

# **Healthwatch Cambridgeshire and Peterborough**

## **Managing Organisational Change Policy and Procedure (incorporating Redundancy and Redeployment Procedures)**

### **1. Aim**

Healthwatch Cambridgeshire and Peterborough is a dynamic organisation and is engaged in an ongoing, continuous process of seeking innovation and improvement, which will sometimes result in organisational change. Healthwatch Cambridgeshire and Peterborough will manage that change in a fair, transparent, consistent and effective manner. From time to time it may need to disestablish posts, and in so doing it will seek to avoid compulsory redundancies wherever possible as far as is consistent with operational effectiveness. Where it is necessary that such redundancies should occur, it will handle them in a manner which is fair, consistent and empathetic, and which minimises any hardship to the individual(s) concerned.

### **2. Scope**

Healthwatch Cambridgeshire and Peterborough will use its resources to achieve maximum effectiveness. This may mean the need for some existing jobs to cease (for example when external funding streams cease), diminish or change. Healthwatch Cambridgeshire and Peterborough will act fairly where such changes prove necessary.

This policy applies to all staff.

### **3. Facilitating ongoing change**

As part of its ongoing management processes, which will include appraisals, other staff development and communication processes, and general forward planning, directors and managers within Healthwatch Cambridgeshire and Peterborough may seek and be able to mutually agree operational changes with the staff affected which may make formal redundancy processes unnecessary. Any such changes will be formally agreed and recorded.

Managers in Healthwatch Cambridgeshire and Peterborough will look ahead with their staff and adapt posts, teams and services in the light of future changes so that they can best deliver Healthwatch purpose, goals and objectives into the future, adapting to the changing needs of communities and policy drivers.

## **4. Redundancy Procedure**

Healthwatch Cambridgeshire and Peterborough will observe all statutory requirements for redundancy and always follow ACAS guidance.

### **4.1 Considering proposed changes**

If any proposed business changes look likely to result in reduced staffing levels, or significant changes to duties or terms and conditions, Healthwatch Cambridgeshire and Peterborough will carefully consider and evaluate any alternative options and, where appropriate, seek professional advice.

### **4.2 Avoiding redundancy**

Healthwatch Cambridgeshire and Peterborough will make every effort to avoid compulsory redundancy and alternative solutions, may include:

- Natural wastage
- Redeployment to other roles
- Restriction on recruitment where practicable
- Reviewing the use of temporary staff
- Seeking appropriate volunteers for redundancy
- Inviting and considering suggestions from employees
- Where the redundancy is due to the expiry of external funding, the expiry date will be known at the outset. The manager will normally notify the individual holding the post in advance of the expiry of funds.

### **4.3 Collective Consultation**

Where proposed changes in response to changes could result in posts being designated as redundant, Healthwatch Cambridgeshire and Peterborough will consult as early as possible to allow feedback and comments on the proposals and will provide, in writing:

- Reasons for the proposed redundancies
- Numbers and descriptions of employees occupying posts at risk
- Criteria for selecting employees for redundancy
- Timescale for dismissals
- Method of calculating redundancy payments to affected staff.

#### **4.4 Individual consultation with affected staff**

Employees occupying a post at risk will be advised in writing as soon as possible, and will be seen individually by their manager and, when appropriate, a Human Resources professional.

The purpose of the meeting will be to explain:

- the proposed changes in staffing and the reasons for them
- the impact of the proposed changes on the individual's post
- the proposed timetable
- the policy and how it will be implemented

and to seek:

- the views of the employee with respect any practical means of mitigating or avoiding the redundancy, and with regard to future employment, retraining or redeployment.

A consultation period with the employee of not less than one week will take place with affected staff.

#### **4.5 Selection for redundancy**

Healthwatch Cambridgeshire and Peterborough is committed to fair treatment in the selection for redundancy.

**4.5.1 Volunteers for redundancy:** Healthwatch Cambridgeshire and Peterborough retains absolute discretion on whether to request volunteers for redundancy and whether or not to accept any volunteer for redundancy.

**4.5.2 Method of selection:** In selecting employees for redundancy any of the following criteria may be applied; the list is not exhaustive:

- **Skill, competence and experience:** employees who lack the skills, competency and/or experience against those genuinely required for the post, or whose skills and/or experience are less developed than others in the pool.
- **Performance and conduct at work:** employees whose personal records contain evidence of an un-expired warning under the disciplinary, capability or sickness policies and procedures. For sickness absence only absence not related to a confirmed underlying health condition may be considered.

4.5.3 Alternatively where there is a re-structuring e.g. of roles within a team or area, Healthwatch Cambridgeshire and Peterborough may identify as 'at risk' all staff in the old posts and select which of these at-risk staff are slotted into the available new posts. If the role is very similar to the current role, and there is no competition for that role, people will be slotted into that role. Where there are a number of people suitable for that role selection will be by ring-fenced competitive interviews or assessment against the person specification criteria of the new posts. Those staff who are unsuccessful from this ring-fenced process who do not slot into the available new posts, will remain at risk of redundancy and will move onto the processes under 4.8 and the Redeployment Procedure below.

#### **4.6 Representation**

Employees have the right to be accompanied by a work companion, who may be a fellow employee in Healthwatch Cambridgeshire and Peterborough, a locally accredited trade union representative, or an accredited official employed by a trade union. A trade union representative who is not an employed official must have been certified by their union as being competent to accompany a worker.

#### **4.7 Notice of redundancy**

Employees selected for redundancy will be informed in writing and given notice of their dismissal due to redundancy. As a minimum, this will be the notice period to which they are contractually entitled.

#### **4.8 Redundancy payments**

[Statutory redundancy compensation payments](#) will be made to eligible staff.

Employees who are dismissed on grounds of redundancy will be given the period of notice, or payment in lieu of notice, to which they are entitled under statutory legislation or their contracts of employment.

Staff will be entitled to payment in lieu for any leave entitlement which is untaken at the date of termination of the appointment; the calculation of entitlement will be based upon the proportion of the leave year at the date of termination of the appointment.

### **5. Redeployment**

#### **5.1 Suitable alternative employment**

Healthwatch Cambridgeshire and Peterborough will do all that is reasonably practicable to redeploy staff at risk to suitable alternative employment. In considering what is suitable alternative employment Healthwatch Cambridgeshire and Peterborough will consider such factors as the grading of the job, hours of work and, for employees with a physical disability or health complaint, the working environment.

Employees at risk of redundancy are expected to play an active role in identifying suitable alternative posts. They will, for example, be expected to familiarise themselves with vacancies that are notified to them and to make themselves aware of vacancies available at Healthwatch Cambridgeshire and Peterborough, and to apply for them as appropriate. Where employees are prepared to accept a lower graded post, or are prepared to accept part time employment, they should inform their Manager at an early stage. Employees at risk of redundancy have priority status for available posts within Healthwatch Cambridgeshire and Peterborough and will be considered in accordance with the Redeployment Process set out in section 5.3 (and 5.2 for employees on maternity leave) below.

## **5.2 Employees on maternity or paternity leave**

Employees on maternity or paternity leave have an express statutory right to any suitable alternative employment that exists, ahead of any other employee including at-risk employees. Thus, a woman on maternity leave or a man on paternity leave has first call on a suitable alternative position. For example, if Healthwatch Cambridgeshire and Peterborough has one vacancy which would be suitable for three staff at risk of redundancy, one of whom is on maternity or paternity leave, the employee on maternity or paternity leave should be considered prior to the two other candidates and if she / he meets the essential criteria must be offered the alternative position, whether or not she / he would otherwise be the preferred candidate. If the employee accepts the suitable alternative role, it must be kept open until she / he returns from maternity / paternity leave.

## **5.3 Redeployment process**

5.3.1 Employees at risk will be given preferential consideration in respect of agreed vacant posts within Healthwatch Cambridgeshire and Peterborough. This means that unless the vacancy is at a higher grade than their existing post (when normal advertising and selection arrangements would apply), they will interview employees at risk of redundancy before any other candidates, provided the application arrives by the advertised closing date and the applicant is able to meet the essential criteria for shortlisting for the post. This should happen before any other candidates are invited for interview. If the interview confirms that the candidate meets all the essential criteria for the post, or could do so with reasonable retraining, he/she should be offered the post on a trial basis (see 5.5 below).

5.3.2 Once a post has been approved for recruitment the CEO will identify if there are any employees who are under notice or at risk of redundancy, for whom the post might constitute suitable alternative employment. Where any such at risk employees are identified, they will be given an opportunity to be considered for the post. Where they confirm that that they wish to be considered, they will be assessed against the essential criteria (as set out within the person specification)

for the post. Normally this assessment process will include an interview. If the at risk employee meets (or best meets if there is more than one at risk employee being considered) those criteria, they will be appointed to the post subject to a trial period (as per 5.5 below). In the event that the assessment panel concludes that an individual is not suitable, the Chair of the panel would be required to provide the objectively justifiable reasons for reaching that decision.

5.3.3 Should the selection panel decide for any reason not to offer a vacancy to a candidate in the above categories, full records will be kept and the panel must be able to show that the reason for its decision was clearly based on a comparison of a candidate's skills, abilities and experience with those required for the post.

#### **5.4 Refusal to accept a suitable alternative post**

If an employee refuses an offer of suitable alternative employment and in Healthwatch Cambridgeshire and Peterborough's view the refusal is unreasonable, the right to redundancy payment will be forfeited.

#### **5.5 Trial periods**

Employees at risk of redundancy who accept the offer of suitable alternative employment are entitled to a trial period of up to 12 weeks. The duration of the trial will be confirmed and notified to the employee before the trial commences. The trial period will give both employee and Healthwatch Cambridgeshire and Peterborough an opportunity to assess whether the new job is suitable. If an alternative post is deemed not suitable by Healthwatch Cambridgeshire and Peterborough, the employee would be entitled to receive a redundancy payment. The trial period will run concurrently with the notice period where notice has been given.

#### **5.6 Time off to seek alternative employment**

Employees under notice of redundancy or at risk of redundancy are entitled to reasonable time off to look for alternative employment or to arrange training.

#### **5.7 Early release of redundant employees**

Employees under notice of redundancy who obtain employment with a different employer may ask to leave early. Healthwatch Cambridgeshire and Peterborough will not unreasonably refuse such a request and a mutually agreed date will be established. The date will become the revised date of redundancy for the purposes of calculating any entitlement to a redundancy payment and for establishing the employee's effective date of termination. There will be no entitlement to payment for the remainder of the original notice period.

## **6. Appeal procedure**

Employees who consider that the selection criteria have been unfairly applied to them and that they have been unfairly made redundant have the right of appeal.

Staff wishing to appeal under this section should write within 10 working days of the letter giving notice of their termination of employment to the CEO, stating the reasons for their appeal.

The redundancy notice will not be suspended during the appeal, but will be revoked or amended if the employee is successful. The appeal will be heard by a panel of two Healthwatch Cambridgeshire and Peterborough Directors, who may take advice from a Human Resources professional.

The decision of the Appeal Panel is final.

**Approved by Healthwatch Cambridgeshire and Peterborough Board of Directors**

Date: 13 November 2019

**For Review**

Date: November 2021

**Responsible Officer**

Chief Executive Officer