

<b>Reference Number:</b> UHB 280 <b>Version Number:</b> 2	<b>Date of Next Review:</b> 30/09/2023 <b>Previous Trust/LHB Reference Number:</b> T227
<b>REDEPLOYMENT PROCEDURE</b>	
<b>Introduction and Aim</b>  Redeployment is the process by which suitable alternative employment is sought for employees who are unfit or no longer able to carry out the duties of their current post, either on a temporary or permanent basis. . This can be due to health, capability or other reasons.  Suitable alternative employment is employment that is ‘substantially equivalent’ to the employee’s current post, taking into account the employee’s skill set and job content, terms of pay, working hours, status, band, location (including access to work) and working environment (including access to health enhancing opportunities). Suitable alternative employment will only be deemed appropriate where the employee secures a post at either the same band as their substantive post or one band below. Where suitable alternative employment is deemed appropriate at a lower band (one band below) then pay protection may apply.  It is important that staff and managers are clear about their responsibilities and the process to be followed to ensure that everyone is treated fairly and equitably. Although the process of finding a redeployment opportunity is coordinated by Human Resources, the responsibility and ownership for actions taken is shared with the individual concerned and their substantive line manager, who are both expected to take all possible steps to find and pursue suitable opportunities.	
<b>Objectives</b> <ul style="list-style-type: none"> <li>• To provide clear advice, support and guidance to managers and employees regarding their role(s) in managing situations where employees need to be transferred into suitable alternative posts.</li> <li>• To outline the redeployment procedure to be followed and signpost managers to standard letters.</li> </ul>	
<b>Scope</b>  This procedure applies to all UHB staff.	
<b>Equality and Health Impact Assessment</b>	An Equality and Health Impact Assessment has not been completed because this procedure has been written to support the implementation of the Adaptable Workforce Policy. The Equality and Health Impact Assessment completed for that policy concluded there was a positive impact of the redeployment process.
<b>Other relevant documents</b>	Adaptable Workforce Policy <a href="#">NHS Wales Organisational Change Policy</a> <a href="#">NHS Wales Managing Attendance at Work Policy</a>  <a href="#">Policy and Procedure</a>

Document Title: Redeployment Procedure	Page 2	Approval Date: 30.09.2020
Reference Number: UHB 280		Next Review Date: 30.09.2023
Version Number: 2		Date of Publication: 20.10.2020

	<a href="#">NHS Wales Dignity at Work Process</a> <a href="#">Cardiff and Vale Flexible Working Policy</a> <a href="#">Cardiff and Vale Equality, Diversity and Human Rights Policy</a> <a href="#">Cardiff and Vale Fixed Term Contract Procedure</a> <a href="#">NHS Wales Capability Policy</a> <a href="#">NHS Wales Standards of Behaviour Policy</a>
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<b><u>Disclaimer</u></b> <b>If the review date of this document has passed please ensure that the version you are using is the most up to date either by contacting the document author or the <a href="#">Governance Directorate.</a></b>	

Document Title: Redeployment Procedure	Page 3	Approval Date: 30.09.2020
Reference Number: UHB 280		Next Review Date: 30.09.2023
Version Number: 2		Date of Publication: 20.10.2020

<b>Summary of reviews/amendments</b>			
<b>Version Number</b>	<b>Date of Review Approved</b>	<b>Date Published</b>	<b>Summary of Amendments</b>
1	12.01.2016	02.02.2016	Separate Procedure developed in line with the current UHB template. Previously included in the Redeployment Policy. Protection arrangements updated and new section on temporary redeployments due to sickness absence. New section on using Trac for redeployment searches.
2	30/09/2020	20.10.2020	Page1 updated legal definition of suitable alternative employment
			Page 6 1.1 Added the requirement for the redeployee to respond to potential roles identified by the TRAC process
			Page 6 1.2 Added responsibility of substantive manager regarding 'temporary' as well as permanent redeployment
			Page 8 1.4 Added the need for HR to add the redeployee's details to the TRAC system
			Page 8 1.5 Added the need for Occupational Health to provide advice on whether 'temporary or permanent' redeployment would be suitable
			Page 9 2.1 Added that medical advice must be sought before the decision is made to permanently redeploy
			Page 9 2.1 Added reference to the need to refer to the Managing Attendance at Work Policy
			Page 9 2.2 Added reference to the Capability Policy
			Page 11 3.2 Added the need for the line manager to write a letter following the meeting
			Page 11 3.3. Added a section on how the employee details will be added to TRAC
			Page 12 3.4 Added a section to confirm the 12 week notice period/timescale

Document Title: Redeployment Procedure	Page 4	Approval Date: 30.09.2020
Reference Number: UHB 280		Next Review Date: 30.09.2023
Version Number: 2		Date of Publication: 20.10.2020

			Page 12 3.6 Added that the employee should have the opportunity to visit the department prior to interview
			Page 13 3.6 Added that Occ Health advice can be sought to deem if post is suitable and what reasonable adjustments are required
			Page 13 3.6 Added that the employee can also apply for jobs of their own accord
			Page 16 Flowchart updated

Document Title: Redeployment Procedure	Page 5	Approval Date: 30.09.2020
Reference Number: UHB 280		Next Review Date: 30.09.2023
Version Number: 2		Date of Publication: 20.10.2020

## Contents

1	<a href="#">Responsibilities</a>	6
2	<a href="#">Reasons for Redeployment</a>	9
3	<a href="#">Procedure</a>	11
4	<a href="#">Redeployment to a Fixed Term Contract</a>	14
5	<a href="#">Pay During Trial Period</a>	14
6	<a href="#">Pay Protection</a>	14
7	<a href="#">End of Redeployment Process</a>	15
8	<a href="#">Temporary Redeployments from sickness absence</a>	15
9	<a href="#">Appeals</a>	15
<b>Appendices</b>		
1	<a href="#">Redeployment Process Flowchart</a>	16

Document Title: Redeployment Procedure	Page 6	Approval Date: 30.09.2020
Reference Number: UHB 280		Next Review Date: 30.09.2023
Version Number: 2		Date of Publication: 20.10.2020

## 1. RESPONSIBILITIES

**1.1.** The **redeployee** is an employee who is unable to remain or return to their existing role, either on a temporary or permanent basis. Employees eligible to be redeployed are responsible for:

- Co-operating with and adhering fully to the Redeployment Procedure
- Actively looking for suitable alternative roles and responding in a timely way to posts identified for them, including via the Trac process.
- Completing the Trac Redeployment Proforma with their manager in a timely way at the start of the redeployment process.
- Providing detailed, prompt and accurate information throughout the redeployment process
- Being as flexible as possible when considering alternative posts; which may include considering applying for different roles, work location, developing new skills and not unreasonably refusing a suitable alternative role
- Being available to attend redeployment meetings and informal interviews when required (including Occupational Health appointments if appropriate)
- Participating fully in any training required

**1.2.** The **substantive manager** is the manager of the employee who is seeking redeployment. The substantive manager is responsible for:

- Ensuring that the Redeployment Procedure is followed for any of their team members as soon as it is identified they require redeployment
- Exploring and facilitating temporary redeployment, where appropriate, for staff who are unable to attend work in their current role due to ill health or other reasons.
- Seeking HR advice when they become aware of any potential redeployment situations
- Ensuring Occupational Health advice is sought in a timely manner where appropriate i.e. redeployment on the grounds of ill -health
- Maintaining a record of all meetings and communication regarding the redeployment procedure in relation to any of their team members

Document Title: Redeployment Procedure	Page 7	Approval Date: 30.09.2020
Reference Number: UHB 280		Next Review Date: 30.09.2023
Version Number: 2		Date of Publication: 20.10.2020

Identifying any suitable alternative posts available within their area prior to them being advertised and preferably before the team member is placed on the Trac redeployment register.

- Supporting and encouraging the enhancement of transferable skills by training, re-training and coaching
- Ensuring that the redeployee is allowed reasonable time during working hours to pursue redeployment opportunities and attend relevant training/meetings.
- Providing ongoing advice and support to their team member throughout the redeployment process, signposting to additional support where appropriate
- Completing leaver documentation correctly and in a timely manner. This may be a termination or PIF form, depending on whether or not suitable alternative employment has been found

**1.3. The receiving manager** is the manager of the post that the redeployee is redeployed into, (including on a trial basis); or the manager with a potentially suitable alternative post. The receiving manager is responsible for:

- Ensuring preference is given to redeployment candidates where there is a skill match or potential skill match for a vacancy in their area
- Meeting with redeployees within a reasonable timeframe of their vacancy being highlighted to a redeployee; including via the Trac system.
- Conducting informal interviews in line with the Redeployment procedure.
- Liaising with Human Resources and providing up- to- date information about individuals' progress with the redeployment process
- Providing written feedback via the Trac system and to Human Resources where they are unable to offer a trial period to someone identified as a match for their vacancy. This information should include where the employee has not met the essential criteria within the job description and person specification.
- Maintaining contact with the substantive manager and the HR lead throughout the trial redeployment process
- Supporting the redeployee during any trial period by meeting regularly and providing clear objectives and additional support where required.

Document Title: Redeployment Procedure	Page 8	Approval Date: 30.09.2020
Reference Number: UHB 280		Next Review Date: 30.09.2023
Version Number: 2		Date of Publication: 20.10.2020

- Funding the salary costs attached to any trial periods. Where the post is at a lower band, the substantive manager will be responsible for paying the top-up costs of the employee's salary. Advice should be sought from Human Resources if either party is unsure of their responsibilities.

**1.4. The Human Resources** department is responsible for:

- Ensuring adherence to the Redeployment procedure, providing support and guidance to managers and affected employees and liaising with the employee's union representative as appropriate.
- Establishing with the employee the types of posts and specific areas that they wish to be considered for, enabling the best opportunity for successful redeployment
- Entering the employee details onto the Trac system as appropriate
- Helping to identify any suitable alternative posts for redeployees.
- Notifying the manager when their vacancy is identified as a suitable match, and advising on and supporting the process going forward.
- Providing ongoing advice to the redeployee, their current line manager and the potential receiving line manager throughout the process, including the need to offer trial periods

**1.5. The Occupational Health** department are responsible for providing advice regarding:

- Any Reasonable adjustments which may be recommended to enable the redeployee to fulfill the requirements of the position
- Proving guidance/recommendations on whether temporary or permanent redeployment is suitable in situations when an employee is unable to remain n, or return to, their substantive post due to a health related issue

**1.6. Staff Representatives** have a role in supporting and advising employees regarding the Redeployment process and working with the staff member and managers to help to achieve a successful outcome



Document Title: Redeployment Procedure	Page 9	Approval Date: 30.09.2020
Reference Number: UHB 280		Next Review Date: 30.09.2023
Version Number: 2		Date of Publication: 20.10.2020

## **2. REASONS FOR REDEPLOYMENT**

### **2.1. Redeployment on Ill Health Grounds**

Redeployment should be considered if, it is apparent that, due to ill- health or disability an employee cannot continue in their substantive post and all applicable reasonable adjustments have been made. ,.

Medical advice recommending redeployment must be received from the Occupational Health department for all cases involving permanent redeployment on health grounds.

Employees seeking redeployment due to ill- health issues or a disability will, if appropriate, be offered referral to appropriate external redeployment support agencies or sources of specialist advice.

For any employee redeployed on the grounds of ill- health, please refer to the Managing Attendance at Work Policy in conjunction with this procedure.

Pay protection will not apply to employees redeployed on the grounds of ill- health.

There may be occasions when redeployment is only needed for a limited time (e.g. an employee may be unable to perform their substantive duties while waiting for /recuperating from surgery or after a period of long term sickness). In these cases the temporary redeployment process outlined in section 8 will apply.

### **2.2. Redeployment due to Capability/Performance Issues**

Employees redeployed as a result of capability/performance issues will be eligible only for vacancies banded below their substantive post. In such matters advice should be sought from the Human Resources department.

For any employee redeployed on the grounds of capability/performance issues, please refer to the Capability Policy in conjunction with this policy.

Pay protection will not apply to employees redeployed on the grounds of capability/performance.

### **2.3. Redeployment following Disciplinary Action**

Employees redeployed as a result of a conduct/disciplinary issues will generally be eligible only for vacancies banded below their substantive post. Please refer to the Disciplinary Policy.

Document Title: Redeployment Procedure	Page 10	Approval Date: 30.09.2020
Reference Number: UHB 280		Next Review Date: 30.09.2023
Version Number: 2		Date of Publication: 20.10.2020

## 2.4 Relationships

In circumstances where a relationship may cause difficulties in enabling either member of staff to carry out their duties, and having exhausted all other options, it may be necessary to transfer one or both members of staff to another area of work. This could apply where there are concerns about professional responsibilities, clinical practices, favoritism, allegations of bullying, bias and conflict of interest.

In the event of such a move being identified, the UHB will consult with both members of staff to try and reach a voluntary agreement regarding the transfer.

Compulsory redeployment/ will only be considered where voluntary agreement cannot be reached and when the situation cannot be satisfactorily addressed by less disruptive measures.

When determining which employee should be redeployed, the factors to be taken into consideration will include:

- The requirements of the service
- The redeployment opportunities available
- The personal circumstances involved

In these circumstances it is not appropriate to give notice, but all other elements of the Redeployment procedure should be followed to ensure fairness and consistency.

Where the Redeployment Procedure is being used as a consequence of inappropriate behaviour or a breakdown of relations, the Disciplinary or Dignity at Work Policy should also be applied.

## 2.5 Organisational Change

Where redeployment is required as a consequence of employees being displaced due to organisational change, the Organisational Change Policy should be followed.

## 2.6 Other situations

There may be other situations where redeployment could be considered as an option for a member of staff e.g. where attempts at conflict resolution have failed. Before proceeding down any redeployment route advice should be sought from Human Resources.

Document Title: Redeployment Procedure	Page 11	Approval Date: 30.09.2020
Reference Number: UHB 280		Next Review Date: 30.09.2023
Version Number: 2		Date of Publication: 20.10.2020

### **3. PROCEDURE**

Appendix 1 contains a flowchart of the Redeployment Procedure

#### **3.1. Representation**

The UHB is committed to partnership working and will work in partnership with the individual and their representative at all stages of the redeployment procedure

Employees are entitled to be accompanied by a trade union representative or a work colleague, not acting in a legal capacity, at any stage in the process, apart from informal or competitive interviews.

#### **3.2. The Redeployment Meeting**

When it is identified that an employee requires redeployment, the substantive manager and HR representative will arrange to meet with them. The employee may wish to be accompanied by a union representative or workplace colleague

The employee should complete the Redeployment Proforma, identifying their skills, qualification and experience, prior to the meeting and this should then be discussed during the meeting.

The meeting will follow the application of the Redeployment Procedure alongside any other relevant policy i.e. Managing Attendance at Work, Organisational Change or Capability policies.

During the meeting the stages of the Redeployment Procedure will be discussed and each person's role and responsibilities within the process explained and next steps clarified.

A letter confirming the discussions which took place at the meeting and, giving the employee notice of termination of their contract of employment (where appropriate), should be sent to the employee by their line manager.

#### **3.3 Trac Recruitment System**

Following the redeployment meeting the employee will be added to the redeployment pool on the Trac database, indicating the start and end dates of the search period.

The employee will receive regular e- mail updates from the Trac system and should access an e- mail account regularly. If the employee has not found

Document Title: Redeployment Procedure	Page 12	Approval Date: 30.09.2020
Reference Number: UHB 280		Next Review Date: 30.09.2023
Version Number: 2		Date of Publication: 20.10.2020

suitable alternative employment and is still on the register at the end of the search period, they will receive a final e- mail advising them that the search is coming to an end.

### **3.4 Timescales**

Opportunities will be sought for 12 weeks, excluding any trial periods. This 12 week period will include the employee's contractual notice period. Where the redeployee is not entitled to 12 weeks' notice, it will be made clear to them on what date during the 12- week search period their contractual/statutory notice period will start. This will be confirmed by the line manager in writing.

### **3.5. Identification of Suitable Alternative Employment**

Suitable alternative employment is employment that is 'substantially equivalent' to the employee's current post, taking into account the employee's skill set and job content, terms of pay, working hours, status, band, location (including access to work) and working environment (including access to health enhancing opportunities). Suitable alternative employment will only be deemed appropriate where the employee secures a post at either the same band as their substantive post or one band below.

Wherever possible a vacant post should be identified as an opportunity for redeployment before it is advertised.

Where a potential match is identified (the employee's skills, experience, qualifications meet the minimum requirements on the Person Specification) the employee will typically be notified by Trac.

The HR representative will liaise with the employee and receiving manager to arrange an informal interview and share the relevant paperwork i.e. Job Description/Person Specification and Redeployment Proforma.

### **3.6. Informal Interview**

It is expected that the redeployee should be given the opportunity to visit the relevant department prior to the interview.

Where only one redeployee expresses an interest in a vacancy, and meets the essential criteria for the post, the receiving manager will meet with them to discuss the role in greater detail and identify whether the employees skills, knowledge and abilities match the essential criteria of the person specification. Any limitations, reasonable adjustments, training needs and the ability to work at different locations and/or different hours will also be explored.

Document Title: Redeployment Procedure	Page 13	Approval Date: 30.09.2020
Reference Number: UHB 280		Next Review Date: 30.09.2023
Version Number: 2		Date of Publication: 20.10.2020

Where there is more than one redeployee interested in the post, competitive interviews will take place.

Occupational Health advice may be sought to establish whether a post offered through redeployment on the grounds of ill health is suitable for an employee and whether any reasonable adjustments should be considered.

The redeployment process does not preclude the employee from applying for any posts via the normal recruitment process at any stage.

### **3.7 Redeployment Option Declined / No Match Identified**

If employees are not interested in a vacancy which has been identified by Trac as potentially suitable, the HR representative will discuss the implications of their decision with them and their reasons for declining the opportunity will be noted.

There is an expectation that managers will be required to consider suitable candidates **before** their vacancy is approved for advert. Receiving managers who choose not to offer a trial period must provide substantiated and reasonable evidence for their decision. The reasons will be provided in writing and shared with the individual to assist them in the future.

The decision to not offer a trial period must be based solely on the redeployment proforma, the informal interview and Occupational Health advice (where appropriate).

### **3.8. Trial period**

To overcome any concerns on the part of the employee and receiving manager, any redeployment will be subject to a trial period of between 4 and 12 weeks, during which time any notice given will be suspended.

The trial period is funded by the **receiving manager**. It may be necessary to extend the trial period (e.g. to enable additional training to be completed or annual leave taken) but it must not be for more than a total of 6 months.

The receiving manager should set out and agree clear, achievable objectives with the redeployee at the beginning of the trial period so that progress can be monitored by all parties. There should be regular meetings throughout the trial period to review progress against the objectives, any training agreed and support provided. This should be documented. Reviews by Occupational Health may also be appropriate if the redeployment is due to health issues.

If all parties agree that the redeployment is not working out, the trial period could be ended early, or if everything is going well the individual can be made

Document Title: Redeployment Procedure	Page 14	Approval Date: 30.09.2020
Reference Number: UHB 280		Next Review Date: 30.09.2023
Version Number: 2		Date of Publication: 20.10.2020

substantive sooner. If the trial period is deemed unsuccessful and ended early, the individual will stay on the redeployment register for the remaining weeks of the original redeployment period. Details of why the redeployment was unsuccessful must be recorded by the substantive manager and retained on the individual's personal file.

At the end of the trial all parties will meet to formally review the situation and decide if the employee will be redeployed permanently into that post.

If a redeployment trial period is unsuccessful, normally one further opportunity will be sought i.e. a total of two. If an offer of redeployment to a post which is considered to be appropriate and reasonable is rejected by the individual, no further redeployment will be offered. In exceptional circumstances, e.g. to ensure compliance with the Equality Act 2010, a maximum of three trial periods may be provided if it is possible to do so.

#### **4. REDEPLOYMENT TO A FIXED TERM CONTRACT**

Redeployment into a fixed term contract should only be considered if there are no permanent posts available. Should the employee be redeployed into a fixed term contract, the employee will continue to accrue redundancy rights for the duration of the contact.

The employee will remain on the redeployment register for the duration of the fixed term contact, so that a substantive post can be identified.

#### **5. PAY DURING TRIAL PERIOD**

With the exception of redeployment due to capability or disciplinary issues, during the trial period the individual's pay will continue as if the individual was in work in their existing substantive post and excess travel / car parking will be paid. Basic salary and additional payments will be taken as the average over the 4 months immediately preceding the first day in the trial post, but excluding any temporary increase, acting up allowance or secondment. In exceptional circumstances, where this 4 month period is considered to be atypical and unrepresentative of the individual's normal working pattern, a different 4 month period may be designated for the purposes of this calculation.

#### **6. PROTECTION OF SALARY**

Short term pay protection, depending on the circumstances, will only be considered in cases where there has been a compulsory redeployment as a consequence of a personal relationship issue. The duration of the short term pay protection will be based on the individual's length of continuous NHS service and will be funded by the substantive (i.e. original) department.

Document Title: Redeployment Procedure	Page 15	Approval Date: 30.09.2020
Reference Number: UHB 280		Next Review Date: 30.09.2023
Version Number: 2		Date of Publication: 20.10.2020

Pay protection will not normally be considered in any other circumstances. The implications of this should be fully explained at the start of the process.

## **7. END OF REDEPLOYMENT PROCESS**

If it is agreed that the trial period is successful and the individual is made substantive in that post, the substantive and receiving managers must update ESR as appropriate. The employee will be paid at the pay band for the post in question. Any appropriate NHS employment checks must be undertaken.

Should the search for suitable alternative employment prove unsuccessful employment may be terminated in line with the contractual notice provisions. The substantive manager must ensure that payroll is informed of this by completing a termination form towards the end of the 12 week search.

## **8. TEMPORARY REDEPLOYMENTS FROM SICKNESS ABSENCE**

There may be occasions when Occupational Health, General Practitioner or Consultant suggests that it may be appropriate for a member of staff to undertake work outside of their area of work for a specific period of time as an aid to their rehabilitation and return to normal substantive post. These instances should be managed in line with the Managing Attendance at Work Policy.

## **9. APPEALS**

Any employee who feels they have been treated unfairly during the redeployment process, or can demonstrate that the procedure has not been properly followed, can raise their concerns as part of their appeal against termination or in line with the Grievance Policy.

Any appeals against termination should be submitted in line with the relevant policy (e.g. Managing Attendance at Work, Disciplinary, Capability).

## Appendix 1- Redeployment Process Flowchart

