

# ORGANISATIONAL REVIEW PROCEDURE

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# ORGANISATIONAL REVIEW PROCEDURE

## 1. INTRODUCTION

- 1.1 CultureNL is required to make the best use of available resources to provide efficient and quality services. This will require the organisation to periodically review how services are delivered, including service functions, organisational structures and staffing levels, in order to meet changing business needs and priorities.
- 1.2 Reviews will be conducted in accordance with this Procedure to ensure that:
  - a) the review process is fair and consistent;
  - b) the organisation meets its consultation obligations and involves the Trade Unions and staff;
  - c) business needs are met and staff uncertainty is minimised; and
  - d) the process is completed within any agreed timescales set.

## 2. SCOPE

- 2.1 The procedure applies to all employees.

## 3. KEY STAKEHOLDERS

- 3.1 Key Stakeholders for the purposes of this procedure are Culture NL Manager, Lead Officer, Trade Unions, employees and Human Resources (HR).
- 3.2 Key stakeholders have an obligation to ensure that reviews are progressed and completed within reasonable timeframes while minimising disruption to services and uncertainty for staff.
- 3.3 Key stakeholders responsibilities under this procedure are outlined in Appendix A.

## 4. PRINCIPLES

- 4.1 An **organisational review** involves structural or managerial change in the way CultureNL services are organised that will:
  - a) have a consequential impact on budget;
  - b) affect **a substantial number of employees** (typically 20 or more); and
  - c) involve a reduction in employee numbers and/or involve variation to contract and / or to terms and conditions of employment that are not otherwise covered by an existing term within the contract.

4.2 The Procedure does not cover minor changes, for example an alteration to line management reporting arrangements with no other variation to contract or to terms and conditions of employment that are not otherwise covered by an existing term within the contract. These will be addressed by the relevant manager and through appropriate local consultation arrangements.

4.3 The CultureNL Manager will initiate organisational reviews to action decisions that have already been made by the Board, relating to budget or other agreed policy/strategy.

Where such a decision has not been made, any proposal to initiate an organisational review will require approval by the Board prior to implementation. The CultureNL Manager has responsibility for seeking such approval.

4.4 CultureNL has a legal obligation to engage in **meaningful consultation** with employees and the Trade Union Side at each stage in the organisational review process. In practical terms this will mean:

- a) providing information at an early stage of the review process and on an ongoing basis thereafter to enable employees and the Trade Union Side to prepare for consultation;
- b) involving the appropriate level of management in consultation and allowing the exchange of views before decisions are made;
- c) establishing regular meetings or a forum for ongoing dialogue (e.g. regular consultative meetings, local JCCs etc.); and
- d) conducting consultation throughout the process with a view to reaching agreement (even where agreement is not a requirement).

4.5 A relevant manager will be nominated by the CultureNL Manager as the lead for an organisational review.

4.6 The flowchart at Appendix B sets out the key steps for a Lead Manager undertaking a review, namely:

**STAGE 1** Develop the business case and seek Board approval to initiate a review;

**STAGE 2** Consult with the Trade Unions and staff on the proposed review;

**STAGE 3** Develop the change proposals and seek approval from the Board to Implement;

**STAGE 4** Once approved, implement the change.

## 5. STAGE 1 – REVIEW PROPOSAL

- 5.1 In determining the need for a review, the Lead Manager will give due consideration to the business case and obtain approval as necessary for the review process to be initiated (see paragraph 4.3 above).
- 5.2 At the earliest opportunity, the Lead Manager in consultation with HR will notify the Trade Union Side in writing that it is proposed to undertake a review, setting out the basis of the review and the proposed timescales.

The consultation information will include the following where they are known:

- a) terms of reference for the proposed review; See Appendix 3.
- b) start date for the review and proposed timescales for completion (including critical dates);
- c) details of the service area to be reviewed and the categories of staff affected;
- d) copies of existing staff structures and job descriptions, where available;

### Reviews with possible job reductions/redundancies

- 5.3 Consultation with the Trade Unions and staff is an integral part of any organisational review process. Where a review involves possible job reductions/redundancies, this may also trigger the legal obligations to notify the Government and initiate formal consultation with the Trade Unions and employees. The triggers and minimum periods for consultation are set out below:

No. of proposed redundancies	Minimum consultation period (normally before notice is issued)
<20 or single redundancies	30 days
20-99	30 days
100+	45 days

Note: The numbers should include fixed term employees where the reason for potential termination is redundancy and those fixed term contracts would not normally end before or at the proposed date for redundancy.

- 5.4 The Lead Manager will be responsible for determining if statutory consultation on possible redundancies is required and ensuring that this process is undertaken. Further advice and support can be obtained from HR.
- 5.5 When redundancy consultation obligations are triggered, in addition to the information at 4.2 above, the Lead Manager must provide the following information to the Trade Unions in writing:
- a) reason(s) for the redundancy dismissal proposals;
  - b) numbers and categories of staff it is proposed to make redundant;

- c) total numbers employed in each category at the establishment where redundancies are proposed;
- d) how and when the redundancy dismissals will be effected;
- e) the formula for calculating redundancy payments; and
- f) other relevant details on the work area such as the level of vacancies, overtime and use of agency staff etc.

5.6 Where 20 or more redundancies are proposed, HR will notify the Government on behalf of CultureNL. Thereafter, HR will provide a copy of the completed HR1 form to the Lead Manager and the Trade Unions.

## **6. STAGE 2 – INITIATE MEANINGFUL CONSULTATION**

6.1 The Lead Manager will invite the Trade Unions to a meeting to discuss the consultation information. The Trade Unions may request other information considered relevant to the review where it has not been previously provided.

6.3 Consultation at every stage in the process should be meaningful and approached with an open mind by all those involved and enable consideration of suggestions that may enhance or improve the proposed review or offer an alternative course of action.

6.4 The Lead Manager will also arrange for the consultation information to be discussed with the employees likely to be affected by the proposals. The manager concerned may hold an open meeting or choose to talk to staff in groups or one-to-one to make sure those affected understand the reasoning behind the review, the possible impact and so they can contribute their views.

6.5 Staff who are absent from work (e.g. due to maternity, sickness etc.) must be sent a copy of the consultation information to their home address and be kept informed of review progress so that they have an opportunity to participate in the consultation process.

## **7. STAGE 3 – DEVELOP PROPOSALS AND SEEK APPROVAL**

7.1 The Lead Manager will develop new structures, job descriptions and detail any revised working patterns as part of the review process, within the timescales specified in the terms of reference. In doing so, the Lead Manager will take into consideration the views of the Trade Union representatives and staff.

7.2 As a guide, the period to develop the review proposals should normally be at least 30 days where the review affects less than 100 employees, and at least 45 days for 100 employees or more.

7.3 Where the timescales for the review need to be adjusted or changed, the

Lead Manager will notify employees and the Trade Unions of the revised arrangements and the reasons for the change.

- 7.4 During the period of the review the Lead Manager will engage in meaningful consultation with the Trade Unions and staff (through the JCC or other specific meetings) on the progress of the review and arrange to communicate developments to those affected.
- 7.5 Consultation meetings will be arranged to take place on a regular basis or in response to a request by the Trade Unions and staff. Wherever practicable, interim reports or other relevant information should be given to the Trade Union side in advance of the proposed meeting.
- 7.6 Proposed Job Descriptions will be submitted to HR who will arrange for job evaluation and the determination of grade.
- 7.7 At the earliest opportunity, the Lead Manager will arrange for draft proposals arising from the review to be issued to the Trade Unions and the employees affected, supported by any proposed revised staffing structures, job descriptions, grading information.
- 7.8 The Lead Manager will, through meaningful consultation and discussion of the draft proposals arising from the review, seek to reach agreement on the draft proposals with the Trade Union(s) and staff. At the end of the consultation period, the Lead Manager will consider all comments and make a decision in consultation with the CultureNL Manager on the way forward. This decision will be communicated to the Trade Unions and all affected staff.
- 7.9 Where a Board decision has not already been made for a review to be actioned in relation to budget or agreed policy/strategy, the recommendations must be submitted to the Board for approval prior to implementation.

## **8. STAGE 4 – IMPLEMENT THE CHANGES**

### **Implementation Date**

- 8.1 Approved changes arising from a review will normally take effect from the date the CultureNL Manager approves the recommendation unless an alternative future date is specified and approved.
- 8.2 Exceptionally, an alternative retrospective date may be specified (e.g. if changes are already in operation to meet statutory obligations or delays have occurred that are outwith CultureNL's control).

### **Assigning staff to posts in new structure**

- 8.3 Once a revised staffing structure is approved, a mechanism will need to

be created to deal with the assignment of existing staff to the new structure—

- a) **direct ‘matching’ into a post** - where it is essentially the same as the employee’s current job (i.e. the job content is broadly unchanged) and where the number of posts is the same or greater than before;
- b) **ring-fenced ‘matching’ into a post** – where the post is essentially the same as the employee’s current job (i.e. the job content is broadly unchanged) but the number of posts available is less than before;
- c) **use of restricted competitive interviews** - where direct ‘matching’ cannot be applied (i.e. where the post is not essentially the same as the employee’s current job or is a newly created job with different duties and responsibilities).

8.4 The assignment protocol that is created will be the subject of meaningful consultation with the Trade Unions and reflect the following key principles:

- a) due regard will be given to the legal definition of “suitable alternative employment” when assigning an employee to a post in the new structure (including posts at a lower grade). Factors that may influence the decision on whether a post is suitable include:
  - i) job content, competencies and status;
  - ii) pay, hours and pattern of work; and
  - iii) location and working environment.
- b) due regard will be given to the requirements of the Equality Act 2010 and the need to make reasonable adjustments to remove unnecessary barriers and allow an employee with a disability (as defined in the Act) to be assigned to a post;
- c) adoption of a “top-down” approach; i.e. Senior tier assignment occurs first; once that exercise is completed, the next tier down is assigned, etc.
- d) creation of a banding system for “ring-fencing” posts for assignment on the basis of “suitable alternative employment;”
- e) assignment based on an employee’s existing substantive post and their completed Personal Profile Form, taking account of:
  - i) employee’s skills and experience in current and previous roles;
  - ii) basic pay; and
  - iii) status, hours and pattern of work, location and working environment.

These factors will all influence whether a post is considered to be a suitable alternative.

- f) efforts will be made to take account of staff preferences for assignment in relation to locality, hours, working pattern where it is relevant and reasonably practicable to do so; and
  - g) the assignment process will be subject to normal safe recruitment requirements where appropriate e.g. Disclosure Scotland / PVG checks, checking of eligibility to work in the UK, etc.
- 8.5 A 'ring-fenced group' for assignment will consist of any permanent employees who are eligible for assignment on the basis of "suitable alternative employment" within the area of the review. Fixed term employees are also required by legislation to be included for assignment except where their exclusion can be objectively justified (for example if the appointment is specifically to provide temporary cover for an absent post-holder or to temporarily provide cover pending the outcome of a review).
- 8.6 An employee will normally be assigned to a new structure on the basis of their substantive post.
- 8.7 An employee whose substantive post is affected by the review and who is absent or seconded elsewhere during that time will receive the same information as their colleagues and be included in the consultation and the assignment process.
- 8.8 An employee who has been undertaking the duties of a higher graded post on a temporary basis (i.e. 'acting-up') will **not** be assigned to a post on the basis of the higher 'acting up' grade. If the employee's substantive post is affected by the review, s/he will be assigned on the basis of that substantive grade.
- 8.9 Similarly, an employee who has been seconded into an area affected by a review will **not** be assigned to a post on the basis of the seconded post. If the employee's substantive post is affected by the review, s/he will be assigned on the basis of that substantive grade.
- 8.10 Employees affected by the review should be advised of the assignment protocol, assigned on that basis, and notified of the outcome of the assignment along with any changes to terms and conditions, including pay.
- 8.11 Information and data on the changes arising from an organisational review such as the revised structure; job descriptions and titles; grades and pay and any staff movement must be recorded and submitted to Human Resources/Payroll in accordance with the processes in place for that purpose.



## **Moving staff to the new/revised grade**

- 8.12 Once assignment is complete, the employee will be moved on to the grade for the assigned post (assimilated). Placing will be in accordance with the following assimilation arrangements and be determined by the employee's current base pay:
- a) new/revised grade is higher than current pay grade – placing is on the minimum Spinal Column Point (SCP) for the new/revised grade; where the employee's previous Spinal Column Point (SCP) in the lower grade is the same as the first SCP in the new grade, the employee shall be placed on the first point on the new grade which will ensure an increase in remuneration of at least an amount equal to the smallest increment on the new grade.
  - b) new/revised grade is the same as current pay grade – placing is on the same SCP as before;
  - c) new/revised grade is lower than current pay grade – placing is on the maximum SCP for the new/revised grade. CultureNL Ltd will mirror any pay protection arrangements adopted by North Lanarkshire Council and set out in their Redundancy Policy.
- 8.13 HR will issue revised contractual information as appropriate and update employee records.
- 8.14 The CultureNL Manager will ensure that the organisational changes become Operational and are communicated appropriately.

## **9. EMPLOYEES NOT ASSIGNED TO A POST**

- 9.1 An employee who is not assigned to a post following a review will be notified in writing of their position. CultureNL must meet its obligations under the Redundancy Policy and a search for suitable alternative employment will be undertaken..
- 9.2 Vacancies remaining after the conclusion of the assignment process will be subject to the normal recruitment and selection arrangements with appropriate priority being given to staff on the Redeployment register.

## **10. CERTIFICATE OF PENSION PROTECTION (LOCAL GOVERNMENT PENSION SCHEME)**

- 10.1 If an employee is a member of the LGPS and a permanent reduction in pay occurs as a consequence of organisational change, the employee will be issued with a Certificate of Protection of Pension Benefits by HR. If, for any reason, a certificate is not issued, an employee should contact HR to request one within 12 months of the pay reduction taking place.

## **11. SUPPORT AND RAISING A CONCERN**

- 11.1 The Lead Manager and the line manager(s) will ensure that appropriate advice and support is made available to employees throughout the review process.
- 11.2 An employee or a group of employees with concerns about the application of the Organisational Review Procedure should discuss their concerns informally with their line manager or another manager as early as possible to see these can be resolved.
- 11.3 If the matter cannot be resolved informally, the employee(s) can raise concerns formally through the Grievance Policy.

## **12. REVIEW**

- 12.1 The Policy will be reviewed, as required, by the CultureNL Manager and in consultation with the recognised Trade Unions.

## **13. LOCAL AGREEMENT**

- 1.1 This Procedure is a local collective agreement between CultureNL Ltd and the recognised trade unions. Every effort will be made by both parties to ensure that this document will be maintained as a local collective agreement and adjusted by agreement to meet changing future needs. In the event of a failure to reach agreement both parties reserve the right to terminate this local agreement by giving three months' notice in writing. In such circumstances the terms of the local agreement will cease to apply to existing and future employees.

## KEY STAKEHOLDER RESPONSIBILITIES

The **CultureNL Manager** and nominated **Lead Officer** will ensure the duties to inform, consult and communicate are initiated at an early stage and maintained throughout the review process with staff and the Trade Unions.

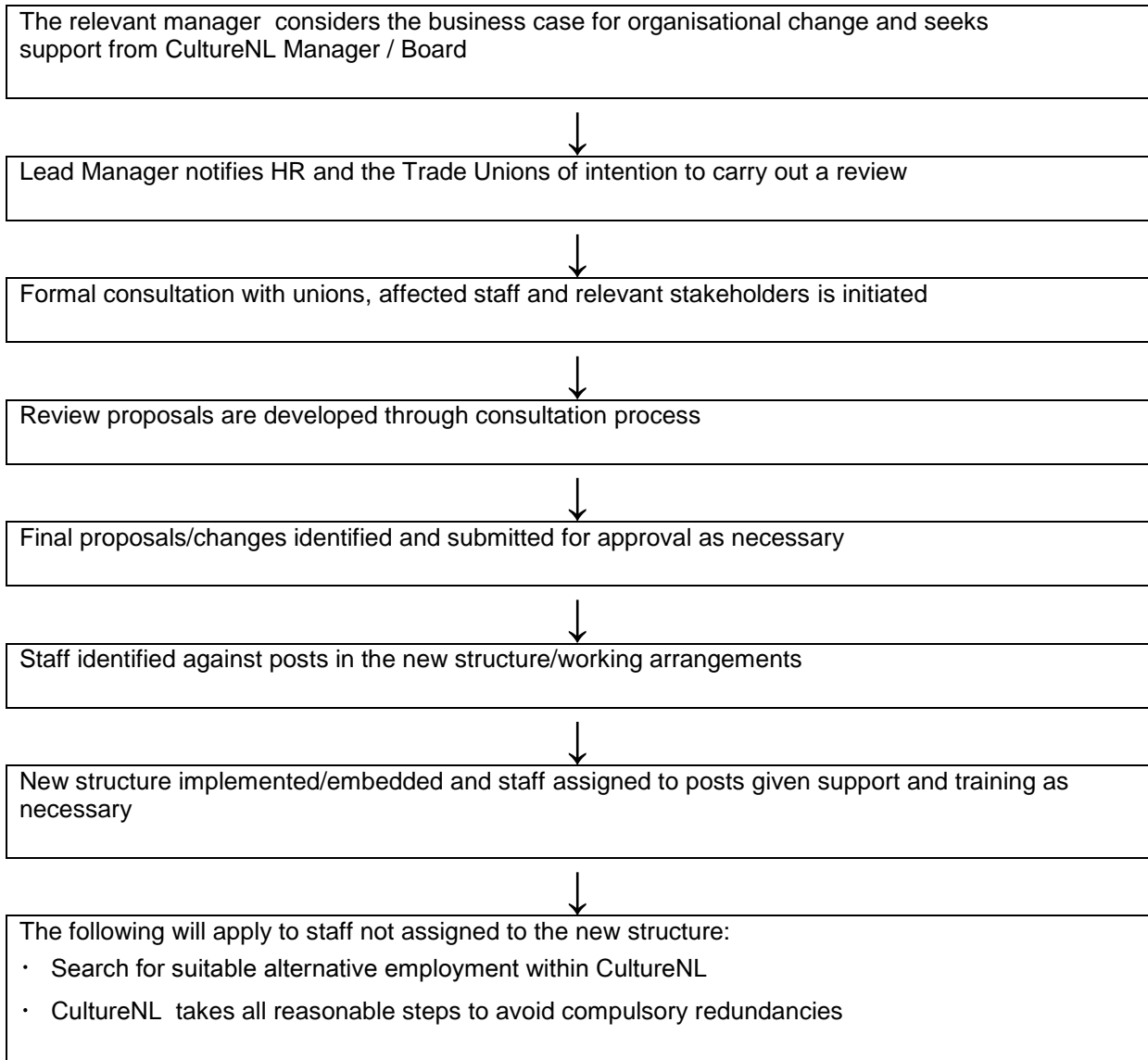
**Managers** will apply the process fairly and consistently within reasonable timescales, provide support to employees and ensure that all paperwork and audit trails are in place for changes made.

**Managers** are also responsible for ensuring that any new structure is fully operational once the review is complete.

The **recognised Trade Unions and employees** have a responsibility to participate in any restructuring process and to respond promptly to consultation exercises in order that their views are taken into account.

**Human Resources** will be closely involved in the conduct of reviews and be available to provide advice and support to the CultureNL Manager, Managers and staff during the implementation of revised staffing structures.

**ORGANISATIONAL REVIEW PROCEDURE  
FLOWCHART**



## Appendix C

### Terms of Reference for Organisational Review

#### 1. Introduction

State narrative as to reason for the review, including an indication of the business case for the change.

#### 2. Objective

The review aims to implement an appropriate structure for xxxx functions.

#### 3. Scope of the Review

All staff with substantive posts in xxxx will be in scope of this review. This equates to xxxx members of staff.

#### 4. Outcome

The review will recommend a xxxxxxxxxx (e.g.new staffing structure.)

#### 5. Management of Review Process

xxxxxxx will be the lead officer(s) for the review, supported by xxxxxx from HR.

Consultation with trade unions and staff will continue throughout the review, in line with the Organisational Review Procedure.

#### 6. Timescale

The consultation on the proposals will be initiated on [date]. Thereafter, the affected staff will be considered for assignment to posts in the new structure by the end of date.