

**NHS Education for Scotland
NES REDEPLOYMENT POLICY
AND GUIDANCE**

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NB. This policy will be reviewed biennially. However, during the initial 12 month period NES will regularly review the Policy in partnership to ensure that it meets the needs of NES.

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1. REDEPLOYMENT POLICY

1.1 Introduction

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'.

NES 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 NES, which would otherwise have been lost if employment ended. It also serves to further a positive staff experience, which in turn will assist NES 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.

1.2 Definitions

'Redeployment' - is the process of securing suitable alternative employment for an employee who 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 NES determines that redeployment may be appropriate.

'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.

'Redeployment Register' - The database maintained by Workforce Directorate which holds details of all redeployees.

'Redeployment Coordinator'-a member of the HR Business Partner team who has a central coordinating and liaison role with displaced employees and managers across NES in support of the

application of the redeployment process.

'Redeployment Sub Group' – Consisting of Head of Service - HR, Employee Director and supported by the Redeployment Co-ordinator to provide recommendations to the ETSR of suitable matches/temporary redeployment opportunities for individual redeployees.

'Redeployment Pro-Forma' - Completed by all redeployees, the Pro-Forma is an important document which provides information on the individual's skills, experience and qualifications and is used to determine whether there is a match between the individual and a vacant post.

1.3 Scope

This policy applies to all affected employees of NES from the point at which it is identified that they will be 'displaced', although 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. For ease of reference, however, this policy will refer to 'displaced employees'.

1.4 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 (including temporary redeployment) will be sought for all displaced employees (within the employee's existing Directorate and other areas).
- There will be no unreasonable delay in commencing this process. No vacancy will be opened to applications from within the wider internal workforce or externally 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 posts at the same or lower pay band/grade as the post from which the affected employee was displaced.
- Consideration will be given to NES' Organisational Change policies and procedures including protection.
- 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 unlikely to be able 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 exploit all potential suitable alternative employment opportunities.
- Displaced employees on the redeployment register can also choose to apply for posts within the ring fence(s) - (see Section 2.1).
- Joint training on the policy will be provided for managers and trade union/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 centrally coordinated by HR 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.

1.5 Roles and 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.
- Participate and fully engage with the redeployment process, particularly with regard to any potentially suitable alternative roles to which they are matched.
- Complete a Redeployment Pro-Forma within 14 days in order to be entered on the Redeployment Register and to be considered for Redeployment.
- Identify any reasonable training requirements with their Line Manager.
- Ensure that they fully engage with any relevant training and development programmes that are integral to any role that they subsequently accept.
- Give full and fair consideration to a reasonable offer of suitable alternative employment.
- Co-operate with NES and undertake reasonable temporary redeployment opportunities.

- Ensure that any concerns/issues are raised as soon as possible during any trial period, in order to enable early discussion with a view to potential resolution.

Failure to adhere to these requirements and/or to participate in the redeployment procedures including accepting suitable temporary redeployment opportunities and suitable alternative posts could result in disciplinary action under the NES Management of Employee Conduct Policy : Disciplinary Policy and Procedures.

Manager of the Displaced Employee 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 including an up to date review of PDP and objectives to obtain evidence of the employee's knowledge and skills, to help identify any requirements for training and development that the employee may require.
- 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.
- Provide regular contact and support to employees whilst suitable alternative employment is being explored.
- Ensure that they seek advice from HR (including the redeployment coordinator) where necessary and appropriate when dealing with redeployment issues
- Support the employee to complete Redeployment Pro-Forma and return to HR within 14 days
- Report vacancies promptly to Kenexa.

Manager recruiting to a vacancy (or temporary redeployment) 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.
- Ensure that (a) the duties and work assigned are in line with the Job Description and banding and (b) to discuss and agree with employees' objectives/priorities for the redeployment. The Organisational Development team will also work with line managers and the employee to put in place a supporting Personal Development Plan, and
- Ensure that they seek advice from HR (including the redeployment coordinator) where necessary and appropriate when dealing with redeployment issues.

HR will:

- Develop and deliver, in partnership, training on this policy for managers and trade unions/professional organisation representatives.
- Advise managers on the correct implementation of this policy.
- 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 line manager have a clear role in this regard).
- Monitor and report on the application of the policy and procedures across the organisation.
- Co-ordinate all administrative and recruitment aspects of redeployment.
- Ensure that displaced employees have fully completed the Redeployment Proforma.
- Maintain an accurate and up to date Redeployment Register.
- 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 employee.
- Routinely identify vacancies from establishment control records to ensure that all vacancies are progressed via Kenexa to be considered for redeployment or deletion.
- Identify and flag to the ETSR all vacancies progressed via Kenexa which are an exact match to employee/s on the Redeployment Register.
- Carry out a basic skills match between redeployees and all vacant posts identified at the same band and report and make recommendations to the Redeployment Sub Group.
- Carry out a basic skills match between redeployees and all temporary Redeployment opportunities identified and report and make recommendations to the Redeployment Sub Group.
- Ensure that the Redeployment Sub Group is provided with all necessary information e.g. redeployment pro-formas, job descriptions, person specification documents, KSF/PDP outlines, job evaluation reports etc. to facilitate matching.
- Ensure that displaced employees matched to vacancies are appropriately prioritised based on the reason for their displacement.
- Where appropriate, liaise with Occupational Health Services.

- Contact an employee on the Redeployment Register when a suitable vacancy/temporary redeployment opportunity has been identified by the Redeployment Sub Group, and approved by the ETSR, and liaise with the Line Manager and Recruiting Manager.
- Liaise with key stakeholders on any required employment decisions where redeployment has not proven successful.
- Collate appropriate information to inform the monitoring and evaluation of this policy.

The Redeployment Sub Group will:

- Consider skills match decisions.
- Bring forward recommendations regarding redeployment placing opportunities via the Head of Service - HR to the ETSR for final approval. (Detailed information would not progress to the Executive Team to preserve confidentiality of individuals).
- Ensure that refusal by a manager to appoint a displaced employee to an identified potential match is reasonable and stands up to objective scrutiny.
- Co-ordinate subsequent actions based on ETSR recommendations.

Trade unions/professional organisations will:

- In partnership with NES, 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 NES 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.
- Participate in partnership monitoring, evaluation and review 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.

2 REDEPLOYMENT PROCEDURES

2.1 Redeployment

Displaced employees will have the right to be considered preferentially for suitable posts before they are advertised within NES and will not be unreasonably denied a substantive post. All considerations for redeployment opportunities will ultimately be monitored and approved by the ETSR.

Redeployment will be sought to posts of the same or lower pay band/grade to the post from which an employee has been displaced.

NES will seek to redeploy employees within their existing geographical location. It is recognised that there may be exceptions to this and that processes need to be flexible to deal with this. Should an employee prefer to be redeployed out with their geographical location, or be prepared to consider a redeployment out with their geographical location then this should be indicated on the Redeployment Pro-Forma.

Displaced employees wishing to be considered for a post at a higher band will be expected to apply under the normal recruitment process, via competitive interview. Redeployment to higher band posts will not normally occur and will only be considered by the Redeployment Sub Group in exceptional circumstances based on disability. This will be determined on a case by case basis, refer to section 2.10.3 for further information.

NES will use temporary appointments to protect substantive posts, where there is a reasonable expectation that the post will be suitable for the appointment of redeployed employees. The timescales for the use of temporary appointments in such circumstances will vary depending on the scale of organisational change.

If an employee is placed on the Redeployment Register they may request early retirement/voluntary severance.

2.2 Completion of Redeployment Pro-Forma

Displaced employees are required to complete the Redeployment Pro Forma (see Appendix 1) <http://intranet.nes.scot.nhs.uk/policies/standard-forms/>. Responsibility for supporting the displaced employee and enabling the completion of the redeployment pro-forma will remain with the line manager. This is an important part of the process and is a necessary step as this will enable line managers and HR to identify suitable temporary and permanent redeployment opportunities as quickly as practicable.

The pro-forma should be completed in detail and submitted to the Redeployment Coordinator for entering into the Redeployment Register within 14 days from receipt of the letter advising that employee is displaced. This information will be used to assist the Redeployment Sub Group with 'matching'.

2.3 Support to Employees

Displaced employees should seek on-going support from their Line Manager with regard to exploring all the possible opportunities and their Line Manager should provide every assistance in securing an alternative post e.g. supporting employees with the completion of paperwork, time off for attending interviews, time off to attend agreed identified training etc. NES through the Executive Team also has a corporate responsibility to identify opportunities as outlined above. Performance appraisal and personal development planning for displaced individuals is a requirement.

2.4 Right to be accompanied

Displaced employees have a right to be accompanied by a trade union/professional organisation representative or a work colleague at meetings being held under the redeployment procedure.

2.5 Specific Conditions

As outlined above, whilst this policy applies to all affected employees of NES 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.

2.6 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 NES Policy.

2.7 Access Period

Access to redeployment should be limited to three months 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 work colleague (if they wish to be accompanied), the employee's line manager, and HR. Appendix 5, the Redeployment Checklist will be completed in conjunction with the employee.

These meetings would involve advising the displaced employee of their rights and responsibilities under the policy; completion of the Redeployment Proforma; 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 exploit 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 Proforma, 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 whether suitable alternative employment opportunities have arisen or are likely to arise within the immediate period thereafter. In addition, an extension to the access period may amount to a reasonable adjustment for a disabled employee.

In relation to the Redeployment Proforma, the displaced employee should be provided with assistance in its completion by the Line Manager.

Should a displaced employee consider that a post to which they have been matched is not suitable, they will be required to provide an 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. Appendix 3 is to be completed and returned to HR. 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 progress under the NHS Scotland Workforce Conduct policy.

2.8 Clearing all vacant posts via Kenexa

All vacant temporary and permanent posts will be identified from across NES to be considered for redeployment by the ETSR (All vacant posts that are considered by the ETSR will include every single vacancy across NES regardless if it has been submitted via Kenexa or not.)

HR will routinely identify remaining vacancies from establishment control records that are at the same grade or lower pay band/grade to the post from which an employee has been displaced, and contact Managers to progress these vacant posts for filling, or deletion via Kenexa.

The Redeployment Co-ordinator will identify any potential basic skills matches based on an exact match amongst Kenexa requests going forwards to the ETSR and will flag these to the ETSR.

Following clearing for recruitment via Kenexa the Redeployment Co-ordinator will pass detailed information in relation to potential basic skills matches to the Redeployment Sub Group. Consideration at this stage should also take account of any 'skills gap' that could be closed by training and development.

2.9 Partnership Working

To ensure that the right people are appointed to the right job, the established partnership group Executive Team Sub on Recruitment (ETSR) will endorse all redeployment placing, including temporary redeployment, across NES based on recommendations from the Redeployment Sub Group.

2.10 Matching

The process of matching should be undertaken in the case of all displaced employees, with the completed Redeployment Proforma providing the basis for comparison.

Matching involves:

2.10.1 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, Knowledge and Skills Framework (KSF) 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).

2.10.2 Consideration of whether a post is a match in terms of organisational change protection of terms and conditions, where applicable.

2.10.3 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.

Personal circumstances will be considered in partnership on a case by case basis.

2.10.1 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 by the Redeployment Sub Group. An exact match is a post

which is:

- At the same pay band/grade and has the same skills set;
- At the same or similar geographical location or within reasonable travelling time, 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 recruiting line manager 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, as appropriate, if the manager recruiting to the vacancy requires clarification on transferable skills and relevant experience.

2.10.2 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 trial period in the new post. These provisions incorporate the statutory trial period of four weeks, but also allow for a further period of four weeks, thus giving a total of eight weeks 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.

2.10.3 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.

2.11 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. The Redeployment sub group will be required to ensure that any refusal stands up to objective scrutiny.

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. For example, where an employee displaced is disabled for the purposes of the Equality Act 2010, 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.

2.12 Selection Decisions

Once the ETSR has endorsed the Redeployment Sub Group's recommendations, HR will agree a start date with the receiving line manager and arrange for the redeployee to be placed into the role.

Managers recruiting to a vacancy will be expected to appoint from amongst matched employees unless they can provide a robust case to the Redeployment Sub Group 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. It is recommended that two managers from a different directorate are part of the interview panel.

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 NES policy, developed in line with 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 NES changing roles within NES 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. HR will ensure that displaced employees are made aware of this right. Following interview, if the person is unsuccessful the employee would remain on the Redeployment Register for the remainder of the redeployment period.

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.

Members of staff subject to redeployment are expected to accept a reasonable offer of a post which NES considers is a suitable alternative. Further involvement in the redeployment process will be dependent on the employee providing acceptable grounds for the refusal of post.

2.13 Trial Period

Where displaced employees are appointed to posts via redeployment, a trial period of four weeks will apply in all cases. 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.

Employees will retain the pay band/grade of their earlier post during the four 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 trial. Should the trial be extended beyond the four weeks the employee will be paid at the rate of the new post.

During the 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 line manager or the employee indicates, for good reasons, that the new post is unsuitable, the employee will return to the redeployment register for the remainder of their redeployment period.

Where the parties concerned agree that the post is suitable, the employee will be confirmed in post. In either event, the outcome of the trial period will be confirmed, in writing, to the employee and, if successful, a new contract of employment will be issued.

2.14 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.

As soon as an employee is displaced and on the redeployment register, NES will proactively seek suitable and reasonable alternative employment and explore the possibility of a temporary redeployment. Temporary redeployment will not necessarily be into a vacant post and HR will work with the current line manager to identify work that provides a suitable and reasonable match with the skill set of the employee. There will also be full consultation with the employee in identifying areas they are interested in and reviewing opportunities that arise.

Temporary redeployment will be a short term step initially for a minimum 3 month period. For clarity while undertaking temporary redeployment the employee will be managed by the temporary line manager but will also remain on the redeployment register for the duration of the redeployment period

and will have the full opportunity to be considered for redeployment into a post as opportunities arise. Employees will be expected to co-operate with NES to undertake such an assignment. At the conclusion of a 6 month period HR and the current line manager will discuss and agree with the temporary line manager a longer term succession plan.

Directors are required to consider if a permanent post can be created to which the employee can be redeployed, this should normally be achieved with no increase to the overall establishment and may for example involve a review and regrading of a vacant post. HR will provide advice and support. In the event that this is not possible, HR will work with the employee and the line manager to identify a further temporary redeployment opportunities should the employee not be redeployed permanently in the meantime.

The Redeployment Co-ordinator will coordinate the setting up of temporary redeployment including facilitating the process of determining a skills match and reporting to the Redeployment Sub Group, and ultimately the ETSR on all activity in this regard. For the duration of the temporary redeployment HR will continue to keep the original line manager apprised of progress with regard to securing permanent redeployment of displaced members of staff.

Where individuals' skills could be utilised elsewhere then all salary costs will be costed to the temporary role for the duration of the redeployment

For the duration of the temporary redeployment, day to day line management responsibilities transfer to the receiving line manager e.g. sickness absence reporting, annual leave, providing support and guidance to the employee etc.

2.15 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 NES travel expense policy, and as detailed within the Redeployment within NHSScotland PIN 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. [PCS\(AFC\)2019/5](#) and [PCS\(AFC\)2019/8](#) include further information on protection arrangements.

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>).

3 Specific Conditions

3.1 Organisational Change

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

- 3.1.1 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 NES' Organisational Change policy and procedures.
- 3.1.2 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 will apply to redeployment in relation to organisational change.

3.2 Capability

The process to be followed in reaching a decision to displace an employee due to issues of capability (whether related to attendance or performance), as well as the process to be followed where redeployment proves unsuccessful, is set out within the NHS Scotland Workforce Capability Policy and the NHS Scotland Workforce Attendance policy.

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 (insofar 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 does not apply to redeployment in the case of capability.

Refer to the NHS Scotland Workforce Capability policy for further information.

3.3 Non-renewal of fixed term contract upon expiry

In this case, in line with NES' Use of Fixed Term Contracts Policy, there is a requirement for a meeting with the employee, advising of the non-renewal of their contract and issuing notice in line with their contract of employment. If the employee has not secured an alternative post prior to the end of their notice period, their employment will be terminated as per that earlier meeting.

The access period for employees displaced as a result of nonrenewal of a fixed term contract will be for a period no less than the contractual notice period as discussed in the Use of Fixed Term Contracts within NHSScotland PIN Policy.

Protection of earnings does not apply to redeployment due to non-renewal of fixed term contracts.

Refer to the NES' Use of Fixed Term Contracts Policy for further information.

3.4 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.

4 Grievance

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 NES' Grievance Policy and Procedures.

5 Review

To measure against criteria that would indicate that the organisational change has been successfully implemented and is now business as usual it is recommended that the change is benchmarked against the 8-step change model defined by John Kotter. This model defines the mistakes that can occur when managing transformational change, and it is proposed that 6 months following such change that a follow up report be provided to the CMPB to consider the organisations performance against the following errors:-

- Error 1: Not Establishing a Great Enough Sense of Urgency
- Error 2: Not Creating a Powerful Enough Guiding Coalition
- Error 3: Lacking a Vision
- Error 4: Under communicating the Vision by a Factor of Ten
- Error 5: Not Removing Obstacles to the New Vision
- Error 6: Not Systematically Planning for, and Creating, Short-Term Wins
- Error 7: Declaring Victory Too Soon, and
- Error 8: Not Anchoring Changes in the Corporation's Culture.

Questions to respond to for the CMPB would be:-

- Q 1: Was a great enough sense of urgency established?
- Q 2: Was a powerful enough guiding coalition created?
- Q 3: Was there a clear Vision?
- Q 4: Was the communications plan prepared in advance of the Change successful?
- Q 5: Were the obstacles in the way of the new vision identified and addressed.
- Q 6: Was systematic planning for, and creating, short-term wins achieved?
- Q 7: Have we declared victory too soon?
- Q 8: Did we anchor the changes within NES culture?

(A template questionnaire has been added to the Toolkit for presentation to the CMPB circa 6months following major change)

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 reviewed 3 years from its effective date, in partnership, to ensure that any new standards and/or structures are incorporated when necessary and that it remains fit for purpose.

The statistical data will be included in the quarterly metrics and will be monitored to ensure fairness across the equality groups.

**Ratified by the Staff Governance Committee
on 29 October 2015**

APPENDIX 1

Redeployment Pro Forma

(To be completed in conjunction with your Line Manager and returned to HR within 14 Days)

Employee Name:	
Correspondence Address:	
E-Mail Address:	
Telephone No:	Fax No:
Current Job Title:	
Band:	Hours:
Directorate:	Work Pattern:
Start Date with NHS:	Job share:
Start Date with NES :	Location:
Qualifications:	Are you currently studying in line with the NES Continuing Education Policy?
	If yes please give course details

Knowledge, Training and Experience: (Please give as much detail as possible, particularly in relation to your existing job.

Expected end date of current post:

Preferred hours of work:

Hours cannot work:

Please indicate geographical locations that you will consider for redeployment:

Are you able to increase/reduce your hours of work (please specify)?

Authorisation

To be signed by Employee

Signature of Employee

Date

Name (please print in block capitals)

To be signed by the Line Manager (or nominate):

Signature of Line Manager

Date

Name (please print in block capitals)

Position _____

PLEASE NOW RETURN TO HR

Do you have any other information that you may feel will help?

Data Protection

In line with The Data Protection Act 1998 all information contained on this form will be utilised only for redeployment purposes.

HR use only

Following receipt of this form from the employee please send this form to the NES Redeployment Co-ordinator

APPENDIX 2

REQUEST TO CMPB FOR APPROVAL TO DEVELOP A DETAILED ORGANISATIONAL CHANGE PLAN	
For assistance with the completion of this request please contact your HR Business Partner who will be able to provide you with samples of previously completed CMPB approval requests, and also sample(s) of business case(s) for the Executive Team to assist you with this process.	
Who is the named Lead Officer for this Change?	
Please provide an overarching narrative to describe your proposed change to include the purpose, objectives and efficiencies that you are seeking to achieve	
If applicable, describe what scoping work has been undertaken to date, and what further work remains to be done	
What, if any, are the implications for other Departments and/or Directorates with regard to this proposed change?	
Identify the timescales that you are working towards to achieve this proposed change	
What are the significant risks relating to your organisational project and how will you mitigate them?	
What governance arrangements will be in place to project manage your change?	
How will business continuity be affected during the organisational change?	
Define the additional resources that will be required to research and implement the organisational change, including any from corporate resources i.e. Finance, IT, HR, Office Services etc? (It is highly recommended that a Project Manager is identified for significant organisational change)	
How will the posts and therefore postholders which are 'in scope' for this organisational change be identified?	
Attach a broad communications and consultation plan to include stakeholder engagement. (A detailed consultation plan will be required prior to communicating widely on organisational change).	
When do you expect to have the detailed change plan ready for the Executive Team to finally approve?	
Are you aware at this stage of any training and development implications that your proposed organisational change may require before, during and after your change?	
How will you measure the success of the Project?	
Please submit the NES Equality Impact Assessment Planning Document at this stage http://intranet.nes.scot.nhs.uk/pfpi/impactassessment/	

Signed

Date

Print Name

Signed

Director

Date

APPENDIX 3

**Rejection of Reasonable Redeployment Opportunities
(To be completed in conjunction with your Line Manager and returned to HR)**

Employee Name:	
Post Rejected:	Date:
Reasons for rejecting the post:	

Authorisation

To be signed by Employee	
_____ Signature of Employee	_____ Date
_____ Name (please print in block capitals)	

To be signed by the Line Manager (or nominate):	
_____ Signature of Line Manager	_____ Date
_____ Name (please print in block capitals)	
Position _____	
PLEASE RETURN TO HR.	

Data Protection

In line with The Data Protection Act 1998 all information contained on this form will be utilised only for redeployment purposes.

HR use only

Following receipt of this form from the employee please send this form to the NES Redeployment Co-ordinator

APPENDIX 4

**3 Monthly / 6 Monthly / 12 Monthly Review Discussion
(To be completed by the Temporary Line Manager in conjunction with the Employee and returned to HR)**

Employee Name:
3 Monthly or 6 Monthly Review or 12 Monthly Review (delete as appropriate)
Review Date:
Notes of the review discussion (please include any agreed actions):

Authorisation

To be signed by Employee	
_____ Signature of Employee	_____ Date
_____ Name (please print in block capitals)	

To be signed by the Temporary Line Manager:	
_____ Signature of Temporary Line Manager	_____ Date
_____ Name (please print in block capitals)	
Position _____	
PLEASE NOW RETURN TO HR	

Data Protection

In line with The Data Protection Act 1998 all information contained on this form will be utilised only for redeployment purposes.

HR use only

Following receipt of this form from the employee please send this form to the NES Redeployment Co-ordinator

APPENDIX 5

Redeployment Checklist

(To be completed by the HR Business Partner/Redeployment Co-ordinator during the initial discussion with the Employee)

Employee Name:	
Redeployment Discussion Date:	
The HR Business Partner/redeployment co-ordinator to discuss the following with the Employee during the initial redeployment discussion	Tick When Done
Explain the redeployment process (The Policy, completing the redeployment proforma, support to employees, redeployment procedure and regular interim reviews)	
Provide a copy of the redeployment policy to the Employee	
Provide sufficient notice of the changes to the employee's role / job	
Explain the timescales involved in accepting / rejecting a reasonable / unreasonable redeployment opportunity	
Provide information on protection arrangements	
Advise of the effect of redeployment on terms and conditions of employment	
Advise of the effect of redeployment on the employee's pension	
Provide information on relocation / travel expenses	
Provide information on training / re-training	
Redeployment will be sought at the same or lower pay band/grade to the post from which an employee has been displaced. Please note protection of earnings will only apply in certain circumstances.	

Authorisation

To be signed by Employee	To be signed by Line Manager
_____ Signature of Employee	_____ Signature of Line Manager
_____ Name (please print in block capitals)	_____ Name (please print in block capitals)
Date _____	Date _____

To be signed by the HR Business Partner/Redeployment Co-ordinator:	
_____ Signature of the Redeployment Co-ordinator	_____ Date
_____ Name (please print in block capitals)	
Position _____	

Data Protection

In line with The Data Protection Act 1998 all information contained on this form will be utilised only for redeployment purposes.

HR use only Following receipt of this form from the employee please send this form to the NES Redeployment Co-ordinator

Appendix 6 : Redeployment Assessment Form (Please return to HR on completion of the Form)

Employee Name:								
Date:								
The Process	1	2	3	4	5	6	N/A	Comments
I was given sufficient notice of the changes to my job								
The redeployment process was explained clearly to me								
I was given adequate time to deal with the issues relating to redeployment								
I understood the options that were available to me								
I found the one to one interview about my preferences helpful								
I was asked to identify preferred options								
All appropriate posts were brought to my attention								
I understood how to apply for a post during redeployment								
I understood how redeployment would affect my terms and conditions								
The protection arrangements were explained clearly to me								
I was advised of the effect of redeployment on my pension								
I was successful in obtaining my preferred option								
I felt that all staff were treated equally during the process								
I received suitable induction into my new post								

Training / re-training was offered to me								
I was given adequate information on relocation / travel expenses								
I am satisfied with my new post								
Support	1	2	3	4	5	6	N/A	Comments
I was satisfied with the level of support offered by HR								
I was satisfied with the level of support offered by Managers before change								
I was satisfied with the level of support offered by Managers after change								
Redeployment coordinator or HR Business Partner								
Occupational Health								
Are there any other comments you would like to make about the process?								

Key: 1 - Strongly Agree 2 - Agree 3 - Not really 4 - Disagree 5 - Strongly Disagree 6 - Not applicable
Data Protection

In line with The Data Protection Act 1998 all information contained on this form will be utilised only for redeployment purposes.

HR use only

Please complete the form and send it to the HR Business Partner / Redeployment Co-ordinator, Central Offices after the initial discussion with the redeployment co-ordinator and 3 months after being in a temporary redeployment / permanent redeployment post)