

**REDEPLOYMENT POLICY**

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<b>CONSULTATION AND DISTRIBUTION RECORD</b>	
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Date	Author	Change	Version No.
24/7/12	Geraldine Reilly	Interim review pending publication of PIN	2

## REDEPLOYMENT POLICY

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### 1. **INTRODUCTION**

NHS Lanarkshire recognises that organisational change, ill health or circumstances such as dignity at work or the outcome of a disciplinary matter may lead to the need to redeploy staff. In order to ensure consistent and equitable treatment of staff, clear guidelines need to be in place.

NHS Lanarkshire is fully committed to a sensitive, open, fair, consistent and committed approach to the process of securing alternative employment for displaced staff within designated timescales. Redeployment of displaced staff is accepted as an effective means of retaining the skills and experience of existing NHS staff who have been displaced due to Organisational Change, ill health or other circumstances. NHS Lanarkshire intends to offer suitable alternative employment to displaced staff in order to avoid redundancies.

This document should be read in conjunction with NHS Lanarkshire's policies on Organisational Change and the Management of Sickness Absence. These can be accessed via Firstport's home page, under Staff Support Services <http://firstport/default.aspx>

### 2. **AIM, PURPOSE AND OUTCOMES**

This Redeployment Policy has been developed in partnership with staff representatives and will assist NHS Lanarkshire to modernise, respond and adjust to service changes and challenges, whilst safeguarding and making full use of the skills and experience of existing staff at all levels. This policy encourages the effective use of redeployment and is based on best practice detailed in the national Partnership Information Network (PIN) Redeployment Policy and Practice; a full copy of the PIN Guideline can be obtained from [www.scotland.gov.uk/library5/health/regu-01.asp](http://www.scotland.gov.uk/library5/health/regu-01.asp)

### 3. **SCOPE**

3.1 The policy applies to all employees of NHS Lanarkshire irrespective of age, sex, ethnicity/race, marital or civil partnership status, sexual orientation, religion or belief, pregnancy or maternity or gender reassignment.

#### 3.2 **Who are the Stakeholders**

Employees of NHS Lanarkshire

### 4. **PRINCIPLE CONTENT**

#### **DISPLACED**

That there is no longer a need for a substantive post; or that the particular skills or experience of a postholder are no longer required.

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is the process of securing alternative employment for staff displaced as a result of organisational change, ill health or circumstances such as dignity at work or the outcome of a disciplinary matter. The process by which staff access different forms of redeployment may vary and individual staff entitlements within this may differ.

### REDEPLOYEE

Employee who has been identified as being displaced and who has been registered on the Redeployment Register.

### MATCH OR SUITABLE ALTERNATIVE EMPLOYMENT

It is not possible to give a concise definition of what might be classed as suitable alternative employment. The Terms and Conditions of Service Handbook states the following:–

*Suitable alternative employment should be determined by reference to Sections 138 and 141 of the Employment Rights Act 1996. In considering whether a post is suitable alternative employment, regard should be had to the personal circumstances of the employee. Employees will, however, be expected to show some flexibility*

Each individual redeployment job offer therefore must be considered separately, taking into account a number of factors including the following:

- The skill requirement of the new job compared with the employee's skills and experiences.
- The extent of retraining that may be required by the employee in order to obtain the necessary skills for the new job.
- The location of the job and the impact that travel to work may have on personal and domestic circumstances.
- Any changes to the employee's current hours of work and the impact this may have on personal and domestic circumstances.
- The status or remuneration of the new post within the organisation.
- Career history and previous work experience.

Taking these factors into consideration the following could be seen as suitable alternative employment;

- A post involving the same or a broadly similar range or type of duties and of a similar grade.
- A post with the same qualification requirements or equivalent knowledge, skills and experience, within the same occupational group and on the same grade.
- A post for which the individual has the necessary qualifications and experience within another occupational group.
- A post within the same general location or where travel to a new base is practical and where excess expenses would be reimbursed.
- A post for which the individual has the necessary qualifications and with appropriate training can achieve acceptable performance within a reasonable period of time. This would depend on the individual's previous experience and the vacancy in question.

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### **PRINCIPLES AND VALUES**

NHS Lanarkshire strives to be an exemplar employer and effective redeployment of staff gives the opportunity to be innovative, making full use of the skills and experience of staff at all levels to respond to service and other challenges.

It is recognised that the full co-operation of all staff, managers and staff representatives is required to ensure that the redeployment process is followed consistently and timeously across the organisation.

Redeployment opportunities will be sought for all redeployees across NHS Lanarkshire and across the wider NHS Scotland community. With the redeployee's consent NHSL will also liaise with other public sector organisations as appropriate.

NHS Lanarkshire will work in partnership with recognised Trade Unions/Professional Organisations in all redeployment situations to retain the skills and experience of all redeployees, where possible.

Redeployees will have the right to be slotted-in to suitable posts and will not be unfairly denied a substantive post. Information obtained from the Redeployment Referral Form, application form and through discussion with the individual, staff representative and Human Resources and line manager will be used to assess suitability for matching against vacant posts.

### **LEGAL FRAMEWORK**

The main legislation related to Redeployment is set out below:

- Employment Rights Act 1996
- Trade Unions & Labour Relations (Consolidation) Act 1992
- Transfer of Undertakings (Protection of Employment) Regulations 1987 (TUPE)
- Health & Safety at Work Act 1974
- The Equal Pay Act (1970)
- Sex Discrimination Act (1975) (SDA)
- The Race Relations Act (1976) and Amendment 2000 (RRA)
- The Disability Discrimination Act (1995) (DDA)
- The Employment Equality (Religion and Belief) Regulations (2003)
- The Employment Equality (Sexual Orientation) Regulations (2003).
- The Employment Equality (Age) Regulations (2006).
- The Equality Bill 2009
- National Agenda for Change Terms & Conditions of Employment
- National Health Service Terms & Conditions for Medical & Dental Staff (Scotland)
- Staff governance legislation as detailed in part 3 of the NHS Reform (Scotland) Act 2004.

## **5. ROLES AND RESPONSIBILITIES**

### **LINE MANAGER**

To be responsible, where designated, for temporarily managing staff who are displaced.

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To ensure early and ongoing consultation with staff who may be potentially displaced.

To work with other NHS managers to ensure the smooth transition of redeployees with regard to such matters as training or trial periods.

To work in partnership with displaced staff to identify and where possible facilitate any identified and agreed training/development needs to assist in securing suitable alternative employment.

To acknowledge corporate responsibility to ensure successful redeployment of displaced staff.

To support redeployees via training either on or off the job during and following any trial period to ensure a satisfactory outcome for the redeployee.

To ensure that redeployees are given time off and support to attend meetings or interviews in connection with the redeployment process and for any training development.

To work closely with Redeployment Matching Panel (please refer to section 7 for definition of Redeployment Matching Panel) to ensure that appropriate information is provided to support the matching process.

To engage with Staff representatives throughout the Redeployment process.

### **REDEPLOYEE**

To fully participate in the redeployment process, attend meetings and provide relevant information as required.

To complete referral and application forms within 2 weeks of the meeting with the HR representative

To demonstrate commitment to identified training/development needs and participate in training on or off the job or other development opportunities as appropriate.

To recognise the need to work in partnership and adopt a flexible, realistic approach to securing an alternate post.

To actively engage and participate in trial periods for any posts identified as a suitable match by the Redeployment Matching Panel.

To positively engage in the interview process for suitable posts to ensure a positive outcome

To maintain skills, competencies and professional registration (if appropriate) or to develop new skills necessary for a successful redeployment.

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To advise the Redeployment Team of any relevant change in circumstances

### **HUMAN RESOURCES**

A senior HR officer will be assigned to each redeployee in order to provide support from the initial stages of being placed on the redeployment register through to the completion of the process. Other HR roles and responsibilities include:-

To actively manage vacancies to support an effective Redeployment process

To provide ongoing support to redeployees and line managers.

To compile, maintain and update information required to support and facilitate the redeployment process including the Redeployment Register database.

To maintain Redeployment Register/database.

To manage the Redeployment Matching Panel Process by timeous liaison between managers, staff representatives and redeployees.

To ensure effective communication to redeployee and line managers during the redeployment process.

To monitor the redeployment process and ensure that agreed policy and processes are followed.

To liaise with Redeployment Matching Panel to ensure appropriate match based on detailed knowledge of individual redeployee needs.

To engage with Staff representatives throughout the Redeployment process.

### **STAFF REPRESENTATIVE**

To support the redeployee during redeployment process.

To work with the redeployee, HR, Line Managers and Redeployment Matching Panel to assist in securing a satisfactory and realistic outcome for the redeployee and organisation.

### **OCCUPATIONAL HEALTH SERVICE**

To support employees who become redeployees as a consequence of ill health, in line with NHS Lanarkshire's Management of Sickness Absence Policy.

To provide a medical assessment on the tasks that it will be possible for the redeployee to undertake, to suggest any modifications to identified posts or workplace (if applicable).

To provide a medical assessment on the proposed redeployed role and the employee's ability to perform the role, in relation to their health issues, before the redeployment to the role is confirmed.



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### THE REDEPLOYMENT MATCHING PROCESS

A redeployment matching panel has been established to manage the matching of redeployees to vacant posts. The panel is authorised to match redeployees to vacancies, liaise with the manager of the vacancy, and then make offers of redeployment directly to the redeployee.

The redeployment matching panel will comprise of an appropriate Senior Manager, Senior Recruitment Advisor, HR Manager, and appropriately experienced staff representative. The composition of any matching panel will depend on the nature and location of the vacancy. It is not possible to be prescriptive about panels until it is clear about these issues. The Redeployment Team identify potential matches and inform the Redeployment Panel which then progresses the information to a satisfactory conclusion

### PROCEDURE

After appropriate authorisation for a vacant post is received via the Control of Recruitment form, an advert, job description and person specification will be forwarded to the Redeployment Team.

After receiving notification of a vacancy the relevant details will be submitted to the Redeployment Matching Panel for consideration.

Where there is more than one redeployee identified as a match for any one vacancy, the matched redeployees will be considered by the Redeployment Matching Panel in line with NHS Lanarkshire's Recruitment Policy. The unsuccessful redeployee(s) will remain on the redeployment register. The matched redeployee will have a discussion with the recruiting manager to identify any training gaps

If a match is identified it is expected that the manager of the vacancy and the redeployee, following an informal discussion, will proceed with the match onto a trial period. The manager or redeployee will notify the Recruitment Advisor or Employee Relations Advisor, of any issues (negative or positive) affecting the success of the trial at the earliest opportunity.

The Recruitment Advisor will be responsible for liaising between the Redeployment Panel, Human Resources, Staff Representatives, Redeployee and the manager of the vacancy.

Following this discussion with a redeployee, if it is identified that the post is not a suitable match, the manager of the vacancy must discuss this with the appropriate member of the HR team and provide written substantiated and justifiable reasons for non-appointment. This information will be reviewed by the Redeployment Matching Panel.

Redeployees will have the opportunity of a working trial in any posts that they are matched to. Time spent on a working trial(s) will be accumulated and will not exceed more than 12 weeks in total. During the working trial the redeployee will remain on their existing terms and conditions of employment.

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At the end of the trial period or before if there is agreement between the redeployee and the manager, it is expected that the redeployee will be appointed to that post. Arrangements will be formalised by the HR department and appropriate contract documents will be issued. Where a trial period does not work for justifiable reasons, the redeployee will return to the redeployment register. Temporary working and line management arrangements will then be established.

Redeployees can be matched and placed in a fixed term post. This will not affect their permanent employee status and in these situations redeployees will remain on the Redeployment Register.

Where redeployees are placed in a post of a lower grade normally this will not be any lower than one grade below the redeployee's substantive grade. Where protection is applicable, for example as a result of organisational change, the redeployee will remain on the Redeployment Register in order to be matched against a post of similar grade/hours. If a suitable post of the same grade/hours becomes available that negates the need for protection then it is a requirement that the employee would move to that post. In these circumstances the employee will be entitled to a trial period. If the employee does not accept the post offered, they will forgo their right to continuation of protection. This is in line with the NHS Lanarkshire Organisational Change Policy.

Redeployees who currently hold Mental Health Officer Status (MHO) under Scottish Public Pensions Agency regulations, should ensure that this information is clearly identified at the relevant section of the Redeployment Referral Form. This information will be considered by the Redeployment Matching Panel when assessing suitability for vacant posts.

Redeployees are encouraged to apply independently for any appropriate post outwith the Redeployment matching process and they must inform Human Resources if they successfully gain employment, so that the Redeployment Register is maintained accurately. This will apply where staff have obtained posts outwith NHSL or internal NHSL promotions.

If a suitable alternative post is identified, offered and declined by a redeployee either before or after a trial period, a written substantiated and justifiable reason for not progressing or accepting an offer will be required. This information will initially be considered by the Redeployment Matching Panel and appropriate feedback will be provided to the redeployee.

If it is deemed that a refusal is without justifiable reason, NHS Lanarkshire will consider ending the contract of employment. In these circumstances the individual will retain the right of appeal.

### **REDEPLOYMENT REGISTER**

If, after six weeks from the date of joining the Redeployment Register an employee has not been matched into a suitable post, a review involving the employee, line manager and HR representative will take place. Depending on the particular circumstances of the case, this may be conducted by telephone. The employee may wish to be accompanied at the review meeting by their staff representative or

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colleague. The purpose of the meeting will be to review the actions that have taken place since joining the Redeployment Register and to consider the likelihood of a suitable alternative post becoming available in the near future. Consideration will also be given to any additional support that may be required to assist the employee in securing an alternative post within NHS Lanarkshire. A second review will take place after a further six weeks ie; twelve weeks from the date of joining the Redeployment register and every six weeks thereafter.

Whilst every effort will be made by the organisation to find a suitable alternative post for a redeployee, there may in exceptional circumstances be situations where redeployment is not possible. These situations will be dealt with on an individual basis and will involve full discussion with staff organisations. Other options will be pursued with the displaced employee and their representative. For example, if we have a difficulty in redeploying an individual, the Head of Human Resources will arrange to meet the individual with their staff representative and their manager to discuss their position and options available to them.

### **REDUCTION IN EARNINGS**

Employees who are redeployed to a new post following a period of ill health or other circumstances not covered by Organisational Change, will have no entitlement to protection of the terms and conditions of service from their previous post. The terms and conditions of the new post will apply.

### **REVIEW PROCESS**

During the redeployment process, should the redeployee feel that there are issues/concerns that have not been appropriately considered and/or taken into account or they have been treated unfairly, they have the right to have their case reviewed by a Redeployment Review Panel not involved in the original decision. This should take place within three weeks of receipt of any such request.

The Redeployment Review Panel will comprise of a Divisional HR Director, nominated senior staff representative and a General Manager.

## **6. RESOURCE IMPLICATIONS**

Costs associated with protection of earnings.  
Cost associated with skills update or training.

## **7. COMMUNICATION PLAN**

- This policy will be launched using the weekly staff briefing and it will be available on Firstport.
- This policy will also be discussed at the appropriate management team meetings and local partnership fora.
- Staff within HR will be briefed on the content of the policy.

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### 7. QUALITY IMPROVEMENT – Monitoring and Review

NHS Lanarkshire will monitor the effectiveness of this policy and regular reports will be provided to the Human Resources Forum.

#### REVIEW OF POLICY & PROCEDURE

This policy & procedure will be reviewed after a period of 3 years.

### 9. EQUALITY AND DIVERSITY IMPACT ASSESSMENT

This policy meets NHS Lanarkshire's EDIA

(tick box)