

APPOINTMENTS FOLLOWING REORGANISATION

1 Introduction

Purpose

- 1.1 Organisational change is an essential feature in the transformation of services. This policy provides a fair and reasonable method of implementing change in organisational structures.
- 1.2 Reorganisations will vary considerably in size and extent; managers must give careful consideration to the scale of the proposed restructuring before using this policy. Minor variations in structure arising from reductions in service or budget are normally best addressed through the Redundancy and Redeployment Policy.
- 1.3 Whilst the Council is committed to the principle of avoiding compulsory redundancies, reorganisations may result in redundancies and managers will need to implement this policy in conjunction with the Redundancy and Redeployment Policy as well as the principles of the Recruitment and Selection Policy. The Council undertakes to actively look for suitable alternative work within the authority for any employee who is displaced as a result of organisational change.
- 1.4 Restructurings that affect staff who are not employed the Council e.g. from partner organisations should be discussed with the employer, who will be responsible for any issues arising from the proposals as it relates to their employees.

Who does the Policy apply to?

- 1.5 This Policy applies to all employees of the Council except:
- those employed in schools under the control of Governing Bodies, for whom procedures adopted by the Governing Body will apply.
 - Chief Officers who are covered by a separate Policy

Employees are as defined in section 230 of the Employment Rights Act 1996 or any substituting or amending legislation.

- 1.6 The Fixed-term Employees (Prevention of Less Favourable Treatment) Regulations 2002 give fixed term employees the right not to be treated less favourably than comparable permanent employees. This right applies both to contractual terms and to other detrimental treatment by the employer including access to training, promotion and application of redundancy programmes. Managers must therefore consult with Human Resources, on the individual positions of fixed-term employees when applying this policy.

Delegated Authority

- 1.7 Under delegated powers Chief Officers can agree the restructuring of departmental establishments, which affect less than 10 posts subject to:

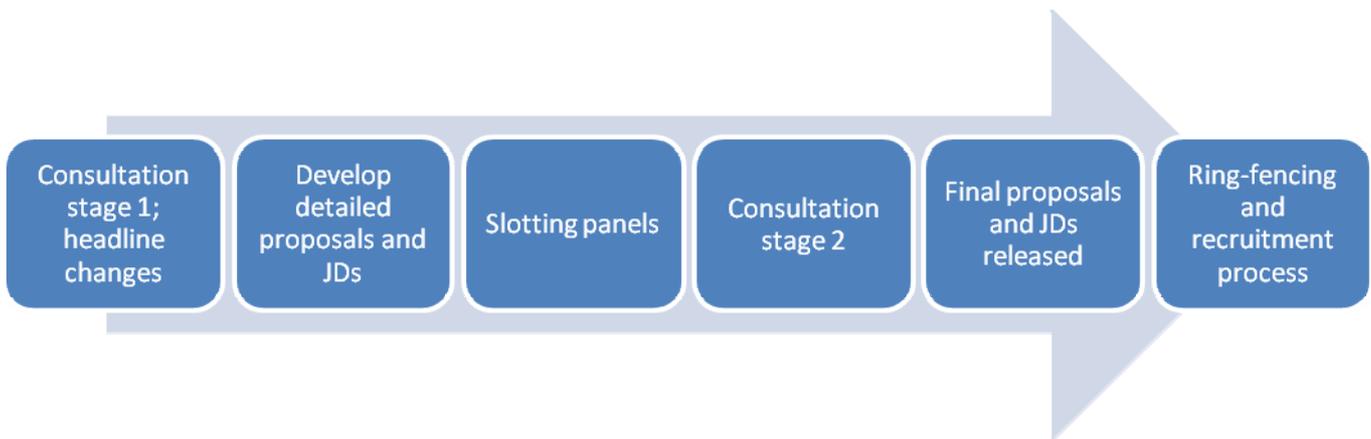
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- A job evaluation exercise being carried out in accordance with Council policy, prior to changes to gradings being made
 - Consultation with the Assistant Director of Transformation and Human Resources to ensure that the revised structure and/or gradings are unlikely to have repercussions on the staffing structure of that or any other department
 - The action being within cash limited budgets
 - Consultation with trades unions at departmental or local level
- 1.8 Any action taken under such delegated authority must be properly documented by managers responsible for restructurings.
- 1.9 Restructurings that affect 10 or more posts, will in addition to the above, also require consultation and consent from the Lead Cabinet Member. Consent should be obtained using the delegated authority form.
- 1.10 All other restructurings e.g. those not within cash limited budgets or affecting more than one department, would normally require agreement from the Cabinet.

Representation

1.11 The Staff Side Secretary or Departmental representatives and employees affected will be informed as early as possible that a reorganisation is being considered and proposals shared with them as soon as practicable. Employees have the right to be accompanied at the formal stages of this procedure.

2 Process



- 2.1 A lead officer should be nominated to co-ordinate the reorganisation, and to ensure compliance with this and other related policies. They may be supported by other managers and will liaise with Staff Side to agree the exact process and timescales to be applied.
- 2.2 The process requires effective planning; officer(s) must give early consideration to setting clear timescales, which incorporate consultation, authorisation and implementation of the proposals. The timetable should ensure sufficient time for consultation with all relevant parties.
- 2.3 At the outset staff affected should be made aware that a restructuring is proposed, together with its scope, objectives and implications. The appropriate Staff Side(s) will also be informed at this stage. The Information & Consultation Regulations 2004 give employees

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the right to be informed and consulted on an ongoing basis about issues affecting the business in which they work. The level of information available for consultation will vary as proposals are developed.

Stage 1 Consultation

2.4 In order to ensure staff and Trade Unions have an early opportunity to influence proposed changes, a short period of consultation will generally take place before proposals are finalised. This will outline the overall proposal, rationale for change and likely impact. Responses will be used to inform the final phase of consultation.

Stage 2 Consultation

2.5 If the reorganisation is likely to result in redundancies or changes in Contracts of Employment, meaningful consultation, including the process, must commence at the earliest opportunity, (i.e. when contemplating redundancies), with a view to reaching agreement about ways of avoiding, reducing or mitigating that need.

2.6 Redundancies and/or variations in contracts affecting 20 or more employees within the Council will trigger the collective redundancies consultation requirements. These are set out in the Redundancy & Redeployment Policy. Staff affected will not be issued with individual notices of dismissal until the statutory consultation has been completed.

2.7 Consultation will continue throughout the process and will take place in various ways. Consultation with employee representatives may be at corporate, departmental or local level, as appropriate. Employee consultation by management may be done through team briefings, full staff meetings, or by email or letter.

2.8 Once full proposals have been produced, these should be provided in writing to the staff affected, the recognised trade union representatives and their comments invited. Where possible these proposals should include the:

- reasons for the proposals
- proposed new structure
- proposed changes, with number and description of staff affected
- changes to working practices
- changes to roles and responsibilities
- financial implications and costings
- timetable with key stages
- selection process, including provisional slotting decisions and ring fencing of staff/posts affected by the reorganisation
- implications for staff i.e. the number of potential redundancies
- any implications for training and development
- draft job descriptions and employee specifications

When available, any updated information or amended proposals must be provided to staff and trade union representatives. The selection process should always be agreed with the trade union representatives.

2.9 The formal consultation documentation when issued must include all the information in section 2.7 above and be made available to the staff and relevant trade union

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representatives to allow sufficient time for proper consideration depending on the scale of the proposals but for an absolute minimum of fifteen working days,.

- 2.10 Job descriptions will be evaluated in accordance with Council policy.
- 2.11 Employees absent from work, e.g. on secondment, maternity/ adoption/parental leave, long term sick leave, will be included in the consultation process and appropriate paperwork sent to them.
- 2.12 Where necessary subsequent meetings should take place with the employees and the trade unions to discuss the proposals and respond to their questions. For the trade unions such meetings would ordinarily be the Departmental or Local consultative meetings.
- 2.13 Where redundancies are anticipated it is a requirement that managers individually meet and consult with those employees directly affected and keep them informed of progress. At such meetings the employee may be accompanied by their trade union representative or a work colleague.
- 2.14 Where the employees or the trade unions provide written comments or alternative proposals. Managers should consider them carefully before formulating a decision, and providing a timely response.

The Slotting-In Procedure

- 2.15 The manager together with a HR Business Partner (or their nominated representative) and a Staff Side representative will form the slotting-in panel and decide the status of posts in the new structure. The Staff Side representative should be from a different department. Any variations must be agreed with the HR Business Partner.
- 2.16 Provisional decisions will be made before issuing the second stage consultation as to which posts are substantially similar to existing roles to be deemed “**fundamentally unchanged**” and which are to be considered as **new posts**. To determine which posts are substantially similar the slotting-in panel will consider whether there is a sufficient match between the duties and responsibilities of the current and the new posts.
- 2.17 The panel’s decision will be a matter of joint discussion, based on:
- a detailed comparison between the content of the current and new job descriptions/employee specifications
 - consideration of any additional duties subsequently assigned to the role
 - consideration of the grade of the (current) post (and the length of time since evaluation if this is significant)
 - comparison of the knowledge and skills required for the new and current post
 - comparison of the purpose and scope of the new and current post

Note: Additional line management responsibility in terms of direct reports may not affect the complexity of a role and the skills required to undertake the duties and may therefore result in a slotting in.

- 2.18 Where the panel decides that the post has remained ‘fundamentally unchanged’, current postholders will have an automatic right to retain that post i.e. will have ‘slotting-in’ rights.

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- 2.19 It is not normally the case that employees will be slotted into higher graded post, although this may be appropriate having considered the actual duties of the new post.
- 2.20 New posts will be subject to a selection process involving employees within the ring fence. the slotting panel will also determine how posts are ring-fenced.
- 2.21 The panel's decisions, including any relating to the ring-fencing of posts, should be recorded, together with the significant points of discussion.
- 2.22 Secondees or those Acting up will be considered for slotting only against their substantive post.
- 2.23 Fixed term employees have the right not to be treated less favourably than comparable permanent employees (see 1.6). Managers should seek advice from HR about the individual contractual rights of staff on fixed term contracts or long term temporary contracts, including acting-up arrangements.
- 2.24 A letter will be sent to all employees affected by the reorganisation advising them of their individual position. This will be either that they:
- have been provisionally slotted to a fundamentally unchanged post **or**
 - have been provisionally slotted to a fundamentally unchanged post but due to a reduction in the number of posts will need to compete for this post and may also apply for other vacant posts **or**
 - need to compete for new posts due to the deletion of their old post

Appeals against provisional slotting decisions

- 2.25 Any affected employee may appeal against a provisional or final slotting decision that relates to them personally, i.e. that they should have been slotted to a particular post or that they believe they should not have been slotted to a particular post. Employees cannot appeal against slotting decisions relating to other people.
- 2.26 Appeals should be submitted in writing with full supporting details by no later than 5 working days after the final decisions on slotting rights are confirmed in writing. This confirmation should normally be supplied after the second stage consultation has ended as part of the management response referred to at section 2.12 and 3.1. Appeals should be sent to the Assistant Director Transformation and Human Resources and will be considered by a different panel to that making the original decision.

3 Implementation

- 3.1 At the end of the consultation process the lead officer will consider all comments received and issue a final position paper. This will include, where appropriate, revised job descriptions and grades.
- 3.2 In the event that there have been changes to job descriptions and/or slotting appeals, the slotting panel will meet again to confirm the provisional decisions

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Appointments

- 3.3 Appointments will be in accordance with the principles of the Recruitment and Selection Policy. It is however accepted that the full procedure is unlikely to be required. Employees will be advised of the process involved.
- 3.4 The revised structures and vacant posts including job descriptions and employee specifications will be made available to staff. Employees who have not been slotted into a post will be invited to submit (up to three) applications for posts in the revised structure. They will receive a minimum of 8 working days from notification of the vacancies to complete and return their applications.
- 3.5 Employees who have successfully gained slotting in rights to a post may only apply for other vacancies once employees at risk of redundancy have been considered.
- 3.6 Appointments will be determined by a recruitment panel, of at least two, which may include an independent officer. A Staff Side representative from outside of the department should be invited to be an observer.
- 3.7 Employees invited to attend an interview must be given a minimum of 48 hours notification. If employees are unable to attend, the panel should aim to offer a suitable alternative time. If this is not possible, the panel may make a fair and considered decision in their absence.
- 3.8 Should the Staff Side have any concerns about the application of the procedure, objections must be raised immediately to the panel i.e. at the short-listing discussion or at the conclusion of the interview/assessment centre, prior to decisions being reached.
- 3.9 If, following discussions, the Staff Side still object, any appointment should be deferred and the matter raised in the first instance with the relevant Chief Officer. If the Staff Side still have concerns, the Assistant Director Transformation and HR should be asked to assist in resolving the matter.
- 3.10 Any comments or concerns raised by the Staff Side should be formally recorded on the appointment panel decision forms.
- 3.11 Placement on particular spinal points within a career grade will be determined by the panel and will be based on an employee's abilities, experience and/or qualifications. The same principles will apply to any linked grades.
- 3.12 Staff should be informed of the results of the appointment process in the manner which has been agreed during the consultation process.

Employees not appointed

- 3.13 Employees who have not been appointed to a post will be considered by the panel for any suitable alternative posts which remain vacant in the structure.
- 3.14 Decisions to appoint may be made based on information gathered from earlier interviews/assessment tests, which demonstrates the employee's suitability for the vacant post. However, where there is a need to consider any remaining untested areas on the employee specification, a short interview may follow.

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- 3.15 In other cases, a further application or full interview may be necessary.
- 3.16 Where an employee is displaced as a result of this procedure they will be notified of the personal implications and of the process set out in the Council's Redundancy & Redeployment Policy.
- 3.17 Managers must be aware of the legal requirement, under Regulation 10 of the Maternity and Parental Leave etc Regulations 1999, to offer any suitable alternative employment opportunities to women on maternity leave before they are offered to other redeployees.
- 3.18 Managers who have taken part in the appointment process should also be available to give feedback and support to staff, following any announcement of displacement.

Revised Contracts of Employment

- 3.18 Staff appointed to new posts or with changed conditions of service should be given a new contract of employment or issued with a variation of contract, as appropriate.
- 3.19 Where an employee is redeployed to a lower grade following a reorganisation, protection arrangements including pay preservation will be in accordance with the Redundancy and Redeployment Policy.

Remaining Vacancies

- 3.20 Once this appointment process has been completed all remaining vacancies will be subject to the normal recruitment and selection procedures

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