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Equality Impact Assessment

Date	Issues
22.03.13	None

Policy Validity Statement

This policy is due for review on the latest date shown above. After this date, policy and process documents may become invalid. Policy users should ensure they are consulting the currently valid version of the documentation.

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● **POLICY STATEMENT**

- This policy is designed to assist all employees who are at risk of losing their job as a result of ill health capability, performance, redundancy or end of a fixed term contract of over a year. Redeployment may also be pursued in some harassment and bullying cases.
- The purpose of this policy is to ensure that the procedure to be followed is clear and transparent to all employees and the roles and responsibilities of all parties are clearly understood.

1.3 The CCG will endeavour to redeploy all employees who are at risk of losing their job as result of ill health capability, performance, redundancy or end of fixed term contract.

● **PRINCIPLES**

2.1 Redeployment investigations will continue to take place whilst an employee is absent on sick leave or maternity leave and where employees have been served notice to terminate their contract for redundancy reasons and they will be notified of any suitable redeployment opportunities.

2.2 The HR Service will maintain a register of employees at risk of redundancy, being redeployed due to ill health or performance reasons. Employees will be notified when they are entered on to the register. The register will contain information on the individual's preferences for redeployment in addition to basic personal information. Employees on the register will be advised of suitable posts within the organisation. Where appropriate, posts will be advertised on a restricted basis to those employees on the register only.

2.3 Employees seeking redeployment will be given priority on appropriate vacancies that arise within the CCG as part of the normal recruitment process. Individuals should normally meet all of the essential criteria for the post however consideration should be given to the amount of additional training or re-training that would be required to enable the individual to meet that criteria.

2.4 Any employee who is seeking redeployment is required to complete the relevant pro- forma outlining their skills, experience and qualifications that will be used in assessing their suitability for posts. This will be considered in conjunction with the person specification for the post and further clarification will be sought where necessary.

2.5 Appropriate re-training and additional support will be offered to employees to support them during the redeployment process.

2.6 The redeployment period will normally last for a maximum of 12 weeks. The redeployment period will normally begin from a date agreed with the employee. However this would depend on the contractual notice period required.

2.7 Employees will be kept fully informed throughout the redeployment process, including the potential outcome. The offer of redeployment could include temporary or fixed term positions.

2.8 Employees are also responsible for actively seeking redeployment opportunities during the redeployment period via NHS Jobs (www.jobs.nhs.uk).

2.9 It is the responsibility of employees to register themselves with the website www.jobs.nhs.uk in an effort to secure alternative employment.

2.10 For the purposes of this procedure the term 'suitable' means – employment that reflects the employee's current and/or recent skills set and/or experience, or with a reasonable amount of re-training the employee could undertake the role (i.e. full retraining would not be considered reasonable), or is at a pay level similar to the employee's current band or 1 band below.

2.11 Redeployment opportunities will be available to employees on a 'trial period' basis of normally 4 weeks. This period may be extended to a maximum of 12 weeks depending on the nature of the role and any retraining that is involved. During this period reviews will be held with the employee and their line manager. The purpose of the reviews will be to monitor progress and allow both parties to comment on the suitability of the redeployment. If it is evident from the outset that the role is not suitable then, with agreement, the trial period may cease early. In cases of redeployment due to ill health then it may be necessary for Occupational Health to also become involved to assess the suitability of the role.

2.12 During trial periods and until the employee is confirmed in a post, Management will continue to seek and propose other redeployment opportunities that may arise.

2.13 During the redeployment period, and throughout any work trials, the employee's substantive employing department will continue to pay their remuneration.

2.14 Once a work trial has been completed successfully, and all parties are in agreement, following a final review meeting, the employee will be confirmed in post and responsibility for remuneration will fall to the employing Department. The outcome of the meeting will be confirmed in writing

2.15 The Terms and Conditions of Service will transfer with an employee who accepts an alternative post including continuous service dates, annual leave entitlement, sick pay entitlement. The employee record will also transfer with the employee e.g. annual leave record, sickness record.

2.16 Employees are entitled to be accompanied at any formal meeting relating to their redeployment by a work colleague or trade union representative.

2.17 Employees who refuse offers of suitable redeployment opportunities will be putting their employment at risk. In a redundancy situation this may result in their right to a redundancy payment being lost. Please refer to the Absence Management, Managing Work Performance and Change Management policies.

2.18 Any disputes in relation to determining whether a position is 'suitable alternative employment' must be referred, in writing, to the Chief Officer whose decision is final.

2.19 All employees will have the right of appeal against redeployment to a suitable alternative post within the organisation.

3. REDEPLOYMENT OPTIONS

3.1 Redundancy

In a redundancy situation redeployment will be sought at the earliest opportunity, e.g. when the employee is made formally aware that they are potentially facing a redundancy situation.

Where employees accept redeployment to a temporary or fixed term post, at the end of that period, should no further suitable redeployment opportunities be available, they will receive their redundancy entitlement. Please refer to the Change Management Policy.

3.2 Capability as a result of ill health

In situations where the Occupational Health Unit recommends redeployment due to capability as a result of ill health it is essential that managers refer to the organisation's Absence Management policy and give due consideration to:

3.2.1 Reasonable Adjustments

In line with the Equality Act 2010 (and any subsequent amendments) 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 'suitable alternative employment' (or redeployment).

3.2.2 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 the Occupational Health Unit.

3.2.3 Where it is not reasonable or possible to adjust an employee's current role the identification of suitable alternative employment/redeployment within the organisation should be investigated.

3.2.4 Human Resources, in consultation with the Occupational Health Unit and any other relevant medical advice, will establish the type of work that the employee is able to undertake and note any limitations or restrictions that may apply.

3.3 Capability

3.3.1 In situations where there are issues with the employee's performance and there has been a failure to improve or maintain the agreed performance level within the required timeframe, redeployment to a suitable alternative position within the CCG may be considered. Please refer to the organisation's Managing Performance Policy.

4. SCHEME OF DELEGATION

4.1 Each policy will contain a scheme of delegation specific to the stages and actions associated to the policy. All Schemes will adopt the levels as outlined below therefore ensuring consistency throughout all policies and clarity within the organisation

Informal procedure	Line Manager or equivalent level manager from elsewhere within the organisation
Formal procedure	Line manager or equivalent level manager from elsewhere within the organisation or the line managers direct manager if the line manager has been previously involved or implicated
Appeal following formal procedure	Line Managers manager or equivalent who has not previously been involved or implicated
Dismissal Hearings	Chaired by a Deputy Director plus one other manager and HR representative
Appeal against dismissal	Chaired by a Director plus one other manager and HR representative

5. EQUALITY

5.1 In applying this policy, the Organisation will have due regard for the need to eliminate unlawful discrimination, promote equality of opportunity, and provide for good relations between people of diverse groups, in particular on the grounds of the following characteristics protected by the Equality Act (2010); age, disability, gender, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, and sexual orientation, in addition to offending background, trade union membership, or any other personal characteristic.

6. MONITORING & REVIEW

6.1 The policy and procedure will be reviewed periodically by Human Resources in conjunction with operational managers and Trade Union representatives. Where review is necessary due to legislative change, this will happen immediately.

PART 2

● PROCEDURE

Once formal notice has been issued or redeployment has been identified as the most appropriate course of action:

1.1 A meeting will be held with the employee and their line manager. The redeployment procedure will be explained in full to the employee concerned, including any potential outcome and the

employee's obligations. The notes of the meeting will be confirmed to the individual in writing.

1.2 At this meeting the start date of the redeployment period will be agreed (this is usually from the date of the meeting where redeployment has been discussed) and the relevant proformas' will be completed.

1.3 Human Resources will provide employees with details of all vacancies within the CCG where appropriate and make employees aware of any vacancies within associated NHS bodies.

1.4 Where employees express an interest in any appropriate vacancies, management will meet with the employee concerned to discuss the person specification for the post together with the employee's relevant skills and experience. Any reasonable additional training that could be of benefit to enable the employee to meet the essential criteria on the person specification will also be discussed. A record of this meeting will be held by the manager concerned.

1.5 Where a vacancy is agreed to be suitable, management will arrange for a meeting with the employee concerned and the manager (or their representative) of the vacancy to discuss the employee's suitability for the post. Additional information may also be sought from Occupational Health.

1.6 Where all parties agree to a work trial (4 weeks), a date for this to begin will be agreed. In some cases it may be necessary for Occupational health to carry out a work place assessment, this should be carried out prior to the work trial commencing e.g. if the reason for redeployment is for ill health reasons.

1.7 Management will arrange for regular reviews to be held during the work trial period with the employee concerned and the line manager of the vacant post.

1.8 If the trial period is completed successfully, and all parties are in agreement, the employee will be confirmed in the new post and a new contract of employment will be issued.

1.9 If the trial period is unsuccessful, the remainder of the redeployment period will continue from the date the trial period ends and the manager, in consultation with the Human Resources service will endeavour to identify other suitable redeployment opportunities.

Example

An employee begins the 12 week redeployment period on 1st March. On the 1st April (4 weeks later) they begin a trial period in a suitable alternative vacancy. At the end of April it is mutually agreed that the vacancy isn't suitable. The remainder of the redeployment period (8 weeks) begins on 1st May.

Where an employee accepts redeployment to a temporary or fixed term post due to end in 6 months or less, the redeployment period will be suspended on appointment. The remainder of the 12 week redeployment period, or 4 weeks where the remainder is less, will be applied so that it ends on expiry of the temporary or fixed term period. In the case of fixed term contracts of over 6 months, the 12-week redeployment period will re-start 12 weeks before the contract is due to end.

If, after the redeployment period:-

- no suitable redeployment opportunities have been identified; or
- the employee has failed to complete any work trials successfully; or
- the employee has refused to accept any suitable work trials

The termination of the employees Contract of Employment would proceed in line with the relevant policy.

1.10 Salary Protection

1.11 For employees who are being re-deployed due to ill health/capability, once the trial period has been completed successfully and the employee has been confirmed in the 'new' position they will normally receive the rate of pay for that post.

1.12 Protection arrangements will not normally apply to employees who are redeployed for ill health/capability reasons.

1.13 In cases of redeployment due to redundancy, the relevant Pay protection policy would be applied.

1.14 Where employees are already receiving a protection payment this will be reviewed and any necessary amendments will be made (subject to the provisions in paragraph 3.4.1. above).

• **APPEALS**

2.1 An employee who feels they are being treated unfairly under this policy may invoke the Trusts Grievance procedure at the appropriate stage. Please refer to the Grievance Procedure.

2.2 Appeals against redeployment as an alternative to dismissal will be considered as part of the disciplinary appeals process. Please refer to the Discipline Policy.

Equality Analysis Initial Assessment

Title of the change proposal or policy:

Redeployment Policy

Brief description of the proposal:

To ensure that the policy amends are fit for purpose, that the policy is legally compliant, complies with NHSLA standards and takes account of best practice.

Name(s) and role(s) of staff completing this assessment:

Shamshy Salehin, HR Consultant, Cheshire HR Service

Date of assessment: 22nd March 2013

Please answer the following questions in relation to the proposed change:

Will it affect employees, customers, and/or the public? Please state which.

Yes, it will affect all employees

Is it a major change affecting how a service or policy is delivered or accessed?

No

Will it have an effect on how other organisations operate in terms of equality?

No

If you conclude that there will not be a detrimental impact on any equality group, caused by the proposed change, please state how you have reached that conclusion:

No anticipated detrimental impact on any equality group. The policy adheres to the NHS LA Standards, Equality Act 2010 legislation and takes account of best practice. Makes all reasonable provision to ensure equity of access.

Please return a copy of the completed form to the Equality & Diversity Manager