



HR Policy

Policy Name: Organisational Change

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ORGANISATIONAL CHANGE

Revision status

Each document has an individual record of amendments. The current amendments are listed on this page.

On issue of revised or new pages each controlled document should be updated by the copyholder in the laboratory.

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1. Introduction

Viapath actively manages its business to provide the most effective service for its clients. It recognises that as a result, from time to time, changes may need to be made to the Company's organisational structure which may affect staff.

This policy has been developed to provide a unified approach to major organisational change including reorganisation, relocation, TUPE, merger, expansion or closure of a service, or a major change in working practice. All such changes will be conducted in accordance with this document which incorporates best practice and legal requirements and aims to provide a framework for common understanding.

In order to meet changing business needs, there may be occasions when managers need to implement relatively minor changes, (e.g. adjustments to duties and working practices) in these cases such changes may be implemented without recourse to the formal procedures in this document, but will still require reasonable consultation with staff affected.

The purpose of this document is to set out the Company's approach to the management of *major* organisational change.

2. Scope

This Policy applies to all employees with a contract of services with Viapath. It may not apply to individuals who have joined Viapath as the result of a TUPE transfer and who have preserved terms. This will be determined on a case by case basis. This policy is non contractual.

3. Policy Statement

Many major organisational changes involve new working practices or changes to contractual terms, and the policy of Viapath is that, through consultation with employees it will seek to ensure that staff understand the reasons for the change and look to gain their commitment to it. It aims to act fairly and reasonably with staff whose jobs are affected by such changes.

Viapath will also, as far as possible, provide continuity of employment for its employees. As part of this the Company will seek to mitigate the effects of any such organisational changes, and will take appropriate measures to avoid enforced redundancies wherever possible. These may include measures to restrict and/or freeze external recruitment.

It is also Company policy to act reasonably, fairly and lawfully in the management of organisational change, to consult appropriately with employees and, where applicable, Trade Unions and employee representatives. To this end a consultation period of 30 days will apply to proposed major organisational changes. Where an employee has TUPE transferred in to the Company with recognised trade union representation Viapath will engage with the trade union accordingly.

4. Roles and Responsibilities

Everyone has a role and responsibilities in major organisational change. Generally these are as follows:

Management

- Developing proposals for organisational change, seeking approval in the appropriate forum, and planning the process for change taking into account timescales in the relevant procedures
- Consulting with employees and, where applicable, recognised trade unions on proposed changes which will have staffing implications

Employees

- Participating fully in any consultation process, asking questions, providing comments and making alternative suggestions
- Arranging their own support from their trade union or nominated workplace colleague at any formal meetings
- Cooperating with efforts to seek suitable alternative employment (redeployment) where they are at risk of redundancy

HR

- Advising and supporting managers in planning and implementing the staffing aspects of organisational change
- Providing reasonable guidance, support and advice to employees
- Notifying the Department for Business, Innovation and Skills (BIS) if it is proposing to make more than 20 employees redundant at any site within a 90 day period. This is a legal requirement and must be completed at least 30 days in advance of the first dismissal and at least 45 days in advance for 100 or more employees.

Trade Union

In respect of employees for whom the Company recognises Trade Unions:

- Responding to management consultation on organisational changes
- Supporting their members collectively throughout the process as requested
- Supporting individual trade union members on request at informal and formal meetings to discuss changes to terms and conditions and/or potential redundancy

5. Consultation

All employees identified as potentially being affected by the proposed changes will be invited to attend a meeting to inform them of the situation and the Company's proposals. At this stage they will be given a letter outlining the background to the situation, the proposed changes and the rationale behind them, and the proposed time scales. Staff will be invited to discuss and fully explore any ideas and views they may have on the Company's proposals.

The purpose of consultation will be:

- to receive and where possible address any questions on the proposal
- to listen to and consider any comments or views on the Company's proposal including any alternative proposals

- to clarify any change processes and timeframes specific to the proposed organisational change

Whilst it is not necessary for all parties to reach agreement on these proposals, consultation will be undertaken in good faith with a view to reaching agreement.

All staff within the scope of the exercise will be offered the opportunity of group and/or individual meetings to discuss any views or ideas they may have, and also to discuss the implications on them as individuals.

The length of the consultation period will vary depending on the particular circumstances, but must be reasonable given the nature of the changes being considered. In any event the consultation period will comply with any statutory requirements.

6. TUPE

Consultation under Transfer of Undertakings (Protection of Employment) Regulations (TUPE) 2006 must take place 'in good time', and these regulations provide employment protection to employees as the result of a transfer of a business or part of a business. Employees and their representatives have a right to be informed about the prospect of a transfer and to be consulted about any measures to be taken to affect the transfer.

Where it is envisaged that the work of a service or team may be transferred (to a contractor or any other employer), the manager must contact HR immediately to ensure that consultation on the potential transfer takes place in accordance with the Regulations.

Likewise, where work may be 'transferred in' from a contractor or another employer as a result of organisational change, HR advice must be sought immediately.

7. Avoiding Redundancy

The prospect of redundancy will be avoided wherever possible through the forward planning of service needs, and through consideration of measures to avoid redundancies, including:

- Reducing / restricting external recruitment
- Secondments
- Consideration of early retirement
- Review use of agency staff
- Reduction/ elimination of overtime
- Specific recruitment measures e.g. use of short-term contracts
- Retraining and redeployment of employees potentially at risk

8. Redundancy

Organisational change will be managed to minimise the adverse impact on individual employees, including redundancy, as far as practicable.

Any redundancies which do occur will be handled in accordance with statutory obligations, and in a responsible, fair manner. Selection for redundancy will be on the basis of objective criteria which do not unfairly discriminate against individuals.

No notice of dismissal on grounds of compulsory redundancy will be issued until

- Full consultation has occurred with individual employees and trade unions where appropriate
- All other options to avoid the need for compulsory redundancy have been exhausted
- Approval for costs has been secured

In some cases organisational change may result in one or more employees being placed at risk of redundancy. Redundancy will only arise if one (or more) of the following statutory definitions of redundancy is satisfied.

- a) "The fact that the employer has ceased, or intends to cease the business for the purposes of which the employee is or was employed, or has ceased, or intends to cease, to carry on that business in the place where the employee is or was so employed".
- b) "The fact that the requirements of that business for the employees to carry out the work of a particular kind in the place where he/she is or was so employed, have ceased or diminished or are expected to cease or diminish".

9. Appointment to a new staffing structure

The movement of employees from an 'old' to a 'new' structure should be achieved as effectively as possible through the quick and fair identification of job matches, slotting in, and ring fence recruitment.

The Company will seek to redeploy employees at risk of redundancy wherever possible.

Job matches will be assessed on the basis of the similarity of:

- job purpose and status
- job content (including the proportion of time spent on different aspects of the role)
- level and breadth of responsibility
- skills and experience required

Where an employee, after review, has been identified as not having the necessary skills and experience to carry out the responsibilities of the new role, and could not have achieved them after reasonable training, there should be no job match to the new post.

9.1 Selection process

If compulsory measures are required, employees will be selected on a fair, consistent, objective and non-discriminatory basis.

Selection criteria will be decided upon by the line Manager and HR Manager and notified to employees and employee reps/unions, if involved. These will relate specifically to the situation or areas of work where the redundancies are occurring. Examples of selection criteria that could be used include:

- Skills, aptitude and experience required for the new roles

- Standard of work performance, where this can be objectively assessed
- Attendance record
- Disciplinary record
- Qualifications and Training
- Potential of employee to adapt and retrain should this be offered
- Appraisal grades

Employees within the pool will be assessed against the agreed criteria and those who are selected to be placed at risk of redundancy will be identified. These individuals will then be notified on an individual basis, and a period of individual consultation will commence.

Ring-fence recruitment

Ring-fence recruitment is the process of appointing to one or more specified posts from within a group of employees who fall within a 'ring fence'. The ring fence will include those employees who are vulnerable to redundancy in a particular reorganisation if their existing posts are deleted. No recruitment from outside the ring fence will take place until the ring fence recruitment process has been completed.

- Where there is only one applicant for a post, the manager will conduct an informal interview to ascertain that the applicant meets the person specification criteria, or could do within a reasonable timescale given appropriate support. Notes of the meeting should be kept.
- Where there are two or more applicants for a post, the manager will carry out a more formal selection process which will include competitive interviews and may include selection tests.

Statutory Trial Periods

Statutory trial periods only apply where an employee is under notice of redundancy. An employee under notice of redundancy may be offered a position on different contractual terms under a statutory trial period. The trial period will last for four calendar weeks from the notified date of termination of employment by reason of redundancy (the period may be extended for training purposes only).

The offer of a statutory trial period must be made in writing before the termination date and during the notice period and specify the following:

- the job title and type of work; the location of the new job; the hours of work
- the length of the trial period and any arrangements for training
- details of entitlement to a redundancy payment if appropriate
- details of any salary protection if the appointment is confirmed
- the fact that confirmation of appointment is subject to satisfactory completion of the trial period by the employee

If the employee or Viapath decide that the trial period has not been a success the employment will be terminated and the employee will receive the redundancy payment originally due on the termination date set out before the trial period was agreed.

If the employee and Viapath agree that the trial period has been successful the employee will be employed on the contractual conditions for that post.

10. Redeployment

Redeployment support for individual employees should start as soon as reasonably practicable after they have been identified as at risk of redundancy. All reasonable steps will be taken to achieve redeployment for employees who can no longer continue in their present job role for reasons outside their control.

Redeployment will normally be permanent alternative employment commensurate with the employee's experience, skills and abilities and, where practicable and appropriate, at a status and level of remuneration comparable with the former position.

Termination of employment due to redundancy will be a last resort, with the aim being to retain valuable expertise wherever possible and to minimise costs of redundancy.

Efforts to secure redeployment will be carried out in conjunction with the employee to minimise the distress and adverse impact of change.

Employees who are risk of redundancy who refuse an offer of suitable alternative employment will not be entitled to a redundancy payment.

Reasonable additional training, mentoring or other support (such as opportunities to work shadow) will be provided where this will assist in successful redeployment to another role.

10.1 Time off to look for work or arrange training

Employees facing redundancy are allowed reasonable paid time off to look for alternative employment or arrange/ attend training.

10.2 Voluntary Consideration

Decisions on whether or not to accept volunteers for redundancy will be made by the General Manager and HR Director. Various factors including but not limited to the requirement to maintain a viable employee establishment and the cost of any termination payment will be taken into account. Any volunteer accepted, will be given a detailed estimate of the redundancy payment they would receive before finally committing themselves to redundancy.

10.3 Appeals

Employees who have been selected for and given notice of compulsory redundancy have the right to appeal against their selection. Any such appeal should be made in writing, to the manager within 5 working days of receiving the formal redundancy notice, and must state clearly the grounds for appeal.

Appeals will be heard by a manager and a member of the HR Department, who have not been previously involved in the change and consultation process, usually within 2 weeks of the appeal being made. The employee has the right to be accompanied by a trade union representative, employee representative or work colleague not acting in a legal capacity.

The decision of the manager hearing the appeal will be final.

10.4 Employee Support

Employees who are formally at risk of redundancy will be given support to apply for other internal vacancies.

Additionally they will have access to the Viapath Employee Assistance Programme, contactable on 0800 048 2702. Please refer to Appendix 3.

Appendix 1 - Consultation checklist for managers

This checklist list is a management guide and not a policy requirement.

1. Assess need for change and the most appropriate method of achieving it
2. Develop draft outline proposals and rationale for change and discuss with HR
3. Arrange to meet representatives of relevant recognised trade unions, if applicable, to explain and consult upon draft outline proposals
4. Receive initial comments/views from staff and unions, if applicable, and respond in writing
5. Prepare detailed draft proposals including:
 - Rationale for the proposal
 - Structure charts ('old' and 'new')
 - Job descriptions for new/changed posts (this is a key aspect and managers should seek advice from HR)
 - Arrangements for appointment to new/changed posts
 - Timetable for change
 - Financial implications
6. Arrange consultation meeting(s) with potentially affected employees to explain draft detailed proposals as set out above.
7. Provide all potentially affected employees and relevant trade union representatives if applicable with a copy of the draft detailed proposals.
8. If applicable, invite representatives of relevant recognised trade unions to attend the consultation meeting, and to address employees separately after the management meeting if requested.
9. Allow the affected employees, and their trade union(s) if applicable, reasonable time to formulate and formally put forward any alternative proposals for consideration if they wish
10. Offer employees one-to-one meetings.
11. Receive any comments arising from employee consultation submitted by employees/trade union representatives in writing or in person

12. Confirm management response to comments, including feedback received at consultation meetings, in writing to all potentially affected staff and trade unions, either:

- Giving reasons for rejecting any alternative proposals if necessary, or
- Offering to consult further with trade unions, where applicable, and employees as necessary with a view to seeking agreement for the proposed changes

13. Arrange to meet employees, with their trade union representatives if applicable, to provide feedback on consultation in addition to the written response

14. Develop final structures, job descriptions, implementation plan, recruitment/ring fence arrangements and timescales, taking into account the outcome of the consultation process

15. Confirm in writing the final restructuring proposals to all potentially affected staff and, if applicable, trade union representatives

16. Arrange individual meetings with affected employees to explain the personal impact of the proposals (this may take place earlier if appropriate)

17. Implement proposals in accordance with Organisational Change Policy-

Appendix 2 – Viapath Employee Assistance Programme Information

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