

Redeployment Policy and Procedure (Replacing Policy No. TPWF/228 V.2)

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EXECUTIVE SPONSOR	Director of Human Resources & Organisational Development
POLICY AUTHOR	Associate Director of Resourcing, workforce & Information

EXECUTIVE SUMMARY

- This policy establishes the Trust's commitment to the equitable and consistent treatment of employees who are no longer able to continue working in their current role and need to be found alternative employment as a result of being placed at risk of redundancy or as a formal outcome following a workforce process. The Policy covers:
- How to communicate and consult with employees when a situation for redeployment arises.
- The formal process to be followed when dealing with redeployment within the Trust.
- The formal process to be followed when staff are "at risk" of being made redundant or required to be redeployed for other reasons such as ill health, personal relationships, capability or following a disciplinary, bullying & harassment or similar investigation process.
- Suitable alternative roles and trial periods during an organisational change process.

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1.0 INTRODUCTION

1.1 Purpose of the policy

The purpose of this policy is to ensure that when a member of staff has been placed “at risk” of redundancy, as a consequence of organisational change; or required to be redeployed for other reasons i.e.

- Ill health
- Personal relationships
- Capability
- Following a formal workforce process

That the situation is

- dealt with in an open, fair and transparent manner
- managed so that skilled and valued staff are not lost
- in the case of health redeployment, managed in accordance with Equality Act 2010, Disability Duties

1.2 Definitions

For the purpose of this policy the following definitions will be used:

Ill Health: where an employee cannot continue in their current role due to an illness or disability.

Personal Relationships: where a relationship between two employees may cause difficulties in enabling either member of staff to carry out their duties in accordance with the Trusts Personal Relationships at Work Policy.

Suitable Alternative Roles: employment that reflects the employee’s current and/or recent skill set and/or experience, or that with a reasonable amount of re-training the employee could undertake the role or is at a pay band similar to the employee’s current band. Location and contracted hours of work will also be taken into consideration.

1.3 Scope of Policy

This policy applies to substantive members of staff employed by Sussex Partnership NHS Foundation Trust (the Trust). This policy does not apply to bank workers, agency workers or contractors.

1.4 Principles

The purpose of this policy is to ensure, as far as possible, the security of employment for employees of the Trust. However, it must be recognised that the Trust also has a prime responsibility to maintain high standards of patient care which represent value for money in an environment which is subject to clinical/organisational developments; technological advances; tight budgetary constraints and other eventualities. This policy aims to ensure the equitable and consistent treatment of employees who are no longer able to continue working in their current role and need to be found alternative employment within the Trust. This policy is intended to provide a clear framework for handling a variety of redeployment situations with the intention of facilitating a smooth transition from the existing role to a new one.

2.0 POLICY STATEMENT

The Trust recognises that there may be occasions where it is necessary for employees to be redeployed and it is committed to providing employees with suitable alternative employment that will enable their skills and experience to be retained within the Trust. Employees are also responsible for actively seeking redeployment opportunities during the redeployment period.

2.1 Responsibilities

All employees of the Trust should be made aware of their responsibilities. Managers must also be clear about their responsibilities such as;

Employee's current line manager (in conjunction with HR) is responsible for:

- Holding the initial redeployment meeting and any consequential review meetings during the redeployment period in an appropriate and accessible location.
- Supporting the employee through this process and allowing reasonable time for the employee to search for a suitable alternative role.
- Ensuring appropriate medical advice is sought regarding health redeployments
- Completing leaver documentation if the employee has been successful in obtaining a new role.
- Offering the Employee Assistance Programme (CIC) to the employee for their benefit and be fully conversant with this policy and linked policies.
- Ensuring any decisions are made in line with The Trust's Equality, Diversity and Human rights Policy and Procedure.
- Ensuring the employee is given the right to representation at the appropriate times.
- Providing payroll with the appropriate information in a timely manner.

Employees:

- Should contact their union representative if a member of a union.
- Should make contact with the Trust's EAP for support where required.
- Must be flexible and available for meetings.
- Have a responsibility to consider and pursue all suitable alternative vacancies, and to keep HR and their line manager updated on posts being sought.
- Will be allowed reasonable unpaid time off during working hours to look for new employment or make arrangements for retraining were applicable. The time taken must be agreed with the employee's manager in advance.
- Reasonable time off to attend NHS interviews will be granted subject to discussion with the employee's manager and if within the trust, visits will also be granted.
- Once a suitable vacancy has been identified, the employee will have the opportunity to discuss the role in advance of a redeployment interview, with the recruiting manager, to gain further information.
- Must provide a CV or supporting statement, if required, to the recruiting manager.
- Attend occupational health or other medical appointments as requested
- Should an offer of redeployment be made that the employee believes is not a suitable alternative then the employee will need to provide an objective justification in writing or in an appropriate format. (See **Appendix 3**). By not accepting a role which the Trust deems as a suitable alternative, the employee may forfeit their redundancy rights.

- **Recruiting Line Manager must:**

- Invite any employee seeking redeployment who meets the minimum essential criteria of the Person Specification to attend an informal discussion with the recruiting manager; this is known as “prior consideration”.

Recruitment Team must:

- Inform the HR Generalist Team in a timely manner of any potentially suitable vacancies for the employee.
- Be responsible for their administration process and for ensuring the consistency of their approach.
- Ensure Employment checks are carried out where required. A DBS check may be required if the employee is moving to a different care group, or if the new role is a significant change.

Assist the line manager and employee with the required recruitment and contract process.

Human Resources lead must:

- Liaise with the employee’s union representative where applicable.
- Liaise with all parties throughout the process.
- Notify the employee using an appropriate method when a possible suitable alternative role is identified by Recruitment and send the Job Description and Person Specification to the employee in an appropriate format. Should the employee show an expression of interest, then HR will then advise the Recruiting Manager and Recruitment.
- Ensure appropriate Occupational Health advice is sought, particularly in situations due to ill health, disability or when there is a change of care group.

3.0 DUTIES

- **The HR & OD Director** is responsible for ensuring the provision and distribution of a comprehensive up to date policy which reflects legislative changes, best practice and is fit for purpose.
- **The HR Senior Management Team are** responsible for ensuring the HR Team are adequately trained in order that they understand, comply with and implement the policy and provide relevant support and guidance for sickness absence cases.
- **Directors** are responsible for ensuring that managers that lead on the process within the CDS are adequately trained in order that they understand and comply with the policy.
-
- It is the responsibility of **all employees** to familiarise themselves with this policy and to act in accordance with it where necessary.

4.0 PROCEDURE

4.1 Redeployment Timeframe

This will usually be based on the length of notice period due from employer to employee, i.e. one week per completed year of service up to a maximum of 12 weeks. However this may be exceeded in exceptional circumstances as agreed by the Director of HR and OD

4.2 Redeployment Process

The correct redeployment process should be as follows:

The employee is identified for redeployment (see **flowchart Appendix 1**).

A timeframe for the redeployment shall be agreed using the guidance in section 4.1.

The line manager or manager leading on the formal process must hold a formal redeployment meeting with the employee at which he/she has the right to have their union representative or work place colleague) present). The HR lead for the redeployment may also attend. The purpose of this meeting is to identify the employee's skills, experiences, preferences and any relevant personal/domestic circumstances, and to discuss potential roles, bandings and locations the Trust would consider to be suitable alternatives. The meeting will also be an opportunity to discuss the employee's responsibility to actively seek redeployment opportunities during the redeployment period and any support they may require in doing so.

Best practice recommends that the redeployment form (Appendix 2) is sent to the member of staff in advance of the meeting. The member of staff is encouraged to complete as much of the form as possible and bring it to the meeting for discussion and sign off. Alternatively the form can be started and then completed in the meeting. The line manager should then send the completed form) to the Recruitment Team. This form can also be provided with the agreement of the staff member, to the recruiting manager should the employee be successful in securing an interview.

The Recruitment Team will add the relevant details to the redeployment register.

The Recruitment Team will send the Vacancy Bulletin to the employees on the redeployment register by an appropriate method.

The Recruitment Team will send the Vacancy bulletin to the HR Lead with any matched jobs, pre advert.

HR will schedule regular updates with employee and line manager throughout the redeployment period, ideally at a minimum of once every fortnight. The updates can take place either face-to-face or by telephone/email.

The HR Lead with the lead manager will identify whether a role is a suitable alternative within two working days of notification of the role. If the role is a suitable alternative, HR will notify the employee.

The employee then has five working days to confirm whether they wish to be considered for the role. If the role has been identified as a suitable alternative, the employee would be expected to attend an informal meeting, or provide strong written justification as to why the role is not suitable using the justification form

The employee will attend a redeployment meeting with the recruiting manager and any other appropriate staff to discuss the role requirements.. There is an expectation that “at risk staff”, who meet the essential criteria of a role, will obtain a post if there are vacancies within the relevant workplace and managers must give robust, valid and objective justification if an “at risk” member of staff is not appointed.

The Justification form (see **Appendix 3**) must be completed and sent to HR.

In the case of there being more than one person “at risk” who may fulfil the criteria for the post, a formal competitive selection process will be required. However, following this, where there are a number of staff who are equally appointable to a post, a member of staff with a disability (under the terms of the Equality Act 2010- Disability) who is being redeployed will take precedence over other non-disabled staff “at risk”.

If the Trust considers the post to be a suitable alternate role then the length of any trial period and any other conditions must be agreed in conjunction with HR (see section on Trial Periods). HR will ensure the relevant DBS checks and Occupational Health referrals are undertaken. The recruiting manager will complete the required recruitment documentation. The Recruitment Team will issue the member of staff with their new terms and conditions of employment..

The original line manager will complete a leaver’s form.

Please also refer to the sections below, which detail the specific process for each redeployment scenario.

4.3 Redeployment Process for Different Scenarios

4.3.1 Ill Health

If, due to ill health or disability, it is apparent that the employee cannot continue in their current post and all applicable reasonable adjustments have been made, redeployment should be considered. In order to achieve this, the following steps should be carried out, in line with the principles and spirit of the Equality Act 2010- Disability and with the consent of the employee: In these cases the employee will take priority over non-disabled staff “at risk” within the Trust.

Medical assessment of the employee’s abilities and restrictions should be sought from Occupational Health. Should there be a disagreement between Occupational Health and the employee’s GP/Specialist the Trust shall consider seeking a second medical opinion.

A meeting involving the employee, manager and HR Lead should take place to consider alternative employment, the skills and preferences of the employee, any adjustments which may have to be made, the length of time over which redeployment will be sought and the needs of the service. The employee has the right of representation, by a Trade Union representative or a work colleague at this meeting. Notice of termination of contract may be given at this meeting depending on timescales

The period over which redeployment will be sought shall be agreed between the employee, manager and HR Lead at the initial meeting but will normally be for the length of the entitled notice period up to a maximum of 12 weeks.

The standard redeployment process will be followed as per section 4.2.

Where appropriate, retraining will be considered and the Trust may work with outside agencies e.g. Employment Service, Learning and Skills Council to facilitate this.

In addition details of the employee should be circulated in confidence by the HR Lead to key managers throughout the Trust, who may be able to offer suitable work in posts where the current employee is not actually working e.g. maternity cover.

Where relevant (e.g. in cases of permanent disability) the Trust will work with the other external agencies e.g. Employment Service, Disability Employment Advisers to ensure all is being done to secure suitable alternative employment where reasonably practical.

Occupational Health referrals are completed in all cases.

Excess Travel and Pay Protection

In cases of ill health excess travel and pay protection is not payable.

4.3.2 Organisational Change including redundancy

The line manager will discuss the redundancy and redeployment process with the staff member.

The standard redeployment process will be followed as per section 4.2.

Excess Travel and Pay Protection

If applicable excess travel and pay protection will be paid in accordance with the Pay Protection and Travel Reimbursement policies.

4.3.3 Personal Relationships

In circumstances where a personal relationship may cause difficulties in enabling either member of staff to carry out their duties, it may be necessary to transfer one or both members of staff to alternative areas of work; this may include issues identified in the risk assessment, or circumstances where staff and/or patients/clients may be at risk..

In the event of such a move being identified, the Trust will consult with both members of staff to try to reach a voluntary agreement regarding the transfer.

Compulsory redeployment will only be considered if an agreement on redeployment cannot be reached and:

- It is clearly inappropriate for the parties to the relationship to continue to work together by reason of a conflict of interest or otherwise;
- A risk to staff or patients/clients has been identified in the risk assessment which cannot be satisfactorily addressed by less disruptive measures;
- One of the parties in the relationship has supervisory responsibility for the other party;
- There is a history of harassment or abuse; or
- The Trust reasonably believes the relationship is having a detrimental impact on the work of either party and the situation does not improve following a managerial discussion on the point.

Factors which will be taken into account in determining which of the two partners will be redeployed if compulsory redeployment is necessary will include:

- The requirements of the service

- The redeployment opportunities available
- The personal circumstances involved

The standard redeployment process will be followed as per section 4.2. but managers will be allowed to use their discretion in relation to timescales.

Excess Travel and Pay Protection

Please see relevant policies (Pay Protection and Travel Reimbursement policies) for further information.

4.3.4 Capability, Disciplinary, Bullying & Harassment

Depending on the alleged circumstance of the incident, it may be that the Trust may consider redeployment of the employee as an outcome of a formal Workforce process

Depending on the reason for redeployment, clear, measurable objectives should be established during the trial period and regular supervision arranged.

The standard redeployment process will be followed as per section 4.2.

Excess Travel and Pay Protection

Excess travel and pay protection is not applicable for these redeployments.

4.4 Suitable Alternative Roles

4.4.1 Banding

Generally a suitable alternate post will be sought at the current band. Consideration must be given, however, to the incremental point that the employee is currently at.

Regard will also be given to:

- the duties and responsibilities of the post,
- the status, level and/or banding,
- the skills, qualifications and experience required,
- the amount of supervision required,
- any significantly different terms and conditions of employment,
- the location of the post and availability of transport
- any personal circumstances that may need to be considered

For employees who are at an incremental point that does not cross over to another band then posts at the current band will be sought as a suitable reasonable alternative. If no suitable alternate posts can be found, then posts at the lower band will then be sought. Pay protection will apply if the employee is redeployed into a lower banded role. The Trust will, however, continue to seek redeployment at correct band for the duration of the pay protection period at which time if the post is suitable the employee will move into this post or voluntarily remain in the lower banded post and pay protection will cease.

If an employee is at an incremental point that crosses over to a lower band then suitable posts will also be sought at that lower band. Pay protection will apply if the employee is redeployed into a lower banded role but the Trust will continue to seek redeployment at the

original band for the duration of the pay protection period.

If the employee is at an incremental point that crosses over to a higher band then suitable posts will be sought at the current band together with posts at the higher band. In the higher band scenario it is essential that the educational and qualification requirements are considered. If the post requires a qualification that the employee does not hold and will be unable to gain within a reasonable timeframe (i.e. 6 months) the post will be deemed not to be a reasonable suitable alternative. If a post at the current or higher band cannot be identified, redeployment may then be considered to a lower band. In these circumstances it will be necessary for both the member of staff and the Trust to agree that this is a suitable alternate role. If it is agreed, then redeployment may be considered and pay protection will apply. The Trust will, however, continue to seek redeployment at the original band for the duration of the pay protection period.

Employees will be able to identify higher band posts that they are interested in but will be required to undertake a formal interview for such posts.

In cases where more than one “at risk” employee expresses an interest in a post these employees will need to go through the competitive redeployment process alongside other such candidates.

4.4.2 Skills and Experience

The employee must meet the minimum criteria of the Person Specification in the Job Description for the post or be able to obtain these within a period exceeding no longer than 6 months.

4.3 Location

The employee’s journey to work should generally not be increased by more than 45 minutes* each way as a result of the redeployment, although this will be agreed on a case-by-case basis in discussion with HR and Staff Side if necessary taking account of band and personal circumstances.

*Based on a car journey calculated using an AA Auto Route.

4.4.4 Fixed Term/Temporary Redeployment

Redeployment into a fixed term contract, secondment or temporary redeployment should only be considered if there are no permanent posts available. Should an employee be redeployed into a fixed term contract, the employee will continue to accrue redundancy rights for the duration of the contract. The redundancy costs will remain with the original employing service/team.

Employee will remain on the redeployment register for the duration of such a role, so that a substantive post can continue to try and be identified.

4.4.5 Refusal of Post

Employees that unreasonably refuse an offer of suitable alternative employment may put their employment at risk. For redundancy situations this may result in their right to a redundancy payment being lost. Should an employee disagree with the suitability of the employment offered, the employee will have the right to appeal using the Trust’s Grievance Procedure.

4.5 Trial Periods

The length of any trial period will be for four weeks. 4 . The 4 week period could be extended if training is required, there may also be other circumstances that warranted an extension.e.g pre-booked Annual Leave. . Any extension must be agreed in writing before the trial period starts.

In a redundancy situation employees have a statutory right to a 4-week trial period in a new job to decide if the alternative post offered is suitable (see also Management of Organisational Change policy) without prejudicing their eligibility for redundancy pay. If there is to be an extended trial period certain conditions must be agreed in writing before the start of the period and strictly observed for the employee to remain entitled to redundancy pay.

If the trial period is unsuccessful, the employee should be placed on the redeployment register for the remaining weeks of the original redeployment period. For example: if the total redeployment period is 12 weeks, and a suitable role is found after 6 weeks which subsequently proves unsuccessful then the remaining period of redeployment is 6 weeks..

4.5.1 Managing Trial Periods

The most essential element of managing a trial period is to set clear, measurable objectives and milestones for its duration (see **Appendix 4**). Therefore, if the trial period is deemed to be unsuccessful by either manager or employee, there must be some objective justification to support this (see **Appendix 3**).

4.6 What happens if the trial period is unsuccessful?

The manager and or the employee must have robust valid and objective justification to support their decision that the role is unsuccessful.

During the trial period the employee remains on the originating services' budget and if unsuccessful, if possible and practical, would return to that service following the trial period whilst the remaining period of the redeployment search is carried out.

If this is not possible, (for example if the redeployment is as a result of a restructure, or following a disciplinary, capability or bullying and harassment procedure) the employee will either remain in the new service for the remaining period of redeployment search, or will be temporarily redeployed to another service.

The original Service Manager for the area will maintain responsibility for the redeployment process of the employee during this period.

5.0 DEVELOPMENT, CONSULTATION AND RATIFICATION

This Policy has been developed in partnership with staff side colleagues
Appropriate training will be provided to the manager in the application of this Policy particularly on the principles to be adopted.

6.0 EQUALITY AND HUMAN RIGHTS IMPACT ASSESSMENT (EHRIA)

The policy has undergone an Equality and Human Rights Impact Assessment.

7.0 MONITORING COMPLIANCE

7.1 Monitoring

The Human Resources Department will maintain statistics of all redeployment situations and monitor trends to reflect the diversity of the workforce. This will be reported regularly to the Board of Directors.

The Staff Partnership Forum will monitor the implementation of this Policy as part of its formal arrangements.

7.2 Compliance

The Redeployment Policy will achieve full compliance with statutory regulations and a diverse workforce throughout the organisation that benefits from retaining skilled and experienced staff.

8.0 DISSEMINATION AND IMPLEMENTATION OF POLICY

This Policy will be circulated to all staff by means of communication tools available to the Trust and it will be placed on the intra and internets. New staff will be made aware of the Policy at the Trust induction. Paper copies will be made available to managers without access to computers. Staff networks will be asked to discuss and publicise the Policy at their meetings. Training for all staff will be provided to ensure that messages are reinforced.

9.0 DOCUMENT CONTROL INCLUDING ARCHIVE ARRANGEMENTS

It will be the responsibility of the sponsors and authors of this policy to ensure that it is kept up to date with any local, national policy or legislation. The Policy will be managed in accordance with the Policy for Procedural Documents.

10.0 REFERENCE DOCUMENTS

Equality Act 2010

11.0 CROSS REFERENCE

SPT Management of Change Policy
SPT Equality and Diversity Policy
Pay Protection Policy
Travel Reimbursement Policy
Sickness Absence Policy

12.0 APPENDICES

Appendix 1 Redeployment Flow Chart

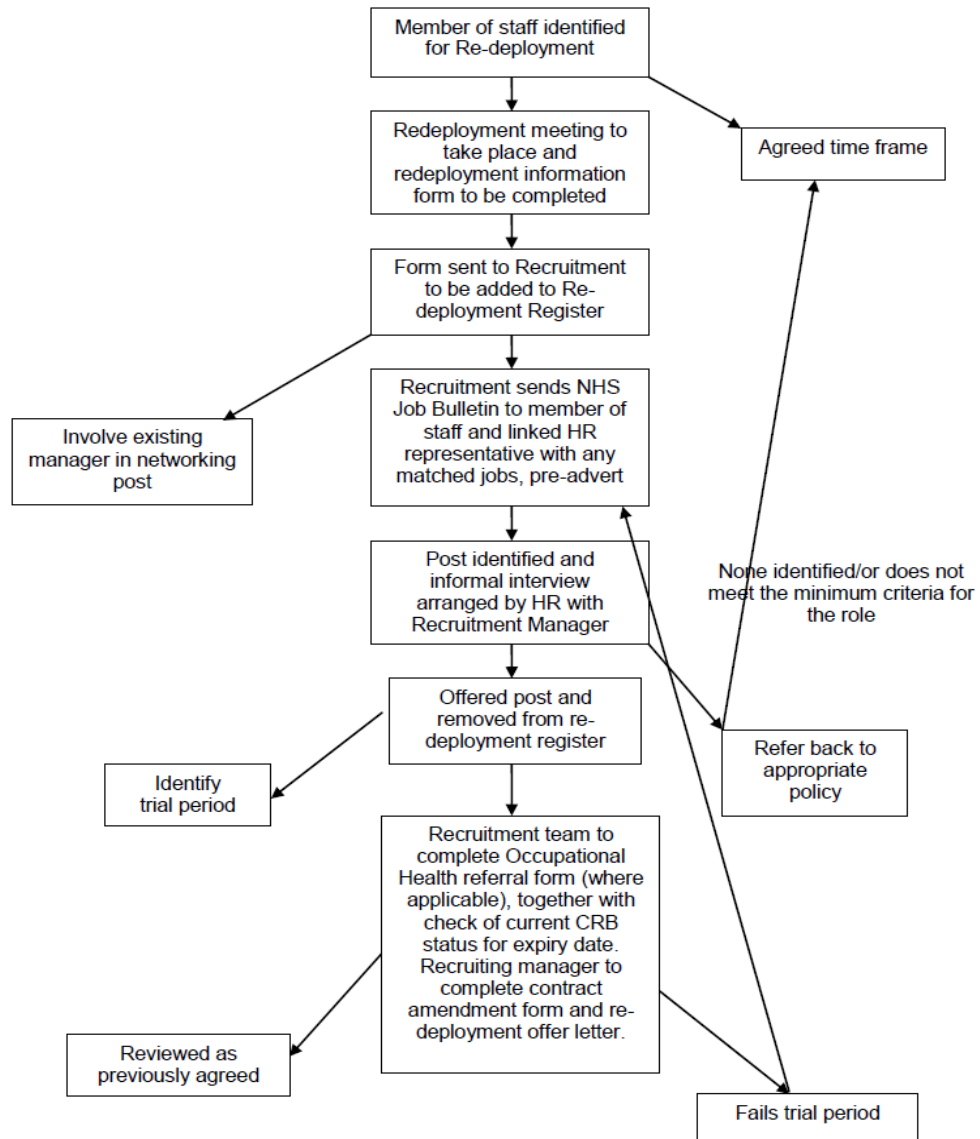
Appendix 2 Redeployment Information Form

Appendix 3 Justification Form

Appendix 4 Trial Period

Appendix 1

Re-deployment Flow Chart



Appendix 2

Redeployment Information Form

Please complete and send through to recruitment@sussexpartnership.nhs.uk with re-deployment as the subject of the email

- **Current details**

Name	
Contact details	
Job Title	
Band	
Is person disabled in accordance with DDA (if yes further information will need to be sought from Occ Health re Suitable alternate roles*)	
Hours per week	
Working pattern	
Care Group	
Location	
Line Manager	
Lead HR	
Period of Redeployment	
Start date and End date of redeployment	
Notification of vacancies to be sent via	

- **Possible alternate post details**

Type of posts	
---------------	--

Redeployment Policy & Procedure

Care Groups	
Band/s	
Locations	
Hours per week	
Working Pattern	
Qualifications/Skills/Experience	
* If employee covered by DDA occupational health will be sought regarding alternate posts and prior consideration will be given over other non disabled "at risk" employees.	
Signed: (Employee)	Date:
Signed: (Manager)	Date:

A copy of this information will be provided to recruiting managers with suitable potential vacancies.

Appendix 3

Justification Form

This form is for either the employee or manager to an objective justification to why a role is not a suitable alternative

**Name of
employee:**

Date of Joining:

Job Title:

**Reference number:
(if known)**

Objective Justification to why the role is not a suitable alternative	
Signed:	Date:

Please send to the HR Department

Appendix 4

Trial Period Form

Employee name:

Supervisor name:

Date

Agenda Item	Discussion Points / Action Agreed	By whom	By when

Supervisor

Signature: Date:

Employee

Signature: Date:

The signed copy of this form should be kept by the employee and one signed copy kept by the manager.