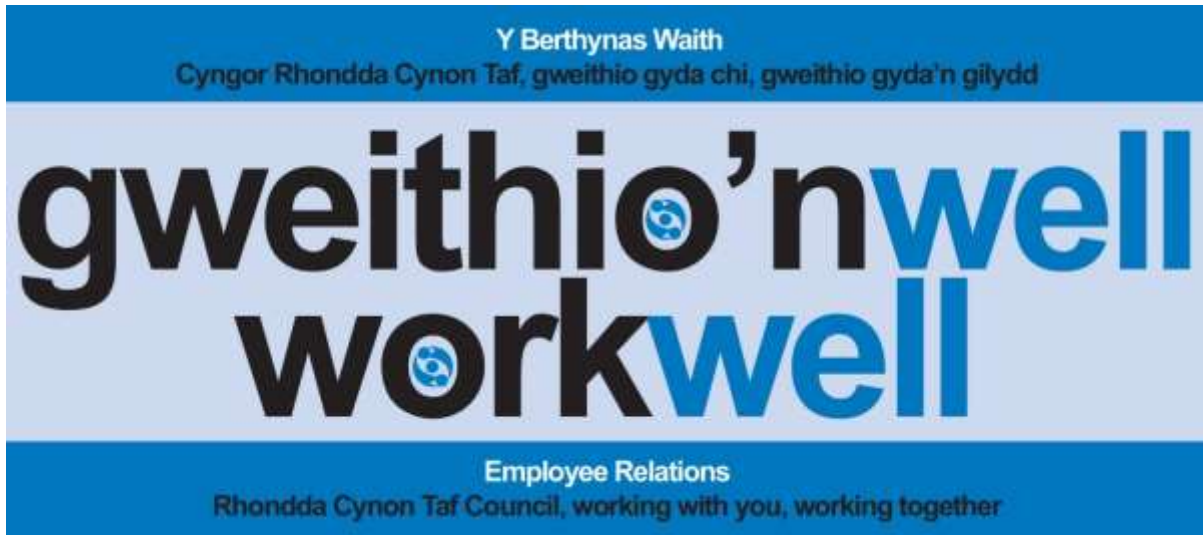


Version	EN3
Last Revision Date	November 2019



Managing Change Policy

This document is available in Welsh please see Polisi Rheoli Newid



DOCUMENT CONTROL	
POLICY NAME	Managing Change Policy
Department	Human Resources
Telephone Number	01443 444501/ 01443 444502 / 01443 444503
Initial Policy Launch Date	May 1996
Reviewing Officer	Policy Review Group
Review Date	September 2016
Date of Equality Impact Assessment	September 2016
REVISION HISTORY	
Date	Revised By
August 1998	Richard Evans
June 2011	Peter Cushion, Alison Cade & Richard Evans
November 2011	Peter Cushion, Alison Cade & Richard Evans
May 2013	Peter Cushion, Alison Cade & Richard Evans
September 2016	Policy Review Group
November 2019	HR Welsh Language Standards Group
DOCUMENT APPROVAL	
This document has received approval from:	Date of Approval
HR Senior Management Team	September 2016
Corporate Management Team	N/A
Cabinet	N/A

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1. INTRODUCTION

The Council needs to continue to adapt and change to meet the needs of its service users, Members' priorities and the requirements placed on it by changes in legislation and policy from Central Government.

It is the aim of the Council to maintain and enhance the efficiency of its services, and, in the process, safeguard the current and future employment of employees. The Council is committed to the principle of no compulsory redundancy whenever possible. Equality Impact Assessments (EIA) will be undertaken as part of the change process.

Effective workforce planning is an important tool that supports the Council in maximising its resources and building future capacity in a structured and planned way. In this respect, an Introduction to People Planning has been designed to assist managers, and they are encouraged to utilise this when contemplating an element of change.

There needs to be flexibility in the structure and distribution of the workforce and numbers of people the Council employs. This in-built flexibility will be essential to maximising job security in the future. The Council recognises that its employees are its most valuable asset and that it needs to deal with organisational review effectively. It is the Council's objective to minimise the disruptive effects of change and any changes made will be through consultation with the Trade Unions.

This procedure is intended to ensure that:

- the employees concerned will be treated in a fair and equitable way;
- as much advance notice of the impending change will be given to the employees concerned as is possible. However, this will be in line with the minimum statutory rights;
- change will be brought about by agreement, wherever possible;
- the need for redundancy will be minimised wherever possible;
- redeployment opportunities including the opportunity for retraining where practicable will be maximised.

Nothing in this document is intended to restrict an employee's rights under the Employment Rights Act 1996, to complain to an Employment Tribunal that they have been unfairly dismissed, or that they have not received a redundancy payment to which they believe they are entitled.

As an equal opportunity employer, the Council recognises the need to adopt a procedure, which does not discriminate, directly or indirectly, against employees who are members of disadvantaged groups. It further recognises that in developing such a procedure, it is important to adopt one that is not institutionally discriminatory and disproportionately affects employees who have entered the service more recently.

All service areas of the Council MUST follow the procedures on Consultation, Redundancy and Redeployment. Any perceived breaches should be referred in the first instance to the Director of Human Resources who will raise the matter with the appropriate Chief Officer.

If the matter is not resolved at that level, then a reference can be made to the Senior Leadership Team following the Council's established procedures for resolving disputes.

This document is intended to cover organisational change. The Council however, recognises that this is only one aspect of change and that the need to be able to adapt to changing circumstances and service demands is a requirement for all employees and relates to wider Council strategies of training, development and performance management.

2. CONSULTATION

Consultation should be carried out at the earliest opportunity. Whilst it is recognised that decisions will be required before many changes can be implemented, this should not of itself preclude the views of the Trade Union(s) being sought while proposals are being formulated. Once a change is agreed consultation on implementation should follow the process set out below. "Consultation" in this context will mean:

- presenting proposals, both verbally and in writing bilingually (Welsh and English), to all employees affected explaining the background to the proposals, for questions to be asked and clarification sought; Proposals can be made in both a group and individual setting.
- giving a reasonable amount of time for Trade Union representative(s) to consult their members and for employees and Trade Union representative(s) to make comments to management;
- should the appropriate Trade Union representative(s) not be part of the employees group affected, giving them the opportunity to attend presentations and have copies of the proposals in writing;
- giving serious consideration to comments received and, where they cannot be accepted, explaining the reasons why;
- notifying any revised proposals in writing to employees and their Trade Union representative(s) if appropriate.

The Council undertakes to consult with the recognised Trade Union(s) on all issues which:

- will bring about changes to contracts of employment;
- relate to discretionary aspects of the implementation of national agreements or conditions of service, which may apply to the Council;

- may potentially lead to redundancy;
- involve major changes in service structures, working practices, location of employees, etc., even when these could be seen as falling within the employment contract;
- involve introduction of, or changes to, local procedural agreements.

This does not preclude consultation on any other issues as appropriate.

Special consultation arrangements will apply to potential redundancies as set out further in this document.

The above process will take place during a formal consultation period, which will be a minimum of 15 working days. Longer or shorter periods of consultation can be agreed with the Trade Unions/or employees if unrepresented. At the conclusion of the consultation period the proposals, including any amendments made through the consultative process, will be implemented.

Should the Trade Unions be unhappy with the proposals, then a report will be submitted to the Senior Leadership Team and the Trade Union(s) will have the opportunity to submit written comments.

3. CHANGES WITHIN THE CONTRACT OF EMPLOYMENT - JOB FLEXIBILITY

There are occasions where a proposed organisational change will require a variation to be made in working practices and/or work location but without the need to change the terms and conditions of employees' existing contracts of employment, i.e. a Chief Officer will have the contractual right to vary existing working practices as set out below.

In determining whether a variation may or may not be made within the terms of existing contracts, a Chief Officer should consider whether one or more of the following criteria apply but only following appropriate advice from their Human Resources Manager:

- the change is within the existing job description;
- it is a requirement, which is appropriate to the job and is within the general scope of the job description;
- there is a flexibility clause within the job description which provides for a reasonable and justifiable variation to the job and/or duties, provided such change is commensurate with the employee's grade and general level of responsibility within the organisation;
- there is sufficient flexibility within the contract of employment;
- there is an implied term in the contract, which, in justifiable circumstances, entitles management reasonably to expect the employee to undertake different but relevant working practices these, however will where possible be

commensurate with the employees existing skills i.e. job description makes reference to:

- To undertake such duties and responsibilities commensurate with the grade, as may be reasonably required by the Director, or as a mutually agreed development opportunity.
- The contents of the document will be the subject to review from time to time in consultation with the post-holder. Job descriptions may be amended to reflect and record such changes.

Chief Officers should ensure, in assessing the above criteria, that:

- requirements for changing working practices and grounds for them are reasonable;
- the interpretation placed on each of the above criteria is not taken too widely;
- regard is given to each employee's personal circumstances and ability to meet the changes.

Even where changes in working practices, location of employees, etc., are considered to be within the terms of the existing employment contracts, the consultation arrangements set out at paragraph 2 of this Procedure will apply.

Where a change in location is being proposed, then this should be done in accordance with existing Council provisions for reimbursement covering a compulsory change in a place of work.

An employer's ability to change specific working practices within the contract of employment, without breaching that contract can be unclear. The Director of Human Resources must be consulted whenever there is disagreement or uncertainty over the interpretation of the contractual position.

4. REDUNDANCY PROCEDURE

The Council, in consultation with the recognised Trade Unions, will always seek to minimise the effect of redundancies through the maximisation of redeployment opportunities. Where redundancies are unavoidable, the situation will be dealt with in the fairest, consistent and sympathetic manner.

A potential redundancy situation may occur whenever a proposed restructuring or organisational change is contemplated. This means that the Council will either:

- cease to carry on the business (service) for the purposes for which the employees are employed
- or
- cease to operate the business (service) at the place of work where the employees are employed.

or

- where the requirements of the Council for employees to carry out work they are employed to do will cease or diminish, or cease or diminish only at the place where the employees are required to work.

or

- where dismissal occurs as a consequence of a business reorganisation.

In the event of a re-organisation a potential redundancy situation may often arise, even though it does not ultimately lead to a dismissal - i.e. during implementation of the change a suitable job is identified for the potentially redundant employee/s. In such circumstances the redundancy provisions in this procedure must still be followed.

Redundancy is not an excuse for dismissing employees by reason of capability. Redundancy relates to a post or work of a particular kind, not the individual employee concerned. The redundancy procedure must not be used to replace the Council's Disciplinary Procedure. Employees who are found after investigation to have broken the Council's rules or are incapable must be dealt with under the provisions of either the Council's Disciplinary or Capability Procedure.

The Council will commence consultation with the recognised Trade Unions and employee(s) affected at the earliest opportunity, thereby maximising the consultation period. Consultation documents should be produced in Welsh and English. The Director of Human Resources in consultation with the relevant chief officer will provide:

- the reasons for the proposals;
- the numbers and descriptions of the posts that it is proposed to delete;
- the total number of employees of each description employed by the employer at the establishment in question;
- the proposed method of selection;
- 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;
- the proposed method of calculating the amount of any redundancy payments to be made (other than statutory redundancy payments) to employees who may be dismissed.

On receipt of this information, the Trade Unions and employees will have the opportunity to:

- put forward constructive proposals and/or alternative ways and means of avoiding redundancies, reducing the numbers affected and mitigating the consequences.

On receiving the responses from the Trade Unions and employees, the Chief Officer in consultation with the Director of Human Resources will:

- meet with the Trade Unions to give due consideration to any suggestions made and provide the Trade Unions with a written response of the outcome available in Welsh and English unless language preference is known. Where any suggestion is to be rejected, the reasons for rejection must be clearly explained.
- “Place of work” in this context means any place of work which, under the contract of employment, the employee could be required to work.

4.1 Consultation (Voluntary and Compensatory Redundancies)

There is a statutory requirement to consult with the Trade Unions and employees, whenever a proposed restructuring or organisational change is likely to create a redundancy situation:

- at least 30 days before the dismissal takes effect if between 20 and 99 employees are to be dismissed as redundant at one establishment
- at least 45 days before the dismissal takes effect if 99 and over employees are to be dismissed as redundant at one establishment.

4.2 Counselling

The Council recognises that, in the unfortunate circumstances of redundancy dismissals, the employees affected will experience a stressful and distressing time and Chief Officers will adopt a sensitive and sympathetic approach towards the employees concerned. All reasonable means of support and advice will be provided. In addition to seeking redeployment opportunities, other offers of help may include:

- career counselling, identifying re-training opportunities
- support and advice in looking for job opportunities
- granting paid time off for seeking other employment and attending interviews but evidence must be submitted to support these requests
- sourcing financial advice, e.g. Workshops on Department of Work & Pensions entitlements.

4.3 Selection for Redundancy - Individuals and Groups of Employees

Where it has been decided to reduce the size of a section or to change the type of work to be carried out and this will necessitate the need to displace existing employees, the Chief Officer in consultation with the Director of Human Resources should, having regard to the need to avoid unlawful discrimination on the grounds of

the protected characteristics identified in the Equality Act 2010, determine objective justifiable criteria for selecting the required numbers for redundancy.

The Trade Unions must be consulted on the method of selection, including the choice and weighting of criteria, with the aim of reaching agreement if possible. The unit of selection, i.e. the employee group from which the selection for redundancy will be made, should also be defined and agreed with Trade Unions.

Should there be a failure to agree on either the criteria for selection or unit of selection, the Chief Officer in conjunction with the Director of Human Resources will make a decision based on a fair and objective assessment of the relevant factors.

The Chief Officer will ensure that affected employee(s) are made aware of the criteria.

4.4 Selection Process

Individuals will be selected for redundancy in a number of ways:

- where a decision is taken to delete a specific post or to cease providing a particular service or provide it in a different way.
- where a decision means a reduction in employees is required but this affects a group of employees from which a selection has to be made.

In such circumstances volunteers will be sought. However, where this is not practicable, the selection will be made by a “ringfenced” interview using job descriptions and person specifications, which identify the skills and attributes needed to deliver the service in the future.

The selection will be carried out objectively by a Panel comprising:

- a manager from the service area affected
- a Human Resources specialist who is trained and understands the statutory framework in relation to redundancy
- an independent service manager from a different service area which may or may not be within the same group

In the event that it is not possible to use this mechanism, selection will be made, as a last resort on LIFO (last in first out). The length of service to be used will need to be agreed and care should be taken to ensure it does not operate in a discriminatory way.

4.5 Appeal Against Selection for Redundancy

If an employee feels that they have been unfairly selected for redundancy, they have the right to appeal to their Chief Officer. The language preference of the employee (Welsh or English) must be respected during this process.

The only grounds for appeal are the misapplication of the procedure. The exhaustion of the internal appeal procedure will not preclude an individual employee from exercising their statutory right of appeal at Employment Tribunal.

An appeal must be submitted in writing within 5 working days of receipt of the formal letter notifying the individual that they have been selected for redeployment or redundancy. The Service Director in conjunction with the Director of Human Resources will review the basis on which the employee was selected for redundancy and will confirm their decision in writing to the employee within 10 working days and before the date of dismissal.

5. ORGANISATIONAL CHANGES FOR SOME OTHER SUBSTANTIAL REASON

There are occasions when the introduction of organisational change for sound service reasons does not give rise to a redundancy situation, i.e. the requirements of the service for employees to carry out work of a particular kind are neither ceasing nor diminishing, but nonetheless there is a need to make changes to working practices and some employees' contracts of employment.

Where it is necessary to change contracts of employment for reasons connected with the efficient operation of the service, management will seek to reach agreement to the change by consulting with the Trade Unions and the employees affected at the earliest opportunity, in accordance with the consultation arrangements set out in this document.

If it is not possible to reach agreement with either the Trade Unions on a collective basis or the individual employees concerned, then it may be necessary to inform the employees and their representatives that the change will be introduced from a stated future date. Should the Trade Unions and employees be unhappy with this suggested way forward, then a report will be submitted to the Senior Leadership Team and the Trade Union(s) will have the opportunity to submit written comments.

Should the outcome of the Senior Leadership Team be to continue with this course of action, then employees must be given appropriate notice of termination of their existing contracts and then offered immediate re-engagement on a new contract under the new or revised terms. An individual's continuity of service will not be affected by this.

Where an employee is not willing to accept a new contract of employment, and there is a fundamental change from the previous contract, everything possible will be done under the Redeployment Procedure, to assist the employee in finding alternative work within the Council.

If no redeployment is found, then the employee's contract will be terminated. In these circumstances, redundancy will not apply as the employee's substantive post has not been deleted.

6. REDEPLOYMENT PROCEDURE

This procedure applies where an organisational change gives rise to a redundancy situation.

Once a redundancy decision is identified, the service area will review the section in which the redundancy has occurred. The review will concentrate on vacant post(s) at the same grade that already exist but may have a different set of contractual hours attached to them.

This process is best illustrated by the following example:

Within a Residential Home, a redundancy occurs as a PT Care Assistant post (28hrs) graded at GR5 is no longer needed. However, within the same home, section, there is a vacancy for a Care Assistant (35 hrs) graded at the same level i.e. GR5.

The way forward would be to offer this post to all care staff employed on 28 hour contracts within the home. Following a review of the 'expressions of interest' either the employee in a redundancy situation will be placed in the vacant post or if another team member secures the 35 hr post, then their substantive post will then become vacant and can be utilised to redeploy the potentially redundant employee.

If this is not a viable option, then the Redeployment Procedure as detailed below will be followed.

6.1 Redeployment procedure

Any employees who are being displaced from their existing jobs, will, wherever possible, be made an offer of suitable alternative employment.

This will be a post on the same grade and conditions as their current post or if this is not possible a post one grade down (with appropriate compensation of salary) will be considered. Seconded employees whose substantive post is at risk will be considered for redeployment opportunities at their substantive grade and not their seconded grade.

The Council will always seek to maximise redeployment opportunities and the Procedure ensures that the employees concerned will be treated fairly, consistently and in accordance with the Council's Equal Opportunities Policy.

In order to facilitate redeployment Human Resources will maintain a list of vacancies. The employee (in conjunction with Human Resources) has a responsibility to identify possible vacancies that can be matched to their skills and experience e.g. this may be through checking the Council's Internal Vacancy Circular. Such a process must take place before any post is subject to wider competition.

Should another employee within a post of the appropriate grade and hours who is unaffected by the service change express an interest in redundancy, then their post may be released as a suitable alternative for the affected employee.

6.2 Suitable Alternative Employment

An employee who is in a potential redundancy or redeployment situation will be given priority over general applicants for any suitable vacancies.

To be suitable, the job must be graded the same or lower (with appropriate compensation) than the employee's previous post and have similar service conditions, status and skill requirements. This includes jobs involving work of a different kind, where the individual's skills and attributes suggest the employee is capable of satisfactorily undertaking the work, or will be within a reasonable timescale following a short period of training. Suitable training in this context will normally be on-the-job training but may in exceptional cases include off-the-job training where funding exists.

Each employee so affected will be offered an interview with a Human Resources representative to discuss opportunities for redeployment. Employees may be accompanied by their Trade Union representative, or a work colleague at any of these meetings. The Human Resources representative will be responsible for discussing employment opportunities within the Council. Each employee's aptitude for undertaking different work, after training if necessary will be assessed and a search made for appropriate vacancies.

Where a Human Resources representative, after discussion with the appropriate Chief Officer and assessment of the job description and person specification, identifies a vacancy which is potentially suitable, the employee will be offered an interview for the post. The interview will be kept as informal as possible, however where tests are applicable, these will be carried out to assess suitability for the post. If they are assessed as being suitable, they will be offered the position on a six-week trial period.

Where more than one redeployee is identified as suitable, competitive ring-fenced interviews will be conducted. Any offer of an alternative job will be made in writing, even where it is believed that it may be rejected.

Where the employee is offered a trial period whilst working out their notice on their previous contract, they will continue to be paid in accordance with the terms and conditions of the previous contract up until the date of termination of that contract. If the job offer is lower than the employee's existing grade and the six-week trial period begins or continues after termination of the previous contract, the employee's grade-related earnings will be protected for the trial period. The purpose of the trial period is for the individual to try out the new post in order to enable an assessment to be made as to its suitability on the part of both parties.

Where the trial period is successfully completed, the appointment will be confirmed to the employee in writing with an appropriate Contract of Employment setting out the details of any compensation arrangements that will apply. If there are any issues or concerns during the trial period, the Human Resources Representative must be informed at the earliest opportunity. This will enable support to be offered or the trial period will be ended and further redeployment opportunities may be sourced.

Employees language choice needs to be respected during this process (Welsh and English) this includes any written correspondence and any meetings and interviews.

6.3 Extension of Trial Period

The trial period may be extended in exceptional circumstances for a further two weeks. This may be relevant, for example, where re-training is involved. The employee must always be informed in writing (In Welsh or English) of any extensions and the reason for this. In certain circumstances more than one trial period may be offered. Alternative employment will only be sought during the employees notice period and up to the agreed termination date.

6.4 Entitlement to Redundancy Payments after Trial Periods

In cases where the employee has been given notice of dismissal for redundancy under their old job and the trial period commenced from or continued after the date of termination, and the employee works beyond the sixth week from the date of termination, any entitlement to a redundancy payment, should they eventually be dismissed, will be lost as, in law, the employee will have been deemed to have accepted the new employment i.e. at the end of the six week trial period, if both parties accept the redeployment, the right to a redundancy payment will be lost.

This fact should be made clear to the employee at the time the job is first offered and again when it is proposed to extend the trial period. This will not apply in circumstances where there is a genuine need to establish a longer trial period, i.e. in excess of six weeks but a maximum of eight weeks for the purpose of re-training the employee for their new job. In these circumstances, a written agreement must be made between the Chief Officer and the employee before the trial period is due to begin, specifying the date when the statutory trial period will end (i.e. six weeks from the date of termination of the employee's previous contract), the terms and conditions which will apply after that date, including the date when the trial period will come to an end. In this situation, the right to a redundancy payment in the event of ultimate dismissal will still exist.

In the case of a redundancy situation, where it is considered that the employee has unreasonably refused an offer of suitable alternative employment, it may be deemed that the employee has forfeited the right to a redundancy payment. This fact must be communicated to the employee in writing (in Welsh or English) following further discussion with the employee and their trade union representative or work colleague. If, in these circumstances, the employee is not given a redundancy payment, they will have a right of appeal to the Chief Executive on the matter of their entitlement to a payment.

7. NOTICES OF DISMISSAL

The issue of notices of dismissal will occur when a redundancy situation has been identified. Every effort will be made to find redeployment opportunities up to the point of termination. At this point individuals will be advised of their right of appeal. The grounds for such an appeal can only be misapplication of this procedure and the appeal must be heard before the expiry of the notice period.

Where it is necessary to issue notices of dismissal for reasons of either redundancy or some other substantial reason, then the following procedure must be followed:

- the employee must be advised that a meeting has been arranged to discuss the issue of their continued employment with the Council. Employees language preference will be respected during this process (Welsh or English). They must also be made aware that they have the right to be accompanied by a Trade Union Representative or a work colleague.
- at the meeting, the following areas must be communicated to the employee:
 - i) give the reason for dismissal;
 - ii) give full contractual notice (payments in lieu of notice will not be made)
 - iii) specify the date of termination;
 - iv) advise that should employees wish to terminate their employment prior to the termination date then they can waive their right to the balance of the contractual notice period subject to discussion with the relevant chief officer
 - v) provide details of payments due, including any redundancy/severance pay;
 - vi) offer support and assistance (see “Counselling”)

Following this meeting, a notification of termination letter must be provided to the employee in their language preference (Welsh or English).

8. COSTS

8.1 Compensation Costs

All costs associated with Compensation in terms of the differential in pay will be picked up by the original employing Service Area.

8.2 Redundancy Costs

Any redundancy costs will be picked up by the original employing Service Area. This would include circumstances where an individual has been redeployed into a temporary post in another service area and this concludes in less than 12 months and the employee is again subject to redundancy.

9. RESTRUCTURING SERVICE AREAS

As part of the process of restructuring service areas, clearly there will be occasions where existing or new job descriptions and person specifications will need to be reviewed or indeed created. When undertaking a review of posts/ creating new posts, Director/ Heads of Service must formalise their proposals and then liaise with their respective Human Resources Representative to discuss the first stages of the review process which will include the remodelling or construction of the job description and person specification and post title if applicable. Prior to any discussions with employees, the finalised structure/ job

descriptions and person specifications will be discussed with the recognised trade unions.

For Council posts that fall outside the NJC for Local Government Services, any review of the job role will be assimilated against the pay structures that exist within the relevant areas e.g. Youth & Community, Soulbury.

All remaining posts that fall within the framework for NJC for Local Government Services will be required to utilise the Council's established Job Evaluation Procedure. **It is important to note that this process is to be used where Directors are the main drivers for the proposed changes. If an employee(s) is/ are making the request themselves then the Council's agreed Regrading Procedure must be followed.**

The Management Guidelines at Appendix 2 provide further details in regards to the managing change process.

APPENDIX 1

SCHEME FOR COMPENSATION OF PAY

1. Eligibility

The scheme will be applied where managerially it is necessary to make a change, which will give rise to a redeployment situation and a reduction in grade for individuals – i.e. following a restructuring/service review. This scheme applies to full and part time employees and temporary employees who have been continually employed in the same post for more than 2 years.

This scheme will not apply when a reduction in earnings arises from a decision made by the employee to seek a lower graded job, or reduce their hours.

2. Compensation

Compensation is provided to grade related earnings only - i.e. the existing hourly basic rate attached to the protected grade. Compensation will not be paid where

there is a reduction in contract hours only. All other conditions of service included in an offer of alternative employment shall be those attached to the new job.

2.1 NJC for Local Government Service Posts

Compensation of salary will be calculated to a maximum of one grade e.g. an employee at GR6 secures a post at GR5. The compensation will therefore be the difference in pay between GR5 and GR6. (pro rata for part time contracts)

2.2 Posts outside the NJC for Local Government Services (excludes Teaching staff and Chief Officers)

Compensation of salary will be calculated up to a maximum of one grade or four spinal column points (Soulbury staff) pro rata for part time contracts.

3. Establishing the Compensation Differential

Where the job offered and accepted is more than one grade lower than the employee's existing grade the compensation payment should be calculated based on the employee's grade related earnings at the maximum of the grade, which establishes a one grade differential e.g. an employee is redeployed from their existing GR8 post into a post at GR6. As there is more than a one grade differential, the compensation payment can only be calculated at the difference between GR6 and GR7 (the next grade up).

4. Period of Compensation

In both cases, the compensation will be for a maximum of 3 years. The compensation will be paid up front as a gross amount of pay on an annual basis commencing from the date of the change. **Please note that the gross payment is pensionable.**

At the end of each 12 month period, the situation will be reviewed to determine whether anything has changed in terms of the employees' contractual position. If there is no change then compensation will again be paid as a lump sum for another 12 months up to the maximum of 3 years.

Compensation payments will be made as follows:

- Redeployment or offer of suitable alternative employment – with effect from the successful completion of the six-week trial period. In the event of an extension of the trial period, the payment will be made with effect from the employees ninth week in post.
- Service Review – with effect from the date that the results are implemented within the service area.
- Should the employee voluntarily change posts during this period then the compensation will cease, regardless of the grade of the new post.

Employees will continue to receive national pay awards on the grade used to calculate the compensation payment.

5. Pension Implications

In respect of protection of earnings for pension purposes, in line with the Local Government Pension Regulations, an employee who continues in local government employment at a lower grade may choose to have their final pay for pension purposes calculated as the average of their annual pensionable pay in any 3 consecutive years ending 31st March within the period of 10 years ending with the last day of active membership i.e. their retirement date from local government employment. Employees who require further details on this matter can contact the Pensions Section:

By phone on 01443 680611

By e-mail to pensions@rctcbc.gov.uk

APPENDIX 2

MANAGING CHANGE PROCEDURE - MANAGEMENT GUIDELINES

STAGE 1 – RESTRUCTURING SERVICE AREAS

As set out in Section 9 of the Policy a review of the post(s) should be undertaken in consultation with Human Resources.

STAGE 2 – IDENTIFYING THE EMPLOYEES AFFECTED

As set out in section 4 above, employees will be made potentially redundant as a result of decisions made on services and organisational structures. Wherever possible posts affected (but not individuals) should be specifically identified within the Report.

The position will be either: -

- i) The post or posts are deleted but there are no new or changed posts within the department identified as part of the restructuring for which potentially

redundant employees could be considered. This would occur, for example if the Council ceased to provide a service. Employees affected in this way, should be immediately subject to the redundancy procedure and redeployment opportunities sought elsewhere in the Council.

- ii) The post or posts are deleted but the new structure creates new or changed posts for which employees should be considered on a priority basis (even though perhaps not all the employees affected will ultimately be able to be assigned to a post). A process therefore needs to be agreed to assimilate employees into these new or changed posts. This process will be a ring-fenced interview procedure. If all employees are not assigned to a post as a result of this process, then those still potentially redundant should be immediately subject to the redundancy procedure and redeployment opportunities sought elsewhere in the Council.
- iii) A reduction in the number of generic or similar posts (i.e. employees with the same basic job description within a department). This will require a selection process to reduce the numbers.

In relation to (i), (ii) and (iii) above, the posts or number of reduced posts for which the employees should be considered on a priority basis should be identified and the information must be given to the employees affected and the trade unions.

Employees affected, should be advised of their personal position by their line manager. It is essential in a redundancy situation to explain the position to the individuals personally and not simply to rely upon the trade unions to do so.

Employees affected should have explained to them that there will be a process of selection/ring-fenced interviews followed by redeployment and that being identified as potentially redundant does not mean that employees will necessarily be made compulsory redundant.

Every effort will be made to find a suitable post for them in the Council. At this stage it may also be useful to seek advice in relation to allowing employees to volunteer for early retirement if applicable.

STAGE 3 – CONSULTATION

Where new structures are agreed it will be necessary to consult the trade unions on the implementation and on any selection mechanism. Such consultation should be with a view to reaching agreement. The consultation should cover both the selection process and the composition of any selection groups (i.e. employees in the ring fence). Any disagreement can be referred to the Senior Leadership Team.

Both this selection process and redeployment are about finding suitable jobs for employees at their existing level. It is not about gaining promotion or avoiding normal recruitment.

STAGE 4 –SELECTION MECHANISMS

The options for the selection process are as set out in section 4 above.

Selection by interview, using a ring-fenced interview process - in such circumstances the panel should be constituted as set out in the procedure. A job description and a person specification should be prepared for every post, produced in Welsh and English, and there should be consultation about this with the trade unions, as this effectively forms the selection criteria. The employees who are in the ring fence should also be identified. They are likely to be employees who currently carry out work, which is not dissimilar to that which will be carried out in the new structure and whose current grading is at that level.

Employees made potentially redundant by a reorganisation should wherever possible be identified in at least one selection group. It will be a matter for local consultation with a view to reaching agreement as to what size the selection group should be. All employees in the selection group are required to complete a redeployment application form demonstrating their experience and skills available in Welsh and English.

The Panel should use the same short listing and interview process as set out in the Council's recruitment and selection procedure with the exception that the panel should consider the possibility of being able to retrain employees or provide some additional support over a short trial period.

Where a generic group needs to be reduced, then a ring-fenced interview process should be used. In addition, managers may wish to consider seeking volunteers for early retirement or volunteers for redundancy or redeployment.

Where there are an equal number of employees to posts and they can be assessed as meeting the requirements of the job then they can be directly assigned (i.e. slotted-in) without interview following consultation with the trade unions and employees affected.

If agreement cannot be reached or it is not practical to carry out a ring-fenced procedure, for example if there is insufficient time or the selection group is too large, then some other mechanism must be considered.

In all redundancy selection, the selection criteria used must be objective. The uncorroborated view of one individual will not be sufficient to meet this test. If other criteria are used, then care must be taken that employees are being judged upon a common basis.

Where 'Last in First Out' is used, it will be necessary to agree the length of service criteria that is going to be used before agreeing i.e. service with Rhondda Cynon Taf or previous Councils. The application of LIFO to the service areas must be tested for equal opportunities implications, i.e. by applying the criteria, management needs to determine whether the effect will disproportionately affect any group within the service area and give rise to indirect discrimination on the grounds of the protected characteristics identified in the Equality Act 2010.

EQUAL OPPORTUNITY ISSUES TO CONSIDER

Where LIFO does give rise to indirect discrimination it should not be used.

Employees on maternity leave or on long term sick leave should be contacted at home and given the same information and opportunities as their colleagues so they can participate in the selection process. Those on maternity leave have additional rights within a redundancy process and so advice from the Human Resources team should be sought as soon as possible.

DISABILITY

There is a duty of reasonable adjustment and this should be borne in mind in redeployment or where employees are ring-fenced. Protection to employees who meet the definition of disability contained within the Equality Act 2010 is now not explicit as there is no Registered Disabled People registration so managers need to be particularly careful to ensure that applying selection criteria does not inadvertently discriminate against them.

For further guidance on issues of Disability please contact the Equalities Team.