



Managing Structural Change Policy

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Introduction

Wivenhoe House Hotel Ltd (WHH) puts people at the center of everything we do, and this is the guiding principle in our approach to managing structural change. We aim to manage structural change fairly, sympathetically and with consideration of the impact on individuals.

Undertaking structural change is a significant step, which is likely to have a profound effect on a team and its managers. In line with our commitment to creating an enabling environment, it is crucial that any restructuring is fully thought through with the wellbeing of employees built into the process from the outset.

There are a number of critical steps to managing restructuring effectively and fairly.

- 1) Thorough consideration must be given at the outset to the objectives of the structural change and the workforce needs for the future, in the context of the University's overall strategic priorities.
- 2) Sufficient time must be set aside to conduct the restructuring properly.
- 3) Effective and regular communication and consultation with all stakeholders is essential, especially employees.
- 4) Wellbeing support must also be considered and provided at every stage.
- 5) Where people are matched to the available roles, this must be done in consultation with individuals affected.
- 6) WHH will seek to redeploy individuals who are left without a role, through the operation of a redeployment list managed by People and Culture.

WHH recognises the value of a stable and experienced work force to support the University's mission to contribute to society through excellence in education and excellence in research.

By careful forward planning we aim to ensure that as far as possible, in meeting our institutional needs, we also provide security of employment for employees.

WHH recognises that maintaining and enhancing efficiency and best practice is an important means to safeguard current and future employment of staff.

This policy sets out the principles and procedures which will be followed in the event of the need to reduce the number of posts or of organisational change

which affects those employed by WHH.

These arrangements do not signal any change to the policy of using best endeavours to avoid the need for redundancy.

This policy is to deal with any need to reduce the number of employees by means other than redundancy, wherever possible.

Where redundancies are unavoidable, WHH will continue to make every reasonable effort (in consultation with the individuals affected) to minimise the number of employees made redundant.

This policy applies to all WHH employees affected by structural change in the workplace. It does not apply to employees whose performance is being managed under either the capability or disciplinary procedures.

This policy also does not apply to employees whose fixed term contracts come to an end in the normal course of events (although as part of a wider restructuring exercise, fixed term employees would be treated in the same way as other employees).

This policy forms part of employees' terms and conditions of service.

Definitions

This policy provides protection for employees by providing an agreed procedure when structural change occurs. Proposals for structural change may follow a review of a particular service.

Structural change is the description given to any reorganisation of work that substantially affects individual posts.

These changes will be considered to constitute structural change if they involve any of the following characteristics (this is not a definitive list):

- major changes in the number of posts within the service area,
- substantially different spread of duties and responsibilities between posts within the service area,
- a substantial change to the type of duties required within particular posts,
- a change to the accountability of posts which significantly affects the reporting lines of the post holder, such as movement to a new section (as opposed to within the same service area),

- an increase or decrease in the level of responsibilities within posts including those which may have implications for grading or salary,
- the introduction of radical new working practices which directly affect the demands on posts.

Structural change does not occur:

- with routine or incremental changes to, and advances in, working practices,
- when employees move into posts different from the one into which they were appointed to gain experience, achieve promotion, enhance competence or support the day to day running of WHH, for example a secondment or acting up in another position,
- when employees take on new roles which can reasonably be regarded as falling within the scope of their existing post, including the acceptance and cessation of time-limited roles of additional responsibility alongside the responsibilities of their existing post.

The focus in cases of structural change must be on the role and not the person currently in that role. Structural change must not be used where the issue is really one of capability, but only where there is a significant change to or loss of a role.

It is not always necessary to undertake a full restructuring exercise if changes to roles or working practices are minor. It is reasonable and to be expected that roles and responsibilities will evolve over time and job descriptions may need to be updated.

Under the Employment Rights Act 1996, dismissal by reason of redundancy arises when employees are dismissed in the following circumstances:

- where the employer has ceased, or intends to cease, to carry on the business in the place where the employee was so employed, or
- where the requirements of the business for employees to carry out work of a particular kind have ceased or diminished or are expected to cease or diminish, or
- where the requirements of the business for employees to carry out work of a particular kind, in the place where they were so employed, have ceased or diminished or are expected to cease or diminish.

Roles and responsibilities

Role of Heads of Service

Heads of Service will carefully consider the rationale for structural change and ensure that the necessary plans and resources are in place for any restructuring exercise.

Role of managers

Managers play a crucial role in making a success of a restructuring exercise.

During any restructuring, managers will:

- Set out a clear direction and share information wherever possible, for example proactively sharing the proposal document with the team affected.
- Come to a judgement and make decisions that recognise our commitment to the well-being of our employees, for example being open to looking at different ways of working and flexible working options.
- Demonstrate inclusive behaviours, for example taking account of any different needs of team members such as those working part time, or those who may have additional concerns because of health conditions.
- Be open to flexible working options as a means for someone to fit into a different role.
- Ensure individuals have support for their development to meet the challenges and opportunities ahead, for example planning with People and Culture what development activity might be undertaken to help employees move into new roles.
- Support the well-being and resilience of the team and individuals, for example undertaking regular communication and monitor and taking action to protect well-being.

Managers will take the lead role in:

- Planning and managing the restructuring exercise.
- Communicating with and supporting the team involved in the restructure.
- Taking decisions, with People and Culture support, on successor rights and outcomes of selection processes.
- Consulting with individual team members, with People and Culture support.

Role of employees

As part of formal restructuring, employees will play an active part in consultation and considering their career objectives.

Role of People and Culture

People and Culture is an important partner for managers undertaking a restructuring.

People and Culture must be consulted early in the process of developing a proposal and will advise managers through the consultation process and as they take decisions on selection.

In planning for the future structure, People and Culture will support managers as they plan for different ways of working and any training and development for the affected team.

Section 1: Developing Proposals

The first stage of any structural change will be a thorough consideration of the workforce and team needs for the future. Current job descriptions should be reviewed to ensure they are up to date.

People and Culture Business Partners, who support managers in planning strategic changes, must be involved at this stage.

At this stage, it will be important to consider the extent to which there is a genuine requirement for structural change or whether a change in type or volume of work could be managed through:

- updating existing role descriptions, or
- informal rearrangement of responsibilities within the team or service area.

1.1 Proposal document

A proposal document must be produced which sets out the rationale and impact. It is important that this is open about the likely impact so that issues can be addressed at an early stage rather than causing a surprise later.

The proposal document should include:

- Background to the team / area of work.
- The need for change and the impact of not changing.
- The options considered, including pros and cons.
- Summary of proposed change.
- The financial implications of the proposed change.
- Current structure and proposed structure.
- The number and type of posts affected.
- The total number of employees affected.
- Whether the method of selecting employees for redundancy, carrying out redundancy, and calculating redundancy payments will be the one set out in this policy and procedure, or if a different method will be used.
- The number of agency or fixed term workers affected, where they are working, and type of work.
- The timeline for the restructure.

As the proposal is being developed, initial informal discussion and engagement

with employees ensures they are engaged and involved. Section 2 provides information about communication.

The proposal must be considered by the Chief Operating Officer. If the proposal requires additional resources, these must be approved through the Annual Planning Process.

Section 2: Planning and Communication

Once a restructuring proposal has been agreed, consultation can take place.

Good communication and consultation are key factors in managing a restructuring well. Involving employees will bring a number of benefits, such as:

- Better decisions – employees may be able to notice omissions, provide ideas and suggestions on how to make the restructuring effective, and highlight potential problems.
- Protecting wellbeing – timely and regular consultation will allow reassurance and support to be given to employees who may be feeling anxious over an extended period.
- Enhancing engagement – where employees feel they are involved and listened to, they are more likely to be engaged.

The stages of communication and consultation are as follows:

- Communicate with employees, commencing the formal consultation period.
- One to one consultation meetings with employees on the proposed structure.
- Consultation closed. Feedback considered and outcome communicated.
- Individual meetings with affected employees on next steps for them.

2.1 Consultation with employees

Once the Chief Operating Officer has agreed that the restructure should go ahead, senior managers must inform all employees in the affected service area that a restructure is proposed.

The information contained in the proposal document should be shared although commercially sensitive information may be withheld.

The best way to inform employees is through an all-staff meeting. There must

be a clear indication of who can answer questions and deal with any immediate concerns.

Following the all-staff meeting, individual consultation meetings should be arranged with employees directly affected by the restructure. Employees will have the right to be accompanied by a workplace colleague in any such individual consultation meeting.

These consultation meetings will cover the reason for the restructure, the impact on their current post, successor rights / selection pools, and next steps / timetable.

The meetings will provide an opportunity to discuss new job descriptions in more detail and provide feedback on the proposals or alternative ways of meeting the needs of the business to mitigate the need for redundancies.

Section 3: Implementation

Once a restructure has been agreed, the next step is for senior managers to compare current and future structures and roles and determine outcomes for individuals.

The next steps for individuals will depend on whether they have the same or similar role, if their role is substantially changed or if there is no role. Senior managers will be the decision maker, but this should be done in consultation with People and Culture based on current and proposed job descriptions.

Where existing posts are upgraded or downgraded, they must be formally reviewed through the Higher Education Role Analysis (HERA) process and in consultation with the affected individual.

If current posts have a flexible working arrangement in place, this may need to be reconsidered for a new post, but we will seek to respect the current flexible arrangements where this is feasible in the context of the new role.

It is important that the pool of those considered to be affected by the restructure is drawn appropriately. Where roles within the team involve similar work and could broadly be interchangeable with some training, these must be considered within the pool.

No distinction should be made on the basis of contract type (fixed term employees should be treated on the same basis as those with permanent contracts), or perceived capability of those currently working in these roles.

Considerations on the suitability for available roles will never be undertaken based on an employee's race, religion, culture, sex or any other protected characteristic as defined by the Equality Act 2010. This policy strictly prohibits any form of discrimination during structural change.

Where employees are matched with a suitable alternative post, it is expected that they will accept it.

Suitable alternative employment will be determined by reference to the job content, terms, required skills, pay, level of responsibility, hours and location of the current and new posts, where possible, will be agreed.

Where no agreement is reached, the relevant Head of Service will have the authority to determine the issue. An employee who unreasonably refuses an offer of suitable alternative employment will lose any entitlement to redundancy pay.

3.1 Determining outcomes for individual employees

If there is no change or minor change to a role, the individual holding it can be confirmed in post.

If there is a reduction in the number of roles with no change or minor changes, and there are more employees than there are posts available, the postholders are at risk of redundancy.

If there are similarities with roles with no change or minor changes and other roles which are deemed to be substantially changed, the individual or individuals should be offered the opportunity to express an interest in their current role, a new role, or all suitable roles.

When current post-holders are identified as being significantly affected by the change or at risk of redundancy, managers will hold one-to-one consultation meetings with them. Employees will be entitled to be accompanied by a workplace colleague.

The purpose of this discussion will be to clarify the responsibilities under the

current role compared to those under the proposed role(s), to seek views on the new structure and roles, and to understand willingness to train and take on new opportunities.

Following this consultation, senior managers will need to come to a decision on the final structure. On the basis of this, further meetings will be held with individuals to discuss next steps. These will be one of the following:

Successor rights

Senior managers will need to make a judgment and take a decision on successor rights, with advice from People and Culture.

Where a post in the new structure at the same grade includes a majority of the essential elements of the duties of a post in the current structure, the current post-holder will have successor rights to the new post.

Successor rights will normally only apply to posts where the grade is unchanged.

These cases are likely to be exceptional and the skills for the higher graded posts will be assessed through a selection interview process. There may be more than one person with successor rights. People and Culture will support managers in determining where successor rights apply.

Successor rights - one person

If there is only one successor to a new post, they will be asked to attend a 'slotting in' interview with the manager.

This interview will be for the sole purpose of discussing the changes in the job and what that may mean in terms of new expectations of post-holder and any training support required. It will also allow the employee to ask questions about the new post and to agree any new objectives and development needs.

Following this interview, the post holder will be appointed designate. The appointment will take effect from the date the restructuring comes into effect or as agreed locally.

Successor rights - more than one person

In some cases, there will be more than one person with successor rights. In these cases, appointments will be made on the basis of selection interviews led

by the appropriate senior manager and in line with the [Resourcing Guidance](#).

Until the suitability of those with successor rights has been determined following the interview process, the post(s) will not be advertised, and competition will be restricted to those with agreed successor rights.

In some cases, it may be possible to agree posts between the appropriate manager(s), affected employees and People and Culture based on the informal discussions. Records must be kept of the process followed, interviews / discussions, and the decisions taken.

The criteria for selecting employees based on objective evidence may, among other things, include:

- skills or qualifications: to ensure the retention of a workforce with the balance of skills appropriate to future needs, selection will be on an objective basis,
- individual ability: ability or specialist knowledge acquired as a result of special training or an individual's contribution to meeting the objectives of WHH,
- standard of work performance: selection will be based on objective evidence,
- attendance records: attendance records will be checked. They will not include absences relating to disability, pregnancy, or maternity,
- disciplinary records: disciplinary records will be checked, and reasons considered.

Managers will apply the chosen criteria objectively and consistently and will not base them solely on the views of one person or in a discriminatory manner relating to protected characteristics* or employment law**.

*Protected characteristics are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, religion or belief, sex, sexual orientation.

**Employment law relates to family leave, part-time employees, those with a fixed-term contract and an employee who has raised concerns regarding working time regulations or whistleblowing.

The process will be conducted transparently but with due confidentiality to those affected.

Where successor rights are determined and the selection process undertaken, the final decision regarding appointment will be made by the senior manager.

The decision will reflect the paramount importance of the individual fulfilling the duties described in the job description and the attributes in the person specification, thereby supporting the WHH business need.

Jobs without successor rights/special cases

Some posts created in a restructure process will hold no resemblance to any post within the previous structure so that no employee can claim successor rights. Whilst some posts may have some similarity to former posts, the similarity will not be sufficient to allow slotting in to occur.

Such posts will be available to employees who are part of the restructure and are without a role in the new structure. These employees will be given priority consideration for these posts where they are at the same grade.

The selection process will follow the principles set out the University's [Resourcing Guidance](#), these being inclusivity, values based, rigor, fairness and consistency.

Employees without a role

It is possible that some employees may not be appointed to a role in the new structure. This might be because they have no successor rights to new posts or because they were unsuccessful in a competitive selection interview for a post to which they had shared rights.

Should this situation arise, employees concerned shall be considered to be at risk of redundancy. They will be issued with a notice of redundancy and the redeployment arrangements outlined in Section 4 shall apply.

Section 4: Redeployment

As part of WHH's duty to seek to avoid redundancies, redeployment opportunities will be offered to all those without a role.

4.1 Redeployment process

Employees will be given details of vacancies and will need to decide whether to apply for them. Posts will be at the same or lower grade and may be fixed term.

Where a new post is one or two grades lower than the current post, salary will be protected for one year. When salary protection has concluded, the post holder will be placed at the top non-discretionary salary point of the grade for the post.

Reasonable training and support will be provided to all those redeployed to allow them to perform well in the new job and managers should consider when they receive an application whether the employee could be developed to meet the requirements of the post within a reasonable time.

Redeployment will normally only apply where the grade of the new post is at the same level, or up to two grades lower than the previous role.

In exceptional circumstances redeployment may apply where the post is at a higher grade and the skills for the higher-grade posts will be assessed through a selection process.

Job vacancies in WHH will be filled only after first considering whether employees seeking redeployment are suitable for them. Employees seeking redeployment would go through an application and selection process.

Redeployment should continue the terms of the previous contract, i.e. permanent to permanent, even where a transfer is into a fixed term post.

This means that an employee on a permanent contract who takes up a fixed term role as a suitable alternative to their substantive, redundant post, will retain the employment rights associated with the substantive post specifically those in relation to continuity of service and future redundancy rights.

An employee who takes up a fixed term role will still be displaced at the end of the fixed term. Further [guidance about redeployment](#) is available.

Trial period

Where an employee at risk of redundancy moves into a new role under this policy, there will be a four-week trial period.

Where an employee has been redeployed, senior managers may decide, or the employee may request, to use a longer trial period. Where a longer trial period is used, this would usually be 12 weeks.

The trial period will allow the manager to assess the employee's suitability for the new post and allow the employee to consider whether the post is within their capability.

The senior manager or employee may instigate an extension to the trial period, for example to take account of retraining. This must be done with reasonable notice before the end of the trial period and with a good rationale. The senior manager will need to give written agreement to the extension.

Should the employer wish to end the new contract within the trial period for a reason connected with the new job, the employee will preserve the right to a redundancy payment under the old contract.

Should the employee wish to end the new contract within the trial period, they need to have a valid reason why the new job is not suitable.

Examples of reasons could include:

- health issues stop them from doing the job,
- disruption to family life,
- they have difficulty getting there, for example because of a longer journey, higher cost or lack of public transport.

If there is not a valid reason why the new job is not suitable, the employee may lose any entitlement to redundancy pay.

At the end of the trial period, the senior manager will assess the employee's suitability for the post based on the job description – whether the criteria have been met or are likely to be met with suitable support.

If the employee works beyond the end of the minimum trial period or the jointly agreed extended period, any redundancy entitlement will be lost because the employee will be deemed to have accepted the new employment.

Section 5: Redundancy

5.1 Redundancy process

Where an employee does not have a role in the new structure or has not been successful in a selection process, they will be issued with notice of redundancy. During the notice period, they will be considered for redeployment (as set out above).

Employees will be entitled to statutory redundancy pay, which will be paid when they leave WHH.

Some employees may be entitled to take early retirement depending on scheme rules. Further advice is available from the [Pensions team](#).

WHH must notify the Redundancy Payments Service if it is proposed to make 20 or more workers across WHH redundant over a period of 90 days or less.

Time off to look for work

Any employee selected for redundancy will be provided with reasonable paid time off to look for alternative work or to attend training.

If an employee wants to leave early

If an employee with a notice of redundancy wants to leave early, for example, if they've already found another job, they need to give a 'counter-notice' during the 'obligatory period'.

This means the employee is giving their own notice to end employment, which is different from the notice they have been given by WHH. The employee must give notice in writing, for example in a letter or email. The 'obligatory period' is the period equal to the employee's normal notice period, counting back from the date their employment ends. The employee must give their 'counter notice' during the 'obligatory period' to protect their right to redundancy pay.

Examples of counter notice and obligatory period are available on the [acas website](#).

Section 6: Guidance and Support for Employees

WHH will deal with any potential redundancies and structural change in the fairest, most consistent and sympathetic manner possible. Employees may also seek advice from [People and Culture](#) on policy and process.

Employees who face redundancy will be given a named People and Culture contact to support them during this process. The [Employee Assistance Programme](#) can also provide guidance and counselling.

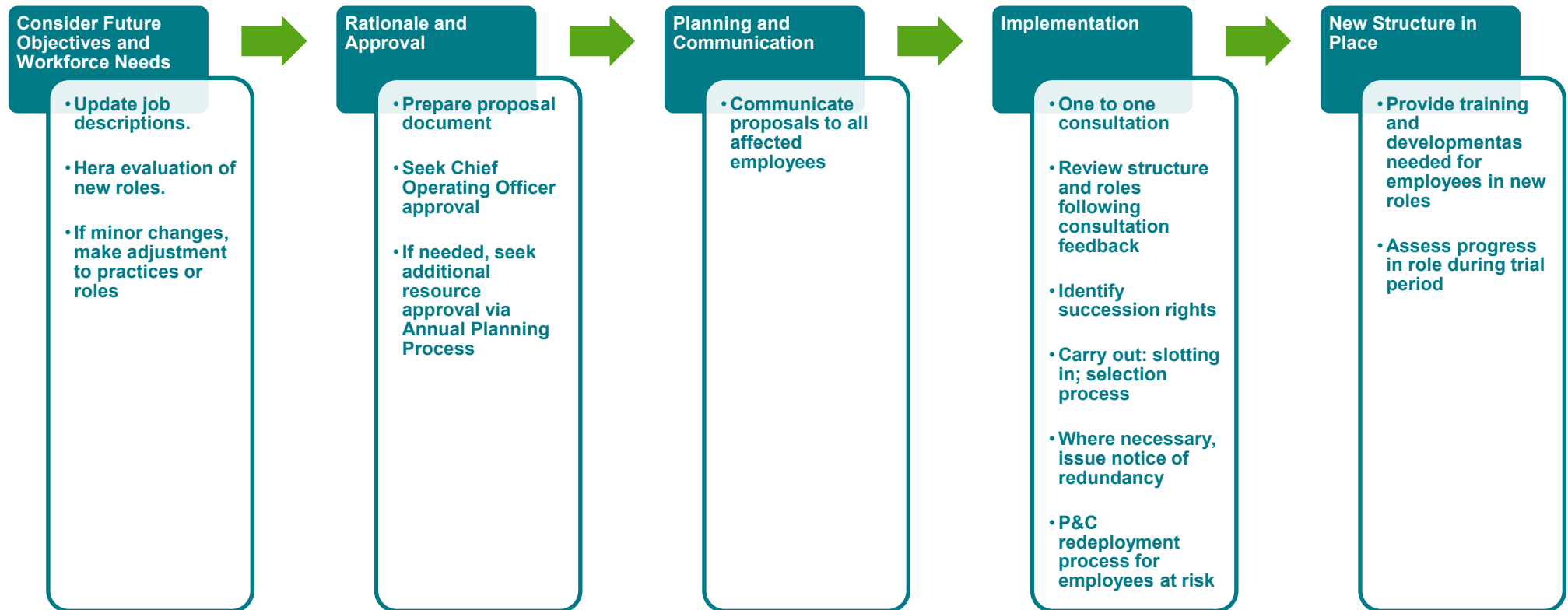
6.1 Appeals

If an employee has concerns about the process at any stage, these can be raised with their senior manager, who must take these concerns seriously and respond in a timely way. If these concerns are not resolved, employees may also use the [WHH Grievance Procedure](#). If an employee wishes to appeal a notice of redundancy they may use the University's [Appeals Procedure](#) and appeal within 14 calendar days.

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Appendices

Appendix 1 – Restructure Flowchart



Appendix 2 – Proposal Document Template

1. Introduction / Context

Brief summary of the proposal and how it fits into the University's mission to deliver excellence in research and education. Detail how it fits with the strategic plan.

2. Background to the team / area of work

Brief background of where the team sits in the organisational structure, how long it has had its current structure, and how it has operated to date. Include any analysis of the impact of the team's work and any relevant workflows.

3. The business case and rationale: the need for change and the impact of not changing

Explain why there is a need to change (e.g. a clearer more coherent offer, a flexible, agile approach, enabling economies of scale). Set out the strategic and operational drivers for change, including financial drivers and the shortcomings of existing arrangements. Consider any cultural implications and behaviours desired.

4. The options considered

Summary of all the options that have been or might be considered and the feasibility of each. Outline the decision making process that has been used to arrive at the preferred option.

5. Summary of proposed change, including timelines

Set out how the work and roles will change, including any impact on skills or experience needed. Cover whether there will be any change to how the team works, for example a need for increased collaboration or agile working. Include the financial implications of the proposed change. Provide a table of timings.

6. Current structure and proposed structure

This should include an organisational chart of the current structure and the proposed structure, highlighting any changes.

7. Stakeholder engagement

Identify your stakeholders and how you are going to engage with them and, if applicable, maintain a service.

8. The new vision statement and communication plan

Detail the key messages to employees on the future vision. Detail the approach to communication and the methods and mediums to be used.

9. The number and type of posts affected, and the total number of employees affected

Detail about the proposed number, grade and types of the post, and what the likely impact will be for individuals: no change, some change, without a role.

10. Areas for consultation and feedback

Explain the opportunities for involvement and feedback and how this is going to be conducted.

11. Whether the method of selecting employees for redundancy will be the one set out in this policy and procedure, or if a different method will be used.

It is expected that in the vast majority of cases, the method will be that set out in this policy. A different method may be proposed if, for example, there are large numbers of employees affected.

12. Progress to date

Outline any steps that have already been taken in supporting moving towards the new world vision.