

Restructuring Policy

The aim of this policy is to ensure that:

- **Waverley continues to offer high quality, value for money services through effective and efficient service delivery and**
- **where service restructures are required to achieve this, they are carried out in a consistent and fair manner, that staff and Staffside are consulted at the earliest opportunity and**
- **Waverley complies with its legal obligations in terms of staff consultation, redundancy, redeployment and Transfer of Undertakings (Protection of Employment) Regulations 2006 (TUPE).**

Context

As an organisation, Waverley has an obligation to constantly review the efficiency of its service delivery.

The drivers for restructuring within the Council are various and include:

- the constant scrutiny on the efficiency and effectiveness of our services and the drive for continuous improvement
- the need to add value to our services in the context of ongoing budget changes
- the annual Star Chamber process in which efficiency savings are planned for the coming financial year
- external factors such as Government policy or customer expectations

Procedure

When restructuring a service, the Head of Service will consider the following options:

- Implement improvements to service delivery.
- Change (either enhance, reduce or terminate) the service that is being delivered
- Transfer the service to another organisation (TUPE transfer) or possibly transfer the service back to the council
- Respond to changes in government policy or customer expectations of particular services

All these options will affect staff working within the service.

The Head of Service will identify the need to restructure the service and will take this to Corporate Management Team (CMT) for agreement and to obtain authorisation to commence consultation with the staff.

The equality implications of restructuring for both service and staff must be carefully considered and the Head of Service will be required to complete an EQIA to assess any impact on gender, race, disability or any other groups covered by the Equality Act.

If the proposal is agreed by CMT, the Head of Service will, together with the HR Business Partner, begin the consultation process with Staffside and the employees (see section on staff consultation process).

The Head of Service will keep CMT informed on the progress of the consultation process and on its conclusion, will seek authorisation from CMT, the Executive and, where appropriate, full Council to proceed with the proposed restructure.

Once Council approval has been obtained, the Head of Service, together with the HR Business Partner and in consultation with Staffside, will implement the new structure as outlined within this procedure.

The following letters communicating the implications of the restructure to staff should be written at the appropriate stage in the process:

- At the start of the consultation process letters will be sent to all staff indicating the proposed restructure and the changes that the Head of Service intends to propose to Council. The letter will clarify the impact those proposals are likely to have on each employee's post and whether they are likely to be at risk of redundancy or redeployment as a result of the restructure.
- After approval by the Executive, letters will be sent to all staff confirming the outcome and whether they will be at risk of redundancy or redeployment as a result of the restructure.
- After full Council, letters will be sent to those staff affected giving them notice of termination of their employment on the grounds of redundancy, should redeployment not be available.

Staff consultation process

The purpose of consultation is to provide as early an opportunity as possible for staff to be made aware of the service issues under consideration and be part of the discussion about what the options might be. It is important that staff are kept informed by their Head of Service as soon as the need for a reorganisation of the service is considered. Consultation must be meaningful ie give sufficient time for all affected to respond to the proposed changes and propose alternative options.

Legal requirements for consultation exist where 20 employees or more are to be made redundant over a period of 90 days or less. The European directive gives employees the right to be informed about the business' economic situation and to be informed and consulted about employment prospects and about decisions which may lead to substantial changes in work organisation or contractual relations.

The formal consultation process will be as follows:

If there is a delay between staff being made aware of the need for the reorganisation and a draft plan being available for consultation, regular updates should be given by the Head of

Service to keep staff informed. The Head of Service may decide its appropriate to brief staff on the proposal to go to CMT (or Star Chamber) in advance of the commencement of the formal consultation.

- When the proposal to restructure the service has been agreed by CMT (or Star Chamber), the Head of Service will write to all staff in the service area affected informing them of the need for the restructure, the possible impact on their post, the start of the formal consultation process and will invite them to a team meeting to discuss this. A representative from Staffside and one of the HR Business Partners should also attend this meeting . (Template letters are available on Backstage for all letters referred to in this document).
- At the meeting the proposed structure would be discussed with those involved. Staff will be invited to comment and suggest other proposals, and a further meeting (or meetings) will be held to enable them to feedback their proposals. Any proposals made by staff should be workable propositions which can be delivered in the timeframe and budget available and will be fully considered by the Head of Service. Notes of these meetings will be circulated to staff by the Head of Service.
- Staff who are likely to be directly affected by this reorganisation should be spoken to individually before the group meeting. The HR Business Partner and the member of staff's representative should be invited to these meetings.
- The Head of Service and HR Business Partner should continue to hold individual consultation meetings throughout the consultation process with those who are likely to be affected.
- The Head of Service must ensure that staff on long term sickness, maternity leave or secondment are included in the consultation process.
- The Head of Service should keep CMT updated throughout the consultation process.
- After consultation has concluded staff should be informed of the outcome and informed that a report will be going forward to the Executive for approval.
- After approval by the Executive, the Head of Service will write to all staff detailing the outcome and informing staff whether they are likely to be at risk of redundancy or redeployment as a result of the restructure.
- If redeployment is not available and redundancy is the only option, this will need to be approved by full Council.
- After full Council, the Head of Service will write to those staff affected giving them notice of termination of their employment on the grounds of redundancy, should redeployment not be available.

Job descriptions

As part of the consultation process the Head of Service will draw up the job descriptions for any new posts and where necessary, revise existing job descriptions and submit them for evaluation (add job evaluation policy link). Staff will have the right, as part of the consultation process to consider and comment on the proposed job descriptions.

Confirmation of the new structure

After consultation has been concluded, the Head of Service will take the draft proposal to CMT, the Executive and where appropriate, full Council, for approval.

As part of the consultation process, the Head of Service, together with the HR Business Partner and in consultation with Staffside, will identify which staff will and which staff will not, be affected by the restructure.

Individual meetings will be held with staff affected to inform them of the Council's decision and the Head of Service will confirm in writing that they are at risk of redundancy or redeployment.

The Head of Service should also write to staff within the Service who are not directly affected, to confirm this is the case.

In circumstances where a new post is being proposed by where it is unclear whether a job description is sufficiently different from one of the existing job descriptions, an assimilation exercise will be carried out. This will involve the Head of Service, together with the employee, making an assessment of the match between the old job description and the new. If a match of more than 80% is established the employee may be assimilated into that post. If more than one person could be assimilated into a post, then a competitive selection process will be put in place and any unsuccessful staff may be made vulnerable to redundancy.

Selection Process

Where it is apparent that the restructure will result in either fewer posts within the service or the same number of posts but substantial changes to job roles, the Head of Service, together with the HR Business Partner and in consultation with Staffside, will plan a fair and transparent selection process designed to identify those with the ability to best contribute to the future success of the Service .

The selection process will be carried out in the following circumstances;

- Where posts have been deleted and staff are at risk of redundancy
- Where posts have not been deleted but a substantial change to the service means that a selection process is needed to allocate staff fairly to the new roles.
- Where only one person is being considered for a new role, a selection process would still be put in place to establish that they meet the criteria for the new post.

The selection process will be "ringfenced" to include only those directly affected by the restructure and is likely to include a paper based review such as an application form and/or a formal interview process. When determining the appropriateness of selection measures, this should include consideration of the level, grade and requirements of the job, whilst ensuring that the measures enable fair and consistent assessment.

The selection criteria may include work performance, competence, potential, sickness absence, capability or disciplinary record. Selection criteria used should be relevant to the requirements of the job in the new structure and to the Service.

In circumstances where the selection concerns people in the same role, on the same payband, the redundancy selection matrix will apply.

Redeployment/Redundancy

In a situation where staff are not appointed to a suitable post within the restructure, the Head of Service will write to the member of staff explaining that they are vulnerable and giving them notice of the termination of their employment on the grounds of redundancy. During that notice period every effort will be made to redeploy them according to the redeployment policy.

If it is necessary to make staff redundant, the redundancy payment policy will apply.

Restructuring that results in a TUPE transfer

If a service is transferred to another organisation, it is likely that the Transfer of Undertakings (Protection of Employment) Regulations 2006 will apply. Any Head of Service considering this, must take advice from their HR Business Partner at the outset.

Waverley has a duty to inform and consult 'appropriate representatives' of employees affected by a TUPE transfer. Consultation should start when the Head of Service is contemplating the transfer.

Staff who are sufficiently assigned to the service would transfer automatically with continuous service and all their fundamental terms and conditions protected, including the terms contained in any collective agreements.

At the beginning of the consultation process, the Head of Service should write to all staff within the Service (ie those directly and indirectly affected), with a copy to Staffside, informing them of the following:

- The fact that the transfer is to happen,
- The approximate date and reason for the transfer.
- The legal, economic and social implications (eg relocation) of the transfer.
- Any measures which Waverley envisages will be taken because of the transfer in relation to employees who will remain after the transfer (eg the possibility of redundancies for remaining staff) If there are no measures this has to be stated.
- Any measures which the receiving organisation envisages in relation to employees who are transferring under the TUPE regulations.

Following the Restructure

Following the restructure the Head of Service should identify any steps which are necessary to ensure the success of the new structure. These may include:

- Identifying training needs.
- Continuing to communicate with staff the service objectives of the new structure and identifying successes.
- Ensuring new reporting lines are communicated to customers and the rest of the organisation.
- Setting up a review process to deal with ‘teething troubles’ and issues as they occur.
- Conducting a review of the success of the new structure after an appropriate period of time.

Appeal Process

Where an individual feels that they have been unfairly treated during the restructuring process, they can appeal using the Grievance Procedure.

Flowchart

