



Organisational Change & Redeployment Policy

1.4

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1. INTRODUCTION

Southern Hampshire Primary Care Alliance (SHPCA) has a responsibility for the implementation of national and local health strategy, where applicable to the services that it provides. It is recognised, therefore, that this may on occasions necessitate varying degrees of organisational change. SHPCA is committed to these being managed in a fair and equitable way, giving due regard to the needs of patients and staff alike.

SHPCA is committed to managing change in a proactive way, ensuring that staff are both aware of and understand the nature of the change, how it might affect them and that it is managed within a reasonable timeframe. Changes which affect staff will be conducted in partnership with staff members and their representatives to include full and meaningful consultation, as set out in this policy.

SHPCA will provide those staff affected by change with support and guidance at the earliest opportunity and according to their individual needs, recognising that the successful implementation of any change is dependent upon the continued commitment and efforts of line managers and the wider workforce. SHPCA is committed to managing any change with due regard for the health and wellbeing of its workforce.

2. SCOPE

This policy sets out a framework for the management of organisational change to ensure that SHPCA is fit for purpose for the future whilst ensuring stability and delivery during periods of change. This is balanced with the necessity of operating within available resources and meeting requirements to enhance service quality and productivity.

The policy sets out the principles and standards expected to ensure staff are appropriately supported and fairly treated during changes. The provisions contained within the policy are in accordance with relevant employment legislation and best practice and will apply to every employee SHPCA.

3. POLICY AIM

The aim of this policy is to provide guidance to managers and staff during periods of change, including advice on due process to follow when consulting with staff, best practice methods for selecting staff affected by change and support for staff that are “at risk” as a result of change.

It is recognised that the timescale, type and pace of change will vary, however to ensure a consistency of approach wherever possible, it is suggested that 30 days is applied to any consultation process giving opportunity to communicate and consult with staff. This length of time may be increased or decreased depending on the proposed change, in agreement with the employees involved and staff side representatives.

4. PRINCIPLES

SHPCA is committed to the following principles:

- Openness and transparency in communications with staff.
- Consultation with staff and their representatives as soon as the likely implications are known, to keep staff informed at all stages of the change process and to respond to staff concerns promptly.
- Reasonable treatment of staff by ensuring new organisational arrangements are implemented fairly and equitably, that HR process is applied, appropriate mechanisms are put in place to support staff and realistic timescales are adopted throughout.
- Reasonable steps will be taken to avoid redundancies wherever possible thereby retaining business critical skills and experience.
- Ongoing development of the organisation to ensure it remains fit for purpose into the future and the cost of reorganisation is minimised
- Ensuring business continuity throughout the period of change.
- Collaborative working between agencies in the case of integrated teams.

5. DEFINITIONS

The list below provides an example of when this policy may apply. This list is not exhaustive:

- National and local policy impacting on organisational form and structure
- Departmental restructuring
- Transfer of a service in or out of the organisation
- Cross organisational moves (such as to the local authority)
- Changes which affect staff terms and conditions of employment
- Workforce modernisation and large changes to current processes of work.

Change may take place for the following reasons. This list is not exhaustive:

- To respond to Government initiatives to bring about change in health care provision.
- To develop the organisation and ensure it is performing effectively.
- To support the organisation's strategic vision and direction.
- To respond to the transfer of a service in or out of the organisation.

With some of the changes detailed above, this may result in the following:

- Staff become affected by change: where it is known that an organisational change is likely to result in staff being put "at risk" of redundancy. There may be a reasonable time period between staff being affected by change and being formally declared as "at risk" of redundancy, to ensure appropriate consultation takes place with staff.
- Staff become "at risk" of redundancy: where formal consultation has taken place, feedback received has been considered and a final way forward determined.
- The outcome confirms the removal of their substantive post from the structure.

- Staff are transferred out of the organisation: where a service transfers to a new organisation, or into the organisation, staff employed in that service will transfer to the new organisation under a transfer order or 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.

6. COMMITMENT TO STAFF

In order to avoid any reduction of the workforce, in the first instance the organisation will:

- Review all vacancies as they arise and recruit only to critical posts
- Review opportunities to promote flexible distribution of roles and work
- Review existing arrangements for temporary, fixed term, bank staff or interim consultants
- Review flexible working arrangements including job share, job transfer, career breaks, secondments or reduced hours
- Manage staff attendance
- Train or retrain staff
- Redeploy staff wherever possible
- Invite voluntary solutions; such as voluntary redundancies, early retirement or flexible retirement.

7. KEY RESPONSIBILITIES

Managers are expected to:

- Ensure all their staff are fully communicated and engaged with regarding proposed changes, which will include the provision of regular 1-1s and team meetings. This may include prior communication with individual staff where job roles could be significantly impacted.
- Maintain a robust audit trail and record keeping in relation to processes followed and decisions taken in respect of all staff for whom responsible.
- Ensure all staff who are currently absent from the organisation are fully briefed and involved, inviting them to all meetings as appropriate (such as those on maternity, long term sick leave or secondments).
- Inform any staff associated but not affected by the change, including joint appointment roles.
- Ensure staff attend meetings associated with the change.
- Ensure all staff are treated fairly and equitably.
- Work in line with appropriate policy, involving SCW HR where necessary.
- Maintain confidentiality.

Staff should commit to:

- Actively participate in all forms of communication to ensure they are fully engaged and informed of any proposed changes.
- Attend related meetings
- Speak to their line manager or SCW HR regarding any personal concerns they have
- Ensure business as usual before, during and after the changes working in line with SHPCA policy
- Arrange for their staff side representative or work colleague to attend individual meetings, where they have the right to do so
- Maintain confidentiality during and after the changes, respecting colleagues and their personal concerns with regards to the proposed changes.

SWC HR are expected to:

- Provide advice and guidance to managers and staff including the provision of relevant support.
- Ensure due process is followed in a fair and equitable manner, in line with national legislation and best practice.
- Work closely with managers and relevant colleagues to ensure engaging communication methods are applied.

8. PROCESS

Communication and Consultation

The involvement of staff members, staff engagement groups and staff representatives throughout the change process is crucial to achieving a successful outcome. Representatives in this sense may be a recognised staff side representative from within SHPCA or a workplace colleague and will be involved at each stage of the consultation process.

Effective communication and consultation mechanisms will be developed according to the nature of the proposed organisational change. These may include a combination of individual or group briefings depending upon the size and scope of the change to be managed. SHPCA will inform and consult with the recognised trade unions in conjunction with formal discussions with staff. The methods used to communicate with and consult staff will take account of accessibility issues for staff with disabilities (for example visual and hearing impairments).

A formal consultation document to support the change process will be developed.

During the consultation period, staff will be given every opportunity to comment on the proposals outlined in this document. Staff who are absent from work, such as those on maternity, long term sick leave or secondments will also be included within the consultation.

Consideration should be given as to the most appropriate way to collect feedback.

Arrangements should be made to respond to staff feedback and to modify structures on the basis of such feedback where this is considered appropriate.

9. RECRUITMENT & SELECTION

The process for appointing to approved posts within the new structure will follow the close of the consultation process and will be conducted in line with best practice. Appropriate communication arrangements will be put into place to ensure that affected staff are made aware of all vacancies for which they are eligible to apply.

A matching process will be used to ascertain which staff are eligible to apply for the roles in the new structure. A job matching assessment form can be found on Appendix A.

The matching process will be undertaken to compare a person's substantive position with one or more in the new structure. This will include a review of:

- Current grade and salary
- Reporting line and line management responsibilities
- Nature of work and job responsibilities, including cross referencing the key essential elements of the person specifications
- Qualifications and training
- Location

The percentage match will determine the pool which the current post holder(s) will be placed; the first pool for percentage matches of 70%+ and the secondary pool for matches between 40 and 69%. Any match of below 40% will be disregarded for matching purposes.

Appendix B provides guidance for managers for situations which are not distinctly defined and require further analysis.

Staff who are absent from work, such as those on maternity and long term sick leave will be included in the matching process.

Members of staff on fixed term contracts covering a position usually filled by an absent permanent member of staff or performing a role that is time and funding-limited, will not be eligible to be considered for a position in the new structure.

Members of staff on fixed term contracts who are covering a vacant but substantive position, however, will be eligible.

For staff currently on a secondment or in an acting up role, their substantive role will be used for the purpose of consultation and matching.

Staff will be excluded from the process:

- when they have already formally given notice of their intention to resign/retire at any time before the interview date
- when they have already secured employment with another employer at any time before the interview date
- when they have been notified of the date of the termination of their contract of employment for any other reason.

On completion of the matching process the following stages will be applied:

Stage 1- Direct placement into substantive role

Direct placement into a substantive post may apply where the duties and accountabilities of a post are not significantly reorganised and are substantially the same. By way of example (although some flexibility in relation to percentage may be required, depending on the circumstances of the change);

- 70% or more of the duties of the existing role as described in the job description, remain consistent.
- The pay band/grade of the post does not change as a result of direct placement
- The scope of the role does not alter significantly, and
- No other person from within SHPCA has a substantiated claim that they should be deployed into the same post.

Staff will be notified of the outcome in writing, including any right of appeal.

Stage 2 – Pooling

Where a post has not been filled through stage one by the primary pool of 70% or more match, all outstanding vacancies, where possible, should be filled from the remaining substantive secondary pool of 40-69% match. This will be a closed round of competition for staff affected by the change currently doing similar work at a similar level.

Only staff assigned to the appropriate pool will be eligible to apply at this stage. Adequate time will be afforded to staff to consider which posts to apply for and to prepare for interview where these are necessitated.

If an employee wishes to make a case to change pools, this request should be made in writing to their line manager as a matter of urgency and certainly before interviews take place. Each case will be considered on the basis of individual circumstances and advice from SCW HR should be taken.

In line with best practice, the interview and selection process will be based on the job description and person specification of the role, supported by a robust scoring system.

In some circumstances the posts in the new structure may be at a higher grade. In these cases, limited competition interviews may take place for the higher graded post(s) involving

eligible staff. This will consider whether the individual(s) meets the essential qualifications, competence or requirements of the higher banded post(s).

Staff will be notified of the outcome, in writing, including any right of appeal. Staff offered a post in the new structure may consider their decision to accept this for a maximum of seven calendar days. If they do not accept the post, they need to provide in writing, the reasons for not deeming the post to be suitable alternative employment.

Employees should be informed that where they unreasonably refuse to take up the new post, and another suitable alternative is not identified, they will be deemed to have resigned and therefore not eligible for any redundancy payment. Their employment will then be terminated.

Stage 3 – Open Competition

If no one from stage one or two is appointable, wider advertisement of the post will apply, both internally and externally.

10. REDEPLOYMENT

Once the formal consultation period and the aforementioned stages have been exhausted, should individual post holders remain displaced, they will be formally placed “at risk” of redundancy, and depending on length of service and other contractual entitlements, contractual notice of between 4 and 12 weeks will be issued.

At this point the final date of employment will be identified and a formal redeployment search will commence, and continue throughout the notice period.

If it is identified that an individual is to be redeployed, they will be required to attend a redeployment counselling meeting, with their line manager and SCW HR representative who will explain the process to be followed. This meeting should take place within one week of redeployment being identified and a record will be made of the meeting. Individuals are entitled to be accompanied at this meeting by a work colleague, staff side or trade union representative, and it is their responsibility to make the necessary arrangements.

At the redeployment meeting a discussion will take place surrounding the types of roles which may be available. Details will be obtained of the individual’s skills, experience and knowledge. In addition they should be given access to information regarding job vacancies in SHPCA. At this meeting, the individual will be formally placed on the redeployment register (see Appendix 2) for the duration of their notice period.

Redeployees should be given reasonable time off to attend interviews within SHPCA and in other organisations.

It is a joint responsibility between SHPCA and the individual to identify any suitable vacancies to be explored. Regular communication should take place with respect to the suitability of roles identified.

Suitable alternative employment should take into account:

- Current band/grade and salary
- Reporting line and line management responsibilities
- Nature of work and job responsibilities
- Working times
- Location including additional travel time and cost, and travel arrangements including access to public transport
- Personal circumstances such as family or caring responsibilities
- Capacity to make reasonable adjustments (for someone with a disability)
- Status associated with their current role that may not be addressed even with pay protection.

Some degree of flexibility is expected on the part of both the employee and SHPCA in this respect and it is important that each case is looked at on its own merits.

Where an individual meets all the essential criteria in the person specification, consideration should be given to pursue this as a redeployment opportunity. Although individuals will be considered before posts are open to other candidates, making an application does not guarantee appointment. When considering whether posts are suitable for employees with a disability, consideration will be given to whether the role would be suitable with reasonable adjustments in place.

Other than in exceptional circumstances, where redeployment is due to organisational change, posts generally considered as suitable employment will be no more than one pay band/grade higher or lower than the current post, and pay protection pay will be applicable in accordance with section 8.8 of this policy. For all other cases of redeployment, posts of all grades may be considered, however pay protection will not apply, other than in exceptional circumstances.

In cases of redeployment on health grounds, an occupational health practitioner will be asked to perform a detailed job/person suitability assessment regarding the vacancy to determine if it is suitable. In all cases of redeployment all pre-employment checks that are relevant to the post will be required i.e. references, Disclosure and Barring Service clearance and occupational health clearance.

Once a post is identified as potentially suitable, the individual will be invited to attend an informal meeting with the line manager to discuss suitability for the post. In the event that more than one staff member is considered potentially suitable for the same position, all eligible redeployees will be formally interviewed. An SCW HR representative should be present at any meetings or interviews and a record will be made of this meeting. Competency based assessments may also be required for employees requiring redeployment, for example typing and IT tests.

Where suitability cannot be agreed by the recruiting line manager and the HR representative attending the meeting or interview, a referral will be made to the associate director for their consideration. The interviewing manager will be required to provide written feedback to the candidate following the interview or meeting giving reasons for their decision.

Trial Periods

Individuals will be offered a four week minimum trial to allow both parties to assess the suitability of the role. The trial period may be extended for training purposes only and by prior agreement in writing. If an individual is successful in obtaining the position after the trial period, the offer will be made to them in writing, and they will be required to formally indicate acceptance in writing.

Should the individual be absent from work through sickness or on compassionate grounds, there is an opportunity for an extension to the trial period. In the event reasonable adjustments are required and recommended by Occupational Health/ medical professionals managers should take advice from SCW HR and thoroughly consider whether a longer trial period is appropriate.

If redeployment is due to organisational change, individuals have a statutory right to a trial period of four weeks, and following this may be eligible to a redundancy payment if the post is not considered suitable by either party.

If redeployment is due to capability issues they may be offered a trial period of between four and, up to a maximum of, twelve weeks in accordance with their notice period.

During the trial period, clear performance objectives should be set by the line manager and regular review meetings will take place to discuss and assess performance against the objectives. An SCW HR representative should be present at any meetings and a record will be made of this meeting.

If an individual has been redeployed on health grounds, they should be invited to attend a follow-up appointment with an occupational health/medical practitioner, prior to the end of the trial period, to ensure the individual remains fit to undertake the role.

Should the individual successfully achieve the performance objectives set during the trial period, and be considered fit to undertake the role following any occupational health appointment, a substantive contract should be issued.

Should individuals fail to achieve the performance objectives set during the trial period, a further review of employment status will follow. A meeting will be convened to discuss the issues which may result in the termination of the individual's employment, on the grounds of capability or redundancy, depending on the circumstances leading to the redeployment. An SCW HR representative should be present.

When an employee is undertaking a trial period within SHPCA, their terms and conditions remain as they are in their substantive post. Any changes to their terms and conditions of employment will take effect on permanent appointment to the post.

Individuals will be required to formally indicate, in writing, their intention to accept or decline an offer of employment, and forward this to the SCW HR team. Where they have declined a position, the individual must clearly state the reasons for this.

Should it be deemed that the individual has unreasonably declined an offer of employment their employment status will be reviewed. In cases of organisational change, employment may be terminated and the individual may forfeit entitlement to any redundancy payments due.

Should the post the individual is redeployed to be temporary in nature, they will resume redeployment status at the end of the tenure, this will include rights to redundancy payments if applicable.

If it is not possible to successfully redeploy the individual into a suitable post, they will meet with their line manager and an SCW HR representative at the end of the notice period, to complete appropriate leaving procedures.

Protection of Salary

Where a new post being offered as suitable alternative employment would result in a loss of earnings due to a lower grade, the following protection arrangements may apply for staff across the SHPCA:

Length of Continuous Service	Years of Protection
Less than 1 year	1 year
Between 1 and 2 years	2 years
Over 2 years	3 years

Staff that TUPE transfer to SHPCA will retain the terms of their predecessor's organisations pays protection arrangements.

Protection will be afforded on basic pay or salary on a mark-time basis, until the earnings in the new post overtake the protected rate or unless the employee changes their role.

Protection of travel expenses

Employees, who are required to change their base of work as a result of a merger of employers or their acceptance of another post as an alternative to redundancy, may be reimbursed their extra daily travelling expenses, the following protection arrangements apply from the date of transfer:

Length of Continuous Service	Years of travel protection
Less than 1 year	1 year
Between 1 and 2 years	2 years
Over 2 years	3 years

Staff that TUPE transfer to SHPCA will retain the terms of their predecessor's organisations travel protection arrangements.

11. REDUNDANCY

Whilst SHPCA is committed to avoiding compulsory redundancies as far as possible, this may become necessary in certain circumstances. Every effort will be made to help the staff member secure suitable alternative employment, with additional support provided where appropriate.

In some cases of organisational change it may be appropriate to consider the use of voluntary redundancy and early retirement schemes for defined categories of staff. In such cases, full consultation will take place and there will be strict criteria for those being eligible to apply. Application for voluntary redundancy does not guarantee that it will be granted, even when expressions of interest have been invited.

Following the outcome of the recruitment and selection process, outlined in section 8.2 above where an individual has not been successful in securing a position in the new structure, and during discussions with regards to redeployment, staff will be provided with the opportunity to discuss their future career options and preferences with their line manager, SCW HR and their representative. Staff will be given support for development and retraining throughout their notice period, ensuring they are best placed for future opportunities. This support may include one or more of the following:

- Training in CV and interview preparation
- Paid time off for interviews within the NHS and with other employers by agreement.
- Trial periods in appropriate posts
- Outplacement support
- Career coaching.
- Occupational health support
- Employee assistance programme support

Redundancy Payments

Any person who faces the possibility of redundancy will be made aware of payments to which they would be entitled in this event. Redundancy payments will be made in accordance with contractual entitlements.

Employees shall not be entitled to redundancy payments or early retirement on grounds of redundancy if:

- they are dismissed for reasons of misconduct, with or without notice; or
- at the date of the termination of the contract have obtained without a break, or with a break not exceeding four weeks, suitable alternative employment; or
- unreasonably refuse to accept or apply for suitable alternative employment; or
- leave their employment before expiry of notice, except if they are being released early; or
- they are offered a renewal of contract.

12. CONTRACTUAL NOTICE PERIOD

Priority must be given to business continuity; therefore displaced staff will be required to work their contractual notice period in all but exceptional circumstances. Cases which are considered to be an exception can be agreed only by the relevant director with the full agreement of the chief officer.

Where displaced staff obtain alternative employment during their period of notice and wish to commence this employment prior to the end of their period of notice of redundancy, managers should consider releasing the staff member on a mutually agreeable date.

13. TUPE TRANSFERS

Where a service transfers to a new organisation, or into the organisation, staff employed in that service will transfer to the new organisation under a transfer order or the Transfer of Undertakings (Protection of Employment) (Amendment) Regulations 2014 (TUPE). These regulations protect the existing terms and conditions of employment for staff and ensure that continuity of service is protected. Some examples of a transfer are as follows:

- Where all or part of a service is commissioned by an alternative provider
- Where the organisation, or part of it, is bought or acquired by another organisation
- Where the organisation ceases to exist and/or combines with another organisation
- Employees who are affected by a transfer are as follows:
 - Those who work solely within the service and/or part of the organisation transferring across
 - Where a significant proportion of the activity completed by individuals can be attributed to the service/part of the organisation transferring
- Fixed term staff
- Staff currently seconded out of the service
- Staff currently on maternity or long term sick leave.

Employees who are not affected by a transfer are as follows:

Where a small proportion of the activity completed by individuals is within the service and/or part of the organisation transferring across and the greater majority of activity is retained by the current employer

Those temporarily employed to work within the service and/or part of the organisation transferring across.

The new employer will be responsible as follows:

For working in partnership to ensure staff are fully consulted with during the change

For the terms and conditions of the employees transferring

For all rights and obligations arising from staff contract of employment, except criminal liabilities and some benefits under an occupational pension scheme

For all collective agreements made on behalf of the employees and in force immediately before the transfer.

Ensure workers where applicable maintain their NHS pension scheme membership for those transferred workers in accordance with 'Fair Deal' agreement.

The new employer will not be able to:

Fairly dismiss an employee because of the transfer or a reason connected with it, unless the reason for the dismissal is an economic, technical or organisational (ETO) reason entailing changes in the workforce. If there is no such reason, the dismissal will be deemed unfair.

Change the terms and conditions of the transferring employee because of the transfer or a reason connected with it, unless the reason for the change is an economic, technical or organisational (ETO) reason entailing changes in the workforce. Should this apply, full consultation should take place with employees affected. Examples include:

- **Economic** - where the demand for the service or department has fallen to such an extent that a reduction in the number of staff is required
- **Technical** - where new technology is required and the staff employed do not have the required skills and a reasonable level of training would not resolve this
- **Organisational** - where the organisation is required to move to a different location and it is not practical to transfer staff.

The existing employer will be responsible for:

- Working in partnership to ensure staff are fully consulted with during the change
- Providing the new employer with relevant staff information.

Where TUPE applies, employees have the right to object to the automatic transfer of their contract of employment to a new employer. However, such a refusal will mean that their contract will come to an end upon the transfer without the need to give notice and they will not be eligible for unfair dismissal compensation or redundancy payments.

14. APPEALS

Staff have the right to appeal with regards to changes impacting their terms and conditions of employment. Any such appeal must be lodged either in writing by the employee, within two weeks of receipt of the written notice of the change to their terms and conditions of employment.

All appeals should be addressed to the employee's line manager in the first instance. Appeals will be formally considered by an appropriately constituted panel. The staff member can be represented by a trade union representative or a workplace colleague.

It is not sufficient merely to disagree with the change itself. The employee must stipulate their full grounds of appeal in writing, which should be one or more of the following:

- The detrimental impact of the change on the individual
- Failure to follow the procedure

An appeal hearing will be held as soon as reasonably practicable, but the employee will be given a reasonable amount of time to prepare their case.

Where possible, the appeal hearing will be conducted by the relevant director and who has full knowledge of the organisational change and reasons for the change. A member of SCW HR will also be present. The employee may bring a trade union representative or a workplace colleague with them to the appeal hearing. Following the appeal hearing the director will:

- Confirm the original decision
- Revoke the original decision or
- Substitute the original decision.

We will inform the employee in writing of our final decision as soon as possible, usually within one week of the appeal hearing. Where possible we will also explain this to the employee in person. There will be no further right of appeal.

15. APPENDIX A – JOB MATCHING FORM

Job Matching Assessment Form			
Q1.	Employee's Name		
Q2.	a) Post Title in the new structure		b) Current Post Title
Q3.	a) Directorate		b) Current Pay Band / Grade
Q4.	a) Matching Panel Members		b) Date matching undertaken

Matching Assessment					
New Role	Summary of Evidence Required	Evidence of Match from Current Role	Percentage Match to Criteria	Score (percentage of max score (a) ÷ (b) x 100)	Maximum Score
Current Band / Grade					50
Reporting line and line management responsibilities					100
Nature of work and job responsibilities					200
Qualifications and training					100
Location					50
Total Score:					500

Panel Decision
<input type="checkbox"/> Match and direct placement (one individual matches 70% or more of new role) <input type="checkbox"/> Pooled Post (more than one individual matches 70% or more of new role) <input type="checkbox"/> Pooled Post (no individual matches 70% or more of new role, but one or more individuals match 40%-69% of new role) <input type="checkbox"/> Not suitable (individual matches less than 40% of new role)

Panel Members	
Matching Panel member (Manager): Name (print): Date: Signature:	Matching Panel member (SCW HR): Name (print): Date: Signature:
Matching Panel member (Staff Side): Name (print): Date: Signature:	

