

## Change Management Policy

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<b>Target Audience-</b> who does the document apply to and <u>who should be using it.</u> - The target audience has the responsibility to ensure their compliance with this document by:	All employees directly employed by the Trust whether permanent, part-time or temporary (including fixed-term contract). It applies equally to all others working for the Trust, including private-sector, voluntary-sector, bank, agency, locum, and secondees. For simplicity, they are referred to as 'employees' throughout this policy		
<b>Special Cases</b>	N/A		
<b>Accountable Director</b>	Director of Human Resources (HR)		
<b>Author/originator</b> – Any Comments on this document should be addressed to the author	HR Business Partner		
<b>Division and Department</b>	Human Resources		
<b>Implementation Lead</b>	HR Business Partner		
<b>If developed in partnership with another agency ratification details of the relevant agency</b>	N/A		
<b>Regulatory Position</b>			
<b>Review period.</b> This document will be fully reviewed every three years in accordance with the Trust's agreed process for reviewing Trust -wide documents. Changes in practice, to statutory requirements, revised professional or clinical standards and/or local/national directives are to be made as and when the change is identified.			

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# 1 Introduction & Purpose

## 1.1 Introduction & Purpose

The Great Western Hospital NHS Foundation Trust (the Trust) actively manages the services it provides to ensure the most effective health care for patients/service users within the resources it holds. The Trust recognises that as a result of managing these resources and service requirements, changes may need to be made to its organisational requirements which in turn may affect the workforce. Changes to organisational requirements may include:

- Re-modelling of services
- Relocation of services
- Merging of services
- Expansion of services
- Decreasing services
- Closure of services
- Competitive tendering of services
- Outsourcing of services
- Changes in working practices

All organisational changes will be conducted in accordance with this policy which incorporates best practice and legal requirements and aims to provide a framework to assist managers, employees and trade unions/professional organisations. The purpose of this policy is to set out the Trust’s approach to the management of organisational change and the procedures which will be followed when implementing any significant changes.

The principles and procedures support the aim of managing strategic and operational change which is supportive to employees, maximises the security of employment and ensures the continued delivery of appropriate health care services.

## 1.2 Glossary/Definitions

The following terms and acronyms are used within the document:

<b>CQC</b>	Care Quality Commission
<b>Departmental/Service Change</b>	If a proposal affects the contract terms or changes of hours of work, and shift patterns, such as extending service open hours or departmental reorganisation with no loss of jobs, but may involve additional duties within roles without placing anyone or any posts ‘at risk’ of redundancy.
<b>EPF</b>	Employee Partnership Forum
<b>HR</b>	Human Resources
<b>IP&amp;C</b>	Infection Prevention and Control
<b>Manager/Line Manager</b>	Can cover any level of role with people management responsibilities dependent on the circumstances
<b>NHS</b>	National Health Service
<b>Non-consultation change</b>	Changes such as identifying staff to move to another ward on the same site for a temporary period to cover short notice, planned or unplanned service requirements, re-arrangement of tasks, ward refurbishment programme. This would not require a business case; Managers are making a reasonable request for employees to fulfil needs of the service and should ensure that employees are well briefed on the circumstances necessitating the change.
<b>SOSR</b>	Some Other Substantial Reason

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## 2 Main Document Requirements

### 2.1 Staffing to Meet Service Needs

The Trust employs individuals based on their skill(s) to meet a defined type of work and deploys them to where they can best fulfil service need. To meet business needs, the Trust move employees to work in the area where they can best deliver the required level of care and/or service within their existing contract terms. An employee's contract of employment to complete a specific type of work is with the Trust rather than a particular department; altering the cost code and/or manager that employees are allocated to for example may generate an administrative change and the need to communicate and discuss this change with the employee but a revision to individual contracts is not required.

### 2.2 Preparing the Business Case

When a manager identifies the potential need for a department/service change, they should scope the change with the support of HR and the Finance department. If this is a change which affects the contract of employees, there will need to be a consultation process to consult with employees on the possible changes. This should be undertaken at the earliest opportunity with the individuals affected and the Employee Partnership Forum (EPF)

Examples of departmental/service changes can be a proposed, can be an alteration in:

- Work/shift patterns.
- Work location.
- Band, pay or other terms and conditions of service.
- Changes in roles and structures, responsibilities and duties

Where there is a potential change that would be of benefit to the service, managers can discuss this with employees and if appropriate the EPF representative and or Chair who may be affected to discuss the possible change. If all the employees agree through this informal process that they will agree to the change, there is no requirement for a formal consultation process. Where this is the case, the managers should keep a record of the discussions and confirm the change(s) in writing to each employee.

Where there is a contractual change or no/insufficient consensus from informal consultation, the manager will be required to write a business case. This paper should summarise the proposed change(s), the benefits and risks, impact on employees etc. Please contact your HR Business Partner for guidance and templates. Once the paper has been written and has had the necessary approval, this can then go to the Employee Partnership Forum to start the formal consultation process.

### 2.3 Principles Governing Formal Consultation

#### 2.3.1 Employee Partnership Forum (EPF)

Once there is the necessary approval by the department manager, finance and HR, the business case should be presented to EPF for consultation on the proposal with Staff Side Representatives unless the paper concerns one to three employees. If the paper, affects one to three employees, the paper will not be presented at the meeting but will be discussed with the Chair of Staff Side directly.

If proposals are sensitive, information may be provided in confidence prior to formal communication to affected employees; in this situation Trade Union Representatives must not discuss the issue outside of an agreed circle of people for a stated period, this is called an embargo period.

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Collective consultation starts once the business case has been presented to EPF and approval has been agreed for consultation to commence. EPF representatives will have reasonable time and access to support affected employees.

Dependent on the circumstances, the Occupational Health Manager, the Academy and Staff Support may be given a confidential briefing prior to formal communication to employees to enable them to provide an appropriate service.

## 2.4 Consultation

Following approval at EPF for consultation to commence, the manager will meet with employees either individually or as a group to inform employees of the proposal to change, timescales and to give each employee relevant information. It is advisable to meet with all affected employees at the same time where possible, to ensure that a consistent message is given regarding the change. If there are employees on maternity, adoption or paternity leave or absent from work for other reasons they should be included and given information at the same time and given the opportunity to attend the work place to meet and discuss the proposal.

A reasonable timescale can be between one and four weeks. During the consultation time frame, managers need to engage employees in either individual or group consultation meetings. The purpose of this is to gain feedback on what is being proposed and answer any questions employees may have. It is also an opportunity for discussion around any impact the change may have on the individual. There is no set timescale as to how long should be given for this stage, but it must be reasonable taking into account the number of potentially affected employees and the scale of the proposed change.

Employees can be accompanied to their consultation meetings by a Trade Union representative or a workplace colleague. A HR representative may also be present at the meeting(s) to provide guidance and take notes.

At the end of the consultation period, the manager will review all the feedback and decide on the final changes to be undertaken, which may mean a change to the original proposal due to the feedback and ideas from employees. Once this has been concluded, the manager will need to meet with employees and confirm the outcome and timescales for implementation.

## 2.5 Principles Governing Contract Changes to Meet Service Needs

During the consultation process, there will be discussions with employees to gain an employee's agreement to change an existing contract. If it proves impossible to gain agreement to change the contractual terms via individual consultation the manager will invite the employee to a meeting to discuss the possibility of terminating their contract of employment due to Some Other Substantial Reason (SOSR) and the subsequent issue of a revised contract.

If the employee does not change their mind, a dismissal process for SOSR will be followed. As with any other dismissals the employee has the right to bring a trade union representative, or work colleague to the dismissal meeting and has the right to appeal.

If the employee accepts the new contractual terms, before the end of their notice period, their continuity of employment is preserved. If the employee decides not to accept the new contractual terms they are dismissed at the end of their notice period; this is not redundancy so there is no redundancy payment.

## 2.6 Managing the Outcomes

### 2.6.1 Redeployment

The Trust will consider suitable alternative employment for employees as per the Redeployment Policy (Ref 1)

### 2.6.2 Promotion

Employees are able to apply for any posts that have been released for open competition. Where a post is of a higher band to that of an employee affected by a change process, the employee may apply for the post through the open competition process.

### 2.6.3 Appeal Process

The individual has the right to appeal against the formal outcome. Appeals should be made in writing to the HR representative who was assigned the case, no later than seven calendar days from the date of receipt of the letter confirming the outcome of the meeting.

Any appeal must explain the grounds for doing so, which must be either that the employee felt the decision was unreasonable, the manager did not take account of all the evidence or failed to follow the correct process.

An appropriate manager will be appointed to manage the appeal and the employee will be invited to attend an appeal meeting without unreasonable delay, usually within 14 calendar days. The appeal meeting is a formal meeting and employees have the right to be accompanied.

The appeal manager may request the original manager to attend the appeal meeting as a witness to ensure rationale of the original decision is clear.

The employee must be informed of the decision in writing and the decision of the appeal meeting will be final.

### 2.6.4 Pay Protection

Where an employee is redeployed to a lower banded post as an alternative to redundancy, and thereby suffers a fall in remuneration a period of protection will apply. Refer to Appendix A.

### 3 Monitoring Compliance and Effectiveness of Implementation

The arrangements for monitoring compliance are outlined in the table below:

Measurable policy objectives	Monitoring / audit method	Monitoring responsibility (individual / group /committee)	Frequency of monitoring	Reporting arrangements (committee / group to which monitoring results are presented)	What action will be taken if gaps are identified?
To randomly select every quarter a change management programme to audit	Lessons Learned Discussion	HR representative other than the change management lead for the programme selected	Quarterly	HR Team Meeting	Sharing of Lessons for improvement of future change management programmes

### 4 Duties and Responsibilities of Individuals and Groups

#### 4.1 Chief Executive

The Chief Executive is ultimately responsible for the implementation of this document.

#### 4.2 Ward Managers, Matrons and Managers for Non Clinical Services

All Ward Managers, Matrons and Managers for Non Clinical Services must ensure that employees within their area are aware of this document; able to implement the document and that any superseded documents are destroyed.

#### 4.3 Managers Responsibilities

Managers will;

- Discuss with employees regularly the drivers for change, seek their ideas and suggestions.
- Develop written proposals, action plans, and any required documentation associated with the proposed change.
- Involve HR and staff side representatives early and at each stage of the process.
- Listen and take on board suggestions and concerns.
- Lead the consultation process with employees regarding the proposed changes.
- Minimise any adverse impact on employees where applicable / appropriate.
- Assess training needs and ensure delivery of appropriate training.
- Maintain regular communications with employees involved.

#### 4.4 Human Resources Responsibilities

HR Professionals will:

- Provide expert advice and practical guidance on service design and re-organisation.
- Ensure adherence to the policy and the legal framework upon which it is based.
- Ensure there is coordination of relevant aspects of the process.

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- Maximise re-deployment and re-training opportunities.
- Monitor impact on organisation.

#### 4.5 EPF Representatives

EPF Representatives will:

- Be invited to participate in the formulation of options and proposals. This will be both as a collective forum known as the Employee Partnership Forum (EPF) and individually as appropriate.
- Identify key issues for action planning.
- Consult with affected employee and represent their interests effectively.

#### 4.6 Document Author and Document Implementation Lead

The document Author and the document Implementation Lead are responsible for identifying the need for a change in this document as a result of becoming aware of changes in practice, changes to statutory requirements, revised professional or clinical standards and local/national directives, and resubmitting the document for approval and republication if changes are required.

#### 4.7 Target Audience – As indicated on the Cover Page of this Document

The target audience has the responsibility to ensure their compliance with this document by:

- Ensuring any training required is attended and kept up to date.
- Ensuring any competencies required are maintained.
- Co-operating with the development and implementation of policies as part of their normal duties and responsibilities.

All employees will:

- Continue to undertake their existing role throughout any change process.
- Contribute and actively participate in the change management process.
- Demonstrate commitment to agreed training and development plans.
- Contribute constructively to the functioning of their team (old and new if applicable).

## 5 Further Reading, Consultation and Glossary

### 5.1 References, Further Reading and Links to Other Policies

The following is a list of other policies, procedural documents or guidance documents (internal or external) which employees should refer to for further details:

Ref. No.	Document Title	Document Location
1	Redeployment Policy	T-Trust Wide Documents
2	HR Toolkit	Intranet
3	NHS constitution	<a href="https://www.gov.uk">https://www.gov.uk</a>
4	Grievance Resolution Policy	T-Trust Wide Documents
5	The Employment Rights Act (1996)	<a href="http://www.legislation.gov.uk">www.legislation.gov.uk</a>

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Ref. No.	Document Title	Document Location
6	The Collective Redundancies and Transfer of Undertakings (Protection of Employment) (Amendment) Regulations (1999)	<a href="http://www.legislation.gov.uk">www.legislation.gov.uk</a>
7	The Collective Redundancies (Amendment) regulations (2006)	<a href="http://www.legislation.gov.uk">www.legislation.gov.uk</a>
8	Sex Discrimination Act (1975)	<a href="http://www.legislation.gov.uk">www.legislation.gov.uk</a>
9	Race Relations Act (1975)	<a href="http://www.legislation.gov.uk">www.legislation.gov.uk</a>
10	Equality Act 2010	<a href="http://www.legislation.gov.uk">www.legislation.gov.uk</a>
11	Employment Relations Act (1996)	<a href="http://www.legislation.gov.uk">www.legislation.gov.uk</a>
12	Part Time Workers legislation (2000)	<a href="http://www.legislation.gov.uk">www.legislation.gov.uk</a>
13	The Fixed Term Employees (Prevention of Less Favourable Treatment) Regulations (2002)	<a href="http://www.legislation.gov.uk">www.legislation.gov.uk</a>
14	The Employment Act 2002 (Dispute Resolution) Regulations	<a href="http://www.legislation.gov.uk">www.legislation.gov.uk</a>
15	ACAS Advisory Booklet (2006)	<a href="http://www.acas.org">www.acas.org</a>
16	The Trade Union and Labour Relations (Consolidation) Act (1992)	<a href="http://www.legislation.gov.uk">www.legislation.gov.uk</a>
17	The Collective Redundancies and Transfer of Undertakings (Protection of Employment) Regulations (1995)	<a href="http://www.legislation.gov.uk">www.legislation.gov.uk</a>

## 5.2 Consultation Process

The following is a list of consultees in formulating this document and the date that they approved the document:

Job Title / Department	Date Consultee Agreed Document Contents
HR Advisor	28/10/2019
Assistant HR Business Partner	25/10/2019
Interim Business Partner for Planned Care	30/10/2019

## 6 Equality Impact Assessment

An Equality Impact Assessment (EIA) has been completed for this document and can be found at Appendix B.

## Appendix A – STAGE 1: Initial Screening For Equality Impact Assessment

At this stage, the following questions need to be considered:			
1	What is the name of the policy, strategy or project? Change Management Policy		
2.	Briefly describe the aim of the policy, strategy, and project. What needs or duty is it designed to meet?		
3.	Is there any evidence or reason to believe that the policy, strategy or project could have an adverse or negative impact on any of the nine protected characteristics (as per Appendix B)?		<b>No</b>
4.	Is there evidence or other reason to believe that anyone with one or more of the nine protected characteristics have different needs and experiences that this policy is likely to assist i.e. there might be a <i>relative</i> adverse effect on other groups?		<b>No</b>
5.	Has prior consultation taken place with organisations or groups of persons with one or more of the nine protected characteristics of which has indicated a pre-existing problem which this policy, strategy, service redesign or project is likely to address?		<b>No</b>

Signed by the manager undertaking the assessment	Bethan Davies
Date completed	09/12/19
Job Title	HR Advisor

On completion of Stage 1 required if you have answered YES to one or more of questions 3, 4 and 5 above you need to complete a [STAGE 2 - Full Equality Impact Assessment](#)

## Equality Impact Assessment

### Are we Treating Everyone Equally?

Define the document. What is the document about? What outcomes are expected?

Consider if your document/proposal affects any persons (Patients, Employees, Carers, Visitors, Volunteers and Members) with protected characteristics? Back up your considerations by local or national data, service information, audits, complaints and compliments, Friends & Family Test results, Staff Survey, etc.

If an adverse impact is identified what can be done to change this? Are there any barriers? Focus on outcomes and improvements. Plan and create actions that will mitigate against any identified inequalities.

If the document upon assessment is identified as having a positive impact, how can this be shared to maximise the benefits universally?

### Our Vision

Working together with our partners in health and social care, we will deliver accessible, personalised and integrated services for local people whether at home, in the community or in hospital empowering people to lead independent and healthier lives.



### Trust Equality and Diversity Objectives

Better health outcomes for all	Improved patient access & experience	Empowered engaged & included staff	Inclusive leadership at all levels
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## Appendix B - Pay Protection

Employees who have TUPE transferred to the Trust from Wiltshire Community Services and who are still on the Wiltshire Community Services terms and conditions, the short term protection is based on service with the Trust as follows:-

Reckonable Service	Period of Protection
Less than 1 year	4 weeks (1 months)
Between 1 and 5 years	13 weeks (3 months)
5 years and over	26 weeks (6 months)

For **all** employees, where an employee is redeployed to a lower banded post as an alternative to redundancy, and thereby suffers a fall in remuneration a period of protection will apply. Where salary scales in the old and new grades overlap and the individual's salary point is the same as a point available in the new scale the individual should be transferred to the new scale, retaining their existing incremental date. Where the salary scale is between two points on a new scale an off scale payment will be made until the next incremental date is reached.

Where the current basic salary is above the top of scale in the new scale, the current basic salary will be frozen and protected on a marked time basis until the top of the scale salary in the new post has caught up subject to the maximum periods of protection:

Where downgrading of a post occurs as a result of organisational change, or where there is redeployment into a lower graded post, the employee will be entitled to protection of earnings based on service with the Trust at the original grade at the time of transfer as follows:-

Reckonable Service on Original Grade	Period of Protection
Less than 1 year	13 weeks (3 months)
1 year and under 5 years	52 weeks (1 year)
5 years and over	104 weeks (2 years)

### CALCULATION AND PAYMENT OF PROTECTED EARNINGS

#### Period upon which calculation of protected earnings is based

The period used for calculation of protected earnings will be the 3 months prior to the date of notice of organisational change.

Where there is a repeating shift cycle, protection will be based on the monthly pay that would have been received had there been no organisational change.

When there is no regular shift pattern protection will be based on an average of basic contract hours (including lead payments and shift premia).

#### Salary/Wage Rate upon which Calculation of Protected Earnings is Based

The amount of protection payable will be based on the rate applicable as at the day before the date of organisational change.

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Where an employee is entitled to protection involving both reduced hours and downgrading under this agreement, the protected earnings, after expiry of the period which relates to the protection of hours will be reduced to the equivalent of the new contract hours.

Mileage protection in relation to any additional mileage incurred as a result of a change in main base will fall into two categories:

- Change of base resulting from an amalgamation or merger of NHS employers or from the acceptance of another post with a change of base as an alternative to redundancy. Agenda for change terms and conditions will apply.
- Change of base as a result of organisational change, service review and reconfigurations. Employees will be reimbursed their daily excess travel expenses for a period of 1 year except for those employees who TUPE transferred to the Trust from Wiltshire Community Services who are entitled to 2 years. The excess shall be calculated on the basis of the additional cost of bus fares or standard rail travel or if the employee travels by private vehicle on the basis of the additional miles travelled, at public mileage rate.

### **Pension Protection**

When there are changes, it may be possible to protect higher levels of pension benefits, depending upon which NHS Pension Scheme you are a member of. Examples of accepted reasons for protection of pensionable pay are:

- A change in the nature of the duties performed for example due to ill health
- A move to a lower paid post because of pending or actual redundancy
- A change within the NHS Trust's organisation
- Being transferred to other NHS employment with another NHS employer

If a member of the 1995/2008 pension schemes and the employee has at least two years qualifying NHS pension service, the employee may have this option available to them. They can then if they wish for further information approach HR or their manager, where upon if they are unable to provide the required information, can ask the employee to contact the pension department within payroll.

If the employee has not had a break of five years or more, the employee will have a final salary link for the purpose of their 1995/2008 pension benefits, therefore as long as they have a final salary link, they are able to request voluntary or involuntary through no fault of their own protection of pensionable pay subject to the relevant criteria.

If the employee has preserved 1995/2008 benefits because they have had a break of 5 years or more before entering the 2015 pension scheme, then there is no final salary link and the employee cannot apply for protection of pay because their previous pay has been preserved automatically. Pensions are automatically deferred (preserved) after 12 months, if the employee has left the NHS employment.

There is no minimum age or reduction in pay required to apply for this type of protection and can be apply for more than once if further reduction occurs.

Once it is established that the employee can request protection, they will need to complete the SM R9 App members form (NHS Pensions Agency website), whereupon the employer will need to complete the SM R9 EA Employer form providing proof and the date of when the

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employees pay reduced. These forms should be submitted to the NHS Pension Agency within three months of they pay being reduced or the end of the mark-time (Protection).

The NHS Pension Agency have the final decision and will write back to the employer confirming the outcome who will then inform the employee.

There are no protection rights available under the 2015 pension scheme.