UNIVERSITY OF CAMBRIDGE
Human Resources

Organisational Change Guidance

Contents

1. Introduction

1.1 This Guidance supports staff and institutions in implementing the Organisational Change Policy and provides information on good practice. It should be read in conjunction with:

- The Organisational Change Policy
- Pay Protection Policy
- Redeployment guidance
- Redundancy pay guidance

1.2 This Guidance is not University policy and does not form part of employees' terms and conditions of employment.

1.3 Institutions are advised to speak to their HR School Team well in advance for further advice before initiating organisational change. A toolkit of documents and resources is also available to institutions on request from the relevant HR School Team. The following documents are available:

- Business case form and guidance notes
- Authorisation flow charts
- Resource Management Committee (RMC) approval guidance
- Example communication briefings and presentations
- CHRIS changes to organisational structure form
- Template letters

1.4 It is important to identify the correct procedure for managing change as early as possible so that appropriate support can be offered to the employees affected. Institutions should contact HR well in advance of any change being planned for advice and guidance on the procedures and support available.

Situations where the Organisational Change Policy applies

1.5 The Organisational Change Policy applies to situations which may include restructurings, mergers or where materially different working practices may be introduced. Organisational Change is further defined under section 1.3 of the Policy.

Situations where the Organisational Change Policy does not apply

1.6 The Policy does not apply to the normal ending of fixed term contracts, which is covered by the 'Procedure for the Ending of Fixed Term Contracts', and which would apply in the case of situations involving the non-renewal of funding. Thus, the policy does not cover redundancy at the ending of fixed term contracts and, unless there are very particular circumstances, Pay in Lieu of Notice (PILON) does not therefore apply in such cases.

It is recognised that in most cases contract Research staff will not be affected by this Policy, as the termination of employment will be due to the cessation of funding or research project. The Policy will apply in situations, for example, when a group is being closed down due to a restructuring rather than simply ending in line with funding. In such situations, staff will normally be given the opportunity to work their notice where that is their preference and the Head of Department or relevant line manager is in agreement. It is important to state that the Head of Department or relevant line manager would have to have justifiable reasons not to agree to a person working their notice.

2. Procedural Guidance

2.1 Step 1 - Planning and Proposals

Undertaking a review

2.1.1 The first step in any organisational change programme is to understand why change is necessary and the scale of the change required. This may involve carrying out a review of the current structures, an analysis of roles and activities within the institution and assessing how the institution will meet those needs in the future, taking into account options for avoiding redundancy. Detailed guidance for the review and redesign of organisational structures is available to institutions on request from the relevant HR School Team.

2.1.2 Informal discussions with employees and trade unions should be considered at this stage. For example an early staff briefing, to advise staff collectively of the potential need to undertake change. Advice and template documents can be obtained from the relevant HR School Team.

2.1.3 Once the review is complete, the Head of Institution will consider the findings and decide whether it is appropriate to propose any changes. If the Head of Institution decides that change would be appropriate they should contact their HR School Team to discuss this further.

Scope

2.1.4 Institutions should consider at this early stage which categories of staff are affected and the relevant terms and conditions of employment and procedures that apply e.g. University Officers (Statute C). The definition of Organisational Change above is broad and it is recognised that some flexibility may be necessary to ensure the procedure meets the needs of the Institution and the affected employees. The exact procedural steps will be dependent upon:

- the nature of the change
- the number of staff affected
- their terms and conditions of employment
- the number of staff (if any) potentially at risk of redundancy
- the suitable alternatives to redundancy that are available
- the timeframes involved
- the implications of the change on employees and the institution
- the necessary University approval processes.

Authority for change

2.1.5 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 the Resource Management Committee (RMC).

Trade union requirements

2.1.6 Consideration should also be given to whether any trade union representatives may be directly affected by the proposals. The University has made a commitment to ensuring that employees, their trades union(s) and elected employee representatives (together referred to as recognised representatives) are consulted at the earliest opportunity where organisational change affects employees. Please refer to the consultation guidance below for full details of consultation requirements, including collective consultation.

System changes

2.1.7 If amendments are being made to the structure of an institution, a CHRIS amendment and additions to organisational structure form will need to be completed by the relevant Departmental Administrator or School Office. This form enables CHRIS to be updated with staff movements, organisational reference data and changes to user security in line with the organisational change. It can also be used to update other areas of the University that need to be notified of organisational change such as the Academic Division (for REF returns), the University Card Office, University Information Services and for various HR system administration purposes.

Role changes and grading

2.1.8 It will be necessary to consider what roles will need to be retained, created or modified. This may involve writing or amending existing job descriptions and having them formally graded or reviewed.

Redundancy Avoidance

2.1.9 The University is committed to providing long-term job security for its employees and will take all reasonable steps to avoid compulsory redundancies and, where redundancies nevertheless become necessary, to keep the number to a minimum. The University recognises that this is important for the long-term sustainability and reputation of the University, to maintain a valued and skilled workforce, and to avoid depleting employee wellbeing, morale and productivity. Institutions are encouraged to consider a range of options for avoiding compulsory redundancies before commencing formal redundancy procedures and to continue to do so throughout the consultation process. Each Institution will be responsible for reviewing which options might be feasible under the specific circumstances.

(i) Early interventions

2.1.10 In order to avoid compulsory redundancy, maximum advantage should be taken of alternative solutions (detailed in section 3.10 of the Policy and expanded on further below) at an early stage:

<u>Natural attrition</u>

2.1.11 This could include not replacing employees when they retire or resign. Consider advertising vacancies internally before advertising posts externally on the University job opportunities website. If it is necessary to advertise externally costs savings can be made by using free media such as jobs.ac.uk and conducting recruitment internally rather than through agencies.

<u>Redeployment to other parts of the organisation</u>

2.1.12 Consideration should be given for employees to undertake secondments to other parts of the University. This may be of benefit to the individual and result in cost savings for the department. Enabling employees to undertake training may also benefit the individual as well as supporting career progression in a different part of the University.

<u>Restriction on recruitment where practicable</u>

2.1.13 Restricting non-essential recruitment should also be considered in order to minimise the need for compulsory redundancies, especially at times when the future structure of the institution is uncertain.

Reviewing and/or ceasing the employment of agency/contract staff (including TES workers) where this may make available permanent positions.

2.1.14 The use of temporary workers can give much needed flexibility to cover sickness absence, maternity leave and routine peaks and troughs in the workload. Reducing or even ceasing this use may be a good way to cut costs and avoid redundancies and employees at risk should be prioritised for any positions which arise as a result. Institutions must ensure when ending contracts that these are the contracts of workers and not employees, and advice sought from the relevant HR School Team. Institutions should also consider the effect on the morale and productivity of permanent employees and are encouraged to reduce or eliminate the use of external consultants or contractors.

Ceasing or reducing overtime

2.1.15 It may be useful to review the use of paid overtime and consider if the overtime is essential. The effective functioning of the institution should be considered carefully.

Seeking appropriate volunteers for redundancy

2.1.16 Providing the opportunity for employees to volunteer for redundancy may reduce the need for compulsory redundancies and there may be employees who wish to take advantage of this opportunity due to their personal circumstances. See the section on voluntary redundancy below for further details.

Considering suggestions from employees and trade unions

2.1.17 Employees and trade unions may have suggestions on how to eliminate waste, improve processes and cooperate with other areas to gain cost efficiencies. An effective way of gathering ideas from employees and encouraging employee involvement is through the use of local suggestion schemes. However such schemes need to be well planned and advice can be sought from the relevant HR School Team. Suggestions may include ways to reduce overheads, for example selling equipment no longer required, using less electricity or gas and renegotiating contracts with suppliers.

2.1.18 While suggestions for ways of avoiding redundancies will be welcomed prior to or during the consultation phase, 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.

(ii) Considering the impact of early interventions

2.1.19 Before introducing any of the measures to avoid compulsory redundancy described above, Institutions should consider the practical effects of these initiatives on employees and the Institution and the extent to which the measures could create increased workload or unrealistic targets for employees.

Impact on wellbeing and supportive measures required throughout the process

2.1.20 The Institution should consider what steps it could take to address these issues, for example reviewing with employees and recognised representatives workload or targets to ensure they are realistic and manageable.

(iii) Examples of good practice measures

2.1.21 Where early interventions cannot achieve the required cost savings institutions should consider the following good practice measures for avoiding compulsory redundancies. These may be considered prior to and during the change period, as appropriate.

Consider volunteers for flexible working

2.1.22 This might include a reduction in hours and workloads e.g. a 4 day week or other part-time working, term-time working or job sharing as permanent or temporary measures. The terms should be agreed individually with the employees concerned.

Unpaid leave

2.1.23 Offering employees a period of unpaid (or reduced pay) leave or a career break may be beneficial for some employees and would result in a temporary cost saving. Advice should be sought from the HR School Team and Pensions Office before offering unpaid leave arrangements.

Restructuring to minimise job losses

2.1.24 This may involve reorganising the work, organisational structure or the design of jobs to improve efficiency and effectiveness without the need for job losses. For example, it may be possible to offer employees lower graded posts with temporary pay protection. Whilst not providing immediate savings, this option could provide longer term salary savings and greater flexibility.

Training

2.1.25 Retrain employees so that they are in a better position to take up alternative positions within the Institution or the University. On the job training may be offered, as well as internal or external training. Some examples of what is available internally are listed below:

- Personal and Professional Development
- UIS / Computing Service training courses
- Finance Division training

Voluntary Redundancy

2.1.26 In order to reduce the need for compulsory redundancies, an Institution may invite requests from employees for voluntary redundancy. Please note that this is not the Voluntary Severance Scheme (VSS) which was offered by the University in 2011. 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. A summary of the steps to take in a voluntary redundancy procedure is provided below, however please seek further advice from the relevant HR School Team before initiating a voluntary redundancy exercise.

- Consider the impact of voluntary redundancies, for example on:
    - the structure of the remaining workforce (whether it might result in an imbalance in skills and experience)
    - the impact on the work and reputation of the institution (will it prove less disruptive?)
    - the impact on the workforce (will it be less demoralising than compulsory redundancies as employees have a greater degree of control?)
- Ensure that there is a genuine redundancy situation.
- Plan the voluntary redundancy exercise and follow a workable timetable.
- Communicate the exercise to the relevant employees in writing (template letters are available from the relevant HR School Team).
    - the background to the redundancy situation, what voluntary redundancy entails, the reasons for inviting employees to volunteer (ie to avoid compulsory redundancies) and the proposed redundancy date;
    - the process to be followed by those wishing to volunteer, including the deadline for applications and what form the applications must take;
    - that expressing an interest in or volunteering for redundancy will not amount to a resignation and will not be held against the employee concerned if his or her application is refused or withdrawn;

    - the redundancy terms that will be available; and
    - the process to be followed in respect of those employees who do not volunteer for redundancy.
- Ensure that employees have the opportunity to find out what impact voluntary redundancy would have on them personally and their pension.
- Where there are more applicants than are needed ensure a fair selection process that does not discriminate on grounds of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation.
- Consider whether to extend the period for applications or to implement the procedure for compulsory redundancies, if not enough applications for voluntary redundancy are received.
- Inform employees of the outcome of their application and hold individual meetings with those whose applications for voluntary redundancy are accepted.
- If there is no need for compulsory redundancies, inform the wider workforce of this as soon as possible.
- Consider offering early retirement as an alternative to voluntary redundancy (see below).

Early Retirement

2.1.27 Inviting employees to access their pension benefits immediately upon leaving the University in consultation with their Institution may be a useful option. The University operates a number of different pension schemes (including USS, CPS and NHS and MRC), each of which deals differently with early retirement. Employees are advised to obtain tax advice on early retirement arrangements.

Flexible retirement

2.1.28 Members of the USS pension scheme may apply for flexible retirement from age 55. Flexible retirement enables an employee to continue working for the University on reduced hours of work, thereby providing a financial saving to the Institution, whilst drawing their accrued pension benefits (where this is available under the relevant pension scheme). There are important considerations for employees considering this option, such as the effect of flexible retirement on pension benefits and on any future redundancy situation. Employees are encouraged to refer to the USS website for information on flexible retirement and to contact the Pensions Office for an estimate.

Developing a business case

2.1.29 The findings of a review may inform the Business Case for the proposed changes. A template business case is available from the relevant HR School Team. It should include those areas set out at section 3.13 of the policy and:

- Introduction
- Current structure
- Proposed structure
- Rationale for change
- People implications (including new posts, diminished, modified or amended roles)
- Timescales
- Proposed communications and consultation process
- Selection pools and criteria (as appropriate)
- Steps taken/to take to avoid redundancies and mitigate their impact
- Authorisation

2.2 Step 2 - Consultation and Communication

The importance of consultation

2.2.1 It is important to conduct meaningful consultation to give employees and where appropriate their trade unions or other employee representatives the opportunity to input into the change and engage in the process, to ensure it is fully informed and to consider possible alternative solutions. The purpose of consultation is to provide an opportunity to discuss the change in question and explore the options. It can also encourage and stimulate better co-operation between managers and employees, reduce uncertainty and lead to better decision making. Consultation is particularly important where significant change is being considered and it is good practice to engage with the trade unions or other employee representatives at an early stage to discuss ways of avoiding redundancies.

2.2.2 It is also important for managers to note that during this period of uncertainty for employees, effective two-way consultation and communication with staff and unions is critical to the future success of the change process and should be conducted with sensitivity. Further guidance on effective communication and supporting staff through change is provided in the Implementation of Change section.

Employees on leave

2.2.3 It is important to remember to include any employees on maternity, shared parental or paternity leave, career breaks, sabbatical, secondments, long term sick leave (and any other form of leave) in any consultation discussion. This may be done by either allowing them to participate in any group meetings in person or by telephone or by updating them after such meetings. This should be followed up in writing and they should be allowed to make written representations if they wish. It may also be necessary to hold individual consultation meetings and HR can advise further on this matter.

Early staff briefings

2.2.4 An early staff briefing should be given to advise staff collectively of the potential need to undertake change. This initial briefing might cover:

- the reasons for the review (where appropriate)
- who the key stakeholders are
- the anticipated process for the organisational change, including further meetings
- warning employees of potential redundancies (where applicable)
- the type of support that will be available for staff, including redeployment and career transition support and involvement of employees' recognised representatives
- broad timescales and suggestions for receiving stakeholder feedback.

Collective Consultation

2.2.5 Whilst is it the University's Policy to provide a minimum of 30 days consultation to employees affected by change and any representatives, there are additional legal requirements if it is proposed that 20 or more employees are to be made redundant within any 90-day period, as noted in section 3.1.7 of the Policy. Please note that this may apply not only where a redundancy situation arises but where it is proposed that 20 or more employees are to be dismissed within a 90 day period for reasons not related to the individuals concerned, and could therefore apply to other types of organisational change.

2.2.6 The key elements when consulting collectively are as follows. Please speak to HR for further details:

1. Informing and consulting with appropriate representatives of affected employees
2. Providing the necessary information in writing to employee representatives. This information is included in the information set out in section 3.2.4 of the Policy. The information provided should be sufficient so as to enable meaningful consultation to take place and employee representatives should be given adequate time to respond
3. Consulting with employee representatives, specifically on ways of avoiding the dismissals, reducing the numbers of employees to be dismissed and mitigating the consequences of dismissals. Consultation must be entered into with an open mind
4. Notifying the Secretary of State at the start of consultation by filling in form HR1. The deadline for its submission depends on the number of proposed redundancies and your HR School Team can complete this on the institutions behalf.

Individual consultation meetings

2.2.7 Employees in scope of the proposed change should be invited to attend individual consultation meetings at which the employee may be accompanied by either a trade union representative or a colleague who is an employee of the University. The purpose of the consultation is to:

- discuss the business reasons for the proposed change (ideally providing a copy of the business case or consultation document)
- discuss how the individual may be affected
- provide an opportunity for the employee to comment on the basis for selection, in terms of the pool and selection criteria, and their scores
- provide an opportunity for the employee to challenge their redundancy selection
- provide an opportunity for the employee to put forward any suggestions, specifically for ways to avoid their redundancy
- consider any alternative employment positions that may exist and career transition services available
- provide redundancy calculations as appropriate
- answer questions, listen and consider ideas and options
- explain the next steps in the process.

2.2.8 Typically at least two individual consultation meetings will be held with each individual, although it may be appropriate to hold more depending upon the nature, size and impact of the change. Careful consideration should be given to any issues raised by the employee. Employees may be accompanied to individual consultation meetings by either a trade union representative or a colleague who is an employee of the University.

2.2.9 It is recommended that the start and end date of the formal consultation period is confirmed in writing to employees. It may also be helpful to keep a record of what is discussed at each consultation meeting so that all parties are clear of any information shared, agreed actions and next steps. This could be checked and signed by the manager and employee.

Supporting individuals at risk of redundancy

2.2.10 Individuals at potential risk of redundancy should be advised of the support available, as detailed below:

<u>Support in seeking redeployment</u>

2.2.11 Support in seeking redeployment within the University is available to all employees who have been placed at risk of redundancy. Employees who wish to receive support will be provided with advice and assistance in preparing job applications, updating CVs, writing cover letters and interview preparation. Employees will be given the address of the University's job opportunities website where all vacancies are advertised. A weekly list of current vacancies can be sent to those employees without access to a computer. A summary of the individual's skills, experience and the type of role sought can also be sent to the relevant Administrators of other Departments to be matched with any vacancies that may arise. An individual under notice of redundancy will continue to be subject to the University's redeployment provisions until his/her employment ends. The University will make all reasonable efforts to ensure that internal vacancies are made available to potentially redundant employees.

- Redeployment guidance and process
- Guidance provided by the Careers Service

2.2.12 Please note that if suitable alternative employment is offered to an employee at risk of redundancy as an alternative to compulsory redundancy and the employee unreasonably refuses the position, they may no longer be entitled to statutory redundancy pay. Please also note that the requirement for a Certificate of Sponsorship to be employed in the UK and the need to satisfy Border and Immigration requirements will still apply.

Career transition support

2.2.13 In addition to redeployment support (above) employees placed at risk of redundancy due to organisational change, as defined under section 1.3 of the Policy, can access expert, confidential and impartial career transition support to assist them in successfully securing alternative employment. The service aims to provide employees with the tools, resources and confidence to conduct an effective job search and/or to consider new career options such as exploring interim work, self-employment, setting up a consultancy, re-training or preparing for semi or full retirement.

2.2.14 Employees placed at risk of redundancy will receive a confidential referral to a personal career coach for an initial face to face meeting, after which they can tailor their own individual support package to meet their particular needs. This may include further one to one coaching sessions, attending training days run locally, CV drafting support, presentation/interview techniques, psychometrics and access to specialist research and job search databases. Employees will also receive access to on line careers tools and a confidential telephone counselling service. Full details can be provided by the relevant HR School Team.

Access to training

2.2.15 Employees who need to bridge skills gaps will be allowed to attend 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.

2.3 Step 3 - Implementation Preparation

2.3.1 Fair selection involves fairly applying selection criteria to a pool of employees. Therefore the first step is usually to identify the group of employees from which those who will be made redundant will be selected.

2.3.2 Institutions must ensure that the choice of pool is reasonable. In identifying the pool, the Institution should consider:

- the type of work which is diminishing
- the extent to which employees are doing similar work, including whether it should include other groups of employees who are doing similar work to the group from which selections are made
- the extent to which employees' jobs are interchangeable, in which case a wider pool might be appropriate
- the contractual job descriptions
- whether the employees in question carry out a unique role that is disappearing (in which case they may be in a pool of one)

Job matching and role allocation

2.3.3 It is important that the process of redundancy selection and matching and allocating employees to roles that will exist after the change, is conducted using objective criteria which are applied fairly and consistently.

Selection criteria

2.3.4 Once the employees in scope of the change have been identified, institutions must devise fair selection criteria to determine which employees will be employed in any remaining roles. Selection must be conducted in a fair way and the criteria must be applied fairly. The selection criteria should be fair and objective and must not be discriminatory.

2.3.5 The first step is usually to construct a selection matrix including where appropriate details of how scores will be weighted. When deciding on appropriate selection criteria, institutions should contact their

HR School Team for advice and a template selection matrix. Criteria must be carefully drawn up so that they are relevant to the positions that are available in the organisation, are as objective as possible and are capable of being backed up with evidence and data (e.g. performance appraisals and other professional and personnel records).

2.3.6 The University reserves the right to change or add to selection criteria in recognition that the criteria may need to be varied according to particular circumstances. Institutions should consult affected employees and their representatives regarding the selection criteria selected.

2.3.7 In the majority of cases appropriate selection criteria will be selected from the following list. Please note that no single criterion should be used in isolation and these are not in any particular order.

Work performance

2.3.8 Reviewing the employee's previous performance appraisals and achievements against objectives and targets may be used to assess work performance.

Knowledge and experience

2.3.9 Reviewing an employee's knowledge of their job, customers, colleagues, area of work, the University and the depth and breadth of his/her relevant experience. The method for assessing employees against the selection criteria should be relevant for the role. This may include interviews, assessment tests, written submissions from the employee and/or their manager or a combination of these.

Sickness absence and/or time keeping

2.3.10 If this is included, the Institution should be satisfied that fair and accurate sickness absence records have been maintained. Care should be taken to ensure that absences related to pregnancy-related illness, maternity, other family-friendly leave or disability (as defined in the Equality Act 2010) are discounted.

Qualifications and training

2.3.11 Reviewing what relevant qualifications an employee has and what pertinent training he/she has undertaken where these are relevant to the type of work and the future needs of the institution.

Disciplinary record

2.3.12 To determine an employee's disciplinary record, the Institution should examine his/her personnel files. Only current/active disciplinary or capability warnings should be considered, rather than any historical matters, other than in justifiably exceptional circumstances.

Length of service

2.3.13 This criterion should be used with caution as it may be indirectly discriminatory. However, it may be appropriate as part of a balanced set of criteria or in a tie-break situation.

Alternative Employment

2.3.14 Where employees are at formal risk of redundancy and suitable alternative roles are available, a selection process will be carried out. This may be by way of interview selection. Under this approach all candidates will be measured against the same criteria and asked the same set of interview questions linked to the competencies for the specific role(s). A standardised marking and weighting system should be used. For further information, please read the University's Recruitment Guidance.

2.3.14 An institution must take reasonable steps to seek alternative employment for employees who may otherwise be dismissed by way of redundancy. Any possible vacancies should be considered and listed at this stage.

Pregnancy and Maternity Leave

2.3.15 If an employee is dismissed or selected for redundancy for a reason that is related to pregnancy, birth, maternity or shared parental leave, the dismissal will be automatically unfair and will amount to pregnancy and maternity discrimination. However, employees who are pregnant or on maternity or shared parental leave can be made redundant provided that the redundancy is genuine and the employee's maternity situation does not disadvantage her in any way.

2.3.16 While a pregnant employee or employee on maternity or shared parental leave does not need to be excluded from the redundancy exercise, the institution may need to make adjustments to the consultation and selection process to ensure that any disadvantage caused by the pregnancy or leave is neutralised. For example, it should ignore pregnancy-related absence when assessing attendance records for the purposes of selection and may need to make adjustments to the consultation process if the employee is unable to attend meetings at the workplace, by carrying out consultation meetings closer to her home or in writing.

2.3.17 While it is important that employers create a level playing field when applying redundancy selection criteria, they must be careful that attempts to neutralise selection criteria that are potentially discriminatory against employees who are pregnant or on maternity leave do not result in discrimination against their male colleagues.

2.3.18 An employee on maternity leave has priority (along with any employees on adoption or shared parental leave) as far as suitable alternative employment is concerned and is entitled to be offered a suitable alternative vacancy where one exists. This should begin the day immediately following the day on which her previous contract comes to an end. The new work must be suitable in relation to the employee and appropriate for her to do in the circumstances and the new contractual provisions must not be substantially less favourable than those of the previous contract.

2.4 Step 4 - Concluding the Change Period and Next Steps

Confirmation of appointments and redundancy

2.4.1 On conclusion of the change period the lead manager will confirm any appointments (including pay protection arrangements and other contractual changes as appropriate) and redundancies in writing. It is best practice to meet with the individual to inform them verbally, with written confirmation provided at this meeting or shortly afterwards. Details about any redundancy pay and PILON (see below) as well as any other monies owing (such as holiday pay) should also be confirmed at the same time. The right of appeal should also be confirmed in writing. Template letters are available from the relevant HR School Team.

<u>Redundancy pay</u>

2.4.2 Entitlements to redundancy pay are set out under sections 3.4.7 to 3.4.8 of the Policy. Further details can be found in the Redundancy Pay: notes of guidance.

<u>Notice</u>

2.4.3 The relevant notice period for employees being made redundant should be confirmed by referring to the individual’s contract of employment. Employees will usually be offered Pay in Lieu of Notice (PILON) which will be paid at their basic pay rate (subject to tax and National Insurance deductions).

2.4.4 Employees wishing to work their notice will have a reasonable expectation to do so unless there is a clear case as to why such an arrangement would not be in the business interest. The decision on whether PILON can be imposed would reside with the line manager and be based on advice from the relevant HR Business Manager. The overarching principle to be applied in all cases is that of ‘reasonableness’. That is, there must be a justifiable reason for imposing PILON in any situation, that would stand the legal test of ‘reasonableness’. In situations where it is not possible to reach agreement, the employee will have recource to the relevant Grievance procedure. It should be noted that the focus in the Policy is to resolve matters informally wherever possible prior to instigating more formal routes.

Trial Periods

2.4.5 Where an offer of alternative employment is made and the role or terms and conditions differ wholly or in part from the employee's existing role, employees have a statutory right to a trial period of four weeks during which time the employee and employer can assess the employee's suitability for the role in question. The trial period may be extended by agreement of both parties, but only for the purposes of retraining

2.4.6 If the trial period is unsuccessful (for a reason connected with the change in roles), the employee will be treated as having been dismissed by reason of redundancy on the date their original contract ended. However, if an employee unreasonably refuses an offer of suitable alternative employment, the employee will lose their entitlement to a statutory redundancy payment.

Reasonable Adjustments

2.4.7 Reasonable adjustments for employees with a disability should be accommodated throughout the organisational change process. What amounts to a reasonable adjustment will depend on the nature of the disability. However, it may include providing documents in alternative formats, such as braille or large text, or making alternative arrangements for consultation meetings, such as holding them in a more accessible location. It may be necessary to advise employees that if they wish to apply for any alternative roles, reasonable adjustments will be considered for those roles and/or in the application process.

Pay Protection

2.4.8 The University recognises the need to safeguard the pay and conditions of employees adversely affected by organisation change, whilst ensuring that all employees receive equal pay for work of equal value. The Pay Protection Policy provides full details of the provisions available to employees accepting redeployment from a higher to a lower graded post (of no more than one grade) as a result of organisational change. Institutions are asked to indicate whether pay protection applies on the new appointment request form (CHRIS 10, section D) when an individual is redeployed to a suitable alternative post as a result of organisational change.

3. Implementation of change

Managing change effectively

3.1 Managing the process of change is critical to the success of any change programme. Well planned change which is communicated effectively and carefully considers the impact on employees, will ensure that organisational effectiveness is maintained as far as possible. Rushed, unplanned change can seriously damage the effectiveness of a department, its activities and reputation.

3.2 How change is managed can also have a critical impact on the wellbeing of employees. Health and wellbeing at work is strongly linked to having a degree of control over the job and how it is done. Giving employees a voice in how change is managed can help to maintain their sense of wellbeing. Badly managed change can cause long-lasting resentment and ill feeling that can lead to a breakdown of trust which damages employment relations and morale. To manage change affectively it is also important to:

- ensure that the area in question is ready and prepared for the change
- communicate and consult – develop an internal communications strategy; involve all key stakeholders
- demonstrate strong leadership – create a clear vision, link individual and teams goals to organisational targets, set an example, being visible and approachable, creating an organisational culture based on openness and trust
- engage – engaged employees are likely to adapt better to change and have easier emotional journeys

- use a solution-focused approach and encourage team building
- build an agile culture which is adaptable to change.

Readiness assessment

3.3 For change to take place effectively, the department or area in question must be suitably prepared. This will include having:

- a clear vision and objectives for the intended change
- the right conditions and resources in place to support the change process
- the motivation and attitude to engage with the change and make it work
- the necessary approvals to implement the change
- support from the relevant stakeholders.

3.4 There are a number of tools available to assess whether an area is ready for change. Below is a brief overview of such tools, with relevant links for further details:

Forcefield Analysis

3.5 Forcefield Analysis is used to identify the forces for change and forces against the change. The purpose of the tool is to enable the lead manager to strengthen the forces for the change and weaken the forces opposing it, thus giving the successful implementation of the change a better chance of happening.

SWOT

3.6 SWOT is similar to Forcefield Analysis in terms of identifying Strengths and Weaknesses but also considers what the Opportunities and Threats might be. Again it is useful for managers to undertake this exercise to enable them to communicate why the change is necessary, what the benefits of the change will be and the opportunities it could create for the individual and the organisation. It is also useful to identify the weaknesses and the threats, as these can then be addressed and mitigated to ensure that the change is implemented smoothly.

Stakeholder analysis

3.7 Used to identify key stakeholders and the impact the change is likely to have on them. This is useful to enable managers to understand who they need to be considering in the change and consider ways in which they can effectively manage the impact on each of these groups of people as a pre-emptive action.

3.8 The ACAS Managing Change booklet includes some useful tools for managers e.g. SWOT analysis and Forcefield Analysis.

Effective communication

3.9 A critical component in managing successful change is communication. Communicating effectively involves:

- communicating regularly and often with everyone involved (stakeholders)
- providing information about the change and where people can get the support they need
- allowing regular opportunities for all involved to share their views individually and as a group
- actively listening
- building rapport
- asking appropriate questions
- understanding and handling common types of behaviour

3.10 At an early stage in the process, the lead manager should consider developing an internal communications strategy and involve all key stakeholders. Draft communications and presentations can be provided by the relevant HR School Team on request. The ACAS `Managing Change' booklet also includes a sample communication strategy.

Supporting staff through change

3.11 Effective change management involves taking steps to help minimise adverse impacts of the change and to ensure employees are provided with the tools and support to cope effectively and maintain their wellbeing. Effective and ongoing communication is critical to maintaining morale and reducing uncertainty. It is important to recognise that employees cope differently with change and may be concerned about job security and the impact on themselves and their families, particularly if redundancies are considered. It is therefore important to ensure that communication is maintained and any questions or concerns are considered and responded to empathetically.

3.12 Research has shown that employees may take their lead, for how they respond to change, from their line managers. Line managers can trigger positive behaviour by showing that they care about how change impacts on staff. Line managers can learn to recognise certain behaviours brought about by change and learn to manage them and support employees effectively.

3.13 To support employees effectively, line managers can learn to:

- recognise the impact of workplace change on employees and common behavioural and emotional responses that can arise during the change process
- adapt management styles to accommodate behavioural and emotional responses to change
- develop appropriate skills to manage staff effectively during change
- use effective and ongoing communication that is appropriate to the stage(s) an employee or group of employees seem to have reached on the change curve.
- carefully explain redeployment, career transition and other sources of support that are available to staff, including:
    - additional supervision
    - the Counselling Service
    - Occupational Health
    - workplace wellbeing/stress management workshops
    - workplace wellbeing booklets e.g. Stress Booklet
    - mentoring, where practicable
    - the University 'Wellbeing portal' and staff support services
- focus on a robust communication and consultation plan, which includes all affected employees and gives adequate time and opportunity for issues to be raised
- retain flexibility in the consultation plan to allow for extra meetings with individual or groups if needed
- ensure that affected employees know which management representatives are available to discuss the change
- ensure that the above interventions are built into the consultation plan, as appropriate.

Responses to change

3.14 Change curves, such as the example below, are often used to suggest a generalised map of an employee's emotional journey through change and to predict how performance, results and morale are likely to be affected by an announcement and subsequent implementation of a change in the workplace. The speed of an employee's transition will depend on the individual's self-perception, amount of control they have in the process, other past experiences, and how all of these combine to create their anticipation of future events. Employees are unlikely to be aware of moving systematically from one emotion to the next but the range of emotions is very common. Managers may get to the 'moving forward' stage before employees so regular communication and feedback is vital.

3.15 Please note that change curves should be treated with caution as they are just one method of interpreting an individual's reactions to change within a range of possible responses and outcomes. Change can mean different things to different people and emotional responses must be seen in relative not absolute terms. For one person, a change may result in denial, disillusionment or depression but to another a welcome challenge which they come to terms with quickly. These models can however be helpful in reminding us that people's reactions may be different to our own and how best to support different reactions to change. The curve above shows one reaction to change and indicates that with a fair process and support people can understand, accept and move on from change.

3.16 A summary of actions managers can take to support those going through this emotional journey is provided below:

Shock/Denial • Communicate regularly and often • Provide information and opportunities for support	**Commitment** • Celebrate success • Review and monitor
Emotional - Frustration/Depression/Anger • Continue with an open dialogue and communicate sensitively • Anticipate and consider potential concerns and objections • Develop strategies to pre-empt or address early	**Acceptance** • Offer opportunities to test and explore what the change means for individuals and teams • Provide opportunities for training and development • Build in contingency time

Adapting your management style

3.17 Research has shown that transformational leadership is one of the most appropriate styles to use when managing change as it is people-focused whilst still setting clear goals and objectives.

3.18 Transformational leadership:

- is focused on integrity and fairness
- sets clear goals
- has high expectations
- encourages others
- provides support and recognition
- stirs the emotions of people
- gets people to look beyond their self-interest
- inspires people to aim higher and reach their full potential
- is flexible and dynamic.

3.19 Transformational leadership supports change because it:

- sets a clear organisational vision for the future
- discusses the organisational vision with everyone involved
- ensures that the organisational vision does not contradict with personal values of employees
- encourages the contribution of ideas and suggestions from employees belonging to various levels within an organisation
- inspires and motivates colleagues to `buy-in' to the change
- leads by setting a positive example
- creates opportunities for employees to connect with each other
- recognises, acknowledges and supports colleagues' personal transitions as they go through the change process
- adopting this style facilitates successful employee engagement – a key factor in implementing a change initiative.

Training to support for those responsible for managing a programme of change

3.20 Managing and supporting groups of employees experiencing a programme of change can be very demanding on line managers. Therefore, The Institution should also consider what additional support managers involved with the change may need. The HR Division's Personal and Professional Development Section has developed specific training that is tailored to equip individuals with responsibility for managing and implementing a localised programme of change with the knowledge and skills required to successfully guide, support and motivate teams - and the individuals within those teams – through the change process. Please contact PPD for further information.

Why employees might resist change

3.21 Some resistance to change is natural and inevitable. Employees may resist change for a wide range of reasons. They may believe that change will impact on them negatively i.e. potential for redundancy, their working hours or practices being affected, new systems/processes introduced that they are not knowledgeable about. They may be reluctant to lose control, give up old habits, find the adjustment period unmanageable, have a preference for low levels of stimulation and novelty or lack the emotional resilience to deal with change effectively.

Overcoming resistance

3.22 To overcome resistance it is important to foster a sense of ownership of the change within the team or institution to enable the team to feel that they retain some control over the situation. It is also important to respond to how employees are feeling in the right way.

3.23 Emotional resilience is the ability to adapt to stressful situations, including change. More resilient people are able to adapt to adversity without lasting difficulties, while less resilient people have greater difficulty with coping in stressful situations. Emotional resilience to change can be built by:

- giving regular and timely feedback
- offering opportunities for training and development
- building trusting relationships
- encouraging an organisational culture that is positive and supportive

3.24 It is important to allow individuals the time necessary to adapt to the change (or communicate the reasons why this isn't possible to enable understanding and limit resistance). Habitual behaviour can also be addressed by offering opportunities for support, training and setting a positive example. The ACAS `Managing Change' booklet also includes a helpful table of common reactions to change and how to respond to them as a line manager.

Team building

3.25 Alongside reviewing and evaluating a change process, post-change team building can also be an effective way of embedding and consolidating change. A number of different models can be used to assist a team in adapting to changing goals by identifying collective strengths and weaknesses and highlighting key development stages. This will enable the manager to focus on using the team's strengths and offer opportunities for development to address areas of weaknesses, as well as managing the transition process effectively so that the team is able to withstand the impact of the change and enable it to be more cohesive yet adaptable in a changing environment. Further advice on team building activities can be obtained from the relevant HR School Team.

4. Roles and Responsibilities

4.1 All parties involved in and affected by organisational change have roles and responsibilities that will ensure that the organisational change process is successful. Details of these roles and responsibilities are provided below:

<u>The Manager</u>

- To consult with employees and their representatives throughout the change process.
- To approach consultation with an open mind and consider all feedback received for use in changes to proposals as appropriate.
- To decide on the most appropriate method of informing and consulting with staff. This must include consideration of staff absent from the workplace due to maternity, sickness or other leave and of those with specific requirements due to disability and those on secondment.
- To consult with individuals affected by the change and keep all of those whom they manage informed about the proposals.
- To ensure selection processes used are fair and transparent.
- To keep written notes/records of discussions held with staff and trade unions. This should be a summary of key discussion points and need not be a verbatim account.

<u>The Employee</u>

- To be flexible and open-minded when considering reasonable changes to their duties and responsibilities.
- To participate in consultations, considering the proposals put forward by the Institution and contributing their own views in an open manner.
- To continue to conduct their duties in a professional manner during the period of organisational change.
- To actively participate in a selection process
- To make full use of redeployment support made available to them.
- To consider any suitable alternative employment opportunities.

<u>The Trade Unions/ Employee Representatives</u>

- To participate in consultation by considering the proposals put forward by the Institution,
- To suggest counter-proposals where appropriate,
- To contribute representations on behalf of their members and seek to reach a mutually satisfactory resolution at the end of the consultation period.

<u>The Human Resources Division</u>

- To attend relevant meetings and provide advice and guidance to staff and institutions on the application of the Organisational Change Policy.
- To support the manager in managing organisational change in a fair, consistent and legally compliant manner.

5. Definitions

Term	Definition
Organisational change (Major change)	Any revision to the way in which a service is provided, which has significant implications for staff. Some examples are: • Relocation of service/s • Changes in operating hours • Merging services • Closure of service or unit • Provision of new service/s • Expansion/ Reduction of existing service/s • Restructuring • Changes to skill and grade mix • Introduction of new technology
Minor change	Where there is no change to contractual terms and conditions and where a substantial part of the employee's experience at work is unchanged. Some examples are: • Variations to working patterns • Line management structures
Lead manager	The individual who has responsibility for leading the day to day planning and management of change. The lead manager may require a project group, or project manager to assist them and will be supported by the relevant HR School Team. Final responsibility for decision making rests with the Head of Institution (or equivalent).
Consultation	Consultation is the process by which information, perspectives and ideas are shared in order to inform decisions about changes. It needs to be meaningful, and views submitted during consultation need to be considered and responded to.
Employee Representatives	Individuals acting on behalf of a group of employees, these can 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, and more than 20 staff are affected by the change). Where less than 19 staff are affected by the change there might not be an employee representative; in this case consultation would be directly with the affected employees
Change period	Is the total number of days between the start of the consultation period and the end of the implementation preparation of the change process. The duration is dependent on the number of employees affected as per section 3.1.7 of the Policy.
Redundancy	Legally, redundancy is one of the potentially fair reasons for dismissal set out in the Employee Rights Act 1996. A genuine redundancy situation only exists when it is caused by: ▪ Closure of a business. There will be a redundancy situation if an employer ceases, or intends to cease, to carry on the business for the purposes for which an employee was employed. ▪ Closure of a particular workplace. There will be a redundancy situation if an employer ceases, or intends to cease, to carry on the business at the place of work at which an employee was employed. ▪ Diminished need (or an expected diminished need) for employees to carry out work of a particular kind or to carry out work of a particular kind at the place where the employee was employed. This may

	cover a number of scenarios, including where: ▪ The employer requires fewer employees to do the same amount of work. ▪ There is less work available. ▪ The employer no longer requires employees to do the work because of, for example, the introduction of new technology.
Termination Date	The date on which the individual's employment ends.
Alternative employment	Where a new job is offered to a potentially redundant employee before their current job comes to an end. The offer of alternative employment should be made before the employee's existing role ends and should commence within four weeks of the termination date of the old job.
Trial Period	As per section 4.10 of the Policy, where an employee is offered suitable alternative employment, the appointment of the individual will be subject to a trial period. This is a statutory provision enabling both the employee and the organisation to assess whether or not the post is genuinely suitable for the employee. The termination date for the purposes of calculating redundancy pay in these circumstances will be the date on which the employee's original job ended (and not the date that marked the end of the trial period).
PILON (Payment In Lieu Of Notice)	Where an employee is not required to work their contractual notice period and instead receives a payment equal to their base pay (subject to tax and NI) which would have been paid had they worked their notice period.

6. Frequently asked questions

General

Q1.How do I determine if the change is considered to be major or minor?
As defined in section 1.3 of the Policy, major change would include changes to an employee's terms and conditions of employment, including significant changes to the scope and/or nature of individual an individual's role. Examples may include relocating services, closing of services, provision of new services or the introduction of new technologies that change the nature of the work.

Minor change would include changes such as variations to the working environment or line management structures which fall within the scope of those permitted under the employee's contractual terms and conditions.

Q2.Is there an ability to adapt the Policy?
The University acknowledges that the nature, size and scope of organisational change can vary considerably, and to support this, it may be necessary to adapt the change process to reflect the circumstances of the proposed change. Discussing how change will be undertaken should form part of consultation.

Q3.How can the Policy be adapted?
Institutions may adapt aspects of the Policy to suit individual circumstances, for example implementing a more formal communications plan for large scale change, or altering the selection process for vacancies where only a limited number of employees are in the 'pool' for selection. Large scale consultation may require more formality in the planning of meetings (allocation of time slots), whereas for small scale change a more flexible communications approach may be possible. Where changes to the process are being considered advice should be sought from the relevant HR School Team and discussed with employees and their representatives.

Consultation

Q4.When should consultation start?
Consultation must begin in 'good time' when the proposals are still at a formative stage, to ensure there is reasonable time for meaningful consultation. Where a potential redundancy situation arises Institutions should start talking to employee representatives as early as possible, even if there is only a provisional decision that might lead to redundancies.

Consultation formally starts when the affected employees and their representatives, where applicable, have been provided with a copy of the business case and/ or consultation paper. Institutions are strongly advised to write to employees to formally confirm the start and end date of the consultation period.

Q5.Does consultation apply only in cases where a redundancy situation may occur?
No, consultation should be undertaken where organisational change, as defined under section 1.3 of the Policy, is being considered.

Q6.With whom am I required to consult as part of organisational change?
As stated in the Consultation and Communication section of the Policy, consultation should be with the individual employees and either the employee's trade union representative, or a representative elected by the employees (where the affected group are not represented by a trade union).

Q7.How are employee representatives elected?
There is a specific process Institutions need to follow, and once elected employee representatives have certain rights. Please speak to your HR School Team for further advice where the election of employee representatives is required.

Q8.What about agency workers, should they be included in the organisational change process?
No, agency workers should not be included in the formal consultation process.

Q9.Does an employee have the right to be accompanied at a consultation meeting?
Whilst there is no legal statutory right for an employee to be accompanied at a consultation meeting, as per section 3.2.9 of the Policy employees may bring either a work place colleague employed by the University or a trade union representative with them. Prior to the consultation meeting the employee should inform the line manager of the name and position of any person who will accompany them.

Q10. Can additional meetings after an initial consultation meeting be requested and arranged?
Yes. During a consultation period the employer and employee may meet on a number of occasions in order to discuss different aspects relating to the change. Arrangements for such meetings should be made with the individual who conducted the initial consultation meeting.

Q11. I have a member of staff who is absent from work, do I need to consult with them?
Yes, as per section 3.2.14 of the Policy, all affected employees should be consulted in relation to organisational changes, especially if the changes proposed put them at risk of redundancy (this includes employees on sick leave, maternity/ adoption or shared parental leave, secondments etc).

Q12. When is consultation completed?
Consultation would normally be completed at the end of the consultation period (see Policy section 3.18). However, the aim of consultation is to ensure that there is a genuine exchange of views and information in terms of why redundancies are proposed and how they can be avoided. Consultation should last as long as is required to reach agreement, or to explore all available options to avoid redundancies. The formal consultation period may therefore be extended accordingly.

Maternity/Pregnancy

Q13. How do I communicate and consult with an employee who is absent from work?
As per section 3.2.14 of the Policy, the lead manager should ask the absent employee how they would prefer to be consulted, for example meeting at a neutral venue, by telephone or in writing. Institutions should try to accommodate reasonable requests. As above, the employee may be accompanied at formal

consultation meetings by either a trade union representative or a colleague who is an employee of the University.

Q14. I have an employee who is pregnant or on maternity, paternity or statutory parental leave, can they be placed in the pool for selection for redundancy?
Yes, however, if an employee's maternity, paternity or shared parental leave has commenced, if they are selected for redundancy, the employee is entitled to be offered any available suitable alternative employment, without the need for an application or selection process (even where others at risk of redundancy are more qualified or experienced). See section 4.18 of the Policy.

Redundancy Pay

Q15. Is an employee automatically entitled to receive statutory redundancy pay?
No. The employee must have at least 2 years continuous service in order to be eligible to receive a statutory redundancy payment

Q16. How is an employee's statutory redundancy payment calculated?
The amount of redundancy pay will be calculated (up to a maximum of 20 years being reckonable) as:

- 0.5 week's pay for each full year of service where age during year is less than 22
- 1 week's pay for each full year of service where age during year is 22 or above, but less than 41
- 1.5 weeks' pay for each full year of service where age during year is above 41

  Subject to a maximum of 20 years reckonable service.

There is a statutory limit on both the value of a week's pay, and the total amount of statutory redundancy pay an employee can receive. The current limits can be found on the .gov.uk website, these are normally reviewed annually.

Please note that assistant staff employed before 1 October 2003 have additional entitlements under the Protection of Employment Code.

Q17. What will happen to any holiday an employee has accrued but not taken before their termination date?
Where possible all accrued annual leave should be taken prior to the termination date. Where it is agreed with the employee's manager that it has not been possible to take all accrued leave prior to the termination date, a payment in lieu of these holiday days would be made. Please note that all annual leave is subject to approval by the employee's Head of Department or Institution.

Voluntary Redundancy

Q18. What is voluntary redundancy?
Voluntary redundancy is one way to try to reduce or avoid the need for compulsory redundancies. An Institution may invite applications for voluntary redundancy and employees may request to be considered if they so wish. The Institution will consider all the requests and decide which, if any, can be accepted.

Q19. Is an Institution obliged to agree to a request for voluntary redundancy?
No, an Institution can reserve the right to refuse applications. An institution may wish to reject applications from employees in certain key roles, to retain a balanced, skilled workforce, or in the event that more applications are received than are required. When asking for volunteers for redundancy employees should be informed that applications may be rejected.

Q20. Is a voluntary redundancy a resignation?
No, voluntary redundancy is not a resignation. Where an institution invites volunteers for redundancy and an individual volunteers, they are volunteering to be dismissed by reason of redundancy and are not resigning. They will be entitled to receive a redundancy payment.

Matching and Selection

Q21. Can an Institution match employees into roles?
Yes, in some cases as detailed in the Implementation Preparation section of the Policy. Employees can be assimilated (3.38 (i) 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.

Q22. How should an Institution select which employees to retain or make redundant?
Institutions must ensure that, if the need for compulsory redundancies arises, they consider the appropriate selection pool and from that pool selection is made on the basis of objective criteria, which are applied reasonably, fairly and consistently.

The criteria should be measurable and should be capable of being supported by evidence, for example knowledge, skills, qualifications and disciplinary records. Assessment of the criteria should where possible not be reliant on the subjective opinion of an individual manager. The Institution should ensure that the assessment method and selection criteria do not put staff with a disability at a disadvantage.

Q23. What selection criteria can an Institution use to assess employees?
The criteria should be relevant and appropriate to the job, and be objective and measurable rather than subjective and based solely on personal opinion. Please see the Implementation Preparation section of the Policy. However, when deciding on criteria individual circumstances should be taken into account. If you are uncertain please speak to your HR School Team for further advice.

Q24. How should I record the outcome of the selection process?
In a redundancy selection process, it is advisable for employers to use a redundancy selection matrix, setting out the criteria against which individual employees are scored. The completed matrix should form part of individual consultation with employees.

Alternative Work

Q25. When should alternative work options be considered?
Institutions should start to consider what alternative work might be available as soon as it becomes clear that redundancies may be necessary. The process of considering alternative work should be an on-going one, right up until the date of dismissal. If new opportunities for alternative work are identified, Institutions should notify affected employees and give them an opportunity to be considered for the role.

Q26. What makes an alternative role "suitable"?
When considering whether or not an alternative role is suitable, Institutions should consider the employee's skills and experience (i.e. do they have the right skills and experience for the new role?), and the terms of the alternative job including: status, place of work, duties, pay, hours and responsibility (i.e. how similar are these to the old role?).

Maintaining status and pay is not necessarily sufficient to make an alternative job role "suitable" if there are other clear differences between the two roles. For example, if an employee's working hours are significantly rearranged, the new role is unlikely to be a suitable alternative.

Q27. Can an employee refuse to take a suitable alternative role?
Yes, however, if an employee unreasonably refuses an offer of suitable alternative employment, there is no entitlement to redundancy pay. The employee would need to provide their reasons for rejecting the role in writing to their line manager.

Whether refusal of suitable alternative employment is reasonable or unreasonable will depend on the particular employee and their particular circumstances. For instance, factors such as the circumstances in which the offer is made (e.g. the time they are given to consider it), whether or not the role is temporary, and the employee's personal situation (e.g. the impact it would have on their commute or family responsibilities) all need consideration, but this list is not exhaustive.

The reasonableness of an employee's decision to refuse suitable alternative work should be assessed from the perspective of the employee at the time the decision to refuse the offer was made. Advice and guidance should be sought from your HR School Team where an employee refuses suitable alternative employment.

Trial Periods

Q28. What is a trial period?
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).

Q29. What happens during the trial period?
The department who accepts the employee into a work trial will review progress, and provide the employee with feedback at regular intervals.

Q30. What happens when a trial period is successful?
Before the end of the trial period the department in which the trial period is taking place will normally confirm the outcome to the employee in writing, the department would also be responsible for making the required contractual arrangements. This will not affect an employee's continuity of service,

Q31. What happens if the work trial does not work out for the employee or the department?
Throughout the work trial the employee should be provided with regular feedback on their performance in the new role. If, once the trial period is completed, it is found that the role was unsuitable alternative employment, both the employee and the current department will be informed of this in writing. Where applicable the employee will be entitled to receive redundancy pay unless the employee is able to be redeployed to an alternative post. Please note that formal notice may be given during the work trial period.

Q32. What happens if the employee leaves during the trial period?
If during the trial period the employee terminates or gives notice to terminate the new contract for any reason, or the Institution terminates or gives notice to terminate it for a reason connected with, or arising out of any difference between the new and old contracts the employee will be treated as having been dismissed by reason of redundancy on the date on which employment on the old contract ended.

However if the employee unreasonably refuses the suitable alternative employment, or accepts an offer but then resigns during the trial period they will be treated as having been dismissed, but they will lose their right to a redundancy payment.

Notice and PILON

Q33. Can notice ever be served earlier than day 61 or 91 (depending on the number of staff affected)?
Yes, notice of redundancy may be served before the end of the change period by mutual agreement between the employee and the Institution.

Q34. When would an employee receive their redundancy payment?
A redundancy payment is paid in the payroll month after the last day of employment. Please note that a redundancy payment will only be made if the University has not been successful in redeploying the employee to a job before their last date of employment and the search for redeployment will continue until the very last day.

Q35. When will an individual receive their P45?
Where possible the P45 will be issued during the month that the contract terminates or as soon after this date as possible.

Support and Unemployment Benefits

Q36. What support is there for employees affected by organisational change?
Details of the range of support services available to employees and relevant contact details are provided in the Support section of the Policy.

Other useful links include:

- Government online benefits calculator
- Job seekers allowance details
- Jobcentre Plus local office search