

Organisational Change Policy

make it happen council of the future

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Falkirk Council has a duty to deliver services in the most efficient and cost effective way possible and to remain responsive and flexible in the way services are organised. Where this results in a need to make changes to our organisational structures, terms and conditions, working practices or other staffing arrangements, we will do so in a way that is fair, consistent and transparent.

This Policy sets out our approach to managing organisational change. The Council is committed to full and meaningful consultation with employees and recognised trade unions regarding proposals for organisational change. This policy establishes a fair, transparent and effective process for dealing with such situations and ensures compliance with statutory requirements. This policy applies to all employees of the Council and excludes:

- casual/ supply workers
- agency workers

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Definitions

Organisational Change- encompasses a wide range of circumstances including changes to individual posts, changes to terms and conditions or policies, reorganising a service's staffing structure, reductions in staffing numbers and the closure or merger of services. Organisational change can range from a significant review of the way a service is delivered to something simple such a review of how a specific piece of work is handled.

Consultation - is defined by the Advisory, Conciliation Arbitration Service (ACAS) as;

'the process by which management and employees, or their trade union representatives, jointly discuss issues of mutual concern. It involves seeking acceptable solutions to problems through a genuine exchange of views and information'

The main purpose of consultation is to provide employees and Trade Union representatives with the opportunity to contribute to discussions whenever a decision is likely to have an impact upon an employee (or group of employees), their terms and conditions of employment and their working practices

Key Principles

We are committed to consulting trade union colleagues on all aspects of organisational change. This commitment is based on the following principles

- open and honest communication with representatives, outlining the rationale for change and the associated proposals
- consultation should take place at the stage where options are being considered and should involve an exchange of accurate, easily understood information with discussion of proposals or issues
- clear and realistic timescales for consultation proportionate to the scale and complexity of proposed changes
- all feedback considered and responses provided wherever possible. It is recognised that meaningful consultation may lead to a change in the draft proposals but equally that not all feedback may be accepted as there may be practical or financial reasons for not doing so.

Managing Minor Changes

To adapt to changing requirements, it is likely that from time to time, the Council will need to make changes to roles, responsibilities and/or working practices.

Employees are therefore expected to be flexible and accept reasonable changes appropriate to the level of their posts. This policy does not apply where the changes to be introduced are relatively minor, for example, a minor adjustment or modifications to duties or work practices. However, managers should consider, depending on the nature of the change, making relevant trade unions aware prior to speaking to the affected employee/s.

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Where changes are required, the reasons for these will be discussed with employees and they will be given the opportunity, normally over period of 2 weeks, to state their views and suggest any alternative solutions. In some instances, notice may not be required, however, where relevant, affected employees will be given reasonable notice of any change and supported, as far as practical, to adapt to new ways of working. This will depend on circumstances but, where relevant, notice would be for a reasonable period depending on nature of the change.

Examples of minor changes may include but are not limited to:

- implementing different methods to carry out tasks and duties
- minor changes to duties within the remit and grade of the post
- a change of line management or
- a change of title of the Service, Division or team.

Managers should consider carefully the impact of minor changes on employees and seek advice from the relevant HR Business Partner as necessary. [\(link to flowchart\)](#)

Managing Major Changes

Examples of major change include Directorate, Service or Team restructurings, changes to terms and conditions of employment and significant changes to working practices. Any changes, which represent a substantial change to an employee's terms and conditions or a reduction in posts, necessitate formal consultation. If a major change is planned the steps outlined below should be followed. [\(link to flowchart\)](#)

If a proposed change is likely to result in a potential redundancy or the TUPE transfer of employees either into or out of the Council, managers must seek advice from their HR Business Partner at the earliest opportunity and ensure that the Severance Policy is followed.

Consultation

Open and effective consultation are key to organisational change being successful. Managers should communicate with affected employees and trade union representatives **at the earliest opportunity** to enable them to have sufficient time to give thorough consideration to the proposals.

Informal Engagement

Informal engagement with trade union representatives enables managers to sound out initial reactions to proposals and any potential areas of concern. This may not be appropriate or required (e.g., minor changes noted above) in all situations and will not replace the formal consultation process.

All information shared at this preliminary stage should be treated in the strictest confidence on the understanding that it will not be communicated to other parties unless agreement to do so is reached. When sharing information at an early stage,

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care must also be taken not to cause undue concern or raise expectations unrealistically.

The process may involve an informal discussion between the relevant trade union representative(s), the manager responsible for implementing the proposal(s) and a Human Resources representative. Alternatively, the approach may be to gather initial thoughts, ideas and/or concerns from the relevant group of employees and their trade union representative with a view to shaping final proposals.

Where a view or response cannot be given immediately, a realistic timescale for response will be agreed. This will be for a maximum period of one month unless there are exceptional circumstances. Generally, however, timescales will be shorter with agreement or where essential for service delivery reasons.

Formal Consultation

The formal consultation process is the means by which views are sought to influence final proposals and decisions. At this stage, firm proposal(s) are being considered with the information to be provided dependent on the nature and extent of the proposals.

Committee approval is required for any changes which will impact on service delivery to the public. Where appropriate, the final proposals shaped by an informal engagement process may be used to seek Committee approval should this be required. Any Committee approval should be 'subject to consultation' or 'in principle' before commencing with any formal consultation. There will be no requirement to seek further approval from Committee thereafter unless there is a significant change to proposals following consultation.

In circumstances where there may be potential redundancies notification to Group Leaders and relevant Portfolio holders is required.

Where formal consultation is required, a lead officer will be identified to progress this. The level and seniority of the officer concerned will be dependent on the complexity of the matter and will be a nominated manager or relevant officer identified by the Chief Officer. An HR Business Partner will provide support and guidance throughout the process.

The Council has an established process (Appendix 1) for consultation on Council Policies and this will be followed for any proposed policy changes/ development which are then incorporated into individual Statement of Particulars. Policies developed at a service level which impact on employees will follow the formal process outlined below with referral to the relevant Service Partnership Forum or trade union liaison group where relevant.

Planning

The consultation process will go more smoothly if planned and organised. The Lead Officer should plan the consultation and implementation process using the checklist [attached](#).

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Formal Business Case

A Formal Business Case template is available which should be completed in advance to be shared with trade unions and form the basis of any consultation. There are two formats for this Business Case depending on the nature of change proposed – 1. [Business Case – Potential Redundancy](#) or 2. [Business Case – Other Proposed Changes](#). A [How to Complete a Business Case for Consultation](#) is available. Where relevant, copies of Job Profiles, the current and proposed structure charts should be attached as Appendices. Any posts which are new or will change significantly under the proposed structure will require to be evaluated in line with the Council's [Job Evaluation Policy](#) and this should be factored into any timescales. An EPIA should be completed as required.

In the event that the proposals being considered have the potential to result in redundancy and following Committee approval if required, the process outlined in the Council's [Severance Policy](#) requires to be followed. You must consult with your HR Adviser on this in advance of finalising documentation. The following should be specifically outlined within the business case:

- The reasons for the proposed dismissals
- The numbers and descriptions of employees whom it is proposed to dismiss as redundant.
- The total number of employees of any such description within the affected area.
- The proposed method of selecting employees who may be dismissed.
- The proposed method of carrying out the dismissals, with due regard to any agreed procedure, including the period over which the dismissals are to take effect.
- The proposed method of calculating the amount of any redundancy payments to be made (over and above the statutory redundancy payment) to employees who may be dismissed.
- Details of the use of agency work within affected area.

Formal Consultation Timescales

When planning a restructuring, managers need to allocate sufficient time to plan, determine the financial implications, write a business case, consult on it and then implement the final proposals.

Notwithstanding minimum statutory timescales for collective consultation (a minimum 30 day consultation period for proposals affecting 20-99 employees, and a minimum 45 day consultation period for proposals affecting 100 or more employees), consultation periods will vary according to the complexity of the issue. It is anticipated that this will normally be 30 days unless it is agreed that this ends sooner. In consultation with Human Resources, a timetable for formal consultation and plan of action should be prepared to ensure that those affected are kept informed and are able to contribute at each stage as appropriate.

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Timescales agreed for responding to proposals should allow trade unions sufficient time to consult their members and collate a response.

A [Communication & Consultation Log](#) provides a useful means of capturing queries or feedback raised during the consultation process and responses provided. This will help inform FAQs where appropriate.

Employees who are absent due to long term sickness, family leave, secondment, or other reasons must be consulted individually, kept informed of the process and invited to attend meetings with other members of staff.

Implementing New Structures

The process to be followed depends on whether the restructure is likely to result in a redundancy situation. If so, advice should be sought from the relevant HR Business Partner and the Council's [Severance Policy](#) should be followed.

Where consultation has taken place and no redundancy is likely to arise from the restructure, a slotting and matching process may be applied. This would apply in circumstances where there are sufficient posts available in the new structure for all relevant employees. This process will be undertaken in phases starting at the highest level in the structure being considered and progressing down through the structure. [A How to Conduct a Slotting and Matching Process](#) is available.

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Appendix 1

Policy Consultation Process

- Policy consultations sent out to employees, managers and Trade union colleagues according to Committee schedule with 6 weeks provided for review/comment
 - o Employees to be alerted via the intranet 'Employee News' section on Inside Falkirk
 - o Trade unions issued with draft policy via e-mail, noting changes and providing the offer of a meeting with the policy author to discuss changes
 - o Managers to be alerted on MS Teams Manager page and sent link to Inside Falkirk in the same way as employees
- Feedback provided by employees, trade unions and managers during the consultation period to be reviewed by the lead HR officer and the policy updated as necessary. Feedback on comments will be provided. Where relevant, any significant comments not taken on board /areas of disagreement with TUs will be highlighted in the subsequent report to Corporate Partnership Forum.
- Draft Policies will be considered at Corporate Partnership Forum. Comments and feedback will be discussed and where possible, agreement reached to refer to Executive for approval. Where there are concerns raised about a draft policy, these will be highlighted in the subsequent report to Executive Committee for consideration.
- Finalised policies will be uploaded to the Council's policy page.