

### Frequently asked questions

These are provided for guidance or quick reference guide only, so always refer to the policy

## 1. General Definitions

### 1.1 What is 'organisational change'?

This is where management wish to initiate change that could be expected to have a significant impact on your employment, working arrangements or working practices. The process that will be followed will depend on the scale of the proposed change, and will be applied through formal consultation or by informal engagement.

Organisational change can involve major change such as the closure/relocation of a department/service or in a restructuring of roles and responsibilities within a particular department. Alternatively, it may involve less complex change such as the changing of break times or seating arrangements.

The Organisational Change Policy works towards protecting your employment wherever possible but recognises that this is not always possible.

### 1.2 What does Ring Fencing mean? (Also known as 'Pooling')?

The term 'ring fence or ring fencing' applies when a group of displaced employees are identified for a particular post in a new structure. They will normally be the only employees able to apply or be considered for that post.

### 1.3 What is 'Slotting In'?

This occurs when a post within the new structure substantially remains the same as a post in the old structure when the current job content, hours of work, responsibility, grade, status and requirements for skill, knowledge and experience are considered. In this case, there are normally the same number, or more posts than people and therefore competitive selection (or limited competition) is not required. Normally, a trial period would not be necessary; however, this would depend on the specific individual circumstances, and therefore should be discussed at individual consultation.

### 1.4 What is Limited Competition?

This is a competitive selection process which applies when there are more people than posts. The post will normally be considered different to the current post holder/s who are able to apply for it so is often used in the case of a new post or to a newly defined post during change when it is significantly different (i.e. less than 70%) to the current role. Limited competition means that individuals will attend a formal selection process and be expected to undertake any tests and/or presentations as part of the normal interview process for that post.

## 1.5 What happens if I am one of many applying for a post under a change programme?

At times, during a restructure, there may be several individuals identified as 'at risk' who may be eligible to apply for the same post. In this situation, there are several options the organisation may take:

- Most commonly, the employees will be required to go through a full recruitment and assessment process, to ensure the best candidate is recruited
- Voluntary redundancy may be an option, and if so, will be identified in the collective consultation process and final outcome document
- Every effort will be made to seek suitable alternative employment for all employees identified as 'at risk' and on the redeployment register
- Should this not be possible, compulsory redundancy may take place

It is possible that when there are more people than posts and the post is broadly similar to the current post holders, the application of redundancy criteria may be used. The criteria for redundancy selection is as agreed in the specific collective consultation and will be clearly defined in the outcome document. Such criteria may include:

- Skills and/or experience – a skills audit would be performed
- Standard of work – consideration may be given to any live capability proceedings
- Live Disciplinary record – 'live' is determined by the Disciplinary policy
- Aptitude for work
- Willingness and ability to re-train/learn
- Attendance record – consideration would need to be given to any reasonable adjustments given

This list is indicative only and is not exhaustive. All reasonable criteria will be considered as part of the collective consultation process.

## 1.6 What is a 'Current Post' under Organisational Change?

These are posts which are no longer required in the new structure and as such are disestablished. This is normally included where there are proposals for change.

## 1.7 What is a 'New Post' under organisational change?

These are posts which are substantially different from old posts in terms of job content, responsibility, grade, status and/or requirements for skill, knowledge and experience. Although similarities may remain. This is normally included where there are proposals for change.

## 1.8 What does it mean to be 'At Risk' of Redundancy?

If there is potential for you to be made redundant you will be placed on the redeployment register as part of your at risk status. This does not necessarily mean that all employees placed on the redeployment register will be made redundant, as there may be other opportunities available as part of the organisational change programme and we will make every effort to redeploy you elsewhere.

You will only be made redundant if we are unsuccessful at redeploying you within the organisation. It can be helpful to be placed on the redeployment register as this entitles you to redeployment support and preferential treatment in a number of areas including recruitment and training.

## 2. Engagement and Consultation

### 2.1 What is Consultation?

According to ACAS, "Consultation is the process by which management and employees or their representatives jointly examine and discuss issues of mutual concern. It involves seeking acceptable solutions to problems through genuine exchange of views and information. Consultation does not remove the right of managers to manage – they must still make the final

decision – but it does impose an obligation that the views of employees will be sought before decisions are taken.”

## **2.2 What discussions take place with recognised Trade Union representatives prior to a change programme?**

Prior to any change programme, we are in discussion with Staff side to advise them our thoughts and to discuss the potential approach. Changes may not need formal consultation.

## **2.3 When would an informal engagement move to formal Consultation?**

Once the approach has been agreed, this will not normally change. However, should staff raise significant objection(s) to the proposals which are unlikely to be resolved via informal engagement or raise concerns regarding the informal engagement approach, a further discussion will take place with recognised Trade Union representatives leads, the HR Business Partner and the Operational Management Lead to agree the consultation approach.

## **2.4 What consultation should I expect if I am being made redundant?**

You are entitled to a consultation if potentially you are being made redundant. This involves us:

- Telling you why you are at risk of redundancy
- Seeking any alternatives to redundancy
- Telling you how much redundancy pay you may expect (normally when you are formally at risk)

## **2.5 When should formal collective consultation take place by law?**

If we are proposing to make 20 or more [employees](#) redundant at the same time, the consultation will take place with recognised trade union representatives and will include:

- ways to avoid redundancies
- the reasons for redundancies
- how to keep the number of dismissals to a minimum
- how to limit the effects for employees involved, e.g. by offering retraining

## **2.6 How long is the consultation period if redundancy is anticipated?**

Current legislation suggests there is no time limit for how long the period of consultation should be, but the minimum is:

- 20 to 99 potential redundancies - the consultation must start at least 30 days before any dismissals take effect
- 100 or more potential redundancies - the consultation must start at least 45 days before any dismissals take effect

Individual consultation will normally last for one month following the outcome document being finalised. You may have up to three meetings, depending on how quickly your particular case is resolved. In some circumstances, it may be appropriate to have more than three meetings, depending on the complexity of your situation. This will be discussed at your first meeting.

## **2.7 As a Fixed-term employee, am I included in collective consultation?**

Normally, your contract end date will stand, and will be managed in line with the Secondment and Fixed Term Policy, except if we are ending your contract early because of redundancy.

Should you commence following the publication of the outcome document, you will not necessarily receive redeployment support. This will be reviewed ongoing in line with your length of service and be managed under the Secondment and Fixed Term Policy.

## **2.8 How can I make my views known during a collective process?**

During the collective consultation process you will be able make your views clear by the communication tools suggested in the launch documentation e.g. via management, designated e mail address, recognised Trade Union representatives etc). Due to the volume of consultation feedback normally received it is not always possible to respond to each individual question or

concern in writing. As part of the consultation process all feedback will be grouped into themes and responses provided as part of the decisions document and/or a FAQ document.

### 2.9 Give me some examples of change that may be treated as formal

The policy is clear that through discussion and agreement with recognised Trade Union representatives, the appropriate approach will be applied to change. Sometimes this may be formal consultation. Examples include:

- A complete closure of a site, or department/office on a site; or reductions in numbers of employees working in an office or team.
- A change that may result in a loss of pay, such as a reduction in working hours, or if any other contractual payments are adversely affected.
- A risk to the role, either a substantial change to the duties or a risk of disestablishment of the role due to WTE reduction.
- A change in location of work which could mean a change in the cost of getting to work if travel costs increase substantially.

The key to the type of consultation, unless there is a definite loss of wages or risk to role, is that many of these circumstances may be handled through informal consultations if possible. However, the outcome of this would be dependant on the manager's approach and also the team itself. A manager is best placed to anticipate what a team's reaction may be to a suggestion and to decide honestly what may be the best way forward. It will be necessary to seek detailed HR advice prior to forming consultation/engagement plans.

### 2.10 Give me some examples of change that may be treated as informal

The policy is clear that through discussion and agreement with recognised Trade Union representatives, the appropriate approach will be applied to change. Sometimes this may be informal engagement. Examples include:

- A change in working hours/rota days may not necessarily require a formal consultation if there is no potential loss of pay. However, changing this will still require **a level** of consultation as there will be flexible working needs for employees and service need provision to consider.
- While local working arrangements/agreements should not now be in place, if there are local agreements in place then, dependant on the agreement, there may be a need for formal consultation but this would depend on the level of staff engagement and agreement.
- Other examples may include changes to reporting lines, re-allocating desks in an office, introducing new equipment, moving the times of breaks, or increasing the proportion of 9-bed sessions for a collection team.

The key to the type of consultation, unless there is a definite loss of wages or risk to role, is that many of these circumstances can be handled through informal consultations if possible. However, the outcome of this would be dependant on the manager's approach and also the team itself. A manager is best placed to anticipate what a team's reaction may be to a suggestion and to decide honestly what may be the best way forward. It will be necessary to seek detailed HR advice prior to forming consultation/engagement plans.

### 2.11 What is Custom and Practice?

A working Custom or Practice which by the very fact of its long established usage could form, in the eyes of the law, part of an employees contract of employment. There is no definitive time frame on when something becomes custom and practice.

## 3. Representation

### 3.1 What support can I expect at a meeting as a result of a change proposal?

For an informal meeting, discussing any questions you raise outside of any formal meeting or where a manager will provide job search support, no representation is required. However you may reasonably request this. For a formal meeting, you have the right to be accompanied by an NHSBT employee or have representation from a recognised Trade Union you belong to who may attend this and any further meetings. You will receive reasonable notice of such a meeting. In

cases where you are member of a professional body e.g. medical staff, but you may not be a member of a recognised union, you will need to discuss and agree with the HR lead for the change what representation may be appropriate to you.

### 3.2 Can I bring a solicitor or a member of my family as a representative?

No. Your representative must be as stated above.

### 3.3 What representation can I expect in a collective or individual consultation, if I am not a member of a union?

We will only consult with our recognised recognised Trade Union partners, as set out in our Staff partnership agreement. It is important that your views are heard, and therefore, arrangements are made for you to e mail any questions or comments to HR/management leads, to ensure these are raised in a collective process. Any involvement of non staff side employees within a consultation must only be agreed with recognised Trade Union representatives before this can begin.

## 4. Redeployment Support

### 4.1 What is the Redeployment Register?

During the course of any Organisational Change Programme affecting your department you may be advised that you are eligible to be placed on the Redeployment Register. This is because of the impact the restructuring will, or may, have on your post and ensures that all those eligible have access to a range of support to assist them in gaining alternative employment. When placed on the register you will be classified as having either “Redeployee” or “Potential Redeployee” status and will be informed of the support available dependant on the status you have been given.

### 4.2 What support is available to me if I am placed on the redeployment register?

The support available to you on the redeployment register is dependant on the status you hold on the register. This will be explained in the redeployment pack sent to you when you are first placed on the register.

Support available will include:

Support	Redeployee	Potential Redeployee
Informal meeting or presentation outlining and arranging redeployment support and how to access this	√	Dependent on circumstances of change programme
Telephone and email Helpline – HR Direct	√	√
Support to activate NHS Jobs/NHSBT e-Recruitment account and set up alerts	√	√
Access to support from a change coach for CV writing, interview preparation etc	√	√
Preferential Consideration for NHSBT vacancies on same band	√ with highest priority	√ second priority after consideration of Redeployees
Priority for in-house training events	√	Dependent on circumstances of change programme
Potential Additional retraining and development	√	Dependent on circumstances of change programme and agreed as part of collective process
Identification of Suitable Alternative Employment	√	Dependent on circumstances of change programme

Should you relocate due to organisational change, you may also be able to seek additional childcare costs. See 'Additional Childcare costs due to relocation' section in the policy, and Knowledge (FAQ's) in People First.

### **4.3 What retraining and development support may be available to me as a redeployee?**

If you are a redeployee/potential redeployee, you will receive priority status to go on any in-house training courses. Additional training or advice may also be available, to support finding alternative employment. This will be discussed and agreed as part of the collective consultation process.

### **4.4 What happens if I am on maternity leave during a period of organisational change?**

If it is not possible through organisational change for you to return to your previous job, you must be offered alternative employment, if available, and it must be offered to you in preference to any other displaced employee or employee also affected by organisational change, but who is **not** on maternity leave.

If you are eligible to be placed on the Redeployment Register while on maternity leave, then arrangements will be made to inform you of this and provide you with all the information you will require in relation to the support available to you.

### **4.5 What can I do to help me consider what other roles I might be able to apply for?**

If you are identified as at risk or potentially at risk, it can be useful to stop and take stock of your current position and, for example, conduct a skills analysis to help you reflect on your skill set and what you want to do next. When looking at your skill set you should consider all of the skills you have gathered for example:

- In your current role (using the Job Description and Person Specification)
- Other roles with us
- Any previous roles you have performed before joining us
- Performing any public duties
- As a volunteer with other organisations
- Other activities you think you have performed

There are tools available within the [Career Development Toolkit](#) on People First which will help with this and can help you decide the direction you may wish to take.

## **5. Recruitment Support**

### **5.1 How does access to NHSBT vacancies work for redeployees?**

All NHSBT Vacancies will be advertised on the NHSBT e-Recruitment system which is updated every Wednesday and Friday lunchtimes and can be found on the following link:

<https://peoplefirst.nhsbt.nhs.uk/Recruiting/vacancy-bulletin.htm>

Within the system you will be able to sort vacancies by geography or role to view those that might be of interest to you. It will be your responsibility to register on the system and make regular searches on the system for suitable roles and apply for any roles of interest to you.. You are also responsible for setting up job alerts to receive a notification direct to your email in box when there is a particular vacancy that might be of interest to you. You can set this up using our guidance document also available on the above link. This will ensure you don't miss any vacancies being posted that would be of interest to you.

The first time that you make an application through this system it will require you to set up an account. If you have been identified as a redeployee or potential redeployee and placed on the redeployment register, you are eligible to be given priority in applying for roles which are on the same band as your current role. In order to ensure that you are given this preferential



consideration you MUST indicate on your application, in the appropriate section, that you are eligible to apply as a redeployee for the role. You will need to do this on every application you make.

If you require any assistance in setting up your alerts or registering on the system then contact [hr.changeadmin@nhsbt.nhs.uk](mailto:hr.changeadmin@nhsbt.nhs.uk) who will be happy to arrange help.

You can also apply for any vacancies advertised on the NHSBT e-Recruitment system which are not the same band as your current role, but standard recruitment processes will apply and you will not be entitled to preferential consideration in applying for these.

## **5.2 How do NHBST redeployees access vacancies in the wider NHS and apply for them?**

You may already be aware that NHS Jobs recruitment website ([www.jobs.nhs.uk](http://www.jobs.nhs.uk)) is used to advertise vacancies by nearly all NHS organisations. Should you wish to apply for jobs via NHS Jobs, then, as a redeployee, you are entitled to have a restricted NHS Jobs Account. With this you will be able to set up alerts for jobs you may be interested in.

Whenever you apply for a post on NHS Jobs using the restricted account, your application will be flagged to show recruiting organisations that you are a redeployee. This won't automatically give you any preferential treatment with other organisations but will alert any employers who have internal policies about the treatment of displaced staff to apply these policies if they wish. To request an NHS Jobs restricted Account please email us on [hr.changeadmin@nhsbt.nhs.uk](mailto:hr.changeadmin@nhsbt.nhs.uk) and we will be able to set this up for you. If you should need any help in setting up your restricted account, then also contact us and we will arrange for a member of the Recruitment team to contact you to help.

You should note however that, like NHSBT, many NHS organisations now have their own Candidate Portals for applying for roles. They will still advertise on NHS jobs and, if you find a vacancy you wish to apply for within NHS jobs which is for an organisation which has their own candidate portal, you will be diverted to that system to apply. This means that the organisation will not be able to see that you have a restricted account as it is a separate system to NHS Jobs.

If you wish to apply for jobs with such organisations, then we can offer you a service whereby we will call them on your behalf to advise them of the fact that you are a redeployee and to ask if you can be included in any priority system they may run. You would need to let [hr.changeadmin@nhsbt.nhs.uk](mailto:hr.changeadmin@nhsbt.nhs.uk) know at the time of your application, and in good time for the closing date providing the following information:

- the Trust/NHS organisation's name
- the vacancy reference number
- The vacancy job title
- any contact details provided within the advert

and we will do what we can to get you any priority which may be available.

## **5.3 What is the Short listing process for redeployees?**

All applications will be shortlisted against the criteria for the post outlined in the recruitment documentation. Where there is a match, you will be shortlisted. However, there is an expectation that the short listing manager will be flexible in their approach and consideration will be given as to whether a redeployee could be reasonably expected to acquire or meet the required criteria in

a reasonable period of time. If an application does not match the criteria, the short listing panel must provide justification confirming their reasons to the Recruitment and Resourcing Department (RRD) for consideration before the decision is confirmed.

#### **5.4 What is the Selection Process for redeployees?**

If you are shortlisted, you will have a formal interview where you are expected to complete any necessary tests used to ensure you meet the essential criteria for the post, provided these tests would be used for any other candidate. It is recommended that where possible an independent manager or HR representative should be included on the interview panel. You will only be in competition with other redeployees and will not be competing against internal and / or external candidates.

There is an expectation that the interview panel will be flexible in considering whether a redeployee could be reasonably expected to acquire or meet the essential criteria in a reasonable period of time. If you are unsuccessful at selection, the panel must provide justification confirming their reasons to RRD for consideration before the decision is confirmed.

If you are not shortlisted or unsuccessful at interview you may ask the recruiting manager for feedback.

#### **5.5 What is the Appointment Process during Restructuring?**

In situations where the change will result in a restructuring of the roles and responsibilities in the department, management will be responsible for identifying those employees who are affected by the change. The posts in the new structure will be ring-fenced for those identified as affected by the change. Posts in the new structure will normally be filled starting with the most senior posts. This ensures that the manager is involved with recruitment. At each level it is necessary to identify any posts which can be defined as “similar posts”. Where the number of similar posts to the current post available is equal to or exceeds the number of existing post-holders, an employee may be appointed or “slotted in” without competition.

An employee will be slotted into a post where the new post is substantially the same as their old post and considered as suitable alternative. If they are eligible to be slotted in to a ‘similar post’, they will have discussions during the individual consultation process with their manager, to ensure that they are fully aware of the duties expected for the new post, identify any concerns and/or issues from both parties and discuss the transfer of workloads and responsibilities. There is no need for a full selection process.

If an employee has been “slotted in” to similar posts at this stage, they will not be eligible for consideration for appointment to new posts prior to those employees identified as still being displaced.

Following the ‘slotting in’ process, the remaining posts at each level will be filled on a competitive basis. Initially these posts will be open to those who remain displaced as a result of that specific change initiative. If no appointment is made then the post/s will be more widely advertised.

Refusal to accept an offer of slotting-in, where this does not change current location, status, pay, skills and experience or contracted hours, may affect an employee's right to receive redundancy pay. This is because they may be considered to have turned down an offer of suitable alternative employment.

Where the number of similar posts to the current post available is less than the number of existing post-holders, then there will be a need to go through a formal selection process or formal selection for redundancy which will be followed depending on the specific circumstances of the change.

If a new post has been created, this means there are significant changes in the nature and scope of the post and will result in a new job description and person specification. The method of selection to these posts will be by open competition and will normally be ‘ring fenced’ to those affected by that change programme in the first instance.



### **5.6 Will I slot in to a temporary, seconded or acting up post if I am displaced?**

In normal circumstances, if you have been temporarily moved, acting up, or seconded into a post with a higher pay band, you will not be considered for slotting in to the post with the higher pay band. However, if you have been in this situation for 12 months or more and have been fulfilling the full range of duties and responsibilities, you will be eligible to be slotted into a post with the higher pay band or included in ring-fencing arrangements for that group of employees as outlined below.

## **6. Suitable Alternative Employment (SAE)**

### **6.1 Who decides if a post is considered as an SAE or not and how will I be notified?**

Your manager and HR Consultant will review the vacancies on the e-Recruitment system and assess your circumstances and experience. They will complete an SAE Assessment form detailing their assessment and rationale. If it is considered that the post is an SAE you will be notified in writing with a copy of the SAE assessment form.

### **6.2 What if I consider the SAE to be unsuitable?**

Any disagreement over SAE posts needs to be managed quickly and effectively to ensure that opportunities are not lost. If you do not agree that a notified SAE post is suitable, then you may appeal setting out the reasons why you do not agree with the outcome and the basis for your appeal. Please detail any element of the process you feel have not been correctly applied to your application. This will need to be in writing, normally by e mail to HR Direct. They will then arrange for an SAE joint panel to be convened to discuss the situation in detail.

You may wish to seek advice from your recognised Trade union representative when detailing the content within your appeal.

### **6.3 Who attends an SAE appeals meeting?**

The panel would consist of an independent manager (Chair) (who has experience of the field of work or profession), a Senior HR Representative and an independent manager. You and your representative will be given the opportunity to attend to provide details of your appeal. The manager who identified the SAE and HR Lead for that change programme would also be in attendance to discuss their reasoning. The appeal will be arranged without unreasonable delay and will normally take place via Microsoft Teams to ensure a speedy conclusion and that redeployment opportunities are not lost.

HR Direct will provide the panel with an information pack. You will be notified of the outcome following any adjournment if present, or in writing, normally by e mail. The outcome will always be confirmed in writing, normally by e mail.

### **6.4 What happens to redundancy payments, if I accept a non permanent role as an SAE?**

Should you accept a Secondment or temporary or fixed term contract as an alternative to redundancy, you will have your accrued service protected as continuous for the purpose of calculating any future redundancy entitlement. At the end of the Secondment or fixed term, you will be provided with redeployment support to see what, if any, suitable or reasonable alternatives are available to you. Should this be exhausted, then you will be provided with notice of redundancy based on the fact that your substantive post has been disestablished or is no longer available. Redundancy pay will be recalculated based on your accrued service at that point.

### **6.5 What happens if my base is changed as a result of organisational change?**

The reimbursement of additional travelling costs when employees are required to change their base of work as a result of organisational change or when employees accept another post as an alternative to redundancy, will be for the consultation group to determine in partnership in line with NHS Terms and Conditions subject to a maximum period of reimbursement of four years from the date of transfer.

## 7. Trial Periods

### 7.1 How do trial periods work and what are they for?

If you apply for and accept an offer of Suitable Alternative Employment, then a 4 week trial period will normally be implemented. The trial period is there to decide whether the new job is suitable to you without you losing your right to redundancy entitlement. If agreed between you and your manager, it may be appropriate to extend it for training purposes; however it must have a clearly defined end date and will be for no longer than a maximum period of 12 weeks.

If you work over the four weeks, or the agreed extension, then redundancy entitlement will no longer be payable as we will make the assumption that you have accepted the new role and duties.

If there is a slot in to a post in the new structure, where the role remains substantially the same, then a trial period is not normally necessary. However, this should form part of the discussion at individual consultation.

Should it be agreed that the role is not suitable to you, the search for other redeployment opportunities would continue for a reasonable period of time, before issuing you with notice of redundancy. Should you not be satisfied with such a decision, you will be able to appeal the decision to dismiss you.

### 7.2 What is covered by a trial period?

Where the job is substantially different, you would be required to demonstrate during the trial period that you have an aptitude for the training required and that you are likely to achieve it during an agreed period, which may be beyond the length of the trial.

It is important to note that a trial period is not just provided as a direct result of the job content being substantially different or the level of training that may be required, and may also be provided in the following circumstances:

- Where a shift pattern may apply or differ
- If there is an impact of travel due to new/different location or working hours
- If there is an impact on any childcare or caring responsibilities

This list is not exhaustive

You must raise any concerns you have at the earliest opportunity, as this may be an indication that the post is not suitable for you. In addition your manager will also raise any concerns they may have.

This is important because at the end of a trial period, you will no longer be entitled to any redundancy payments as a result of your old post being disestablished/becoming redundant.

### 7.3 Will I remain on the redeployment register during my trial period?

If you are at risk of redundancy, and have applied for and been offered a suitable alternative or reasonable alternative post, you will remain on the register until you have completed your trial period to ensure that the post is right for you.

## 8. Additional Childcare costs due to Relocation

### 8.1 When can I claim additional childcare costs?

You may be able to claim additional childcare costs if you are asked to relocate due to organisation change only. You cannot claim these costs if they result from a change for other reasons e.g. changes to working pattern; redeployment to a different working pattern etc

### 8.2 What additional childcare costs can I claim and for how long?

You may be able to claim additional childcare costs if you are asked to relocate due to organisation change only. Financial Support will be provided for up to a maximum of 2 years;

from the date of your relocation as long as you continue in our employment and you can continue to provide evidence of the additional costs being incurred directly as a result of NHSBT relocation, on the following sliding scale:

- 12 months at full additional costs (100%)
- 6 months at half additional costs (50%)
- 6 months at quarter additional costs (25%)

Financial Support may be available for eligible children from ages 0 to 14 years inclusive. It may extend to older eligible children where there is an Education of Healthcare Plan (EHCP) in place and who are continuing in childcare. However, support will cease in all circumstances when the child reaches the age of 18 years.

### **8.3 Who is able to provide any additional childcare?**

Financial support is usually only reimbursed where your childcare provision is registered with or approved by OFSTED or where there is a written business contract between you and the childcare provider who is not required to be registered with OFSTED e.g. a nanny – a copy of this business contract must be provided.

Where both parents/guardians of a child are employed by NHSBT and are relocating, only one may receive financial support.

### **8.4 What does an additional childcare cost mean?**

This is childcare costs that are in addition to those you normally pay prior to your relocation (due to organisational change). This may be because your relocation means that longer hours of childcare, or different, or additional childcare arrangements are needed to enable you to work at the relocated base.

This financial support is contribution from NHSBT to the payment of childcare and/or transport costs to enable your child/children to use a childcare provider. Support will normally be paid through your salary and is subject to tax and national insurance unless paid through the Childcare Vouchers Scheme.

### **8.5 What do I need to provide if applying for funding for additional childcare costs?**

This may be available if you are relocating as a result of Organisational Change. Change admin will be able to advise you of the process that you will need to follow, the information you need to provide and of the approval process. You will need to ensure you provide the following information to HR Direct:

- Proof of dates of birth of eligible child/children (e.g. copy of the birth certificate).
- If appropriate, you may need to provide evidence that you have parental responsibility for the child and the responsibility for day to day care including the responsibility for arranging any necessary childcare
- Information must be produced from the childcare provider or transport provider on current charges (where applicable) and prospective charges following the move.

In addition, this information must be supplied by the childcare provider:

- as a formal contract or in a business letter with the name and registered address of the provider, the address where the childcare will take place (if different) and quoting the OFSTED registration/approval details of the provider and
- Must clearly show the additional childcare costs and how they are additional to the previous arrangements.
- Where new childcare arrangements have become necessary where they were not needed before, the evidence must show why they are now necessary as a direct result of the relocation

The additional childcare costs will normally be calculated at the time of application but may need to be recalculated during the stages to take in to account any changes in childcare or costs e.g. annual increases in fees. This is so that an average monthly amount can be calculated and paid in equal monthly amounts.

It is also important that where you are not charged when your child/children is/are not in the registered childcare arrangement (e.g. annual leave) that this is notified to HR Direct at the start of each of the 3 stages so that the amount of financial support can be recalculated.

Once all of the information has been received reimbursement will be made in either of 2 ways:-

- i) through salary via NHS SBS Payroll Department using a monthly average paid as an allowance
- ii) via the Childcare Voucher Scheme operated by NHSBT

You must keep all invoices receipts and evidence of payments throughout the period when financial support is being received and NHSBT reserves the right to ask for these at any time.

### **8.6 What does 'eligible children' mean when claiming childcare costs?**

'Eligible children' means any child for who you as the employee relocating (as a result of organisational change) have parental responsibility and the responsibility for day to day care including the responsibility for arranging any necessary childcare.

### **8.7 Who is responsible for sourcing childcare provision?**

All childcare arrangements are, and remain your responsibility as the parent or carer, even though you may be claiming reimbursement under these support arrangements (Relocation due to Organisational Change), NHSBT will not accept any responsibility in any way whatsoever for any childcare provision you choose.

### **8.8 How is my support for childcare affected if my hours change?**

Should you alter your contract to work fewer hours after the relocation (due to Organisational Change) the additional childcare costs can only be to support the hours of the new employment contract, not for hours or days when you are not working and the level of financial support will be recalculated.

Should you voluntarily increase your contracted hours at the same time as the relocation [i.e. part time to full time] and this incurs additional childcare costs – then financial support will not be applicable for the additional costs associated with the voluntary increase in hours.

## **9. Redundancy**

### **9.1 What is Voluntary Compulsory redundancy (VCR)?**

Where there are more people affected than opportunities available, Voluntary Compulsory Redundancy (VCR) may be considered as part of the collective process. In this situation redundancy may be sought through expressions of interest.

Where there are more employees expressing an interest than necessary redundancies, a selection process will be applied.

Due to our need to retain key skills, we will conduct a 'Skills Analysis' with every redeployee and potential redeployee to establish what skills you have accrued throughout your working career to support you to find alternative employment. This will be used to assess your application as well as the cost, and the requirement that acceptance must reduce compulsory redundancies.

Should VCR be applied, this would not impact on your ability to claim benefits or against any policies covering redundancy you may have.

This will not automatically be applied to every change programme, even where redundancies are a likely outcome. Where we are confident that Suitable (or Reasonable) Alternative Employment may be found, we will exhaust this process.

In most cases, compulsory redundancy will occur where redeployment opportunities have been exhausted.

## **9.2 What is Voluntary Transfer of Redundancy (VTR)?**

It is possible that applications can be sought and accepted if you are not directly affected by a change initiative, in order to allow another individual, who would otherwise be redundant, to transfer into your post and therefore stay with the organisation. This will only be appropriate where your skills and experience could be matched to that of an employee from the affected group.

An agreed set of criteria must be met including:

- Where it reduces the overall number of compulsory redundancies
- There is a mutual contingency agreement between the employee at risk, and the volunteer, including any arrangements for a trial period
- The cost of redundancy for the volunteer must not significantly exceed that of the 'at risk' employee originally at risk
- The skill sets of both parties are similar and there is some interchangeability between the roles
- The employee proposing to stay must hold all the required qualifications or have the equivalent experience for the potentially released post
- Any training requirements can be met without significant cost or delay
- The impact of the exchange does not result in the loss of key organisational/departmental skills.

## **9.3 How do I appeal against a decision to decline my VCR application?**

If you do not agree with the decision to decline your application, then you may appeal setting out the reasons why you do not agree with the outcome and the basis for your appeal. Please detail any element of the process you feel have not been correctly applied to your application. This needs to be in writing, normally by e mail to HR Direct. They will then arrange for a joint (consisting of management and senior Trade Union representatives) VCR appeal panel to be convened to discuss your situation in detail. We understand that you will want to have a relatively quick decision to allow you to look at your options following the outcome. Therefore, this will be arranged without unreasonable delay and may, if appropriate, e.g. for geographical or timescale constraints, take place by telephone, to ensure a speedy conclusion.

You may wish to seek advice from your Trade union representative when detailing the content within your appeal,

## **9.4 What is my notice period if I am issued notice of redundancy?**

Your contractual notice is set out in your employment contract. However you may wish to refer to the NHS Terms and Conditions Handbook for further details in relation to redundancy entitlements. If you are a medical employee you should also cross refer to Terms and Conditions – Consultants England; Terms and Conditions of Service for Associate Specialists; Terms and Conditions of Service for Specialty Doctors; and/or Terms and Conditions of Service for Hospital Doctors.

## **9.5 What information will we provide to the appropriate employee Representatives?**

During any engagement or collective consultation we will endeavour to provide the following information wherever possible and relevant to the proposals:

- The reason for the redundancy
- Ways of avoiding/reducing/mitigating the need for redundancies
- Vacancies across the organisation by number type and location
- The number and descriptions of employees that it proposes to make redundant
- The total number of employees of that description employed at the establishment(s) concerned



- If appropriate, any proposed selection criteria to be used where there is a pool of employees affected
- Proposals on how the dismissals are to be carried out including a time-scale
- The proposed method of calculating any redundancy payments which the employer may make other than statutory redundancy pay. This will always be the standard arrangements which apply throughout the NHS
- Number of agency workers working for NHSBT
- Sections in which agency workers are employed
- The type of work carried out by agency workers

## **10.0 Managing a Health condition through change**

### **10.1 How my reasonable adjustments move with me following organisational change?**

Should you have a condition and you are receiving reasonable adjustments in your current role, this will normally be applied to your new role wherever possible. Your new manager will be provided with any Tailored Adjustment Agreement that is in place to ensure you receive the appropriate support for you to continue your employment. It may be appropriate to seek advice from Occupational Health and or Health, Safety and Wellbeing, to ensure that such restrictions or support is still appropriate for your new role, indeed they may need to be different or increase. With any new role, a trial period will normally apply, so this will give you an opportunity to review any adjustments you may need. Should any difficulty arise with your ability to carry out your duties or part of your duties, you will be referred to Occupational Health for advice and a workplace assessment may be necessary. A reasonable extension to a maximum of 12 weeks may be granted to ensure that the new role is right for you and the organisation, and we are able to accommodate any adjustments.

### **10.2 What happens if my trial period is unsuccessful due to my health or condition?**

It is important that you raise any concerns without delay with your manager, and your manager will raise any concerns they may have with you. For example, any agreed restriction that remains in place in your new role, becomes a barrier to conduct the duties required.

Should you be unsuccessful in your trial period as a direct result of your condition you may qualify for redundancy; however we would continue to seek suitable alternative employment for you.

### **10.3 How will my absence be managed while I am on the redeployment register?**

Absence is managed regardless of your status, and should you be in monitoring, this will move with you to your new position. Your absence record will move with you.

Should you trigger the Attendance Policy during a change programme, including if you are on the redeployment register and at risk of redundancy, this will continue to be managed in the normal way, under the Attendance Policy.

### **10.4 What happens if a 'dignity' issue arises as a result of organisational change?**

Should any issues occur, this will be managed under the Dignity at Work Policy in the normal way.

Where there has been a previous issue, for example resulting in a departmental move, and as a result of organisational change, two people come in to closer contact again; every effort will be made to support both individuals. This will be through exhausting the Dignity at Work Policy and processes.

However, this will be taken in to consideration in any voluntary redundancy application if appropriate.

## **11. Support through change**

### **11.1 What support will I receive if I am placed at risk?**

If you have been identified as at risk during a change programme, support with training and development, as well as the redeployment support is available to help you through this period.

There are a number of activities which you can access through Shine, such as internal courses. Full details are available in People First/Organisational Change.

Depending on the scale and impact of the change, sometimes, specific support may be identified as part of the change proposals, and is introduced as part of the collective process. This is normally more targeted support that you may need particularly if the opportunities internally and geographically are limited.

## **12. Excess travel**

### **12.1 What are the rules about excess travel costs?**

NHS Terms and Conditions allow us to reimburse additional travel costs incurred because of a forced change of base. This might be because of a merger of employers, as an alternative to redundancy or because the department you work in is moving to another location.

### **12.2 How long will we pay excess travel costs?**

We currently reimburse for up to 4 years, which is the maximum allowed under NHS Terms and Conditions. If you have a subsequent change of base or move home, within this time then your payments will cease.

### **12.3 How do I identify any additional travel costs I will incur?**

During your individual consultation your manager will discuss this with you. You will have to detail how you currently get to work and how you plan to travel after the move. This is documented to show if your costs will increase or not.

### **12.4 My new base is further away but I already have a season ticket, will NHSBT reimburse a proportion of this cost?**

If the season ticket you already have covers your journey there is no extra cost to you as a result of the change to your base, and none of this cost will be met by NHSBT.

If the season ticket you already have doesn't cover the full journey then the extra cost will be calculated and confirmed.

### **12.5 What happens if I change the way I get to work following a change of base?**

This is detailed during the consultation and used to determine if your costs are increasing or not.

### **12.6 What happens if some travel costs increase and others reduce, are they off-set?**

Yes. NHSBT will meet extra costs over and above the total cost. Your existing and future costs will be assessed and compared and the total extra you can claim will be confirmed.

### **12.7 If I move house after the change to my base has happened will I still be able to claim the same additional costs as before?**

If you move home during your excess travel entitlement period you will cease to receive your excess travel costs unless you can provide evidence that your total travel costs will remain the same as, or greater than, they were at the point you became entitled to excess travel.

This means that if your costs reduce when you move then your entitlement to excess travel will cease, if they increase then you will be entitled to continue to claim excess travel at the rate previously agreed.

### **12.8 If I change my job role, but stay at the same base will I still be able to claim the same additional costs as before?**

Yes.

### **12.9 If I change my base again, after this move, will I still be able to claim the same additional costs?**

If the move is voluntary then you will cease to be eligible to claim the excess costs.

If the move is compulsory then your excess travel costs will be recalculated based on the move to the new base.

### **12.10 When will I know if NHSBT will meet any of my travel costs?**

Once your excess travel costs have been identified they will be approved, which will be towards the end of the consultation, but may vary for each specific move.

### **12.11 How will NHSBT reimburse these costs?**

Once approved your excess travel costs are verified and confirmed to you. Pay Support will confirm, via your manager, your e-expenses access and how to claim. You should claim monthly, at the end of each month, or at least within 3 months.

The claim and submission timetable is published on People First.

Any excess travel expenses will appear on your payslip.

### **12.12 Will someone show me how to use the e-expenses system if I haven't used it before?**

Pay Support will confirm your access. Comprehensive guidance (which includes a Quick start guide, a Quick start guide – mileage, a Quick start Guide – using expenses and FAQs) is available on People First.

### **12.13 Are there any other implications of excess travel I should be aware of?**

Where an employer meets all or part of the cost of an employee getting to their base work location then the costs reimbursed are taxable.

### **12.14 Which excess travel costs will NHSBT reimburse?**

NHSBT will meet the extra costs of travel which you actually incur, these might include;

- Additional mileage in your own private vehicle (car, motorcycle, bicycle)
- Fares (e.g. bus, train, tram, ferry, tube etc)
- Tolls

### **12.15 How much excess travel will be reimbursed?**

We will meet the extra cost you actually incur. Mileage in your own car or motorcycle will be calculated at the Reserve Rate. Fares or tolls will be calculated on the actual costs at the time of the move to the new base. Mileage on a bicycle will be based on the bicycle rate. For more information on these rates, refer to NHS Terms and Conditions.

### **12.16 What additional parking costs will be reimbursed following a change of base?**

Additional parking costs will be reimbursed if;

- Using your vehicle to travel to your new base is agreed to be the most effective means of travel, and
- They are identified at the time of the change of base, and

- They are supported by an official schedule of charges and tickets or receipts

Parking costs will **not** be met if:

- They are not related to an imposed change of base, or
- They are offset by reduced travel costs relating to your current journey, or
- If they relate to a change which is not a change of base, or
- If parking charges are imposed at a site in general

#### **12.17 If parking costs increase during the period of protection for additional parking costs, will the additional costs be met by NHSBT?**

No. Additional costs at the level agreed at the time of the move are met, but these do not increase during the period of excess travel.

#### **12.18 If fares for public transport or tolls etc. increase during the period of protection for additional parking costs; will the additional costs be met by NHSBT?**

No. Additional costs at the level agreed at the time of the move are met, but these do not increase during the period of excess travel.

#### **12.19 Following a change of base, now the business mileage for reimbursement is reduced by my home to base distance can I claim for days when I make a business journey to a temporary workplace which starts from home?**

Yes, you can claim excess mileage on days when you make a business journey which starts /ends at home as described;-

- If your business journey is further than your home to new base mileage you can claim your normal excess mileage
- If your business journey is further than your previous home to base but closer than your new base then you can claim the excess above the home to old base mileage you have actually travelled only.

If your business journey is less than your previous home to base mileage you cannot claim any excess.

#### **12.20 What will happen if I use my lease car to get into my base?**

You are entitled to claim excess miles in a lease car and these will be reimbursed in line with NHS Terms and Conditions at the relevant lease car fuel rate.

However, if you do decide to make a claim for reimbursement of fuel costs/mileage relating to home to base mileage you should be aware that such mileage reimbursement is classified by HMRC as 'private mileage'. This will incur a fuel scale benefit charge. Drivers are strongly advised to seek advice directly from HMRC as to how this might affect them as there could be a significant tax charge resulting.

#### **12.21 If in receipt of excess travel, can I change the method of transport I use on different days or weeks, depending on my personal needs?**

Yes, if this is agreed, documented and approved at the time of the move to the new base.

#### **12.22 If in receipt of excess travel, can I change the method of transport I use if my personal needs change?**

Yes, if this is agreed, documented and approved at the time. The excess cost will be recalculated and will be restricted to the amount originally approved. Your claim must reflect the actual transport cost incurred. The overall period of excess travel payments is limited to 4 years maximum in total.

#### **12.23 I travel with a colleague in his/her car can we both claim excess travel?**

No. Each of you can claim but only on the days when you actually incur the extra cost.

### 13. Policy Approval and Review

Policy version	UCD/People/Org Change/014v1.1/FAQv1.2
Title	Organisational Change FAQs
Approved by SPC	07.12.2023
EIA completed	07.02.2024
Counter Fraud check	27.12.2023
This document replaces	UCD/Workforce/Org Change/014v1.0/FAQv1.1
Effective Release Date	December 2023
Review Date	December 2024
Author	Daryl Hall
Filepath	G/HR/HR/Everyone/Policies
Distribution	Available on People First

### 14. FAQ's Section Details

Section	Section Heading	Page
1	General Definitions	1
2	Engagement and Consultation	2
3	Representation	4
4	Redeployment Support	5
5	Recruitment Support	6
6	Suitable Alternative Employment (SAE)	8
7	Trial Periods	9
8.	Additional Childcare costs due to Relocation	10
9.	Redundancy	12
10.	Managing a Health Condition through Change	13
11.	Support Through Change	14
12.	Excess Travel	14