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# REDEPLOYMENT WITHIN NHS HIGHLAND PIN POLICY

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# REDEPLOYMENT POLICY

## 1. POLICY STATEMENT

From time to time, whether as a result of displacement due to organisational change, or following application of formal processes relating to capability (whether due to ill-health or performance), or in advance of the non-renewal of a fixed term contract upon expiry, consideration will have to be given to exploration of suitable alternative employment.

The purpose of this policy is to ensure a fair and consistent approach to the process of exploring suitable alternative employment (i.e. 'redeployment') for all employees who are identified as being 'displaced'.

NHS Highland is committed to preserving security of employment for its employees and recognises that, beyond compliance with legislation and national policy, there are clear organisational benefits to adopting such a process. Where individuals are able to be successfully redeployed, this serves to retain the valuable knowledge, skills and experience of affected staff within NHS Highland, which would otherwise have been lost if employment ended. It also serves to further a positive staff experience, which in turn will assist NHS Highland in achieving and maintaining exemplar employer status.

This policy has been developed in partnership with local trade union / professional organisation representatives. It meets the minimum standards set out within the Redeployment within NHSScotland Partnership Information Network (PIN) Policy, and reflects relevant current employment legislation.

## 2. DEFINITION

'Redeployment' is the process of securing suitable alternative employment for an employee who it is identified will be displaced, at a stated future date, from their post as a result of organisational change, or, following application of formal processes relating to capability (whether due to ill-health or performance), or, in advance of the non-renewal of a fixed term contract upon expiry. It is, however, recognised that there may be other circumstances where NHS Highland determines that redeployment may be appropriate, e.g breakdown of relationships, outcome of formal employee relations cases.

'Displaced' means that there is no longer a need for a post, or, that the particular skills or experience of a post-holder are no longer required, or, that the employee is unable to undertake the duties of the post.

## 3. SCOPE

This policy applies to all affected employees of NHS Highland from the point at which it is identified that they will be 'displaced', although the process by which

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employees access redeployment may vary, and individual employee entitlements within this may differ, depending on the grounds upon which they have been displaced. For ease of reference, however, this policy will refer to 'displaced employees'.

#### 4. AIMS OF POLICY

This policy will ensure that displaced employees are dealt with in a non-discriminatory, fair and consistent manner, with regard to exploration of suitable alternative employment opportunities.

In order to achieve this aim, the following principles and values apply:

- This policy will be appropriately communicated to all employees and will be made readily accessible to them;
- Suitable alternative employment opportunities will be sought for all displaced employees;
- There will be no unreasonable delay in commencing this process. No vacancy will be opened to applications externally or from within the wider internal workforce until it is established that it does not present a suitable alternative role for a displaced employee. However, it should be noted, that the purpose of redeployment is to preserve employment. As such, exploration of suitable alternative employment opportunities will ordinarily only involve comparison of applicable vacant posts of the same or lower pay bank / grade to the post form which an employee has been displaced. Consideration should also be given to NHS Highland's Organisational Change policies and procedures including pay protection and consideration of possible alternatives on band / grade higher;
- Decisions in relation to suitable alternative employment opportunities will be made objectively and without prejudice. A decision not to appoint must be based on evidence, which will withstand objective scrutiny, that the individual does not meet the identified essential criteria required for the role and would be unable to do so following reasonable training and support. While there may be instances requiring prioritisation and / or a competitive selection process where more than one employee is identified as a potential match, suitable alternative employment opportunities will not otherwise be unreasonably withheld or refused;
- Displaced employees will be made aware of their rights and responsibilities in relation to the process, including their right of recourse should they consider that a suitable alternative employment opportunity has been unreasonably withheld or refused;
- Displaced employees will receive appropriate organisational support during the period in which suitable alternative employment is being explored (including access to reasonable learning and development opportunities) in order that they are more fully equipped to explore all potential suitable alternative employment opportunities;
- Joint training on the policy will be provided for managers and trade union

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/ professional organisation representatives using a partnership model, in order to ensure that all relevant staff are sufficiently skilled and competent in implementing the procedure;

- The redeployment process will be coordinated by HR services within your area, in order to ensure that it is efficiently, effectively and fairly managed;
- Appropriate HR advice will be available to managers involved in implementing the process; and,
- This policy will be subject to ongoing monitoring to ensure that it is being fairly and consistently applied and that the stated principles and values are being met. The policy will be subject to regular review, in partnership, to ensure that any new standards and / or structures are incorporated when necessary and that it remains fit for purpose.

## **5. ROLES & RESPONSIBILITIES**

### *Displaced Employees Will:*

- Ensure that they are aware of both their rights and responsibilities under this policy, and that they seek further guidance if unclear;
- Ensure that they fully engage with the redeployment process, particularly with regard to any potentially suitable alternative roles to which they are matched;
- Ensure that they fully engage with any relevant training and development programmes that are integral to any role that they subsequently accept; and,
- Ensure that any concerns / issues are raised as soon as possible during any trial period, in order to enable early discussion and with a view to potential resolution.

### *Managers of Displaced Employees Will:*

- Ensure that, in discussion with the displaced employee, the employee receives, where possible, appropriate training and development opportunities in order to widen the scope of potential suitable alternative vacancies;
- Ensure that displaced employees are made aware of their rights and responsibilities under this policy, and that they comply with those responsibilities;
- Ensure that they are fully aware of and comply with their own responsibilities under this policy, including ensuring that there is no unreasonable delay in enabling displaced employees access to the provisions of the policy, and that they provide regular contact and support to them whilst suitable alternative employment is being explored; and,
- Ensure that they seek advice from HR (including the redeployment

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coordinator or locally determined alternative) where necessary and appropriate when dealing with redeployment issues.

#### *Managers Recruiting to a Vacancy Will:*

- Ensure that they are fully aware of and comply with their responsibilities under this policy, including ensuring that displaced employees matched to such a vacancy are considered objectively and without prejudice and not unreasonably refused appointment, and that any concerns / issues arising during any subsequent trial period are raised as soon as possible in order to enable early discussion and with a view to potential resolution; and,
- Ensure that they seek advice from HR (including the redeployment coordinator or locally determined alternative) where necessary and appropriate when dealing with redeployment issues.

#### *Trade Unions / Professional Organisations Will:*

- In partnership with NHS Highland, agree a redeployment policy which meets the minimum standards set out within the Redeployment within NHSScotland Partnership Information Network (PIN) Policy, and reflects relevant current employment legislation;
- Work in partnership with NHS Highland to develop joint training as part of the implementation of this policy, and participate in such joint training;
- Support their members, including ensuring that their members are aware of their rights and responsibilities under this and other relevant policies and, in particular, ensuring that any concerns / issues are raised as soon as possible in order to enable early discussion and, where possible, facilitate early resolution; and,
- Participate in partnership monitoring, evaluation and review of this policy.

#### *HR Will:*

- Case manage all redeployment cases including carrying out skills match assessments;
- Advise managers on the correct implementation of this policy;
- Develop and deliver, in partnership, training on this policy for managers and trade unions / professional organisation representatives;
- Support displaced employees by providing advice on this policy;
- Facilitate training and development opportunities for displaced employees, where possible, in order to widen the scope of potential suitable alternative vacancies (although it should be noted that both the displaced employee and their manager have a clear role in this regard);
- Ensure that no vacancy is opened to applications externally or from within the wider internal workforce until it is established that it does not present a suitable alternative employment opportunity for a displaced

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employee;

- Ensure that displaced employees have fully completed the Redeployment Questionnaire;
- Liaise with managers recruiting to a vacancy in order to ensure that displaced employees are appropriately matched;
- Ensure that displaced employees matched to vacancies are appropriately prioritised based on the reason for their displacement;
- Ensure that refusal by a manager to appoint a displaced employee to an identified potential match is reasonable and stands up to objective scrutiny;
- Liaise with key stakeholders on any required employment decisions where redeployment has not proven successful; and,
- Collate appropriate information to inform the monitoring and evaluation of this policy.

#### *Occupational Health will:*

- Provide timely and comprehensive guidance, where sought as necessary and appropriate, to support the process of identifying suitable alternative employment.

## 6. PROCEDURE

### 6.1 **Right to be Accompanied**

Displaced employees have a right to be accompanied by a trade union / professional organisation representative or other person of their choice at meetings being held under the procedure outlined below.

### 6.2 **Specific Conditions**

As outlined above, whilst this policy applies to all affected employees of NHS Highland from the point at which it is identified that they will be 'displaced', the process by which employees access redeployment may vary, and individual employee entitlements within this may differ, depending on the grounds upon which they have been displaced. As such, this procedure should be read alongside the subsequent section on specific conditions which apply in relation to each of the grounds upon which employees may be displaced.

### 6.3 **Assessment**

Before accessing redeployment, consideration requires to be given to the likelihood of a suitable alternative role arising within a reasonable period of time. If it can be clearly demonstrated that this will not be the case, a decision may need to be taken to convene a meeting to consider termination of employment in line with the relevant NHS Highland policy.

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## 6.4 Access to Redeployment

Access to redeployment should be limited to 12 weeks in the first instance. Following this the position should be reviewed with the option of extending the access period, depending on whether suitable employment opportunities have arisen or are likely to arise within the immediate period thereafter.

On commencement of and during the access period, meetings will take place, as necessary, involving the displaced employee, their trade union / professional organisation representative or other person of their choice (if they wish to be accompanied), the employee's manager, and HR. The initial meeting should include explaining the process, completion of the questionnaire and discussion regarding potential opportunities.

These meetings would involve advising the displaced employee of their rights and responsibilities under the policy; completion of the Redeployment Questionnaire; help to understand and consider the transferability of their existing knowledge and skills and exploration of potential training and development opportunities, in order that they are more fully equipped to explore all potential suitable alternative employment opportunities; and, subsequently, a review of progress in obtaining a suitable alternative role, with a view to reaching a decision at the end of the access period (if no such role had been secured) as to whether it should reasonably be extended. In relation to the Redeployment Questionnaire, the displaced employee should be provided with assistance in its completion.

The decision as to whether to extend the access period will be dependent upon factors such as:

- Whether suitable alternative employment opportunities have arisen or are likely to arise within the immediate period thereafter.
- Whether an extension to the access period may amount to a reasonable adjustment for a disabled employee.
- Number of suitable jobs (if any) identified to date.
- Degree of flexibility shown, e.g. in terms of working hours / location.
- Time of the year process taking place (for e.g. likely to be slow down in recruitment over Christmas and New Year period).

Should a displaced employee consider that a post to which they have been matched is not suitable, they will be required to provide a written explanation. A displaced employee may determine that a post is not suitable upon initial matching, following discussion with the manager recruiting to the vacancy, during any subsequent selection process (if applicable), and during any subsequent trial period. If it is considered that the displaced employee has unreasonably refused suitable alternative employment opportunities to which they have been matched, a decision may need to be taken to convene a meeting to consider termination of employment in line with the relevant NHS Highland policy.

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## 6.5 Matching

The process of matching should be undertaken in the case of all displaced employees, with the completed Redeployment Questionnaire and any other relevant documentation.

*Matching involves:*

- A comparison of the essential criteria of posts which arise within the organisation (as identified within the person specification / job description) with the knowledge, skills and experience of displaced employees (consideration may also be given to examining Knowledge and Skills Framework (KSF) or equivalent post outlines and factor levels assigned to posts to aid the matching process). Matching will only involve comparison of applicable vacant posts (i.e. ordinarily only those at the same or lower pay band / grade to the post from which an employee has been displaced. However, if the employee is disabled for the purposes of the *Equality Act 2010\** consideration may require to be given to vacant posts at a higher pay band / grade).
- Consideration of whether a post is a match in terms of organisational change protection of terms and conditions, where applicable.
- Consideration of the employee's particular circumstances, particularly in circumstances in which protection of terms and conditions does not apply. In such circumstances, those of any new post will apply. It is therefore important that consideration during the matching process is given, for example, to the minimum pay band / grade, hours of work, and travelling distance which the displaced individual would be willing to consider.

In the case of those displaced employees who would be entitled to no detriment protection of terms and conditions of employment, and who, prior to being displaced, possessed special class status in relation to their membership of the NHSScotland Pension Scheme, such employees should have the option not to be matched against vacant posts which do not also attract special class status. This option allows the displaced employee to be clear that they may suffer a detriment in this regard.

The redeployment coordinator will establish, from amongst those matched, whether any displaced employees take priority over others due to the reasons for which they were displaced or because of any characteristics protected under the *Equality Act 2010\**.

They will then advise those with the highest priority that they have been matched and pass their details to the manager recruiting to the vacancy (as well as alerting the managers of those employees).

Should an appointment not be made from amongst those with the highest priority, the same process will apply in the case of those with the next level of priority, until either an appointment is made or the process is exhausted.

*\*<http://www.legislation.gov.uk/ukpga/2010/15/contents>*

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## 6.6 Selection Decisions

Managers recruiting to a vacancy will be expected to appoint from amongst matched employees unless they can provide a robust case demonstrating that none met the essential criteria of the post, nor were likely to be able to do so following a short period of training and development. It is essential that fair selection processes are undertaken, with individuals being assessed against an agreed person specification / job description.

Subject to agreement with HR, a formal selection process may be required in the following circumstances:

- Where a post does not present an exact match and the individual's suitability for the role is unclear; or,
- Where more than one displaced employee is matched to a vacancy at a particular level of priority.

Any subsequent offer made will be conditional upon all relevant pre-employment checks, as set out in the *Safer Pre and Post Employment Checks in NHSScotland PIN Policy*, having been undertaken satisfactorily. The checks required will be the same as those which would otherwise be required in the case of an existing employee of NHS Highland changing roles within the organisation as a result of having applied via the normal recruitment process, with the exception that references will not normally be required in the case of redeployment.

Unsuccessful candidates will be given written reasons for non-appointment on request, in line with good employment practice, from the Manager that carried out the meeting (feedback). Managers recruiting to a vacancy must ensure that displaced employees are made aware of this right.

Where there are no matches from amongst displaced employees, or where managers recruiting to a vacancy have been able to provide a justifiable explanation for non-appointment from amongst those matched, vacancies may be advertised through the normal recruitment process.

## 6.7 Trial Periods / Retraining

Where displaced employees are appointed to posts via redeployment, a trial period of four weeks will apply in all cases, unless mutually agreed by both parties that this is not required. Such trial periods may be extended by agreement at the outset of the appointment, depending upon the nature of the post and whether additional training and development is required, or, thereafter, by mutual consent. An extension of any trial period may amount to a reasonable adjustment if the employee is disabled for the purposes of the *Equality Act 2010*\*. (Refer to Annex B) \*<http://www.legislation.gov.uk/ukpga/2010/15/contents>

Employees will retain the pay band / grade of their earlier post during the 4 week trial period (where the pay band / grade of the new post is lower), reverting to the pay band / grade for the new post (where appropriate) upon satisfactory completion of the 4 week trial. Should the trial be extended beyond

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the 4 weeks the employee will be paid at the rate of the new post (unless Organisational Change Pay Protection applies).

During the 4 week trial period, salary and associated costs e.g. enhancements will continue to be met from the budget of the employee's former department. The salary and associated costs will transfer to the new department at the end of the 4 week period regardless if the trial has been extended.

During the 4 week trial period, either the new line manager or the employee may determine that the post is not suitable. In either case, this unsuitability must be clearly demonstrated.

If either the new manager or the employee indicates, for good reasons, that the new post is unsuitable, responsibility for pursuing further redeployment, if appropriate, will pass back to the former manager of the displaced employee.

## 6.8 Temporary Redeployment

Displaced employees may be appointed temporarily for developmental purposes or in a holding position, retaining their employment status, where appropriate, until a suitable alternative employment opportunity becomes available.

In circumstances in which a permanent employee is matched by the organisation to a temporary or fixed term post, they will retain their permanent employment status.

## 6.9 Protection of Terms and Conditions of Employment

Protection of terms and conditions of employment (as well as reimbursement of excess travel and relocation expenses), will apply as per National Organisational Change policy.

Where a displaced employee is redeployed to a post where protection does apply, it should be made clear that they will continue to be matched to subsequent vacancies which arise, with ongoing protection being conditional upon acceptance of any future suitable alternative employment offered which presents a more exact match in relation to their protected terms and conditions of employment.

In those circumstances in which pay protection does not apply, and where, as a result, a displaced employee takes up suitable alternative employment but with earnings lower than those prior to being displaced, members of the NHSScotland Pension Scheme may be able to preserve their pension benefits at the time of this change, subject to meeting the relevant eligibility criteria (see <http://www.sppa.gov.uk>).

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## 7. SPECIFIC CONDITIONS

### 7.1 Organisational Change

There are two types of redeployment which apply in terms of organisational change:

- The first involves circumstances where individuals are displaced as a result of a change in the number or nature of roles required, and where appointment to those resulting roles is by limited competition from amongst affected employees. In such circumstances, the process will be as determined within NHS Highland's Management of Organisational Change policy.
- The second occurs where an individual is displaced in circumstances where there is no such resulting role, or where they have been unsuccessful in securing such a resulting role via the limited competition process. In such a case, they will be 'displaced as a result of organisational change', with the process to be followed as defined within this policy.
- Protection of earnings and terms and conditions will apply in accordance with NHS Highland's Organisational Change policy.
- It should be noted that the purpose of the redeployment process is not to allow an employer to make compulsory redundant an employee who is on redeployment due to Organisational Change.

### 7.2 Capability

The process to be followed in reaching a decision to displace an employee due to issues of capability (whether related to ill health or performance), as well as the process to be followed where redeployment proves unsuccessful, is set out within NHS Highland's Management of Employee Capability and the Promoting Attendance policies.

In these circumstances, specific consideration requires to be given when matching as to whether a role is likely to be performed to the required standard and not present a continuing capability concern. If the employee is disabled, consideration will also be given to any reasonable adjustments that could be made to roles to assist in matching them to the displaced employee.

Depending on the nature of the capability issues, Occupational Health advice will require to be sought, both as part of the initial assessment stage of the procedure outlined above (in so far as whether suitable alternative employment should be considered and, if so, any restrictions as to the type of role, or adjustments which would require to be made to a role, in order to ensure suitability, and thereby avoid similar capability issues arising in future), as well as during the subsequent access period where consideration is being given to the suitability of particular posts.

Protection of earnings and of terms and conditions does not apply to

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redeployment in the case of capability.

### 7.3 Non-Renewal of Fixed Term Contract upon Expiry

Where a fixed term contract will not be renewed, and the non-renewal meets the definition of redundancy, there is a legal obligation to explore suitable alternative employment. NHS Highland Use of Fixed Term Contracts PIN Policy goes beyond the legislation. It requires that access to redeployment be granted in all instances on non-renewal for fixed term contracts.

Where it is known that an employee's contract will not be renewed upon expiry, the relevant manager with authority to dismiss must meet with the employee, ideally 3 months prior to the expiry date of the fixed term contract (and no later than the contractual period).

If the fixed term employee has been with the organisation for less than 2 years they will be entitled to contractual notice and they will be placed on the redeployment register during this time. If they have been employed for more than 2 years they will be served notice and placed on the redeployment register 12 weeks prior to the expiry date, and for employees whose contractual notice period is one week, placed on the redeployment register for 1 month.

*The Manager Will:*

- Confirm that the fixed term contract will not be renewed upon expiry.
- Confirm the grounds for the non-renewal of the contract, which must be legitimate (please see NHS Highland User of Fixed Term Contracts PIN Policy – section 6.3).
- Serve the employee notice (in line with their contract of employment) that their contract will be terminated upon expiry of the fixed term contract.
- Advise that they will be placed on the redeployment register, and to discuss the redeployment process. The employee should be advised that they will remain on the register until the end of the fixed term contract.
- Reasonable time off given to attend interviews during the above period.

Where more than one applicant applies for a post via redeployment and more than one is appointable, prioritisation should be given depending upon the reason for displacement from the original post (particularly whether the legal obligation exists to explore suitable alternative employment). See Annex C.

If the employee has not secured a post prior to the end of their notice period, their employment will be terminated as per the earlier meeting.

Protection of earnings and terms and conditions does not apply to redeployment in the cases of expiry of fixed term contracts, unless the reason for the expiry of the fixed term contract meets the definition of redundancy. In this case please

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refer to NHS Highland User of Fixed Term Contracts PIN Policy, section 6.4.

## 7.4 Other Circumstances

Redeployment in other specific circumstances will be by exception (all other alternatives having been exhausted) and will be determined on an individual case by case basis, ensuring that the principles of fairness and consistency of approach are applied.

Protection of earnings and of terms and conditions does not normally apply in other circumstances, with the exception of Whistleblowing in which it does apply.

Eligible employees who have to change jobs permanently, to a position which would cause financial detriment, as a result of an injury, illness or disease wholly or mainly attributable to their NHS employment will receive protected pay in line with organisational change provisions.

(See Agenda for Change Terms and conditions, section 22 – Injury Allowance)

The following circumstances will not apply:-

- Travel to and from work;
- Sickness absence as a result of disputes relating to employment matters, conduct or job applications;
- As a result of own negligence or misconduct.

## 8. GRIEVANCES

Should a displaced employee consider that a suitable alternative employment opportunity has been unreasonably withheld or refused, or should they have any other concerns in relation to the application of this policy, the matter should be pursued in line with NHS Highland's Grievance Policy.

## 9. REVIEW

This policy will be subject to ongoing monitoring by the Highland Partnership Forum to ensure that it is being fairly and consistently applied and that the stated principles and values are being met. The policy will be subject to regular review, in partnership, to ensure that any new standards and / or structures are incorporated when necessary and that it remains fit for purpose.

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**Appendix 1- Annex A:**

**REDEPLOYMENT QUESTIONNAIRE**

**PERSONAL DETAILS**

Title: \_\_\_\_\_ Forename: \_\_\_\_\_ Surname: \_\_\_\_\_

Home Address: \_\_\_\_\_  
 (incl Postal Code) \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

NHS eMail Address: \_\_\_\_\_

Personal eMail Address: \_\_\_\_\_

Telephone Numbers: Work: \_\_\_\_\_  
 Home: \_\_\_\_\_  
 Mobile: \_\_\_\_\_

**CURRENT POST**

Post: \_\_\_\_\_ Pay Band / Grade: \_\_\_\_\_

Department / Division: \_\_\_\_\_ Location: \_\_\_\_\_

Contracted Hours of Work / Week: \_\_\_\_\_ Manager: \_\_\_\_\_

**CURRENT WORK PATTERN**

Days Worked:	(Describe number of days worked over a standard rota period – e.g. 5/7)	Sunday / Monday / Tuesday / Wednesday / Thursday / Friday / Saturday (delete those which do not apply)
Shift Length:	(State normal shift length or, where this varies, describe shift durations over a standard rota period)	
Start / Finish Times:	State normal start / finish times or where this varies, describe start / finish times over a standard rota period)	
Regular Unsocial Hours Working:	(State regular unsocial hours worked (i.e. weekday nights, Saturdays or Sundays) or, where this varies, describe the average number of such hours worked over a standard rota period)	
Contractual On-Call Working	(State On-Call frequency over a standard rota period & associated payments)	

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QUALIFICATIONS ACHIEVED:	
Subjects	Type of Qualification

QUALIFICATIONS: STUDYING FOR WORKING TOWARDS	

MEMBERSHIP OF PROFESSIONAL OR REGULATORY BODIES:	

EMPLOYMENT OPTIONS:
<i>(Please discuss with you case manager and list below.)</i>
1. _____
2. _____
3. _____

PREFERRED HOURS / SHIFT PATTERN:
_____
_____
_____
_____

PREFERRED LOCATION:
1. _____
2. _____
3. _____



## Annex B:

# GUIDANCE ON MATCHING

## Posts Which Are an Exact Match

Where there is a vacancy that is deemed to be an exact match for the displaced employee, they will be automatically matched into the post. An exact match is a post which is:

- At the same pay band/grade and has the same skills set; and
- At the same location or within reasonable travelling time (e.g. within 1 hour), subject to the availability of public transport; and,
- With comparable terms and conditions of employment (hours, shifts, etc.).

In these circumstances the displaced employee will be allocated to the post and the redeployment coordinator will make the necessary arrangements for integration and induction into the work area. The trial period in this situation will normally be four weeks. The redeployment coordinator will seek advice from the manager of the displaced employee and the manager recruiting to the vacancy, as appropriate, if they require clarification on transferable skills and relevant experience.

## Posts Which Are NOT an Exact Match

For an alternative vacancy to be deemed suitable there must be at a minimum, a basic skill match between the requirements of the vacancy, based on the essential criteria in the person specification, and the skills and experience of the individual. If no specific skills or qualifications are required, experience in a similar role / environment will be deemed desirable.

If a full skill match does not exist, the vacancy would be deemed suitable if it were agreed at the outset that, after a reasonable period of training, one would exist. This should ensure that there is no excessive delay in the candidate being able to undertake the core duties of the post.

Staff redeployed into an alternative post which is not an exact skills match will be entitled to a 4 week trial period in the new post which may be extended if necessary, and must be agreed at the outset of the appointment, depending on the nature of the post, and whether additional training and developments is required or thereafter by mutual consent, during which the employee and the manager recruiting to the vacancy can determine whether the alternative post is suitable. In exceptional circumstances this may be extended.

## Disabled Employees

In circumstances where a displaced employee is also disabled for the purposes of the [Equality Act 2010\\*](#), and that employee's disability puts them at a particular disadvantage in relation to the requirements of the duties, physical location or nature of the vacancy, consideration must be given to what reasonable adjustments can be made to the role to overcome this disadvantage and allow the employee to be matched to the Vacancy.

\*<http://www.legislation.gov.uk/ukpga/2010/15/contents>

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## Annex C:

# **GUIDANCE ON PRIORITISATION**

It is recognised that circumstances may arise whereby a vacancy presents a potential suitable alternative employment opportunity for more than one displaced employee. Where the reasons for displacement of such employees differ, it will be necessary to prioritise in terms of the order in which such individuals are considered for the vacancy, with managers only being asked to consider further matched staff where appointment from amongst those with a higher priority has been reasonably refused.

In general terms, the order of prioritisation (from highest to lowest) will be as follows:

- Employees displaced on grounds of organisational change;
- Employees displaced on grounds of capability;
- Fixed-term employees displaced on grounds of nonrenewal of their contract upon expiry (where termination of employment meets the definition of redundancy);
- Other fixed-term employees displaced on grounds of nonrenewal of their contract upon expiry.

While the above will be correct in general terms, it will not apply in every case. NHS Highland should take particular care, for example, where an employee displaced is disabled for the purposes of the [Equality Act 2010](#)<sup>\*</sup>, or in circumstances where a local decision is taken to explore suitable alternative employment for an employee displaced for reasons other than those set out above.

<sup>\*</sup><http://www.legislation.gov.uk/ukpga/2010/15/contents>

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## Appendix 2

### **PIN POLICY REVIEW GROUP**

Members:		
	Lorraine Allinson	HR Services Manager, NHS Shetland
	Colin Herbert	Head of Human Resources, NHS Borders
	John Huband	Head of Recruitment and Employment Services, NHS Highland
	Adam Palmer	Branch Secretary (Highland, Healthcare), UNISON
	Darren Paterson	Staff Governance Associate, Scottish Government
	Edwina Cameron	Staff Governance Associate, Scottish Government
	Barbara Sweeney	Professional Assistant Officer, Royal College of Nursing

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