



Redeployment Policy

Date: April 2018

Version number: 2

Authors: Senior HR Advisor

Review Date: April 2021

If you would like this document in an alternative language or format, please contact NHS Shetland Corporate Services on 01595 743069.

DOCUMENT DEVELOPMENT COVERSHEET*

Name of document	Redeployment Policy	
Registration Reference Number	HRPOL027	New– Review
Authors	Emilie Gray, Senior HR Advisor	
Executive Lead (NHS)	Lorraine Hall, Director HR & Shared Services	

Proposed groups to present document to:				
Senior Management Team				
All staff / Area Partnership Forum				
Staff Governance Committee				
HODS				
Date	Version	Group	Reason	Outcome
16 April 2015	1	SMT	(PO)	PRO
14 May 2015	1	APF	(C/S)	PRO
11 June 2015	1	SGOV COM	(C/S)	MR
01/09/2017	1	APF/SGC	Agreed to revise review date as current policy is in line with PIN	PRO

Examples of reasons for presenting to the group	Examples of outcomes following meeting
<ul style="list-style-type: none"> Professional input required re: content (PI) 	<ul style="list-style-type: none"> Significant changes to content required – refer to Executive Lead for guidance (SC)
<ul style="list-style-type: none"> Professional opinion on content (PO) 	<ul style="list-style-type: none"> To amend content & re-submit to group (AC&R)
<ul style="list-style-type: none"> General comments/suggestions (C/S) 	<ul style="list-style-type: none"> For minor revisions (e.g. format/layout) – no need to re-submit to group (MR)
<ul style="list-style-type: none"> For information only (FIO) 	<ul style="list-style-type: none"> Recommend proceeding to next stage (PRO)

*To be attached to the document under development/review and presented to the group
Please record details of any changes made to the document on the back of this form

DATE	CHANGES MADE TO DOCUMENT
15/06/2015	Deleted duplicate paragraph, page 13 Page 11 references may be requested if a change in role/responsibility
10/04/2018	Formatting updates to align with RNIB guidelines. EQIA Updated Examples of 'other' types of redeployment added to 7.4

Contents	Page
1. Introduction	5
2. Definition	5
3. Scope	6
4. Aims of Policy	6
5. Roles and Responsibilities	8
6. Procedure	12
6.1 Right to be accompanied	
6.2 Specific Conditions	
6.3 Assessment	
6.4 Access Period	
6.5 Matching	
6.6 Selection Decisions	
6.7 Trial Periods/Retraining	
6.8 Temporary Redeployment	
6.9 Protection of Terms and Conditions of Employment	
7. Specific Conditions	18
7.1 Organisational Change	
7.2 Capability	
7.3 Non-Renewal of Fixed Term Contracts Upon Expiry	
7.4 Other Circumstances	
8. Grievances	20
9. Review	20
10. Impact Assessment	20

1. Introduction

From time to time, whether as a result of displacement due to organisational change, or following application of formal processes relating to capability (whether due to ill-health or performance) or conduct, or in advance of the non-renewal of a fixed term contract upon expiry, consideration will have to be given to exploration of suitable alternative employment.

The purpose of this policy is to ensure a fair and consistent approach to the process of exploring suitable alternative employment (i.e. 'redeployment') for all employees who are identified as being 'displaced'.

NHS Shetland is committed to preserving security of employment for its employees and recognises that, beyond compliance with legislation and national policy, there are clear organisational benefits to adopting such a process. Where individuals are able to be successfully redeployed, this serves to retain the valuable knowledge, skills and experience of affected staff within NHS Shetland which would otherwise have been lost if employment ended. It also serves to further a positive staff experience, which in turn will assist NHS Shetland in achieving and maintaining exemplar employer status.

This policy has been developed in partnership with local trade union/professional organisation representatives. It meets the minimum standards set out within the Redeployment within NHS Scotland Partnership Information Network (PIN) Policy, and reflects relevant current employment legislation.

2. Definition

'Redeployment' is the process of securing suitable alternative employment for an employee who it is identified will be displaced, at a stated future date, from their post as a result of organisational change, or, following application of formal processes relating to capability (whether due to ill-

health or performance), or, in advance of the non-renewal of a fixed term contract upon expiry. It is, however, recognised that there may be other circumstances where NHS Shetland determines that redeployment may be appropriate.

‘Displaced’ means that there is no longer a need for a post, or, that the particular skills or experience of a post-holder are no longer required, or, that the employee is unable to undertake the duties of the post.

3. Scope

This policy applies to all affected employees of NHS Shetland from the point at which it is identified that they will be ‘displaced’, although the process by which employees access redeployment may vary, and individual employee entitlements within this may differ, depending on the grounds upon which they have been displaced. For ease of reference, however, this policy will refer to ‘displaced employees’.

4. Aims of Policy

This policy will ensure that displaced employees are dealt with in a non-discriminatory, fair and consistent manner, with regard to exploration of suitable alternative employment opportunities. In order to achieve this aim, the following principles and values apply:

- This policy will be appropriately communicated to all employees and will be made readily accessible to them;
- Suitable alternative employment opportunities will be sought for all displaced employees;
- There will be no unreasonable delay in commencing this process.
- No vacancy will be opened to applications externally or from within the wider internal workforce until it is established that it does not present a suitable alternative role for a displaced employee.

- However, it should be noted, that the purpose of redeployment is to preserve employment. As such, exploration of suitable alternative employment opportunities will ordinarily only involve posts at the same or lower pay band/grade as the post from which the affected employee was displaced.
- Consideration should also be given to local Organisational Change policies and procedures including protection;
- Decisions in relation to suitable alternative employment opportunities will be made objectively and without prejudice. A decision not to appoint must be based on evidence, which will withstand objective scrutiny, that the individual does not meet the identified essential criteria required for the role and would be unlikely to be able to do so following reasonable training and support.
- While there may be instances requiring prioritisation and/or a competitive selection process where more than one employee is identified as a potential match, suitable alternative employment opportunities will not otherwise be unreasonably withheld or refused;
- Displaced employees will be made aware of their rights and responsibilities in relation to the process, including their right of recourse should they consider that a suitable alternative employment opportunity has been unreasonably withheld or refused;
- Displaced employees will receive appropriate organisational support during the period in which suitable alternative employment is being explored (including access to reasonable learning and development opportunities) in order that they are more fully equipped to exploit all potential suitable alternative employment opportunities;
- Joint training on the policy will be provided for managers and trade union/professional organisation representatives using a partnership model, in order to ensure that all
- relevant staff are sufficiently skilled and competent in implementing the procedure;

- The redeployment process will be centrally coordinated by Human Resources in order to ensure that it is efficiently, effectively and fairly managed;
- Appropriate HR advice will be available to managers involved in implementing the process;
- This policy will be subject to ongoing monitoring to ensure that it is being fairly and consistently applied and that the stated principles and values are being met. The policy will be subject to regular review, in partnership, to ensure that any new standards and/or structures are incorporated when necessary and that it remains fit for purpose.

5. Roles & Responsibilities

Displaced employees will:

- Ensure that they are aware of both their rights and responsibilities under this policy, and that they seek further guidance if unclear;
- Ensure that they fully engage with the redeployment process, particularly with regard to any potentially suitable alternative roles to which they are matched;
- Ensure that they fully engage with any relevant training and development programmes that are integral to any role that they subsequently accept;
- Ensure that any concerns/issues are raised as soon as possible during any trial period, in order to enable early discussion and with a view to potential resolution.
- Make contact with the SPPA in order to understand any impact to pension contributions

Managers of displaced employees will:

- Ensure that, in discussion with the displaced employee, the employee receives, where possible, appropriate training and development opportunities in order to widen the scope of potential suitable alternative vacancies;
- Ensure that displaced employees are made aware of their rights and responsibilities under this policy, and that they comply with those responsibilities;
- Ensure that they are fully aware of and comply with their own responsibilities under this policy, including ensuring that there is no unreasonable delay in enabling displaced employees access to the provisions of the policy, and that they provide regular contact and support to them whilst suitable alternative employment is being explored; and,
- Ensure that they seek advice from the relevant HR Advisor where necessary and appropriate when dealing with redeployment issues.

Managers recruiting to a vacancy will:

- Ensure that they are fully aware of and comply with their responsibilities under this policy, including ensuring that displaced employees matched to such a vacancy are considered objectively and without prejudice and not unreasonably refused appointment, and that any concerns/ issues arising during any subsequent trial period are raised as soon as possible in order to enable early discussion and with a view to potential resolution;
- Ensure that they seek advice from the relevant HR Advisor where necessary and appropriate when dealing with redeployment issues.

Trade unions/professional organisations will:

- In partnership with NHS Shetland, agree a redeployment policy which meets the minimum standards set out within the Redeployment within NHS Scotland Partnership Information Network (PIN) Policy, and reflects relevant current employment legislation.
- Work in partnership with NHS Shetland to develop joint training as part of the implementation of this policy and participate in such joint training;
- Support their members, including ensuring that their members are aware of their rights and responsibilities under this and other relevant policies and, in particular, ensuring that any concerns/issues are raised as soon as possible in order to enable early discussion and, where possible, facilitate early resolution;
- Participate in partnership monitoring, evaluation and review of this policy.

HR will:

- Develop and deliver, in partnership, training on this policy for managers and trade unions/professional organisation representatives;
- Advise managers on the correct implementation of this policy;
- Support displaced employees by providing advice on this policy;
- Facilitate training and development opportunities for displaced employees, where possible, in order to widen the scope of potential suitable alternative vacancies (although it should be noted that both the displaced employee and their line manager have a clear role in this regard);
- Ensure that no vacancy is opened to applications externally or from within the wider internal workforce until it is established that it does

not present a suitable alternative employment opportunity for a displaced employee;

- Ensure that displaced employees have fully completed the Redeployment Referral Form;
- Liaise with managers recruiting to a vacancy in order to ensure that displaced employees are appropriately matched;
- Ensure that displaced employees matched to vacancies are appropriately prioritised based on the reason for their displacement;
- Ensure that refusal by a manager to appoint a displaced employee to an identified potential match is reasonable and stands up to objective scrutiny;
- Liaise with key stakeholders on any required employment decisions where redeployment has not proven successful;
- Collate appropriate information to inform the monitoring and evaluation of this policy.

Occupational Health will:

- Provide timely and comprehensive guidance, where sought as necessary and appropriate, to support the process of identifying suitable alternative employment.

6. Procedure

6.1 Right to be Accompanied

Displaced employees have a right to be accompanied by a trade union/professional organisation representative or a work colleague at meetings being held under the procedure outlined below.

6.2 Specific Conditions

As outlined above, whilst this policy applies to all affected employees of NHS Shetland from the point at which it is identified that they will be 'displaced', the process by which employees access redeployment may vary, and individual employee entitlements within this may differ, depending on the grounds upon which they have been displaced. As such, this procedure should be read alongside the subsequent section on specific conditions which apply in relation to each of the grounds upon which employees may be displaced.

6.3 Assessment

Before accessing redeployment, consideration requires to be given to the likelihood of a suitable alternative role arising within a reasonable period of time. If it can be clearly demonstrated that this will not be the case, a decision may need to be taken to convene a meeting to consider termination of employment in line with the relevant NHS Shetland policy.

6.4 Access Period

Access to redeployment should be limited to three months in the first instance. Following this the position should be reviewed with the option of extending the access period, depending on whether suitable employment opportunities have arisen or are likely to arise within the immediate period thereafter.

On commencement of and during the access period, meetings will take place, as necessary, involving the displaced employee, their trade union/professional organisation representative or work colleague (if they wish to be accompanied), the employee's line manager, and HR.

These meetings would involve advising the displaced employee of their rights and responsibilities under the policy; completion of the Redeployment Referral Form; help to understand and consider the transferability of their existing knowledge and skills and exploration of potential training and development opportunities, in order that they are more fully equipped to exploit all potential suitable alternative employment opportunities; and, subsequently, a review of progress in obtaining a suitable alternative role, with a view to reaching a decision at the end of the access period (if no such role had been secured) as to whether it should reasonably be extended.

In relation to the Redeployment Referral Form, the displaced employee should be provided with assistance in its completion.

The decision as to whether to extend the access period will be dependent upon whether suitable alternative employment opportunities have arisen or are likely to arise within the immediate period thereafter. In addition, an extension to the access period may amount to a reasonable adjustment for a disabled employee.

Should a displaced employee consider that a post to which they have been matched is not suitable, they will be required to provide an explanation. A displaced employee may determine that a post is not suitable upon initial matching, following discussion with the manager recruiting to the vacancy, during any subsequent selection process (if applicable), and during any subsequent trial period.

If it is considered that the displaced employee has unreasonably refused suitable alternative employment opportunities to which they have been matched, a decision may need to be taken to convene a meeting to

consider termination of employment in line with the relevant NHS Shetland policy.

6.5 Matching

The process of matching should be undertaken in the case of all displaced employees, with the completed Redeployment Referral Form providing the basis for comparison.

Matching involves:

A comparison of the essential criteria of posts which arise within the organisation (as identified within the person specification/job description) with the knowledge, skills and experience of displaced employees (consideration may also be given to examining Knowledge and Skills Framework (KSF) post outlines and factor levels assigned to posts to aid the matching process). Matching will only involve comparison of applicable vacant posts (i.e. ordinarily only those at the same or lower pay band/grade to the post from which an employee has been displaced. However, if the employee is disabled for the purposes of the Equality Act 2010 consideration may require to be given to vacant posts at a higher pay band/grade).

Consideration of whether a post is a match in terms of organisational change protection of terms and conditions, where applicable.

Consideration of the employee's particular circumstances, particularly in circumstances in which protection of terms and conditions does not apply. In such circumstances, those of any new post will apply. It is therefore important that consideration during the matching process is given, for example, to the minimum pay band/grade, hours of work, and travelling distance which the displaced individual would be willing to consider.

In the case of those displaced employees who would be entitled to no detriment protection of terms and conditions of employment, and who, prior

to be being displaced, possessed special class status in relation to their membership of the NHS Scotland pension scheme, such employees should have the option not to be matched against vacant posts which do not also attract special class status. This option allows the displaced employee to be clear that they may suffer a detriment in this regard.

The HR representative will establish, from amongst those matched, whether any displaced employees take priority over others due to the reasons for which they were displaced or because of any characteristics protected under the Equality Act 2010. They will then advise those with the highest priority that they have been matched and pass their details to the manager recruiting to the vacancy (as well as alerting the managers of those employees). Should an appointment not be made from amongst those with the highest priority, the same process will apply in the case of those with the next level of priority, until either an appointment is made or the process is exhausted.

6.6 Selection Decisions

Managers recruiting to a vacancy will be expected to appoint from amongst matched employees unless they can provide a robust case demonstrating that none met the essential criteria of the post, nor were likely to be able to do so following a short period of training and development. It is essential that fair selection processes are undertaken, with individuals being assessed against an agreed person specification/job description.

Subject to agreement with HR, a formal selection process may be required in the following circumstances:

- Where a post does not present an exact match and the individual's suitability for the role is unclear; or,
- Where more than one displaced employee is matched to a vacancy at a particular level of priority.

Any subsequent offer made will be conditional upon all relevant pre-employment checks having been undertaken satisfactorily, as set out in NHS Shetland's Ensuring Safe and Fair Recruitment, Selection and Employment Policy, developed in line with the Safer Pre and Post Employment Checks in NHS Scotland PIN Policy. The checks required will be the same as those which would otherwise be required in the case of an existing employee of NHS Shetland changing roles within the organisation as a result of having applied via the normal recruitment process, with the exception that references may not need to be requested in the case of redeployment, unless necessary for a change in role and responsibilities.

Unsuccessful candidates will be given written reasons for non-appointment on request, in line with good employment practice. Managers recruiting to a vacancy must ensure that displaced employees are made aware of this right.

Where there are no matches from amongst displaced employees, or where managers recruiting to a vacancy have been able to provide a justifiable explanation for non appointment from amongst those matched, vacancies may be advertised through the normal recruitment process.

6.7 Trial Periods/Retraining

Where displaced employees are appointed to posts via redeployment, a trial period of four weeks will apply in all cases. Such trial periods may be extended by agreement at the outset of the appointment, depending upon the nature of the post and whether additional training and development is required, or, thereafter, by mutual agreement . An extension of any trial period may amount to a reasonable adjustment if the employee is disabled for the purposes of the Equality Act 2010.

Employees will retain the pay band/grade of their earlier post during the four week trial period (where the pay band/grade of the new post is lower), reverting to the pay band/grade for the new post (where appropriate) upon

satisfactory completion of the trial. Should the trial be extended beyond the four weeks the employee will be paid at the rate of the new post.

During the trial period, either the new line manager or the employee may determine that the post is not suitable. In either case, this unsuitability must be clearly demonstrated.

If either the new line manager or the employee indicates, for good reasons, that the new post is unsuitable, responsibility for pursuing further redeployment, if appropriate, will pass back to the former manager of the displaced employee.

6.8 Temporary Redeployment

Displaced employees may be appointed temporarily for developmental purposes or in a holding position, retaining their employment status, where appropriate, until a suitable alternative employment opportunity becomes available. In circumstances in which a permanent employee is matched by the organisation to a temporary or fixed term post, they will retain their permanent employment status.

6.9 Protection of Terms and Conditions of Employment

Protection of terms and conditions of employment (as well as reimbursement of excess travel and relocation expenses), will apply as per national policy, and as detailed within the Redeployment within NHS Scotland PIN Policy. Where a displaced employee is redeployed to a post where protection does apply, it should be made clear that they will continue to be matched to subsequent vacancies which arise, with ongoing protection being conditional upon acceptance of any future suitable alternative employment offered which presents a more exact match in relation to their protected terms and conditions of employment.

In those circumstances in which pay protection does not apply, and where, as a result, a displaced employee takes up suitable alternative employment

but with earnings lower than those prior to being displaced, members of the NHS Scotland pension scheme may be able to preserve their pension benefits at the time of this change, subject to meeting the relevant eligibility criteria (see <http://www.sppa.gov.uk>).

7. Specific Conditions

7.1 Organisational Change

There are two types of redeployment which apply in terms of organisational change:

The first involves circumstances where individuals are displaced as a result of a change in the number or nature of roles required, and where appointment to those resulting roles is by limited competition from amongst affected employees. In such circumstances, the process will be as determined locally in line with principles of NHS Scotland's Organisational Change policy statement.

The second occurs where an individual is displaced in circumstances where there is no such resulting role, or where they have been unsuccessful in securing such a resulting role via the limited competition process. In such a case, they will be 'displaced as a result of organisational change', with the process to be followed as defined within this policy.

7.2 Capability

The process to be followed in reaching a decision to displace an employee due to issues of capability (whether related to attendance or performance), as well as the process to be followed where redeployment proves unsuccessful, is set out within NSH Shetland's Management of Employee Capability and the Promoting Attendance policies.

In these circumstances, specific consideration requires to be given when matching as to whether a role is likely to be performed to the required

standard and not present a continuing capability concern. If the employee is disabled, consideration will also be given to any reasonable adjustments that could be made to roles to assist in matching them to the displaced employee.

Depending on the nature of the capability issues, Occupational Health advice will require to be sought, both as part of the initial assessment stage of the procedure outlined above (insofar as whether suitable alternative employment should be considered and, if so, any restrictions as to the type of role, or adjustments which would require to be made to a role, in order to ensure suitability, and thereby avoid similar capability issues arising in future), as well as during the subsequent access period where consideration is being given to the suitability of particular posts. Protection of earnings does not apply to redeployment in the case of capability.

7.3 Non-renewal of fixed term contract upon expiry

In this case, in line with NHS Shetland's Use of Fixed Term Contracts policy in line with NHS Scotland PIN Policy, there is a requirement for a meeting with the employee, advising of the non-renewal of their contract and issuing notice in line with their contract of employment. If the employee has not secured an alternative post prior to the end of their notice period, their employment will be terminated as per that earlier meeting.

The access period for employees displaced as a result of nonrenewal of a fixed term contract will be for a period no less than the contractual notice period as discussed in NHS Shetland's Fixed Term Contracts Policy.

7.4 Other Circumstances

Redeployment in other specific circumstances (e.g. following a conduct or grievance process) will be by exception (all other alternatives having been exhausted) and will be determined on an individual case by case basis, ensuring that the principles of fairness and consistency of approach are applied.

8. Grievances

Should a displaced employee consider that a suitable alternative employment opportunity has been unreasonably withheld or refused, or should they have any other concerns in relation to the application of this policy, the matter should be pursued in line with NHS Shetland's Voicing Concerns: Grievance Policy.

9. Review

This policy will be subject to ongoing monitoring to ensure that it is being fairly and consistently applied and that the stated principles and values are being met. The policy will be subject to regular review, in partnership, to ensure that any new standards and/or structures are incorporated when necessary and that it remains fit for purpose.

10. Impact Assessment

This policy has been equality impact assessed using a rapid impact checklist process.