

Human Resources
Goireasan Daonna

Managers Guide to Support Recover, Reshape & Reprioritise Activities

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1. Introduction

The People Strategy supports the organisations transition to create a modern workforce to deliver the reprioritised services for the future. Change is not a project; it is a constant. As leaders, we need to ensure our strategies align and support the change needed from staff to effect change in the organisation.

This framework must be considered before progressing any changes that impact upon people and posts to mitigate risks to the organisation and staff.

Purpose of the Guidance

The purpose of the guidance is to:

- Ensure the activities to recover, reshape and reprioritise the organisation are managed in a consistent, fair, and reasonable manner.
- Ensure that managers are aware of what is required of them as employers when change has necessitated a reduction in or restructuring of jobs.
- Maintain employee wellbeing, motivation, and job satisfaction
- To comply with legislative requirements

This document has been informed by:

- Employment legislation
- ACAS guidance
- Organisational restructure best practice.

It is essential that managers seek advice from HR to ensure all legislative implications are considered.

2. Process to Recover, Reshape and Reprioritise

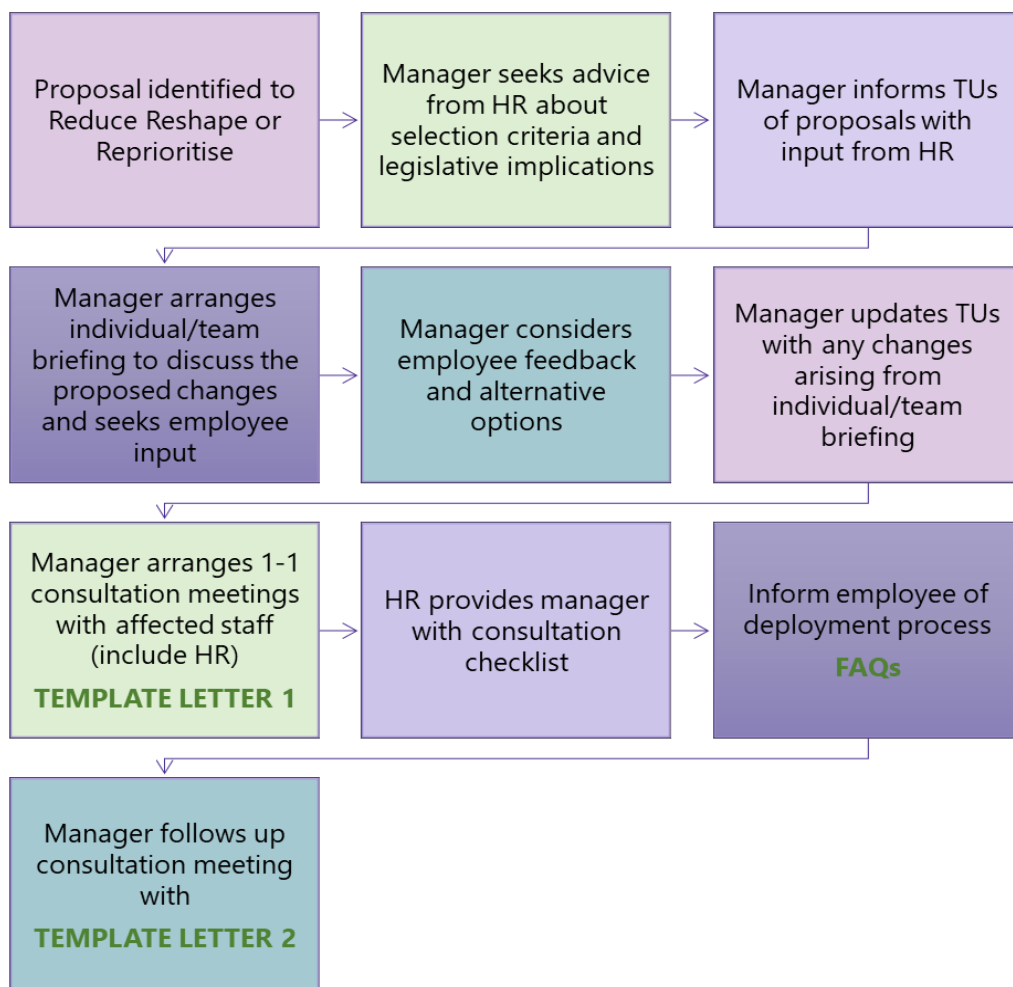
In line with the People Strategy, there is a need to adapt our strategic thinking so we can design better services for the future based on clear fundamentals:

- Who it is we deliver services to and why?
- How will our people deliver services?
- How will we succeed and measure success?

The following process has been developed to support managers to implement these changes.

1. A service decision is agreed (with HR Business Partner involvement) to recover, reshape or reprioritise a service/team/job role.
2. Inform the trade unions about the proposed changes (consider number of staff affected and legislative requirements – HR support available).
3. Arrange individual/team briefing to discuss proposed changes and seek employee input.
4. Update the trade unions of any changes arising from the individual/team briefing.
5. Arrange 1-1 consultation meetings with affected staff. HR and TU representative to be invited. [Template Letter 1](#).
 - a. HR will provide managers with individual [consultation checklist](#) in advance of the consultation meeting.
 - b. HR will explain the deployment process during the consultation meeting
6. Follow-up consultation meeting and confirm next steps [Template Letter 2](#).

2.1 Recover, Reshape, Reprioritise Flowchart



3. Deployment

The Council and the trade unions recognise that deployment represents an important method of avoiding compulsory redundancy for staff with 2 or more years' service.

Consultation will take place with trade unions trying to protect employees through such measures as deployment of staff to different posts. Ring fencing of vacancies can also ensure that those employees receive priority for alternative roles.


3.1 Supporting Deployment

The Council will support employees whose contract(s) is affected by organisational change. Employees with two years or more service will be supported for up to sixteen weeks to seek suitable deployment opportunities. Consultation on redundancy is not appropriate unless otherwise agreed with the Head of People.

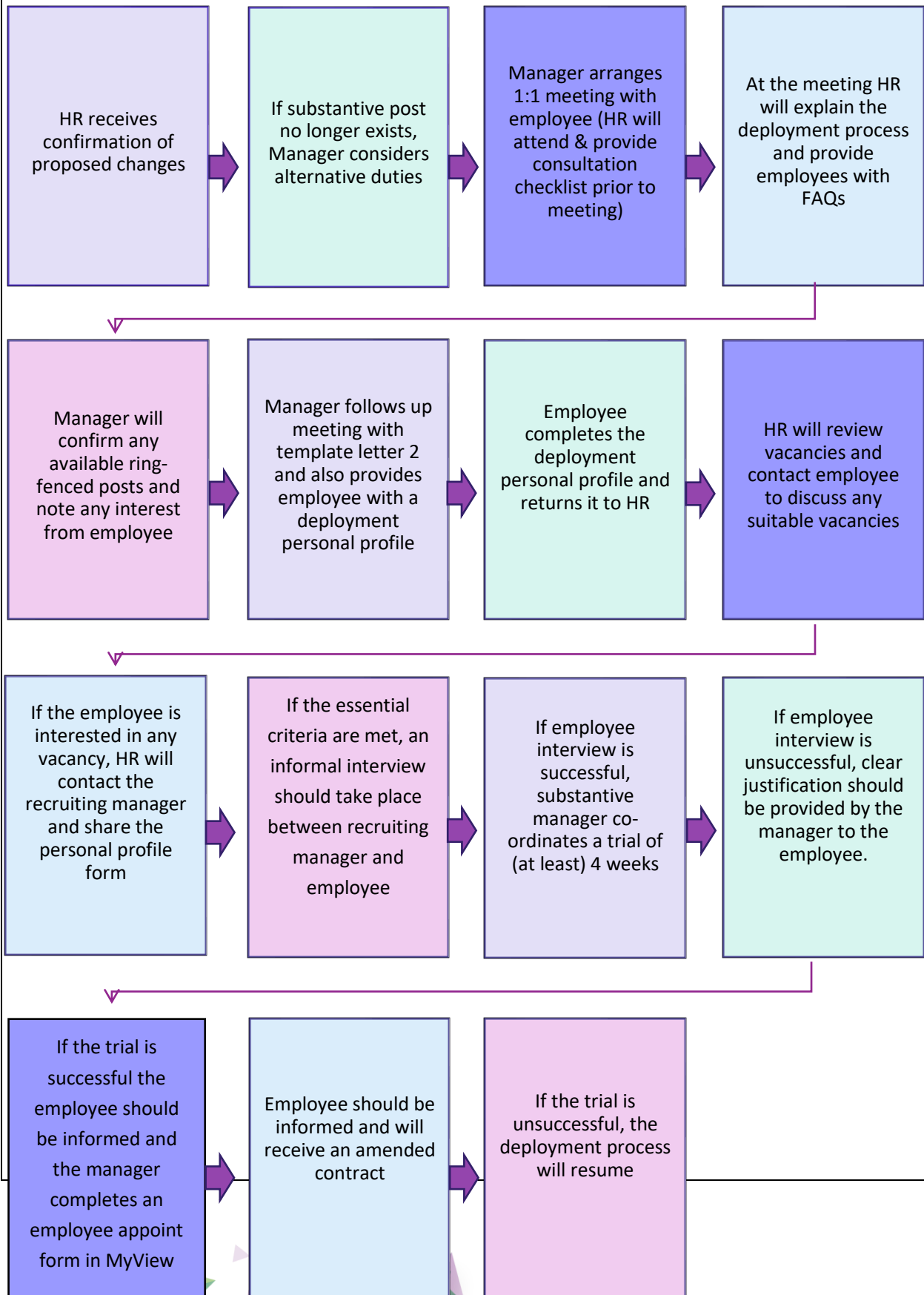
Advice should be sought from HR when acting up arrangements and secondments are impacted.

The following process should be followed for deployment.

1. Manager provides information to HR of proposed changes and potential impact on posts including confirmation of maternity or long-term absences
2. Manager considers alternative duties for affected employees to undertake while on the deployment register if the substantive post is no longer available.
3. Manager will arrange 1-1 consultation meetings with affected staff.
4. HR attends consultation meetings and provides manager with consultation checklist.
5. HR explains the deployment process during the consultation meeting and provides employees with the deployment [FAQs](#)
6. Salary preservation for up to 6 months will be applied where there is a reduction of contractual earnings because of the restructure process.
7. The manager will confirm whether ringfenced vacancies are available and invite notes of interest/apply, where appropriate
8. The manager will follow-up consultation meeting with template letter 2.
9. The deployment personal profile form will be provided to the employee and it should be completed and returned to HR
10. HR will add employee details to the deployment register

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11. HR will review Highland Council internal and external vacancies and forward the bulletin to the employee, highlighting suitable vacancies and any ringfenced vacancies.
 12. If a suitable vacancy is identified, HR will contact the recruiting manager to arrange a conversation about the process and to share the personal profile of the employee.
 13. Relevant information will be shared with the recruiting manager about the reasons for deployment, including any reasonable adjustments required (the disability passport will assist with this).
 14. A deployment meeting will take place between the recruiting manager and the employee to explore the suitability of the role.
 15. If the deployment is suitable, a trial of (at least) 4 weeks should be arranged and co-ordinated with the substantive manager.
 16. If deployment is not deemed appropriate, clear justification will be provided by the manager. NB. Employees are entitled to a trial and if HR deem there is a match, the trial must proceed and the recruitment process will be paused.
 17. The substantive service will continue to pay the employee for the duration of the trial period.
 18. If the trial is successful, the employee should be notified by letter using [Template Letter 3](#). An employee appoint form should be completed by the new manager with the start date being the day after conclusion of the trial period. If the new post is of a lower salary, the employee's earnings will reduce accordingly after 6 months of salary preservation. The substantive manager is responsible for funding the difference between the new post salary and the salary protection amount.
 19. The employee will receive an amended contract.
 20. If a trial is not successful, the deployment process will resume and HR will continue to support the employee to look for a suitable vacancy.
 21. Where a permanent employee is deployed into a temporary post, the employee will retain their permanent employment status. HR will work with the employee to seek further deployment during the appropriate notice period and before the end date of the temporary contract. Every effort should be made to deploy employees into permanent posts.

3.2 Deployment Process



4. Variation of Contract

There will be occasions where changes in budget pressures or organisational needs may result in the requirement to vary employee terms and conditions. For example, changes to work location, contracted hours, working pattern or the duties employees are required to undertake.

A contract between an employer and an employee is a legally binding agreement and any changes to the contract must be agreed by both parties. Therefore, it is important that managers are clear on the issues before considering contractual changes as solutions. This will help when it comes to informing and consulting with employees and representatives about potential contractual changes.

4.1 Consultation

The information that should be provided to employees and their representatives about proposed changes will depend on the circumstances. A [consultation checklist](#) for managers is available and the following information should be discussed during the meeting:

- Overview of the proposed changes with business justification
- How the changes will impact the employee(s)
- Timescales for implementation
- Request feedback on the proposed changes
- Confirm next steps
- Signpost employees to the [Employee Assistance Programme \(EAP\)](#)

4.2 Reaching Agreement

Everyone should be open-minded during consultation. Managers should be prepared to reconsider the original proposal, for example:

- If there is something that has been overlooked
- If another proposal might work better

If it is difficult to reach agreement at first, you should:

- Keep focused on trying to reach agreement
- Consider looking at the problem from a different angle
- Encourage employees and representatives to suggest alternatives they would consider acceptable
- Explore if there is any way you could reach a compromise
- Be patient and keep talking to employees and representatives **(including HR)** – finding agreed solutions can take time

It is important to explore all suggestions and perspectives to support reaching agreement. Where a compromise can be reached, it's more likely that everyone involved can support the outcome because they believe it was reached fairly with all views considered.

4.3 If Contractual Changes Cannot be Agreed

If agreement cannot be achieved after extensive attempts, it may sometimes be necessary to introduce a contractual change by giving notice to terminate the employee's existing contract and offering to re-engage the employee on the new terms ('dismissing and re-engagement').

You should thoroughly explore all other options before deciding to take this step. It carries significant legal risk if not carried out correctly and can damage working relations, morale, and levels of performance in your service. If there is no other option but to consider dismissal and offer re-engagement on revised terms and conditions of employment, **you must seek advice from HR.**

4.4 Reduction in Hours

It cannot be assumed that redundancy will apply where there is a reduction in hours for employees. However, where hours reduce significantly to help avoid encountering a redundancy situation, deployment should be explored. **Please seek HR advice.**

5. Redundancy

In the event redundancy occurs, HR will provide relevant information packs and assist line managers to support affected employees.

Please note, legally the Council must inform the government's Redundancy Payments Service (RPS) about the planned redundancies, and the organisation must do this before the issue of any individual notice of dismissal, and at least:

- 30 days before the first dismissal, if there are between 20 and 99 redundancies
- 45 days before the first dismissal, if there are 100 or more redundancies

HR will advise where notification to the RPS is required. Failure to apply with the appropriate notification periods may lead to financial penalties.

The Council's [Redundancy Policy](#) can be accessed on the HR Microsite.

5.1 TUPE Transfer

TUPE stands for 'Transfer of Undertakings (Protection of Employment) Regulations 2006' and its amendment in 2014. Transfer of staff in and out of the Council may be another way of reshaping the organisation. There are very specific legal requirements and criteria relating to transfer of undertakings and can be complex.

TUPE regulations protect employees' rights when:

- an organisation, or part of it, transfers from one employer to another
- a service transfers to a new provider, for example when another company takes over the contract for office cleaning

If you suspect that TUPE regulations may apply because of proposed changes, **you must seek advice from HR.**

Quick Links

The Hyperlinks listed here will redirect you to the related guidance, letters, information, and relevant organisations mentioned in this policy.

Acting Up Policy	Click Here
Consultation Checklist	Click Here
Deployment FAQs	Click Here
Deployment Personal Profile	Click Here
Employee Assistance Programme	Click Here
HR Team Contact Details	Click Here
Redeployment and Redundancy Policy	Click Here
Secondment Policy	Click Here

Template Letter 1 – Invite to Consultation Meeting	<u>Click Here</u>
Template Letter 2 – Summary of Consultation Meeting	<u>Click Here</u>
Template Letter 3 – Offer of Deployment	<u>Click Here</u>

