

North of England Clinical Commissioning Groups

HUMAN RESOURCES POLICY

REDEPLOYMENT

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Document History

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2.0	May 2015	n/a
3.0	March 2017	n/a
4.0	July 2019	Scheme of delegation removed, appeal procedures clarified and reasons for redeployment clarified to reflect legal obligations.

Equality Impact Assessment

Date	Issues
22 March 2013	None
10 September 2019	Policy to be available in alternative formats.

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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1. POLICY STATEMENT

- 1.1 This policy is designed to assist all employees who are at risk of losing their job as a result of ill health capability, performance or redundancy. Redeployment may also be pursued in some harassment and bullying cases.
- 1.2 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.

2. 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 With the potential exception of remuneration, all 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 HR02 Absence Management, HR16 Managing Work Performance and HR06 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 CCG's Accountable 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 HR06 Change Management Policy.

3.2 Capability as a result of ill health

In situations where Occupational Health recommends redeployment as a result of ill health it is essential that managers refer to the organisation's HR02 Absence Management policy and, in line with the Equality Act 2010, give 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 to suitable alternative employment.

3.2.1 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. Further advice may be sought from Occupational Health before implementing any adjustments.

3.2.2 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.

3.2.3 Human Resources, in consultation with the Occupational Health 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 HR16 Managing Performance Policy.

4. EQUALITY

4.1 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.

5. MONITORING & REVIEW

- 5.1 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.

6. ASSOCIATED DOCUMENTATION

- HR02 Absence Management Policy
- HR06 Change Management Policy
- HR11 Grievance Policy
- HR16 Managing Work Performance Policy

7. PROCEDURE

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

- 7.1 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.
- 7.2 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 pro-forma will be completed.
- 7.3 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.
- 7.4 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.
- 7.5 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.
- 7.6 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.
- 7.7 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.
- 7.8 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.

- 7.9 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 Human Resources 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 is not suitable. The remainder of the redeployment period (8 weeks) begins on 1st May.

- 7.10 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.
- 7.11 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 employee's contract of employment would proceed in line with the relevant policy.

7.12 Salary Protection

- 7.12.1 For employees who are being re-deployed due to capability (ill health or performance), 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. Protection arrangements will not normally apply.
- 7.13 In cases of redeployment due to redundancy, the relevant pay protection policy would be applied.
- 7.14 Where employees are already receiving a protection payment this will be reviewed and any necessary amendments will be made.

8. APPEALS

- 8.1 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.
- 8.2 Appeals against redeployment as an alternative to dismissal will be considered in accordance with the appeals process of the relevant policy under which the dismissal has been made. Please refer to either the HR02 Absence Management, HR06 Change Management or HR16 Managing Work Performance policies.

Equality Impact Assessment

<p>What impact will the new policy/system/process have on the following:</p>
<p>Age - Consider and detail age related evidence. This can include safeguarding, consent and welfare issues</p> <p>Appropriate methods of communication of the Policy have also been carefully considered to ensure they reach all ages of the workforce. Email and the internet can be accessed by all users in the workplace.</p>
<p>Disability - Consider and detail disability related evidence. This can include attitudinal, physical and social barriers as well as mental health/ learning disabilities</p> <p>The disability status of the workforce across the region is largely unknown therefore relevant tools could be made available to staff that potentially do have a disability that the organisations are unaware of. The policy should be able to be communicated in alternative methods as required for those with a disability and/or visual impairment such as braille, large font, interpreters etc.</p>
<p>Gender reassignment (including transgender) - Consider and detail evidence on transgenderpeople. This can include issues such as privacy of data and harassment.</p> <p>The policy does not include content or vocabulary that could cause offense or discriminate against any staff members who have undergone or are undergoing gender reassignment or that identify as transgender.</p>
<p>Marriage and civil partnership - Consider and detail evidence on marriage and civil partnership. This can include working arrangements, part-time working, caring responsibilities.</p> <p>The content of this policy does not include content or vocabulary that discriminates against staff that may be married or in a civil partnership.</p>
<p>Pregnancy and Maternity - Consider and detail evidence on pregnancy and maternity. This can include working arrangements, part-time working, caring responsibilities.</p> <p>The policy does not discriminate against staff that are currently pregnant or on maternity leave and can be accessed while on maternity leave or any other leave of absence via the organisation's website.</p>
<p>Race - Consider and detail race related evidence. This can include information on difference ethnic groups, Roma gypsies, Irish travellers, nationalities, cultures, and language barriers.</p> <p>The policy does not include vocabulary or content that discriminates against staff on the grounds of race.</p>
<p>Religion or belief - Religion is defined as a particular system of faith and worship but belief includes religious and philosophical beliefs including lack of belief (e.g. Atheism). Generally, a belief should affect your life choices or the way you live for it to be included in the definition.</p> <p>The policy does not discriminate against staff that hold any particular religion or belief.</p>

Sex/Gender - Consider and detail evidence on men and women. This could include access to services and employment.

The Policy does not discriminate between staff that are men or women.

Sexual orientation - Consider and detail evidence on heterosexual people as well as lesbian, gay and bisexual people. This could include access to services and employment, attitudinal and social barriers.

The content of this policy and vocabulary used does not discriminate against staff based on their sexual orientation.

Carers - Consider and detail evidence on part-time working, shift-patterns, general caring responsibilities.

The content of this policy and vocabulary used does not discriminate against staff who have carer responsibilities.

Other Identified Groups and Health Inequalities - Consider and detail evidence on groups experiencing disadvantage and barriers to access and outcomes. This can include different socio-economic groups, geographical area inequality, income, resident status (migrants, asylum seekers). What is the potential impact of your work on health inequalities?

Other groups have been considered however as the policy is for staff there are no additional impacts on health inequalities.

Action Plan

Ref no.	Potential Challenge/ Negative Impact	Protected Group Impacted (Age, Race etc)	Action(s) required	Expected Outcome	Owner	Timescale/ Completion date
1	Staff unable to access policy due to particular characteristic	Age, disability	Have a process in place for alternative formats provided if required. As part of reasonable adjustments on appointment or during employment any policy should be adapted by the CCG	All staff can access and use the policy. NECS HR or Equality Team can be contacted for any requests.	Jenna McGuinness, HR Manager	On receipt of individual request