



# REDEPLOYMENT POLICY

Reference Number:	This will be applied to all new ICB-wide PPSs by the Governance and Corporate Affairs Team and will be retained throughout its life span.
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Department:	Corporate Office

#### VERSION HISTORY

Date	Version	Changes made to previous version	Consulting and Endorsing Stakeholders, Committees / Meetings / Forums etc.

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## **1. POLICY STATEMENT**

- 1.1 This policy is designed to assist employees who are at risk of losing their job as a result of ill health capability, or as a result of a redundancy situation. Redeployment may also be pursued in some harassment and bullying cases.
- 1.2 The purpose of this policy is to ensure that the procedure to be followed is clear and transparent to all employees and the roles and responsibilities of all parties are clearly understood.
- 1.3 The policy and procedure will be reviewed as necessary, for example due to legislative change.

## **2. PRINCIPLES**

- 2.1 Coventry and Warwickshire Integrated Care Board (“the ICB”) will maintain a register of employees at risk of redundancy, being redeployed due to ill health or performance reasons. Employees will be notified when they are entered on to the register. The register will contain information on the individual’s preferences for redeployment in addition to basic personal information. Employees on the register will be advised of suitable posts within the ICB. Where appropriate, posts will be advertised on a restricted basis to those employees on the register only.
- 2.2 Employees seeking redeployment will be given priority for appropriate vacancies that arise within the ICB as part of the normal recruitment process. Individuals should normally meet all of the essential criteria for the post however consideration should be given to the amount of additional training or re-training that would be required to enable the individual to meet that criteria.
- 2.3 Any employee who is seeking redeployment is required to complete the relevant pro-forma (Appendix 2) outlining their skills, experience and qualifications that will be used in assessing their suitability for posts. This will be considered in conjunction with the person specification for the post and further clarification will be sought where necessary.
- 2.4 Appropriate re-training and additional support will be offered to employees to support them during the redeployment process.
- 2.5 The redeployment period will normally last from 4 weeks up to a maximum of 12 weeks. The redeployment period will normally begin from a date agreed with the employee. However, this would depend on the contractual notice period required.
- 2.6 Employees will be kept fully informed throughout the redeployment process, including the potential outcome. Where possible, management will endeavour to provide employees with a number of suitable redeployment opportunities during the redeployment period. This could include the offer of redeployment into temporary positions. Redeployment will continue to be explored whilst an employee is absent for any reason, even where the employee has been served notice to terminate their contract due to redundancy. During the notice period, the employee will be notified of any suitable redeployment opportunities.
- 2.7 Employees are also responsible for actively seeking redeployment opportunities during

the redeployment period.

- 2.8 It is the responsibility of employees to register themselves with the website [www.jobs.nhs.uk](http://www.jobs.nhs.uk) in an effort to secure alternative employment.
- 2.9 For the purposes of this procedure the term 'suitable' means – employment that reflects the employee's current and/or recent skills set and/or experience, or with a reasonable amount of re-training the employee could undertake the role (i.e. full retraining would not be considered reasonable). This may be within a job at the same band as the employee's current job or within a job at one band below (attracting pay protection in redundancy situations).
- 2.10 Redeployment opportunities will be available to employees on a 'trial period' basis of normally 4 weeks. By exception, this period may be extended to a maximum of 12 weeks depending on the nature of the role and any retraining that is involved. During this period reviews will be held with the employee and their line manager. The purpose of the reviews will be to monitor progress and allow both parties to comment on the suitability of the redeployment. If it is evident from the outset that the role is not suitable then, with agreement, the trial period may cease early. In cases of redeployment due to ill health then it may be necessary for Occupational Health to also become involved to assess the suitability of the role.
- 2.11 During trial periods, and until the employee is confirmed in a post, management will continue to seek and propose other redeployment opportunities that may arise.
- 2.12 During the redeployment period, and throughout any work trials, the employee will continue to be employed within their substantive post and receive the same salary payments relating to that job.
- 2.13 At the end of the trial period, a final review meeting will be held and if all parties are in agreement, the employee will be confirmed in the alternative post and they will receive remuneration associated with the alternative job, (where the Change Management Policy applies, including any pay protection if applicable). Their line management will also move to the relevant new department. The outcome of the meeting will be confirmed in writing by the new line manager.
- 2.14 Employees are entitled to be accompanied at any formal meeting relating to their redeployment by a work colleague or trade union representative.
- 2.15 Employees who refuse offers of suitable redeployment opportunities will be putting their employment at risk. Please refer to the ICB's Absence Management, Managing Work Performance and Change Management policies for specific details relating to redeployment rights relating to these circumstances.
- 2.16 Any disputes in relation to determining whether a position is 'suitable alternative employment' must be referred in writing to the Human Resources Team who will review the post and advise as to its suitability.
- 2.17 All employees will have the right of appeal against redeployment to a suitable alternative post within the ICB in line with the appeals process (Management of Change).

### **3. PROCEDURE**

#### **3.1 Redundancy**

In a redundancy situation, redeployment will be sought at the earliest opportunity, e.g. when the employee is made formally aware that they are potentially facing a redundancy situation.

Where employees accept redeployment to a temporary or fixed term post, at the end of that period should no further suitable redeployment opportunities be available, they will receive their redundancy entitlement.

#### **3.2 Capability as a result of ill health or performance**

In situations where the outcome of an Absence Management or Performance Management process has recommended redeployment, it is essential that managers give due consideration to:-

##### **3.2.1 Reasonable Adjustments**

- In line with the Employment Act 2010 (and any subsequent amendments) it is essential that where an employee is declared unfit to carry on working in their current position their line manager gives due consideration to any 'reasonable adjustments' that can be made to that employees' provisions, criteria or practices that would enable them to remain in employment.
- Where no 'reasonable' adjustments can be identified the line manager must then consider 'suitable alternative employment' (or redeployment).

3.2.2 If an employee's role or methods of working can be adjusted to accommodate their needs the new working practice should be implemented as soon as possible and with approval from Occupational Health.

3.2.3 Where it is not reasonable or possible to adjust an employee's current role the identification of suitable alternative employment/redeployment within the ICB should be investigated.

3.2.4 Management in consultation with Human Resources and Occupational Health and any other relevant medical advice, will establish the type of work that the employee is able to undertake and note any limitations or restrictions that may apply.

#### **3.3 Redeployment Procedure**

Once formal notice has been issued or redeployment has been identified as the most appropriate course of action, the actions from paragraphs 3.3.1 to 3.3.10 must be undertaken. A record of the management actions taken should be retained and a Managers' Action Checklist is provided as Appendix 1 to this policy for that purpose. Similarly, an Employee Personal Log is provided at Appendix 2 for the member of staff affected to maintain a record of personal information relevant to the search for an alternative post, and details of roles identified as potential suitable alternative employment.

- 3.3.1 A meeting will be held with the employee and their line manager. The manager may request HR to attend the meeting if needed. The redeployment procedure will be explained in full to the employee concerned, including any potential outcome and the employee's obligations. The notes of the meeting will be confirmed to the individual in writing. At this meeting the start date of the redeployment period will be agreed and the relevant pro formas will be completed.
- 3.3.2 Human Resources will provide employees with details of all vacancies within the ICB and invite the employee to be registered with restricted access within NHS Jobs.
- 3.3.3 Where employees express an interest in any appropriate vacancies, management will meet with the employee concerned to discuss the person specification for the post together with the employee's relevant skills and experience. Any reasonable additional training that could be of benefit to enable the employee to meet the essential criteria in the person specification will also be discussed. A record of this meeting will be held by the manager concerned.
- 3.3.4 Where a vacancy is agreed to be suitable, management will arrange for a meeting with the employee concerned and the manager (or their representative) of the vacancy to discuss the employee's suitability for the post. Additional information may also be sought from Occupational Health where redeployment is being explored under the Absence Management Policy.
- 3.3.5 Where all parties agree to a work trial, a date for this to begin will be agreed. Where appropriate, in some cases it may be necessary for Occupational Health to carry out a workplace assessment; this should be carried out prior to the work trial commencing.
- 3.3.6 Management will arrange for regular reviews to be held during the work trial period with the employee concerned and the line manager of the vacant post.
- 3.3.7 If the trial period is completed successfully, and all parties are in agreement, the employee will be confirmed in the new post and this will be confirmed in writing by the line manager.
- 3.3.8 If the trial period is unsuccessful, the remainder of the redeployment period will continue from the date the trial period ends and the manager, in consultation with Human Resources, will continue working to identify other suitable redeployment opportunities. For example:-
- An employee begins the 12 week redeployment period on 1st March. On the 1st April (4 weeks later) they begin a 4 week trial period in a suitable alternative vacancy. At the end of the 4 week trial it is mutually agreed that the vacancy is not suitable. The remainder of the redeployment period (a further 4 weeks) will then begin. If a further potentially suitable alternative post is identified before the end of the redeployment period, a further 4 week trial may be agreed and the redeployment period extended accordingly.
- 3.3.9 Where an employee accepts redeployment to a fixed term post, the redeployment period will cease on commencement. If the post is not to be made permanent when the fixed term period ends, the individual will become at risk of redundancy again. The

redeployment period will re-commence once the decision not to make the fixed term post permanent is confirmed.

3.3.10 If, after the redeployment period:-

- no suitable redeployment opportunities have been identified; or
- the employee has failed to complete any work trials successfully; or
- the employee has refused to accept any suitable work trials

The employee would then be dismissed on the grounds of capability where the dismissal was due to ill health, medical and/or capability reasons, or made redundant as a result of organisational change. The termination of the employee's Contract of Employment would proceed in line with the relevant policy.

### 3.4 Salary Protection

3.4.1 For employees who are being re-deployed due to ill health/capability, once the trial period has been completed successfully and the employee has been confirmed in the 'new' position they will receive the rate of pay for that post.

3.4.2 Protection arrangements will not apply to employees who are redeployed for any reason other than redundancy.

3.4.3 In cases of redeployment due to redundancy, the Pay Protection policy would be applied as appropriate.

3.4.4 Where employees are already receiving a protection payment this will be reviewed and any necessary amendments will be made.

## 4 **DATA PROTECTION**

4.1 In applying this policy, the Organisation will have due regard for the Data Protection Act 2018 and the requirement to process personal data fairly and lawfully and in accordance with the data protection principles. Data Subject Rights and freedoms will be respected, and measures will be in place to enable employees to exercise those rights. Appropriate technical and organisational measures will be designed and implemented to ensure an appropriate level of security is applied to the processing of personal information. Employees will have access to a Data Protection Officer for advice in relation to the processing of their personal information and data protection issues".

## 5 **APPEAL PROCESS**

5.1 Any grievances or appeals arising out of the operation of this policy may be raised in accordance with the ICB's Appeals process.

## 6 **EQUALITY STATEMENT**

6.1 In applying this policy, the Organisation will have due regard for the need to eliminate unlawful discrimination, promote equality of opportunity, and provide for good relations



between people of diverse groups, in particular on the grounds of the following characteristics protected by the Equality Act (2010); age, disability, gender, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, and sexual orientation, in addition to offending background, trade union membership, or any other personal characteristic.

6.2 An Equality Impact Assessment has been carried out on this policy – Appendix 3

## **7 MONITORING AND REVIEW**

7.1 This policy and procedure will be reviewed periodically by Human Resources in conjunction with operational managers and Trade Union representatives. Where review is necessary due to legislative change, this will happen immediately.

## APPENDIX 1

### MANAGER ACTION CHECK LIST

Action taken	Date								
Meeting with employee to explain procedure									
Formal contractual notice issued									
Employee registered with <a href="http://www.jobs.nhs.uk">www.jobs.nhs.uk</a>									
Arrangements made for internal vacancies to be communicated to the employee as they arise.									
Final medical reports received from Occupational Health and Specialist/GP if applicable									
Contact made with employee on a regular basis to review the situation. Details of contact made on each occasion should be noted: <ul style="list-style-type: none"> <li>•</li> <li>•</li> <li>•</li> <li>•</li> </ul>	<table border="1" style="width: 100%; height: 100%;"> <tr><td style="height: 40px;"></td></tr> <tr><td style="height: 40px;"></td></tr> <tr><td style="height: 40px;"></td></tr> <tr><td style="height: 40px;"></td></tr> </table>								
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<p><b>Details of posts sought, actions taken and outcomes.</b> As much detail should be provided on each occasion. As a minimum the following should be noted – post title; grade; is it a suitable post; does the person meet the essential requirements; details of interview or why interview was not granted; if unsuccessful at interview detail the reasons why (a file note from the Recruiting Manager should be attached to this log); was Human Resources consulted; if successful, is there a trial period agreed.</p>	

**APPENDIX 2  
EMPLOYEE PERSONAL LOG**

This form should be completed by the employee concerned in conjunction with the manager responsible for overseeing the redeployment process for them. It will be used to collate all necessary information in order to ensure that, as far as possible, alternative employment is provided for an 'at risk' employee. All relevant information should be recorded as this form may be used as evidence to demonstrate that every effort was made to minimise dismissals or redundancies of any nature.

<b>Employee Name</b>	
<b>Telephone number &amp; e-mail address</b>	
<b>Directorate /Department</b>	
<b>Manager responsible for case</b>	
<b>Current post, grade and salary. Details of allowances etc. should also be noted</b>	
<b>Date formal redeployment period began (and formal notice issued)</b>	
<b>Reason post/ person is 'at risk'</b>	
<b>Details of employees' qualifications, skills and experience (to be used in identifying suitable alternative employment/re- training needs)</b>	
<b>Other relevant information</b>	
<b>Date alternative employment secured</b>	

**Details of Possible Alternative Employment**

**Details of alternative employment sought** – it is important to be as broad as possible in order to open up any possible opportunities for securing alternative employment. Employment in other occupations, areas, and directorates should be considered:

Is there any area the employee feels they cannot work in? If so, provide details:

**Restrictions to employment:** please provide details of any restrictions that might apply e.g. any medical conditions that may impact on alternative employment opportunities; any work-life balance commitments that are not flexible:

**Hours of work:** what are the minimum and maximum hours the employee is able/prepared to work?

**Mobility:** Is the employee able to work in other locations? If there are restrictions on this, please detail. Is the employee able to travel independently?

**Training/re-training:** Is the employee prepared to undertake retraining? If so, which areas appeal? If not, why is retraining not an option?

**Any other relevant information to be taken into consideration:**

### Appendix 3 - Equality Impact Assessment

Directorate  Team  Name of lead person

Piece of work being assessed

Aims of this piece of work

Date of EIA  Other partners/stakeholders involved

Who will be affected by this piece of work?

Single Equality Scheme Strand	Baseline data and research on the population that this piece of work will affect. What is available? E.g. population data, service user data. What does it show? Are there any gaps? Use both quantitative data and qualitative data where possible. <b>Include consultation with service users wherever possible</b>	Is there likely to be a differential impact? Yes, no, unknown
<b>Gender</b>	No anticipated detrimental impact on any equality group. The policy adheres to the NHS LA Standards, AFC terms and conditions, and makes all reasonable provision to ensure equity of access to all staff. It is acknowledged that the greater percentage of employees is female and therefore this staff group may inevitably be more impacted upon by the policy. However, there are no statements, conditions or requirements that disadvantage any particular group of people with a protected characteristic.	No
<b>Race</b>	No anticipated detrimental impact on this equality group.	No
<b>Disability</b>	No anticipated detrimental impact on this equality group.	No
<b>Religion/ belief</b>	No anticipated detrimental impact on this equality group.	No
<b>Sexual orientation</b>	No anticipated detrimental impact on this equality group.	No
<b>Age</b>	No anticipated detrimental impact on this equality group.	No
<b>Social deprivation</b>	No anticipated detrimental impact on this equality group.	No
<b>Carers</b>	No anticipated detrimental impact on this equality group.	No
<b>Human rights</b>	No anticipated detrimental impact on this equality group.	No