

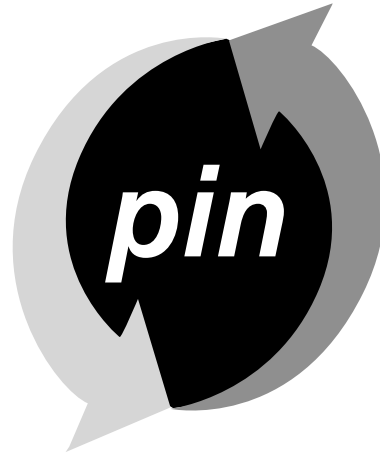


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# *pin*

## REDEPLOYMENT

# *guideline*



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# REDEPLOYMENT



# Foreword

This PIN Guideline sets important standards designed to retain the skills and experience of all staff in NHSScotland. *Our National Health* established a Staff Governance Standard for NHSScotland staff for the first time. This placed the fair and effective management of staff on the same footing as the management of clinical standards and finance within the national Performance and Accountability Framework.

The Staff Governance Standard gives a clear commitment that staff throughout NHSScotland will be treated fairly and consistently. Explicit in the achievement of this Standard is the implementation of this PIN Guideline on Redeployment. I expect NHSScotland employers to work in partnership to retain the skills and experience of all staff through implementing this Guideline

All organisations within NHSScotland must meet or exceed the best practice outlined in this Guideline. The model policies included within this guideline should be adapted to suit local needs and reflect local structures and resources, however, any variation from the model should result in the provisions being exceeded for staff.

Performance against the Staff Governance Standard and the implementation of this and other Guidelines will be assessed in partnership using the Self Assessment Audit Tool and will form an integral part of the Performance and Accountability Framework against which NHS Boards and their constituent parts will be reviewed.

A handwritten signature in black ink, appearing to read 'Trevor Jones', written in a cursive style.

**Trevor Jones**  
Chief Executive of NHSScotland

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# GUIDELINE DEVELOPMENT GROUP

## GUIDELINE DEVELOPMENT GROUP (GDG)

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<b>Secretary:</b>	Lynn Jackson	Lothian Redeployment Co-ordinator, Lothian University Hospitals NHS Trust
<b>Members:</b>	John Callaghan	Society of Chiropodists & Podiatrists, Ayrshire & Arran Primary Care NHS Trust
	John Huband	Head of Employment Services, Highland Acute Hospitals NHS Trust
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	Alex Joyce	UNISON, Lothian Primary Care NHS Trust
	Ross McCulloch	Royal College of Nursing
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	Gordon Scott	Workforce Information Manager, Forth Valley Primary Care NHS Trust
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# 1. INTRODUCTION

NHSScotland is committed to a consistent and committed approach to the process of securing alternative employment for displaced staff. Redeployment is accepted as a means of retaining the skills and experience of valuable NHS staff. This guideline concentrates on staff who are displaced due to Organisational Change, ill health and other circumstances.

This guideline encourages the effective use of redeployment and is based on best practice.

## 2. MAIN REPORT

### 2.1 Strategic Framework/Organisational Culture

NHSScotland strives to be an exemplar employer and is a learning organisation. Redeployment should be utilised to retain and develop experienced and skilled staff. It should help NHSScotland modernise and adjust to service changes by safeguarding the skills, experience and motivation of staff.

### 2.2 Principles and Values

NHSScotland is, and will continue to be a constantly changing organisation. As services change, the skills needed to deliver these also change.

- • Redeployment gives the opportunity to be innovative, making full use of the skills and experience of staff at all levels to respond to these challenges.
- • Opportunities should also be exploited to share skills and experience across NHSScotland.
- • It should be the aim of NHSScotland to achieve the best use of skilled staff, while offering learning opportunities for all.

This policy should apply equally to all staff within the NHS family. In order to facilitate this process a designated co-ordinator should be identified across each Region or NHS Board as appropriate.

### 2.3 Legal Framework

The main legislation related to Redeployment is set out below. The Equal Opportunities legislation is not detailed but must be followed by all employers. NHSScotland expects all NHS employers to adopt and integrate best practice into their own local policies, procedures and practices.

#### 2.3.1 Disability Discrimination Act 1995

This deals with discrimination against disabled people – that is, when someone treats a disabled person less favourably than someone else, without justification, for a reason related to their disability. Discrimination also occurs if, without justification, a

‘reasonable adjustment’ for the disability is not made. The Act applies to all those who provide goods, facilities and services to the public.

#### 2.3.2 Trade Unions and Labour Relations (Consolidation) Act 1992

This legislation protects employees from discrimination on the grounds of trade union activities or membership, or of non trade union membership. The act also makes provisions for collective bargaining, recognition and the status and procedure for issue of relevant codes of practice by ACAS and the Secretary of State.

#### 2.3.3 Transfer of Undertakings (Protection of Employment) Regulations 1987 (TUPE)

These regulations, as amended in 1999, deal with the transfer of employment between employers and provide protection of certain terms and conditions of employment. The Regulations were enacted to implement the EC Acquired Rights Directive 77/187/EEC. The UK Government were required to implement the revised EC Directive (98/50/EC) by July 2001. The Government has recently concluded consultation on a revised measure.

#### 2.3.4 Health and Safety at Work Act 1974

This sets out the framework for health and safety in the UK and details duty of care.

#### 2.3.5 Whitley Terms and Conditions

A number of staff are employed on ‘Whitley’ or national terms and conditions. The provisions of the General Whitley Council and individual functional Councils must be taken into account. Individual contractual arrangements for staff must not be ignored.

#### 2.3.6 PIN Guidelines

This document makes references to other PIN Guidelines. The appropriate Guideline(s) should be referred to for relevant guidance.

## 2.4 Definition and use of Redeployment

This Guideline defines redeployment as follows:

- • ‘Redeployment’ is the process of securing alternative employment for staff displaced as a result of organisational change, service modernisation, capability or ill health. The process by which staff accesses different forms of redeployment may vary and individual staff entitlements within this may differ.
- • ‘Displaced’ means that there is no longer a need for a substantive post; or that the particular skills or experience of a postholder are no longer required; or the employee is unable to undertake the duties of the substantive post.



To maintain security of employment within the NHS the circumstances in which redeployment will be used, in order of priority, are:

- • Organisational change where there is a change in service delivery which affects employment circumstances;
- • Displacement as a result of ill health;
- • Other circumstances, for example, matters of capability, resolution of grievance or disciplinary matters; the avoidance of a TUPE Transfer.

Care must be taken to ensure the application of the provisions of the Disability Discrimination Act, 1995 and Equal Opportunities legislation. Whilst redeployment of staff is the preferred option ill health options must be in line with the other PIN Guidelines (see Management of Employee Capability and Managing Health at Work PIN Guidelines).

## 2.5 Framework for Redeployment

### 2.5.1 General Principles of Redeployment

- • Redeployment requires the full co-operation of all participants i.e.: managers, staff representatives and individual staff members to be successful.
- • Redeployment opportunities will be sought for all potentially displaced staff within the NHS.
- • Employing organisations will work in partnership with recognised Trades Unions/Professional Organisations to develop local redeployment policies, which take account of the principles, laid down in this guideline.
- • Displaced employees will have the right to be considered preferentially for posts and will not be unfairly denied a substantive post.
- • Managers who choose not to appoint a displaced employee must provide written substantiated and defensible reasons for non-appointment.
- • Displaced staff may be appointed temporarily for developmental purposes or in a holding position, retaining their employment status until a substantive post becomes available.

### 2.5.2 Managing Redeployment

- • Opportunities for training and retraining will be identified and where appropriate be accessed.
- • Each NHS Board will designate a redeployment co-ordinator. However, during periods of substantial change this should be an explicit appointment.

- • The redeployment co-ordinator will be a member of/report to the Area Partnership Forum.
- • Redeployment will normally occur as locally as possible, however it is recognised that national arrangements may be required for staff in posts that have senior/particular skills/experience.
- • Excess travel and where appropriate relocation expenses incurred, as a result of the redeployment will be reimbursed in line with the provisions of the General Whitley Council paid for by the redeploying organisation.
- • Facilities should exist to enable staff to be redeployed between NHS employers throughout Scotland.
- • Where redeployment occurs between NHS employers, continuity of service will be unaffected in relation to NHS terms and conditions based on service (e.g. occupational sick pay, annual leave). Statutory rights, which might be affected, include entitlement to claim unfair dismissal.
- • Successful redeployment may incur costs, however, savings can be substantial and it will be the responsibility of the redeployment co-ordinator to monitor costs and provide regular reports.

### 2.5.3 Specific Conditions - Organisational Change/Service Modernisation

- • All staff will be entitled to protection of terms and conditions, in accordance with the NHS Organisational Change arrangements following redeployment, except in circumstances where the terms and conditions within the 'new' post are improved.
- • In such circumstances the terms and conditions applied will be those of the 'new' post. Protection costs will be paid by the redeploying organisation.
- • Redeployment negotiations or discussions will begin as early as possible following a decision that there will be a service change.
- • In such circumstances all other relevant services will be required to use temporary appointments to protect substantive posts for the appointment of redeployed staff.
- • Excess travel and where appropriate relocation expenses incurred as a result of the redeployment will be reimbursed in line with the provisions of the General Whitley Council paid for by the redeploying organisation.
- • The Area Partnership Forum should identify resources to reimburse protection and meet retraining costs. This will improve the opportunities for successful redeployment.

- • Trade Unions/Professional Organisations will be involved in any organisational change process at the earliest opportunity including the formulation of plans, which could lead to organisational change. Where organisational change is agreed Trade Unions/Professional Organisations will be involved in determining the process to be used. All staff are entitled to be represented at individual meetings, as agreed locally.
- • NHSScotland organisations are expected to identify redeployment opportunities for all staff displaced as a result of organisational change. Equally, displaced staff are expected to work with the local redeployment co-ordinator, their employer and Trade Unions/Professional Organisations to identify suitable redeployment opportunities and should not unreasonably refuse any appropriate opportunity.

#### 2.5.4 Specific Conditions – Ill Health

- • Staff displaced as a result of ill health will be dealt with in accordance with relevant PIN Guidelines.
- • The decision regarding ill health will be made on the advice of an Occupational Health/Medical Practitioner taking into account all relevant medical information/records.
- • Staff identified as displaced are expected to work with their employer to identify suitable redeployment opportunities and should not unreasonably refuse any opportunities.
- • Staff displaced as a result of ill health may be entitled to injury benefit as provided by NHS Superannuation scheme.
- • Excess travel and where appropriate relocation expenses incurred as a result of the redeployment will be reimbursed in line with the provisions of the General Whitley Council paid for by the redeploying organisation.

#### 2.5.5 Other Circumstances

Redeployment in other specific circumstances will be an individual decision made by agreement with the employer. For example, matters of capability, the resolution of grievance or disciplinary matters; the avoidance of a TUPE Transfer.

#### 2.5.6 Training Issues

Employers should ensure that the relevant training needs are identified and addressed for all involved in redeployment. This may include managers involved in redeployment of staff or staff who are affected in either circumstance. In particular employing organisations should take account of the training/retraining needs of displaced staff.

## 2.6 Indicators Of Success/Basis for Evaluation

Evaluation of success should be integral to redeployment arrangements to determine success at individual and organisational level. Examples of this are detailed below.

For the individual:

- • Individual redeployment assessment;
- • Focus groups for affected staff.

For the organisation:

- • Turnover post redeployment compared with pre redeployment;
- • Number of staff successfully redeployed.

## 2.7 Quick Reference Guide

NHSScotland is a learning organisation, therefore redeployment should be utilised to retain and develop experienced and skilled staff. Redeployment should help NHSScotland modernise and adjust to service changes by safeguarding the skills, experience and motivation of staff. It should be the aim of NHSScotland to achieve the best use of skilled staff, while offering learning opportunities for all.

Redeployment is the process of securing alternative employment for staff displaced as a result of organisational change, service modernisation, capability or ill health. The process by which staff access different forms of redeployment may vary and individual staff entitlements within this may differ.

To maintain security of employment within the NHS the circumstances in which redeployment will be used, in order of priority, are:

- • Organisational change where there is a change in service delivery which affects employment circumstances;
- • Displacement as a result of ill health;
- • Before transfer to an employer external to the NHS is considered e.g. TUPE;
- • Other circumstances e.g. employee capability or conduct.

## Key Issues To Consider

The following are key issues to be considered in any redeployment situation.

### Before Redeployment:

- • Full co-operation of **all** parties
- • Local redeployment policy in place

- • Temporary appointments if necessary until substantive posts available;
- • Redeployment Co-ordinator appointed.

### **During Redeployment**

- • Redeployment opportunities sought in partnership with Trade Union/Professional Organisation;
- • Displaced staff given preferential consideration for posts;
- • Redeployment Co-ordinator co-opted onto the Area Partnership Forum;
- • Opportunities for training or retraining accessed;
- • Managers required to provide written reasons for not appointing displaced staff;
- • Redeployment Co-ordinator will liase between NHS employers;
- • Monitoring arrangements.

### **After Redeployment**

- • Excess travel paid as per General Whitley Council by redeploying organisation;
- • Relocation costs, where appropriate, paid by redeploying organisation;
- • Protection costs, where appropriate, paid by redeploying organisation;
- • Individual redeployment assessment;
- • Focus groups.

The circumstances for redeployment will determine entitlement to certain specific conditions, these are summarised as below.

### **Organisational Change Service Modernisation**

- • Redeployment will begin as early as possible following decision on service change;
- • Early involvement with Trade Union/Professional Organisations;
- • Suitable redeployment opportunities will be sought for all displaced staff;
- • Temporary appointments may be required to protect posts;
- • **All** staff are entitled to protection;
- • Excess travel will be paid.

### **III Health**

- • Decisions regarding ill health made by Occupational Health Service/Medical practitioner should take into account all relevant medical information/records;

- • Suitable redeployment opportunities will be sought;
- • Excess travel will be paid;
- • Injury benefit entitlement will be investigated.

**Other Circumstances**

- • Individual decision, made in specific circumstances.

# APPENDIX 3.1

## Model Redeployment Policy

NHS [name of organisation] recognises that the process of securing alternative employment for displaced staff across NHSScotland requires a consistent and committed approach from all parties.

This policy concentrates on staff who are displaced due to Organisational Change but also considers ill health and other circumstances (for example, matters of capability, the resolution of grievance or disciplinary matters; the avoidance of a TUPE Transfer).

NHS [name of organisation] has a designated Redeployment Co-ordinator.

### The Procedure

All vacancies will be notified to the Redeployment Co-ordinator by the nominated Personnel Officer(s). Job descriptions and person specifications will be sent but initially an advert will hold the necessary details of the vacant post.

The Redeployment Co-ordinator will indicate within an agreed period of time (e.g. 5 working days) of receiving notification of a vacancy whether or not a displaced member of staff has expressed any interest.

If the Redeployment Co-ordinator indicates that no interest has been expressed, the vacancy may be filled by normal methods.

To determine initial interest, the Redeployment Co-ordinator may undertake preliminary matching between profiles and vacancies, and advise the nominated Personnel Officer(s) of displaced staff who could be considered for the vacancy.

Alternatively, weekly bulletins of all the vacant posts could be distributed from the Redeployment Co-ordinator to all Personnel Officers and relevant staff and interest can be lodged from this route.

The Personnel Officer(s) will determine through discussion with the displaced staff identified whether this interest can be pursued and report back to the Redeployment Co-ordinator. The Personnel Officer(s) will ensure that any rejection of interest is based on the grounds outlined below.

For an alternative vacancy to be ‘deemed suitable’ there must be, at a minimum, a ‘basic skills match’ between the requirements of the vacancy based on the person specification and the current skill level of the individual. If no specific skills or qualification are required experience of a similar environment would be deemed necessary.

If a full skills match does not exist, the vacancy would be ‘deemed suitable’ if it is agreed at outset that after a reasonable period of training it is estimated that this would exist. This should ensure that no excessive delay will occur in the candidate being able to undertake the core duties of the post.

The Redeployment Co-ordinator will arrange interviews with the Appointing Officer from the organisation with the vacancy. All displaced staff with the appropriate skill match will be interviewed unless there are fundamental reasons for their exclusion. Unsuccessful candidates will be given reasons for rejection on request, in line with normal good employment practice.

The interview does not need to be formal for a matching post but there is an understanding that posts with significant responsibility will require a formal interview.

Where only one displaced person is involved, the decision to appoint should be based on whether, following the interview process, the candidate can reasonably be expected to undertake the duties of the post to the required standard. The benefits and practicality of providing further training to bring a candidate up to the required standard should be a normal consideration before any decision to appoint. The advice on current skill level and full skills match given above should be used as guidance.

Where more than one displaced member of staff wishes to be considered for a vacancy, the normal recruitment process will apply, again with the criteria of ability to undertake the duties of the post to an acceptable standard being applied to the preferred candidate. Again, unsuccessful candidates will be given reasons for rejection on request, in line with normal good employment practice.

In preparing for interview, the appointing officer should call for references where appropriate, and carry out all relevant pre-employment checks.

Where a suitable alternative is offered, but refused, further involvement in the redeployment process will be dependent on there being acceptable reason(s) for that refusal. The decision in this respect will be made by the organisation that currently employs the member of staff in conjunction with the Trade Union/Professional Organisation representative and Redeployment Co-ordinator.

Where a service is scheduled to close or finish it may be necessary to make a temporary appointment during the interim period. This would only be necessary where the displaced person’s departure before the date of closure would cause serious service problems, and would be subject to agreement with the receiving



organisation. Any additional costs associated with a temporary appointment would be the responsibility of the original employer.

The receiving organisation Personnel Officer will advise the Redeployment Co-ordinator of the outcome of the interviews.

Redeployed staff will normally be employed on a trial period of 4 weeks, exclusive of training requirements. This may be extended by mutual consent. If at any time within the trial period either the new employer or the member of staff indicates, for good reasons, that the new post is unsuitable, the member of staff's employment will normally revert to the original employer. The original employer will then be responsible for pursuing further redeployment, if appropriate.

The Redeployment Co-ordinator will be responsible for checking:

- • The post or elements of the post are clearly different in nature to that previously held by the employee in the organisation;
- • Agreed training has taken place;
- • Any other factors considered relevant by the manager, employee, or Trade Union/Professional Organisation representative.

Where the trial period has not been successful and there are no further suitable redeployment opportunities it may be necessary to consider redundancy or early retirement and the original employer will bear all costs.

Protection of terms and conditions will be determined by the Organisational Change policy. If redeployment is with an alternative employer statutory rights may be affected and this should be brought to the attention of the individual concerned.

The Area Partnership Forum will review this policy on an ongoing basis.

# APPENDIX 3.2

## Redeployment Assessment Form

We would be grateful if you could complete this short questionnaire. The information collected is used to monitor and develop the redeployment process

	Strongly Agree	Agree	Not really	Disagree	Strongly Disagree	Not applicable	Comments
<b>The Process</b>							
I was given sufficient notice of the changes to my job	1	2	3	4	5	6	
The redeployment process was explained clearly to me	1	2	3	4	5	6	
I was given adequate time to deal with the issues relating to redeployment	1	2	3	4	5	6	
I understood the options that were available to me	1	2	3	4	5	6	
I found the one to one interview about my preferences helpful	1	2	3	4	5	6	
I was asked to identify preferred options	1	2	3	4	5	6	
All appropriate posts were brought to my attention	1	2	3	4	5	6	
I understood how to apply for a post during redeployment	1	2	3	4	5	6	
I understood how redeployment would affect my terms and conditions	1	2	3	4	5	6	
The protection arrangements were explained clearly to me	1	2	3	4	5	6	
The affect of redeployment on my pension was clearly explained to me	1	2	3	4	5	6	
I was successful in obtaining my preferred option	1	2	3	4	5	6	
I felt that all staff were treated equally during the process	1	2	3	4	5	6	
I received suitable induction into my new post	1	2	3	4	5	6	

	Strongly Agree	Agree	Not really	Disagree	Strongly Disagree	Not applicable	Comments
<b>Support</b> I was satisfied with the level of support offered by:							
Personnel	1	2	3	4	5	6	
Trade Unions/Professional Organisations	1	2	3	4	5	6	
Managers before change	1	2	3	4	5	6	
Managers after change	1	2	3	4	5	6	
Redeployment Co-ordinator	1	2	3	4	5	6	
Occupational Health	1	2	3	4	5	6	
Counselling services	1	2	3	4	5	6	
Training Department	1	2	3	4	5	6	
Training/re-training was offered to me	1	2	3	4	5	6	
Other							
I am satisfied with my new post	1	2	3	4	5	6	
Are there any other comments you would like to make about the redeployment process?							

Please return the completed form to the Redeployment Co-ordinator

## 4.1 ANNEX

### References

Unison (1997) “The Best Kept Secret”

Lothian Inter-trust Redeployment Policy, June 2000.

Department for Education and Employment (2001) “Job Retention and Rehabilitation Pilots”

Killick A (1999) “Managing the Transition of Staff to the New Tayside NHS Trust: The Tayside Agreement”.

ISD (1999) *“Employment Law Review, 1998” Report 628, Incomes Data Services.*



Partnership Forum

Performance Through People