

Frome Town Council Constitution

Chapter 4a Organisational Change Policy

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Table of Contents

| | |
|--|---|
| 1. Policy Statement | 3 |
| 2. Policy Scope | 3 |
| 3. Key Principles | 3 |
| 4. Responsibilities..... | 4 |
| 5. Definitions | 5 |
| 6. Summary of organisational change procedure | 7 |
| 7. Timings – staff consultation and implementation | 7 |
| 8. Supporting documents | 8 |
| 9. Relevant legislation | 8 |

This policy is an appendix to the Staff Handbook (Chapter 4 of the Council Constitution) and should be read in conjunction with the Staff Handbook.

1. Policy Statement

- 1.1. Frome Town Council recognises the need to remain responsive and flexible in the way it organises service delivery, and to adapt and improve continuously to meet the needs of Frome and its changing duties and responsibilities. We are committed to manage all staff changes, including those leading to redundancy and/or reorganisations, in a fair, consistent and legally compliant manner while communicating in an open and transparent manner.

2. Policy Scope

- 2.1. This policy and procedure applies to all permanent employees of the Town Council, and those on fixed term contracts who have successfully completed their probation period and who could reasonably expect to be in employment at the time and date that the change takes place.
- 2.2. This policy does not apply to fixed-term workers where there is a reasonable expectation that their work would come to an end at a certain date, on completion of a certain project or on the return of the substantive post-holder. This specific exclusion will be considered on a case-by-case basis.
- 2.3. This policy does not apply to transfers under the Transfer of Undertakings (Protection of Employment) Regulations 2006 (TUPE regulations).

3. Key Principles

The main principles that underpin the approach:

- 3.1. Organisation changes are likely to be different in nature, size and scope; the Council will adopt the processes and procedures that are most appropriate to the particular circumstances of each change.
- 3.2. The Council will communicate with staff regularly to explain the change, the reasons for it and the change procedures. The Council will consult with affected employees and representatives in a genuine and reasonable manner.
- 3.3. The Council will try to avoid redundancy dismissals by considering whether it is possible to rely on natural attrition, recruitment freezes and reducing the number of agency workers to make reductions. Consideration will also be given to appointing any new employees on a fixed-term basis while proposals are being formulated in order to reduce the need for compulsory redundancies.
- 3.4. Where posts are deleted, all redeployment opportunities will be considered.
- 3.5. The Council will try and manage the change as quickly as is reasonable and appropriate to the circumstances. Management, employees and staff representatives will work constructively together to minimise periods of disruption and uncertainty in organisational change.
- 3.6. Management and representatives will aim to work together to achieve a satisfactory outcome to the consultation process on organisational change.

- 3.7. The Council will consider the diversity implications of any change process, and ensure that employees potentially affected by the reorganisation are not subject to any unfairly discriminatory treatment.
- 3.8. Due consideration will be given to individual circumstances when making changes to duties and roles.
- 3.9. A fair and transparent selection process will be followed for allocating employees to posts in a newly reorganised service.
- 3.10. Part-time and/or fixed term staff shall not be selected for redundancy based on different criteria than those applied to comparable full-time staff.
- 3.11. Whilst we take account of all relevant circumstances that apply to affected employees, the Council reserves the right to make an offer of redeployment where it considers that the appointment is appropriate subject to reasonable training.
- 3.12. Employees must consider all offers of suitable alternative employment. Those who unreasonably refuse an offer of suitable alternative employment will lose their entitlement to a redundancy package.
- 3.13. The Council will look to mitigate the consequences of any redundancies by offering a fair redundancy package and career management support where suitable.
- 3.14. Employees will have a right of appeal during the process.

4. Responsibilities

4.1. Managers' responsibilities:

- 4.1.1. To consult with employees and their representatives throughout the change process.
- 4.1.2. To approach consultation with an open mind, and consider all feedback received for use in changes to proposals as appropriate.
- 4.1.3. To decide on the most appropriate method of informing and consulting with staff. This must include consideration of staff absent from the workplace due to maternity, sickness or other leave and of those with specific requirements due to disability, and those on secondments.
- 4.1.4. To consult with individuals affected by the change and keeping all of their employees informed about the changes throughout the process.

4.2. Employees' responsibilities:

- 4.2.1. To be flexible and open-minded in considering reasonable changes to their duties and responsibilities.
- 4.2.2. To participate in consultations, considering the proposals put forward by the Council and contributing their own views in an open manner.
- 4.2.3. To continue to conduct their duties in a professional manner during the period of organisational change.
- 4.2.4. To consider any suitable alternative employment opportunity.

4.3. Trade unions/representatives:

- 4.3.1. Are expected to participate in consultation by considering the proposals put forward by the Town Council, suggesting counter proposals where appropriate, contributing representations on behalf of their members, and seeking to reach a mutually satisfactory resolution at the end of the consultation period.

5. Definitions

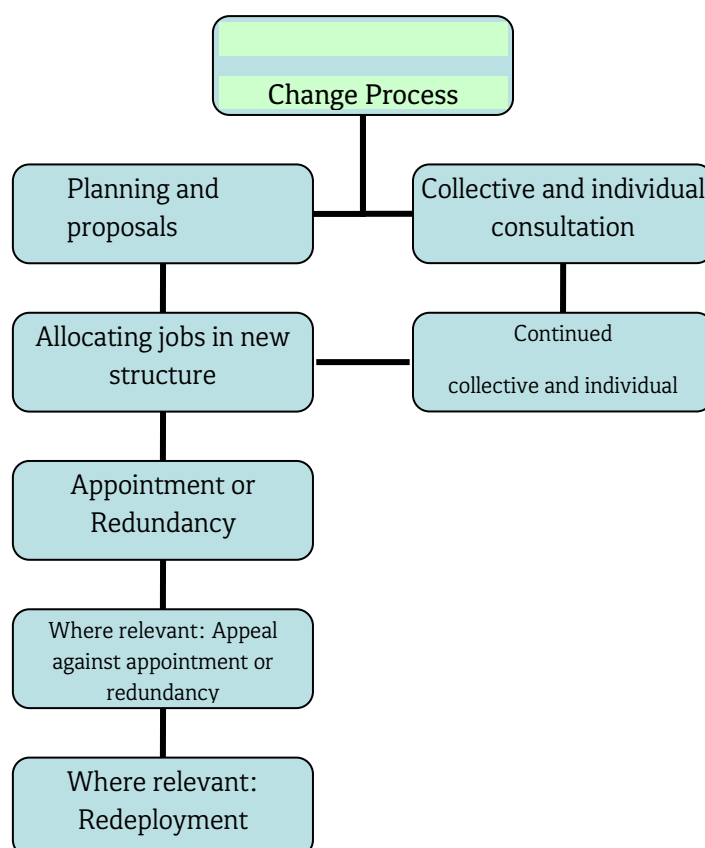
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| Assimilation/slotting-in | Moving all employees from the job in the old structure into new post where there is no or very little change to the job, and grade is equivalent. |
| Collective Redundancy | Proposal to dismiss as redundant twenty or more employees at one establishment within a ninety-day period. This is not relevant but is a legal term that is worth including and the Council will consult collectively with all staff, this does not however trigger the legal definition. |
| Compensation Payment | A discretionary enhanced compensation to mitigate the consequences of redundancy, made available subject to a set of criteria. |
| Consultation | The exchange of views and establishment of dialogue between the employer, employees and their representatives. It should show how management intend to avoid redundancies, reduce the numbers of employees to be made redundant if this is not possible, and mitigate the consequences of the dismissals where they become necessary. It gives the opportunity to comment on proposals, suggest improvements or alternatives to any proposals and enables a reasoned response to be given to opinions expressed. |
| Early Retirement and Redundancy | Form of voluntary redundancy: where an employee is above a specific age, voluntary release could trigger automatic release of a pension lump sum and an annual pension. |
| Job-matching | Allocating employees to jobs in the new structure by either assimilation or ring-fencing. |
| Redundancy | Redundancy is a form of dismissal. Reasons for redundancy may include: <ul style="list-style-type: none"> • A job no longer exists following a reorganisation; • The number of employees needed in a particular job is reduced; • New technology or a new system has made a job unnecessary; or • A service is closing |
| Redundancy Payment | Basic redundancy payment as compensation to mitigate the consequences of redundancy based on statutory redundancy calculations. |

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| Ring-fencing | Selection process applied for posts in the new structure with little or no change to the old roles (including same grade) where there are fewer posts than people. |
| Ring-fencing (alternative position) | Selection process applied for posts in the new structure that are not fundamentally the same as roles in the old structure but are sufficiently similar in nature to be considered a possible suitable alternative. |
| Suitable Alternative Employment | Employment on the same or substantially equivalent terms and conditions as those of the old job where the capacity, status and location are also largely equivalent. |
| Voluntary Redundancy | Employee opting to leave the organisation instead of going through the selection process linked to the organisational change process (their application needs to be accepted by management). See also Early Retirement. |

6. Summary of organisational change procedure

6.1. This policy provides an overview of the Council’s approach on organisational change. It should be read in conjunction with the accompanying procedures and a summary of this procedure is provided below.

Although consideration must be given to all aspects shown in the overview of the procedure below, not all will be relevant in all cases of organisational change. They will be applied with the appropriate level of flexibility and management discretion to accommodate the particular circumstances.



7. Timings – staff consultation and implementation

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| Week 1 | Pre-consultation briefing for affected staff |
| | Consultation begins including provision of policy and procedure and question and answers |
| Weeks 1 to 4 | One to one meetings are held |
| Week 4 | Consultation closes |
| | Consultation responses are considered and a final response to all staff is drafted |

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| | Expressions of voluntary redundancy are considered |
| Week 5 | Consultation responses are provided to all staff with individual staff being advised of their own position |
| Week 5 to 6 | Internal recruitment and selection interviews are held |
| | Shortlisting |
| | Interviews |
| Week 6 | Outcomes of selection advised |
| | Redundancy notices issued (if relevant) |
| Week 7 to 8 | Implement new structure and carry out external recruitment to complete roles (if relevant) |
| Week 8 | Appeals against redundancy |

8. Supporting documents

8.1. To support the effective implementation of the policy, further documents such as guidelines, forms, templates, letters and questions and answers are available.

9. Relevant legislation

- 9.1. Equality Act 2010
- 9.2. Employment Rights Act 1996
- 9.3. Trade Unions and Labour Relations (Consolidation) Act 1992
- 9.4. The Local Government (Early Termination of Employment) (Discretionary Compensation) (England and Wales) Regulations 2006
- 9.5. Employment Act 2008