



**Coventry and  
Warwickshire**  
Integrated Care Board

# MANAGEMENT OF CHANGE POLICY

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## **1. Introduction**

- 1.1 NHS Coventry and Warwickshire Integrated Care Board (“the ICB”) aims to provide all employees with the highest possible level of employment security. However, service development and the need to continually improve organisational effectiveness will sometimes necessitate changes to staffing levels, structures, roles and ways of working. In these circumstances the ICB(s) are committed to ensuring that organisational change is managed in a way that is sensitive, consistent, fair, non-discriminatory and in line with statutory requirements and best practice.
- 1.2 The ICB(s) actively manage their commissioning activities so as to ensure the provision of the most effective health care for their patients and population(s) within their financial resources. They recognise that as a result, changes may need to be made to the organisational requirements which may affect staffing needs.
- 1.3 It is recognised that any change within the organisation can cause concern for staff and in these situations; it is the ICB(s) intention to consider staff members’ individual and collective interests with care. Consultation with staff side representatives and recognised Trade Unions/Professional Associations will therefore take place at the earliest opportunity so that Staff Side can participate in the development of any decisions taken.
- 1.4 “Major organisational changes” will include the reorganisation, relocation, merger, TUPE transfer, significant expansion or reduction of a function/service area, competitive tendering or outsourcing, or a major change in working practice. All such changes will be conducted in accordance with this document which incorporates best practice and legal requirements and aims to provide a framework for common understanding for managers, staff and trade unions.
- 1.5 Ongoing minor changes are typically; periodic changes to roles, responsibilities and working practices. Staff will be expected to accept reasonable changes appropriate to the level of their post
- 1.6 For further information and support as to the practical application of this policy please contact the relevant Human Resources Adviser / Human Resources Business Partner, the relevant Trade Union and/or members of Staff Side. At all times Human Resources will provide an advisory service and will be in place to ensure that processes are followed and adhered to. In all cases it is recommended to liaise with Human Resources before embarking on a change programme to ensure that the process can be followed (in terms of recommended timescales) and applied transparently, consistently and fairly.
- 1.7 This policy has been written in line with Employment Rights Act 1996 and other relevant current legislation/best practice from the Department of Health and NHS Employers. Nothing in this policy overrides legislation.

## **2. Purpose**

- 2.1 The purpose of this document is to set out the ICB(s)’ approach to the management of organisational change and the procedures that should be followed by managers wishing to implement major change.
- 2.2 The principles and procedures support the aim of managing strategic and operational change in a way that is both supportive to staff and enhances the effectiveness and efficiency of commissioning.

### 3. Scope

This document applies to all NHS staff employed by the ICB, including those who are seconded out to another organisation, and will be applied consistently and equitably to all staff. It does not apply to staff employed by other organisations and seconded into the ICB(s) (those staff are the responsibility of their substantive employer), agency staff or contractors (e.g. those engaged on a contract for service).

### 4. Definitions

For the purpose of applying the provisions contained in this document, the following definitions shall have the following meanings:

**Continuous Service** means full or part time employment with the ICB, or any previous NHS employer, provided there has not been a break of more than one week (Sunday to Saturday) between employments. This reflects the provisions of the Employment Rights Act 1996 and Agenda for Change handbook (where applicable) on continuous employment. An individual is only eligible for a redundancy payment if they have Continuous Service of a minimum of 2 years' recognised NHS service at the date of termination through redundancy.

**Reckonable Service** If the individual meets the Continuous Service criteria and is made redundant the payment will be calculated based on Reckonable Service. This is defined as any recognised NHS service where there has been no more than a break of 12 months, calculated back from the intended redundancy date. Employment outside the NHS which is relevant to NHS employment may be counted as Reckonable Service if it has been previously agreed and formally documented/evidenced by the ICB or a predecessor NHS organisation. **Redeployment** means the transferring or recruitment of Staff at Risk into a suitable alternative post.

**Ring-fencing** means the process by which staff 'At Risk' will be considered for a post in a new staffing or management structure which is similar to their current substantive post and where there is more than one contender for that post (i.e. establishing a pool of workers for interview without advertising). Ring fencing arrangements apply where the management of change has identified one or more of the following situations:

- The establishment of new posts arising from a changed or new service where staff are identified as being at risk;
- The establishment of fewer posts arising from the changed or new service;
- The integration of existing departments or structures including situations where a new organisational structure has resulted in changes to existing roles;
- A combination of any of the above.

**Matching** means the process by which the Organisation (ICB) review and assess individuals suitability for roles in the new structure utilising existing role profiles/job descriptions which 'match' to the proposed new role(s), based on the NHS jobs that have been matched to nationally evaluated profiles, based on information from job descriptions, person specifications and additional information.

**Slotting In** means the process by which staff 'At Risk' are confirmed into a post in a new staffing or management structure which is similar to their current substantive post and where that individual is the only contender for that post. Slotting in may occur where a post is in the same band as the individual's current post or where it remains substantially the same (usually defined as 66%+ the same) with regard to job content, responsibility, grade, status and requirements for skills, knowledge, experience and

location. The key criterion for slotting is an employee's substantive band being the same as the post they are being slotted into.

Staff **at Risk** means staff whose posts may potentially be redundant as a result of organisational change if suitable alternative employment cannot be found.

Staff **Affected by Change** means staff that may be affected by the change e.g. change of line manager, changes to responsibilities, but may not be at risk of redundancy

**ICB's Protection Arrangements** covers how staff's pay may be protected if, as a result of the organisational change the banding for their role, or the pay for their new role would be less than they received prior to the change. Protection arrangements are covered in the ICB's Pay Protection policy.

**At Risk Register** is a list of staff who, at the end of the consultation period, are 'At Risk' of Redundancy. This will be used to try and ensure that any member of staff who is 'At Risk' of redundancy will be given priority for any suitable jobs that become available.

**The Change** refers to any change that may be being undertaken by the ICB and each change will be covered by a 'consultation document' that details the specific details of what the change is and who is affected.

**TUPE** means the Transfer of Undertaking (Protection of Employment) Regulations 2006, when whole services or parts of services are transferred from one employer to another

**COSOP** means Cabinet Office Statement of Practice. National NHS guidance should be referred to if COSOP applies.

## 5. Statement and principles

- 5.1 Organisational change is driven by the business needs of the ICB(s). Change can be triggered either by the external environment or by an internal review of organisational requirements. Examples of significant organisational change include the reorganisation, relocation, merger, expansion or closure of a service, competitive tendering or outsourcing, or a major change in working practice.
- 5.2 In order to meet changing business needs more effectively, there may be occasions when managers need to implement relatively minor changes. Reasonable minor changes and adjustments to duties and working practices may be implemented without recourse to the formal procedures in this document but will require reasonable consultation with staff affected and their representative if requested. Any situation which may lead to redundancy will not be deemed to be a minor change.
- 5.3 The ICB(s) are responsible for deciding the size and most efficient use of the workforce but in doing so are committed to the following principles for managing organisational change:
- The ICB(s) will provide such information about the proposed organisational change as would be in accordance with good employee relations practice to disclose to staff and the trade unions;
  - The ICB(s) will work in partnership with relevant trade union/staff representatives from the earliest stage possible;

- Staff will receive notice of any organisational change which may affect their futures at the earliest opportunity;
- Staff will be treated as individuals with due regard to their personal and employment circumstances and their career aspirations at all stages of the change management procedure. This will take into consideration any reasonable adjustments required in line with the Equality Act 2010;
- Staff will have the right to be accompanied by an accredited trade union representative or workplace colleague at meetings to discuss the organisational change;
- Requests by the employee for additional support at any individual meetings should be considered e.g. where disability is involved and familiarity with the impairment or the individual or specialist input would be beneficial;
- The ICB(s) will consider all reasonably practicable steps to avoid compulsory redundancies;
- Staff will receive training and development as appropriate, to meet new skill requirements and where appropriate to identify new career opportunities, with funding and time to attend training and development activities provided;
- Staff will have access to the ICB(s) counselling services, Employee Assistance Programmes and career support where available;
- Staff will be considered against their substantive post and contractual arrangements.

## **6. Measures to limit the impact of the change**

- 6.1 Every effort will be made to avoid compulsory redundancies as the ICB(s) will endeavour to retain the skills and experience of staff.
- 6.2 In seeking to avoid compulsory redundancies the ICB will consider the following steps:
- Use of vacancy control;
  - Not replacing staff that leave;
  - Reduction in overtime;
  - Reducing the use of agency / bank / temporary staff;
  - Review of the use of fixed term contracts (in line with the requirements of the Fixed-Term (prevention of less favourable treatment) (Amendment) Regulations 2008);
  - Giving at risk staff priority over vacancies in the organisation;
  - Working with other NHS employers in the area to identify vacancies wherever possible;
  - Voluntary reductions in hours of work / job sharing;
  - Redeployment / re-training;
  - Voluntary early retirement;
  - Voluntary redundancy\*, subject to the overall operational requirements of the service and within the level affordable by the ICB and agreed by the ICB.
  - Ensuring staff have access to regular support and advice from their managers/relevant trade unions/professional association/Staff Side representatives;
  - Any other measure agreed with the unions and Staff Side at the time of the change.

\* The ICB(s) will consider an expression of interest in voluntary redundancy or voluntary early retirement from any employee whose own job is not proposed for redundancy, but whose termination will lead to replacement by another employee whose job is to be made redundant.

## **7. Roles and responsibilities**

### **7.1 Line Manager Responsibilities**

- To recognise that staff are central to the achievement and success of organisational change, and to acknowledge that change can cause concern and uncertainty and should therefore be managed fairly and consistently in accordance with established good practice. Consider if Wellbeing Assessment and Action Plan needs to be completed – found within the ICB’s Managing Absence Policy
- To consult with staff and engage with staff representatives in any change management procedure;
- To ensure they maintain full awareness of all aspects of the changes planned, and how plans and their implementation may be affected as the change management process progresses, in order to be able to respond to the concerns of staff in their teams at all times;
- To provide information to staff and trade unions so that they are able to make meaningful contributions to the consultation process;
- To ensure that no member of staff is discriminated against on the grounds of contractual status, caring responsibilities, or any protected characteristic as defined by the Equality Act 2010 e.g. ethnic origin, nationality, race, disability, gender, marital or partnership status, age, religion or belief, sexual orientation or transgender status, when applying this policy;
- To attend any training provided by the ICB(s) in Equality and Diversity, e.g. statutory and mandatory training. All managers involved in managing a change process should have had coaching/development on the operation of this procedure and the associated equality and diversity issues;
- To liaise with HR to ensure the ICB(s) is not open to claims of discrimination as a result of a change management process, and be mindful of the need to consider making any necessary reasonable adjustments at the job design stage, when considering the suitability of alternative employment for an individual and the arrangements for filling posts;
- To enable internal staff representatives to fully participate in the process, (which may require frequent meetings with managers and in particular affected staff), by agreeing paid time off for them to undertake this work as appropriate.

### **7.2 Employee Responsibilities**

- To play an active role during the pre-consultation and consultation stages, in the further processes of implementation, and in identifying new career opportunities.
- To make themselves aware of the content of this policy, and where necessary seek advice on any policy or procedural aspects from their line manager, HR or their trade

union representative.

- Being open to retraining opportunities in order to maximise options for suitable alternative employment

### **7.3 Human Resources Responsibilities**

- To assist managers in the fair and consistent application of the policy, ensuring that the ICB(s) meet their legal obligations relating to any organisational change.
- To provide advice and support to managers at all stages of the change management process.
- To provide advice to employees on the content of the policy and the change management process, including directing staff to other agencies for assistance such as Occupational Health or the Employee Assistance Programme.

### **7.4 Trade Union Responsibilities**

- To represent employees, who are trade union members, when requested to do so.
- Where major organisational changes are intended, to advise and represent staff undergoing organisational change, and work with managers to ensure that organisational change is managed with the least disruption and in accordance with the principle of avoiding compulsory redundancies wherever possible.
- To participate in the consultation process in line with legal requirements following receipt of formal notification of any proposed major organisational changes by the ICB(s).

## **8. Consultation**

### **8.1 Purpose of consultation**

8.1.1 In accordance with legislation and the partnership working principles of the NHS, the ICB(s) are committed to meaningful and appropriate consultation with trade unions and staff affected by organisational change, with a view to reaching agreement on the way forward whilst recognising there may be times when organisational change will need to proceed without a consensus being reached on all issues. The timing and extent of consultation will be proportionate to the degree of proposed change, the number of staff affected and the impact on individuals.

8.1.2 The purpose of the consultation meetings with staff and their representatives will be:

- to receive and where possible address any questions on the consultation document;
- to consider any comments or views on the consultation document including any alternative proposals and costings (which the ICB will as far as practicable make available) before determining any final decision to proceed;
- to clarify any change processes and timeframes specific to the proposed organisational change exercise under discussion.

## 8.2 Consultation Procedure

8.2.1 Managers shall prepare a consultation document on the proposed organisational change having gathered information to support the need for change and consulted with HR as appropriate.

8.2.1 The consultation document may include details of the following, as appropriate:

- Current situation analysis including staffing structure;
- Impact on service/business;
- Impact on other areas / services;
- Consideration of any relevant health and safety assessment;
- The need for change and the rationale behind the change;
- The options that have been considered;
- The proposals for change including the proposed staffing structure(s) and any location change;
- The financial, staffing and workload implications of the proposals;
- The number and grades/bands/descriptions of staff who may be at risk of redundancy as a result of the proposal;
- Proposed timescale for consultation and implementation of the proposed change;
- The way in which staff will be selected for posts within the new structure or transferred;
- If necessary, the method and selection criteria for redundancy, including how redundancy payments will be calculated;
- The measures to be taken to avoid compulsory redundancies which may include natural wastage, redeployment with retraining, or voluntary early retirement or voluntary redundancy;
- Details of any suitable alternative employment which may exist;
- Details of how this information will be disseminated to staff;
- Description of the consultation process, including planned meetings, timetable, how staff and representatives can respond and the deadline.

8.2.2 The consultation document will provide the basis of initial discussions with Trade Unions and staff but it is recognised that the plans may subsequently need to be amended to take account of the outcome of the consultation.

8.2.3 The consultation document will include an equality impact assessment.

### **8.3 Time periods for consultation**

8.3.1 In all cases the ICB(s) will allow sufficient time for reasonable and meaningful consultation with staff and their representatives. Changes not involving redundancies can involve consultation of less than 30 days by agreement with the staff affected and their representatives. This length of consultation period will also apply where TUPE transfers are planned (there is no statutory consultation period under the TUPE Regulations), and in situations where there are less than 20 redundancies proposed (which also does not require a statutory minimum consultation period). In exceptional circumstances where changes need to be made very quickly, the trade unions will be briefed immediately and the verbal briefing will be followed by a written brief.

8.3.2 In a collective redundancy scenario, consultation will commence for a period of no less than the statutory time scales:

- Where 20 - 99 redundancies are proposed then consultation should commence at least 30\* days before the first redundancy takes place;
- Where 100 or more redundancies are proposed then consultation should commence at least 45\* days before the first redundancy takes place.

\* These timeframes are subject to change in the event of statutory changes.

8.3.3 The employer and the staff representatives can decide that they have informed and consulted on the issues and do not need 45 days. If that is the case, then dismissal notices can be sent out earlier. Note that this can only happen if the staff representatives agree that they have been fully informed and consulted within the 45 day period and do not need the full 45 days.

8.3.4 Trade unions and staff may request additional information or an extension of time if this is necessary to enable them to understand and contribute to an informed discussion on the merits of the proposal. Such requests will not unreasonably be refused, and where they cannot be accommodated a reason will be given.

### **8.4 Consultation with the trade unions**

8.4.1 Early informal consultation with the trade unions is encouraged and should occur where possible. This is also known as pre-consultation. Meaningful pre-consultation often leads to an agreed shorter formal consultation time and greater staff satisfaction with the process.

8.4.2 Formal consultation with the trade unions via an agreed Joint Consultative Committee or a staff side equivalent body will commence within the minimum timescales above once any informal comments have been considered and the consultation document has been finalised. This will take the form of:

- On-going discussions with the local accredited representatives;
- Trade unions representing staff affected by the change being invited to the first meeting with all affected staff and being given reasonable notice to attend.

8.4.3 In a redundancy scenario, the information provided in writing to the relevant trade unions shall include the following:

- The numbers and descriptions of employees whom it is proposed to dismiss as redundant;
- The total number of employees of any such description, employed by the ICB(s), at the establishment in question;
- The proposed method of selecting employees who may be dismissed;
- The proposed method of carrying out the dismissals, with due regard to any agreed procedure, including the period over which the dismissals are to take effect (reference NHS Terms and Conditions Handbook: para 16);
- The proposed method of calculating the amount of any redundancy payments to be made (over and above the statutory redundancy payment) to employees who may be dismissed.

8.4.4 During a period of major change, management will ensure that the relevant trade unions are kept informed of developments and will meet with trade union representatives as appropriate.

## **8.5 Consultation with individual staff**

8.5.1 A meeting will be held with all staff affected by the organisational change to announce the proposed change and explain the consultation process which will follow.

8.5.2 Each member of staff affected by the organisational change will be provided with a copy of the consultation document. Staff who are absent from work for any reason including maternity leave, sickness absence, secondment to another organisation, career breaks etc. will be sent a copy of the consultation document at their home address/other suitable address so that they can participate in the consultation process.

8.5.3 Each member of staff will be offered the opportunity of at least one individual meeting with their manager at which they have the right to be accompanied by an accredited trade union representative or workplace colleague. HR advisory support will also be offered to support the process including engaging with managers, staff members and staff representatives. In a redundancy scenario, the meeting will be to discuss the issues set out in paragraph 9.9 below.

8.5.4 At the meeting, each member of staff will be invited to comment and respond to the proposals, including how they may impact on their personal circumstances. It is recognised that staff may require time to respond and may not be able to do so at that particular meeting.

8.5.5 A written record of the individual meetings will be kept and provided to the employee and their trade union representative where applicable. The record will be a note of the main points discussed at the meeting, not verbatim notes.

8.5.6 Regular updates and frequently asked questions may be circulated to staff throughout the formal consultation period. Throughout this period staff should be encouraged to discuss their concerns and queries with their line manager and trade union.

8.5.7 In addition to the individual consultation meetings, staff can be kept informed as appropriate by management, team meetings and briefings, newsletters, trade union

meetings, email and other written communication and information supplied by the trade unions.

## **8.6 End of consultation**

8.6.1 At the end of the consultation period the manager will give full consideration to all comments received from staff and the trade unions and will make a decision on the way forward. A written report will be provided to the staff and recognised trade unions covering the change process to be followed and the timeframe. The report should (where appropriate) include:

- The reasons for the decision;
- Any relevant health and safety assessments;
- An explanation where the management decision is in conflict with the views of the trade unions representatives and staff or where the proposal has changed as a result of consultation;
- Identification of posts which are the same or substantially the same in the old and new structures;
- Arrangements for filling posts via Slotting In or Ring-fencing;
- Details of staff members that have been pooled for competitive interviews;
- Selection arrangements for posts within the new structure;
- Measures that will be taken to avoid compulsory redundancies;
- Arrangements for seeking suitable alternative employment;
- Reference to the ICB(s) protection arrangements and how these will apply;
- Support for staff who are affected by the change, including any career counselling and reasonable time off to seek other employment or undertake training;
- Proposed timescales for each stage of the change process;
- Equality impact assessment.

8.6.2 Where redundancies are inevitable the ICB(s) will set selection criteria for inclusion in the conclusions to consultation document. These criteria should be objective, clearly defined, measurable and non-discriminatory. Managers should seek advice from HR on the selection criteria to be used to ensure the ICB(s) are not open to legal challenge. Selection criteria will be discussed, and agreed, with trade unions/staff representatives.

8.6.3 Under normal circumstances, staff will be selected on the basis of their relevant skills, experience and qualifications to undertake the remaining jobs, as assessed through formal interviews held in accordance with ICB selection procedures. However, there may be occasions where the use of additional selection criteria is agreed with the Trade Unions during the consultation process, that may act as a final arbiter where two or more employees are equally scored in a competitive interview situation such as for example:

- Conduct and performance (as evidenced through the disciplinary and performance review records);
- Attendance records (due regard will be given to the causes of absence and the equality impact of use of this criterion).

These may only be taken into account if there has been a problem which has reached formal stage of the Organisation's disciplinary/performance/absence procedures i.e. formal warning/performance improvement framework in place and will still be live at the proposed time of assessment.

- 8.6.4 In considering any measures to avoid compulsory redundancies, including requests for voluntary redundancy or early retirement, operational efficiency and service needs must be taken into consideration. If a member of staff volunteers for redundancy/early retirement, approval of the request will be subject to the needs of the service and the cost implications. Care must be taken to ensure that decisions are based on sound organisational reasons and do not breach equality legislation. All efforts will be made to mitigate redundancies (see paragraph 9.7 onwards).

## **8.7 Support for staff**

- 8.7.1 All staff affected by the organisational change will be encouraged to seek the advice and support of their trade union. Relevant support will be provided by the ICB(s) and may include:

- Help with the production of CVs/application forms (including assistance with NHS Jobs);
- Help with preparation for interviews;
- Careers advice;
- Support in developing coping strategies and stress management, with support of the counselling service;
- Time to meet with recognised trade union representatives to discuss the change;
- Further assistance to staff who are at risk of redundancy will include reasonable time off to seek other employment or undertake training;
- Placement on the ICB(s) at risk register.

- 8.7.2 Even after the change has taken place, the ICB(s) acknowledge that staff may take some time to adjust to the change itself. Managers should remain available to staff to manage any issues that arise and support staff through the transition.

## **9. The Process for Filling Posts in the New Structure – the Three Stages**

- 9.1 The Management of Change process will usually start with the very senior management levels first and then cascade down through the organisation on a level by level (or 'tiered') basis. There will be three stages for every level of the Management of Change process in the process for filling posts in a new structure. The levels may be run in parallel, but

will be run independently of each other:

- **Stage One** takes place amongst the staff affected by the change. Posts in the new structure are filled either by Matching and Slotting In or by a Ring-fencing process. Staff will be slotted or ring fenced according to their substantive band (See Appendix A for additional information around 'MATCHING, POOLING AND SLOTTING GUIDANCE'). Where staff are ring-fenced, competitive interviews will be used to identify which staff will then be appointed to the available posts. Those staff who are unsuccessful in obtaining a post in step one will be placed 'At Risk' of redundancy and will be eligible to be considered for any posts not filled, at their level or once the Matching, Slotting-in and ring-fencing and competitive interviews have been completed at the next or subsequent levels;
- In situations where an individual employee, or group of employees, believe they have been wrongly excluded (or included) from the 'ring fence', the position will be re-examined by the management team. This process will require meeting with the nominated employee representative(s) to fully discuss the issue. Such a meeting must, unless mutually agreed to the contrary, take place within one working week of the issue being raised;
- All posts within the 'ring fenced' area will be subject of limited competition in that they will at the first round be available only to staff employed within the 'ring fenced' area, in accordance with agreed selection procedures, unless otherwise agreed in consultation with staff side representatives;
- Applications from employees within a 'ring fenced' area will not normally require the completion of a ICB standard application form. Instead, employees will either be asked to complete an internal application form or expression of interest form identifying the role(s) for which they wish to be considered;
- In circumstances when considered appropriate by management in consultation with employees and their representatives, employees may be slotted into posts within a re-organised area. This may be appropriate where the number of current staff within the 'ring fenced' area is equal to or less than the number of posts available. In these situations an interview may not be necessary;
- Staff seeking to apply for existing or new posts within their 'ring fenced' area which are at a lower band than their present posts may make application for the post, but only after 'at risk' applicants already at that level have been interviewed or otherwise selected unless the post at the lower band could be matched (apart from band) to their current substantive role in which case they may be included in the ring fence if not already included in a ring fence at their substantive band;
- Staff seeking to apply for existing or new posts within their 'ring fenced' area which are at a higher level than their present substantive post may make application for the post, but only after 'at risk' applicants already at that level have been interviewed or otherwise selected.
- **Stage Two** is where any posts that remain vacant following Stage One for that specific level of the new structure and will be opened up to access by any staff on the ICB(s) at risk register for whom the post is considered suitable alternative employment. For staff, this may include posts at a lower pay band, in which case the ICB(s) relevant pay protection policies might apply. At Risk staff will only be

considered for posts once the Matching, Slotting-in and Ring-Fencing and interview process has been completed at the appropriate level;

- Any post in the new structure which remains vacant following the appropriate level's Stage One process will then be eligible for consideration under Stage Two of the previous level. If the post still remains vacant it will then be considered under Stage Three and will be open to all staff and/or advertised externally. Priority will be given to employees who are in a redundancy notice period over employees who are on the at risk register for other reasons. For staff who apply for and are successful at obtaining a post in the new structure, which is at a lower band than their substantive post, and which qualifies as suitable alternative employment, the ICB's Pay Protection Policy will apply. Where staff apply for a post at a lower level, which does not qualify as suitable alternative employment i.e. more than one band below their substantive role, in order to avoid redundancy, the restricted section of the ICB's Pay Protection policy provision will apply.
- **Stage 3** is where vacancies are advertised internally in the first instance and/or externally in line with the normal recruitment process;
- The three stages may run in parallel but all reasonably practicable steps will be taken to avoid compulsory redundancies. Priority will be given to employees that are affected by the change;
- Job descriptions and person specifications will be produced for new posts. Jobs will be matched or evaluated in partnership in accordance with the national NHS Agenda for Change job evaluation scheme. In cases of workforce re-profiling the principles of Annex 24 of the NHS Agenda for Change terms and conditions will be applied.

- 9.3 Selection criteria for all posts in the new structure (whether or not there is competition) must be non-discriminatory, fair, objective, clearly defined and based on the skills and competency requirements of the post. The selection criteria must be made available with the consultation document.
- 9.4 Staff who are offered posts during Stage One will be deemed to have been offered suitable alternative employment by the ICB(s). This will be confirmed in writing by the manager. This is on the basis that if staff are Slotted In or offered Ring-fenced posts it will be assumed that the posts offered are suitable alternative employment and hence the consequences of refusing to accept these posts will be as per refusing suitable alternative employment. (See paragraph 10.3 for more information on suitable alternative employment).
- 9.5 Employees shall have the right to appeal during Stage One against the decision to be chosen to slot/not to slot into a post or for selection or non-selection to a ring-fenced pool. Employees shall have 5 working days from the date of the letter advising them of the decision, to submit their appeal in writing to the manager, in accordance with the Appeal process under Section 12 of this policy.
- 9.6 Employees should only be turned down for posts where they fail to meet the essential criteria or where others in the at risk pool are considered to meet the requirements better (the fact that there may be better candidates in the external labour market is not a reason for non-selection). Any member of staff who is not appointed to a post in the new structure will be offered post-interview feedback, coaching or training where appropriate, and has the right to appeal in accordance with the Appeal process in Section 12.

## Staff at Risk

- 9.7 When changes in staffing levels or skill mix are proposed which will lead to a reduction in the numbers of staff employed in particular grades, occupational groups or specialties, management will identify the positions, individual staff or pool of staff who are at risk of redundancy as a result of the changes in line with the agreed criteria (reference para 9.3). Staff acting up will be placed in the pool relating to their substantive post.
- 9.8 The identification of being at risk of redundancy is not a notice of redundancy.
- 9.9 Staff at Risk will be invited to a meeting(s) with their manager and trade union representative or work colleague to:
- discuss how the proposed changes affect the individual;
  - explain why the individual is at risk of redundancy;
  - discuss ideas for avoiding redundancy dismissals, reducing the number of Staff At Risk who are made redundant and mitigating the consequences of any redundancy dismissals;
  - explore the possibility of Redeployment;
  - explain the process for Redeployment;
  - explain the arrangements for protection of pay and terms and conditions where applicable;
  - offer support and assistance;
  - discuss any other relevant issues and processes which may include providing a redundancy payment estimate if requested.
- 9.10 Following the meeting, Staff At Risk will be given a letter within five working days to confirm their at risk status and the key points discussed at the meeting including answers, wherever possible, to questions raised at the meeting for which there were no immediate answers available at the time.
- 9.11 Staff at Risk will be given prior consideration for posts within the new structure where they meet the selection criteria, under Stage Two of the process and those posts are vacant after the appropriate Matching, Slotting-in, Ring-fencing and competitive interview processes for that level have been completed. Where they are selected for a new post, they will normally be given the offer in writing within seven working days of the interview. Any training required will be discussed with the member of staff as part of the offer process. The appointment will be subject to a trial period, (see paragraphs 10.10 to 10.15).
- 9.12 In the case of significant change which spans a number of NHS organisations, the ICB(s) will endeavour to reach an agreement with those organisations regarding the establishment of job redeployment opportunities. The agreement will contain a commitment to equality of opportunity for all staff who will then have the same access to opportunities and vacant posts with any of the organisations.

- 9.13 Staff who are not selected for a post in the new structure will be formally declared at risk of redundancy and given notice of redundancy in accordance with their contract of employment. They will continue to be listed on the ICB(s) at risk register.
- 9.14 There may be situations where it is necessary to give notice of redundancy in accordance with the contract of employment at the end of the consultation process.
- 9.15 Staff at Risk will be required to register with NHS Jobs and apply for suitable posts within the NHS. The ICB(s) Recruitment Service will use the full functionality of NHS Jobs (including “internal only” and “restricted vacancy” functionality) to support redeployment of staff at risk.
- 9.16 Staff At Risk will be given prior consideration for other posts that are or become vacant in the ICB(s) during a specific organisational change and, subject to the arrangements regarding suitable alternative employment and trial periods, they will remain on the register until their last day of service.
- 9.17 Special provision is made in law where an employee’s job becomes redundant while he or she is absent on maternity or adoption leave; the employee is entitled to be offered any suitable alternative vacancy before the existing contract ends, in preference to employees who are not absent on such leave.

## **10. Redundancy**

### **Definitions**

- 10.1 A member of staff may become redundant if they are dismissed and the reason for the dismissal is wholly or mainly due to:
- the fact that the ICB(s) has ceased, or intends to cease, to carry on the activity for the purposes of which the individual was employed, or has ceased, or intends to cease, to carry out the activity in the place where the individual was employed;
- or
- the fact that the requirements of the ICB(s) for staff to carry out work of a particular kind in the place where they were so employed, have ceased or diminished or are expected to cease or diminish.
- 10.2 The HR Department is responsible for notifying the relevant Department (currently the Department for Business, Energy and Industrial Strategy (BEIS)) in writing if the ICB(s) proposes to make 20 or more staff redundant, within the terms of the legislation in force at the time. A copy of the notification form will be sent to the relevant trade union concerned. Advance notification to the relevant Department does not bind the ICB(s) to make the employees redundant.

### **Suitable Alternative Employment**

- 10.3 Suitable alternative employment will be an equivalent post defined in terms of pay, working hours, status, grade, duties and responsibilities, location. It must be suitable to the individual’s personal circumstances, skills and experience. It may be on any site operated by the ICB(s) subject to individual travel considerations. This may be within a job at the same band as the employee’s current job, or within a job at one band below (attracting pay protection in redundancy situations), Staff at Risk will be given prior

consideration for suitable posts in line with their skills, experience and capabilities and where appropriate will receive protection of pay.

- 10.4 Where there are insufficient numbers of vacant posts within the ICB(s), the Human Resources Team will endeavour to identify suitable redeployment opportunities within the wider NHS and draw these to the attention of the staff.
- 10.5 Staff are reminded that under Agenda for Change terms and conditions an unreasonable refusal to accept suitable alternative employment offered by the ICB(s), or another NHS employer, will mean that they are not entitled to a redundancy payment. (See section 10.19 of this policy and the NHS Terms and Conditions Handbook Section 16).
- 10.6 In considering suitable alternative employment priority will be given to staff with a Contract of Employment with the ICB.
- 10.7 Following identification of potentially suitable posts at either Stage One or Stage Two, individual staff 'At Risk' will be offered the position in writing and be given a copy of the job description/person specification and a deadline of at least five working days within which to apply. In some circumstances e.g. annual leave and other types of leave, this period may be appropriately extended. During this period the individual may meet with the appropriate manager informally to discuss their interest.
- 10.8 If the individual is offered the post, this will be treated as an offer of suitable alternative employment and a trial period will apply, where staff will be assessed against the role's job description.
- 10.9 Staff members will be expected to actively seek alternative employment opportunities alongside the support given from the ICB(s). Where a staff member fails to make an application for a suitable post or fails to reasonably engage with the selection process for that post, they may be deemed to have unreasonably refused suitable alternative employment.

## **Trial Periods and Training**

- 10.10 A trial period will only apply to Staff at Risk where a formal offer of suitable alternative employment has been made.
- 10.11 The purpose of a trial period is for both the manager and the individual to assess the suitability of the post as alternative employment.
- 10.12 Where staff have the potential ability but not the immediate experience to undertake full duties of the role, they will be provided with appropriate skills development/training. This will be provided when it is reasonable, practical and cost effective and where the member of staff demonstrates a willingness to learn and can apply the new skills within an agreed timeframe.
- 10.13 Where suitable alternative employment is offered, an individual under notice of redundancy has a statutory right to a trial period of 4 weeks from that date subject to the terms as agreed in Section 138 (c) of the Employment Rights Act 1996 and in conjunction with Section 16 of the Agenda for Change (AFC) terms and conditions handbook.
- 10.14 The trial period will normally last for four weeks but may be extended by mutual agreement where a member of staff requires additional training and development or where reasonable adjustments are required, in line with the Equality Act 2010. In exceptional circumstances and subject to a written agreement between the staff member and the line manager and written sign off from the Director responsible for Human Resources the trial period can be extended up to a maximum period of 12 weeks. The extension will be subject to regular review.
- 10.15 If the trial period is unsuccessful, as determined by the individual and/or the manager concerned, redundancy arrangements will apply as from the date when the original contract of employment will terminate. Until the end of their notice period Staff at Risk will be considered for other suitable alternative employment if available.

## **Change of location**

- 10.16 If, as a result of organisational change, there is a requirement to move staff from their normal place of work to another location within the ICB(s) on a temporary or permanent basis, and this results in increased travel costs to and from work, staff may be reimbursed their extra daily travelling expenses for a period of 4 years from the date of transfer in accordance with paragraph 17.17 & 17.25 of the NHS Terms and Conditions handbook.

## **Redundancy arrangements**

- 10.17 A member of staff will have their contract of employment terminated on the grounds of redundancy if no suitable alternative employment can be found or if a trial period is unsuccessful.
- 10.18 The terms under which a redundancy payment and/or early retirement benefit are payable are summarised below:
- To qualify for a redundancy payment/early retirement benefit the individual must have;

- a contract of employment with the ICB; and
- at least 2 years' (104 weeks) Continuous Service within the NHS.
- A redundancy payment takes the form of a lump sum, dependent on the employee's Reckonable Service at the date of termination of employment;
- The lump sum is calculated on the basis of one month's pay for each complete year of Reckonable Service, subject to a minimum of 2 years' Continuous Service and a maximum of 24 years Reckonable Service (i.e. the maximum payable is 24 months). This is capped at 24 months of pay at a maximum annual salary ceiling of £80,000, equalling a maximum pay out of £160,000 for a single redundancy\*\*\*.

\*\*\* This amount may be subject to change following statutory revisions.

- Early retirement on the grounds of redundancy is available, subject to the employee:
  - being a member of the NHS Pension Scheme;
  - having at least 2 years' Continuous Service and 2 years' pensionable membership; and
  - having reached the minimum pension age in accordance with the relevant NHS Pension Scheme arrangements.
- Some staff may be subject to locally-agreed contractual arrangements in respect of redundancy which must be honoured;
- In some circumstances tax benefit may be applied to the payments. Individuals should source independent financial advice;
- In order to comply with eligibility for redundancy payments and avoid overpayments, the employee must declare any other NHS employment current or planned prior to the redundancy payment being requested by the ICB(s).

10.19 Staff will not be entitled to redundancy payments/early retirement on the grounds of redundancy if they:

- Are dismissed for reasons of misconduct;
- At the date of the termination of the contract have obtained without a break, or with a break not exceeding four weeks, suitable alternative employment with the ICB(s) or other NHS employer;
- Unreasonably refuse to accept suitable alternative employment with the ICB(s) or another NHS employer;
- Leave their employment before expiry of notice, except if they are being released early;
- Are offered a renewal of contract with the substitution of a new employer for the ICB(s).

10.20 Staff whose employment is subject to TUPE transfer will not be redundant and therefore will not be entitled to redundancy payments/early retirement on the grounds of redundancy.

10.21 For further information please refer to Part 3, Section 16, of the Agenda for Change: NHS Terms and Conditions of Service Handbook and the NHS Pension Scheme early retirement booklet or seek further advice from H.R. or your trade union.

10.22 The manager will liaise with HR in order to obtain details of redundancy entitlements and other aspects of the redundancy process. The manager will provide the individual and their trade union representative, in writing, with the following details:

- The number of weeks' notice, in accordance with the contractual notice period;
- The effective date of the redundancy, which will also be the last day of service;
- The number of days' outstanding annual leave, where applicable, to be paid in lieu;
- The amount of redundancy payment/enhanced pension benefits that will be paid, where applicable;
- What efforts will be made to assist the individual in seeking suitable alternative employment during the notice period;
- What support is offered during the notice period e.g. help with job search, CV and interview preparation;
- What work the individual will be expected to undertake during their notice period;
- That reasonable time off with pay will be given to seek and prepare for alternative work (staff should request this time off at the earliest opportunity through the normal leave procedures and they should not have these requests unreasonably refused);
- That early release will normally be given, unless there are compelling service reasons to the contrary, if the individual is successful in obtaining other employment (with evidence provided of such employment) outside the NHS and wishes to take this up during the notice period; the date of early release will then become the revised date of redundancy for the purpose of calculating any entitlement to a redundancy payment;
- The right of appeal against selection for redundancy or the terms of the redundancy;
- The date on which redundancy payment will be made should be no less than 4 weeks' after the last day of employment (termination date) and on receipt of a signed declaration from the staff member that no work has been entered into with an alternative NHS employer within this timeframe.

### **Protection arrangements**

10.23 Protection of pay provisions will be put in place in order to support staff that, as a result of organisational change, are required to move to a new post which would entail a reduction of earnings and certain terms and conditions of employment.

10.24 Pay protection will apply for the agreed periods set out in the ICB(s) Pay Protection Policy or until the member of staff moves voluntarily to a new post within the ICB(s) or leaves their employment with the ICB(s).

## **11. TUPE Transfers of services and staff**

- 11.1 Where there is a proposal to transfer services and staff to a different employer, the ICB(s) will ensure there is sufficient time for a meaningful consultation process to occur in line with relevant statutory requirements and with engagement with the trade unions at the earliest opportunity. There will usually be a minimum of 30 days (unless otherwise agreed) consultation with staff
- 11.2 When services are transferred from one organisation to another in line with TUPE or by virtue of a Transfer Order under the National Health Service Act 1977, which mirrors TUPE, the employment of staff who are assigned to the services which are being transferred will transfer to the new organisation. TUPE applies in contracting out scenarios, retendering and where the services are brought back into the NHS.
- 11.3 All the terms and conditions within the transferring employee's contract of employment (including relevant policies and procedures) will transfer with them and should not be changed as a consequence of the transfer.
- 11.4 Where staff have responsibilities spanning more than one NHS organisation or more than one service, discussions will take place with the individual, their trade union representative and the organisations concerned to determine if their employment should transfer. The options in this situation might be that the individual will transfer to one organisation with an agreement to provide services to the other(s), or have more than one contract of employment, or, in exceptional circumstances, to be declared at risk.
- 11.5 In all of these circumstances, for the purposes of the consultation that will be carried out, the manager will identify the functions, posts and individual staff that will transfer or be affected in accordance with the obligations of TUPE and shall write to the staff affected and the trade unions informing them of the intention that staff will transfer, the implications of the transfer and any measures which will be taken in connection with the transfer.
- 11.6 The manager will then hold one-to-one meetings with individual staff and their trade union representative to discuss the implications of the transfer, measures to be taken in connection with the transfer, answer any concerns or queries, discuss possible options if appropriate and consider personal circumstances. These discussions will be documented and confirmed in writing. Every possible support will be given to staff to understand the reasons for and implications of the transfer and to ensure they have the necessary information with which to prepare themselves.
- 11.7 Formal notice of a transfer will be issued as long before the date of the transfer as possible in order to comply with the obligations of TUPE and this policy. The ICB(s) will make every effort to give up to 3 months' notice of a transfer, where possible. Where 3 months' notice is not possible, for example due to the timing of external announcements or approval, a shorter notice period will be provided following consultation with the trade unions and staff representatives.

## **12. Appeals**

12.1 Employees have the right to appeal against the following decisions or actions:-

- To slot, or not slot the employee into a post as a result of organisational change;
- The selection or non-selection of an employee within ring fenced pooling;
- The selection criteria for redundancy;

- The decision to dismiss an employee by reason of redundancy;
  - An offer of a suitable alternative post;
  - Where an individual believes there has been misapplication of the Change Management Policy in the way that the consultation or redeployment processes have been handled.
- 12.2 Appeals, outlining the grounds on which the appeal is being made, must be lodged in writing to the employee's Head of service within 5 working days receipt of the decision against which the employee is appealing. In exceptional circumstances this period may be extended.
- 12.3 Appeals will normally be heard by a Director/Chief of a different ICB(s) service to that affected directly by the organisational change, and a senior Human Resources Representative.
- 12.4 The employee must provide to the Appeal Hearing Panel, a written statement of case including the grounds upon which the appeal is presented, with copies of any documents the employee concerned intends to use in evidence, and the identities of any witnesses the employee intends to call, at least 3 working days prior to the Appeal Hearing.
- 12.5 Appeals will be heard within 15 working days of receipt of the letter requesting the appeal but either party may, with the consent of the other and in exceptional circumstances, be entitled to extend this period.
- 12.6 The employee must be given at least 5 working days' notice of the date of the appeal hearing.
- 12.7 The ICB(s) Appeals Hearing Procedure will be followed – see Appendix D.
- 12.8 The employee will have the right to be accompanied by either an Accredited Trade Union representative, or workplace colleague.
- 12.9 The line manager of the employee must provide to the Appeal Hearing Panel, a written statement of case responding to the grounds upon which the appeal is presented, with copies of any documents they intend to use in evidence, and the identities of any witnesses they intend to call, at least 1 working day prior to the Appeal Hearing. In redundancy dismissal appeals, there will be a requirement for both parties to exchange Statement of cases at least 5 working days before the hearing unless agreed otherwise by both sides.
- 12.10 The decision of the panel will be communicated to both parties verbally at the end of the hearing or if this is not possible, and in any case, will be confirmed in writing to both parties, no later than 5 working days after the Appeal Hearing.
- 12.11 The decision of the appeal panel is final and there will be no further opportunity for recourse to the Grievance Procedure.

### **13. Data Protection**

- 13.1 In applying this policy, the Organisation will have due regard for the Data Protection Act 2018 and the requirement to process personal data fairly and lawfully and in accordance with the data protection principles. Data Subject Rights and freedoms will be respected and measures will be in place to enable employees to exercise those rights. Appropriate technical and organisational measures will be designed and implemented to ensure an appropriate level of security is applied to the processing of

personal information. Employees will have access to a Data Protection Officer for advice in relation to the processing of their personal information and data protection issues”.

#### **14. Monitoring and Review**

- 14.1 This policy is intended to be non-discriminatory, promote fairness and equity in the treatment of individuals and encourage good employee relations. Use and compliance of this policy will therefore be monitored by the HR Department, the Staff Forum and reported to the Executive Team. Workforce monitoring reports to the Executive Team will include reporting on all incidences of use of this policy and procedure, any redundancies, and the selection criteria used. Reporting of redundancies and any downgrades will be against all equality strands.
- 14.2 The policy and procedure will be reviewed periodically by Human Resources in conjunction with operational managers and Trade Union representatives. Where review is necessary due to legislative change, this will happen immediately.

#### **15. Equality Statement**

- 15.1 In applying this policy, the Organisation will have due regard for the need to eliminate unlawful discrimination, promote equality of opportunity, and provide for good relations between people of diverse groups, in particular on the grounds of the following characteristics protected by the Equality Act (2010); age, disability, gender, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, and sexual orientation, in addition to offending background, trade union membership, or any other personal characteristic.
- 15.2 An Equality Impact Assessment has been carried out on this policy – Appendix 1. Every ICB(s) Management of Change proposal will be subject to a separate Equality Impact Assessment.

## APPENDIX A:

### MATCHING, POOLING AND SLOTTING GUIDANCE

The following guidance will need to be referred to by the matching, pooling and slotting panels for the purpose of assessing matching and slotting as part of the Coventry and Warwickshire ICBs merger process.

Each relevant Assessment Panel will comprise of a Senior Manager as functional expert, Trade Union representative (this could be a ICB employee Trade Union lay representative or Regional/local official) and a member of the Human Resources Team who is formally trained in NHS Agenda for Change job matching methodology, where it is deemed appropriate an additional Technical Manager/subject matter expert may be included on the panel.

Essentially, the panel will review the documentation listed below for the purpose of carrying out the assessment.

- 1) Candidate's current Job Description/Person Specification
- 2) New potential role Job Description/Person Specification

NB – the below will be required for a successful job match:

- 66% or more role match
- New potential role should be a match at the same as current banding
- Matching one band up or one band down should only be considered ***in exceptional circumstances*** and where clear evidence to support such a decision has been reviewed by the panel.

In the event an employee believes they should be matched to a role one band higher than their current substantive role, they will be required to provide clear evidence to support their case once they have been provided with a copy of the proposed organisational structure and role descriptions within it that relate to their situation. As a minimum, the employee will be required to evidence that their current job description matches by at least 70% to the higher banded role. Job content is the most important factor in deciding whether a post is considered a 70% match or not. Only the main functions, duties and responsibilities of the job should be considered as part of this process. Elements which are generic to all roles such as organisational responsibilities should not be included during this assessment. If the Panel were to determine that an employee could be matched to a role one band higher than their current substantive post, the employee would be required to undertake an interview for the role before a potential appointment was made, they would not be automatically 'slotted' into it.

The Panel are reminded that a successful job match leading to a proposed 'slotting in' can only be done where a post is in the same band as the individual's current substantive post or where it remains substantially the same (usually defined as 66%+ the same) with regard to job content, responsibility, grade, status and requirements for skills, knowledge, experience and location, and where that individual is the only contender for that post.

The matching will be based upon an objective comparison of the new role/job content compared with the existing role, based on the overall job purpose, key principle responsibilities and essential criteria, not on an assessment of an individual's ability or performance in their existing role or elements which are generic to all roles such as organisational responsibilities which are consistent across bandings..

Panel members are asked to compare the role descriptions and person specifications and using the new job description, they will be required to confirm where this is a match and 'cross'

where there is not. Functional expert opinion will be sought and discussion will be had where required.

The matching process should not be used as an opportunity to 'promote' staff into higher banded roles that are known to be vacant in the new proposed Coventry and Warwickshire structure.

Managers may need to be aware of roles that could potentially match across more than one type of role (at the same band), if this is the case, then Managers may need to consider matching an employee against more than one role.

**APPENDIX B**

**MATCHING, POOLING AND SLOTTING EXERCISE  
PROCESS FLOW CHART**

Staff are not required to submit anything to assist at this stage of the process. Employees will be assessed based on their substantive job banding and job description/person specification against the new Coventry and Warwickshire ICB job description. 66% role match required. (Band match at band up, or one band down, *should only be considered in exceptional cases*, and where clear evidence supports the decision)



Assessment Panel comprising of a functional expert, Trade Union and Human Resources



Each assessor reviews the role descriptions in the substantive post and new posts



The matching evidence form is completed.



Human Resources Department will support the process to ensure overall fairness and will consistency check the matching outcomes to ensure equal and fair application of the criteria across all employees in the pools across the ICB.



Matching outcome given in writing to individual and manager notified



Human Resources to update central People/Post Tracker

**APPENDIX C:**

**MATCH AND SLOT PROFORMA**

<b>Function</b>	
<b>Band</b>	
<b>Name</b>	
<b>Substantive role title</b>	
<b>Post in new Coventry and Warwickshire ICB Structure</b>	
<b>Panel Members</b>	Name ..... Name..... Job Title..... Job Title..... Signed..... Signed.....
<b>Information used for matching</b>	<input type="radio"/> Existing Job description and Person Specification <input type="radio"/> New Role Job specification and Person Specification <input type="radio"/> Functional Expert Testimonial

<b>Matching Criteria</b>	<b>Matching evidence</b>
<b>Job Summary</b>	
<b>Key Responsibilities/Main Duties</b>	
<b>Additional Information</b>	

<p><b>Functional Manager Testimonial</b> (<i>where further information is required by the panel for decision making</i>)</p> <p><b>Rational for consideration by exception</b></p> <p><b>Job summary</b></p> <p><b>Role and responsibilities</b></p> <p><b>Any risks and challenges for consideration</b></p>	
<p><b>Outcome (please tick)</b></p>	<p><input type="radio"/> Match</p> <p><input type="radio"/> Competitive match</p> <p><input type="radio"/> No match</p>

<p><b>Additional Notes/Comments:</b></p>
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*HR office use only:*

*Sense checked for completion: Date* .....

*Letter of outcome sent: Date* .....

*People Tracker updated: Date* .....

*Scanned and filed electronically: Date* .....

## **Appendix D**

### **Redundancy Dismissal Appeal Hearing**

#### **1. Appeal Panel**

1.1 On receipt of the appeal the organisation will set up an appeal panel where possible within 15 working days of receipt of the grounds of appeal in accordance with the table below.

1.2 Human Resources will provide advice to the panel.

1.3 If possible, at least one member of the panel will have a specialist knowledge of the field of work of the employee.

1.4 Where appropriate, the Head of HR may appoint a technical or professional assessor/advisor to advise the panel in consultation with all parties. 1.5 The members of the appeal panel shall not include anyone who has been directly involved in the circumstances leading to redundancy decision. No manager of the organisation who has been directly involved in the circumstances leading to the redundancy dismissal shall act as Chair of the appeal panel or in any other capacity except as a witness or as the representative of the organisation.

2 Statement of cases will be exchanged at least 5 working days before the hearing unless agreed otherwise by both sides.

3 The employee must submit their case and arrange any witnesses and or representation.

#### **4 Conduct of the Appeal**

4.1 Nothing in the following will prevent members of the panel seeking clarification of any issue or of amending the process.

4.2 The employee will have the right of appearing personally before the appeal panel (subject to circumstances allowing for such presentation) either alone or accompanied by a staff representative or colleague. There is no right to legal representation.

4.3 The procedure to be followed at the Appeal Hearing will be as follows:

1. Chairperson to introduce those present, explain the purpose of the meeting, and format of hearing
2. Chairperson will invite Employee (or representative) to present their appeal case.
3. Allow Manager to question Employee
4. Panel to question Employee.
5. Employee calls witnesses who may be questioned by Management/Panel.
6. Management to present case in response.
7. Staff Side/employee to question Management
8. Panel to question Management
9. Management call witnesses who may be questioned by employee/staff side/panel
10. Chairperson will invite Employee to summarise case. No new evidence can be presented at this stage of the hearing.
11. Chairperson will invite Management to summarise case. Please note no new evidence can be discussed at this stage of the hearing
12. Adjourn for a decision (Presenting Manager and Staff Side /Employee asked to leave the room)
13. Reconvene (Panel, Staff Side/Employee and Presenting Manager) and announce decision or confirm decision will follow in writing if further deliberations are required by the Appeal Panel.

**N.B: Adjournments may occur throughout the hearing as and when necessary and as requested by either party or the panel.**

4.4 Nothing in the above will prevent members of the Appeal Panel seeking clarification of any issue of any parties called or presenting or of amending the process.

4.5 The Appeal Panel shall have the power to rescind the redundancy decision though this will not necessarily mean reinstatement to the original role. If this is not possible suitable alternative employment will be identified.

4.6 The decision of the appeal panel will be communicated to the appellant verbally at the end of the hearing or if this is not possible it will be confirmed no later than 5 working days after the Appeal Hearing. The decision of the committee will be reported to the organisation's remuneration committee.

## Appendix 1 - Equality Impact Assessment

Department	Corporate Affairs	Name of person completing EIA	Tim Clewett/Kay Goode
Date of EIA		Accountable ICB Lead	Anita Wilson / Clare Jones
		ICB Sign off and date	
Piece of work being assessed	Change Management Policy		
Aims of this piece of work	To implement a clear policy for addressing change management within the organisation		
Other partners/stakeholders involved	None		
Who will be affected by this piece of work?	All employees		

Single Equality Scheme Strand	Baseline data and research on the population that this piece of work will affect. What is available? E.g. population data, service user data. What does it show? Are there any gaps? Use both quantitative data and qualitative data where possible. <b>Include consultation with service users wherever possible</b>	Is there likely to be a differential impact? Yes, no, unknown.
<b>Gender</b>	No anticipated detrimental impact on any equality group. The policy adheres to the NHS LA Standards, AFC terms and conditions, and makes all reasonable provision to ensure equity of access to all staff. It is acknowledged that the greater percentage of employees is female and therefore this staff group may inevitably be more impacted upon by the policy. However, there are no statements, conditions or requirements that disadvantage any particular group of people with a protected characteristic.	
<b>Race</b>		No
<b>Disability</b>		No
<b>Religion/ belief</b>		No
<b>Sexual orientation</b>		No
<b>Age</b>		No
<b>Social deprivation</b>		No
<b>Carers</b>		No
<b>Human rights</b>		No