

Workforce Change Policy

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1. Introduction

Purpose

This policy sets out how we will manage changes that affect our employees in accordance with our legal obligations. We are a flexible, modern and proactive organisation and may need to change the way we deliver our services.

Improvements can have inevitable workforce implications as we consider new ways of working to make best use of our workforce and its resources. We will do this through partnership working with the recognised trade union to make sure employees are treated fairly and equitably under the policy. The aims of this policy are to:

- respond to the needs of the organisation
- define the steps for managing workforce change
- promote partnership working between the SSSC and affected employees to achieve mutually agreeable change wherever possible
- achieve job security as far as possible.

HR advice should be sought at the outset of any change process to make sure due process is followed and support provided.

This policy is for use where we have identified potential significant changes that have an impact on employees. A significant change is one or more of the following:

- structural change
- employee transfers
- changes to terms and conditions
- voluntary redundancy.

Minor changes to line management, team structure or work designation are not workforce change. These types of change will be discussed between a manager and employee and do not require consultation and agreement unless it can be clearly demonstrated that these have a significant impact on an employee. An employee cannot raise an appeal in response to these decisions. Where an employee requests a change of working pattern, this should be managed using the Flexible Working Policy.

The Workforce Change Policy will also not apply where:

- the changes relate only to the creation of new posts providing these do not significantly change the remit of existing posts
- we are updating role profiles and the changes are minor and do not significantly change the core purpose of the role.

Any workforce change will comply with the [ACAS](#) steps for managing redundancies.

Scope

This policy applies to all permanent and temporary Scottish Social Services Council employees. This policy does not apply to social service employers, workers or social work students.

Definitions

Collective consultation – in circumstances of redundancy (or dismissal and re-engagement), employees may have a right to be collectively consulted which means employers are required to consult with the 'appropriate representatives' of any of the employees who may be affected. For our organisation, appropriate representatives are a colleague or a recognised trade union representative.

Consultation - is a two way process through which information is shared and subsequently discussed between different parties. Ideally a consensus is reached at the end of the process, however there is no obligation to reach one.

Matching protocol - is part of a restructure scenario to define which methods (eg ring fence, competitive selection criteria) will be used to identify how employees will move across into the new structure and into which positions. It is shared with affected employees and the recognised trade union during the consultation process.

Organisational change - is a structural or managerial change in the way services within our organisation are organised or provided which affects the employment, pay and terms and conditions of service, or roles and responsibilities of employees.

Redeployment - is a process through which eligible employees are considered for suitable alternative employment with us to preserve their employment. There is a separate redeployment policy.

Redundancy – at this time we are committed to the Scottish Government's no compulsory redundancies policy. We may however consider voluntary redundancy/voluntary early retirement if we are:

- downsizing – where the organisation wishes to reduce part of its workplace by a certain amount
- restructuring or reorganisation – where specific posts are deleted from the establishment.

Restructure - is the act of reorganising the operational or service functions, or other structures, of an organisation for the purpose of making it better organised for its future needs.

Suitable alternative employment - this is a legal definition which means as an employer we need to consider:

- whether the employee has the right skills and experience for the new role or could do the role with some specific retraining
- the terms of the alternative job including status, place of work, job duties, pay, hours and responsibility (ie how similar are these to the old role)
- only in exceptional circumstances would an employee be offered a temporary post (if for 12 months or more) because the employee would be dismissed at the end of the temporary contract if they were unable to secure a permanent post before then. In these circumstances the employee would retain their full employment rights

- the employee's personal situation for example, the impact the change would have on their family responsibilities (for example, childcare, caring responsibilities or the employee's own health)
- the employee will be offered a trial period and will be supported during their transition through the induction process and through an appropriate learning and development plan
- any disabilities and/or adjustments required to help an employee to express an interest or fulfil a different job
- other options such as early retirement or voluntary redundancy if there is no suitable alternative employment.

Legislation

This policy has also considered the following legislation:

- Employment Rights Act 1996
- Equality Act 2010.

More specifically the legal obligations for workforce change are:

- changes to both contractual and non contractual terms can be made with the mutual agreement of both employers and employees
- the duty of collective consultation is triggered where there is a potential of redundancies or a situation of potential dismissal and reengagement of 20 or more employees
- change should be necessary and justifiable, and an employer has a duty to act reasonably. Reasonable practice can be demonstrated through following the principles outlined in the ACAS guidance on redundancies
- where employees do not agree to the change, but the above obligations and duties have been met, the employer can impose change through dismissal and reengagement
- employers have a statutory duty under the Trade Union and Labour Relations (Consolidation) Act 1992 to carry out collective consultation where 20 or more redundancies / dismissals are proposed at one establishment within 90 days. Statutory consultation time periods apply, and the Secretary of State for Business, Innovation and Skills (Insolvency Service) must also be notified through completion of the HR1 form
- where fewer than 20 redundancies are proposed, consultation must still take place on an individual basis and a fair process must be followed.

Data protection

We will process any personal data collected in relation to this policy in accordance with our [data protection policy](#). We will record only the personal information required and keep the information only for as long as necessary.

Monitoring and review

Human Resources and the Partnership Forum are responsible for monitoring and implementing this policy to make sure that it is being fairly and consistently applied and that the stated principles and values are being met. We will review this policy every three years (or earlier should legislation change) and make amendments as appropriate in consultation with the Partnership Forum. Minor amendments will be outlined in the change log and the version control updated.

Major changes will follow the consultation cycle – Equality Impact Assessment, Operational Management Team, Partnership Forum, Executive Management Team and Council.

2. Principles

Policy specific

- We support the Scottish Government's no compulsory redundancy policy.
- We will try to safeguard the employment of all employees during workforce change.
- We will consider all other appropriate measures to reduce our costs/impact before we start to consider workforce change including:
 - employee transfer between teams or Directorates
 - restricting external recruitment
 - minimising the number of temporary and agency workers we use
 - considering not filling posts when employees leave
 - reducing overtime
 - asking employees to consider taking early retirement/voluntary redundancy.
- Employees will suffer little or no detriment because of organisational change, where they do protections will apply such as the salary protection policy.
- We will equip our managers to make sure they have the right leadership skills to manage change effectively.
- We will support employees to adjust and adapt to suitable alternative duties eg through appropriate learning and development opportunities.

SSSC Values

Recognition and Respect for others

- We will always try to manage change in a consensual way.
- We will involve employees, engage with them, and keep them informed throughout the process.
- At every stage of the process we will not discriminate on the grounds of protected characteristics as listed in the Equality Act 2010.
- We will treat all employees fairly and consistently under this process and if any employee requires specific support and assistance due to having a protected characteristic under the Equality Act 2010, we will accommodate them appropriately.

Working together

- We recognise the value of positive and constructive involvement and participation from the recognised trade union. The commitment to partnership working is confirmed in the Partnership Agreement and is integral to the development and maintenance of harmonious employee relations.
- Workforce change will involve engagement with the recognised trade union with a view to seeking agreement.
- Employees have the right to be accompanied at formal stages of the policy by a work colleague or a recognised trade union representative. We will allow support at the informal stages where appropriate.

Accept responsibility and accountability

- The timescales detailed in this policy may be extended with the agreement of the parties and likely timescales discussed.
- Deal with issues kindly, sensitively and show compassion.

- Respect confidentiality and only share information, as appropriate, with relevant postholders.

3. Roles and responsibilities

3.1 Council

People management policies which include any of the following are reserved for the Council:

- associated additional costs that are not contained within the current budget
- any proposed fundamental change to terms and conditions of employment
- where the Council has a clearly defined role to play.

Council is responsible for:

- approving this policy and procedure
- making sure the structure of the organisation is fit for purpose to deliver objectives
- making sure that the application of this policy does not breach any statutory requirement placed upon the SSSC
- making sure that the Chief Executive and EMT have in place appropriate and up to date policies and procedures for the effective management of staff
- making sure those policies and procedures are applied fairly and in accordance with the law.

3.2 Executive Management Team

The EMT is responsible for:

- overall responsibility for the implementation of the policy and to create a culture in which employees can flourish through interesting and rewarding work
- having early discussions with the Partnership Forum of emerging issues and potential changes
- align change with organisational strategy and provide leadership to make change happen
- allow employees and their representatives the opportunity to influence changes affecting their working lives
- delegate responsibilities related to the policy to Operational Management Team (OMT) and line managers
- make sure that managers and staff receive appropriate development, support and training to implement the policy appropriately
- communicate openly and honestly with employees and their representatives, listening and responding to their views. Our senior managers will work with our colleagues in the Communications team to develop a clear and detailed communication plan
- monitor and evaluate change after implementation
- make sure that the application of this policy and procedure does not breach any statutory requirement placed upon us
- make sure that changes to people management policies not retained for the specific approval of the Council are reported to the Council on a quarterly basis for endorsement.

3.3 Operational Management Team

The OMT is responsible for:

- carrying out workforce planning to meet future service need
- making sure their managers and staff are aware of the processes to be followed within this policy and procedure
- making sure that employees are treated consistently and fairly, being mindful of the needs of the organisation as well as that of the individual.

3.4 Line managers

Line managers are responsible for:

- providing support to their employees as necessary by providing information directly or signposting employees to other areas of support
- owning their part of the change process, acting as a positive role model for the changes
- facilitating a two way flow of communication
- preparing teams for implementation
- consulting employees who are absent from work (for example those on sickness absence or family friendly related absence) and keeping them informed throughout the process.

3.5 Employees

Employees are responsible for:

- complying with our Code of Conduct for Employees. We expect the highest standards of integrity and conduct from all employees
- engaging in a consultation period to ensure it is meaningful and productive
- discussing all genuine concerns with their line manager, another appropriate manager, or human resources
- asking questions and raising concerns directly with their team/line manager. They are also encouraged to use their recognised trade union representatives as a means of coordinating two way feedback relating to general feedback and concerns over the proposals for consultation.

3.6 Human Resources

Human Resources are responsible for:

- updating this policy and procedure in line with the agreed schedule, or as changes occur, to comply with employment and other pertinent legislation, best practice and the SSSC people strategy
- developing this process and procedure collaboratively to meet legal and business requirements
- developing template letters, forms and guidance
- offering advice on how to apply the Workforce Change policy and procedure
- making sure the process is followed in line with the policy and procedure
- reminding employees and managers of their responsibilities under the policy and procedure, if required
- monitoring the use of the policy and processes and reporting any non compliance to Heads of Department/Directors.

4. Policy

4.1 What is workforce change

This policy defines the steps we will take to make sure change is fair, transparent and complies with our statutory obligations. It also reflects our continuing commitment to working in partnership with employees and the recognised trade union.

It sets out how we will deal with significant change when it affects many employees and/or is likely to have a material impact on terms and conditions.

Workforce change can be limited to one type of change or involve many changes simultaneously. It can include changes to working practice, working pattern/hours of work, organisational structure, the work undertaken or the number of employees carrying out that work. Any of these can result in structural changes, employee transfers, changes to terms and conditions and/or voluntary redundancy.

4.2 Equality issues

We will deal with any workforce change in line with our Equality, Diversity and Inclusion Policy. This means we will assess our change proposals using our equality impact assessment (EqIA) tool. The EqIA will start during the planning and informal consultation stage. This tool helps to identify any unintentional impacts of the proposed change on our employees, registrants and any other key stakeholders. If a negative impact is identified we will consider, wherever possible, alternatives to reduce or remove the negative impact.

4.3 Consultation framework

In line with the principles set out in our Partnership Agreement, we are committed to building and promoting good employee relations. We will discuss and agree any changes to terms and conditions at the Partnership Forum. Employee views matter as they have the knowledge and experience to know what really works and we are committed to engaging with the recognised trade union fully to facilitate change in the most effective way possible.

As part of the partnership agreement with the trade union, the framework we follow for workforce change is:

Low impact

Examples include reallocation of work between teams, team moves and/or, temporary changes because of long-term sickness. A working example may be "moving 2 Registration Assistants from Team 3 to Team 4" or "reassigning Team 5's Registration Assistants to Team 1's manager if Team 5's manager was off sick".

This type of change does not require any consultation with the recognised trade union. These are management decisions to be discussed with employees.

Medium impact

This would be where we are either creating new roles or deleting old ones, but nobody is facing redundancy. There is no change that will result in anybody losing their job or being displaced, but the change could have an impact on the workforce. Examples might be "not replacing a manager role so more people will be managed by a different manager" or

“introducing a new role that dilutes the work of others”. This may need some level of discussion with the recognised trade union in the interests of partnership working.

High impact – workforce change

This would be where the change results in roles being removed and therefore employees being displaced. It would only be applicable for permanent employees because temporary contracts ending is routine day to day business. This is where we will consult formally with the Partnership Forum.

4.4 Types of workforce change

A significant change is one of the following:

- structural change
- employee transfer
- changes to terms and conditions
- voluntary redundancy.

Structural change

Applies for proposals to change a current organisational structure, where this will result in substantial changes to posts and roles. This can result in employees being matched into a job (this is different to redeployment as we do not make employees redundant). In this situation, we will not use the normal internal recruitment policy as we have a legal requirement to find suitable alternative employment for our employees who have been affected by the change.

There is further information available in appendix 1 - Guidance for Job Matching.

Employee transfers

When an employee's role/tasks are moving to another part of the organisation. Employees will only be required to transfer post in situations where the post they are moving to is the same as their current role in terms of grade and core duties. In this situation we will provide employees with reasonable notice of any intended transfer, as we appreciate that this may have an impact on employees particularly those with caring or childcare responsibilities. Reasonable notice will be four weeks unless otherwise agreed.

Mobility is a contractual requirement for employees therefore the employee may not unreasonably refuse to transfer. An employee transfer may also involve the employee having to relocate. This means the employee must move because of the change. See the [Relocation Policy](#) for further information.

The senior manager leading the change process will, wherever possible, seek volunteers and try to reach agreement for transfer from the affected group. If agreement cannot be reached, we will follow a fair selection process to identify employees for transfer. This will be designed with support from Organisational Development (OD).

Employees can be transferred consensually between Directorates and Teams based on identified operational or organisational need provided there is no gain or detriment to individual employees. This will increase the flexibility of our

workforce and support future challenges. You should seek advice from HR in this situation.

Employees do not have a right to request a voluntary transfer. In accordance with our interim recruitment and selection guidance, any employee wishing to change their role must apply for vacancies through the normal recruitment and selection procedures.

There is further information available in Appendix 2 - Guidance for Employee Transfers.

Changes to terms and conditions

This change applies where a proposed change to service delivery or structure may result in variations being made to terms and conditions of employment as a means of achieving business efficiencies.

The range of contractual provisions that can be varied are broad but could include contractual hours and/or working patterns. Before we make any changes to an employee's contractual terms and conditions, we will consider the employee's personal circumstances and their type of work.

If we want to change terms and conditions of employment we will, in accordance with our legal obligations, consult with employees and get their consent before we make any changes to an existing term or condition of the employment contract.

We are committed to exploring all appropriate measures with the recognised trade union to mitigate the effects of change. Such measures may include changes to terms and conditions of employment. The agreed route to make any changes to terms and conditions is through our Partnership Forum.

Consultation requirements will be triggered where the change may result in significant variations to current terms, conditions or working patterns. You must always seek advice from HR if you are considering any changes to terms and conditions.

During the consultation period, we will make efforts to secure the agreement of employees to the changes to their terms and conditions of employment which we are proposing. As a last resort, if there is no agreement, we may have to serve the appropriate contractual notice on employees and offer to reemploy on new terms and conditions.

Voluntary redundancy

There is a separate policy for [Retirement and Redundancy](#) which you must refer to if this is an option available to employees through workforce change.

4.5 The stages of workforce change

Any workforce change programme will normally have the following three stages:

- business case – planning and informal consultation
- formal consultation

- conclusion of consultation and implementing the change.

Each of these is outlined in more detail in Section 5.

5. Procedure

5.1 Stage 1 - Business case (planning and informal consultation)

The relevant Director, in discussion with EMT, and with support from HR, will develop a proposal for the changes being considered. This will include the business case for the proposed changes and a proposed implementation plan. It must also include a proposed structure chart based on operational needs. The structure information will identify:

- new/ substantially changed roles (which will be subject to a Job Evaluation/Grading Scheme)
- roles which may be removed from the establishment and
- roles which remain unchanged.

The proposal will be shared with the Partnership Forum as early as possible in the process. An EqIA will also start at this point. Discussions between senior managers and recognised trade union representatives will focus on the proposals and reasons for the structure change.

The scope and detail of a business plan will vary and is appropriate to the level and anticipated impact of the proposed change. The business plan should typically include (though is not limited to) the following information:

- reason(s) for change
- proposals and options
- impact analysis of options
- cost / benefit analysis and risk assessment
- timescales and key dates to move to implementation
- HR requirements
- financial summary
- equality impact assessment (EqIA).

Consultation starts as soon as possible once the business case is completed. We must allow sufficient time for the completion of any statutory consultation and notice period (if necessary) prior to the proposed change taking place.

The purpose of consultation is to share the proposed workforce change, to seek feedback and consider any concerns. Where there are concerns, we must consider these and work with employees and the Partnership Forum to seek alternatives and other forms of assistance which may lessen the concerns. We must consult with affected employees – both those directly and indirectly affected.

The formality and activities carried out during consultation are appropriate to the proposed workforce change. Where possible we will adopt informal consultation

routes. Consultation may involve, but is not limited to, employee briefings and the option of individual meetings.

5.2 Stage 2 - Formal consultation

Wherever possible we will consult on any significant organisational change for up to a maximum of 90 calendar days based on the number of employees affected. In some situations, this will not be possible, but we will consult for no less than 30 calendar days.

For workforce reorganisation resulting in significant change we will structure the formal consultation process around two main areas:

- the proposed new structure
- the proposals for implementation, including how we will match individual employees into posts in the structure we are proposing.

We will develop a communication and consultation plan and share it with the recognised trade union. This will be structured around group and individual meetings, as appropriate.

We will incorporate agreed feedback from employees and the recognised trade union within the final proposals, as well as any changes confirmed through the matching appeals or identified through the EqIA process.

At the end of the consultation period, we will confirm the outcome and finalised new structure to the employees affected and their representatives.

Following the consultation period, the manager must establish the final proposals regarding the workforce change. We will communicate them to affected employees, the employee forum and, if appropriate, the recognised trade union.

5.3 – Conclusion of consultation and implementing the changes

The nature of any implementation phase depends upon the type of change taking place and is likely to be tailored to the specific circumstances.

We will confirm to employees the various phases, processes to be followed and key dates. In some cases, the completion of one phase may be necessary before a further phase can begin.

We will not normally implement any changes until we have finished our consultation process, however, there may be times where this is unavoidable. For example, an instruction from Scottish Government or a financial reason to do so. In this situation an emergency Partnership Forum meeting would be held.

To ensure the success of the new structure/workforce change, we will plan and discuss support with employees. The lead EMT and OMT managers will be responsible for ensuring that employees, once in the new structure, have a clear and shared understanding of their revised roles and responsibilities and that we provide any necessary briefing and training. Managers will receive support from HR and OD to help them in this.

5.4 Appeals

We are committed to securing the agreement of employees and their representatives where workforce change is proposed. However, if agreement is not reached by the end of the consultation period, then we may deem it necessary to implement the changes proposed. Ultimately, the organisation has the right to reorganise as necessary to best deliver services. We will notify the outcome of the consultation and the final proposals on the new structure to the affected employees and their recognised trade union representatives.

Employees have a right of appeal against decisions that relate to:

- matching proposals for their post in a structural change
- being selected for transfer.

We will advise employees of their right of appeal in the letter confirming their proposed match/transfer which we will issue once the formal consultation period has concluded.

Appeals can only be submitted on one of the following grounds:

- we have not offered the employee a direct match when entitled to one
- we have included the employee in the wrong matching pool, or wrongly excluded them from a more appropriate matching pool
- an employee believes they have been unfairly disadvantaged by the method used to select them
- the circumstances led to us wrongly selecting the employee for transfer.

Employees wishing to appeal should lodge their appeal with the Director of Finance and Resources, within 14 calendar days of their individual consultation meeting.

Where we cannot hear appeals within the implementation timescales, we will place all employees in the relevant matching pool(s) in post on a temporary basis until we have concluded the appeal process. Where an employee(s) submits an appeal or indicates an intention to do so, management and the recognised trade union will consider the circumstances of the case to establish if we can resolve the issue without progressing to a formal appeal hearing. A member of EMT will hear appeals.

6. Further information

6.1 Learning and development

To support the fair and consistent application of this policy, we will make sure there is full awareness and understanding of the issues relating to whistleblowing for managers by incorporating training on this policy within line management development programmes and make sure that all managers have participated in such a programme. We will also provide refresher training.

6.2 Sources of support

We will keep employees informed throughout the process. We will do this in a range of ways to make sure employees:

- are aware of, and understand, the reason for the proposed changes
- understand what will happen during the change process
- know how the proposals directly affect them.

Managers will share information openly as it becomes available during the process. Even if there has been no progress, we will continue to provide updates so that uncertainty, rumour and speculation is minimised. We know that the change process can be very stressful for employees. Managers will support employees as necessary by providing information directly or signposting employees to other areas of support.

Further sources of support include:

- day to day support from line managers
- the employee assistance programme
- advice and support from recognised trade union representatives
- coaching and mentoring scheme
- relevant corporate learning and development opportunities eg resilience training
- Unison or other recognised trade union representative
- ACAS
- Human resources.

6.3 Related documents

The Workforce Change Policy is not a stand-alone policy and cannot be read in isolation. The policy has strong links to other people management policies and guidance. This is summarised below:

- Establishment control policy (once developed).
- [Recruitment and selection policy](#).
- Redeployment Policy (once developed).
- [Relocation policy](#).
- [Retirement policy](#).
- [Salary protection policy](#).

6.4 Special cases

In situations of 20 or more redundancies within 90 days, the organisation must write to the recognised trade union in accordance with section 188 of the Trade Union and Labour Relations (Consolidation) Act 1992 to inform them of the start of the consultation period. An HR1 form must also be lodged with the Secretary of State for Business, innovation and Skills (Insolvency Service) and a copy sent to the recognised trade union.

Appendix 1 – Guidance for job matching

Job matching will consider the following:

- Identification of the pool – a pool contains all job roles directly affected by the restructure and to which we need to consider matching.
- The option for employees to express an interest in voluntary redundancy - where this is available and meets the business needs.
- Matching – process to look at the degree to which roles in the existing structure match roles in the new structure.
- Slotting – process whereby those employees who we have matched, slot directly across into the new structure because there are enough posts, and no further selection is necessary.
- Ring fence - employees are assigned to a ring fence to give them prior consideration for roles through a competitive selection process. A ring fence is usually necessary where the matching and slotting process cannot fully achieve the outcomes required. There may be more than one ring fence in a restructure programme. Where an employee is not successful in a particular ring fence, they may move into a different ring fence at appropriate selection. Appropriate assessments, including competency-based interviews, may be used to select employees for appointment to posts in the new structure. We will normally carry out selection sequentially on a top down basis, based on the grade of the post. We will consider an employee who is not selected for appointment for any lower graded posts for which they meet the essential criteria.
- Wider recruitment – if posts in the new structure have not been filled by matching or ring fencing then we will open them to the wider workforce.

Matching pool

When there are changes to the structure that result in substantial changes to posts and roles, we will match affected employees into jobs wherever possible. We will undertake an initial matching exercise to define all roles in the old structure against those in the new structure. It is important to note that we make decisions on matching with reference to an employee's substantive post. This means the process does not consider any other temporary acting up or secondment arrangements.

This exercise will involve the senior manager leading on the change exercise with support from HR. This exercise will determine the extent to which there is a match between the duties of the new and old posts and determine the matching pools. This exercise will focus on the similarity of the job roles and not the skills and abilities of the individuals currently carrying out the job roles. In other words, it is an objective process that focuses on posts not people.

Job matching criteria will be based on the overlap between new and existing posts which we will identify by reference to the:

- job profile and grade
- role purpose and key activities
- skills, experience, qualifications and knowledge requirements of the current person specification and the new specification.

The outcome of the initial job matching exercise will be to define all roles under the old structure against roles under the new structure.

A direct match is where the duties and responsibilities of the role remain the same or are substantially the same (ie more than 75% of the duties of the existing post remain as duties of the post following restructuring). We therefore assume that the employee(s) will meet the essential criteria of the person specification.

Where there are the same number or fewer employees carrying out the duties currently as there are posts in the new structure, the implementation proposal will be to confirm these employees in post without the need for any selection process. Where there are more employees carrying out the duties currently than there are posts within the new structure, the implementation proposal will confirm the need for a competitive selection exercise to determine who will fill the new post(s).

Ring fenced

If no direct match is identified (ie less than 75% of the duties of the existing post remain as duties of the post following restructure) the implementation proposals will confirm which posts in the new structure are substantially changed or new. These will be filled through competitive selection from the employees in the identified matching pool for the post.

Posts which are unchanged/ substantially the same and with an implementation proposal to competitively select because there are more employees carrying out the duties currently than there are posts in the new structure will be ring fenced to that pool.

Posts which have changed substantially or are new will be ring fenced to the specific team or service area affected by the reorganisation who meets the essential criteria for the post.

Redeployment

An employee whose post in the existing structure has been removed and who cannot be directly matched to a post or is unsuccessful in securing a post in the new structure will be classified as 'displaced'. In this situation, we will support affected employees to find suitable alternative employment. We will offer a displaced employee a priority interview where a vacancy is identified as suitable alternative employment. This can include vacancies that remain unfilled at lower tiers in the new structure once the transfer, matching and appointment process has been completed in respect of other employees at those tiers.

Wider recruitment

Where no employees in the affected team/ service area meet the criteria for the post, we will advertise any resulting vacancies through the normal recruitment processes and subject to any resourcing restrictions in place at that time.

Appendix 2 – Guidance for employee transfers

An employee transfer process allows us to ensure we have the right people, in terms of qualification, skills and ability, in the right place at the right time to meet business need. This is an employer initiated process to fill any vacant positions to meet the needs of the service, if required. Should any employee wish to transfer out with this process they should do so through the normal recruitment processes.

We will always seek volunteers for a transfer where possible. There is a mobility clause in contracts of employment which allows employees to be deployed to meet the needs of the service, where necessary. Some examples of the reasons why this may be necessary include:

- the need to fill vacancies when there has been insufficient interest from employees to transfer on a voluntary basis or via an external recruitment campaign
- an increased workload in a particular function
- a requirement to meet a statutory business need.

The appropriate Directorate management team will consider workforce planning on a regular basis. We will undertake any employer initiated transfers in consultation with the Partnership Forum and employees. Transfers may be on a temporary or permanent basis.

The criteria for determining the most suitable employees to transfer will include qualifications, skills and experience. As part of the decision making process we will take into consideration the skill mix of each team and therefore determine the criteria on a case by case basis. We will use discretion to select an employee for a transfer considering how long the employee has been in the role for, the reasonableness of moving an employee (including personal needs), the materiality of the change and the genuine business need for the move. We will give the employee full details of the intended transfer. The Directorate management team will make the final decision based on the genuine business needs of the organisation.

We will issue an employee selected to move with up to four weeks written notice of the transfer and confirm the change in writing.

It should be noted that this process is different from redeployment. We will use redeployment guidance where there is a need to find permanent suitable alternative employment in the following situations:

- for employees affected because of being displaced due to required workforce change
- for an employee following a formal disciplinary process where we identify redeployment as an appropriate outcome
- for an employee unable to carry out the duties of their role due to ill health, disability or capability and reasonable adjustments are required.



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If you would like this document in a different format, for example, in larger print or audio-format, or in another language please contact the SSSC on 0345 60 30 891.

We promote equality by removing unlawful and unfair treatment on the grounds of any protected characteristic wherever possible.

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