

Human Resources

RESTRUCTURING POLICY

| | |
|-----------------|--------------|
| Author | ██████████ |
| Date Written | January 2009 |
| Date for Review | April 2011 |
| Reviewed By | ██████████ |
| Version No. | 2.0 |



South Yorkshire
Fire & Rescue
WORKING FOR A SAFER
SOUTH YORKSHIRE

RESTRUCTURING POLICY

INTRODUCTION

1. This policy has been designed to support employees and provide clarity where South Yorkshire Fire & Rescue (SYFR) takes a decision to undertake organisational restructuring in order to improve services and/or efficiency. The process of assigning and appointing employees into posts following any restructure, as detailed in this policy, will ensure that all employees are treated fairly and consistently. This policy operates in conjunction with Pay Protection, and where appropriate, the Redeployment and Redundancy policy, in order to minimise the impact of change and to support employees during and after any restructuring process.
2. SYFR is committed to maintaining as secure an employment environment as possible. It aims to achieve this by effective management and sound financial and staff planning in order to avoid situations requiring redundancies.
3. It is recognised that employees who are involved in organisational change can feel vulnerable or under threat. Should any employee wish to access counselling or discuss how they feel, they can contact the Occupational Health Unit in confidence.
4. As a member of the Dignity at Work Partnership¹, SYFR is committed to promoting a positive working environment where the dignity and respect, to which all employees are entitled, is not undermined. No employee should be treated less favourably on the grounds of race, gender or gender reassignment, disability, sexual orientation, religion or spiritual belief, colour, nationality, national or ethnic origin, marital/parental status, family ties, trade union or political belief, hours worked, or any other reason, either directly or indirectly.
5. This policy supersedes all previous policy/personnel orders relating to restructuring.

REASONS FOR DEPARTMENTAL OR ORGANISATIONAL RESTRUCTURE

6. A proposal to change staffing structures may arise for a variety of reasons, but ultimately the aim will be to maintain or improve efficiency and effectiveness.
7. Reasons why a restructure may be required could include, but are not restricted to:
 - Key personnel leaving the organisation leading to a specialist skill shortage in a particular area
 - Budgetary constraints
 - A review or audit of performance (either of the entire organisation or in a department) indicating that a restructure is required
 - A change in workload levels or job content
 - Job Evaluation
 - There is a sound business case for the restructure to take place

¹ The Dignity at Work Partnership is a partnership between the Government, Unite (the UK's largest union), and major public and private organisations. For further information on the Partnership see www.dignityatwork.org

RESTRUCTURING POLICY

CONSULTATION

8. As per Industrial Relations Protocol, consultation will take place with Representative Bodies about any proposed restructuring process wherever required. Such consultation will include:
 - The identification of the group of employees affected
 - The proposed revised structure
 - Grading of posts
 - Draft job descriptions and person specifications
 - Details of the selection process to apply to 'ring-fenced' posts
 - Any other information which is relevant to the proposal
9. Where a restructure could possibly result in redundancies, SYFR has a statutory duty to consult with Trade Unions at the earliest opportunity. This duty applies even when only one person is to be made redundant and even if employees have volunteered for redundancy, irrespective of whether or not they are members of a recognised Trade Union.
10. Where it is identified that a restructure could lead to redundancies, consultation will begin at the earliest opportunity in line with statutory obligations. Following consultation, SYFR will ensure that all employees who are affected by such proposals have access to all of the relevant documentation, including the timescale by which the exercise is expected to be completed.

THE NEW STRUCTURE

Stage One – Assignment of Employees

11. A 'ring-fence' comprising the employees affected by the proposal will be established, with the named employees identified. Dependent upon the scope of the restructuring process, this could comprise a team, service area, function, department, directorate or a number of these across the organisation.
12. SYFR will adopt the approach of including all employees within a Function for a specific ring-fence. This means that all employees within a particular Function, e.g. Asset Management, Finance etc will be allowed to apply for all posts available within their Function only, irrespective of grade. Employees will not be able to apply for posts outside of their Function in the first instance (until Redeployment applies). This includes those employees who have been seconded to other Functions.
13. Employees included within the 'ring-fence' will comprise permanent employees. Employees under fixed term contracts are also required by legislation to be included except where their exclusion can be objectively justified.
14. SYFR will consult with the relevant Trade Union/s before it reaches any decision on whether any fixed-term employees can be lawfully excluded from the 'ring-fence'. The Head of Human Resources will, from time to time, issue guidance to managers on whether SYFR would be justified in excluding from the 'ring-fence' any categories of fixed-term employees.

RESTRUCTURING POLICY

15. Where the overall purpose of a post in the new structure is 100% the same as an existing post (job title might change), the post holder will be advised that there is no change in the employment status and will be assigned to the post (Job Slotting). The employee will then be removed from the 'ring-fence'.
16. Where more than one employee meets the criteria to be assigned to a post the process will follow as per Stage Two below. The decision as to which employee is assigned will be made through a competitive selection process (in accordance with the Restructuring Selection procedure), 'ring-fenced' to those employees who meet the criteria for assignment (i.e. everyone within the Function).

Stage Two – Employees Not Assigned Under Stage One

17. Following stage one, all remaining posts will continue to be 'ring-fenced' to all other employees affected by the restructure who were not covered during stage one (i.e. all staff within the Function who have not slotted into a post).
18. The remaining posts will be recruited to on a grade by grade basis, with the higher graded posts being recruited first.
19. Employees remaining in the 'ring-fence' will be invited to express an interest in any remaining vacant posts within the new structure and will be invited to participate in a competitive selection process (in accordance with SYFR's Restructuring Selection procedure), provided they meet 80% of the essential criteria for the relevant person specification.
20. Once offered a post, the employee will be immediately removed from the 'ring-fence' and will not be considered for any further posts.

Promotion Opportunities

21. The purpose of the policy is not to afford opportunities for promotion, but to provide suitable alternative employment for employees within the 'ring-fence'. If a vacancy exists, however, which would result in a promotion opportunity and subsequently provide a vacancy at a lower grade which could accommodate a potentially 'displaced' employee then a competitive selection process would be acceptable.
22. At the conclusion of the process, SYFR's normal recruitment arrangements will apply to any remaining vacancies.
23. In the event of there being more employees than available posts within the restructure, redeployment and ultimately redundancy will be considered.

Absent or Seconded Employees

24. Any employees who are absent, i.e. on maternity leave, long-term sickness etc or seconded during the restructuring process, will be included in any consultation process which takes place and will receive the same information as their colleagues at work.

RESTRUCTURING POLICY

FOLLOWING THE RESTRUCTURE

25. Any employees without a substantive post will be notified in writing by the HR Function of their status and information regarding redeployment opportunities. Please refer to the Redeployment Policy for further information on redeployment.
26. Any employee who is redeployed to a lower graded post will be eligible for pay protection. Please refer paragraph 26 below, and to the Pay Protection Policy, for more information on pay protection.
27. Any unfilled posts in the new structure will be filled initially through redeployment of other supernumerary employees, followed by employees in receipt of pay protection elsewhere in the organisation. If suitable candidates are not identified through this process, the remaining posts will be filled in accordance with the usual SYFR recruitment process. Further information on the SYFR Recruitment process is available from the HR Organisational Development team. Further information on Redundancy is available in the Redundancy Policy or by contacting the HR Employment Services team.
28. If a suitable job offer in terms of pay, grade, job content, status, place of work etc. is made but an employee unreasonably refuses it, there may be no liability to make a redundancy payment. Dismissal will still take effect for the reasons of redundancy.

PROTECTION ARRANGEMENTS

29. In the case of employees being redeployed into posts where their basic pay is lower than that which applied prior to their redeployment, protection arrangements are in place to prevent any disadvantage regarding basic remuneration. The arrangements will provide for basic pay to be protected as per the Pay Protection policy. Whilst the employee will remain within their existing scheme of conditions of service, terms and conditions other than basic pay will not be protected where they differ between the post the employee is redeployed from and to.
30. Protection arrangements shall cease to apply if an employee unreasonably refuses to accept a subsequent offer of appointment to a suitable post which is more closely comparable in terms of duties, remuneration and terms and conditions to their original post.

TRIAL PERIODS

31. An employee who changes posts as part of a restructure, and where they may otherwise have been made redundant, has a trial period of twelve weeks in the new post where the provisions of the new contract differ from their original contract. The trial period begins when the previous contract has ended and ends twelve weeks after the date on which the employee starts work under the new contract.
32. The trial period is to give the employee a chance to decide whether the new job is suitable without necessarily losing the right to any redundancy payment to which they may otherwise be entitled. The twelve-week trial period can be extended for retraining purposes by an agreement which is in writing, specifies the date on which the trial period ends and sets out the employee's terms and conditions after it ends.

RESTRUCTURING POLICY

If the employee works beyond the end of the twelve week period or the jointly agreed extended period any redundancy entitlement will be lost because the employee will be deemed to have accepted the new employment.

33. Trial periods are used to assess suitability for the new post. Should SYFR wish to end the new contract within the twelve weeks for a reason connected with the new job, the employee will preserve the right to any redundancy payment under the old contract. If the dismissal was due to a reason unconnected with redundancy, the employee may lose that entitlement.

If you require any further guidance on this document, please contact the Human Resources Function.

DRAFT

RESTRUCTURING POLICY

APPENDIX A

RESTRUCTURING PROCESS

