Newcastle University Re-organisation Procedure

A Manager’s Code of Practice is available and should be read in conjunction with this procedure before commencing any reorganisation.

Introduction

This procedure is applicable to all employees and will apply when it is proposed to make significant future changes to the duties and responsibilities of a number of posts in an organisational unit (eg School, Service, Research Institute), including the creation of new posts. The extent to which the whole procedure will apply depends upon the overall size, complexity and significance of the planned change. Also, it is recognised that with certain reorganisations, because of the number and range of duties of the staff involved and/or the complexity of the issues involved (e.g. the inter-relationship of the proposed changes to staffing structures with changes to working patterns and terms and conditions) it will be necessary for changes to contractual terms to be negotiated with the appropriate trade unions rather than solely being dealt with via the Reorganisation Procedure. These negotiations can be triggered via a request from either the management side or the trade unions’ side.

However, when change is to be introduced, regardless of the size of the change, it is important to approach it against a framework of certain principles including:

- There needs to be a clear proposal which will, where possible, take into account future changes which might impact in the short to medium term. It is important that any proposal clearly states the objectives of any reorganisation. If the objectives include sensitive issues such as a reduction in staffing levels or savings in salary costs, this should be made clear.

- Employees and the relevant trade unions should be consulted at the earliest possible opportunity. This should be through face to face meetings which can be supplemented by other methods of communication.

- Employees and the relevant trade unions should have the opportunity to seek clarification and offer their views on the proposal at all stages of the procedure.

- Changes to job descriptions should be produced and agreed following consultation with job holders and the relevant trade unions.

- The assignment of employees to jobs will be through job slotting (as described in section 8).

- Employees should have the right to appeal if they feel they have been unfairly excluded from job slotting or ring fencing (see section 9).

- It is in the University’s interests to retain employees with valuable skills and experience and whilst there is a possibility that some reorganisations will result in employees becoming at risk of redundancy, every effort should be made to mitigate potential redundancy. The University Redundancy Procedure sets out obligations regarding consultation with employees and
unions and gives examples of measures which can be used to avoid or minimise redundancies, including redeployment.

- With regard to academic staff, there is a requirement under the University's Statutes to notify the senate of any proposals to dismiss academic staff by reason of redundancy where that dismissal has significant implications for the academic character and mission of the University. No such redundancy shall take place until after the senate has had an opportunity to make representations to the council.

It is recognised that there may be instances when changes to duties and responsibilities of a post occur in a self contained way which does not impact upon any other post. If that is the case, then the reorganisation procedure will not apply. If the changes to the duties and responsibilities are substantial, then the job description can be submitted for evaluation and any subsequent grade change would be attributed to the current post holder. There may also be instances where this self contained change occurs in more than one post at the same time (usually a relatively small number of posts). Again, the job descriptions concerned can be submitted for evaluation and any subsequent grade changes will be attributed to the current post holders. Where this type of change occurs to a small number of posts at any one time, managers will be encouraged to consider whether there is likely to be any structural or organisational impact before submitting job descriptions for evaluation.

Procedure

1. In consultation with HR and any other appropriate managers, the Head of Unit (HOU) will consider the design of the jobs affected by the reorganisation and how those jobs interact, not only with each other but with other jobs outside the unit. As part of this process the HOU will ensure that he/she is fully informed about the current roles and duties of all of the staff who might be involved in the reorganization, and that their job descriptions match those roles and duties. A document will be prepared which contains the following:

   - The reasons for the reorganisation, the objectives and the rationale for the proposed structure.
   - An organisational diagram of the current structure and proposed structure, including the number and type of posts with proposed grades (names excluded).
   - The date when the proposed structure will come into effect.
   - Details of any additional costs/savings (for approval by senior management).

2. The proposal is considered by senior management and approval to consult is given.

3. Consultation, and where appropriate negotiations (see above), will begin with all employees affected and the relevant trade unions, both within and as appropriate, out with the organisational unit.

   - The HOU will invite all employees affected to a meeting at which he/she will outline the proposed reorganisation based on the paper submitted to senior management. A copy of the document submitted will be issued to all employees and relevant trade unions in advance of the meeting. It is important to take account of employees away from work (eg on maternity leave, holiday or sickness absence)
• On occasion it may be appropriate to populate senior levels of the structure before finalising the details of the remaining structure.

• There may be occasions when it is appropriate to offer voluntary redundancy e.g. where it is clear that the reorganisation will result in a reduction in posts. Employees will be made aware of the terms of any voluntary redundancy scheme including deadlines for application. Where an eligible employee chooses not to apply for voluntary redundancy and, having gone through the reorganisation procedure is subsequently made redundant, then only a statutory redundancy payment will be made.

• At the meeting employees will be able to raise queries/ask questions regarding the proposal. They will be offered the facility to discuss any matters with the HOU or nominee on a one to one basis. Any views on the proposal are to be provided directly to the HOU within 5 working days following the date of the general meeting. (This period may be extended as appropriate e.g. to allow for employees away from work). Employees may choose to convey their views by e-mail, letter or orally in one to one meetings or small group meetings. The HOU will, upon request by the employee, treat any comments/views as confidential. Employees may be accompanied at meetings by their Trade Union representative or a work colleague and should advise the HOU in advance if they are to be accompanied.

• The HOU will keep employees informed about the progress of the proposals in a timely manner.

4. To facilitate job slotting described in paragraph 8 below, all reasonable effort should be made to agree an updated job description with the post holder but if agreement cannot be reached, the HOU or nominee will determine the final version. This should be completed for all affected employees before progressing to the production of new job descriptions.

5. After considering any comments, the HOU will revise or confirm the proposals to employees.

• Any significant change will require senior management to approve the revised proposal, followed by a further round of consultation/negotiations with the employees and the relevant trade unions.

• The HOU/nominee(s) will draft the job descriptions in consultation with HR. Template or generic job descriptions may be used where appropriate.

• All employees in the organisational unit(s) affected by the change will be given access to the job descriptions for comment to the HOU/nominee within 5 working days from receipt. (This period may be extended as appropriate e.g. to allow for employees away from work).

6. After considering any comments, the HOU will revise or confirm the job descriptions as appropriate and inform employees accordingly.

7. The final job descriptions will be submitted to HR for evaluation. It may be the case that not all job descriptions need to be submitted for evaluation, particularly where there is relatively little change to the duties and responsibilities of a job or jobs.
8. Job descriptions will be evaluated as vacant/new posts unless template/generic/existing job descriptions are used. All affected employees will be advised of the outcome of the job evaluations.

9. The process for filling posts will be as follows:

**Posts with a substantial match with existing posts at the same grade**

Where there is a match between a substantial proportion (i.e. approximately 75% - 80%) of duties/responsibilities of an existing post and those of a new job description, the existing post holder will be slotted into the post. The decision will be made by the HOU and HR taking into account the current and revised job descriptions (which include person specifications).

Where more than one employee from the Academic/Service Unit could be job slotted into the new post, the post will be ring fenced to those employees and selection will be by interview.

**New posts/posts which do not have a substantial match with existing posts/ higher graded posts**

In cases where there is not a match between an existing post and a new job description at the same grade, then the holder of the existing post will be considered for the newly configured position under the redeployment policy, i.e. with priority consideration.

In these circumstances, posts will initially be ring fenced to redeployees in the Academic/Service Unit(s) concerned. Any posts which remain unfilled will then be advertised internally across the University on the internal HR website, with a minimum response deadline of one week. Advertisements will include an advert, a job description and a person specification.

10. Any employee who feels they have been unfairly excluded from job slotting or ring fencing should raise the matter in the first instance with the HOU within 5 working days of being advised of slotting or ring fencing arrangements. If they are unhappy with the response from the HOU, they can appeal to the Assistant Director of Human Resources (Operations) within 5 working days of receiving the response from the HOU. The appeal will be heard by the Assistant Director of Human Resources (Operations) and a trade union representative appropriate to the staff group concerned and who is from outside the immediate working group in question (the panel).

No job slotting or recruitment will take place into the post(s) which the employee feels they have been unfairly excluded from job slotting into or being ring fenced for until the appeal has taken place.

The panel shall convene a hearing and will determine the conduct of the hearing and shall ensure that both sides of the case are fully considered, and that the employee and/or representative and the manager are given full opportunity to put their case and to put questions to any witnesses.

The following procedural guidelines shall apply during the hearing, which may be adjourned at any time at the discretion of the panel:

- There will be no legal representation at an appeal hearing.
- The panel shall review both the proceedings to date and the evidence
relied upon together with any further evidence submitted and may put questions to the employee and any representative and/or call witnesses, and shall allow the employee and any representative to put questions to witnesses.

- Normally, the employee will open the appeal hearing by way of representations in support of his or her appeal, and shall be entitled to provide written and oral evidence in relation to his/her appeal and to call such witnesses as s/he thinks appropriate.
- The manager who took the formal decision will, if requested by the panel, be available to attend the appeal hearing and will outline at the hearing, in the presence of the employee and his or her representative, the reasoning behind his or her original decision.
- The manager will have the opportunity to put questions to the employee (or his/her representative) and his/her witnesses.
- The employee (or his/her representative) will have the opportunity to put questions to the manager and any of their witnesses.
- The panel will have the opportunity to put questions to all those present at the hearing as appropriate.
- The employee (or his/her representative) and the Manager will have the opportunity to sum up their case.
- All of the parties will withdraw. The panel will deliberate in private, but may recall any of the parties to clarify points of uncertainty. If recall is necessary, both parties are to return.
- The decision of the panel shall be confirmed in writing within 2 working days giving the reasons for reaching the decision.
- The appeal decision will be final.
- The employee will be entitled to receive written notes of the appeal proceedings and of the reasons for the decision of the panel. Where the employee was accompanied during the hearing by a trade union representative, this document will also be provided, on a confidential basis, to that representative.

Where the employee (and/or his/her representative) fails to attend the appeal hearing without good reason which has been notified to the Human Resources representative by the start of the hearing, the hearing will proceed in his/her absence.

11. Any employee who is identified as at risk of redundancy will be subject to the University Redeployment Procedure. HR will discuss the procedure and its operation with the employee.

12. Review

The overall operation of this process will be reviewed by HR and the campus unions annually at JNC.

13. Status of the Procedure

The employment relationship between the University and each of its employees is set out in the contract of employment. This procedure does not form part of the contract of employment but it shall apply both to the University and to all of its employees.
14. Related documents

Redundancy procedure
Redeployment procedure

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<tr>
<td>Policy/Procedure Owner</td>
<td>Garry Coupland</td>
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