

REDEPLOYMENT POLICY

July 2017

HR Policy:	Redeployment Policy
Date Issued:	
Date to be reviewed:	3 years or if statutory changes are required



Policy Title:	Redeployment Policy	
Supersedes:	All previous Redeployment Policies: NHS Hull PCT Redeployment Policy & Procedure NYHCSU Redeployment Policy	
Description of Amendment(s):	New Policy for CCG employees	
This policy will impact on:	All staff	
Financial Implications:	No change	
Policy Area:	HR	
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Issued By:		
Author:	HR Policy Lead - adapted for local use by Yorkshire and Humber Commissioning Support eMBED Health Consortium on behalf of Hull CCG	
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	Social Partnership Forum JTUPF	
	Governing Body	
Consultation:	All Staff via intranet	
SLT Members	Consultation:	August 2015

Comment [WU1]: Policies to be-
lised

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1. POLICY STATEMENT

1.1 NHS Hull CCG wishes to retain the skills, abilities and loyalties of its employees wherever possible. This policy is designed to assist employees who are at risk of losing their job as a result of ill health capability, performance, redundancy or the end of a fixed term contract of over a year. Redeployment may also be pursued in some harassment and bullying cases.

1.2 This policy will apply to all employees with Agenda for Change terms and conditions of employment, including employees on temporary and fixed-term contracts lasting more than twelve months. It does not apply to those staff who are seconded from other employing organisations or contractors.

2. PRINCIPLES

2.1 This policy will be communicated to staff via team meetings/team brief and will be available for staff on the [intranetCCG website](#).

2.2 Training and support will be available to all Line Managers in the implementation and application of this policy.

3.0 IMPACT ANALYSES

3.1 Equality

In applying this policy, the CCG 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 developing this policy, an Equality Impact Analysis has been undertaken and is attached at Appendix 2. As a result of the initial screening, the policy does not appear to have any adverse effects on people who share protected characteristics and no further actions are required at this stage.

The application of this policy will be monitored alongside recruitment monitoring data to ensure fair application.

3.2 Bribery Act 2010

~~The CCG follows good NHS business practice as outlined in the Business Conduct Policy and has robust controls in place to prevent bribery.~~

~~Under the Bribery Act 2010, it is a criminal offence to:-~~

- ~~• Bribe another person by offering, promising or giving a financial or other advantage to induce them to perform improperly a relevant function or activity, or as a reward for already having done so; and~~
- ~~• Be bribed by another person by requesting, agreeing to receive or accepting a financial or other advantage with the intention that a relevant function or activity would then be performed improperly, or as a reward for having already done so.~~

~~Due consideration has been given to the Bribery Act 2010 in the development of this policy document and consistent application of this policy will mitigate bribery in relation to this policy.~~

BRIBERY ACT

The Bribery Act 2010 makes it a criminal offence to bribe or be bribed by another person by offering or requesting a financial or other advantage as a reward or incentive to perform a relevant function or activity improperly performed. The penalties for any breaches of the Act are potentially severe. There is no upper limit on the level of fines that can be imposed and an individual convicted of an offence can face a prison sentence of up to 10 years.

The Bribery Act applies to this policy.

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4 POLICY PURPOSE & AIMS

- 4.1 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.
- 4.2 The CCG will endeavour to redeploy employees who are at risk of losing their job as result of ill health capability, performance, redundancy or end of fixed term contract lasting more than twelve months. However, owing to the size of the organisation, it must be recognised that there may be limited opportunities for redeployment.

5 DEFINITIONS

For the purpose of applying the provisions contained in this document, the definitions below shall have the following meanings:

'*Suitable*' means employment that reflects the employees 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 employees current pay band or one band below (see Part 2, Paragraphs 1.10 – 1.13). Regard will be given to the personal circumstances of the employee however, the employee will be expected to show some flexibility.

In line with the Equality Act 2010, employers have an obligation to make '*reasonable adjustments*' in relation to the following:

- Provisions, criteria or practices including organisational policies
- Physical features such as layout of and access to workplaces
- Provision of auxiliary aids including providing information in an accessible format such as braille, large print or email

Factors such as cost and practicability of making an adjustment and resources available to the employer may be relevant in deciding what is reasonable.

6 ROLES / RESPONSIBILITIES / DUTIES

- 6.1 Managers will:
 - Be responsible for meeting with employees under this policy
 - Support the redeployment of employees by guaranteeing an interview for an advertised vacancy where an individual on the CCG's redeployment register meets that essential requirements of the person specification
 - Give feedback when an application has been unsuccessful.
- 6.2 Employees will:
 - Be expected to apply for any post which constitutes suitable alternative employment

- Consider reasonable changes in hours, pay, location and responsibilities on the understanding that the appropriate protection arrangements could apply (see the Pay Protection Policy)
- Not unreasonably turn down an offer of suitable alternative employment.

6.3 The ~~HR~~Workforce team will:

- Maintain a confidential register of staff seeking redeployment and actively match staff with vacancies.

7 IMPLEMENTATION

7.1 This policy will be communicated to staff via team meetings/team brief and will be available for staff on the ~~intranet~~CCG website.

Comment [WU2]: Website-

7.2 Breaches of this policy may be investigated and may result in the matter being treated as a disciplinary offence under the CCG's disciplinary procedure.

8 TRAINING & AWARENESS

8.1 A copy of the policy will be available on the ~~CCG intranet~~CCG website. Training needs will be identified via the appraisal process and training needs analysis.

Comment [WU3]: Website-

9 MONITORING & AUDIT

9.1 The implementation of this policy will be audited on an annual basis by the ~~HR-Workforce Team~~CCG and reported to CCG Governing Body.

Comment [WU4]: Who will audit

10 POLICY REVIEW

10.1 The policy and procedure will be reviewed after 3 ~~years~~ for the CCG Governing Body in conjunction with Trade Union representatives. Where review is necessary due to legislative change, this will happen immediately.

Comment [WU5]: Do we generally say 2?

No – 3 year review

11 ASSOCIATED DOCUMENTATION

This policy should be read in conjunction with the following policies:

- Change Management Policy
- ~~Policy on~~Managing Work ~~Performance~~Policy
- Absence Management Policy
- Pay Protection Policy.

Comment [WU6]: Are all these policies published on the website?

We think so; all approved policies have been sent over to CCG when approved

PART 2 PRINCIPLES AND PROCEDURE

1 PRINCIPLES

- 1.1 The CCG, in conjunction with the [HRWorkforce](#) team, will maintain a register of employees who are at risk of redundancy / under notice of redundancy, or being redeployed due to ill health capability, performance, or the end of a fixed term contract lasting more than twelve months. Employees who are at risk will be invited to a meeting to formally notify them of their redeployment status and to discuss the redeployment process with them. This discussion also notifies the employee that their details will be placed on the redeployment register. The register will contain information on the individual's needs and preferences for redeployment in addition to basic personal information. A Redeployment Registration Form (Appendix 1) is attached to record this information. Employees on the register will be advised of potentially suitable posts within the CCG. Where appropriate, posts will be advertised on a restricted basis to those employees on the register only.
- 1.2 Employees seeking redeployment within the CCG 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.
- 1.3 The redeployment procedure 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.
- 1.4 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.
- 1.5 Appropriate re-training and additional support will be offered to employees to support them during the redeployment process.
- 1.6 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.
- 1.7 Employees will be kept fully informed throughout the redeployment process, including the potential outcome. Redeployment opportunities could include the offer of redeployment into temporary or fixed term positions, however they should be made aware of their position at the end of that period.
- 1.8 Employees are responsible for actively seeking redeployment opportunities during the redeployment period via NHS Jobs (www.jobs.nhs.uk).
- 1.9 Once the employee is placed on the redeployment register, they will also be registered with the NHS jobs website on their preferred email address to enable them to access restricted vacancies.
- 1.10 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.

- 1.11 During trial periods and until the employee is confirmed in a post, the CCG in conjunction with the [HRWorkforce](#) team will continue to seek and propose other redeployment opportunities that may arise.
- 1.12 Once a work trial has been completed successfully, and all parties are in agreement, a final review meeting will be held and the employee will be confirmed in post and a new contract of employment issued. The outcome of the meeting will be confirmed in writing.
- 1.13 The Terms and Conditions of Service will transfer with an employee who accepts an alternative post including continuous service dates, annual leave entitlement and sick pay entitlement. The employee record will also transfer with the employee e.g. annual leave record, sickness record.
- 1.14 Employees are entitled to be accompanied at any formal meeting relating to their redeployment by a work colleague or recognised trade union representative not acting in a legal capacity.
- 1.15 Employees who unreasonably 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 CCG's **Absence Management, Managing Work Performance** and **Change Management** policies for further information.
- 1.16 Any disputes in relation to determining whether a position is 'suitable alternative employment' must be referred, in writing, to the CCG Chief Officer.
- 1.17 All employees will have the right of appeal against redeployment to a suitable alternative post within the organisation.

2 REDEPLOYMENT OPTIONS

2.1 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 CCG's Change Management Policy.

2.2 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 CCG's Absence Management policy and give due consideration to:

2.2.1 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 employee's 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).

2.2.2 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.

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

2.2.4 The Workforce Team, in consultation with 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.

2.3 Capability

2.3.1 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 Policy on Managing Work Performance.

3 SCHEME OF DELEGATION

3.1 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 Manager's Manager or equivalent who has not previously been involved or implicated
Dismissal Hearings	Chaired by an Associate Director <u>Director</u> or equivalent and Workforce representative
Appeal against dismissal	Chaired by a Director or equivalent and Workforce representative

Comment [WU7]: We only have 1 associate director so could this say Director

4 PROCEDURE

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

- 4.1 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.
- 4.2 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 proforma' will be completed.
- 4.3 The Workforce team will provide employees with details of all vacancies within the CCG and will ensure that the employee is registered to enable them to access restricted vacancies on the NHS jobs website.
- 4.4 Where employees express an interest in any appropriate vacancies, the CCG and the [HRWorkforce](#) team 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.
- 4.5 Where a vacancy is agreed to be suitable, the CCG and the [eMBED-YHGS HRWorkforce](#) team will arrange for a meeting with the employee concerned and the manager of the vacancy to discuss the employee's suitability for the post. Additional information may also be sought from Occupational Health if appropriate.
- 4.6 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.
- 4.7 The CCG and the [HRWorkforce](#) team 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.
- 4.8 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. A HR4 'Variation to Contract' Form should be completed and returned to the Workforce team.
- 4.9 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 Workforce team, 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 employee's Contract of Employment would proceed in line with the relevant policy.

5 SALARY PROTECTION

- 5.1 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.
- 5.2 Protection arrangements will not normally apply to employees who are redeployed for ill health/capability reasons.
- 5.3 In cases of redeployment due to redundancy, the relevant Pay Protection Policy would be applied.
- 5.4 Where employees are already receiving a protection payment this will be reviewed and any necessary amendments will be made.

6 APPEALS

- 6.1 An employee who feels they are being treated unfairly under this policy may invoke the CCG's Grievance procedure at the appropriate stage. Please refer to the Grievance Procedure.
- 6.2 Appeals against redeployment as an alternative to dismissal will be considered as part of the disciplinary appeals process. Please refer to the Disciplinary Policy and Procedure.

APPENDIX 1

Comment [WU8]: Do you need to add a name and date

Redeployment Register: Record of Employee Information

The following form will be used to identify any vacancies that may be of interest to you. Such vacancies will be shared with you and you will have the opportunity to apply as a priority applicant on the redeployment register in accordance with the CCG Redeployment Policy.

Name	
Date	

Please outline your current skills and experience:	
Please indicate the nature of the work sought, including pay bands that you would like to be considered for:	
Please indicate your preferred location and any others that you would like to be considered for:	

<p>Please highlight any opportunities that would assist you while you are on the redeployment register in securing alternative employment e.g.:-</p> <ul style="list-style-type: none"> • Work shadowing • Project work • Mentoring • Secondment • Employer supported volunteering • Short skilled based programmes • Conferences/Events <p><i>Please provide relevant detail where you indicate any support that may assist you</i></p>	
<p>Please highlight any additional assistance you may require with job applications e.g.:-</p> <ul style="list-style-type: none"> • Interview preparation • CV writing • Career coaching 	
<p>Personal Circumstances</p>	
<p>In this section, please indicate any personal circumstances that may impact on roles that you would consider to be suitable and specify any requirements or restrictions e.g. working patterns, that may need to be considered as a result</p>	
<ul style="list-style-type: none"> • Child at childcare provider elsewhere and not convenient to new site 	
<ul style="list-style-type: none"> • School drop off/pick up 	
<ul style="list-style-type: none"> • Incur additional childcare costs 	
<ul style="list-style-type: none"> • Caring for dependants 	
<ul style="list-style-type: none"> • Another job 	
<ul style="list-style-type: none"> • Study commitments 	
<ul style="list-style-type: none"> • Health/disability issues 	
<ul style="list-style-type: none"> • Other 	
<p>Requirements and/or any restrictions that would need to be considered as a result:</p>	

HR / Corporate Policy Equality Impact Analysis:	
Policy / Project / Function:	Redeployment Policy
Date of Analysis:	1/7/2013, reviewed 20/9/2017
Completed by: (Name and Department)	Janet Thacker HR Department Becky Blackburn HR Department (review)
What are the aims and intended effects of this policy, project or function?	<p>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.</p> <p>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.</p>
Are there any significant changes to previous policy likely to have an impact on staff / other stakeholder groups?	Not in my view
Please list any other policies that are related to or referred to as part of this analysis	<ul style="list-style-type: none"> • Redundancy Policy • Absence Management Policy • Managing Performance Policy • Grievance Procedure • Pay Protection Policy • Disciplinary Policy
Who will the policy, project or function affect?	Employees
What engagement / consultation has been done, or is planned for this policy and the equality impact assessment?	Consultation on the policy has taken place nationally and locally. Consultation on the updated policy has taken place locally.
Promoting Inclusivity and Hull CCG's Equality Objectives. How does the project, service or function	The policy does not directly promote inclusivity but provides a framework for the management of Redeployment within the organisation to ensure that staff are appropriately supported.

<p>contribute towards our aims of eliminating discrimination and promoting equality and diversity within our organisation?</p> <p>How does the policy promote our equality objectives:</p> <ol style="list-style-type: none"> 1. Ensure patients and public have improved access to information and minimise communications barriers 2. To ensure and provide evidence that equality is consciously considered in all commissioning activities and ownership of this is part of everyone's day-to-day job 3. Recruit and maintain a well-supported, skilled workforce, which is representative of the population we serve 4. Ensure the that NHS Hull Clinical Commissioning Group is welcoming and inclusive to people from all backgrounds and with a range of access needs 	
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Equality Data	
<p>Is any Equality Data available relating to the use or implementation of this policy, project or function?</p> <p>Equality data is internal or external information that may indicate how the activity being analysed can affect different groups of people who share the nine <i>Protected Characteristics</i> – referred to hereafter as '<i>Equality Groups</i>'.</p> <p>Examples of <i>Equality Data</i> include: (this list is not definitive)</p> <ol style="list-style-type: none"> 1: Recruitment data, e.g. applications compared to the population profile, application success rates 2: Complaints by groups who share / represent protected characteristics 4: Grievances or decisions upheld and dismissed by protected characteristic group 5: Insight gained through engagement 	<p>Yes <input checked="" type="checkbox"/></p> <p>No <input type="checkbox"/></p> <p>Where you have answered yes, please incorporate this data when performing the <i>Equality Impact Assessment Test</i> (the next section of this document). If you answered No, what information will you use to assess impact?</p> <p>Please note that due to the small number of staff employed by the CCG, data with returns small enough to identify individuals cannot be published. However, the data should still be analysed as part of the EIA process, and where it is possible to identify trends or issues, these should be recorded in the EIA.</p>

Assessing Impact

Is this policy (or the implementation of this policy) likely to have a particular impact on any of the protected characteristic groups?
(Based on analysis of the data / insights gathered through engagement, or your knowledge of the substance of this policy)

Protected Characteristic:	No Impact:	Positive Impact:	Negative Impact:	Evidence of impact and, if applicable, justification where a <i>Genuine Determining Reason</i> ¹ exists (see footnote below – seek further advice in this case)
Gender	✓			
Age	✓			
Race / ethnicity / nationality	✓			
Disability		✓	✓	<p>Positive Impact - Opportunities for individuals as a result of ill-health to be redeployed where reasonable adjustments cannot be made to their current role.</p> <p>Negative Impact - Where disabled employees are redeployed for other reasons, cost implications of reasonable adjustments might be a consideration– see action plan.</p>
Religion or Belief	✓			
Sexual Orientation	✓			
Pregnancy and Maternity	✓			

1. ¹ The action is proportionate to the legitimate aims of the organisation (please seek further advice)

Transgender / Gender reassignment	✓			
Marriage or civil partnership	✓			

Action Planning:

As a result of performing this analysis, what actions are proposed to remove or reduce any risks of adverse impact or strengthen the promotion of equality?


Identified Risk:	Recommended Actions:	Responsible Lead:	Completion Date:	Review Date:
Where disabled employees are redeployed for other reasons, cost implications of reasonable adjustments might be a consideration	Where disabled employees are redeployed, HR processes should ensure that any decision meets the requirements of the Equality Act 2010	Individual HR leads	Ongoing	On review of the policy

Sign-off

All policy EIAs must be signed off by Mike Napier, Associate Director of Corporate Affairs

I agree with this assessment / action plan

If *disagree*, state action/s required, reasons and details of who is to carry them out with timescales:


 Signed:
 Date: 20.09.17