

TEMPLATE FOR ORGANISATION CHANGE PAPER

TITLE OF PROPOSAL

1. Introduction

- 1.1. The Trust wishes to enter into formal consultation with staff and their Trade Unions in line with its agreed policy set out in 'Management of Staff Affected by Change Policy and Procedure' (version number 11, April 2021). The Trade Unions and affected staff are invited to raise questions and comments which can be taken into account before the proposals are finalised.
- 1.2. The purpose of this consultation document is to outline the proposal to close the Therapeutic Community for Offenders with Personality Disorder on East India Ward in the Millfields Building at the John Howard Centre. The paper is intended for all staff whose work is undertaken within, or in support of, that service, including clinical staff of all disciplines and admin support staff. This paper will outline the operational and business case for proposing the change including all contractual and service changes affecting staff.
- 1.3. The process of consultation is to ensure all staff are informed of the proposal and is also intended to allow the affected employees the opportunity to respond and take an active role in this process.

2. Principles

- 2.1. The Trust has agreed some core principles with the Trade Unions to ensure that there is consistency in approach and transparency, during and after the consultation period. The principles also serve to minimise staff anxiety for those who know that they are or may be at risk. The details are attached as **Appendix A**.

3. Background

- 3.1. East India Ward is a Therapeutic Community providing care for male offenders within personality disorder (OPD). It is a 16-bedded service directly commissioned by NHS England within the wider OPD pathway. Following a number of incidents, the Trust commissioned an external review in late 2021 to review the functioning of the ward. This review found some good practice but many areas of concern. Following detailed consideration the Trust's Executive concluded, in liaison with commissioners, that the problems could not be resolved and the decision was made that closure of the unit was needed on quality and safety grounds.

4. Proposal

- 4.1. The inpatient Therapeutic Community on East India will be closing by 30th September 2022. Alternative placements for the nine service users currently on the ward will be identified, either through discharge, remission to a prison environment (potentially within an OPD prison service) or to an alternative secure hospital.
- 4.2. This proposal was informed by the findings of the external review. Further decisions about whether alternative secure hospital beds will be commissioned will be made by the relevant commissioners in due course, but at present there are no active plans, and East

India Ward will not be providing an OPD service following closure of the Therapeutic Community.

4.3. The decision to close the unit has been made and agreement of the contract ending reached with the commissioners. This proposal is focused on identifying plans for the further employment of staff presently based on East India Ward.

5. Impact on Staff

5.1. This proposal will have a significant impact on staff presently working on East India. The roles they currently occupy will no longer exist in their current form. All of these posts are at risk due to the closure of the service.

5.1.1. When implemented, the proposal means that there will be no posts within the Therapeutic Community.

5.1.2. Within this proposal, all staff will be “At Risk”;

5.1.3. The existing establishment figures and vacancies are detailed within **Appendix B**.

5.1.4. The proposal is that all staff currently working within this service will have attempts made to find suitable alternative employment within East London Foundation Trust. This will be detailed within a redeployment plan.

5.1.5. The existing service is specialised in its nature, being a Therapeutic Community. It is however envisaged that the skills that practitioners have developed on East India Ward will be transferrable to other clinical environments within ELFT’s Forensic Service and potentially the wider Trust.

6. Financial, staffing and workload implications

6.1. This proposal is not being made for financial reasons. No cost savings will be achieved, as the funding for the service from commissioners will cease when the service closes.

7. Service User Impact Assessment

7.1. This proposal will mean that service users will not be receiving care within a service where there is inadequate assurance that quality and safety can be maintained.

7.2. This proposal will though have a significant impact on service users currently receiving treatment on East India Ward and who have benefited from that treatment. The programme of therapy is long-term and some service users will be leaving sooner than would have been anticipated had the service remained operating. Alternative placements will be identified for each individual. These may include transfer to other secure inpatient OPD services, non-OPD inpatient services or to specialist services within the prison estate. The clinical needs of these service users will be individually reviewed to identify the most appropriate option for them.

8. Timetable & Proposed Implementation

8.1. The Proposals for organisational change to (Service) will be managed in line with the Trusts “Management of Staff Affected by Change Policy and Procedure” (Appendix X).

8.2. There will be a formal consultation period of 30 days commencing on 1 May 2022.

- 8.3. The decision to close the unit has been made, but the Trust is committed to achieving meaningful consultation on the process that will be followed and therefore welcomes feedback and comments on the proposed organisation change. Details of how this should be provided will be included in letters sent to individual staff members.
- 8.4. On completion of the 30 day consultation timeframe all comments received will be considered and a final decision will be made and communicated to affected staff.
- 8.5. The timetable summarises the full implementation plan and is attached as **Appendix C**.

9. Equality Analysis

- 9.1. Under equality legislation, public authorities have legal duties to pay 'due regard' to the need to eliminate discrimination and promote equality with regard to race, disability and gender, including gender reassignment, religion age as well as to promote good race relations.
- 9.2. The law requires that this duty to pay 'due regard' be demonstrated in the decision-making process. Assessing the potential equality impact of proposed changes to policies, procedures and practices is one of the key-ways in which public authorities can show 'due regard'. The Template is attached as **Appendix D**.

Appendix A

Organisational Change Principles

1 Commitment to Partnership Work

- 1.1** We are committed to working in partnership with Staff side to make the consultation with staff meaningful, improve the flow of information and as much as possible to reduce staff anxiety. This outlines the principles on how staff will be consulted, equalities, partnership working and wider engagement.

2 Change Management Approach

- 2.1** Set out below are the key components to the change management approach which will form part of each separate consultation paper. The aim is to clarify our approach and so help to minimise staff anxiety during the consultation process. These principles are not intended to supersede or replace the 'Management of Staff Affected by Change Policy and Procedure'.

3 Senior Management Involvement

- 3.1** The process will be led by Directors and Senior Managers to ensure that this programme is a priority.

4 Protected Time for Trade union Support to Staff

- 4.1** Trade Union Representatives nominated to support this process will be offered protected time. Back fill will be put in place to ensure services are not affected by this.

5 Support to Staff

- 5.1** Counselling support will be available to staff.
- 5.2** Training in application form preparation and interviewing will be provided.
- 5.3** Time will be available for trade union representatives to meet with and support staff.

6 Equality Analysis

- 6.1** Equality Impact Assessment has been completed.

7 Community Impact Assessment

- 7.1** An analysis of the impact on our service users and other partners has been completed.

8 Financial Implications

- 8.1** The projected cost savings have been included but this may change as a result of the consultations or other factors, any changes will be included in the final feedback to staff.

9 Communication

- 9.1** The Trust is committed to ensuring that effective communication takes place. All affected staff will have the opportunity to access further information, ask questions and contribute to the consultation in a variety of ways including:
- 9.2** Formal meetings with staff groups affected by proposals will be held, led by senior staff within the Trust at the start of the consultation period.

9.3 Individual meetings with each staff member potentially at risk will take place.

9.4 The Joint Staff Meetings have been agreed on a monthly basis.

10 Avoiding Redundancies

10.1 The Trust will take all reasonable steps to avoid redundancies. At the commencement of consultation a recruitment freeze will be instituted in those grades and professions where staff may potentially be at risk to maximise the number of posts available for slotting in and as suitable alternative employment.

10.2 Decisions to recruit during consultation will be taken by the Director Service and will be focussed on professions/ grades where no one is felt to be at risk and /or where there are critical service implications. Use of temporary staffing to cover vacant posts in interim periods will be used to manage vacancies.

11 Consultation Feedback from Staff

11.1 The Trust will offer a wide range of ways for individuals to offer comments or raise queries on the proposals:

- Briefings for all staff briefings with the Service Directors and HR Leads
- Individual meetings with managers
- Team meetings
- Via the dedicated page on the Intranet
- By email directly to the consultation email address
- In writing to the Chief Executive
- Through staff side representatives

11.2 The Response to consultation framework should include:

- Review of the proposed changes
- Catalogue of responses to consultation
- Number of responses and how many were deemed suitable
- Responses to specific consultation questions
- Summary of responses for individual questions
- Recap of final decision making process and next steps

12 Selection Criteria for identifying staff whose posts may be at risk

12.1 Where there is a need to reduce staff numbers from within a group of employees performing the same, similar or interchangeable work, then the “selection pool” will need to be identified and should contain all employees performing work of that kind within a specific team or department. Once the pool for selection has been identified, each employee will be placed on the ‘at risk’ register.

12.2 In order to minimise staff anxiety individual meetings with staff will be organised during the consultation process for staff whose post is at risk to explore how to support them and to highlight potential opportunities for redeployment.

13 Suitable Alternative Employment (SAE)

A member who is not appointed to a post in the new structure or where a service or unit is closing, will be placed at risk and given notice of redundancy in line with their contract of employment. They will remain on the redeployment list to be considered for suitable alternative employment until their final day of service.

Section 141 of the Employment Rights Act 1996 governs the rules on suitable alternative offers of employment in relation to redundancies. The legal framework establishes the duty on employers to take reasonable steps to find, where possible, suitable alternative employment for affected staff. Whether a job is 'suitable alternative employment' depends on several things including:

- how close the work is to current job
- the terms of the job being offered
- skills, abilities and circumstances in relation to the job
- pay (including benefits), status, hours and location of the job

The question of suitable alternative employment should be determined on a case-by-case basis.

13.1 The Change Management Policy does not allow staff to slot into a post one grade higher even if there is a 75% match. Staff whose salary banding impinges into the higher band of a relevant vacancy will be offered a ring-fenced interview. Staff whose salary doesn't impinge into the higher band who wishes to apply for a higher grade vacancy will have to be considered alongside other eligible applicants.

13.2 Where suitable alternative employment is offered and unreasonably refused, the employee will no longer have the right to receive a redundancy payment.

14 Selection and Appointment Principles

14.1 The aim is to have a fair and transparent selection process where the best candidate will be appointed based on the skills, experience and personal specification outlined in the job description and person specification. Selection will be conducted by interview and other tests if deemed relevant to the post. Applicants in competition will be asked to submit a CV and/or a supporting statement. Interviews will be held by a panel of 2 or more. A structured interview will take place and scores will be completed for each interviewee.

14.2 Any affected individual can apply for any of the proposed posts in their specific and can apply for as many posts as they wish provided they meet the minimum selection criteria.

14.3 If any member of staff believes that they are not eligible to apply for a SAE they will need to provide a reason to the local HR Lead and their line manager. Refusal to accept SAE means that the member of staff will no longer be entitled to redundancy payment.

15 Implementation Timetable and Process

15.1 It is proposed that the consultation will take place for 30 days from the agreed start date for 99 staff or less at real risk of redundancy.

15.2 Running alongside the consultation, the Trust will arrange the individual meetings with staff who potentially are at risk as a consequence of the proposals on which the consultation is taking place.

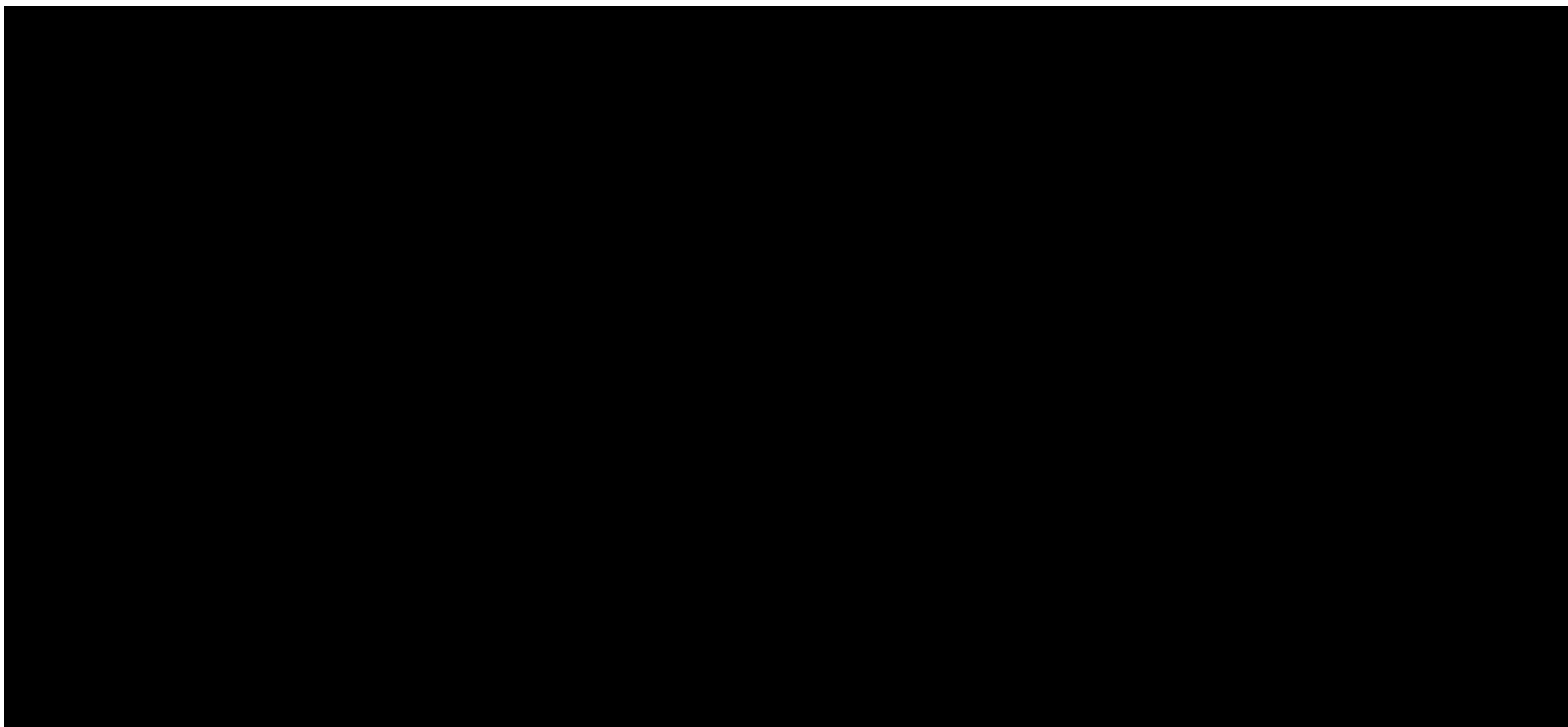
- 15.3** On completion of the consultation, all comments received will be considered. A report setting out the feedback and a final decision will be taken and communicated to staff. The intention is that slotting in, ring fencing and the Suitable Alternative Employment processes will then be completed as appropriate within one further month.
- 15.4** Any remaining staff at risk for whom SAE cannot be identified will be issued with notice of redundancy in line with the 'Management of Staff Affected by Change Policy and Procedure'.
- 16 Definitions**
- 16.1 Continuous Service** means full or part time employment with the Trust or any previous NHS employer provided there has not been a break of more than one week (Sunday to Saturday) between employments. This reflects the provisions of the Employment Rights Act 2006 and Agenda for Change handbook on continuous employment.
- 16.2 Reckonable Service** means Continuous Service plus any service with a previous NHS employer where there has been a break of 12 months or less.
- 16.3** At the Trust's discretion any period of employment outside the NHS which is relevant to NHS employment may be counted as Reckonable Service.
- 16.4 Redeployment** means the transferring or recruitment of Staff at Risk into a suitable alternative post.
- 16.5 Slotting In** means the process by which Staff at Risk is confirmed into a post in a new staffing or management structure which is similar to their current post and where that individual is the contender for that post. Slotting in may occur where a post is in the same band as the individual's current post and/or where it remains substantially the same i.e. 75% or more with regard to Education and Qualifications, Knowledge and Experience, Strategic management, Finance Resource Management, Staff Resource Management and Operational Management/Service Delivery as outlined in appendix 2.
- 16.6 Ring fencing** means the process by which Staff at Risk will be considered for a post in a new staffing or management structure which is similar to their current post and where there is more than one contender for that post.
- 16.7 Staff at Risk** means staff whose posts may potentially be redundant as a result of organisational change if suitable alternative employment cannot be found.
- 16.8 Suitable alternative employment** is work within the Trust that is on broadly similar terms and within the same range of skills required as the current employment. It may be on any site operated by the Trust subject to travel considerations. Staff at Risk will be given prior consideration for suitable posts in line with their skills, experience and capabilities and where appropriate will receive protection of pay.
- 17 Redundancy** is when a member of staff may become redundant if they are dismissed and the reason for the dismissal is wholly or mainly due to:
- The fact that the Trust has ceased, or intends to cease, to carry on the activity for the purposes of which the individual was employed, or has ceased, or intends to cease, to carry out the activity in the place where the individual was employed **OR**

- The fact that the requirements of the Trust for staff to carry out work of a particular kind in the place where they were so employed, have ceased **Or** diminished or are expected to cease or diminish **OR**
- The place of work referred to above should not be confused with the specific site or unit in which an individual works.

Appendix B

Establishment Figures and Current Vacancies

The tables below show the current and proposed staffing establishment for the change management along with the current vacancy position and number of staff at risk.



Appendix C

Implementation Timetable

Action/Comments	When	Who Involved	Section of Management Change Policy	of	Comments
Circulate final consultation document to Joint Staff Committee Members.	March 2022	JSC Members (Management/Staff Side) Director of Service	Section 10 (Page 10)		The consultation document will be given to Staff Side 5 days prior to JSC
Staff notified by email with date of Consultation launch	Apr 2022	Affected staff, Management, staff side, PBP			
Launch of formal Consultation Meeting	25 Apr 2022	Affected Staff, Management, People & Culture, Staff Side	Section 10 Section 11		
Consultation paper sent to affected staff (home addresses for staff on leave/secondments etc. Delivery by email, post or by hand are all acceptable delivery methods.)	29 Apr 2022	Director of Service	Section 11 (Page 10)		Consultation document will also be placed on the Trust's intranet.
Individual 1:1 Meetings for affected staff and any other consultation meetings (as agreed)	w/c 9 & 16 May 2022	Director of Service, PBP Advisor	Section 11 (Page 10)		Staff provided with information pack following at risk meetings
Consultation Period Ends	31 May 2022	N/A	Section 12 (Page 11)		Feedback and comments considered

Consideration of feedback/comments incorporated in final report	10 June 2022	Director of Service	Section 12 (Page 11)	Response placed on Trust intranet.
CV and Interview Skills training Careers Counselling	Jun 2022	People & Culture	Section 13 (Page 12)	Careers Counselling to be provided by EAP. CV and Interview skills training to be provided at least once in each Directorate affected.
Staff notified of Redeployment Plan	Jun-Aug 2022	Director of Service	Section 12 (Page 11)	Formal letter sent to affected staff with details of next steps
Job matching and Redeployment Process	Jun-Aug 2022	Director of Service /PBP / Staff Side	Section 14 (Page 13)	Formal letter to staff regarding redeployment options
Redeployment / selection process / Invitation to 1:1 (at risk meetings where required)	Jul - Aug 2022	Key Selection Officers/People & Culture Team	Section 14 (Page 13)	Staff will be informed of support available
Successful redeployment, staff informed of moved into new role.	Aug 2022	Key Selection Officers/ People & Culture Team	Section 14 (Page 13)	Staff will receive a formal letter of redeployment and variation to contract
Unsuccessful redeployment staff Formal notice of redundancy issued outlining options	Aug 2022	Director of Service, PBP	Section 20 (Page 19)	Staff will be supported to explore further opportunity internally or externally. Consideration given to staff leaving their post before expiry of notice period
Process completed – implementation of change	30 Sept 2022	All		
Post Project Evaluation	Oct 2022	Director of Service Staff Affected, PBP & Staff Side		