

# Redeployment Procedure

**Version Control Summary**

<b>Title</b>	Redeployment Procedure
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## REDEPLOYMENT PROCEDURE

### 1.0 Introduction

- 1.1 The process of managing redeployment and securing suitable alternative employment for staff who may be displaced through organisational change or who may be require to change roles on health grounds requires a consistent and committed approach.
- 1.2 The aim of this procedure is to ensure that the legal requirements for considering employees requiring alternative employment are met, whilst providing an easy to follow guide for managers and employees about the principles surrounding redeployment.
- 1.3 This procedure is intended to give further advice and guidance to managers and Redeployees on the process that will be followed during redeployment situations and should be read in conjunction with the Trust's Management of Staff Affected by Change Policy and Procedure or the Sickness and Absence policy.

### 2.0 Definitions

- 2.1 Redeployee – a staff member who is eligible to be entered on the redeployment register and given priority access to potentially suitable jobs, by way of being placed at risk, being medically unfit to carry out their substantive role, or because their fixed-term contract is due to end for reasons of redundancy.
- 2.2 At-Risk of redundancy - where a formal process of consultation on potential redundancy has been initiated and an individual has been issued with an “At Risk” letter.
- 2.3 Redeployment register – a register of redeployees’ skills, education and experience, maintained by the Human Resources department that is used for the process of assessing vacancies for potential suitability.
- 2.4 Restricted vacancies – vacancies that have been advertised on NHS jobs but are only viewable to at-risk account holders. Vacancies can be restricted locally or nationally.
- 2.5 At-risk account – a special NHS jobs account that allows the account holder to view local and national restricted vacancies.
- 2.6 **Suitable alternative employment** – whether a job is suitable depends on how similar the work is to the Redeployee’s current job. Regard will be

given to the personal circumstances of the Redeployee although some flexibility will be expected to be shown. Only positions at the Redeployee's current grade, one grade below and one grade above if the Redeployee's incremental point overlaps into the higher band will be considered suitable. Salary protection will be applied in accordance with the Trust's Management of Staff Affected by Change Policy and Procedure.

### **3.0 Principles and Values**

3.1 The general principles that underpin the redeployment process are as follows:

3.1.1 Redeployees have the right to be considered preferentially for posts and will not be unfairly denied a suitable alternative post.

3.1.2 Redeployees are expected to view NHS jobs regularly and apply for positions for which they meet the minimum criteria

3.1.3 Jobs will be assessed for potential suitability for staff with priority based upon the essential criteria listed in the person specification. In cases where potential suitability is initially unclear, the Redeployee should always be given the opportunity to demonstrate their suitability.

3.1.4 Consideration will be given to any reasonable training / re-skilling needed to facilitate redeployment.

3.1.5 Managers who choose not to appoint a Redeployee identified as potentially suitable must provide clear, written objective reasons for non-appointment.

3.1.6 Redeployees who choose to reject a post deemed to be suitable alternative employment must provide clear, written objective reasons for rejecting the position. In circumstances where the job is considered suitable but the Redeployee does not wish to carry out the role for reasons of personal choice, they must be aware that this may have implications for their ongoing employment and, for at-risk Redeployees, their entitlement to a redundancy payment

### **4.0 Staff with priority**

4.1 The Trust will maintain a Redeployment Register for all staff for whom alternative employment should be sought. Employees will be placed on a Redeployment Register for one of the following reasons:

- They are deemed by Occupational Health to be medically unfit to carry out their substantive role

- Their Fixed Term contract is due to expire for reasons of redundancy
  - They have been placed at-risk and / or issued notice of redundancy
- 4.2 Employees who become eligible for priority status will have a meeting with their manager and / or HR representative during which the redeployment process will be discussed. The HR representative will gather information about the employee's skills and experience and will begin to explore options available to them in terms of potential redeployment. During the meeting the form at Appendix 2 will be completed. A copy of this form will be retained on the personal file and the details will be logged on to the Redeployment Register.
- 4.3 Staff on the Redeployment Register will then be given access to vacancies posted on the restricted area of NHS Jobs and will be provided with an at-risk account.

## **5.0 Vacancy restrictions**

- 5.1 The functionality of NHS jobs allows employers to deploy a vacancy management process through which vacancies can be advertised in the first instance to ELFT employees who have been declared as "at risk" or otherwise given priority access to any vacancies that arise in the Trust (Redeployees).
- 5.2 Once a request to recruit is submitted to the recruitment team the Recruitment Officer will carry out a preliminary matching exercise against members of staff on the redeployment register to consider whether there are Redeployees who are potentially suitable.
- 5.3 Any jobs that have been identified as potentially suitable will be placed on the restricted vacancy list for no less than 1 week and all potentially suitable Redeployees will be notified of the vacancy and the closing date.
- 5.4 Where posts remain unfilled following the above processes, vacancies will be placed on NHS jobs without restriction and available for all applicants. However, 7 days may not always be sufficient time to ensure that all staff at risk have been given the opportunity to view the position, discuss any issues and then submit an application. Similarly, positions that have already been held back for at risk applicants can match the skills of staff who are newly added to the at risk register. Any Redeployees who submit an application prior to the closing date of an unrestricted vacancy would still be entitled to be considered on a priority basis.
- 5.5 Redeployees may choose to apply for any advertised vacancy; even where the vacancy is not one identified as being potentially suitable by the recruitment team. Such an application will be subject to the normal

- recruitment and selection procedures which will be in open competition with any other applicants.
- 5.6 In the event that a vacancy that is considered suitable for a Redeployee needs to be withdrawn, a written withdrawal request from the Service Director must be sent stating the reasons for the withdrawal.
- 5.7 Fixed-term vacancies of 9 months or longer will be considered suitable alternative employment for Redeployees. Redeployees will remain on permanent contracts of employment if redeployed into a fixed-term post and will remain in any fixed term post that is extended or made permanent, once they have successfully completed a trial period. If a fixed-term post is due to end, Redeployees will be placed back on the Redeployment Register 12 weeks from the end of the fixed-term period. Vacancies of less than 9 months will not be considered suitable alternative employment.
- 5.6 In order to retain talent in the workforce and minimise redundancies, positions may be held back for staff who have not yet been placed at-risk of redundancy but are subject to proposals for change which are likely to lead to reduction in numbers of a particular role or profession. Recommendations for posts to be frozen will be considered by the Associate Director of Human Resources in consultation with the relevant Service Directors where necessary and timescales will be agreed.
- 6.0 Application process**
- 6.1 Whenever a vacancy is deemed a potential match for a Redeployee and restricted from external advertising, the Recruitment Officer will send a notification email to the suitable individual or individuals, copying in their Locality HR Manager or Adviser to confirm that a job has been posted that matches their skill set. The email will confirm the closing date for the post.
- 6.2 Redeployees should then complete an application using the standard NHS application form and apply using their restricted NHS jobs account.
- 6.3 The Locality HR Adviser or Manager will provide additional support to the Recruitment Officer, the Redeployee and the Recruiting Manager in determining whether the post is potentially suitable. In cases where it is agreed that the job is not suitable, the Locality HR team will give authorisation for the job to be advertised immediately without restriction.
- 6.4 Recruiting Managers will be notified of any applications from Redeployees within 1 day of the vacancy closing. Upon receipt of the application form(s), managers will be asked to consider the suitability of each Redeployee.

- 6.5 In the case of a single applicant, the Recruiting Manager will be asked to arrange a redeployment meeting with the Redeployee within 5 working days of receiving the application. The sole purpose of the meeting is to assess whether the post is suitable for the employee and is not intended to be a formal interview, although there may be more than one person from the recruiting department present. A representative from Human Resources may also attend this meeting. Tests may be used during or before the meeting if it is deemed to be an appropriate method of determining suitability.
- 6.6 If there is more than one Redeployee suitable for a post, then the redeployment meeting will take the form of a competitive interview.

## **7.0 Trial period**

- 7.1 Once a Redeployee is considered to be suitable for a post, the individual will commence in the post subject to a trial period of 4 weeks which, in certain cases, may be extended up to a maximum of 8 weeks. A mutually convenient start date will be agreed, taking into account a short period of time required to hand over any work. Any outstanding annual leave should be taken so the Redeployee does not carry more than their pro-rata leave equivalent into their new role.
- 7.2 It is the responsibility of the new manager and employee to discuss any issues that arise during the trial period promptly and advice should be sought from their Locality HR team at the earliest opportunity.
- 7.3 At the end of the trial period the new manager and Redeployee will consider whether the post is suitable and will discuss with the Locality HR Adviser or Manager supporting the employee. A meeting may be held if this will be beneficial, at which the employee can bring a representative. Consideration should be given as to whether further training or a longer trial period needs to be agreed. A meeting can be held before the end of the trial period if either the Redeployee or new Line Manager feels there are valid reasons why the job cannot be considered suitable.
- 7.4 If the end date of the trial period lapses without any review or written confirmation of suitability being received, this does not automatically mean the employee can be permanently confirmed in the post. However if there have been no issues raised during this period it would give indication that the position is suitable. In any event if a Redeployee has been in a trial period beyond 3 months they will be deemed to have been permanently appointed into that post



## **8.0 Employees on Fixed Term Contracts**

- 8.1 Redeployment will be sought for any member of staff on a fixed term contract where termination or expiry of the contract would result in a redundancy situation.
- 8.2 A member of staff on a fixed term contract will attend a meeting with their manager and HR to be advised of the ending of the fixed-term contract and will be entered on the redeployment register no less than 1 month prior to expiry of the contract. The department which currently employs the member of staff will continue to be responsible for salary payment during the redeployment process.
- 8.3 In cases where a suitable alternative position has not been secured, an employee with two or more years of continuous NHS employment whose post is redundant following the expiry of their fixed term employment may be entitled to a redundancy payment, calculated in accordance with the Agenda for Change Staff Handbook.

## **9.0 Disability and Redeployment**

- 9.1 Where an employee with a disability is seeking redeployment, managers must take into account any reasonable adjustments to working arrangements to ensure that any possible detriment is prevented, in line with the requirements of the Equalities Act. This could mean making adjustments to the redeployment process or making adjustments to a role that would enable a disabled person to carry this out. Such adjustments may include:
- Redesigning the job content or working methods – this may include reallocation of some tasks to other employees.
  - Changing the hours or place of work
  - Modifications to workplace equipment or acquisition of specialist equipment.
- 9.2 Recruitment Officers are responsible for notifying Recruiting Managers of any disability prior to the redeployment meeting and liaising with the Redeployee in order that any adjustments needed for the redeployment process have been considered. HR Advisers and managers will give advice in relation to determining reasonable adjustments recommended in order that the redeployee is able to carry out the role, seeking additional advice from the Occupational Health Service where appropriate.

## **10.0 Responsibilities**

- 10.1 Recruitment Officers have a responsibility to:

- Advise Recruiting Managers on all aspects of the redeployment procedure
- Check the redeployment register once all requests to recruit are received
- Perform a skills match to see if any of the vacancies are potentially suitable alternative employment for any Redeployees
- Highlight potential opportunities to Redeployees, copying in their line manager and HR support
- Arrange redeployment meetings or interviews
- Advertise roles without restriction as soon as it has been established that there are no suitable Redeployees
- Be aware of the impact of holding posts back on a service and take all reasonable steps to expediate the redeployment process to ensure posts do not remain unfilled for longer than necessary

10.2 Locality HR teams have a responsibility to:

- Meet with members of staff and their representatives to explain the procedure concerning Redeployment
- Provide advice and support to employees at risk throughout the process
- Capture the Redeployee's skills and experience and enter details on the Redeployment Register
- Set up at-risk accounts for Redeployees
- Maintain the redeployment register
- Maintain regular contact with members of staff in their locality on the redeployment register
- Regularly liaise with the Recruitment team.
- Discuss suitable matched posts with the member of staff to clarify suitability.
- Assist in resolving any difficulties or problems which may arise
- Advise Redeployees of suitable sources of support.
- Contact the Redeployee and line manager one week before the end of any trial period.

10.3 Line Managers have a responsibility to work with the Locality HR teams as outlined above, and:

- Have a responsibility to explore and seek suitable redeployment opportunities for members of staff within their own Directorate prior to placement of a member of staff on the Redeployment Register.
- Comply with the principles, values and processes outlined in this procedure.
- Support their members of staff throughout the redeployment process, including ensuring such time as required is made available to the individual to facilitate the process of redeployment, for example to enable attendance at meetings etc.

- 10.4 Recruiting Managers have a responsibility to:
- Ensure preference is given to Redeployees where a skill match or potential skill match exists.
  - Consult with the relevant Locality HR contact in the first instance on any potential rejection of a redeployee.
  - Consult with their Locality HR contact where it may be necessary to make adjustments to the post or the workplace.
  - Liaise with the Locality HR contact during any trial period.
  - Ensure local orientation to the new post and identifying initial and ongoing learning and development requirements
  - Ensure transfer of the employee's personal file
- 10.5 Redeployees have a responsibility to:
- Co-operate fully with the redeployment process.
  - Regularly accessing ELFT vacancies through both their restricted account and the main job vacancy page on Trustnet, to ensure they are fully aware of all opportunities arising.
  - Participate fully in any training required
- 10.6 Associate Director of HR and Organisational Development has a responsibility to:
- Oversee the process for assessing suitable alternative employment and ensure that all decisions made are fair and based upon objective criteria
  - Ensure that the Redeployment Register is maintained by the Recruitment Officers and Locality HR teams
  - Ensure that the process of restricting vacancies is managed efficiently so that vacancies are not held back longer than required

## Appendix 1

### FREQUENTLY ASKED QUESTIONS

**What happens if someone who is at risk misses the first seven days of a post being advertised?**

If they can demonstrate a legitimate reason for missing the restricted advertising process (e.g. a period of annual leave) individuals will still be given equivalent priority ahead of other non-priority internal or external applicants. Recruiting Managers will need to set up a redeployment meeting before any external interviews are arranged.

**Are managers able to go direct to external advert for specialist posts that are difficult to recruit to?**

Yes, providing there are no consultation papers going through JSC that mean that staff with the specialist skills to meet these posts are shortly due to undergo a process that may mean they will be placed at risk.

**I don't want to go forward for a job that is being offered to me. Do I have to apply?**

If there are valid reasons why the job is not suitable then you should discuss these with your Locality HR team. Consideration will be given to personal circumstances which could mean that the job is not suitable e.g. health or personal commitments that make the working hours or travel very difficult. Locality HR may first explore whether there are possibilities for adjustments being made on the first instance. However if you simply do not wish to carry out the role for reasons of your own choice then this may have implications on your eligibility for a redundancy payment.

**How will recruiting managers know if an individual applicant for a job is designated as at risk?**

When viewing the list of applicants for a particular post, the name of designated "at risk" individuals will have a small circle around a red "R" above their name which will alert employers to this person's status.

**Can Redeployees apply for vacancies in other services? I know there are suitable roles in another service but they are being ringfenced**

Whenever a restructure is occurring within a directorate, Service Directors will hold back any vacancies in their directorate in order to provide redeployment opportunities for staff who do not secure a position in the new structure. These vacancies will not be made available through NHS jobs and so staff at-risk in other areas will not be able to apply.

**Will Redeployees be automatically offered a job if they are the only applicant for the role?**

Provided the candidate meets the person specification or it is identified that this can be covered by appropriate training within a brief, agreed timescale, then they should be offered the post after the redeployment meeting, subject to a trial period of four weeks in the first instance.

**What is suitable alternative employment?**

Whether a job is suitable or not depends on how similar the work is to your current job, the terms of the job and your skills and abilities in being able to carry out the role. Further reference is made to the definition of Suitable Alternative Employment in the

Agenda for Change Handbook at Paragraphs 16.19 which states that when considering if a post is suitable alternative employment, regard should be had to the personal circumstances of the employee although the employee will be expected to show some flexibility. There is no set criteria e.g. in relation to reasonable distances staff are expected to travel. Each case will be considered on an individual basis

**What if a Redeployee or Recruiting Manager is unsure about someone's suitability in a role?**

All offers of posts will be subject to a 4 week trial period. This may be extended if deemed necessary by mutual agreement. Should it be decided by either party by the end of the trial period that the role is unsuitable, the employee returns to their "at risk" status and may be issued notice. The reasons for non-suitability need to be fully documented.

**Appendix 2**

***Employee Profile Form***

Name:..... Current Grade:.....  
Job Title:.....Ward / service.....  
Hours:.....Shift pattern.....  
Home Address:.....  
Qualifications:.....  
Date of redeployment interview:.....  
Date placed at risk.....  
Email address .....  
(for at-risk account and vacancy notification)  
Telephone number:.....  
Adjustments to role or process required due to disability?  
.....

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1. Brief description of current role – key skills

2. Any other skills relevant for redeployment

3. Preference for alternative posts, e.g. remain in same role in same sector, same type of role but alternative sector, other possible roles using transferrable skills. List any possible roles/environments that redeployee is not willing to perform and reasons why.

4. What locations can be considered? What cannot be considered? What means of travel can be used? What is max journey time?

5. Ability/willingness to change working hours/shift patterns? If unable, please give reasons.

6. Please give details of any training needs you have/foresee to have?

7. Any other details that should be taken into account when considering suitable alternative employment?

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Employee's signature:..... Date:.....

Line Manager's signature:..... Date:.....

Human Resources signature:..... Date:.....