



**THE DOCTORS  
LABORATORY**

## Staff Policy

### **TDL Change Management Policy**

**Version 1**



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## 1 Introduction

- 1.1.1 These Guidelines are for all staff employed by The Doctors Laboratory (TDL) and set out a formal process to be followed for the effective and sensitive management of change in the workplace.
- 1.1.2 In cases of minor change formal consultation is not required. Minor changes include changes where there are no proposed redundancies, no significant changes to working patterns or no adverse changes to terms and conditions of employment or earnings. The lead manager is required to meet with all employees affected by the proposed change to explain the reasons for the proposed changes and seek the views of the employees in relation to the changes. These meetings can be held on an individual or collective basis. However, all employees affected have the right to request an individual meeting to discuss the proposed changes with the lead manager, prior to the changes being implemented. The employee has the right to be accompanied by an accredited staff representative or colleague during any such meeting.
- 1.1.3 Managers are expected to try to reach agreement with employees about any proposed organisational change and to give serious consideration to any alternative proposals put forward by employees and/or their representatives to achieve the same outcome.
- 1.1.4 Employees are expected to co-operate with organisational change and to carry out reasonable duties requested of them appropriate to the grade and role of their position. The lead manager will ensure that all employees receive any appropriate training required to implement the organisational change.

## 2 General

For all proposed organisational changes there will be an identified lead manager, responsible for the application of these Change Management Guidelines, the HR Manager, who will be responsible for the provision of HR advice and in the case of Formal Change Management Processes, an identified Director to oversee the process.

## 3 Statement of Principles

TDL is responsible for deciding the size and most efficient use of the workforce but in doing so is committed to the following principles for managing organisational change:

- TDL will provide such information about the proposed organisational change as would be in accordance with good industrial relations practice to disclose to staff and their representatives
- Staff will receive notice of any organisational change which may affect their futures at the earliest opportunity
- staff will be treated as individuals with due regard to their personal and employment circumstances and their career aspirations at all stages of the change management procedure
- Staff will have the right to be accompanied by a representative or workplace colleague at meetings to discuss the organisational change
- TDL will consider all reasonably practicable steps to avoid compulsory redundancies
- Staff will receive training and development, as appropriate to meet new skill requirements and where appropriate to identify new career opportunities, with funding and time to attend training and development activities given

## 4 Consultation

### 4.1 Purpose of consultation

In accordance with legislation, TDL commits itself to meaningful and appropriate consultation with staff, and staff representatives, affected by the organisational change. The timing and extent of consultation will be proportionate to the degree of proposed change, the number of staff affected and the impact on individuals.

The purpose of the consultation meetings with staff will be:

- To receive and where possible address any questions on the consultation document
- To consider any comments or views on the consultation document including any alternative proposals before determining any final decision to proceed.
- To clarify any change processes and timeframes specific to the proposed organisational change exercise under discussion.

### 4.2 Consultation Procedure

Managers shall prepare a consultation document on the proposed organisational change having gathered information to support the need for change and consulted with HR as appropriate.

The consultation document may include details of the following, as appropriate:

- Current situation analysis including staffing structure
- Assessment of the organisational and individual impact of the proposed changes
- Impact on the service provided
- Impact on supplementary and ancillary services
- Consideration of any relevant health and safety assessment
- The need for change and the rationale behind the change
- The options that have been considered
- The proposals for change including the proposed staffing structure(s) and any location change
- The financial, staffing and workload implications of the proposals
- The number and grades of staff who may be at risk of redundancy as a result of the proposal
- Proposed timescale for consultation and implementation of the proposed change
- The way in which staff will be selected for posts within the new structure or transferred
- If necessary, the selection criteria for redundancy
- The measures to be taken to avoid compulsory redundancies which may include natural wastage, redeployment with retraining, or voluntary early retirement or voluntary redundancy
- Details of any suitable alternative employment which may exist
- Details of how this information will be disseminated to staff
- Description of the consultation process, including planned meetings, timetable, how staff and representatives can respond and the deadline.

#### 4.3 Time periods for consultation

- In all cases TDL will allow sufficient time for meaningful consultation with staff and their representatives.
- In a collective redundancy scenario, consultation will continue for a period of no less than the statutory time scales:
- Where 20-99 redundancies are proposed consultation should commence at least 30 days before the first redundancy takes place

Where 100 or more redundancies are proposed then consultation should commence at least 90 days before the first redundancy takes place.

#### 4.4 Consultation with individual staff

- 4.4.1 A meeting will be held with all staff affected by the organisational change to announce the proposed change and explain the consultation process that will follow.
- 4.4.2 Each member of staff affected by the organisational change will be provided with a copy of the consultation document. Staff who are absent from work for any reason including career breaks will be sent a copy of the consultation document at their home address/other suitable address so that they can participate in the consultation process.
- 4.4.3 Each member of staff will be offered the opportunity of at least one individual meeting with their manager at which they have the right to be accompanied by a representative or workplace colleague. HR advisory support will also be offered.
- 4.4.4 At the meeting, each member of staff will be invited to comment and respond to the proposals, including how they may impact on their personal circumstances. It is recognised that staff may require time to respond and may not be able to do so at that particular meeting.
- 4.4.5 A written record of the individual meetings will be kept and provided to the employee and their representative where applicable. The record will be a note of the main points discussed at the meeting, not verbatim notes.
- 4.4.6 Regular updates and frequently asked questions may be circulated to staff throughout the formal consultation period. Throughout this period staff should be encouraged to discuss their concerns and queries with their line manager.
- 4.4.7 In addition to the individual consultation meetings, staff can be kept informed by management, team meetings, email and other written communication and information. Where appropriate, additional meetings will also be arranged to discuss the on-going period of consultation.



#### 4.5 End of consultation

By the end of the consultation period the manager will have given full consideration to all comments received from staff and will make a decision on the way forward. A written outcome will be provided to the staff covering the change process to be followed and the timeframe. The report may include:

- The reasons for the decision
- Equality impact assessment
- Any relevant health and safety assessments
- An explanation where the management decision is in conflict with the views of the staff or where the proposal has changed as a result of consultation
- Identification of posts which are the same or substantially the same in the old and new structures
- Arrangements for filling posts via Slotting In or Ringfencing
- Selection arrangements for posts within the new structure
- If appropriate, measures that will be taken to avoid compulsory redundancies
- Arrangements for seeking suitable alternative employment
- Support for staff who are affected by the change, including career counselling and reasonable time off to seek other employment or undertake training
- Proposed timescales for each stage of the change process.

Where redundancies are inevitable TDL, where appropriate, will set selection criteria for inclusion in the conclusions to consultation. These criteria should be objective, clearly defined, measurable and non-discriminatory. Selection criteria will be discussed and agreed with the HR Department.

Where groups of employees may be affected by a proposal for redundancies, in considering any measures to avoid compulsory redundancies, including requests for voluntary redundancy or early retirement, operational efficiency and service needs must be taken into consideration. If a member of staff volunteers for redundancy/early retirement, approval of the request will be subject to the needs of the service and the cost implications. Care must be taken to ensure that decisions are based on sound organisational reasons and do not breach equality legislation.

#### 4.6 Support for staff

Relevant support will be provided by TDL and may include:

- Time to meet with representatives to discuss the change
- Further assistance to staff who are at risk of redundancy will include reasonable time off to seek other employment or undertake training

#### 4.7 The process for filling posts in the new structure

There will be two stages in the process for filling posts in a new structure:

- **Stage One** takes place amongst the staff that are affected by the change. Posts in the new structure are filled either by Slotting In or by Ringfencing.
- **Stage Two** is where wider competition takes place for any posts that remain vacant in the new structure following Slotting In or Ringfencing. The post can then be opened up to access by any Staff At Risk for whom the post is considered suitable alternative employment or to open competition internally and externally, in line with the normal recruitment process, where there are no such applicants.

The two stages may run in parallel but all reasonably practicable steps will be taken to avoid compulsory redundancies.

Job descriptions and person specifications will be produced for new posts.

Selection criteria for all posts in the new structure (whether or not there is competition) must be non-discriminatory, fair, objective, clearly defined and based on the skills and competency requirements of the post. The selection criteria must be made available with the consultation document.

Staff who are offered posts during Stage One will be deemed to have been offered suitable alternative employment by TDL. This will be confirmed in writing by the manager. This is on the basis that if staff are Slotted In or offered Ringfenced posts it will be assumed that the posts offered are suitable alternative employment and hence the consequences of refusing to accept these posts will be as per refusing suitable alternative employment.

Any member of staff who is not appointed to a post in the new structure will be offered post-interview feedback, coaching or training where appropriate and has the right to appeal via local grievance procedures.



## 5 Staff at risk

When changes in staffing levels or skill mix are proposed which will lead to a reduction in the numbers of staff employed in particular grades, occupational groups or specialties, management will identify the positions, individual staff or pool of staff that are at risk of redundancy as a result of the changes.

The identification of being at risk of redundancy is not a notice of redundancy.

Staff at risk will be invited to a meeting(s) with their manager and representative or work colleague to:

- Discuss how the proposed changes affect the individual
- Explain why the individual is at risk of redundancy
- Discuss ideas for avoiding redundancy dismissals, reducing the number of Staff At Risk who are made redundant and mitigating the consequences of any redundancy dismissals
- Explore the possibility of Redeployment
- Explain the process for Redeployment, if appropriate
- Offer support and assistance
- Discuss any other relevant issues and processes which may include providing a redundancy payment estimate if requested.

Following the meeting, Staff At Risk will be given a letter within five working days to confirm their at risk status and the key points discussed at the meeting including answers, wherever possible, to questions raised at the meeting for which there were no immediate answers available at the time.

Staff At Risk will be given prior consideration for posts within the new structure where they meet the selection criteria, under Stage One of the process. Where they are selected for a new post they will normally be given the offer in writing within seven working days of the interview. Any training required will be discussed with the member of staff as part of the offer process. The appointment will be subject to a trial period.

Staff who are not selected for a post in the new structure will be formally declared at risk of redundancy and given notice of redundancy in accordance with the contract of employment.

There may be situations where it is necessary to give notice of redundancy in accordance with the contract of employment at the end of the consultation process.

## 6 Redundancy

### 6.1 Definition of redundancy

A member of staff may become redundant if they are dismissed and the reason for the dismissal is wholly or mainly due to:

- The fact that TDL has ceased, or intends to cease, to carry on the activity for the purposes of which the individual was employed, or has ceased, or intends to cease, to carry out the activity in the place where the individual was employed

**OR**

- The fact that the requirements of TDL for staff to carry out work of a particular kind in the place where they were so employed, have ceased or diminished or are expected to cease or diminish.

### 6.2 Suitable alternative employment

6.2.1 Suitable alternative employment is work within TDL that is on broadly similar terms and within the same range of skills required as the current employment where the individual meets the essential criteria of the person specification. Staff At Risk will be given prior consideration for suitable posts in line with their skills, experience and capabilities and where appropriate will receive protection of pay. In considering suitable alternative employment priority will be given to staff with permanent contracts or staff with fixed term or temporary contracts who have in excess of one year's Continuous Service with TDL.

6.2.2 Following identification of potentially suitable posts at either Stage One or Stage Two, individual Staff At Risk will be given a copy of the job description/person specification and a deadline of at least five working days within which to apply. In some circumstances e.g. annual leave and other types of leave, this period may be appropriately extended. During this period the individual may meet with the appropriate manager informally to discuss their interest.

6.2.3 If the individual is offered the post, this will be treated as an offer of suitable alternative employment and a trial period will apply.

6.2.4 Staff who unreasonably refuse an offer of suitable alternative employment may lose their right to a redundancy payment.

### 6.3 Trial periods and training

A trial period will only apply to Staff At Risk and where a formal offer of suitable alternative employment has been made.

The purpose of a trial period is for both the manager and the individual to assess the suitability of the post as alternative employment. The trial period will normally last for four weeks but may be extended by mutual agreement where a member of staff requires additional training and development.

If the trial period is unsuccessful, as determined by the individual and/or the manager concerned, redundancy arrangements will apply as from the date when the original contract of employment will terminate. Until the end of their notice period Staff At Risk will be considered for other suitable alternative employment if available which will be subject to the same arrangements including a trial period.

### 6.4 Redundancy arrangements

A member of staff will have their contract of employment terminated on the grounds of redundancy if no suitable alternative employment can be found or if a trial period is unsuccessful.

The terms under which a redundancy payment and/or early retirement benefit are payable are summarised below.

To qualify for a redundancy payment, the individual must have:

- A contract of employment with TDL; and
- At least 2 years' Continuous Service with The Company
- A redundancy payment takes the form of a lump sum, dependent on the employee's Reckonable Service at the date of termination of employment
- The lump sum is calculated on the basis of the current statutory entitlement as stipulated by the Government.

Staff will not be entitled to redundancy payments/early retirement on the grounds of redundancy if they:

- Are dismissed for reasons of misconduct

- At the date of the termination of the contract have obtained suitable alternative employment with TDL
- Unreasonably refuse to accept suitable alternative employment with TDL
- Leave their employment before expiry of notice, except if it is agreed by the appropriate management that they can be released early

HR will provide, in writing, the individual and their representative with the following details:

- The number of weeks' notice, in accordance with the contractual notice period
- The effective date of the redundancy, which will also be the last day of service
- The number of days' outstanding annual leave, where applicable, to be paid in lieu
- The amount of redundancy payment/enhanced pension benefits that will be paid, where applicable
- What work the individual will be expected to undertake during their notice period
- That reasonable time off with pay will be given to seek and prepare for alternative work
- That early release will normally be given, unless there are compelling service reasons to the contrary, if the individual is successful in obtaining other employment outside TDL and wishes to take this up during the notice period; the date of early release will then become the revised date of redundancy for the purpose of calculating any entitlement to a redundancy payment
- The right of appeal against selection for redundancy or the terms of the redundancy.

## 7 TUPE

### 7.1 Transfers of services and staff

- 7.1.1 Where there is a proposal to transfer services and staff to a different employer, there will be consultation at the earliest opportunity.
- 7.1.2 All the terms and conditions within the transferring employee's contract of employment (including relevant policies and procedures) will transfer with them and should not be changed as a consequence of the transfer.
- 7.1.3 In these circumstances, for the purposes of the consultation that will be carried out, the manager will identify the services, posts and individual staff that will transfer or be affected in accordance with the obligations of TUPE and shall write to the staff affected informing them of the intention that staff will transfer, the implications of the transfer and any measures which will be taken in connection with the transfer.

- 7.1.4 The manager will then hold one-to-one meetings with individual staff and their representative (if appropriate) to discuss the implications of the transfer, measures to be taken in connection with the transfer, answer any concerns or queries, discuss possible options if appropriate and consider personal circumstances. These discussions will be documented and confirmed in writing. Every possible support will be given to staff to understand the reasons for and implications of the transfer and to ensure they have the necessary information with which to prepare themselves.
- 7.1.5 Formal notice of a transfer will be issued as long before the date of the transfer as possible in order to comply with the obligations of TUPE and this policy.

## 7.2 Employee Representatives

- 7.2.1 If the transfer or redundancy involves more than 10 employees, who are not represented by a Trade Union, then a ballot will take place to nominate Employee Representatives. The appropriate number of representatives will vary depending upon the size of the transfer or redundancy consultation and the number of employees involved. The number of Employee Representatives required will be set by the Company.
- 7.2.2 Employees who are involved in the transfer or redundancy will be balloted to elect their representatives as soon as possible and votes will be collated in secret. Employee Representatives must be elected from the pool of employees involved in the transfer or redundancy consultation and employees will be notified of their elected representatives as soon as possible after ballots have been counted. No employee involved in the consultation process shall be unreasonably excluded from voting.
- 7.2.3 Once the ballots have been collated, The Company will discuss with the nominated representatives how long their role will last and this should take place during the first consultation meeting.
- 7.2.4 The Employee Representatives will be kept informed of the reasons for the transfer or redundancy consultation, when it is due to take place and why. They will be told how the transfer will affect them and their colleagues involved in the transfer and other relevant information, such as whether there will be any restructuring as an outcome of the consultation.

- 7.2.5 Line Management and HR will endeavour to meet with Employee Representatives as regularly as possible throughout the consultation process and elected representatives shall be afforded appropriate time during work hours to perform their duties as an employee elected representative. As well as utilising Employee Representatives, employees will still be provided with the opportunity to discuss the transfer or consultation on a one-to-one basis with Line Management and/or HR if requested and appropriate.
- 7.2.6 Employee Representatives will be kept informed if there are any changes to the original proposals throughout the process and will be kept up to date with any changes to time frames. They will be informed once the consultation period has ended and provided with information in relation to the final outcome.

## 8 Appeals

Appeals against the selection criteria for redundancy or the decision to dismiss an employee by reason of redundancy will be heard in accordance with TDL's Appeals Procedure. The decision of the Appeal panel will be final and there will be no further opportunity for recourse to the Grievance Procedure.

In the event of a complaint about misapplication of the Change Management Principles and Procedures, which is not covered by the above paragraph, this will be dealt with in accordance with TDL's Grievance Procedure.

## 9 Document approval.

Document Approvals are recorded within the document record card within Sonic Healthcare UKs electronic quality management system (e-QMS). This policy was agreed by the Audit & Risk Committee.

Approved documents will be marked as active in the footer of the document. Documents that are not marked approved are not considered controlled. Printed copies are not permitted. Records of approval and reference copies of procedures are available from [qmg@tdlpathology.com](mailto:qmg@tdlpathology.com).

## 10 Change Details

Change Request number	Change Detail	Implemented in Version Number
N/A	N/A	N/A