Organisational Change Procedure
Version: 3

Summary:
The Organisational Change Policy and Procedure provides information for staff and managers on organisational change. The documents also provide managers with guidance and a framework for managing organisational change which takes into account the impact of change on staff as well as considering the need to focus on achieving outcomes which benefit our services users and/or reduces costs.

Keywords (minimum of 5):
Change Management, Organisational Change, Consultation, Redeployment, Slotting-in, Ring-fenced Competition, Restricted Competition, Job Mapping, Redundancy, Transfer of Undertakings (Protection of Employment) Regulations (TUPE).

Target Audience:
All Southern Health Staff

Next Review Date:
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Joint Consultative and Negotiating Committee

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Version Control

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| Jul13-Dec14| HR Best Practice Team           | 2       | Throughout | ● Revised to be ‘fit for purpose’ to help manage the increased amount, diversity and level of complexity of service change. The ‘job matching process’ has accordingly been revised.  
● Further clarification on responsibilities and expansion on support during redeployment  
● The Organisational Change Policy, Procedure and accompanying Toolkit further aligns with best practice and the Going Viral tools for managing organisational change.  
● General update with employment legislation. |
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ORGANISATIONAL CHANGE PROCEDURE

1. INTRODUCTION

1.1. Southern Health NHS Foundation Trust (the ‘Trust’) is committed to continuing to deliver benchmarked high quality and safe ‘value for money’ care. To achieve this, the Trust must respond to the challenges and opportunities in the changing health and social care environment and to meet the needs of its current and future commissioners, through organisational change by the redesign of its services.

1.2. The Organisational Change Policy and Procedure will aim to ensure that organisational changes are successful in achieving the service user-focused outcomes and cost reductions, as well as gaining the commitment of its workforce to changes through engagement, involvement and support, by :-

- Providing guidance to managers on the management of change;
- Providing guidance and information to staff on the change process;
- Providing clear processes for staff engagement, involvement, support and robust methods for consultation (individual and collective);
- Ensuring all staff affected by organisational change are treated in a fair, equitable and transparent manner;
- Seeking to minimise the risk of redundancy by ensuring that all other options are considered before any member of staff is made compulsorily redundant;
- Providing robust processes to ensure partnership working with staff side, in relation to change. The Trust recognises that staff side partnership working is integral to ensuring the above processes, relating to staff, are effectively and fairly implemented; and
- Ensuring the management of change and redundancies adhere to legal requirements.

2. TYPES OF ORGANISATIONAL CHANGE

2.1 There are broadly two types of organisational change relevant to the Trust:-

- Service redesign – within service redesign there are three levels of change:
  - Level 1 Change
  - Level 2 Change
  - Level 3 Change

- Change arising from Transfer (TUPE)

A description and the change management process for each type of change and level of service redesign are outlined in the following sections.
3. LEVEL 1 CHANGE

3.1 A Level 1 Change can be defined as one which is likely to have minimal impact on staff.

3.2 Depending on the degree of change proposed it could include a change of role, working practices or a change of work base, hours or shift patterns.

3.3 Please note, Sections 4 and 5 provide general and flexible guidance for managing the informal stages of change. Managers should aim to implement the informal stage (part B) and, where possible, the informal stage (part A). The management of the informal stages of change should be flexible according to the type change.

4. THE CHANGE MANAGEMENT PROCESS FOR LEVEL 1 CHANGE: INFORMAL STAGE (PART A)

An overview of the change management process for Level 1 change is provided in a flowchart in Appendix 1.

4.1 The change management process for the Informal Stage (Part A) is outlined below. Detailed guidance is provided in Organisational Change Toolkit – Guidance 1. In addition, to help managers get started and to consider what will be required and timelines, a quick checklist is provided in Organisational Change Toolkit – Template 1.

- Clarifying the reason for potential change and the proposed outcome/benefit(s);
- Reviewing current service (describing the present state) in relation to proposed outcome/benefits: involvement and engagement of staff;
- Scoping for solutions or potential service redesign (defining the proposed future state): involvement and engagement of staff;
- Establishing the benefits/baseline measures to evaluate change: involvement and engagement of staff; and
- Engagement, communication and informal consultations on the proposed change.

Please note, prior to ‘engagement, communication and informal consultations’, it is compulsory for managers to collate the information gathered above and complete the ‘Proposal for Service Redesign Template’ (see Organisational Change Toolkit – Template 2). The proposal will help provide a sound basis for preparing for the change as well as for informal discussions on the change. To ensure potential changes are being prepared appropriately, and the Trust is aware of the change, the manager must send the proposal to a Human Resources (HR) Professional and Staffside.

4.2 Further to staff having reasonable time to consider the changes, if staff/staff member agrees to the implementation of the change and the changes can be accommodated fairly and easily, the informal consultation process can be concluded. The manager should then progress the Level 1 Change process to the informal stage (Part B) (see Section 5).
4.3 If the Level 1 Change is not mutually agreed by managers and staff, then the manager should progress the Level 1 change process to the Level 2 and 3 formal stage (see Section 9).

5. THE CHANGE MANAGEMENT PROCESS FOR LEVEL 1 CHANGE: INFORMAL STAGE (PART B)

5.1 Please refer to section 4.2 on when to progress to this stage.

5.2 Planning the Change

The Level 1 Change is likely to require a very basic action/project plan (see the Organisational Change Toolkit – Template 3). The plan is likely to specify key tasks, milestones, responsibilities and timeline for the change. It may be helpful to include the following three stages in the action plan, which take into account the management of the workforce implications of the change:

- **Preparation for the change** – may include completing the relevant ‘Variation to Contract’ form if there will be a variation to the employment contract (e.g. change in hours), providing reasonable notice, scoping support and training needed, clarifying how the change will be evaluated and obtaining a baseline measure of the benefits.

- **Implementing and embedding change** – may include phasing in the change, implementing the support and training. See also Organisational Change Toolkit- Guidance 9.

- **Evaluating and monitoring the change** – against the baseline measure and at key milestones/intervals, using a Benefit Realisation Plan and/or a cost-benefit analysis. Amend or continue with the change as required. See also Section 9.6. and Organisational Change Toolkit- Guidance 10.

5.3 Implementing and Embedding Change

This involves implementing the action/project plan and considering the specific actions outlined in Section 5.2 and Organisational Change Toolkit – Guidance 9.

5.4 Evaluating and Monitoring the Change

As well as evaluating the change as outlined in Section 5.2 and to enable further change projects to be implemented effectively and for continuous improvement see also Section 9.6.

6. LEVEL 2 CHANGE

6.1 Level 2 Change - includes the following changes within one department/business unit:-

- restructures;
- cessation or reduction of work of a particular kind, or in a particular place;
- major changes to working practices or contractual terms; or
- a change of work base location, hours or shift pattern for a large number of staff.
This change may affect:

- job security; and/or
- more than 20 people and will require statutory consultation if it is likely to result in a Level 2 change in terms and conditions or a potential redundancy situation.

6.2 Please note, Section 8 provides general and flexible guidance for managing the informal stage of change. The management of the informal stage of change should be flexible according to the type change.

7. LEVEL 3 CHANGE

7.1 Level 3 Change – involves major reorganisation, restructuring and the integration of a number of departments/business units.

This change may affect:

- job security; and/or
- more than 20 people and will require statutory consultation if it is likely to result in a significant change in terms and conditions or a potential redundancy situation.

7.2 Please note, Section 8 provides general and flexible guidance for managing the informal stage of change. The management of the informal stage of change should be flexible according to the type change.

8. THE CHANGE MANAGEMENT PROCESS FOR LEVEL 2 AND LEVEL 3 CHANGE: INFORMAL STAGE

An overview of the change management process for Level 2 and Level 3 change is provided in a flowchart in Appendix 1.

8.1 The change management process for Level 2 and Level 3 Change: Informal Stage is outlined below. Wherever possible, managers should implement this Informal Stage. Detailed guidance is provided in Organisational Change Toolkit – Guidance 2. In addition, to help managers get started and to consider what will be required and timelines, a quick checklist is provided in Organisational Change Toolkit – Template 4.

- Clarifying the reason for potential change and the proposed outcome/benefit(s);
- Reviewing current service (describing the present state) in relation to proposed outcome/benefits: involvement and engagement of staff;
- Scoping for solutions or potential service redesign (defining the proposed future state): involvement and engagement of staff;
- Establishing the benefits/baseline measures to evaluate change: involvement and engagement of staff; and
- Engagement, communication and informal discussions on the proposed change.
Please note, prior to ‘engagement, communication and informal consultations’, it is compulsory for managers to collate the information gathered above and complete the ‘Proposal for Service Redesign Template’ (see Organisational Change Toolkit – Template 2). The proposal will help provide a sound basis for preparing for the change as well as for informal discussions on the change. Furthermore to ensure potential changes are being prepared appropriately and the Trust is aware of the change, the manager must send the proposal to a Human Resources (HR) Professional and Staffside.

9. THE CHANGE MANAGEMENT PROCESS FOR LEVEL 2 AND LEVEL 3 CHANGE: FORMAL STAGE

9.1 This formal stage applies to all Level 2 and Level 3 Changes and where Level 1 Change has not mutually been agreed between managers and staff (see Section 4.3). The formal stage comprises of ‘5 Phases’:

- Phase 1: Planning the change;
- Phase 2: Formal consultation;
- Phase 3: Implementing the outcome of the formal consultation process;
- Phase 4: Embedding change; and
- Phase 5: Evaluating and monitoring the change.

9.2 Phase 1: Planning the Change

9.2.1 Level 2 and Level 3 Changes is likely to require a structured action/project management plan (e.g. Organisational Change Toolkit – Template 3). The plan is likely to specify key tasks, milestones, responsibilities and timeline for the change. It may be helpful to reflect the ‘5 Phases’ of the formal stage of the change management in the action plan which takes into account the management of the workforce implications of the change.

- Preparation
  The manager leading the change (hereafter the ‘Lead Manager’), must be supported by a Human Resources professional (hereafter the ‘HR Lead’), in preparing for the change. Key areas which will need to be addressed in preparation for the change include:-
  - The proposed workforce plan/structure and relevant job descriptions
  - Workforce implications of the proposed structure and job descriptions
  - The selection pool
  - Potential risk of redundancies
  - The selection criteria

- Formal consultation (collective and individual consultation) and engagement, communication and support arrangements/plan.
  Formal consultation needs to be planned in accordance with statutory guidance to ensure consultation begins in ‘good time’ and is ‘meaningful’. In addition, making arrangements and planning for engagement, communication and support should further help maintain momentum to achieve the change and the potential beneficial outcomes.
• **Implementing the outcome of the formal consultation process**
  The possible outcomes (with timescales) from the formal consultations should be factored in to the change management plan.

• **Embedding the change**
  ‘Embedding the change’ should be planned, with timescales to ensure the necessary training and support are in place and staff are engaged to help ensure that the change is effective and benefits will be fully realised.

• **Evaluating and monitoring the change**
  Evaluating and monitoring the change should be planned to help ensure that the change is effective and benefits will be fully realised.

9.2.2 **Other areas which need to be addressed and included in the plan are:-**

• **Risks, issues, constraints and impact on current operations and service users**
  – these should be factored in with a plan for risk management and mitigating actions.

• **Completion of the Equality Impact Assessment (EqIA)**
  – this provides the opportunity to help identify actions which would support positive health outcomes and experience for the Trust’s diverse service users.

Further information on planning the change is provided in the Organisational Change Toolkit – Guidance 3.

9.2.3 **The Service Change Outline Paper (the ‘consultation document’)**
  – this provides the basis for formal consultations. The planning and preparation outlined in Sections 9.2.1 to 9.2.2 and Organisational Change Toolkit – Guidance 3 provides the Lead Manager with the information required for the Service Change Outline Paper and will enable meaningful consultation with staff and staffside to take place.

The Service Change Outline paper template is available from the Organisational Change Toolkit – Template 5.

9.3 **Phase 2: Formal Consultation**
  Please also see Section 6.3 on the principles of formal consultation in the Organisational Change Policy.

9.3.1 **The start of formal consultation**

9.3.1.1 Formal consultation starts when the Service Change Outline Paper (see Section 9.2.3) is shared with staffside, normally at the Trust’s Joint Consultative and Negotiation Committee (JCNC) meeting (although sometimes this can be done virtually). (Please note, due to the volume of the Service Change Outline Papers that may be presented at the JCNC, it is recommended that where possible, Service Change Outline Papers are informally shared with the members of the JCNC in advance of the JCNC meeting).

The Service Change Outline Paper should also be posted onto the Trust’s website along with Job Descriptions for comments.

9.3.1.2 Please note, the exception of when the consultation paper will not be shared with JCNC prior to consultation with affected staff will generally be in relation to Level 1 Change.
9.3.1.3 Formal consultation must start in good time to allow for meaningful consultation and will normally be determined by statute (where required, see Section 9.3.2) or by mutual agreement.

9.3.2 Statutory consultation requirements

There are some circumstances in which formal consultation is a statutory requirement. For example, there is a statutory requirement to formally consult with the ‘appropriate representatives’ of staff (i.e. Staffside) who may be affected (that is ‘collective consultation’) and to notify the Secretary of State for Business, Innovation and Skills in situations where:

- more than 20 (but less than 99) member of staff are proposed to be made redundant in one establishment over a period of 90 days or less. The statutory consultation period required in these circumstances is at least 30 days before the first dismissal takes effect.

- more than 100 member of staff are proposed to be made redundant in one establishment over a period of 90 days or less. The statutory consultation period required in these circumstances is at least 45 days before the first dismissal takes effect.

Lead Managers must take advice from the HR Lead about whether the changes being proposed are likely to invoke the statutory consultation requirements.

9.3.3 It is the responsibility of the Lead Manager to ensure that collective (where required) and individual consultations are carried out with all staff directly affected. The Lead Managers must schedule the collective and/or individual consultations.

9.3.3.1 Individual consultations and expressing preferences for posts

All affected staff will be invited to individual consultation meetings (the structure and content of the meeting are detailed in the Organisational Change Toolkit – Template 6). An appropriate manager (normally the Line Manager) must be present so that a full discussion can take place regarding the service change and the organisational change processes to follow.

The meeting gives staff an opportunity to provide feedback and discuss the redesign/organisational change and the implications on an individual’s role and circumstances.

Where required, the Line Manager and member of staff should also discuss the post(s) on which they mutually agree the member of staff may be considered for ‘Slotting-in’ or for ‘Ring-fenced Competition’ (see Section 9.4.3).

Staff will be able to express preferences for roles for which they meet the person specification and which is the same band or only a difference of one band.

**Staff expressing a preference for a higher banded post** - where individuals express preference for a higher banded post they will be considered for this post after individuals currently working at this grade.

Where an individual has requested that they be considered for a post that is one band higher, and they meet the person specification, it may be necessary to use a competency based interview/an assessment centre to assess whether an individual meets the person specification/role profile of the post.
**Staff expressing a preference for a lower banded post** - should an individual express a preference for a role at lower band, where a post is available at their current band pay protection would not apply. Furthermore, these staff will be considered for this post after individuals currently working at that lower band.

Consideration will be made, wherever possible, to appoint staff to the team of their choice. However, this may not always be possible. Where individuals have the same preferences for work area, ultimately the decision will be based on business needs.

9.3.4 Lead Managers are also responsible for maintaining a regular dialogue with staff and their representatives. As part of the formal consultation, engagement and communication plan and to help maintain a regular dialogue Lead Managers may find it useful to schedule regular meetings to keep staff and Staffside informed of progress/milestones and to address any concerns.

9.3.5 **Right to be accompanied** - throughout the formal process staff have the right to be accompanied by a recognised Trade Union representative or a work colleague during all meetings but without unreasonable delay.

9.3.6 **Accessibility and reasonable adjustments for staff when attending meetings** – Lead Managers should seek advice from the HR Lead and/the Trust’s Equality and Diversity Lead.

9.3.7 **Involving staff on long term absence or secondment**
Lead Managers must also consult with those staff who are absent from work for a relatively long time. Example for the reasons for such absence include disability, long term health condition, maternity, adoption or additional paternity leave, other types of family leave, employment break, secondment etc.

9.3.8 **The Service Change Outline Paper – a live document**
This Service Change Outline Paper will provide the basis for the initial discussions with staffside and staff, but it is recognised that the document/plans may subsequently need to be amended to take account of the outcome of the consultation.

9.3.9 **Conclusion of the formal consultation process**
Once the consultation process has been concluded the Service Change Outline paper will either be amended as appropriate or it will be recorded. Feedback and final structures will be communicated verbally, or in writing, to confirm relevant comments or changes collected during the consultation process.

9.4 **Phase 3: Implementing the Outcome of the Formal Consultation Process**

9.4.1 Further to completion of the consultation and confirmation of the structure, it may be necessary to clarify staff preferences dependent upon any changes made and with the job evaluation of the Job Descriptions (JDs) and Banding being confirmed. Once staff preferences are clear, ‘Slot-ins’ or confirmation of ‘Ring-fenced Competition’ (see Section 9.4.5 and 9.4.6), will be confirmed to staff (See Organisational Change Toolkit – Template 7 and 8) by the Lead Manager with guidance from the HR Lead.

9.4.2 If the outcome of the consultation process shows that a member of staff is clearly at risk, the general redeployment process may be instigated (see Section 9.4.8); and the individual will have a meeting with their manager and a Human Resources professional.
9.4.3 **Potential Workforce Outcomes of Change**

The potential outcomes include:

- Reassignment Process via:
  - Slotting-in
  - Ring-fenced Competition
  - Restricted Competition

- Redeployment Process to Suitable Alternative Employment

- Compulsory Redundancy.

An overview of the outcomes is provided in Appendix 2.

Please note, the Trust is under a statutory obligation to offer those on maternity, adoption and shared parental leave, any suitable alternative posts that exists and those staff would not need to go through a competitive process. Further information is provided in the Organisational Change Toolkit – Guidance 4.

9.4.4 **Considering Slotting-in or Ring-fenced Competition**

Initially, there are two potential outcomes where there has been a change to a post and/or reduced number of post in the new structure: Slotting-in OR Ring-fenced competition.

9.4.5 **Slotting-in**

If a current and new post are considered during consultations to be broadly comparable, the postholder will be ‘Slotted-in’ to the new post in the new structure, where all the following apply:

- There is no other competition for the post and no other person is able to claim that they should be slotted into the same post; and

- the job pay band of their current post is the same or only a difference of one band (please also refer to Section 9.3.3.1, for further guidance).

9.4.6 **Ring-fenced Competition**

Ring-fenced Competition for a post will occur where:

- There is a significant change to posts – each case will be considered on its merit but a significant change will take into account banding, responsibilities etc.; and/or

- There are a reduced number of posts in the new structure; or

- Demand for a particular post exceeds the number of posts.

The new post will be ‘Ring-fenced’ and staff will be selected for Ring-fenced Competition for the post by either:
- Job Grouping – the staff’s current post is the same job band and job type as the new post; and/or

- Job Mapping – an individual’s current Job Description maps substantially onto the new post using the ‘Job Mapping Tool’ (please refer to the Organisational Change Toolkit – Guidance 5).

It is anticipated, that Job Mapping will be used by exception, with Job Grouping being the primary approach for selection for Ring-fenced competition.

The selection assessment process for the ‘Ring-fenced Competition’ must be based on fair, objective and non-discriminatory criteria.

Every consideration should be given to appointing existing staff to suitable posts, with trial periods used appropriately. Advice regarding this can be obtained from a Human Resources professional.

9.4.7 Restricted Competition

9.4.7.1 Any remaining roles in the new structure will be placed for ‘Restricted Competition’ to the remaining staff in the existing structure.

9.4.7.2 Further to ‘Restricted Competition’ if vacant posts still remain in the new structure, the posts will become available for Trust redeployees then open competition.

9.4.7.3 In exceptional circumstances, where there is likely to be a skill shortage or the post is business critical, permission must be sought from a senior member of the Human Resource team to allow the post to be available for ‘open competition’ in parallel with the Restricted Competition process.

9.4.8 Redeployment Process to Suitable Alternative Employment

9.4.8.1 Identifying staff ‘at risk’ of redundancy

9.4.8.1.1 Once the new structure is known and all posts have been filled, any remaining staff who have not been appointed to a post (through the process outlined in Sections 9.4.5 to 9.4.7) in the new structure will be given formal notification that they will be placed “at risk” of redundancy (please note this is not notice of redundancy).

It is the responsibility of the Lead Manager to notify individuals of their ‘at risk’ status and to invite the individuals to an initial ‘at risk’ of redundancy meeting (please refer to the Organisational Change Toolkit – Template 9), with their line manager and the HR Lead to discuss:-

- Their ‘at risk’ status for a duration of normally three (3) months (or in exceptional circumstances this may be less if the staff member’s current post ceases);

- the redeployment process to suitable alternative employment; and

- support available.

A template outlining the structure and content of meeting is available from the Organisational Change Toolkit – Template 10.
9.4.8.1.2 To help guide and support staff through this stage, ‘information sheets’ summarising the process, support and ‘Frequently Asked Questions’ are available (see Organisational Change Toolkit – Information Sheets 1 and 2), and should be provided at the above meeting.

9.4.8.1.3 It is recommended that at least a month prior to the three (3) month ‘at risk’ period ending and where the member of staff is having limited success in applying for posts, the Lead Manager (guided by the HR Lead) should submit a ‘Business Case for Redundancy Payment’ (see the Organisational Change Toolkit – Guidance 6) for consideration by the Director of People and Communications (for staff on Band 7 or below) or via appropriate Executive meeting forum (for Staff on Band 8 or above). Please note, this is a precautionary measure as the submission and consideration may take a while and may be withdrawn at the end of the 3 month ‘at risk’ period (and the relevant meeting, where required) where the member of staff is or is anticipated to be successfully redeployed.

9.4.9 Redeployment process to suitable alternative employment

9.4.9.1 The Trust will continue to work with those who remain ‘at risk’ to try to identify suitable alternative employment.

The suitability of alternative employment may be assessed, taking into account:-

- the individual's skills and experience (i.e. do they have the right skills and experience for the new role?); and

- the terms of the alternative job including: status, place of work, job duties, pay, hours and responsibility (i.e. how similar are these to their current role?).

Please note, if an individual unreasonably refuses a role which is deemed to be suitable they may lose their entitlement for redundancy payment unless they can establish that their refusal was reasonable.

9.4.9.2. An ‘at risk’ member of staff will be placed on the ‘Redeployment’ register To be placed on the ‘Redeployment’ register, staff ‘at risk’ will be requested to complete a ‘redeployment form’ Organisational Change Toolkit – Template 25) in discussion with their line manager and a HR professional. The staff member must then return the redeployment form to the Recruitment Team. The member of staff will be given a ‘tier 1’ log-in for NHS jobs which will flag them as being ‘at risk’ and therefore entitled to prior consideration. (For further information on ‘tier 1’ see Organisational Change Toolkit – Guidance 7; for further information on ‘prior consideration’ see section below).

9.4.9.3. Furthermore the ‘at risk’ employee will be entitled to ‘prior consideration’ for any suitable alternative posts.

‘Prior Consideration’ entitles the member of staff to receive an interview in limited competition providing the staff member meets the essential selection criteria.

Further information and guidance on ‘Suitable Alternative Employment and Prior Consideration’ is provided in Organisational Change Toolkit – Guidance 7.
9.4.9.4 Key responsibilities during the redeployment process and pay protection period

• Staff ‘at risk’ responsibilities

This will include:-
- Continued searching and application to suitable alternative posts
- Engagement with continuing professional development activities (both informal ‘on the job’ and formal) to maintain and develop knowledge and skill base.
- Accessing resources and support available, as appropriate to their needs
  (Organisational Change Toolkit – Information Sheet 2)
- Ongoing communications with line manager during regular 1:1 to review actions, provide update on job opportunities, request support etc.
- Flag to their line manager where they feel unsupported

• Line manager’s responsibilities

During this difficult time for staff, the line manager’s key responsibility is ensuring the staff member are supported to obtain a post at pay protected job band, feels valued and are provided with opportunities to maintain and develop their skills.

Actions may include:-
- Flagging suitable alternative posts which they become aware of.
- Support access to feedback if individual is unsuccessful in job application and/or selection process.
- Supporting ongoing continuing professional development activities (both informal ‘on the job’ and formal) to maintain and develop the staff member’s knowledge and skill base. This could be identified at appraisals or review of appraisal objectives. This is important to help ensure that the member of staff does not feel de-skilled during this period.
- Schedule ongoing communications and regular 1:1 with staff member to monitor actions, review job opportunities and pay protection arrangements, provide support etc. An audit trail/record of the meetings/communications should be made.

9.4.10 Redeployment with a Four (4) Week Trial Period

The purpose of the four (4) week trial period is to enable both the member of staff and the Trust to determine if the post is suitable alternative employment and for the Trust to assess the individual’s suitability in the post. The position should be reviewed throughout the trial period with appropriate objectives being set at the start of the trial period and a review of the objectives and feedback before the end of the four (4) week trial period.

If the member of staff has been able to fulfil the contractual requirements of the post and the individual is satisfied with the post, they should be offered the post on a substantive basis.

If the trial period has been unsuccessful, individuals may be considered for further redeployment trial periods.

Please refer to Organisational Change Toolkit – Template 11 for ‘Redeployment: Managing and monitoring the trial period’.
9.4.11 Redeployment Protection Arrangements

If staff are permanently redeployed or relocated due to organisational change, and their pay and conditions of service are adversely affected (e.g. redeployed to a post with a lower pay band), the Trust has in place protection arrangements for the following for a defined period:-

- Pay
- Excess travel

The protection of pay is conditional on the individual moving to, or applying for a suitable post more in keeping with their protected conditions as and when such a suitable post becomes available.

Details on the redeployment protection arrangements are provided in Appendix 3.

9.4.12 Redeployment and Pensions

Members of the NHS Pension Scheme (who have at least two (2) years’ contributory service), have the option to preserve their pension benefits earned at the higher salary level when they receive a reduction in pay as a result of organisational change.

These staff must apply to preserve their benefits within three (3) months of the change. If they then go on protected pay they must then request protection again at the end of the protection period once this ceases. Contact must be made with the Pensions Officer via email payroll@sbs.nhs.uk or telephone 03030 123 000, ideally within one month of pay being reduced to commence this process as this needs to be actioned with the Pension Agency within three (3) months of the change.

9.4.13 Redeployment and lease car

Please note, staff who have leased a car from the Trust are advised to discuss whether their new post meets the qualifying criteria with their new line manager and/or the Lease Car provider and refer to their Lease Car Agreement.

9.4.14 Compulsory Redundancy

9.4.14.1 Compulsory redundancy will only be considered after:-

- all possibilities of redeployment and/or retraining have been exhausted during the three (3) month ‘at risk’ period (please note, this period may be less if the individual’s post ceases to be); and

- the ‘Business Case for Redundancy Payment’ has been approved through the appropriate approval processes (see Organisational Change Toolkit – Guidance 6).

9.4.14.2 Where compulsory redundancy is inevitable, then it will be managed in accordance with this Procedure and with appropriate employment legislation and codes of practice, as well as the member of staff’s contract of employment. Further guidance on managing the compulsory redundancy is provided in the ‘Manager’s Guidance on Redundancy’ (Organisational Change Toolkit – Guidance 8).
9.4.1.3 The appropriate notice period will be given to the member of staff according to their employment contract. During this period, it is the responsibility of the manager and the individual to continue to look for suitable alternative employment within the Trust.

Further information on support and eligibility for redundancy payment are detailed in the Organisational Change Toolkit – Information Sheet 2 and Appendix 4, respectively.

9.4.15 Appeals

9.4.15.1 A member of staff who wishes to appeal against their dismissal by reason of redundancy may do so under the ‘Appeals process for dismissals by reason of redundancy’ (detailed in the ‘Additional Guidance on Redundancy’ (Organisational Change Toolkit – Guidance 8) and should submit a ‘Notification of Appeal Form’ (Appendix 5).

9.4.15.2 A member of staff who is dissatisfied with the application of any other aspect of this policy to their case may seek redress under the Trust’s Grievance Policy and Procedure.

9.5 Phase 4: Embedding Change

Following reorganisation, staff in the new structure may be experiencing a period of uncertainty, upheaval and feeling disengaged. It is important that the Lead Manager proactively manages this period of transition and ‘embeds the change’ to ensure staff are supported and able to work effectively in the new structure and/or teams, to ensure the predicted benefits of the change are achieved as soon as possible.

For further information and actions on embedding change see Organisational Change Toolkit – Guidance 9. To ensure the actions to embed change are appropriate for the new team; the Lead Manager/Line Managers may wish to engage and identify with the new teams what actions are needed to embed change.

9.6 Phase 5: Evaluating and Monitoring the Change – sustaining engagement and continuous improvement

This stage is important to demonstrate that change has been effective or if further adjustments are required to the change. Accordingly the evaluation realisation of benefits from the change programme should reinforce the commitment to the change by staff.

For further information on how evaluation can be used to demonstrate ‘short term wins’ and facilitate continuous improvement with ‘lessons learned logs’, see Organisational Change Toolkit – Guidance 10.

10. CHANGE ARISING FROM A TRANSFER BETWEEN ONE EMPLOYER TO ANOTHER EMPLOYER

10.1 Where organisational changes require staff to be transferred from one employer to another the Transfer of Undertakings (Protection of Employment) Regulations (TUPE) will apply, for example:

- when a business or undertaking, or part of one, is transferred to a new employer;
• when a ‘service provision change’ takes place (for example, the re-tendering, outsourcing or in-housing of an activity or contract where there is an organised grouping of employees which has as its principal purpose the carrying out of the activity concerned).

10.2 In a TUPE situation with regards to which staff are affected by the transfer, a ‘relevant transfer’ may involve a single member of staff or an organised grouping of staff who have as their ‘principal purpose’ the carrying out of the activity or contract that will be transferred.

10.3. The TUPE regulations ensure that:

• all staff who were employed in the undertaking immediately before the transfer automatically transfer from the old employer (the transferor) to the new employer (the transferee);

• staff are transferred to the new employer on the same terms and conditions which are protected and staffs’ continuity of employment is preserved;

• staff representatives have the right to be informed of the transfer and consulted with on any envisaged measures (e.g. changes to terms and conditions, pension scheme changes etc.) connected with the transfer;

• in addition, the TUPE regulations contain specific provisions to protect staff from dismissal before or after a relevant transfer.

10.4. The legal requirements and obligations of the TUPE legislation are summarised in the Organisational Change Toolkit – Guidance 11. A TUPE checklist is provided in the Organisational Change Toolkit – Template 12. Relevant draft template TUPE letters are available in the Organisational Change Toolkit – Template 13-14. ‘Frequently Asked Questions’ on TUPE are provided for staff in the Organisational Change Toolkit – Information Sheet 3.
Appendix 1

Overview of Change Management Process for Level 1, 2 and 3 Change

LEVEL 1 CHANGE PROCESS

Informal Stage (part A)

- Clarifying reason for potential change and the proposed outcome/benefits

Reviewing current service (describing the present state) in relation to proposed outcome/benefits: involvement and engagement of staff

Scoping for solutions or potential service redesign (defining the proposed future state): involvement and engagement of staff

Establish the benefits/baseline measure to evaluate change: involvement and engagement of staff

Consider completing the 'Proposal for Service Redesign' template

Engagement, communications and informal discussions on the proposed change

Change mutually agreed by staff and managers?

Yes

Informal Stage (part B)

- Planning the change
- Implementing and embedding the change
- Evaluating and monitoring the change

No

LEVEL 2 & 3 CHANGE PROCESS

Informal Stage

- Clarifying reason for potential change and the proposed outcome/benefits

Reviewing current service (describing the present state) in relation to proposed outcome/benefits: involvement and engagement of staff

Scoping for solutions or potential service redesign (defining the proposed future state): involvement and engagement of staff

Establish the benefits/baseline measure to evaluate change: involvement and engagement of staff

Complete the 'Proposal for Service Redesign' template

Engagement, communications and informal discussions on the proposed change

Informal Stage (part B)

Formal Stage - 5 Phases

- Phase 1: Planning the change
- Phase 2: Formal Consultation
- Phase 3: Implementing the outcome of the formal consultation
- Phase 4: Embedding the change
- Phase 5: Evaluating and monitoring the change
Appendix 2
Potential Workforce Outcomes of Change

Reduced number of post and/or change to post in the new structure?

Yes

Significant change to post and/or there are reduced number of posts or demand for post exceeds number of posts: significant change relating to responsibilities, banding etc.

‘Ring-fenced Competition’ of individuals identified by Job Grouping and/or Job Mapping will occur.

Individual successful in the Ring-fenced Competition?

Yes

Individual appointed to post in the new structure

No

Individual placed in ‘Restricted Competition’ for vacant suitable alternative posts within the new structure

Individual successful in gaining a suitable alternative post in Restricted Competition?

Yes

Individual appointed to post in the new structure

No

Individual placed ‘at risk’ of redundancy and enters general redeployment process to vacant suitable alternative employment.

Individual successful in gaining a suitable alternative post through the general redeployment process?

Yes

Individual appointed to post

No

Individual given ‘notice’ of compulsory redundancy but search for suitable alternative employment must continue.

No

Some change to post and no reduction in number of posts: new post is broadly comparable to previous post.

Where there is no competition for the post, ‘Slot-in’ will occur.

Individual appointed to post in the new structure

No change to post

Staff remains in same post

No change to post

Yes

No

Appendix 3

Redeployment Protection Arrangements

1. Protection of Pay

*Please note for the interim, predecessor Trusts’ pay protection arrangements will apply.*

The protection of pay is conditional on the individual applying for a suitable post more in keeping with their protected conditions as and when such a suitable post becomes available. To support this process, the Trust and the relevant manager will work with staff, taking a proactive approach to redeploying staff on pay protection. The pay protected member of staff will retain a tier 2 redeployment NHS Jobs status which provides access to job opportunities after those staff in tier 1.

For further information on tier 1 and 2 see ‘Organisational Change Toolkit – Guidance 7’

2. Excess Travel

Staff required to change their base of work as a result of organisational change will be reimbursed any excess daily travelling expenses for a period of 4 years from the date of transfer.

For staff on the Agenda for Change NHS terms and conditions of service, the excess travel will be reimbursed at the ‘reserve rate’ as also stated in the Trust’s Travel Claims Policy and procedure.

Please note, staff with Trust lease cars should consider if it is in their interest to claim excess mileage, as they would be liable to pay tax which is likely to exceed the amount reimbursed.

Further guidance is provided in the ‘Organisational Change Toolkit – Guidance 15’
Appendix 4

Eligibility for Redundancy Payment

1. Staff who are dismissed by reason of redundancy who, at their date of termination of their contract, have at least 104 weeks of continuous full or part time NHS service will qualify for a redundancy payment, unless ineligible under the terms set out in Section 16 of the Agenda for Change Conditions of Service.

2. Staff shall not be entitled to redundancy payments if:

   - Dismissed for reasons of misconduct, with or without notice; or
   - At the date of the termination of the contract the member of staff has obtained without a break, or without a break not exceeding four weeks, suitable alternative employment with the same or another NHS employer; or
   - They unreasonably refuse to accept or apply for suitable alternative employment with the same or another NHS employer; or
   - They leave before the expiry of notice, except if being released early; or
   - They are offered a renewal of contract (with the substitution of the new employer for the previous one).

3. Please note HR Leads will check redundancy entitlements for employees who are not employed under an Agenda for Change employment contract.
Notification of Appeal Form

You are required to complete this form and submit it within ten (10) workings days of receiving written notification of the decision of your Hearing/Meeting. Your written notification will state who the completed appeal form should be sent to. Once you have formally submitted your Appeal, it will be acknowledged in writing.

Late appeals or appeals on any other grounds will only be considered in exceptional circumstances.

You are advised to consult your representative before submitting this completed form.

<table>
<thead>
<tr>
<th>Full Name:</th>
<th>Job Title:</th>
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</thead>
<tbody>
<tr>
<td>Contact Number:</td>
<td>Department:</td>
</tr>
<tr>
<td>Immediate Line Manager’s Name:</td>
<td></td>
</tr>
<tr>
<td>Name of TU Rep/Workplace Colleague:</td>
<td></td>
</tr>
<tr>
<td>Contact Number of Representative:</td>
<td></td>
</tr>
</tbody>
</table>

Date original Hearing held:

Chair of the Hearing/Meeting:

Reason for Hearing/Meeting: Disciplinary / Managing Performance (Capability)/Managing Sickness Absence/Bullying and Harassment/Redundancy*

Sanction imposed/decisions made/outcome:

* delete as appropriate

Your reason for appealing
I wish to formally appeal on the grounds of:
(please tick relevant box)

- Information arising that was not available at the time the decision was made
- Undue severity or inconsistency of the sanction
- The Trust's policy and procedure have not been followed properly

NB If you are claiming information not available at the time you MUST explain why the previously undisclosed information was not presented at the Hearing before the decision you are appealing against was made.
Provide details of the grounds of your appeal:

My representative is available on the following dates:

The following documentation is attached with my appeal form:

Medical evidence enclosed  YES / NO
Supporting evidence enclosed  YES / NO
Other relevant documents enclosed  YES / NO
List the documentation:

I confirm that the above statements are true to the best of my knowledge, information and belief. I understand that making any false, malicious or untrue allegations may result in disciplinary action being taken against me by the Trust. (In the most serious cases, making false, malicious or untrue allegations can be treated as gross misconduct).

I give my consent for this information to be circulated to relevant members of staff on a need-to-know basis for the purpose of investigating my appeal.

Signature: ........................................ Date of Submission: .................
(Person raising appeal)

PLEASE RETAIN A COPY OF THIS FORM AND ALL ITS ATTACHMENTS FOR YOUR RECORDS

Manager’s Signature: ........................................ Date of Receipt: .................
Appeal Meeting Date: ........................................ (Manager to attach outcome/decision letter and notes of meeting)
Appendix 6: Equality Impact Assessment

The Equality Analysis is a written record that demonstrates that you have shown due regard to the need to eliminate unlawful discrimination, advance equality of opportunity and foster good relations with respect to the characteristics protected by the Equality Act 2010.

Stage 1: Screening

<table>
<thead>
<tr>
<th>Date of assessment:</th>
<th>February 2014</th>
</tr>
</thead>
</table>
| Name and job title of person completing the assessment: | Rita Hawkshaw: HR Best Practice Team  
Ricky Somal: Equality and Diversity Lead |
| Name of Policy/Service/Paper | Organisational Change Policy and Procedure |
| Responsible department: | Human Resources |

Intended equality outcomes:

At the core of our Organisational Change Policy and procedure is a fundamental belief that our patients, staff and customers are in many respects the driving force of culture change and will be pivotal in helping the organisation improve the health, wellbeing and independence of the populations it serves.

Equality considerations

1. Care needs to be taken when selecting staff for post using ‘conduct, performance, capability and attendance’ as criteria for selection. For example a person’s attendance at work could be a result of a disability or pregnancy related illness.

2. Staff will be consulted as part of the consultation process and any concerns over the proposed selection methods will be discussed with management, staff and staff representatives during the period of consultation. Such transparency is good practice and provides evidence of fair treatment.

3. Equal Opportunity monitoring of appropriate stages of organisational change is recommended take place to identify any adverse impacts on protected staff groups. Workforce equality monitoring reports – Southern Health publishes a workforce diversity scorecard annually in response to the requirements of the Public Sector Equality Duty. Plans are in place during 2015/2016 to report at Divisional level.

Who was involved in the consultation of this document?

It is generally acknowledged that employees’ reactions toward change are shaped by the way in which a change process is implemented. Factors such as timely and accurate provision of information (Bouckenooghe, 2010; Johnson, Bernhagen, Miller, & Allen, 1996; Stanley, Meyer, & Topolnytsky, 2005) and opportunities for employee participation in decision making

Please outline consultation process and any plans in regard to minimising the impact on adverse health and wellbeing (patients and staff):

Consultation methods: Workforce Division, Joint Consultation and Negotiating Committee and Clinical Divisions.

Data and Research: Joint Strategic Needs Assessment; Census data, public Health Annual
(Strauss, 1998; Wanberg & Banas, 2000) are found to be of great importance in change processes as they impact the perceived fairness of the change.

‘Even people who are unhappy about the outcome of a process will have less dissatisfaction and fewer dysfunctions than they might otherwise have if they understand the process through open communications and see that it was fair ...’ Schweiger D M & DeNisi A S (1991) ‘Communication with employees following a merger: a longitudinal field experiment’ Academy of Management Journal vol 34 no 1 pp110-135.

There may potentially be an impact on the following if plans are not in place to address:

- Staff not having up to date information/intelligence on patient demographic data and health inequalities that exist in the locality
- The geographical area has increased and this will result in increase in the diversity of the customer base. Staff will require information, advice and support to learn and increase awareness of cultural differences.
- Not having plans in place for seeking staff, patient and family views
- Staff not being informed about the integrated care pathway/services and received training in its use.
- Patient pathways: There is the potential for the needs of equality target groups to be missed if pathway work doesn’t include engagement of equality target groups or isn’t informed by known intelligence. This is particularly relevant for physical and mental health services where there are inequalities within equality target groups.

Please describe the positive and any potential negative impact of the policy on service users or staff.

In the case of negative impact, please indicate any measures planned to mitigate against this by completing stage 2. Supporting Information can be found be following the link: www.legislation.gov.uk/ukpga/2010/15/contents

<table>
<thead>
<tr>
<th>Protected Characteristic</th>
<th>Positive impact</th>
<th>Negative impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>Age</td>
<td>The Equality Act 2010 and the Health and Safety at Work Act, 1974 both have implications for employers when managing change within organisations; any ‘provision, criterion or practice’ that disadvantages or causes a detriment to workers of a particular age group</td>
<td>The negative effects of workplace stress are considered one of the biggest current threats to business, and organisational change is increasingly recognised as a major source of this stress. Organisational change is recognised as one of the most potentially stressful situations (Hellriegel et al, 2001; Schweiger and DeNisi, 1991).</td>
</tr>
<tr>
<td>Disability</td>
<td>The Equality Act does not simply protect a small number of people with visible disabilities. It can protect large numbers of people with invisible as well as obvious and visible disabilities. Southern Health recognises that people may not identify themselves as disabled and may be reluctant to do so. This can be a sensitive matter. Specific actions are in place to promote equal opportunity including: provision of reasonable adjustments; equality, diversity and human rights policy and staff training in regard to disability, raising awareness of Access to Work and PEEPS. No negative impacts identified at this stage of screening: The organisational change process will respond positively to requests for reasonable adjustments and HR advice sought in questions or feedback from staff during the consultation process.</td>
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</table>
| Gender reassignment | In general, direct discrimination arises when an individual is treated less favourably than another because of their gender reassignment. For example, failure to deal with a transsexual woman in the same manner as other women would be direct discrimination; however, even if she is treated in the same manner, indirect discrimination may still arise if an apparently neutral policy, rule, practice or guideline is applied generally but particularly disadvantages transsexual people.

The actual process of recruitment and selection should not be affected by an individual’s gender and gender history has no bearing either. To allow influence otherwise would be unlawful. No negative impacts identified at this stage of screening: HR advice must be sought in any questions or feedback from staff during the consultation process in regard to impact of gender re-assignment. |
| **Marriage & Civil partnership** | Gay and Lesbian couples are able to register their civil partnerships which give them many of the same rights as a married couple. The Equality Act 2010 protects employees who are in a civil partnership, or marriage, against discrimination.

Same-sex couples who register as civil partners have the right to equal treatment with married couples in a wide range of matters including employment and vocational training. Whatever benefits married employees and their spouses are given must be provided to employees who are in civil partnerships and to their civil partners. This includes survivor pensions, flexible working, statutory paternity pay, paternity and adoption leave, health insurance or time off before or after marriage / registration. | **Direct discrimination** occurs when someone is treated less favourably than another person because they are in a civil partnership or married.

**Indirect discrimination** can occur where the effect of a rule, policy or a practice in a company could disadvantage people who are in a civil partnership or marriage. Indirect discrimination can be justified only if the practice is necessary for the way the business works, the employer can show they have looked at less discriminatory alternatives, and there is no other way of achieving it. |
| **Pregnancy & maternity** | The *purpose* of the law is to:
- protect the health of mothers and their babies
- minimise the difficulties and disadvantages that working women face because of giving birth and having children.

The beginning of pregnancy to the end of maternity leave is a 'protected period' during which a woman is entitled to special consideration if this is necessary to make good any disadvantage she may otherwise experience. | No negative impacts have been identified at this stage of screening. However, Southern Health recognises that:
- Selecting a woman for redundancy because of her pregnancy, maternity leave or a related reason is automatically unfair dismissal as well as being unlawful discrimination.
- Failure to consult a woman on maternity leave about possible redundancy is likely to be unlawful discrimination.
- A woman made redundant while on maternity leave must be offered any suitable alternative vacancy if you have one. She doesn’t need to apply for it. |
| **Race** | Diversity and Organisational Change: **Team Effectiveness**

Team effectiveness has clear diversity connections. For a team to develop and be effective, its members must find productive ways to both elicit and manage individual and subgroup differences. In any group development model, there is | No negative impacts have been identified at this stage of screening. |
always some version of a "storming" stage fairly early in a group’s development. The group must navigate this troublesome phase successfully to evolve toward more productive phases of development. Successful navigation cannot occur if differences are submerged or conformity is forced upon diverse members. To be effective means to acknowledge differences and to utilize them creatively to gain the team’s objectives, Thomas, R.R., Jr. (1993). Utilizing the talents of the new work forces. In A Cohen (ed.), The Portable MBA in Management: Insights from the experts at the best business schools. New York: Wiley.

### Religion

Southern Health has an active Spirituality and Chaplaincy Committee, Equality Impact Group, Diversity Champions Network and Human Resources team to provide support, advice and guidance in regard to the impact of organisational change and religion/belief/non-belief.

No adverse impacts have been identified at this stage of screening however, Southern Health recognises:

Direct discrimination means that workers or job applicants must not be treated less favourably than others because they follow, are perceived to follow, or do not follow a particular (or any) religion or belief.

For example it is unlawful to:
- decide not to employ someone
- dismiss them
- refuse to provide them with training
- deny them promotion
- give them adverse terms and conditions

Indirect discrimination means that an organisation must not have selection criteria, policies, employment rules or any other practices which although they are applied to all employees, have the effect of disadvantaging people of a particular religion or belief unless the practice can be justified. Indirect discrimination is unlawful whether it is intentional or not.

### Sex

Workforce Diversity Data across all protected characteristics: There is a requirement to report on the Workforce and Service user profile data. Plans are in place to report a divisional diversity scorecard in 2015/16. There is also a requirement to provide data on key HR performance that includes:

- recruitment and selection
- pay and related terms and conditions
- support, training, personal development
- tackling abuse, harassment and

No negative impacts have been identified at this stage of screening.
| Sexual orientation | The Equality Act provides protection from discrimination because of sexual orientation. This includes orientation towards someone of the same sex (lesbian or gay men), opposite sex (heterosexual) or both sexes (bisexual). The law means that an organisation's recruitment and selection procedures, as well as employment policies must not discriminate because of sexual orientation. | No negative impacts have been identified at this stage of screening. |

**Stage 2: Full impact assessment**

<table>
<thead>
<tr>
<th>What is the impact?</th>
<th>Mitigating actions</th>
<th>Monitoring of actions</th>
</tr>
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<tbody>
<tr>
<td>The negative effects of workplace stress are considered one of the biggest current threats to business, and organisational change is increasingly recognised as a major source of this stress.</td>
<td>The consultation process will make sure the location, timing and form of advice and assistance is accessible and responsive to individual needs.</td>
<td>Consultation process and line manager support. Access to EAP, Occupational Health and other SHFT HWB resources.</td>
</tr>
</tbody>
</table>