

# Organisational Change Policy

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## 1. Context and Policy Statement

1.1. The University needs to remain responsive and flexible in how it operates to ensure it continues to deliver education, learning, and research at the highest international levels of excellence. This will involve a process of continuous service improvement and innovation which will often result in the need for organisational change such as the introduction of new technology or systems, strategy or staffing changes. External factors may also necessitate the need for organisational change, such as change in government policy, legislation and market conditions.

1.2. The University is committed to managing organisational change in a fair, consistent and legally compliant manner. It is also committed to communicating openly and transparently and will undertake meaningful consultation with affected employees and their representatives, where applicable. This policy should be read in conjunction with the associated Guidance document and will be followed in all circumstances of organisational change.

1.3 For the purposes of this Policy, “organisational change” refers to situations in which teams or services are restructured in such a way as to impact directly on the terms and conditions, scope and/or nature of individual roles. Organisational change can include mergers, re-structuring or introducing materially different working practices. In certain circumstances, the changes proposed may be significant and redundancies may take effect as a result. Organisational Change does not include minor changes, such as variations to the working environment or line management structures where there is no change to contractual terms and conditions and where a substantial part of the employee’s experience at work is unchanged. In these cases a fair and reasonable process must nevertheless be followed and this should be carried out in a consultative manner (see 3.1.6).

1.4 The University will take all reasonable steps to support employees facing change, redundancy or redeployment to minimise adverse impacts of change and to ensure that employees are provided with the tools and support to cope with change effectively and maintain their wellbeing. Further guidance on supporting employees through change is provided in the Guidance that accompanies the policy. In turn, employees are encouraged to recognise and understand the organisational requirements that drive change and the importance of being responsive, flexible and open to the need for change.

1.5 The nature, size and scope of organisational change can vary considerably. The University will adapt this process, where appropriate, to reflect the circumstances of each proposed change in consultation with employees and their representatives. The types of adaptations that may be appropriate are explained in the Guidance that accompanies this policy.

1.6 The University is committed to avoiding compulsory redundancies wherever possible. However, the needs of Institutions may, from time to time, require a reduction in the overall number of staff employed or organisational changes that result in some employees being made redundant. In the event that a redundancy situation arises, the University, in conjunction with its employees and trade unions, is committed to minimising and managing the impact of redundancies. Please see section 3.1.10 on redundancy avoidance.

1.7 This policy supersedes the Compulsory Redundancy Avoidance Policy and guidance and the interim Organisational Change Key Principles, which were agreed in Michaelmas Term 2014.

## **2. Eligibility**

2.1. This policy applies to all employees of the University. However, the policy should be read in conjunction with the relevant Statutes and Ordinances for University Officers (Statute C, Schedule).

2.2. This policy will only apply to employees on secondment if their substantive role is affected by a proposed organisational change or redundancy.

2.3. For employees holding honorary clinical contracts, any employment issues arising from an organisational change in the University will be managed jointly by the University and the relevant NHS Trust to the extent necessary.

2.4. Employees who are currently on Medical Research Council (MRC) terms and conditions are not covered by the University Organisational Change Policy. Separate arrangements will apply; guidance on this is available from the School of Clinical Medicine HR team.

2.5. This Policy does not form part of an employee's contract of employment and may be amended from time to time as appropriate, in consultation with trade unions and in line with standard procedure.

## **3. Procedure**

### **3.1 Step 1 - Planning and Proposals**

#### **Establishing the need for change**

3.1.1 The first step in any organisational change process is to understand why change is necessary and the scale of the change required. This may involve a review of the current structure, an analysis of roles and activities currently undertaken within the institution and assessing how these needs will be met in the future, also taking into account the need to avoid redundancies wherever possible. Advice on undertaking a review is provided in the Guidance document supporting this Policy.

3.1.2 Effective two-way communication at each stage of the process with staff and trade unions is critical to a successful outcome. At this early stage consideration should be given to informing staff and their trade unions about the review and its terms of reference. Further details are provided in the Guidance document.

3.1.3 Advice must be sought from the relevant HR Business Manager or HR School team before any action is taken in relation to a proposed organisational change. The HR School team can offer support and guidance at all stages of the change process and a toolkit of template letters and supporting documents is available on request.

3.1.4 As a first step it is recommended that the Head of Institution identifies a lead manager for the proposed organisational change. The lead manager, with support from the HR Division, will be responsible for:

- ensuring the establishment of a project team if appropriate
- researching the options for change, identifying possible solutions for the Institution and conducting an initial review if appropriate
- preparing a business case for the proposed changes, including an outline timetable for the process and how consultation will be managed

- conducting consultation and ongoing communications with staff and trade unions, ensuring that statutory notification requirements are met with support from HR
- ensuring they are familiar with all relevant aspects of organisational change and selection processes (if appropriate), which may include attending relevant training
- confirming who is responsible for approving proposals for the reorganisation and ensuring that the relevant approvals are obtained
- undertaking an assessment of equalities issues, ongoing monitoring and taking necessary action as required throughout the change process.

3.1.5 Consideration should also be given at this stage to the approvals required for the organisational change by relevant University bodies. For example, whether the creation of a new organisational unit must be sanctioned by a Grace, or the creation of new established and chest funded posts approved by RMC. Please see the Guidance document for more information.

### **Minor Changes**

3.1.6 In cases of minor change, as defined under section 1.3, a fair and reasonable process must be followed and this should be carried out in a consultative manner. A reasonable process for a minor change which is not an Organisational Change would include the following:

- an explanation of the operational reasons for the proposed changes and the benefits which may accrue to both the Institution and employee
- listening to and taking account of the views of employees
- provision of a sufficient period of notice to the affected employees (please refer to the Guidance document for further information).

In the event of any dispute as to whether the matter is minor or whether the Organisational Change Policy applies, the matter will be determined by the Chair of the HR Committee, whose decision shall be final.

### **Defining the Change Period**

3.1.7 There will be a clearly defined change period which will include a consultation period (see Step 2) followed by an implementation preparation period (see Step 3) before any changes are implemented. The minimum length of the change period will be dependent on the number of employees directly affected by the change, see details below:

<b>Number of employees affected</b>	<b>Consultation</b>	<b>Implementation preparation</b>	<b>Total change period (including consultation and implementation preparation)</b>
1 - 2	First 30 days	Next 30 days	<b>60 days</b>
3 - 19	First 30 days	Next 60 days	<b>90 days</b>
20 - 100+*	First 45 days	Next 45 days	<b>90 days</b>

\* The legal requirement to conduct collective consultation applies if it is proposed that 20 or more employees are to be made redundant within any 90-day period. See Step 2 for further information.

3.1.8 The change period will commence on the date the consultation exercise is launched (when affected employees and their representatives have been provided with a copy of the business case and/or consultation document), and would be expected to conclude on the relevant date as set out in the table above.

3.1.9 In the event that a redundancy situation arises, the necessary legal requirements will be followed as part of the Organisational Change process. These are set out in the Guidance document. In addition, no dismissal will take effect until the day following the end of the change period (either day 61 if 1-2 employees affected, or day 91 if 3 or more employees are affected). However, notice of termination may be served to

take effect prior to this by mutual agreement between the employee and the University. Employees who are made redundant will receive a payment in lieu of basic salary for any outstanding notice entitlement, as at the date of termination (see Step 4).

### **Redundancy Avoidance**

3.1.10 In order to avoid compulsory redundancy, maximum advantage will be taken of alternative solutions, which may include:

- natural attrition
- redeployment to other parts of the organisation
- restriction on recruitment where practicable
- ceasing the employment of agency/contract staff (including TES workers) where this would release permanent employment
- reviewing the use of temporary staff
- ceasing or reducing overtime
- seeking appropriate volunteers for redundancy
- considering suggestions from trade unions/employees.

3.1.11 While suggestions for ways of avoiding redundancies will be welcomed during the consultation period, this does not mean that all or any suggestions will be adopted or implemented and the final decision will rest with the Institution concerned, having consulted with affected employees and their trade unions.

3.1.12 Further information on redundancy avoidance measures can be found in the Guidance document that accompanies this policy.

### **Consultation Planning**

3.1.13 The lead manager should prepare a written business case and/or consultation document on the proposed organisational change and include the following (where appropriate):

- rationale for the organisational change and/or proposed redundancies
- any proposals as to how compulsory redundancies may be avoided or reduced or, where not possible, how the consequences of compulsory redundancies will be mitigated
- how to provide feedback on the proposals, including ideas for avoiding job losses or mitigating the impact of potential job losses, by when and to whom
- numbers and descriptions of employees whom it is proposed to dismiss as redundant
- total numbers of any such employees employed at the Institution in question
- proposed method of selecting employees who may be dismissed, including selection pools and criteria where applicable
- proposed method of carrying out dismissals, with due regard to this policy
- proposed method for allocating any new or revised positions
- the number of agency workers working temporarily for and under the supervision and direction of the employer, the parts of the undertaking in which they are working and the type of work which they are carrying out
- proposed timescales
- the proposed method for calculating redundancy pay (see 3.4.7 - 3.4.8).

3.1.14 Early informal discussion with the trade unions on the proposed options for change should occur before any formal consultation begins.

3.1.15 An appropriate communication and consultation process should be established prior to the start of consultation according to the size and scope of the proposed change. This may include a combination of individual or group meetings and engagement with the trade unions. Advice should be sought from HR to determine what process would be appropriate for the particular circumstances.

## 3.2 Step 2 - Consultation and Communication

3.2.1 Effective consultation and communication is an important aspect of organisational change and should be handled sensitively and transparently. Consultation must be meaningful and take place as soon as practicable whilst proposals are at the formative stage to allow feedback and comments on the proposals. Individual employees and any representatives should be encouraged to provide feedback on the proposals so that the Institution can consider their views before making any final decisions. Consultation must be completed before employees are issued notice of redundancy.

### Consultation Requirements

3.2.2 The University's policy is to provide a minimum of 30 days consultation to those employees affected by change and any representatives.

3.2.3 Consideration should be given to the consultation requirements applicable to the particular organisational change. Further details are provided below:

<b>Number of employees affected</b>	<b>Consultation period</b>	<b>Total change period (including consultation)</b>
1 - 2	30 days	60 days
3 - 19	30 days	90 days
20 - 100+*	45 days	90 days

3.2.4 \*The legal requirement to conduct collective consultation applies if it is proposed that 20 or more employees are to be made redundant within any 90-day period. The purpose of collective consultation is to inform and consult employees and their representatives with a view to reaching agreement on ways of avoiding the dismissals, reducing the number of employees to be dismissed and mitigating the effects of dismissals. It enables employees and their representatives to comment on proposals, suggest alternatives and receive a reasoned response to opinions expressed.

3.2.5 Representatives for the purposes of collective consultation will either be:

- trade union representative(s), or
- elected employee representatives (if the employees in the affected staff group are not represented by a recognised trade union).

3.2.6 Formal consultation will commence when the affected employees and their representatives have been provided with a copy of the business case and/or consultation paper.

3.2.7 Further information on managing consultation exercises generally can be found in the Guidance document that accompanies this policy.

### Conducting the Consultation

3.2.8 During the consultation phase, affected employees and any representatives as appropriate will be provided with adequate information for them to provide a response and will be consulted on ways of avoiding redundancies, reducing the number of employees to be dismissed and mitigating the impact of potential job losses. Any suggestions received will be considered carefully and the Institution will decide on whether they can be adopted or implemented.

3.2.9 In all circumstances the lead manager (or nominated individual) should offer to meet with affected employees on an individual basis as early as possible in the change process. Individual consultation will typically include two meetings at which the employee may be accompanied by either a trade union representative or a colleague who is an employee of the University. Further information on managing individual consultation can be found in the Guidance document that accompanies this policy.

3.2.10 During consultation the lead manager should:

- explain the rationale for the organisational change/proposed redundancies in detail
- seek to ensure employees fully understand the implications of the proposed changes for them personally
- discuss potential roles in the new/revised structure to which they may be matched or that might be considered for alternative employment
- explain the selection process for allocating new/revised roles where appropriate, including the selection criteria
- seek the views of the employee on the proposed changes, including any practical means of mitigating or avoiding the redundancy if the employee occupies a post at risk
- explain the redeployment and other support that is available
- carefully consider any suggestions received
- encourage staff members to comment on the proposals.

3.2.11 The lead manager will ensure that affected employees are able to express their views during the individual consultation process and must give genuine consideration to those views. The lead manager must make it clear that no final decision will be taken until the consultation process is completed.

3.2.12 Individuals potentially at risk of redundancy will be advised at the outset of the consultation exercise, so that they are fully aware of the potential outcomes and can access the support available at the earliest opportunity (see the Support section).

3.2.13 Individuals who wish to receive an estimate of redundancy payment may request this during the consultation stage. Please note that the University will provide a redundancy package estimate to individuals who are at risk of redundancy, once this has been determined.

3.2.14 Employees who are absent from work, for example on sick leave, maternity, adoption or shared parental leave or on secondment, must also be consulted, especially if the changes proposed put them at risk of redundancy. The lead manager should ask the employee to confirm how s/he would like to be consulted, for example, by way of meetings at a neutral venue, by telephone or in writing, and should try to accommodate the employee's requests where reasonable. If a meeting is held at a non-University venue, it is recommended that the manager be accompanied. The employee also has the right to be accompanied to formal consultation meetings by either a trade union representative or a colleague who is an employee of the University.

3.2.15 Following consultation meetings the lead manager will carefully consider the feedback received from the affected employees and their representatives. S/he should prepare a summary of key themes presented in the feedback and provide reasoned responses as appropriate.

3.2.16 If it is necessary to revise the proposals significantly as a result of the feedback received, it may be necessary to undertake a further period of consultation on those revisions. The length of the additional consultation will depend on the nature and scale of the revisions.

3.2.17 After the conclusion of the consultation period, it will be confirmed to affected staff a) that formal consultation has now closed and b) what the new arrangements will be (e.g. the new structure), subject to any necessary University approvals. If further suggestions are brought forward by affected staff after the closure of formal consultation, the University will have discretion to consider these but this will not constitute a re-opening or extension of the consultation.

### **3.3 Step 3 - Implementation Preparation**

The remainder of the change period (the implementation planning period) will be used for planning the implementation of the change. Further details of the aspects this may include are provided below.

#### **Voluntary Redundancy**

3.3.1 In order to reduce the need for compulsory redundancies, an Institution may invite requests from employees for voluntary redundancy.

3.3.2 The University reserves the right to decline a request for voluntary redundancy at its absolute discretion. Similarly, a request made by an employee for voluntary redundancy may be withdrawn at any point up to the start of any selection process for the employee's substantive post or a suitable alternative role.

3.3.3 Voluntary redundancy cannot be offered only to age groups eligible for an early retirement, as this could constitute unlawful discrimination. However, early retirement could be one element of a voluntary redundancy offer open to all employees.

#### **Job Matching and Role Allocation**

3.3.4 There are specific legal requirements whereby employees at risk of redundancy are given the chance to apply for alternative roles before they are offered more widely, these are summarised below, but please refer to the Guidance document for full details.

3.3.5 The following information explains the different ways in which employees can be matched and allocated to roles that will exist after the change. Institutions are advised to contact their HR School teams when determining an appropriate selection method. Please note that if an employee holds a visa to work in the UK then advice should be sought from HR on the impact of a proposed change in role on his or her visa.

3.3.6 There are five types of job matching:

##### **(i) Assimilation**

Assimilation applies where:

- there is little or no change between the role in the old and new structure, and
- the number of roles remains the same or there are more roles available than employees matched to roles.

The employee is automatically appointed to the role without an assessment process or trial period. If the employee declines the role, there is no entitlement to redundancy pay.

##### **(ii) Ring-fencing (oversubscription)**

Ring-fencing (oversubscription) applies where:

- there is no change between the role in the old and new structure, and
- there are fewer roles available than employees matched to the roles.



An assessment process is required to determine which employee(s) should be appointed to the role(s) but there is no requirement for a trial period. Following a successful assessment process, the employee is automatically appointed to the role without a trial period. If the employee declines the role, there is no entitlement to redundancy pay.

### **(iii) Ring-fencing (suitable alternative employment)**

Ring-fencing (suitable alternative employment) applies where the role in the new structure is not fundamentally the same but sufficiently similar in nature to be considered possible alternative employment. The manager will identify possible alternative roles based on the requirements of the employee's current role as compared with those of the duties, responsibilities, skills required and grade of the new role(s).

Roles that are one grade lower than the employee's current role will be considered, with appropriate pay protection. Roles that are one grade higher than the employee's current role may be considered but only where the employee meets the requirements of the new role, with reasonable support and training.

A selection process is required to assess an employee's suitability for the role(s) and the appointment is subject to a trial period. If an employee unreasonably refuses an offer of suitable alternative employment, there is no entitlement to redundancy pay.

### **(iv) Restricted Competitive Selection**

Restricted competitive selection applies where the role is not considered suitable alternative employment for any employees in the affected staff group. In these circumstances, employees from the affected staff group will be given an opportunity to apply for the role before it is advertised more widely in order to retain the employment of affected employees or as an additional way to mitigate redundancies.

A selection process is required to assess an employee's suitability for the role(s) and the appointment is subject to a trial period.

### **(v) Open Competitive Selection**

Open competitive selection applies after employees from the affected staff group have been given an opportunity to apply for the role. Any remaining vacant roles at this stage can be advertised and filled in line with the University's Recruitment Guidance.

## **Assessment and Selection**

3.3.7 The lead manager will decide on the appropriate assessment method and selection criteria for allocating employees to roles in the new structure, having consulted with the affected staff and their representatives.

3.3.8 The methods for assessing employees might include:

- interviews
- relevant tests
- written submissions
- management assessments
- consideration of individual employment records e.g. current disciplinary and/or capability record.

3.3.9 The manager will ensure that the assessment method is fair, objective and valid for the role(s) in question and that the selection criteria are applied consistently and do not discriminate against any particular groups of staff.

3.3.10 The manager will ensure that the assessment method and selection criteria do not put staff with a disability at a disadvantage.

3.3.11 Further information on assessment and selection method(s) can be found in the Guidance document that accompanies this policy. Advice and guidance should also be sought from the relevant HR School team.

3.3.12 If the number of suitable alternative posts in the old and new structures remains the same and/or there is only one candidate in a pool then a management assessment may be sufficient.

3.3.13 If an employee is unable or unwilling to participate in a selection process or the manager is not reasonably able to adjust the approach (e.g. timescales involved prevent him or her from accommodating a particular individual's circumstances), the manager will make a decision on the most appropriate course of action based on the relevant information available. This could result in an employee being allocated to a job in the new structure or put at risk of redundancy.

3.3.14 For larger organisational changes where there are a number of selection panels moderation may be required if making appointments at the same role levels to ensure consistency of decision-making.

3.3.15 The lead manager (or nominated individual) will inform affected employees verbally of selection outcomes and, where appropriate, any remaining options to mitigate redundancy wherever possible. The employee will also receive written confirmation of the outcome and notice of redundancy in accordance with this Policy, if appropriate, after the conclusion of the consultation period.

## **3.4 Step 4 - Concluding the Change Period and Next Steps**

### **Confirmation of Redundancy and PILON (Pay in Lieu of Notice)**

3.4.1 On conclusion of the change period, the lead manager will confirm the following in writing to any employees that are to be made redundant as part of the change process:

- confirmation that the employee's post is redundant (if this has not already confirmed)
- details of any entitlement to redundancy pay
- details of any entitlement to pay in lieu of notice (PILON) and any other monies owed, such as holiday pay
- details of the right of appeal.

3.4.2 Please refer to the individual's contract of employment for the applicable notice period.

3.4.3 No dismissal will take effect until the day following the end of the change period (either day 61 if 1-2 employees affected, or day 91 if 3 or more employees are affected) unless otherwise agreed. The employee's contract may end prior to this, for example, if the employee wishes to leave the University's employment early.

3.4.4 For clarity, employment will terminate on the date specified in the notice of termination unless otherwise agreed (see above).

3.4.5 The University will offer all staff under formal notice of redundancy, early release from the University's employment with basic pay in lieu of notice (PILON) to enable them to maximise their ability to seek alternative employment. Such payments will be subject to tax and NI.

3.4.6 In certain circumstances, it may be agreed that an individual will work her/his notice period following the expiry of the change period.

### **Redundancy Pay**

3.4.7 Employees who are made redundant following two or more years' continuous service with the University (except for Assistant Staff on contracts with a continuous service date prior to 1 October 2003, see below) as at the date of dismissal will be eligible for a redundancy payment based on statutory provisions (Section 162 of the Employment Rights Act 1996). A statutory redundancy payments ready reckoner is available for individuals to access (available at [www.gov.uk/calculate-your-redundancy-pay](http://www.gov.uk/calculate-your-redundancy-pay))

3.4.8 Assistant Staff on contracts with a continuous service date prior to 1 October 2003 are entitled to an enhanced redundancy payment (Employment Protection: Code of Practice and Procedure, section 7.1). The sum payable shall be twice the statutory redundancy payment, but based on the assistant's actual weekly rate of pay and subject to a maximum of one year's salary.

3.4.9 The University will provide a redundancy package estimate to individuals who are at risk of redundancy.

3.4.10 An employee whose role is redundant will not be entitled to a redundancy payment in circumstances where the employee:

- is dismissed for reasons of misconduct, with or without notice preceding their proposed last day of service.
- starts suitable alternative employment with the University, either as part of the restructure or through redeployment, without a break or with a break not exceeding four weeks and completes a trial period satisfactorily where relevant (the offer of alternative employment must be made before the employee's employment under the previous contract ends).
- unreasonably refuses an offer of suitable alternative employment with the University.
- leaves her/his employment before the expiry of contractual notice, unless this has been mutually agreed.

### **Implementation of Change**

3.4.11 Information and advice on implementing change is provided in the Guidance document which accompanies this Policy. The nature of implementation will depend upon the type of the change being implemented but may include: re-launching activities and communications, introducing new services, arranging handover activities, arranging team building or training on new processes, making arrangements with payroll for redundancy and PILON payments to be made to leavers etc. Further support can be obtained from the relevant HR School team.

### **Review**

3.4.12 It is good practice to undertake a post-change review in order to:

- evaluate whether the original objectives have been met,
- identify areas where further work or support is required e.g. whether staff in the new structure have the skills and support required to undertake their roles,
- review staff wellbeing and identify any actions required,
- identify any lessons learnt for the future, ▪ celebrate successes.

3.4.13 The scope and scale of the review will depend upon the nature and scale of the change exercise, and the time and resources dedicated to a review will be consistent with the original scope and the desired output. It is also advisable to fully involve staff in problem solving and decision making when evaluating or

reviewing a change process; this may involve for example setting up working groups to work on specific problem areas.

### **On-going Support for Employees**

3.4.14 It is helpful to be mindful of the potential impact of change on employees, particularly if as a result of change they are performing new roles, have been redeployed to new areas, are developing new skills or are working with new team members, systems or processes. Key activities and behaviours for managers supporting staff through change are provided in the Guidance document and focus on clear and regular communication, empathy and transformational leadership.

3.4.15 If some staff have left, or will be leaving the University, or have been redeployed as part of the change, it is important to ensure that remaining staff are fully involved in implementing the changes in order to rebuild their morale and levels of engagement, which will help to drive the changes forward in a productive way. There is a variety of support available for staff listed below.

3.4.16 As in all stages of managing change it is important to continue to communicate with all staff after the change has been implemented and to keep formal and informal channels of communication open.

## **4. Support**

4.1 The University is committed to minimising the adverse impacts of organisational change and to ensure that employees are provided with the tools and support to cope with organisational change effectively and maintain their wellbeing. The Guidance document which accompanies this policy provides further information on how best to support team members during times of organisational change and gives advice about health and well-being.

### **Support Services**

4.2 The following support services are available:

- Staff Counselling Service
- Wellbeing portal
- Careers service
- Redeployment support
- PPD training and development
- Trade unions
- ACAS Guide – How to manage change

### **Redeployment Support**

4.3 The University will do all that is reasonably practicable to assist staff at risk of redundancy, as a result of organisational change, to find suitable alternative employment as early as possible.

4.4 Support in seeking redeployment will be offered to all employees who have been placed at risk of redundancy, including those employed on fixed term contracts., Some employees have a legal right to be treated as a priority candidate for redeployment. (Please refer to 4.18 to 4.23 for further information regarding the additional protection for pregnant employees and those on maternity, adoption or shared parental leave.) Support will be offered as early as possible and for the full duration of the change period.

4.5 If an employee holds a visa to work in the UK then advice should be sought from HR on the impact of a proposed change in role on his or her visa.

4.6 Employees who wish to receive support will be provided with advice and assistance in preparing job applications, updating CVs, writing covering letters and interview preparation. Employees will also be provided with details of where the University advertises its vacancies. A list of current vacancies can be sent to those employees without access to a computer. A summary of an employee's skills, experience and the type of role sought can also be sent to the relevant departmental administration staff to be matched with any vacancies that may arise. While priority will be given wherever possible to employees at risk of redundancy, the University reserves the right to select the best available candidate in relation to any given vacancy.

4.7 If it becomes apparent that other employees have the set of skills and experience required for the role, the Institution should advertise the role internally in the first instance for a minimum of two weeks.

4.8 Employees who need to bridge skills gaps will be allowed to attend any available and free internal training offered by Personal and Professional Development, the University Information Services or the Finance Division once they have been notified that they are at risk of redundancy.

4.9 Employees will also be entitled to a reasonable amount of paid time off to look for alternative employment, including outside the University, and attend interviews or training that is relevant for future employment. The employee should follow the normal processes for notifying his or her manager of planned time-off.

### **Trial Periods**

4.10 Where an offer of alternative employment is made, employees under notice of redundancy have a statutory right to a trial period of four weeks. A trial period will start on the employee's first working day in the new role. Please note that Assistant Staff on contracts with a continuous service date prior to 1 October 2003 will have the option of a 12-week trial period (Employment Protection: Code of Practice and Procedure section 4.5).

4.11 If during the trial period the employment is terminated by the University for a reason connected to the change in roles, the employee will be treated as having been dismissed by reason of redundancy on the date their original contract ended and will remain eligible for a redundancy payment. The same will apply if the alternative employment was not "suitable", and the employee nonetheless attempted a trial period but terminated the employment during the trial period.

4.12 If an employee unreasonably refuses an offer of suitable alternative employment (including during the trial period), they will be treated as having been dismissed but will lose their right to a statutory redundancy payment.

4.13 If a trial period is successful, employment in the role will continue and this will be confirmed in writing to the employee. The employee will no longer be entitled to redundancy pay.

4.14 Further information on trial periods can be found in the Guidance document that accompanies this policy. Advice and guidance should also be sought from the relevant HR School team.

### **Pay Protection**

4.15 If an employee accepts redeployment from a higher to a lower graded post, pay protection will apply. Protection arrangements will not apply where the alternative post is more than one grade lower than the employee's existing grade. Further advice on pay protection can be found in the Pay Protection Policy.

### **Reasonable Adjustments**

4.16 Reasonable adjustments will be considered to accommodate individual needs throughout the organisational change process, including adjustments to the selection process or roles in the new structure.

4.17 Employees with a disability are encouraged to discuss with their manager what reasonable adjustments they would like the organisation to consider for them. The manager will decide what is reasonable under the specific circumstances. Further information and advice on reasonable adjustments can be found in the Guidance document that accompanies this policy or from the relevant HR School team.

### **Pregnancy Maternity Adoption and Shared Parental Leave**

4.18 An employee who is pregnant or on maternity leave, adoption or shared parental leave and who is at risk of redundancy is legally entitled to be offered a suitable alternative vacancy where one exists before it is offered to other employees (including those who are also at risk of redundancy). This includes roles covered by the exception at 4.18. For all types of leave covered in 4.18 to 4.23 the protected period applies even if the employee does not take their full statutory entitlement

4.19 For employees who are pregnant or on maternity leave, this additional protection starts when notice of the pregnancy is given and lasts until 18 months after either:

- the date of the child's birth, or
- the week of expected birth if notice of birth is not provided.

This includes where the employee suffers a miscarriage after 24 weeks of pregnancy.

4.20 Where an employee is pregnant but suffers a miscarriage before 24 weeks, this additional protection ends two weeks after the end of the pregnancy.

4.21 For employees who are on adoption leave, this additional protection starts at the beginning of adoption leave and lasts for 18 months from that date. In the case of overseas adoptions, this protection starts from the date of entry into Great Britain and lasts for 18 months from that date.

4.22 For employees who are on shared parental leave, and who have not taken maternity or adoption leave, this additional protection lasts until either:

- the end of the shared parental leave, where this is less than six weeks in duration, or
- 18 months from the date of the child's birth, where this is more than six weeks duration.

4.23 The alternative role should in all cases be offered before the end of the original contract and begin the day immediately following the day on which their original contract comes to an end. The new post must be suitable and appropriate for the employee in the circumstances and the new contractual provisions must not be substantially less favourable than those of the previous contract.

Further advice on pregnancy and maternity leave can be found in the Guidance document that accompanies this policy.

### **Concerns and Appeals**

4.24 Employees who feel that they have been treated unfairly under any section of the Organisational Change Policy can, in the first instance, raise the matter with their manager, Head of Institution, HR School Team and/or Trade Union. Ultimately, employees have the right to raise the matter through the relevant grievance procedure for their staff category.

4.25 Employees have a right to appeal against a decision to be dismissed on grounds of redundancy in accordance with the relevant procedures dependant of the staff category e.g. for assistant staff through the University and Assistants Joint Board.

## **Accompaniment and Representation**

4.26 An employee has the right to be accompanied to formal consultation meetings by either a trade union representative or a colleague who is an employee of the University. The employee must confirm their companion's identity to the manager conducting the meeting at least two days before it is due to take place.

## **5. Links to Other Policies and Guidance**

- Pay Protection Policy
- Redeployment guidance and process
- Statutes and Ordinances (Statute C, Schedule) under which there are additional procedural steps.
- Procedure for the ending of fixed-term contracts
- Redundancy pay: notes of guidance
- Assistant Staff Employment Protection Code (can be provided in hard copy on request).