

# Restructure and Redundancy Managers Guidance

November 2019

Created: 26 November 2019  
Revised:

## Restructure and Redundancy – Managers Guidance

Restructures must be conducted fairly, consistently and in a transparent manner. When managing establishment changes, the Council must undertake meaningful consultation and ensure all employees are informed of their legal entitlements. Failure to do so, could result in a challenge and employment tribunal, which may have financial implications and an impact on the organisation's reputation.

During the restructure process managers must be mindful of how the change process may affect employees and ensure the appropriate support mechanisms are in place. Managers should seek to improve their employees understanding of the need for change and attempt to gain their commitment, by identifying and addressing any concerns. Managers should also tap into employees' knowledge and creativity through meaningful consultation.

Health and wellbeing at work is strongly linked to having a degree of control over our job and how it is done. Giving employees a voice in how change is managed can maintain their sense of wellbeing. Independent advice, information and emotional support is available to all employees through the [Employee Assistance Programme](#). Advice is also available from Human Resources, Organisational Development and Trade Unions.

The Restructure and Redundancy guidance is designed to support the application of the Council's policies and procedures and is not intended as a substitute for following policies and procedures.

The step by step approach has been developed to support managers during the restructure and redundancy process and establish a more consistent approach to managing establishment change. The guide provides links to useful templates, as well as hints and tips developed from lessons learnt in previous restructures.

For more information please see the Managing Restructures and Redundancy Policy or contact Human Resource Team through the [Customer Portal](#) or [HR.SupportDesk@wolverhampton.gov.uk](mailto:HR.SupportDesk@wolverhampton.gov.uk)

## Contents

1. Contact the Human Resource Team .....	4
2. Discuss and develop your proposal .....	4
3. Document your proposal.....	7
4. Job Allocation .....	8
5. Equality Assessment .....	9
6. Business Case (SEB Report Template).....	9
7. Senior Management approval on proposed structure .....	9
8. Pre-consultation with Trade Unions .....	10
9. Consultation - communication and methodology .....	11
10. Group Consultation .....	13
11. One to one meetings .....	14
12. Formal consultation reminder .....	16
13. Assimilations and Ring-fence Challenge .....	16
14. Voluntary redundancy application and selection process .....	17
15. Consultation Feedback.....	18
16. At Risk Notifications.....	19
17. Selection Process.....	19
18. Structure Management Request.....	21
19. Dismissal .....	22
20. Appeal .....	25
21. Review.....	25
22. Appendices.....	26

# Step by Step Guide for Managers

## 1. Contact the Human Resource Team

Before conducting a restructure, you must first gain approval from senior management, you should then inform your HR Business Partner and discuss your proposal with them and explore options. It is also best practice to inform your Finance Manager of your intention to restructure. Depending upon the nature of the restructure, your HR Business Partner may assign a HR Advisor to support you during the process or continue to support you directly if more appropriate.

## 2. Discuss and develop your proposal

At the meeting with your HR representative, you will discuss the rationale for the restructure, the existing structure, proposed structure and timeline.

The proposed structure discussion will include:

- The proposed number of posts to be deleted and identification of displaced posts
- Ring-fence and assimilation proposals (if applicable)
- Mitigation against compulsory redundancy, including voluntary redundancy and bumped redundancy
- The selection processes (see section 17 of the managers guidance)

### 2.1. Assimilations

Where a service has been restructured and there is a pool of potentially 'at risk' employees, assimilation is the process whereby one person is placed into a new job because the new post is either virtually unchanged from, or a very close match to their substantive post. Assimilation can occur when;

- There is an 80% or more match in duties, the post is on the same grade and there is no significant change in the emphasis of the post.
- This can be demonstrated clearly by a comparison of both job description and person specification.
- Where there are differing employment terms, but there is a an 80% or more match in duties and the salary grade is the same.

Assimilation will not occur when:

- The new post(s) vary sufficiently to cause a re-allocation and potential change of grade is required.

- There is a match in duties but the number of posts in the 'old' structure is greater than the number of posts in the new structure – the post will be ring-fenced.
- Additional duties cause the person specification to be significantly changed, and the changed element cannot be met by development or experience in a reasonable length of time.

On occasions where a lower graded vacant role exists in the new structure, with an 80% match in duties an employee can be assimilated into the role if the employee feels it is a suitable alternative. This can only apply if no employee in a lower graded position is displaced as a result of this. The employee is still entitled to apply for voluntary redundancy.

Factors which are not relevant to assimilation include: any changes to terms and conditions that might be agreed through the normal processes (e.g. changes to shift working or to 5 out of 7 working.)

Where an employee potentially at risk is not assimilated, they will be put at risk, and the appropriate selection procedures will be applied.

Assimilations are determined by the manager, with support from Human Resources, in consultation with the Trade Unions.

## **2.2. Ring-fencing**

The ring-fence matching process determines the closest possible match of current post holders to posts within the proposed structure, with the overarching aim to minimise displacement and uncertainty.

When a restructure produces a higher graded post, which encompasses the duties and responsibilities of an existing lower graded post, but also includes additional duties and responsibilities which merit a higher grade, the post should initially be ring-fenced to the existing jobholder(s) and the appropriate selection process applied.

Posts will also be ring-fenced where the number of employees who have a potential claim on a post is greater than the number of posts available.

On occasions where a lower graded vacant role exists in the new structure, with an 80% match in duties, an employee can be ring-fenced, if the employee feels it is a suitable alternative. This can only apply if no employee in a lower graded position is displaced as a result of this. The employee is still entitled to apply for voluntary redundancy.

The principles applied to determine the proposed match/es included assessing the post holder's existing job description and person specification and current salary scale, to deem if the posts in the ring-fence could be considered a reasonable alternative role.

Throughout the ring-fencing matching process, the primary focus is on the post (not the post holder), so no account is taken of the post holder's personal skills or capabilities.

### **2.3. Voluntary redundancy**

This is where the Council offers a financial incentive to an employee to leave the organisation. This can occur through an establishment change process or via the council's current corporate voluntary scheme. For further advice, the latest information and an application form please refer to the Voluntary Redundancy Section of the [HR intranet](#). Further information on voluntary redundancy application and approval process is available in section 14.

### **2.4. Bumped redundancy**

A bumped or transferred redundancy occurs when an employee whose job is not at risk of redundancy is dismissed as redundant and the resulting vacancy is filled by a suitable employee whose job is redundant. There is no salary compensation for a bumped redundancy. Employees will be paid the grade for the job that they accept, which must be at the same grade as their current post or lower.

If the manager is unable to identify any opportunities available for a 'bump' in the immediate service area, all bumped roles will be advertised to redeployees. If a bumped redundancy cannot be secured through the service area or redeployment the employee will be unable to exit the organisation on redundancy. More information on bumped redundancy is available in Appendix A.

### **2.5. HR1 / Section 188 Notice**

Your HR representative will advise whether a HR1/ Section 188 Notice needs to be completed and if required the Human Resource Team will complete. As the Council already has a semi-permanent corporate notice in place, most restructures do not require this process to be undertaken.

### **2.6. HR catch ups**

When conducting complex restructures, you may find it useful to schedule weekly catch up meetings with your Human Resource representative, to ensure time is available to discuss issues, provide updates and answer queries as they arise.

### 3. Document your proposal

You will need to develop and send the following documents to your HR representative to support your restructure proposal:

- Current job descriptions and person specifications
- Proposed job descriptions and person specifications – **Template A**
- Current organisational chart ‘as is’– **Template B**
- Proposed organisational chart ‘to be’ – **Template B**
- Proposed managers restructure timeline - **Template C** (see guidance in 3.1)
- Employee restructure data – **Template D** (see guidance in 3.2)

It is best practice to ensure the documents listed above are saved within your OneDrive or on a restricted area of a SharePoint site. Access should be given to those managing the restructure, this is to ensure all those involved are accessing the most up to date versions.

When developing job descriptions and person specifications, guidance is available in the Managing Recruitment and Selection Managers’ Guidance.

#### 3.1. Timeline development guidance:

Activity	Considerations when developing your timeline
Job allocation	Your HR representative will advise on timescales for Job Allocation Panels (as appropriate) after liaison with the Pay and Reward Team (see section 4).
Senior Management approval of proposed structure	You must ensure you obtain approval before proceeding to consultation.
Trade Unions	Unions must be informed of the proposed restructure in advance of group consultation.
Group consultation and one to ones	The initial consultation period (group consultation and one to ones) should be open for a minimum of two weeks for feedback on the proposed structure.  You must leave adequate time available to accommodate all employee one to one requests.
Ring-fence Challenge	Provisional time should be allocated to allow any challenges to be heard by a panel.
Consultation feedback	Before feeding back to those in scope, all employee feedback received during the consultation period must be reviewed and responded to and any challenges heard by

	a panel.
At risk notification and selection invite letters (if appropriate)	These will be sent out by the Human Resource Team following the consultation feedback.
Selection process	Allocate enough time to accommodate the selection process for ring-fenced employees and other applications as appropriate, your HR representative will support you with this process.
Dismissal meetings	To be held with employees: <ul style="list-style-type: none"> <li>• Who applied and were unsuccessful in securing a role within the new structure (compulsory redundancy)</li> <li>• Who applied for voluntary redundancy and where their application was approved.</li> </ul>
Appeals	Employees have the right of appeal up to 5 days after receiving their dismissal letter, the restructure lead will need to be available to attend appeal hearing(s) if required.

### 3.2. Employee restructure data

When completing the employee restructure data spreadsheet, if you do not have the establishment information you require, data is available through [QlikView](#) or [Agresso](#), by running your Establishment Report. Alternatively, if the information is not easily accessible, please contact the [HR Support Desk](#) to determine the correct details.

## 4. Job Allocation

Your HR representative will review the new job descriptions (if applicable) and complete a job allocation form – the HR representative will then forward this to the Pay and Reward Team on your behalf.

The Human Resource Team will liaise with the Pay and Reward Team who will confirm if a Job Allocation Panel is required. The length of the process will vary depending upon the changes proposed and the panels availability and you should allow up to four weeks. Where minor changes are proposed, which do not affect the grade a panel may not be required.

The Pay and Reward Team will organise a Job Allocation Panel (if required), and it will include: you (as the manager of the restructure), a Trade Union representative and the Job Allocation Advisor. The Job Allocation Advisor will inform you, your HR representative and the appropriate Trade Unions of the outcome of the panel.

Please note, when developing your restructure timeline, you must ensure adequate time has been scheduled in to account for the job allocation process, as its finding may result in amendments to the proposed structure.

You should not contact Trade Unions or start discussions until you have received feedback from the Job Allocation Advisor/ Panel to ensure any alterations are captured in the structure before this is shared with Trade Unions or employees.

## 5. Equality Assessment

You will need to complete an Equality Analysis see **Template E**. The assessment will help you to identify the impact of the restructure on those in scope and to establish whether any individuals or groups are negatively impacted by the proposal and what amendments or actions can be taken to mitigate the risk, see checklist in Appendix B.

If you need support when completing the Equality Analysis template, please contact the Equalities Team for guidance on [Equalities2@wolverhampton.gov.uk](mailto:Equalities2@wolverhampton.gov.uk)

At the end of the restructure process you should review the equality implications of the new structure, to establish whether any individuals or groups were negatively impacted by the restructure and share your findings with the Equalities Team.

## 6. Business Case (SEB Report Template)

Develop a business case, outlining your proposal and the rationale. Your Business Case should be documented in the Leadership Team/ Strategic Executive Board report template, available within [Modern.Gov](#) See **Appendix A** for the Business Case checklist.

If you do not have access to Modern.Gov or require support contact Democratic Services on [Democratic.Services@wolverhampton.gov.uk](mailto:Democratic.Services@wolverhampton.gov.uk)

## 7. Senior Management approval on proposed structure

Before a restructure can commence, the proposal (business case) must be taken to the appropriate Senior Leadership Team to obtain approval.

The nature of the restructure and service area will determine which of the Leadership Teams the report goes to and whether Cabinet Resource Panel approval is required.

If you are unsure of the approval route, please contact your HR representative and Director for guidance.

Please note, you will need to ensure your restructure item is on the Forward Plan agenda for each of the relevant Leadership Teams and Committees.

You should use the appropriate report template available in [Modern.Gov](#) to document your approach.

## 8. Pre-consultation with Trade Unions

Ahead of consultation with employees, you will need to organise to meet with the relevant Trade Unions to discuss your proposed restructure, your HR representative will support you at the meeting.

Trade Union representative need information on the proposed restructure to negotiate effectively on behalf of employees and ensure meaningful consultation takes place, as per [ACAS guidelines](#).

### Checklist

#### The meeting discussion must include:

- The proposal and restructure rationale
- The number of employees in scope
- Existing structure chart and proposed structure
- Proposed number of posts to be deleted
- Ring-fence and assimilation proposals
- Mitigation against compulsory redundancy
- Restructure timeline
- Identification of displaced posts, including voluntary redundancy and bumped redundancy

#### During the discussion:

- Proposals must still be at a formative stage with an open mind to alternative proposals and consultation must be meaningful
- You must consider options to mitigate potential redundancies
- Agree the process for implementing the new structure e.g. voluntary redundancy, compulsory redundancy, redeployment
- Provide adequate information and time in which to respond
- The manager should document key actions and decisions

## 9. Consultation - communication and methodology

You will need to consult on the proposal with those employees affected by the restructure (in scope). Collective consultation should include the following:

- The business rationale for the decision – therefore there should be clarity about why you are consulting about potential redundancies.
- Avoiding dismissals i.e. considering other options instead.
- Reducing number of employees to be dismissed e.g. suspending recruitment, redeployment, reducing overtime etc.
- Mitigating the consequences of dismissal e.g. voluntary redundancy.

Please note, if a manager does not carry out such consultation any subsequent dismissal will almost certainly be unfair.

For consultation to be meaningful you must ensure all employees and Trade Unions have access to all the information they require, as well as the opportunity to discuss and challenge the proposal, including suggesting alternative options which must be considered.

The nature and size of the restructure will determine the engagement approach and communication plan see **Template F**. Your HR representative will be able to advise you of the range of communication options available and best practice, e.g. face to face, email, newsletter.

Please note, if the restructure is proposing to dismiss 20 or more employees as redundant within 45 days or less, it will be under an obligation to consult with appropriate representatives. The duty to consult collectively, is in addition to the employer's obligations to consult individually with each of the potentially redundant employees. Please see the policy for further details.

You should also consider the equality implications of the communication approach and adapt where required, to ensure information is accessible to all. It is crucial to keep all employees informed during the restructure process through regular communication.

After you have met with those in scope, you must also communicate the proposed changes to employees who will be indirectly affected by the restructure. This could be through a newsletter, email or separate face to face briefing session.

### 9.1. Information to be shared

The following key documents should be developed ahead of the group consultation

process:

- Frequently Asked Questions (FAQs) – **Template G** (you should update this document during the restructure process)
- New job descriptions and person specifications – **Template A**
- Current structure ‘as is’ – **Template B**
- Proposed structure ‘to be’ – **Template B**
- Employee restructure timeline – **Template H**
- Application form – **Template I**. The Human Resource Team will advise whether the long or short form is required, which will be determined by the nature of the role.
- Voluntary redundancy information and the estimated redundancy payment calculator is available via the [HR Intranet](#). If an employee ‘at risk’ is interested in pursuing this request, they should contact the restructures HR representative to discuss further.
- Ring-fence Challenge Process and Form – **Template J**. For more information about the ring-fence challenge process please contact your HR representative who will provide further guidance and support.

## 9.2. Circulating information

The communication method will depend upon the group in scope:

**Option 1:** Where employees have access to a wolverhampton.gov.uk email address they should be communicated with via email; please ensure all recipients are blind copied into communications.

It is recommended that a SharePoint site is set up as a central repository for key documents and information (including those listed in 9.1), this information can then be shared via a link in an email following group consultation.

To set up a SharePoint site please log a call on the [ICT Portal](#) using the ‘request a solution’ option. You may wish for the site to include a questions function, to allow employees to ask questions through the portal. If you would like to have this option available, please inform ICT when raising the request.

**Option 2:** When communicating with employees who do not have access to a wolverhampton.gov.uk email address, they will need to be sent the relevant information via letter or through another appropriate form of communication.

Key documents (listed in 9.1) should be included in a hard copy restructure pack and distributed at the group consultation meeting where appropriate.

## Checklist

You must also consider employees who temporarily do not have access to their emails, including:

- Sick leave / long term sick
- Maternity/ paternity leave
- Secondment
- Unpaid leave
- Leave

These employees should be contacted via letter or another suitable form of communication.

## 10. Group Consultation

Group consultation on the restructure proposal should take place with all employees in scope. Following the session, employees should be offered one to one sessions with the restructure manager or appropriate representative. You may also wish to consider alternative methods for those who are unable to attend the group consultation session, if you would like to discuss this further please contact your HR representative.

It is recommended that the initial consultation process (group consultation and one to ones) is open for a minimum of two weeks to ensure meaningful consultation takes place.

Ahead of the group consultation session, you will need to develop a briefing presentation, **Template L** is available for managers to adapt, to ensure all key information is disseminated during the session. Please ensure you liaise with your HR representative regarding the content of the presentation ahead of the group consultation meeting.

### 10.1. Group consultation meeting invite

Once the proposed structure has been reviewed by senior management and the relevant Trade Unions have been informed, you should then invite those employees affected by the restructure to the group consultation session. An email/ calendar invite/ letter template is available for managers to adapt see **Template K**. You must also invite the appropriate Trade Unions to the meeting.

Please note, if the restructure communication is being sent via email you must

ensure all recipients are blind copied in. Any employees who temporarily do not have access to their work email address, e.g. long-term sick or maternity, receive the information via letter.

## **10.2. Group consultation meeting**

Managers should ensure an appropriate room is booked for the group consultation meeting, with a suitable room layout and the required ICT.

All those who attend the group consultation meeting: employees, Trade Union representatives and other attendees must sign in on arrival. Please use the attendance register for group consultation see **Template M**. Following the session, the register should be scanned and forwarded to your HR representative to keep on record and saved into your central repository.

The session will include the restructure overview presentation and an opportunity for any questions.

A restructure document pack should be provided to those employees who do not have access to a wolverhampton.gov.uk email address. The document pack should include all the documents listed in Step 9.1.

## **10.3. Communication following the group consultation session**

(If employees have access to a wolverhampton.gov.uk email address)

Following the group consultation meeting an email should be sent to all those affected to signpost them to the restructure SharePoint site, which contains the key documents (those identified in Step 9.1) and remind employees of the one to one booking process, see **Template N**.

If other employees will be indirectly affected by the restructure you should communicate the proposed changes to them also, following the group consultation meeting. This could be through a newsletter, email or separate face to face briefing session.

## **11. One to one meetings**

During a restructure all employees must be offered the opportunity to have a one to one with the restructure lead or appropriate nominee. This is to ensure that the process allows for meaningful consultation.

The process for booking one to ones should be communicated at the group

consultation meeting and circulated via email or included in the restructure pack.

Employees are permitted to request more than one, one to one meeting and you should ensure capacity is built into the consultation timeline to accommodate this.

Employees are also entitled to have a Trade Union representative and/ or work colleague attend their one to one meeting(s). Employees may choose to have a group one to one meeting with their manager and this should be accommodated.

The Human Resource Team may attend one to one meetings to support managers in expectational circumstances, please contact your HR Business Partner to discuss.

### 11.1. The process for booking one to ones

The process for booking one to ones will depend upon the service area, you may wish to consider one of the following options:

<p><b>Option 1:</b> This option must be selected when employees do not have access to a <a href="mailto:wolverhampton.gov.uk">wolverhampton.gov.uk</a> email address</p>	<p>For the manager to take an appointment list to the group consultation meeting for employees to book on. Following the session approach employees and ask them if they would like to meet with you. You could also leave an appointment list in a communal area for employees to put their names down.</p>
<p><b>Option 2:</b> If employees have access to a <a href="mailto:wolverhampton.gov.uk">wolverhampton.gov.uk</a> email address</p>	<p>Ask employees to book their one to one meeting with you via an Outlook meeting request. Please ensure you leave enough time free in your diary during the consultation period for employees to book a session with you. You should also block book a room to ensure an appropriate room is available for the sessions.</p>
<p><b>Option 3:</b> If employees have access to the Learning Hub</p>	<p>Add available dates and timeslots to the Learning Hub to enable employees to book on. If you would like to offer sessions through the Learning Hub, please contact the Organisation Development Team on <a href="mailto:OrganisationalDevelopment.Team@wolverhampton.gov.uk">OrganisationalDevelopment.Team@wolverhampton.gov.uk</a></p>

### 11.2. Documenting one to ones

One to ones with employees must be documented on the Record of Individual Consultation Form see **Template O**. All employees must date and sign the completed Record of Individual Consultation.

Copies of the one to one record should be scanned and sent to the Human Resource Team and stored for 6 years in line with the retention schedule documented in Limitation Act Section 2 1980.

### **11.3. FAQs update**

Managers should update the FAQs document following the questions raised during one to one meetings and those questions submitted via the restructure SharePoint site (if applicable). If you require assistance with the answers to questions, please contact your HR representative for guidance and support.

### **12. Formal consultation reminder**

During the consultation period, employees should be sent a reminder of the consultation timeline (updated version if applicable), including: ring-fence challenge deadline, voluntary redundancy deadline, one to one session availability and updated FAQ, see **Template P**.

### **13. Assimilations and Ring-fence Challenge**

Employees may have been assimilated or ring-fenced for positions in the new structure. The process for assimilating and ring-fencing employees to new positions is identified in section 2.

During the consultation period employees can challenge the proposals, by completing a Ring-fence Challenge Form see **Template J**. The Ring-fence Challenge Form deadline will be communicated through the group consultation process. The deadline for challenge(s) should be a minimum of 5 working days after the formal notification, at the group consultation meeting. The deadline for submitting a challenge will need to be clear in the timeline shared with employees in the consultation documentation, and this is normally no longer than a two-week period. . The Ring-fence Challenge form can be completed by a group of employees or an individual and should be sent via email/post to the relevant Human Resource Advisor.

Challenges to ring-fences and assimilations will be considered by a panel. The panel will be convened by the Human Resource Team and includes: Director or nominee, a Human Resource Business Partner (or nominee) and a Trade Union representative who have not been involved in the restructure. You as the manager of the restructure and your HR representative maybe asked to attend the panel to

explain the rationale behind the proposal.

The panel decisions will be final, and the outcome will be confirmed in writing to all individuals who raised the challenge. If the challenge is upheld, the structure will need to be amended and communicated to all employees in scope. The nature of the change will determine whether consultation is required on the amended proposal.

Please note, substantial changes could result in the existing proposal no longer being feasible, which would result in a restructure redesign – taking you back to step 2 of the process.

#### **14. Voluntary redundancy application and selection process**

Within a restructure, where fewer posts are needed the Council will offer employees at risk the opportunity to apply for voluntary redundancy. Applications must be made by employees using the correct form and only after they have checked their voluntary redundancy calculation (if possible) from the ready reckoner and (if relevant) their pension benefits estimate.

Applications for voluntary redundancy will be considered by the manager and the Human Resources representative, with director approval.

##### **14.1. Guidelines for considering voluntary redundancy applications:**

Where the number of voluntary redundancy applications for a role, is equal to or is less than the number of roles required within the new structure then it is likely the applications will be accepted. The remaining employees within the role could then be assimilated or ring-fenced for this position.

On occasions where more applications for voluntary redundancy are received than required for the role, managers should contact their Human Resource representative to discuss the appropriate way forward, which fulfils the strategic needs of the service area and mitigates compulsory redundancy.

The managers of the restructure could meet with employees on a one-to-one basis, to advise them that more applications have been received than required and establish if employees still wish to take voluntary redundancy.

If there are still too many applications, the manager can either approve all applications and recruit to vacant posts or decline all applications and conduct a ring-fence selection process. The decision will depend upon the number of additional voluntary redundancy applications, the restructure circumstances and due regard given to the financial implications. This decision should be made with the HR representative, in consultation with the relevant Trade Unions and Service Director

and will also require Director of Finance approval, prior to being implemented. If a ring-fence selection process takes place and employees fail to engage in the selection process, they are deemed to have resigned.

## **15. Consultation Feedback**

Once the formal consultation period has concluded, employees and Trade Union representatives should receive feedback on the restructure proposal. This often takes the form of a restructure closure meeting. The most appropriate communication method should be selected, which will be informed by the nature of the restructure. Your HR representative can provide guidance on the communication options available and the most appropriate form, e.g. face to face, email, newsletter.

When feeding back in a closure meeting, you should use the End of Consultation Briefing Presentation see **Template R**, to ensure all key points are covered during the session. Please ensure you liaise with your HR representative regarding the content of the presentation ahead of the group consultation feedback session.

### **15.1. Closure meeting invite**

When inviting staff to a closure meeting this should be sent via email or calendar invite to those with a wolverhampton.gov.uk email address and by letter or newsletter for those who do not have access, see **Template Q**.

### **15.2. At the group consultation feedback session**

It is important to record who attended the feedback session, all employees, Trade Union representative(s) and other attendees must sign in on arrival. Please use the attendance register for group consultation see **Template M**. Following the session, the register should be scanned and forward to your HR representative to keep on record. Please ensure you also store a copy of this in your SharePoint site repository.

The group consultation feedback session will include the restructure feedback presentation and opportunity for any questions.

### **15.3. Following the group feedback session**

If other employees will be indirectly affected by the restructure you should communicate the changes to them also, following the group meeting. This could be through a newsletter, email or separate face to face briefing session.

## 16. At Risk Notifications

At risk notices will be issued by Human Resource Team to employees when the restructure is at the point of formal implementation. Where employees have been ring-fenced to a position the at-risk letter may also include the interview and assessment information.

## 17. Selection Process

Where assimilations are agreed, employees will not be required to attend interviews or assessments.

Your HR representative will support the development of the selection process and may be part of the selection panels where possible.

On occasions where no assimilation or ring-fence has been identified for a new/ vacant role(s) within the structure, the role(s) may be advertised within the service area prior to the implementation of assimilations or the ring-fence selection process for other roles.

### 17.1. Develop Selection Process

You will need to consider your selection process methodology and interview content. Your HR representative can provide guidance on the most appropriate forms of assessment based on the role and grade.

Selection process, options to consider:

- Interview questions
- Presentation
- In tray exercise
- Stakeholder group
- Leading discussions
- Assessment centres

As the recruiting manager you will need to develop your assessment materials and inform Human Resource Team of the interview / assessment dates and time slots available.

An Interview Questions and Scoring Grid is available for managers to use – questions and model answer can be added to the template, see **Template S**. During interviews, applicants' feedback should be recorded on the Interview and

Assessment Feedback Form see **Template T**.

For more information, please see the Recruitment and Selection Policy and Managers Guide.

### **17.2. Priority Ring-fence interviews**

Those ring-fenced to a position in the new structure will be given a priority ring-fenced interview during the selection process.

Following the selection process, the recruiting manager will be responsible for communicating the outcome to employees, to confirm whether they were successful or not and outline next steps.

The Human Resource Team will send out formal confirmation letters.

### **17.3. Displaced employees**

Following the ring-fence interviews, vacant positions should be advertised and open to competitive selection process.

The restructure manager should discuss and select the most appropriate option with their HR representative and in consultation with the Trade Unions.

Options could include, but are not limited to:

#### **Option 1:**

1. At risk employees in the structure
2. All staff within the service area under restructure - this is to allow potential lateral movement across the grades to mitigate compulsory redundancy within the service area
3. Council wide redeployees
4. Internal applicants
5. External applicants

#### **Option 2:**

1. The at risk group - to apply for the same grade or a lower graded post
2. Council-wide redeployees
3. Then internal applications
4. External applicants

Please note, all applications for roles should meet essential criteria for the post

applied for.

If an employee unreasonably refuses an offer of suitable alternative employment the entitlement to statutory redundancy pay is lost. A suitable alternative occurs where there is an 80% or more match in duties, the post is on the same grade and there is no significant change in the emphasis of the post.

Where there are no displaced employees following a restructure, the standard recruitment process applies.

#### **17.4. Work trials**

An employee who accepts an offer of alternative work, to mitigate against redundancy, is entitled to a statutory trial period of four weeks in accordance with Section 138 of the Employments Rights Act 1996 to check that the work is suitable for both the redeployee and the employer. This trial period must run simultaneously with the notice period.

In extenuating circumstances, the trial period may be extended by agreement between employer and employee to re-train for the new work, up to a maximum 12 weeks. Any such agreement must be made before the employee starts the new work and must be in writing, with approval from the manager, Human Resources and in consultation with the Trade Union as appropriate. The agreement must specify the date that the trial period ends and the terms and conditions of employment that will apply after that date.

If the work trial is unsuccessful, the employee's contract will be terminated, and the employee will receive their redundancy payment based on the date of leaving.

#### **18. Structure Management Request**

To implement the new structure, you will need to change your establishment by completing the Structure Management Request form (SMR), which is available on the Human Resources Intranet - [SMR Form](#)

When completing the form, you will need to create new positions and delete the previous positions. When deleting posts, you must put the effective date after the employee's last payment.

Please ensure you complete all fields and attach the following documents to the form:

- Business case

- Job allocation outcomes
- Structure charts (as is and to be)
- New job descriptions and person specifications

As failure to do so, will delay the process and may also result in your request being rejected.

SMR forms must be completed 28 days prior to the effective date of the new establishment to allow positions to be amended ahead of the implementation.

When new posts are created, managers will be asked to complete a DBS questionnaire for each of the job descriptions, to confirm whether the job requires a DBS check and if applicable which level.

## **19. Dismissal**

### **19.1. Dismissals Process - compulsory redundancy**

Individual notices of dismissal must not be issued until collective and individual consultation has been completed. The dismissal itself cannot take effect until the minimum period has expired and individual notice periods have been observed. The date the dismissals take effect may therefore also depend upon the period of notice which applies.

Employees are entitled to receive notice in line with their contractual entitlement which is related to length of continuous local government service and subject to the minimum periods as set out in Section 86 of the Employment Rights Act 1986.

Employees are entitled to access redeployment opportunities for the duration of their statutory notice period, in line with the council's Redeployment Policy. Redeployment is not open to employees on a single fixed term contract of less than 12 months.

Employment can be terminated before the end of the notice period where an employee has agreed to take a payment in lieu of notice (PILON). The Council will only make a payment in lieu of notice (PILON) where there is a clear business case and with director approval.

### **19.2. Dismissals Process - voluntary redundancy**

An employee whose application for voluntary redundancy is approved will be asked to sign a settlement agreement. This is a legal agreement that safeguards the Council from employees who volunteer for redundancy but then seek to bring an

employment tribunal legal case.

Employment can be terminated before the end of the notice period where an employee has agreed to take a payment in lieu of notice (PILON). The Council will only make a payment in lieu of notice (PILON) where there is a clear business case with director approval, or an employee agrees to waive their notice period.

If an employee chose to wavier their notice period there could be financial implications to this decision.

### **19.3. Dismissal meeting**

Employees who are unsuccessful during the selection process will be invited by the Human Resource Team to attend a dismissal meeting. Human Resources will ensure a suitable venue is booked, with enough time allocated to avoid interruptions and that the employee has been advised of the right of representation (Trade Union or work colleague). Meeting attendees will include you (restructure manager), your HR representative, the employee and their representative if applicable.

#### **Checklist**

At the meeting you must discuss:

- The reason for the dismissal
- Date of termination/ last day at work
- Notice period
- Check Terms and Conditions for redundancy pay and notice periods
- Annual leave
- Redundancy payment – more information is available on the [HR Intranet](#)
- Date of final payment
- Pension implications (if applicable)
- Redeployment
- Right to appeal
- Support available

Employees declared as compulsorily redundant will be placed on redeployment, until such a time where alternative employment is found, or the employees notice period expires.

### **19.4. Redeployment / suitable alternative employment**

Employees who are made compulsory redundant are entitled to access redeployment opportunities for the duration of their individual statutory notice period,

see Redeployment Policy and Procedure for further information. Redeployment is not open to employees on a single fixed term contract of less than 12 months of service.

Redeployment is a form of suitable alternative employment to try and mitigate the need for compulsory redundancy. Failure to offer suitable alternative employment opportunities when they are available could make a dismissal unfair.

The availability of suitable alternative employment opportunities through redeployment will be dependent upon the prevailing circumstances within the Council at the time, and there is no obligation to create employment opportunities. There is no guarantee that suitable alternative employment opportunities will be available.

Employees can be offered alternative employment opportunities at a lower grade or a fixed term position; the employee can then decide whether to accept the position or take redundancy.

If an employee unreasonably refuses an offer of suitable alternative employment as above the entitlement to statutory redundancy pay is lost.

Employees on maternity leave, adoption leave, or additional paternity leave have an automatic right to be placed into suitable alternative identified post, if available.

## **19.5. Leavers Form**

Managers must complete a leavers form for each employee leaving the council, the Leaver Form is available via the [HR Intranet](#). This will ensure services such as ICT, Agresso, Payroll and HR are informed. If the Leavers Form is not completed, this could result in overpayments to employees.

## **19.6. Employee support**

To support employees during this time a range of support is available:

- The Organisation Development Team can offer employment skills guidance, including: self-development, job search skills, writing a Curriculum Vitae (CV), interview skills and preparation, for more information contact [OrganisationalDevelopment.Team@wolverhampton.gov.uk](mailto:OrganisationalDevelopment.Team@wolverhampton.gov.uk)
- E-learning course are available on the Learning Hub under the 'Developing Yourself' section <https://wolverhampton.learningpool.com>

- Independent advice and emotional support are available to all employees through the Employee Assistance Programme, visit <https://www.carefirst-lifestyle.co.uk/> or call Care First direct on 0808 1682143.
- Pension advice is also available with [West Midlands Pension Fund](#).

## 20. Appeal

An employee who is made compulsory redundant will be allowed a right of appeal. If an employee has been selected for redundancy due to being unsuccessful following a competitive selection process, they should initially seek formal feedback from the selection panel. However, this does not remove their right of appeal at the point when they have been advised in writing of the decision to make them redundant and of the right to appeal to an Appeals Panel.

The appeal should be made in writing to the appropriate Director within 5 working days of receipt of the formal notification of redundancy. For more information see the Appeals Manager Guide.

## 21. Review

Following the implementation of the restructure it is essential you reflect on restructure process and review the impact of the new structure.

### 21.1. Equality Implication

At the end of the restructure process you should review the equality implications of the new structure, to establish whether any individuals or groups were negatively impacted by the restructure. You should review and comment on your Equality Analysis to document the implications and the impact of the mitigating action taken. Your findings should be shared with your HR representative and the Equalities Team. If you need support, please contact the Equalities Team for guidance on [Equalities2@wolverhampton.gov.uk](mailto:Equalities2@wolverhampton.gov.uk)

### 21.2. Lessons Learnt

Throughout the restructure process, it is important we capture what worked well and areas for improvement, to ensure these lessons learnt inform future restructures. Lessons learnt should be recorded as they occur **see Template U**.

At the end of the restructure process we recommend you meet with your HR representative and other employees who have supported the restructure process (e.g. those on the interview panel) to review the process and finalise your lessons learnt log. These should then be sent to your HR Business Partner to record centrally. These lessons recorded and shared can then be given to managers who will undertake the process in future.

## 22. Appendices

### Appendix A: Bumped redundancy guidance

It is recommended that managers consider whether 'bumping' would be appropriate in every potential redundancy situation when looking at the issue of suitable alternative employment. Notes should be kept demonstrating that 'bumping' was considered, even if management conclude that it is not appropriate. It should not be assumed that the redundant employee would not take a more junior role.

Employees who receive agreement to voluntary redundancy dependent upon a 'bumped redundancy' will be informed of the next steps by their line manager. If the manager is unable to identify any opportunities available for a 'bump' in the immediate service area, all 'bumped' roles will be advertised to redeployees via the TalentLink recruitment portal. Unlike other vacancies, bumped redundancies may be advertised through the redeployment portal more than once, and for longer than the usual 5 days, in order to try and secure a 'bump' prior to the agreed end date for the voluntary redundancy scheme.

Managers should advise employees from the outset that if a bumped redundancy cannot be found through this route, they will be unable to take voluntary redundancy.

If a 'bumped redundancy' is found, the employee requesting the 'bumping' opportunity will be informed by HR and arrangements for their voluntary redundancy to proceed will be made.

#### Checklist

- The decision on whether or not a post is suitable for a 'bumped redundancy' rests with the manager.
- Managers will be responsible for providing information on 'bumped' posts (i.e. advertisements, job descriptions and person specifications) to HR for advertising through TalentLink.
- At risk employees available for redeployment will be able to 'self-select' via the redeployment portal within TalentLink.
- Managers advertising bumps will need to follow a fair selection process in line with the Council's recruitment and redeployment policies.

- Employees pursuing 'bumps' have access to advice and support from their line manager or from the HR Support Desk.

## Appendix B: Equality Analysis checklist

Checklist
<p>Your Equality Analysis should include:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Define the aims and objectives</li> <li><input type="checkbox"/> Indicate which equality duties are relevant</li> <li><input type="checkbox"/> Identify outcomes and delivery mechanisms</li> <li><input type="checkbox"/> Establish potential impact on equality strands from the evidence and data available</li> <li><input type="checkbox"/> Outline proposed consultation or consultation undertaken and key findings</li> <li><input type="checkbox"/> Identify the negative implications on individuals and groups</li> <li><input type="checkbox"/> Define changes or mitigating action proposed</li> <li><input type="checkbox"/> Monitoring progress and the equality action plan</li> </ul>

## Appendix C: Business Case checklist

Checklist	
Purpose	<ul style="list-style-type: none"> <li>• Why the restructure is taking place e.g. financial, service improvement etc</li> <li>• Overview of proposed structure</li> <li>• Summary of all posts to be deleted, established or amended including grade and numbers</li> </ul>
Background	<ul style="list-style-type: none"> <li>• Background to the changes, e.g. statutory, government initiative, Council policy</li> <li>• Reasons for the proposed change, e.g. financial savings required</li> <li>• Existing structure</li> </ul>
Progress, options, discussion	<ul style="list-style-type: none"> <li>• Detail proposed structure</li> <li>• Summary of structure changes required</li> <li>• Outline all post affected (do not identify the post holder) only their grade and number of positions, including full time or part time, permanent or fixed term and sources of funding (if external), along with job profiles</li> </ul>

	<ul style="list-style-type: none"> <li>Proposed timetable for moving from the current structure to the proposed structure</li> </ul>
Evaluation of alternative options	<ul style="list-style-type: none"> <li>Include options considered</li> <li>Rationale for why these have been discounted</li> <li>Record of Trade Union(s) consultation date, overview of discussion and response</li> <li>Summary of any other consultation to date</li> <li>Group consultation date and consultation period dates</li> <li>Define communication and engagement approach with employees affected</li> </ul>
Reasons for decision(s)	<ul style="list-style-type: none"> <li>Outline the reasons for the decision</li> <li>Benefits of undertaking the restructure and moving to the proposed structure</li> <li>Risks to not undertaking the restructure</li> </ul>
Financial implications	<ul style="list-style-type: none"> <li>Finance to code report</li> <li>Identify financial implications including: <ul style="list-style-type: none"> <li>Projected savings from post reductions in full financial year</li> <li>Projected redundancy cost to offset savings</li> <li>Projected cost of new posts</li> <li>Sources of funding, e.g. mainline budget or externally funded</li> <li>Duration of funding if time-limited</li> <li>Whether external funding will cover future potential redundancy costs</li> </ul> </li> </ul>
Legal implications	<ul style="list-style-type: none"> <li>Legal to code report and identify legal implications</li> </ul>
Equalities implications	<ul style="list-style-type: none"> <li>Equality Analysis overview: <ul style="list-style-type: none"> <li>Diversity profile of all posts affected</li> <li>Diversity profile of employees at risk of redundancy, compare to the service's diversity profile and the Council's employee profile</li> <li>Define the implications of the proposed structure and changes</li> </ul> </li> </ul>
Environmental implications	<ul style="list-style-type: none"> <li>Identify whether the proposed restructure will have any implications</li> </ul>
Health and Wellbeing Implications	<ul style="list-style-type: none"> <li>Consider the implications of the proposed restructure on those employees in scope and other employees who will be affected by the changes</li> </ul>
Human resources implications	<ul style="list-style-type: none"> <li>Human Resource Business Partner to code the report and identify implications</li> <li>Summary of employees affected (do not identify the post holder) only their grade and number of positions</li> </ul>

Corporate landlord implications	<ul style="list-style-type: none"> <li>Identify implications on the Council's property portfolio, e.g. has the team's location changed in the proposal, what is the impact on the occupancy of the building</li> </ul>
Schedule of background papers	<ul style="list-style-type: none"> <li>Include a list of proceeding reports or documents that are relevant to the restructure</li> </ul>
Appendices	<ul style="list-style-type: none"> <li>Current Structure – <b>Template B</b></li> <li>Proposed Structure – <b>Template B</b></li> <li>New Job Descriptions and Person Specifications – <b>Template A</b></li> <li>Restructure Timeline - <b>Template C</b></li> </ul>

## Appendix D: Templates

- **Template A:** Job Description & Person Specification
- **Template B:** Organisational Chart
- **Template C:** Restructure Timeline
- **Template D:** Employee restructure data
- **Template E:** Equality Analysis
- **Template F:** Communication and Engagement Plan
- **Template G:** Frequently Asked Questions
- **Template H:** Employee Restructure Timeline
- **Template I:** Application form
- **Template J:** Ring-fence Challenge Process and Form
- **Template K:** Group consultation meeting invite
- **Template L:** Group consultation briefing presentation
- **Template M:** Attendance register for group consultation
- **Template N:** Communication following the group consultation session
- **Template O:** Record of Individual Consultation Form
- **Template P:** Consultation update and reminder
- **Template Q:** Group consultation closure meeting invite
- **Template R:** End of consultation group presentation
- **Template S:** Interview Questions and Scoring Grid
- **Template T:** Assessment and Interview Feedback
- **Template U:** Lesson Learnt Log