at least one individual meeting with their manager at which they have the right to be accompanied by a trade union representative or workplace colleague. In a redundancy scenario, the meeting will also be used to discuss the issues set out at section 6.11.

A written note of the main points discussed in the individual meetings should be kept.

## **6.8 Additional communication**

In addition to the individual consultation meetings, employees can be kept informed through team meetings, email and other written communication, for example, frequently asked questions may be circulated to employees during/after the formal consultation period. Throughout this period employees should be encouraged to discuss any concerns and queries with their line manager and trade union.

## **6.9 End of consultation**

At the end of the consultation period the manager will ensure that they give full consideration to all feedback received from employees and their representatives, to inform their decision on the way forward. The manager will liaise with HR and produce a written report to the employees and staff representatives, covering the decision made, the change process to be followed and the timeframe. Where alternative proposals and ideas have been rejected in whole or in part, the rationale for this should be provided.

## **6.10 Selection for redundancy**

Whilst every effort will be made by the CCG to identify alternative options to compulsory redundancy, there may nevertheless be occasions when the need to make compulsory redundancies is unavoidable.

Where there is a proposal to reduce the number of jobs in an area of work where employees share identical or similar job descriptions (i.e. the need for employees to undertake work of a particular kind has diminished), all relevant post holders will form the pool from which individuals will be selected for redundancy. The decision on the pool will be made by the relevant director(s) or nominated line manager(s) in consultation with HR, and will be subject to consultation with staff representatives/trade unions.

The CCG undertakes to act reasonably and ensure the selection of employees for redundancy is fairly carried out and in accordance with objective criteria. The methods managers can consider are as follows:

The method of selection to available positions will be objective, non-discriminatory and fair. The method may consist of any one or combination of the following:

- A paper based application;
- A selection interview;
- A review of performance records;
- An assessment centre for tests and or exercises;
- A matrix based approach, for example, considering qualifications and/or experience, skills, attendance, performance and conduct record, with appropriate scoring and weighting assigned.

These methods may also be applied in stages. For example, there may be a ring-fencing stage one to maximise opportunities for affected employees, followed by a slotting in stage.

Where employment records are used, care should be taken to ensure that these are complete and accurate. The employee may be asked to verify the information and they may be asked to complete a questionnaire or attend an interview to supplement personal records where it is felt this would assist the selection process.

Once the detail of the selection process has been determined employees must be informed of:

- a) The criteria for selection including the weightings to be used and the information which will be taken into account (e.g. qualifications, experience etc.);
- b) The selection process to be followed;
- c) The time scales.

Care will be taken to ensure that the selection is based on a fair mix of objective and subjective criteria that are reasonably applied. In applying the criteria, relevant factors relating to the employee must be considered in order to avoid any unlawful discrimination, i.e. on grounds of sex, race, religion and belief, sexual orientation, gender reassignment, marriage and civil partnership, pregnancy and maternity, part time status, fixed term status, age or disability. In addition, there are requirements in respect of employees who meet the disability provision of the Equality Act 2010 to consider the impact of the selection criteria on that individual prior to their application and to make reasonable adjustments.

## **6.11 Staff At Risk of Redundancy**

When changes in staffing levels or skill mix are proposed which will lead to a reduction in the numbers of staff employed in particular grades, occupational groups or specialties, management will identify the positions, individual staff or pool of staff who may become redundant as a result of the proposed changes.

As part of the consultation process, any employee at potential risk of redundancy will have the opportunity to request an individual meeting with their manager and trade union representative or work colleague to:

- discuss how the proposed changes affect the individual;
- explain why the individual may become at risk of redundancy;
- discuss ideas for avoiding redundancy dismissals and mitigating the consequences of any redundancy dismissals;
- explore the process for redeployment;
- explain the arrangements for protection of pay and terms and conditions where applicable;
- discuss available support and assistance.

Staff who are not selected for a post in the new structure will be given notice of redundancy and will normally be placed on the CCG's redeployment register at this point. Staff on the Redeployment Register will be given priority consideration for all posts that are or become vacant in the CCG whilst they are at risk and up until the last day of their notice. Staff on the Redeployment Register will be required to register with NHS Jobs and apply for posts via that medium. In addition, the HR and ODL Shared Service will notify staff of potential opportunities and posts which are considered to be suitable alternative employment.

There is currently in place a memorandum of understanding between all NHS employers in the Midlands and East of England on the redeployment of staff at risk of redundancy. The details and process for this are set out in Appendix 1.

Managers may decide, in consultation with staff and their representatives, to place staff on the redeployment register at an earlier stage in the process. For example, where there are very few post available in the new structure and in order to maximise opportunities for redeployment.

## **6.12 Suitable alternative employment**

Suitable alternative employment is work within the CCG that is on broadly similar terms and within the same range of skills required as the current employment where the individual meets the essential criteria of the person specification. It may be on any site operated by the CCG, subject to travel considerations. Staff at risk will be given priority consideration for suitable posts in line with their skills, experience and capabilities and where appropriate will receive protection of pay in line with the CCG's protection of earnings arrangements.

A post may be considered as suitable alternative employment if it is banded on the same band as the staff member's current substantive post, one band lower or one band higher. Bands 8a, 8b, 8c and 8d are classed as four separate bands.

Following identification of potentially suitable posts, individual staff will be offered the opportunity to apply for the role and be given a copy of the job description/person specification and a deadline of at least five working days within which to express an interest in the post. In some circumstances e.g. annual leave and other types of leave, this period may be extended. During this period the individual may meet with the appropriate manager informally to discuss their interest.

If the individual is offered the post following the application process, this will be treated as an offer of suitable alternative employment and a trial period will apply.

Staff who unreasonably refuse to apply for or accept an offer of suitable alternative employment will lose their right to a redundancy payment.

### **6.13 Trial periods and training**

A trial period will apply where a formal offer of suitable alternative employment has been made. The purpose of a trial period is for both the manager and the individual to assess the suitability of the post as alternative employment.

Where staff have the potential ability but not the immediate experience to undertake the full duties of the role, there may be circumstances where they could be provided with appropriate development/training opportunities. This will be provided when it is reasonable, practical and cost effective and where the member of staff demonstrates a willingness to learn and can apply the new skills within an appropriate timeframe.

The trial period will normally last for four weeks but may be extended by mutual agreement where a member of staff requires additional training and development.

If the trial period is unsuccessful, other than for a reason of misconduct on the part of staff member, redundancy arrangements will apply as from the date when the original contract of employment will terminate. Until the end of their notice period staff will be

considered for other suitable alternative employment if available which will be subject to the same arrangements including a trial period.

In circumstances where a trial period fails due to misconduct on the part of the staff member the situation will be managed in line with the CCG's Disciplinary Policy. Where the result of the disciplinary action is dismissal a redundancy payment will not apply.

#### **6.14 Absent employees**

With the exception of staff on employment breaks for more than 12 months, all staff absent from work for any reason should be included in the consultation process and any subsequent selection process in the same way as other affected staff.

Staff on employment breaks of more than 12 months will not be included and alternative employment will be sought on their return from the employment break in line with the CCG's Employment Break Policy.

Where a redundancy situation arises whilst an employee is on a period of maternity, adoption or shared parental leave, the employee must be treated in the same way as they would have been had they not been on such leave. Therefore they must be consulted with and receive information and have access to the support given to other employees identified as being affected by change or at risk of redundancy. Managers are advised to contact any individuals on maternity, adoption and shared parental leave by phone and at the start of any formal consultation process to agree what type of contact will be least intrusive and stressful for the employee.

If an employee on maternity leave is prevented from returning to her original job due to reason of redundancy or if an employee is selected for redundancy whilst pregnant, she is entitled to be offered any existing suitable alternative employment that exists. This means work that is suitable and appropriate for her, on terms that are not substantially less favourable than her existing terms. This is a complex legal area and managers must consult their HR Business Partner on how to eliminate any disadvantage caused due to maternity leave during consultation and selection processes.

Where a redundancy would take effect during maternity leave, the employee will retain her right to return to work on the notified date of return. The employee is entitled to be offered any existing suitable alternative employment up to and at this point. Where no suitable vacancy exists, the date of termination of employment will be the notified date of return unless mutual agreement is reached on an earlier date of termination. The relevant notice period should be on full pay.

Rights to statutory maternity pay are determined at the 15th week before the expected week of childbirth. An employee who is made redundant after this time will normally retain her entitlement to statutory maternity pay. Employees are advised to seek advice from their HR and/or trade union representative on their individual entitlements.

### **6.15 Redundancy arrangements**

The terms under which a redundancy payment is payable are set out in the Agenda for Change: NHS Terms and Conditions of Service Handbook, Section 16, and are summarised below:

- to qualify for a redundancy payment the individual must have:
  - a contract of employment with the CCG; and
  - at least 2 years' (104 weeks) Continuous Service within the NHS;
- a redundancy payment takes the form of a lump sum, dependent on the employee's Reckonable Service at the date of termination of employment;
- the lump sum is calculated on the basis of one month's pay for each complete year of Reckonable Service, subject to a minimum of 2 years' Continuous Service and a maximum of 24 years Reckonable Service (i.e. the maximum payable is 24 months). The payment may be capped at a specified level in accordance with national rules in operation at the time;
- NHS service or continuous service as a result of a TUPE transfer to an NHS body will count as continuous and reckonable service for the purposes of redundancy pay calculations;
- Subject to conditions, members of the NHS Pension scheme who meet the minimum age of retirement, may choose to take early retirement on the grounds of redundancy.

Some staff may be subject to locally-agreed contractual arrangements in respect of redundancy which will need to be honoured.

Staff will not be entitled to redundancy payments if they:

- are dismissed for reasons of misconduct;
- at the date of the termination of the contract have obtained without a break, or with a break not exceeding four weeks, suitable alternative employment with the CCG or other NHS employer;

- unreasonably refuse to accept suitable alternative employment with the CCG or another NHS employer;
- leave their employment before expiry of notice, except if they are being released early;
- are offered a renewal of contract with the substitution of a new employer for the CCG.

Staff whose employment is subject to TUPE transfer will not be redundant and therefore will not be entitled to redundancy payments.

For further details on the calculation of redundancy payments, eligibility and exclusions, please refer to Part 3, Section 16, of *Agenda for Change: NHS Terms and Conditions of Service Handbook* or seek further advice from the HR and ODL Shared Service.

The manager will liaise with HR in order to obtain details of redundancy entitlements and other aspects of the redundancy process. The manager will provide, in writing, to the individual and their representative the following details:

- the number of weeks' notice;
- the effective date of the redundancy, which will also be the last day of service;
- the number of days' outstanding annual leave, where applicable, to be paid in lieu;
- the estimated amount of redundancy payment that will be paid, where applicable;
- the options available to the employee where they are eligible to take early retirement on the grounds of redundancy;
- what efforts will be made to assist the individual in seeking suitable alternative employment during the notice period;
- what support is offered during the notice period e.g. help with job search, CV and interview preparation;
- what work the individual will be expected to undertake during their notice period;

- that reasonable time off with pay will be given to seek and prepare for alternative work;
- that early release will normally be given, unless there are compelling service reasons to the contrary, if the individual is successful in obtaining other employment outside the NHS and wishes to take this up during the notice period; the date of early release will then become the revised date of redundancy for the purpose of calculating any entitlement to a redundancy payment;
- the right of appeal against selection for redundancy or the terms of the redundancy;
- the date on which redundancy payment will be made which will be no less than 4 weeks' after the last day of employment (termination date) and on receipt of a signed declaration from the staff member that no work has been entered into with an alternative NHS employer within this timeframe.

## **6.16 TUPE**

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

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

Some examples of a transfer are as follows:

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

Under the TUPE regulations there are obligations to inform and consult staff regarding the transfer.

Under TUPE regulations the existing employer is responsible for:

- Working in partnership with the new employer to ensure staff are consulted with during the change and informed about the fact of the transfer, the reason for the transfer, when it is due to take place, the implications for employees

and the measures that the CCG and new employer expects to take in relation to employees;

- Providing the new employer with relevant staff information (known as 'due diligence' information).

Under TUPE regulations the new employer is responsible as follows:

- For working in partnership with the existing employer to ensure staff are consulted with during the change and informed about the fact of the transfer, the reason for the transfer, when it is due to take place, the implications for employees and the measures that the new employer expects to take in relation to employees;
- For informing the existing employer of any the legal, economic and social implications of the transfer for the affected employees and whether any measures (such as reorganisation) will be taken and how the staff are likely to be affected by any such measures. This information will be shared with affected staff as part of consultation;
- For the terms and conditions of the employees transferring;
- For all rights and obligations arising from staff in terms of their contract of employment, except criminal liabilities and some benefits under an occupational pension scheme;
- For all collective agreements made on behalf of the employees and in force immediately before the transfer;
- Providing a pension scheme, which must be certified by the Government Actuary as being overall materially at least as good as the NHS pension scheme. Any transferred staff should be given the option to transfer the accrued rights from their past service in the NHS pension scheme to the new employer's pension scheme without suffering the normal disadvantages which apply to early leavers of defined benefit pension schemes.

The new employer will not be able to:

- Fairly dismiss an employee because of the transfer or a reason connected with it, unless the reason for the dismissal is an economic, technical or organisational reason entailing changes in the workforce;
- Change the terms and conditions of the transferring employee because of the transfer or a reason connected with it, unless the reason for the change is an economic, technical or organisational reason entailing changes in the workforce. Should this apply, full consultation should take place with employees affected.

## **6.17 Pay protection**

The CCGs' pay protection provisions are set out below. These are in place in order to support staff who, as a result of organisational change, are required to move to a

new post which would entail a reduction of earnings and certain terms and conditions of employment.

The following table sets out the pay protection provisions in each CCG for protection of basic pay:

CCG Name	Continuous Service	Protected Period	Details
NHS Herts Valleys CCG, NHS Luton CCG and NHS West Essex, NHS Bedfordshire CCG	Less than 1 year	Equivalent to individual's contractual notice period (up to a maximum of 3 months)	Marked time basis; applies for posts one band below current post, although exceptional instances can be discussed and agreed with the Chief Executive on a purely exceptional basis.
	1 to < 2 years	2 years	
	2+ years	3 years	
NHS East and North Herts CCG (Short Term Additional Earning Protection)	1 -2 years	4 months	Short term pay protection of additional earnings applies to: overtime; payments for working outside normal hours; payments for providing emergency cover outside normal hours; and on call payments, provided that they are a regular requirement of the job over at least a continuous six-month period. Earnings must be either a contractual term of an individual's employment or regularly and formally rostered to be included in short term protected earnings. There will be no protection of ad hoc payments. Protected earnings are calculated as an average of the previous four months' earnings. Short-term protection of earnings is conditional on the employee undertaking any overtime, shift work or other additional duties which may be required up to the level at which earning in the new post equal to protected earnings. Protection is conditional on the employee accepting any subsequent offer of another suitable post within the CCG which attracts additional earnings at the same level or in excess of those protected.
	2 - 3 years	6 months	
	3 – 4 years	8 months	
	4 -5 years	10 months	
	5+ years	12 months	
NHS East and North Herts CCG (Long Term Basic Salary Protection)	Less than 1 year	None	Long term protection of basic salary. During the defined protection period, the salary will freeze at that point, but the High Cost Allowance will still be added as applicable. No further uplifts will be applied until the pay rate for the job into which the person has been redeployed catches up with their frozen rate of pay or protection
	1 – 2 years	6 months	
	2 – 4 years	12 months	
	4+ years	2 years	

			ends. This is referred to as marking time. Protection of earnings is conditional on the employee accepting any subsequent offer of another suitable post within the CCG which attracts additional earnings at the same level or in excess of those protected.
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Basic salary is the monthly sum due in respect of basic hours worked by the individual concerned within the standard week, reckoned on the day immediately preceding the first day of employment in the new post. Acting up and on-call allowances do not form part of the basic salary.

Protection of basic salary is on a marked time basis, which means that the rate of earnings is preserved without the benefit of any subsequent increments or pay awards, until the new earnings reach the level of the previous earnings or until such time as otherwise agreed. Following the period of protection the employee will be paid on the scale applicable to the new post.

All other terms and conditions will be in accordance with those associated with the new post.

If at any time during the protection period basic pay and earnings in the new post exceed protectable earnings, protection will be ceased and basic pay and earnings for the new post will be paid, in full.

Protection should continue until such time as:-

- The protection period expires;
- Basic pay and earnings in the new post permanently exceed that of the old post;
- The employee moves on their own accord to a new post..

## **6.18 Change of location**

If, as a result of organisational change, there is a requirement to move staff from their normal place of work to another location within the CCG and this results in increased travel costs to and from work, staff may be reimbursed their extra daily travelling expenses in accordance with the Agenda for Change Handbook provisions.

## **6.19 Personal and professional support**

All staff affected by the organisational change will be encouraged to seek the advice and support of their trade union.

Relevant support will be provided by the CCG and may include:

- help with the production of CVs/application forms (including assistance with NHS Jobs);
- help with preparation for interviews;
- careers advice;
- support in developing coping strategies and stress management, with support of the counselling service;
- time to meet with recognised trade union representatives to discuss the change;
- further assistance to staff who are at risk of redundancy will include reasonable paid or unpaid time off to seek other employment or undertake training.

Even after the change has taken place, the CCG acknowledges that staff may take some time to adjust to the change itself. Managers should remain available to staff to manage any issues that arise and support staff through the transition.

## **6.20 Appeals, complaints and joint agreements**

Appeals against the selection criteria for redundancy or the decision to dismiss an employee by reason of redundancy will be heard in accordance with the final stage of the CCG's Grievance Procedure. The decision of the appeal panel will be final and there will be no further opportunity for recourse to the Grievance Procedure.

In the event of a complaint about misapplication of the principles and procedures set out in this policy, this will be dealt with in accordance with the CCG's Grievance Procedure at either the informal stage or first formal stage.

## Appendix 1



### **REDEPLOYMENT OF STAFF IN THE MIDLANDS & EAST OF ENGLAND MEMORANDUM OF UNDERSTANDING**

February 2017

#### **Purpose**

The purpose of this Memorandum of Understanding is to set out principles across Midlands & East NHS employers for redeployment of staff at risk of redundancy.

#### **Context**

Strategic service reconfigurations, financial challenges, changing population health needs and technology all impact on the NHS workforce and organisational change is likely to be a feature within the NHS over forthcoming years.

In order to ensure that the NHS remains an attractive employer it is critical to develop a system to enable the redeployment of staff to:

- Retain talent and minimise the loss of valuable skills and expertise from the NHS across the geographies and therefore, maintain service levels for patients
- Support staff in finding alternative jobs
- Avoid compulsory redundancies as a health community wherever possible
- Protect the public purse

#### **Scope**

This Memorandum of Understanding covers all NHS organisations in the Midlands & East of England. The principles underpinning redeployment will be applied to the individual geographical areas of West Midlands, East Midlands, and East of England. However, where staff wish to relocate beyond their local geography, employers will seek to support redeployment across a wider geography.

#### **Memorandum of Understanding Principles**

Agreement has been reached on the following principles which will be upheld to support redeployment of staff:

- The MOU applies to employees at risk of redundancy only – i.e. not due to ill health or performance
- Any employee designated at risk, who chooses to apply and meets the essential shortlisting criteria for a vacancy in a CCG under this agreement, will be offered an interview.
- Individual employers retain responsibility for the employee until the redeployment takes place

- Individual employers will, firstly, seek to redeploy their own at risk employees internally before committing to redeployment of external employees



- Individual employers agree to implement the operational redeployment framework and processes, attached as Appendix A.
- Responsibility for applying for jobs remains with the member of staff at risk, supported by their local HR team.
- This MOU will not be operationalised in such a way that it delays recruitment processes internally.

## **Appendix A: Operating Framework and Redeployment Processes**

### **Section 16 of Agenda for Change**

Employers will apply the Redundancy arrangements within Section 16 of Agenda for Change. The following points reflect the way in which the redeployment process will be supported across the Midlands & East.

### **Registration in the Restricted Area of NHS Jobs**

At the start of consultation, individuals whose posts are identified as potentially at risk should be set up, by their employer, with a 'restricted' account on NHS Jobs which will highlight them as a priority when applying for NHS positions. Employers will be responsible for ensuring that staff records on the restricted area of NHS Jobs are kept up to date.

To add or manage affected by change accounts select the 'Affected by change accounts' option in the Admin section of the left navigation menu. Before 'affected by change accounts' can be added, the restricted accounts function needs to be switched on. To create an 'affected by change account' you enter the employee's name, their chosen email address and job title as a minimum. However, it is also beneficial for reporting reasons to complete as many of the given fields as possible, including E&D data. Staff with an affected by change account will be identified by recruiting employers in the applications list for any vacancy they apply to via a grey 'A' icon.

### **Guaranteed Interviews**

Staff designated 'at risk' will, where they meet a vacant job's essential criteria, will be guaranteed an interview for the job. Where job applications per vacancy are of a high number, employers will prioritise interviews for those designated at risk over external candidates.

Where an individual applies for a job in lower pay band, employers should discuss the

potential for the individual's current organisation to fund pay protection as an alternative to redundancy.

### **Employee's responsibilities**

It is the responsibility of staff registered as affected by change to ensure that they



regularly check NHS Jobs for suitable roles within their organisation or wider health economy if they are able to relocate – ideally every day. Local Organisations may appoint protected time within work hours for registered employees to search for jobs.

Employees should also maintain regular contact with their Local HR Leads, and be available to them in order to keep updated about potential opportunities.

### **Record Keeping**

Employers should keep records of the movements and status of their employees. Once 'at risk' status is registered, details of applicants 'at risk' should be retained by the individual employer, which will include: Date of formal notification 'at risk'; Registration date for NHS Jobs Restricted Area & approval for redeployment; and records of any refusals of suitable alternative employment options and reasons given

## **Appendix 2: Best Practice Guidance on Consulting on an Organisational Change Proposal**

The purpose of this appendix is to provide guidance on the content of organisational change consultation documents as well as planning the process of consultation and pre-consultation by working in partnership with the Trade Unions.

The document includes:

- A consultation checklist of best practice
- Pre consultation planner and checklist
- A template for developing a consultation document - managers are encouraged to amend the template to suit particular circumstances.
- A best practice flow chart

## Section 1 - Consultation Checklist

<p>Develop change proposal - new structure plus process of filling new posts</p>	<ul style="list-style-type: none"> <li>• Get advice from your HR Business Partner from the start. Remember a redundancy is a reduction in posts. Make sure the consultation document is checked by HR to ensure it complies with the CCG's HR policies and contracts.</li> <li>• Involve all relevant stakeholders</li> <li>• Prepare your team for change. Wherever possible develop the proposal with people affected by change</li> <li>• Discuss proposal with trade union colleagues 2 days ahead</li> <li>• Involve your Finance contact. Find out the recurrent costs for the current and proposed structure. Get approval for the cost of any potential redundancy.</li> <li>• Plan the consultation, implementation and selection process – get the dates sorted out before consultation starts.</li> <li>• Get approval from the relevant committee/individual</li> </ul>
<p>Write the consultation document</p>	<ul style="list-style-type: none"> <li>• Use template attached or write a letter if less than 10 people are affected and appropriate.</li> <li>• Append new job descriptions, rotas etc. to the consultation paper. Ideally get job descriptions evaluated. These do not need to be finalised documents as this is still a consultation process. They need to contain enough information for the staff affected to be able to consider what these changes will mean for them and what their options will be, so that their individual consultation is meaningful to them.</li> </ul>
<p>Notify trade union colleagues</p>	<ul style="list-style-type: none"> <li>• At least 5 working days before the planned start of formal consultation, send the consultation document and list of affected</li> </ul>

# HR and ODL Shared Service

Hertfordshire, West Essex,  
Bedfordshire & Luton  
CCGs

	<p>staff to the lead TU Representative, and the HR.</p> <ul style="list-style-type: none"> <li>• Revise consultation document in the light of TU comments as appropriate</li> <li>• Offer meeting with trade union representatives to discuss the proposal</li> </ul>
Consult	<ul style="list-style-type: none"> <li>• If less than 20 staff affected, agree the timescale for the consultation</li> <li>• Hold group consultation meeting where there are general issues that apply to all or most people affected by the change. Invite trade union representative(s) to the meeting.</li> <li>• Individual meetings. People can be accompanied by a TU rep or colleague.</li> <li>• Encourage people to comment on the proposal throughout the consultation period</li> <li>• Keep notes to ensure these points can be considered at the end of the consultation</li> </ul>
Confirm decision in writing	<ul style="list-style-type: none"> <li>• Confirm decision and highlight modifications to original proposal</li> <li>• Respond to comments and alternative proposals</li> <li>• Set out next steps e.g. meetings to confirm impact on people of change, selection activities.</li> </ul>
Selection activities, as appropriate	
Give notice, if appropriate	<ul style="list-style-type: none"> <li>• Meet affected people to give notice of redundancy or change of grade.</li> <li>• Right to be accompanied</li> <li>• Confirm in writing</li> <li>• Organise appeals if necessary</li> </ul>

## Section 2 - Pre-consultation planner and checklist

This planner and checklist have been developed to support managers in preparing consultation documents.

### Timescales for planning

Action	Minimum timescale	Date
Consultation lead to discuss planned change with HR and draft consultation paper and job descriptions (if applicable)	6 weeks before launch	
Amended or new job descriptions to be submitted for job matching (if applicable). If large scale, more notice may be required.	4 weeks before launch	
Banding of amended or new job descriptions confirmed	2 weeks before launch	
Consultation lead to meet with affected staff informally to advise of planned consultation (pre-consultation)	2 weeks before launch	
Consultation document reviewed against checklist by consultation lead, HR and Staffside rep	2 weeks before launch	
Any amendments made and pre-consultation checklist signed off	1.5 weeks before launch	

Final consultation document shared with Staffside	1 week before launch
Affected staff invited to launch meeting	1 week before launch
Consultation launch (group meeting and distribution of document)	

## Pre-consultation checklist

Actions	Yes	No	N/A
The driver/catalyst and rationale for change and the aims or objectives of making the proposed changes.			
Risks involved if aims of consultation are not achieved.			
An outline of the options available for achieving the aim of the proposal; including options considered but not taken forward.			
Identify the expected benefits for stakeholders such as patients, employees and the CCG, including any risks, plus how those risks are to be mitigated.			
Assessment of the impact on other services across different sites. Would the proposal prove difficult or have a positive effect on the delivery of other services across the CCG.			
All relevant health and safety assessments, if applicable.			
An explanation of how the proposed action differs from what currently exists, including how and why this proposal will be more effective than the current operational situation.			

Outline of the current situation, including current structure, work patterns or practices and terms and conditions.			
The impact of the proposals on employees, including any impact on work patterns, practices or terms and conditions, plus the current and proposed structures (if structural changes are proposed).			
Where job roles are being reviewed or new roles are being identified, relevant job descriptions should be produced by the consultation lead and checked by HR. The appendices should detail: the posts affected, whether these are new jobs or changed jobs.			
In the event of some responsibilities being taken over by another team or department, details of the old department's structure alongside with the new department's structure should be provided to clearly indicate lines of accountability pre and post consultation.			
Detail the number and grades/bands of employees who may be at risk of redundancy as a result of the proposal.			
Outline and explain the way in which employees will be selected for or slotted into posts within the new structure.			
Describe the measures to be taken to avoid compulsory redundancies. These may include natural wastage, redeployment with retraining, or voluntary early retirement.			
Include the proposed timetable and process for consultation and implementation.			
Provide details of how the consultation information will be disseminated to those affected by the change, and Staffside/Trade Union representatives. It should be made clear to TU representatives if there are any restrictions on when the information should be discussed with others.			
Equality impact assessment			
Where there would be financial costs / implications, ensure that costings for the current and proposed service are provided within the consultation document.			

# HR and ODL Shared Service

Hertfordshire, West Essex,  
Bedfordshire & Luton  
CCGs

Confirmation that the new structure has been approved by finance & the relevant committee.			
Confirmation that the potential for redundancy, incl. bands and WTEs, has been discussed with HR (does not need to be explicit in document).			

## **Section 3- TEMPLATE CONSULTATION DOCUMENT**

### **NAME OF DIVISION/ DIRECTORATE AND DEPARTMENT CONSULTATION ON PROPOSAL TO XXXX**

#### **1. EXECUTIVE SUMMARY**

The aim of this paper is to initiate formal consultation on the proposed organisational changes for the XXXX in accordance with the CCG's Organisational Change Policy *insert link* it is proposed that [outline proposal very briefly] in order to [outline rationale briefly]. It is proposed that the new structure is implemented from [add in date if appropriate]

#### **2. CURRENT STRUCTURE**

Org chart, table form

#### **3. THE CASE FOR CHANGE**

E.g. effectiveness, cost, role clarification, new technology, increase in demand, commissioning decision to change service, legal

#### **4. PROPOSED STRUCTURE**

- Proposed structure – org chart, table form
- Proposed roles
- Arrangements to support new structure, e.g. training, rota changes
- Any transitional arrangements

#### **5. FINANCIAL IMPACT (if cost reduction is part of the case for change)**

#### **6. IMPACT ON THE QUALITY OF CARE FOR PEOPLE USING OUR CLINICAL SERVICES**

Please complete

##### **6a. EQUALITY IMPACT FOR PEOPLE USING OUR CLINICAL SERVICES**

If the equality impact is judged to be low, it will be sufficient to write: This proposal is judged to have a low impact on service users. It is anticipated that most organisational change proposals will have a low impact for service users.

If the impact is medium the manager will need to state what the impact is likely to be in terms of race, gender, disability, sexual orientation, age or religion. If the potential impact is negative, they will need to state how, if possible, the impact can be mitigated.

If the impact is high, a full Equality Impact Assessment needs to be carried out as per Equality Impact Guidance insert link to /equality and diversity/equality impact assessments/EIA form template]. The EIA should be attached to the consultation document or summarised in the consultation document.

## 7. IMPACT UPON STAFF AFFECTED BY THE PROPOSAL

- Slotting-in arrangements, ring-fencing
- Criteria for selection , as appropriate
- Impact e.g. redundancy, changes to shift, on-call, banding
- Pay Protection

### 7a. EQUALITY IMPACT FOR STAFF

If the impact is judged to be low, it will be sufficient to write: This proposal is judged to have a low impact on staff. If however the proposal entails one or more of the types of change:

- Staff at risk as a result of a proposal to disestablish posts
- Changes that potentially impact disproportionately on staff with caring responsibilities e.g. changes to rotas
- Changes that potentially impact disproportionately on staff with access or mobility problem e.g. relocation of work base

The following information should be presented in this section:

Headcount of staff in posts at risk of being disestablished or transferred to another organisation by race, gender, disability and age. Information to be presented in table form. Distribution restricted to the people in 'at risk' posts and their representatives

ETHNICITY		GENDER		DISABILITY		AGE				
BME	White	Male	Female	Disabled	Not disabled	Not known	<25	25 - 34	44 - 55	55+

## 8. PROPOSED TIMETABLE

Action	Date
Consultation document sent to TUs	
Start of consultation. Consultation document given to affected	

<b>Organisational Change Policy V1.0</b> Hertfordshire, Bedfordshire, West Essex and Luton Clinical Commissioning Groups	Page 37 of 48
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staff	
Group meeting to discuss proposals.	
Consultation meetings with individuals, as required	
Responses to consultation from Staffside, individual TUs or staff submitted to management (it is a matter for those responding to decide who should be copied into their response)	
End of consultation period	
Management consider all responses and discuss their response with Staffside. At this stage any need for further consultation or an extension can be considered	
Written notification of decision following consultation, including timetable for implementation of changes	
Selection activities – e.g. interviews	
Meeting to confirm impact on affected people	

## 9. TRADE UNION REPRESENTATIVES

For a list of Trades Union Representatives and their contact details please go to XXXX

## 10. CONTACT

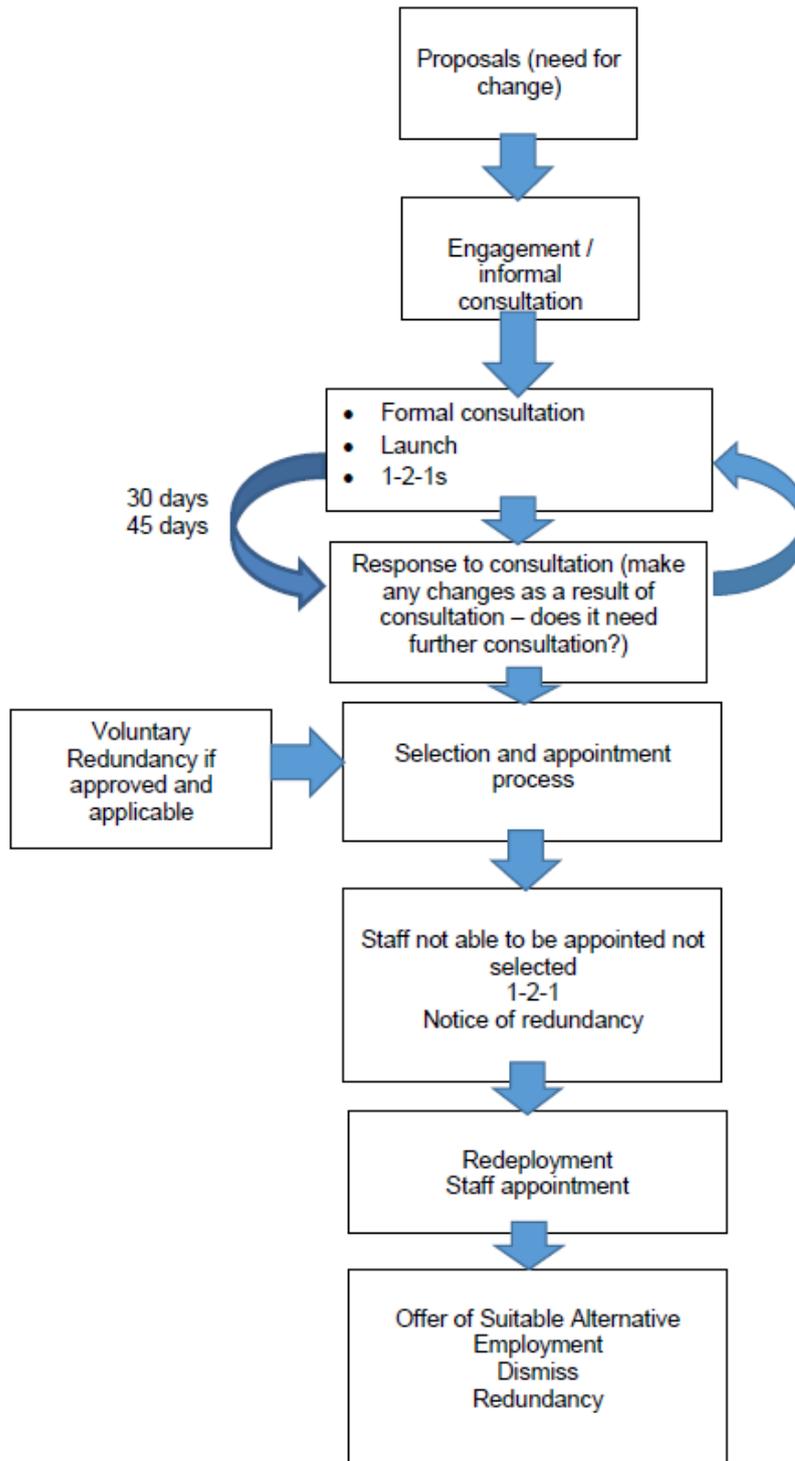
If you feel very anxious about the proposed change you can speak to your trade union representative or your manager. Alternatively you can get advice from XXXX the CCG's confidential counselling service.

If redundancies (voluntary or compulsory are being considered) then explain any staff support arrangements that have been put in place to assist staff affected – e.g. pensions advice, outplacement services, etc.

**Section 4: Best Practice Flowchart**

# HR and ODL Shared Service

Hertfordshire, West Essex,  
Bedfordshire & Luton  
CCGs



**Appendix 3  
Equality Impact Assessment Stage 1 Screening**

<b>Title of policy, service, proposal etc being assessed:</b>
Organisational Change Policy

<p><b>What are the intended outcomes of this work?</b> Include outline of objectives and function aims</p> <p>NHS Bedfordshire, NHS East and North Hertfordshire, NHS Herts Valleys, NHS West Essex and NHS Luton Clinical Commissioning Groups (respectively referred to as 'the CCG'), actively manages its services so as to ensure maximal performance within its resources. It recognises that as a result, changes may need to be made to the CCG's organisational structures, which may affect staffing needs.</p> <p>The basis for this document is the organisational change management policy document that has been developed in partnership with a number of NHS organisations and staffside representatives that make up the Social Partnership Forum, in order to ensure consistency on the issue of major organisational change by NHS organisations. The policy has been adapted for use in the CCG and will apply in the event of major organisational change.</p>
<p><b>How will these outcomes be achieved?</b> What is it that will actually be done?</p> <ul style="list-style-type: none"> <li>• the CCG will provide such information about the proposed organisational change as it would be in accordance with good employee relations practice to disclose to employees and staff representatives;</li> <li>• employees will receive notice of any organisational change which may affect their futures at the earliest opportunity;</li> <li>• employees will be treated as individuals with due regard to their personal and employment circumstances and their career aspirations at all stages of the change management procedure;</li> <li>• employees will have the right to be accompanied by an accredited trade union representative or workplace colleague at formal meetings to discuss the major organisational change that affects their employment;</li> <li>• the CCG will consider all reasonably practicable steps to avoid compulsory redundancies;</li> <li>• employees will receive training and development, as appropriate to meet new skill requirements;</li> </ul>

- employees will have access to the CCG's employee assistance programme/equivalent, where this is in operation and as appropriate.

**Who will be affected by this work?** e.g. staff, patients, service users, partner organisations etc. If you believe that there is no likely impact on people explain how you've reached that decision and send the form to the equality and diversity manager for agreement and sign off

Staff

## Evidence

**What evidence have you considered?** Against each of the protected characteristics categories below list the main sources of data, research and other sources of evidence (including full references) reviewed to determine impact on each equality group (protected characteristic).

This can include national research, surveys, reports, research interviews, focus groups, pilot activity evaluations or other Equality Analyses. If there are gaps in evidence, state what you will do to mitigate them in the Evidence based decision making section on page 9 of this template.

If you are submitting no evidence against a protected characteristic, please explain why.

**Age** Consider and detail age related evidence. This can include safeguarding, consent and welfare issues.

No local assessment. Developed in conjunction with the joint forum, and ratified by, the relevant committees of the Hertfordshire, Bedfordshire, West Essex and Luton CCGs.. Also based on standard policy developed by all NHS bodies through the Social Partnership Forum

**Disability** Detail and consider disability related evidence. This can include attitudinal, physical and social barriers as well as mental health/ learning disabilities.

No local assessment. Developed in conjunction with the joint forum, and ratified by, the relevant committees of the Hertfordshire, Bedfordshire, West Essex and Luton CCGs.. Also based on standard policy developed by all NHS bodies through the Social Partnership Forum

**Gender reassignment (including transgender)** Detail and consider evidence on transgender people. This can include issues such as privacy of data and harassment.

No local assessment. Developed in conjunction with the joint forum, and ratified by, the relevant committees of the Hertfordshire, Bedfordshire, West Essex and Luton CCGs.. Also based on standard policy developed by all NHS bodies through the Social Partnership Forum

**Marriage and civil partnership** Detail and consider evidence on marriage and civil partnership. This can include working arrangements, part-time working, caring responsibilities.

No local assessment. Developed in conjunction with the joint forum, and ratified by, the relevant committees of the Hertfordshire, Bedfordshire, West Essex and Luton CCGs.. Also based on standard policy developed by all NHS bodies through the Social Partnership Forum

**Pregnancy and maternity** Detail and consider evidence on pregnancy and maternity. This can include working arrangements, part-time working, caring responsibilities.

No local assessment. Developed in conjunction with the joint forum, and ratified by, the relevant committees of the Hertfordshire, Bedfordshire, West Essex and Luton CCGs.. Also based on standard policy developed by all NHS bodies through the Social Partnership Forum

**Race** Detail and consider race related evidence. This can include information on difference ethnic groups, Roma gypsies, Irish travellers, nationalities, cultures, and language barriers.

No local assessment. Developed in conjunction with the joint forum, and ratified by, the relevant committees of the Hertfordshire, Bedfordshire, West Essex and Luton CCGs.. Also based on standard policy developed by all NHS bodies through the Social Partnership Forum

**Religion or belief** Detail and consider evidence on people with different religions, beliefs or no belief. This can include consent and end of life issues.

No local assessment. Developed in conjunction with the joint forum, and ratified by, the relevant committees of the Hertfordshire, Bedfordshire, West Essex and Luton CCGs.. Also based on standard policy developed by all NHS bodies through the Social Partnership Forum

**Sex** Detail and consider evidence on men and women. This could include access to services and employment.

No local assessment. Developed in conjunction with the joint forum, and ratified by, the relevant committees of the Hertfordshire, Bedfordshire, West Essex and Luton CCGs.. Also based on standard policy developed by all NHS bodies through the Social Partnership Forum

**Sexual orientation** Detail and consider evidence on heterosexual people as well as lesbian, gay and bisexual people. This could include access to services and employment, attitudinal and social barriers.

No local assessment. Developed in conjunction with the joint forum, and ratified by, the relevant committees of the Hertfordshire, Bedfordshire, West Essex and Luton CCGs.. Also based on standard policy developed by all NHS bodies through the

## Social Partnership Forum

**Carers** Detail and consider evidence on part-time working, shift-patterns, general caring responsibilities.

No local assessment. Developed in conjunction with the joint forum, and ratified by, the relevant committees of the Hertfordshire, Bedfordshire, West Essex and Luton CCGs.. Also based on standard policy developed by all NHS bodies through the Social Partnership Forum

**Other identified groups** Detail and consider evidence on groups experiencing disadvantage and barriers to access and outcomes. This can include different socio-economic groups, geographical area inequality, income, resident status (migrants, asylum seekers).

No local assessment. Developed in conjunction with the joint forum, and ratified by, the relevant committees of the Hertfordshire, Bedfordshire, West Essex and Luton CCGs.. Also based on standard policy developed by all NHS bodies through the Social Partnership Forum

## Engagement and involvement

How have you engaged stakeholders with an interest in protected characteristics in gathering evidence or testing the evidence available?

Policy Forum established. Members include representatives of CCGs and Trade Unions

The basis for this document is the organisational change management policy document that has been developed in partnership with a number of NHS organisations and staffside representatives that make up the Social Partnership Forum, in order to ensure consistency on the issue of major organisational change by NHS organisations.

How have you engaged stakeholders in testing the policy or programme proposals?

Policy Forum established. Members include representatives of CCGs and Trade Unions

The basis for this document is the organisational change management policy document that has been developed in partnership with a number of NHS organisations and staffside representatives that make up the Social Partnership Forum, in order to ensure consistency on the issue of major organisational change by NHS organisations.

For each engagement activity, please state who was involved, how and when they were engaged, and the key outputs:

Policy Forum established. Members include representatives of CCGs and Trade

## Unions

The basis for this document is the organisational change management policy document that has been developed in partnership with a number of NHS organisations and staffside representatives that make up the Social Partnership Forum, in order to ensure consistency on the issue of major organisational change by NHS organisations.

## Summary of Analysis

Considering the evidence and engagement activity you listed above, please summarise the impact of your work. Consider whether the evidence shows potential for differential impacts, if so state whether adverse or positive and for which groups and/or individuals. How you will mitigate any negative impacts? How you will include certain protected groups in services or expand their participation in public life?

The basis for this document is the organisational change management policy document that has been developed in partnership with a number of NHS organisations and staffside representatives that make up the Social Partnership Forum, in order to ensure consistency on the issue of major organisational change by NHS organisations.

Now consider and detail below how the proposals could support the elimination of discrimination, harassment and victimisation, advance the equality of opportunity and promote good relations between groups (the General Duty of the Public Sector Equality Duty).

## Eliminate discrimination, harassment and victimisation

No local assessment. Developed in conjunction with the joint forum, and ratified by, the relevant committees of the Hertfordshire, Bedfordshire, West Essex and Luton CCGs.. Also based on standard policy developed by all NHS bodies through the Social Partnership Forum

## Advance equality of opportunity

No local assessment. Developed in conjunction with the joint forum, and ratified by, the relevant committees of the Hertfordshire, Bedfordshire, West Essex and Luton CCGs.. Also based on standard policy developed by all NHS bodies through the Social Partnership Forum

## Promote good relations between groups

No local assessment. Developed in conjunction with the joint forum, and ratified by, the relevant committees of the Hertfordshire, Bedfordshire, West Essex and Luton CCGs.. Also based on standard policy developed by all NHS bodies through the Social Partnership Forum

## Next Steps

Please give an outline of what you are going to do, based on the gaps, challenges and opportunities you have identified in the summary of analysis section. This might include action(s) to eliminate discrimination issues, partnership working with stakeholders and data gaps that need to be addressed through further consultation or research. This is your action plan and should be SMART.

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How will you share the findings of the Equality analysis? This can include sharing through corporate governance or sharing with, for example, other directorates, partner organisations or the public.

Publication alongside the policy

## Health Inequalities Analysis

### Evidence

**1. What evidence have you considered to determine what health inequalities exist in relation to your work?** List the main sources of data, research and other sources of evidence (including full references) reviewed to determine impact on each equality group (protected characteristic). This can include national research, surveys, reports, research interviews, focus groups, pilot activity evaluations or other Equality Analyses. If there are gaps in evidence, state what you will do to mitigate them in the Evidence based decision making section on the last page of this template.

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### Impact

**2. What is the potential impact of your work on health inequalities?** Can you demonstrate through evidenced based consideration how the health outcomes, experience and access to health care services differ across the population group and in different geographical locations that your work applies to?

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Partnership Forum

### 3. How can you make sure that your work has the best chance of reducing health inequalities?

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#### Monitor and Evaluation

### 4. How will you monitor and evaluate the effect of your work on health inequalities?

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## Quality Impact Initial Assessment.

Quality can be defined as embracing three key components:

- Patient Safety – there will be no avoidable harm to patients from the healthcare they receive. This means ensuring that the environment is clean and safe at all times and that harmful events never happen.
- Effectiveness of care – the most appropriate treatments, interventions, support and services will be provided at the right time to those patients who will benefit.
- Patient Experience – the patient’s experience will be at the centre of the organisation’s approach to quality.

What is the impact on:

<b>Patient Safety?</b>	Positive <input type="checkbox"/>	Negative <input type="checkbox"/>	Neutral <input checked="" type="checkbox"/>
<b>Patient Experience?</b>	Positive <input type="checkbox"/>	Negative <input type="checkbox"/>	Neutral <input checked="" type="checkbox"/>
<b>Clinical Effectiveness?</b>	Positive <input type="checkbox"/>	Negative <input type="checkbox"/>	Neutral <input checked="" type="checkbox"/>

If any there is any negative impact please complete seek advice from the Nursing and Quality Team and a full Quality impact assessment will need to be completed.

# HR and ODL Shared Service

Hertfordshire, West Essex,  
Bedfordshire & Luton  
CCGs

<b>Name of person(s) who carried out these analyses: Paul Curry</b>
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<b>Date analyses were completed: 17 May 2017</b>
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