

Restructuring and reassignment procedure within Social Security Scotland

[Page 1] Background

This guidance complements Scottish Government's Restructuring and Reassignment policy, explaining how those measures and processes apply within Social Security Scotland.

The guidance explains the different stages of the process and the steps to follow when managers are looking at their team resource, thinking of conducting a restructure, and considering reassigning staff. This may be due to the following reasons:

- a business area has a reduction in the volume of its work
- a project or piece of work has come to an end
- there has been a general change to the nature of the work a team is carrying out.

Managers must ensure they follow the process as it is set out in this guidance. Where actions are optional or recommended this is clearly indicated.

Scope

The restructuring and reassignment procedure applies to all staff employed on a permanent basis by Social Security Scotland. This includes members of staff who are currently away from work, for example on leave (paid or unpaid, including parental, special and sick leave), or on loan or secondment to other government departments (OGDs) or outside organisations. These individuals remain part of Social Security Scotland's headcount and must be made aware of the restructure taking place. Care must be taken to ensure they are kept informed about potential restructures, receive the same formal communications as other staff, and have the same opportunity for consultation.

Stages one and two of the procedures apply to all colleagues affected by a restructure. However, stages three, four and five of the procedures do not apply to fixed term appointees (FTAs), agency staff, consultants, secondees or loans into Social Security Scotland. These categories of staff, whether recruited with or without fair and open competition, are excluded from the scope of the policy

and their appointments could potentially terminate early in line with existing procedures.

[Page 2] Process to support the movement of staff into new roles

Stage one – Starting the restructuring process

Restructuring may occur at different levels of the organisation and may include small or large changes to organisation structures.

Deputy directors are responsible for reviewing their workforce planning and management needs on a regular basis with their HR business partner (HRBP). This ensures consistency with their projected budget and consideration of any required efficiencies and people plans. Managers in localised teams support their deputy directors through business priority reviews.

These actions should inform what, if any, changes are needed to the number, make-up and type of roles and skills required to take forward business objectives. They will also determine whether a restructuring exercise is required.

A senior manager of at least deputy director level must take overall responsibility for any restructuring exercise. The deputy director may delegate some responsibilities to an appropriate management level; however, where actions in this procedure cannot be delegated this is clearly indicated.

Deputy directors, or their delegated officers, must engage with their HR Business Partner prior to commencing any restructuring process.

Deputy directors, or their delegated officers, should consider the following measures with their HR Business Partner ahead of any further consultation, and with the aim of reducing the impact of restructuring on employees where possible:

- reviewing the use of temporary workers and contractors
- reviewing the use of Fixed Term Appointments
- restrictions on recruitment
- reduction or elimination of overtime across an area where these additional hours could be filled by an unassigned member of staff
- review of posts currently filled on temporary promotion

This list is not exhaustive and may be added to via the consultation process outlined in stage two of this procedure.

Where posts are identified as no longer required, those postholders will be required to find new roles within Social Security Scotland. In the first instance it should be considered whether they can be aligned to alternative vacancies within their team, branch or division. Further guidance on this type of staff movement is provided at sections 4 and 5.

[Page 3] Stage two - Consultation

Deputy directors, or their senior delegated officer, are responsible for engaging in consultation with the Council of Scottish Government Unions (CSGU) alongside the relevant HR business partner. At a minimum, an outline plan must be provided and a meeting with CSGU provided. This consultation should commence at the planning stage and always prior to consultation with staff to allow for adequate consultation.

Engagement should then extend to the process of matching roles within the area, in consultation with the affected group.

Deputy directors, or their delegated officer, are responsible for preparing a communication plan that covers all employees in the impacted area. This should include any employees currently away from the business area.

Deputy directors must make a reasonable and balanced final decision on the restructuring plans based on business needs and the feedback received during the consultation process. This cannot be delegated.

[Page 4] Movement within teams

Where it is possible to move a team member to an available role within a team, business areas should get approval from their respective C-band line management, discuss and agree the move with the team member, then carry out the move by updating their role and new line manager (where applicable) on Oracle.

Where there are more team members than available posts, an exercise within the team should be carried out to identify who wishes to move into the available role and who would prefer to seek an alternative role. These preferences should be explored and discussed between the team members and their respective line managers during one to one conversations. Next, an Expression of Interest

exercise should be carried out to establish which team members will remain or move into the available roles.

This step should be completed within six weeks of identifying team members who no longer have a role. Those who have not found a new role during this time will become 'unassigned'.

[Page 5] Movement within branches and divisions

If an unassigned team member cannot be moved into an available role within their existing team, the next step is to consider the availability of roles within their wider branch or division. This will involve C-band leaders within the same branch and division identifying roles which are similar or a natural fit. The HR Business Partner should also be consulted during this process.

The unassigned team member's line manager should explore and discuss their preference during a one to one conversation. If the team member, current and new line managers agree to the move, this can go ahead, subject to Deputy Director sign-off. The Workforce Analytics team should also be notified. To facilitate an agreed move, the two line managers should agree a release date for the team member and complete the transfer on Oracle.

Where there are more unassigned team members than available posts within the branch or division, an Expression of Interest exercise should be carried out by the team carrying the vacancy, to establish which team member(s) will move into the available role(s).

This step should be completed within six weeks of identifying unassigned team members.

[Page 6] Stage three - Priority Movers

Where it isn't possible to move unassigned team members to an available post within their existing team, branch or division, they will become a "priority mover" and this stage of the process must be followed. This contributes to ensuring that staff are treated fairly and consistently under employment legislation and Scottish Government policy.

Individual rights

Priority mover status only applies to roles within Social Security Scotland and cannot be carried over to other government departments. When a team member becomes a priority mover they will have the following expectations:

- to be given access to certain roles ahead of general release, which have been identified by Workforce Planning and assessed for suitability by Resourcing.
- to have any health / Equality Act 2010 considerations taken into account in terms of reasonable adjustments
- that, subject to business needs, existing working patterns will be respected
- that employee passport arrangements will be adhered to
- to have access to support materials when being considered for opportunities / vacancies
- to continue to be paid by their current business area until they are reassigned
- where applicable, to be considered for excess fares in line with the excess fares policy if reassigned to a post that is further away from their contractual location
- personal circumstances for each staff member will be fully considered and every effort will be made to accommodate within the priority movers process (for example number of working hours, caring responsibilities, workplace adjustments, time off for regular medical appointments)

Advertising posts to priority movers

Priority movers will be placed on the priority list where they will have access to certain internal vacancies for two weeks ahead of general release, which have been identified by Workforce Planning and assessed for suitability by Resourcing. These opportunities will be available on a level transfer basis only.

Vacancies advertised to priority movers will use an expression of interest (Eoi) process for selection if more than one priority mover indicates their interest in the role. Criteria for selection will be clearly published on the advert.

After two weeks, if a vacancy is not filled by a priority mover, it will be advertised through our normal advertising channels.

Employees with priority mover status can still apply for roles advertised through existing channels, however, they will be expected to compete in the normal process with other applicants. These types of opportunities include:

- Within-division level transfers advertised through Saltire internal opportunities and / or circulated by Business Management Teams

- Across-Organisation level transfers advertised through Saltire internal opportunities
- Temporary Promotion (TP) and temporary level transfer (TLT) roles advertised through Saltire internal opportunities
- Permanent promotion opportunities through Oracle's Opportunity Marketplace, Scottish Government's Work for Scotland website, and Civil Service Jobs.

Priority movers will be expected to do as much as possible to search for and accept any suitable vacancies across Social Security Scotland and the wider Scottish Government. Individuals will have 6 weeks to secure a new role from the time they are given priority mover status. The expectation is that most priority movers will be able to secure a new role within this time.

Line management support

The line manager will play an essential part in providing appropriate support. Priority movers will remain the responsibility of their current directorate and specifically the current manager (unless the manager has also been displaced). Otherwise, they will be the responsibility of a manager within the wider division until they secure another permanent role. During this period, they must be provided with meaningful work by their current manager. Further information about meaningful work is available under the 'further considerations' section of this guidance.

Managers should carry out an initial one-to-one meeting with their priority mover(s), making provisions for those who are on long-term leave. The purpose of this meeting is to discuss the reassignment process and devise a reassignment action plan to maximise their chances of finding a suitable alternative role.

Managers should meet regularly with their member of staff to monitor their progress and discuss any issues that arise, including any suitable opportunities for alternative employment. They should also help their staff to address, where possible, developmental needs highlighted in guaranteed feedback from unsuccessful applications.

Managers should ensure that priority movers are given reasonable time to prepare job applications and to undertake any relevant learning and development work in relation to writing CVs and preparing for interviews.

Managers will ensure that the workload of the priority mover is appropriate in order to allow time for the completion of such activities.

Panel assessment of priority movers

If only one priority mover expresses an interest in the role, it is expected they will be offered the role with no requirement for a selection process, unless there is a clear reason why they could not undertake the role. The panel for the vacancy should not decline a priority mover without consulting Social Security Scotland Resourcing colleagues. Where a hiring manager is not going to make an appointment for a priority mover, the justification should be presented to the Resourcing Team.

If more than one priority mover expresses an interest in a particular role, it is expected the panel run an initial, light-touch expression of interest exercise against the published criteria for the role. No additional criteria can be added and priority movers should be appointed in merit order as per standard resourcing policy.

Unsuccessful priority movers must be given prompt constructive feedback to enable them the best chance of securing a new role at the earliest opportunity.

[Page 7] Stage four - Selection Pool

If after six weeks a priority mover has not secured a role, they will be entered into a selection pool process to be matched by a selection panel to an alternative available role. Selection pool vacancies are opportunities that have been made available by senior leaders. These roles will be suitable for matching to existing priority movers as they require transferable skills and experience rather than specialist skill sets.

Selection pool candidates will then be matched to selection pool vacancies by a selection panel. This panel will include Resourcing and the HR Business Partner aligned to the business area holding the vacant post.

It is essential that decision-making for the selection pool is transparent and can be evidenced. Employees must be clearly informed that they are part of a selection pool, why they have been included, and the criteria that will be used in matching. Consideration must be given to employees who are away from the impacted business area, either on assignment elsewhere, on a career break or on any form of extended leave.

The panel will match a candidate to a vacancy by carefully considering their current role and experience in comparison with the roles available, drawing out and comparing the key duties. Employees can only be matched to roles of their existing substantive grade.

Matching will be completed by the panel in four-week cycles and the following criteria must **not** be used in matching decisions:

- attendance
- performance markings
- working pattern or hybrid preferences, including how far someone lives from their contractual workplace
- length of service

When selection pool candidates are matched to a new role, they will have five working days to review and accept it. If they decline a matched job offer, they will re-enter the selection pool, to be considered for further opportunities at the next meeting of the selection panel.

Selection pool candidates must be informed promptly of the matching decision. If they accept the match they can move into the new role as early as can be agreed between the two relevant line managers.

Selection pool candidates can decline a maximum of three job matches. If they do not accept the third offer, it may be necessary to reassign staff into vacant roles through a mandatory move.

Mandatory moves will only be made where roles are a suitable reasonable match for an individual's competencies, skills and profession. This could involve retraining for an alternative role, where it is reasonable and proportionate to do so. There will be no minimum expected time-in-post for such postings.

The process for appealing decisions relating to selection pools and matching is contained in stage five of this procedure.

[Page 8] Stage five - Appeals and disputes

All staff have a right of appeal against decisions made under this procedure in:

- identifying a selection pool
- matching to a new role

- a reassignment decision
- the application of the procedure

An appeal should be made in writing to the relevant HR business partner (HRBP) with support given from People Advice in the first instance, setting out the reasons for appeal within 10 working days from receiving communication of their outcome. An appeal will only be accepted outside this timescale in exceptional circumstances. It is important to note that the same matter cannot subsequently be raised under the grievance policy if it has been raised through the appeals route. This does not affect rights to raise a grievance relating to a different matter.

The appeal manager (AM) should be a C Band member of staff or above, at least two grades above the individual who the appeal relates to. This AM should also have had no previous involvement in the restructure or reassignment decision. If the AM has previously been involved, the matter must be referred to another AM, of at least the same grade, and who has not had any previous involvement. All AMs should seek advice from HR People Advice and Wellbeing (PAW) at an early stage.

If an appeal is made, the AM must respond within 10 working days, inviting the member of staff to discuss the matter and make arrangements for the individual to present the grounds of appeal in person (which should be within another 10 working days). If the AM is not able to meet the timescales, they must advise the member of staff accordingly, but the expectation should be an appeal is heard within these timescales and any delay would be exceptional.

All appeals are heard by way of review, which will examine the decision-making process and decide whether the original decision was a reasonable one. In organising and holding appeal meetings, the following should be observed and set out in a letter in advance:

- give at least 10 working days' notice of the meeting
- ask the member of staff if any reasonable adjustments are required to enable them to attend the meeting and/or read correspondence
- the member of staff may be accompanied by either one trade union representative, one trade union official or one work colleague
- participants are expected to take all reasonable steps to attend meetings

If the member of staff or their companion (either one work colleague or one trade union representative) cannot attend, they will need to suggest another date, within five working days, on which they and the AM are all available.

The AM will consider:

- whether there was any bias or discrimination involved when reaching the decision(s)
- any new evidence that was not considered before
- any alleged procedural irregularity or allegations of unfairness

The AM should consider whether the original decision was reasonable in all the circumstances. They should inform the member of staff of their decision, and the reasoning for it, in writing within 10 working days of the meeting. The letter must address any points or matters raised in the appeal. The AM decision is final and will mark the end of the internal appeals process.

It is expected that the restructuring and reassignment process will continue whilst an appeal is heard. However, if an appeal was upheld then the decision will be implemented. Therefore, it is vital that any appeals are raised as soon as possible by staff.

[Page 9] Restructuring impact on different types of working agreements

Job share arrangements

Employees who job share will be treated the same as anyone working part- or full-time. If their role can be suitably matched to a role in the new structure, then their job share partner will also be invited to take up that post.

Colleagues on maternity, adoption or shared parental leave

Line managers should inform these colleagues of the restructure changes in the same way as other employees and keep them up to date with any current information via their preferred method of communication, such as MS Teams, telephone, or email etc. If a colleague on maternity, adoption or shared parental leave is given Priority Mover status, they will be given access to and kept informed of priority vacancies which may be a suitable match for them upon their return from maternity, adoption or shared parental leave.

Due to statutory entitlements, they will have priority over staff who are not on these types of leave in being matched into a suitable alternative post.

Temporary Promotion and restructuring

As the priority is to match people into available roles, some colleagues' Temporary Promotion may need to come to an end. This will happen in the event that someone at a substantive grade needs to be matched into a post occupied by someone on temporary promotion to that grade. The termination of Temporary Promotion would be looked at on a case by case basis.

Where Temporary Promotion needs to come to an end the postholder will be given three months' notice, which will allow them time to look for substantive promotion or another role if they wish. Otherwise, they will either:

- return to their previous substantive post
- be reassigned to a new role at their substantive grade
- assume Priority Mover status if a suitable substantive post is not identified

Any colleagues affected will be supported throughout the process by their line manager.

Fixed term appointments (FTAs)

Balancing and prioritisation of staffing will primarily affect staff permanently employed by Social Security Scotland, including senior civil servants (SCS).

FTAs are typically brought in to undertake a specific piece of work and are expected to remain in the same post for the duration of their contract.

The restructuring and reassignment policy and procedures are for permanent employees whose alignment with a specific role has ended and who are immediately available for reassignment. FTAs recruited – either through fair and open, or non-fair and open competition – are excluded from the scope of the reassignment process.

If an individual has been recruited as a fair and open FTA and has successfully passed their probation, they will still be able to apply for permanent internally advertised opportunities prior to the end of their FTA contract. However, they will not be given priority status for any roles they apply for in this way.

If an individual has been recruited as a non-fair and open FTA, they will be able to apply for externally advertised vacancies on the Work for Scotland website.

Priority will be given to permanent staff in the restructuring/redeployment process, which could result in an FTA being displaced from their post.

Secondments or loans and restructuring

Anyone on an inward secondment, or on loan to the business area being restructured, may be expected to return to their 'home' directorate or organisation. Each case will be reviewed on an individual basis.

Anyone who is on an outward secondment or loan, from the business area being restructured, should speak to their manager to understand if they are being impacted by the restructuring process.

Temporary and agency workers

Temporary workers are excluded from the scope of the process and their contracts may be terminated early (with the requisite notice) or will terminate upon expiry in line with existing procedures.

[Page 10] Further considerations

Meaningful work

Staff declared as unassigned and available for reassignment must have genuinely meaningful work to undertake, which is appropriate to their grade, skills and competencies. This can be within their existing business area or another business area. Managers, in consultation with their HR Business Partner must ensure that out-of-grade work is not offered where there is meaningful work at the appropriate grade available in Social Security Scotland. The meaningful work must be fully explained by the manager of the unassigned member of staff at the outset. It is best practice that the content of the work makes use of the skills the individual demonstrates in their existing job or allows new skills to be developed.

Unassigned staff and their managers should recognise the potential benefits of undertaking suitable, short-term work outside their normal business areas.

Where a temporary transfer to another business area is agreed by managers and employees, it is essential that ongoing line management responsibility is established, and that sufficient time is allowed for reassignment preparation. Responsibility for funding should be agreed between the two directorates. The default position is that staff will remain on their previous headcount and budget. Pay and allowances (where still appropriate) will be unaffected during this period.

Specialist pay enhancement (for example pay supplement)

Reassigned members of staff in receipt of a specialist pay enhancement or allowance before entering the reassignment process may retain that specialist pay enhancement or allowance for up to six months after entering reassignment, for roles that do not attract a similar supplement.

Where a reassigned member of staff who is in receipt of a specialist pay enhancement or allowance finds another post within Social Security Scotland, they may keep the specialist pay enhancement or allowance on the terms set out above or qualify for any pay enhancement or allowance available in the new role. This will be discussed and agreed with all parties at the outset. This is in line with our guidance on pay supplements.

The above paragraphs do not apply to a member of staff in receipt of a specialist pay enhancement or allowance who has not been in the reassignment process and who voluntarily decides to apply for another role within the Scottish Government. Where people have chosen, outside the reassignment process, to apply for roles which may not have a specialist pay enhancement attached where their current role does, we will not operate a marked time system.

Transfer terms or relocation

Where securing a position from reassignment or being posted into a vacancy within Social Security Scotland would result in the member of staff having to pay more for travel, excess fares may be payable for up to three years as per the excess fares policy.

Performance or attendance management process and reassignment

If an individual is currently involved in the performance or attendance management process, this formal action will continue but they will be treated fairly and given support to find alternative work.

This will not form part of any decision taken to match them to another role. Only grade, skills, and experience will be considered as with other priority movers.

Retiring during reassignment process

We welcome staff of all ages to apply for reassignment opportunities. Guidance on retirement is available and colleagues can find out more about early retirement specifically on the Civil Service Pensions (My CSP) website. The retirement process can take between four and six months, so it is important that individuals considering this, speak to their manager as soon as possible.

Staff on skilled worker visa

Team members with a skilled worker visa have been sponsored to do a specific role. Depending on the ONS job code used as part of their sponsorship, they may or may not be able to move roles. This would need to be checked for each person individually. Please email Resourcing for further advice regarding individual circumstances.

Available support

Managers are the most vital source of support for staff in business areas undergoing restructuring and for those who are unassigned. Managers should meet regularly with their staff, encourage them to ask questions and give them the opportunity to discuss any anxieties or concerns. Affected staff should talk to their manager about the opportunities available to them and seek additional support and guidance as required.

As well as support from the line manager and any informal support they have from within Social Security Scotland, there are several more formal avenues of support available:

- Scottish Government trade unions. The Scottish Government recognises five trade unions for collective bargaining and employee relations. The five unions working together on common issues are collectively known as the Council of Scottish Government Unions (CSGU).
- Social Security Scotland wellbeing toolkit provides the tools and resources that support our people in relation to wellbeing in one place. Looking after wellbeing should be a priority for us all. We want everyone to feel encouraged to use this toolkit and the resources in it whenever they feel they might need them.
- Social Security Scotland provide mental health first aiders offering free confidential support to colleagues on a variety of personal and work-related issues.
- Our Employee Assistance Programme (EAP) is delivered by Employee HELP services. It provides professional support and guidance to colleagues employed by the Scottish Government. This is an external service and available if you do not want to discuss matters with anyone from Social Security Scotland or the Scottish Government. EAS is available 24 hours a day, 365 days a year online and on freephone 0800 032 9849.