

Secondment and Fixed Term

Frequently asked questions

These are provided for guidance or quick reference guide only, so always refer to the policy

1. Definitions

1.1 What is a secondment?

The temporary transfer of an employee to a different post or area of NHSBT or to another organisation, for a specific purpose, for a specific time, to the mutual benefit of the employee and the organisation. The employee will normally return to their substantive post or similar as set out in the policy.

1.2 What is a secondee?

The employee taking up the secondment opportunity.

1.3 What is a 'seconding manager'?

The manager for the post prior to the secondment.

1.4 What is a host line manager/organisation?

The line manager/organisation during the period of the secondment.

1.5 What is the definition of a fixed term contract?

It is a contract where the employment is due to end when:

- An employee's contract lasts for a specified period of time **AND**
- Ends when a specified task has been completed **OR**
- When a specified event does or does not happen **OR**
- funding for the post comes to an end

1.6 How do you define 'short term' for a period of secondment or fixed term or for an extension?

Short term for the period of a secondment would be considered to be three to twelve months. Short term for the period of an extension would be considered to be one to twelve months.

1.7 What is an expression of interest and when is this used?

There may be an opportunity that arises within a particular team or department, with a specific skill set. This may be the most appropriate route to be able to fill a vacancy, without having to advertise it in the whole organisation. This may be appropriate if a particular skill set is sought for a distinct role e.g. for a project.

This may be the case for permanent vacancies as well as secondments.

2. Assessing the need for a secondment or fixed term

2.1 Is there a short term role to back fill another secondment?

If so, this role would normally be advertised as open competition internally. This would be considered as a secondment.

2.2 Is there a role to support a specified project?

If there is a need for a particular skill set, this may be explored through limited competition to a particular group of employees with that skill by using an 'expression of interest'. OR it may be appropriate to open this up to full internal competition.

2.3 Has the internal recruitment process been exhausted or following some research, it is established that there are not an appropriate number of existing employees with the skills required?

If this is the case, you may need to consider advertising this opportunity externally on a fixed term basis. This will be identified at the 'Recruitment request' stage. Should an external appointment be made to such a position, this will be considered to be on a fixed term basis.

3. Secondment

3.1 What will I receive as confirmation of a secondment?

The seconding manager will be responsible for completing a secondment checklist and confirming the details in writing including:

- confirm the arrangements to the secondee
- obtain your written agreement to the arrangements
- confirm the required arrangements for your return to work
- detail the arrangements for keeping in touch with the you during your absence
- completing 'Change to contractual details form' (see 'forms' in People First) and submitting to NHSBT Pay Support
- making any financial arrangements with the external organisation or area in which you will be working (you will remain on your current budget during the secondment)
- making any required arrangements to cover the secondment
- making the required arrangements for your return to your substantive post or agreed role
- conducting review meetings (it is recommended that this occurs no later than 6 weeks before the expiry date of your secondment)
- any other pre-existing working condition specific to you e.g. pre-booked holidays/personal commitments. Normally this would not include previous job specific allowances e.g. driving allowance, away from base, and on call etc.

3.2 How do I apply for an Internal Secondment?

Internal secondments will normally be advertised and should you wish to apply, you are advised to discuss the vacancy with your line manager, and especially before attending any interviews. This is important as your manager will need to support your secondment.

3.3 What happens if my manager will not agree to a Secondment?

The organisation will support this wherever possible, as we believe passionately in your development. However, before applying for an advertised temporary post (fixed term or temporary); you must discuss this with your manager. Your manager will consider the following:

- Can your substantive role be easily filled
- The training requirements of a replacement
- Will the secondment support your career development/pathway
- The operational impact
- Any costs to the department or organisation

This list is not exhaustive

Your manager must provide a justification as to why you are unable to be released. Should you be unsatisfied with the reasons provide you will need to refer to the Grievance Policy.

3.4 If my post has been identified as part of (Shine Secure) or I have been identified as a high potential employee (Shine Accelerate) as part of NHSBT Succession Planning what development opportunities exist for me?

If as part of your Personal Development Plan, a specific development need has been identified, this will normally be explored between your manager and the department manager being able to support you. This may be an identified job role you may be seconded to on a short term basis, normally at the same band, or it may reflect a temporary change to your duties. If the opportunity is at a higher band you are likely to have to go through a competitive process.

3.5 Who is responsible for finalising secondment arrangements?

The seconding manager will discuss and agree the arrangements for the secondment with the potential host manager.

3.6 What happens if my secondment is only for part of my normal working week?

The same will apply. However should you be on a higher rate of pay for that secondment your manager will liaise with HR Direct on (2)7700 or at HRDirect@nhsbt.nhs.uk for guidance.

3.7 As a manager, how do I ensure that recharge arrangements take place?

The NHSBT seconding manager will be responsible for ensuring that Finance and NHSBT Pay Support are informed of the secondment so that the necessary recharge arrangements can be made with the host organisation. Normally the host organisation is recharged in full for the cost of the secondment including direct salary costs and other expenses.

3.8 What happens at the end of my secondment?

If within 12 months, you would normally return to your original area of work. Where it is not possible, the Seconding Manager will arrange to meet with you at least **six weeks** before the end of the secondment to discuss the details of returning to your substantive role or equivalent post. Reference will be made to your original meeting and confirmation you had prior to your secondment. The outcome will be confirmed in writing to you.

3.9 When my secondment ends, will I receive redeployment support?

No. You will not automatically receive this. In most cases, you will return to your substantive role or a role at the same band. Should you be affected by organisation change, you will receive redeployment support as appropriate to that particular change programme.

4. External secondments

4.1 For what purpose would I be seconded to another non NHS organisation?

The NHS and Community Care Act 1990 allows the organisation to second employees to other (non-NHS) bodies:

Either where you or the organisation may be undertaking research with that organisation

Or where your training, in connection with NHS, is being undertaken by a University or other body (normally another NHS organisation)

4.2 If I am seconded to another NHS organisation, what can I expect to be paid?

NHS secondment opportunities should be treated in the same way as direct employment or employment with that organisation, and therefore must have a detailed job description, person specification, supported by a job evaluation assessment of an AfC pay band (with the panel made up of one management and one staff side representative for roles of less than 12 months duration). If the secondment is in excess of 12 months the full job evaluation process will apply.

4.3 Will I be able to claim travel expenses if I am seconded to another Organisation?

As a rule, the secondee will not be eligible for travelling expenses from NHSBT. In exceptional circumstances, we will review individual cases and where agreed, these will be paid at public transport or lease car rate, as appropriate.

4.4 If I am seconded to another organisation, will I be able to keep any NHSBT property?

You would normally be required to surrender all NHSBT property such as your lease car, mobile phone, laptop etc as soon as the secondment starts, unless they are required for business use in the seconded role. There may be occasions when you wish to retain a lease car, in which case they should contact the lease car administrator to discuss options.

5. Fixed Term

5.1 Can I apply for a fixed term post that has been advertised, if I am a permanent employee?

Fixed term posts for existing employees are normally considered as a secondment as long as your manager agrees to release you. If not, you will need to decide if you want to take up the role. If successful you should be clear that because this is a Fixed Term position and not a secondment you may not be able to return to your permanent post at the end of the contract. In fact, if other employment is not available for you then your employment could end at the end of the Fixed Term period.

5.2 If I am on a fixed term contract, can I access and apply for Permanent Vacancies?

Yes. These are accessible on the NHSBT weekly vacancy bulletin via Intranet. Your Manager should ensure you are informed of how to access this during your induction.

5.3 How long will my fixed term contract last?

Your Fixed Term contract of employment will contain an end date and a reason why the employment is fixed term. It is advisable for managers to keep the length to a minimum, preferably under 12 months.

5.4 If I am on a fixed term contract what is my notice period?

This will be in your contract of employment. The date your contract is due to end will be stated in the contract or letter if extended.

5.5 What is the dismissal process for my fixed term contract?

The date specified in your contract is the date that your contract will end, unless it has been extended, in which case you will receive confirmation in writing. Your manager must meet with you to review your work, and discuss any extension, handover, etc and if appropriate issue formal notice of dismissal providing contractual notice.

5.6 Can my fixed term contract be terminated early?

Yes this can happen, for example, if a permanent employee returns to work early, or if the work has been completed early. Your manager will meet with you to explain the reasons for early termination, terminate your contract on grounds of early termination, and provide you with the appropriate notice. You should discuss with your manager what support may be available to you to seek alternative employment.

5.7 At what point, if any, is my fixed term contract considered to be made permanent?

If your contract is renewed *after* 4 years of continuous service, this should be on a permanent basis, unless NHSBT has a good business reason not to do so, or a collective agreement removes the right.

If however, your contract is set at four years or more, and not renewed after four years, this will not apply.

5.8 When my fixed term contract ends, will I go on the Redeployment Register?

No. This is reserved for those affected by organisational change.

However, you will be provided access to the NHSBT Vacancy Bulletin, reasonable time to search for work may be granted, as well as to attend any interviews. This must be considered in line with operational requirements.

6. Maternity Leave

6.1 If I am pregnant or adopting a child, how will this impact my secondment or fixed term contract?

If you are an employee on a secondment or on a fixed term contract, the benefits under the Parents Policy will apply, provided the eligibility criteria are met.

Secondment - If you become pregnant during a secondment, the host department or Organisation will make the necessary arrangements as if you were in a Permanent post. A secondment opportunity must not be refused or terminated because you are pregnant.

Fixed term - Maternity entitlements will be dependent on the expiry of your fixed term contract and the expected date of childbirth (EWC). If you have a fixed term contract that is due to expire after the 11th week before the EWC and no later than 6 weeks after the baby is due, then your contract will be extended to enable you to receive maternity leave and any maternity pay you are entitled to.

7. Organisation change

7.1 How does organisation change impact me if I am on secondment and my substantive post is the subject of change?

If your substantive role is to be affected by organisational change during or immediately after your secondment, you will be fully informed of the process and, unless there is an agreement otherwise, you will be treated as if you are working in your substantive post. Your managers (seconding and host) will liaise with HR Consult, so that the appropriate formal consultation with employee representatives can take place.

If you are on a fixed term contract, you will still receive appropriate formal consultation. This may result in an early termination of your contract; redundancy should you qualify; an extension to your contract; or you may be considered for any vacancies that arise once any permanent employees impacted have been through a recruitment process.

7.2 How does organisation change impact me if I am on secondment and my seconded role is the subject of change?

If your seconded role is to be affected during your secondment, you will be fully informed of the process. You will again receive appropriate consultation. Normally if a post is affected, you would return to your substantive post early with 4 weeks notice. Should there be roles available in the new structure that has not been filled by others at risk; you may have the opportunity to apply within the pooling arrangements or through open competition. If you have been in a seconded post for more than 12 months, you may be considered to be slotted in to that post, or placed in the appropriate pool for consideration for that post or similar.

8. Lease cars

8.1 How will a secondment affect my lease car arrangements?

You must carefully consider the implications of sacrificing salary when considering a secondment and you are urged to seek advice on whether this type of scheme is appropriate for your own circumstances. Refer to the Lease Car Scheme for details.

9. Training

9.1 As a fixed term employee or seconded, am I still required to carry out mandatory training?

Yes all employees must undertake mandatory training. You will be treated as eligible for in house training and development support on the same basis as a permanent employee. All other cases e.g. requests for funding for further education will be considered on their own merit. Refer to the Support for Personal & Professional Development Policy for more details. It is unlawful to deny training on the basis of fixed term status only.

10. Pension

10.1 If I am on a fixed term contract, am I still able to join a pension scheme?

Yes. All employees will automatically join the NHS Pension Scheme, regardless of length of contract. Scheme rules are available from the NHS Pensions Agency. You will be provided with details of the NHS Pension Scheme on appointment by the Recruitment & Resourcing Department.

11. Other

11.1 Does this policy apply to Agency workers?

No. It does not apply to agency workers, apprentices or students on work placements or temporary work schemes specifically designed to provide training.

11.2 Can a fixed term contract be used as a probationary period?

No. Not under any circumstances. A 6 month probation period applies to all permanent and Fixed term employees. Refer to the Recruitment and Induction policy and Knowledge (FAQ's) in People First for more information.

11.3 Can I automatically move an employee from secondment/fixed term to permanent, with the required authorisation?

This cannot happen automatically, as you need to demonstrate a robust recruitment process. If you have trained them in a specific skill e.g. a Donor Carer, you will naturally want to try to keep that person. You would however, need to consider if your need is for additional hours or for a person. If your need is for hours, you would need to consider opening an expression of interest to your existing and/surrounding team as there may be individuals who wish to change their hours. If your need is additional people, you will still need to explore with your team who may wish to change their hours, and then consider an expression of interest to your and /or a surrounding team to fill that vacancy. Should the only applicant be the person on the fixed term contract or secondment, you would not need to formally interview them for the role. However, you would be advised to consider their performance to date, to ensure you are happy for them to continue in a permanent capacity.

12. Policy Approval and Review

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