Ealing Council

Managing Reorganisations A Practical Guide

November 2010



Managing Reorganisations A Practical Guide

Contents

Forward	3
Introduction	4
Purpose	4
Structure of this guide	4
HR Support	4
Management Responsibilities	6
Decision-Making Processes	7
Authorisation/approvals:	7
Cabinet processes	7
Equality Impact Assessments	8
Consultation with trade unions and/or employee representatives	8
Timing of assimilation/redeployment	8
Financial implications	9
HR Recordkeeping (Resource-link)	10
Review of "Lessons Learnt"	10
Consultation & Communication	11
Consultation with Recognised Trade Unions	
Consultation with employees at risk of potential redundancy	13
Consultation with other employees affected by the reorganisation	13
Communication generally	13
Who to communicate with	14
Content of communication	14
Communication channels	14
Conclusion	
Assimilation and Redeployment	16
Role profiles	16
Assimilation	16
Responsibilities and appeals	
Redeployment	17
Business Transfers	19
Management Preparation Summary	20
Management preparation checklist	
Summary of Core HR and SSC activities	36

1. Forward

Dear Colleagues,

Our People Strategy 2006-11 has a vision of "Engaged and productive employees enabled by effective leaders to deliver continuously improving services".

Sometimes change can be achieved by simply re-focussing objectives within existing roles. However, on occasions a significant re-organisation of services or employees is the only way to ensure high quality, cost effective services. A reorganisation must be well planned and managed if we are to meet our vision of not only delivering continuously improving services, but also enabling our employees to continue to be engaged and productive. We need to consider the impact on our employees, explain why change is needed, listen to their concerns and aspirations and take on board suggestions in an open manner.

We want to retain as many employees in the Council as possible and to treat our employees fairly and consistently in moving from an existing structure to a new one.

I hope you will welcome this practical guide as a helpful resource to managing reorganisations.

Jacqueline Wiltshire

Director of Core HR and OD

2. Introduction

2.1 Purpose

The main aim of this document is to provide a user friendly guide to all managers when managing a reorganisation of services and employees. This is intended to point you in the right direction of all the activities that need to be undertaken and links to procedures that must be followed as set out in the Council's Local Terms and Conditions of Service on Reorganisation, which should be referred to for fuller information (available as an extract on the Intranet). This guide is not intended to add to, reduce or amend the requirements of the Local Terms and Conditions of Service, but is intended as advice to managers. Before taking certain actions, HR advice should be sought where necessary, as employment law is a frequently changing area.

2.2 Structure of this guide

- **Section 3** provides a flowchart illustrating an overview of the key activities involved in a proposed reorganisation. The flowchart shows three main phases, namely decision-making, consultation and assimilation & redeployment.
- **Section 4** contains details of management responsibilities that are essential in undertaking a proposed reorganisation. This section includes statutory obligations, links to the Council's Local Terms and Conditions of Service and decision making processes.
- **Section 5** covers details on activities that management need to undertake during the preparation of a proposed reorganisation.
- **Section 6** sets out a management preparation checklist.
- **Section 7** summarises the roles of Core HR and the HR Shared Service Centre (HRSSC).

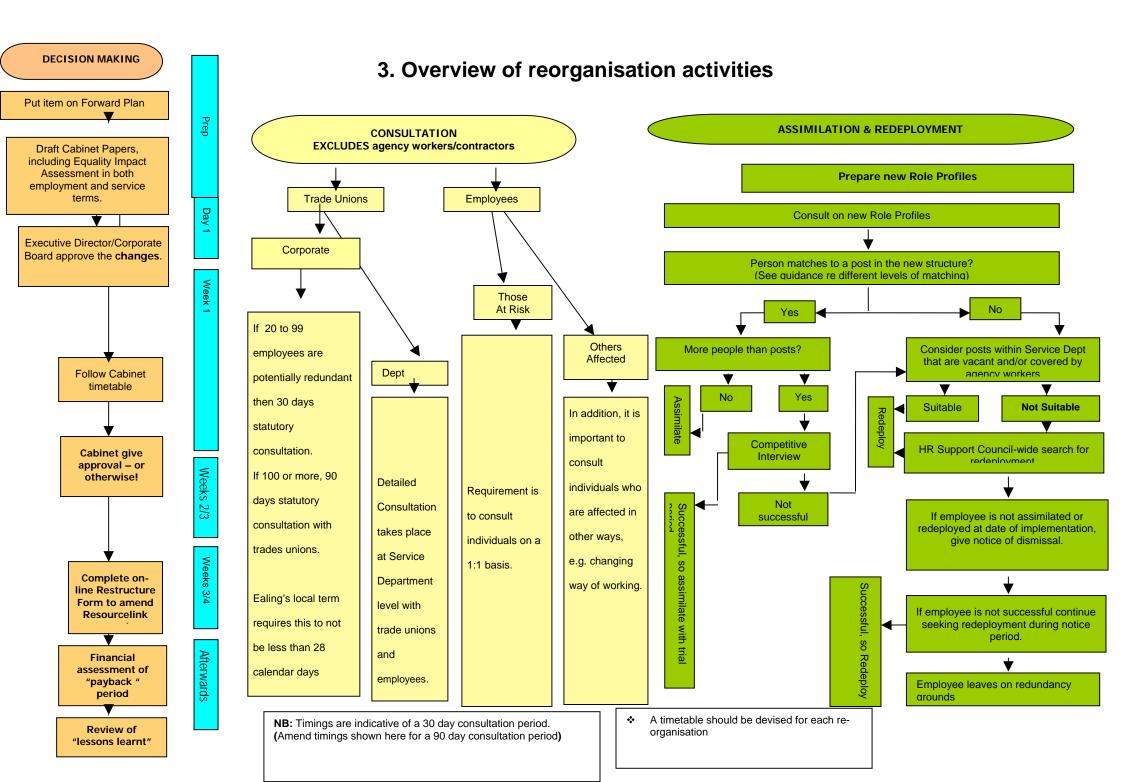
A number of supporting documents are also available on the Intranet to assist in dealing with the activities covered.

2.3 HR Support

HR support should be obtained from:

Core HR on the co-ordination and overview of council-wide consultation arrangements and advice on strategic issues and support as the reorganisation progresses.

The **HRSSC** for operational support and advice on implementing activities such as matching, assimilation and redeployment.



4. Management Responsibilities

This section provides details of what activities are involved in various aspects of reorganisations, with reasons and implications. It includes reference to Parts 2 and 3 (Section 13 Reorganisations) of the Local Terms and Conditions of Service. The following section tabulates these activities into a week-by-week guide to actions and priorities that you will need to observe as you progress through your reorganisation.

Reorganisations involve a number of activities, some of which can run in parallel, to include:

The decision-making process:

- Authorisation/approvals
- Equality Impact Assessment
- Timing link to the Council's Decision-making toolkit
 - o Consultation
 - Assimilation/redeployment
- Financial implications
- Resource-link records (essential for establishment control)
- Review "of lessons learnt"
- Restricting recruitment where this would have a negative impact on potential redeployment opportunities

Consultation and communication:

- Corporate consultation with Trade Unions
- Departmental consultation with Trade Unions
- Consultation with employees at risk of potential redundancy
- Consultation with other employees affected by the reorganisation not at risk
- Communication generally
 - Who to consult with
 - Content of communication
 - Communication channels

Matching, assimilation and redeployment provisions:

- Matching process
- Assimilation
- Redeployment

4.1 Decision-Making Processes

4.1.1 Authorisation/approvals:

Each Service Director is accountable for reorganisations in their area as these are an integral part of delivery of value for money and continuous improvement of service delivery. In this, their HR Business Partner and HR Consultant from Core HR and the HR Advisory Services from within the HRSSC will support him/her. The Executive Director will authorise the commencement of the consultation process with the Director of Human Resources and Organisational Development.

4.1.1.1 Member approval is required:

- To reorganise a service that has potentially significant consequences for services and/or employees, involving deleting occupied posts
- To put a service out to tender
- For Business transfers of employees to another employer under TUPE regulations

The Portfolio Holder (s) (especially where only one portfolio is affected) can give member approval. However, often the Service Director and the Portfolio Holder will agree that Cabinet will take the decision.

4.1.1.2 The Chief Executive and all Directors have authority to:

- Start statutory consultation on proposed reorganisations
- Delete vacant posts

4.1.2 Cabinet processes

To facilitate informed discussion, it is important that all the implications of a proposed reorganisation are referred to in the report to Cabinet (or Portfolio Holder as the case may be). These include financial, legal, value for money, sustainability, community safety, links to strategic objectives, equalities, staffing, property and assets. The standard report template is available in the Council's Decision Making Toolkit, which can be accessed through the quick link on the front page of the Intranet. The business reasons for the change (the rationale), the impact on employees and the processes that will be undertaken should also be stated.

Information on the processes for Cabinet decisions is also available from Decision-making Toolkit. Particular attention should be given to the timetable requirements, as key deadlines starting slightly over one month before the date of the Cabinet meeting itself are required for submission of reports. An item needs to be put on the Forward Plan. As an example, if the changes are being planned as part of a budget-setting process, early on in the formulation of proposals, the Forward Plan item should state "Staffing Proposals" as part of the 2011/2012 Budget setting process." Once consultation has commenced this should be changed to be more specific.

Although at this stage, it will not be possible to accurately identify ALL of the costs associated with the proposed reorganisation, an estimate of these should be made, to include: grade increases through job evaluation, potential redundancy costs, early release of pension, any pay protections, the cost of advertising any remaining vacancies and any

additional costs e.g. due to additional support needed to enable the reorganisation to take place effectively. It may be that "worst case" estimates are most appropriate.

Service Directors should ensure their report to Cabinet (Portfolio Holder) seeks approval to implement changes to the staffing structure and reporting lines as a result of the proposed reorganisation, and also gives the Service Director the authority to take account of points arising from the consultation with employees and Trade Unions).

4.1.3 Equality Impact Assessments

It is essential that an initial Equality Impact Assessment (EIA) is undertaken to inform the decision-making process. For further information, see the Equality and Diversity Intranet pages.

Timing: In order to implement a timely transition to a proposed new structure and to reduce the period of uncertainty for employees, the three phases of consultation, assimilation/redeployment and decision-making run alongside each other. Rarely will the timings be identical as Cabinet timescales are published a year in advance.

4.1.4 Consultation with trade unions and/or employee representatives

There is a strict legal timescale for consultation, depending on the potential numbers being made redundant as set out below: you are legally required to consult any trade unions and employee representatives about ways of avoiding and reducing the redundancies, and of ameliorating the consequences. The Council will continue with consultation for longer than the minimum period if it is appropriate. However, no such notice of dismissal should be given to any employee before the end of the minimum statutory consultation period, unless the Trade Unions have specifically agreed.

Proposed employee redundancies	Minimum statutory consultation period (days)
1 – 19	0 (Ealing Local Conditions require 28 minimum calendar days)
20-99	30
100+	100

If there are potentially 20 or more employees to be made redundant, Core HR will coordinate the consultation activities with the Trade Unions to a common timescale. Where there are 19 or less potential employees to be made redundant, each Service Director is responsible for determining a local timetable.

4.1.5 Timing of assimilation/redeployment

As far as possible, the objective is to have known and agreed the position for all employees within days of the end of the minimum consultation period and the date of implementation of Cabinet decisions. (Timings may alter if there is any "call in" by Overview and Scrutiny and redeployment will be dependent upon available vacancies across the organisation).

The ideal is to complete all the following within the consultation period:

Matching and assimilation

- Decisions on any volunteers
- Necessary competitive selection undertaken

As far as possible, these steps should be completed before any notices of dismissal by reason of redundancy are issued. In some circumstances, it may be necessary to issue notice of dismissal, and to conclude the above-mentioned steps within the notice period.

Ealing Council's Local Terms and Conditions of Service require the Council to give three months' notice of dismissal by reason of redundancy, regardless of the employee's length of service. NOTE: This does not apply to short-term casual appointments or temporary employees on a single (or series) of fixed term contracts of 12 months or less duration OR temporary employees who were specifically contracted to cover particular areas of work during the reorganisation process.

If notice of dismissal is given redeployment will still be sought throughout the notice period. For this reason, people will be expected to work during their notice period.

NB: Please note the issuing of notices of redundancy must be authorised by the relevant Service Director and Director of Human Resources and Organisational Development.

4.1.6 Financial implications

Service Departments are charged for the various costs associated with reorganisations as follows:

Redundancy Costs	Within the financial year that they occur
**Voluntary redundancy	**The Council reserves the right to refuse to
	agree to accept voluntary redundancy if it is
	not in its interest to do so and based on
	factors such as costs and skill retention.
Costs of early release of pension	Costs spread over five years
Costs of any upgraded posts	An on-going cost commitment
Any pay protection costs	As they occur, charged to the original department. (Please see pay protection example on page 15). These costs can last up to 4 years.
Implementation costs	For example, project staff or training costs will be charged as they arise.

Overall savings made through a re-organisation will be reflected in a reduced cash limit for the department. If a re-organisation requires additional funding, this must be found from within the existing cash limit of the department, or through an agreed growth bid. Service Directors need to be aware of developing financial commitments as decisions are made during the reorganisation. To qualify for a redundancy payment, an employee must have **two years' continuous local government service.** Estimates of benefits payable to employees can be requested through the Intranet by raising a Service Request using the Service Ealing portal or by contacting the HRSSC on ext 9000, option 1.

At the end of a reorganisation, the relevant Head of Finance will provide an assessment of the overall costs of the reorganisation, to compare with the savings and other benefits derived from the reorganisation. This will be expressed as a "pay-back period" e.g. if the saving is £120,000 and the total costs are £60,000 then the "pay-back period" is 6 months. In general terms, the target should be a "pay-back period" of under a year.

When considering re-organisations or re-structures, Directors need to be aware that the intention is to provide the best possible result for the Council. If short term savings produce long term costs or costs for other departments, these should be made clear and taken into account when determining the pay-back to the Council.

4.1.7 HR Recordkeeping (Resource-link)

Management information for establishment control is critical to the effective running of your service. It is therefore critical that the online Restructure Form is completed to update the Council's establishment records with new structure information as soon as this is possible. Until this is done, all reports will reflect the old, rather than the new, establishment structure. Finance will conduct on going reviews to ensure that savings have been made and your establishment has been amended to ensure that the proposal has been implemented.

4.1.8 Review of "Lessons Learnt"

Shortly after notices of redundancy are issued to those employees who have not yet been assimilated or redeployed, a meeting should be held of all those Service Directors who have had reorganisations to review the lessons learnt in order that they can be incorporated into this guide where appropriate.

4.2 Consultation & Communication

Consultation and communication regarding a proposed reorganisation takes place at a number of different levels, with a number of different audiences.

These are:

- 1. At a corporate level
- 2. At a service department level
- 3. With individuals at risk of potential redundancy
- 4. With other employees affected
- 5. With wider audiences

Consultation about a proposed reorganisation takes place with employees, whether permanent or temporary employees, but NOT with agency workers or contractors who are the responsibility of their agency. There are strict legal requirements to consult with employees at risk of potential redundancy or who are subject to a reorganisation. Since the requirements are based on numbers across the Council as a whole, Core HR (via your HR Business Partner) must be advised at the earliest stage where a reorganisation is being contemplated so that the Council can comply with their legal duties.

Successful change depends on thorough preparation and ensuring excellent communication particularly during the first two or three days so that people affected by proposals understand exactly what those proposals are.

NB: It is often difficult to recover a situation if formal consultation has commenced on a proposal that, with hindsight, proves to have been insufficiently thought through. To overcome this, be as thoroughly prepared as possible and take advice from Core HR at the earliest stage.

4.2.1 Consultation with Recognised Trade Unions

4.2.1.1 Minimum period of consultation:

There is a minimum statutory consultation period that depends on the proposed number of redundancies.

If you intend to make 20 or more employees redundant within 90 days or less, the Council must also notify the Department for Business Enterprise and Regulatory Reform, as well as recognised Trade Unions and employee representatives.

4.2.1.2 Calculation of numbers:

Vacant posts do not count towards the total. Core HR will advise on the appropriate calculation.

4.2.1.3 The scope of the consultation includes consideration of:

- 1. The reasons for the proposed reorganisation/redundancies
- 2. Ways of avoiding the dismissals
- 3. Reducing the number of employees to be dismissed and
- 4. Mitigating the consequences of the dismissals

Consultation must be genuine consultation, in writing and with a view to reaching agreement with recognised Trades Unions.

It is essential that, for each affected post, there is a list which states (a) how many employees the Council has in that particular post in total and (b) the maximum number of such employees that might be dismissed in the event that the proposals go ahead.

4.2.1.4 Consultation – Corporate

Ealing has adopted a standard pack of information to commence consultation with the recognised trades unions about proposed reorganisations.

The following information should be included in the Cabinet Report:

- The reason/rationale for the proposals
- An existing structure, showing numbers of employees affected and types of posts affected
- The proposed new structure, showing new roles, numbers required and new role profiles with grading.
- An initial Equality Impact Assessment (EIA) for each different re-organisation
- A list of agency workers in that service area occupying vacant posts
- Whether volunteers are to be sought

Service areas should have a list of names of employees that are affected by proposals ready to discuss if necessary although they should not form part of the Cabinet Report.

It is important at this stage to be able to describe in headline terms the anticipated effect on individual roles.

Since the Cabinet Report is a means of consultation with employees and Trade Unions on ALL the staffing implications of the proposed organisational change:

The report should cover ALL aspects of the reorganisation, rather than just those that involve potential redundancies. This could include changes in ways of working and changing reporting lines.

Formally, member decisions are only needed about filled posts - however, in order to facilitate consultation on the whole picture, proposals should include consideration of vacant posts, identifying those to be deleted, with reasons and implications for other employees. In addition, information about other vacancies and all agency workers working in the service area needs to be available too.

Once prepared, information can be used for Corporate, departmental and individual consultation as well as for "in principle" approval at Cabinet.

4.2.1.5 Departmental consultation

In all cases, detailed consultation must take place at departmental level with the same scope as the corporate consultation. It is at this level that the detailed implications of the proposal can be discussed and any alternatives can be explored. This involves individual

consultation with employees at risk of potential redundancy and team discussions with other employees affected by the reorganisation.

4.2.2 Consultation with employees at risk of potential redundancy

There must be individual consultation with employees at risk of potential redundancy.

a) Employees who are not at work:

It is important early on in the planning stage to identify all those individuals who may not be at work for particular reasons on the day that the proposals are to be disclosed and to consider how they are to be consulted. This will include employees who are on annual leave, those on maternity leave or secondments and those who are absent due to sickness. Particular care will be needed if someone is absent due to stress or has a terminal illness. Where appropriate, Occupational Health advice should be sought. Employees on maternity leave and Trade Union representatives have specific entitlements – HR advice should be sought for this.

b) Timing:

Where practical, arrangements should be made for employees at risk of potential redundancy to be advised of this fact on the same day that the Trade Unions have been made aware of the proposals, to minimise the possibility that employees hear of their potential redundancy "through the grapevine".

c) Support to employees at risk of potential redundancy:

The letter notifying employees that they are at risk of potentially redundancy should draw their attention to the Council's employee helpline service, currently provided by an external company called Care First (telephone on: 0800 174 319). If you think that a particular employee would benefit from this service, you should also draw this facility to that employee's attention. In addition, the Trade Unions also have a role in supporting their members who are facing potential redundancy.

4.2.3 Consultation with other employees affected by the reorganisation

It is also important to consult with all employees affected by the reorganisation who are NOT AT RISK of potential redundancy. For example it may be proposed to change some of their duties or how they work or their reporting lines. Team briefings should be held as soon as possible after the formal consultation has started, at the latest within 3 working days.

4.2.4 Communication generally

Effective communication is key to successful reorganisations. Time should be invested in discussions at both team and individual levels to keep employees advised of options and developments, as well as addressing fears and aspirations. It is important to consider concerns and alternatives put forward - employees closer to the operation can have a greater awareness of feasible alternatives. It will be important to demonstrate that such alternatives have been considered and responded to.

The time-honoured template of "Who, What, Why, When and How" provides a helpful framework here, as shown below. The template is provided on the Intranet under the

Working in Ealing, Managing Change or Employment Policies folders, which will also assist in the development of a Communications Plan.

4.2.5 Who to communicate with

It is important to identify who in each of the groups needs to be consulted/communicated with. As well as employees at risk of potential redundancy and employees directly affected by the reorganisation, consideration should be given to the needs of:

- Employees indirectly affected. Perhaps they may need to change how they work.
- Customers who may be affected by the reorganisation.
 - o This could include permanent changes to ways of delivering the service.
 - It may also be necessary to advise customers of changes to service provision at particular times during the reorganisation e.g. during Away days, temporary re-allocation of work or days for training.

4.2.6 Content of communication

For each of the groups identified, consider **what** they need to know and **why**. Consider what their concerns are likely to be and how these can be addressed.

Employees at risk of potential redundancy and employees directly affected by a reorganisation should be told why the Council has proposed the reorganisation. They are entitled to make representations on the proposals and to receive a response to these proposals.

The initial briefing to the Trade Unions should include:

- What the proposals are and the business case for it
- Why this proposal was chosen, including potential impact on service delivery
- How many employees are affected and in what way refer to organisation structures/role profiles showing the "current" and "proposed" positions
- What the scope is likely to be for reducing the need for compulsory redundancies. This should include:
 - Displacing agency workers or temporary employees if appropriate
 - Redeployment and
 - Calling for volunteers for potential redundancy/early retirement in appropriate cases
- Any issues arising from the initial EIA
- What the next steps are e.g. meeting employees at risk and briefing employees affected.

Where a set of reorganisations have been grouped for formal consultation purposes, the initial meeting at corporate level with the Trade Unions for presentation of each proposal will be at a "head line" level. An agreed amount of information is to be provided to the unions at the end of the presentation. The initial presentation to the Trade Unions and employees at departmental level is likely to be at least an hour, depending on complexity.

4.2.7 Communication channels

Different communication channels may be appropriate to each of the groups identified above. Consider **when** and **how** communication will take place with each group:

For **employees who are at risk of potential redundancy**, where a group is affected meet that group. Where only individuals are affected, meet them on a 1:1 basis. These meetings should take place on the afternoon of the initial formal union consultation. Issue requests to attend such a meeting in the morning at the same time as the Trade Union consultation is commencing. Where one or more of the people at that meeting are Trade Union members, a Trade Union representative may accompany them. Provide the same information that you provided to the Trade Unions, but focus on the implications for the employee(s) that you are meeting. Take care to plan arrangements to communicate with those who will not be at work on the day in question e.g. due to annual or maternity leave.

You should have briefing meetings with **employees directly affected by the reorganisation** within 2 working days of meeting employees at risk of potential redundancy. Trade Union representatives should be invited to attend this meeting. Here PowerPoint could be a useful communication tool. Use of PowerPoint will also provide briefing material that can be circulated to others who are not able to attend the meetings.

Consider information and consultation needs of other groups such as **employees indirectly affected and customers.** The extent of the needs will vary with the scale and nature of the changes proposed.

It is very important to have ongoing consultation and feedback and responses to any proposals. During at least the statutory consultation period, progress with the reorganisation should be a standing item on your management team agenda, with minutes circulated to communicate progress, changes and next steps. There will also be regular meetings with the Trade Unions.

Depending on the scale of the changes envisaged, additional means of communication could include:

- Road shows;
- Open door sessions;
- Cascade briefings via team meetings; and
- Regular dedicated newsletters or emails with key messages.

Consider how existing communication channels such as the shared drive or Intranet can support your consultation e.g. departmental newsletters, Customer newsletters. It is the Service Director's responsibility to decide on and implement appropriate communications and consultations.

4.2.8 Conclusion

The key is to ensure that all concerned have access to the information that they need in order to understand the proposed changes and be able to make informed representation should they wish to. From the management viewpoint, it is key to listen to feedback and to concerns of those involved. Keep the communication plan flexible to meet these developing needs. Even if there is no decision on specific news as the consultation progresses, employees still need to be communicated with regularly.

4.3 Assimilation and Redeployment

Where an employee is potentially redundant as a result of an organisational change the Council should notify the employee of potential suitable alternative employment if available. Where it is in the interests of the Council to do so, an employee may be permitted to leave on voluntary redundancy. Compulsory redundancies will only be undertaken where none of the above processes are successful. Full details of the Assimilation Scheme can be found in 13.4, Part 3, of the Council's Local Terms and Conditions of Service extract on Reorganisation.

4.3.1 Role profiles

The key to successful assimilation is to prepare all new role profiles to apply in the new structure at the start and send them to the HRSSC for job evaluation. Not only do they support consultation with employees on the implications of the changes for specific roles but they will also be the basis for assimilation of current employees to posts in the new structure.

4.3.2 Assimilation

4.3.2.1 Job matching

Assimilation to a post in the new structure is based on a process of "job matching", which is a comparison of job content (not hours) between the current role profile and specific new roles following job evaluation, taking account of:

- The actual duties and responsibilities an existing postholder(s) undertakes at the time of the reorganisation
- The priority of duties and any "weighting"
- The amount of time regularly spent on any task

It should be noted that:

- The existing grade of a post is less relevant to the matching process than the actual duties
- As and When Required employees will not normally have rights of assimilation
- Care should be taken where role profiles are out of date
- Employees in a single post on a series of fixed term contracts for one year or more
 at the time of the deletion of the post should be included in the matching process
 alongside permanent employees (except for those recruited on a single fixed term
 contract that may have been extended to cover a particular area of work during the
 reorganisation
- Employees on secondments can only be matched on the basis of his/her substantive post
- No unconditional offers should be made until all claims and appeals have been considered (although it will, of course, be appropriate to notify employees of the provisional outcome, subject to appeal)
- Due to the critical nature of senior management posts, those members of staff who are employed on Chief Officer terms & conditions of employment are excluded from the above process and have their own rules. (Refer to Part 3, paragraph 13.3.2.4 of the Local Terms and Conditions of Service).

4.3.2.2 Levels of matching

While the Council wishes to retain as many employees as possible in a new structure, it is important to effective service provision in the future that assimilated employees are able to fulfil the requirements of the new post. There are therefore three levels at which an employee whose post has been deleted may match to a post in the new structure, with different arrangements for different levels of matching as follows:

% match	Assimilation and Redeployment process
80%	Offered the post, subject to competitive recruitment process if there are more employees than posts available in the new structure
65-79%	Offered the post with a trial period, subject to no one else meeting 80% of the criteria and a competitive recruitment process if there are more postholders than posts in the new structure
50-64%	Postholder is designated as a Priority 1 candidate and offered a redeployment matching interview, provided no employee meeting 80%/65% of the criteria. Appointments are subject to a trial period and a competitive matching process if there are more than one 'Priority 1' candidates.

Refer to the Local Conditions of Service, Part 3, 13.3.2.8 for full details of the matching criteria and processes.

4.3.3 Responsibilities and appeals

The manager responsible for appointing to the new post(s) must undertake the matching exercise and notify all those who have been identified as having matching rights to any posts, or who have expressed an interest in the post, in writing. Records must be retained on the process used to determine matching and HR advice on the exercise should be obtained. Employees must be informed of their rights of appeal, which are heard by the Director of the employing department as set out in paragraph 13.4.2, Part 3 of the Council's Local Terms and Conditions of Service.

4.3.4 Redeployment

The Council has a responsibility to find suitable alternative employment and as such redeployees are treated as **priority candidates** for vacancies across the Council. Full details of the Redeployment Scheme can be found in paragraph 13.5, Part 3 of the Council's Local Terms and Conditions of Service extract on Reorganisation.

The Council's Redeployment Register must have all the names of those employees who have been displaced. Managers must ensure that any change to the names/contact details on the register is forwarded to HRSSC at the earliest possible opportunity.

4.3.4.1 Vacancy information

As soon as an employee has been displaced and is issued with a dismissal notice for reasons of redundancy, an HR Advisor in HRSSC will arrange for the employee to receive information on vacancies, prior to these vacancies being generally available. If a suitable post appears, a redeployment interview can be held, but no offers will be made until all claims and appeals have been considered.

4.3.4.2 Redeployment within the original Service

Where an employee is not matched to a post in the new structure, then they are potentially eligible for redeployment. Firstly, the Service Director will consider work currently being undertaken by agency workers within the original service area, to determine whether there are any suitable opportunities for redeployment. Where an agency worker is covering a vacancy, which may provide suitable alternative employment to a redeployee, this **must** be considered as a possible redeployment opportunity for employees at risk of potential redundancy.

4.3.4.3 Council-wide Redeployment

If there are no suitable opportunities, then the Service Director will refer the employee to the HRSSC, who will arrange to meet with the employee and manager to facilitate a meeting to:

- Provide advice about the redeployment process
- Make sure the employee is aware of the vacancies available
- Provide assistance to complete a Personal Skills Profile form to enable the redeployment process and make the employee aware assistance can be offered to complete application forms for posts the employee expresses an interest in
- Advise the employee that they must proactively indicate any posts they are interested in and apply for available vacancies
- Provide employees with types of roles covered by agency workers
- Provide a redeployment application form for the employee to complete
- Inform the employee that If they unreasonably reject a suitable offer of alternative employment they will not be eligible for a potential redundancy payment
- Inform the employee they will be provided with reasonable paid time off for job hunting or to arrange training during a notice period if they are issued with notice of redundancy

4.3.4.5 Criteria for short listing

Where a redeployee meets or almost meets (i.e. with appropriate training/experience and an extended trial period) the requirements of the criteria in the person specification, s/he will be interviewed in accordance with the normal recruitment process and offered the post if the minimum requirements of the post are met. Any redeployee who is not invited for an interview or offered the post following an interview, must be notified in writing with the reasons and right of appeal.

4.3.4.6 Trial period

Redeployment offers are subject to a minimum 4 week trial period. However, where specific training/support is to be provided, an extended trial period can be extended by agreement and last up to 12 weeks. The agreement must be in writing and agreed before the start of the new contract and specify the date on which the retraining will end. Structured induction and support should be given throughout the trial period.

4.3.4.7 Pay protection

If an employee accepts a post at a lower grade, pay protection is paid in full for a period of two years, including any pay awards. For the next 6 months, the difference is frozen and pay awards are not receivable. Over each of the next 6 months, the difference is eroded by 25% of the original difference, so that on the 4th anniversary the employee receives only the substantive pay for the new post. The original department pays for this protection.

As an example, if there is originally £1,100 difference in pay on say 1 Jan 2008 the following applies

Period of protection	1 Jan 2008 to 31 Dec 2009*	1 Jan 2010 to 30 June 2010	•	1 Jan 2011 to 30 June 2011	•	1 Jan 2012 onwards
Protected pay	£1,100	£1,200 (say*)	£900	£600	£300	£0

^{*} Receive pay increases from 1 Jan 2008 to 31 Dec 2009. Assume new difference is £1200.

4.3.4.8 Redeployment Appeals

Employees have three possible appeal rights arising out of the redeployment process:

- 1. Where they are refused a redeployment interview
- 2. Where they are not offered a post following an interview
- 3. Where they are not confirmed in the post following a trial period

Appeals must be registered within 3 working days of being notified of the decision and sent to the employing Director of the department in which the post exists, stating why the employee believes s/he should have been offered the interview/post. The appeal will be considered by the Director (with advice from the Director of Human Resources and Organisational Development or representative) and the decision/reason notified to the employee within 5 working days.

4.4 Business Transfers

The Transfer of Undertakings (Protection of Employment)

Broadly speaking, when the part of the Council's services is transferred/contracted out, TUPE regulations provide that the employment contracts of employees are automatically transferred to the new employer or they can choose to resign. In effect, this is not a potential redundancy situation as the same work is still available on the same employment conditions. This guide is not intended to give advice on managing the transfer or acquisition of services. TUPE is a constantly changing area in law and specific advice on this and the rights of employees should be obtained from HR. Guidance can also be found at www.berr.gov.uk.

5. Management Preparation Summary

Many of the activities in one area of work will affect activities in another area.

(Please note timescales are extended for a 90 day consultation period except for the first week of the consultation where it is vital that proposals are explained to those affected and that consultation about the proposals begins)

Activity	Preparation	Day 1	Week 1	Week 2	Week 3	Weeks 4/5	Afterwards
Decision- making	Draft Cabinet report (including before and after structures and EIA) Portfolio holder and Executive Director must agree the proposals Cabinet agrees to proceed with proposed reorganisation Corporate Board approve paper	Draft Committee paper, including organisation charts, role profiles and EIA	Initial EIA completed Follow Cabinet timetable	Completed report and EIA in pre-agenda dispatch	Cabinet hear paper and decide on proposal	End of call- in/next day is earliest date of implementation – if not called-in	Restructure Form completed to amend staffing records on Resource-link

Acti	ivity	Preparation	Day 1	Week 1	Week 2	Week 3	Weeks 4/5	Afterwards
C O N	Vith Us Corpo ately	Provide HR with employee data Prepare info for TU against checklist Prepare presentation	Consultation meeting, Management and Trade Unions to start formal consultation		Corporate consultation meeting, Management and Trade Unions		Consultation meeting, Management and Trade Unions	
S U L T A		With TU in Dept	Management meet TU briefly prior to meetings with employees "at risk" of potential redundancy		Departmental consultation meeting, Management and Trade Unions		Consultation meeting, Management and Trade Unions	
0 N	With empl oyee s "at risk"	Prepare to meet all employees at risk of potential redundancy – request to attend made am/pm	Management meet all employees at risk of potential redundancy, with TU if the person is a TU member	Letter sent confirming "at risk" status, providing consultation information	Address their f	vised of options a ears and aspirations respond to their re	nd developments; ons; and epresentations	
	With empl oyee s affect ed by reorg	Arrange briefing meetings for all those affected by the reorg e.g. changes in role profile or reporting line		Brief all employees affected by the reorganisation		Update all employees affected – at team meetings &/or by an update briefing		Update all employees affected – at team meetings &/or by an update briefing

Activity	Preparation	Day 1	Week 1	Week 2	Week 3	Weeks 4/5	Afterwards
Assimilation & redeployment	Before and after charts should be finalised Identify where new role profiles are needed and start to draft them Start to consider initial matching possibilities Decide if going to call for volunteers or can redeployment be found?	TUs receive information on agency workers in the department Employees have priority access to vacancies – but matching to be completed before any such appointment is made	Consider redeployment and/or call for volunteers, where appropriate Employees start to receive details of posts across the Council prior to advert By week end, most draft profiles out to consultation & in for evaluation and obtained estimates of benefits for employees in "pools"	List of proposed matching passed to all employees affected – before final decisions required on any volunteers Decide on volunteers Decide on volunteers, where appropriate or work on redeployment Obtained estimate of benefits for employees not in "pools" New/changed posts evaluated	Any appeals against matching or against levels of matching heard Matching results announced Interview skills training provided	Any necessary competitive interviews held Seek /Offer redeployment for those not matched to other posts: 1. In the department, particularly considering posts covered by agency workers or 2. Across the Council	Notice issued to any employees not matched or redeployed - redeployment continues to be sought throughout notice period Any remaining vacancies in the new organisation are advertised normally

6. Management preparation checklist

Activity	Preparation	Checklist	Who:	Ву
Decision-making	Draft Cabinet paper	A key document is the paper seeking authority for the reorganisation from Cabinet. This provides full information on the reasons for the changes, on what the changes are with potential implications and gives information on how the reorganisation is to be handled. A template is provided on the Intranet.		
	Collect equalities data and draft initial EIA	By law, all decisions such as reorganisations must have an Equality Impact Assessment undertaken with regard to impact on race – from both the service and employment perspectives. Ealing has decided to include consideration of all the equality perspectives.		
		You will need to give information to the unions at the start of formal consultation on equality data on employees, comparing the profile of those at risk with that of the wider Department. HR will provide the staffing data, but it is your responsibility to draw conclusions about any equalities implications and address any issues raised. You will also need to consider the impact of the reorganisation on service users from an equality perspective.	Director, Executive Director, HR Business Partner	
		An initial EIA is drawn up during the consultation period. An EIA is not agreed unless it has been signed off by the Equalities Officers, who can give guidance on the processes involved.	Director	
	Executive Director approves draft cabinet report with portfolio holder to proceed with the	Given the amount of disruption, employee uncertainty and sheer hard work needed to accomplish a reorganisation successfully, it has been agreed that in future, before formal consultation commences all proposals will be scrutinised by the Executive Director concerned, in discussion with their HR Business Partner. They will agree whether the reorganisation will proceed and, if so, that the supporting paperwork meets the required standards.		
	reorganisation. Corporate Board review paper	Corporate Board will review all Cabinet papers before statutory consultation commences. The draft paper must be with Committee Services to meet the Cabinet preparation timescales, although this should be marked "Strictly Confidential, subject to confirmation and potential amendment".	Corporate Board	

	Activity	Preparation	Checklist	Who:	Ву
Consultation	With TU Corporately See notes on Day 1	Provide Core HR with staffing data Prepare information against checklist Prepare presentation	Brief Core HR at a very early stage. You need to provide Core HR with data on any potential reorganisations across the Council to meet legal requirements that treat the Council as a whole and as one employer. A minimum set of information has been prepared for the start of statutory union consultation. Use the draft Cabinet report as the basis for consultation. (Other reorganisations where paper not yet drafted, prepare a consultation paper) HR will provide equality data for all employees and a list of agency workers against which you can build an EIA and consider redeployment. A member of Corporate Board will chair the first formal consultation meeting with the unions. Prepare a 10 minute presentation of your proposals for this meeting.		
0	With TU in Dept	Plan local timetable Arrange TU discussion	A local timetable is needed e.g. for matching and competitive interviews. This works backwards from the need to issue notice to any employee who is not matched/redeployed on the date of implementation – then consider what has to take place beforehand to achieve this. Meet with the TU's for half an hour to give them slightly more detail of what is proposed, including providing them with the local timetable and preparing for the meetings with employees "at risk". A TU rep will attend meetings where the person is a member of their union.		

Employees "at risk" of potential redundancy	Prepare to meet all employees at risk of potential redundancy Invitations to be issued ONLY on morning of start of statutory consultation Plan for those who will not be at work	All employees who are at risk of potential redundancy must, wherever possible, be seen by the Director personally in the afternoon, following on from the Corporate meeting with the unions in the morning. If a person is identified for potential redundancy, see that person individually. Where a group is redundant or if only some from a group are redundant, then meet with that group. Where the person is a union member they should be offered the chance to have a union representative. The FAQs will help with these discussions as well. Invitations to the person/group to be met should ideally be issued on the day corporate consultation meeting is taking place. Where the person(s) will not be at work for any reason, plans must be made to ensure that they receive information on their "at risk" status directly from management, rather than "through the grapevine". Sometimes a phone call may be appropriate. It is helpful to prepare a schedule of those employees "at risk" of potential redundancy to be clear of specific provisions for different individuals e.g. have they been invited to volunteer. As the reorganisation progresses, the updated schedule can be used to brief Core HR prior to discussions at Corporate Board and with unions.	
With all employees affected by the reorganisation	Arrange briefing meetings for all those affected by the reorganisation	Briefing meetings with all the other employees affected by the reorganisation should be held as soon as possible after those at risk have been notified by handing out the consultation/Cabinet paper as the basis for discussions. This first meeting, at least, should be led by the Director, with Core HR support. Think about who should be included. Again plans should be made to make contact with those who will not be at work for any reason and ensure that they are advised directly rather than hearing through the grapevine. HR have prepared a list of Frequently Asked Questions (FAQs) in this area to assist with HR related queries. This can be found on the Intranet.	Arrange by: Hold by

Activity	Preparation	Checklist	Who:	Ву
Assimilation & redeployment	Start to draft role profiles	Revised role profiles will be needed for a number of purposes: for consultation about the new arrangements, for matching people from old to new jobs and to determine grading. While only headline information about likely changes to jobs is needed at the start of formal consultation, experience has shown that preparation of role profiles takes a lot of time and can cause significant delay at later stages, so work should start as early as possible.		
	Start to consider initial matching	Assimilation rights for employees are based on comparison of old and new role profiles, with different levels of matching to the duties of the new post. Above 80% means that the person is assimilated without a trial period or interview. 65% to 80% means that a trial period will apply. 50%+ needs an interview and will involve a trial period if successful. If at any level there are more people than posts, a competitive interview process will be needed. Again, start your considerations as soon as possible as this takes time, including consideration of appeals.		
	Consider whether volunteers are needed or can redeployment be found	If there are groups of employees, only some of whom need to be redundant, then consider whether volunteers should be called for. As an alternative can redeployment be found so that no-one is at risk of potential redundancy? Volunteers will only be accepted if there is a benefit to the Council in doing so.		

Activity	Day 1	Activity	Who	Ву
	(Start of statutory consultation)			
Decision-making	Outline business case/draft paper and equality data provided to unions and employees	See "preparation"		
At Corporate Level Directors present initial proposals/prog ress reports and updates TU's ask questions	Morning: Corporate consultation meeting, Management/TUs	As a number of potential redundancies across the Council are being grouped together for formal consultation purposes, this consultation commences at the corporate level. Core HR will arrange this meeting. You will attend to provide a brief overview of your proposals see "preparation". Core HR will co-ordinate information and complete S188 notice on behalf of the Council.	HR HR	Arranged: advised to block time & TU invited. Detailed agenda to be sent by Statutory letter sent on
With TU in Dept	Meet TU reps before meetings with employees "at risk" of potential redundancy	As set out in "preparation", you will meet with your representatives to give them your local timetable and prepare for the series of meetings with employees "at risk" of potential redundancy.		
With employees "at risk" of potential redundancy	Afternoon: meet all employees at risk of potential redundancy	As set out in "preparation" you will meet with all employees at risk of potential redundancy, on an individual or group basis as appropriate. Each will be given a copy of the same information that was provided to the unions in the morning, together with the local timetable. You will also ensure that all who are not at work for whatever reason e.g. annual leave, maternity leave, are contacted directly to inform them of their "at risk" status.		
With all employees affected by the reorg	(Nothing needed on this day)			

Assimilation & redeployment	Managers will carry out any matching exercises that are required as soon is reasonable.	

<u>WEEK 1</u>

Activity Decision-making		WEEK 1	Activity	Who	Ву
		Initial EIA completed Follow Cabinet timetable	At this stage, an initial EIA should be completed for both service and employment aspects Submit report to Committee Services The Leader and Cabinet review report Report reviewed at pre-agenda meeting		
	With TU Corporately With TU in		Final report to Committee Services for final portfolio holder sign-off Notes of corporate meeting provided to Directors and Trade Unions		
Consultation	Dept With employees "at risk" of potential redundancy	Letter sent confirming "at risk" status, providing consultation info	HR will provide a template letter to be issued to these employees. This letter comes from you to confirm the "at risk" status and includes the information sent to the unions to meet statutory consultation requirements.		
S	With all employees affected	Brief all employees affected by the reorganisation.	As set out in "preparation", you should hold briefing sessions for all employees who are affected by the reorganisation. You should provide them with the same information that was provided to the unions, together with the local timetable.		To be arranged by
Assimilation & redeployment		Decide if volunteers are appropriate or consider redeployment Obtain estimates of benefits from HRSSC Employees start to receive details of posts across the Council	Decide if volunteers should be called for, giving a deadline for response, in accordance with your local timetable OR consider redeployment possibilities. Your HR Advisor in HRSSC will obtain confirmation of estimates of benefits for employees, where the person might be released. Normally this will take a week.		
		prior to them being advertised	Employees "at risk" start to receive prior information on vacancies across the Council.		

WEEK 2

A	ctivity	WEEK 2	Activity	Who	Ву
Consultation	With TU Corporately	Prepare for 2 nd corporate consultation meeting, Management/TUs	By now the unions will have spoken to employees and yourself and will have a better idea of the proposals and of their concerns. You will have progressed actions following the launch of the initial consultation. It is a good idea to have an outline agenda. Typically you will give a 5 minutes presentation of progress, the unions will discuss their issues for 5	HR	
	With TU in Dept	Hold a departmental consultation meeting, Management/TUs	minutes, allowing 5 minutes to agree further actions with timescales Hold this meeting before the 2 nd corporate meeting, above, so that the results can be fed into that meeting. This will cover progress with the decision-making process. It will also help to keep the staffing schedule (see preparation) up to date and provide an overview of the developing situation.		(Before 2 nd Corp meeting)
	With employe es "at risk"	Formal and informal discussions continue as necessary with each person at risk and with teams and individuals affected by the	As has been stressed in the introduction, communication is key. This is particularly so at this stage, where there may seem to be more questions than answers! It will be crucial to have regular formal and informal discussions with all concerned and to listen and respond to people's concerns and aspirations.		
	With employe es affected by reorg	reorganisation as a whole	Again maintenance of the staffing schedule will help to maintain an overview of the developing situation.		

Assimilation & redeployment	Complete new role profiles. If role profiles are not already provided, these should be completed as soon as possible List of proposed matching passed to all employees affected – before final decisions required on volunteers Consider volunteers, OR work on redeployment New/changed posts evaluated	Completion of role profiles is typically a pinch-point in reorganisations. These are key as the basis for discussion with employees of the implications of the revised arrangements and may change as the result of consultation with employees. They are also critical for matching purposes. In turn this affects volunteers/selection. You should complete these as soon as possible. You should undertake matching in accordance with guidance at paragraph Part 3, paragraph 13.4 of the local terms and conditions of service and the timescales in your local timetable. HRSSC will co-work this to provide consistency across the Council. A list of the matching proposals should be sent to all employees affected and the unions, together with information on appeal procedures. Given the short timescales involved and the fact that pay protection arrangements will apply, matching decisions do not necessarily have to await job evaluation.	
		Consider volunteers. HRSSC will provide information to employees at risk on the Council's Redeployment Process and work with managers to either seek/offer redeployment within the Department or elsewhere in the Council.	
		Submit role profiles to HRSSC as early as possible. A job evaluation will normally take a week to progress. When a number of reorganisations are taking place simultaneously, this could extend to two/three weeks, depending on numbers.	

WEEK 3

	Activity	WEEK 3	Activity	Who	Ву
	With TU Corporately	Meeting arranged for	Prepare update on what has happened since initial consultation, and what the outstanding issues are – for those individuals at risk of potential redundancy and those affected by reorganisation.		
Consultation	With TU in Dept	To be held before	 Those at risk of potential redundancy: go through each individual's position with the unions and ensure that prompt action is taken in each case Identify progress with the reorganisation and outstanding issues Note outstanding issues to be mentioned at the corporate level discussions. 		
Cons	With employees "at risk" of potential redundancy	 Formal and informal discussions Keep them advised of options Address their fears and aspir Consider and respond to their 			
	With all employees affected	Update all employees affected – at team meetings &/or by an update briefing	Ensure that the full implications of the reorganisation are explored and actioned – not just those aspects that affect people at risk of potential redundancy.		
	imilation & ployment	Matching results announced Any appeals against matching	At the latest, by the beginning of this week provide information on the results of the matching work to ALL employees affected by the reorganisation. Employees can appeal against results in which they have a direct		
		or against levels of matching arranged & heard	personal interest - see Part 3, paragraph 13.4.1.20 of the local terms and conditions of service. Given timescales involved, it is important to arrange appeal meetings as quickly as possible.		
		Interview skills training as appropriate	If employees need to attend a competitive assimilation or redeployment interview or would like skills training, there are development opportunities on the Learning Management System where they can book themselves onto appropriate courses. Advice is also available from the People and Organisation Development team in Core HR or an HR Advisor in HRSSC.		

WEEKS 4/5

Α	ctivity	WEEKS 4/5	Activity	Who	Ву
Decision- making		End of call-in/next day is earliest date of implementation – if not called-in	The earliest date of implementation if not called in is given in the Cabinet timetable. This applies to any assimilation or redeployment letters, copies available from HR. The earliest date of issuing any potential redundancy notices will be the later of • End of call-in period; • End of minimum consultation period; • After scrutiny panel, if the paper is called in.		
Consultation	With TU Corpora tely	Consultation meeting management/ trade unions. 15 min slot for Service Director	Prepare 5 min presentation, to include Progress since previous corporate meeting and Outstanding issues. Highlight any critical issues that may Affect timelines – of issuing any potential redundancy notices on day/month and Who has not yet been assimilated/redeployed. TUs will have 5 minutes to respond and The timetable allows 5 minutes to discuss and agree follow-up action and timescales.		
Const	With TU in Dept	Consultation meeting, Management/ trade unions	Hold a meeting with the local trade union representatives to exchange information on		
	With employ ees "at risk"	Keep them advAddress their fe	scussions continue as necessary with each person at risk to: ised of options and developments; ears and aspirations; and espond to their representations		

	With employe es affected by reorg			
&	nilation	Any necessary competitive interviews held Seek redeployment for those not matched to other posts • in the department, particularly considering posts covered by agency workers or • across the Council	Build in to your local timescale dates for any competitive interviews that may become necessary, including booking rooms. These arrangements can always be cancelled if not needed, but if they are not arranged in the local timescale this will delay matters. By announcing the timescales, you will also encourage any employees who may need to attend competitive interviews to also attend selection interviewing skills training. Again, employees have the right to appeal against the outcome of any competitive selection. In seeking redeployment, Directors must first consider all work currently covered by agency employees within their Service Department to see if any could provide suitable employment. If this is not possible, HRSSC will assist.	

	Activity	<u>Afterwards</u>	Activity	Who	Ву
	Decision- making	Restructure Form completed and submitted to amend staffing records on Resource-link A financial assessment must be made and sent to respective Executive Directors			
Ē	With TU Corporately With TU in Dept	Continue implementation meetings with TUs as necessary			
Consultation	With employees "at risk" of potential redundancy	The cooperation of the cooperati			
	With all employees affected	Update all employees affected – at team meetings &/or by an update briefing			
	milation & loyment	Implement trial periods Redeployment continues to be sought throughout notice period	Provide formal letters of assimilation and redeployment. Monitor and support employees in trial periods.		
		Any remaining vacancies in the new organisation are advertised normally			

7. Summary of Core HR and HRSSC activities

Activities	Core HR	HRSSC
Co-ordination and planning of reorganisation timetable for	Х	
budget proposals (Star Chamber)		
Launch of statutory consultations with the recognised trade	X	
unions		
HR Consultancy Team will provide strategic advice to		
managers on what goes into the draft report and		
documentation to be provided to Executive Director and	X	
Portfolio holder, the reorganisation timetable (both corporate		
and local), and process		
HRSSC will provide support with preparation for the start of		
statutory consultation i.e. provision of management		Х
information needed for initial EIA		
HRSSC will provide job evaluation advice and provide general		X
advice about the re-organisation process		
HRSSC will send out letters to employees at risk of potential		
redundancy and give support and advice on the redeployment		
process, interview skills training and other courses provided		Х
by the council, information on Care First employee assistance		
helpline		
HRSSC will assist managers with the assimilation matching		
process, any necessary competitive interviews and appeals		X
should employees lodge them		
HRSSC will provide estimates for employees and risk and if it		X
applies for voluntary redundancy		
Core HR will notify HRSSC the date of issue of any	X	
redundancy notices		
Core HR continue scheduled Corporate Consultation	X	
meetings with the Trade Unions		
Core HR notify the proposed date for implementation of new	X	
structures	21	
Core HR will do a review of lessons learnt to be sent to Ealing	X	
Directors Group	21	
Issue of Redundancy		
Letters- Preparation		Х
(Authorisation by Service Director and Director of HR and OD		
first)		
Service areas to provide information about vacancies, agency	X	
workers- to be co-ordinated		