

Introducing Change to Organisational Structures

1. Introduction

This procedure sets out the University's approach to introducing change to organisational structures to ensure that a consistent and fair process is adhered to.

Reorganisation means more than just changes in formal structures: it typically involves not only substantial alterations in organisational and managerial systems and processes but potentially far reaching changes to culture and behaviour as well.

This procedure should normally be operated in conjunction with the University's *Statutes and Ordinances* and relevant and agreed University policies to provide a framework for promoting employment security and avoiding, wherever possible, compulsory redundancies. These policies include the following;

- *Policy and Procedure on Contracts of Employment*
- *Security of Employment Policy*
- *Pay Protection Policy*
- *Redeployment Policy*

It is not intended that this procedure replaces the provisions of these policies and procedures, nor removes any current protections afforded to staff under their contracts of employment, *Statutes & Ordinances* or under existing legislation. It does not affect the rights of an individual to appeal against any redundancy or dismissal procedure.

This procedure and associated policies do not form part of any employee's contract of employment and may be subject to review and amendment as necessary and following consultation with the campus trade unions.

2. Scope

This procedure only applies to all formal restructures/proposed staffing reductions at any level across the University.

The procedures set out within the *Contracts of Employment Policy* will continue to apply where fixed term contracts or permanent contracts, which are either externally funded or have grant/project end dates, are due to end. This procedure will not apply in those circumstances.

3. Statement of principles

The University recognises the value of retaining staff skills and experience in achieving its strategic plans and academic goals. It is committed to maintaining employment practices which promote and enhance the principles of security and diversity of employment.

The University also recognises that effective planning can help to determine future staffing needs and thereby improve job security for staff, which in turn can help avoid short-term reactions that are inconsistent with longer-term strategic aims. In this context, the University seeks to avoid compulsory redundancies in accordance with the application of the *Security of Employment Policy*.

This framework will give due regard to ACAS guidance on redundancy handling and, where applicable, the provisions of Statute XIII Part II and Ordinance XXIII of the University's *Statutes and Ordinances*.

Line managers must consult with Human Resources prior to beginning any exercise to change organisational structures.

4. Introducing Change to Organisational Structures Procedures

There are a number of key stages to the procedures managers and HR must adhere to if the University is to handle reorganisations effectively, efficiently and consistently.

4.1. Design the new structure and roles

Managers need to develop their new structure and roles to take account of the skills and capabilities required to deliver a cost effective operation which meets the strategic goals of the University now and in the future.

Roles should be clearly defined with job descriptions using recognisable job titles. Individual names should not be included in the new proposed structure at this stage.

Managers and HR need to draw a boundary around the correct part/s of the organisation to ensure that it can be established and made clear which employees are affected by a particular change.

In situations where staffing reductions may need to be made, and there is a possibility of academic or academic-related staff being at risk of redundancy, HR must be consulted to determine whether the plans and proposals must be sent to the Staffing Committee for consideration and approval in accordance with *Statute XIII Part II* and *Ordinance XXIII* of the University's *Statutes and Ordinances*. The information provided will be in accordance with the consultation requirements in the section below.

4.2. Consultation

Undertaking meaningful consultation with both the relevant campus trade unions and the affected staff is critical to ensure the change process can move forward as smoothly as possible.

Depending upon the scope of the proposals, management will engage with the Trade Unions prior to the commencement of any formal consultation.

In situations where staffing reductions are proposed or there is a possibility of staff being at risk of redundancy, the University has a duty to consult and communicate effectively with the trade unions as set out in Section 188 of the *Trade Union and Labour Relations (Consolidation) Act 1992*. As such, where the University is proposing to dismiss as redundant 20 or more employees at one establishment within a period of 90 days or less, the University shall consult about the dismissals with all the persons who are appropriate representatives of any of the employees who may be affected by the proposed dismissals or may be affected by measures taken in connection with those dismissals.

The consultation shall begin 90 days before any changes; however, in exceptional circumstances the University reserves the right to adopt the following timescales –

- a) where the University is proposing to dismiss 100 or more employees as mentioned in subsection (1), at least 45 days, and
 - b) otherwise, at least 30 days,
- before the first of the dismissals takes effect.

In accordance with this, a Section 188 letter will be sent by the Director of Human Resources (or their designate) to the Regional Officers of the campus trade unions, providing them with the following information:

- reasons for the proposals
- number and description of employees who are at risk of redundancy
- total number of employees of that description employed at the University
- the proposed method of selecting the employees who may be at risk, and of carrying out the dismissals, with due regard to any agreed procedure, including the proposed period over which the dismissals are to take effect.
- the proposed method of calculating the amount of any redundancy payments to be made to employees who may be dismissed
- statistics on staff turnover for the last three years
- the number of agency workers working temporarily for the University, where they are working and the type of work they are carrying out.
- details of all current vacancies which will be available via the University's website
- details of the financial position in relation to the specific area of business which is subject to the proposals
- the financial impact of any proposed redundancies
- as far as practicable, the impact on remaining posts of any job losses.

The Trade Unions will be informed of the date of the first consultation meeting and provided with the S188 letter 4 working days in advance of the date of the first collective consultation meeting.

The campus trade unions will keep the terms of the section 188 letter confidential until after this initial meeting has been held. The manager will present the old structure and the new proposed structure for consultation together with the proposed HR process and implementation plan.

Reasonable time and opportunity will be given to trade union representatives to consider the information provided, to seek clarification or challenge assumptions and to put forward their views or proposals on behalf of the staff concerned.

The proposed revised structure, HR processes and implementation plan will also be given or presented to all staff likely to be affected by the change. Regular meetings will be planned to consult the staff and take into account their views.

The University and the trade unions will actively engage with a view to, wherever possible, reaching agreement about ways of;

- avoiding any dismissals
- reducing the number of employees to be dismissed

In any event, both parties will seek to mitigate the consequences of any dismissals.

The University will conduct and provide to the trade unions, equality impact assessments to consider whether proposals have a disproportionate effect on any particular group of staff due to age, disability, marriage or civil partnership, pregnancy or maternity, race, religion or belief (including lack of belief), sex or gender, gender reassignment, or sexual orientation. These will be prepared with regard to the University's Equality Duty and the provisions of the *Equality Act 2010*.

Once the consultation process has concluded the relevant manager and HR will inform the affected staff and the relevant campus trade unions of the final structure and confirm the HR processes and implementation plan. The implementation plan must contain realistic timescales so that the employees affected are aware of what is likely to happen and when in order to manage levels of uncertainty and anxiety.

Following the end of the formal consultation period, the University will seek to provide relevant data on progress of the change programme to the trade unions, including but not limited to, numbers of staff affected, the number of applications/approvals for voluntary severance, progress on aspirational meetings and all advertised/filled vacancies. The extent to which this data may be shared further will be clarified by the University at the start of this process.

All staff likely to be affected by the change will be subject to individual consultation and invited to "aspirational" meetings, at which they will be entitled to be accompanied by a trade union representative or a work colleague.

4.3. Staff "At Risk" of Redundancy

All staff who are identified as potentially at risk of redundancy will be given redeployee status from the date of the first collective consultation meeting with the Trade Unions, and will remain a redeployee for a period of 6 months or until expiry of their notice period, whichever is the greater period, or until they are no longer at risk of redundancy. They will be sent a letter confirming that they are potentially at risk, what the next stages of the selection and redeployment processes are

and that they will be given priority access to new vacancies in accordance with the *Redeployment Policy*.

On-going regular progress meetings should be scheduled with both the relevant trade unions and the staff in order to provide the opportunity for them to raise any concerns and to enable the relevant manager and HR to provide a progress report.

4.4. Voluntary Severance Scheme

It will be the University's normal practice other than in extreme and exceptional circumstances to offer voluntary severance which would be targeted to those potentially at risk of redundancy via the application of a standing and targeted Voluntary Severance Scheme as approved by the Board of Governors. This scheme will be reviewed annually with the trade unions at the *Trade Union Negotiating Group*.

Where appropriate, the *Voluntary Severance Scheme* will be launched for staff deemed at risk in the targeted area no later than 45 calendar days following the first consultation meeting with the trade unions. The scheme will normally remain open to applicants for a maximum period of 8 weeks but this period could be varied for a longer or shorter period depending upon the scale of the proposed changes.

All staff deemed within the scope of the scheme will be written to confirming their eligibility and providing details of the scheme and timescales for applications. Once the scheme has closed, employees will not be eligible to apply at a later date.

The relevant manager and HR will review the applications for voluntary severance and select which staff will be offered severance based on criteria (e.g. operational needs, skills and experience) as identified and discussed as part of the earlier consultation process (above).

Consideration may be given at this stage to the staffing pools identified below and, if appropriate, aspirational interviews may be carried out with affected staff.

Applicants will be informed of voluntary severance decisions as soon as possible after decisions are made.

Following this exercise, it may be that pooled staff are no longer at risk because the target reduction has been met. In this case, these staff should be informed immediately in writing of their position in order to minimise anxiety and confirm that they are no longer considered a redeployee.

4.5. Pooling

The staff affected need to be divided into the following categories:

- a) Employees will be designated as a "Direct Transfer" where there is a like for like job match (i.e. at least 80% of their current job is identifiable in the new role) and where no reduction in

the number of such roles is proposed). This must be a role at the same grade. These staff should be informed immediately in writing of their position in order to minimise anxiety, confirm that they are no longer considered a redeployee and will not have access to any voluntary severance scheme that may be in place.

- b) Employees will be “ring-fenced” and designated as being “at risk” where there is a pool of individuals against a job role/s the same as, or similar to, the roles they currently do. This may be where:
 - there is a like for like match as in (a) but a reduction in the number of roles is proposed; or
 - there is at least 51% (but less than 80%) of their current role identifiable in the new job role, which must be at the same grade. There may or may not be a reduction in the number of such roles proposed.
- c) Employees will be designated as being “at risk” where there is no obvious match for the individual against any job role in the new structure.

There may be posts within the new structure to which no individual can be matched because they are assessed as being sufficiently different from previous roles that no employee could be deemed as undertaking 51% or more of the duties. These posts can be advertised to those potentially “at risk” of redundancy.

4.6. Review of Pooling Decisions

Individuals will have the right to seek a review of the decision not to directly transfer to, or ring-fence them for, particular posts. All requests for a review must be made in writing, giving details of why they feel the decision is wrong, to the Head of HR within 5 working days of receipt of the decision. The review will be conducted by the senior line manager and a Head of HR not involved in the original decision.

4.7. Pooled staff in category (b)

Individuals who fall within category (b) may be asked to provide an up to date CV and/or such other relevant information as may be required. Each member of staff will normally be invited to a meeting with their manager(s) and HR (if required) to:

- a) define their skills and experience in their current and previous roles together with any relevant qualifications.
- b) discuss possible training needs.
- c) agree their “pooling” opportunities.

HR will provide an appropriate pro-forma for this part of the process which must be used in all cases.

A second meeting will be held up to 5 working days later in order to provide the individual with an opportunity to add to the information already provided.

The relevant manager and HR may, subject to the consultation process, populate available posts in the new structure. Consideration may be given to the Voluntary Severance Scheme applications at this time. Staff will be informed of their appointment to posts in the new structure as soon as possible and will no longer be considered a redeployee.

4.8. Filling Vacancies

As noted in the section on Pooling above, new roles may have been developed in the revised structures to which no employee is matched because they are totally different to previous roles or they have been assessed as there being less than 51% of the new role in any existing roles in the structure. These will be designated as vacancies and can be advertised and filled from staff at risk who have redeployee status.

Staff will be required to apply for any vacant posts and the usual recruitment & selection processes will apply with priority given to those with redeployee status and in accordance with the provisions of the *Redeployment Policy*.

It is expected that any selection decisions will normally be given verbally to all applicants as soon as practically possible following the interviews and then confirmed in writing. Any successful staff will no longer be considered a redeployee and this will be confirmed in the offer of employment letter.

4.9. Redeployment

Following the procedures set out above, any remaining members of staff who have not been selected for a role in the new structure will be issued with a notice confirming that attempts will continue to secure their redeployment but that, if they have not been appointed to a role, their employment will terminate on a date no later than the date 6 months after they were declared at risk and identified as a redeployee.

Effective and efficient management of the redeployment process is vital. These staff will need to be actively supported to find alternative employment wherever possible across the University and in accordance with the *Redeployment Policy*.

The University has agreed that in the situation of a formal restructuring exercise, employees will be identified as a redeployee from the date of the first collective consultation meeting with the Trade Unions. They will remain a redeployee for a period of 6 months, or until the expiry of their notice period whichever is the greater period, or until they are no longer at risk of redundancy. During which time the provisions of the *Redeployment Policy* will apply.

4.10. Pay Protection

The *Pay Protection Policy* confirms the arrangements that will apply in rare circumstances where it has been agreed to redeploy a member of staff to a lower graded position.

Written approval (as specified in the *Pay Protection Policy*) must be obtained in advance of any application for lower graded positions for pay protection to be awarded.

Where an employee chooses by their own volition to apply for a lower graded vacancy, pay protection will not be awarded, subject to the provisions of the *Pay Protection Policy*.

4.11. Termination on the Grounds of Compulsory Redundancy

Should there be any employee who has not been appointed to a role in accordance with the *Redeployment Policy* during the six month period, then their employment will be terminated at the end of the six month period. Any termination will be confirmed in writing, subject to the provisions of the employee's notice period and subject to any entitlement to a *Statutory Redundancy Payment* in accordance with statutory obligations. A redundancy payment may be payable if the member of staff has at least two years' continuous service at the date their contract will end.

If, during their notice period, the employee is then offered a suitable alternative role within the University, the notice of termination and any entitlement to *Statutory Redundancy Payment* will be withdrawn as a condition of offer of employment.

4.12. Appeals against Termination on the Grounds of Compulsory Redundancy

A member of staff who is given notice of dismissal for reasons of redundancy may appeal against the decision to select them for compulsory redundancy. Appeals must be submitted within ten working days of written confirmation of the decision being issued to the member of staff.

For Academic or Academic Related staff the appeal should be submitted in writing to the Registrar, Secretary and Chief Operating Officer. Appeals by Academic and Academic Related Staff should be dealt with in accordance with Statute XIII.8 plus Ordinance XXIII, Part V.

For Support Staff, the appeal should be submitted in writing to the Director of Human Resources. The process for appeals by Support Staff which shall normally be followed is detailed in the *Appeals against Dismissal Procedure for Support Staff*.

4.13. Group Outplacement Services

In situations where employees are given notice of dismissal for reasons of redundancy, the University will seek to provide group outplacement services to assist them with advice on their career options and finding alternative employment elsewhere from the University.

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