

## Change Management Policy

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## 1. Introduction

- 1.1 The pace of change is now more rapid than ever. We are committed to the continuing transformation of our services and to ensuring the organisation can respond flexibly to the new challenges and opportunities we face. This means that we are often seeking new ways of working to make the best use of our employees and resources.
- 1.2 We are a large and varied organisation, and our needs inevitably change due to legislative, demographic, economic, technological advances and/or policy changes. We have to be flexible to respond to such changes and in order to provide the best value for money for all our stakeholders. As such it is necessary to bring about organisational change to achieve this.

## 2. Principles underlying the policy

### 2.1 We are committed to:

Ensuring this policy is adhered to in a way which is carried out fairly and equitably and promotes equality of opportunity and that this is line with our [Equal Opportunity in Employment policy](#) through:

- Appropriate and meaningful consultation with our employees and with our recognised trade unions regarding proposed organisational changes as early as possible.
- Supporting the wellbeing of our employees through periods of change and minimising any negative impact it may have.
- Avoiding the need for compulsory redundancies where possible through careful planning and exploration of existing and new ways to achieve it.
- Ensuring that redeployment is offered to our employees who are at risk of redundancy thereby retaining where possible valuable skills, experience and knowledge within the council and deliver excellent services to the residents of Surrey.

## 3. Scope

- 3.1 This policy applies to all employees of Surrey County Council except employees in locally managed education establishments, who have their policies and procedures determined by their governors or by national terms and conditions, and uniformed Surrey Fire & Rescue employees who follow standard operating procedures and national terms and conditions.

## 4. Planning

- 4.1 Good planning will ensure that as a consequence of implementing organisational change, you will have the right number of employees with the right skills and experience to deliver the future service and employees are as engaged as possible.
- 4.2 Please refer to the [Change Management guidelines](#) for a planning checklist relating specifically to Change Management. Advice is available from HR where a change process is planned.

## 5. Volunteers

- 5.1 Voluntary Redundancy may be offered to employees who are part of a restructuring exercise. Each request will be given careful consideration in line with the criteria as set out in the [Severance Policy](#).
- 5.2 Requests for voluntary redundancy may be refused for financial reasons or in the interest of retaining skills.

## 6. Consultation

- 6.1 Communicating openly and engaging effectively with employees and trade unions at an early stage of any change forms the foundation of successful engagement with all concerned parties throughout the change process.
- 6.2 In situations where there is the potential for deletion of posts as a result of a restructure, there is an obligation to carry out consultation with all affected employees including those on maternity leave, sick leave, sabbatical or secondment. This is the manager's responsibility.
- 6.3 'Affected' employees' means employees whose posts and ways of working may be directly affected as a result of the change proposal i.e. they are vulnerable or at risk of redundancy
- 6.4 Appropriate consultation should be undertaken for any restructure, no matter how small, even if there are no deletions or reductions are anticipated.
- 6.5 Communication methods should be appropriate to the information being presented and the employees involved and could include departmental briefings, team meetings or newsletters.
- 6.6 Relevant recognised Trade Unions should be made aware of the proposals for organisational change, and the reason, at the earliest opportunity prior to the start of the consultation. Before starting any change process, advice is available from HR.
- 6.7 We should allow the trade unions sufficient time to properly consider the proposals and to consult with their members so that they understand fully the matters about which they are being consulted on and the implications of the proposed changes (both personally and collectively).
- 6.8 Sharing the proposal and the timetable with employees and trade unions together will mark the beginning of the formal consultation process. Information should be shared with employees in groups - directorate / service / team as applicable and at an individual level as well.
- 6.9 An employee will be described as 'vulnerable' to redundancy where their post is proposed as deleted or where there is a proposed reduction in the number of employees required to perform that post at the consultation stage. 6.10 Ideally, vulnerable employees should be consulted individually before any collective meeting and managers, where possible, should be prepared for such meetings with information around potential redundancy pay, retirement options and pension benefits as is applicable to the employee in question.
- 6.11 During the consultation employees should receive the following information:
- Details of the proposals including, in the case of potential deletion of posts and the proposed method of selecting the employees who may be redundant.
  - A clear communications strategy, with details of how feedback will be accepted.
  - Proposals for an implementation timetable, including dates of meetings and;
  - Information about what support is available to employees.
- 6.12 The number of individual and collective meetings throughout the formal consultation process should be appropriate to the change proposed. The purpose is to ensure that employees and Trade Unions are given sufficient opportunities to consider the proposals, ask questions and suggest alternative options.
- 6.13 All employees affected by the change must be given the opportunity to meet with management in order to understand the direct impact of the proposed change on them. In some circumstances it may be helpful to hold additional individual consultation meetings with employees where their posts have been identified as at risk to answer any outstanding questions that they may have or allay fears or concerns.

- 6.14 For those whose posts are proposed vulnerable during consultation, their line manager will meet with them on a 1-1 basis.
- 6.15 Employees whose posts are proposed as vulnerable at this stage will be given the opportunity to register themselves for redeployment.
- 6.16 Trade unions and employees will be given reasonable time to formulate and formally put forward any counter proposals for consideration if they wish and very careful deliberation will be given to any formal responses put forward.
- 6.17 Employees and trade unions should be provided with a response to any feedback that they have submitted on the proposals and should be provided with details of the proposed final structure.
- 6.18 Following the outcome of the consultation where posts which are confirmed as deleted, staff in these roles will be considered to be 'at risk' of redundancy.
- 6.19 Line managers will meet with those whose roles remain 'at risk' to formally confirm the outcome of the consultation and confirm next steps for them individually.
- 6.20 Employees are entitled to be accompanied by a Trade Union representative or a work colleague at individual consultation meetings.
- 6.21 Staff who are unsuccessful in securing another post within the change process will be issued with a notice of redundancy.

## **7. Redundancies**

- 7.1 Where there is a possibility that not all employees will find a suitable post within the new structure, such employees must be informed that they are vulnerable to redundancy during the consultation phase. It is essential to discuss the actual probability of redundancy with employees in order to reduce unnecessary stress and worry.
- 7.2 To help employees plan, pension estimates / redundancy payment estimates as applicable could be shared with the employee as soon as possible.
- 7.3 Redundancy occurs where an employee is dismissed due to:
- (a) The fact that his employer has stopped or intends to stop:
- (i) To carry on delivering the service for the purposes of which the employee was employed by SCC, or
  - (ii) To carry on delivering that service in the place where the employee was so employed, or;
- (b) The fact that the requirements of that service
- (i) For employees to carry out work of a particular kind, or
  - (ii) For employees to carry out work of a particular kind in the place where the employee was employed by the employer,
- Have stopped or lessened or are expected to stop or lessen.
- 7.4 Where the need arises, to avoid redundancy, consideration will be given specifically to the following alternative options, subject to the organisation's immediate business considerations:
- Deletion of vacant posts.
  - Restriction or suspension of recruitment.
  - Reducing overtime.
  - Reducing the use of bank or agency staff.

- Seeking voluntary reduction in hours.
  - Seeking employees for voluntary redundancy and retirement.
  - Re-training.
  - Flexible Working.
  - Whether the service can be delivered in another way.
- 7.5 For a redundancy to be genuine, the job that the employee does must disappear, so whilst an employer can take on new employees they will not be to do the same job the redundant employee was doing. In this situation, eligible employees would be entitled to receive a statutory redundancy payment. For further details on redundancy compensation please see the [Severance Policy](#).
- 7.6 Where an employee's role is made smaller e.g. 5 days to 4 and the employee is offered this role as an alternative to redundancy and decides to accept this role, the employee will not be entitled to a redundancy payment for the other part of the role e.g. 1 day.
- 7.7 If an employee has two separate jobs, but each role has its own separate contract of employment, under which they receive two separate payments for the two roles, then being made redundant from one will not impact on the other. If one of these roles is made redundant the employee would be eligible for a redundancy payment for that specific role. The other role would continue as normal. For the purposes of clarity, the redundancy payment in this scenario would be based only on the period of service in the role which is redundant.
- 7.8 A collective redundancy situation arises where it is proposed that 20 or more employees may be made redundant at a particular establishment within a ninety day period.
- 7.9 'Proposed redundancies' mean possible termination of employment of an individual, and so would apply even where restructuring would cause no overall loss of total people employed because of new recruits. It also includes a situation where employees are to be redeployed on such radically different terms and conditions of employment that accepting those posts amounts to dismissal and re-engagement.
- 7.10 Consultation should begin in good time and be completed before any decision is made that results in an employee being made redundant. In this regard employees will be invited to a meeting at the outset of the process. In addition, where 20 or more redundancies are proposed, consultation must begin in line with the timescales given in the table below:

No. of proposed redundancies in any 90 day period	Consultation should commence
20-99 possible redundancies	At least 30 days before the first notice of dismissal takes effect.
100+	At least 45 days before the first notice of dismissal takes effect.

### **Notification to the Department for Business Innovation and Skills (BIS)**

- 7.11 It is a legal requirement to notify the Department of Business Innovation and Skills in writing of a proposal that may result in 20 or more employees being made redundant. Notification must be made on form HR1. Advice should always be sought from HR.

### **Formal Notification of outcomes and Redundancy**

- 7.12 Should the decision be to dismiss on the grounds of redundancy, notification of redundancy will be given to employees as soon as practicable and after SRG approval, outlining appropriate notice periods. Please refer to the S-Net for more information about [notice periods](#).
- 7.13 Any decision to extend the notice period over and above the contractual period will be made based on the circumstances of the restructuring program and the number of staff affected. E.g. where more time is needed to explore a suitable alternative role

### **Employees at risk of redundancy**

- 7.14 In normal circumstances, employees at risk of redundancy will be considered for vacancies for the duration of their notice period. It is possible to offer a suitable alternative that begins up to 4 weeks after the potential dismissal date, but the job offer must be in place before the re-deployee's notice period has expired. Re-deployees will not be considered for redeployment after their last day of employment.
- 7.15 If there is more than one candidate for whom a vacancy represents a 'suitable alternative' to redundancy, a formal selection process may be required.

## **8. Implementation**

- 8.1 No appointments will be made into the new structure until the proposals have been issued and consultation with those affected has taken place.
- 8.2 Appointments and selection for redundancy where possible will be made in hierarchical order, for example, management posts then non-management posts and it should be agreed during the consultation process whether this will happen simultaneously or consecutively.
- 8.3 Employees will be given consideration for all roles which they show a preference for. Where an employee is successful in gaining their first preference they will be withdrawn from the process of going for their second and third preferences.
- 8.4 As part of the consultation process, managers will consult their staff about the revised proposals for the new structure(s), identifying those posts which will be filled by:

### **Direct Appointment (Slotting)**

- 8.5 Employees will be slotted in, in circumstances where:
- The number of new posts after the restructure is greater than or equal to the number of eligible employees; and
  - There is little or no change in the duties (i.e. they are 'similar' in that the duties match At least 80% between the current and the new post, in terms of grade and job content).
- 8.6 A directly appointed employee will be able to refuse such an appointment, in which case the post will be open to a competitive process, initially to others affected by the reorganisation. By excluding themselves at this stage it should be made clear that a substantive post might not be secured and any entitlement to a redundancy payment may be lost. If no appointment is made following the 'ring-fencing' exercise, the post will be advertised more widely.
- 8.7 Once an employee has been directly appointed to a post, they will not be permitted to apply for an alternative appointment during the rest of the restructuring process.
- 8.8 Managers will review the method of filling a refused direct appointment and will consult as appropriate.

### Competitive Selection

- 8.9 A selection situation usually occurs where:
- Posts involve similar responsibilities but the number of employees in these posts exceeds the number of new posts in the team, in which case a selection pool and criteria will be involved (downsizing);
  - Where the new posts replacing the existing post differ either because they are of a different grade, or where the tasks and responsibilities of new posts are dissimilar and less than 80 per cent match with the original post(s).
- 8.10 Where employees have not been directly appointed into posts based in the new structure, any new posts that are at the same grade or a higher grade will be ring fenced for employees vulnerable to redundancy to apply for.
- 8.11 Employees eligible for competitive selection within similar job groups will be notified and asked to submit a preference where applicable stating which post(s) they are applying for.
- 8.12 Wherever possible, the selection method(s) will be outlined as part of the consultation process.
- 8.13 Each selection process will reflect the nature of the changes proposed. Criteria could include:
- Individual employees being measured against a specific role profile which reflects the requirements for skills, qualifications and experience in the new posts e.g. interview, letter of application or aptitude tests.
  - Attendance, disciplinary and/or capability/performance records.
  - Organisational behaviours required for the role and the team.
- 8.14 Wherever possible, one selection process will be used to consider the employees application for multiple roles. Managers may feel the need to conduct more than one selection process particularly if the posts require different skills, knowledge and experience, even within the same team. If multiple selection processes are to be held the employees will be notified before selection begins at the beginning of the process.
- 8.15 When using absence as a selection criteria and as a reasonable adjustment, absences relating directly to an employee's disability, may be discounted.
- 8.16 Any absence due to an employee's pregnancy or period of maternity leave will not be included in the selection process.
- 8.17 All steps should be taken to support employees who are absent at the time of the selection processes to ensure they are able to engage in the process in the same was as an employee who is not absent.
- 8.18 Required behaviours of the organisation can be used as criteria for selection. If these are to be used this will be outlined clearly at the beginning of the process.

### **Selection for Redundancy**

- 8.19 Once the selection process has taken place and the individual has not been successful in gaining one of the roles they then become 'at risk' of redundancy.
- 8.20 The criteria used for redundancy selection must be clear and objective and be based on the future need of the service. It should be applied fairly and consistently and must not discriminate on the grounds of trade union membership (or non-membership) or activities, race, language, ethnic or national origins, religion and/ or beliefs, gender identity, marital or civil partnership status, sex or sexual orientation, disability, pregnancy or maternity leave, age, medical condition, including people living with HIV/Aids, political views or affiliation, full or part time employment.
- 8.21 Posts will not be advertised externally until internal candidates affected by the re-structure have been considered.
- 8.22 Should an individual disagree with their individual assessment or feel that selection criteria have been unfairly applied in their case, they should put this in writing to the manager leading the process or another Senior Manager as appropriate and any individual concerns in the decisions made will be reviewed.

### **Absence during organisational change**

- 8.23 Employees who are absent during a redundancy/restructuring process, for example due to sickness absence or maternity leave, should be included, as far as reasonably practicable, in any consultation process which takes place. They should receive the same information as their colleagues.
- 8.24 Those that are absent should be contacted individually by their Manager, to discuss the most appropriate way of including them in the appointment process.
- 8.25 In principle, where an individual is unable to attend for interview they will be considered for posts in their absence. In these circumstances the individual may be asked to provide a written submission and arrangements put in place to accommodate their needs should they be successful in gaining an interview.

### **On Maternity leave during organisational change**

- 8.26 Where an employee is on maternity leave at the time of any organisational change and their role is 'vulnerable' to redundancy they are entitled to be offered a suitable alternative role where one is available and have priority over others who are also vulnerable.
- 8.27 At the point it is clear that the employee on maternity leave is vulnerable to redundancy (this could be immediate and/or obvious or it could follow a selection process) the employee should be offered suitable alternative employment where such an alternative exists.
- 8.28 Where the employee is on Ordinary or Additional Maternity Leave and is confirmed as redundant, they will be entitled to receive the same amount of Maternity pay as if they had not been made redundant. This can be as a lump sum, in which case their employment would end at that point in time, or as a monthly payment up until the end of the maternity pay period, at which point their employment would end. Redeployment options should continue to be sought up to the employee's termination date.
- 8.29 If an employee on Ordinary or Additional Maternity Leave is confirmed as redundant they are entitled to their normal contractual notice period any outstanding annual leave and a redundancy payment, (where applicable).

**On Secondment during organisational change**

- 8.30 Where organisational change takes place an employee will always be considered in conjunction with their substantive post and not the post they have been seconded to.

**On Unpaid leave (including Sabbaticals) during organisational change**

- 8.31 Any employee on unpaid leave (including sabbaticals) during a restructure will be included in any restructure of the team their substantive post sits within.

**On a fixed term contract during organisational change**

- 8.32 Fixed-term employees cannot be selected for redundancy simply because of their employment status. Please refer to the [Severance Policy](#) for information on fixed term working and Redundancy pay.
- 8.33 Where a fixed term contract has come to an end because the substantive post holder has returned to work there is no entitlement to a redundancy payment or redeployment. This is because there is a continuing need for the work to be undertaken. So the end of the fixed term contract is not a dismissal on the grounds of redundancy but a dismissal for some other substantial reason.

**Specific group of employees and advice from HR**

- 8.34 Managers must seek advice from their allocated HR Advisor if any of their employees in the restructure are on maternity leave or may be covered by equalities legislation. Specific advice should also be sought for employees who have multiple employments /contracts with the council.

**Withholding Redundancy Payments**

- 7.16 Employees who are made redundant from the services of the council are entitled to a redundancy payment provided they don't:
- Accept an offer of employment with another local authority or an associated employer contained in the Redundancy Payments (Modification) Order 1999 and commence what may be considered as continuous employment within four weeks of leaving the employment of Surrey County Council.
  - Unreasonably refuse suitable alternative employment offered by the council prior to their last day of service.
  - Refuse to complete without good reason, a trial period for a job offered by the council.
  - Resign from the council during the trial period of a job offered by the council.
  - Refuse the offer of a job without good reason, after completion of their trial period.
- 7.17 To qualify for redundancy payment, employees must have at least two years continuous service - service before the age of 18 is not counted.

**Redundancy Payments**

- 7.18 Please refer to the [Severance Policy](#) for more information.

**9. Appeals Procedure**

- 9.1 Employees may wish to appeal against the decision of their being made redundant by lodging an appeal with the Head of the Service. Employees will need to file their appeal within 5 working days of being issued with a written notice of redundancy. Employees will have the right of representation for such appeal hearings.
- 9.2 The appeal will have to be typically heard within 5 working days of receipt of the appeal.

- 9.3 The Head of Service will need to delegate the responsibility of 'hearing' the appeal to an independent Senior Manager who has not been connected with the decision making process of the redundancy in question.
- 9.4 A written response, confirming the decision at the appeal hearing will be sent to the employees within 5 working days of the appeal hearing.
- 9.5 Any changes to the above mentioned timescales would have to be conveyed to and confirmed by both parties.

## **10. Redeployment**

- 10.1 Throughout the course of their employment with the County Council, some employees may be affected by changing circumstances beyond their control, which results in them not being able to continue in their current role. This could be related to restructuring, the ending of a fixed term contract or the need for redeployment as a reasonable adjustment in accordance with the provisions of the Equality Act 2010.
- 10.2 The County Council invests heavily in recruitment and training to ensure that it maintains a highly skilled workforce capable of operating flexibly within the County Council's complex governance arrangements and political environment.
- 10.3 Consequently, the County Council is committed to retraining employees who are highly skilled and will make every reasonable effort to find alternative employment by exploring redeployment opportunities:
- Either as an alternative to redundancy;
  - Or as a reasonable adjustment in accordance with the provisions of the Equality Act 2010.
- 10.4 Whilst every effort will be made to secure a suitable alternative role this cannot be guaranteed and in such circumstances the outcome may be termination of employment.
- 10.5 The employee will know their own skills and experience better than anyone and while the County Council can monitor vacancies which arise, employees accepted for redeployment have the responsibility to monitor vacancies themselves and apply for those which they consider may be suitable.

### **Prior consideration for re-deployees**

- 10.6 The County Council will give prior consideration for job vacancies, in advance of other candidates, to all employees accepted for redeployment, provided the following criteria are satisfied:
- The employee's skills, qualifications, abilities and experience must match the essential criteria of the post.
  - In cases of redeployment for reason of redundancy, priority will only be given where the alternative post is deemed a 'suitable alternative'.
  - An employee without specific experience, but with transferable skills will be considered provided the experience can be acquired within a short induction period in the job.
- 10.7 In order to protect the County Council's investment in its existing staff and employment stability, managers recruiting to vacancies could be asked at any point during the recruitment process to give prior consideration to an employee for whom redeployment is being sought and for which the vacant post is considered a suitable alternative.
- 10.8 Where staff are at risk of redundancy, a 'suitable alternative' vacancy must be offered to an 'at risk' employee on maternity leave in preference over others. Please refer to 8.26.

- 10.9 Priority will then be given to other employees at risk of redundancy, or those being redeployed as a reasonable adjustment in accordance with the provisions of the Equality Act 2010.
- 10.10 Prior consideration will not normally apply to a re-deployee applying for a vacancy that is not considered a 'suitable alternative'. In these circumstances, the re-deployee should apply in the normal way through the County Council's e-recruitment system.
- 10.11 Interview for a job will be guaranteed when employees satisfy the minimum requirements of that post as set out in the specific role profile. The onus will be on the recruiting manager/panel to justify why an individual could not be appointed following such an interview.
- 10.12 In line with Surrey's commitment to the two ticks scheme the council guarantees an interview to anyone with a disability who meets the minimum requirements of the role.
- 10.13 In order to comply with our legal duty to appoint on merit employees seeking a higher graded job due to a redundancy situation will normally have to apply competitively for the job. Advice should be sought from the HR teams for cases where the above criteria may have to be relaxed because of closely matching experience and qualifications.
- 10.14 Reasonable 'on the job' training will be provided to employees during the trial period to facilitate success in the trial period.
- 10.15 In small reorganisations employees who are informed of their vulnerability to redundancy are given the flexibility to register themselves for redeployment from the start of the consultation process even before the recruitment to the new structure is complete.
- 10.16 Redeployment status will continue until such time as employees are allocated to alternative employment or until their notice period expires - whichever is the sooner.

#### **Suitable alternative vacancy**

- 10.17 In determining whether a vacancy represents a 'suitable alternative', for an employee at risk of redundancy, a range of factors will be taken into consideration, including but not limited to:
- Relevance of the employee's qualifications, skills and experience to the requirements of the post
  - Salary difference between the two roles will be required to be 'reasonable'
  - Location and other working arrangements
  - Comparability of conditions of service
  - Costs associated with retraining; and
  - The practicality of retraining the employee to function effectively within a reasonable period of time.
- 10.18 The determination of 'suitable alternative' employment for employees being redeployed as a reasonable adjustment in accordance with the provisions of the Equality Act 2010 will broadly follow the above criteria, but more flexibility may be necessary to ensure the full range of options have been explored.
- 10.19 An individual may be offered a role which is not considered to be a suitable alternative role. In such cases they should be provided with information to make an informed choice about whether to accept the offer and forgo a redundancy payment. The HR Advisory team will be able to provide support.

**Pay protection**

- 10.20 Pay protection may apply in some circumstances where redeployment is an alternative to redundancy and the salary of the new position is lower. Please refer to information relating to [protection of earnings](#) in the Reward Policy.

**Trial period**

- 10.21 Employees offered redeployment opportunities are subject to a statutory 4-week trial period for employees and employers to assess suitability to the role. In some circumstances it may be appropriate to extend a trial period to allow for relevant training; typically this might be for a further 4 weeks. Both management and employees will have the right to terminate the trial period during and at the end of four weeks. However any decision will need to be based on reasonable grounds and both parties will need to substantiate their decision in consultation with HR.

**Supporting Employees**

- 10.22 It is understood that going through a change process can be a very difficult time for employees. Managers are encouraged to have an 'open door' policy for communicating with and supporting employees during these times.
- 10.23 Managers will have the responsibility to raise awareness of the support that is available for employees to enhance their continuity of service. Managers are also responsible for ensuring that due attention is paid to wellbeing of staff in the new structure.
- 10.24 In addition to the supporting principles of redeployment, some of the other support mechanisms that are in place for employees at risk of redundancy include:
- Reasonable paid time off work to seek employment outside the county council or to arrange appropriate training.
  - Work base relocation grant, and pay protection (as applicable) to aid continuity of service.
  - Support with retraining and out placement opportunities in specific circumstances.
  - Support provided via external agencies e.g. the [Employee Assistance Programme](#) that provides support not only to the employees but also their families when going through a stressful period.

**Reasonable Adjustments**

- 10.25 Those employees with a disability as defined by the Equality Act 2010 should be given the opportunity to request reasonable adjustments at every stage of the process. All requests and subsequent action should be appropriately recorded.