

Organisational Change Policy

Contents

Part 1: Overview	2
1. Aim	2
2. Key Principles.....	2
3. Scope	3
4. Vision and Values.....	3
Part 2: Organisational Change	3
5. Types of change.....	3
6. Managing redundancies	4
7. Measure to minimise or avoid compulsory redundancies	5
8. Consultation	5
9. Redundancy Selection.....	7
10. Voluntary Redundancy	8
11. Termination on the Grounds of Redundancy.....	8
12. Redundancy Payment	8
13. Repayment of redundancy	9
14. Additional Support	9
15. Right of Appeal	9
16. Pension	9
Part 3: TUPE	10
17. What is TUPE?	10
18. Key principles of TUPE.....	10
19. TUPE out of the Authority.....	11
20. Consultation	11
21. Employees included in a TUPE transfer	13
22. TUPE into the Authority	13
23. Disclosure of Information to Potential Contractors at Tender Stage	14
24. Disclosure of information to the New Employer After the Award of the Contract	14
Part 4.....	15
25. Monitoring and review of the policy	15

Organisational Change Policy

Part 1: Overview

1. Aim

The Cambridgeshire & Peterborough Combined Authority (CPCA) values its employees and is committed to managing the organisation in a manner which results in secure employment for all employees.

Change can be triggered either by the external environment or by an internal review of service requirements. Examples of significant organisational change include the reorganisation, relocation, merger, expansion or closure of a service, outsourcing, or a major change in working practices.

To meet changing needs more efficiently, there may be occasions when managers need to implement relatively minor changes. Reasonable minor changes and adjustments to duties and working practices may be implemented without recourse to the formal procedures in this policy although reasonable consultation with staff affected is required. Any change which could lead to a redundancy situation will never be deemed to be a minor change.

HR must notify the Department for Business, Innovation and Skills (BIS) in writing if the Authority proposes to make 20 or more staff redundant. A copy of the notification form will be sent to the trade union representatives concerned.

The purpose of this policy is to ensure that, whenever reductions in employee numbers become necessary, the CPCA will:

- communicate clearly with all affected employees.
- consult with employees and recognised trade unions.
- try to find ways of avoiding compulsory redundancies; and
- ensure that any selection for compulsory redundancy is undertaken fairly and reasonably.

This policy does not form part of any employee's contract of employment and the CPCA reserve the right to amend it from time to time.

2. Key Principles

The CPCA will always try to avoid the need for compulsory redundancies but sometimes these may be necessary through open communication to promote good employee relations and equal opportunities practice in line with our current policies and employment law.

Where the CPCA is unable to avoid reducing employee numbers the CPCA will try to minimise the effect of redundancies through the steps set out in this policy

This policy will also signpost the help and support available to those affected.

Organisational Change Policy

The CPCA will not discriminate directly or indirectly on grounds of any of the protected characteristic.

Part-time employees and those working under fixed-term contracts will not be treated differently to permanent, full-time comparators.

3. Scope

This policy applies to all employees at all levels and grades who have more than two years' service.

4. Vision and Values

Our vision is for a prosperous and sustainable Cambridgeshire and Peterborough. Driven by our values and using our collective voice and strengths, we seek inclusive good growth for an equitable resilient, healthier and connected region.

Our values define what is important in the way we deliver this vision. At Cambridgeshire and Peterborough Combined Authority our core values are Collaboration, Integrity, Vision, Innovation and Leadership. We are committed to ensuring our culture enables our employees to display these values regardless of their roles within the organisation. Managers and employees alike must ensure our core values are upheld when implementing this policy.

Part 2: Organisational Change

5. Types of change

Ongoing Minor Changes

To adapt to changing requirements, the Authority may need to make periodic changes to roles, responsibilities and/or working practices.

Reasonable minor changes and adjustments to duties and working practices may be implemented without recourse to the formal procedures in this policy although reasonable consultation with staff affected is required.

Any change which could lead to a redundancy situation will never be deemed to be a minor change.

Examples of this type of change include:

- Changes to shift/work patterns
- Changes to working hours
- Changes to working location

CPCA will ensure it adheres to the Working Time Regulations 1998 when determining working arrangements.

Organisational Change Policy

The Authority will endeavour to ensure short notice changes to working patterns, excessive hours of working, and split shift to a regular shift pattern are avoided as much as possible. Though in some cases there are reasons to make changes at short notice to staff working practices.

Where alterations are made to published working patterns, with three months' notice or less these changes must arise from exigencies of duty, unless they are mutually agreed by the employer and employee, or by collective agreement. Such alterations shall be notified to the employee as soon in advance of the intended change as possible.

In some instances, the Authority may need to alter the employee's work hours, shift pattern or location. Where that change is decided we will consult with the employee and their recognised Trade Union rep.

When the above changes are intended the following steps will be taken:

- An open staff meeting where reasons for the change are communicated, and staff given opportunity to raise concerns and ask initial questions
- A first consultation meeting with the impacted staff member/s and their recognised Trade Union representative. This is an opportunity for them to ask questions, comment on the process and give feedback as well. The manager will be supported by their designated HR Representative.
- The individual will be invited for a final consultation meeting with their workplace colleague or trade union representative. At this meeting, the manager will state the outcome of the consultation process and communicate the effective date for the change.
- An outcome letter will be given/sent to the staff confirming the changes to their terms and condition.
- Should the staff not be satisfied with the outcome of the process, they have the right to appeal the decision within 5 working days of the outcome letter. This should be sent via email to the relevant HR Representative.

Change across organisational boundaries

Where organisational changes require staff to be transferred from one employer to another, the Transfer of Undertakings (Protection of Employment) Regulations amended 2014 (TUPE), and subsequent amendments, will apply. Under these arrangements, the employees' continuity of employment will be preserved, along with all their contractual terms and conditions of employment and any collective agreements that apply. Please refer to the TUPE policy.

Change affecting job security

Changes that may affect job security, resulting in potential job losses or redeployments include:

- Restructuring or mergers
- Reductions in, or discontinuations of, specific areas of work
- Major changes to working practices or contractual terms.

6. Managing redundancies

Redundancy

Organisational Change Policy

A redundancy occurs where a dismissal is wholly or mainly because:

- the employer has ceased, or intends to cease continuing the business, or
- the requirements for employees to perform work of a specific type or to conduct it at the location in which they are employed has ceased or diminished.

Responsibility

The Head of Department should liaise with their HR Representative, to ensure that a genuine redundancy situation exists, that the organisation fulfils its legal obligations, and that the redundancy process is applied impartially.

HR will provide advice and guidance on this policy and its application at all stages to line managers and relevant parties requiring guidance so that it is followed appropriately and reduces CPCA's risk to adverse judgements from Employment Tribunals.

7. Measure to minimise or avoid compulsory redundancies

Where the CPCA proposes to make redundancies, appropriate managers will enter into consultation with all affected employees on an individual basis and, where appropriate, also with recognised trade unions.

In the first instance the CPCA will consider steps that might, depending on the business needs at the time, minimise or avoid the need for compulsory redundancies.

Examples of such steps may include the following, although the CPCA reserves the right to expand this list.

- Freezing recruitment for new permanent members of staff in the affected categories of employee and in those areas into which affected employees might be redeployed.
- Reviewing the use of agency staff, self-employed contractors, and consultants. stopping or reducing the use of temporary workers.
- Stopping or reducing overtime to that needed to meet contractual commitments or provide essential services.
- Considering the introduction of flexible working arrangements, where these are practicable.
- Identifying suitable alternative work that potentially redundant employees might be redeployed to.
- Individuals who are approaching the end of a fixed term or temporary contract, where the contract will not be extended, and who have at least 24 months continuous service, will be treated as being dismissed by reason of redundancy.

8. Consultation

Where redundancies are planned as part of an organisation change. CPCA will endeavour to ensure meaningful consultation. Giving enough time before any redundancies are made.

The minimum requirements for redundancy consultation are as follows:

- where 20-99 redundancies are proposed consultation should commence at least 30 days before the first redundancy takes place

Organisational Change Policy

- where 100 or more redundancies are proposed then consultation should commence at least 45 days before the first redundancy takes place.
- where fewer than 20 staff are to be dismissed there is no legal time limit within which formal consultation must be carried out. However, consultation must however commence at the earliest opportunity.

The purpose of consultation is to consider views and feedback on the proposals and, where possible to avoid the dismissals, reduce the number of employees to be dismissed, and mitigate the consequences of dismissals.

The CPCA will consult with all employees who are potentially affected by the redundancy situation and not just those who are at direct risk of redundancy. Where it is not possible to hold a face-to-face meeting, they will conduct the consultation process remotely.

In any collective consultation exercise, the CPCA will also consult individually with each employee that is affected by the redundancy proposal in respect of their own particular circumstances.

If there is no recognised trade union and no suitable existing employee representatives, employee representatives will be elected.

Those employees who have been provisionally selected for redundancy will be consulted with individually about the selection pool, the selection criteria that will be used, how those criteria will be scored, and the provisional scores that have been awarded once the selection exercise has been completed.

Consultation with the trade unions

Trade unions play a very important role in advising and representing staff undergoing organisational change. They also work with managers to ensure that the change is managed with the least interruption to service and in accordance with the principle of avoiding compulsory redundancies where possible.

Meaningful pre-consultation can lead to an agreed shorter formal consultation time and greater staff satisfaction with the process. It is advisable an early informal consultation with the trade unions should happen where possible.

Formal consultation with the trade unions will begin once the consultation document has been finalized. This will take the form of:

Trade unions representing staff affected by the change should be invited to the first meeting with all affected staff and given reasonable notice to attend

On-going discussions with the local accredited representatives

There is a need for additional information to be provided in writing where there are proposed redundancies. The following must be included:

- reason for redundancy proposal
- the numbers and descriptions of employees whom it is proposed to be dismissed as a result of redundancy
- the proposed method of selecting employees who may be made redundant
- the total number of employees of any such description employed at the site / location in question
- the proposed method of carrying out the dismissals, with due regard to any agreed procedure, including the period over which the redundancies are to take effect
- the proposed method of calculating redundancy payments to individual employees if it differs from the statutory

Organisational Change Policy

Management will ensure that trade unions are kept informed of developments and will meet with the trade unions as appropriate.

Consultation with individual staff

It is a legal requirement to consult with employees during a redundancy process. Ideally;

- An initial meeting will be held with all employees affected to inform them of the proposed change and explain the consultation process. Each employee will be provided a copy of the consultation document. Those who are absent from work will be sent a copy of the consultation document at their home/email address to ensure they participate in the consultation process.
- Where a member of staff is on secondment and a redundancy situation arises in relation to their substantive post, the individual will be notified that their substantive post is at risk
- Every employee impacted by the process will be offered the opportunity of at least one individual meeting with their manager at which they have the right to be accompanied by a trade union representative or workplace colleague. HR support will also be offered to the manager. At the meeting, the employee will have the opportunity to comment and respond to the proposals.
- Notes of the individual meetings will be kept and may be provided to the employee and where applicable their trade union representative. The record will not verbatim.
- Regular updates and frequently asked questions may be circulated to staff throughout the formal consultation period.
- In addition to the individual consultation meetings, employees may be kept informed by team meetings, trade union meetings, email and other written communication and information supplied by management and the trade unions.

9. Redundancy Selection

Where it is not possible to avoid making compulsory redundancies appropriate managers will be tasked with identifying which roles are at risk. The criteria used to select those employees who will potentially be made redundant will be objective, transparent, and fair and based on their skills required to meet existing and anticipated business needs.

Where practicable, employees will be offered posts which are directly comparable with their present post without the need for formal selection processes. This is referred to as slotting.

Consideration may also be given to “ring fenced” selection processes, where staff may be invited to express preferences for jobs in the new structure, subject to the ring fence criteria. Such applications must be assessed in line with the Combined Authority’s recruitment policy.

The CPCA may need to create a selection pool (also referred to as ring-fencing) from which those who are to be made redundant will be selected. The selection pool will normally consist of employees who carry out the same job. If other employees do jobs that are interchangeable, or do the same or similar work, line managers will consider widening the

Organisational Change Policy

pool to include these employees.

The CPCA will then carry out a scoring exercise for employees in the redundancy pool. The employees with the lowest scores will be provisionally selected for redundancy. As above the CPCA will ensure that the selection criteria used to select those employees are reasonably objective, measurable, capable of being applied fairly and reflect the requirements of the job that will need to be performed after the redundancy exercise has been completed. However, a selection pool will not be necessary for example where redundancies are expected to involve the whole organisation or just one specific role. The decision on who to include in the pool will be based on genuine business reasons.

10. Voluntary Redundancy

To reduce the need for redundancy the CPCA may invite applications for voluntary redundancy. In all cases the acceptance of a volunteer for redundancy will be a matter of our discretion and the CPCA reserve the right not to offer voluntary redundancy terms or to refuse an application where it is not in the interests of the CPCA to do so. This might be the case where the CPCA receives too many volunteers, or they consider that accepting an application is not in the best interests of the organisation.

If an application is unsuccessful, the CPCA will let the employee know if they are eligible for early retirement were applicable.

Voluntary redundancy decisions will be objectively justified and non-discriminatory. The proposed selection criteria for voluntary redundancies will be part of the consultation with trade unions and affected individuals before it is applied.

11. Termination on the Grounds of Redundancy

Where selection for redundancy is confirmed, employees selected for redundancy will be given written notice of termination of employment in accordance with the notice period in their contract of employment or the statutory minimum notice period, whichever is greater.

Depending on the circumstances, the CPCA may make a payment in lieu of notice instead of requiring the employee to work their notice period.

12. Redundancy Payment

Employees are entitled to receive a statutory redundancy payment if they have worked for the CPCA for at least two continuous years.

The CPCA calculates redundancy based on an employee's actual week's pay multiplied by the number of statutory redundancy week's entitlement multiplied by an enhancement of 1.5 and a further 1.5 week's pay for age over 41.

Contractual pay is used to calculate an employee's actual week's pay i.e.; no account will be taken of any salary sacrifice arrangements in place.

This policy will comply with the Local Government (Early Termination of Employment).

Organisational Change Policy

13. Repayment of redundancy

Re-joining the Combined Authority or joining another body listed under the Modification Order within 4 weeks of the date of redundancy:

If the CPCA gives the employee notice of redundancy and before the dismissal takes effect the employee receives an offer of employment from another body specified in Schedule 2 of The Redundancy Payments (Continuity of Employment in Local Government) (Modification) Order 1999, the individual will lose entitlement to a redundancy payment.

This only applies where the relevant body makes the offer of a new job before the end of the old contract and the employment starts within four weeks of the date of redundancy.

Where this situation arises, any redundancy payment received must be repaid in full by the employee/ex-employee. This includes both the statutory and enhancement element of the redundancy payment and any payment in respect of compensation for loss of office.

Re-engagement following redundancy more than 4 weeks following the date of redundancy:

It is CPCA's policy that no employee who has been made redundant will be permitted to re-join the CPCA within 12 months of the effective date of termination without the specific approval of the Chief Executive. If permission is given, then the amount equivalent to the enhanced redundancy portion of the redundancy payment must be repaid in full. Any repayment must be repaid in full prior to re-joining the CPCA.

In exceptional circumstances the Chief Executive can agree for this to be paid in instalments and a repayment schedule will be agreed or for the repayment requirement to be waived.

For the avoidance of doubt, re-employment/re-engagement includes those re-joining the CPCA regardless of their employment/contractual status i.e., re-joining as agency/temporary workers, casual/relief workers, fixed term contract workers, consultants, or interims etc.

14. Additional Support

The CPCA understands that redundancy situations cause stress and feelings of insecurity. If an employee is concerned about their own wellbeing or that of a colleague, they should speak to their line manager/HR. Alternative internal help is available through the Employee Assistance scheme.

15. Right of Appeal

Employees have the right to appeal against the decision to dismiss them for redundancy. The notice of redundancy will contain details about the appeal process.

16. Pension

If an employee is aged 55 or over, they may be entitled to receive early payment of their pension benefits, but this will be in accordance with the LGPS scheme rules.

Please follow the links below for comprehensive information: -

[Local Government Pension Scheme - Home Page](#)

Organisational Change Policy

Any individual who has previously retired on permanent ill-health, redundancy, or efficiency grounds from CPCA or an organisation falling with Schedule 1 of the Redundancy Payments (Continuity of Employment in local government etc) (Modification Order 1999 (regardless of whether with CPCA), is advised to contact the pensions administrators before accepting employment to ensure that they are fully aware of any implications regarding their pension.

Part 3: TUPE

17. What is TUPE?

Cambridgeshire and Peterborough Combined Authority is committed to applying the requirements of the Transfer of Undertakings (Protection of Employment) Regulations 2006 as amended by the Collective Redundancies and Transfer of Undertakings (Protection of Employment) (Amendment) Regulations 2014.

The purpose of the TUPE Regulations is to provide protected employment rights to employees when their employment changes because of a transfer, where services are outsourced, brought in-house, or assigned to a new employer.

Its purpose is to move employees (and any liabilities associated with them) from the existing employer to the new employer, with continuity of service protected and some protection of existing terms and conditions of employment.

HR support and guidance **must** be sort at all times during any TUPE process.

18. Key principles of TUPE

TUPE regulations **may** apply when business transfers and service provision transfers.

For TUPE to apply to a service provision change there must be an organised group of employees whose principal purpose is to carry out the activities in question on behalf of the client; employees must be assigned to the group in question and the activities immediately before and after the transfer should remain primarily the same.

When TUPE applies, the employees of the outgoing employer automatically transfer to the incoming employer at the point the service provisions transfer. Their continuity of service and terms and conditions of employment are preserved (different rules apply to pensions).

The basic principles of TUPE are:

- assigned employees automatically transfer to the transferee and become employees.
- the terms and conditions of employees who transfer must not be unnecessarily changed by the transferee when the work they were doing previously still exists.

Organisational Change Policy

- continuity of service and other rights are preserved.
- employers are obliged to inform appropriate representatives of the transfer and relevant information.
- employers are obliged to consult appropriate representatives of any proposed measures.
- a TUPE transfer should have a 'people engagement plan' to ensure those affected are engaged in the process and receive regular communication on progress.
- the transferee must provide to the transferor employee information in advance of the transfer date.
- changes to the terms and conditions of transferred employees can only take place when certain conditions are met.

19. TUPE out of the Authority

When there is a need to TUPE out of the Authority any potential external service providers will be required to confirm their support and their commitments to protect the terms and conditions of transferring employees.

They will be asked to confirm the pension scheme arrangements they have in place for transferred employees and their plans regarding the staff and assets used in the service when provided by the Authority.

During the initial stage of the proposal to contract-out the service, managers should assess:

- the proportion of time spent by each affected employee on the individual activities which is in scope for transfer.
- the value of the work and proportional cost.
- contractual documents concerning work duties and location.

The relevant HR Rep and legal team advice and support **must** be sought at the beginning of the process where it is proposed to transfer parts of a service as opposed to a whole service, or a whole service is proposed to transfer to several providers, as a minor reorganisation of the service may be needed at an early stage

If TUPE is deemed not to apply, following legal advice, managers may need to declare staff employed in the service redundant. Where there is likely to be a redundancy situation managers should seek advice from HR to effectively manage the organisational change.

20. Consultation

CPCA has a duty to consult all relevant representatives regarding any measures it predicts taking in relation to any affected employees due to the transfer.

Organisational Change Policy

The above should be the case whether we are acting as the transferor or transferee.

Managers would consult with employees and trade unions at the earliest possible stage of any such project and communication will be ongoing in line with the Organisational Change policy:

All affected staff should be consulted, even those who will not transfer.

- during consultation employees and trade unions must be informed in writing.
- that a transfer may take place when this might happen and the reason for it.
- the implications of any potential transfer for affected employees on social, legal and
- economic issues (including at the appropriate time information about the new external provider, where it is based etc., and the potential impact of a transfer on contracts, pensions etc.)
- the measures that CPCA or the external provider propose to take in relation to the transfer.

The consultations will also involve meetings, with the new provider if service provision is to be outsourced.

Organisational Change Policy

21. Employees included in a TUPE transfer

In some cases, it is challenging to ascertain who is eligible for transfer when TUPE occurs. Generally, only employees who are:

- Employed by the transferor immediately prior to the transfer; and
- “Assigned” to the relevant grouping of employees who carry out the service activities which are subject to the relevant transfer.

All employees ‘assigned’ to the service will be transferred at the point of the transfer to the new employer (the transferee).

It is imperative to note the ‘assigned’ employee must predominately work in the area that is due to transfer. Though each case will have to be determined individually. In making an assessment the following factors would need to be considered:

- Proportion of time spent on the transferring activities and in other parts of the organisation.
- The amount of value given to each part by the employee.
- Allocation of cost between the different parts (if relevant)
- Contractual documents concerning work duties and location e.g., contract of employment and job description.
- Where an employee has a substantive post elsewhere in CPCA then their temporary contract will cease prior to the transfer date, and they will return to their substantive post.

Generally, if the employee spends less than 66% of their time in the transferring work area, it is unlikely that they will be included on the transfer list.

It is also important to note that if an employee refuses to transfer they will automatically be deemed to have resigned from their current role.

22. TUPE into the Authority

In some instances, CPCA may be receiving employees when services are reorganised. This usually happens when:

- a service which was previously externally provided is brought back in-house
- a service is transferred to the Authority by law
- a service is shared by one or more authorities/statutory bodies and CPCA becomes the employer for "pay and rations" purposes
- the Authority is contracted by another body (e.g., another local authority) to provide a service already being provided by that body/or another provider.

In the above scenarios, TUPE is most likely to apply and result in the employees transferring to CPCA from an external organisation. In these circumstances, the guidance on assignment and requirements around consultation set out above will still apply, except that CPCA will become the new service provider and, therefore, the

Organisational Change Policy

new employer.

Employees who transfer to CPCA will be entitled to retain continuity of service and the terms and conditions of employment they enjoyed before the transfer.

23. Disclosure of Information to Potential Contractors at Tender Stage

Where a tenderer submits a TUPE bid, they will need information to enable them to put their bid together. They should receive only as much detail as is necessary for them to be able to prepare their tender. This must not include personal information; therefore, any information listed below should not identify any individuals

- The numbers of staff who are working on the service being outsourced.
- Grade and salary levels and pensions scheme details
- Contracted hours of work (show whether part-time or full-time)
- Percentage of time spent on work included in the tender.
- Length of service and age (not date of birth)
- Notice periods.
- All allowances and contractual overtime
- An example of a specimen contract
- Job descriptions
- Numbers of temporary and permanent staff
- Redundancy entitlement
- Local conditions which would have an impact on the cost of the bid, e.g., maternity arrangements, leave entitlements.

The following information about all Temporary Agency Contractors assigned to the service:

- The total number of agency workers engaged.
- The areas of the business in which they are utilised.
- The type of work they are contracted to undertake.

24. Disclosure of information to the New Employer After the Award of the Contract

Due diligence is used by the transferee to investigate and evaluate potential costs in relation to employees transferring. As employees transfer on their existing terms and conditions of employment with their service preserved, this has significant cost implications.

There is no statutory minimum information which must be shared at this stage.

Organisational Change Policy

Information is anonymous and must comply with data protection legislation. Due diligence information is often shared as part of a tendering process.

Part 4

25. Monitoring and review of the policy

This policy will be reviewed from time to time to ensure that it reflects our legal obligations and our organisational and business needs.

Organisational Change Policy

Governance Redundancy Policy

References:

Local Government (Early Termination of Employment) (Discretionary Compensation) (England & Wales) Regulations 2006.

The Redundancy Payments (Continuity of Employment in Local Government) (Modification) Order 1999

Issue date:	2023
Version number:	4
Review due date:	2026

Document control sheet

Purpose of document:	This policy is designed to outline how the Combined Authority deals with Organisational Change and that there is a consistent approach when matters are raised under this Policy.
Type of document:	Policy
Document checked by Legal	No
If applicable, has an initial Equality Impact Assessment (EIA) been completed?	Yes
Document lead and author:	HR Team
Dissemination:	
What other documents should this be read in conjunction with:	Guidance documents listed in policy
Who will review the document (job title):	HR Team
Why is this document being reviewed?	Review of existing Policies and Procedures
Mandatory read	Yes

Revisions

Version No.	Page/ Paragraph No.	Description of amendment	Date approved
4		Changes made in line with statutory updates. Added section on TUPE	2023