



*Blood and Transplant*

# **Human Resources Policies and Procedures**

# **Redeployment Policy**

**UCD/HRO/Redeployment/020**

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## Content

|   | <b>Page</b> |
|---|-------------|
| 1. Policy Statement                                 | 3           |
| 2. Scope of the Policy                              | 3           |
| 3. Redeployment Support                             | 3           |
| 4. Application of Policy                            | 4           |
| 5. Suitable Alternative Employment                  | 5           |
| 6. Roles and Responsibilities                       | 6           |
| 7. Offer of Alternative Employment and Trial Period | 7           |
| 8. Disability Discrimination Act                    | 7           |
| 9. Maternity Rights                                 | 7           |
| 10. Right of Representation                         | 8           |
| 11. Rights of Appeal                                | 8           |
| 12. Review  | 8           |

## **1.0 Policy Statement**

- 1.1 NHSBT is committed to creating as secure an employment environment as possible for all its employees. The Redeployment Policy is aimed at maintaining the continuity of employment of staff whose current employment is no longer tenable and provides a consistent and equitable approach based on good practice.
- 1.2 For employees it is a process that offers the opportunity to apply for roles with priority consideration and for NHSBT it is a process that enables the retention of skills, knowledge and experience to support its business objectives.

## **2.0 Scope of the Policy**

- 2.1 This policy applies where NHSBT deem that a member of staff's employment is no longer tenable in their current post arising from one or more of the following situations:-
  - organisational change
  - as a result of ill health
  - the resolution of grievance or disciplinary matters

## **3.0 Redeployment Support**

- 3.1 NHSBT is committed to providing support to staff affected by the scope of this Policy. NHSBT has in place a number of initiatives to ensure staff affected are supported in seeking redeployment to another post internally/externally to the organisation and in addition can offer retraining and development support
- 3.2 Redeployment processes have been established to assist staff in finding alternative employment when faced with the need to find another post for the reasons outlined above. Human Resources will work with redeployees to find suitable alternative posts, by identifying possible job matches internally and externally to the organisation and generally assisting redeployees to secure employment. The level of support available increases during the process and may vary according to the needs of any particular functional change and will be discussed with the relevant Partnership Committee.
- 3.3 The redeployment processes use a comprehensive range of support mechanisms to provide information and assist staff in attaining alternative employment through a range of services which include:-
  - A telephone and e-mail helpline for redeployment queries
  - Redeployment Workshops to provide information
  - Weekly information bulletins to staff about job opportunities
  - Application and Interview guidance and preparation
  - Access to the restricted area of NHS Jobs
  - Contacting neighbouring employers to seek alternative posts
  - 'Career Empowerment' workshops to develop skills in writing CVs and interview skills etc.
- 3.4 Individual meetings will be held with each member of staff whose circumstances come within the scope of this Policy to identify the skills, qualities and experience of the individual to assist with the redeployment process and job matching.

- 3.5 Managers also play a key part in supporting staff who may be displaced as a result of organisational change. Managers will obviously know the staff well and ensure that appropriate skills, experience and knowledge are retained wherever possible and compulsory redundancy is minimised. Staff equally will recognise that employment security is likely to be enhanced if they are able to offer a degree of flexibility and adaptability in considering potential future job roles. The manager will meet with the individual employee on a regular basis throughout the period of consultation and formal notice period. The aim is to pursue alternatives to redundancy, which will only be considered as a last resort.

## **4.0 Application of the Policy**

### **4.1 The Process**

- 4.1.1 As soon as it is identified (via the appropriate HR policy) that a member of staff's employment is no longer tenable in their current post, the manager, with relevant HR support, will explain the redeployment process and support available. The individual will also be provided with a copy of the Redeployment Policy and Pack.
- 4.1.2 Where staff may be considered 'at risk' and therefore require redeployment support as a result of organisational change, the process will be discussed as part of collective consultation and arrangements made for individuals affected to be provided with a copy of the Redeployment Policy/Pack detailing all the support and advice available to them.
- 4.1.3 Individuals who are required to go onto the redeployment register for another reason, not associated with organisational change, as listed in paragraph 2.1 will be notified of this support as part of their formal discussions under the policy in question. Suitable redeployment will be sought for a fixed term period of time. An end date will be identified and confirmed in writing and if a suitable redeployment post has not been found at that time they will be removed from the register and *consideration of their future employment prospects will be discussed in line with the relevant policy i.e. ill health, etc.*
- 4.1.4 All vacancies will be advertised in accordance with NHSBT Policy and individuals on the Redeployment Register will be notified of any relevant vacancies on a weekly basis.

### **4.2 Applying for a Post**

- 4.2.1 If a redeployee identifies any internal post which they wish to apply for they will be given priority status above other candidates who are not on the Redeployment Register, providing the post is within one band of their existing post. The redeployee must comply with the normal recruitment process, submitting as much information as possible, as requested, in the application form. Candidates on the Redeployment Register will need to satisfy the essential criteria deemed necessary for the post in order to be considered. Consideration may also be given as to whether the candidate could achieve the essential criteria if provided with suitable training within a reasonable timeframe. This would not normally be longer than 3 months.
- 4.2.2 If a redeployee applicant is not shortlisted, then the recruiting manager will need to provide feedback to the candidate to explain the reasons for this.

- 4.2.3 Once shortlisted, redeployees will usually have to undergo a formal interview. The exception to this will be where only one redeployee has applied and the post is a close match to the previous post held. In this situation, a recruiting manager can choose to hold an informal interview if they are confident that the individual can meet the essential criteria. At interview, a redeployee will be expected to complete any necessary tests used to determine whether they meet the essential criteria for a post, provided these tests would be used for any other candidate. Where a redeployee is applying for a post covered under the scope of the policy then a HR representative should be present on the interview panel.
- 4.2.4 The redeployee will be interviewed ahead of other candidates and a decision made before other candidates are considered. Competitive interviews will be held in situations where more than one redeployee, who meets the essential criteria, applies.
- 4.2.5 Recruiting Managers will be expected to accept displaced staff provided they meet the essential criteria of the role, or could with relevant training. If a redeployee is not successful at interview then feedback needs to be provided to the candidate by the recruiting manager.
- 4.2.6 Redeployees should use the Restricted Account provided when applying for **vacancies** on NHS Jobs in order to maximise their opportunity for redeployment. When an application is submitted using this account a red flag appears on the application form and as such identifies to the person shortlisting that the individual is 'at risk'. Some NHS employers have procedures in place to provide preferential treatment to any applicants who are identified as 'at risk' in this manner including a guaranteed interview if they meet the essential requirements of the specification.

## 5.0 Suitable Alternative Employment (SAE)

If a vacancy arises that could potentially be deemed as SAE a clear process has been identified and can be referenced within Appendix 3 of the Organisational Change Policy.

SAE will be assessed on an individual basis, taking into account not only the post but also the personal circumstances of the employee. When considering whether a post constitutes suitable alternative employment, it is necessary to consider the following relevant factors:-

- **Salary and contractual terms and conditions of employment:** Any significant reduction in pay or terms and conditions of employment is likely to make a post unsuitable. Payment protection should also be taken into consideration when considering a post.
- **Status:** Any significant (although not minor) reduction in status
- **Continuity of service:** Any loss of continuous service would constitute unsuitability
- **Nature of the work:** The work needs to be of the same broad character and within the employee's capability
- **Working Hours:** A change in working hours may be considered unsuitable, particularly if the employee's personal circumstances make it more difficult for them to accommodate such changes.
- **Work location and home to work travel:** An employee's personal circumstances will have a bearing on reasonable home to work travel.

Each case will be determined on its own merit, taking into account not only the post but the personal circumstances of the redeployee. The assessment of whether a post is suitable is made both by the organisation and the redeployee. However, the redeployee is expected to show some flexibility in considering and deciding whether to accept an offer of suitable alternative employment.

## **5.1 Organisational Change and SAEs**

- 5.1.1 In relation to redeployment following or during periods of organisational change Section 16 of the Agenda for Change Terms and Conditions states that for an individual to retain their right to enhanced NHS redundancy entitlement they must not unreasonably refuse to **accept or apply** for a suitable alternative post. Therefore redeployee's should apply for any SAE posts identified by the organisational and if offered the post should accept (providing the trial period has been successful) in order to retain these rights.
- 5.1.2 If the redeployee chooses not to apply for a post that has been identified as an SAE then they may risk their entitlement to enhanced NHS redundancy payments but would still be entitled to receive their statutory redundancy entitlement. Redeployees will only risk their redundancy payment if they unreasonably refuse to accept an offer of SAE. This would have to be an offer of a post in writing.
- 5.1.3 With regard to location, in situations of organisational change if the new post is of a greater distance, the fact that assistance will be given with extra travelling expenses, in line with the AfC Terms and Conditions, will be taken into consideration.

In situations where there are minor reductions in salary due to organisational change, these can usually be managed by application of the relevant Protection of Pay and Conditions of Service Policy.

- 5.1.4 For 'At risk staff' on the redeployment register are eligible to apply for all vacancies of interest to them and will be given prior consideration as a redeployee for all posts within the same band as their post which is being disestablished. If redeployee's wish to apply for posts above or below their current band then recruitment to these posts will following the normal recruitment processes; i.e. employees will not be given priority consideration over these roles and if successful will normally be paid the appropriate salary within the banding for the post.
- 5.1.5 If at the point of termination of the contract the redeployee has obtained without a break, or with a break not exceeding four weeks, any alternative employment with NHSBT or another NHS employer, the redeployee will no longer be entitled to a redundancy payment. If the redeployee has already received their redundancy pay, this would need to be repaid in accordance with Section 16 of the Agenda for Change Terms and Conditions of Service.

## **6.0 Roles and Responsibilities**

- Redeployment support will be provided by the HR Direct ensuring staff receive appropriate advice and guidance regarding the redeployment process and procedure.
- Managers have a responsibility to support redeployees throughout the process including the granting of reasonable time off with pay, to search for employment opportunities.

- The Recruitment Team will support the wider HR Team, operational managers and staff with the redeployment process including career support, provision of the redeployment pack and 1 to 1s and presentations etc.
- Redeployees will be expected to engage actively with the process and comply with all the requirements of this Policy.

## **7.0 Offers of Alternative Employment and Trial Periods**

Redeployees who accept alternative work (work that differs from what they did previously) have an entitlement to a 4 week trial period. The offer of the new post and the length of the trial will be provided to the individual in writing. At this stage the search for other potential suitable alternatives will be suspended until the outcome of the trial is completed. There are 3 potential outcomes to the trial:

1. *Successful trial period completed and redeployee confirmed in post.*
2. *Further period of training.* The trial period can be extended, by joint agreement, but this would normally be up to a maximum of 12 weeks.
3. *Trial period unsuccessful.* Where there is mutual agreement that the trial period has not worked out, the redeployee will remain on the Redeployment Register. In those situations where the formal redeployment period has been exhausted then the individual will be redundant. Where there is no mutual agreement, the redeployee has a right of appeal.

If a redeployee works beyond the end of the 4 week trial period, or a jointly agreed extended period, it will be deemed that the individual has accepted the suitable alternative employment. At this point, the entitlement to any redundancy payment will cease.

## **8.0 Disability Discrimination Act [DDA]**

If the need for redeployment arises for a reason related to a person's known disability, the disabled redeployee should not be expected to undergo a "competitive interview" for posts which are identified as suitable given their skills and abilities. The post will be deemed to be suitable after all reasonable adjustments have been considered and implemented, e.g. additional training, the provision of suitable equipment. In addition, criteria such as location, changes of hours etc, must be carefully considered as part of the reasonable adjustment provision without which the disabled redeployee may be disadvantaged.

Where a trial period fails, grounds for the failure must not be based on the disability unless it is absolutely clear that a person's condition has worsened to such a degree that the provision of further reasonable adjustments would not rectify the situation.

## **9.0 Maternity Rights**

Where it is not possible through organisational change for a pregnant employee or one on maternity leave to return to her previous job, she must be offered alternative employment, if available, and it must be offered to her in preference to any other

redeployee who is similarly affected by the situation arising from organisational change, but who is not pregnant or absent on maternity leave.

## **10.0 Rights of Representation**

A redeployee has the right to be accompanied by a trade union representative or NHSBT work colleague, not acting in a legal capacity during any discussions with management about their situation. It is the redeployee's responsibility to make such arrangements.

## **11.0 Rights of Appeal**

11.1 General - The right of appeal via the Grievance Policy will be available to all redeployees who wish to challenge the general application of this policy.

11.2 For appeals specifically in relation to whether a post is a suitable alternative or a difference of opinion about the outcome of a trial period, then the appeal process is shown in appendix 3 of the Organisational Change Policy.

## **12.0 Review**

12.1 This Policy will be reviewed periodically to take account of any issues arising from its practical application and /or any changes to employment legislation.