



WITH EFFECT FROM 12 September 2018

RESTRUCTURING PROCEDURE

1. INTRODUCTION

- 1.1.** This procedure should be read in conjunction with the Change Management Policy and the suite of related Procedures.
- 1.2.** The Restructuring procedure provides fair, robust and transparent processes during restructuring, whilst seeking to avoid compulsory redundancies where staffing reductions are required.
- 1.3.** The procedure will apply primarily where the University identifies a need to undertake a formal and strategic review to address the long-term financial or academic sustainability or efficiency of a Faculty, department or other strategic area or service of the University, and where the review outcomes may reduce staffing levels or create some other significant change to employment contracts.
- 1.4.** For the purposes of this procedure significant change will constitute a direct impact on an individual's terms and conditions of employment. Notwithstanding this, change which does not have a direct impact on an individual's terms and conditions of employment should also be managed effectively and in line with good management practice.
- 1.5.** Reasons for initiating an organisational review may include, but are not restricted to where: a financial, academic, strategic or service-related review which is needed to determine the sustainability or efficiency of an area.
- 1.6.** This procedure complies with the University's duty in relation to the Senate or Council.
- 1.7.** This procedure applies to all University staff.

2. REVIEW INITIATION

- 2.1.** An Equality Impact Assessment for Change and a Staff Wellbeing Risk Assessment for Change will be undertaken, normally by the relevant Faculty or department, with support from Human Resources, to identify any action required before and during the review and restructure. The outcomes of these will be reviewed as appropriate during the process to identify any further actions required.



2.2. When a Faculty, academic department or Professional Services department judges that a formal and strategic organisational review as defined above is needed, the following steps will normally be taken:

2.2.1. The Faculty, academic department or Professional Services department will work with Human Resources to ensure that the recognised Trade Unions are notified of the proposed review via JUCC (or where applicable a sub-group of JUCC).

2.2.2. Once the Faculty Pro-Vice-Chancellor (FPVC), or Registrar and Secretary has agreed the proposal and timetable for a review, a Review Group will be formed to oversee the process, and typically will include the following: FPVC or delegate, an appropriate member of Human Resources, and one or more Heads of Department. All members of the review group will be responsible for ensuring meaningful consultation takes place on a collective and individual basis.

2.2.3. At the point when it becomes clear that the review is likely to impact significantly on staffing levels/employment contracts as defined in Section 1.4 of the procedure, the Review Group will notify the Trade Unions of the proposed review via JUCC (or where applicable a sub-group of JUCC). This will include providing relevant financial and other information to initiate meaningful consultation as covered by legislation and good practice. Arrangements and timescales for providing initial feedback on the proposed review will also be provided.

2.2.4. At the point when it becomes clear that the review is likely to impact significantly on staffing levels/ employment contracts as defined in Section 1.4 of the procedure, staff should also be provided with details about the review to initiate consultation as covered by legislation and with the arrangements and timescales for providing feedback on the proposals. Typically, staff will be informed both in writing and through a staff meeting.

2.2.5. Once restructuring plans have been finalised, taking account of feedback received through consultation, an appropriate strategic or governing body may need to approve the plans as applicable (e.g. University Executive Board or Senate). This will vary, and will need to be determined according to the circumstances, but where there is the possibility of closure of an academic department, Council will need to approve the proposed plan.



2.3. In certain unforeseen circumstances requiring a dynamic and immediate response, a process different to the above may need to be agreed with all parties, including with recognised Trade Unions.

3. CONSULTATION

3.1 In circumstances set out in Section 2, the following steps relating to consultation will be taken:

3.1.1. The Review Group will work with Human Resources to provide the recognised Trade Unions with information in accordance with existing legislation and good practice, to ensure that information is provided in an agreed manner and in appropriate detail to enable representatives to prepare and respond to the proposed change. This may include copies of business/strategic plans where sections of such have potential staffing implications. The information requirements supplied to the Trade Unions will be as outlined in Appendix 1 of the Terms of Reference of the JUCC Employment Security Sub-committee. It may also be appropriate for members of the Review Group to attend meeting(s) of the JUCC Employment Security sub-committee during consultation.

3.1.2. The recognised Trade Unions will be provided with sufficient information (which incorporates the requirements of existing legislation) and which will make clear that the restructuring/changes proposed are subject to meaningful consultation for which a reasonable timeframe will be agreed wherever possible. Timescales and arrangements for feedback will be provided to continue formal consultation.

3.1.3. The recognised Trade Unions will take steps to ensure that they provide meaningful feedback in a timely manner.

3.1.4. In relation to planned changes to staffing levels, the University and the Trade Unions will engage in meaningful consultation with a view to identifying ways to: avoid any potential compulsory redundancy dismissals; reduce the potential number of staff to be dismissed through compulsory redundancy; and mitigate the consequences of any redundancies.

3.1.5. The sharing of information and subsequent consultation may occur through written notification and consultation/negotiation meetings to be



held with the Trade Unions, and where appropriate this might include updates on specific actions.

3.1.6. In addition to consultation with the Trade Unions, staff in the affected area will be consulted in a timely manner and in appropriate detail to invite staff engagement and feedback on the proposed change. Timescales and arrangements for feedback will be provided to continue formal consultation, which take appropriate account of milestones such as key dates in the academic timetable, etc.

3.1.7. The Review Group will draft a plan which takes account of the views received through the mechanisms described in sections 2 and 3.

3.1.8. The Review Group will share the final approved restructuring plan with both the Trade Unions and affected staff including: providing feedback on changes, and communicating next steps to staff and Trade Unions.

4. AVOIDANCE OF COMPULSORY REDUNDANCIES

4.1. It is the aim of the University, as far as possible, to avoid compulsory redundancies. All appropriate steps will be taken to minimise the risk of compulsory redundancy. Consultation with Trade Unions and staff during restructuring will continue to explore the most appropriate ways of minimising such risk.

4.2. Should the restructuring plan indicate that staffing reductions could be a possibility within a particular area/department, a number of mechanisms will normally be considered, including the possibility for appointment to roles deemed to be suitable alternative employment, as created in the context of the Restructuring plan, and those contained within the University's Redundancy Avoidance procedure. The University will also give due consideration to suggestions made during consultation with Trade Unions and staff.

5. IMPLEMENTING RESTRUCTURING PLANS

5.1. Initially the Review Group will consider any roles in the existing structure which can reasonably be matched to roles in the proposed new structure and suitable alternative employment. This will identify staff whose posts will and will not be affected. This will be done on the premise that when considering both roles in their entirety the vast majority of the requirements of the existing and new roles can be matched without significant need for reskilling.



- 5.2 Where a member of staff whose post has been identified as being at risk of redundancy is on Maternity leave, they are protected under the law and have the right to be offered a suitable alternative role, if one exists (without any requirement to apply for it, or attend an interview, or any form of selection process).

This protection will begin at the point at which an 'at risk' notification is issued and will apply until the structure has been populated. Employees will also qualify for the protection outlined above if they are on Adoption or Shared Parental Leave or taking a period of annual leave that runs concurrently to the parental leave.

This protection will be outlined to all staff involved in the re-structure at the beginning of the consultation process.

- 5.3.** Where any mechanisms to avoid compulsory redundancies have not thus far achieved the full objectives of the restructuring plan, staff whose posts are affected will then be invited to enter into a formal and transparent selection process using agreed criteria to fill the posts in the new structure.
- 5.4.** Wherever possible, affected staff will be able, through ring-fencing, to express an interest, for prior consideration for positions in the new structure. There will be an appropriate and agreed selection process where more than one member of staff meets the minimum criteria for a post.
- 5.5.** Where there are to be new roles in the revised structure, the grading for posts will be determined according to the University's grading scheme, and will be based upon clear 'About the Job' documents. Any perceived incorrect grading of posts or concerns in relation to job design shall be reviewed using existing procedures.
- 5.6.** The University will share with the recognised Trade Unions the proposed timescales throughout the process especially in relation to expression of interest, selection event and decisions. Where possible, intervals of 2 weeks, 2 weeks and 1 week respectively shall be the normal expectation of minimum time allowance between each event.
- 5.7.** Affected staff and Trade Unions will be kept apprised of progress relating to the restructure through regular updates using appropriate and agreed communication methods. Following conclusion of such selection processes



should any staff remain displaced by the approved new structure, further consideration will be made, and consultation with Trade Unions and staff will also take place to review whether revisions can be reasonably made to the original plan.

- 5.8.** If following consultation and further consideration of the options, the Review Group decides that further revisions can be made to the original plan, it will revise the plan accordingly. Staff remaining without a role will have the opportunity of prior consideration for any role which becomes available following agreed revisions to the plan.
- 5.9.** Consultation with Trade Unions will continue to explore ways to avoid compulsory redundancies in relation to any staff who, following the conclusion of all earlier processes, still have no role in the new structure and are considered to be 'at risk'.
- 5.10.** If any staff remain at risk of redundancy, the University's Redundancy Avoidance procedure, Redeployment procedure, Redundancy procedure and University Statutes where applicable, will be applied. This includes; inter-alia; continued consultation, redeployment and other emerging opportunities, voluntary redundancy, formal notice, the right of appeal and defined appeal process.

6. POST-RESTRUCTURING REVIEW

- 6.1.** When restructuring has concluded, there will be the opportunity for the University to explore with stakeholders, including staff and Trade Unions, whether any organisational or departmental process improvements could be considered. Such a review would focus on improvement, and measures to manage the change, rather than changing decisions made during restructuring. For example:
- 6.1.1.** A review might focus on identifying what went well; ensuring any emergent concerns or problems are addressed; and recording any lessons learned. A review template is available.
- 6.1.2.** A Post –Change Wellbeing Risk Assessment could be undertaken to review staff wellbeing and take action where required.
- 6.1.3.** It is good practice for the outcomes of the post-restructuring review to be shared with Trade Union colleagues for discussion, via JUCC, and with staff, as appropriate.



The
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Of
Sheffield.

Human
Resources.

6.1.4. Further information is provided in the guidance.
www.sheffield.ac.uk/hr/guidance/change/toolkit