Managing Changes to Staffing Structures

Toolkit

Warwickshire County Council

Contents

1. Introduction

The purpose of the Managing Changes to Staffing Structures Toolkit is to provide managers with information, support and guidance to assist in leading the change process effectively and with confidence.

This Toolkit seeks to provide insight into what change management is, the change cycle, considerations to be made regarding options, costs and potential savings that change could bring, the process and impact of change and key contacts for managers to be aware of when implementing any business changes. Managers are encouraged to think through the impact of change on individuals as well as the organisation as a whole.

It is important to note that this Toolkit does not replace existing WCC procedures or agreement.

2. What is Change Management and why it is necessary?

Market changes, increased competition and customer demand, change in employment legislation and change in technology are a few reasons why change becomes a constant feature in most organisations today.

Change Management is a process undertaken by employers who wish to implement business changes including restructuring, downsizing and redundancy situations, changes in line management and the relocation of services/teams. These changes could be implemented on a permanent or short term basis and may include changes to existing terms and conditions, implied contractual terms or working practices.

Organisations are legally obliged to consult with staff on any proposed change(s) that alter existing terms and conditions of employment. Generally, these types of changes take the form of restructures, re-organisation of teams including reconfiguring of job roles, cultural changes or TUPE (Transfer of Undertaking Protection of Employment) transfers.

A change process requires careful planning for successful implementation and includes a period of consultation with trade unions and employees regarding the proposed impact on employees.

The legal obligations placed upon an organisation mean that we need to ensure that:

- The change is as a result of a business reason.
- Staff have been properly consulted regarding the proposed change(s) in terms and conditions.
- They have acted 'reasonably' in enforcing proposed changes on employees (if necessary).

It is therefore imperative that managers ensure careful consideration and effective communication of any change management undertaken, bearing in mind the above obligations.

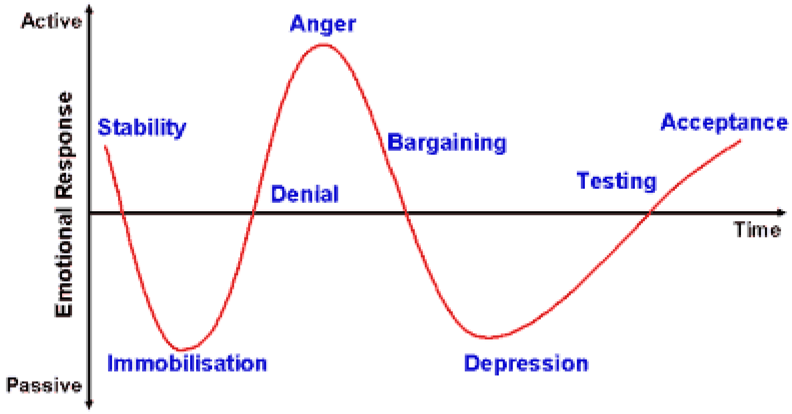
3. The Impact of Change - Change Cycle

In addition to the legal obligations placed upon organisations, managing change can often present an emotional and stressful challenge for both staff and managers. For managers, this stress may relate to the pressure of wanting to successfully implement the proposed change with as little disruption to the business and the least contention from trade unions and staff as possible.

For staff, the stress may be related to the potential impacts of the proposed change on their livelihood, or the ability to do their job in the future. The way that individuals respond to change has been well researched and has resulted in evidence to support that people pass through a cycle of emotions as they deal with change and its consequences. This cycle has been known to be termed as a 'Rollercoaster' and is diagrammatically described as outlined below:

The initial emotional state of staff before the proposed change is generally stable, i.e. all things are fine as is. There may be a view that change is not needed.

As soon as the proposal for change is presented, staff will tend to move through the cycle as follows:



Immobilisation: This is the initial feeling of being 'stunned' and may last for a just a moment or continue for some time.

Denial: Staff who disagree with any aspect of the change will spend longer in denial than those who see change as positive. Typically, those in denial will behave as if nothing has changed or is going to change.

Anger: Although anger can be expressed in a number of ways, in the context of the change cycle, it signifies that people have acknowledged the change.

Bargaining: Impacts of the change have been recognised and people begin to consider alternatives. Depression: Nostalgia for the old ways of doing things and old relationships takes hold. Where radical change has taken place, this phase may take a long time to pass.

Testing: Staff buy in to the change and start challenging and testing the change under different scenarios.

Acceptance: Change is beginning to be embedded and stability starting to set in.
It is important to note that while the above tends to be the general cycle that individuals will go through during times of change, the rate of movement will vary per individual as people will be on their own journey of accepting/resisting change.

Monitoring movement of your team members throughout the change process will ensure that as their manager, you are better equipped and able to effectively manage their expectations, state of being and ultimately acceptance of the change.

Another key aspect to bear in mind when managing change is that there will often be members of your team that will be positive about the change or that will move through the change cycle relatively quickly. These staff can be extremely instrumental in aiding the positive implementation of the change and can become agents of change in the team. Being aware of your likely change agents could be a significant asset in ensuring a smoother transition.

4. Exploring Options and Understanding Impacts of Change

Change in organisations can take various forms including:
1. Restructures of teams incorporating deletions of posts within structures
2. Redesign of job roles
3. Implementation of new roles
4. Changes in line management
5. Changes to working practices, ways of working and/or location
6. TUPE transfers to/from an external organisation.

In exploring which option is best suited to managing your change most effectively, it is important that you have considered what your desired outcome should be and what the likely impact and consequences are. At this point it would be advisable to have an initial discussion with your HR Business Partner.

Below are aspects to consider and actions to take when determining which form of change is best suited to your situation:

- Establish a good view of your existing staff team profile, i.e. length of service, age profile, types of skill sets available, review job roles to establish those that are required versus those that may not be required in the future (if any).
- Where you have identified potential roles at risk of redundancy, establish likely redundancy costs, with particular attention to any pension cost implications for staff.
- If likely to deliver cost savings longer term, you may consider the possibility of shifting the work undertaken by your team to an external service provider. Should this be a potential option, consider whether or not the proposed changes will result in the current work that your team is responsible for remaining the same or changing significantly.
- Consider the health, safety and wellbeing risk(s) that the new service provision would present and how those risk(s) will be reduced as low as possible (please note, this will enable any health and safety aspects to be considered at this planning stage and accounted for when considering the preferred service delivery option going forward).
- Finally, you must consider an equality impact assessment for your desired changes; both from the service perspective and staffing implications.

At the end of this exercise, you would have a relatively clear view of the likely impacts of the change on your team as well as the organisation.

5. Cost Implications

Now that you have considered which form of change is best suited to your needs, it is important to establish the likely cost implications. The end result of this stage in the process is to weigh up whether implementing this change is worthwhile when considering the cost versus savings implications, as well as the impact upon individuals and the potential political repercussions (if any) that the change may bring. You may find that your savings will need to be realised over the longer term rather than immediately.

The following are cost factors likely to impact on your proposal:

- Redundancy Costs – this will vary amongst staff as it takes into account years' service at any Local Government service or any organisation subject to the Redundancy Modification Order, as well as age of the staff member at the time of the proposed. Estimated costs can be established via your HR Advisor.

- Pension Costs – staff at risk of redundancy will need to be aware of any likely pension implications for them; some of which (if aged 55 or over) may have a significant cost implication for the organisation. These costs can be particularly high for staff approaching pensionable age and relate to the charge for staff accessing the scheme earlier than their normal retirement age. The estimated cost implications can be established via your HR Advisor.

- Salary Costs – additional salary costs may arise from the redesign, and consequently, the re-evaluation of job roles as part of a service reorganisation and therefore would need factoring in.

- Disturbance Allowance – where staff are required to change their work base as a result of the change, and the increased travel is more than 4 miles (one way) between the new and old base of work, then staff will be compensated for the increased mileage for a period of up to 3 years.

- Salary Protection – There may be occasions where staff at risk of redundancy apply for and are selected for jobs that are one grade lower than their previous roles. In these circumstances, should the staff member be successful in attaining that job, they may attract salary protection at their current rate where it is in the efficient and effective interests of the business operation (seek guidance from your HRA/HRBP).

Reviewing the above potential costs may have a significant impact on your initially expected savings. Understanding the options available to you and cost implications may mean the difference between going ahead with the proposed changes or seeking alternatives. It will also allow a clearer view on whether or not your savings may be realised immediately or in the longer term. Liaising with both Finance and HR colleagues in establishing the above will be key to establishing the true impact of any anticipated change.

6. The Process of Change

The implementation of changes that affect the terms and conditions of employment for staff can be very complex and contentious. In order to ensure as little disruption, and as much participation and acceptance as possible, it is useful to understand and act on each stage of the process flow which is outlined below.

Whilst the lead role for the change process will rest with the manager, support and advice is available from the HR&OD Service. A model change management process can be found in Appendix 1 and the Managing Changes to Staffing Structures: The Essentials outlines the three key phases, the Design Phase, the Consultation Phase and the Implementation Phase.

a. Key Stakeholders and Change Management Consultation Group

Involving the key stakeholders at the earliest opportunity during the change process is important. Dependent upon the nature of the proposed change, this may include customers, service users, external and/or partner organisations.

When identifying who your key stakeholders should be, you may also want to consider who you will need to ensure an effective implementation of the proposed change. It is important to be mindful of avoiding any potential conflicts of interest.

Key stakeholders to help you through the change management process will include your HR Business Partner and HR Advisor, and your Finance Officer, and could also include Legal Services, Health, Safety & Wellbeing Service, the Learning & Organisational Development team, and trade union and professional association representatives. The extent to the involvement of all of these will depend upon the size and nature of the proposed change.

b. Preparing a Business Case

1. Business Rationale
As a manager it is your responsibility to manage the change and to be clear about what you are consulting upon. By now, you would have already explored options and cost implications as outlined above. What remains is for you to prepare a business case document which outlines the rationale and strategy for the change that you are proposing, and can include:

1. The needs of the business / service delivery imperative.
2. The financial implications.
3. The risks involved (remembering to consider health, safety and wellbeing risks as this stage).
4. The potential impact on staff
5. Who the key stakeholders are
6. The potential impact on service delivery that the change will bring.
7. Resources required.
8. Actions to take to remedy the identified implications/risks/impacts

You will need to be clear about the process of sign off within your Group.
Your business case will need to be signed off by the respective Heads of Service and / or Director and / or presented to Cabinet for final sign-off (whichever is applicable).

Where you may be proposing potential redundancies, sign off is required by the respective Portfolio Holders, Party Spokespersons and the Director of Resources. To assist you with understanding who you should gain sign-off from, please contact your Assistant Director. Your HR Business Partner will assist you with the business case process.

2. Basic Template for Business Case – Key Questions
A template that lists some key questions to consider when completing the business case can be found in Appendix 7.

3. Staff Communication
In preparation for these discussions with your key stakeholders, it is advised that you use the basis of your business case to develop a staff consultation communication that outlines the impact of the changes on staff, as well as includes the change management process details.
A template change management consultation document can be found at Appendix 2.

c. The Communication Plan

In addition to the legislative requirement to consult on change, good two-way communication can help build the psychological contract, in which employees feel engaged and valued by their employer. Enhanced employee commitment should in turn lead to improved work performance, morale, a reduction in staff turnover, and make it easier to recruit good employees because the employer has a positive image.

Furthermore, the County Council's commitment to the Investors in People standard places a priority on communication – for example managers must be able to *"describe how they involve people when developing the organisation's business plan, and when agreeing team and individual objectives."*

An effective way of ensuring that your changes are communicated effectively with your stakeholders is to ensure that you have a communications and engagement plan that sets out the stakeholders that need to be consulted with, and the method and frequency of the communication.

For changes that will impact upon staff, it is necessary to involve the recognised trade unions, i.e. Unison, Unite and GMB, and trade union representatives can play a key part in the communication of the changes.

d. Consultation Implementation

The formal consultation process for any change should commence at the earliest possible opportunity with all staff and stakeholders affected including the appropriate trade unions. Managers should engage the help and expertise of their HR Business Partner, HR Advisor, trade union representative(s) and Finance Officer as soon as possible.

From a statutory perspective, the minimum period for formal collective consultation when making more than 100 redundancies is 45 days from when consultation commences to the first redundancy taking effect. In most cases the actual period of consultation will be 30 days but can be less providing consultation is meaningful and the consultation period plus the notice is at least 45 days.

Trade Union Consultation

Ensuring consultation and clarity of your business case to trade union representatives is of utmost importance, since a lack of this may result in difficulty in effectively implementing the changes you propose. It can, on occasions, be helpful to have an informal discussion with trade unions colleagues prior to any formal mechanisms in order to include them at the outset and to inform them of the proposals. Your HR Business Partner will assist you with this.

Within Warwickshire County Council, the recognised trade unions are Unison, GMB and Unite. A Joint Consultative Committee (JCC) is in place, and is an opportunity for trade unions representatives and senior managers to gain an overview of planned change programmes across the whole organisation.

Similarly, there are consultation mechanisms at Directorate level and, consequently, you are advised to check with your Assistant Director / Manager or your HR Business Partner as to whether your change programme should be discussed at the Directorateor County-wide JCC.

A letter providing potential notice of redundancy and consultation, described as a *"Section 188"* (s188) letter, must also be sent to the recognised trade unions. Please consult your HR Advisor who will assist in drafting and issuing this letter. A template Section188 – Notification of potential redundancies letter can be found in Appendix 3.

Aside from the formal mechanisms mentioned above, it is good practice that informal discussions with trade union representatives, regarding for example the business case, selection pool, selection criteria and formal mechanisms to facilitate change, take place at the earliest opportunity while the change proposals are at the formative stage as they can provide valuable experience and input into the process.

Staff Consultation

Staff should receive advance notification of a consultation process, including date and time of briefing session, and information on the proposals to be put forward. Always remember to include those staff who are absent for any reason and ensure that if anyone is unable to attend the consultation meetings, that they are informed, kept updated and continue to be invited to future meetings. Trade union representatives must be invited to attend consultation meetings.

It is important to ensure that comments and contributions that are received from the stakeholders during the consultation period are given due consideration and that any outcome(s) is duly responded to.

e. Implementing the change

It is common practice to implement a phased or tiered approach to change. This is particularly useful where a change in structure is required as it will allow managers to become involved in leading the change in planned phases. The approach should be discussed and agreed with the trade unions and other stakeholders.

When implementing a structural change you would need to compare the existing structure with the proposed structure. In so doing, you will identify:

- Posts to be deleted from the structure
- Posts that remain unchanged
- Posts that are new or different

This process also allows managers to identify which employees are to be displaced and potentially eventually 'at risk' of being in a redundancy situation. It is important to discuss this approach with your HR Business Partner.

Those employees who will be displaced must receive a letter to formally consult with them on the:

1. Reasons for the structural change
2. Proposed structure
3. Selection process to be used
4. Means by which potential redundancies will be avoided, if possible. (relevant timescale).

f. The Selection Process

Where new posts are being implemented, or staff are identified as being displaced, it is important to consider how to assimilate people into posts within the structure. Before commencing the processes outlined in (1) and (2) below, it is highly recommended that you look at the contractual arrangements of the staff concerned, such as staff on maternity leave, fixed-term contracts, acting-up arrangements, secondments, part time working etc, and considering any implications of staff on long term sickness absence and then consider the implications of the proposed process for each individual.

Depending on the prevailing circumstances, the selection process can take a variety of forms as outlined below:

1. The 'slot-in' process

Where staff are displaced and/or a new post is implemented, there are two critical judgements to be made in this part of the process:

a. Is there an existing or new post in the new structure which is broadly comparable with the employee's existing post?
b. Is that employee the only displaced person whose old post is broadly comparable with the new post?

If the answer to both questions is yes, then that individual will have a good case for being 'slotted-in' to the new post and structure. Guidance notes on the 'slot-in' process can be found at Appendix 4.

To determine whether the new job is a definite 'slot-in' would require the manager and staff member to go through the duties / responsibilities of the new job profile and determine whether there is at least a 70% match to the old job profile or job responsibilities. The staff member can submit supportive information. Where the similarities between the old and new jobs are less than 70% a competitive process would apply. The suggested process for recording and deciding on a 'slot-in' as well as the guidance notes for this process can be found at Appendix 5 and 5a respectively.

2. Ring Fencing

In situations where the number of posts is decreasing, there may be more people who can claim 'slot-in' than there are posts. In this situation, a slot-in will not be appropriate and the affected employees will need to compete, on a ring fenced basis, for new and / or existing posts in the new structure. The method will normally take the form of an assessment process. For information relating to the effective design and facilitation of skills assessments, including the competency based interview process; your HR Business Partner will assist you.

The composition of the ring fence will depend on several of the following factors:

- That displaced employees are able to compete for posts within the new structure, protecting salary levels as far as is possible.

- In a phased approach, the ring fence will be limited to those employees displaced in each phase of the restructure/ change, and may include those displaced from an earlier phase where appropriate.

- It is best practice to run skills assessments and competency based interviews for ring fenced employees, allowing them the opportunity to compete fairly by demonstrating their ability to do the job for the posts as defined in the person specification. 'Competency' is defined as the behaviours that employees must have, or must acquire, to input into a situation in order to achieve high levels of performance.

The above approach supports a transparent selection, is robust in any defence where challenged, and has been proven to mitigate against grievances being raised as individuals are informed and engaged with the process.

If interviews are the only tool for selection, then there must be an agreed assessment mechanism which is competency based and is able to be scored and evidenced.

An appeal process must be included to address contention which employees may have related to final decisions around placement in posts. See Appeal process information.

3. Skill Assessment and Competency Based Interviews (Assessment Centres)

In developing appropriate mechanisms for selection for role displacement and redundancy, consideration must be given to what is fair and reasonable. Skills assessment and competency based interviews are predominately used for this type of activity and are considered to be best practice in the market place. Your HR Business Partner will assist you on this. In taking this approach, the range of exercises used must always be appropriate to the level and complexity of the post in question, and reflect the nature of the work carried out.

An Assessment Centre is the name commonly given to a selection process that involves one or more exercises and can include a traditional competency based interview, presentations, psychometric assessments, in-tray or desk top exercises.

The Assessment Centre is constructed around the criteria set out in the person specification and should ensure that the tasks are mapped against the job description and person specification. It is extremely important to ensure that all of the criteria set out in the person specification are measurable.

It is useful to note that the Assessment Centre has a dual purpose. It can provide a baseline set of information on each candidate to inform the decision-making process, and can also provide detailed information for a future development plan in the role.

4. Selection Criteria

In circumstances where you would need to downsize an existing team significantly, it may be useful to use selection criteria as a way to achieve your objective. This process is most useful when the staff affected are all doing the same job and the number of the same or similar available jobs in the new structure are significantly reduced. The fairest way to do this may be through identifying selection criteria that all staff are measured against consistently and that will attract scores. The idea is that the staff that get the highest number of scores would be ring fenced for the roles that will exist in the new structure.

It is always useful to agree and consult on the potential selection criteria with the respective trade union representatives, since the use of selection criteria can potentially be discriminatory when applied. Examples of selection criteria include performance, qualifications, skills and experience. To consider which selection criteria may be most appropriate please contact your HR Business Partner.

g. Selection Outcome(s)

As a robust and evidence based process, the skills assessment and competency based interviews should result in either a successful appointment(s) being made, or the need to consider the next steps to be taken.

It may be appropriate to appoint the employee into the role being assessed, even where there is a skills gap, if it is identified through an assessment process that the employee has the potential to develop into the role in the foreseeable future. In these situations, it is essential that a robust development plan is discussed and agreed with the employee, including a realistic timeframe for development.

Alternatively, the employee(s) may not demonstrate the appropriate skills to carry out the role and may not demonstrate the capability or the will to develop into the role. In these circumstances, the manager must discuss the situation sensitively and supportively with the employee(s) in question. It may still be appropriate to discuss and agree a development plan to assist with the redeployment process.

In addition to the above, the result of a slot-in or ring fenced recruitment process can provide a range of possible outcomes to include:-

- Vacant posts within the structure are filled and subsequent phases of the restructure can commence
- Some posts remain unfilled, and consideration can be given to a wider recruitment process which could include an external focus
- One or more employees do not obtain a post in the new structure and therefore are considered to be displaced and 'at risk' of redundancy.

<u>Appeals</u>

To ensure a fair and transparent process of change management, it is important that staff dissatisfied with the process outcomes, or feel that the WCC policies and procedures have not been followed, have the right to appeal any decision.

In order to do this, staff are asked to outline their appeal in writing, clarifying the grounds for the appeal. The general principles related to the appeal process are as follows:

- Staff may be accompanied by a trade union representative or a work colleague.
- There will be an opportunity to set out why they consider that the decision made was wrong.
- There will be an opportunity for you as manager to set out the reasons for the decision.
- There will be an opportunity for the appeal chair to ask questions both to you and staff member in order to seek clarification
- The appeal chair will retire to reach a decision which will be communicated in writing.
- The appeal must be made within 14 days of the decision communicated to staff.

h. Redeployment / Redundancy

Any employees who become "at risk" of being in a redundancy situation will be supported in seeking suitable alternative employment through the County Council's Redeployment Procedure. The suitability of the alternative post would depend on whether any change with respect to pay, hours of work and location, for example, are deemed reasonable by both the employer and employee.

Your HR Advisor will work with you in relation to the redeployment process for staff. Full details of the Redeployment Procedure can be found at https://i.warwickshire.gov.uk/content/redeployment/redeployment and further information about leaving the County Council is at Appendix 8.

7. Embedding Change

Next step for you as the manager is to ensure that the change is embedded. To do this you will need to be aware of the development and support needs of members of your team and address these at the earliest opportunity. This could take the form of allowing the grieving process that is associated with losing colleagues through redundancy (if applicable), providing learning interventions, team building sessions, resilience/wellbeing sessions or coaching for example.

In addition to embedding change with the remaining team, you would also need to ensure that the members of your team at risk of being in a redundancy situation are also provided the appropriate support as required. Staff will have different needs so you would need to establish what these are. Some examples of support to staff at risk of redundancy could be providing access to mentoring or training associated with job search, cv writing, interview skills, resilience/your wellbeing sessions, or coping mechanisms to deal with stress associated with the changes imposed. Your HR Business Partner and HR Advisor can help with identifying sources of help and support that are available to staff.

Further information and support can be found at Appendix 6 and outlines the Staff Care Services (provision of counselling support and information) and related contact details. There is also a corporate development programme available for all managers and staff to access further information.

With the loss of staff comes the loss of specialist and organisational knowledge. In order to minimise or overcome this loss, managers are encouraged to think through a range of questions and suggested actions identified in Knowledge Exchange exercise at **Appendix 9.** Not only will this ensure service continuity (where applicable) but can support displaced staff in giving a sense of legacy and recognising the valuable contribution they have made to their service. It can also give others the opportunity for career progression by undertaking new roles and learning new skills.

8. Transfer of Undertaking Protection of Employment (TUPE) Transfer

A TUPE transfer may occur when an organisational decision is taken to cease providing a particular service or function and/ or commission another organisation to provide the service or function. This might be a private sector organisation or a "third sector" organisation, and would mean that the existing staff group (or part) providing the service in question would be subject to a change of employer. This situation can relate to staff transferring both in and out of the County Council.

A change of employer could raise the anxiety of staff regarding their future employment, and the protection of their existing terms and conditions. The Transfer of Undertakings Regulations 1981, as amended in 2006, outlines the right for staff to have protection of terms and conditions of employment in the case of a TUPE Transfer being undertaken.

Whilst there is no time limit associated with the length of time that employees' terms and conditions are protected, it remains the responsibility of the employer to clarify and consult on the reason for any deviation from employees' existing terms and conditions of employment. In order to successfully implement changes in terms and conditions, you would need to ensure that you meet the legal obligations outlined in Section 2 of this Toolkit.

The TUPE Regulations provide that:

- Employees employed by the old employer when the undertaking changes hands automatically become employees of the new employer on the same terms and conditions.

It is as if their contracts of employment had originally been made with the new employer.

- Employers must consult either representatives of the recognised trade union or other elected representatives of affected employees. They should also provide information regarding any measures which the old or new employer intends to take concerning affected employees.
- It is also a requirement that such consultation takes place on any measures that are to be taken.
- Any provision of an agreement (whether a contract of employment or not) is void if it excludes or limits the rights granted under the TUPE Regulations.

There is a requirement to formally consult with the affected staff group and, whilst there is no prescribed timeline within the TUPE Regulations, meaningful consultation should be carried out at the earliest opportunity.

The question as to whether arrangements amount to a transfer under the TUPE regulations can be complex. Furthermore, the TUPE Regulations are the subject of regular revision and their interpretation (via case law) can also impact upon how they impact. If you think TUPE may apply, please consult your HR Business Partner in the first instance.

Appendices

1	Model Change Management Process
2	Change Management Consultation Document Template
3	Section 188 – Notification of Redundancy Letter Template
4	Slot-In Process Guidance Notes
5	Recording Slot-In Decisions (suggested template)
5a	Slot-In Recording Decisions Guidance Notes
6	Staff Care Services
7	Basic Template for Business Case – Key questions
8	Leaving Warwickshire County Council
9	Knowledge Management

APPENDIX 1 – Model Change Management Process

Action	Who's involved	Comments
Prepare and sign off business case	Manager/Assistant Director	
Define key stakeholders and change management consultation group		
Prepare consultation documents; including business case, draft organizational structure, new or revised JD/PS, communications plan and timeline, Equality Impact Assessment	Manager	
Submit JD and JEQ for evaluation and grading (where appropriate)	Manager/HR Advisor	Where roles need to be evaluated, the JEQ will need to be submitted to the corporate grading panel
Consider an initial (informal) meeting with trade union representatives	Manager/HRBP	
Arrange consultation meetings with staff affected and trade union representatives	Manager	
Draft formal Section 188 letter to trade unions	Manager/HR Advisor	
Conduct consultation meetings with staff affected; including business case, impact upon service and staff, proposed structures and plans to achieve the changes	Manager/HRBP	Provide all consultation documentation; JD/PS, communications plan and timeline
Issue signed Section 188 letter to trade unions Place staff 'at risk' where appropriate and complete documentation for redeployment process	HR Advisor HR Advisor	Commencement of the consultation period. NB No notices of redundancy are to be issued before the end of this period
Arrange 121s with staff affected	Manager/HR Advisor	
Consider and respond to any feedback from staff consultation	Manager/HRBP/Trade unions	
Consult with trade unions and agree on assimilation and selection processes (where appropriate)	Manager/HRBP	
Plan selection exercises	Manager/HRBP	Consider ring-fencing and/or slot-in arrangements, full assessment exercises, interview, presentation, psychometrics, selection panel(s), this could include HR, trade union representatives where appropriate
Invite affected staff (where necessary) to express interest in posts with clear application process and deadlines	Manager/HRBP	
Assess expressions of interest and	Selection Panel	

invite to selection process (where appropriate)		
Conduct selection exercise(s)	Selection Panel	
Inform candidates of results of selection process Arrange for displaced staff to be put 'at risk' of redundancy where this has not already been done and is necessary	Selection Panel HR Advisor	
Discussions with any staff who are unsuccessful (if applicable)	Selection Panel/HR Advisor	
Offer right of appeal to unsuccessful candidate(s) against the selection process outcome	Manager/HR Advisor	
Communicate outcomes of the selection process and restructure to wider staff group	Manager/HR Advisor	
Issue redundancy notice to staff (where necessary)	Manager/HR Advisor	
Notify Payroll Team of redundancies (via completion of YourHR leaver forms).	Manager	
Implementing organisational development activities	Manager/HRBP	This may include; embedding new structures, introducing new ways of working, training and re-training
Conduct transfer of knowledge from staff who are leaving / moving to an alternative area of work	Manager	

APPENDIX 2 – Change Management Consultation Document Template

The purpose of this document is to:

- Inform staff of the need for the proposed change,
- Outline the impact that the change will have on staff,
- Clarify the process and timescales applicable for implementation
- Inform staff of the support mechanisms and contacts available to them throughout the process of change.

Key aspects to cover within this document include:

1. Background/ Context
To include information about what the purpose of the team is, how the external market, customers and other factors are affecting the way things are done and what information or analysis has been undertaken to date to better understand the external and internal factors affecting the need to change things going forward.

2. Proposal
This section should follow on from how the scene was set in the background, reinforcing the need to change. It is also important to outline exactly what the proposals are here, e.g. closure of services, TUPE transfers, redundancies, reconfiguring job roles, change in team structures, etc.

3. Impact on staff
The impact on individual roles should be spelt out here and should relate and be specified as roles not named people. If this is not possible then staff should be informed of the process to be undertaken to get to individual impacts (if required). This section should outline options available for the affected staff, for e.g. would slot in or ring fencing apply, would redeployment pool be initiated immediately, are there posts that are deemed suitable alternatives immediately available within the team, etc.

4. Implementation process
In this section you would outline the plan for consultation and implementation including practicalities of the process of selection or redeployment. This should include timescales for the entire consultation process and how staff can provide feedback to management. It should also clearly state when the consultation process would end and what will happen thereafter.

5. Support
As well as gaining support from you as their manager, staff may contact their trade union representative for support as well as being able to access Staff Care Services (see information in Appendix 6) and also see point 5 in Appendix 8.

APPENDIX 3 – Section 188 ('s188') – Notification of Redundancy Letter Template

To: Insert Trade Union Branch Secretary details

Dear

NOTIFICATION OF POTENTIAL REDUNDANCIES

In accordance with s188 of the Trade Union & Labour Relations (Consolidation) Act 1992, I write to consult on potential redundancies, which it is envisaged may arise in the team / service of the Division.

The background to this proposal is .(e.g. As a result of funding reductions in the 2009/10 budget, it is not possible for the Division to continue to carry out all the functions it did in previous years. After considerable consideration of the priorities of the service, we have decided on a number of ways of reducing costs so that we can continue to focus on our main responsibilities while ensuring
that we can set a balanced budget. Along with a number of other cost-cutting actions, it has been decided to end the work of the an set

This will mean that up to posts many be made redundant, as follows:

The selection process and criteria that is proposed is as follows:

There are currently staff employed in the service (include agency staff). It is anticipated that the reductions will be secured within the period (insert date).

The County Council's redeployment procedure will be available to all members of staff affected and we aim to mitigate the number of redundancies. However, if we have been unable to find alternative employment by (insert date) staff will receive contractual notice of the termination of their contracts.

Any employee whose employment is terminated on the grounds of redundancy will receive a compensation payment in accordance with the scheme agreed by the County Council. In addition, if an employee is aged 55 or older, is currently contributing to the Local Government Pension Scheme (LGPS), and has been for three months or more, or has a transfer value credited to their LGPS record, they will, in accordance with the Local Government Pension Scheme Regulations, receive immediate access to pension benefits.

I hope we are able to work together to find ways to mitigate the circumstances for the members of staff concerned, and your support and involvement in helping managing this difficult process is greatly appreciated. Please do not hesitate to contact me if you require any further information or clarification.

I should be grateful if you would please let me have any representations you wish to make on these proposals, in terms of avoiding or reducing the redundancies or mitigating the consequences by no later than insert date. Alternatively, if you would like to meet to discuss the above, please let me know within the next few days, so that we can set up a meeting at the earliest opportunity.

Assistant Director

APPENDIX 4 – Slot-In Process Guidance Notes

The process of slotting-in allows an individual to claim possession of a post within a new structure. This will be possible where the post in the new structure is the same or similar to the post the employee currently undertakes in the old structure.

Where the post is similar, the job description will remain broadly unchanged, apart from minor changes. As a guide, 70% of the role will remain unchanged. Generally speaking, the following have been recognised as relevant dimensions in addition to the job description comparison, although these are general principles only, and are not an exhaustive list:

- Level and type of responsibility
- Nature of service provided
- Target service user group
- Geographical patch

A post holder should be immediately able to recognise the post in the new structure as being "theirs." By definition, unless the number of posts has reduced, there should be no competition for a slot-in.

Management will organise the slot in process, however, the employee can contribute to this by supporting their own case for a slot in. To do this they will need to assess the new job description against the role they are currently carrying out.

If there is no current job description, or the current job description is out of date, an outline of the existing duties of the job should be presented and considered. As previously stated this will normally take the form of a written case to be considered by a slot-in panel.

The slot-in panel will comprise a group of managers who will consider the points presented by the individual, together with their own knowledge of the previous structure.

The slot in process does not consider the ability or competence of the person to undertake the role. This stage is purely about identifying those people whose jobs remain largely unchanged in the new structure.

Managers involved in this process should ensure sufficient time is taken to enable staff to consider the slot-in decision and, where appropriate, are given the opportunity to appeal against the decision made by the panel.

APPENDIX 5 – Suggested Template for Recording Slot-In Decisions

Slot-In Decision Process

NEW JOB PROFILE DUTIES	COMMENTS	SCORES
Cut and paste the duties from the new job description into here	For each duty contained within the job description, consider the findings in this box	
	Where the posts clearly differ, consider how significant the change is. In terms of percentages, how different does this make the post?	
TOTAL SCORE		

Select appropriate decision

SLOT –IN YES NO **COMPETITIVE PROCESS YES NO**

Signed: Date:

Deciding Manager's name:

APPENDIX 5a – Slot-In Recording Decisions

Guidance Notes

Below is an example of how the slot in process could work:

1. Each duty from the <u>new</u> job description should carry a mark for example out of 5.

2. Total the amount of duties there are to calculate the maximum possible score for the post e.g. where there were 10 duties on the job description the maximum score would be out of 50 (5 x 10 = 50)

3. <u>New</u> duties or duties that are considered highly important for the role should carry double the weight as above, e.g. a mark out of 10 instead of 5. Please note that if you do weight any of the duties this will alter the total possible score. e.g if 1 duty out of the 10 is weighted double the total would be out of
55 (5 more than the normal total).

4. At the end of each slot-in application total the scores you have given to candidates.

5. Work out the percentage score e.g. if a candidate scored 40/50 they would have achieved 80%.

6. If the mark is 70% or over the candidate slots-in to that particular role.

7. If the percentage mark is less than 70% candidates should be informed that this will not be an automatic slot-in and that a competitive process will now be implemented. Candidates should also be informed of their right to appeal against the decision.

8. Where there are more eligible slot-in candidates than posts these candidates will be invited to additional assessment processes, for example, a skills assessment, competency based Interview, in tray exercises or psychometric tests, etc. The next stage will be a competitive process for that ring-fenced group.

9. This process should be repeated for all individuals against all the posts in the current phase.

APPENDIX 6 – Staff Care Service: Short-Term Support and Counselling

The Council offer free and confidential access to information, advice and support as part of an Employee Assistance Programme (EAP) delivered by an external independent provider, WorkplaceWellness. The service is free of charge to use and to access the service call the dedicated telephone number (0800 111 6387). (Text phone users dial 18001 followed by 0800 111 6385). WorkplaceWellness is available 24/7, 7 days per week, 365 days per year.

There is also a wealth of useful information for all staff on the EAP online system under Myworklife/Change in the Workplace, which includes areas such as redundancy and retirement.
In addition there is a Support for 'Managers/Managing Change area' on the website with specific information on managing change and also a separate dedicated management support helpline, 0800 1116 385 (9am-6pm Monday to Friday).

www.my-eap.com - organisation code workplacewellness

APPENDIX 7 – Basic Template for Business Case
Key Questions

	Questions
Business Rationale **(Set out the current position and makes clear the reasons behind the proposed changes)**	• Explain where we are • What do we want to achieve? • What is the purpose? • Why are we doing this? • What are we doing already? • How will this be different? • What are the benefits and how does this tie in with the County Council Corporate objectives? • What will the service look like when the change is implemented? • What are the timescales?
Financial Imperatives **(Set out the costs and predicted savings)**	• What are they? • How have we involved the Finance Service? • What kind of financial impact are we likely to see? • What are the costs? • What are the savings?
Risks **(Set out the risks and benefits of the changes)**	• What is the impact on Business customers? • What are the staffing implications? • What are the financial risks? • What are the non-financial risks? • what are the health, safety and wellbeing risk(s)? i.e. during the change programme and for the proposed service change. Have new hazards/risks been introduced? • What are the constraints? • What is the potential impact on service delivery? • What is the impact on the environment? e.g. political what are the benefits how are the identified risks going to be remedied/ reduced as low as possible?

Key Stakeholders **(Set out who is involved/affected by the changes and the plans for consultation and communication)**	• Who are the key stakeholders? • Who will approve it? • Who will influence the success or otherwise of the implementation? • Have we involved the trade unions? • What involvement do Elected Members need to have? • Have all of the key stakeholders all been consulted?

APPENDIX 8 - Leaving Warwickshire County Council

A Brief Guide for Managers of Green Book, Soulbury and Hay Staff

1. Resignation

1.1 When an employee just wants to voluntarily leave WCC, and there is no redundancy or retirement situation, the period of notice which they are required to give is set out in their statement of particulars of employment as follows :-

Scales A - H	4 weeks
Scales I - J	8 weeks
Scale K-Q	12 weeks
Hay / Soulbury	3 months

Both parties may agree to a shorter period if they so wish.

(Note : Different arrangements exist for staff employed on teachers or fire and rescue service terms and conditions. The HR Advisory Team should be contacted for advice in relation to the termination of their employment.)

2 Redundancy and Redeployment

2.1 Any employee whose job is declared redundant and cannot be redeployed, and has at least two years' continuous service (service before the employee's eighteenth birthday does not count) has a statutory entitlement to a redundancy payment if they are not offered or have reasonable grounds to refuse an offer of alternative employment. Put simply, this is based on a number of weeks' pay calculated by reference to age and length of service.

2.2 The County Council can use its discretion to enhance the redundancy payment from the statutory minimum and make it into a severance payment. *(This is a discretionary policy and the County Council reserves the right to change the scheme at any time.)* Details of how this enhancement is calculated and of the requirements for consultation and selection criteria can be found on the intranet page entitled Redundancy

2.3 To assist managers and employees in calculating the severance payment a ready reckoner (msexcel, 186Kb) is available.

2.4 However, wherever practical, all managers should encourage and facilitate the redeployment of employees who are facing the prospect of compulsory redundancy. The Manager's Guide to Redeployment gives guidance on how this can be achieved including how redeployees can be given priority for any vacancies that arise and how temporary pay protection can be deployed in appropriate circumstances.

2.5 Employees should actively seek suitable redeployment opportunities for themselves. The Organisational Change Redeployment FAQs is available to provide support and guidance

2.6 The following are the key elements of the Council's policy in relation to redundancy payments:-

2.6.1 • The County Council will not issue a general invitation to apply for voluntary redundancy but may consider offering it on a selective basis in situations related in the One Organisation Plan to a reduction in staffing levels.

2.6.2 • If the County Council is unable to offer suitable alternative employment, or, in its opinion, an employee has demonstrated reasonable grounds to refuse an offer of alternative employment, then the County Council will exercise its discretion and provide the enhanced severance payment.

2.6.3 • If an employee turns down a first offer of alternative employment, which the County Council in its opinion deems is a suitable alternative, then the enhancement will not apply and the employee will only receive the statutory redundancy payment

2.6.4 • If an employee turns down a second offer of alternative employment which the County Council in its opinion deems is a suitable alternative, then in accordance with section 141 of the Employment Rights Act 2006 the employee will not receive any redundancy payment at all.

2.7 Managers should always refer to the full policy in relation to Redundancy and in particular contact the HR Advisory Service for a) advice on ensuring that the notice periods and statutory requirements are adhered to and b) advice if the employee finds another job before being made redundant.

3. Retirement in a redundancy situation

3.1 If an employee is aged 55 or older, is currently contributing to the Local Government Pension Scheme (LGPS) and has two or more years qualifying service credited to their LGPS record they will, in accordance with the Local Government Pension Scheme Regulations, receive immediate access to pension benefits. (see Early Retirement) if they are made redundant.

3.2 An estimate of the likely pension benefits should be obtained direct from the Pension Service (directly or via your Human Resources Advisor) as soon as possible. However it must be borne in mind that the issuing of estimates will be prioritised for those staff already at risk or subject to firm proposals. For clarity, the County Council has not been able to offer "added years" to enhance retirement / redundancy packages for many years now.

3.3 Managers must make sure that written business cases outlining their proposals are approved by their Assistant Director and Strategic Director. Managers must also obtain the approval of the relevant Portfolio Holder and the Strategic Director (Resources). Their HR Business Partner will be able to give advice on how to do this. Managers must also discuss the proposals with their Finance

Manager so that the source of the funding can be properly identified.

4. Pension following early retirement on grounds of efficiency of service

4.1 When a specific post has not been declared redundant, but it is mutually agreeable for an employee (over the age of 55) to take early retirement i.e. to protect the continued employment of other postholders, they may be offered early retirement on grounds of efficiency of service. This will produce exactly the same pension benefits but no redundancy payment.

4.2 Again, Managers must make sure that written business cases outlining their proposals are approved by their Assistant Director and Strategic Director. Managers must also consult with Members and the Council's Monitoring Officer. Their HR Business Partner will be able to give advice on how to do this. Managers must also discuss the proposals with their Finance Manager so that the source of the funding can be properly identified.

5. Package of Support for Employees

5.1 There is a range of activities available to support employees during the period when they may be 'at risk' of redundancy or potentially affected by future change. This may include a variety of sessions, redundancy support seminars, ICT training and development, workbooks, advice and interactive guidance. Details of this package of support for employees can be found on the Supporting employees at risk of Potential Redundancy and Supporting Staff through Change pages.

6. Re-employment with WCC following redundancy

6.1 It is not discriminatory, within the meaning of the law, to reject a former employee from re-employment with the County Council on the grounds that they have been made redundant and accepted a compensatory payment.

6.2 Accordingly it would normally be deemed inappropriate for an ex-employee, who had been made redundant, to apply to return to the employment of the Council within 6 months of leaving. This would apply to applications for any posts within the Council during that period of time.

6.3 Judgement would need to be made on a case by case basis and advice sought from the HR Advisory Service if exceptional circumstances were thought to exist.

APPENDIX 9 - Knowledge Management

A checklist for Managers

With the loss of staff comes the loss of specialist and organisational knowledge. In order to minimise or overcome this loss managers are encouraged to think through the following questions and implement the suggested actions. Not only will this ensure service continuity (where applicable) but can support displaced staff in giving a sense of legacy and recognising the valuable contribution they have made to their service.

It can also give others the opportunity for career progression by undertaking new roles and learning new skills.

<u>Checklist:</u>

1. The first decision you will probably need to make is whether or not the role which your displaced team member currently holds needs to continue in some way.
2. Ask your staff member to produce a file containing an up-to-date job description, responsibility profile and task list. This should include regular meetings / forums attended as a representative, the systems used and key contacts.
3. Identify which tasks / responsibilities will cease and what impact this will have on other colleagues / services or customers. Link with your Group's Equalities Champion to ascertain the need to undertake an Equality Impact Assessment. Ensure that discussions are held with stakeholders to inform them of any changes.
4. Where responsibilities / tasks remain, ask the current postholder to thoroughly document procedures, including reporting and record keeping systems and schedules, plus manual and electronic files – see the attached 'Knowledge Exchange' pro-forma to help you structure this exercise.
5. Identify who will take on the remaining responsibilities and ensure their job is re-defined to create capacity. Plan time to give opportunities for work shadowing, handover, and mentoring whilst the current member of staff is in post
6. Discuss and agree additional learning and development needs for new responsibilities and set targets for handover.
7. Monitor progress and workloads through regular 1:1 supervision sessions and appraisals.
8. When the current postholder leaves the organisation, give thought to how, or if, you conduct an exit interview. By using the 'Knowledge Exchange' format you may not need to do anything more, but for specific advice please contact your HR Advisory team.
9. Attached is a suggested technique to manage knowledge called 'Knowledge Exchange' and is published by ID&EA.

Knowledge Exchange*

What is a knowledge exchange?

A knowledge exchange takes place when someone is moving on from their current position. It aims to recover unique and valuable information from them before they leave. The knowledge exchange occurs between a knowledge holder and a facilitator. The knowledge holder is the person who is departing. The facilitator is typically a line manager or trusted team member – someone who is close to the leaver and can ensure the questioning is of sufficient depth and relevance. Ideally, the knowledge exchange will also involve the person replacing the knowledge holder or carrying out the tasks they leave behind. They will benefit from any useful tips and knowledge and from asking their own questions.

Why should you use a knowledge exchange?

When staff leave an organisation they take with them the vital knowledge, experience and contacts they have built during their time there. The organisation suffers if this information is not passed on before they leave. Estimates suggest it takes at least six months before a new recruit contributes effectively to the organisation. Including checks of handover notes through the appraisal process protects organisational memory. If a local authority adopted this approach, time and money saved per year would equate to between 10 and 100 posts. Many organisations will already have some informal process in place to capture the knowledge of leavers. However, the best efficiency gains come from a formalised, structured knowledge exchange process.

How to run a knowledge exchange

The methodology we recommend is based on work developed in the public and private sectors by knowledge management experts. It has five steps:

1. Two days prior to the knowledge exchange, the knowledge holder receives a copy of the knowledge exchange questions.

2. The facilitator follows these questions as a guideline, but they are best used as a means to focus on the four key areas of work:

- General
- Key operational information
- People and people skills
- Lessons learned and ‘pattern recognition’

3. Relationship mapping provides an overview of the relationships the knowledge holder has with key contacts in the organisation.

4. The facilitator must then decide the best way to package this knowledge for the organisation. This may include:

- drawing up instructional guidelines
- mapping business processes
- producing a list of useful contact information and relationships

• recording as audio or film some of the knowledge holder’s information.

5. The facilitator may then choose to upload this information onto the team intranet, or save as a standalone file for future reference.

What next?
This process should be included in the performance appraisal process to eliminate risk of loss of knowledge to the organisation when staff leave.

Knowledge Exchange Questions Template

1.0 **General information**

1.1 What do you consider to be the most valuable and/or unique knowledge that you hold in your current role? (Prompts: Do you have any specialisms? Do you hold any valuable knowledge that you would consider hard to replace? Do you hold any knowledge or skills that no one else in your organisation has?)

1.2 What aspects have made the largest contribution to you learning what you know? (Prompts: On-the-job training and work assignments, previous jobs, educational background, mentors, other people.)

2.0 People and people skills

2.1 who are the people you interact with most frequently? You may like to use the Relationship Map to illustrate this. (Prompts: Is there anybody for whom you are the main or only point of contact in your team? Have you thought about internally and externally?)

2.2 Who do you consider are your key contacts, both inside and outside the organisation? (Prompts: Do others on your team know about these? Do you have any useful 'short-cut' contacts who can help you get things done? Do you have a relationship with specific vendors and contractors? Is there anyone you can go to for expert advice, decisions, or permissions? Was anyone particularly helpful / difficult?)

3.0 **Key operational information**

3.1 What are the key factors contributing to the successful carrying out of your job?

3.2 Is there any key documentation that you find particularly useful to your role? (Prompts: Are these readily available to others? Is there anything you feel was missing and would have made your life easier if you had access to? Think about procedures, manuals, software, reference materials, websites, e-newsletters, and subscriptions.)

3.3 Are there any immediate issues specific to your role that in your view need to be urgently resolved? (Prompts: think about any decisions, threats and opportunities.)

3.4 Are there any dormant issues specific to your role that in your view need to be resolved in the longer term? (Prompts: Think about any decisions, threats and opportunities.)

4.0 **Lessons learnt and pattern recognition.**

4.1 In your position, what is generally likely to go wrong, and how do you usually respond to or resolve problems? (Prompts: Do you have any specific skills you use for troubleshooting or diagnosis shortcuts – rapid ways of finding the cause for a fault?)

4.2 How have you identified and managed potential risks or problems in the past? (Prompts: Do you have special knowledge for spotting deteriorating performance or imminent problems and failure?)

4.3 What mistakes do you think have been made in the past that you think could be avoided in the future?

4.4 Are there any unexploited ideas or potential improvements/innovations that you want to mention? This could apply to the organisation itself, or the whole sector.

4.5 Are there other roles that you perform (officially or unofficially) in the organisation? Also mention anything else generally of which you think we should be aware?

**An extract from ‘ Knowledge Management Tools and Techniques, ID&EA March 2008’*