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Organisational Change, Redundancy & Pay Protection Policy

Version:	v1
Supersedes:	N/A – New Policy
Date Ratified by Board:	24 th September 2020
Reference Number:	PC24POL131
Title & Department of Originator:	Department of Human Resources & Organisational Development
Title of responsible Committee / Department:	Quality and Workforce Committee
Effective Date:	September 2020
Next Review date:	September 2021
Target audience:	All staff
Impact Assessment Date:	December 2019
Summary:	This policy sets out Primary Care 24's approach to dealing with organisational change, including redeployment, reorganisation that does not involve redundancy, redundancy and pay protection affairs.

Version	Date	Control Reason	Title of Accountable Person for this Version
v1	September 2020	New Policy	HR Manager

Reference Documents		Electronic Locations (Controlled Copy)	Location for Hard Copies
Consultation: Committees / Groups / Individual			Date
Quality and Workforce			December 2019

1.0 PURPOSE

The purpose of this policy is to detail the actions and responsibilities for all parties involved in Organisational Change. A primary aim of the policy is to provide clarity when individual members of the workforce are directly affected by organisational change and to facilitate, wherever practicable, the retention of skills within the organisation.

2.0 SCOPE OF THE POLICY

This policy is applicable to all salaried employees of PC24 at any location and includes those employed on full time and part time contracts.

This policy does not apply to bank staff, agency workers or contractors.

3.0 RESPONSIBILITIES

3.1 Executive Team:

- Have overall responsibility for ensuring that the policy, and all activities relating to organisational change and redundancy, are implemented fairly and consistently across the organisation
- Will review and approve any cases for change presented, taking into account the needs of the service, contractual requirements and patient experience

3.2 Line Managers:

- Prepare any cases for change for submission to the Executive Team for approval. This must include full costs prior to being implemented.
- Ensure the organisational change is managed under the procedures outlined in this policy
- Engage with the affected workforce at the earliest possible opportunity

- Provide ongoing support and encouragement, through regular consultation and meetings

3.3 HR Department:

- Monitor and update the policy in line with changes in legislation
- Provide ongoing support to Managers in implementing the policy ensuring it is applied fairly and consistently
- Ensure that statutory requirements relating to consultation are carried out
- Notify potential redundancies to statutory bodies when legally required to do so

3.4 Employees:

- Attend all consultation meetings related to organisational change
- Ensure the procedure is fully understood and to put forward views and suggestions in relation to the proposed changes

4.0 DEFINITIONS

4.1 Organisational Change:

Organisational change happens when a company or organisation needs work carried out differently for business related or economic reasons. It occurs when business strategies or departments of an organisation are altered and may affect the working arrangements/practices, workloads, staff requirements and/or the terms and conditions of employment.

There may be occasions when financial pressures, changes in our working practices, advances in technology or external factors, have an impact on our workforce. Where this is the case, we will explore alternative measures such as placing restrictions on recruitment, reducing overtime, redeployment and the non-renewal of fixed-term contracts, to avoid a redundancy situation.

Where appropriate, we will initially seek volunteers for redundancy. However,

despite our best efforts, certain business situations may arise where redundancies are unavoidable.

This policy sets out our approach to dealing with potential redundancies. It does not form part of your terms and conditions of employment and may be subject to change at the discretion of management. The policy will be applied fairly and equally to all employees, and without any form of discrimination.

We understand that redundancy situations can be extremely difficult for those affected. This policy aims to set out clearly the process involved and signpost the help and support available.

4.2 Redundancy:

This policy covers situations which meet the definition of redundancy as set out in Section 139 of the Employment Rights Act 1996 as summarised below:

- PC24 ceases, or intends to cease, to carry on the business or part of the business in which an individual is employed
- PC24 ceases, or intends to cease, to carry on the business or part of the business in the place/location of which an individual is employed
- PC24's requirement for employees to do the kind of work that the individual is doing ceases or diminishes or is expected to cease or diminish
- PC24's requirement for employees to do the kind of work an individual is doing in the place/location that they are employed ceases or diminishes or is expected to cease or diminish

4.2.1 Measures to avoid or minimise redundancy

We will consider possible alternative measures to minimise or avoid a redundancy situation. Depending on our business needs at the time, we may explore:

- natural wastage – we would not replace employees who have resigned or retired;

- freezing recruitment – we would not recruit new permanent members of staff;
- stopping or reducing the use of temporary workers;
- stopping or reducing overtime;
- freezing or reducing pay;
- offering career breaks or other types of unpaid leave;
- flexible working arrangements;
- retraining or redeploying employees;
- inviting early retirements;
- retraining or redeploying employees

4.2.2 Voluntary redundancy

To reduce the need for compulsory redundancies, we may seek volunteers for redundancy. Whether or not additional payments will be offered in relation to voluntary redundancies will be a matter for consultation and will depend on the circumstances.

If the organisation deems that voluntary redundancy is an option we will send voluntary redundancy invitations to relevant employees together with an application form. This opportunity will be available for a defined period and we will confirm the closing date for applications in our communication. Applications will be assessed against a set of objective criteria decided at the organisation's discretion.

Unfortunately, we may not be able to accept all applications for voluntary redundancy. We will let you know by letter whether or not you have been successful.

4.3 Redeployment:

For the purpose of this policy, redeployment is the process whereby PC24 finds or tries to find an alternative position for a redeployee. A redeployee is defined as any permanent employee of PC24 who has, or is expected to be, displaced

from their post within the organisation. This may come about in one of the following ways:

- Where Primary Care 24 ceases, or intends to cease, to carry on the business/role for which an in the place where the individual was employed
- Primary Care 24's business requirement for employees to carry out work of a particular kind, or to carry out that work in the place they were so employed, has ceased or diminished, or is expected to cease or diminish

The organisation aims to provide all reasonable support to employees at risk of redundancy in identifying other opportunities within the organisation. This is seen as a positive measure to retain skilled and experienced employees as well as a means of avoiding redundancies.

Once your post has been identified as at risk of redundancy, the recruitment team will email you a list / link to all vacancies across PC24. Should you wish to be considered for a particular role, please make your line manager / HR representative aware.

4.4 Communication:

Employee communications is the provision and exchange of information and instructions that enable an organisation to function efficiently and employees to be properly informed about developments.

4.5 Consultation:

4.5.1 Individual Consultation

Consultation is the process by which management and employees or their representatives jointly review and discuss issues of mutual concern. In a redundancy situation, consultation must be meaningful and as such the aim of consultation is to ensure a genuine exchange of views as to why redundancy is being proposed and how it can be avoided.

4.5.2 Collective Consultation:

Collective Consultation is a process under which employers have to consult staff representatives as opposed to consulting with them individually. However, staff may need to be consulted individually as well, depending on the circumstances.

4.6 Workplace Representatives:

For the purposes of collective consultation, where 20+ employees are at risk of redundancy, PC24 will seek to facilitate a process where individuals are selected to represent their colleagues in collective consultation meetings in order to maintain effective communication between the two parties.

4.7 Suitable Alternative Employment:

Suitable Alternative Employment (SAE) is a position which is offered to a member of staff which is comparable to the terms and conditions of their existing post. SAE can either be applied for through the usual channels or, alternatively PC24 can formally offer a position that has been deemed as suitable to an affected employee in writing.

5.0 POLICY PROCEDURES

Where organisational change is proposed, communication with staff will be initiated as early as is practicably possible. This will be a two-way process which requires information to flow up from employees as well as down from Managers.

5.1 Organisational change where the proposal does not include a reduction in roles or grades of roles:

Some organisational change may require a change to an employee's terms and conditions of employment rather than a reduction in roles or grade of role e.g. change of job roles, change to working hours or a change to contractual payments. A consultation process will take place with affected employees, outlining the rationale for change, before any final decisions are made. If new

job roles are part of the change then job descriptions will be drafted and consulted upon as part of the consultation process.

If agreement is not reached with the affected individual(s) and there are no other viable alternatives, a process of termination and re-engagement onto the new terms and conditions of employment will be considered. This will only take place once consultation has been exhausted and as a final measure.

5.2 Organisational change where the proposal does not include an overall reduction in roles but does include a reduction in the grades of roles:

There may be a requirement to change the structure of a department or service which involves a change in the responsibilities and duties of the role and, as such, a change to the grade of its staff. Consultation will take place to outline the rationale for change and to evaluate the possibility of Suitable Alternative Employment before any final decisions are made. Any such proposal will be accompanied with a new job description which will be evaluated appropriately and will form part of the consultation process.

If agreement cannot be reached with affected individuals a process of termination and re-engagement may commence as in 5.1 (above).

5.3 Organisational change where the proposal includes a reduction in posts:

Where proposed change involves a reduction in staffing levels measures will, where possible, be taken to reduce the need for compulsory redundancies e.g. a restriction on recruitment of permanent staff, reduction in overtime, freezing vacancies, re-training or redeployment. Before any decision is taken on the implementation of proposals, a process of consultation will take place. Depending on the situation this may also include collective consultation and, if necessary, a process identifying suitable workplace representatives will be undertaken for this purpose.

Where there is to be a reduction in staffing levels, prior to the announcement Managers will, with support from HR:

- Gain financial approval and sign-off for the proposed organisational changes and the financial impact
- Identify the pool for selection for redundancy (where applicable)
- Draft any new or amended job descriptions to be used as part of the process
- Obtain redundancy calculations
- Draft letters to staff regarding consultation arrangements and announcements
- Arrange a time and date for the announcement to be made
- Provide ongoing support and encouragement for their staff team(s)

Once the announcement is made the Manager will arrange to meet with the affected employees to inform them of the proposed changes and the consultation process will commence.

5.4 Consultation Process:

Consultation is the process by which management and employees consult to see whether redundancies can be avoided. This involves taking account of and listening to the views of employees and will take place before any decisions are made. Depending on the situation, PC24 may initiate a process of selection for the appointment of appropriate workplace representatives for the purposes of collective consultation.

Once affected staff have been informed of the proposed changes, staff will be invited to a consultation meeting. These meetings will usually be carried out collectively. Each affected employee will be entitled to an individual consultation meeting to discuss whether redundancy can be avoided for that individual.

At the start of the consultation process, managers will write to employees in order to:

- Describe the proposed changes and how they will affect staff
- Explain the rationale for the proposed changes

- Share the details of the proposed new structure including number of roles, and any posts which are at risk (if applicable)
- Explain the selection criteria and the selection pools (where applicable) to be used
- Give details around how the proposed change will be carried out, including the expected timescales
- Explain the next steps in the process
- Give staff an opportunity to ask any questions and air any views
- Describe the right of appeal

Individuals who are absent due to maternity leave, sickness etc. must be contacted and given the opportunity to attend consultation meetings and to give their views.

Once the consultation period is complete and all feedback has been reviewed, a final consultation document will be shared with the affected staff. The change will then be implemented on the proposed date. The manager is responsible for confirming the changes and how it affects each staff member at this point.

Employees can be accompanied at their consultation meeting by a work colleague or trade union representative. However, it is their responsibility to make these arrangements.

5.5 Consultation Period:

In cases of potential redundancy, consultation must be in line with the statutory requirements detailed as follows:

No of potential redundancies	Consultation period
Less than 20	No set rules
Between 20 and 99 redundancies within 90 days in one establishment	30 days before the 1 st redundancy

100 or more redundancies within 90 days in one establishment	45 days before the 1 st redundancy
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Once the consultation period has ended, managers will issue a document that will include a summary of any comments received, the management responses and the new structure and/or working arrangements. It will also include the date of implementation.

5.6 Selection Process for Redundancy:

A selection process will be applied which will take place via competitive selection. Consideration may be given to requests for voluntary redundancy.

The criteria and scoring system will be objective, fair and reasonable and care will be taken to ensure they are not discriminatory, either directly or indirectly. The criteria will be shared with employees during the consultation process.

On completion of the process the employee will receive a letter informing them of the outcome and will include feedback and the scores relating to their selection.

If the employee has been unsuccessful at securing a role in the new structure the letter will inform them that they are now at risk of redundancy. It will also inform the employee that they have the right to challenge the outcome which must be done in writing within 5 working days of receipt of the letter, which will be discussed during a further consultation meeting.

If the employee has been successful in securing a role within the new structure, they will be confirmed in post along with any new terms and conditions included.

Where a member of staff is on maternity leave during an organisational change process, Regulation 10 of the Maternity and Paternity Leave Regulations 1999 will apply to the selection process where there are more staff than posts in the

new structure. Staff on maternity leave should be offered any suitable alternative vacancies and will not be required to go through a selection process.

Once the consultation process is complete and any challenges have been reviewed, if the employee has been selected for redundancy, they will be invited to a meeting to explain their employment will be terminated and why. This will also be followed up by letter.

The letter should:

- Confirm that the employee has not been successful in obtaining a post through the selection process (where applicable)
- Confirm selection for redundancy
- Confirm the end date of employment with PC24
- Give details of the redundancy payment to be received
- Inform the employee that they will be eligible to be considered for redeployment
- Advise the employee that they are entitled to 'reasonable' time off to look for alternative employment during their notice period
- Advise of the employee's right to appeal
- If your selection for redundancy is confirmed, you will be given written notice of the termination of your employment in accordance with the notice period set out in your contract of employment or the statutory minimum notice period, whichever is greater.
- Depending on the circumstances, we may give you a payment in lieu of notice instead of requiring you to work your notice period.

5.7 Redundancy Payment:

To qualify for a redundancy payment an employee must have at least 2 years' continuous service with PC24.

Payment will be made in a lump sum and will be paid in accordance with statutory requirements. This payment will be calculated in accordance with the relevant statutory redundancy pay provisions in force at the time. You will
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receive a written statement showing how your redundancy pay has been calculated.

If the payment is eligible for tax deductions, this will be applied at the time of payment.

Employees will not be paid redundancy payments if:

- They are dismissed for reasons of misconduct
- They unreasonably refuse to accept suitable alternative employment.
- They leave their employment before expiry of their notice period (unless early release has been agreed by the organisation in writing)
- They are transferred to another employer under TUPE

5.8 Redeployment/Suitable Alternative Roles:

PC24 will work with employees to identify redeployment or suitable alternative employment for staff whose roles have been identified as redundant. Decisions about offering suitable alternative employment will take into account:-

- Employee skills, aptitude and experience.
- The terms of the proposed role in comparison with the affected role including factors such as pay and location.
- Personal circumstances such as childcare / caring responsibilities and travel time.

If an employee is deemed to be suitable for a role that has already been advertised during the consultation process, they would be automatically offered the position.

Where a vacancy exists in a higher-level post, individuals in the redeployment pool must apply for the role in open competition against other applicants in response to an advertisement.

5.9 Trial Period:

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Individuals who are redeployed to a role which involves a different type of work or different terms of employment are entitled to a trial period of not less than 4 weeks.

Where the new role necessitates retraining, this period can be extended by written agreement between the employee and the new Manager before commencing the role.

If during the trial period either the employee or PC24, with good reason, gives notice to terminate the contract the employee will be treated as redundant and, unless other suitable alternative employment has been identified, will be eligible for full redundancy terms based on their previous terms and conditions.

At the end of the trial period, a formal review will take place to assess the employee's performance and to confirm their acceptance of the role as a suitable alternative employment. Acceptance of the role will negate any eligibility for a payment under the redundancy policy.

5.10 Time off for Job Searching:

Employees are entitled to a reasonable amount of time off to look for another job and to arrange training to help find another job, regardless of length of service. Line managers should agree these requests, taking advice from the Human Resources department where necessary.

5.11 Protected Pay:

Pay protection is a mechanism to ensure that for a period of time an employee who has been affected by Organisational Change can expect to receive the same pay that they would have received prior to the change. The pay protection period will commence on the date that the employee commences in the new/alternative post, and will continue for the duration of the pay protection period, as long as the post holder remains in the alternative post.

For Organisational Change, pay protection will apply as follows:

- 3 months short term pay protection. This is calculated on an average of the 3 month's pay prior to the date of change and includes recruitment and retention premia and/or payments for work outside normal hours.
- 6 months long term pay protection for a reduction in contracted hours or a reduction in contracted hours or re-deployment into a lower role. The rate of the earnings is preserved without the benefit of subsequent increments or pay awards, until the new earnings reach the level of the previous earnings or until the protection ends whichever is sooner.

This agreement does not apply in situations where:

- A member of staff moves to another post within PC24 by their own choice
- Employees are re-deployed to a post at a lower salary as a result of formal capability procedures relating to their performance or their ill-health or as a result of disciplinary action

5.12 Appeals

Where an individual employee is made redundant through this process they may appeal against the decision. This should be done in writing and sent to the Associate Director of Human Resources within 10 working days of receiving confirmation of redundancy. In the appeal the employee should state the main reasons why they should not have been selected for redundancy.

The appeal will be heard within 15 working days after the appeal has been received and with at least 5 days' notice for the employee. The process for conducting the appeal will be the same as described in the Disciplinary Policy and Procedure. The outcome of the appeal will be given in writing as soon as reasonably practicable and the decision will be final and the process exhausted.

While an appeal is in progress, the contractual period of notice shall continue to run from the original date of notification. Where an appeal is unsuccessful

and a redundancy decision is confirmed, employment will terminate on the date specified in the original written notification of redundancy.

If an employee feels that the processes described in this policy have not been followed properly, those concerns should be raised via the Grievance Procedure.

6.0 CONTACT INFORMATION

Should you have any queries or questions around this policy please contact either your Line Manager or the HR Department.

7.0 SUPPORT

We understand that redundancy situations can be extremely difficult for all those affected. Please remember the provision of the Employee Assistance Programme (EAP). The EAP is available at any time, day or night, on any day of the year. The programme allows you to connect with a counselling and advice provider confidentially and anonymously.

The free phone number is **0800 328 1437** or you can access services using the website www.employeeassistance.org.uk To use the website you will need to enter the access code allocated to PC24 which is **urgentcare24**. Your use of the phone line and website is confidential and anonymous - the access code simply records how many times the site is visited.

8.0 RELATED POLICIES

Policies which are related and referred to in this Organisational Change Policy are:

- Disciplinary Policy
- Grievance Policy

- Maternity, Paternity and Adoption Policy
- Terms and Conditions

9.0 MONITORING COMPLIANCE

The HR department will monitor any organisational change to ensure that the appropriate consultation period is undertaken at all times, as well as notification of consultation letters to all affected staff.

Implementation of this policy and progress will be reported to the Quality and Workforce Committee when change occurs.

10.0 INFORMATION, INSTRUCTION AND TRAINING

The Human Resources representative advising on organisational change must be fully up to date with relevant legislation and good practice in relation to consultation, equality and human rights and redundancy.

11.0 EQUALITY AND HEALTH INEQUALITIES

PC24 is committed to an environment that promotes equality and embraces diversity in its performance as an employer and service provider. It will adhere to legal and performance requirements and will maintain equality and diversity principles through its policies, procedures and processes. This policy has been implemented with due regard to this commitment. To ensure that the implementation of this policy does not have an adverse impact in response to the requirements of the Equality Act 2010 this policy has been screened for relevance during the policy development process and a full equality impact analysis conducted where necessary. PC24 will take remedial action when necessary to address any unexpected or unwarranted disparities and monitor practice to ensure that this policy is fairly implemented.

12.0 PERSONAL INFORMATION

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PC24 is committed to an environment that protects personal information
This policy complies with the Data Protection Act 2018, therefore no Privacy
Impact Assessment is necessary.

13.0 MAIN REFERENCES

- Equality Act 2010
- Employment Rights Act 1996
- Maternity & Paternity Leave Regulations 1999
- Transfer of Undertakings (Protection of Employment) Regulations 2018



Equalities and Health Inequalities – Screening Tool

Version number: V1

First published: November 2016

To be read in conjunction with Equalities and Health Inequalities Analysis Guidance, Quality & Patient Safety Team, Urgent Care 24, 2016.

Prepared by: Quality & Patient Safety Team.

Introduction

The purpose of this Screening Tool is to help you decide whether or not you need to undertake an Equality and Health Inequalities Analysis (EHIA) for your project, policy or piece of work. It is your responsibility to take this decision once you have worked through the Screening Tool. Once completed, the Head of your SDU or the Quality & Patient Safety Team will need to sign off the Screening Tool and approve your decision i.e. to either undertake an EHIA or not to undertake an EHIA.

The Quality and Patient Safety Team can offer support where needed. It is advisable to contact us as early as possible so that we are aware of your project.

When completing the Screening Tool, consider the nine protected characteristics and how your work would benefit one or more of these groups. The nine protected characteristics are as follows:

1. Age
2. Disability
3. Gender reassignment
4. Marriage and civil partnership
5. Pregnancy and maternity
6. Race
7. Religion and belief
8. Sex
9. Sexual orientation

A number of groups of people who are not usually provided for by healthcare services and includes people who are homeless, rough sleepers, vulnerable migrants, sex workers, Gypsies and Travellers, Female Genital Mutilation (FGM), human trafficking and people in recovery. Urgent Care 24 will also consider these groups when completing the Screening Tool:

The **guidance** which accompanies this tool will support you to ensure you are completing this document properly. It can be found at: <http://extranet.urgentcare24.co.uk/>

Equality and Health Inequalities: Screening Tool		
A	General information	
A1	Title: What is the title of the activity, project or programme? Organisational Change Policy	
A2.	What are the intended outcomes of this work? To define a standard process for the organisation to follow in the event of organisational change, including compliance with relevant legislation.	
A3.	Who will be affected by this project, programme or work? All staff	
B	The Public Sector Equality Duty	
B1	Could the initiative help to reduce unlawful discrimination or prevent any other conduct prohibited by the Equality Act 2010? If yes, for which of the nine protected characteristics (see above)?	
	Yes	
	Summary response and your reasons: The policy ensures anyone on leave due to maternity, paternity or adoption, or on extended leave, are included in the consultation process as much as possible	
B2	Could the initiative undermine steps to reduce unlawful discrimination or prevent any other conduct prohibited by the Equality Act 2010? If yes, for which of the nine protected characteristics? If yes, for which of the nine protected characteristics?	
		No
	Summary response and your reasons: See above	
B3	Could the initiative help to advance equality of opportunity? If yes, for which of the nine protected characteristics?	
	Yes	
	Summary response and your reasons: The policy ensures that all staff members are involved in the processes described and are treated equally, regardless of any protected characteristic.	
B4	Could the initiative undermine the advancement of equality of opportunity? If yes, for which of the nine protected characteristics?	
		No
	Summary response and your reasons:	
B5	Could the initiative help to foster good relations between groups who share protected characteristics? If yes, for which of the nine protected characteristics?	
		No

	Summary reasons: N/A
B 6	Could the initiative undermine the fostering of good relations between groups who share protected characteristics? If yes, for which of the nine protected characteristics?
	☐ Yes ☒ No
	Summary response and your reasons: N/A
C	The duty to have regard to reduce health inequalities
C 1	Will the initiative contribute to the duties to reduce health inequalities?
	Could the initiative reduce inequalities in access to health care for any groups which face health inequalities? If yes for which groups?
	☐ Yes ☒ No
	Summary response and your reasons: n/a
C 2	Could the initiative reduce inequalities in health outcomes for any groups which face health inequalities? If yes, for which groups?
	☐ Yes ☒ No
	Summary response and your reasons: n/a
D	Will a full Equality and Health Inequalities Analysis (EHIA) be completed?
D 1	Will a full EHIA be completed? Bearing in mind your previous responses, have you decided that an EHIA should be completed? Please see notes. ¹ Please place an X below in the correct box below. Please then complete part E of this form.
	☐ Yes ☒ No
	☐ Yes ☐ No
	☐ Yes ☐ No
E	Action required and next steps
E 1	If a full EHIA is planned: Please state when the EHIA will be completed and by whom. Name: Date:
E 2	If no decision is possible at this stage:

¹ Yes: If the answers to the previous questions show the PSED or the duties to reduce health inequalities are engaged/in play a full EHIA will normally be produced. No: If the PSED and/or the duties to reduce health inequalities are not engaged/in play then you normally will not need to produce a full EHIA.

	If it is not possible to state whether an EHIA will be completed, please summarise your reasons below and clearly state what additional information or work is required, when that work will be undertaken and when a decision about whether an EHIA will be completed will be made. Summary reasons: Additional information required: When will it be possible to make a decision about an EHIA?
E 3	If no EHIA is recommended: If your recommendation or decision is that an EHIA is not required then please summarise the rationale for this decision below. Summary reasons:

F	<i>Record Keeping</i>		
Lead originator:	P Mullen	Date:	Nov 2019
Director signing off screening:		Date:	
Directorate:		Date:	
Screening published:		Date:	