Human Resources

Redeployment Policy

Table: Document Control Summary

<table>
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<tr>
<th>Status:</th>
<th>Replacement. Replaces: Redeployment Policy H/BLU/r&amp;s/02</th>
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<tr>
<td>Version: v2.0</td>
<td>Date: May 2015</td>
</tr>
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<td>Approved by:</td>
<td>HRODE Sub Committee</td>
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<td>Ratified:</td>
<td>Trust Board</td>
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<th>Related Trust Strategy and/or Strategic Aims</th>
<th>Deliver – regulatory, financial, performance and quality standards</th>
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<tr>
<td>Implementation Date:</td>
<td>May 2015</td>
</tr>
<tr>
<td>Review Date:</td>
<td>May 2018</td>
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Key Words:
organisational change, redundancy, sickness

Associated Policy or Standard Operating Procedures

- Trust’s Organisational Change Policy
- Trust’s Protection of Pay Policy
- Agenda for Change Terms and Conditions Handbook;
- Medical & Dental Whitley Handbook; and
- Terms and Conditions of service- NHS Medical and Dental Staff (England) 2002
- Terms and Conditions of service – Consultants (England) 2003
- Terms and conditions of service, Associate Specialists - England (2008)
- Terms and conditions of service, Specialty Doctor - England (2008)

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1. Introduction

The Trust recognises that what matters most are people; the people who work to provide effective services for us and the people we work in partnership with. Underpinning everything the Trust does are its three core values:

- People who use our services are at the centre of everything we do
- We value our staff
- Our partnerships are important to us

The Policy outlines the process to be undertaken by the Trust to identify and where appropriate secure a suitable alternative post whilst meeting legal obligations.

2. Principles

The principles of the Policy are as follows:

- Where possible to retain the individual, their skills, experience and knowledge within the Trust.
- The redeployment period will take place up to a maximum of 12 weeks
- The Trust has an obligation to try and find alternative employment for its own staff who therefore should be given priority over other candidates
- Employees will be kept fully informed throughout the redeployment process including any potential outcome.
- In any circumstances where vacancies are at a higher band than the employee’s substantive post, the normal application process will apply through NHS jobs.
- Employees will only be considered for redeployment form the point at which their name is placed on the redeployment register
- Where an employee is redeployed onto a lower banded post or on reduced hours, protection of pay will only apply in cases of Organisational Change (in accordance with the Pay Protection Policy)
- Employees details will remain on the redeployment register until they successfully secure a new role or their employment ends in accordance with the relevant Policy.
- The Trust is not required to create a post for employees requiring redeployment, but will make every effort to inform the employee of suitable vacancies within the Trust
- As per the protection of pay Policy, employees and their manager should work together to make reasonable attempts to secure employment at the previous (protected) band
- Notice of termination of employment can run in parallel with the period of time on the redeployment register

3. Scope and Purpose

The purpose of this Policy is to ensure there possible Trust staff are retained through suitable alternative employment in situations where (as defined in this Policy) they are unable to be retained in their substantive post. This Policy applies to all employees of the Trust.

4. Responsibilities

4.1 Trust Board

The Board has responsibility to oversee this Policy and ensure that appropriate processes and actions are in place.

4.2 Corporate / Divisional Directors

All Corporate / Divisional Directors are responsible for:

- Reviewing service needs
- Undertaking a clinical risk assessment where required
- Retaining individual skills, knowledge and experience where possible through Organisational Change
- Reviewing vacancies and workforce options

4.3 Human Resources Organisational Development & Equalities Sub-Committee

The HRODE Sub-committee are responsible for ensuring that this Policy is effectively and appropriately implemented. They are also responsible for ensuring that the processes within the Policy are monitored and non-compliance is acted upon.

4.4 Human Resources Department

The Operational Human Resources team will be responsible for maintaining an up to date redeployment register. This includes inputting relevant information to the register when Personal Profile Forms are received. Human Resources, along with the line manager and employee will have a responsibility for checking the vacancy bulletin for any suitable alternative employment. Human Resources will have an initial conversation with the recruiting manager to inform them that there is a suitable candidate on the register.

Human Resources will also provide on-going advice and support to staff and line managers.

4.5 Line Managers

Line managers are responsible for ensuring that the redeployment process is explained to the employee and for ensuring that the personal profile form is completed and returned to Human Resources.

Line managers will ensure the employee is given reasonable time off and support to attend meetings, training or interviews in connection with the redeployment and for any training development. They will also advise the employee of the support mechanism available.
For employees that don’t have access to a computer, it is the line manager’s responsibility to ensure that the recruitment are aware of this and to arrange for alternative methods are in place to share vacancy information with the employee.

Line managers have a responsibility for the implementation of this Policy as appropriate within team.

4.6 Recruiting Manager

When an employee on the redeployment register expresses an interest in a vacancy it is the responsibility of the recruiting manager to ensure that priority is given these employees and that due consideration is given to their expression of interest. The recruiting manager must ensure that there is an open dialogue with the employee through the redeployment process, giving open and honest feedback as appropriate. If the employee is successful in securing the post after a trial period. The recruiting manager will be responsible for any pre-employment checks are necessary such as Disclosure and Barring Service clearance.

4.7 Recruitment Services

The recruitment services team will have responsibility for ensuring the current vacancy bulletin is circulated to all staff on the redeployment register.

4.8 Employees

Employees must fully participate in the redeployment process, attend meetings and provide relevant information as required including completion of a personal profile form for inclusion on the redeployment register.

All employees have an obligation to abide by this Policy and bring to the Trust’s attention anything that could affect their employment. Employees will have a responsibility to actively seek suitable alternative employment and to inform Human Resources of this straight away.

The expectation is that employees will take a flexible approach and give full consideration to all potentially suitable vacancies. Employees will be responsible for ensuring an open dialogue with the recruiting manager and to be open and honest about the reason for them seeking redeployment. In cases of health issues or disability this information must be limited to the requirement for any reasonable adjustments required to fulfil the role at the selection stage.

4.9 Staff Representative

Staff representatives will support the employee during the redeployment process. They will work with the employee, Line Managers, Human Resources to assist in securing a satisfactory and realistic outcome for the employee and Trust.

4.10 Occupational Health

Occupational Health will provide a medical assessment (where appropriate) where a suitable role is identified in relation to an employee’s ability to perform the role taking into account any health issues before the role is confirmed.

5. Related Trust Documents

This Policy should be read in conjunction with the following:
6. Redeployment Process

To avoid delay in the recruitment process, vacancies will be advertised in accordance with the Trust recruitment and selection policy. However, where a vacancy is advertised but is identified as a potentially suitable by either the employee, their line manager or Human Resources, the relevant HR advisor will contact the recruiting manager.

Following a prior conversation and with agreement from the employee, the HR advisor will explain to the recruiting manager that the employee is seeking redeployment along with limited information about the reason for redeployment.

The employee will then be responsible for having a preliminary discussion with the recruiting manager to express an interest in the post. A mutually convenient informal meeting will be arranged for both parties to discuss the requirements of the post and to allow the recruiting manager to assess the individual’s suitability for the post and to establish whether the employee meets (or will meet with relevant support and/or training) the essential criteria in the person specification. Where this is the case the recruiting manager will arrange for the employee to commence a trial period.

If more than one employee on the Redeployment Register expresses an interest in the same post, the most suitable applicant will be decided through competitive interview.

Where an employee is successful in their trial period and the recruiting manager wishes to formalise their appointment to the post, it is the responsibility of the recruiting manager following the four week trial period, to complete the ‘ESR notification of change form’ and liaise with payroll to ensure the individual is aligned with the correct directorate.

The individual’s existing line manager, the employee and recruiting manager will be responsible for keeping a redeployment diary of the posts considered and offered. If the recruiting manager chooses not to offer the employee a trial in the post they will be expected to demonstrate robust reasons for their decision and feed this back to the employee along with making a record on the redeployment diary.

Normally, only one offer of suitable alternative employment will be made unless the Trust accepts the reasons for refusal of an offer of suitable alternative employment.

Where an individual considers a higher band than their current post to be a suitable alternative post, they are still eligible to apply but under the normal recruitment and selection process.

If a post is regarded by management as a suitable alternative and the trial is successful the employee should be transferred into the new department and their details removed from the redeployment register as soon as possible. The recruiting manager is responsible for the completion of the ESR Notification of Change Form.
The terms and conditions of service will transfer with an employee who accepts an alternative post including continues service dates, annual leave entitlement, and sick pay entitlement.

6.1 Redeployment - Organisational Change

Wherever reasonably possible, every attempt will be made to find suitable alternative employment where employees are at risk of redundancy.

A potential suitable alternative post will in the first instance be at the same or where this is not possible consideration will be given to posts one band lower than the employee’s substantive post prior to the organisational change. In that situation protection of pay will apply in accordance with the Pay Protection Policy. However, the following points will be taken into consideration when establishing if a post is a suitable alternative:

- Any potential loss of status/profession
- Location and cost of travel
- Working environment
- Current hours of work
- The individuals personal circumstances
- Skills, knowledge, experience and scope to retrain
- Cost of pay protection against any other costs
- Needs of service / skill mix

Employees who unreasonably refuse to participate in the change process or refuse an offer that is deemed as a suitable alternative will normally lose their right to redundancy pay and benefits.

6.2 Redeployment Capability (Including Health)

Where the employee is being managed under the Managing Attendance Policy and is unable to fulfill the full duties of their post (taking into account any reasonable adjustments which can be accommodated in situations of disability) and all other alternatives have been considered, the option of redeployment will be explored. In the situation appropriate advice will be sought from Occupational Health.

Likewise where the employee is being managed under the Performance Management Policy and is unable to perform to the required level, the option of redeployment will be explored, taking into account occupational health advice as appropriate.

In these situations, redeployment will be sought at the same pay band or one band lower than the employee’s substantive post. There may also be a change in working hours. Protection of pay will NOT apply in this situation.

6.3 Redeployment – Formal Grievance/Bullying & Harassment

Following the outcome of a Grievance or a Bullying and Harassment investigation, where the agreed option is to consider redeployment this will be done in accordance with the redeployment process.
In these situations, redeployment will be sought at the same pay band or one band lower than the employee’s substantive post. There may also be a change in working hours. Protection of pay will NOT apply in this situation.

Where, in the Trust’s opinion, an individual unreasonably refuses an offer of suitable alternative employment, the Trust will regard the grievance / complaint of bullying and harassment as having been closed. Normally, only one such offer of alternative employment will be made before the grievance is regarded as closed.

6.4 Redeployment – Formal Disciplinary Action

This section applies to formal action taken under the Trust Disciplinary Policy. Where the outcome of a formal hearing under either of these policies is that the individual should be redeployed to a lower band (action short of dismissal), then any refusal to accept the Trust’s offer of redeployment will normally result in termination of employment. Pay protection would NOT apply in this situation.

7.0 Redeployment on Fixed Term or Temporary

Due to service needs there may be a requirement or opportunity to redeploy staff temporarily into a role at the same band or lower band. Pay protection would only apply when this situation occurs through a management of change.

Employees will remain on the redeployment register during the temporary redeployment with a view to redeploying them into a permanent post.

8.0 Trial Periods

In cases of capability due to ill health, before a trial period can begin the Trust’s Occupational Health department must confirm that the individual is fit to undertake the role that is proposed.

Where the alternative post is significantly different to the employees existing post, they will be entitled to a four week trial period. This period allows both the individual to assess the suitability of the post and for the recruiting manager to assess that the employee can meet the required standard and to identify any training needs.

The individual and the appointing manager may, of course, agree to waive the full trial period if it is clear in the trial process that the individual can meet the required standards.

The employee will be accountable to the recruiting manager for the period of the trial, but remain an employee of their existing department and continue to be paid by that department during the trial period.

During a trial period, an employee must be set clear objectives to be reviewed regularly during the trial in weekly one to one meetings with the line manager. The individual must also be given every opportunity for development to ensure they are able to fulfil the requirements of the role adequately.

Where issues arise during the trial period the manager and individual should discuss these at the time, and not wait until the end of the trial period.

At the end of the trial period, the recruiting manager must meet with the employee to confirm if the trial has been successful. In cases where the trial has not been successful, the
recruiting manager must take advice from Human Resources and meet with the employee to explain the reasons why this is the case.

The employee will remain on the redeployment register during their trial period and be informed of other suitable vacancies as they arise.

If the employee has exhausted their sick pay, their existing department must advise Payroll to pay the employee at full pay for the length of the trial period.

If the employee is under notice during the trial period, the employees notice and time on the redeployment register continues to run, but will be extended by the length of the trial period where necessary.

If during the trial either the Trust or the employee decides not to continue employment in the new role for a good reason connected with the new role (e.g. unable to carry out the new role to a satisfactory standard) the Trust will continue to seek suitable alternative employment for the individual until their notice period, which has been given or agreed has expired.

Trial periods may be extended by a further two weeks in exceptional circumstances and in discussion with the employee.

In cases where staff under notice of termination of employment, their notice period will be extended by 4 weeks to enable them to completed the trial period.

Where an employee is not successful in their trial period the recruiting manager must inform the employee and update the redeployment diary.

9. Support

Employees may require support or further training to be able to undertake an alternative post within the Trust. It is the employee’s responsibility to highlight their requirements throughout their trial period and where agreed become part of the employee’s Individual Objectives through the Appraisal process.

All employees on the Redeployment Register will continue to have access to training opportunities. Individuals will be expected to refer directly to their line manager to pursue appropriate opportunities.

It is recognised that some employees may change from one area of speciality to another and will, therefore, be moving into areas of work not fully covered by their original training or recent experience. In these circumstances, appropriate preparatory training, induction and on-the-job supervised development on the basis of an agreed personal development plan will be provided.

Whilst every encouragement is given to staff to undertake appropriate training, it is not envisaged that staff will undertake extensive re-training for new professional/ occupational qualifications/registration.

10. Legal Framework

In line with the Equality Act 2010 it is essential that where an employee is declared unfit to carry on working in their current position their line manager gives due consideration to any
‘reasonable adjustments’ that can be made to that employees provisions, criteria or practices that would enable them to remain in employment.

Where no reasonable adjustments can be identified the line manager must then consider redeployment.

If an employee’s role or methods of working can be adjusted to accommodate their needs the new working practice should be implemented as soon as possible and with approval from Occupational Health.

11. Implementation

The Policy will be implemented through dissemination to managers within the Trust. Communication to all staff on the new Policy will be through Directorate DMT Reports.

12. Training

Directorates are expected the disseminate information in relation to this Policy to managers and staff.

13. Equality Impact Assessment

This Policy has been Equality Impact Assessed; a copy of this may be obtained from the Trust website.

14. Monitor Compliance

This Policy will be reviewed every three years or before if there are legislation changes. The monitoring of this Policy includes an annual audit and where non-compliance is identified an action plan will be drawn up and monitored at the HRODE Sub Committee. Where remedial action can be taken immediately, the action must be recorded appropriately.

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<th>Individual or department responsible for the monitoring</th>
<th>Frequency of the monitoring activity</th>
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