

Organisational Change

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Policy Statement

Summary West Yorkshire Police (WYP) has established a policy procedure detailing how organisational change must be carried out, both fairly and consistently. This policy complies with legal requirements and ensures that meaningful consultation is carried out with staff associations, trade unions and affected individuals. It establishes appropriate processes to support affected employees, including helping those staff members who are at risk of redundancy search for alternative employment.

Scope This policy applies to all police officers and police staff unless otherwise indicated.

Principles

- General**
- This policy has been developed in accordance with the legal requirement to consult with trade union representatives as specified in Section 188 of the Trade Union and Labour Relations (Consolidation) Act 1992.
 - The organisational change process is divided into three phases. These are:
 - An engagement period;
 - A formal consultation period, which includes collective and individual redundancy consultation; and
 - An implementation period.
 - A final decision will not have been made prior to formal consultation i.e. during the engagement phase.
 - Managers responsible for organisational change must ensure that officers or staff abstracted during the process, such as those on maternity leave, and any full time force trade union representative whose substantive role is subject to an organisational change process, are fully included in the consultation process and are treated no less favourably than other post holders.
 - Management will provide the opportunity for suggestions to be made in respect of the revision of change proposals and reasonable time should be given for proposals to be considered and for feedback to be delivered and assessed.
 - Redeployment of police officers, as a result of organisational change, is covered in the Recruitment and Selection policy.
 - Employees who are made redundant and are aged 55 are allowed to access their pension. Further information regarding this can be found in the Retirement and Pensions – Police Staff policy.
 - If the changes impact on health and safety arrangements then consultation must be carried out with appointed local staff association and trade union health and safety representatives.
 - Individuals are responsible for:

- Participating fully in the organisational change policy and, if appropriate, the at risk of redundancy procedure;
- Considering and applying for alternative roles in the organisation; and
- Where their role has ceased or reduced in number, undertaking as required any reasonable interim duties in accordance with their skills, experience and knowledge taking into consideration their grade and location.

Health and Safety Matters

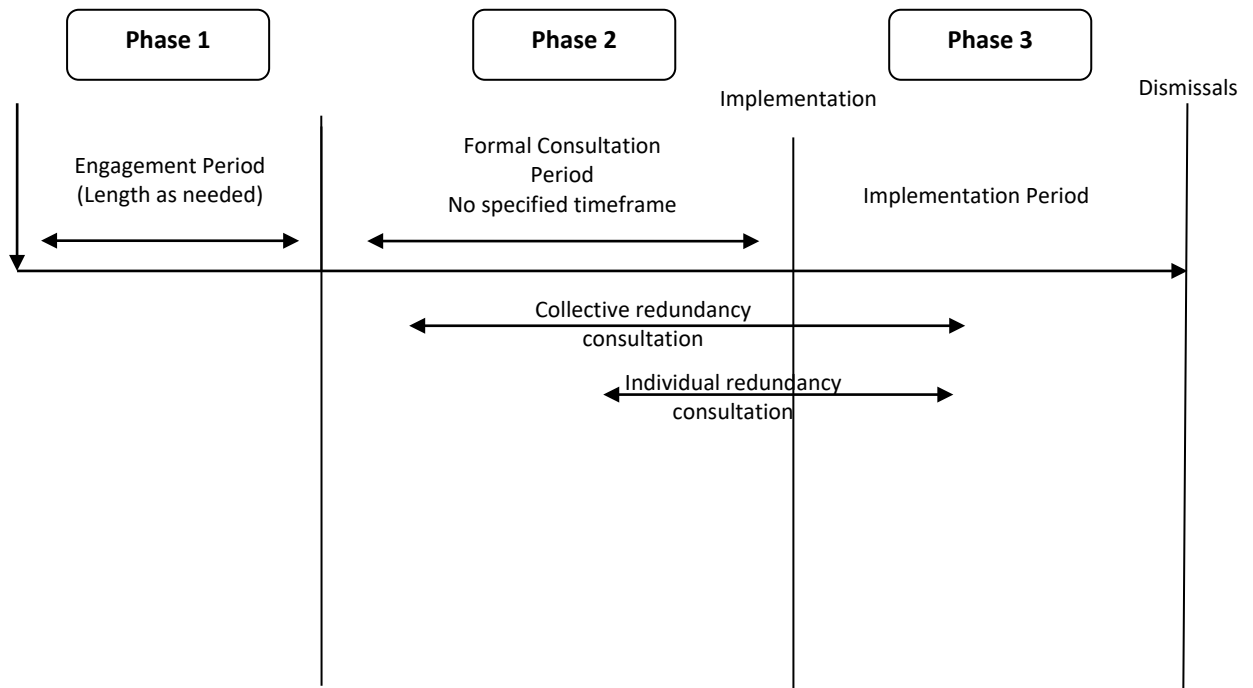
- If the changes impact on health and safety arrangements then consultation must be carried out with appointed local staff association and trade union health and safety representatives.
- The Health and Safety Manager needs to be informed of any staff who are subject to TUPE in or out of WYP, for example when part of an organisational change process. This is to ensure that health and safety responsibilities are passed across.
- Advice must be sought from the Health and Safety Manager when planning significant revisions to processes or premises as part of organisational change.

Organisational Change Process

Diagram

- The diagram provides an overview of the organisational change process and timeframe, which is further explained throughout this policy.

(Project Day 1)



Phase 1: Engagement Period

Introduction

- The purpose of the engagement phase is to start early interaction with trade unions and staff associations during the research phase/informal stages.
 - Engagement enables an open and transparent relationship between management, trade unions, staff associations and other relevant stakeholders (e.g. partner agencies) and establishes a better understanding by all parties of what is being done and why.
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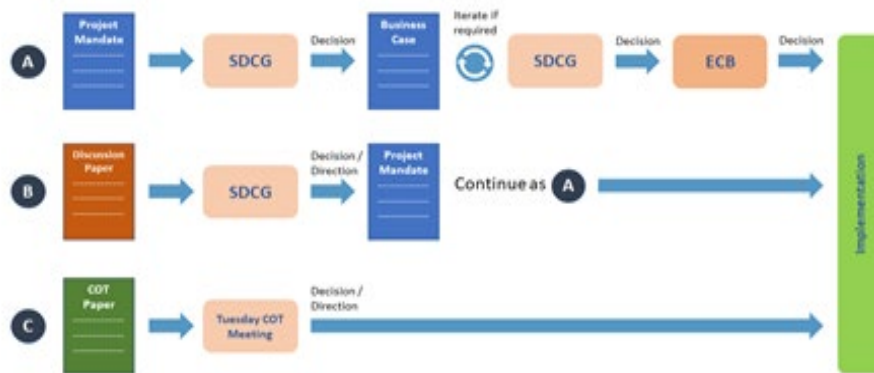
Need for Change Project

- A Chief Officer Team member, District Commander, Director or Department Head or equivalent (for local issues) will sponsor the project and identify the need for organisational change.
 - The project sponsor(s) will:
 - Determine the broad aims of the review; and
 - Appoint an officer or staff member to lead on the project.
 - The Project Lead will complete an Equality and Human Rights Assessment (EHRA).
 - A People Directorate representative will be identified to support the project.
 - The Project Lead should refer to the PMO guidance 'Writing a paper and need a decision?' to determine the appropriate route to obtain approval to proceed.
 - If the proposed change is to take place locally, within devolved budgets, then there is no requirement to gain approval from a formal committee (e.g. COT or SDCG). The Project Lead should commence organisational change locally using the Organisational Change Proposal Template but should ensure they undertake an engagement phase with the relevant trade unions and / or staff associations.
 - If the proposal needs to go to SDCG, COT or to the Tactical Policing Data and Technology Group, then the Project Lead should complete the relevant document to initiate this, as outlined in 'Writing a paper and need a decision?'.
 - The PMO must be notified of **ALL** requirements for change via the Portfolio Management Office mailbox. They will advise on the progress of the requirement and when it should go to the SDCG and ECB for approval.
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Approval of Change Project

- All proposals for change (other than local change within devolved budgets) must be ultimately approved at either COT or Executive Change Board (ECB). The route will be as follows:

The route your paper will take:



Phase 2: Formal Consultation Period

Introduction

- Formal collective briefings will be arranged with affected staff and trade unions to advise on the proposals and options.
- If it is proposed to make redundancies, affected staff members and/or unions must be given the opportunity to put forward alternative suggestions for how the required changes can be achieved.
- If it is proposed to make less than 20 redundancies, consultation must be carried out with individual staff members, in addition to trade unions. In cases where 20 or more redundancies are proposed, consultation must be conducted collectively with trade unions.
- Once the initial phase of consultation has been completed, if there are any changes to the original plans approved by ECB / COT, then this needs to go back for final approval prior to implementation. If there are no changes as a result of consultation, there is no requirement to gain final approval as such, however, if the changes are part of a formal business case, then the final business case would go back to ECB 'for information' prior to implementation.
- The aim of consultation is to reach agreement with staff associations and trade unions, wherever possible.
- Any individuals who are in a seconded role, including Force trade union representatives whose substantive role is affected by organisational change, must be consulted and be regarded as an affected post holder.

Redundancy Consultation

- Collective redundancy consultation will start prior to individual consultation.
- Briefings must be carried out with all staff affected and recognised trade unions. All relevant parties must be given a consistent overall message.
- Regardless of the number of proposed redundancies, every staff member as a result of Organisational Change, who has the potential to be dismissed

through redundancy, has the right to a meaningful and supportive one to one consultation with the appropriate managers.

Protocols

- Consultation must be carried out with trade unions over the proposed protocols for the organisational change exercise. This includes the roles affected, the staff members included, the selection process and criteria to be applied, and the rationale and percentage to be used in any role matching exercise.
 - Details of the protocols and selection arrangements are provided in the supporting information.
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Formal Decision and Notification

- When proceeding to implementation of the proposals the relevant Project Lead, another project team member or Employee Relations Advisor must write to each affected employee to provide details of what has been agreed and detail the further work that will now be taken.
 - If employees are part of a 'selection pool' they must also be notified that this is the case and what this means. Depending on the outcome of the 'selection pool' staff may be placed at risk of redundancy.
 - If employees are to be placed at risk of redundancy, then, the Employee Relations Advisor must invite them to an individual at risk of redundancy meeting.
 - Also, redundancy consultation will be started with recognised trade unions and individual consultation will commence in line with the relevant legislation and Force policy.
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Challenge

- In some cases, an employee may wish to challenge an outcome of the organisational change process where there is no right of appeal detailed in this policy. In such cases, the organisational change outcome challenge process may be used.
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Legal Requirement

- There is a legal requirement to consult collectively with recognised trade unions for statutory periods where, as result of organisational change, there is a possibility of dismissing as redundant 20 or more police staff members, within a period of 90 days or less. (The 90 day period is from the first day that a person would possibly be dismissed.)
- Details of cases where there will be 20 or more potential redundancies must be provided in writing to the trade unions. A letter will be issued under TULCRA legislation. (See supporting information for template)
- If there are 20 or more proposed redundancies, an advanced notification of redundancies HR1 form must be completed by the relevant People Directorate team. This form will be sent to The Insolvency Service, Redundancy Payments Service or via email in line with statutory consultation periods, with a copy of the completed form being provided to Unison and GMB.

- The obligation applies to the Force as a whole; so if smaller numbers of redundancies are considered concurrently – as part of different projects across the Force – the legal requirement to consult may still be triggered based on the total number of redundancies possible, Force wide.
- The minimum statutory consultation periods are:

Number of Staff to be made redundant:	Statutory consultation period prior to first dismissal taking effect:
Less than 20	No fixed period
Between 20 and 99	At least 30 calendar days
100 or more	At least 45 calendar days

- Where less than 20 employees (in total) may be at risk of redundancy, the statutory consultation periods do not apply. However, to ensure that each individual redundancy dismissal is legally fair, the proper consultation must be undertaken in line with Employee Relations Advisor advice. If less than 20 staff are to be made redundant, consultation must be carried out with individuals.

Phase 3: Implementation

Introduction

- The phase covers both the period of consultation that is carried out once implementation of the organisational change programme has been commenced and the 90 day period for those at risk of redundancy.
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Selection Pool

- Where there is a need to select people, for example to identify those staff selected for compulsory redundancy, a process will be established (through consultation with trade unions) to identify the individuals from the wider group of staff affected, known as the **‘selection pool’**.
- The selection pool should be carefully considered and where there are concerns about the members of the pool, advice, including any legal directives should be obtained via the Employee Relations team.
- The decision about which employees are included in the ‘selection pool’ will be made by the Project Lead in conjunction with the relevant Employee Relations Advisor. It should not be assumed that the boundary for a “selection pool” will be a district territorial area, or a specific department.
- The Organisational Change Proposal Template will have identified the roles affected and the appropriate selection method required to implement the final business decisions.
- When identifying a selection pool, managers must ensure they include all individuals whose substantive role is affected e.g. those affected by secondments, maternity/adoption/shared parental leave, long term sick leave etc.
- All employees in the relevant role, whether on permanent or fixed term contracts, will be included in the selection pool irrespective of the length

of service that they have completed. Casual workers and agency workers will not be included in the selection pool.

Selection Process

- A decision, in conjunction with advice from the Employee Relations Advisor, will be made in respect of how selection should be carried out and this will have been consulted and, where possible, agreed with the trade unions.
 - The supporting information provides examples of potential selection processes that may be used.
 - The criteria used and the weighting of scores, for a redundancy selection process must be in accordance with Employee Relations advice and in consultation with trade unions.
 - The selection criteria used must not unfairly discriminate against any particular group of people. The dynamic EHRA must consider this point specifically.
 - The selection process used, and the scoring protocols will be explained to the staff affected after trade union consultation, but before the actual scoring is carried out.
 - If there is a change in location, affected employees may be required to complete a post preference exercise. It is the employee's responsibility to ensure that they are able to work at the locations they indicate, whether as a first preference or as an alternative choice.
 - Employees may be required to complete a post preference exercise, using a template form which will be provided by the change/project team, if the location of their role is changed as part of a restructuring exercise or if there is a need to reduce numbers.
 - An employee must notify Employee Relations of any changes to their personal circumstances, as soon as possible, particularly if this means they are no longer able to work at the location(s) they have previously indicated and need to change their preference.
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Decision

- Taking into consideration the outcome of the selection process, the final decision on which employees are selected will be made in conjunction with the relevant Employee Relations Advisor by the relevant District Commander or equivalent.
- Staff members who are selected for redundancy will receive a letter informing them that they are at risk of redundancy and giving details of how to apply for suitable alternative roles via the Resourcing WCN system. (See suitable alternative roles).
- No changes will usually be made to the selection exercise result after the provisional selection process outcomes have been circulated and any subsequent objections or issues have been considered under the challenge process.
- However, there may be occasions, for example due to a person being given a disciplinary sanction after the provisional selection process outcome has been communicated, which leads to the exercise outcome being reviewed

and revised.

- The selection exercise will be concluded on the date when staff members take up their new roles. Any vacancies that arise on or after this date will be filled in accordance with the recruitment and selection policy and the selection process outcome will not apply.
 - Once an offer of suitable employment is made at a location where they have indicated they can work; the Force will consider the offer to be suitable and reasonable. Only in exceptional circumstances will the Force review this decision.
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Appeals

- If a selection process identifies the employee for redundancy they have the right to appeal against the decision, if they believe that the selection method was unfair and are able to provide appropriate evidence to their beliefs.
 - Any appeal must be:
 - Notified in writing to the Head of Employee Relations within 7 days of the date of the written notification letter; and
 - Include a detailed statement of the case to allow a decision to be made.
 - An People Directorate SLT member will review the case papers, request more information if necessary and make a final decision. Their decision is final.
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At Risk of Redundancy – Police Staff Only

Principles

- The employee must be invited to attend a meeting with their line manager or a manager involved in the organisational change process. The Employee Relations Advisor may also attend. The employee should be informed that a trade union representative or work colleague can, also, attend this meeting, if the employee requires this.
- At or shortly after the meeting a letter must be given to the employee. The letter must:
 - Provide details of the redundancy proposals, including which roles are deleted, and why;
 - Clarify that the employee is being placed at risk of redundancy;
 - Summarise the process to be followed during the “at risk of redundancy” period, including what will happen at the end of the “at risk” period if the staff member does not secure an alternative role;
 - State that the staff member must register their details on the online recruitment system;
 - Clarify that the employee may raise any further issues with their line manager at any further point in the process;
 - Clarify that if they have less than 2 years service at the end of the “at risk” period they will not be paid a statutory redundancy payment; and
 - Clarify that they are given notice of dismissal. The notice period will run concurrently with the “at risk” period and consequently may be longer

than the contractual minimum.

- This process begins on the date of the letter informing the employee that they are at risk of redundancy.
- The period will generally last for 90 days but may be extended with the approval of a member of the People Directorate SLT, if they consider that a potentially suitable alternative role will arise during the extension period.
- Employees must complete and submit the 'at risk' registration form on the online recruitment system.
- Employees are responsible for updating the online recruitment system when there is a change in their details, and they must remove their 'at risk of redundancy' status if they are successful in obtaining an alternative role.
- When a staff member, who is at risk of redundancy, applies for their first role using the online recruitment system they will be required to complete a skills audit as part of the application form. This audit will only have to be completed once. The audit information will automatically be transferred to any subsequent applications that are made during the "at risk" period.
- All employees whose role is being withdrawn whether on permanent or fixed term contracts, will be placed "at risk" irrespective of the length of service that they have completed. Casual workers and agency workers will not be placed "at risk".
- Staff members whose role is considered as a match (is regarded as being sufficiently similar) following a "matching" exercise (see the Supporting Information - Organisational Change Protocols), will not be placed at risk, unless the new role is 1 grade below the current role and the staff member opts not to accept the new role, or unless they are not successful in obtaining a role following a selection exercise.

Associated Employers

- The West Yorkshire Combined Authority, the previous Office of the Police and Crime Commissioner for West Yorkshire and the West Yorkshire Police Chief Constable are treated as associated employers for redundancy purposes.
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Settlement Agreement

- A staff member who is to be made redundant will be asked to sign a settlement agreement between themselves and the Chief Constable on behalf of West Yorkshire Police.
 - The settlement agreement sets out the financial and other terms under which their employment will end.
 - Independent legal advice should be sought by the employee before signing the settlement agreement and the Force will contribute up to a maximum of £300 inclusive of VAT towards the costs of this legal advice.
 - The employee's solicitor should send their invoice (up to a maximum of £300) directly to the West Yorkshire Police Finance Department.
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Redundancy Payment and

- Staff member who are made redundant will receive a redundancy payment in accordance with statutory provisions if they have achieved at least 2

Service Period	<p>years service of the date of their redundancy dismissal.</p> <ul style="list-style-type: none"> • There is one situation in which employees can receive an enhanced redundancy payment. In exceptional circumstances and in order to ensure smooth business delivery the Force may request that an individual remains employed beyond their “at risk” period. In these circumstances an additional payment of 6 weeks equivalent salary will be made to the employee. This payment is in addition to statutory redundancy entitlements. • Requests for individuals to remain employed beyond their contractual notice period will be made by the District/Directorate SLT. • Previous continuous employment with an organisation(s) covered by the Redundancy Payments (Continuity of Employment in Local Government etc.) (Modifications) Orders will be included in calculating entitlement to the redundancy pay.
Interviews and Applications	<ul style="list-style-type: none"> • Employees who are at risk of redundancy or displacement created by equality issues will have priority over candidates who are not at risk for this reason. • If an employee is identified as being potentially suitable for the alternative role, following a short listing exercise, an informal discussion will be held between the individual “at risk” and the recruitment manager, to talk through the role and determine if the individual “at risk” meets the essential criteria. An interview will only be held if a competitive selection exercise is required because more than one “at risk” staff member is identified as being potentially suitable for the alternative role. (Refer to the Recruitment and Selection policy). • The employee will be offered a ‘Trial Period’ in the role if they meet the specified standard. • While at risk of redundancy an employee may apply for as many roles as they wish. When an employee applies for a post, they are confirming that the post is a suitable alternative role and that they will accept it if offered. • Details will be communicated to the relevant employees by the Project Team/People Directorate Team. • The Employee Relations Advisor with liaison, as appropriate, between the employee, the recruiting manager and Resourcing to set up the arrangements for applications and interviews during the “at risk” period. They will ensure that applications from “at risk” staff are given appropriate priority consideration and that suitability or competitive interviews are conducted appropriately.
Suitable Alternative Roles	<ul style="list-style-type: none"> • If an employee is unsure if a role would be suitable, they should speak informally with the recruiting manager or Employee Relations Team. The Resourcing Team will also check vacancies against the register of staff ‘at risk of redundancy’. If both parties agree that the role is unsuitable, no further action is needed. • If the employee, or the line manager of the vacant post, consider that a

post is not suitable, reasons must be documented and communicated to relevant parties accordingly.

- Where there is a dispute over the suitability of the role, both parties will forward written representations to the Resourcing Team who in turn will provide a report to a member of the People Directorate SLT, who will determine whether or not the role is suitable, taking account of all opinions.
- If an employee declines to accept an offer of suitable alternative employment, a member of the People Directorate SLT will invite them to a meeting to discuss their reasons; Refusal to attend the meeting could result in a decision being taken in their absence.
- If the person does not attend a member of Resourcing Team will present the details relating to the offer and they will be asked to explain the employee's assessment of the vacancy and, specifically, why it is considered to be unsuitable.
- A member of the People Directorate SLT will determine if the employee's decision to refuse the offer of suitable alternative employment was reasonable.
- If a member of the People Directorate SLT considers that the decision was unreasonable the employee will be required to accept the post. If it was reasonable then the remainder of the period on the redundancy register will continue.
- If a member of the People Directorate SLT has decided that the employee's refusal of the offer of suitable alternative employment was unreasonably declined but they still refuse to accept the role, they may be dismissed without right to a redundancy payment unless they have managed to secure another role before the end of their 'at risk of redundancy' period.
- If an employee is at risk of redundancy and refuses to attend an interview consideration will be given to whether they have unreasonably declined a suitable alternative role.

Trial Periods

- All employees, who have been appointed to an alternative role, will have a trial period, during which time induction and training issues will be addressed.
- The trial period will last for 28 days, however, where necessary, the trial period can be extended generally but by no more than 56 additional days with appropriate rationale. Whilst, the employee is expected to fully commit to the trial in the new role, they are not prevented from applying for roles elsewhere.
- If agreement is given for a staff member to have a trial period in a new role the "at risk" period is paused. The employee can apply for other posts in the period prior to the commencement of the trial period and during the trial period but any applications that they make will not be given preferential consideration.
- If the trial is unsuccessful, the employee will resume their 'at risk of redundancy' period from the trial end date (i.e. the 90 day period will not start afresh). Any days after agreement is given for a staff member to have

a trial period and during the trial period will not count towards the “at risk” period.

- Unless the trial period covers a date after the date on which they would otherwise have been dismissed it will not be regarded as a statutory trial period for the purposes of the Employment Rights Act.
- While the employee is undertaking a trial period they will be retained on the spine point salary of their substantive role, and will not receive any allowances (e.g. shift allowance, weekend enhancement, etc.) unless the trial role also attracts such enhancements.
- Where the role operates a shift pattern, the trial will normally include a representative shift pattern.
- At the end of the trial period the line manager must arrange a meeting with the employee to discuss performance with a view to a mutual determination as to whether or not the trial has been successful.
- Where the trial period is satisfactory, the employee will be issued with written confirmation and a revised Principal Statement by the People Directorate Resourcing team, with effect from the commencement of the trial period.
- If there is disagreement as to whether the trial period has been successful, the matter will be referred to a member of the People Directorate SLT to decide, with both parties having the opportunity to submit representations.
- At the end of a successful trial period, the line manager in conjunction with the relevant Employee Relations Advisor will determine the starting spine point in the grade of the new role taking account of relevance of skills, knowledge and experience in comparison to the requirements of the role.
- If there is an overpayment of salary accrued over the trial period this will be generally be recovered over six months, however, in exceptional circumstances an alternative recovery arrangement may be agreed between employee and Pay Section.
- If the trial is not successful the employee may either return to their substantive role or to interim duties on their existing terms.

End of At Risk Period

- Approximately two to four weeks before the end of the 90 day at risk of redundancy period, the employee will be scheduled to have a 1-1 meeting with their line manager or other manager as appropriate to discuss the situation.
- At the end of the ‘at risk of redundancy’ period, if the employee has not been successful in finding a suitable alternative role, their case will be referred to a member of the People Directorate SLT for review.
- People Directorate Resourcing staff will prepare a report for a member of the People Directorate SLT showing details of current and anticipated vacancies. Employee Relations produce a report detailing the action taken under the organisational change process relating to the staff member. This information will be prepared following discussion with relevant People Directorate colleagues. The employee may submit information that they wish to be considered.

- The People Directorate SLT member will determine whether:
 - There is any realistic possibility of a suitable vacancy arising imminently; and
 - They are satisfied that the organisational change process has been followed correctly.
 - The options available are as follows, the outcome selected will be confirmed in the written notification letter to the affected employee and line manager:
 - Confirm the dismissal on the grounds of redundancy;
 - Extend the period, where there is strong justification; or
 - Refer the organisational change back to the department for further work if they consider that all or part of the process has not been completed correctly.
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Appeals

- If an employee is dismissed as a result of compulsory redundancy, they have the right to appeal against the decision.
 - The criteria for the appeal against dismissal may be the:
 - Process operated to determine the redundancy; and/or
 - Appropriateness of the decision to make them redundant.
 - The appeal must be notified in writing to the People Director within 14 days of the date of the written notification letter; and must include a detailed statement of the reasons for their appeal and must specify which of the criteria the appeal is based on.
 - The People Director, advised by a People Directorate SLT member (who did not make the redundancy decision), will review the case papers, requesting more information if required and will make a final decision.
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Applying for Vacancies

Principles

- If an employee leaves due to compulsory redundancy, they will be eligible to apply for any vacancies that are advertised externally after the date of their redundancy.
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Protection of Earnings

Information

- This policy covers all staff members who are entitled to earnings protection, for any reason, including those whose protection was initiated for reasons other than the impacts of “at risk of redundancy”.
- Protection of earnings will apply where an employee has found a suitable alternative role where the basic salary, not including consolidation and allowances, is less than the one that they received in the former role.
- The protection of earnings applies from the date that the new role is taken up.

- If an entitlement to protection of earnings applies to other Force policies then these rules will also cover those protections.
 - The basic salary (underlying grade) will be protected for a period of 6 months (183 days) from the date of moving to the new role. Trial period(s) will count towards the total 6 month protection period due.
 - The level of earnings protection will be limited to 2 grades.
 - If an employee moves into a role more than 2 grades below their current grade then the protection will be limited to 2 grades above the grade of the new role.
 - Annual cost of living rises will not be paid during the period of the protection.
 - There will be no protection of allowances, market factor payments, travel expenses or any other benefits.
 - The District or Department which employed them when the change started will fund the protection of earnings.
 - The employee's pension position will be adjusted as appropriate; advice can be obtained from the Pensions Office.
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Additional Information

Compliance

This policy complies with the following legislation and policy:

- Equality Act 2010
 - Employment Rights Act 1996
 - Trade Union and Labour Relations (Consolidation) Act 1992
 - Recruitment and Selection policy
 - Retirement and Pensions – Police Staff policy
 - Data Protection Act 2018
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Supporting Information

The supporting information for this policy can be accessed online.
